

Before

THE BOROUGH OF WIND GAP ZONING HEARING BOARD

In Re: A variance request for Spas Mitzin, Section 401, limit of one principal use, and Section 402, Principal Buildings, for a separate apartment building to be utilized as a second principal use on the same lot as the primary residence located at 505 North Lehigh Avenue, Wind Gap.

Wind Gap Borough Hall Council Chambers
29 Mechanic Street
Wind Gap, Pennsylvania 18091
Wednesday, October 3, 2007, beginning at 7:30 p.m.

PRESENT: MARK SHARP, Chairperson
DEBORA ROSEBERRY, Member
SAM NITTLE, Member
KELLY RONALDS, Member
BRIAN PYSHER, Engineer,
Zoning Officer

JOHN MOLNAR, ESQUIRE,
Solicitor

ORIGINAL

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WITNESS

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Spas Mitzin
Nina Mitzina

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E X H I B I T S

NUMBER

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Zoning Officer 1

4

1 THE CHAIRPERSON: It is 7:30 on the borough
2 clock. I would like to bring the zoning meeting to
3 order. There is one case before us today, number
4 3-2007. The name of the applicant is Spas Mitzin.

5 MR. MOLNAR: Anyone who plans to offer any
6 statement or testimony before the Board, will you please
7 rise and raise your right hand to be sworn in?

8 (The witnesses were duly sworn.)

9 MR. MOLNAR: We will hear from the interim zoning
10 officer, Brian Pysher.

11 MR. PYSHER: There are two buildings located on
12 the property. One is a single family dwelling. The
13 other is a detached garage. There are apartments in the
14 garage. I am not sure if there is two. There is a
15 sketch in the back there, I don't know. It looks like
16 they are separated.

17 There may be two apartments located in the
18 garage. They are basically applying for a variance for
19 relief of one principal use. Also, 402 which was, I
20 believe they're separated by twice the side yards, with
21 two apartments being in there, the building. I think
22 that is where she was headed with that.

23 MR. MOLNAR: She issued an enforcement notice, I
24 see in the package, and an appeal was filed from the
25 enforcement notice; is that correct?

1 MR. PYSHER: Yes.

2 MR. MOLNAR: For the record, based on the
3 information you have in your file, have property owners
4 been served with the required notice under the zoning
5 ordinance?

6 MR. PYSHER: Yes.

7 MR. MOLNAR: The property we see here has been
8 advertised also, that is attached, and the Board has
9 received the packet which we will mark as Zoning Officer
10 Exhibit 1, enter that into evidence, which contains the
11 application for the notices, advertisement, other
12 miscellaneous materials.

13 (Exhibit Zoning Officer Exhibit 1 marked for
14 identification.)

15 MR. MOLNAR: Anything else, Brian, that you want
16 to report to the Zoning Hearing Board?

17 MR. PYSHER: I think that if there are two
18 apartments there, it should be probably changed to three
19 principal uses. I am not positive, though.

20 MR. MOLNAR: We will have some testimony on
21 that. The property has been posted; is that correct?

22 MR. PYSHER: Yes.

23 MR. MOLNAR: Does the Board have any questions of
24 Brian?

25 MS. RONALDS: I don't show a list of neighbors

1 that were notified. Do you know if the neighbors were
2 notified?

3 MR. PYSHER: A few of the letters I think she had
4 sent out were return to sender. I can't say for sure if
5 they were all notified, but I am pretty sure that they
6 were. Let me look and see if she has a list.

7 MR. RONALDS: There was not a list in the packet.

8 MR. MOLNAR: Mark and I questioned Brian before
9 the meeting and he indicated he had just looked at the
10 file and apparently she had a note that the property
11 owners were notified.

12 MS. ROSEBERRY: In what range, 200 or 400 feet
13 from the exterior lot line?

14 MR. MOLNAR: The ordinance requires 200 feet.

15 MS. ROSEBERRY: Is that 200 for a setback issue
16 or 200 for everything?

17 MR. PYSHER: I think the ordinance just says they
18 should be notified within 200 feet of the property for
19 whatever application. I don't have a list in here.

