

February 16, 2022

MINUTES OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF PENNSAUKEN

The meeting of the Zoning Board of Adjustment of the Township of Pennsauken, County of Camden, State of New Jersey was held on the above date via Zoom due to the Coronavirus.

Chairwoman Shirley Butler called the meeting to order at 7:00 P.M. Chairwoman Butler announced the meeting was being held in compliance with the New Jersey Open Public Meetings Act and had been duly advertised. The Chairwoman led the flag salute.

Roll call showed the following members to be present: Dianne Piccari, Paul Hoyle, Ozzie Alves, Lysa Longo, Duke Martz, Eddie DeVilla, Giovanni Cirilli and Chairwoman Shirley Butler, constituting a quorum. Also present were: Stephen Boraske, Solicitor; Gene Padalino, Planning and Zoning Coordinator; and Mary Leonard, Secretary.

Hearings

Pamela Thomas, is seeking 11 feet of relief from the rear yard setback requirement of 30 feet for a 19' x 19' addition to the rear of the home and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 8523 Herbert Avenue, Plate 38, Block 3805, Lot 3 on the Tax Map of the Township of Pennsauken, Zoning District: R-3.

Pamela Thomas, 8523 Herbert Avenue, Pennsauken, New Jersey was sworn in by Solicitor Boraske.

Mrs. Thomas stated her sister has lived with her since 2020. Her sister has Alzheimer's and needs constant care. She can not live by herself. The applicant proposes a 19' x 19' addition to the rear of the home. Mrs. Thomas is seeking 11' of relief from the rear yard setback requirement of 30'

Herbert Scott, 1 Cardinal Lane, Sicklerville, New Jersey 08081, Architectural Design/Construction Management Consultant, was sworn in by Solicitor Boraske.

Mr. Scott stated the addition will match the house. It will be two stories and it will have access off the kitchen on the first floor. The second-floor addition will have a bedroom and a bathroom. It will have a shingle roof, which will be the same color as the existing house.

The existing house on the first floor has living room and family room and a kitchen. It has three bedrooms upstairs. The addition will make it four bedrooms. Her sister will use the same kitchen, which is existing on the first floor.

Duke Martz questioned the driveway. It is wide enough for two cars. Mrs. Thomas stated her sister does not drive.

Gene Padalino questioned if the addition would be the same height as the current roof. Mrs. Scott replied the roof on the addition will be lower for drainage purposes.

Public

Chairwoman Butler opened the meeting to the public. No one expressed a desire to speak. The public portion of the meeting was closed.

Solicitor Boraske conducted fact finding. The applicant is seeking 11' of relief from the rear yard setback requirements of 30' for a 19' x 19' addition to the rear of the home. It is in a R-3 Zone. The variance relief will improve the property and it will benefit the applicant. There is no detriment to the neighborhood.

Lysa Longo moved to accept fact finding, seconded by Ozzie Alves, which all Zoning Board members unanimously agreed.

Dianne Piccari moved to grant approval to the application, seconded by Lysa Longo. Dianne Piccari stated the addition will not be a detriment to the neighborhood and it will help accommodate the applicant's sister. The motion carried unanimously on roll call vote.

The vote was as follows: Dianne Piccari yes as stated. Lysa Longo yes as stated. Paul Hoyle yes as stated. Duke Martz yes as stated. Ozzie Alves yes as stated. Eddie DeVilla yes as stated. Chairwoman Butler yes as stated. Chairwoman Butler wished the applicant the best of luck and stated it is heart warming that Mrs. Thomas is helping her sister.

ACT Property LLC is seeking a use variance pursuant to NJSA 40:55D-70d(1) in connection with the conversion of a single family residence into a two-family duplex and any other variances and waivers that may be required by the Pennsauken Zoning Board. Premises located at 5004 Scovel Avenue, Plate 54, Block 5410, Lot 7 on the Tax Map of the Township of Pennsauken Zoning District: R-3.

Michael Lario Esq. 4030 Ocean Heights Avenue, Egg Harbor, New Jersey 08234 represented the applicant.

Michael Moss, West Hampton, New Jersey and Tiffany Morrissey, 7 Equestrian Drive, Galloway, New Jersey 08205 were sworn in by Solicitor Boraske.

Michael Moss stated he purchased the property thru a tax sale. It was an eyesore. He purchased a single-family home which needed extensive renovations. The applicant converted it into a duplex which is not a permitted use in that area. The applicant has made it into a first floor and second floor apartment. They did not know they needed a permit for the duplex. He had all other permits.

There has not been an expansion to the building, only improvements have been made to it. Pictures were presented of before and after of the property.

