

**Call to Order:**

The Zoning Board of Adjustment meeting was called to order at 6:30 p.m. on October 20, 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 October 7, 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, Ms. Cummiskey, Mr. Colavita, Mr. Kozak, Mr. Powers, Mr. Sebastian, Mr. Seidenberg, Mr. Coe, solicitor, Mr. Defelice, planner and Ms. Fox, council liaison. Excused- Mr. Papson, Mr. Salvadori, Mr. Sander, engineer.

Mr. Sebastian made an announcement to the room that the application #22-59 Steven Wolf was postponed to 12/1/2022. Mr. Coe added that this is the only notice of the rescheduled meeting, there will be no further written announcement of this.

**Memorialization of Resolutions:**

1. Res. #57-2022 - #22-51 Dan & Linda Tomarchio

Mr. Coe announced that Mr. Powers was recusing himself from this item and Mr. Powers left the room. Mr. Coe reviewed the resolution for the Board. The applicant was requesting to be allowed an accessory structure to be larger than the principal use. Mr. Coe stated that he intends to give a brief summary of the facts and findings on this matter. First, Mr. Coe explained whether the positive criteria were met promoting the general welfare and promoting a desirable visual environment in the community. He stated that historically, the Board has decided that the addition of a pole barn promotes the general welfare and the visual appearance of the community because it enables the homeowner to store things that would otherwise be outside. Second, the evidence presented showed that site was suitable, given the size of the lot is 1.79 acres. Even the photographic evidence presented showed three sides of the pole barn, that there was a natural barrier of trees, so it was placed and constructed in a visually attractive manner. Also, there was an existing residential use there and it is natural to expect in residential use people are going to have accessory structures.

Mr. Coe went on to explain the negative criteria, first that there was no detriment to the nearby properties. The accessory structure was at least 300 feet from the objector's property, as demonstrated by the objector's own photographic evidence and there was a scale on it that showed it was at least 300 feet. Also, there was a large natural barrier of trees and vegetation

**Memorialization of Resolutions:** (continued)

1. Res. #57-2022 - #22-51 Dan & Linda Tomarchio (continued)

which screened off the structure from the nearby property. The other side of the property is a billboard. So there was no substantial detriment and that in the immediate neighborhood there is a mix of commercial and residential uses. So having a pole barn is consistent with other uses in the area. Finally, this zone was rural development commercial, so the applicant could have built something more intensive like a retail site. Second, the rural development purpose on that part of town that already recognizes mixed use. Having residential with an accessory structure is much less intensive use of the property. Finally, the objector indicated his property was flooding and that 289 trees had been killed by the accessory structure. He provided no photographic evidence, no engineering or expert testimony or any other evidence to show proof of that flooding. Mr. Coe stated that Mr. Kozak asked the objector at that time if he had done any kind of report or analysis and the objector stated that he had not. Those were the specific findings that summarized this resolution.

Motion to approve by Mr. Colavita, seconded by Mr. Cossaboon. Roll call vote: Ayes- Mr. Colavita, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Seidenberg. Nays- Zero. Abstentions- Zero.

2. Res. #59-2022 - #22-46 & #513-SP Carter Airstrip Solar 1, LLC

Motion to approve by Mr. Cummiskey, seconded by Mr. Seidenberg. Voice vote: all ayes, motion passed.

3. Res. #64-2022 - #22-50 Joe & Denise Sottosanti

Motion to approve by Mr. Kozak, seconded by Mr. Powers. Voice vote: all ayes, motion passed.

4. Res. #65-2022 - #22-34 Randee Butler

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote: all ayes, motion passed.

**Public Hearings:**

1. #22-57 – Brandon Rota – Side Yard Variance

The applicant is requesting a side yard setback variance to allow a 2.5-foot side yard setback where 10 feet is required for the extension of his driveway. The property is located at 1032 Micawber Drive, also known as Block 11405, Lot 9 in the RG-PR Zoning District.

**Public Hearings:** (continued)

1. #22-57 Brandon Rota (continued)

Motion passed to deem application complete. Mr. Rota was sworn in by Mr. Coe. Mr. Rota explained for the Board that he requesting approval for his driveway. He has triplets, they live in a small development. The streets are very tight and there's a lot of vehicles on the street. He enlarged his driveway to try to keep their vehicles off the street. They extended the driveway without a permit but have since rectified that. Mr. Kozak asked how long ago he completed it, and have there been any flooding issued with all the rain we've had recently. Mr. Rota stated it was completed about a month ago and there has been no issues with puddling, it drains out to the street as it should. They already had a lot grading waiver approved.