20 MS. ROSEBERRY: With that, we can't be sure this
21 is even a legal proceeding. So if someone shows up and
22 says they did not get notice, I think we start from
23 square one.

24 MR. MOLNAR: If somebody files an appeal.
25 Couple options. One would be to keep the record open

1 until the zoning officer supplies us with an affidavit
2 indicating that she has served property owners within
3 200 feet of the property line, hold the record open for
4 that purpose. And if she has not, then we may have to
5 reconvene the hearing.

6 MS. ROSEBERRY: I will proceed in good faith

7 MR. MOLNAR: We will proceed tonight and decide
8 what we are going to do after we hear the testimony.
9 Brian, do you have anything else to report other than
10 what you have mentioned?

11 MR. PYSHER: No.

12 MR. MOLNAR: As I understand it, Mr. Mitzin,
13 you are going to be the primary witness and you have
14 some assistance here tonight, as we understand. So you
15 need to state your name and your address and then you
16 have to describe where the property is located, what you
17 are doing, the reasons why you appealed the enforcement
18 notice. And you have to present evidence in support of
19 your application. And the Board will review that, hear
20 from anybody that wants to testify.

21 Now, there is one question here that you need to
22 address which is how many uses do you have on the
23 property; are there two apartments, more than one
24 residential unit? We need to hear from you. If you
25 want to say your name and give us some background.

1 MR. MITZIN: My name is Spas Mitzin. I live at
2 505 North Lehigh Avenue.

3 MS. MITZINA: Nina Mitzin, N-I-N-A,
4 M-I-T-Z-I-N-A, same name with an A. I am his daughter.
5 I live with him at 505 North Lehigh Avenue, Wind Gap,
6 Pennsylvania. My father, we bought the house, and
7 apartments in the house were already there.

8 MR. MOLNAR: So you bought your home?

9 MS. MITZINA: With the garage which we fixed
10 inside and he had a sign that he wanted to rent it, but
11 nobody came up to rent it. So we have, also we use it
12 as family members come from our country, we put them
13 there to live. We don't make any profit out of it when
14 they come because we help them out.

15 MR. MOLNAR: Let's talk about the house that you
16 live in. I think Mr. Pysker indicated in speaking with
17 the zoning, that it is a single family home, actually it
18 is a house where one family lives; is that correct?

19 MS. MITZINA: Yes.

20 MR. MOLNAR: So you have that now?

21 MS. MITZINA: Yes.

22 MR. MOLNAR: Then you have a garage?

23 MS. MITZINA: Yes.

24 MR. MOLNAR: You said that when you bought the
25 house, there were people living in it in '99?

1 MR. MITZINA: Yes.

2 MR. MOLNAR: So how many families were in that
3 garage?

4 MS. MITZINA: Maybe three families in the whole
5 house they are living, three families.

6 MR. MOLNAR: One family was in the house you are
7 living in and two families were in the garage?

8 MS. MITZINA: Actually, there was a finished
9 basement, too.

10 MR. MITZIN: Yes, this is before we bought the
11 house, husband and wife got the divorce.

12 MR. MOLNAR: Just a minute. I want to explain
13 the procedure so we all understand it. This lady is a
14 Court Reporter. She is taking down everything everyone
15 says. In a courtroom type of setting, only one person
16 can be talking at one time. So you are going to have to
17 defer to your daughter and then you will have a chance
18 to talk, also.

19 So, now, there were two families in the single
20 family dwelling when you bought the home; is that
21 correct?

22 MS. MITZINA: Yes.

23 MR. MOLNAR: Now there is one family, that is
24 your family living in it?

25 MS. MITZINA: Yes.

1 MR. MOLNAR: In the garage, before you bought the
2 home, how many families were in the garage?

3 MS. MITZINA: Three all together.

4 MR. MOLNAR: So it was three different families
5 in the garage?

6 MS. MITZINA: No.

7 MR. MITZIN: I can explain. There was 11 people
8 in the house. The husband and wife got a divorce. The
9 husband bring the girlfriend and wife, they have five
10 children. So it would be inside. This house has garage
11 in the basement. He has professional garage, have the
12 apartment inside in the garage.

