

**ZONING BOARD OF ADJUSTMENT
MINUTES
JUNE 12, 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
Richard Borden, Alt. #1

Absent: Steve Schmidt
John Zahradnick
Dawn Sadlowski, Alt. #2

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

New Business:

355 Elm Ave. – Block 88; Lot 14.02; Jason Richeck; Z-19-8
Zone: Residential-2 Existing Use: Single-Family Home
Application: “c” Variance to permit second garden shed on property.

Jason Richeck, Applicant, sworn in by Attorney Kingsbury.

Mr. Richeck is requesting the variance, although he has already put up the second garden shed on his property. Formerly rented a storage unit; has no garage or basement for storage. Currently, shed is in the middle of his yard; back side is on the fence line.

Mr. Cantwell: review of R&V memo dated April 17. Dimensions of shed: 10’ X 10’ (100 sq. ft.). 31¼” from side fence; needs to be 36” from property line.

Board: None.

Public: None

Motion to Approve shed in present location: Bimmer/Santori. Roll Call: All Approve.

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**40 W. Woodcrest Ave. – Block 129.06; Lot 20; Jeanette Krebs; Z-19-11
Zone: Residential 1 Existing Use: Single-Family Home
Application: “c” Variance to permit second garden shed on property.**

Lynn Krebs, Applicant’s daughter, sworn in by Attorney Kingsbury.

Proposing addition of second garden shed 15’ back from driveway/3’ from fence. Does not have either a basement or garage. Shed is 8’ X 10’ and 8’ high. Comments – Mr. Cantwell.

Public: None
Board: None

Motion to Approve: Borden/Bimmer. Roll Call: All Approve.

**415 E. Main St. – Block 87; Lot 25; Robert Anzidei; Z-19-10
Zone: Downtown Business (DB) Existing Use: Residential
Application: “d” variance to allow construction of a 1-bedroom apartment above existing detached garage.**

Ellen McDowell, Esq.
Robert Anzidei and Robert Anzidei, Jr., Applicants, sworn in by Attorney Kingsbury.

House has 3-bedrooms; in addition, there are two apartments in the house. Mr. Anzidei lives on the first floor, and the apartments are on the second floor. Has been in existence since 1950 – before zoning codes. Three-car garage was also built in 1950, and variance is to allow construction of an apartment over the garage.

Testimony of Mr. Anzidei. Original blueprints included three-car garage and apartment above garage. Height of garage subsequent to construction will be same as existing building; neighborhood of 32’. Driveway leads directly to garage. Garage is 4’ – 5’ from property line. Main house has had two apartments since 1950. All tenants have been long term (over ten years). Multiple rental units in neighborhood. Adding an additional apartment on his property will neither change the character of neighborhood nor do any harm to the public good. Chairman Gee commented on how well kept Mr. Anzidei’s property is.

Mr. Cantwell reviewed his May 14 letter. Use variance is required. No negative criteria. Discussion of parking. Existing driveway pavement allows for nine cars. Mr. Anzidei responded that it would be repaved, but not increased. All three apartments are one-bedroom, and all tenants park in driveway. A plan does not have to be submitted as no outside improvements will be made.

Public: Michael Merkle and Mike Iapalucci sworn in by Attorney Kingsbury. Both residents were complimentary of Mr. Anzidei and support his application. Public Portion Closed.
Board: None.

Motion to Approve: Radie/Santori. Roll Call: All Approve.

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630 Alexander Ave. – Block 141.01; Lot 6; Mancon Enterprises LLC; Z-19-5

Zone: Business Development (BD)

Application: “d” Variance – to allow Construction Company storage yard (vehicles and construction equipment). *Application withdrawn by e-mail dated June 12, 2019*

Motion to Accept: Borden/Vanlentino. Roll Call: All Approve.

325 W. Mill Rd. – Block 137; Lot 2; The Palace Associates LLC – ground mounted solar; Z-19-1

Zone: Residential (RA) Existing Use: Residential (3.7+/- acres)

Proposed Use: Residential with ground mounted solar to power adjacent nursing home (Palace Care Center) property (Block 137, Lot 2.01 – 315 W. Mill Rd., The Palace Associates, LLC %Rose Mtn).

