

Florence, New Jersey 08518-2323
May 6, 2019

A regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:31 p.m. followed by a salute to the flag.

Secretary Lutz then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Joseph Cartier	Anthony Drangula
Larry Lutz	Anant Patel
Lou Sovak	B. Michael Zekas
Dennis Puccio	

Absent: Brett Buddenbaum, Margo Mattis

Also Present: Solicitor David Frank
Engineer Hugh Dougherty
Planner Barbara Fegley

RESOLUTIONS

Solicitor Frank apologized that he did not have Resolution ZB-2019-04 (Granting Adjournment to Foxdale Properties) prepared for tonight's meeting. This will be placed on next month's agenda for memorialization.

APPLICATIONS

- A. Application ZB#2019-01: Application submitted by Foxdale Properties, LLC, for Preliminary & Final Major Site Plan with Bulk & Height Variances to construct a warehouse on property located on Railroad Avenue, Florence Township. Block 147.01, Lot 3.01 & 3.03

Chairman Zekas stated the applicant has requested for their application to be adjourned to the June 6, 2019 meeting. Mr. Drangula asked how long the Board will keep extending this application as this is the 4th time it has been adjourned. Planner Fegley stated she and Engineer Dougherty will be meeting with the applicant on Monday, May 13th to address the review comments. She stated the applicant has said they are preparing responses for the professionals' review letters She said that she and Engineer Dougherty have not seen their revised plans yet. Solicitor Frank stated that the applicant understands that they will need to renote for the meeting.

Any new or revised submissions would need to be submitted by May 22nd for the June 6th meeting.

Solicitor Frank stated just to confirm what has been done administratively, the Board should make a motion and actually formally adjourn this application, subject to the applicant's consent to an extension of time for decision by the Board. He stated that he, the Board Chair and Board

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Clerk have addressed this directly with the applicant in between meetings, but it would be appropriate to have it done formally as a body.

It was the Motion of Mr. Lutz, seconded by Mr. Drangula to adjourn application ZB#2019-01 to the June 6, 2019 meeting. Motion unanimously approved by all members present.

- B. Application ZB#2019-02: Application submitted by Route 130 Truck Plaza, Inc. for a Zoning Interpretation or Use Variance in the Alternative with a Site Plan Waiver for property located at 2013 Route 130, Florence Township, Block 159.01, Lot 1.01.

It was mentioned that the applicant submitted a revised application on April 23, 2019, which was not in time to be considered for this month's meeting. This has been placed on the June 6th agenda in order to give the professionals time to review the application. Solicitor Frank stated that the applicant did mail and publish notices for tonight's meeting, so it would be appropriate for the Board to take jurisdiction solely for the purpose of adjourning it to the time and date certain of the June 6th meeting.

It was the Motion of Mr. Lutz, seconded by Mr. Drangula to adjourn application ZB#2019-02 to the June 6, 2019 meeting at 7:30 p.m. Motion unanimously approved by all members present.

- C. Application ZB#2019-04: Application submitted by 216 E. Front Street Florence LLC, c/o James McCafferty, for Use Variance to convert an existing building containing 2 second-floor apartments and 1 first-floor commercial space into a structure that would contain the 2 second-floor apartments as is presently used, and to reduce the size of the first-floor commercial space converting the remaining first-floor space into a 3rd residential unit. Applicant is also seeking to install parking for 4 vehicles in the rear yard on property located at 216 E. Front Street, Florence. Block 61, Lot 3.

Chairman Zekas stated a request for adjournment had been received from the applicant's attorney. Solicitor Frank stated the applicant mailed and published notices of hearing for the use variance request, but when he saw the scope of the professionals' letters, he elected to find counsel. We did receive correspondence from counsel asking that we adjourn this to the June 6th meeting to give him the opportunity to learn about the application and be able to present a coherent proposal to the Board. Once again, it would be appropriate for the Board to have a motion as to their decision to adjourn this application to the June 6th meeting, subject to extension of time for decision by the Board, and without further notice of hearing, this being the notice to the public.

