

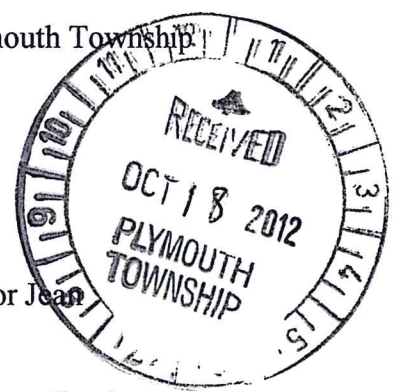
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10-043

OCTOBER 15, 2012

The Plymouth Township Zoning Board held a public meeting at the Plymouth Township Building on Monday, October 15, 2012.

The meeting was called to order at 7:05 PM.

The following were present:



- Vincent Frangiosa Chairman (Present for all applications except for Jean Cohen-Harte)
- Robert Esposito Vice Chairman (Served as Chairman during the application for Jean Cohen-Harte)
- James Saring Member
- Robert Sassi Member
- Bernadette Kearney Solicitor
- David Conroy Zoning Officer
- Paula Meszaros Court Reporter

Absent: Michael Mattioni

The Pledge of Allegiance was recited.

Ms. Kearney advised that the applications for The Chris Zoro Company and Michael J. Tier have been continued until November 19, 2012.

The Board heard the following:

JEAN A. COHEN-HARTE/A.K.A. JEAN A. HARTE: On an application for Variances from Plymouth Township Zoning Ordinance No. 342, as amended, Article XVII, Sections 1700.D.4, 1706, 1707 and Article XIX, Section 1910.B.4.

The Variances requested are as follows: To permit an electrolysis and skincare home business with fewer than 4 parking spaces, without the corresponding berming and buffering, which is required.

The property is located at 2903 Jolly Road in a "B" Residential Zoning District.

Jonathan Marx, Esq. was present to represent the applicant in presenting her application.

Thomas Speers, Esq. was present to represent Plymouth Township in its opposition to the application.

Ms. Jean Cohen-Harte was sworn-in to testify.

Ms. Cohen-Harte advised that her existing business currently operates on Butler Pike. Ms. Cohen-Harte stated that she has rented space for 3 years. Ms. Cohen-Harte advised that her Mother passed away in March 2012. Ms. Cohen-Harte stated that she would like to use the addition that was built for her Mother now for her business.

Ms. Cohen-Harte advised that the space is approximately 500 square feet on the back end of her house. Ms. Cohen-Harte stated that 4 parking spaces exist in her 155' long driveway. Ms. Cohen-Harte advised that one client at a time with 1 car comes in, and there is no crossover among clients.

Ms. Cohen-Harte advised that she needs a licensed facility as required by the Department Of Occupational Affairs. Ms. Cohen-Harte stated that her home would be a perfect space for her business. Ms. Cohen-Harte advised that the rent is getting higher at her current location.

Ms. Cohen-Harte advised that her business is small, and she will do anything to have the business approved for her home. Ms. Cohen-Harte stated that she has no employees, and there will not be a receptionist. Ms. Cohen-Harte advised that the business is not conducted at night, and there are no Sunday hours. Ms. Cohen-Harte stated that she works from about 9:00 AM to the dinner hour.

Ms. Cohen-Harte advised that she shares a driveway with 2905 Jolly Road. Ms. Cohen-Harte stated that her neighbor gave her the consent to operate her business. Ms. Cohen-Harte advised that she wants her neighbors to know that nothing noisy will come from the business. Ms. Cohen-Harte stated that there will be no commercial sign on the front lawn.

Ms. Cohen-Harte advised that her house is surrounded by privacy trees on the Germantown Pike side. Ms. Cohen-Harte stated that Mr. Roizman constructed a building toward the back of her property, and he put in about 50 new trees. Ms. Cohen-Harte advised that she can not put in a berm in her driveway because that would cause a hindrance for cars getting in and out of the driveway.

