

Call to Order:

The meeting was called to order at 7:02 p.m. by Chairman Salvadori who read the following statement: “Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. This notice was sent in writing to the South Jersey Times on January 11, 2017. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk. In addition, notice for this evening’s public hearing was sent in writing to the South Jersey Times on February 7, 2017.”

The Board saluted the flag.

Roll call: Present – Ms. Fox, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin, Mr. O’Reilly, Mr. Sebastian, Mr. Salvadori. Absent – Ms. Pellegrini, (excused), Mr. Sander, (excused). Also present – Brian Shotts, Solicitor, Mr. Garbowski, Council Liaison.

Memorialization of Resolutions:

1. #17-12 – App. #17-01 – Crossroads Treatment Center – Appeal Denied

Motion by Mr. Fritz, seconded by Mr. Mercado to adopt resolution #17-12. Roll call vote: Ayes – Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Mr. Salvadori announced that the application scheduled on the agenda for Harold Paul Kanady, application number #16-26 was postponed to the March 21, 2017 regular meeting at 7:00 p.m. in the courtroom and no new notice will be sent.

Site Plan Waiver for Board Action:

1. #WSP-08-17 – Jozef Les

Present – Pawell Les, applicant’s son, Len Schwartz, applicant’s attorney.

Member’s packets contained: 1. A copy of the applicant’s site plan waiver application. 2. Letter dated October 17, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is before the Board seeking a site plan waiver for his existing machine shop business, Vector Precision, located at 1558 Janvier Road, also known as Block 10701, Lot 3 in the AG Zoning District. The applicant received use variance approval on October 18, 2016.

Site Plan Waiver for Board Action: (continued)

1. #WSP-08-17 – Jozef Les (continued)

Mr. Les was sworn in by Mr. Shotts. Mr. Schwartz stated the applicant was granted a use variance subject to site plan approval; however he came back to the Board and the Board agreed to allow Mr. Les to submit a site plan waiver since no new construction was being done, the buildings on the site have been existing, and a zoning permit was issued for the business back in 2008. The applicant has satisfied the conditions of approval for the use variance. The trailer has been removed and the property has been cleaned up. Ms. Flaherty stated that the applicant must obtain all necessary permits for the other buildings that did not receive permits and that she will be doing a compliance inspection of the site. Mr. Kozak asked if the other issues have been addressed as well. Mr. Les replied that the mobile home, trailer, boats, and cars have been removed from the property. Ms. Flaherty commented on the storage of materials in barrels outside. Mr. Les replied that they no longer have any materials stored outside the property. All materials are being stored inside. He previously agreed to the condition that all recyclable scrap material will be removed on a monthly basis and that the receipts will be submitted to the Township.

Motion passed to open the application to the public. There being none, motion passed to close the application to the public.

Motion by Mr. McLaughlin, seconded by Ms. Fox to grant site plan waiver approval subject to the applicant obtaining all the necessary permits and a compliance inspection. Roll call vote: Ayes – Mr. McLaughlin, Ms. Fox, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.-

Public Hearings:

1. #17-04 – Peter Sideris – Use & Height Variances for Pole Barn

Present – Peter Sideris, applicant, John Kosylo, applicant’s attorney.

Member’s packets contained: 1. A copy of the applicant’s site plan waiver application with photographs, approved zoning permit, lot grading approval, and letter dated January 25, 2017 rescinding the zoning permit. 2. Letter dated February 16, 2017 prepared by Rosemary Flaherty, Zoning Officer. 3. Letter dated February 13, 2017 prepared by Mrs. Carrie Purvis. 4. An objection flyer distributed by concerned citizens of Nelson Drive, Jones Kane Road, and Janvier Road.

Public Hearing: (continued)

1. #17-04 – Peter Sideris (continued)

The applicant is seeking use and height variances for an 40' x 55' x 25' pole barn he began constructing on property located at 1324 Janvier Road, also known as Block 10701, Lot 29 in the AG Zoning District. The applicant was issued a zoning permit on November 10, 2015 for said pole barn; however no height is listed on the permit; in addition there is some question as to whether the size is subordinate to the size of the house thus the need for the use variance.

