

**Call to Order:**

The meeting was called to order at 5:07 p.m. by Chairperson Fox who read the following statement: “Notice of this meeting was given in accordance with the Open Public Meetings Act on July 11, 2020. In addition, this evening’s public hearings were advertised in the newspaper.

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #24-2020 – App. #02-2003 – NAK Management – Amended Use Variance Approved

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adopt resolution #24-2020. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Sebastian, Mr. Kozak, Ms. Fox. Nays – Zero. Abstentions – Zero.

2. #25-2020 – App. #497-SP – Nak Management – Major Site Plan Approved

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adopt resolution #25-2020. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Sebastian, Mr. Kozak, Ms. Fox. Nays – Zero. Abstentions – Zero.

3. #33-2020 – App. #20-25 – Megan Lawlor – Rear Yard Variance Approved

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adopt resolution #33-2020. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Ms. Fox. Nays – Zero. Abstentions – Zero.

4. #34-2020 – App. #20-26 – Edwin & Susan Gramley – Right-of-Way Variance Approved

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adopt resolution #34-2020. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Ms. Fox. Nays – Zero. Abstentions – Zero.

**Memorialization of Resolutions: (continued)**

5. #35-2020 - #500-SP – A.C.E. – Use Variance & Major Site Plan Approved

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adopt resolution #35-2020. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Ms. Fox. Nays – Zero. Abstentions – Zero.

6. #36-2020 – Closed Session

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adopt resolution #36-2020. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Cossaboon, Mr. Sebastian, Mr. Kozak, Mr. Rybicki, Ms. Fox. Nays – Zero. Abstentions – Zero.

**Public Hearings:**

1. #20-27 – Jaleesa Sampson – Lot Coverage Variance

Present – Jaleesa Sampson, applicant.

The applicant is requesting a percentage of lot coverage variance where 30% is the maximum permitted and she is requesting 35.32% in order to construct a 16' x 32' inground pool. The property is located at 1773 Carriage Glen Drive, also known as Block 103.0103, Lot 32 in the RG-PR Zoning District.

Ms. Fox asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. McLaughlin, seconded by Mr. Sebastian to deem application #20-27 complete. Voice vote; all ayes, motion passed. Ms. Sampson was sworn in by Mr. Coe. She stated she is before the Board for a variance in order to install an inground pool in her backyard. The reason for the variance is that she is requesting to go over the coverage by five percent. Mr. McLaughlin commented that the applicant has already submitted a grading plan. Ms. Sampson confirmed she has submitted the grading plan. Mr. Coe asked about the surrounding uses to Ms. Sampson's property. Ms. Sampson replied that there are houses on either side and behind her property.

Motion passed to open the hearing to the public.

1. Francisco Tabamo, 1769 Carriage Glen Drive, was sworn in by Mr. Coe. Mr. Tabamo asked for clarification on the five percent increase. Mr. Coe explained that the maximum amount of coverage is 30% and once the pool is installed it will increase by five percent. He also asked how this variance can affect his property. Mr. Coe replied that the applicant must submit a lot grading plan to insure there is no water runoff on to neighboring properties.

Motion passed to close the hearing to the public.

**Public Hearings: (continued)**

1. #20-27 – Jaleesa Sampson (continued)

Mr. Coe reviewed the variance for the Board. Motion by Mr. McLaughlin, seconded by Mr. Salvadori to approve the lot coverage variance conditioned upon the applicant constructing the pool in accordance with the plan submitted, obtaining all necessary zoning and construction permits, as well as lot grading approval, and maintenance of the escrow account. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Mr. Sebastian, Ms. Fox. Nays – Zero. Abstentions – Zero.

2. #20-03 – Kathryn Maycock – Use Variance

Present – Kathryn Maycock, applicant.

The applicant is requesting a use variance to allow a residential duplex, a chiropractic office, and a vitamin retail store on one property along with parking and signage. The property is located at 117 Washington Avenue, also known as Block 3202, Lot 16 in the RG-C Zoning District.

Ms. Fox asked if the application can be deemed complete. Mrs. Farrell replied that the applicant is requesting a waiver from providing a Certificate of Filing from the Pinelands at this time. If the use is granted, then she will have to obtain that Certificate of Filing before moving forward for site plan, if a site plan is deemed necessary by the Board, or before obtaining a zoning permit. Motion by Mr. McLaughlin, seconded by Mr. Sebastian to grant the waiver and deem application #20-03 complete. Voice vote; all ayes, motion passed.

Ms. Maycock was sworn in by Mr. Coe. She stated that the property was approved previously by the Township for a multi-use property; however, it did not get the right approval for a multi-use property so the use variance is needed. Mr. Coe asked Ms. Maycock to explain how the mix of uses works on the property. Ms. Maycock stated that all of the buildings were existing buildings and she refurbished them. The front of the property contains a duplex with tenants. There is an existing stone driveway that leads back to what used to be a cabinetry shop and now is a chiropractic office. There is a third building in the rear which they currently use for storage but they would like to use that for an additional chiropractic office or a vitamin shop. Mr. Coe stated that it seems in the past there was already a mix of uses at the property. Ms. Maycock replied that is where there is a gray area as the previous owner did have a cabinetry shop but it's not known if he actually had commercial traffic visiting the site. The duplex did have tenants but was also owner occupied. Mr. Coe asked how long Ms. Maycock has been utilizing the property with the current uses. She replied that the chiropractic office was opened in January of 2019 and the tenants moved in the duplex in September of 2018. All uses work well together and there aren't any complaints. Mr. Coe inquired as to the parking and if there is adequate handicapped parking. Ms. Maycock stated there is adequate handicapped parking.