13 MR. MOLNAR: How many apartments were in the
14 garage when you bought the house?

15 MR. MITZIN: Two apartments.

16 MR. MOLNAR: As I understand, just so we are
17 clear, there were 11 people living in the property,
18 somewhat of an extended family?

19 MR. MITZIN: Ask any neighbor how many people
20 live in this place.

21 MR. MOLNAR: You bought the property when?

22 MR. MITZIN: Five years, 2003, five years.

23 MR. MOLNAR: Five years ago when you bought it,
24 what did you do with the property in terms of the use;
25 you lived in the house, one family; is that correct?

1 MR. MITZIN: '99, yes.

2 MR. MOLNAR: What did you do with the apartment?

3 MR. MITZIN: Nothing, they were in bad shape.

4 No one lived in it because they are in bad shape. They
5 were fixed, and this is the first time I put the sign
6 apartment for rent.

7 MR. MOLNAR: Approximately five years ago you
8 moved into the house. There was no one in the garage?

9 MR. MITZIN: That's correct.

10 MR. MOLNAR: You decided at some point in time to
11 start remodeling to get it into shape so you could have
12 two units?

13 MR. MITZIN: No, one apartment for rent, I put
14 the sign on one apartment for rent. I can use it for
15 this year. I want my cousin and my brother and my
16 mother-in-law come in here and brother-in-law to live
17 here because my country is not very well.

18 MR. MOLNAR: So you started to remodel the garage
19 for one family to live in?

20 MR. MITZIN: That's correct, sir.

21 MR. MOLNAR: At some point in time you had
22 someone from your family from your country, Bulgaria?

23 MR. MITZIN: Yes.

24 MR. MOLNAR: Who moved in from Bulgaria?

25 MR. MITZIN: My cousin, my first cousin, my

1 mother's sister's son.

2 MR. MOLNAR: Your mother's first cousin?

3 MR. MITZIN: No, my mother's sister's son, my
4 first cousin.

5 MR. MOLNAR: Your first cousin, what is the name?

6 MR. MITZIN: Moaden.

7 MR. MOLNAR: Besides that person, who else was in
8 the apartment?

9 MR. MITZIN: Nobody before this.

10 MR. MOLNAR: Approximately what time did this
11 relative move in?

12 MR. MITZIN: Four months maybe, I think maybe
13 that, I am not positive.

14 MR. MOLNAR: When did they move in, a year,
15 approximately?

16 MR. MITZIN: '99, they come and go.

17 MR. MOLNAR: They go back to Bulgaria?

18 MR. MITZIN: Yes, six months, go to my country,
19 got no job, no money.

20 MR. MOLNAR: You have a unit there that somebody
21 can live in; when a family member or members come from
22 Bulgaria, they stay there?

23 MR. MITZIN: Yeah, that's correct, we try to
24 help.

25 MR. MITZINA: Also, I gave up my room for my

1 cousin to stay in.

2 MR. MOLNAR: Your room is in the house?

3 MS. MITZINA: Yes. He lives in my room right
4 now.

5 MR. MITZIN: We try to help working here. Then
6 they go back, come back and next year come back again.

7 MR. MOLNAR: Now, you are not collecting any rent
8 or anything?

9 MR. MITZIN: No, no, my family. I don't take
10 money. I want to put the signs for money but they
11 stopped because I don't get permission. I don't know
12 the law here. I put the sign in the front. I put big
13 sign, for rent. They stop me.

14 MR. MOLNAR: You don't plan to rent the property?

15 MR. MITZIN: No, maybe they will give me
16 permission and I can rent the property, maybe.

17 MR. MOLNAR: The question is what you are asking;
18 what are you asking the Board?

19 MR. MITZIN: I own two, I want to give me
20 permission for the apartment for rent.

21 MR. MOLNAR: You would like to use the apartment
22 in the garage to rent it, whether it is a family member
23 from Bulgaria or Pen Argyl or any place else?