Mr. Kosylo stated that he is before the Board representing Mr. Sideris. They are before the Board for two variances; one for the height of the pole barn and one for the size of the pole barn in relation to the size of the house. Mr. Sideris was sworn in by Mr. Shotts. Mr. Sideris stated he purchased the property on November 4, 2015. Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that it can be deemed complete. Motion by Mr. McLaughlin, seconded by Mr. Kozak to deem application #17-04 complete. Roll call vote: Ayes – Mr. McLaughlin, Mr. Kozak, Ms. Fox, Mr. Fritz, Mr. Manfredi, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Mr. Sideris stated he came to the Township office's and spoke to Mr. Weikel the Zoning Officer about constructing a pole barn on this property before he purchased it. He wanted a garage/pole barn at his personal home where he and his son could work on their show cars. Mr. Sideris applied for the zoning permit. He submitted plans for the pole barn with the application. Originally he applied for a 2400 square foot building with twenty foot ceilings and a twenty-five foot roof. At the time he believed the house to be 2400 square foot because that is what the realtor told him and he put that on the application. Mr. Weikel informed him he would have to make the pole barn smaller since it must be subordinate to the house. So Mr. Sideris paid to have the plans redone to reduce the size of the pole barn to 2200 square foot with the same height. Mr. Kosylo displayed the approved zoning permit issued by Mr. Weikel on November 10, 2015. Mr. Sideris also submitted a lot grading plan with his application for the Township Engineer's review and that was approved as well. He testified he intends to use the pole barn for his and his son's show cars, his own personal vehicles, and a landscape trailer. He also likes to weld and he has a welder and other equipment. He does not intend to run any type of business from this property. He is a realtor by trade and only does that other stuff for fun. The zoning permit indicates that no business can be operated from this property.

Mr. Kosylo asked when construction started on the pole barn. Mr. Sideris replied that he started construction about a month ago. He then received a letter from the Township dated January 25, 2017 informing him that he did not have the proper approval to continue building the pole barn because of the height. He was told to cease and desist; however at that time the poles that were in the ground were not stabilized.

Public Hearing: (continued)

1. #17-04 – Peter Sideris (continued)

Mr. Kosylo stated the stop construction order also says that Mr. Sideris could proceed at his own risk to make the pole barn structurally sound. Mr. Sideris stated he spoke with Jim Morrison the Construction Official who visited the site. Mr. Morrison told him that he did not want to have a situation where one of the trusses fell and injured someone. Mr. Sideris spoke with the contractor and he said in order to stabilize the trusses he would have to put the roof on. The roof was put on but since then construction has stopped. Mr. Sideris testified as to all the work he has had done in the house including a new septic system for which he has obtained the proper permits.

Mr. Mercado commented on the fact that Mr. Sideris is a real estate agent by trade and stated that it's hard to believe he would not have known the size of the house he purchased. Mr. Sideris replied that he never thought about the square footage of the house and he never measured it himself; he went by what the real estate agent told him. He also commented that he did not know it was an issue until he received the letter from the Township. Mr. Mercado asked why Mr. Sideris needs a building twenty-five feet high. Mr. Sideris replied that he wants to install a car lift inside the building. He also stated that he has a vehicle that was an ambulance which is nine feet tall and in order for him to work underneath that vehicle he needs to raise it six feet off the ground so that is fifteen feet. The company that sells the lifts stated he would need a twenty foot clearance in order for the garage door to go up and clear the lift. Mr. Mercado asked Mr. Sideris if he had plans to use the garage for commercial purposes. Mr. Sideris replied he does not intend to run a commercial business. He stated that he likes to work on cars and engines, his own, he likes to weld, and tinker in the garage. He has a lot of tools and other machinery he wants to store inside the building plus the vehicles he owns.

Mr. Kozak asked if Mr. Sideris along with the Construction Official concluded that he could put the roof on in order to stabilize the trusses. Mr. Sideris stated that it was not the Construction Official but the contractor who told him that the only way to stabilize the trusses was to put the roof on. Mr. Kosylo commented that the stop order states that the applicant may proceed at his own risk in order to make it structurally sound; Mr. Sideris consulted with his contractor to ask him how they can make it structurally sound and he said the roof had to be put on and then they could stop. Mr. Kozak inquired about the ambulance Mr. Sideris owns. Mr. Sideris stated that he modified the ambulance to fit his needs for his personal use. He keeps some tools inside and other equipment and uses it to pull cars and other vehicles when he goes to car shows. He does have his real estate business sign on the side of the ambulance; they are magnetic signs that can be removed from the side when he is hauling cars and equipment to car shows. Mr. Sideris stated that a lot of realtors have those magnetic signs on their cars or whatever vehicle they drive.

