

**Call to Order:**

The meeting was called to order at 7:00 p.m. by Chairman McLaughlin 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 17, 2013. 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 of this evening’s public hearings was sent in writing to the South Jersey Times on April 2, 2013.

The Board saluted the flag.

Roll call: Present – Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Price, Mr. Salvadori, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Absent – Mr. Fitzgerald, (excused), Mr. Sander, (excused). Also present – Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Caligiuri, Council Liaison.

Chairman McLaughlin announced that there would be a change in the order of the agenda. Application #13-02, Harold Paul Kanady, has been postponed and rescheduled for May 7, 2013. Also application #13-09 for the side yard variance will be heard before application #13-08 since #13-08 is for a use variance and could take a little more time than a side yard variance.

**Memorialization of Resolutions:**

1. #13-13 – App. #13-06 – Roy Fennimore – Use Variance Approved

Motion by Mr. Salvadori, seconded by Mr. Fritz to adopt resolution #13-13. Roll call vote: Ayes – Mr. Salvadori, Mr. Fritz, Mr. Carney, Mr. Manfredi, Ms. Hui, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearings:**

1. #13-09 – Steven Schankweiler – Side Yard Variance

Present – Steven Schankweiler, applicant.

Member’s packets contained: 1. A copy of the applicant’s variance application. 2. The Certificate of Filing from the Pinelands. 3. Photographs of the property in question.

**Public Hearings: (continued)**

1. #13-09 – Steven Schankweiler (continued)

The applicant is requesting a side yard variance in order to be allowed to construct a single family home on a 9,263 square foot lot located on Church Street, also known as Block 11803, Lot 5. The required side yard setback is 20 feet and the applicant is requesting to have a 19 foot setback; he needs a side yard variance of one foot.

Mr. Schankweiler was sworn in by Mr. Marmero. Mr. McLaughlin asked Mrs. Farrell if the application could be deemed complete. Mrs. Farrell replied that it could be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #13-09 complete. Voice vote; all ayes, motion passed.

Mr. Schankweiler stated that he wanted to construct a single family home on the lot which is an irregular shaped lot that narrows a little as it goes back. They meet all the other setbacks but the one side yard. The home they are constructing is similar to the homes in the neighborhood. Mr. McLaughlin commented that Mr. Schankweiler only needed one foot. Mr. Kozak asked where the driveway would be located. Mr. Schankweiler stated that it would be located off of Church Street.

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

Mr. Marmero stated that the motion would be to allow the side yard setback variance where 20 feet is required and the applicant is requesting to have 19 feet therefore needing a one foot variance. Motion by Mr. Fritz, seconded by Mr. Carney to approve the one foot side yard setback variance. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Mr. Manfredi, Mr. Price, Mr. Salvadori, Ms. Hui, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #13-08 – Richard Jacobi – Use Variance

Present – Richard Jacobi, applicant.

Member's packets contained: 1. A copy of the applicant's use variance application. 2. Photographs of the property. 3. A plan of survey and floor plans depicting the three levels of living space. 4. Report dated April 8, 2013 prepared by Ms. Pellegrini.

**Public Hearings: (continued)**

2. #13-08 – Richard Jacobi (continued)

Mr. Jacobi was sworn in by Mr. Marmero. Mr. McLaughlin asked Mrs. Farrell if the application could be deemed complete. Mrs. Farrell replied that it could be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Carney to deem application #13-08 complete. Voice vote; all ayes, motion passed. Ms. Hui stated that she was excusing herself from the hearing due to a conflict.

Mr. Jacobi testified that the duplex was heavily damaged from a fire when he purchased it. He received approval from the Zoning Office to have two apartments on his side of the duplex and when the building inspector at the time came in for inspection, he commented that the third floor was big enough to be converted to an apartment as well. He stated the entire building would need to have fire sprinklers and have a monitored fire alarm system. Mr. Jacobi stated he took that as he was allowed to have the third apartment if he did those things; so he made the third floor into an apartment. He received all the necessary permits and inspections; however when he tried to get his final Certificate of Occupancy the building inspector told him he needed Zoning approval. The Zoning Officer informed he needed a use variance in order to have the third apartment because a third apartment is not permitted. He commented the third unit is a one bedroom unit.