Duke Martz questioned Mr. Moss on how many projects he had purchased thru tax sale. Mr. Moss replied he has put together 45 rehabs and put them back together and made them safe.

Duke Martz asked why the applicant did not know he needed a permit for a change to a duplex. Mr. Moss responded he did not know he had to go before the Zoning Board. He further stated he has been in construction since 2009. When the renovations were completed, he applied for a CO for the property and found out the duplex was not a permitted use. When he was informed, he applied for permission for a duplex.

Presently there is one occupant. The house has a 3' x 3' landing area, which has a flight of steps. The door to the left is the first floor unit, which has three bedrooms, the second floor has two bedrooms. There is separate meter on the right side of the house. There is a rear door exit for the first floor.

Tiffany Morrissey, Professional Planner, presented her qualifications and was recognized as an expert unanimously by the Zoning Board members.

Tiffany Morrissey stated the property was a single-family home and had water damage, needed a roof and had a considerable amount of work that had to be done to the property. They applied for construction permits.

Tiffany Norrissey stated the property was constructed to look like a single dwelling. There were no exterior changes to the property. There were no additions added. It is not a detriment to the neighborhood or the Pennsauken Code and is consistent with the Master Plan and will not be a detriment to the public good. It is a corner lot and has open space. They are before the Zoning Board for a permit for a duplex.

Duke Martz questioned if there was off street parking. The applicant replied no but there is ample street parking. Duke Martz stated they need off-street parking and a driveway.

The bedroom sizes on the 2nd floor are 12' 8" x 10'6" and 19' 7" x 8' x 2". It has windows and closets. The first-floor bedrooms are 9'4" x 10'5", 8' 5" x 12'9" and 11'5" x 12' 5".

There is a crawl space. There is a storage room on the 2nd floor.

Dianne Piccari questioned if there is a washer and dryer in the units. The applicant replied there is on the first-floor unit but not the second floor.

Mr. Moss stated the taxes were in the arrears but are now up to date.

Public

Chairwoman Butler opened the meeting to the public. Matthew McDevitt, 3448 Norwood Avenue, Pennsauken, was sworn in by Solicitor Boraske. Mr. McDevitt stated he is a member of the Planning Board but is at this meeting on his own behalf. He urged the Zoning Board to deny this application. He did not agree with the change to this property into 5 bedrooms from the original 3 bedrooms.

The public portion of the meeting was closed.

Attorney Lario stated the applicant is seeking approval. They made improvements to the site and they will add parking to the property. He stated the positive impact outweigh the negative impact. It is an asset to the community and the neighborhood. They are requesting a use variance.

Chairwoman Butler stated the applicant, if approved, will have the condition that they will add off-street parking and a driveway. The applicant agreed.

Solicitor Boraske conducted fact finding. The applicant is seeking a use variance to convert a single-family residence into a two-family duplex. The applicant provided photos showing the before and after of the property. There are no issues with the Master Plan or the Zoning Plan. It is not a detriment to the neighborhood. There is no adverse impact. If the application is granted the applicant is to provide off-street parking and a driveway. The applicant agreed. The taxes are current.

Lysa Longo moved to accept fact finding, seconded by Dianne Piccari, which carried unanimously with all members voting yes.

Duke Martz moved to deny the application due to there being no basement for storage and no off-street parking. After discussion, Duke Martz withdrew his motion.

Dianne Piccari moved to grant approval of the application with the condition of off-street parking be added, seconded by Paul Holye.

Paul Hoyle stated off-street parking is needed and a Maintenance Agreement is to be provided. They also need to add two storage units outside. They are to add landscaping to the front of the property. The applicant agreed.

Lysa Longo stated the parking should be provided on the right side of the house.

It needs storage but it is a vast improvement. Landscaping is to be provided on the front of the house. Revised plans are to be provided to show landscaping and improvements to be reviewed by the professional staff. A revised survey is to be submitted showing the sheds and the parking area.

The vote was as follows: Dianne Piccari yes as stated. Lysa Longo yes as stated. Paul Hoyle yes as stated. Duke Martz no stating his previous reasons. Ozzie Alves no. Eddie DeVilla no. Chairwoman Butler no. The vote was 3 yes and 4 no. The motion did not carry,

Gaspar Roofing 2 LLC is seeking a use variance to continue and expand a roofing business in a residential zone (R-3). Premises located at 6552 Park Avenue known as Plate 31, Block 3109, Lot 41 on the Tax Map of the Township of Pennsauken. Zoning District: R-3.

Michael McKenna, Esq. 648 Longwood Avenue, Cherry Hill, New Jersey 08002 represented the applicant.