Submitted for inclusion into the record were the following:

- A1) Photographs
- A2) Diagrams And Letter From Neighbor

Ms. Cohen-Harte advised that her house is actually in a commercial zone. Ms. Cohen-Harte stated that photos (A1) show the commercial areas near her site. Ms. Cohen-Harte advised that these businesses have cars parked in their lots during business hours. Ms. Cohen-Harte stated that UPS Trucks, Freight Trucks, Service Trucks, and Garbage Trucks come to these sites during the day. Ms. Cohen-Harte advised that her facility will only have her car, her neighbor's car, and 1 client's car on the shared driveway located on her site.

Ms. Cohen-Harte advised that the diagrams (A2) show how her house is impacted by the nearby businesses. Ms. Cohen-Harte stated that the Community Center, a rehab center, other businesses, and a Church are nearby. Ms. Cohen-Harte advised that her house is surrounded by commercial properties.

Ms. Cohen-Harte advised that a consenting letter from her neighbor is included in Exhibit A2. Ms. Cohen-Harte stated that this is the neighbor she shares the shared driveway with. Ms. Cohen-Harte advised that she has a handicap ramp, handicap bathroom, and French doors in her home.

Mr. Speers asked Ms. Cohen-Harte if the house was residential when it was purchased. Ms. Cohen-Harte advised that an existing business, Industrial Valet Services, operated out of the home.

Mr. Speers asked how will a car get out of the driveway if 2 other cars are parked in front of the garage. Ms. Cohen-Harte advised that the car will back out of the driveway.

Mr. Speers inquired about the zoning for the Roizman Property. Ms. Cohen-Harte advised that this property is probably business. Mr. Speers advised that this property and adjacent properties are actually zoned "B" residential, and the uses are permitted by Special Exception.

Mr. Speers asked if there are any businesses on the 1 mile portion of Jolly Road between Germantown Pike and Township Line Road. Ms. Cohen-Harte advised that there is a chiropractor. Mr. Speers stated that the access and address for this property are actually on Township Line Road. Ms. Cohen-Harte advised that there are 3 construction companies that have trucks coming out of the driveways in the morning on Jolly Road.

Mr. Speers asked about the applicant's license. Ms. Cohen-Harte advised that she is licensed by the Department of Occupational Affairs. Ms. Cohen-Harte stated that she is licensed to use skin care, waxing, and make up. Ms. Cohen-Harte advised that her business will be inspected by a State Board Inspector.

There was testimony from the audience.

Ms. Tisha Ward was sworn-in to testify.

Ms. Ward advised that she resides at 2905 Jolly Road. Ms. Ward stated that she is in favor of the application.

Ms. Ward advised that she shares the common driveway with the applicant. Ms. Ward stated that her signed statement indicates that she supports the business proposal brought forward by Ms. Cohen-Harte. Ms. Ward noted that the applicant will have 1 client at the site at 1 time.

Mr. Speers asked Ms. Ward how long have you lived at the property. Ms. Ward advised

that she has lived at the property for 6 years. Mr. Speers asked if there is an easement for the driveway. Ms. Ward stated that there is no easement for the driveway.

Ms. Gena Galanti was sworn-in to testify.

Ms. Galanti advised that she resides at 264 W. Walnut Lane in Philadelphia. Ms. Galanti stated that she is in favor of the application. Mr. Galanti advised that she has been a client for the applicant for the past 20 years, and the applicant has the upmost integrity and professionalism.

Ms. Joanne Mamrosch was sworn-in to testify.

Ms. Mamrosch advised that she resides at 23 Harvard Road. Ms. Mamrosch stated that she is opposed to the application. Ms. Mamrosch advised that she feels there should be no businesses in that area that go against the Zoning Code.

Ms. Mamrosch advised that the construction people with residing businesses on Jolly Road go elsewhere to do their actual work. Ms. Mamrosch stated that the proposal however requires people to come to the applicant's home. Ms. Mamrosch advised that if the proposed is granted other types of businesses will be requested for the residential neighborhood. Ms. Mamrosch requested that the proposal be denied.