Mr. McLaughlin inquired as to the parking situation. Mr. Jacobi stated that you could possibly put five or six cars in the back; however he rents the other two units to single people who each have one car. As the landlord he would make sure he doesn't rent to anyone who has more than one car. Mr. Price inquired as to an exterior stairway from the third floor. Mr. Jacobi stated that there is not but the third floor has a separate stair tower that is totally separate from the other two units. There are fire doors, it is fire rocked, it has sprinklers; it was built according to the code. Mr. Salvadori asked about the access from the back parking area. Mr. Jacobi stated you have to make a k-turn; he does it all the time with his truck. Mr. Kozak commented that there isn't any off-street parking on Main Street so it would be Mr. Jacobi's issue if his renters could not park. Ms. Pellegrini asked if there were two units before the fire. Mr. Jacobi stated there were not two units but he received approval from the Zoning Officer to have two units and the other half of the duplex has two units as well. She stated that typically a duplex is just that, a duplex, two halves. There is a certain lot area required by the ordinance which was completely violated when the two halves were made into four and now in this case this side is three units, so a total of five units. She stated it's the equivalent of having twenty-two units per acre.

**Public Hearing: (continued)**

2. #13-08 – Richard Jacobi (continued)

Ms. Pellegrini commented that it wasn't a good precedent to set. With regard to parking, the only way it can be managed is if he limits his tenants to one car each because the lot is only thirty-four feet wide which can accommodate three cars not five or six.

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

Mr. Marmero inquired as to the bulk variances listed in Ms. Pellegrini's report. She stated that she used the R-1 standards for this proposed use and multiple variances are required. The minimum required lot area is 7500 square feet for each side of the duplex; this side has only 5,919 square feet. There are pre-existing nonconforming conditions for the front yard setback, lot frontage, and lot width. Ms. Pellegrini stated that the lot area and lot coverage should have been addressed at the time permission for two units were given but they weren't. With regard to lot coverage, she estimated it is approximately sixty or seventy percent where the maximum is thirty percent.

There is a COAH development fee required for this use which the applicant will have to pay before he receives his Certificate of Occupancy. Ms. Pellegrini stated that because he is coming in now for the third unit a fee will be required. This is a State requirement based on the equalized assessed value of the unit. The construction office will inform him of the amount of the fee. Mr. Marmero asked if there were any other buildings in the area with three units. Mr. Jacobi stated that there are several buildings that have three units. The applicant must also request a site plan waiver since technically it would require a site plan.

Mr. Marmero reviewed the requests of the applicant; a use variance to allow a third unit in an existing duplex building, bulk variances for lot area, lot coverage, the existing lot frontage, lot width, and front yard setback, and a site plan waiver. Motion by Mr. Carney, seconded by Mr. Salvadori to grant the use variance, the bulk variances, and the site plan waiver. Roll call vote: Ayes – Mr. Carney, Mr. Salvadori, Mr. Fritz, Mr. Manfredi, Mr. Price, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**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. Voting

In light of the issue with voting on an application at the last meeting, Mr. McLaughlin stated he wanted to have some conversation about voting. He commented that he realized after the last meeting that he could have seconded the motion. He stated to the Board that even if a Board member wants to deny an application, they can still make the motion in the positive and the second can be made by a Board member who wants to deny the application as well. When the vote is called, they can simply vote nay. This way it keeps everyone from getting confused as to which way they are voting. Mr. Fritz commented that he was confused about that, thinking that if he made the motion in the positive or seconded a positive motion, he could not vote nay. Mr. Marmero commented that he did not have any problem with the Board making a negative motion. Ms. Pellegrini stated that it is accepted but most of the time it is better to make the motion in the positive so the Board members are not confused. There was some question on the outcome of the vote at the last meeting since it was a three for and three against vote. Mr. Marmero stated that since the use variance needed five affirmative votes and didn't get five, it was a denial of the application. Mr. McLaughlin stated a Board member can also defer their vote to an alternate member. There was some question as to whether a Board member has to give a reason to abstain. Mrs. Farrell stated that as a Board member you have an obligation or duty to vote on applications, you shouldn't make a habit of abstaining. Mrs. Farrell asked if that applicant had a right to come back. Mr. Marmero stated that they could but they have to make a change to the plan which he thought removal of the garages would be enough of a change to allow them to come back.

**Approval of Minutes:**

1. 04/02/13 regular meeting.

Motion by Mr. Salvadori, seconded by Mr. Fritz to approve the minutes from the April 2, 2013 meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 7:30 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, Transcriber.