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West Deptford Township

Municipal Building, 400 Crown Point Road, West Deptford, New Jersey 08086-0089
856-845-4004

ZONING BOARD OF ADJUSTMENTS REGULAR MEETING MINUTES TUESDAY September 9, 2014 7PM

- I. **CALL THE MEETING TO ORDER:** The regular meeting of the West Deptford Township Zoning Board was held on Tuesday September 9, 2014 at 7:00 PM at the Municipal Building. The Chairman, Mike McManamy called the meeting to order, lead the Flag salute and asked for roll call.

Present:

Mr. Bill Bondar	Mr. Randy Colone	Mr. Anthony Dameika
Mr. George Grady, Alt. 4	Mr. Jake Leise, Alt. 3	Mr. Mike McManamy
Mr. James Robinson	Mr. Bill Simmons, Alt. 2	Mr. Paul Wallowitch

Absent:

Mrs. Ellen Lanciano

- II. **SWEARING IN PROFESSIONALS:** Mr. Ziegler swore in Mr. Hugh Dougherty, PE (Engineer) and Mr. Augustyn (Planner) to provide testimony at this evening's meeting.
- III. **APPROVAL OF MINUTES:** The minutes from July 8, 2014 were approved as submitted. Motioned by Mr. Bondar and seconded by Mr. Dameika. All in favor.

III. **OLD BUSINESS:**

1. **MINOR SUBDIVISION 2014-2**

APPLICANT: William C. Urban Jr.

PROPERTY: 685 Mantua Grove Road

LOCATION: Block 346.07, Lot 24, Tax Map 36

ACTION DESIRED: Minor subdivision of lot 24 to create new lot (proposed 24.02) on which a residence will be constructed. The proposed new lot and remainder lot will each meet the area and bulk standards of the Township's development code. The property is located in M-1 Light Manufacturing Zone, a use variance to permit the applicant to construct a single family dwelling was granted on February 11, 2014.

Mr. Dale Taylor Esquire was present to represent. Mr. Teal Jefferies, PE and Mr. Urban, were also present and sworn in to provide testimony for the application. The Board accepted Mr. Jefferies as qualified expert before they began to discuss drainage on Mr. Urban's site and its effect on the neighboring property. Mr. Tayler stated the basin permit and grading plan will be submitted to the Township for approval which is in accord with Mr. Augustyn's comments. After discussion of the application the Board referred to the professionals

The Chairman opened the floor to the public, which no one came forward to speak, therefore closing the public portion. With no additional Board concerns or questions, Mr. McManamy motioned to approve the application as submitted pending the approval of the grading plan, basin permit and all bonds and escrow. Mr. Wallowitch seconded the motion, and a roll call vote confirmed all in favor 7 yes, 0 no.

IV. NEW BUSINESS

1. BULK VARIANCE – 2014-12

APPLICANT: Ardyce Brasberger

PROPERTY: 1005 Buckingham Drive

LOCATION: Block 351.25 Lot 3, Map 32.05

ACTION DESIRED: A bulk variance for a rear yard setback of 14.6' instead of the required 25 feet, any necessary variances and waivers the Board may deem necessary.

Mr. Anthony Brasberger, who also owns the property, was sworn in to present the application. He was sworn in and explained the need for the variance. He wants to tear out the existing small deck to rebuild a larger, more functional deck to serve as improved living space. The Board discussed the materials used and the size in conformity to other decks in the sub-division.

The Chairman opened the floor to the public, which no one came forward to speak, therefore closing the public portion. With no additional Board concerns or questions, Mr. Bondar motioned to approve the application as submitted. Mr. Colone seconded the motion and a roll call vote confirmed all in favor 7 yes, 0 no.

2. USE VARIANCE – 2014-11

APPLICANT: Janet Dahmer

PROPERTY: 1 Warren Avenue

LOCATION: Block 221 Lots 1-7 Tax Map 18

ACTION DESIRED: Lot area variance for Block 221, Lots 1, 2, 3 for a total of 7,194 square feet instead of the required 7,500 square feet. A front yard setback variance of 20 feet instead of the required 30 feet to construct a single family dwelling. Lot area variance for Block 221, Lots 4,5,6,7 for 6,120 square feet instead of the required 7,500 square feet, a front yard setback of 20 feet instead of the required 30 feet on Warren Avenue, a 24 foot setback on Myrtle (paper street) instead of the required 30 feet for the purpose of building a single family dwelling. Any other variances or waivers the Board may deem necessary. front yard setback of 20 feet instead of the required 30 feet on Warren Avenue, a side yard variance of 9.5 feet for each side yard where 10 feet is required, an aggregate variance of 19 feet, where 25 feet is required, a rear yard setback of 13 feet where 25 feet is required, a building coverage of 41%, where 35% is permitted to construct a single family dwelling. The applicant will also be seeking any and all various bulk relief, variances, waivers or exceptions that may be necessary in support of the application and to gain approval as described herein.