Member Esposito asked Ms. Mamrosch if these construction vehicles are licensed to operate from homes. Ms. Mamrosch advised that they are not licensed to operate a home business.

There were questions from the Zoning Board.

Member Sassi asked if the property is the applicant's primary residence. Ms. Cohen-Harte advised that this is correct. Member Sassi asked what equipment is needed for the work. Ms. Cohen-Harte stated that a small 12 inch by 8 inch box is used for the operation. Ms. Cohen-Harte advised that nothing hazardous will be used.

Member Sassi asked Mr. Speers about the Township's primary objection. Mr. Speers advised that the Township is consistent in regulating home businesses. Mr. Speers stated that it is desired to maintain the residential neighborhoods.

Member Saring asked how many people reside at the house. Ms. Cohen-Harte advised that 2 people reside at the house.

Member Saring asked if there will be any employees. Ms. Cohen-Harte advised that she operates the business by herself, and she has no employees. Ms. Cohen-Harte stated that she will not have multi services and multi clients that other businesses have. Ms. Cohen-Harte advised that her property is different from Ms. Mamrosch's property and other residential properties in that she is surrounded by commercial properties.

Member Saring asked what is anticipated being the days and hours of occupation. Ms. Cohen-Harte advised that she operates from about 9:00 AM to about 6:00 PM Monday to Friday, and about 9:00 AM to about 4:00 PM on Saturday.

Member Saring asked how many patients a day come in. Ms. Cohen-Harte advised that about 6 patients come in daily. Member Saring asked if any street parking is available on Jolly Road. Ms. Cohen-Harte stated that there is no street parking. Member Saring asked if parking has been discussed with using the business neighbors' parking. Ms. Cohen-Harte advised that this has not been discussed because these neighbors themselves have problems with their parking areas.

Member Saring asked how long has the applicant been licensed. Ms. Cohen-Harte advised that she has been licensed for 20 years. Member Saring asked where is the current location for the applicant's business. Ms. Cohen-Harte stated that her current address is 2078 Butler Pike.

Member Esposito asked if there is a business being run out of the applicant's home currently. Ms. Cohen-Harte advised that no business is being conducted.

Member Esposito asked if zoning relief was needed for the addition to the home. Mr. Conroy advised that only a building permit was needed. Member Esposito asked what is the reason for relocating the business in this area. Ms. Cohen-Harte stated that the space is perfect for her business, and her current rental on Butler Pike is getting too expensive.

Ms. Kearney asked if there would be some signage. Ms. Cohen-Harte advised that there will just be a 125 square inch rectangle sign that is allowed for a home business. Ms. Kearney asked if there is a separate entrance for the in law suite. Ms. Cohen-Harte stated that there is a separate entrance, kitchenette, full bathroom, and French doors for this area that her Mother used, and this suite will remain as is.

Mr. Marx summarized stating that maybe the property in question should not be zoned residential. Mr. Marx identified office parking lots near the applicant's property. Mr. Marx advised that the area is really commercial even though it is still zoned residential.

Mr. Marx advised that the applicant having 1 car coming in and out will not change the situation. Mr. Marx stated that there are already numerous cars and trucks going thru that area. Mr. Marx advised that the applicant needs new funds with her Mother's passing. Mr. Marx asked that the request be granted because the applicant has met all of the requirements in order to receive a variance.

Mr. Speers summarized stating that no hardship has been demonstrated by the applicant. Mr. Speers advised that nothing has been demonstrated that warrants a variance. Mr. Speers stated that adjacent commercial uses are allowed by Special Exception.

Mr. Speers advised that every argument made by the applicant concerns economic viability. Mr. Speers stated that this is not a dimensional case but rather a use case.

Mr. Speers advised that the hardship must be shown unique for the property rather than for the applicant herself. Mr. Speers stated that the addition to the house is still residential. Mr. Speers advised that there was no testimony that the property could not be marketed for a residence.

