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**ZONING BOARD OF ADJUSTMENT
MINUTES
JANUARY 10, 2018**

The regular and reorganization meeting of the Zoning Board of Adjustment was called to order by Robert Kingsbury, Esq., Acting Attorney.

All rose for the Pledge of Allegiance. Moment of Silence for Anthony Volpe.

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

Mr. Kingsbury administered oath of office to:

John Gee, Member, Term Expires 12/31/2021
Paula Mullen, Alternate #1, Term Expires 12/31/2019

Absent: Angie Santori, Member, Term Expires 12/31/2021

Roll Call:

Present: Michael Bimmer
John Gee, Jr.
Joe McCauley
Karen Radie
Steve Schmidt
John Zahradnick
Paula Mullen, Alt #1

Absent: Angie Santori

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

Organization of the Board:

Nomination of Chairman. **John Gee, Jr.** (Schmidt/Radie) Roll Call: All Yes
Nomination of Vice Chairman. **Michael Bimmer** (Radie/Schmidt) Roll Call: All Yes
Nomination of Attorney. **Robert Kingsbury, Esq.** (Gee/Bimmer) Roll Call: All Yes
Nomination of Engineer. **Remington & Vernick (John Cantwell)** (Gee/Schmidt) Roll Call: All Yes
Nomination of Secretary. **Debbie Henderson** (Gee/Radie) Roll Call: All Yes
Nomination of Environmental Engineer. **Consulting Municipal Engineer Associates** - Continue Appointment
(Gee/McCauley) Roll Call: All Yes
Consent Approval of Meeting dates for the year as set by Council & Consent Approval of Official Newspaper authorized by Council. Courier Post, the Central Record and Burlington County Times. (Radie/Schmidt) Roll Call: All Approve

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New Business:

919 E. Main St. – Block 82 Lot 9.01; Eric Scheid, Z-17-16

Zone: Downtown Business (DB)

Existing Use: Residential & Landscaping Business (Prior Approval/s 2016ZB12 & 2016ZB14)

Proposed Use: Residential & Landscaping Business (Expansion)

Application: “D” Variance & Site Plan

Melanie Levan, Esq., Dash Farrow LLP.

Eric Scheid and Joseph Mancini, PE, Tristate Engineering and Surveying, sworn in by Attorney Kingsbury.

Existing residence and landscaping business (Maple Landscaping) at 919 East Main Street; Mr. Scheid formerly appeared before the Board and received two variances. Landscaping business is not open to the public, and is used only for storage of equipment and vehicles; no hardscaping. Mr. Scheid is requesting to add a garage to the property to store landscaping equipment and to put down stone for the purpose of parking vehicles.

Testimony by Mr. Scheid: Seven employees; employees carpool in 2 – 3 vehicles, park their vehicles, and take trucks to job sites. Hours: 7:30 – 8 AM to 3:30 – 4 PM; seasonal work/some plowing. Proposes putting plows, small hand tools, larger equipment (rakes/shovels, etc.) inside garage. Trucks and trailers will be outside. Garage will be 40’ X 40’. No plumbing or sewer; will have electrical service. No signage. General trash picked up on Friday’s by Township waste removal company; no dumpster needed. Existing fence on western side of property; proposing to put stockade fence along Route 73 side and back of property for security. Chairman Gee asked if any landscaping debris is brought back. Grass, etc. is brought back in trucks and is taken for disposal to a site in Evesham.

Testimony by Mr. Mancini: Access to the site will remain a shared driveway off of Main Street. There is enough existing vegetation around the perimeter to satisfy the buffer requirement of 10’ from street line and 5’ buffer on side. They need bulk variances. Existing driveway is 9’ wide; ordinance requires 25’. Traffic in/out of the site is minimal, and to maintain residential appearance to Main Street, they feel it is appropriate to use the existing drive. Variance for parking area to remain stone. Parking lot is not open to public and employees are there only during daylight hours; therefore, they are proposing motion sensor lights for safety and security.

Attorney Kingsbury asked if house is occupied (answer: yes, it is used as a residence) and is easement to go to back lot defined (answer: it was surveyed as part of the title and is a 25’ easement; is not an improved easement). Mr. Cantwell commented on easement – tax map shows a 40’ easement alongside boundary on east side, with fence being only encroachment – and advised that applicant clear this up.

Mr. Mancini presented reasons why use variance should be granted. Board questioned applicant on materials being used for garage, proposed color, ADA compliant parking, etc.

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Mr. Cantwell presented engineer's report. Proposed contours: slight elevation; contours not necessary (can be waived). Architectural elevations: satisfied. Landscape plan: plan not submitted/no additional landscaping required; requesting waiver. Discussion of bulk requirements: parking; landscape buffers. Drive aisle is 9'; 25' required. Parking lot; applicant requesting stone. Stormwater management, grading, utilities, design/lighting, fencing discussed. No trees being removed. Using LED lights on a swivel.

Board: Mr. Zahradnick asked about heating in garage and parking of vehicles. Per Chairman Gee, behind the house will be two residential spots for tenants, one spot for a work vehicle and ADA spot. Any other work vehicle will be contained in second parking area.

Public: None

- Motion #1: Approval of expansion of previously-granted use variance: Bimmer/Schmidt All Approve
Motion #2: Waiver for showing contours; waiver for drive aisle width; waiver for paving; waiver for lighting; waiver for landscaping with a requirement to demonstrate that the buffers are met by the natural vegetation: Bimmer/McCauley All Approve
Motion # 3: Site Plan approval subject to compliance with the Engineer's recommendations: Radie/Bimmer All Approve

489 Rt. 38 W. - Block 173; Lot 2.05, Lexvana Properties NJ LLC; Z-17-18

Zone: Planned Development (PD)

Existing Use: Vacant Building (formerly furniture store – Ethan Allen)

Proposed Use: Auto Body/Collision Repair Center.

Application: Site Plan with "C" variance request (D Variance Approved Resolution 2017-ZB-12)

George W. Matteo, Jr., Esq.

Val Fichera, owner; Bret Flory, Architect; Jay Sims, Engineer; sworn in by Attorney Kingsbury

Minor site plan application regarding abandoned Ethan Allen property. Granted a use variance permitting property to be used as a collision center in September, 2017. Continuation of site plan application. Some changes to building – adding garage doors and three additional parking spaces in the front. Testimony by Mr. Sims. Site changes are very minimal. Changes to curb line around the building due to the addition of garage doors (east and west sides of the building and one in rear of building). Walk-thru of actual floor plan to show operation and functionality. Vehicles waiting for parts will be given back to consumer until parts arrive; heavily-damaged cars are taken to a "heavy hit" facility for repair. Discussion of parking spaces (three handicapped spaces in front); buffer; landscaping. They will make sure existing handicapped ramp is in compliance with ADA requirements. Signage (one façade sign/one existing free-standing sign which will be refurbished); no structural change. Hours of operation: Monday – Friday, 7:30 AM – 5:30 PM; Saturday, 7:30 AM – 12:30 PM.

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A number of requested variances deal with existing site conditions; however, one new variance is because they are expanding a non-conforming condition – adding three spaces will further reduce the buffer. They are proposing to repair/replace only bad sections of the board-on-board fence and paint both sides black. Asking for a waiver to the requirement of planting street trees. Will repair and use existing trash enclosure. Trash pick-up will be after 9 AM. Discussion regarding paint stack. Photos were distributed, showing view from apartment complex.

Board: None

Engineer: Architectural elevations have been provided; landscape plan has not been submitted, and will still require a waiver; one variance – buffer to street line; do not need variance regarding parking. Mr. Cantwell reviewed Existing Conditions, Demolition, and Site Plan; Grading Plan and Details; and Soil Erosion Sediment Control Plan and Details, as set forth in his letter dated January 4.

Chairman Gee: The taller of the stacks would be 6'; smaller stack would be 4'. Present air conditioning unit is about 4'. Diameter of stacks is 30".

Public: None

Landscaping – plan will be an inventory of items showing what was there now, what was being removed, and what was added; will come in after decision with regard to applicant; will be an administrative approval.

Motion for site plan approval with waivers and variances and subject to compliance with the Engineer's recommendations unless waived or varied. Schmidt/Bimmer All Approve

538 Rt. 38 E. – Block 173.02; Lot 9, EMG Auto of Jersey City LLC; Z-17-19

Zone: Planned Development (PD)

Existing Use: Vacant Building (formerly Elite Acura)

Proposed Use: Used car auto sales and associate repairs and maintenance.

Application: Interpretation of pre-existing nonconforming status

"D" Use Variance to permit use (if needed) with Site Plan Waiver Request

Mark P. Asselta, Esq., Brown & Connery

Two different approaches presented to Board: (1) that use can be established as either a permitted use or a pre-existing non-conforming use, or (2) they can ask for a use variance. Former Acura dealership no longer active; however, cars are stored on the property. Their proposed use would be a very nice used car dealership similar to CarMax. Not proposing changes to site, building, or parking; will be turn-key.

Elias Gonzalez, Bill Pacilli, representatives of applicant; Tony DiDillo, Broker; Creigh Rahenkamp, Planner sworn in by Attorney Kingsbury.