Yelin Jimenez, 59 W. Maple Avenue, Merchantville, New Jersey 08019 was sworn in by Solicitor Boraske. Yelin Jimenez stated the previous owner was Kurk Roofing. Kurk Roofing and Gasper Roofing have done business together since 2015.

The applicant will have the same use as there is presently. They will not have any expansion. It is not a new business. There will be no customers, no loading and unloading. Materials will be sent to the customers location. Gasper has bought the name of Kurk Roofing.

Duke Martz questioned if the roofing company is there today. The applicant replied the property is the same. They will not be expanding the building. The property is the same. There will be no change of use. There will be no expansion of the building and no change of use of the building. There will be an elimination of all existing outdoor storage of materials.

Attorney McKenna stated the proposed improvements (subject to the site plan) has triggered the need for the use variance.

The existing one-way stone driveway will be widened and paved for its entire length. A landscaping buffer will be installed along the entire frontage of the property and will have a depth that is consistent with 25' setback requirement in the Township. There will be a buffer on the side yard boundaries. There will be a 10' buffer on both side yards as well as a privacy fence along those side yards.

There will be formal designated parking for 21 vehicles where presently there is no designated parking on the lot. The present storage area was once stoned but is now in poor repair and will be completely re-graded and re-stoned after the removal of various trash, debris and abandoned building materials. Handicap parking will be provided.

They will eliminate the present haphazard, unsafe and unauthorized cut-throughs from the adjacent boarding house and remove unauthorized parking. There will be interior improvement to the structure on the site to bring them up to all subcodes, including fire.

The applicant proposes to add fencing and pave the driveway.

There will be no heavy equipment or tractor trailers on site. They need to clean up the area. Their trucks will be kept behind the property. The office hours will be 8:00 to 4:00 P.M. for full time employees, 9:00 A.M. to 3:00 P.M. for part time employees. There will be no weekend hours or evening hours.

Richard Kurkian and Jack Gravlin, Engineer, 5345 White Horse Pike, Mullica Township, New Jersey were sworn in by Solicitor Boraske.

Mr. Gravlin presented his credentials and was accepted as an expert by the Zoning Board members unanimously.

Mr. Gravlin presented photos showing aerial views of the site, showing what is there now which has no buffer in the front of the property, and showing the driveway on the right side and left side.

A bulk variance was requested. A tax map showed other structures in the area. The stone driveway will be widened to 18' and will have a paved entrance. There will be a 6' high security fence and they will install plantings. The applicant will provide a landscaping plan. There will be no outdoor storage. Handicapped parking will be provided. They will provide access for the neighbor in front of their fencing. There is a single trash enclosure proposed at the corner of the property. Mr. Gravlin stated the parking is adequate. This is not an intense use. He further stated he will work the Zoning Board Engineer.

Louis Joyce, Planner, 23 Commerce Pl, Alloway, New Jersey 08011 was sworn in by Solicitor Boraske. Mr. Joyce presented his qualifications and was accepted as an expert by the members of Zoning Board unanimously.

Mr. Joyce stated he reviewed the ordinance and the application is in accordance with the Master Plan. It is an appropriate use and if it is not granted it would impose a hardship for the applicant and would not be as efficient. The applicant wants to continue the existing non-conforming use and continue to stay on site. Kurk Roofing has been there for 78 years and Gasper Roofing wants to continue the existing operation.

Attorney McKenna stated there is no negative criteria from this application. There will be buffering and security. There is no detriment to the Zoning Plan or to the Ordinance. It promotes the Master Plan objectives. There will be buffering between the business and the residential area.

Richard Kurkian, 3365 S. Hollywood Circle, Pennsauken, New Jersey was sworn in by Solicitor Boraske. Mr. Kurkian stated he is the former owner of Kurk Roofing. He has closed the sale to Gasper Roofing. This has been a family business. His father bought the property in 1935 and did roofing. Richard Kurkian was born in 1945 and grew up there and worked at the roofing business and purchased the business in 1973 and continued to operate the business until May 2021. He has never had complaints from the neighbors.

The new owner will have a less intense operation. There will be no loading or unloading and no random parking. Mr. Kurkian attested to the applicant.

The applicant proposes to extend the 6' fence to create a barrier. There are 18 parking spaces.

Duke Martz questioned if the fencing would infringe on the neighborhood. Paul Hoyle also questioned the fence.

Chairwoman Butler stated the fence could have an effect on property value. The applicant will have to come back to the Zoning Board for a Site Plan. The variance would be a condition of the site plan.

Public

Chairwoman Butler opened the meeting to the public.

