

Call to Order:

The regular meeting of the Zoning Board of Adjustment was called to order at 6:26 p.m. by Chairman Sebastian 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 on January 8, 2021. In addition, notice for this evening’s public hearings are published in the newspaper on June 5, 2021. Be advise, no new item of 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. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Adams, Mr. Sebastian. Absent – Mr. Cossaboon, (excused), Mr. DelCampo, (excused) Mr. Rybicki, (excused) Mr. Salvadori, (excused) Mr. Sander, (excused). Also present – Mr. Coe, Solicitor, Ms. Pellegrini, Planner, Ms. Fox, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Memorialization of Resolutions:

1. #53-2021 – App. #21-26 – Marc & Tara Grill – Lot Coverage Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution #53-2021. Voice vote; all ayes, motion passed.

2. #54-2021 – App. #21-31 – Rick & Stacy Snyder – Right-of-Way/Encroachment Variances

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution #54-2021. Voice vote; all ayes, motion passed.

3. #55-2021 – App. #21-32 – Tom & Christie Locchetto – Side/Rear/Lot Coverage Variances

Motion by Mr. Powers, seconded by Mr Cummiskey to adopt resolution #55-2021. Voice vote; all ayes, motion passed.

4. #56-2021 – App. #22-33 – Anthony Leanza – Side & Rear Yard Variances Approved

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution #56-2021. Voice vote; all ayes, motion passed.

Memorialization of Resolutions: (continued)

5. #57-2021 – App. #21-34 – Michael Fulbrook & Jamie Kienzle – Rear Yard Variance

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution #57-2021. Voice vote; all ayes, motion passed.

6. #58-2021 – App. #21-29 – David Howey & April Eganstafer – Use Variance Approved

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution #58-2021. Voice vote; all ayes, motion passed.

Public Hearings:

1. #21-30 – Otis & Shahida Peterson – Side Yard & Percentage of Lot Coverage Variance

Present – Shahida Peterson, applicant.

The applicant is requesting side yard and lot coverage variances for the existing asphalt driveway. The required side yard setback is 10 feet and the applicant has 9 feet. The maximum lot coverage permitted is 30% and the applicant currently has 70.48%. The property is located at 49 Howard Drive, also known as Block 13505, Lot 26 in the R-2 Zoning District.

Ms. Peterson was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #21-30 complete. Voice vote; all ayes, motion passed. The Board reviewed the application and had no questions for the applicant.

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 requests for side yard and percentage of lot coverage associated with the existing asphalt driveway. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the side yard and percentage of lot coverage variances conditioned upon the applicant obtaining all necessary Township permits, all work should be in accordance with the plans submitted, and the applicant must maintain their escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

2. #21-35 - Dominic Esposito – Side Yard Variances

Present – Dominic Esposito, applicant.

The applicant is requesting a side yard variance for the 5' x 12' addition he constructed on the existing single family dwelling. The required side yard setback is 20' and the applicant has 12'. In addition, the applicant is proposing to add a sunroom and needs a side yard variance where 20' is required and he will have 15.5'. The property is located at 1914 Herbert Boulevard, also known as Block 301, Lot 7 in the R-2 Zoning District.

Mr. Esposito was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied that the application can be deemed complete. She also stated that Mr. Esposito has submitted a revised survey to show a second addition on the existing house which she forwarded to the Board in their email. Motion by Mr. Powers, seconded by Mr. Cummiskey to deem application #21-35. Voice vote; all ayes, motion passed.

Mr. Esposito stated he added a small addition onto the master bedroom to add more space for the bedroom furniture. Mr. Coe commented on the narrowness of the lot and asked Mr. Esposito if this is causing the dimensional issue with adding onto the existing house. The second addition is on the rear of the house and will be a 15' x 20' sunroom.

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 side yard variance for two additions, the first having a side yard of 12' and the second having a side yard of 15.5' where 20' is required. Motion by Mr. Powers, seconded by Mr. Cummiskey to grant the side yard variances conditioned upon the applicant obtaining all necessary Township permits, lot grading review, any COAH obligation deemed necessary, constructing the additions in accordance with the plans submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Powers, Mr. Cummiskey, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #21-36 – Bari Chamberlain – Use Variance

Present – Bari Chamberlain, applicant.

The applicant is requesting a use variance in order to replace an existing garage located in the front yard of her property with a new 30' x 40' x 15.10' pole barn. The maximum size permitted is 900 square feet; in addition, accessory structures are not permitted in the front yard. The property is located at 2143 Magnolia Avenue, also known as Block 9604, Lot 18 in the RG-MR Zoning District.

Public Hearings: (continued)

3. #21-36 – Bari Chamberlain (continued)

Ms. Chamberlain was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #21-36 complete. Voice vote; all ayes, motion passed.