It was the Motion of Mr. Lutz, seconded by Mr. Drangula to adjourn application ZB#2019-04 to the June 6, 2019 meeting without requiring any further notice. Motion unanimously approved by all members present.

- D. Application ZB#2019-03: Application submitted by Bryan Pocino & Maria Minelli for Bulk and Use Variance to construct a pole barn on property located at 2027 Old York Road, Florence Township. Block 171.01, Lot 5.04.

Bryan Pocino and Maria Minelli came forward and were sworn in by Solicitor Frank.

Ms. Minelli stated they would like to build a pole barn in their back yard and are here tonight to request a size variance and side yard setback variance and describe how it will be used. She stated she and Bryan both grew up working on cars and would enjoy being able to continue to

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do that as a hobby. Chairman Zekas confirmed that their proposal is for a pole barn basically to enjoy hobbies and storing materials. Ms. Minelli stated they would like to be able to pull their cars in somewhere, so they will also store their personal vehicles in the pole barn. She stated they do have a 1-car garage attached to their house, but between the 2 of them they have 2 personal vehicles, a jeep and hobby cars. Ms. Minelli confirmed the proposed size of the pole barn is 30' x 40' x 12' with 2 garage doors on the front. Chairman Zekas asked about the side yard setback she had mentioned. Engineer Dougherty stated that subsequent information was submitted by the applicant and it showed that there wouldn't be a setback; it would be a minimum on 5' and the applicant is showing 17'. Chairman Zekas confirmed that the Board is just looking at a use variance then. Engineer Dougherty stated a use variance and the size.

Solicitor Frank explained that a desire among people is evolving in our residential zones to have buildings that are larger than what we typically conceive of, historically in our ordinances, as being residential accessory structures; as we'll see with the 2 applications before us tonight. The applications tonight are for a bigger than typical residential garage and certainly bigger than the permitted size for an accessory structure. The Zoning Officer has become increasingly uncomfortable about issuing permits for structures like this as permitted structures because of the scale relative to the size of lots and size of accessory buildings that are permitted. At the foundation of this is a question as to whether this is a use variance or a bulk variance. A use variance is the highest level of relief this Board can give. Under Section 40:55D-70d(1), it says that this Board may grant relief for a use or principal structure not permitted in the zone. At some point, we have to wrestle with the idea that under New Jersey's law, the typical formulation for accessory structures is that they are customarily and ordinarily associated with and clearly subordinate and incidental to the principal use. Our Zoning Officer is getting into a problem because our ordinance certainly doesn't think of buildings this big as being ordinarily and customarily associated with, and because of the scale, is it clearly incidental and subordinate to the dwelling and residential lot.

Solicitor Frank stated there are two paths for the Board that are possible, legally.

- One path is for the Board to explore factually the nature of this proposed structure and how it is intended to be used and how it fits on the lot. It may very well be that the Board can find that in fact this structure is an accessory structure to the residential use due to the way in which it's going to be used. The scale in light of the particular facts of this property are such that it can be considered accessory to and customarily and ordinarily associated with, clearly incidental and subordinate to the residential use of the house and lot. If this is the case, then we are talking about a bulk variance to allow an accessory structure that's larger than those that are permitted in the zone.
- Path two, which is the greater relief, so therefore it's good that the applicant noticed for that and has made application for that because that sort of encompasses the lesser relief of the bulk variance. The alternative is to say that this structure is of such a scale that it is not in any way customarily and ordinarily associated with a residence, it's not clearly incidental and subordinate to the residence, and therefore, it is a principal structure. And it is a principal structure that is not permitted in the zone.

Even if you find the uses the applicant proposes within the structure are uses that are hobby uses or themselves, residential accessory uses, but because of the scale of the proposed structure

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relative to the residence, it may not meet the standard of being an accessory structure for that residence.