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Testimony by Mr. Pacilli, Finance Manager. EMG Auto currently operates two locations – Jersey City and Avenel. Inventory is later model vehicle (1 – 2 years old), off-lease, full service. Business model is “new car.” Service provided for their cars; not much outside work. Hours of operation: Monday – Friday, 9 AM – 8 PM; Saturday, 9 AM – 7 PM. Sales will open at 9 AM; service (if any) will open at 8 AM. 17 to 19 total employees; 12 – 13 on site at any one time. Property currently has ten service bays; they will use two - three of those bays. Remaining bay area will be used for either employee parking or a second showroom. Six – seven cars serviced per day. Dumpster out back for trash (will use a private contractor). Waste oil, etc. will be removed separately. Approx. 4,000 square feet of area. No application is being presented for signage.

Testimony by Mr. DiDillo, Broker. A few deals were lost due to timing.

Testimony by Mr. Rahenkamp, Planner. Stated that site has not been abandoned; has been in continuous use as an auto dealership since the late 1980’s. The distinction between new and used cars is not a relevant distinction in this particular zoning district. There are three zoning districts in this corridor. Site is in PD Zoning District – retail as a permitted use, excluding tattoo parlors and piercing facilities (no mention of autos). There does not appear to be any indication of change to the permitted use.

Chairman Gee’s opinion is that a use variance is needed because they are used car dealer, not new car dealer. Chairman Gee thinks it should be a site plan and should be a use variance.

Board: Comments by Attorney Kingsbury and Chairman Gee.

Motion with regard to whether the Board feels EMG Auto is a continuation of an existing use or not:
Radie/Schmidt (that EMG Auto is not)

Michael Bimmer	DECLINE
John Gee, Jr., Chairman	APPROVE
Joe McCauley	DECLINE
Karen Radie	APPROVE
Steve Schmidt	APPROVE
John Zahradnick	DECLINE
Paula Mullen, Alt #1	APPROVE

Mr. Rahenkamp concluded testimony.

Public: None

Board: None

Motion for use variance with stipulation of site plan: Radie/Schmidt All Approve

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Old Business:

Minutes

December 13, 2017

Motion to Approve:

Miscellaneous:

Reports:

Solicitor – Resolutions

2018-ZB-1: 702 Stiles Ave. – Block 72, Lot 1.01; Oliviera Builders: Z-17-14

Motion to Approve: Bimmer/Schmidt All Approve

2018-ZB-2: 3121 Rt.73 S. – Block 6; Lot 5; Fast Signs; Z-17-15

Motion to Approve: Bimmer/Schmidt All Approve

Eligible to Approve: Michael Bimmer
Karen Radie
Angie Santori (**Absent**)
Steve Schmidt
Paula Mullen
John Gee, Jr., Chairman

Engineer: None

Community Development

2017 Annual ZBA report (Draft) – *Postponed Until February 14, 2018 Meeting.*

Adjourn

Motion to Adjourn: McCauley/Gee All in Favor

**Zoning Board of Adjustment
Minutes
February 14, 2018**

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.

Attorney Norman administered oath of office to:

Angie Santori, Member, Term Expires 12/31/2021

Roll Call:

Present: Michael Bimmer, Deputy Chairman
John Gee, Jr., Chairman
Karen Radie
Angie Santori
Steve Schmidt

Absent: Joe McCauley
John Zahradnick
Paula Mullen, Alt #1

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

New Business:

Chairman Gee stated that Mill Road property was going to be on tonight's agenda; however, proper notice was not given. Applicant was present, and was informed that case could not be heard at this meeting.

483 Rt. 38 – Block 173.03; Lot 2.01; Garvy Nelson – The Automotive Outlet; Z-18-3

Zone: Planned Development (PD)

Existing Use: Vacant Building (formerly Wisdom Motors)

Proposed Use: Buy and Sell Used Cars

Application: "D" Use Variance

Mr. Garvy Nelson, Applicant/Principal of LLC, sworn in by Attorney Norman.

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Currently renting property; in the future, plan is for him to own the property. Chairman Gee asked Mr. Nelson if he had been informed of site plan meeting; Mr. Nelson responded that he did not know of meeting. He had met with Mr. Cantwell the previous week; this evening, he provided Board with a plot plan. Chairman Gee explained site plan procedure. Tonight, the Board will go through some of their questions; however, application may be remanded to Site Plan to go through work session at its next meeting on March 6. In addition, he is entitled to have seven seated members of the Board; tonight, there are only five. His application requires a use variance; a weighted vote is needed in order to receive approval. Mr. Nelson chose to proceed, and then ask for continuance.

Testimony by Mr. Cantwell: Initial application was for use variance and site plan waiver. Mr. Cantwell requested a plan due to the lot having a history of violations. Plan should be signed/sealed by engineer. It is good enough to satisfy an application for a use variance, but not for site plan. Use variance will have conditions. Mr. Cantwell cited project history. Comments by Mr. Norman. Board wants to make sure that, when this goes forward, it is being operated as to whatever the agreement is as opposed to what was happening before. To make sure application is solid, recommendation is that Mr. Nelson come back to site plan, have a session with them, and then return to Zoning.

Chairman Gee inquired as to how car inventory gets to lot. Mr. Nelson replied that they have runners that deliver cars from auctions or new car dealers; no car carriers. Parking for 25, including employees and customer parking. Bays are used for detailing; not used for repairs. One parking spot in front of door between bays is ADA compliant. No additional parking spots are required.

Per Chairman Gee, the Engineer will be given an opportunity to review submission and revise letter. Mr. Nelson requested that prior waiver for 25 cars be reviewed. Per Attorney Norman, problem with waiver is that it was issued by the wrong Board.

Motion to continue until March 14, 2018: Radie/Bimmer. All Approve.

Old Business:

Andrew Simonsick. Received approval from Board in 2016 for mixed use of his property on Euclid Avenue. Mr. Rijs, in doing compliance follow-up with Board approvals, visited Mr. Simonsick's property. He is in the process of cleaning up the property as part of the approvals, but there is a minor disagreement on the timeframe for clean-up. Per Mr. Simonsick, there is 30 years' worth of debris on property; he was unaware of this when he purchased property. Not using garages; currently working on inside of house. Per Chairman Gee, timeframe for removal of trailer is six months. Mr. Simonsick will update Mr. Rijs on progress.

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Minutes:

January 10, 2017
Motion to Approve: Motion/Second . All Approve.

Miscellaneous:

Reports:

Solicitor – Resolutions

2018-ZB-3: 919 E. Main St. – Block 82 Lot 9.01; Eric Scheid, Z-17-16

Motion to Approve: Bimmer/Schmidt. All Approve.

2018-ZB-4: 489 Rt. 38 W. - Block 173; Lot 2.05, Lexvana Properties NJ LLC; Z-17-18

Motion to Approve: Schmidt/Bimmer. All Approve.

2018-ZB-5: 538 Rt. 38 E. – Block 173.02; Lot 9, EMG Auto of Jersey City LLC; Z-17-19

Motion to Approve: Radie/Bimmer. All Approve.

Eligible to Approve: Michael Bimmer
John Gee, Jr.
Joe McCauley (Absent)
Karen Radie
Steve Schmidt
John Zahradnick (Absent)
Paula Mullen, Alt #1 (Absent)

Engineer: Mr. Cantwell introduced his colleague who will also be attending Board meetings –
Kristen Weber.

Community Development:

2017 Annual ZBA report
Per Chairman Gee, excellent report.
Motion to approve: Bimmer/Schmidt. All Approve.

Once Around: Happy Valentine's Day.

Adjourn:

Motion to Adjourn: Bimmer/Gee. All in Favor.

**Zoning Board of Adjustment
Minutes
March 14, 2018**

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, Deputy Chairman
John Gee, Jr., Chairman
Karen Radie
Angie Santori
Steve Schmidt
John Zahradnick

Absent: Joe McCauley
Paula Mullen, Alt #1

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

New Business:

205 W. Mill St. & Buttonwood Ave. – Block 139 Lot 6.03; Robert Shawn-Warner, Z-17-17

Zone: Residential -1 (R-1)

Existing Use: Vacant Residential Lot Proposed Use: Single Family Home

Application: “C” Variance –Front Yard Setback Minimum 30’; Proposed 17’

Applicants, Robert & Carolyn Warner, sworn in by Attorney Kingsbury.

Currently, the plan is a set-back of the front yard of 17’. Requesting that the set-back be the rear yard of 25’. Would add 5’ to the front; this would put the dwelling at a 22’ set-back in the front. Asking for a variance of 8’ of frontage decreasing the allowable front yard set-back from 30 to 22’; also increasing driveway length. House was originally orientated to Mill Road; now, orientation is to Buttonwood Avenue.

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Review by Mr. Cantwell. No objections; however, a variance is needed. Other homes on the street are close to the same set-back and this home will not look out of character.

Mr. Kingsbury asked about history of house formerly on the property and for clarification of set-back dimensions. Former house was a small bungalow. They were not able to build off of the existing foundation because it was in bad shape and there were structural cracks. Front yard set-back is 22'; rear is 25'. Mr. Gee inquired if house is intended to be a multi-family dwelling; answer was that it will be a single-family dwelling.

Public: None

Board: None

Motion to Approve: Santori/Schmidt. All Approve.

31 Woodbine Ave. – Block 129.07; Lot 34; Tarantini; Z-18-4

Zone: Residential -1 (R-1)

Existing Use: Vacant Residential Lot Proposed Use: Single Family Home

Application: “C” Variance –Front Yard Setback Minimum 30’; Proposed 17’

Vincent & Barbara Tarantini, Applicants, and Richard Gaffney, representative from Home Doctors.

Building deck with overhang; set-back is 30'. Deck and overhang will be a little over 17'. House fronts on Woodbine Avenue. Distributed pictures of houses on Woodbine which have similar arrangement. Deck will be in front. Currently, there is a concrete porch; they will be putting a deck over the porch with an overhanging roof. Holes have already been dug for inspection.