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

Mr. Coe reviewed the application for the Board. The conditions appropriate are that the applicant will obtain all other agency and township permits and approvals that may be necessary. The applicant will comply with all plans and surveys submitted with the application. Finally, the applicant will satisfy escrow requirements and obligations.

Motion to approve by Mr. Cummiskey, seconded by Mr. Cossaboon. Roll call vote: Ayes- Mr. Cummiskey, Mr. Cossaboon, Mr. Colavita, Mr. Kozak, Mr. Powers, Mr. Seidenberg, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

2. #22-60 Kenneth Getsinger – Use Variance

The applicant is requesting a use variance to allow an accessory building larger than the principal building on his property for the construction of a 26' x40' x 14' pole barn to be placed next to his existing garage for storage of his antique cars. He is also requesting a lot coverage variance to allow 29% lot coverage where 20% is the maximum permitted. The property is located at 3645 Lake Avenue, also known as Block 8902, Lots 17 & 18 in the RG-MR Zoning District.

Motion passed to deem the application complete. Mrs. Orbaczewski noted that there was a comment in the planner's report that stated a certificate of filing is necessary. That is a misstatement, it is not necessary because the proposed pole barn is not twice the size of the principal and there's no business there.

Mr. Getsinger was sworn in by Mr. Coe. Mr. Getsinger explained that he wants to put up a pole barn to store his three classic cars. Mr. Kozak asked if he wanted the pole barn to put the cars away and also for aesthetics so people won't have to look at them, it won't be used commercially and there would be no living quarters or bathroom in there. Mr. Getsinger confirmed.

**Public Hearings:** (continued)

2. #22-60 Kenneth Getsinger (continued)

Mr. Defelice reviewed his report for the Board. The existing parcel is 19,328.5 square feet. The property currently has a one story dwelling, two framed sheds, a wood deck, a garage a metal shed and an asphalt driveway. He indicated that the combined square footage of accessory buildings is greater than the dwelling, so a lot coverage variance is necessary. Mr. Defelice asked the applicant to describe what the pole barn will look like. Mr. Getsinger explained it would be sheet metal on siding and roof. The color will be a blue color, and intends to side the house to match the pole barn. He explained he planned to put a roll-up style door on one end and a sliding barn door on the other end. Mr. Coe asked if his intent is to make the existing garage and the pole barn the same in color. Mr. Getsinger affirmed.

Mr. Kozak asked what the time frame is for matching the barn to the house. Mr. Getsinger replied in about a year. Mr. Kozak asked where the driveway would be. Mr. Getsinger responded that his existing driveway is large enough, he will just add a little more asphalt. Mr. Colavita asked about adding the asphalt if that was included in the lot coverage that he's requesting. Mr. Getsinger responded no, because he's not financially prepared to do that yet. Mr. Defelice added that he recommends adding the lot coverage request to 33%. Mr. Kozak asked if he intended to get rid of the smaller shed. Mr. Getsinger affirmed. Mr. Kozak noted that would give him some relief in regard to the lot coverage. Mr. Coe stated that the map indicated two framed sheds and asked if the applicant was keeping both. Mr. Getsinger replied that he was only keeping one of those.

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 there was well and septic. Mr. Getsinger responded that he had well and city sewer.

Mr. Coe reviewed the application for the Board. The conditions appropriated are the applicant must secure all necessary outside agency or township permits and approvals and construction or lot grading permits that may be necessary. The applicant shall maintain escrow and satisfy any outstanding escrow balances. The structure shall be solely for personal storage and not for commercial purpose and no living area shall be constructed in the pole barn. The applicant shall comply with any COAH development fee required as may be determined by the construction official. The applicant shall comply with all the design and performance standards set forth in the planner's report. Including making the existing garages and home of the same color within one year, and that the small shed is to be removed. The pole barn shall be constructed in accordance with the plans and surveys submitted with the application.

Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Kozak, Mr. Seidenberg, Mr. Sebastian.

**Public Hearings:** (continued)

**Public Portion:**

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

**Reports:**

Mrs. Orbaczewski announced that the Board's next meeting is not until 11/17/22. She also noted that any reappointment letters should have been turned in.

Mr. Sebastian announced that he does not plan on being reappointed to the Board. He will be moving on.

**Minutes:**

Motion passed to approve the minutes from the meeting on September 15, 2022.

**Adjournment:**

The meeting was adjourned at 7:06 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