

**ZONING BOARD OF ADJUSTMENT
MINUTES
FEBRUARY 13, 2019**

The regular meeting of the Zoning Board of Adjustment was called to order by John Gee, Jr., Chairman.

All rose for the Pledge of Allegiance.

Meeting has been advertised in accordance with the State Open Public Meetings Act.

Roll Call:

Present: Michael Bimmer
John Gee, Jr.
Karen Radie
Angie Santori
Lu Valentino
John Zahradnick

Richard Borden, Alt. #1
Dawn Sadlowski, Alt. #2

Absent: Steve Schmidt

Also Present: Robert Kingsbury, Esq.
John Cantwell, P.E., P.P., C.M.E.
Kevin Rijs, Community Development Director

New Business:

104 Orchard Ave. – Block 8; Lot 4; Spectrum; Z-18-22

Zone: Residential (RA) Existing & Proposed Use: Residential

Application: C Variance – Accessory Structure/Use – ground mounted solar panel

Matt Pierson, Spectrum Energy, sworn in by Attorney Kingsbury.

Thomas Donahue, property owner, sworn in by Attorney Kingsbury.

Mr. Pierson Testimony. Proposal: ground-mount solar system to be installed at 104 Orchard Avenue set back to property. There will be two ground-mount structures 7’10” tall; 9.28 kilowatt system. Reasons for putting on ground: more ideal than putting on structure of roof; it is south-facing which is ideal for solar production (roof is not south-facing). Ground mounts to be set back 15’ from each property line; would begin 72’ from back of property line. 32° tilt.

Each panel is 5’ X 3½’, 1½” thick, and is black glass and metal. Two ground mounts (each has 16 panels).

Mr. Donahue explained why he did not want solar panels on roof. The house was built in the 1920’s and roof may not be structurally sound enough to support panels.

**ZONING BOARD OF ADJUSTMENT
MINUTES
FEBRUARY 13, 2019
Page 2**

Mr. Cantwell comments and review of Remington & Vernick's January 2, 2019 letter.

Lengthy discussion regarding screening.

Public: None. Public Portion Closed.

Board: Question regarding precedence.

Motion to approve: Borton/Valentino. Roll Call: 6 Approve; 1 Deny (Mr. Zahradnick)

18 E. Main Street - Block 90.01; Lot 7; St John's Episcopal Church; Z-19-2
Zone: Downtown Business (DB) Existing Use: Vacant Store Proposed Use: Church
Application: "D" Use Variance

Ellen McDowell, Esq., McDowell Law PC
Christina Crowthers, St. John's Episcopal Church, sworn in by Attorney Kingsbury

Ms. Crowthers Testimony. Property on Linwood Avenue is being sold; church can no longer maintain it. 18 East Main Street is currently vacant; 1st floor being rented (one-year lease). Fifteen members, including officials; would like to increase to 20 - 25 members. Property will be used for worship services on Sunday – 10 AM – 11 AM. During week, space will be used for computer work (1 – 2 people) and for prayer. No soup kitchen, no drug rehab, no thrift store; outreach will be through diocese and on-line. Municipal parking. No changes to either inside or outside of building. Portable ramp can be used for front access; ramp in place for the rear access.

Mr. Cantwell reviewed Remington & Vernick's February 5, 2019 letter.

Public: None. Public Portion Closed.

Board: None.

Motion to Approve: Zahradnick/Radie. All Approve.

2811 Route 73 South - Block 192; Lot 1; Renu Jain – Raja Auto; Z-19-4
Zone: Business Development (BD) Existing Use: Automobile filling station
Proposed Use: Automobile filling station and Auto Repair (Tune ups; Brakes; Oil Change; & Detailing)
Application: Interpretation that the Auto Repair is grandfathered or if needed a "D" Use Variance

Renu Jain, applicant, sworn in by Attorney Kingsbury.

Site is currently a gasoline station; previously was auto repair and auto detailing. Per Attorney Kingsbury, non-use does not constitute abandonment.

Renu Jain Testimony. Lifts are still in service bays.

**ZONING BOARD OF ADJUSTMENT
MINUTES
FEBRUARY 13, 2019
Page 3**

Public: None. Public Portion Closed.

Motion that there was not abandonment: Bimmer/Borton. Roll Call: All Approve.

Mr. Cantwell stated that there are some site issues. Trailer on site is used for office space/break room. Applicant will confer with Mr. Rijs, Community Development Director, regarding issues.

Old Business:

Discussion:

Garden Sheds – Storage Sheds: The 2016 annual report of the ZBA (N.J.S.A. 40:55D-70.1) was adopted by the ZBA at the meeting on 02/08/2017 (A copy of the report is attached). In 2017, the report was distributed to Council and the Planning Board. At the last Zoning Board Meeting the Chairman of the Board initiated a discussion on revisiting the 2016 recommendation that more than one (1) garden shed be permitted per residential lot; the direction to the Board was that consideration should be given to permitting additional storage sheds.

Board: No Comments.

Motion to send forward to Council/Planning: Zahradnick/Sadlowski. Roll Call: All Approve.

205-71: Non-Conforming Structures – Enlargement/Expansion

N.J.S.A. 40:55D-3& D-68: "Nonconforming structure" means a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

Motion to send forward to Council: Radie/Valentino. Roll Call: All Approve.

Attorney Kingsbury will draft letter and distribute to Board for review..

Minutes:

January 9, 2019

Motion to Approve: Gee/Bimmer. All Approve.

Miscellaneous:

ZONING BOARD OF ADJUSTMENT

MINUTES

FEBRUARY 13, 2019

Page 4

Reports:

Solicitor – Resolutions:

2019-ZB-2: 314 E. Main St. – Block 102; Lot 4; St. John’s Episcopal Church

Motion to Approve Use Variance Denied

did not get necessary votes – in business zone/parking problem

Motion: Valentino/Borden. Roll Call: All Approve

Eligible (Members denying motion):

Steve Schmidt
Lu Valentino
Richard Borden

Engineer:None

Community Development:

Applications Withdrawn January 22, 2019:

Z-17-8: 2836 Rt.73 N. - Jersey Premier Outdoor Advertising Billboards

Z-17-9: 2860 Rt.73 N. - Jersey Premier Outdoor Advertising Billboards

Discussion regarding Kool Kidz Survey. Per Attorney Kingsbury, distribute what was submitted and Board will discuss at March 13 meeting.

2018 Annual ZBA report

Board will discuss adoption at March 13 meeting.

Once Around:Ms. Santori advised Board that she will be missing meetings due to knee surgery.

Adjourn:

Motion to Adjourn:Bimmer/Borton. All In Favor.