Mr. Cantwell: No problems; variance is needed.

Public: None.

Board: None.

Motion to Approve: Bimmer/Zahradnick. All Approve.

Chairman Gee advised that for the first 45 - 90 days, if any work is done, it is at applicant's own risk.

491 Rt. 38 W. – Block 173; Lot 2.07 CSG Property Investors; “Sammy’s Express Car Wash” Z-18-1

Zone: Planned Development (PD)

Existing Use: Vacant Building (formerly lawn mower repair)

Proposed Use: Automatic Car Wash

Application: Site Plan Application with C variance requests for signage, buffers, drive aisle width, parking and lighting (D Variance Resolution of Approval Z-17-10).

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Laura M. D'Allesandro, Esq., Del Duca Lewis, LLC
Robert J. Giannone, Applicant/LLC member; John Pettit, P.E., P.P., Engineer/Planner; Randy Barranger, P.E., Traffic Engineer sworn in by Attorney Kingsbury.

Sammy's Express Car Wash is a sustainable express car wash concept. Previously before Zoning Board on August 9, 2017, and granted a use variance. Currently before Zoning Board for site plan application, seeking preliminary and final major site plan approval. Seeking several variances and waivers. They have received several review letters from Board professionals, including Mr. Cantwell and Environmental Resolutions, Inc.

Testimony – Robert J. Giannone: Sammy's Car Wash is a new car wash concept that he developed after looking at industry trends and consumer changes to create a better environment to wash cars – professional, higher-quality, and environmentally friendly. This will be the first Sammy's Car Wash in South Jersey; plans to develop two more over the next five years. Proposed hours of operation: 8 A.M. to 8 P.M. Two – three employees; occasionally, a fourth employee. Deliveries of products for car wash will be once a month by box truck. There will be a trash receptacle in the vacuum area and a central dumpster behind enclosure to be emptied weekly.

Testimony – John Pettit: Presentation, including site plan and landscaping plan, for Block 173, Lot 2.07. Site access will be an entrance on the east side of the property and exit on the west side of the property. Proposing a 5,036 sq. ft. car wash facility. Upon entering, there will be three payment lanes to tunnel. Prior to exiting property, there are vacuums. Proposing a 4' high split-row fence along the western property due to elevation change. Utilities exist at site. Proposing an extensive landscaping package and irrigation system. Lighting will be a series of 20' – 25' high LED fixtures throughout the site. Regarding drainage, they are increasing impervious surface on site by a little less than 2/10ths of an acre. For stormwater management criteria, information has been submitted to the DOT because it does flow toward the highway. There will be a track enclosure at the side of the building.

There are a series of waivers and variances. Submission waiver being requested for providing drainage calculations (Mr. Cantwell recommends waiver). Design waivers are for providing sidewalk across the front end of property, providing street trees (they want to keep visibility of site open), and buffer plantings. Variances are: minimum lot size (3 acres is required; existing lot is .9 acre), maximum number of façade signs – 4 permitted; proposing 8 (extra four are 2 directional/2 instructional), maximum area of freestanding sign (50 sq. ft. permitted; proposing 91 sq. ft. for safety of entering site), maximum number of freestanding signs (1 permitted; proposing 17), number of parking spaces (24 required; proposing 22), minimum drive aisle width, landscape buffer, side yard buffer. Mr. Cantwell commented on variances, stormwater management, and that Zoning Board can weigh in on whether sidewalks can be waived in lieu of payment to Township (Council would make decision). Mr. Cantwell would prefer street trees; has no objection with buffer plantings request.

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Chairman Gee inquiry about environmental report; Mr. Rijs responded that all were in agreement.

Testimony by Mr. Barranger about traffic analysis. Two concerns addressed: location and safety of driveways and cueing. He feels there is sufficient cueing room and traffic will not back up onto Rt. 38. Driveways: application has been submitted to DOT; DOT does not allow driveways in a deceleration lane. He does not believe it's a safety issue and that DOT will issue access application because it's at beginning of transition area. Mr. Cantwell has no objection.

Board: Questions regarding ADA parking and chemicals used. Per Mr. Giannone, there is a reclaim system with underground tanks for water re-use. There is no agency in the State of NJ that looks into chemicals used; chemicals used are bio-degradable.

Public: None.

Mr. Cantwell comments.

Per Chairman Gee, approval to include: variances for minimum lot size, façade signs being 8 vs. 4, pylon sign being 91' vs. 50', parking spaces being 22 vs. 24, drive aisle in employee area be 18' vs. 25', landscaping buffer as proposed be accepted, and that front landscape be 10' vs. 20', maximum number of freestanding signs (17 vs. 1), waiver for stormwater management, waiver of street trees (subject to engineering with additional shrubbery), waiver for buffer plantings other than what already exists, favorable comment regarding eliminating sidewalks (Council to rule), environmental agreement on any remaining issues, a later look with regard to engineering on handicap accessibility.

Motion to Approve: Schmidt/Bimmer. All Approve.

538 Rt. 38 E. – Block 173.02; Lot 9, EMG Auto of Jersey City LLC; Z-18-2

Zone: Planned Development (PD)

Existing Use: Vacant Building (formerly Elite Acura)

Proposed Use: Used car auto sales and associate repairs and maintenance.

Application: Site Plan Application

Applicant requested continuance to April 11, 2018 Zoning Board meeting.

Motion to Continue: Radie/Santori. All Approve.

483 Rt. 38 – Block 173.02; Lot 2.01; Garvy Nelson – The Automotive Outlet; Z-18-3

Zone: Planned Development (PD)

Existing Use: Vacant Building (formerly Wisdom Motors)

Proposed Use: Buy and Sell Used Cars

Application: "D" Use Variance

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Garvy Nelson, applicant, sworn in by Attorney Kingsbury.
Mark Maliawski, Engineer.

Original use variance was for 25 vehicles; requirement was to present a site plan. Mr. Maliawski presented requirement. There is one ADA spot; two bays. Per Chairman Gee, it is a very tough site to get into; how do you circulate if someone is parked in ADA spot. One bay will be used; the bay closest to the handicapped spot will be closed. Mr. Maliawski explained how they set up site around curb cuts. Set-backs are minimum of 15'. Chairman Gee recommended that they put up a "No Right Turn" sign for persons should they try to exit on ramp.

Comments by Mr. Cantwell. Per Mr. Nelson, there will be a new sign and façade on both sides. Minimal landscaping shown on plan. Mr. Cantwell stated that three items have not been provided: Applicable zoning; site plan shall include front, rear, and side elevations of the proposed buildings and structures; complete landscape plan, including size and type of all plans. Board may declare plan incomplete or waive the outstanding items. Mr. Zahradnick commented that the ADA spot should be relocated. Mr. Garvey would be amenable to moving the ADA spot to the front of the building, subject to grading.

Public: None.

Mr. Cantwell continued with comments cited in his letter. Discussion regarding sidewalks – per Attorney Kingsbury, either waive the sidewalk requirement or request (by owner or tenant) should be made of DOT to improve the sidewalk. Matter should go to Township Council.

Board: Comments by Board members. Per Chairman Gee, if there is a motion to approve this, members of Board may comment on the fact that they are not going to require anything for submission information (*Applicable zoning; site plan shall include front, rear, and side elevations of the proposed buildings and structures; complete landscape plan, including size and type of all plans*); that it be subject to engineering to look at the grading of new handicapped spot; that the indication of a handicapped spot be now an inventory spot and have it parallel to the building; that a "no right hand turn" or "left turn only" sign be placed at egress from the ramp side of the site; waiver for street trees; variance for landscaping buffer; waiver for dumpster enclosure; waiver for signed/sealed survey.

Motion to Approve: Schmidt/Santori. All Approve.

4 N. Forklanding Rd. – Block 63; Lot 8; Eric Manna; Maple Shade Vapor Lounge; Z-18-5

Zone: Downtown Business (DB)

Existing Use: Undercover Vapes – Retail Sales Electronic Cigarettes

Proposed Use: Retail Sales Electronic Cigarettes with lounge area

Application: Interpretation that e-cigarette retail with "small" area of store used for a lounge be permitted.

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Eric Manna sworn in by Attorney Kingsbury.

Outline of proposal and history of prior approval by Mr. Rijs. Customers would visit to test products (cigars, e-cigarettes). Per Mr. Manna, approximately 30% of inside area would be used as a lounge. Board to interpret if code allows it to be a permitted use vs. code requiring a variance. No Board objections. Interpretation would be a permitted use – just an auxiliary part of a permitted use. It would be ordinary and customary for that kind of business.

Motion to Approve: Zahradnick/Radie. All Approve.

Old Business:

Minutes

February 14, 2018

Motion to Approve: Bimmer/Gee. All Approve.

Miscellaneous:

Reports:

Solicitor – Resolutions: None

Engineer: None

Community Development: Thank you and appreciation of Mr. Kingsbury's help by Mr. Rijs.

Once Around: Happy Easter. Welcome back, Attorney Kingsbury.

Adjourn:

Motion to Adjourn: Santori/Gee. All in Favor.

Zoning Board of Adjustment
Minutes
April 11, 2018

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, Deputy Chairman
John Gee, Jr., Chairman
Joe McCauley
Karen Radie
Angie Santori
Steve Schmidt

Absent: John Zahradnick
Paula Mullen, Alt #1

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

New Business:

538 Rt. 38 E. – Block 173.02; Lot 9, EMG Auto of Jersey City LLC; Z-18-2

Zone: Planned Development (PD)

Existing Use: Vacant Building (formerly Elite Acura)

Proposed Use: Used car auto sales and associate repairs and maintenance.

