

Call to Order:

The Zoning Board of Adjustment meeting was called to order at 6:31 p.m. on July 6, 2023 by Chairman Cummiskey 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 20, 2023 and a copy was posted on the 2nd floor bulletin board in Town Hall and also posted on the Township’s website. In addition, notice of this evening’s public hearing was published on June 23, 2023. 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; Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Mr. Salvadori, Mr. Fiore, Solicitor, Mr. Heverly, Council Liaison. Also present; Mr. Coe, Conflict Solicitor, Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Powers, Mr. Rice, Mr. Seidenberg, Mr. Sander, Engineer, Mr. Kernan, Planner.

Public Hearings:

1. #23-28 – Iordanis & Michelle Fetfatzis – Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 34.6% where 30% is the maximum permitted for the paving around the existing inground swimming pool, along with any other variances or waivers deemed necessary by the Board. The property is located at 21 Candlewood Road, also known as Block 13.0201, Lot 6 in the R-2 Zoning District.

Motion passed to deem the application complete. Mr. Schwartz was present as attorney for the applicants. Mr. Schwartz stated that when the plan for the existing pool was previously submitted to the Township engineers as well as the current Township engineers, they have both indicated that there is no problem with drainage.

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

Mr. Fiore asked Mr. Schwartz if the lot coverage variance was needed due to the smaller type lots that are existing in this development. Mr. Schwartz agreed. Mr. Fiore asked Mr. Schwartz if this would be detrimental to the land use law. Mr. Schwartz replied no.

Motion to approve by Mr. Carino, seconded by Mr. Colavita. Roll call vote; Ayes- Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Mr. Salvadori. Nays- Zero.

2. #23-29 – Walter Wilhoit – Front, Side & Rear Yard Variances

The applicant is requesting a side yard variance to allow 5 feet where 20 feet is required, a rear yard variance to allow 5 feet where 50 feet is required for the construction of a 12’ x 40’ x 14’ pole barn, a front yard variance to allow 33.51 feet where 40 feet is required for a covered porch, and a rear yard variance to allow 24.31 feet where 25 feet is required for the deck, along with any other variances or waivers deemed necessary by the Board. The property is located at 131 Jones Kane Road, also known as Block 10701, Lot 28 in the AG Zoning District.

Public Hearings: (continued)

2. #23-29 – Walter Wilhoit (continued)

Motion passed to deem the application complete. Mr. Wilhoit was sworn in by Mr. Fiore. Mr. Fiore pointed out that the agenda only stated four variances, but the applicant was actually requesting five variances, the fifth being for lot coverage. Mr. Wilhoit stated that he had a fire at his house and he's just trying to get the house rebuilt. Mr. Kozak asked if this hearing was for the house or for the shed. Mr. Wilhoit replied that the variance for the front is where the porch is going to be, and there is a variance for the back deck, and there is a variance for the shed. He stated that the previous owner did not have a variance for the shed. Mr. Fiore stated there are five variances, one is to replace the shed. Mr. Wilhoit stated that the shed that was there was 10' x 12', that shed burned down. Mr. Wilhoit stated that the shed he intends to put there is 12' x 40' x 14'. He stated that he's not sure if that will sit on concrete or gravel.

Mr. Kozak asked if the existing 10' x 12' shed was close to the property line. Mr. Wilhoit replied that the back of it was on the property line and there was 3-4 feet on the left of it, he added that his well sits in front of the shed. Mr. Kozak asked what he is going to use the shed for. Mr. Wilhoit stated that he moved here from Maryland, so his shed is filled with a lot of his property such as lawn equipment and motorcycle. Mr. Colavita asked if it was a shed or a pole barn. Mr. Kozak stated there must be a floor. Mr. Wilhoit stated that it's a shed and it has a wooden floor. Mr. Salvadori asked if the shed could be put anywhere else. Mr. Wilhoit stated that it could, but he chose this location because he doesn't want trees to damage the shed.

