

**Zoning Board Of Adjustment
April 13,2022
Draft**

Meeting: Zoning Board of Adjustment

Date: April 13, 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. **716 E Main St-** Block 148, Lot 4: Dominick Leonetti; ZBA-22-04.
Zone: Residence District (R-2)
Existing Use: Residential-Multi-Family
Proposed Use: Triplex Residence
Application: d(3) conditional use variance or non conforming use approval

Board Solicitor Kingsbury swore in Dominick and Maria Leonetti, Property Owners who reside at 640 N Maple Ave, Maple Shade NJ 08052
Chairman Gee stated that this property has been a multi family dwelling as far back as he can remember. Did the purchase agreement say Triplex?

Mr. Leonetti responded, the agreement said multi-family.

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Chairman Gee asked Board Engineer McNulty if he had a chance to visit the property?

Mr. McNulty said yes, and that all set back requirements are met and within Township Code.

Mr. Leonetti presented Photos displayed on Boards of the existing apartments, property photos and a drawing of the layout of the three existing units.

Mr. Leonetti feels there would be no negative impact on the neighborhood and that if the application is not approved that he would have a hard time affording the property. He recognizes that more repairs and improvements need to be done.

Chairman Gee stated that a condition of approval would be repairing or replacing the roof, concrete walkways need repair and egress windows need to be added.

Chairman Gee asked Board Engineer Mc Nulty if ponding or stagnant water was A problem?

Mc Nulty stated that did not appear to be an issue.

Zoning Officer Soni asked Mr. Leonetti to show on the drawings where the recycle bins would go.

Mr. Leonetti showed where he planned on placing the trash area.

Board Member Bebitch asked if there are three different electrical boxes?

Mr. Leonetti stated that the bottom unit has his own and the 2nd and 3rd share one.

Board Member Mortimer asked if each bedroom had two egress windows?

Mr. Leonetti said no, but that would be done as a condition of approval.

Chairman Gee added that an inspection would be done by the Fire Marshall.

Chairman Gee asked who would be responsible of snow removal and lawn maintenance?

Mr. Leonetti stated his management company will be responsible, and is included in the tenant's lease.

Chairman Gee asked Board Engineer Mc Nulty about parking?

Mc Nulty stated that plenty of off street space is a available to tenants.

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Board Member Valentino asked if there was three tenants when he purchased the property?

Mr. Leonetti explained that when he and his partner went to sell the property due to a falling out, this became an issue. Mr. Leonetti decided to buy his partner out.

Board Member Valentino asked about the HVAC system?

Mr. Leonetti stated that each floor has their own control.

Chairman Gee opened the meeting to the General Public. None
Public Portion closed.

Chairman Gee asked Solicitor Kingsbury for the list of conditions for approval if a motion is to be considered.

Solicitor Kingsbury responded

- a. Replace and or repair concrete walkways
- b. Bring egress windows to Township Code
- c. Replace the Roof within two years
- d. Install trash and recycling enclosure

A Motion to Approve was made by /valentino, second by Bebitch, All approve

VI. Old Business:

- a. **43 West Park Ave**-Block 16+, Lot 1; Lee- M. Torres-Colon, ZBA-22-03
Zone: Residence District (R-1)
Existing Use: Residence
Proposed Use: Residence
Application: Site-Plan Waiver, bulk, or "c" variance for rear yard setback,
and use variance approval for fence install 3-inch inside front property line
from right of way.

Applicant's Attorney Ellen McDowell represented Mr. Samuel Collazzo. She stated that I understand my client was here last month, and that at the suggestion of the Chairman Mr. Collazzo would meet with the Township Construction Official and to bring his application to the informal Site Plan Board.

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Chairman Gee added that his suggestion was made because Board Members had concerns of the construction of the addition.

Chairman Gee read into the Record an email from the Maple Shade Construction Official.

Solicitor McDowell asked Mr. Collazzo when he purchased the property.

Mr. Collazzo stated in 2020.

You were trying to replace the existing 3 ' chain link fence with privacy fence that matched the surrounding neighbors. Mr. Collazzo is proposing to move the fence within the property lines and soften the angle on the corner of Melrose Ave and W Park Ave for vehicle visibility. He is willing to install the bushes and the mirror that was first suggested. Several Photos were shown, but did not appear to reflect where the fence would actually go. The fence in the front yard will be moved back and run on an angle to the corner of Melrose along W Park Ave.