Application: Site Plan Application

Mark P Asselta, Esq., Brown & Connery, LLP
Elias M. Gonzalez, Applicant; Richard Lukoff, PE, Lukoff Engineering, sworn in by Attorney Kingsbury.

Formerly before Board in January, 2018; granted use variance with stipulation of site plan. Will present site plan at this meeting. Started with unloading zone issue. One alternative was to unload on shoulder of road behind dealership; however, jurisdiction is State of NJ and they would not grant permission. They pursued other avenues and were unsuccessful. Their alternative is to unload cars at the Holman Group property on Rt. 73 in Mt. Laurel and drive each car to the site in Maple Shade. They will have a lease with Holman.

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Mr. Lukoff's testimony regarding having the trucks on site. After doing layouts and numerous overlays, it was determined that extensive changes would have to be made. Additionally, client is not in a position to make a lot of significant improvements. Comments by Chairman Gee. If Board makes a motion to approve, included as a part of the resolution should be a statement that they are not allowed to unload on the shoulder of the road or any other property that is not permitted to have a car carrier pull on to the property and unload in Maple Shade.

Engineer's report. Mr. Cantwell reviewed his letter dated March 28, 2018. Four submission items can be waived. Zoning requirements, area and bulk requirements: all are pre-existing conditions. A revised plan was received. It did not show any signage or markings; Board needs to know what is there that will be kept. Discussion regarding parking spaces. Consideration of waiver for lighting study. Discussion of buffer, landscaping plan, and street trees.

Board: None

James Thompson, consultant with Mr. Gonzalez, sworn in by Attorney Kingsbury, spoke with regard to unloading cars at Holman.

Public: None

Motion to Approve includes Variances for drive aisle widths, buffers, off-street loading space; Waivers for street trees, buffers, and submission items. Also, landscaping to be reviewed by Mr. Gonzalez and Mr. Cantwell, to bring it up to existing plan, waiver for lighting, waiver for drive aisle width, any engineer's requirements discussed at this meeting.

Motion to Approve: Schmidt/Radie. All Approve.

Old Business: None

Minutes:

March 14, 2018

Motion to Approve: Bimmer/Gee. All In Favor.

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Miscellaneous:

Reports:

Solicitor – Resolutions

2018-ZB-7: Block 139 Lot 6.03; Robert Shawn-Warner, Z-17-17
Motion to Approve: Bimmer/Schmidt. All Approve.

2018-ZB-8: Block 129.07; Lot 34; Tarantini; Z-18-4
Motion to Approve: Schmidt/Radie. All Approve.

2018-ZB-9: Block 173; Lot 2.07 CSG Property Investors; “Sammy’s Express Car Wash” Z-18-1
Motion to Approve: Bimmer/Santori . All Approve.

2018-ZB-10: Block 173.03; Lot 2.01; Garvy Nelson – The Automotive Outlet; Z-18-3
Motion to Approve: Bimmer/Santori. All Approve.

2018-ZB-11: Block 63; Lot 8; Eric Manna; Maple Shade Vapor Lounge; Z-18-5
Motion to Approve: Bimmer/Radie. All Approve.

Eligible to Vote: Michael Bimmer
John Gee, Jr., Chairman
Joe McCauley
Karen Radie
Angie Santori
Steve Schmidt

Engineer: None

Community Development: None

Once Around: Chairman Gee announced that, due to family and work schedule commitments, Paula Mullen is no longer able to be a Board member. Attorney Kingsbury reminded everyone to file the financial disclosure statement.

Adjourn: Santori/Bimmer. All In Favor.

**ZONING BOARD OF ADJUSTMENT
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MAY 9, 2018**

Board Members present: Joe McCauley, Angie Santori, John Gee, Jr., Chairman

As there was not a quorum, Chairman Gee was not able to call the meeting to order. He apologized to the applicants, and all three were continued until the June 13, 2018 Zoning Board meeting. Chairman Gee advised the applicants that any discussion with regard to their applications could not be conducted until that time. He did suggest to the contingent from CVC that they attend the June 5 Site Plan Advisory Board Meeting, which they agreed to do. Also advised the applicants that notices would not have to be sent a second time due to the continuance.

Applicants:

124 Elm Ave. – Block 109; Lot 6, Megan Brooks; Z-18-6

Zone: Residential -2

Existing Use: Residential

Proposed Use: No Change

Application: “C” Variance – Side Yard Setback for attached deck & fence 0’ proposed.

2825 Route 73 South – Block 195; Lot 2.01, Rt 73 Bowling Center; Z-18-7

Zone: Business development (BD)

Existing Use: Bowling Center

Proposed Use: No Change

Application: “C” Variance; Proposed Freestanding LED Sign

2890 Route 73 North – Block 89.01; Lot 9, CVC Specialty Chemicals; Z-18-8

Zone: Business Development (BD)

Existing Use: Manufacturing - Chemicals

Proposed Use: No Change – interior production expansion

Application: 1) Interpretation that a “D” variance approval is not required for the proposed improvements and/or 2) in the alternative a D Variance application.

**ZONING BOARD OF ADJUSTMENT
MINUTES
JUNE 13, 2018**

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, Deputy Chairman
John Gee, Jr., Chairman
Joe McCauley
Karen Radie
Angie Santori
Steve Schmidt
John Zahradnick

Lu Valentino, Alt #1
Richard Borden, Alt #2

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

Mr. Kingsbury administered oath of office to:

Lu Valentino, Alt #1
Richard Borden, Alt #2

New Business:

2825 Route 73 South – Block 195; Lot 2.01, Rt 73 Bowling Center; Z-18-7

Zone: Business development (BD)

Existing Use: Bowling Center

Proposed Use: No Change

Application: “C” Variance; Proposed Freestanding LED Sign

Chairman Gee recused himself from this application; Vice Chairman Bimmer presided over application; Lu Valentino, Alternate #1, filled in for Chairman Gee.

Richard Roy, Esq., attorney for applicant. Applying for variance to allow for replacement of existing freestanding sign with a modern, LED changeable copy sign. Height is 20’ 11” (same height as existing sign); size is same as existing sign.

Keith Johnson, owner, sworn in by Attorney Kingsbury.

**ZONING BOARD OF ADJUSTMENT
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Clarification by Board that there should be no animation. There can be a picture – just nothing moving. Attorney Kingsbury asked if new sign would be in same location (*answer: yes*). Mr. Cantwell: Sign is slightly larger than requirement – 55.5 sq. ft. instead of 50 sq. ft. Plans for the existing sign should be submitted to the Township to confirm that it is the same size as the existing sign.

Public: None

Public Portion Closed.

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

124 Elm Ave. – Block 109; Lot 6, Megan Brooks; Z-18-6

Zone: Residential -2

Existing Use: Residential

Proposed Use: No Change

Application: “C” Variance – Side Yard Setback for attached deck & fence 0’ proposed.

Megan Brooks and North Brooks sworn in by Attorney Kingsbury. Planning on building a two-tiered deck; need to move existing 6’ fence in front of the house up 5’ to match the front of the house. The top tier will be between 2’ – 3’ tall; bottom tier would be 6” tall, a step up from the existing paver. Per Mr. Rijs, deck is attached to principal structure; anything that is attached to the principal structure is included in the setback. Mr. Cantwell stated that there is an additional issue with the fence – what they are bringing out to match the front building line is 17.65 feet from the property line along Elm Avenue. Requirement is that fence be no closer than 20 feet to the property line; a variance would be required.

Public: None.

Board: Question regarding what portion of the fence would be replaced. Setback requirement is 10’.

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

2890 Route 73 North – Block 89.01; Lot 9, CVC Specialty Chemicals; Z-18-8

Zone: Business Development (BD)

Existing Use: Manufacturing - Chemicals

Proposed Use: No Change – interior production expansion

Application: 1) Interpretation that a “D” variance approval is not required for the proposed improvements and/or 2) in the alternative a D Variance application.

Michael Floyd, Esq., Archer & Greiner

Representatives from CVC: Jeff Michaels, Director of Engineer; Alan Evankovich, Project Engineer; Rob Savarese, Director of Safety & Environmental Compliance; Cheryl Bergailo, Professional Planner, State of NJ, sworn in by Attorney Kingsbury.

Chairman Gee apprised Board of items discussed during CVC’s appearance at Site Plan Advisory Board. Subsequent to their presentation, should they not receive a majority vote on interpretation that says they have the right, by law, because they are a pre-existing use and the upgrade proposed is de minimis compared to what their operation is now, Board will proceed with a D variance which will require a five-vote majority. Engineer’s report stated that, because there is a 20% increase in production, which is sufficient for a pre-existing, non-conforming use to require a D variance.

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Exhibit packages distributed.

Testimony by Mr. Savrese. Began with an overview of CVC, and introduction of Messrs. Michaels and Evankovich. Mr. Savarese is CVC's liaison with the Maple Shade Fire Department. CVC manufactures high performance epoxy resins, modifiers, and curing agents. Operation is 24/7. Products include EPALLOY specialty epoxies, ERISYS reactive modifiers, and OMICURE curing agents which are used in industrial coatings, structural adhesive, and composites. Mr. Evankovich gave examples of applications – e.g., skin of aircrafts, golf clubs, golf balls, automotive vehicles, tires, epoxy flooring/paints, oil pipelines.

