

**Zoning Board Of Adjustment
November 9, 2022
Draft**

Meeting: Zoning Board of Adjustment

Date: November 9, 2022

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

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

V. New Business:

- a. **14 S Cedar Ave**-Block 148 Lot 25; Neil Freeman; ZBA-22-12

Zone: Residence District (R-2)

Existing Use: Residential

Proposed Use: Residential

Application: "C" Variances- Side and Rear yard setback variance approval to Construct a garage (pole barn) as an accessory structure

John Kornick, PE,PP presented the Application

Jason Freeman and Neil Freeman both of 14 S Cedar Ave were sworn in by Board Solicitor Kingsbury.

Mr. Kornick stated that the applicant is seeking variances for both Rear and Side Yard Setbacks. The Proposed Pole Barn is to store everything that is currently being stored in the open- air Tent. The intent is to clean up the property.

Zoning Board Of Adjustment

November 9, 2022

Draft

Chairman Gee asked why they don't move the pole barn within the setback requirements?

Mr. Kornick stated that it would take away from the green space that is currently there. The proposed building is for storage of equipment. He continued that many of the neighboring properties have detached oversized garages. (Shown in aerial photo).

Chairman Gee asked Board Members for questions.

Vice Chairman Bimmer asked about the stairs leading to the second floor?

The applicant stated that they use that door only to let the dog out in the morning.

The Applicant plans on removing the stairs if he needs to.

Zoning Officer Soni asked about downspouts? There are none depicted on the plans. These must be shown on the Revised Plans when submitted.

Chairman Gee asked Board Engineer McNulty if he had any concerns?

The fence is non-conforming setback, grading changes and gutters.

Applicant will conform on the Revised Plans.

Chairman Gee opened the meeting to the General Public. None

Chairman Gee closed the Public Portion

A Motion to Approve (without having to remove the stairs) was made by Vice Chairman Bimmer, second by Mr. Zahradnick, Board Member Mortimer denied, All the rest of the Board Members approved the Motion.

b. **433 Martin Ave**- Block 138, Lot 9; Melissa O'Mara; ZBA-22-13

Zone: Residence District (RA)

Existing Use: Residential

Proposed Use: Residential

Application "C" Variance- to construct Oversized Garage, no other bulk Variances sought.

Melissa O'Mara and Anthony Diserio both of 433 Martin Ave were sworn in by Solicitor Kingsbury.

Chairman Gee asked the Applicant why they need an oversized garage?

Zoning Board Of Adjustment

November 9, 2022

Draft

Melissa explained that they purchased the home in January of 2021. They have been cleaning up the property and removing debris and a carport and shed that had been damaged by animals and termites. Their 900 sq ft basement had been flooded, so they wanted to build a pole barn type of garage that could store everything that was in the basement. They also have a camper on the property that they would like to store in the new garage. The package that they would like to build has an oversized garage door that would accommodate the camper and trailer. They would like to store their equipment and tools for cleaning up the property in the garage.

The applicant has 2 rear neighbors and one on each side. They have been working diligently to clean up the oversized lot. They plan on eventually adding a second-floor addition to the rancher.

The applicant presented 8 photos depicting the oversized lot.

Board Member Zerega asked what the proposed size of the garage will be.

The applicant stated that it is 864 sq feet.

Chairman Gee asked Board Engineer McNulty if he had any questions.

McNulty asked if the exterior would match the existing home?

The applicant stated that it is frontier style ribbed siding. It will have lights over the garage door and the entrance door. All will be downlit.

He said the drainage would not cause a problem due to the sheer size of the lot.

Chairman Gee opened the meeting to the General Public.

Joel Gilpin, who resides at 446 Alexander Ave, is here on behalf of the applicant.

They are wonderful neighbors and have been working hard to improve the lot.

Stephen Lore, who has resided at 441 Martin Ave for over 100 years. He is very pleased with the Applicant's efforts to clean up this property.

Frank Ferraro, 416 Martin Ave has only one concern. What guarantee do we have that the Applicant will not operate a business out of the oversized garage?

Chairman Gee explained that is not a permitted use in the Residential Zone, and if that occurs, please let us know.

Zoning Board Of Adjustment

November 9, 2022

Draft

Chairman Gee closed the Public Portion.