24 MR. MITZIN: Yes.

25 MS. ROSEBERRY: If you were to rent this garage,

1 if we were to give you permission to rent this garage
2 out, how many units are in that garage that you could
3 rent?

4 MR. MITZIN: One or two, maybe, it depends, maybe
5 a couple, maybe only two people.

6 MS. ROSEBERRY: There is no basement apartment,
7 is there?

8 MR. MITZIN: No.

9 MS. ROSEBERRY: The basement apartment is gone?

10 MS. MITZINA: Yes.

11 MR. MITZIN: All gone, nobody there.

12 MS. ROSEBERRY: Don't take an attitude.

13 MR. MITZIN: I am trying to put everything in my
14 head.

15 MS. ROSEBERRY: Me, too, it goes both ways.

16 MR. MITZIN: I apologize, nobody live in the
17 basement. Before we move in --

18 MS. ROSEBERRY: Is it an apartment in the
19 basement?

20 MR. MITZIN: Just a basement.

21 MS. ROSEBERRY: So you have your main house that
22 you can live in; you could have two apartments in the
23 garage? I am asking you, could you make it two
24 apartments?

25 MR. MITZIN: It was two before, yes, two before.

1 MS. ROSEBERRY: Where do you park the cars
2 because I see garage doors; is that a garage behind
3 that?

4 MR. MITZIN: In the back?

5 MS. ROSEBERRY: Well, the picture that you
6 submitted, what is behind those doors?

7 MR. MITZIN: Garage, everything.

8 MS. ROSEBERRY: This is apartments?

9 MR. MITZIN: That's correct.

10 MS. ROSEBERRY: What would happen to this?

11 MR. MITZIN: A garage.

12 MS. ROSEBERRY: It would stay a garage?

13 MR. MITZIN: Absolutely.

14 MS. ROSEBERRY: And do you know if this wall was
15 fire rated that separates the apartments?

16 MR. MITZIN: Absolutely separated. They make it
17 special, everything, it was inspected.

18 MS. ROSEBERRY: Who made the inspection?

19 MR. MITZIN: The guy doing his job for East
20 Stroudsburg, Michael -- I have papers at home.

21 MS. ROSEBERRY: Did you get permits to do work in
22 that garage?

23 MR. MITZIN: I don't have permits because I don't
24 know that is right. I don't know. I put a sign for the
25 apartment. Stop me. I get permits, I don't know the

1 law, okay, no problem.

2 MS. ROSEBERRY: One of our first things we have
3 to do is if we decide to give you permission is some of
4 this may have to be taken out because there were no
5 inspections. Some walls may have to be taken down to
6 see the electrical wiring behind it. Because you did it
7 without permits, it is not approved for residential use
8 and, therefore, could not be inhabited.

9 MS. MITZINA: I was going to have the apartment
10 for me.

11 MS. ROSEBERRY: Okay, but the story keeps
12 changing. First it is family members, then it is a
13 rental, and then it is you. So that makes me nervous.

14 MS. MITZINA: I was going to live there, but then
15 I moved out with my boyfriend.

16 MS. ROSEBERRY: This is not a use that is
17 permitted, it is just not permitted. It is not an
18 apartment because it is not in your house. An apartment
19 is inside the main house. This is a separate dwelling.
20 This is an absolute separate building that has no
21 permits, no inspections, it is not approved for
22 residential use.

23 MR. MITZIN: No, that is not correct. I have
24 inspection everything; I have paper for everything. I
25 have inspections for all wire, for everything I have

1 papers.

2 MS. ROSEBERRY: You should have brought it. You
3 should have actually come here with a lawyer because we
4 are having trouble understanding you and you
5 understanding us.

6 MR. MITZIN: Maybe you could try to understand
7 me. I have permits for everything. I get inspections,
8 everything.

9 MS. ROSEBERRY: Let's say you had not started
10 building anything yet and you are here for permission to
11 have a separate dwelling on your same lot; you want
12 another dwelling back there and sometimes it is for
13 family members and sometimes for rental.