CVC is a wholly-owned subsidiary of Emerald Performance Materials; purchased in 2008. Site has a long history of chemical manufacturing.

New equipment is needed to meet increased demand, and appearance at Zoning Board is for electrical upgrade which will support the new equipment. Principal raw materials used in the manufacturing process and used at the facility were discussed. Raw materials received and finished produced are shipped in 55-gallon drums and bulk by truck/stored in warehouses, tank farms (areas surrounded by concrete wall or berm), and other secure areas. Chemicals are treated with respect and programs are controlled and stay where they belong. Explanation of inspection process. Outside engineering firms do inspections and the MSFD does annual inspection. NJDEP, OSHA, and EPA review inspection reports.

Ms. Valentino – questions regarding tank farms and inspection process.

Mr. Savarese discussed OSHA violations: respiratory protection violation in 2016; six-month inspection in 2016 – 2017, resulted in a series of findings. Findings have been corrected and matter settled with OSHA.

CVC's batch chemistry was explained. Low concentration ends up in wastewater. 30,000 gallons of wastewater per week is shipped from facility. One shipment per month of other waste.

Overview of health, safety, and environmental for CVC by Mr. Savarese. Board question regarding history of discharge. Explanation of incidents which happened in May, 2016, August, 2016, January, 2017, and 2002.

Chairman Gee questioned industry standard. Overview of environmental matters [air permits, wastewater permits, sanitary water (only water from site which goes to sanitary sewer is from restroom and locker rooms), stormwater, hazardous waste]; agency inspections [EPA, DEP, OSHA]; and emergency response [good relationship with MS Fire Department].

Testimony: Alan Evankovich. Currently, 47 employees. 12 employees on day work (Monday – Friday), remaining employees work swing shift (12-hour shifts, 2 day on/2 days off) around the clock. Maximum amount of overtime per shift is four hours. At any one time, 23 employees on site. 50 lined parking spaces. 50 trucks per week (4 incoming trucks with raw materials; 6 outgoing trucks with product and waste). Size of trucks varies in size from 53 ft. trailer to mail trucks/may be more than one truck at a time. No stacking close to highway; trucks inside gate. Circulation of trucks discussed. Mr. Cantwell advised that a request was made to the Township by Emerald Materials for assistance to do some improvements on Rt. 73; this issue that should be addressed so there is no problem on Rt. 73. It was stated by CVC that request was regarding the north entrance – to facilitate visitors turning in. Mr. Cantwell suggested that south side be looked at also. With 15 – 20% of increase of capacity, there is not a corresponding 15 – 20% increase in employees or trucks. There would be an additional one employee per shift and five additional trucks per week. No expansion of footprint. Discussion of production lines.

**ZONING BOARD OF ADJUSTMENT
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Prior to 2005, CVC was permitted to discharge processed wastewater into the Maple Shade sewer. In 2005, the permit was revoked because CVC was discharging water into the sewer that was causing problems for the biological treatment plant and CVC was not cooperating with Township. CVC attended April 26th Council Meeting, initiating a dialogue to reinstate permit to discharge to the Maple Shade sewer. There would be benefits to both CVC and Maple Shade Township if CVC was allowed to discharge to the Maple Shade sewer – e.g., increased revenue.

Testimony by Ms. Bergailo.

Public: None

Instruction to Board by Chairman Gee. Question by Mr. McCauley regarding incidents/public safety.
Attorney Kingsbury: Does what CVC wants to do, in some way, increase activity on the site to the extent that an expansion is considered a non-conforming use. CVC says the site will look exactly as it did before. It is Board's job to determine whether they agree with that or does the increase of internal activity have an impact on the operation at the site.

Motion – Minimal Impact: Zahradnick/Radie. Roll Call: Approved by Majority Vote

Bimmer: Approved
McCauley: Denied
Radie: Approved
Santori: Approved
Schmidt: Denied
Zahradnick: Approved
Chairman Gee: Approved

Chairman Gee comments: (1) Ingress/egress. CVC should work cooperatively with Township Engineer to ensure safety and make sure that trucks not get into left lane to make turn; Attorney Kingsbury will make this a recommendation in the resolution. (2) That CVC network with the business community.

250 S. Lenola Rd. – Block 72; Lots 4.02 & 4.03; 250 Lenola Rd. Industries; Z-18-9

Zone: Planned Development (PD)

Application: “D” Variance with Minor Subdivision/Lot Line Adjustment to correct encroachment.

Douglas Baker, Esq., attorney for applicant, 250 Lenola Road Industries, LLC. Owner of LLC, Chris Connelly, lives in Utah.

Client inherited property through a deed in lieu of foreclosure on an investment deal. Neighbor on lot 4.02 still lives there. Lot encroaches on 4.02 by 8.3 ft. As this is a PD zone, a “D” variance is needed for a change of use. In addition, there are several other variances required. As this was a pre-existing use, Board could provide waivers for all existing variances.

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Comments from Mr. Cantwell. Mr. Baker stated that a deal has already been negotiated with the neighbor to purchase the property. No easements on location. Square footage of area is 5,810 ft. Per Chairman Gee, Board does not need to waive sidewalk (in the future, if someone builds on lot, they will have to go before Council) but can waive pre-existing set-backs.

Board: None

Public: None

Motion to Approve: Schmidt/McCauley. All Approve.

Old Business: None

Minutes:

April 11, 2018

Motion to Approve: Gee/Radie. All Approve.

Reports:

Solicitor – Resolutions

2018-ZB-12: 538 Rt. 38 E. – Block 173.02; Lot 9, EMG Auto of Jersey City LLC; Z-18-2

Motion to Approve: Radie/Bimmer. All Approve.

Eligible to Approve:

Michael Bimmer
John Gee, Jr., Chairman
Joe McCauley
Karen Radie
Angie Santori
Steve Schmidt

Once Around: Welcome to new members. Compliment regarding food truck event.

Engineer: None

Community Development: None

Adjourn

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

**ZONING BOARD OF ADJUSTMENT
MINUTES
JULY 11, 2018**

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: John Gee, Jr., Chairman
 Karen Radie
 Angie Santori
 Steve Schmidt
 John Zahradnick

 Lu Valentino, Alt #1
 Richard Borden, Alt #2

Absent: Michael Bimmer, Deputy Chairman
 Joe McCauley

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

New Business:

644 Sunset Ave. – Block 165; Lot 4; Mr. Neely; Z-18-10

Zone: R1 Existing Use: Residential Proposed Use: No Change

Application: “C” Variance to allow 2nd garden shed on lot where ordinance permits one (1).

Ronald A. Neely, Sr., applicant, sworn in by Attorney Kingsbury.

House addition has started. In order to allow cement truck access to pour foundation, a shed had to be removed. Wants to put a replacement 10 X 12 shed in a different location. There is a limit of one shed per residence; he would have a total of three sheds. Therefore, a variance is needed. Shed on left of property with ramp is contents of his late daughter’s home. Larger shed contains everything that would normally be in a basement (referred to as “Barn”). New shed would be used for garden tools and would be behind the “Barn.” There is a four foot setback between the back of new shed and property line (required three foot setback). Area is secluded, and shed will not be intrusive. Per Chairman Gee, it was noted that at an earlier Board meeting (approximately two years ago), it was requested that residents not have to come to zoning for a second shed. It has not been determined what the result was – is request with Council or Planning? Mr. Wiest, Chairman, Site Plan, will investigate further.

**ZONING BOARD OF ADJUSTMENT
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Board: Clarification by Mr. Neely: shed is made of wood and will be built on site.

Public: Elizabeth Renterio sworn in by Attorney Kingsbury. Questioned where shed will be placed.

Motion to Approve: Radie/Schmidt. Roll Call: All Approve.
Chairman Gee explained to applicant conditions of approval.
Mr. Rijs will amend permit for addition to include shed replacement.

200 N. Pine Ave. – Block 78; Lot 10.01; MacAdams; Z-18-11
Zone: R1

Application: Construct New Single-Family Home with bulk variance request for front yard setback. 30' Required and 27.4' Proposed.

210 N. Pine Ave. – Block 78; Lot 10.02; MacAdams; Z-18-1
Zone: R1

Application: Construct New Single-Family Home with bulk variance request for front yard setback. 30' Required and 20.1' Proposed.

Charles MacAdams, applicant, sworn in by Attorney Kingsbury.

Two building lots – Pine & Linwood Avenues. Requesting a front yard variance on each of the lots. Lot 10.01, 200 North Pine Avenue – porch will extend beyond envelope; Lot 10.02, 210 North Pine Avenue – building extends 4'; porch extends 6'. Will be the only two houses on block.

Comments by Mr. Cantwell. By State standards, there should be room to park 2 ½ cars per house; could be on site or street parking. Using the garage, they should be able to get two cars on each lot which leaves them short ½ of a car per lot. Mr. Cantwell suggests that Board could grant de minimis exception. Testimony by Mr. MacAdams regarding available parking on Linwood Avenue and fencing. Any trees removed 5" or greater in diameter, a replacement has to be planted or payment made as compensation. On lot 210 North Pine Avenue, foundation from an old house on the lot that burned down must be removed.

Board: Question regarding sidewalk.

Public: None.

Motion should state whether ½ car waiver is de minimis and there should be two separate motions – one for 200 and one for 210.

Motion for 200: Schmidt/Santori. Roll Call: All Approve.

Motion for 210: Schmidt/Zahradnick. Roll Call: All Approve.

Chairman Gee explained to applicant conditions of approval.

