

Zoning Board Of Adjustment
March 9, 2022
Draft

Meeting: Zoning Board of Adjustment

Date: March 9, 2022

- I. Meeting called to order
- II. Pledge of Allegiance
- III. Open Public Meeting Act
- IV. Roll Call

Member	Present	Absent
Chairman John Gee, Jr.	X	
V. Chair Michael Bimmer	X	
Miriam Bebitch	X	
Karen Radie	X	
Gregory Taylor		X
Lu Valentino	X	
John Zahradnick	X	
Joanne Mortimer Alt # 1	X	
William Zerega Alt # 2	X	
Laura Walthy Alt # 3	X	
Jermaine Williams Alt #4	X	

V. New Business:

- a. **52 South Fellowship Rd.**-Block 97, Lot 19; Aryeh Holdings 2, LLC.
ZBA-22-01
Zone: Residential District (R-2)
Existing Use: Building Rehabbed- One unit occupied.
Proposed Use: To Determine 3-Unit pre-existing or 2-unit conditional non-conforming use.
Application: d (3) conditional use variance, various bulk or “c” variances and waivers approval for 2- or 3-unit multi family dwelling.

Gary Zangerle, Esq. presented the Application.

The Application seeks determination for a pre-existing three family unit dwelling.

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Chairman Gee asked if Mr. Zangerle had any evidence to present that shows the pre-existing three family units. He stated that either an Ordinance or Resolution from the Zoning Board of Adjustment that shows approval.

Mr. Zangerle requested an adjournment until the next Zoning Board of Adjustment meeting.

- b. **211 South Fellowship Rd**-Block 155, Lot 16; Frank Rapposelli; ZBA-22-02
Zone: Residence District (R-2)
Existing Use: Vacant Commercial Building
Proposed Use: Ground Floor Retail and Storage; upstairs 2-bedroom apartment comprised of second floor and attic space.
Application: Site Plan Waiver and (1) use variance.

Board Attorney Kingsbury swore in Frank Rapposelli.

Mr. Rapposelli purchased the vacant property that was previously operated as a retail space known as Hunter Door.

Mr. Rapposelli is proposing a sharpening service in the basement, and a gallery of handmade wooden artisan goods on the ground level. Mr. Rapposelli plans to occupy the second and third floors as his living space. He has five interested entrepreneurs to display their goods on consignment. Mr. Rapposelli will be on site to help any customers. The five artists will not be in attendance. Mr. Rapposelli purchased the property to work and live in the same location. The display area will be similar to a Farmer's Market and he expects 1-4 customers a day for his sharpening services.

Chairman Gee asked for Board Member Questions.

Vice Chairman Bimmer asked about parking? Mr. Rapposelli stated that there are 9 parking spots and would be more than sufficient for his customer traffic.

Board Member Valentino commented that "This warms my heart". She has fond memories of an entrepreneur that would go house to house when she was a little girl sharpening knives and scissors.

Chairman Gee asked The Engineer to go over his Review Letter.

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Zoning Board Engineer McNulty asked Mr. Rapposelli the following:

1. What is the size of Delivery Trucks that would be bring product?
Mr. Rapposelli said there will not be any delivery trucks for his type of service.
2. Will you be shipping out products? Mr. Rapposelli said no.
3. Are you aware that you need five affirmative votes for this use variance?
Mr. Rapposelli said yes, he is aware of this.
4. Do you believe this “use” is more intense or less intense than the prior Hunter Doors? Mr. Rapposelli stated “much”less.
5. Regarding the handicapped parking space, do you have any objections to moving it over one spot so that the spot is not in the “Right of Way”?
Mr. Rapposelli said no problem since he has more parking than required.
6. Curbing- Mr. McNulty stated that in his review letter he recommends adding depressed curbing along the paved lot where it meets the street. This would show drivers backing out where pedestrian traffic and cars would be traveling.
Mr. Rapposelli responded that he had investigated doing this when he received the Review Letter. The sheer cost of \$15,000-18,000 would be an economic hardship for him.
7. Do you plan to have a Commercial Trash container?
Mr. Rapposelli said yes, he would, but very little trash is generated, and wondered why this would be necessary.
8. You do understand that you need County Approval for this as well?
Mr. Rapposelli responded yes.

Chairman Gee asked why curbing was not required for Hunter Door?

Mr. Rapposelli asked if yellow stripping would suffice?

