

Call to Order:

The Zoning Board of Adjustment meeting was called to order at 6:30 p.m. on October 6, 2022 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 12, 2022. In addition, notice of this meeting was sent in writing on September 16, 2022 and a copy was posted on the second floor bulletin board of Town Hall and on the Township website. Be advised 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. Cossaboon, Mr. Colavita, Mr. Kozak, Mr. Papson, Mr. Powers, Mr. Sebastian. Absent – Mr. Cummiskey (excused), Mr. Salvadori (excused), Mr. Seidenberg (excused), Mr. Sander, Engineer (excused), Ms. Fox, Council Liaison (excused). Also present: Mr. Coe, Solicitor, Mr. Defelice, Planner, Mrs. Orbaczewski, Secretary, Mrs. Gallagher, Clerk Transcriber.

Mr. Sebastian made an announcement that application #22-56 Angelina 1, LLC is being postponed to November 17th meeting. Mr. Coe added that the verbal notice of postponement is the only notice and no further written notice will be given.

Memorialization of Resolutions:

1. #54-2022 – Copart of Connecticut, Inc.– Interpretation of Use
Motion to approve by Mr. Colavita, seconded by Mr. Powers. Voice vote: all ayes, motion passed.
2. #58-2022 – Best Auto Deals, LLC – Preliminary & Final Major Site Plan Approved
Motion to approve by Mr. Colavita, seconded by Mr. Powers. Voice vote: all ayes, motion passed.
3. #66-2022 – Bryan Ardite – Use Variance Approved
Motion to approve by Mr. Colavita, seconded by Mr. Powers. Voice vote: all ayes, motion passed.
4. #68-2022 – Advanced Land, LLC – Amended Final Major Site Plan Approved
Motion to approve by Mr. Colavita, seconded by Mr. Powers. Voice vote: all ayes, motion passed.

Public Hearings:

1. #22-58 – Bob & Kim Scimeca – Existing building/room Variance

The applicants are requesting a variance to allow the existing building addition to be used as an in-law suite which is a permitted use and to allow a second bedroom in that in-law suite. The property is located at 1830 Orchard Drive, also known as Block 15401, Lot 14.01 in the R-3 Zoning District.

It was determined the application be deemed complete. Motion passed to deem application complete. Kim Scimeca was sworn in by Mr. Coe. Ms. Scimeca stated that they are converting a pool house into a two-bedroom in-law suite. She stated it was previously a one bedroom with an office. Mr. Colavita asked if the septic was upgraded since they were adding bedrooms. Mrs. Scimeca stated that the septic was already upgraded.

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 application for the Board. The conditions appropriate are that the applicant will obtain any other Township permits and approvals that may be necessary. The applicant will obtain any outside agency approvals that may be necessary and all plans, surveys and other documents submitted will be complied with. Lastly, the applicant will satisfy escrow requirements and obligations. Mr. Sebastian added that the applicant understands this is for use of the family and it cannot be used as a rental. Mrs. Scimeca agrees. Motion passed to approve the application. Roll call vote; Ayes – Mr. Colavita, Mr. Cossaboon, Mr. Powers, Mr. Papon, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

2. #22-51 – Bob Smith – Lot Width & Lot Frontage Variances

The applicant is requesting a lot width variance to allow 100 ft. width where 150 ft. is required as well as a lot frontage variance to allow 100 ft. lot frontage where 150 ft. is required for the construction of a single family home, along with any other variances or waivers deemed necessary by the Board. The property is located on Coles Mill Road, also known as Block 7901, Lot 18 in the RD-RR Zoning District.

Mr. Smith was sworn in by Mr. Coe. Motion passed to deem application complete. Mr. Smith stated the ordinance calls for 150 ft. but the actual lot is 100 ft. He stated that he sent out notice to neighbors, and there is no ability to make the lot conforming by purchasing on either side. The lot has a certificate of filing with the Pinelands for a single family dwelling. Mr. Colavita asked about a property next door and the characteristics of that property. Mr. Smith stated again that they could not purchase on either side because that would then make those lots nonconforming. Mr. Colavita states then to other lots in the area with homes on them are similar. Mr. Smith agrees and states there are many other 100 ft. lots on that road.

Public Hearings: (continued)

2 #22-51 – Bob Smith (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 application for the Board. The conditions appropriate are that the applicant will obtain all Township permits and approvals including construction permits as may be required. The applicant will obtain all outside agency approvals and the construction shall take place in accordance with the plans and surveys submitted in the application. The applicant will satisfy the escrow requirements and obligations and will comply with any COAH requirement deemed necessary by the construction official. Motion passed to approve the application. Roll call vote; Ayes- Mr. Powers, Mr. Cossaboon, Mr. Colavita, Mr. Kozak, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

3. #22-53 – Stephen McDevitt – Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 25% where 20% is the maximum permitted coverage in order to construct a 12' x 20' x 10' shed, along with any other variances or waivers deemed necessary by the Board. The property is located at 217 Mimosa Court, also known as Block 11202, Lot 7 in the RG-PR Zoning District.