**ZONING BOARD OF ADJUSTMENT
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42 N. Fellowship Rd. – Block 56; Lot 32; Mc Donald; Z-18-13
Zone: Residential-2 (R2) Existing Use: Single-Family Home
Application: “d” variance to permit a detached garage to be used as an apartment.

Daniel McDonald, applicant, sworn in by Attorney Kingsbury.

Building is a 1,000 sq. ft. detached five-car garage with two entrance-ways. In 2014, they converted portion of garage into one-bedroom apartment for son who lived there two years. Nephew also stayed in apartment for a short period of time. Recently, a family friend needed an apartment. As she is not a family member, Mr. McDonald is requesting a variance so as not to be in violation of Township ordinance. Will be presenting conditional uses if apartment were in house as opposed to being separate from house.

Property is .643 acre (25,731 sq. ft.); meets all yard requirements, set-backs, and parking requirements. Garage is in the middle of back yard. Apartment has been there since 2014 with no effect on the neighborhood; has received no complaints. Neighbor is in support of apartment; however, requested that a sight barrier be created. Currently, there is a six-foot chain link fence between properties; Mr. McDonald suggested putting slats in the fence, which his neighbor accepted. Within 200 foot list, there are 24 rental properties and a multi-family dwelling; property borders 30 apartment units and his property is close to Main Street. Utilities are drawn from applicant’s residence, and will not be separate. A positive for the Township would be an increase in tax revenue.

Mr. Borden questioned whether a more aesthetically-pleasing door could replace the current garage door. Mr. McDonald’s intention is to eventually change to a double utility door. Ms. Radie inquired about windows which would be used as fire exits.

Chairman Gee suggested that rental be limited to one family/one couple; Mr. McDonald was in agreement.

Board: Concern that in the future, if someone else moves in house, apartment would have same limitations. Per Chairman Gee, variance runs with the land; whatever conditions placed on approval would continue to whomever the property is sold to. Comments by Mr. Cantwell: explanation of use variance and conditions, positive/negative criteria, and questioning of applicant. Applicant will enhance driveway and improve fence. Comments by Attorney Kingsbury.

Public: Kathy Rhorse, neighbor, sworn in by Attorney Kingsbury. Inquired about fence improvement; approves proposal. Stephen Lightcap, sworn in by Attorney Kingsbury; approves proposal. Motion should include condition that Mr. McDonald cannot expand beyond what was presented.

Motion to Approve: Schmidt/Radie. Roll Call: All Approve.
Chairman Gee explained to applicant conditions of approval.

**ZONING BOARD OF ADJUSTMENT
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Old Business: None

Minutes:

June 13, 2018

Motion to Approve: Zahradnick/Schmidt. All Approve.

Miscellaneous:

Reports:

Solicitor – Resolutions:

2018-ZB-15: 2890 Route 73 North – Block 82.01; Lot 9, CVC Specialty Chemicals; Z-18-8

Dispute between Attorney Kingsbury's notes and what the applicant's attorney stated regarding location of an additional 4,200-gallon tank; Mr. Rijs will review tape. Attorney Kingsbury requested that motion be tabled until August 8, 2018 meeting.

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

Eligible to Approve:

Michael Bimmer, Vice Chairman
John Gee, Jr., Chairman
Joe McCauley
Karen Radie

Angie Santori
Steve Schmidt
John Zahradnick

Original Motion Denied by Messrs. McCauley & Schmidt.

2018-ZB-13: 2825 Route 73 South – Block 195; Lot 2.01, Rt 73 Bowling Center; Z-18-7

Motion to Approve: Schmidt/Zahradnick. Roll Call: All Approve.

Eligible to Approve:

Michael Bimmer, Vice Chairman
Joe McCauley
Karen Radie
Angie Santori

Steve Schmidt
John Zahradnick
Lu Valentino

**ZONING BOARD OF ADJUSTMENT
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2018-ZB-14: 124 Elm Ave. – Block 109; Lot 6, Megan Brooks; Z-18-6

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

Eligible to Approve:

Michael Bimmer, Vice Chairman
John Gee, Jr., Chairman
Joe McCauley
Karen Radie

Angie Santori
Steve Schmidt
John Zahradnick

2018-ZB-16: 250 S. Lenola Rd. – Block 72; Lots 4.02 & 4.03; 250 Lenola Rd. Industries; Z-18-9

Motion to Approve: Zahradnick/Schmidt. Roll Call: All Approve.

Eligible to Approve:

Michael Bimmer, Vice Chairman
John Gee, Jr., Chairman
Joe McCauley
Karen Radie

Angie Santori
Steve Schmidt
John Zahradnick

Engineer: None

Community Development: None

Adjourn:

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

**ZONING BOARD OF ADJUSTMENT
MINUTES
AUGUST 8, 2018**

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, Deputy Chairman
John Gee, Jr., Chairman
Karen Radie
Steve Schmidt
John Zahradnick
Richard Borden, Alt #2

Absent: Joe McCauley
Angie Santori
Lu Valentino, Alt #1

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

New Business:

447 Elm Ave. - Block 169; Lot 9; Stacey Martella-Ferris; Z-18-14

Zone: R1 Existing Use: Residential

Application: "D" Variance to convert "garden house" into a home based nail salon business.

Stacey Martella-Ferris, John Ferris, applicants.

Use variance; requires five of seven votes.

Photos distributed to Board. Employees: 1; Hours of Operation: 11 AM – 7 PM, Monday – Friday, 9 AM – 2 PM, Saturday. Appointment only. Square footage of entire property: 3,916 sq. ft. Garden house does not currently have heat and electricity; if approved, they will be added. There will be a macadam path from parking area to garden house. Lighting: there will be additional lighting on garden house – porch light and floodlight on side. Business is regulated by State Board of Health. Garden house was on property when purchased.

**ZONING BOARD OF ADJUSTMENT
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AUGUST 8, 2018
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Board: Questions to applicants. Will it be a year-round business? *Yes.* Is there any ventilation in the building? *There will be per State requirements.* What about water and sewer? *Will be installed.* Clients would have to use restroom in home.

Mr. Cantwell – comments/questions. How many customers expected over an eight-hour period? *5 – 7.* Special reasons why the Board should grant use variance: *Since it is within walking distance, walking would be a convenience; clients not residing in town would be given the opportunity to see the town; would be an opportunity for neighbors and owner to meet each other.* Will it be a better experience for customers to come to salon with one person, as compared to a regular salon with three/four technicians? *Yes – it will be a more relaxing atmosphere and less chaotic.* Applicant has to demonstrate there will not be a negative impact on the neighborhood. *Traffic will not be an issue; there will be no loud noise.* Is there sufficient parking on site? *Yes; there is enough room for someone to do a k-turn, and no one will be backing into street.* There will be no signs put up.

Per Chairman Gee, garden house is situated in the center of property and is not closely adjacent to neighbors.

Board: With no signage, how will applicant advertise? *Applicant has a following from previous employment/word-of-mouth.* Discussion regarding extent and cost of improvements to garden house. Board is concerned that approval may open up a “Pandora’s box,” with an influx of garage conversion requests. Chairman Gee explained that every application rises and falls on its own merit – just because one is approved doesn’t mean that another will be.

Ms. Martella-Ferris explained that she picks up supplies herself, and there would be no increase in trucks making deliveries. Dimensions of garden shed: inside: 11 X 11; outside – 12 X 12. Insulation will be installed, along with new windows and door. Overall footprint will not be changed. Building will match home. Building has foundation.

Discussion with regard to ADA compliance of restroom in basement of home. Applicant will comply with code and State regulations regarding restroom – whether it be in home or in garden house.

Public: Amy Wolfe-Gosphen, 455 Elm Avenue, sworn in by Attorney Kingsbury, complimented applicant; supports salon. Maria Davis, sworn in by Attorney Kingsbury, client/very good friend; supports salon. Debbie Marshall, neighbor, sworn in by Attorney Kingsbury, complimented applicant; supports salon. Mark Walton, 456 Elm Avenue, sworn in by Attorney Kingsbury, complimented applicant; supports salon.

Public Portion closed.

**ZONING BOARD OF ADJUSTMENT
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AUGUST 8, 2018
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Chairman Gee explained that, if a variance is granted, it is granted for the land. If owners were to move, someone else could use the garden house for only the purpose they are applying for, and only with the restrictions the Board puts on; they cannot expand beyond.

Board Comments: Main concern is that, in the future, applicant may move, and someone else will buy property with salon. Chairman Gee explained voting procedure; six members present; 5 voted needed for approval.

Mr. Rijs questioned footprint change if a restroom had to be installed in garden house. Chairman Gee stated that if footprint needed to be changed, it would not be a Board issue – it would be a permit issue.

Applicant is not sure if State will require installation of restroom in garden house or if restroom in main house can be used. Discussion of different scenarios surrounding restroom (in home/in garden house/no restroom requirement by State), ADA compliance, and whether returning to Board will be required. Per Attorney Kingsbury, condition is that they will not expand the building; if, as a result of the code, they have to expand, then they must return to Board. Chairman Gee explained 45-day right of appeal rule.

Motion to include: The building is 12 X 12 outside/11 X 11 inside, without a bathroom. If the State requires a bathroom (and it needs to be in garden house), applicant needs to return to Board. All other testimony (i.e., parking, one employee, hours, not more than one client per hour). Whatever code and State requires concerning ADA must be followed. No sign and no deliveries other than normal.

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

Old Business:

Minutes:

July 11, 2018

Motion to Approve: Gee/Zahradnick. All Approve.