Ms. Chamberlain testified that she would like to replace the existing garage. The lot is unusual with the garage in the front yard but they live on the lake and the house is situated on an angle so that the back and or side is facing the street. Ms. Pellegrini reviewed her report for the Board. She stated the applicant is proposing to demolish the old garage and replace it with a 30' x 40' x 15.10' pole barn with a with a 10' x 30' lean to. The proposed pole barn will sit forward of the house on the lot and as such a use variance is required. Ms. Pellegrini stated the percentage of lot coverage appears to comply with the twenty percent maximum; however, the applicant should agree that they will adhere to the maximum lot coverage permitted.

There are performance standards that must be testified to for compliance. The accessory structure should not be used for any business or living space, it should not be located in any drainage ways buffers or easements, the applicant should provide testimony on the shape, textures, colors, and type of roof proposed for the pole barn and that it should be compatible with the existing house. Ms. Chamberlain agreed that they do not and will not exceed the maximum lot coverage permitted. Ms. Pellegrini stated that the Zoning Officer can look into the lot coverage since she does not have an exact figure for the driveway to calculate the exact lot coverage; however, the Board can approve the plan as shown whatever the lot coverage comes out to be. Ms. Chamberlain testified that there will not be any business or living space in the pole barn and that it will not be located in any easements, buffers, or drainage ways. She also testified that the pole barn materials and colors will match the house.

Ms. Pellegrini stated that with regard to the special reasons for the granting of the use variance, the applicant has demonstrated that the existing garage is in the front yard of the property and that there isn't another location where it can be placed on the property since it fronts on the lake. The applicant is improving the existing conditions with the new building and it does not impair the purpose of the zoning ordinance and zone plan. She asked the location of the well on the property and if the applicant is expanding on the driveway. Ms. Chamberlain testified that they are not widening the driveway but just the apron to the garage since it's a little larger than the existing garage. The well is located on the opposite side of the house away from the garage.

Mr. Coe asked what they plan on storing in the pole barn. Ms. Chamberlain stated they would like to store two vehicles and household items in the new pole barn.

Public Hearings: (continued)

3. #21-36 – Bari Chamberlain (continued)

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 request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the use variance conditioned upon the applicant obtaining all necessary Township permits, constructing the pole barn in accordance with the plans submitted, removal of the existing garage, no business or living space in the pole barn, compliance with the performance standards, the distance between the house and the pole barn to be shown on the survey, if the lot coverage is over the 20% requirement the Board has approved the increase based on the survey provided, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

4. #21-37 – Ty Hagy – Use Variance

Present – Ty Hagy, applicant.

The applicant is requesting a use variance to replace a portion of an existing accessory structure with a 40' x 60' x 16' pole barn. The maximum size accessory structured permitted is 900 square feet and should not be larger than the principal structure. The property is located at 2121 Bluebell Road, also known as Block 10401, Lot 4 in the Agricultural Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Powers, seconded by Mr. Sebastian to deem application #21-37 complete. Voice vote; all ayes, motion passed.

Mr. Hagy was sworn in by Mr. Coe. He testified that he owns a small farm on approximately 18 acres. They have some old chicken coops they have used for storage for many years. They are in poor condition and they would like to make some improvements by demolishing eighty feet of the building that is closest to the road and replace it with a pole barn.

Ms. Pellegrini reviewed her report for the Board. She stated the applicant's proposal for the demolition of eighty feet of the existing chicken coop to be replaced with the 40' x 60' pole barn with one main door and one 12' x 12' overhead door on the 40' side and a 10' x 10' door on the 60' foot side. The building is proposed to be used to store farm equipment and other personal items. The applicant has already received a lot grading waiver from the Township engineer. With regard to the use variance, the proposed building is significantly larger in size than the principal structure on the property and as such a use variance is required. In addition, a maximum of two accessory buildings is permitted; with two remaining foundations, a long masonry block building, and the proposed pole barn, the plan does not conform and an additional use variance is required.

Public Hearings: (continued)

4. #21-37 – Ty Hagy (continued)

The applicant should testify as to the performance standards. She asked if the pole barn will be located in any drainage ways, buffers, or easements. Mr. Hagy replied he is not aware of any of those in relation to the pole barn. He also testified that the roof shape, materials, and colors will be visually compatible with the principal structure and that there will be no business conducted or living space in the pole barn. Ms. Pellegrini inquired as to the access to the proposed pole barn. Mr. Hagy stated they intend to extend the gravel driveway approximately ten feet to the pole barn. They will have a concrete apron at the entrance. Mr. Coe asked if the construction of the pole barn and use thereof will help to keep equipment and vehicles inside out of sight thus keeping the property looking neat and orderly. Mr. Hagy replied that it will do that.