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

c. **311 W Main St**-Block 23, Lot 20; Kruger Properties, LLC; ZBA-22-14

Zone: (Downtown Business District (DB)

Existing Use: Vacant Residential

Proposed Use: Residential, 2 family dwelling

Application: d(5) use variance approval for duplex by converting former Commercial space into residential use.

Alan Ettenson, Esq. presented the case for the applicant.

Erich Coelho, Property Owner was sworn in by Solicitor Kingsbury.

James Miller, PP was recognized as an expert witness by the Board.

Mr. Ettenson stated that Mr. Coelho purchased the property in 2011. He was a stay-at-home dad and invested in properties for rentals. He resided in Moorestown for 15 years, but currently lives in Oxford NY. He has the property listed for sale, because he cannot maintain it anymore due to the distance. When he purchased the property, the MLS listed the property as a duplex, and he never questioned it. That is until the property was about to be sold, when they discovered it was not a legal duplex. He rehabilitated the property removing the 400 sq foot commercial section in the front, and enlarged the downstairs unit to 1385 sq feet, upstairs unit is 1065 sq feet. An addition was added to the downstairs unit, creating a master bedroom suite. Both units have separate electric and gas meters. The water/sewer service is billed as commercial with two units. Both units had been rented for a long time. Mr. Coelho stated that this town "Rents Well".

Mr. Ettenson stated that his services were contracted to get the legal duplex approval, so the property can be sold. He added that the Applicant will agree to make any improvements requested by the Board's Engineer.

James Miller, PP was recognized as an expert witness.

In preparing for this hearing, I looked at similar applications, performed a site inspection of the three floors, and inspected old resolutions. In 1979 a survey

Zoning Board Of Adjustment

November 9, 2022

Draft

shows the existing building has two apartments and a 400 square foot commercial section in the front of the dwelling.

The 1st floor apartment is 1385 sq feet, 2nd floor apartment has 1065 sq foot. The basement is only accessible from the downstairs unit, the second-floor entrance is on the side of the house.

The Positive Criteria include the historic use of structure, elimination of 400 sq foot commercial space, floor plan is suitable for two units, separate entrances and utilities, and the property is consistent with neighboring duplexes.

Mr. Miller feels there is no discernable impact on the neighborhood, and it allows the property to continue as it has been for quite a while.

Chairman Gee asked for Board Member's questions.

Zoning Officer Soni asked about permits? He said there is no record of a permit to remove the commercial portion.

Chairman Gee stated that we have many applications that come before the Board. Our job is to maintain Public Safety.

Chairman Gee asked if the owner would allow inspections? Answer: Yes

Board Member Radie asked how long the Property had been vacant?

Mr. Coelho stated the property had been vacant for two years.

Board Engineer McNulty went thru his review letter:

- a. The existing Shed- is only 1.8 inches off the property line.
- b. Driveway Asphalt needs repairs, several tripping hazards, and areas to be restored.
- c. Stripping of the four parking spaces-
- d. Site Comments- Trash and Recycling Screening and containment. It should not be visible from Main St.
- e. Lighting- Will forward what needs to be done.
- f. Railing on Steps and Landing to second floor- bollards should be installed since this is along the driveway.
- g. Privacy Fence on Side Yard-this should be installed from end of building to the rear property line.
- h. Rear Yard Buffer- Evergreens should be planted

Zoning Board Of Adjustment

November 9, 2022

Draft

Mr. Miller stated that we would request a waiver for the evergreen plantings.

Chairman Gee opened the meeting to the General Public-None
Public Portion Closed

Chairman Gee asked for Board Member questions?

Board Member Zahradnick asked if either apartment is ADA compliant?
Mr. Miller stated that neither apartment is ADA compliant.

Board Member Williams asked if both units had their own utility meters?
Mr. Miller answered yes.

A Motion to Approve the Duplex was made by Vice Chairman Bimmer,
second by Ms. Mortimer, All approve

VI. Old Business: None

VII. Miscellaneous:

1. Resolution No. 2022-ZB-12 granting amended site plan to construct 3,530 square feet building addition to Bentley Truck Services, Inc. on block 72.01, Lots 5,6 &6.01; Application ZBA-22-10.

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

IV. Minutes: October 12, 2022

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

V. Adjourn:

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