Miscellaneous:

Reports:

Solicitor – Resolutions

2018-ZB-15: 2890 Route 73 North – Block 82.01; Lot 9, CVC Specialty Chemicals; Z-18-8
Postponed July 11, 2018 – Dispute between Attorney Kingsbury's notes and what the applicant's attorney stated regarding location of an additional 4,200-gallon tank.

**ZONING BOARD OF ADJUSTMENT
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Mr. Rijs listened to tape, and tape verified that it was going to be inside the building. Applicant's attorney did not feel that was correct, and he will put something together for Board. Attorney Kingsbury suggested that resolution be adopted, as written, with the tank inside; if CVC wants to change that, they can come back before the Board. Not a Use Variance; was simply an interpretation that what they wanted to do not constitute an expansion of a non-conforming use. Per Chairman Gee, interpretation may have been based on tank being inside building; if CVC attorney, in his statement, says it will be outside the building, the interpretation is different. Decision made to hold on resolution.

Motion to Continue Consideration: Borden/Zahradnick. Roll Call: All Approve.

Eligible to Approve: Michael Bimmer
John Gee, Jr., Chairman
Joe McCauley
Karen Radie
Angie Santori
Steve Schmidt
John Zahradnick

2018-ZB-17: 644 Sunset Ave. – Block 165; Lot 4; Mr. Neely; Z-18-10

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

2018-ZB-18: 200 N. Pine Ave. – Block 78; Lot 10.01; MacAdams; Z-18-11

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

2018-ZB-19: 210 N. Pine Ave. – Block 78; Lot 10.02; MacAdams; Z-18-12

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

2018-ZB-20: 42 N. Fellowship Rd. – Block 56; Lot 32; Mc Donald; Z-18-13

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

Eligible to Approve: John Gee, Jr., Chairman
Karen Radie
Angie Santori
Steve Schmidt
John Zahradnick
Lu Valentino, Alt #1
Richard Borden, Alt #2

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Chairman Gee: Motion for discussion to allow two garden sheds on property was initiated by Zoning Board in April, 2016; nothing was done at that time. Presently, Board is being asked to consider renaming garden sheds to “storage sheds” and vote at next meeting – September 12, 2018. If response is favorable, Mr. Kingsbury will be requested to forward a letter to Township Council and Planning Board.

One Around: Get well soon wishes to Ms. Santori.

Engineer: None

Community Development: None

Adjourn:

Motion to Adjourn: Gee/Zahradnick. All In Favor.

**ZONING BOARD OF ADJUSTMENT
MINUTES
SEPTEMBER 12, 2018**

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, Deputy Chairman
John Gee, Jr., Chairman
Steve Schmidt
Lu Valentino, Alt #1
Richard Borden, Alt #2

Absent: Joe McCauley
Karen Radie
Angie Santori
John Zahradnick

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

New Business:

448 Sunset Ave. – Block 113; Lot 5.04; Daniel Schafer; Z-18-15

Zone: Residential 1

Existing Use: Single family home Proposed Use: No Change

Application: Second floor addition. No change to existing building footprint. Variance: Side Yard

Setback: Required 8', Existing and Proposed 7.66'; and possible front yard setback.

Daniel Schafer, applicant, sworn in by Attorney Kingsbury.

Mr. Rijs explained that the sidewalk setback variance is for only a few inches, and could not be approved by him because of the side yard setback being 8' required. Footprint is not being expanded; second floor being added. Regarding the possible front yard setback, existing setback is 7.34 ft. Addition is not being built on top of front foyer area; only part of main living area. It could/could not be a variance depending on what his neighbors are existing; Mr. Rijs feels they encroach within the setback.

Unless applicant has the measurement of set-back's for neighbors, should be considered for a variance. Discussion regarding variances and pre-existing, non-conforming structure. Chairman Gee stated that, subsequent to hearing current case, the topic will be brought up with Council.

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Board: None

Public: None. Public Portion Closed.

Motion to Approve: Bimmer/Schmidt (to include both side yard and front yard set-backs). Roll Call: All Approve.

Chairman Gee explained to applicant conditions of approval.

454 Alexander Ave. – Block 138, Lot 4.01; Joseph Hoffman; Z-18-16

Zone: Residential 1

Existing Use: Single family home Proposed Use: No Change

Application: C Variance, add 2nd shed to property.

Joseph Hoffman, applicant, sworn in by Attorney Kingsbury.

Two sheds currently on property. One existing shed will be removed; a new shed being put in back of property, and will be used for storage. Photos submitted to Board.

Board: Mr. Cantwell: Old shed was 100 sq. ft.; new shed will be 220 sq. ft.

Public: Patricia Gage, owner of property, sworn in by Attorney Kingsbury. Stated that old shed was left on property by previous owner. Question: Will shed be built on site or delivered as completed. *Answer: Will be built on site.* Jacqueline Martina, 450 Alexander Avenue, sworn in by Attorney Kingsbury. Testified that she has no problem with the new shed. Public Portion Closed.

Board: Question: Will the applicant or someone else be building shed; *Answer: Applicant.*

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

Chairman Gee explained to applicant conditions of approval.

3060 Route 73 North – Block 71, Lot 8; Moo Do Karate Academy; Z-18-17

Zone: Business Development (BD)

Existing Use: Vacant Building, formerly Menu Express

Application: Use Variance; proposed martial arts studio with site plan waiver request.

Melanie M. Levan, Esq., Dash Farrow LLP

Carlos Ramon Rodriguez (son), Carlos Raul Rodriguez (father/architect), applicants, sworn in by Attorney Kingsbury.

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Requesting use variance and site plan waiver. Survey submitted with application. Building was formerly Menu Express and is currently vacant; access from Route 73 only. Moo Do Karate is a martial arts instructional studio. BD zone; not permitted use.

Testimony of Carlos Ramon Rodriguez. Has been training in martial arts since 1990. Certified instructor since 2001; master instructor since 2005. Formerly taught at school in Cinnaminson; now closed. Majority of classes will be for children. He will be only employee/instructor; at some time in the future, may hire another employee. Single classes; no multiple classes at one time. Larger class is approx. 30 – 35 students; small class is approx. 10 – 15 students. Typically, parents do not stay – they would drop children off and pick up after class. Hours: M – F, 10 AM – 8:30 PM; Saturday, 9 AM – 12 PM. On Sunday, there may be a class by appointment. Dumpster previously on site. Trash will be bathroom and office waste. Plan is to have a trash can on the Cornell Avenue side of property (municipal trash collection once a week).

Testimony of Carlos Raul Rodriguez. Existing lighting on side of building will be replaced with LED fixtures. No deliveries expected other than by box truck. Need for a loading area is non-existent. There is already a loading area at the site that doesn't quite meet the length in ordinance; however, there is a minor site plan approval granted by the Planning Board in October, 2014 for loading. 21 parking spaces, one of which is handicapped accessible. No parking requirement in engineer's letter. Applicant feel parking is adequate, as parents will not be staying for classes. May have a small adult class (8 – 10).

Discussion regarding ingress/egress, stacking, and volume. For a class of 30 children, Mr. Rodriguez expects no more than 15 cars (depending on siblings arriving/departing in one car and possible carpooling). Mr. Cantwell stressed importance of having a gap between classes since there is only one way in and out. Per Mr. Rodriguez, there will be a gap of 15 – 20 minutes between classes. Chairman Gee explained that the situation of ingress/egress onto Route 73 is different than having business in a Cinnaminson shopping center and use of a parking lot with multiple entrances/exits, and that changing gap time may be a solution. Inquiry was made as to why applicants did not attend Site Plan Review, as that is where these types of problems are discussed prior to a Zoning Board meeting.

Mr. Cantwell reviewed Engineer's letter dated September 11. There is a screen along Cornell Avenue; recommendation that landscaping be provided to replace dead trees. Discussion of lighting (subject to Engineer's review). Applicant is proposing to use existing freestanding sign which is non-conforming, and may want to consider bringing it into conformance.

Discussion regarding circulation of traffic in parking lot and possible elimination of parking spots.

Comments by Architect, Carlos Raul Rodriguez. Mr. Cantwell inquired about fence at rear of building. Fence was removed for safety purposes, and the idea was to replace with a gate, allowing access to the back of site. Arrangement has to be made to collect trash. Discussion of façade signage.

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Summary of Variances:

Use Variance
Possible Sign Variances
Off-Street Loading and Unloading
Buffer Areas and Screening
Lighting (subject to Engineer's review to make sure it is adequate)

Waivers:

Site Plan

Testimony of positive impacts of business. Possible negative impact would be small increase in traffic.

Chairman Gee's concern is that people will pull onto shoulder of Route 73 if they cannot properly negotiate parking lot. If there is a motion to approve, would the Board be able to include wording in the resolution that says they specifically knew that this could happen and they want Mr. Rodriguez to take steps to ensure that it does not happen; if it does happen, consequences fall on Mr. Rodriguez. Attorney Kingsbury responded in the affirmative. Mr. Rodriguez commented that he is willing to increase gap between classes to one-half hour.

Motion to Approve will include: Lighting is subject Engineer's review; gap between classes will be one-half hour; all variances and waivers listed in Mr. Cantwell's letter.

Public: None. Public Portion Closed.

Board: Will building be painted? *Answer: Yes.*

Motion to Grant Use Variance: Borden/Schmidt. Roll Call: All Approve.

Motion to Approve Remaining Variances: Bimmer/Schmidt. Roll Call: All Approve.

Chairman Gee explained to applicant conditions of approval.

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.

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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.

