

Call to Order:

The meeting was called to order at 7:05 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 for this evening’s public hearings was sent in writing to the South Jersey Times on September 2, 2014.”

The Board saluted the flag.

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

Memorialization of Resolutions:

1. #14-21 – App. #14-10 – David & Bernice Witts – Side Yard Variance Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #14-21. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions - Zero.

2. #14-22 – App. #14-11 – Marilyn Wengert – Side Yard Variance Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #14-22. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

3. #14-23 – App. #14-12 – Robert & La Tia Kendrick – Rear & Side Yard Variances

Motion by Mr. Fritz, seconded by Ms. Hui to adopt resolution #14-23. Roll call vote: Ayes – Mr. Fritz, Ms. Hui, Mr. Carney, Mr. Kozak, Mr. McLaughlin. Nays - Zero. Abstentions – Zero.

Public Hearings:

1. #14-14 – George & Mary Olexson – Rear Yard Variance

Present – George & Mary Olexson, applicants.

Member’s packets contained: 1. A copy of the applicant’s variance application. 2. Photographs of the property and a copy of the certified survey.

Public Hearings:(continued)

1. #14-14 – George & Mary Olexson (continued)

The applicant is requesting a rear yard variance of fifteen feet where twenty feet is required in order to be allowed to construct an enclosed sunroom. The property is located at 223 Holiday City Boulevard, also known as Block 9.0102, Lot 6.

Mr. McLaughlin asked Mrs. Farrell if the application could be deemed complete. Mrs. Farrell replied that the application could be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #14-14 complete. Voice vote; all ayes, motion passed. Mr. and Mrs. Olexson were sworn in by Mr. Marmero. Mrs. Olexson testified that they would like to construct a screened in sunroom/porch on the rear of their home which requires a variance because they cannot meet the setback.

Mr. Carney commented that a concrete pad already exist. Mrs. Olexson stated that there is an existing pad. Mr. McLaughlin asked if they were going to construct the sunroom on top of the existing pad without any addition to the size. Mrs. Olexson stated that they were constructing the sunroom on top of the exiting concrete pad and that it would actually be a little bit smaller than the pad. Mr. Kozak asked if they received permission from the Holiday City homeowner's association. Mrs. Olexson stated they did receive permission. Mr. Fritz asked if there were any problems with drainage on their property. Mr. Olexson stated they did not have any drainage problems.

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

Mr. Marmero reviewed the variance request for the Board for the rear yard variance with the condition that any runoff is the responsibility of the applicant. Motion by Mr. Fritz, seconded by Mr. Carney to grant the rear yard variance of fifteen feet with the above noted condition. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Salvadori, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #14-16 – Jeff & Vanessa Andricola – Rear Yard & Percentage of Lot Coverage

Present – Jeff Andricola, applicant, Toni Williamson, president of The Pool Store.

Member's packets contained: 1. A copy of the applicant's variance application. 2. Photographs of the property and the certified survey.

Public Hearings: (continued)

2. #14-16 – Jeff & Vanessa Andricola (continued)

The applicant is requesting a rear yard variance of five feet where ten feet is required and an increase in the permitted lot coverage of four percent where thirty percent is permitted and thirty-four percent is proposed, in order to be allowed to construct an inground swimming pool on the property. The property is located at 1669 Bracken Drive, also known as Block 103.0101, Lot 7.

Mr. McLaughlin asked Mrs. Farrell if the application could be deemed complete. Mrs. Farrell replied that application #14-16 could be deemed complete. Motion by Mr. Carney, seconded by Mr. Fritz to deem application #14-16 complete. Voice vote; all ayes, motion passed. Mr. Andricola and Ms. Williamson were sworn in by Mr. Marmero. Mr. Andricola testified that he is requesting a rear yard variance of five feet where ten feet is required in order to construct an inground pool in his backyard. Mr. McLaughlin asked if the applicant has any drainage issues on his property. Ms. Williamson and Mr. Andricola stated there weren't any drainage problems on the property. Mr. Fritz inquired as to the drainage after the pool and patio area are constructed. Ms. Williamson replied that an engineer did look at the topography of the site and surrounding property and as a result they are going to install infiltration drains on both sides of the patio.

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

Mr. Marmero reviewed the variance requests for the rear yard variance of five feet and the lot coverage variance of four percent as well as the lot grading plan that may be required by the Township Engineer. Motion by Mr. Carney, seconded by Mr. Fritz to grant the rear yard variance and lot coverage variance. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Salvadori, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

3. #14-06 – Harold Paul Kanady – Use Variance

Present – Harold Paul Kanady, applicant, John Makowski, applicant's attorney.