Mr. McDevitt was sworn in by Mr. Coe. Motion was passed to deem the application complete. Mr. McDevitt stated that he wants to build a shed on his property and that it would put him over the ground coverage allowance.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public. Mr. Kozak asked if this would be to store things on his property instead of storing them outside. Mr. McDevitt affirmed.

Mr. Coe reviewed the application for the Board. The conditions appropriate are that the applicant will obtain all Township permits and approvals including construction permits that may be necessary. The applicant will obtain any outside agency approvals that are necessary and comply with all plans and surveys submitted with the application. The applicant will satisfy his escrow requirements and obligations. Motion passed to approve the application. Roll call vote; Ayes- Mr. Kozak, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

4. #22-54 & #22-55 – Dr. Joseph Hughes – Lot Area Variances

The applicant is requesting lot area variances for two of his lots which require a one-acre lot area with private septic. Each lot is 100 x 150 in area or just over a quarter acre in size, no construction is proposed at this time, along with any other variance or waivers deemed necessary by the Board. The properties are located on Boston Avenue, also known as Block 602, Lots 28 & 29 in the R-2 Zoning District.

Public Hearings: (continued)

4. #22-54 & #22-55 – Dr. Joseph Hughes (continued)

Motion passed to deem application complete. Mr. Hughes is sworn in by Mr. Coe. Mr. Hughes stated that he's had the property for 40 some years and they want to split the property so two houses can be put there. He is having trouble speaking and is going to have his realtor explain further. Mr. Coe swears in Sherita Rivera, the realtor. Ms. Rivera stated that Mr. Hughes is looking to get a lot variance so he can subdivide the property. The Board clarifies they are already subdivided, he needs variances.

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 application for the Board. The conditions appropriate are that the applicant will obtain all other Township permits and approvals that may be necessary and any outside agency approvals. Anything that occurs on the property will take place in accordance with the plans and surveys submitted in the application. The applicant will satisfy escrow requirements and obligations. Also, if any construction should occur the applicant will comply with any COAH requirements deemed necessary by the Construction Official. Motion passed to approve the application. Roll call vote; Ayes- Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Kozak, Mr. Papsen, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

5. #22-52 - Greyhound Angels Rescue & Adoption, Inc.

The applicant is requesting a use variance to permit two principal uses on the same property which include a single family home and a 42-dog kennel for rescued greyhounds, along with any other variances of waivers deemed necessary by the Board. The property is located at 2688 South Black Horse Pike, also known as Block 5501, Lot 6 in the RG-C Zoning District.

Attorney Dan Parenti, for the applicant, stated they wish to seek use variance because they are proposing two uses. There is already a pre-existing residence on the property and they want to build a 42-dog kennel on site. The rescue is limited to greyhounds only; they do some boarding but only for families that have adopted from them. They acknowledge they will need a license to board. But they have to get approved for this first, then go back before the Pinelands for approval for their septic. They have the Pinelands approval pending the approval from the Township for this variance. Lisa Newbold was sworn in by Mr. Coe. Motion was passed to deem the application complete. Ms. Newbold explained what the rescue does. The hours of operation are 10-1 every day. There are 3 employees who work from 8 a.m. to 11 p.m. She stated that they board the dogs to help the agency stay afloat, and that there is no money in adoption. Mr. Parenti adds it is a large parcel of land that meets all other bulk requirements. Also that the applicant was before this Board several years ago and was granted a site plan waiver, which led them to this point.

Public Hearings: (continued)

5. #22-52 Greyhound Angels Rescue & Adoption, Inc. (continued)

Stephen Hawk, a certified planner, was sworn in by Mr. Coe. Mr. Hawk listed his qualifications for the Board. Mr. Hawk stated although both uses are permitted, they need a use variance to allow both at the same time. He explained that the existing residence will be beneficial for an onsite manager to the proposed kennel facility. He also stated that since the kennel will service only greyhounds, that will fill a regional need and will bring traffic to the local businesses. Mr. Hawk stated that the business will be of no detriment to the neighborhood that it is currently in.

Mr. Defelice reviews his report for the Board. He stated that the applicant addressed the overview of the application and the proposed use of the property. He asked the applicant about parking for the future use. The special reasons or the positive and negative criteria for the request were spelled out by the planner. The minimum front yard and buffer requirements as well as the parking issue will be addressed in the future by the applicant. Mr. Sebastian asked if they are agreeing to do a site plan. Mr. Parenti stated that they were granted a site plan waiver a few years ago, but agree to do one if required by the Board.