14 That is why you got caught, putting a sign for an
15 apartment for rent. But it is not an apartment because
16 it is not in a house. So it is not an apartment for
17 rent.

18 Okay. Let's take it another way. What is your
19 hardship? In order to be granted a variance, you have
20 to prove that either the land is so oddly shaped that
21 you can't do anything with it, that you were forced to
22 have to go this way, it can't be anything financial. If
23 you say, I am having trouble making ends meet and I
24 could rent this and that would really help my family,
25 that is not a hardship.

1 So, what is your hardship? Why do you think that
2 you, above all the ordinances, should have this; what is
3 your hardship? You have to have one. I mean, I can't
4 think of any. I was trying to think of one for you.

5 You know, more than likely it was an illegally
6 existing use beforehand. I don't know that this is a
7 nonconforming lot of record. It probably isn't because
8 it is a fairly new lot.

9 MR. MITZIN: This apartment is maybe 20 years,
10 this apartment, people inside. You understand me now?

11 MS. ROSEBERRY: I am having no problem with --

12 MR. MITZIN: Before I buy the house is apartment,
13 people inside. This is professional garage that used
14 for business garage and apartment, too, people live
15 inside.

16 MS. ROSEBERRY: It probably happened without our
17 knowledge, that is what I am saying.

18 MS. MITZINA: Oh, okay.

19 MS. ROSEBERRY: Just because it went on before
20 doesn't mean it can go on forever. If it existed before
21 our zoning ordinance took place, it is possible; but I
22 am having trouble seeing what the hardship is.

23 If it were an apartment for you -- it is not an
24 apartment, number one. This is not somewhere where
25 people live. You don't live in this configuration. It

1 sounds like you just want to keep doing what you are
2 doing, but that may not be the legal thing to do.

3 MR. MITZIN: I ask permission because I don't
4 know the rules here. I put the sign up outside. I want
5 to be legal. If I want to be illegal, I could put
6 somebody inside and nobody will know.

7 MS. ROSEBERRY: What we are telling you is
8 nobody in the township can do what you want to do
9 because it is not legal.

10 MR. MITZIN: That's correct, because I want to be
11 legal. I don't want to be a problem for nobody.

12 MS. ROSEBERRY: We appreciate that.

13 MS. MITZINA: That is what he is trying to
14 explain.

15 MR. MITZIN: I am trying to explain because I
16 want to be legal. I want to be a nice, honest man. I
17 am a doctor in my country. I am not a stupid man. I am
18 a surgeon 30 years. I never stay this way, never. I
19 make some problem, I apologize here. I make suit here.

20 MS. ROSEBERRY: I think you are reading an awful
21 lot into my question.

22 MR. MITZIN: I want to come in here and
23 everything be legal. This is my reason to come right
24 here. I come in here for permit, I want to be legal. I
25 want to pay tax, I want to pay everything, I don't want

1 to be illegal.

2 MS. ROSEBERRY: We all do. The point is that
3 what you are asking for may not be able to happen.
4 That's what I am trying to tell you.

5 MR. MOLNAR: Let me ask the zoning officer a
6 question. On this construction code issue, is there any
7 information in the file concerning the construction; has
8 anybody looked at that issue?

9 MR. PYSHER: No, we got the borough opted out of
10 the code. It is all third party. Unless they come in
11 to get a zoning permit, usually upon getting CO, that is
12 the only time we will get the list of inspections.

13 MR. MOLNAR: So, in terms of, I think Debbie
14 asked the question in terms of what information they had
15 in terms of construction, I think although that is not
16 in the jurisdiction of the Zoning Board, it is certainly
17 relevant.

18 MR. PYSHER: There may have been third party
19 inspections, but since there was no zoning application
20 applied for, we had no reason to request that we have
21 the third party inspection.

22 MS. ROSEBERRY: Is there a property file on this
23 property or anything?

24 MR. PYSHER: Yes, I mean, there is a file, I
25 don't know if there is previous stuff on it.

1 MS. ROSEBERRY: Do we know how long that garage
2 was used as a separate dwelling?

3 MR. PYSHER: No idea.

4 MR. MOLNAR: As far as, maybe just a moment the
5 Board can confer on this particular point at this time.
6 It seems like there is some additional information
7 beyond the notice issue that was first discussed, what
8 kind of construction was done, whether there has been
9 inspections.

