

Call to Order:

The meeting was called to order at 7:00 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. In addition, notice for this evening’s public hearing was sent in writing to the Courier Post in accordance with the Open Public Meetings Act. No new business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m.”

The Board saluted the flag.

Roll call: Present – Mr. Cossaboon, Ms. Fox, Mr. Fritz, Mr. McLaughlin, Mr. Mercado, Mr. Sebastian, Mr. Kozak, Mr. Rybicki, Mr. Salvadori. Absent – Mr. Sander, excused. Also present – Mr. Coe, Solicitor, Mr. Beigen, Planner, Mr. O’Reilly, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Memorialization of Resolutions:

1. #10-19 – Don & Alicia Heverly – Rear Yard Variance Approved

Motion by Mr. McLaughlin, seconded by Mr. Sebastian to adopt Resolution #10-19. Roll call vote: Ayes – Mr. McLaughlin, Mr. Sebastian, Mr. Cossaboon, Ms. Fox, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #18-08A - Williamstown Seventh Day Adventist Church – Use Variance

Present – Edward Fields, communications director from Williamstown SDA Church.

The applicant is proposing to replace the existing wooden church sign with an electronic LED sign. The property is located at 946 N. Main Street also known as Block 1701, Lot 23 in the R-2 Zoning District.

Mr. Fields stated that they are before the Board to ask to replace the existing wooden sign with an electronic LED and identification sign. Mr. Coe indicated that there is a procedural issue to discuss. He asked Mr. Fields if the church is a corporation. Mr. Fields replied that the church is a corporation. Mr. Coe stated that in the State of New Jersey a corporation must be represented by an attorney. Mr. Fields stated that the church does have an attorney; however for this presentation he was told by Rosemary Flaherty that they did not need an attorney; that they would be doing the presentation. He apologized for not having the attorney present.

Public Hearing: (continued)

Mr. Coe apologized that they were misinformed by someone from the Township; however the Board is bound by State law. One of the things the attorney representing the corporation does is to confirm the representatives from the corporation have the authority to make an application and appear before the Board to do what they are doing. Mr. Coe stated that the Board cannot hear the application this evening. Mr. Fields stated that he understands the issue which is why he questioned Rosemary about whether they would need an attorney. He had previously served on the Board in Clayton and was aware they normally would need an attorney. He stated that to her and she indicated they would not need the attorney to be present. Mr. Coe apologized again that they were misinformed.

Mrs. Farrell asked the Board if they can give a date specific to hear the application since notice was sent and the hearing was advertised so notice would not have to be resent. Mr. Coe stated that he would recommend to the Board that they adjourn the application to a specific date so they do not have to send notice again. Mr. Fritz asked why the church even has to come before the Board for approval when the Township has requested them to install the LED sign so that they can use it in the event of an emergency. Mr. Coe asked Mr. Fields if the church wanted to do the sign or if they were asked to do the sign. Mr. Fields stated that they had planned on doing the LED sign but at a later date as they wanted to do their parking lot first; however they received a letter from the Township requesting that they install an electronic LED sign so they can use it in case of an emergency. They put the parking lot paving on hold and started raising funds to install the LED sign. Mr. Coe stated that they do not have to do the sign. Mr. Fields replied that he knows they don't have to but it was requested. Mr. Coe stated that he wanted the church to understand that the Township is not requiring them to change their sign. Mr. Fields replied that since it was requested they raised the money for it and they want to do it.

Mr. Sebastian commented that regardless of whether the Township requested the sign or not the applicant would still have to come before the Board to insure the sign meets the ordinance requirements. Mrs. Farrell informed the applicant of the meeting dates in March. Mr. Fields responded that he would like to be scheduled for the March 5th meeting date. Motion by Mr. McLaughlin, seconded by Mr. Sebastian to adjourn the application to the March 5th meeting. Voice vote; all ayes, motion passed. Mrs. Farrell announced that the hearing has been rescheduled to the March 5th regular meeting at 7:00 p.m. and no new notice will be sent to the public as this is their notice.

2. #19-03 – Sean Murtha – Front Yard Setback Variance

Present – Sean Murtha, applicant.

The applicant is requesting a front yard setback variance of thirty-two feet where thirty-five feet is required for an existing above ground pool that is three feet from the public right-of-way.

Public Hearing: (continued)

The property is located at 1901 Herbert Boulevard, also known as Block 101, Lot 29 in the R-2 Zoning District. Mr. Murtha was sworn in by Mr. Coe. He stated that he is before the Board to request the variance in order to be allowed to keep his existing above ground pool in the location where it was installed. He testified that he was under the impression the company that installed the pool received the proper permits.

Mr. Salvadori asked Mrs. Farrell if the application is able to be deemed complete. Mrs. Farrell replied that it can be deemed complete. Motion by Mr. McLaughlin, seconded by Mr. Sebastian to deem application #19-03 complete. Voice vote; all ayes, motion passed.

Mr. McLaughlin commented that the application indicates the pool is only three feet from the road. Mr. Murtha replied that it is three feet from the property line. Mr. Fritz asked how long ago the pool was installed. Mr. Murtha replied that they had the pool installed just before Christmas. They hired a company to move it from his grandparent's house to his house. He was unaware the company did not receive the proper permits or that it could not be placed where it is. Mr. Fritz asked Mr. Murtha if he thought the location of the pool was a danger to his family. Mr. Murtha replied that he didn't think so because if someone ran off the road they would run into his garage first. Mr. Murtha stated they did want the pool to be installed on the other side of the property but they were told it was easier for the installer to place it in its current location. Mr. Sebastian asked if it is possible to move the pool again to a different location on the property. Mr. Murtha replied that he was told the pool would not survive another move.