Mr. Kozak asked the applicant if they've had any complaints from the township, as far as noise or anything. Ms. Newbold responded no, the greyhounds don't really bark and they sleep 18 to 20 hours a day. She also stated they are exercised every afternoon. Mr. Coe asked about the hours of operation, that she previously stated 10 to 1. Ms. Newbold stated they do everything by appointment only and they don't take walk-ins, so they can plan who will be on premise and when. Mr. Kozak asked if she wished to extend that time frame in case her needs change in the future. Ms. Newbold agreed and stated that 10 to 3 would be sufficient.

Motion passed to open the hearing to the public.

1. Rosemarie Dilolle of 255 Village Parkway. Ms. Dilolle is property manager at Summer Fields, Friendly Village. She stated that she is here to express concerns of the residents. She proceeded to read a letter that explained the residents do not believe the location is suitable. She stated that the kennel does not seem to be in line with the current permitted uses of commercial property in that area. Ms. Dilolle stated that the property proposed is too close to a residential development to be suitable for the housing of 42 large dogs. She stated that there is a level of noise that will only increase with the number of dogs increasing. She stated there is also a smell that will come with keeping 42 large dogs on one property and the residents are concerned that the applicant won't be able to clean up adequately enough so that their quality of life would not be impacted.

Public Hearings: (continued)

5. #22-52 Greyhound Angels Rescue & Adoption, Inc. (continued)

Ms. Dilolle continued and stated that the issue of traffic needs to be addressed, since an increase in the number of dogs will mean an increase of people. She stated that the residents believe the applicant has not shown reason that they need two uses. She stated that the residents request that the Board denies the application. Mr. Sebastian asked Ms. Dilolle if she personally believed or agreed with the letter she just read. Ms. Dilolle responded yes. Mr. Coe clarified that Ms. Dilolle is present today as an employee of the management company and is not a resident of Friendly Village. Ms. Dilolle affirmed. Mr. Coe stated that the residents that she represented today all were noticed and had the opportunity to appear and have not. Ms. Dilolle agreed. Mr. Coe asked Ms. Dilolle where Friendly Village is in regards to the property. Ms. Dilolle responded that it is across the pike. Mr. Powers asked if anyone signed the letter she just read. Ms. Dilolle responded no, it was just general concerns. Mr. Kozak asked if she or anyone else ever made complaints about this property. Ms. Dilolle responded that she couldn't answer that, there are over 600 residents. Mr. Kozak stated that he does not recall anytime the Township ever had to go out for any complaints. Ms. Dilolle stated that she did not personally make any complaints and that she did not know of any complaints made to the township about this property by any of the residents.

Mr. Sebastian asked the planner to clarify about the uses allowed in the zone. Mr. Defelice clarified that the both uses are allowed. Mr. Sebastian reiterated that the only reason the applicant is here today is for the approval of having both uses allowed at the same time. Mr. Sebastian stated that if the residence wasn't on the property, the applicant wouldn't even be here that they could build a 100-dog kennel if they wanted. They are only here before the Board for the approval of allowing both uses. Mr. Coe asked the planner about the benefit of having both the residence and the kennel on the same site. Mr. Defelice stated that it would be beneficial since there would be live animals on site.

Motion passed to close the public portion of the hearing.

Ms. Newbold rebutted by stating that there are no outdoor kennels, they are indoor. The dogs are cleaned up after and sanitized. Mr. Kozak asked if they had any complaints. Ms. Newbold responded no, in fact she stated they have had people that live over there come to volunteer. Mr. Kozak stated that he does not recall any complaints about the property either. Mr. Colavita asked if the traffic from the pike is noisy and if the construction company next door is noisy. Ms. Newbold responded yes to both. Mr. Papsen stated that given the distance, even if there was noise, it would be unlikely to be heard anyway.

Mr. Coe reviewed the application for the Board. The condition appropriate being that the applicant will return to the Board for site plan approval at which time all site plan related issues including traffic, parking, buffers and the like will be addressed. The applicant will comply

Public Hearings: (continued)

5. #22-52 Greyhound Angels Rescue & Adoption, Inc. (continued)

and obtain all Township permits and approvals including construction permits that may be required. The applicant will obtain all necessary outside agency approvals. All work on the property will comply with the plans and surveys submitted in the application. The applicant will satisfy all escrow requirements and obligations and comply with any COAH requirements that may be imposed. Motion passed to approve the application. Roll call vote: Ayes- Mr. Colavita, Mr. Powers, Mr. Cossaboon, Mr. Kozak, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

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

Reports: None

Approval of Minutes:

1. 8/18/2022 Regular Meeting
2. 9/15/2022 Regular Meeting

Motion by Mr. Colavita, seconded by Mr. Powers to approve the minutes from the August 18, 2022 regular meeting and the September 15, 2022 regular meeting. Voice vote: all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:32 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: Amy Gallagher, Clerk Transcriber