Mr. Kozak asked if he could compromise on the variance and move the shed more to center of the back yard instead of needing the side yard variance. Mr. Wilhoit stated that he wanted to maximize the space behind the house, that's why he wanted to place the new shed where the old shed was close to the property line. Mr. Wilhoit stated that he would be amenable to moving the shed to the right so as to not need the side yard variance. Mr. Fiore asked if he wanted some time to think about it. Mr. Wilhoit replied no, he was okay with moving it to 20' from the side yard. Mr. Colavita asked if there were any utilities out at the old shed. Mr. Wilhoit replied no he has not yet thought about running electric or any utilities.

Mr. Fiore asked if he was agreeable to moving the shed away from the side to meet the setback, and if he would move it further from the back-yard property line. Mr. Wilhoit stated that he was okay with the side yard, but not the back yard. Mr. Carino asked if he could rotate the shed longways in the side yard. Mr. Wilhoit stated that there are trees there and he doesn't want them dropping branches on his shed.

Mr. Fiore summarized the remaining variances to be discussed. Mr. Kozak asked if there was originally a porch in the front of the house. Mr. Wilhoit replied yes, but it was about 8' x 8'. Mr. Wilhoit stated that he wants to extend that to the driveway, and it would only be 6' deep. Mr. Fiore asked if there were other houses on the street with front porches. Mr. Wilhoit stated that he hadn't noticed.

Public Hearings: (continued)

2. #23-29 – Walter Wilhoit (continued)

Mr. Fiore stated that the next variance is for the back deck. Mr. Wilhoit stated that the back deck will come out from the back of the house to about 18'. Mr. Fiore stated the last variance is for lot coverage. He added that the property is in AG Zoning District and that 3% lot coverage doesn't make sense for a lot this size. Mr. Wilhoit added that it's a half acre lot. Mr. Carino asked Mr. Wilhoit if he knows how the shed burned down. Mr. Wilhoit replied he did not know.

Motion passed to open the hearing to the public.

- a. Peter Sideris was sworn in by Mr. Fiore. Mr. Sideris stated that he owns Lots 29 and 30. He has no problem with Mr. Wilhoit placing the shed where he wants. Mr. Kozak asked about the fire. Mr. Sideris gave a breakdown of what happened that night. Mr. Kozak stated that Mr. Sideris would be the only neighbor directly affected by the sight of this shed and back deck. Mr. Sideris agreed.
- b. Tiffany Walker of 210 Jones Kane Road was sworn in by Mr. Fiore. Ms. Walker stated that people cram things on their property and it's an eye sore to the community. She stated that the shed would be visible to everyone. She wants a 3D rendering of what he's proposing. She stated that no other homes on that street have extended front porches. She recalled the night of the fire. She stated that her first concern was to call her neighbors and family. She stated that she welcomes everyone who moves into the neighborhood but added that people don't care about the neighborhood and have no consideration for other people.
- c. Selwa Grandison of 199 Jones Kane Road was sworn in by Mr. Fiore. Ms. Grandison stated that people keep moving into the neighborhood and keep changing the focus of the neighborhood. She stated that people are selling cars and putting up fences to block off roads. She stated that the applicant's lot is too small to do what he wants, he should have bought a bigger house. She stated that this is devaluing their property.
- d. Loretta Winters of 219 Jones Kane Road was sworn in by Mr. Fiore. Ms. Winters recalled the night of the fire and that her family sat with him and offered help. She stated that the applicant wants to put a bigger shed than was there before. She stated that he if he knew he was going to bring the shed he should have bought a bigger lot. She stated that she begs the Board to consider the Land Use laws. Mr. Kozak asked if her property was adjacent to Mr. Wilhoit. She stated that her property runs behind all the properties on Jones Kane Road. Ms. Winters pointed out on the tax map that her lots are 32 and 19. Mr. Kozak stated that lot 32 is not adjacent to Mr. Wilhoit. Mr. Colavita made a point that without any variances needed, Mr. Wilhoit could place the shed in his side yard within the setbacks and that would be more visible from the street. Mr. Fiore agreed as long as the bulk requirements were satisfied. Ms. Winters mentioned that the applicant would be over the lot coverage. Mr. Fiore explained that the 3% maximum is not realistic for the size of the lot. Mr. Cummiskey stated that they are trying to explain that Mr. Wilhoit could put the shed in his side yard without variances and it would be more visible from the street.

Motion passed to close the hearing to the public.