Member's packets contained: 1. A copy of the applicant's use variance application. 2. Photographs of the property and garage. 3. A copy of Resolution #13-02 granting the applicant a Certificate of Non-Conformity. 4. A copy of the applicant's zoning permit for the garage. 5. Letter and photographs dated September 12, 2014 prepared by Fred Weikel, Zoning Officer. 6. Letter and photographs dated February 6, 2014 prepared by Fred Weikel, Zoning Officer. 7. Letter dated September 15, 2014 prepared by Doris Meddings. 8. Report dated September 10, 2014 prepared by Pam Pellegrini.

Public Hearings: (continued)

3. #14-06 – Harold Paul Kanady (continued)

The applicant is requesting a use variance in order to be allowed to use a pole barn/garage he constructed on his property in 1999 for repairing his vehicles/trucks he uses for his business. He was granted a Certificate of Non-Conformity in 2013 which allowed him to repair the trucks outside but not inside the garage. The property is located at 1887 York Avenue, also known as Block 15403, Lot 12.

Mr. McLaughlin commented that a packet of information was submitted by a member of the public and asked if the Board needed time to review the information submitted before continuing with the hearing. Mr. Marmero stated he had not seen any of the information prior to that moment either. Motion by Mr. Salvadori, seconded by Mr. Fritz in favor of taking a fifteen minute recess in order to review the materials submitted.

The Board returned from recess at 7:33 p.m. Mr. McLaughlin asked Mrs. Farrell if the application could be deemed complete. Mrs. Farrell replied that it could not; the applicant is requesting a waiver from providing the certified survey. Mr. Makowski stated that one wasn't provided due to the cost and that the applicant would be able to testify where the garage is located on the property. Mr. Kanady was sworn in by Mr. Marmero. Mr. Marmero stated that the Board was just dealing with completeness and ask the applicant to provide testimony as to why a waiver is being requested for the certified survey. Mr. Kanady stated that when he submitted for the zoning permit to build the garage back in 1999 a sketch was provided instead of a survey. Mrs. Farrell commented that the sketch is included in the member's packets with the copy of the zoning permit. Mr. Marmero commented that Ms. Pellegrini's report indicates that there are no setbacks provided for the location of the garage.

Ms. Pellegrini agreed and stated that the setbacks to the property lines are not provided on the sketch or drawing submitted by the applicant. She stated that she did visit the property and knows where the garage is on the property but she doesn't know the distances from the property lines. Mr. Makowski asked Mr. Kanady to testify as to the side yard setbacks. Mr. Kanady stated that the garage sits in the back left corner of the property and is approximately fifty feet from the rear and forty-five from the one side. The property is large and there is plenty of space. Mr. Fritz commented that it was hard to know where the garage is located on the property from just the sketch and felt the survey should be provided. Ms. Pellegrini stated that one of the charges of the Board with a use variance is to assess the negative impact and you can't really get a sense of the impact for the use in relation to the neighbor's properties without knowing or seeing exactly where the garage is located.

Public Hearings: (continued)

3. #14-06 – Harold Paul Kanady (continued)

Ms. Pellegrini stated that she does have an aerial view of the property which does show the garage but it does not give the distances; however the Board can look at that if they choose. She felt that when application is controversial it helps to have a clear picture of where everything sits on the property and the function of the site. This is a use variance so the impact of the activity on the site and location of that structure is paramount to the testimony provided in order for the Board to get a good sense of what is being proposed. She stated that the drawing does not show that along one side there is a driveway that comes in off of the street and even though there are some screening trees here and there, the garage is visible and you can hear and see what is going on. She felt the Board did not have all the tools they needed to make a determination.

Mr. McLaughlin asked Mr. Marmero what the next step is if the Board does not deem the application complete. Mr. Marmero replied that the applicant would have to submit the certified survey in order to move forward with the application or he could choose not to submit the survey and not apply for the use variance. Mr. Makowski commented that the building was approved in 1999 and whatever the setbacks were back then it had to be in compliance. Mr. Kanady obtained all the necessary permits in order to build the garage. He just wants to be able to use the garage to repair his own vehicles and not just for storage. He is not bringing in trucks or other vehicles for repair but repairing his own vehicles. Using the building to do the repairs would be beneficial to the neighbors so that they would not have the noise from him working on the vehicles outside and the trucks would be out of site. Ms. Pellegrini commented that Lot 12 was not part of the approval for the non-conformity so repairs on the trucks outside on that lot was not approved. Mr. Makowski stated that they spoke about the property as a whole when they discussed the activity on the property for the non-conformity; there was no distinction made between the lots and the garage was discussed as part of the activity on the site. Mr. Kanady owns both properties and he testified as to how he used both properties throughout the years. If a particular document indicates only Lot 13, then that's an oversight because he always testified as to the activity on both properties.