Mr. Speers advised that buffering is still needed because the side yard is minimal. Mr. Speers stated that more than 4 parking spaces would be needed because there are parking requirements for both residential and commercial for the property. Mr. Speers requested that the Zoning Board deny the applicant's request.

The Board discussed and decided as follows:

JEAN A. COHEN/A.K.A.JEAN A. HARTE: Member Saring made a motion that the application be denied. Member Sassi seconded the motion. Members Saring, Sassi, and Esposito voted in favor of the motion. The motion passed by the vote of 3-0.

JODI LUKENS: Ms. Kearney advised that the Board will continue to hear testimony for the application of Jodi Lukens which was continued from last month.

Ms. Jodi Lukens was sworn-in to testify.

Ms. Lukens advised that this evening she presents the revised sketch for the proposed garage. Ms. Lukens stated that the garage can not go behind because of the steep slope in her back yard, and therefore the garage is proposed for the side yard.

Ms. Lukens advised that the distance from the fence to her home is 24'3". Ms. Lukens stated that if there must be a fire proof wall the garage will have the proper distance from the house.

Chairman Frangiosa asked if the wall must be fire rated. Mr. Conroy advised that anything less than 5' from any structure must be fire rated. Ms. Lukens advised that she would have at least 9' of distance.

Member Esposito noted that if measurements on the revised plan do not meet the zoning inspection the applicant must reapply to the Zoning Board. Ms. Lukens advised that this is understandable.

Member Sassi asked if the measurements are accurate. Ms. Lukens advised that the measurements are accurate.

Member Saring asked if the garage is proposed to be placed 1' from the fence. Ms. Lukens advised that this is correct. Member Saring asked if the fence is 1' from the property line. Ms. Lukens stated that this is correct, and therefore the garage would be 2' from the property line.

Member Saring asked why can't the garage be closer than 9'3" inches from the house. Ms. Lukens advised that there is a walkway at the side of the house, and therefore the garage would be better situated farther over.

Mr. Conroy noted that if the application is approved a representative from Public Works will come out and inspect to make sure that there are no drainage issues.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

JODI LUKENS: Member Saring made a motion that the application be approved subject to the following:

- 1) The garage be placed 2' or more from the side property line.
- 2) The garage location be subject to the inspection of the Public Works Department because of drainage concerns, and the garage size and setback must stay the same.

Member Sassi seconded the motion. Members Saring, Sassi, and Frangiosa voted in favor of the motion. Member Esposito voted against the motion. The motion passed by the vote of 3-1.

DJ SHELL: On an application for Variances from Plymouth Township Zoning Ordinance No. 342, as amended, Article XVI, Sections 1601.C.1 & 1603.G.

The Variances requested are as follows: To permit 217 square feet of signage where 130 square feet is permitted and to permit a changeable LED sign on an existing pylon.

The property is located at 1100 E.Ridge Pike in a "Commercial" Zoning District.

Mr. Joseph Valerio was sworn-in testify.

Mr. Valerio advised that he owns DJ Shell at 1100 E.Ridge Pike. Mr. Valerio stated that his wife owns the property, and she is in agreement with what is proposed this evening.

Mr. Valerio advised that the sign in question has been in place for over 60 years. Mr. Valerio stated that he would like the sign to continue. Mr. Valerio advised that it was discovered that relief is needed when the switch was made from Shell to Sunoco.

Mr. Valerio advised that the new trend for pricing signs are the LED signs. Mr. Valerio stated that the LED sign and the look sign are subject to tonight's application.

Chairman Frangiosa asked if the applicant is attempting to get the signs up to code. Mr. Valerio advised that this is correct. Chairman Frangiosa noted that all signage on the

main roads is regulated so that things do not get out of hand.

Member Esposito asked if the LED pricing sign will be light sensing and dimming down at night. Mr. Valerio advised that he believes over night the LED sign will be turned off. Mr. Valerio stated that Sunoco is doing the installation for the LED, and the light therefore will operate the same way the lights at the other Sunoco stations operate.

Member Esposito asked if there will be no banners and no flashing of signage. Mr. Valerio advised that this is correct.