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 request for the Board. Motion by Mr. Powers, seconded by Mr. Cummiskey to grant the use variances for the pole barn being larger than the principal use and having more than two accessory structures on the site conditioned upon the applicant obtaining all necessary Township permits, demolition of the portion of the existing chicken coop, construction of the pole barn in accordance with the plans submitted, closure of the open end of the remaining portion of the chicken coop, no business or living space in the pole barn, compliance with the design and performance standards, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Powers, Mr. Cummiskey, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

5. #21-38 – William Quash – Side Yard & Percentage of Lot Coverage Variances

Present – Willaim Quash, applicant.

The applicant is requesting a side yard variance for the existing 12'x 8' shed; the side yard requirement is 5' and he has 1'. He is also requesting a lot coverage variance for the installation of an inground pool where 30% is permitted and he is proposing 34%. The property is located at 800 Dartmoor Avenue, also known as Block 25.0103, Lot 18 in the R-2 Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #21-38 complete. Voice vote; all ayes, motion passed

Mr. Quash was sworn in by Mr. Coe. Mr. Quash stated the shed on the property has been there approximately sixteen years and he did not realize it was too close to the property line until they came to Zoning for the pool permit.

Public Hearings: (continued)

5. #21-38 – William Quash (continued)

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 requests for the Board. Motion by Mr. Powers, seconded by Mr. Cummiskey to grant the side yard variance for the existing shed and percentage of lot coverage variance for the installation of an inground pool conditioned upon the applicant obtaining all necessary Township permits, construction of the pool in accordance with the plans submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Powers, Mr. Cummiskey, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

6. #21-39 – Andrew & Alyssa Dobbins – Side, Rear, and Percentage of Lot Coverage Variances

Present – Andrew & Alyssa Dobbins, applicants.

The applicants are requesting side and rear yard variances for the installation of an 8' x 12' shed. The required side and rear yard setbacks are 5' and the applicants propose 2'. They are also requesting a percentage of lot coverage variance for the installation of an inground pool where 30% is the maximum coverage and they are proposing 43%. The property is located at 292 Spring Beauty Drive, also known as Block 37.0203, Lot 8 in the RG-PR Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #21-39 complete. Voice vote; all ayes, motion passed.

Mr. Sebastian commented on the placement of the shed in the corner of the lot and the installation of the inground pool with a raised pool berm. There were no other questions from the Board.

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 requests for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the side and rear yard variances for the shed and the lot coverage variance for the installation of the inground pool conditioned upon the applicant obtaining all necessary Township permits, construction of the shed and pool in accordance with the plans submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

7. #21-40 – Eugene Taylor – Use Variance

Present – Eugene Taylor, applicant.

Public Hearings: (continued)

7. #21-40 – Eugene Taylor (continued)

The applicant is requesting a use variance in order to construct a 4800 square foot pole barn with a 1500 square foot lean to which is larger than the principal use on the property. The property is located at 2276 Winslow Road, also known as Block 4902, Lot 2 in the FD-10 Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #21-40 complete. Voice vote; all ayes, motion passed.

Mr. Taylor was sworn in by Mr. Coe. Ms. Pellegrini reviewed her report for the Board. She stated the applicant's request for the pole barn to store maintenance equipment and personal items on the single family residential property. The applicant has received a lot grading waiver from the Township engineer. She stated the lot is irregularly shaped and contains approximately 5.67 acres. With regard to the use variance, the accessory structure must be subordinate to the principal structure. The existing single family home is approximately 1400 square feet and the applicant is proposing a 4800 square foot pole barn; as such a use variance is required. Use variances are also required for the number of accessory structures as the applicant is proposing a pole barn and already has an existing garage and the proposed pole barn is larger than the permitted size of 2500 square feet for a lot with a minimum of three acres. The plan conforms to all the setback requirements.

The applicant addressed the design and performance standards testifying that the pole barn will not be located in any drainage way, buffer, or easement. He also testified that the pole barn will be compatible with the other structures on the sight with regard to color, roof shape, and materials and he will not be conducting any business nor will there be any living space in the pole barn. The access to the pole barn will be from the existing stone driveway off of Huber Avenue.

Ms. Pellegrini stated that the Zoning Officer has conditioned the use on the removal of the existing shipping containers on the site upon completion of the pole barn. Mr. Taylor replied he will be removing the shipping containers. She also cautioned the applicant that any disturbance greater than 5000 square feet will require an application to the Soil Conservation District as he is very close to that limit. Mr. Taylor acknowledged that comment. Mr. Coe stated that Mr. Taylor's purpose to have the pole barn is to store various vehicles and other personal items inside so that the property will look orderly and neat. Mr. Taylor agreed that is the reason for the proposed pole barn to clean up the property and store those vehicles and personal items.