Board Solicitor Kingsbury said the Conditions of Approval are as follows:

- a. Install a double yellow line with stripping
- b. The Garage is only for storage
- c. No need for Dumpster
- d. Eliminate one parking spot to move Handicapped over and to yellow stripe the Right of Way.
- e. County Approval

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Chairman Gee opened the meeting to the General Public. No Comments.

Chairman Gee closed the Public Portion

A Motion to Approve the Application was made by Vice Chairman Bimmer, second by Mr. Zahradnick, All Approve

- c. **43 West Park Ave**- Block 16, Lot 1; Lee M. Torre-Colon
Zone: Residential District (R-1)
Existing Use: Residence
Proposed Use: Residence
Application: Site Plan Waiver, bulk, or “c” variance for rear yard set-back, and use variance for fence installed in Right of Way (non-compliant to Township Code)

Chairman Gee stated, “Let’s begin with the 6’ Privacy Fence installed in the Right of Way”.

Ms. Rachel Brekke of McDowell Law presented the Application. She stated that her client is willing to move the fence three” inside the property line.

Township Solicitor Kingsbury stated that the Zoning Board cannot approve a fence in the “Right of Way”

Ms. Brekke introduced Mr. Samuel Collazzo as the applicant.

Mr. Collazzo was sworn in by Solicitor Kingsbury.

Ms. Brekke summarized the Application. The overall addition is 30’ in length with a rear yard set back of 7.2’. If this is not approved, we will ask for a 12.5’ rear set back. Both well below Township Code.

Ms. Brekke stated that when Mr. Collazzo and Lee-Marie Torres Colon purchased the property they did not know the three’ chain link fence was in the right of way.

Ms. Brekke continued that the unique size and shape of the lot calls for a 6’ privacy fence. Most of the yard area is located on the Melrose Ave Side.

Chairman Gee asked about the detached garage. Do we have an age of this structure?

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Ms. Brekke stated that they are seeking a waiver for the pre-existing non-conforming use of the detached garage.

Ms. Brekke stated that Mr. Collazzo added lighting since his property had experienced 2-3 break-ins. He understands that the lighting he installed is not to code and will replace with the type of lighting recommended by the Township Engineer.

Ms. Brekke moved on to the addition part of the Application. Township Solicitor stated that the addition is an extension of the kitchen and pantry. The ceiling height is 10' and overall height of the addition is 12.5, achieving a side yard set back of 15.1'.

Ms. Brekke passed around a 4 x6" photo of the addition.

Chairman Gee asked when the photo was taken? Ms. Brekke responded by saying two days ago.

Chairman Gee asked if a permit was obtained before construction began?

Ms. Brekke stated that a permit was not obtained, because her client had no idea a permit was required.

Ms. Brekke asked her client to state for the record that he had no idea that the fence was in the "right of way" when he purchased the property. Ms. Brekke passed around two small photos, one of the previous chain link fence and one of the new 6' vinyl privacy fence. She added that Mr. Collazzo matched his new fence to that of his neighbors.

Board Member Radie stated that the photos do not appear to be from the same location.

Chairman Gee stated that it is very difficult to pass around pictures instead of an easel where all Board Members are looking at the same time, and which would be available to any member of the public to view as well.

Vice Chairman Bimmer asked if the fence is in front of the house? Ms. Brekke responded no.

Board Member Radie stated that the neighbor's fences do not encroach on the "right of way"

Ms. Brekke also stated that her client is willing to install a mirror to improve the ability to back out of the driveway.

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Board Member Bebitch stated that from the photo, it appears the fence is coming too far out into the site triangle.

Ms. Brekke stated that they referred to Board Engineer McNulty about this, and he said due to the oblique angle of the property moving the fence behind property lines would be fine.

Ms. Brekke added that the applicant has turned off the pole lighting that was installed and will replace with lighting that the Board Engineer recommends.

Township Zoning Officer Soni asked about the addition. Do you have an existing kitchen and pantry? He stated that the expansion of use and willingness to enlarge a home is a choice, not a hardship. He added that the new fence is 7" from the street pavement and does not conform to code. He feels it creates a scary situation for pedestrians and dogs. He further added that the intent of "code" is for the safety of all. Soni showed an aerial google map photo indicating where he would like to see the fence installed. He does not feel the applicant showed hardship for privacy.

Ms. Brekke stated that Mr. Soni's suggestion indicates the fence going right thru the middle of the above ground pool (that is to be removed at another time).

Mr. Soni added that the expense of a fence as "Hardship" is not applicable here.

Ms. Brekke would like to respond to Mr. Soni's comments.

