

Call to Order:

The Zoning Board of Adjustment meeting was called to order at 6:33 p.m. on November 2, 2023 by Chairman Colavita, 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 October 22, 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. Kerr, Mr. Kozak, Mr. Salvadori, Mr. Rice, Mr. Fiore, Solicitor, Mr. Kernan, Planner, Mr. Warburton, Planner, Mr. Sander, Engineer, Mr. Heverly, Council Liaison. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Cumiskey, Mr. Powers, Mr. Seidenberg.

Public Hearings:

1. #23-50 – Jason Johnson – Buffer Encroachment

The applicant is requesting a buffer encroachment variance to allow the existing concrete around his inground pool to extend 11 inches into the buffer and for the existing shed placed in the buffer by the previous owner, along with any other variances or waivers deemed necessary by the Board. The property is located at 351 Bryn Mawr Drive, also known as Block 29.0201, Lot 23 in the RG-MR Zoning District.

Motion passed to deem the application complete. Jason and Amanda Johnson were sworn in by Mr. Fiore. Mr. Johnson stated when the pool was put in the as-built created the concrete to encroach into the easement by 11 inches. Mr. Kozak asked about the shed. Ms. Johnson stated it was there when they bought the house and stated that it's moveable. Mr. Johnson stated it's 12' x 12' so it's not really moveable. Mr. Fiore asked if their pool is consistent with others in the neighborhood. Mr. Johnson replied yes. Mr. Salvadori asked how far back the original plan placed the pool. Mr. Johnson replied a few feet, so they moved the pool closer to the house. Mr. Kozak asked if there was a 6' fence around the property. Mr. Johnson replied it's 54 inches. Mr. Kozak asked if there were any drainage issues. Mr. Johnson replied no.

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

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

Public Hearings: (continued)

2. #23-41 & WSP-04-23 – Brian & Rhoda Kownacky – Use Variance & Site Plan Waiver

The applicants are requesting a use variance to allow the two principal uses on the same lot, a commercial use and residential use. They are also requesting a site plan waiver since there will not be any new construction on the site. They will be using the existing barn for small events as well as utilizing the two areas containing flower gardens. The property is located at 664 Clayton Road, also known as Block 12301, Lot 26 in the RG-C Zoning District.

Motion passed to deem the application complete. Mr. Fiore stated the applicants were already sworn in at previous hearing last month. Mr. Kownacky stated that they would like to be permitted to use the existing barn for small events and have events in the flower gardens. Mr. Kownacky stated that hours of operation would be Sunday through Thursday, 8 a.m. to 10 p.m., Friday and Saturday 8 a.m. to midnight.

Mr. Kernan stated that the property is in a commercial zone and conforms to all bulk requirements with exceptions, he added that there are some preexisting nonconforming conditions. Mr. Kownacky stated that all the structures there are from the previous owner. Mr. Kernan stated that bulk variance is needed for not having to add any buffer on both of the side yards where the home is. Mr. Kernan stated a waiver would be required for the buffer plantings.

Mr. Kernan stated that 54 parking spaces would be required for the barn use. Mr. Kownacky stated they can currently park 34 cars in the existing parking area. Mr. Kownacky added they have large fields where they can also use for parking when needed. Mr. Kernan stated that calculating the parking with the maximum number of people as 75, that required parking would be 25 spaces needed. Mr. Kernan stated that he believes there is enough parking. Mr. Kernan asked about the existing lighting. Mr. Kownacky stated there are lights on the barns and there is a utility pole light. Mr. Kernan and Mr. Fiore both agreed that if they want to add more lighting in the future to contact the Township about requirements. Mr. Kownacky agreed.

Mr. Kozak asked about ADA parking. Mr. Fiore asked if they would be able to comply with ADA requirements. Mr. Kownacky stated they do have parking in the front. Mr. Sander added that it has to be either concrete or asphalt. Mr. Kownacky replied he did not know that but that it can be done that way. Mr. Kownacky stated they can do whatever is required. Mr. Kozak asked about the bathroom plan. Mr. Kownacky stated that they will go with a new septic field and he's already contacted a septic company. Mr. Kozak asked if they would open before they get the septic. Mr. Kownacky replied he would like to get the septic done right away to be ready for April or May. Mr. Kerr asked about trash removal. Mr. Kownacky stated that any events that are catered, the catering company will remove the trash.