Ms. McDowell asked Mr. Collazzo if he felt his fence changed the character of the neighborhood?

Mr. Collazzo responded no, because many of his neighbors have the same vinyl fence.

Ms. Mc Dowell asked about the addition?

Board Zoning Officer Soni asked to go back to the fence. He wanted clarification about how far from the street would the fence be running along W Park? He continued that a variance is required for the fence to be in the front yard 3 inches from the property line instead of the required 20'.

Solicitor Kingsbury added that a corner lot is different. The fence can run to the corner and along the property line as long as the site triangle can be achieved. The difference here is that the prior fence was a 3' chain link fence and the new fence is a 6' white vinyl fence. Safety concerns were brought up for vehicles and pedestrians.

It was determined that a variance would be required for the fence.

Chairman Gee said let's get back to the addition.

Ms. McDowell stated that the addition is too close to the rear property line.

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Currently the built addition is 7.2' from the rear property line.

Ms. McDowell asked Mr. Collazzo if he would compromise to 12.5 feet from rear set back and eliminate any windows, doors or steps coming off of the rear of the addition.

Mr. Collazzo stated yes, he would agree to that.

Board Member Valentino asked is this a one story addition?

Mr. Collazzo stated that yes, he was going to use the addition for his dialysis equipment for his home use.

Board Member Bebitch stated that when Mr. Collazzo presented the application last month, he stated that the addition was for a kitchen and a pantry. Mr. Collazzo did not recollect that, but all Board Members did.

Ms. McDowell asked Mr. Collazzo about the intended use of the existing garage?

Mr. Collazzo stated that it would be used for building materials and general storage.

Chairman Gee asked Board Members for any questions.

Zoning Officer Soni had comments on the proposed fence on the property line. He feels the approval would diminish Zoning ordinances for the safety of all residents both pedestrian and vehicular. He continued that due to the height of the new existing fence and the proximity to the corner truly limits the visibility of all. He does not feel this is a hardship, it was a choice for this type of fence and it's place of installation.

Board Member Valentino asked about the very large RV that is parked in the driveway and extends into the right of way of residents walking. They must go into street to go around.

Chairman Gee asked Board Engineer McNulty to address the lighting concerns and glare issues that the current bulbs are inflicting on the neighborhood. He added that as a condition of approval for the fence that the bulbs would be replaced and would reflect downwards.

Chairman Gee opened the meeting to the General Public.

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Board Solicitor swore in Joe and Bridget McCalla. They reside at 324 Oakland Ave.

Joe and Bridget McCalla expressed their concerns over the safety of the addition being built on "Stilts". He stated Mr. Collazzo started construction on the addition in early December, a Stop Work Order was issued and ignored. He continued working upon the addition until March 5, 2022. He claims naivety to the permit process. He stated that there isn't a licensed contractor involved and the addition takes up the entire rear yard of Mr. Collazzo's property. They feel this really diminishes their own back yards. Set back requirements are for the benefit of all neighbors.

Chairman Gee asked Solicitor Kingsbury whether or not the structure is to Township Code would be a condition of approval.

Solicitor Kingsbury said yes.

Bridget Mc Calla asked what are the core components to be approved for the addition. She continued that this addition is a choice, not a "Hardship".

Joe Mc Calla added that according to Township Code 99.1, good and sufficient cause must be presented for exceptional hardship.

Chairman Gee asked Mr. Collazzo if he was presenting hardship as part of your application?

Solicitor Kingsbury swore in Donald and Melissa Pierce. They reside at 307 Melrose Ave.

Ms. Pierce stated she and her husband reside directly behind Mr. Collazzo's property. She admits that her rear yard is full of deck and playground equipment but all is under 2-3 feet above ground and does not diminish her neighbors view above their fences. She added that Mr. Collazzo's addition is well above the 6 feet privacy fence, and the lights glaring into her home in the evening are very obtrusive. They are most concerned about pedestrians and vehicular traffic safety traveling from Melrose to W Park Ave.