**Public Hearings: (continued)**

2. #20-03 – Kathryn Maycock (continued)

Ms. Pellegrini reviewed her report for the Board. She stated the applicant already gave an overview of the uses on the property and she is before the Board for a use variance to allow the multiple uses. There are no specific standards under the RG-C Zone for the setback requirements for the duplex. If you compare the three structures to the Community Commercial standards of the RG-C Zone, those structures do not meet the setback requirements. They should be considered pre-existing non-conforming conditions that still need variances by the Board. The first is for the front yard setback for the duplex where 75 feet is required and the existing building is only 29.7 feet. The next is for the side yard for the garage structure which is only 4.1 feet where 20 feet is required. A variance is also required for the rear yard where 50 feet is the minimum setback and there is only 5 or 6 feet from the third building. Compliance has not been determined with regard to lot coverage since the application did not address that issue. The minimum buffer requirement would be 25 feet and the plan does not conform to this requirement and as such needs a variance. The maximum building height is 35 feet and it appears the 1 ½ story building is in compliance with the height based on Google views of the structure.

Ms. Pellegrini stated that typically a multi-use property such as this one would require site plan approval; however, this property was previously granted site plan waiver approval to allow the mixed uses. She stated that the applicant should put on the record the special reasons why the mixed uses carries out a purpose of zoning or why the refusal of the use variance would impose an undue hardship. She also asked the applicant to provide testimony concerning the adequacy of the available parking on the site for all of the uses and site circulation.

Ms. Maycock testified that the parking for the tenants in the duplex is accessed via two separate driveways, one is for the downstairs unit which is provided with three parking spaces, the upstairs tenants have two designated parking spaces; these are outlined in the tenant's lease agreements. There are an additional eleven parking spaces and two handicapped spaces provided for the chiropractic office and eventually the vitamin shop in the rear. Mr. Coe stated that there is positive and negative criteria Ms. Maycock must address. He indicated he would guide her as to what those criteria should be for the use variance. Ms. Maycock agreed that there is already a mix of residential and commercial uses in the area and her businesses provide important services and employment opportunities to the community. Since there are already a mix of uses in the area, her property does not in any way detrimentally effect the neighborhood or surrounding area. There are no unusual noises or smells and it's a very clean operation and business. She stated that she lives next door so she keeps an eye out on the tenants. Mr. Coe stated since there is no calculation for lot coverage, he will condition any approval on the current conditions remaining the same. Ms. Maycock replied that utilities are already connected for plumbing so they would just need to pour a slab to add a bathroom to the third building.

**Public Hearings: (continued)**

2. #20-03 – Kathryn Maycock (continued)

Mr. Coe stated that if the applicant wanted to change the use in the rear building to residential, she would have to come back before the Board. Ms. Maycock replied she understood but intends to keep the building for commercial use. Ms. Pellegrini asked for clarification on the number of parking spaces. Ms. Maycock stated that the one driveway is for the tenants on the one side of the duplex with a small parking area for themselves. The other driveway is also the entrance for the chiropractic business and the duplex, with two parking spaces allotted for the tenants in the duplex. There is a total of 18 parking spaces on the site with two of them being handicapped spaces. Mr. Sebastian asked if the handicapped spaces are ADA approved and if the spaces are paved. Ms. Maycock replied the handicapped parking area is paved with the rest of the parking area being stone and the handicapped spaces have been approved by the Township. Ms. Fox asked if there will signage for the vitamin shop. Ms. Maycock stated that she does not plan on a sign just yet since the building is being used for storage at this time. Ms. Fox asked if the vitamin shop sign would be added to the existing sign for the chiropractic office. Ms. Maycock stated she didn't know but they might want to replace the entire sign at some point and she would submit that plan to the Township for approval.

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

Mr. Coe reviewed the use variance for the Board. Motion by Mr. McLaughlin, seconded by Mr. Sebastian to grant the use variance as well as the bulk variances and buffer variance discussed in Ms. Pellegrini's report conditioned upon the applicant maintaining the current lot coverage, no increase in the building height for any of the buildings unless coming back to the Board, maintenance of the property in accordance with the plans submitted, and maintenance of the escrow account. With regard to the site plan issue, Mr. Coe stated that the applicant already received a site plan waiver with the Planning Board and this motion will include approval of that site plan waiver as well from the Zoning Board. Roll call vote: Ayes – Mr. McLaughlin, Mr. Sebastian, Mr. Cossaboon, Mr. Salvadori, Mr. Kozak, Mr. Rybicki, Ms. Fox. 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. Mrs. Farrell informed the Board the next meeting is scheduled for August 4, 2020 at 5:00 p.m. She stated it is her understanding some Board members may have an issue with the 5:00 p.m. meeting start time and asked if the Board wanted to change the meeting time. Mr. Salvadori suggested 6:00 p.m. and the Board was in agreement with starting the meetings at that time. Mrs. Farrell stated that the new time for the meetings will start in September since there is only one meeting in August and she has already advertised for the 5:00 meeting time.

**Approval of Minutes:**

7/7/2020 regular meeting.

Motion by Mr. McLaughlin, seconded by Mr. Rybicki to approve the minutes from the July 7, 2020 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 5:48 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