Mr. Soni used the words "scary and dogs" to frighten pedestrians that would be passing by. She stated that according to the RVE Review Letter, the engineer recommended planting shrubs on the corner, and adding the mirror at the end of the driveway. She added that this is not a "blind corner". Many of the neighbors have the same fence.

Chairman Gee stated that this is more about the position of the fence not being installed according to Township Code.

Ms. Brekke stated that it would be hardship for her client to move the fence where Mr. Soni suggests, because the applicant is not prepared to remove the pool at this time, and his children and dogs play in the enclosed side yard.

Chairman Gee asked Board Members for questions?

Board Member Zahradnick would like to talk about the addition. He stated that you are proposing new living space on what appears to be a glorified deck. He

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asked if our construction officials approved the addition? Ms. Brekke stated that a certified engineer approved the addition.

Chairman Gee asked Mr. Soni if Maple Shade Construction Officials have been sent to the property?

Mr. Soni responded that no, our Construction Officials only inspect and approve properties with permits. He added that approving this application diminishes Zoning Ordinances that are in place for the benefit of all residents.

Chairman Gee opened the meeting to the General Public.

Board Solicitor Kingsbury swore in Mr. John Flayton of Philadelphia. He is representing his family. He has concerns about stormwater mgmt. and the 7.5 rear set back being proposed. He added that the existing lighting is very obtrusive to the neighborhood.

Chairman Gee recommends the applicant would greatly benefit from an informal work session with the Site Plan Board. The exhibits are confusing, and all Board members are at a disadvantage. He strongly recommends continuing this application until the next meeting.

Ms. Brekke asked if they could only withdraw part of the application tonight, so that Mr. Collazzo could continue to work on his addition.

Chairman Gee responded by saying that the entire application needs to be reworked.

Chairman Gee asked for a motion to continue this application until the next meeting.

A Motion to continue was made by Vice Chairman Bimmer, second by Mr. Zahradnick, All Approve.

- d. **100 Fox Meadow Drive**- Block 1, 1.01, 1.02 1.03 & 1.04; Z-19-0-6
Zone: Planned Development (PD)
Existing Use: Fox Meadow Apartment Complex recreation amenities
Proposed Use: New amenities such as a clubhouse, sports field, tennis courts and walking path.

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Application: Rehearing of previously approved preliminary and final site plan regarding construction of two basketball courts.

Zoning Board Solicitor Kingsbury stated that Fox Meadow came back in front of this Board in January 2022 for minor changes to the Pool Area.

The Applicant is seeking to clarify the intent of the Board.

Due to Technical Difficulties, there is no recording of the May 2021 Board Meeting. Slight changes were made to the Site-Plan from the previously approved Application from July of 2019.

The Applicant's Attorney Mr. Chuck Petrone is stating that installing 1-2 Basketball Courts was an option on the Applicant's Part.

Chairman Gee stated that the Zoning Board feels it was NOT optional.

Board Solicitor Kingsbury stated that the transcripts of July 10, 2019 state it to be an option to install 1-2 Basketball Courts without having to appear before the Zoning Board. He continued that only three of the existing members were present at the July 10, 2019 meeting, Mr. Zahradnick, Ms. Radie and Chairman Gee.

Mr. Petrone feels that the Resolution of July 2019, memorialized in August of 2019 should prevail.

Chairman Gee asked Board Solicitor what are the options here?

Solicitor Kingsbury said that the three members of the Board that were present should state their opinions.

Mr. Zahradnick feels that 2 Basketball Courts should be installed if the Engineer can find space.

Ms. Radie thinks it was the intention of the Board to have 1-2 Basketball Courts installed.

Chairman Gee said his recollection was to have the Engineer find the space to install the Basketball Courts.

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A Motion was made by Mr. Zahradnick, second by Ms. Radie that the intent of the Board was to have 1-2 Courts installed. Chairman Gee approved.

VI. Old Business:

1. Resolutions: 593 Route 38 West- Block 189, Lot 3; 593 L Maple Shade Holdings, LLC Z-21-08 (Revised)

A Motion to Approve the Resolution was made by Vice Chairman Bimmer, second by Ms. Valentino, All Approve

2. Resolutions: 12 Anna Ave Block 108, Lot 8; Harry Andrews; Z-21-15

A Motion to Approve was made by Mr. Zahradnick, second by Chairman Gee, All Approve

VII. Minutes: January 12, 2022

A Motion to Approve the Minutes was made by Vice Chairman Bimmer, second by Chairman Gee, All Approve

VIII. Adjourn:

A Motion to adjourn was made by Ms. Valentino, second by Ms. Radie, All Approve

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