Member Saring asked if LED signage will only display gas prices. Mr. Valerio advised that just prices will be on LED signage. Member Saring asked if the pylon will be the same size. Mr. Valerio stated that this is correct.

Ms. Kearney asked if the height of the structure will be the same. Mr. Valerio advised that the height will be the same because it is the same structure. Ms. Kearney asked if the diesel sign is staying. Mr. Valerio stated that this sign is staying, and it is located at Ross Street visible from Ridge Pike.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

DJ SHELL: Member Esposito made a motion that the application be approved subject to the following:

- 1) The LED Sign have the light sensed capabilities.
- 2) Only prices be displayed on the LED sign.

Member Saring seconded the motion. Members Esposito, Saring, Sassi, and Frangiosa voted in favor of the motion. The motion passed by the vote of 4-0.

CONICELLI ALAN WOOD ROAD, L.P.: On an application for Special Exception from Plymouth Township Zoning Ordinance No. 342, as amended, Article XIV, Sections 1402.A and 1402.D, and Variance from Article XIV, Section 1402.A.1.h.1.

The Special Exceptions are requested as follows: For vehicle service and repair use.

The Variance requested is as follows: To allow parking spaces 5' from the property line where a minimum of 25' is required.

The property is located at Alan Wood Road, near Seven Stars Lane, in a "Limited Industrial" Zoning District.

Stuart Cohen, Esq, was present to represent the applicant in presenting their application. Mr. Cohen advised that the property in question was previously occupied by the Florig Equipment Company. Mr. Cohen stated that the property is made up of a front parcel and a rear parcel.

Mr. Cohen advised that it is proposed to rehabilitate the existing building on the rear parcel. Mr. Cohen stated that a new Toyota Service Center will result from this. Mr. Cohen noted that Conicelli has a separate Sales Center located at Chemical Road and Ridge Pike.

Mr. Cohen advised that the applicant has been working on legal issues and easements that were never completed when the previous owner had the property. Mr. Cohen stated that Special Exception is needed for use, and variances are needed for the parking setback that is being proposed. Mr. Cohen advised that the existing property has been paved, and it has been fenced in.

Mr. Dominic Conicelli, Jr. was sworn-in to testify.

Mr. Conicelli advised that he is the owner and the manager of the property in question. Mr. Conicelli stated that he has owned the property since the end of 2011.

Mr. Conicelli advised that a Toyota Service Center is proposed for the property. Mr. Conicelli stated that this will be relocated from 1200 Ridge Pike. Mr. Conicelli advised that the 1200 Property will then be used for internal uses. Mr. Conicelli stated that the new location will have about 40 service bays where as the old location had about 28 service bays.

Submitted for inclusion into the record was the following:

A1) Rendering Of Building

Mr. Conicelli identified the drive thru, front doors, waiting area, and service bays on Exhibit A1. Mr. Conicelli stated that the front part of the property is currently under lease from the current owner, and Conicelli intends to purchase this front parcel by the end of 2012. Mr. Conicelli advised that this letter of purchase is reflected in Exhibit A5.

Submitted for inclusion into the record was the following:

A5) Letter From Ridge Pike Front, L.P.- Current Owners

Mr. Conicelli advised that variances are requested to allow parking in the setback areas. Mr. Conicelli stated that the entire parking area is paved and now fenced in. Mr. Conicelli advised that parking is proposed to take place up to the fencing area. Mr. Conicelli stated that they believe they need this for customer parking and employee parking.

Mr. Conicelli advised that surrounding uses are all commercial in nature. Mr. Conicelli

stated that it is his opinion that the proposed would not have an adverse impact on the surrounding areas.

Member Esposito asked if there will be less traffic near the 1200 Ridge Site because of the relocation. Mr. Conicelli advised that this is correct because this site will only be used for reconditioning of used cars.

Mr. Thomas Ludgate was sworn-in to testify.