Public Hearing: (continued)

1. #17-04 – Peter Sideris (continued)

Mr. Fritz asked how the applicant will access the pole barn from the street. Mr. Sideris stated he can access it from his current driveway or directly from the street in front of the pole barn. Mr. Fritz asked if the applicant plans to have plumbing and electricity in the pole barn. Mr. Sideris testified that he does not plan to have plumbing but he will have electricity on a separate meter. Mr. O'Reilly asked if the property is Mr. Sideris' principle residence. Mr. Sideris replied that it is his principle residence. Mr. O'Reilly asked what size the lift is proposed to be inside the pole barn. Mr. Sideris stated that it will be 12,000 pounds with two posts. Mr. McLaughlin asked if there are any issues with drainage on the property. Mr. Sideris replied that he gets a little water where he parks his car but nothing major. Mr. McLaughlin also asked where Mr. Sideris disposes of old oil and other fluids from the cars he works on. He replied that his son works at Pep Boys so he will bring the old fluids there for recycling. Mr. Sebastian brought up the actual height of the building being five foot higher than the ceiling. Mr. Kosylo stated that the plans were submitted to the Township when the zoning permit application was submitted.

Mr. Salvadori asked if there was a reason the pole barn is so close to Janvier Road. Mr. Sideris stated that they told him the minimum setback from the road and he went further back. Mr. Salvadori asked where the water will runoff after Mr. Sideris is done grading the area where the pole barn is located. Mr. Sideris replied that there is a swale between the building and the neighbor's property. Ms. Flaherty reviewed her letter for the Board. She stated that the zoning permit issued by the previous Zoning Officer does not reflect the height of the building. The original zoning permit application did have the height and that permit was rejected. The square footage of the house was incorrectly noted on the application and the Zoning Officer would have used that information to make a determination on approval. Since the house is only 1635 square feet it would have triggered a denial since the pole barn is significantly larger than the house. She also commented on the tonnage of the ambulance vehicle and whether or not it is over the weight limit allowed for the residential area which may require another variance. The applicant may need a road opening permit to allow for another apron and curb cut for access as well as needing a permit from the Township. Mr. Kosylo stated that the original denied zoning permit application indicated that the house was 1800 square foot so the Zoning Officer had that information previously and then still issued the permit later on. Ms. Flaherty commented that it is a little hard to tell what exactly the numbers were the Zoning Officer was given but in the end the height was not on the approved permit. Mr. Kosylo stated that the zoning permit is silent as to the height but the drawings were submitted and they do show the height and even if there was confusion over whether the height was twenty feet or twenty-five feet it was still over the eighteen foot maximum and the permit was still issued.

Public Hearing: (continued)

1. #17-04 – Peter Sideris (continued)

Mr. Kosylo stated that if Mr. Sideris' vehicle, the modified ambulance, needs a variance then they would like to amend their application this evening to include the use of that vehicle. If the Board will want a separate application for that then they will apply with a separate application. Mr. Sideris stated that the modified ambulance is a van not the square body type of ambulance, just a standard van. Mr. Sebastian asked what is stored in the van. Mr. Sideris stated that he removed the bench and he has a table saw, his compressor, his hand tools, and tool boxes. He stated he would submit the registration. Ms. Flaherty stated that the plans that are submitted to construction are not reviewed by the Zoning Officer; the plans that were in the zoning file indicate twenty foot walls and the plans in the construction office clearly show the twenty-five foot height. She stated that there have been errors made by several people including the applicant regarding this application and that is why he is before the Board. Mr. Kozak asked what it would take for Mr. Sideris to bring the building to compliance. Mr. Sideris replied he would have to take the whole thing down and start over and he would not be able to use the same materials again so it would cost him approximately thirty thousand dollars plus what he already spent. Mr. Salvadori commented that the Board does not consider the cost to the applicant. Mr. Kosylo replied that he only brought up the money spent and what may have to be spent again because Mr. Sideris spent that money based on the issuance of the zoning and building permits.

The Board took a brief recess. Motion passed to open the hearing to the public.