Chairman Zekas confirmed with the applicant that they are proposing a 30 x 40 x 12 high pole barn primarily for enjoyment of their automobile hobby and storage. He also confirmed that they had read the Board Planner's and Engineer's review letters regarding a legal justification of the positive and negative criteria for their application and asked them to speak to that now. Engineer Dougherty stated that the application was submitted as a variance application which included the 'D' variance logic, so in order to declare the application complete, he had requested that the applicant provide a written statement addressing the positive and negative criteria. Engineer Dougherty stated the applicant has now done that. As of the date of his letter, April 25th, the application was incomplete; however, the applicant submitted their letter April 30th with the statement, as well as addressing both his and Planner Fegley's letter, and at that point the application did become complete. He stated the Board can now proceed without having to deem the application complete.

Chairman Zekas asked the applicant if there are any structures of similar size in the neighboring properties to theirs. Ms. Minelli and Mr. Pocino mentioned there is one around the corner from them on Florence Columbus Road but they stated they are not aware of what they use it for. They stated it is quite larger than what they are proposing. They stated there are a couple of additional pole barns also on Florence Columbus Road; however, there are none in their immediate vicinity.

Chairman Zekas stated that in the application it was indicated that they intend to retain the 2 sheds existing sheds that are on the property. Ms. Minelli stated that one shed in the front of the property is really an overhang structure to help keep the woodpile dry. The wood sits on the ground so water can still drain. The other shed is not a permanent structure as there is no concrete foundation and it is able to be picked up with a forklift. Chairman Zekas confirmed that the proposed placement of the pole barn is to obviously stay away from their septic field and to also align with the driveway so they can access the barn from the driveway and park their cars inside if needed. Ms. Minelli stated that is correct.

Chairman Zekas stated he wished he had data in front of him to access as to other applications similar to this that have been before the Board and how they were treated; as a use or bulk variance. Mr. Sovak stated that this application seems to be lower in height than other applications they've had. There is one on Florence-Columbus Road that is quite a bit bigger and was treated as a Bulk Variance. Chairman Zekas stated that based on this application, he did not feel that it was excessive based on the applicant's planned use.

Solicitor Frank stated that if the Board chooses Path #1 and find that under the particular facts of this property and the proposed structure and the uses proposed for the structure, that in fact this is accessory, then we are dealing with a bulk variance for a larger than permitted accessory structure. If, on the other hand, the Board finds that it isn't clearly incidental and subordinate to, and customarily and ordinarily associated with the residential use of the house and property, then we have to follow Path #2. He stated that Chairman Zekas' question about other similar structures in the vicinity is right on point with "customarily and ordinarily associated with".

Solicitor Frank continued by stating there is the question on how it relates to the house. Is it significantly out of scale with the dwelling, is it bigger than the house? That matters. Solicitor

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Frank confirmed with the applicant that they stated in their letter that it is not bigger than the house. Ms. Minelli stated that is correct. It is smaller than the house, just barely. Solicitor Frank stated that we all need to appreciate that the Zoning Officer's job is to merely administer the ordinances. If it's spelled out that it's allowed, he approves it; if it's not, he sends it to the Board. Although this application was characterized as a use variance, the Board can make the decision about what relief is believed to be necessary based on the particular facts of the application.

Mr. Cartier asked how the Jacoby application was handled. He stated Mr. Jacoby has 2 huge pole barns to store his antique fire trucks. He stated this is an example of two structures that are definitely larger than the size of the house. Solicitor Frank asked if that was a use variance to allow for the landscaping business as well? Chairman Zekas stated that one building is for basically storing mulch for the landscaping business. Clerk Federico stated Mr. Jacoby's application for the landscaping business was in 2006 and he was granted a conditional use variance. Chairman Zekas asked how they handle garages that are integral with the house; for example, a lot of large development homes have a 5-car garage which probably match or exceed the area of the house. Solicitor Frank stated they are part of the principal structure.

