

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 8, 2014. 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 hearing was sent to the South Jersey Times on March 5, 2014.

The Board saluted the flag.

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

Memorialization of Resolutions:

1. #14-09 – App. #14-03 – Monica & Marc Marsico – Side & Rear Yard Variances

Motion by Mr. Fritz, seconded by Mr. Fitzgerald to adopt resolution #14-09. Roll call vote: Ayes – Mr. Fritz, Mr. Fitzgerald, Mr. Manfredi, Mr. Salvadori, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Public Hearing:

1. #14-02 – Michael Rodriguez – Side & Rear Yard, Height Variances

Present – Michael Rodriguez, applicant, Robert Kull, applicant's step father.

Member's packets contained: 1. A copy the applicant's variance application. 2. A copy of the applicant's survey and photographs of the property. 3. Letter of objection and photographs dated February 22, 2014 prepared by Jean Linsalata, 130 Harvard Place.

The applicant is requesting side, rear, and height variances for a 10'x16' shed his step father constructed on the property without permits. The height of the shed is approximately ten feet eight inches. The property is located at 129 Oxford Place, also known as Block 1906, Lot 11.

Public Hearing: (continued)

1. #14-02 – Michael Rodriguez (continued)

Mr. Rodriguez was sworn in by Mr. Marmero. Mr. Rodriguez testified that his step father constructed the shed in the backyard in January. He stated that his parents were in the process of buying a new home but in the meantime have moved in with him. He wanted a shed to store their things and then he would be able to use it as well after they moved. He stated that he wasn't aware he needed to get permits and received a violation. He is aware that his neighbor, Jean, is objecting to the location of the shed; however they did not put it in that location on purpose. They are before the Board to get approval for the variances for the shed.

Mr. McLaughlin asked Mrs. Farrell if the application contained the necessary information to be deemed complete. Mrs. Farrell replied that it did. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #14-02 complete. Voice vote; all ayes, motion passed.

Ms. Hui commented that after reviewing the applicant's survey she noticed that there is plenty of room on the side of the yard to place the shed without necessarily needing a variance of twenty-two feet. She asked why the applicant constructed the shed on the right side of the property. Mr. Rodriguez replied that they put it close to the garage area where there is a light; there are some trees in the middle of the yard and the left side where it is open there is a sprinkler system. Mr. Kozak asked if the applicant's step father is in the construction business. Mr. Rodriguez stated that he was. Mr. Kozak asked if the applicant's step father was aware he would need a permit to construct the shed since he is in the business. Mr. Rodriguez replied that his step father wasn't aware a permit was needed.

Mr. Manfredi asked if the shed was built on a slab or a foundation. Mr. Rodriguez replied that it was on a wood base. Mr. Manfredi asked if the shed could be moved so they wouldn't need the variances. Mr. Rodriguez stated that they did speak to someone who said they could move it if necessary. Ms. Hui stated that she didn't see a problem with moving the shed where the sprinklers are since they can be adjusted and it would be the perfect location to give him the distance he needs to meet the setbacks. Mr. Rodriguez asked how long the Board would give them to move the shed.

Public Hearing: (continued)

1. #14-02 – Michael Rodriguez (continued)

Mr. Sebastian commented that the shed can be placed in an area of the yard so that it complies with the requirements; however the applicant would still need a height variance. The paperwork indicates that the height is ten feet, but looking at the construction and the boards it appears the height of the shed is at least ten foot eight inches. Mr. Kozak stated that if the applicant reduced the height of the shed to nine and one half feet he wouldn't need the twenty-five foot setback to the rear yard. Mr. Sebastian replied that if the applicant does not want to change the height but moves it and it can comply with the side and rear yard setbacks then the only variance needed is for the height. Mr. Rodriguez asked if he would have to go through the whole process again of reapplying for the variance. Mr. Marmero commented that he could still ask for the height variance this evening as it is part of the application if they are amenable to move the shed.

Mr. Kull was sworn in by Mr. Marmero. Mr. Kull testified that he did not want to change the height of the shed as it is almost all done with shingles. They are amenable to move the shed but leave the height alone. He stated that he was wrong to put the shed up without the permits and being in construction he is aware permits are needed to do anything. He did not mean any harm to anyone. He apologized for not getting the proper permits; however he did not want to cut the shed down. Mr. Sebastian commented that he could still ask for the rear yard variance if he wants to move the shed to the back corner behind the other sheds owned by the adjacent property owners. Mr. Kull stated that he would like to still ask for the rear yard variance because he cannot meet the twenty-five foot setback.

Mr. Kull referred to the photographs and indicated that Mr. Rodriguez would like to move the shed to the middle of the yard approximately where the park bench is currently located, which is shown in the photographs. They would meet the side yard requirements if they move the shed to that location. Mr. Kull stated that he thinks the operator that is going to move the shed can maneuver it between the two existing trees on the site where the bench is located; however he isn't positive he can make the turn and place it there. The rear yard setback would only be about eight feet off the back property line. Mr. McLaughlin asked if the shed would still be behind the same adjacent home. Mr. Rodriguez stated it would be moved away from the windows of the adjacent home almost behind the neighbors shed. Mr. McLaughlin asked if there were any drainage issues on the property. Mr. Kull stated that they do have a problem with water runoff toward the back wall of the house which is another reason why he wanted to keep the shed as close to the property line as possible.