Submitted for inclusion into the record was the following:

A2) Resume of Thomas Ludgate

Mr. Ludgate advised that he is a licensed engineer. Mr. Ludgate stated that he works frequently on commercial projects such as the applicant's proposal throughout Southeastern Pennsylvania.

Submitted for inclusion into the record was the following:

A3) Site Plan

Mr. Ludgate advised that a building on the front parcel was removed, and the tan industrial building in the back is the subject of this evening's zoning request. Mr. Ludgate stated that this building will not look a whole lot different. Mr. Ludgate advised that Exhibit A3 does show the additional garage bays that will be put in.

Mr. Ludgate advised that the large rear lot is paved, and will be used for parking. Mr. Ludgate stated that parking spaces will now be defined with lines.

Mr. Ludgate advised that the front parcel is zoned light industrial. Mr. Ludgate stated that the surrounding uses are commercial. Mr. Ludgate advised that the applicant needs a Special Exception for their commercial use. Mr. Ludgate stated that there is a green sliver of property between the applicant's property and Seven Stars Road which is leftover from Metroplex, and this is required to be kept open space and referenced in Exhibit A4.

Submitted for inclusion into the record was the following:

A4) Lot 3 Note – Metroplex Plan

Mr. Ludgate advised that the Metroplex Piece will serve as a buffer to the applicant's property. Mr. Ludgate stated that the parking lot will be along this buffer area.

Mr. Ludgate advised that there are issues left over from the Florig Lot dealing with easements. Mr. Ludgate stated that sewer lines and access roads are not covered by easements today. Mr. Ludgate advised that Florig was supposed to work out these easements with Metroplex, and the applicant will address the easement issue.

Mr. Ludgate advised that the front part of the building in question will become a traditional office area. Mr. Ludgate stated that the floors need to be fixed up in the warehouse area. Mr. Ludgate advised that garage doors will be added on the main part of the building. Mr. Ludgate stated that a customer drop off area will also be added.

Mr. Ludgate advised that the topography of the property is unusual. Mr. Ludgate stated that beyond the fence the property has a severe drop off. Mr. Ludgate advised that the property encumbrances a sewer pump station.

Mr. Ludgate advised that a variance is requested for parking in the setback. Mr. Ludgate stated that this concerns from the front property line to the two sides out to the rear. Mr. Ludgate advised that there is not the required setback on the north side of the property, however there is the green Metroplex area adjacent to this setback. Mr. Ludgate stated that a small buffer is planned to establish a line between the front property and the rear property.

Mr. Ludgate advised that other than setback parking requirements the building does comply with all other requirements. Mr. Ludgate stated that 167 parking spaces are proposed which is well above the 125 required spaces.

Mr. Ludgate advised that Mr. Conicelli dedicated his portion of AlanWood Road to the Township. Mr. Ludgate stated that the owner of a companion piece of property would not dedicate his portion. Mr. Ludgate advised that this is how the easement issue came about.

Mr. Ludgate advised that the variance for the south portion goes along the front of the Florig Property. Mr. Ludgate stated that the rear of the Florig Property was used for a repair center. Mr. Ludgate advised that the Zoning Officer believes that the applicant's repair use is not exactly the same as the Florig use, and therefore zoning relief is needed.

Mr. Ludgate advised that the applicant proposes changes to the building itself. Mr. Ludgate stated that now the building will look like an auto repair service building. Mr. Ludgate advised that the garage doors will be seen from multiple sides of the building. Mr. Ludgate stated that the loading area will be far back from the road.

Mr. Ludgate advised that the proposed would not have a great impact on traffic. Mr. Ludgate stated that there will not be an increase of danger to public safety because the applicant is meeting nearly all code requirements. Mr. Ludgate advised that there will not be an overcrowding of the land. Mr. Ludgate stated that schools will not be affected because it is not a residential development.

Mr. Ludgate advised that the relief being granted would not alter the character of the neighborhood because it is commercial. Mr. Ludgate stated that relief was needed because of the unique topographic circumstances that exist in the property.