Engineer Dougherty stated that the ordinance allows for 250 square feet, which is a typical garage, 20' X 12,' geared toward a single-car garage. This is the standard we have. Any deviation from the 250 sq. ft. is for us to decide. Chairman Zekas stated we have seen enough applications and he thinks, based on the size of people's vehicles, their hobbies, place to store a boat, small RV, etc. that this is becoming more of a common accessory use.

Planner Fegley stated that the front yard setback is 50'. She stated that a side yard variance will be required for this application as the side yard setback required in the AGR zone is also 50'. She stated the review letters are based upon what they were given and the Zoning Officer's concern.

Planner Fegley asked Ms. Minelli to address the comments in both review letters so it is on the record. Ms. Minelli stated that in regard to the Engineer's letter: #1 – the proposed pole barn will be used for personal hobbies and personal storage. She stated she thought it was incidental to the residence; it is technically smaller than the house. Chairman Zekas asked how they came up with the proposed size. Mr. Pocino stated in the area they are proposing to put the pole barn, he measured it out to see how big would fit in that area. Ms. Minelli stated it is also large enough to pull 2 vehicles in and still have room for a tool box on the side. Mr. Pocino stated with this size, he would be able to fit 2 pickup trucks in it end-to-end and still be able to close the door. He stated they have 2 pickup trucks, a jeep, a boat, and 2 motorcycles, and he needs the room to be able to store most, if not all of these items. Ms. Minelli stated their proposed shortest setback to the side property line is the rear left corner. On the application it shows 12', but it is actually 17'. This would place the pole barn in line with the house for it to look more aesthetically pleasing. She stated that as far as utilities for the pole barn, they would like to ultimately add electric but there will be no water or sewer extended to the pole barn. Engineer Dougherty stated they ask this because the concern is if you're extending water and sewer that eventually it could become a living space. Since they are only proposing to extend electric to the pole barn, he does not have any issue with this.

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The pole barn will have 2 garage doors for means of accessing the barn and the driveway will be extended to the barn. Right now, they have a gravel driveway, but would like to eventually pave the entire driveway up to the entrance of the barn.

Solicitor Frank asked how the applicant is on lot coverage. Engineer Dougherty stated they have about a one-acre lot and Planner Fegley stated they are allowed 20%. Engineer Dougherty stated they are nowhere near their impervious coverage allowance, even if they do end up paving the driveway. They are probably are at 5,000sq. ft. of the 8,700 sq. ft. they are allowed. They are not needing an additional variance for lot coverage. Engineer Dougherty confirmed that the garage doors would be facing Old York Road so that they would be able to drive up the driveway right into the barn. Ms. Minelli stated that is correct.

Ms. Minelli stated in regard to grading, they do have a contractor to help them grade the area. The contractor is the one who submitted the permit application to the construction department and they were told they needed Board approval first, so that is where they are right now. She was not sure what information needed to be provided for the grading. Engineer Dougherty stated that the concern would be if they're directing water to their adjacent property. He confirmed with the applicant that when they put the structure in, water will generally drain out to Old York Road and they will not be blocking the flow, or redirecting the flow. Ms. Minelli stated the water will continue to drain to Old York Road. Engineer Dougherty stated with Ms. Minelli's testimony, this has been addressed and obviously, the contractor will not have any standing water or anything around the structure.

Ms. Minelli stated there are 2 existing sheds that would remain on their property. As she stated before, one is more of a lean-to that covers the wood pile.

Ms. Minelli addressed the positive and negative criteria to justify the variance. Solicitor Frank stated that under the Municipal Land Use Law there are reasons for zoning. Positive would be such as efficient use of land, appropriate space for what is proposed, etc. Negative criteria would be that it not provide substantial detriment to the area; not be a problem to the neighbors in regard to noise, light, odors, etc. Another negative criteria would be that if it were to substantially impair the zone plan or the zoning ordinance. Planner Fegley stated that Ms. Minelli's letter, page 3, addresses some of these issues. Ms. Minelli stated that her neighbor just put in an inground pool, so their pole barn will help with privacy and block sound for both parties. She stated that in regard to sounds from their property, they will respect the "quiet hours", for example not using an air compressor at 6:00 in the morning. The pole barn will not have any windows so there will be no light spillage. There would be no smells, such as from painting vehicles.