Per Chairman Gee, discussions with respect to garden sheds and non-conforming structures will be postponed. Full Board not present.

Minutes:

July 11, 2018

Motion to Approve: Bimmer/Gee. All Approve.

Miscellaneous:

Reports:

Solicitor – Resolutions:

2018-ZB-21: 447 Elm Ave. - Block 169; Lot 9; Stacey Martella-Ferris; Z-18-14

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

Eligible to Approve:	Michael Bimmer, Deputy Chairman	Steve Schmidt
	John Gee, Jr., Chairman	John Zahradnick
	Karen Radie	Richard Borden, Alt #2

Discussion regarding CVC resolution. Subsequent to passing resolution, Board will have enforcement authority. Per Attorney Kingsbury, all regular Board members eligible to vote. Members present: Michael Bimmer, Deputy Chairman; John Gee, Jr., Chairman; Steve Schmidt. Motion to Approve: Bimmer/Schmidt Roll Call: All Approve.

Once Around:

Adjourn:

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

**ZONING BOARD OF ADJUSTMENT
MINUTES
OCTOBER 10, 2018**

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, Vice Chairman
John Gee, Jr., Chairman
Karen Radie
Angie Santori
Steve Schmidt
John Zahradnick

Lu Valentino, Alt #1
Richard Borden, Alt #2

Absent: Joe McCauley

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

New Business:

2836 Rt.73 N. – Block 189.01; Lot 2.01, 2.06, 2.07, & 2.11; Jersey Premier Outdoor Advertising Billboards; Z-17-8
Zone: Business Development (BD)
Existing Use: Clover Motel Proposed Use: New Doubled Sided LED Billboard Sign 14' x 48'
Application: D Variance with Site Plan

2860 Rt.73 N. – Block 174; Lot 2.03; Jersey Premier Outdoor Advertising Billboards; Z-17-9
Zone: Business Development (BD)
Existing Use: Retail Building Proposed Use: New Doubled Sided LED Billboard Sign 14' x 48'
Application: D Variance with Site Plan

Michael Floyd, Esq., Archer & Greiner, representing applicant. Requested continuance until November 7, 2018.

Motion to Continue to November 7, 2018: Radie/Schmidt. Roll Call: All Approve.

116 West Main St. – Block 117.01; Lot 11; Orth Graphics; Z-18-18
Zone: Downtown Business (DB)
Existing Use: Retail Proposed Use: No Change
Application: C Variance to permit detached accessory storage shed.

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Charles Orth, applicant, sworn in by Attorney Kingsbury. Applying for a variance for an accessory structure. 8' X 8' shed in back of building to support business; it is not permanent and houses ladders, etc. Per Mr. Rijs, the downtown business district doesn't permit accessory structures (i.e., sheds). Matter was discussed at Site Plan Review Advisory Meeting. Parking spaces are not affected. Shed sits on 4' X 4' wooden posts.

Public: None

Board: Mr. Cantwell commented on setbacks.

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

3090 Route 73 N. – Block 7.03; Lot 11.01; Sunbelt Rentals; Z-18-19

Zone: Business Development (BD)

Existing Use: Truck/Equipment Rental Proposed Use: No Change

Application: "D" Variance to expand use (replace VIP Auto section of the property) with minor site plan

Chairman Gee recused himself from this application; Vice Chairman Bimmer presided over application; Richard Borden, Alternate #2, filled in for Chairman Gee.

Ellen McDowell, Esq., representing applicant.

Jerry Borkon, property owner; Joshua Johnson, District Manager for Sunbelt; Richard McGuire, Engineer; sworn in by Attorney Kingsbury

Testimony – Joshua Johnson: Mr. Borkon owns entire parcel; all tenants have been mostly auto/truck sales. Sunbelt is expanding and plans to take over entire property. Rents construction equipment. Plan is to expand/make Sunbelt safer. No additional employees; no additional customers; no additional truck traffic. Plan for additional space is for storage of equipment which will improve visibility on the site. No impact to public expected.

Testimony – Richard McGuire: Discussed proposed changes to site. Building will be removed and crushed stone will be put down. No customers; bulk of business is that equipment is taken to construction sites, etc. If billboard remains, it will stay white with no wording. Entrance will be kept the same width.

Gate is set back; tractor trailers can pull in off the street and then open gate.

Mr. Cantwell: review of October 3 letter. Use has to be addressed. With expansion of non-conforming use, testimony is needed regarding special reasons/positive and negative criteria (testimony given by Mr. McGuire). Discussion regarding pylon sign and re-installation of 6' high fence, buffer in front, and additional landscaping. Ordinance only allows 4' high fence; a variance is needed for 6'. Mr. Borkon agreed to some additional landscaping. Landscaping will be subject to Board Engineer's approval. Pylon sign will be removed if Sunbelt decides not to use it. Mr. Borkon waived right to sell 2 – 3 trucks, and current tenant (VIP) will be leaving effective November 15.

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Public: None

Board: No additional comments.

There will be only one business (Sunbelt) on the site.

Motion # 1: Motion to grant a use variance – requires five approval votes; expanding a use that was previously approved, but not a permitted use. Zahradnick/Schmidt. Roll Call: All Approve.

Motion #2: 6' high fence; landscape buffers will be subject to approval of Board Engineer; no screening of outdoor storage; either apply for sign approval or remove sign within 30 days. Schmidt/Zahradnick. Roll Call: All Approve.

Motion #3: Minor site plan approval. Radie/Schmidt. Roll Call: All Approve.

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.

Chairman Gee is requesting that members consider this matter prior to discussion at the next meeting (November 7, 2018). Is it appropriate or not that residents come before the Board to request a second garden shed because of the size of items now being stored outside.

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.

Chairman Gee is requesting that members consider this matter prior to discussion at the next meeting (November 7, 2018). Should Zoning Board make a motion to suggest to Planning and Council that they allow this through a permit process rather than a Zoning Board process. It may be more appropriate to reduce the setbacks; or perhaps there needs to be a new zoning district to allow new setbacks.

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Minutes:

September 12, 2018

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

Miscellaneous:

Reports:

Solicitor – Resolutions:

2018-ZB-22: 448 Sunset Ave. – Block 113; Lot 5.04; Daniel Schafer; Z-18-15

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

Eligible to Approve:	Michael Bimmer, Deputy Chairman	Lu Valentino, Alt #1
	John Gee, Jr., Chairman	Richard Borden, Alt #2
	Steve Schmidt	

2018-ZB-23: 454 Alexander Ave. – Block 138, Lot 4.01; Joseph Hoffman; Z-18-16

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

Eligible to Approve:	Michael Bimmer, Deputy Chairman	Lu Valentino, Alt #1
	John Gee, Jr., Chairman	Richard Borden, Alt #2
	Steve Schmidt	

2018-ZB-24:3060 Route 73 North – Block 71, Lot 8; Moo Do Karate Academy; Z-18-17

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

Eligible to Approve:	Michael Bimmer, Deputy Chairman	Lu Valentino, Alt #1
	John Gee, Jr., Chairman	Richard Borden, Alt #2
	Steve Schmidt	

Engineer: None

Community Development: None.

Once Around: Mr. Zahradnick commented on Extreme Builders garage (formerly approved by Board). Questioned work that was done and if it was within the spirit of the Ordinance/variance. Kevin will forward a copy of the resolution for discussion at the next meeting. Mr. Bimmer recused himself from that meeting, and does not wish to be included in discussion. Welcome back to Ms. Santori.

Adjourn:

Motion to Adjourn: Borden/Zahradnick. All in Favor.

**ZONING BOARD OF ADJUSTMENT
MINUTES
DECEMBER 12, 2018**

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, Vice Chairman
John Gee, Jr., Chairman
Karen Radie
Angie Santori
Steve Schmidt
John Zahradnick

Lu Valentino, Alt #1
Richard Borden, Alt #2

Absent: Joe McCauley

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

New Business:

508 S. Lenola Rd. – Block 189.02; Lot 1; Cellco dba Verizon; Z-18-20;

Zone: Business Development (BD)

Existing Use: Telecommunications Facility Proposed Use: Expansion

Application: D Variance with Site Plan – Emergency Generator Installation

Rescheduled – January 9, 2019. Residents in Mt. Laurel (within 200 feet) not notified of application; jurisdictional issue. Attorney Kingsbury offered to put together a resolution for January 9 meeting so there will be no additional time gap.

314E. Main St. – Block 102; Lot 3; St. Johns Episcopal Church

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

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Rescheduled – January 9, 2019. Jurisdictional issue. Inaccurate block and lot on notice; application to renotice.

Old Business:

Discussion: *Discussion postponed until 2019.*

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.

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.

Minutes:

October 10, 2018

Motion to Approve: Radie/Zahradnick. All In Favor.

Miscellaneous:

Reports:

Solicitor – Resolutions:

2018-ZB-26: 3090 Route 73 N. – Block 7.03; Lot 11.01; Sunbelt Rentals

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

Eligible to Approve:	Michael Bimmer, Deputy Chairman	John Zahradnick
	Karen Radie	Lu Valentino, Alt. #1
	Angie Santori	Richard Borden, Alt. # 2
	Steve Schmidt	

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2018-ZB-25: 116 West Main St. – Block 117.01; Lot 11; Orth Graphics

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

Eligible to Approve:	Michael Bimmer, Deputy Chairman	Steve Schmidt
	John Gee, Jr., Chairman	John Zahradnick
	Karen Radie	Lu Valentino, Alt #1
	Angie Santori	

Engineer: None

Community Development: None

Adjourn:

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