

MAYOR

James P. Mehaffey

TOWNSHIP COMMITTEE

Megan Kerr
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WEST DEPTFORD TOWNSHIP

Municipal Building
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West Deptford, New Jersey 08086
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Township Administrator

Lee Ann DeHart

Chief Finance Officer

Michael Kwasizur

Registered Municipal Clerk

Lee Ann DeHart

ZONING BOARD OF ADJUSTMENT MINUTES

Tuesday, September 13, 2022

CALL MEETING TO ORDER

- **Pledge of Allegiance**
- **Open Public meeting Act Statement of Compliance:** In accordance with Section V of the Open Public Meetings Act, Chapter 231, Public Law 1975, notice of this meeting was posted on the Township bulletin board designed for that purpose. Notice was mailed to the official newspapers as provided by the Township Ordinance. Notice was filed with the Municipal Clerk.
- **Roll Call**
 - o **Present:**
 - o Rick Nichols John Barna Charles Fentress
 - o Bob Oldt Amy Ives Jessica Stewart
 - o Michelle Shirey Jim Hink
 - o **Absent**
 - o Russell Welsh
- **Swearing in of Professionals**

APPROVAL OF PREVIOUS MEETING MINUTES

- August 9, 2022 – Motioned by Charles Fentress, 2nd by Bob Oldt

OLD BUSINESS

- None

NEW BUSINESS

1. **Application #ZB-2022-0015 (Ali Alimari and Leah Parker)**
Ali Alimari and Leah Parker Block 47, lot 4.01
1561 Lafayette Ave Single-Family (R-3) Residence District
Requested Relief: Requesting build variances from chapter 166-43B(3)(c) (1) for front yard setbacks of 10ft. where 30 ft. is required, from chapter 166-14B(3) (C)(2) for 10 ft. side yards where 15 ft. side yards are required on a corner lot, and any/all other variances or waivers the board or its professionals deem necessary.
Leah Parker, 1835 Johnson St., Phila., PA. Ms. Parker was sworn. Ms. Parker testified testimony that the land she purchased was too small. She wants to

build her dream home. Mr. Nichols asked if there were plans that were submitted, she replied there were no plans because she wanted the setbacks to be approved first. She stated she wanted a 4000 sq ft home, single family home with 4/5 bedrooms. Mr. Nichols asked what is unusual about the lot, Ms. Parker stated that the setback requirements would significantly impact on the developability of the lot. Ms. Parker stated she is requesting the setback on Fourth Street to become 10 ft and everything else she will work with. The board professionals raised no objections to granting the requested variance relief. The following members of the public appeared to speak about the Application: **John Alongi, 1791 Fourth St.** (directly across the street), was sworn in. He is inquiring and concerned about the proposed house having a driveway across the street from his house and that when they pull out of their driveway, they would hit his cars. There is no marking of where the driveway would be. Mr. Nichols referred the question to The Board Engineer, Ed Ferrell, who suggested that the applicant speak about where the driveway would be. The applicant mentioned that they would street park and have no driveway, she mentioned that there is a garage on plan which is on Lafayette St. Chris Dochney mentioned since there is no driveway or garage the township requires 2 car street parking spaces which an additional variance would be needed if there are not 2 spaces. Mr. Nichols mentioned that a condition of approval should be to require a driveway. **Raymond McClintock, 1565 Lafayette St.**, was sworn in. Mr. McClintock spoke that the property behind the Applicant's property is in his sister's name and is not currently for sale. He mentioned the property was sold out of spite and created turmoil. He stated they wouldn't be able to build on the lot with the variance. Mr. McClintock stated that the property was below grade and is concerned that if Ms. Parker builds it will flood out his mother's basement. He is also concerned that it would block the view of children playing. **Victoria Shiver, 1789 Third St.** sworn in, (opposite corner of the proposed house) Ms. Schiver has concerns about the size of the proposed house. **Cecile Klein Acito, 1561 Lafayette St**, sworn in, has objections that setback of 10 feet from the street or sidewalk is unsafe and a danger for children. The lot was gifted to her son and the proposed house will interfere with her daughter's lot. She and her daughter do not want their lots to be impacted by the grading of the Applicant's lot. Currently no one else from the public came forward. **Mr. Nichols** motioned to approve with **1.** Stipulation, the driveway in front of house with 30' set back. **2.** As requested 4th St a 10' vs 30' variance, rear 5' vs 10'. 2nd by Charles Fentress, roll call vote; 4 – yes, 3 – no, 0 – abstain, motion passes.