10 I think that, although it is not necessarily
11 relevant to the hardship finding, it is in terms of the
12 over all use.

13 MS. ROSEBERRY: If a certificate of occupancy
14 would be issued, it would have to be addressed.

15 MR. MOLNAR: The other issue is, which is
16 unknown, is what was the use before you bought the
17 property? That is a little hazy at this point.

18 MS. MITZINA: It was professional garage.

19 MS. ROSEBERRY: I don't know what a professional
20 garage is.

21 MR. MITZIN: Absolutely, yes, yes, professional
22 garage, the people who live before me, not me. I am a
23 doctor, I am no mechanic.

24 MR. MOLNAR: We are trying to help you, and we
25 just want to let the Board confer on this particular

1 issue. I think there might be certain things that would
2 be helpful to the applicant if they could present it at
3 another hearing. One is the construction issue.

4 Two, what the property was used for, because if
5 it was used for some type of business, it may be no
6 longer feasible for the business and they want to
7 convert it to residential use. There is different ways
8 they could present their application.

9 MS. ROSEBERRY: I would have come here with a
10 lawyer, I absolutely would have.

11 MR. MOLNAR: Yes, and it would give you the
12 opportunity to present a more clear case to the Board.
13 What Debbie was trying to be helpful to you with -- and
14 she was trying to be helpful -- was that in order to
15 obtain a variance, a hardship standard is very difficult
16 to obtain.

17 The Board can't just simply say yes, we think it
18 is a great idea. And if they can't make a hardship
19 finding, that is that you cannot use your property for a
20 legal purpose in the borough, which would be a single
21 family dwelling, then it would be difficult to prove a
22 hardship.

23 But there is some other ways that you could
24 possibly approach your application. One of them is if
25 it is used as a business and now you want to convert

1 that into a residential use, that might be another way
2 of looking at your application.

3 I think what Debbie was saying is because this is
4 a little complicated, you may want to get a lawyer to
5 represent you. I think there is additional information,
6 that is additional information that may be helpful to
7 your case if you could present it to the Board, the
8 construction issues, what kind of inspection you had.

9 Secondly, what may be helpful is what was the use
10 before. If you had somebody that is a lawyer
11 representing you on your side, they could put that
12 evidence into a position, the Board may be able to grant
13 you the relief that you are requesting or maybe a
14 different type of relief that you are presenting to the
15 Board.

16 MS. ROSEBERRY: There are some different ways to
17 look at this. You are a residential lot. Once you have
18 a rental in a separate building, now you are a
19 commercial lot. It is like an apartment building. Now
20 it is a totally different use for this lot. This is a
21 residential lot and you are using it that way, but you
22 want to use it more than that way.

23 It is a complicated thing that you are asking for
24 and it is a dangerous precedent for us to start. I have
25 got a real big shed. I could rent that out to a family

1 with a few modifications. It is a dangerous precedent
2 for us because it is not an appropriate use. It is over
3 using the lot.

4 If it were in your basement and it were an
5 apartment, that is an apartment. It is in your
6 basement. You could have family members there. But
7 once you separate the electric services, they have their
8 own electric box and everything, that makes it
9 commercial, it is completely different.

10 I am not willing to say no tonight, but I don't
11 know how I could say yes, given the presentation that
12 you are making.

13 MR. MITZIN: I understand, I apologize for my
14 language. We come in for help. We come in for you to
15 give permission.

16 MS. ROSEBERRY: It does not automatically mean
17 that you will be granted. You are not giving us enough
18 information.

19 MR. MITZIN: I say we come in for help.

20 MS. ROSEBERRY: I can't make a decision based on
21 the little information we have received.

22 MR. MITZIN: What kind of information?

23 MS. ROSEBERRY: What is the square footage of the
24 apartment? Is there a kitchenette?

25 MR. MITZIN: The zoning I come in before, I

1 forget the name of the lady -- Darlene, she make
2 pictures. You can come in, you can see apartment, very
3 nice.