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

Public Hearings: (continued)

#7. #21-40 – Eugene Taylor (continued)

Mr. Coe reviewed the use variances for the Board. Motion by Mr. Powers, seconded by Mr. Cummiskey to grant the use variances for the pole barn being larger than the principal structure, for the pole being larger than the permitted size of 2500 square feet, and for the number of accessory structures on the lot conditioned upon the applicant obtaining all necessary Township permits, removal of the existing shipping containers, construction of the pole barn in accordance with the plans submitted, no business or living space is permitted, compliance with the design and performance standards with regard to color and material, etc., and maintenance of the escrow account. Roll call vote: Ayes – Mr. Powers, Mr. Cummiskey, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

8. #21-41 – Prime Construction & Development, LLC – Rear, Front, and Lot Area Variances

Present – Phillip Black, applicant, Len Schwartz, applicant’s attorney.

The applicant is rear, front, and lot area variances in order to construct a single family home. The lot area requirement is one acre and the applicant is proposing .54 acres, the front yard setback is 60’ and the applicant is proposing 38.5’, and the rear yard setback requirement is 75’ and the applicant is proposing 48.4’. The property is located on Dahlia Avenue, also known as Block 14607, Lot 6 in the R-2 Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Powers, seconded by Mr. Cummiskey to deem application #21-41 complete. Voice vote; all ayes, motion passed.

Mr. Schwartz introduced himself as the applicant’s attorney. Mr. Black was sworn in by Mr. Coe. Mr. Schwartz stated the property is vacant and is located on the corner of Central Avenue and Dahlia Avenue. The applicant would like to construct a single family home on this property. The variances are being requested for rear, front, and lot area to accommodate the location of the house on the lot. The lot size is consistent with other residential lots in the area and the house is proposed to front on Dahlia Avenue. Mr. Kozak asked if there is enough space on the lot for the well and septic. Mr. Schwartz replied that the plan shows the septic field to the right rear of the property and the well to the left front of the proposed house.

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

Public Hearings: (continued)

8. #21-41 – Prime Construction & Development, LLC (continued)

Mr. Coe reviewed the bulk variance requests for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the bulk variances as noted conditioned upon the applicant obtaining all necessary Township permits, compliance with COAH, construction of the home in accordance with the plans submitted, granting a waiver for curb and sidewalk, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

9. #21-42 – Joseph Nikituk – Rear, Side, & Percentage of Lot Coverage Variances

Present – Joseph Nikituk, applicant.

The applicant is requesting rear yard variances for the existing home and detached garage due to additions being added to each structure. The rear yard setback for the home is 75 feet and the applicant has 13 feet; the rear yard setback for the detached garage is 37.5 feet and the applicant has 9.3 feet. The side yard setback for the detached garage is 10 feet and the applicant has 5.1 feet. The lot coverage variance is also required where 20% is the maximum lot coverage allowed and the applicant has 23.8%. The property is located at 293 S. Tuckahoe Road, also known as Block 12702, Lot 3 in the R-2 Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Voice vote; all ayes, motion passed. Mr. Nikituk was sworn in by Mr. Coe. He stated he is selling his home and needs the variances for additions that were added to the single family home and the detached garage. Mr. Coe asked how long has it been since the additions were constructed. Mr. Nikituk replied the two additions on the house were done seven years ago and the addition on the garage three or four years ago. Mr. Nikituk stated he never applied for permits for the additions. Mr. Coe asked if Mr. Nikituk has surrounding neighbors. He replied there is plenty of distance between his neighbor to the rear of the property and his house and garage. The neighbor to the side does not have any issues with the location of 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 bulk variances and lot coverage requests for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the rear, side, and lot coverage variances conditioned upon the applicant obtaining all necessary Township permits, compliance with COAH, all existing construction should be in accordance with the survey submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Kozak, Mr. Adams, Mr. Sebastian. 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 announced her retirement to the Board and officially resigned as the Zoning Board Secretary. Mr. Sebastian stated the Board will accept Mrs. Farrell's resignation. There were further comments on Mrs. Farrell being missed and her time of service to the Township.

2. There was discussion on the start time for the in person meetings moving forward. It was determined that the meetings will start at 6:30 p.m. as long as there isn't any interference due to court being held on Tuesday's as well. Mrs. Orbaczewski stated she will check with the Court Administrator for the next meeting.

3. Mrs. Fox congratulated Mrs. Farrell and thanked her for her service and sharing her knowledge with the Board members over the years. The Board members present also congratulated Mrs. Farrell on her retirement and wished her well.

Approval of Minutes:

1. 05/18/21 regular meeting.

Motion by Mr. Powers, seconded by Mr. Cummiskey to approve the minutes from the May 18, 2021 regular meeting.

Adjournment:

The meeting was adjourned at 8:00 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