Mr. Lutz asked with all the items they would like to house in the pole barn, where are those items currently kept. Mr. Pocino stated they are currently in their driveway at the front of the house. With the pole barn, this will promote a pleasurable visual environment. The color of the barn will match the siding of the house so it will match the house which will be aesthetically pleasing. Planner Fegley stated another question they had was in regard to trees that were or will be removed. Ms. Minelli stated when they first moved into the house, the contractor that redid the septic had to take down one tree in order to get his truck to the back. There were also 3 others removed, 2 pin oaks and a poplar.

Chairman Zekas confirmed that the pole barn will be strictly for personal use and no commercial use is planned. Ms. Minelli stated that is correct.

Mr. Drangula asked if there were any pictures of the pole barn they are proposing other than what was submitted with the application. Mr. Pocino and Ms. Minelli stated that it will be a sheet metal covered building and will eventually be insulated. Mr. Drangula asked how close their nearest neighbor's residence is. Ms. Minelli stated their neighbor is about the same distance from the side property line as they are. Mr. Puccio asked if any type of plantings were proposed for the side property line for neighbors to be able to look at instead of the side of a barn. Mr. Pocino stated they did not plan for plantings, but if the neighbor asked them to do that, they will.

It was the Motion of Mr. Lutz, seconded by Mr. Drangula to open the meeting for public comment. Motion unanimously approved by all members present.

Fred Wainwright of 1011 Cedar Lane was sworn in by Solicitor Frank. Mr. Wainwright stated he does not live near the applicant but he personally would prefer his neighbors have a garage to be able to put everything in rather than it all be parked outside. He stated Mr. Pocino and Ms. Minelli are trying to protect their investment and make their property look nice.

Seeing no other members of the public wishing to be heard, it was the Motion of Mr. Lutz, seconded by Vice Chair Patel to close the meeting for public comment. Motion unanimously approved by all members present.

Chairman Zekas asked if the applicant's letter of April 30th and their testimony has addressed everything in the professionals' review letters. Engineer Dougherty stated everything was addressed except if this would be treated as a bulk variance. Planner Fegley stated ordinance 91-162 states a need for a bulk variance for accessory buildings in any zone more than 600 sq. ft. unless the property is greater than 3 acres. So, this application would require 2 bulk variances; size and side yard setback. Or this could be a use variance because of its size and a bulk variance for side yard setback.

Solicitor Frank mentioned that the Board has the authority to treat this application as a bulk variance by recognizing this pole barn as an accessory structure that requires variances for its size and side yard setback; or, the Board can treat this as a use variance by recognizing the pole barn as a principal structure not permitted in the zone. The conditions if treated as a bulk variance would be that no water and/or sewer would be added to the structure; no additional storm water would drain on adjoining properties and there would be no commercial use.

It was the Motion of Vice Chair Patel, seconded by Mr. Cartier to recognize this application as an accessory structure and to approve the bulk variances for accessory building area and side yard setback with the conditions mentioned by Solicitor Frank.

Upon roll call, the Board voted as follows:

YEAS: Patel, Cartier, Lutz, Sovak, Drangula, Puccio, Zekas

NOES: None

ABSTAIN: None

Motion carried

The Board took a 15-minute break at 8:31 p.m.

The meeting was called back to order at 8:44 p.m.

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- E. Application ZB#2019-05: Application submitted by Robert W. Bates, Jr. for Use Variance to construct a garage considered customarily incidental to a residential use on property located at 166 Kinsman Road, Florence Block 97, Lot 6.