4 MS. ROSEBERRY: Oh, I bet it is.

5 MR. PYSHER: There is a sketch with rough
6 dimensions and there are pictures of the apartment.

7 MR. MITZIN: She take pictures of everything.

8 MS. ROSEBERRY: It is a shame we don't have
9 them.

10 MR. MITZIN: I apologize. But she come in, she
11 make room by room by room, the size. We measure
12 everything.

13 MS. ROSEBERRY: We don't have that.

14 MR. MITZIN: I'm sorry. I don't know it is my
15 job, because I come in here.

16 MS. ROSEBERRY: Oh, the whole case is your job.

17 MR. MITZIN: She don't say nothing. I think
18 maybe she bring it here. I think the zoning officer
19 bring everything.

20 MS. ROSEBERRY: That is why I would have called
21 a lawyer.

22 MR. PYSHER: That is why it is recommended to
23 have an attorney, because it is not necessarily the
24 zoning officer's job to present this. She will try and
25 guide you as much as she can.

1 MR. MITZIN: I think maybe she could bring the
2 pictures here.

3 MR. MOLNAR: Let me try to speak, Mr. Mitzin, in
4 all respect to you. All of the Board members want to
5 try to help you. You want relief. But in order to
6 grant relief, you have what is called the burden of
7 proof. You have to establish that you have reasons that
8 the Board should help you, and that is giving you
9 relief. But you don't have enough evidence here.

10 I want to suggest that you request a continuance
11 for another meeting. You are not required to have a
12 lawyer, but I think it is highly recommended by everyone
13 here that you obtain a lawyer to help you, represent
14 you.

15 MS. MITZINA: What kind of lawyer?

16 MS. ROSEBERRY: Usually a land use lawyer would
17 be the best.

18 MR. MOLNAR: You could call the Northampton
19 County Bar Association, they have an attorney referral
20 list.

21 MS. ROSEBERRY: If you didn't want to do that,
22 we could vote on it tonight, too, if you didn't want to
23 ask for a continuance. That is up to you, but I
24 wouldn't want it voted on tonight.

25 MS. RONALDS: I know your family. I feel very

1 badly. And so I know what an honorable family you are.
2 So the recommendations that Debora and Mr. Molnar are
3 making are very, very true.

4 I sat on this Board for two years and I have gone
5 to church with your wife and I know what an honorable
6 family you are. It is the recommendation to have an
7 attorney so they can put all the information together
8 for you, so that they can look at things differently.

9 We have to look at things one way. You are
10 looking at them another where he or she might be able to
11 look to present to the Board in such a way that we can
12 look at things more methodically and more properly so
13 that we can make a good decision. Based on what we
14 heard tonight, a good decision would not be in your best
15 interest.

16 MS. ROSEBERRY: We are not even clear on what you
17 are going to do. We have no idea what the inside looks
18 like. This Board does not have a reputation for saying
19 no. They have a reputation for saying yes.

20 MR. MITZIN: Next month I can bring this in?

21 MS. ROSEBERRY: Right, that means we will have to
22 meet next month.

23 MR. MITZIN: The Zoning Board says bring the
24 pictures, because she makes a lot of pictures. I think
25 maybe she brings here, I'm sorry.

1 MR. RONALDS: It is more than pictures. You said
2 you had inspections done. We would need copies of the
3 inspection. Then once we get those, the challenge
4 becomes that in order for us to give you permission to
5 do that, you have to tell us why it is so difficult for
6 you not to have the apartments.

7 MR. MITZIN: I have two daughters. I fix, I try
8 to give her for a couple dollars, I have in-laws, I take
9 care of my children. My country, we take care of, maybe
10 she stay four years with me, maybe six years. I am
11 responsible for her. I pay car insurance. I buy the
12 car, I pay the mortgage. I pay everything. She is
13 going to school, we responsible for them. This is
14 different here.