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

Public Hearings: (continued)

2. #23-41 & WSP-04-23 – Brian & Rhoda Kownacky (continued)

Mr. Fiore summarized the application. Mr. Fiore asked about signage. Mr. Kownacky stated they would like to put a 3' x 5' wooden sign out front. Mr. Fiore stated that it has to adhere to the ordinance. Mr. Kernan would like to add they did propose to add a 13' x 15' gazebo in one of the flower fields. Mr. Kerr asked if there would be lighting out at the road. Mr. Kownacky stated they have two existing driveway lights.

Motion to approve the use variance and the site plan waiver by Mr. Kozak, seconded by Mr. Carino. Roll call vote; Ayes- Mr. Kozak, Mr. Carino, Mr. Colavita, Mr. Kerr, Mr. Salvadori, Mr. Rice. Nays- Zero.

3. #23-47 & #531-SP – Andrey Letushko – Use Variance and Minor Site Plan

The applicant is requesting a use variance to allow two principal uses on the same lot, a used car dealership and a professional office use. The applicant is also seeking minor site plan approval with the addition of two parking areas totaling approximately 1500 square feet. The property is located at 331 S. Black Horse Pike, also known as Block 3202, Lot RG-C Zoning District.

Application not deemed complete. Mr. Sander stated that he has some items that need to be addressed before the application can be complete. Mr. Sander stated that the following items should be provided; size and height of all existing buildings and architects or engineers drawing of each building, proposed circulation plans, including location of lights, lighting standards and signs within 100 feet of the tract, landscaping plan, topographic plan of the site extending 200' past the boundaries of the site, and a grading plan and drainage report with calculations for stormwater management. Mr. Sander stated that he does not recommend granting a waiver for the grading plan and stormwater management due to the flooding history on the property.

Mr. Fiore gave a brief history on the property. He stated that a previous owner had major flooding during a hurricane many years ago. The Township was involved in litigation with that owner and the Township ended up purchasing that property. Mr. Fiore stated the storm sewer that goes through the back of the property services all of the downtown area and drains out to the other side of the Pike. The applicant's planner provided a drawing from Public Works. Mr. Fiore stated that system goes back to the 1920's or 30's. Mr. Kernan stated that flood was about 15 years ago and he remembers that the building is a split level and it was being used as office space. He added that he believes it was the lower level that was flooded out. Mr. Sander stated that the grading plan could be used as a condition of approval. The applicant's attorney, Michael Gruccio interjected asking for a waiver on completeness only, and that they can provide testimony on the additional waivers they are requesting. Mr. Kernan suggested that they bifurcate the applications and address use variance first. Mr. Gruccio agreed.

Mr. Gruccio stated that they shall proceed with only six Board members present this evening. Mr. Gruccio stated that they acquired a Certificate of Filing from the Pinelands. Mr. Gruccio introduced professional planner Stephen Hawk. Mr. Hawk was sworn in by Mr. Fiore and was accepted by the Board.

Public Hearings: (continued)

3. #23-47 & #531-SP – Andrey Letushko (continued)

Mr. Hawk stated that the used car dealership and the professional office are permitted uses on this site, but they need a variance to allow both at the same time. Mr. Hawk stated the site has been vacant for many years and this use would help the general welfare of the Township. Mr. Hawk believes that creating some development at this site, it may bring interest to someone to develop the adjacent vacant site. Mr. Hawk stated this use is low intensity, the cars arriving will be driven under its own power, they will not arrive by car carrier. Mr. Hawk stated repairs would happen off site. He added that the only thing that would happen on site is minor detailing or incidental repairs. Mr. Hawk stated that there are seven parking spaces which is plenty to accommodate the insurance office and the car dealership. Mr. Hawk stated the building would be dressed up, there will be landscaping toward the back to screen from the residential use behind the property.

Mr. Hawk stated this would be a more efficient use of the land. Mr. Hawk stated that the building is over 2,000 square feet. He stated that 500 square feet will be dedicated to the car sales office, the remaining area would be utilized for the office. Mr. Hawk stated that the right turns in and right turns out of the property would not create a safety issue. Mr. Hawk stated there is no substantial detriment to the public good. Mr. Hawk stated that there is a total of 30 auto related uses in the stretch of the Pike from Berlin-Cross Keys Road down to Malaga Road. He stated that he believes this dual use would not take away from the character of the neighborhood. Mr. Hawk stated that the property meets the lot size, width, frontage, front yard, side yard and rear yard requirements. He added that the zone allows for 70% impervious coverage and the plan puts them at around 25%. Mr. Hawk stated the 25' buffer requirement is not met in one area of the property where the 7 proposed parking spaces are.