Mr. Robinson recused himself from this application citing a conflict as a relative to the applicant. Mr. John Alice, Esquire was present to represent the applicant, as was Tim Kernan, PE. Mr. Kernan was accepted as an expert qualified witness and sworn in to provide testimony. They described the application and provided exhibits of the proposed homes, declared the lots as residential, reviewed the impervious coverage, driveway locations, pedestrian pathways, and the availability of water and sewer hook-up as required in R3. Mr. Augustyn reported on why these lots are small by today's standards and the need for the variances. He also talked about the placement of sidewalks, the driveway being appropriately sized, and the current retaining wall. Mr. Dougherty and Mr. Kernan discussed the drainage and the retaining wall in place. Mr. McManamy opened the floor for public comments on this application.

Mr. Sam Leone of 760 Myrtle Avenue stated several points of concern, such as safety issues, the slope and retaining wall not being properly graded and maintained, the narrow street handling additional parked vehicles, stated the lots of this size were never intended to be built upon. Mr. Leone presented a deed to the Board, in which Mr. Ziegler marked as a public exhibit. Mr. Leone stated that it's his belief, that granting the variances will cause him a hardship.

Mrs. Monica Sharp 750 Myrtle Avenue stated concerns of safety, specifically the safety of children on the street.

Mr. Scott Sharp 750 Myrtle Avenue stated his concerns of real estate values due to the proposed homes not being as "substantial" as the current neighboring homes. He believes the properties are better suited for only one single family home.

Upon closing the public portion of this application Mr. Ziegler addressed concerns of Mr. Leone, including the purpose of the smaller lots and discussed previous case law and the discussion continued to discuss the lot size being appropriate for 1 or 2 home with the Board. Mr. Alice reminded the Board of the lots' designation and the proposed size of the new homes. The Board asked questions regarding existing landscape and future plans thereof. Mr. Augustyn commented that current vegetation at this site is not an asset leaving room for improvements. With no further questions or discussion from the Board Mr. McManamy made a motion to approve the application, and Mr. Colone provided the second. A roll call vote confirm 3 affirmative and 4 opposed (Colone, Dameika, Wallowitch and Leise). This application require 5 affirmative votes therefore the application is denied.

V. **CORRESPONDENCE/REPORTS:** None

VI. **MOTION TO GO INTO CLOSED SESSION:** Resolution for the Board to enter into closed session to discuss the Appellate decision regarding the T-Mobile litigation. Motion made by Mr. McManamy, seconded by Mr. Bondar and unanimously in favor.

The closed session minutes will be shown in an attached addendum noted as page 5 to these minutes. This portion of the minutes of the minutes will be become available when the Board is ready to release the minutes.

Upon returning from closed session, Mr. Dameika made a motion made to not to appeal the Appellate decision on T-Mobile v WDT. Mr. Robinson provided the second and roll call vote confirmed 5 affirmative and 2 opposed (Wallowitch, Grady).

VII. **MEMORIALIZE RESOLUTIONS:**

2014-10 Korbel

Motion: Mr. McManamy
Second: Mr. Bondar
All in favor: All in favor
7-0

VIII. **OPEN THE MEETING TO THE PUBLIC:**

Dave Sileo 1013 Juniper Court informed the Board we has intentions to file an appeal to the Appellate Court himself and is disappointed in the Board's decision not to file with the Supreme Court. Mr. Sileo stated according to his research, T-Mobile doesn't need coverage in the proposed area, that T-Mobile didn't file the chain of command in addition the need of a height variance. He made further claims of non-trust and non-transparency and states this is just flat out wrong.

Jeff Hansen of 1816 Fernwood Court commended the Board on their actions leading up to this point however vowed to help the neighbors protect their property value.

John Demareo of 1864 Fernwood requested that the Township pursue talks with T-Mobile in hopes to find an alternative location.

IX. **ADJOURNMENT** A motion for adjournment was made by Mr. Robinson seconded by Mr. Bondar.
All in favor

Respectfully Submitted,



Ms. Michelle Hack
Recording Secretary

Adopted on October 14, 2014