15 MS. ROSEBERRY: Remember, financial stuff is not
16 a hardship. You can't use finances.

17 MS. RONALDS: I think that is where the attorney
18 will be able to help you.

19 MS. ROSEBERRY: The attorney would help us.

20 MR. RONALDS: That is where the attorney would
21 help you to determine the best way for you to approach
22 the Board to make the best case for you to get what you
23 are asking for.

24 MS. ROSEBERRY: He could answer questions for us
25 instead of you.

1 MR. MOLNAR: What we would need to know tonight
2 if you wanted to go to the next hearing and get all of
3 your case together so that it is very thorough, you
4 would have to request a continuance to the next Board
5 meeting which is November 7th at 7:30 p.m.

6 Now, if we announce the meeting here, assuming
7 this was noticed, we would not have to readvertise. It
8 would have to be readvertised if there was not proper
9 notice.

10 MR. PYSHER: I did find the list of legal
11 notices.

12 MR. MOLNAR: So, if you make a request to request
13 a continuance to November 7th, the Board then can act on
14 that.

15 MS. ROSEBERRY: You will bring us pictures, maybe
16 you will bring a written statement why you need relief.
17 It needs to be consistent. It is either going to be a
18 rental for outsiders or it is going to be something just
19 for family members, but you have to decide; because
20 whatever the Board grants, that is what it has to stay.
21 If you tell us we just want it for family and we say,
22 okay, that is the way it stays.

23 So you might want to write something down, take
24 pictures. If you have neighbors that love you, bring
25 them along and say, please stand up and tell the Board

1 --

2 MR. MITZIN: This is my neighbor here.

3 AUDIENCE MEMBER: Shall I be sworn in or
4 something?

5 MR. MOLNAR: It would not be necessary for
6 tonight. I think the continuance fee is \$150.

7 MR. MITZIN: I never been this way, I am 60 years
8 old, never this way. I feel terrible shame.

9 MR. MOLNAR: You don't have to feel ashamed.

10 MS. ROSEBERRY: You should not. You are doing
11 the right thing.

12 MS. MITZINA: He feels like he is being sued.

13 MS. RONALDS: No, no, no.

14 MS. ROSEBERRY: No.

15 MR. MITZIN: I know nothing, nobody asked for
16 hearing for other neighbors. Now, I feel maybe
17 dangerous man, maybe I am terrible man.

18 AUDIENCE MEMBER: We own this house. We pay
19 taxes.

20 MR. MOLNAR: Hold on, only one person can talk at
21 a time.

22 MR. MITZIN: Now I feel shame all the time, I
23 think maybe I am ingrate.

24 MR. MOLNAR: Hold it, I thought we were on the
25 right track and now we are on the wrong track here.

1 MS. RONALDS: Mr. Mitzin, you are taking this all
2 wrong.

3 MR. MOLNAR: Let's call a recess for three
4 minutes. Nina, I would like you to speak with your
5 father. We can proceed with the hearing if you want to
6 or you can request a continuance and everybody here can
7 come back and testify at another date and bring more
8 information.

9 I think what the Board is saying, it is probably
10 beneficial to you to come back another date. You can do
11 your homework and come back here and perhaps the relief
12 that your father is asking for can be granted.

13 Why don't we just call a recess for a few
14 minutes? You talk to your father and then you can tell
15 us if you want to continue this. I think the continuance
16 fee is \$150.

17 MR. MITZIN: I am sorry; I apologize.

18 MS. ROSEBERRY: You don't have to apologize.

19 (Brief recess.)

20 MR. MOLNAR: There is a request for continuance,
21 reconvene on November 7th. There may be a fee. I think
22 it is \$150. Darlene will contact you about that. We
23 now have a continuance request the for the Board to act
24 upon to grant the continuance.

25 THE CHAIRPERSON: I make a motion to grant the

1 continuance.

2 MS. RONALDS: Second.

3 (Vote taken.)

4 (Motion carried.)

5 MR. MOLNAR: Continuance request has been granted
6 and the hearing will be November 7th at 7:30.

7 (Adjourned at 8:25 p.m.)

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