1. Loretta Winters, 219 Jones Kane Road, was sworn in by Mr. Shotts. Ms. Winters commented on the issue of Mr. Sideris not knowing his house was not 2400 square feet. She stated that Mr. Sideris is a real estate agent for at least eighteen years and the square footage of the house is listed in the deed and the tax records so he had to know the size of the house. She also commented that the height of the building was designed to accommodate one vehicle, the modified ambulance; she asked how often he would have to get underneath that vehicle that he made the building so high just for that. She stated that this pole barn is bigger than most houses in that area. She asked if this pole barn would have been approved to be constructed in the front yard if it was in Hunter Woods, Chestnut Green, or another development in the town and why was it approved to be put in the front yard where they live. She asked the Board to have the courage to say no to this pole barn because it devalues their properties and is an atrocity to their neighborhood. She expressed her concern with the number of vehicles Mr. Sideris stated he has and also about the noise level from repair work going on in the pole barn. She commented on the mistakes that were made and stated that the mistakes should not be allowed to continue; it should be stopped. The area is a very rural and quiet neighborhood and this hideous building does not belong in their neighborhood. She asked the Board to do the right thing.

Public Hearing: (continued)

1. #17-04 – Peter Sideris (continued)

2. James Vales, 255 Jones Kane Road, was sworn in by Mr. Shotts. Mr. Vales stated that when he built his house in 2004 he had to send notice to the neighbors in order to get it approved. The neighbors were not notified when this building started being constructed. Mr. Vales stated he spent his life savings to build his house in this area and they should not have to tolerate something like this where someone just comes in and builds something without any care for the neighborhood. He stated Mr. Sideris is turning their neighborhood into a suburban ghetto.

3. Selwa Grandison, 199 Jones Kane Road, was sworn in by Mr. Shotts. Ms. Grandison expressed her concern with Mr. Sideris not knowing his home was only 1600 square foot. She also asked why he would build the pole barn in the front yard and so close to the road. She stated that this is a residential neighborhood and not an industrial park. Ms. Grandison stated that the boys that live across the street from Mr. Sideris also work on their hotrods and they will be over there too and then it will be like a frat house. She stated that Mr. Sideris should have bought a property with more acreage so he could put the pole barn wherever he wanted. She also wanted to know how many times Mr. Sideris would need to work on the van/ambulance.

4. Darlene Walker, 1578 Janvier Road, was sworn in by Mr. Shotts. Mrs. Walker stated that she and her husband are against this pole barn being located in the front yard. She thought that Mr. Sideris should have been more considerate to the surrounding neighbors and they should have been asked first if constructing this building on the front lawn was okay with them. All the neighbors are against having the pole barn in the front yard and Mr. Sideris should have had respect and put it in the backyard. She felt that more cars would continue to go to the property for car repairs and increase the traffic on Janvier Road. Mrs. Walker stated that mistakes were made but the Board can make it right and correct the mistake that was made previously and hear the voices of the people in the neighborhood.

5. Stan Pareda, 131 Jones Kane Road, was sworn in by Mr. Shotts. Mr. Pareda stated that he lives right next door to Mr. Sideris and he did not know Mr. Sideris before he moved into the neighborhood. He agreed that the pole barn is big but disagreed that Mr. Sideris should have to poll the neighbors before he constructed the pole barn because no one else should tell you what you can do with your property. Mr. Sideris did have a dumpster there when he was doing clean-up of the property and just moving in because a lot of stuff was left in the house. Mr. Pareda commented that there are plenty of houses along the road that look like crap and yet no one is complaining about those houses. He commented again that he did not think anyone else had the right to tell you what you can do on your property. He stated that if Mr. Sideris was forthcoming and did all the right things then the Board should do the right thing and if he didn't then he should correct it. People may not like it but that's why there is chocolate and vanilla ice cream.

Public Hearing: (continued)

1. #17-04 – Peter Sideris (continued)

6. Stan Pareda, Jr., 308 Jones Kane Road, was sworn in by Mr. Shotts. Mr. Pareda stated that the pole barn does look bad right now because Mr. Sideris has not had a chance to finish it. When it is finished it will probably be a showplace in the neighborhood. Mr. Pareda asked the Board if there is a law that states before a resident can do something on their property they have to poll the neighborhood. Mrs. Farrell replied that the only time public notice is sent is if the applicant requires a variance; then the neighbors are notified within 200 feet of the property; that list of property owners is provided by the County Tax Assessors Office. He asked if all the people in the room objecting are on the list. Mrs. Farrell stated that there are eleven properties on the list. Mr. Pareda stated that he is in favor of Mr. Sideris finishing the pole barn.