2. **APPLICATION #22-ZB-0006 (Marie Kuhnel)**

Marie Kuhnel Tax Map 21, Block 247, Lot 24
Monmouth Court Residential (R-3) Zone

Requested Relief: requesting a bulk variance to build a 20 ft. wide single-family dwelling with aggregate side yard setbacks of 20 ft. where 25 ft. is required. A plot plan, floor plan, and front elevation is attached to this application. Applicant

seeks all other variances, waiver, and/or approvals deemed necessary by the board.

Amy Ives, board member, recused herself.

The Applicant's attorney, Brian Hall presented the Application. Mr. Hall described where the lot is and stated that it is an undersized lot in terms of area and width. He stated that these are "preexisting conditions" as the lot was built in 1964 and Zoning Ordinance in West Deptford was not created until 1078, which require a minimum width of 60 feet and area with 7500 sq ft. The subject property is only 40 feet in width and 4600 square feet in area. He mentioned a prior application regarding the property which was denied. Mr. Hall stated that at this time they have worked with a builder and submitted plans. The only variance the Applicant is requesting is to allow an aggregate of 20 feet side yard setback as opposed to the 25' required under the Ordinance, that is, 5 feet of variance relief. Mr. Hall mentioned that if this application was approved it would benefit the neighborhood. Mr. Hall presented the following Exhibits consisting of pictures labeled as A1 - Existing House, A2 - Closer picture, A3 - Vacant Lot, A4 - Color rendering of front of house, A5 - Back of house. Mr. Hall stated that there are other undersized lots in the neighborhood; however, he was not sure if there are any with houses on them. There was mention of a K - turn driveway, Mr. Hall replied that the Applicant would prefer not to do that because there is no need for it. The Applicant is also requesting not to put sidewalks. Nicholas Solerno, 49 Linden Ave. Mantua, Nj was sworn and testified on behalf of the Applicant. Mr. Solerno is the Applicant's proposed builder. He has been building homes for 40 years and stated his opinion that once the house was built it would raise the value of the other houses in the neighborhood. His testimony was that he would build a 20' house. He could build a smaller house, but it would not look right. The Applicant's son, Louis Kuhnel, having Power of Attorney was sworn in. He testified that the proposed house would not be able to be seen because there are trees on the lot. The Board Planner noted that there are undersized lots with homes on them in the neighborhood. He asked the Applicant if there was any attempt to purchase of other land, Mr. Hall said, "Yes", and that the letters had been mailed to the neighbors without a positive response. The Board Engineer stated where the lot was located and that it has direct frontage withing public right away. The Board professional raised no objections to granting the requested variance relief; and the following members of the public appeared to speak about the Application; Kathrine Fydrych, 189 Middlesex Ct, was sworn in. She owns the two (2) empty lots next to the lot that is owned by Mr. Kuhnel. She is here to oppose the application. She stated the price for which the lot was purchased and what she offered to buy it for, and it was turned down. Ms. Fydrych said, her opinion, she doesn't think the Kuhnels have any intention on building. With the size of the lot, the proposed house would be on top her lot and she doesn't want that, and it would be a smaller house and other houses in the neighborhood are larger.

When no one else from the public came forward the session was closed. Rick Nichols motioned to approve with the time frame of 12 months, 2nd by Jim Hink, Roll Call Vote 4 - yes, 3 - no.