Robert Bates was sworn in by Solicitor Frank. Mr. Bates stated his application is for a 30' x 32' X 15' pole barn to store 2 classic cars and motorcycles that are antiques. Engineer Dougherty stated the proposed structure is 960 sq. ft. where 250 sq. ft. is allowed per the ordinance. He mentioned because the application came in as a use variance, the only thing it was deficient in for it to be considered complete was a legal justification was not provided by the applicant. Mr. Bates has since provided this and it is now considered complete and can be heard.

Chairman Zekas confirmed with Mr. Bates that there is no commercial use intended for the pole barn and that it is for his own personal use. Mr. Bates stated that is correct. He stated his lot is .37 acres in size. Chairman Zekas confirmed that the structure will be positioned toward the back corner of the lot and asked what the setbacks are. Mr. Bates stated that the setbacks are 5' for the side yard and 15' from the rear, which he will meet. Engineer Dougherty confirmed that is correct. Planner Fegley stated that Mr. Bates is in the RA Zone, so that is correct. She stated there are some other pre-existing non-conforming conditions but the setbacks are fine. It was confirmed that the height being requested is within the ordinance.

Chairman Zekas asked if Mr. Bates was proposing a driveway as well. Mr. Bates stated that the pole barn will store cars that he does not bring out often. If he did do anything in regard to a driveway, it would be done in stone. Mr. Bates stated the doors will be facing the center of the property and not towards the front. It was confirmed that Mr. Bates has access from the rear of his property because of the vacated alleyway in the back that can be accessed from Hornberger Avenue. Engineer Dougherty stated the vacated street is Pine Grove Lane. Mr. Cartier asked if there were any utilities on Pine Grove Lane. Mr. Bates stated there is a manhole cover on Pine Grove Lane and that is behind the property next to him. Mr. Drangula asked if any houses could be built along Pine Grove Lane. Mr. Bates stated no.

Chairman Zekas asked if Mr. Bates' neighbor closest to where the structure will be built has any structures or anything on his property that may be affected by the pole barn. Mr. Bates stated he did not. He said there is a 6' high hedgerow of bushes that will block the view of the pole barn. Mr. Cartier stated that a couple doors down from Mr. Bates, there is a garage. Mr. Drangula asked if there were any other structures on Mr. Bates' property. Mr. Bates stated he has a 10' x 10' shed that sits off the ground in the rear of his property. Mr. Drangula confirmed there are other garages in the area. Mr. Bates stated there are and some are of similar size. Vice Chair Patel asked where Mr. Bates stores his cars at this time. Mr. Bates stated in the back of his property and the garage is to get them out of the elements. Mr. Bates also stated that no trees will be removed and most likely, a couple will be added. There will only be electricity to his pole barn; no water or sewer. The grading is fairly low and nothing will change with the grading with no additional runoff to the neighboring properties. Mr. Bates stated the floor of the pole barn will be concrete and he will eventually insulate the walls.

Chairman Zekas stated this application is similar to the previous one as far as it coming before the Board for a use variance and asked Mr. Bates to tell the Board about the positive and negative criteria regarding his application. Mr. Bates stated the positive would be that he would be able to store his vehicles and lawn equipment inside. Other than taken up a little bit of visual,

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he can not think of anything negative. He believes the positives outweigh the negative. Chairman Zekas stated that with the pole barn being placed to the far back of his property, he doesn't see that the visual impact would be that much. Mr. Bates stated it would 120' to his nearest neighbor's residence and that there are woods behind his property on the other side of the Pine Grove alley.

Engineer Dougherty questioned how the alley works since it is vacated and asked if Mr. Bates had access to it, and if so, would his vehicles enter and leave from the rear of his property then. Mr. Bates stated that he does have access and he would use Pine Grove for his antique vehicles should he need to move them. He stated that the alley is stone directly behind him. Mr. Bates stated there are telephone poles lying down at the other end of the alley so it is not a through street. Mr. Bates stated he would not be accessing the pole barn from Kinsman Drive unless access to the alley was blocked. He stated there is 35' between his house and the side hedgerow that if he would need to use Kinsman, he would be able to. Solicitor Frank stated that with the orientation of the doors on the pole barn, it would allow him the flexibility to do that. It was stated that the alley is only paved from Hornberger Avenue to the emergency access road into River Bank Drive. Engineer Dougherty stated that normally on a vacation of a street or an alley, each property owner gets half of the width of the street and asked if each property owner has an easement. Mr. Bates stated not that he knew of and that those that can access it do. The only knowledge of the vacation he knows is that 20' wide is vacated and that was since 1945.