Matthew McDevitt, 3448 Norwood Avenue, Pennsauken, New Jersey 08109 was sworn in by Solicitor Boraske. Mr. McDevitt stated he opposed the application. He objected to the expansion of the property. The driveway needs approval from Camden County. The application is for the betterment of the applicant, not to the neighborhood or to the public. It has a negative impact to the neighborhood and it should be in a commercial area of the Township.

Kent Longaker, 6574 Park Avenue, Pennsauken, New Jersey 08109 was sworn in by Solicitor Boraske. Mr. Longaker stated he has lived there for 30 years. He is concerned over traffic and noise. He is opposed to the driveway and the parking. He stated this is a residential area not a commercial area. He expressed concern over safety and property values. He further stated it is the same business but a greater scale. It has a negative effect on the neighborhood.

Charles Harvey, 6560 Park Avenue, Pennsauken, New Jersey 08109 was sworn in by Solicitor Boraske. Mr. Harvey opposed the parking lot and the fence, stating they should stay as is. The neighbors do not want the traffic or noise. He does not want the pavement due to drainage. He further stated this is not an improvement for the neighborhood. The heavy equipment will degrade the neighborhood. He requested the Zoning Board to reject this application.

Mitch Maris, 6563 Park Avenue, Pennsauken, New Jersey 08109 was sworn in by Solicitor Boraske. Mr. Maris opposed the fence stating this is a change in use. It is not better for the neighborhood and requested the Zoning Board reject the application.

Nathan DeDeo, 6554 Park Avenue, Pennsauken, New Jersey 08019 was sworn in by Solicitor Boraske. Mr. DeDeo opposed the fence and parking and requested the Zoning Board to reject the application.

The public portion of the meeting was closed.

Attorney McKenna stated the existing neighbor has been accessing three informal parking stalls on their side yard without access, except at the sufferance of the prior owner over a stone driveway, which apparently both neighbors had labored to maintain and plow. The applicant originally proposed to Mr. DeDeo that the applicant would construct an apron on his property for parking that would mirror the identical apron on the other side of the duplex in which he resides. He did not agree. The applicant has agreed that they will grant a license for him to utilize the driveway to access his existing parking stalls and memorialize that agreement in a long-term lease. Security helps everyone. His client has the right to improve the site.

Solicitor Boraske conducted fact finding. The applicant is seeking a use variance to continue and expand a roofing business in a residential zone. The property is located at 6645 Camden Avenue, Pennsauken, New Jersey. It is a non-conforming use. They are proposing improvements. The applicant's attorney stated the neighbor can park where he has been parking. The frontage improvement is a benefit. Security helps everyone. The applicant has rights. The improvement of the site will be a betterment. The use variance is an expansion of the non-conforming use. There is no negative impact on the Master Plan. The changes are for the better. There are no detriments to the neighborhood. The neighbors did oppose the application. The applicant will submit a Site Plan application for approval from the Zoning Board.

Lysa Longo moved to accept fact finding, seconded by Dianne Piccari, which all members voted yes unanimously.

Lysa Longo moved to grant the application, seconded by Dianne Piccari, which carried on roll call vote.

The vote was as follows. Dianne Piccari yes as stated. Lysa Longo yes as stated. Paul Hoyle no. Ozzie Alves yes as stated. Eddie DeVilla yes as stated. Chairwoman Butler yes as stated. The vote was 6 yes and 1 no.

Attorney Michael McKenna stated he will contact Doug White, Zoning Board Engineer. Chairwoman Shirley Butler requested the applicant consider the neighbors. They have lived there for 30 years.

Resolutions

Resolution Z-2022-06 was presented granting Jarostaw Tomaszczyk 46.7 feet of relief from the front yard fence setback requirement of 20 feet for a 4 foot metal fence in the front yard. The premises is located at 6645 Camden Avenue, Plate 22, Block 2202, Lot 1.02. Lysa Longo moved to adopt the resolution, seconded by Dianne Piccari, which carried unanimously on roll call vote.

The vote was as follows. Dianne Piccari yes. Lysa Longo yes. Paul Hoyle yes. Duke Martz yes. Ollie Alves yes. Eddie DeVilla yes. Chairwoman Butler yes.

Minutes

Minutes were presented for February 2, 2022 and February 9, 2022. Dianne Piccari moved to approve the minutes, seconded by Lysa Longo, which carried unanimously on roll call vote.

Bills

Bills were presented from the law firm of Florio and Perrucci in the amount of \$2,464.67. Lysa Longo moved the bills be paid, seconded by Dianne Piccari, which carried unanimously on roll call vote.

The meeting was duly adjourned on motion at 11:00 P.M.

Respectfully submitted,



Mary L. Leonard

Secretary