3. **Application #22-ZB-0007 (H.A. DeHart & Son)**

H.A. DeHart and Son

Tax Map 28, Block 339, Lots 1 & 2

75 Church Street

Commercial (C) Zone

Requested Relief: Site plan for previously approved D (1) variance (Application #2021-ZB-0014)

The Applicant's Attorney, Brian Hall presented the Application. Mr. Hall stated that the Applicant was previously in front of the Board for a d (1) variance in 2021. The applicant had asked for permission for vacant lot to be used for logistics for H.A. DeHart. Mr. Hall explained that H.A. DeHart builds school busses and truck bodies and other things. The property is located the corner of Evergreen and Church St. He stated that the Applicant was given approval to use the Property as a logistics lot and is now coming bac for site plan review. There were questions of how many buses would fit on the lot and how the lot was to be configured. Mr. Hall stated that he read all the review letters and responded to thoroughly. He mentioned the Applicant revised the plans to comply with the Board Professionals' requests. He stated that the property would stay gravel and would have a privacy fence around it. He stated that the Property was not going to be a parking lot and that it was just going to house buses. **Matthew Miller, Architect and Professional Planner in the State of New Jersey**, he was sworn in and testified on behalf of the Applicant. Mr. Miller stated that he responded to the Board Professionals' review letters and gave an overview of Site Plan Exhibit A -1 which shows the parameters of the Property and where it is located, which is at the corner of Evergreen and Church Streets. The left side of the Exhibit shows where the buses are to be stacked, and it also shows proposed overall site plan. A privacy fence will be added on the South side of the site. Mr. Miller stated the hours the Property would be used, 8:00 am to 5:00 pm, 5 days a week. He stated that the Property was not going to be used as a parking lot. He also mentioned that there were no shade trees proposed. He stated the Applicant is requesting a variance not to provide sidewalks. On questioning by the Board, Mr. Miller recognized that buses are being parked along Evergreen and up on the grass, which he stated was common. He stated that traffic would come from the DeHart facility across the street. He also testified regarding a 16-inch-high retaining wall that anchors to the curb. Mr. Miller stated that there wasn't going to be any security cameras because the Applicant does not plan on putting utilities on the Property. Mr. Miller again stated that the proposed lot was not going to be used as a parking lot. The Board Planner inquired as to the planting o trees along the Property line, Mr. Miller responded that the trees would not be tall enough to cover the height of the buses. The Board Engineer stated that the Ordinance requires that the lot must be paved if it is more than one-quarter (1/4) acre. Mr. Miller passed out a Tax Map of West Deptford (Exhibit A-2) which states the lot is under one-quarter)1/4) acre. The Board Engineer requested that the Applicant provide further proofs via a survey that the lot is less than one quarter (1/4) acre. The Board Professionals raised no objections to approving the site plan and granting the requested variance relief.

No other questions from the board. No one from the public came forward, closed portion. Motion by Chairman Nichols, pending survey, having the survey meet the condition that the lot is less than ¼ acre and a solid vinyl fence with minimum of 6ft plants be planted, 2nd by Mr. Fentress, Roll Call Vote – 8-yes, 0 No. Motion Passed.

Application #ZB-2022-0015 (Parks Grove LLC) (Moved to October 11, 2022)

Parks Grove LLC

Block 374, Lot 5

200 Ogden Road

Multi-Family Residential (R-4) Zone

Requested Relief: Site plan for previously approved D (1) variance. Applicant seeks to subdivide parcel into two lots. Proposed new lot will be developed with a 5,000 sq ft. Building for micro cultivation of cannabis, with associated parking, landscaping, lighting, and grading. The existing single-family dwelling will remain on the remainder lot.

CORRESPONDENCE

- Resignation letter from Russell Welsh – motioned by Charles Fentress, 2nd by Bob Oldt

REPORTS

- 1. Zoning Board of Adjustment Solicitor** (Malamut & Associates)
- 2. Zoning Board of Adjustment Solicitor** (Bryson and Yates)
- 3. Zoning Board of Adjustment Solicitor** (CME Associates)

RESOLUTIONS FOR MEMORIALIZATION

- Resolution 2022-13 (Parks Grove, LLC) – Roll Call 8 – yes, 0 – no
- Resolution 2022-14 (Ted and Judy Frett)- Roll Call 8 -yes, 0 – no

OPEN MEETING TO THE PUBLIC

- When no one came forward there was a motion by Rick Nichols, 2nd by Charles Fentress

ADJOURNMENT

- Motioned by Charles Fentress, 2nd by Rick Nichols