7. Doug Ramseur, 91 Parvins Mill Road, Upper Deerfield Township, was sworn in by Mr. Shotts. Mr. Ramseur stated he grew up on Janvier Road and the State has zoning laws. He wondered how the application is even deemed complete with the number of items in question. Mr. Ramseur stated that the applicant talked about painting and asked if there is a fume hood and a sprinkler system. The pole barn does look hideous and he didn't think anyone on the Board would want to have that in their neighborhood. He asked if the applicant had to go to Pinelands for approval. Ms. Flaherty replied that he did not need Pinelands approval. The Board cannot not consider how much money the applicant has spent or will have to spend to come into compliance. He stated he does not want anyone to tell him what he can do on his property but he wants to comply with the zoning laws in the community. He asked the Board to do the right thing and follow the laws.

8. Mark Sherrard, 1315 Janvier Road, was sworn in by Mr. Shotts. Mr. Sherrard stated that he lives directly across the street from Mr. Sideris. He knew the pole barn was being built and he does not have any problem with it. If Mr. Sideris applied for the permit and received it then he should be able to build what he wants to build. He stated that someone will always be unhappy with what is being done in the neighborhood because everyone has their own opinion. He didn't feel Mr. Sideris' pole barn would decrease anyone's property value and didn't understand how anyone can say the building is ugly when it's only wood poles and a roof and it is not completed. He didn't understand the comment about a frat house and stated that working on classic cars creates the same amount of noise as someone using their lawnmower or a leaf blower. He stated that he is the direct neighbor that has to look at the pole barn and he is in favor of Mr. Sideris completing it.

Motion passed to close the hearing to the public.

Public Hearing: (continued)

1. #17-04 – Peter Sideris (continued)

Mr. Kosylo stated he would like to address the concerns expressed by the public. He stated that there is no evidence of devaluation in this neighborhood and that statement has no basis in fact. The applicant was mistaken when he made the 1800 square foot representation on his original application but it wouldn't be a surprise if most people did know the exact square footage of their home. With regard to the comment about Mr. Sideris saying he would be painting in the pole barn that comment is false. Mr. Sideris never stated he would be painting in the pole barn. Concerning the modified ambulance it is registered as a passenger vehicle not a commercial vehicle. Mr. Ramseur mentioned about following the zoning laws and Mr. Sideris did that; before he even purchased the house he went to the Township Zoning Officer and asked if he was able to build this pole barn and subsequently was issued a zoning permit. And speculation about whether Mr. Sideris is going to violate any ordinances with regard to running a business is ridiculous and if he did the Zoning Officer will cite him. Mr. Kosylo stated he knows people do not like things to change in their neighborhood and this is a change but it's not a bad change. The applicant is requesting the variances for the height and for the square footage of an accessory building exceeding the square footage of the residence, and if they are able to include it, the use of the modified ambulance vehicle because it may slightly exceed the tonnage limit for the road.

Ms. Flaherty asked if the applicant can testify as to whether he combined the two lots. Mr. Sideris stated that he believes he did have the lots combined because the previous Zoning Officer told him he would have to combine the lots. Ms. Flaherty stated that they are still showing up as two separate lots in the tax records. Mr. Sideris stated that he had it done with the deeds. Ms. Flaherty replied that they must not have been filed correctly because the lots are still showing as two separate lots. Mr. Kosylo stated that he would follow up on that issue. Another variance may be required because the pole barn is not on the same lot as the house; the Board would have to make the lot consolidation a condition of approval. Mr. Fritz asked if any zones allow for an accessory building to be closer to the road than the primary building. Ms. Flaherty responded no.

Mr. Shotts reviewed the requests by the applicant. The motion being requested is to approve the use variance to allow the structure to exceed the square footage of the primary residence as well as a motion to approve the height variance where eighteen feet is the maximum height allowed and the applicant is proposing twenty-five feet which would be conditioned upon Lots 29 and 30 being combined. Mr. Shotts stated that the Board can take those motion separately. The first motion will be for the use variance. Mr. McLaughlin made the motion to approve based on the actions of the previous Zoning Officer. Mr. Manfredi seconded the motion. Roll call vote: Ayes – Mr. McLaughlin. Nays – Mr. Manfredi, Ms. Fox, Mr. Fritz, Mr. Kozak, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero. 1 Aye, 6 Nays; motion failed.

Public Portion:

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

Reports:

1. Mr. Salvadori stated that there aren't any applications scheduled for the March 7th, 2017 meeting; the next meeting is scheduled for March 21st.

Adjournment:

The meeting was adjourned at 9:04 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings. The tape of the meeting is stored in the office of the Board.

Ninette Orbaczewski
Clerk Transcriber