Solicitor Frank viewed the tax map that Planner Fegley provided and stated the dashed line is being used to signify things that have been vacated, but those are actually interior to the property. He believes there are 2 easements here, one of them was a road right-of-way and the other is for something else. He believes it was vacated as a public road but something else is going on here. Mr. Bates stated the manhole is in the center of the alley. Solicitor Frank stated maybe there remains a sewer easement there. Everybody has been using it forever and we're not a court of law and cannot decide anything in regard to this.

Planner Fegley stated that in her review letter she asked if Mr. Bates could put on record his testimony in regard to the compatibility and appearance with the area. Mr. Bates stated he has a brick home and he will have a brick color base, slate colored top for the pole barn so he is trying to stay with the same color and his house. It will be compatible to his house. Mr. Bates stated there are other pole barns in the area that are similar in structure to what he is proposing; a few of them are actually taller.

Engineer Dougherty stated the only comment he had in his letter was in regard to impervious coverage. He is allowed 20% and the testimony is that there will be gravel/stone for accessing the pole barn. It does look like he is below the 20% as he is allowed 3,500 sq. ft., so at this time, he is okay. If Mr. Bates was to put in a paved driveway, he would be looking at a variance, but at this time he is not.

Solicitor Frank stated the Board is faced with the same set of questions with this application as we were with the previous application. This comes to us in the frame work of being a use variance for a structure that is not accessory to the residential use of the property and the house there, but that its of scale of potentially its own principal use. If the Board finds that factually based upon the relative scale and its surroundings that this is customary and clearly subordinate and incidental to the principal residential use, then they can find that it's an accessory structure and then we're talking about a bulk variance for the area of the accessory structure.

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Mr. Bates wanted the Board to know that the principal structure does not have a garage or an attic at all and that it is 32' x 28'; however, including the enclosed porch it is 32' x 38'. The house is slightly larger than the proposed pole barn, being 1,200 sq. ft. versus 960 sq. ft. for the pole barn.

It was the Motion of Mr. Lutz, seconded by Vice Chair Patel to open the meeting for public comment. Motion unanimously approved by all members present.

Seeing no members of the public wishing to be heard, it was the Motion of Mr. Sovak, seconded by Vice Chair Patel to close the meeting for public comment. Motion unanimously approved by all members present.

Chairman Zekas stated as Solicitor Frank indicated this is very similar to the previous application that this originally came to us as a use variance and that the Board has the authority to consider this application as a bulk variance by recognizing this pole barn as an accessory structure that requires variances for its size. The conditions if treated as a bulk variance would be that no water and/or sewer would be added to the structure; no additional storm water would drain on adjoining properties and there would be no commercial use.

It was the Motion of Mr. Drangula, seconded by Mr. Lutz to recognize this application as an accessory structure and bulk variance and to approve it with the conditions mentioned.

Upon roll call, the Board voted as follows:

YEAS: Drangula, Lutz, Cartier, Sovak, Patel, Puccio, Zekas

NOES: None

ABSTAIN: None

Motion carried

MINUTES

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve the minutes of the Regular Meeting of April 1, 2019. Motion unanimously approved by all members present.

CORRESPONDENCE

There was no correspondence.

OTHER BUSINESS

There was no other business needing to be discussed.

PUBLIC COMMENT

No members of the public were present.

ADJOURNMENT

Motion of Mr. Lutz, seconded by Mr. Cartier to adjourn the meeting at 9:14 p.m. Motion unanimously approved by all those present.

Larry Lutz, Secretary

/kf