Mr. Hawk stated that the property does touch a residential property in the rear and there is proper buffer and landscaping. Mr. Hawk stated that they will provide site plan if the use variance is approved. Mr. Hawk stated they are seeking a waiver for the indoor display requirement. He explained this is a low-key small establishment and an indoor display would require an addition. Mr. Hawk stated that the signage will meet the standards. Mr. Hawk stated that they seek a waiver to allow stone on the lot. Mr. Hawk stated that the insurance office use will be minimal as most transactions are done by phone and email. Mr. Hawk stated that the car sales will also be minimal customer traffic as most is done through email also. Mr. Fiore stated that the buffer testimony should be held for the site plan portion.

Andrey Letushko was sworn in by Mr. Fiore. Mr. Letushko gave a brief life history of how he built his businesses. Mr. Letushko stated that he bought the property at the Township's land auction with the vision of what he is proposing here tonight. Mr. Letushko stated that the state requires there to be a physical site for car sales. Mr. Letushko stated that there are repair facilities he can utilize, but the extent of work on site would be limited to cleaning the vehicles. Mr. Letushko stated that he is asking for a waiver on the indoor display requirement. He explained that the internet is one of the best displays today and there would be too much he would have to change

Public Hearings: (continued)

3. #23-47 & #531-SP – Andrey Letushko (continued)

the building to allow for indoor display. Mr. Letushko stated the hours of operation would be 9 to 5, and the dealership would be open 9 to 8 and about 9-2 on Saturday. Mr. Letushko stated that they will comply with any landscaping screening that may be needed for site plan. Mr. Letushko stated that he would want minimal lighting.

Mr. Kozak asked if Mr. Letushko asked if he has other dealerships. Mr. Letushko replied yes. Mr. Letushko stated they will have the cars brought to the site by driving on, not by car carrier.

Mr. Kernan stated that the dealership use seems to be more internet sales driven and the insurance is maybe one person according to testimony. Mr. Kernan stated that the should only require minimal parking. Mr. Kernan stated that there are a number of used car lots in town that do not have indoor display. Mr. Kernan stated that perhaps the Board could consider that during deliberation. Mr. Kernan reviewed some points in his report that was addressed in testimony. Mr. Kernan asked the applicant about why he wanted to add the additional stone parking area in the rear. Mr. Letushko stated that he just wanted to square off the existing parking. Mr. Kernan stated that adding vehicles to the back of the property might be a concern due to the stormwater issues. Mr. Kernan stated that he believes there should be additional lighting on the lot.

Mr. Colavita asked about #7 in Mr. Kernan's report about indoor display. Mr. Kernan stated that is referenced out of the Township's code. Mr. Kernan stated that the two items the applicant is not willing to comply with and requesting waivers for are the indoor display and the surface of the lot. Mr. Kernan added that the existing signage is also an issue. Mr. Kozak stated that there had to be a reason that former Town Council felt it necessary to add into the ordinance requiring indoor display showroom. Mr. Kozak asked Mr. Letushko if he was willing to comply with the indoor display. Mr. Letushko replied he is asking for a waiver and is not proposing any changes to the building. Mr. Colavita asked Mr. Hawk where the nearest car dealership is. Mr. Hawk replied McQueen Motors to the east, then Pellegrino to the west. Mr. Kerr asked if there would be any sea boxes for storage. Mr. Letushko replied no.

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

Motion to approve the use variance by Mr. Kozak, seconded by Mr. Kerr. Roll call vote; Ayes- Mr. Kerr, Mr. Carino, Mr. Salvadori, Mr. Rice. Nays- Mr. Kozak, Mr. Colavita. Motion did not pass.

Public Portion:

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

Reports:

Ms. Orbaczewski stated there is a special meeting on November 30th, start time is 6:00.

Minutes:

Motion passed to approve the meeting minutes from the meeting on October 19, 2023.

Adjournment:

Meeting adjourned at 8:30 p.m.