Mr. Coe asked the name of the contractor. Mr. Murtha replied that Above Ground Pools is the contractor and they are located in Levittown, PA. He provided Mr. Coe with the contractor's name and phone number. Mr. Coe commented that the contractor should be present to answer the questions as to why he did not get the proper permits and why the pool cannot be moved again. Mr. Coe asked Mr. Murtha if he paid the contractor to move the pool from the grandparent's house to his house and if there is a contract or paperwork. Mr. Murtha replied that he did pay the contractor and there is paperwork but he did not bring it with him. Mr. Coe asked if there is any paperwork from the contractor indicating the pool cannot be moved again. Mr. Murtha said there isn't anything in writing stating that; he just spoke with the contractor on the phone. Mr. Murtha stated the pool is about thirty years old but his grandparents insisted on giving him the pool. It was moved from their home in Maple Shade and installed at his house. Mr. Coe asked if there were any obstructions or a reason why the pool wasn't placed in the open area closer to Lot 28. Mr. Murtha stated that the ground is not level in that area and the contractor preferred to put it in an area that was more level. Mr. Mercado inquired as to where the septic field is on the property. Mr. Murtha stated that it is on the opposite side of the where the pool is located.

Public Hearing: (continued)

Motion passed to open the hearing to the public.

1. Anthony DiMauro, owner of the property at 470 Prosser Avenue, was sworn in by Mr. Coe. Mr. DiMauro stated that he owns the property across the street from Mr. Murtha. He has never met Mr. Murtha and is sorry they are meeting under these circumstances; however the pool is too close the street. He stated that when he was younger one of his first jobs was installing those pools. It is his opinion that the pool can be removed and put back up in another location. He said it is a shame that Mr. Murtha may have to move it but it should have been placed in the area where the fence was placed for the dog because it is definitely too close the street.

Motion passed to close the hearing to the public.

Mr. Mercado stated that he understands the predicament the applicant was placed in; however he feels it is a safety issue. He felt the installer was not honest with Mr. Murtha with regard to the permitting as well as taking it down and reinstalling it in another location. He commented that Mr. Murtha should pursue the issue with the installer but regardless of that he feels that the location of the pool does pose a safety issue. Mrs. Farrell asked if Mr. Murtha would be able to meet the thirty-five feet requirement if he is asked to move the pool. Mr. Coe responded that that question is not before the Board this evening. That issue is one he will have to figure out with a contractor. The only issue before the Board is whether they will grant the front yard setback variance. Mr. Coe advised the Board that in order to seek the relief requested there should a hardship of some kind due to the configuration of the property which doesn't seem to be the case. In addition it is the burden of the applicant to come forward with adequate proof that would warrant the pool being placed in that location as well as the proof that the pool would not be able to be moved again.

Motion by Mr. McLaughlin, seconded by Ms. Fox to vote on the application. Roll call vote: Ayes – Zero. Nays – Mr. McLaughlin, Ms. Fox, Mr. Cossabone, Mr. Fritz, Mr. Mercado, Mr. Sebastian, Mr. Sebastian, Mr. Salvadori. Abstentions – Zero. With seven nays, the variance request was defeated.

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. #339-SP – Wawa, Inc. - Biannual Groundwater Monitoring Report

The Board members received Mr. Sander’s report concerning the groundwater monitoring report. There were no issues noted in the report.

2. #17-07 – Frank Bialowas – Pinelands Letter dated September 26, 2018

Mr. Coe stated that the Pinelands letter is requesting further information from Mr. Bialowas with regard to the business he is operating at his property located at 1640 New Brooklyn Road, also known as Block 2601, Lots 31 & 32. Mr. Coe commented that there isn’t really anything for the Board to do since there isn’t an application submitted. He stated that whatever is going on at the property is a matter of enforcement by the Zoning Official or other officials in the Township. Mr. Sebastian commented that every time they ask about it Ms. Flaherty states its tied up in court.

Mr. Coe replied that it would be appropriate to ask Ms. Flaherty for an update on what the status is of the court proceedings. Mrs. Farrell commented the only Ms. Flaherty provided was the Pinelands letter. Mr. Coe stated that they have to be more specific and ask if there are any pending court proceedings, if so what is the status, and if nothing is pending has there been any result. Mr. Fritz asked if there should be a cease and desist order because he is still operating his business and nothing is being done. Mr. Coe replied that it is clear that he needs a use variance; so it’s a matter of enforcement by the Zoning Official. Mr. Sebastian inquired as to the outcome of the hearing Mr. Bialowas did attend in 2017. Mr. Coe stated the applicant and his attorney left the meeting so the Board adopted a resolution acknowledging the withdrawal of his application. Unfortunately it is a matter of enforcement but the Board does not have an application before them; however they can as residents of the Township inquire of the Township officials as to why they aren’t doing something about it.

Approval of Minutes:

1. February 5, 2019 regular meeting.

Motion by Mr. Fritz, seconded by Mr. Sebastian to approve the minutes from the February 5, 2019 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. Respectfully submitted by: Ninette Orbaczewski, Clerk Transcriber.