Mrs. Farrell stated that the application for the non-conformity was for 1887 York Avenue which technically is Lot 13, not Lot 12; she stated that Mr. Kanady should combine both properties. Mr. Makowski stated that Mr. Kanady would not object to doing that if the Board required him to combine the lots. Mrs. Farrell stated that when he received the permit for the garage on Lot 12 for the storage of his mobile home, the lot was a vacant lot and she didn't know how he received a permit. Mrs. Farrell stated that the zoning has changed in the area and the requirements are more stringent. She also questioned whether a survey should be done for both lots since he is using both lots.

Public Hearing: (continued)

3. #14-06 – Harold Paul Kanady (continued)

Mr. Kozak commented that he should combine the lots before he gets the survey if he plans to combine them. Ms. Pellegrini stated that if the Board were to act favorably for the use variance combining the lots should be made a condition of approval. Mrs. Farrell stated that the garage did not exist back in the 1970's when Mr. Kanady started his business and that from information and photographs provided the business has grown from what was originally there. Mr. Makowski stated that the business has not grown from what Mr. Kanady testified to at the hearing in 2013. Mrs. Farrell stated the garage was supposed to be for his personal storage and did not come into question with the court. The court papers indicate the use at 1887 York Avenue, Lot 13 and the two properties on Route 322.

Mr. Sebastian stated that since this is a new application the testimony should be limited to this application and not issues dealing with the non-conformity since everyone may not be familiar with that issue and what went on at those hearings. Mr. Marmero agreed and stated that the issue now is for completeness and whether or not the Board is going to require the certified survey or whether they feel they have enough information to act on the application. Mr. McLaughlin asked if there were any other questions from the Board with regard to completeness. Motion by Mr. Fritz, seconded by Ms. Hui to deem the application incomplete. Roll call vote: Ayes – Mr. Fritz, Ms. Hui, Mr. Carney, Mr. Manfredi, Mr. Salvadori, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Mr. Makowski asked if the Board wanted the lots to be combined. Mr. Marmero stated that it will be condition of approval if the Board approves the use variance; however Mr. Kanady can do it on his own. Mr. Makowski addressed Mr. Sebastian's concern that issues were being raised from the non-conformity hearing and he indicated that the materials submitted by the public mostly dealt with the non-conformity and the prior approval. There was some question as to whether the application should be amended to include both lots since the activity seems to have expanded from what he was approved for with the non-conformity approval. Mr. Marmero stated that is an enforcement issue and that they cannot require him to include Lot 13 when the use is for the garage on Lot 12, he might want to consider it though since he testified that he uses both lots. Mr. Makowski stated that Mr. Kanady always considered the property as one lot and uses it as such. Mr. Marmero stated that the application should include both lots and the survey should be for both lots. Mrs. Farrell stated that the applicant did advertise for both lots. Mr. Marmero stated that if any bulk variances are needed they should be advertised for as well. Mr. Kozak asked if there was a time restriction as to when he has to return. Mr. Marmero stated that there wasn't a time restriction; however he must still comply with the conditions of his previous approval. Mr. Marmero also stated that people submitting materials should be present at the hearing.

Public Portion:

Motion passed to open the meeting to the public. Some members of the public wanted to speak on the previous application with regard to noise. They stated that Mr. Weikel said it would be resolved at this meeting. Mr. Sebastian stated that only Mr. Weikel can deal with enforcement if the applicant is in violation. The members of the public were advised that they can speak about any other matter but the application concerning Mr. Kanady. A member of the public asked where they could get answers if they are not getting them from Mr. Weikel. Mr. Sebastian stated that Council does not have authority over the Zoning Board; however she could call Mr. Fiore if she is not getting anywhere with Mr. Weikel and after that she can call the Mayor. The member of public stated that she has called Mr. Fiore and the Mayor. Mr. Sebastian stated that she should keep calling. Another member of the public commented that the Board approved something that cannot be policed. Motion passed to close the meeting to the public.

Approval of Minutes:

1. 9/2/14 regular meeting.

Motion by Mr. Fritz, seconded by Ms. Hui to approve the minutes from the September 2, 2014 regular meeting. Voice vote; all ayes, motion passed.

Reports:

1. Mrs. Farrell reminded the Board that the next meeting is scheduled on October 14, 2014 and that there are back to back meetings in October; the 14th and 21st due to Fire Prevention Week.

Adjournment:

The meeting was adjourned at 8:06 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