

Call to Order:

The meeting was called to order at 5:03 by Chairperson Fox who read the following statement: “Notice of this meeting with the time change and tonight’s public hearings, was given as required by the Open Public Meetings Act on July 25, 2020.”

The Board saluted the flag.

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

Memorialization of Resolutions:

1. #37-2020 – App. #20-27 – Jaleesa Sampson – Percentage of Lot Coverage Approved

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adopt resolution #37-2020. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Ms. Fox. Nays – Zero. Abstentions – Zero.

2. #38-2020 – App. #20-03 – Kathryn Maycock – Use Variance Approved

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adopt resolution #38-2020. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Ms. Fox. Nays – Zero. Abstentions – Zero.

3. #39-2020 – Closed Session

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adopt resolution #39-2020. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Ms. Fox. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #20-24 – John Chirico – Use Variance

Mr. Coe stated he would like to address the procedural issue for this application. Mr. Schwartz is present at the meeting representing Mr. Chirico. Mr. Juzwiak, who is one of the objectors for this application was also present as well as a few other residents who are objecting. Mr. Coe stated that the Board received a request from Mr. Juzwiak requesting an adjournment of the hearing this evening as well as an objection that the meeting was being done in a virtual format.

Public Hearings: (continued)

1. #20-24 – John Chirico (continued)

He stated there was a claim by Mr. Juzwiak's planner that virtual meetings should not occur in controversial matters. Mr. Coe stated that is not the case, as there has been a bulletin issued by the DCA that indicates Zoning Boards should proceed with virtual meetings and in fact are required to continue to conduct monthly meetings and to comply with statutory deadlines to decide matters before them. Therefore, the Zoning Board is not going to entertain an objection based on the virtual format; however, there is a case where if there are objectors and the objectors wish to obtain their own professionals, the Zoning Board should take that into consideration. He suggested that the Board grant a one or two week adjournment to allow the objectors professionals to be available. He asked Mr. Juzwiak if his professionals are available either August 11th or August 18th. Mr. Juzwiak replied that the planner is available but he is not sure about his attorney. He would prefer the meeting of August 18th to give them more time. Mr. Schwartz indicated he would like the meeting on August 11th so his client does not have to wait longer. Mr. Coe recommended that the Board adjourn the matter to the August 18th meeting. He stated to the objectors present that they will not receive any other notice of the hearing; that the notice is being given this evening indicating that the matter will be heard on August 18th. He also stated that the application will not be adjourned again due to one or more of the objector's professionals unable to attend the August 18th hearing. Mrs. Farrell commented that the residents interested in the hearing on August 18th should email her so she can send them the meeting information; she gave her email to those interested. In addition, the information will be available on the Township's website on how to log into the Zoom meeting with the meeting ID and password.

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to adjourn the hearing for application #20-24/John Chirico to August 18th at 6:00 p.m. Voice vote; all ayes, motion passed.

2. #20-09 – Edward Lutz – Rear Yard Variance

Present – Mr. Lutz, applicant.

The applicant is requesting a rear yard variance to construct a 25' x 36' garage to replace his existing garage. The required rear yard setback is 37.5' and Mr. Lutz is proposing 13'. The property is located at 1610 West Lake Avenue, also known as Block 401, Lot 28, in the R-2 Zoning District.

Ms. Fox asked if the application can be deemed complete. Mrs. Farrell replied it can be deemed complete. Motion by Mr. McLaughlin, seconded by Mr. Salvadori to deem application #20-09 complete. Voice vote; all ayes, motion passed.

Public Hearings: (continued)

2. #20-09 – Edward Lutz (continued)

Mr. Lutz was sworn in by Mr. Coe. He stated that he would like to replace his existing garage with a new 900 square foot garage to be located in the same place as the existing one. He does woodworking as a hobby and can use more space for that and for storage. Mr. McLaughlin asked if all the surrounding uses are residential and if there will be electricity in the new garage. Mr. Lutz replied that all the surrounding uses are residential and there will be electricity in his garage. Mr. McLaughlin asked if there will be any water and sewer in the new garage. Mr. Lutz replied there will not be any water or sewer to the garage. Mr. Rybicki asked if there is a residence behind his home. Mr. Lutz replied there is a house behind his property. He sent notice to all his neighbors and no one seems to have any issue with his proposal.

Mr. Kozak commented on the portable carport/tent structure and asked if Mr. Lutz was removing that from the property. Mr. Lutz replied that the carport/tent structure is not on his property but on his neighbor's property; however, the wind blew it down a couple of weeks ago. Mr. Kozak asked if the stuff that is stored outside will now be stored inside the new garage. Mr. Lutz replied he will be able to store the items outside in the new garage. Mr. Coe asked if the applicant intends to use the garage for storage and his hobby and not another residential use. Mr. Lutz replied he does not intend to have water and sewer or any residential use in the garage.

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 variance request for the Board. Motion by Mr. McLaughlin, seconded by Mr. Salvadori to grant the rear yard variance where 37.5 feet is required and the applicant will have 13 feet conditioned upon the applicant constructing the garage in accordance with the plans submitted, the applicant must obtain all other Township permits necessary, the applicant will not have any residential or commercial use in the garage, and the applicant must maintain his escrow account. Roll call vote: Ayes – Mr. McLaughlin, Mr. Salvadori, Mr. Cossaboon, 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 reminded the Board that there is a closed session after adjournment.

Approval of Minutes:

1. 7/21/2020 special meeting.

Motion by Mr. McLaughlin, seconded by Mr. Salvadori to approve the minutes from the July 21, 2020 special meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 5:27 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