Public Hearing: (continued)

1. #14-02 – Michael Rodriguez (continued)

Mr. Sebastian commented that he did not think the neighbor would have any issue with the shed being closer to property line if it is moved closer to the other corner of the yard. Mr. Kull stated that he did speak with Mrs. Linsalata about the shed and her problem is that the shed is located in a place that is right in front of her kitchen windows and when she looks out she sees the back wall of the shed. She indicated that if it was moved away from that location she would be okay with that.

Motion passed to open the hearing to the public.

1. Jean Linsalata, 130 Harvard Place, was sworn in by Mr. Marmero. Mrs. Linsalata asked exactly what the applicant is proposing now with regard to where he wants to move the shed. Mr. McLaughlin replied that he is proposing to move it to an area closer to behind her shed where he currently has a park bench. She stated she would be happy with him moving the shed to that location since it will be away from her windows. She asked how they would move the shed. Mr. Kozak stated that that is the applicant's problem and pointed out to her exactly where the shed is going to be moved. She asked when the shed will be moved. The Board indicated that they would give the applicant a time period in which to move the shed. She was not concerned about the distance of eight feet from the property line as long as the shed was moved away from her windows.

Motion passed to close the hearing to the public.

Mr. Manfredi asked if Mr. Weikel checked to see if the neighbor's sheds conformed to the ordinance. Mrs. Farrell stated that those sheds could have been there for many years. Mr. McLaughlin stated that the issue of the other sheds is not before the Board.

Mr. Salvadori inquired as to the exact motion. Mr. Marmero explained that they would be eliminating the side yard variance and the motion would be to allow a rear yard variance of a minimum of eight feet as well as the variance for the ten foot height. The applicant has indicated he will move the shed to the location where the park bench currently is located in his yard. Mr. Sebastian asked for clarification on the height of the shed. Mr. Kull stated that the height is probably closer to eleven feet and after some discussion it was decided that the applicant would ask for a twelve foot maximum.

Public Hearing: (continued)

1. #14-02 – Michael Rodriguez (continued)

The Board imposed a time limit of thirty days from the time the resolution is memorialized for the applicant to move the shed. Motion by Mr. Fritz, seconded by Mr. Carney to approve the variance for the rear yard setback to be a minimum of eight feet and the height variance of a maximum of twelve feet; also conditioned upon the applicant moving the shed within the thirty day time period which will begin when the resolution is memorialized. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Mr. Fitzgerald, Mr. Manfredi, Mr. Salvadori, Ms. Hui, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Mr. Rodriguez was advised not to move the shed until he receives his zoning and construction permits from the Township. Mrs. Farrell stated that she would advise Mr. Weikel as to the Board's approval so that the applicant can move forward with getting his permits as soon as possible since the shed is already built. Mrs. Linsalata was concerned that the applicant might not move the shed. The Board advised her that the applicant is required to move the shed as a condition of approval for the variances.

Public Portion:

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

Reports:

1. Mrs. Farrell informed the Board that the office had a gentleman stop in who would like to farm a piece of property that is currently vacant. He also would like to construct a pole barn on the property as part of the farming operation; however Mr. Weikel indicated he would need a use variance since the pole barn is considered an accessory use typically to a home or existing business. Mrs. Farrell asked if the pole barn would be permitted under the "Right to Farm Act" and commented that since the Board has received other applications concerning prospective farming operations, the office should have clarification on issues such as the construction of buildings, etc. under this law. Mrs. Farrell stated the property is located in the RD-A zone, which is an agricultural zone. Mr. Marmero stated that he thought the pole barn would be considered an accessory to the farming operation. The operator would still have to abide by the municipal code which essentially has adopted the "Right to Farm Act" requirements, but he believed it would be considered an accessory to the farm. He informed the Board that he would do some research into the matter and inform the Board as to the outcome of his research.

Reports: (continued)

Mr. Kozak asked if the Board can limit the use of the pole barn to the farming operation only. Mrs. Farrell replied that she didn't think the matter should come to the Board at all for a use variance if the pole barn is considered an accessory to the farming operation under the "Right to Farm Act", then the Zoning Officer would just issue the permit and could condition it upon the pole barn being used strictly for the farming operation.

Mr. Manfredi commented that the first acre of property is incorporated as the residence; so if there is a situation where it's only five acres and he qualifies to farm with the pole barn, but what happens if he decides to build a house. He would have under the five acre requirement and not be qualified to farm anymore. Mr. Kozak replied that anyone can farm any amount of property; they just wouldn't qualify for the farmland assessment which is a different issue.

2. Mrs. Farrell informed the Board that she scheduled Cross Keys Monroe for a completeness hearing since they are asking for submission waivers. She has asked the applicant to provide reasons for the requested waivers. The will come before the Board on April 1, 2014.

Approval of Minutes:

1. 3/04/14 regular meeting.

Motion by Mr. Fritz, seconded by Mr. Fitzgerald to approve the minutes from the March 4, 2014 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:45 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