Ms. Pierce added that her privacy fence was installed one foot inside her property line and Mr. Collazzo installed his fence right up to hers, which would mean it is on her property.

She asked: Why would the Board approve a variance for a 12.5 foot setback?

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Solicitor Kingsbury swore in Michelle and Corey Barto, They reside at 320 Oakland Ave.

Ms. Barto stated that she and her husband share all of the same concerns as her neighbors regarding both the fence and the addition. She stated that there was a bump out that was built on cinder blocks and questions the integrity of the footings for the addition. She stated that Mr. Collazzo has installed a window on the side of the addition that basically looks right into their back yard and impedes on their privacy. She also stated that a large light post was installed and shines right into their yard.

Board Member Bebitch asked if Light posts are permitted and a condition of approval.

Chairman Gee wants to go back to the fence. He stated that various presentations of where the fence would be reinstalled have been shown. He wants to make sure that Board Members are properly informed.

Board Engineer stated that the fence would start at the front right corner of the house and run parallel to the corner of Melrose angling out towards the 3 inch mark at property line point.

Board Solicitor Kingsbury swore in Teri Moffa. She resides at 315 Oakland Ave. Ms. Moffa stated that she spent many of her child hood days on the property at 43 W Park Ave. She stated that there is an old well and sink holes located in the back yard. The basement has a dirt floor and the sump pump is connected to the Township Sewer System. She has knowledge of this because she helped her old friend clean out the house in preparation for sale to the Collazzo's.

Chairman Gee closed the Public Portion.

Chairman Gee asked the Applicant to address the Public's concerns.

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Mr. Collazzo stated that the Bump out is no longer there and does not attach the addition to the existing home. He continued that he consulted with the Pierces and agreed not to put windows or an exit door on their side.

Board Member Zerega asked if Mr. Collazzo had considered running the addition along the back of the house instead of jutting off the back. This would have accomplished the 25' setback and would have given him the same size addition.

Chairman Gee recommends Mr. Collazzo go back to the informal work session again. He continued that is the burden of the Applicant to prove their case. Ms. McDowell asked for a 5-minute break to discuss the Applicant's options.

Mr. Collazzo would like to proceed.

Ms. Mc Dowell is looking for a compromise. She stated that her client would be willing to make the addition smaller and allowing an for an 18 foot setback.

Chairman Gee reopened to the Public.

He stated that Mr. Collazzo would still need a 7' variance.

Mr. Mc Calla stated that Mr. Collazzo is trying to "Reset the Law" by building prior to obtaining the proper permits and submitting the proper documents to the Construction Office.

Chairman Gee asked for a motion to first approve the new position of the fence. A Motion to approve the Fence Variance was made by Mr. Zerega, second by Ms. Mortimer, All Approve.

Chairman Gee askd for a motion to Approve the Addition.

Vice Chairman Bimmer made a motion to approve. After several moments it was determined that a second motion was not coming.

A Motion to Deny the Application was made by Mr. Zerega, second by Ms. Valentino, Bebitch, Valentino, Gee, Mortimer, Zerega and Walthy approve the Denial. Vice Chair Bimmer denied the Denial.

- b. **52 S Fellowship Rd**- Block 97, Lot 19: Aryeh Holdings 2, LLC: ZBA-22-01
Zone: Residence District (R-2)
Existing Use: Building Rehabbed-One Unit Occupied

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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.

Solictor Zangerle is presenting the Application and would like to ask for another continuance. They had hired Mr. James Miller, a Licensed Planner to testify, but Mr. Miller is stuck at another meeting in neighboring town and cannot get here. Due to the late hour, we respectfully ask for a continuance.

A Motion to Continue until the May 11, 2022 meeting was made by Vice Chairman Bimmer, second by Mr. Zerega, All Approve.

VII. Miscellaneous:

1. Resolution:

- a. Resolution No. 2022-ZB-22-02 granting conditional use approval for the occupancy of the building for a business on ground level and residential on second floor to Frank Rapposelli, 211 South Fellowship Rd-Block 189, Lot 3; Application #ZBA-22-02

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

VII. Minutes: March 9th, 2022

A Motion to Accept was made by Chairman Gee, second by Ms. Valentino, All Approve

IX. Adjourn: Next Meeting May 11th, 2022

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