Application: “d” Variance – Power installation to provide electric to neighboring property with site plan waiver request.

Robert S. Baranowski, Jr., Esq., Hyland Levin Shipiro LLC

Ari Rosenberg, Executive Director of The Palace Associates LLC, and James Miller, Professional Planner sworn in by Attorney Kingsbury.

In audience: Amin Gomaa, PE

Testimony: Mr. Rosenberg. Is a licensed nursing home administrator; specializes in owning/operating nursing homes throughout New Jersey. Previous owner until 2007 had difficulties with State Department of Health; they were asked to take over, and purchased the nursing home. In 2017, spoke to Jerry Perla (neighbor) about maintaining adjoining property. For years, Mr. Perla maintained the property; in 2017, he became financially unable to do so. Mr. Rosenberg purchased the property, and it has been cleaned up. He is proposing laying down solar panels. The solar panels will offset almost 100% of the electric power used. Solar panels will be ground-mount. Single-family home, apartment, and two garages remain on property.

Condition of approval would include language relating to the selling of either lot. Are the panels accessory to the building on lot 2.01 or, since they are on separate lot 2, are panels the primary use? Discussion regarding “d” variance; agreement that it is two principal uses.

Per Chairman Gee, it is a residential property. Is there any record of there being an apartment? Discussion regarding validity of apartment and, if application is approved, wording of condition.

Testimony: Mr. Miller. Seeking variance to allow the solar panels to be erected; also, a bulk variance is required for the set-back of the AC combiner panel. Discussed benefits of use; no detriment. Panel is 9’2” high; fence is 6’. They feel screening is sufficient and there will not be glare on Route 38 because, in between the Palace and Route 38, there is a wooded area, mature trees, and the pitch is low. Description of combiner panel (which is approximately 5’ extending 5’– 6’ into the encroachment).

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Mr. Cantwell reviewed his June 6, 2019 letter.

Board: Questions regarding apartment. *House is used as living accommodation by nurses' aides (part of compensation).*

Public: None. Public Portion Closed.

Attorney Kingsbury will put in Resolution a clause that says approval of solar panel project is not to be interpreted as an approval of the apartment. (Will have to be addressed either by proof of a variance being granted or returning to Board seeking pre-existing status or a variance.) Other conditions: meeting the requirements of Mr. Cantwell's letter with exception to not consolidate two lots for the reasons explained; landscaping plan that will be worked out with Board Engineer; aspect of not selling the lot separately (wording will be worked out by Attorneys Kingsbury and Baranowski); bulk variance for the AC combiner panel; provide access satisfactory to the Engineer.

Motion to Approve: Bimmer/Borden. Roll Call: All Approve.

Old Business:

Minutes:

May 8, 2019

Motion to Approve: Bimmer/Gee. All Approve.

Miscellaneous:

Reports:

Solicitor - Resolutions:

2019-ZB-8: 49 Collins Rd. – Block 1.04; Lot 5.01; Nicholas Sousa

Motion to Approve: Radie/Borden. Roll Call: All Approve.

Eligible to Approve: Michael Bimmer
John Gee, Jr.
Karen Radie
Steve Schmidt

LuValentino
John Zahradnick
Richard Borden
Dawn Sadlowski

Engineer: None.

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Community Development:

Resolution No. 2019-R-77 Approve Municipal Support for Responsible Pet Ownership Program

Resolution No. 2019-R-78 Support Sustainable Land-Use Pledge

Resolution No. 2019-R-79 Approve Pledge of Municipal Support for New Jersey's Wildlife Action Plan

Governing Body passed three resolutions. Question received on Resolution No. 2019-R-78 regarding parking. Explanation by Mr. Rijs.

Once Around:Welcome back to Ms. Santori.

Adjourn.

Motion to Adjourn:Santori/Valentino. All In Favor. .