Public Hearings: (continued)

2. #23-29 – Walter Wilhoit (continued)

Mr. Kozak asked Mr. Wilhoit what color the shed is and what color the house will be. Mr. Wilhoit stated that the shed is grey with a brown roof, and that the house will be yellow vinyl siding. Mr. Kozak stated that the ordinance states the shed and the house should complement each other. Mr. Wilhoit stated that he could paint the shed or change the color of the house. Mr. Kozak suggested adding shrubs in front of the shed. Mr. Wilhoit stated that he could put up a white 6' vinyl fence to help conceal the view. Mr. Wilhoit stated that when he moved he couldn't find a house with a bigger lot in his price point. Mr. Kozak asked if he would store his belongings in the shed that would normal be sitting out in view or others. Mr. Wilhoit replied yes.

Dryfire summarized the application for the Board. Mr. Fiore reviews the variances being for the rear yard variance to allow 5' where 50' is required for the 12'x40'x14' shed, a front yard variance to allow 33.51' where 40' is required, a rear yard variance to allow 24.31' where 25' is required for the back deck and a lot coverage variance to allow 31% where 3% is maximum permitted. Mr. Fiore stated the conditions of approval being that the shed and house be made the same color, that the shed would not be for commercial use, and that a 6' white vinyl fence be installed to conceal the view from the street.

Motion to approve including memorialization by Mr. Kerr, seconded by Mr. Kozak. Roll call vote; Ayes- Mr. Kerr, Mr. Kozak, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Salvadori. Nays-Zero.

3. #23-31 – Robert Smith – Front Yard Setback Variance

The applicant is requesting a front yard setback variance to allow 30 feet where 40 feet 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 Spruce Lane, also known as Block 8812, Lots 113, 123, and 124 which will be consolidated per the Pinelands requirements.

Motion passed to deem the application completed. Mr. Smith was sworn in by Mr. Fiore. Mr. Smith stated that the property will be consolidated by next week, and was a condition of the Certificate of Filing from the Pinelands. He stated that the lot will be irregularly shaped. He stated that the lot is mostly cleared except for the back portion that fronts on Birch. He intends to leave those trees in their natural condition. He stated that the 30 feet he's requesting seems to be consistent with the other homes in the area. Mr. Smith added that if he had to comply with the 40' setback that would take away from the size of the backyard. Mr. Smith stated that the driveway is going to be reduced a bit from what's on the original plan. Mr. Smith stated that the property is served by public water and sewer. He stated that he may want to put a shed on the property and it will be within the setback limits. Mr. Colavita asked about the 16' side yard and asked if that was within the setback. Mr. Smith stated that the standard is 10 feet in that zone.

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

Public Hearings: (continued)

3. #23-31 – Robert Smith (continued)

Motion to approve including memorialization by Mr. Carino, seconded by Mr. Kerr. Roll call vote; Ayes- Mr. Carino, Mr. Kerr, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori. Nays-Zero.

Mr. Smith added that he did get prior approval from the Timber Lakes Community Association.

4. #23-32 – Takeya Myers – Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 37.7% where 30% is the maximum permitted lot coverage for the installation of an inground swimming pool, along with any other variances or waivers deemed necessary by the Board. The property is located at 721 DaVinci Way, also known as Block 110.0403, Lot 10 in the RG-PR Zoning District.

Motion passed to deem the application complete. Present was Ms. Myers and Toni Williamson from the Pool Store, both were sworn in by Mr. Fiore. Ms. Williamson stated that they are requesting for the variance for 37.7% lot coverage. Mr. Kozak asked if there were any drainage problems there. Ms. Williamson stated that the Township Engineer has already approved the grading plan.

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

Motion to approve including memorialization by Mr. Carino, seconded by Mr. Colavita. Roll call vote; Ayes- Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Mr. Salvadori. Nays-Zero.

Public Portion:

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

Reports: None

Minutes:

Motion passed to approve the minutes from the meeting on June 15, 2023.

Closed Session:

Motion passed to go to closed session at 8:01 p.m.

Motion passed to end the closed session at 8:13 p.m.

Adjournment:

Motion passed to adjourn the meeting at 8:13 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