Member Esposito asked if there will be an additional impact on traffic at Alan Wood Road and Ridge Pike. Mr. Ludgate advised that there has not been a traffic study for the use.

Mr. Ludgate stated that there will be between 110 and 120 customers a day. Mr. Ludgate advised that this will not generate much more traffic. Mr. Ludgate stated that when vehicles are done they can head out Seven Stars Road to get to Chemical Road.

Member Esposito asked if there will only be an exit out to Seven Stars Road. Mr. Ludgate advised that all access is through Alan Wood Road.

Member Esposito asked if a bigger sign will be needed in the future to advertise for the Service Center. Mr. Conicelli advised that this has not yet been discussed with Toyota. Mr. Conicelli stated that they would have the basic Toyota logo sign.

Member Sassi asked if egress onto Seven Stars Road can be encouraged. Mr. Conicelli advised that a dedicated right turn lane can be discussed.

Member Saring asked if there are any plans to put a pylon along Ridge Pike directing people to the rear. Mr. Conicelli advised that there are no plans for a pylon sign.

Ms. Kearney asked if the orphaned piece can only be consolidated with the Conicelli Property. Mr. Ludgate advised that this is correct.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

CONICELLI ALAN WOOD ROAD, L.P.: Member Saring made a motion that the application be approved subject to the following:

- 1) Subject to the testimony given during the hearing.
- 2) Subject to that any or all easements be resolved for the property.

Member Sassi seconded the motion. Members Saring, Sassi, Esposito, and Frangiosa voted in favor of the motion. The motion passed by the vote of 4-0.

EDNA KISH: On the amended application for Variances from Plymouth Township Zoning Ordinance No. 342, as amended, Article XIX, Section 1908.1 and Article XVIII, Section 1800(E).

The Variances requested are as follows: Allow 16' X 16' storage shed in left rear corner of property, which replaced old, previous nonconforming shed.

The property is located at 455 Plymouth Road in an "A" Residential Zoning District.

William Morrow, Esq. was present to represent the applicant in presenting her application.

Mr. Morrow advised that his client has a small dimensional variance case along with an extension of an unlawful building. Mr. Morrow stated that this is a shed case. Mr. Morrow advised that the property is located on Plymouth Road near the Sussex Square Apartments. Mr. Morrow noted that when a driver passes the applicant's property they can not see most of the property.

Mr. Morrow advised that the property is approximately 53,000 square feet. Mr. Morrow stated that it is an acre and a third. Mr. Morrow advised that the applicant purchased the property in 1991. Mr. Morrow stated that the same buildings that were present on the property in 1991 are still there today. Mr. Morrow advised that these structures are a house, a detached garage, and a shed.

Mr. Morrow advised that by 2011 the shed was deteriorating badly. Mr. Morrow stated that the purpose of the shed is to store the tractor lawn mower. Mr. Morrow advised that a regular lawn mower and snowblower are also stored in the shed. Mr. Morrow stated that without knowing the requirements Ms. Kish took down this 12' by 14' shed, and replaced it with a 16' by 16' shed. Ms. Kish advised that a zoning request for variance was denied.

Mr. Morrow advised that the applicant is entitled to extend a nonconforming use under Section 1800. Mr. Morrow stated that a variance is requested under the diminuous variance or a general variance.

Ms. Edna Kish was sworn-in to testify.

Ms. Kish advised that she purchased the property in 1991. Ms. Kish stated that the property is unique in that it is surrounded by commercial and multi-family dwellings. Ms. Kish advised that there are two steep slopes on the property. Ms. Kish stated that one slope runs parallel with Plymouth Road, and the other slopes from front to back. Ms. Kish advised that because of these slopes no one can see the shed.

Ms. Kish advised that the shed is located on the left back corner of her property. Ms. Kish stated that it is impossible to see the shed even if you are standing on the top of the hill on Plymouth Road. Ms. Kish advised that she took a number of photographs of her property from Plymouth Road, and from all locations the shed can not be seen from the roadway. Ms. Kish stated that the shed can not be seen from the adjacent office building property.

Ms. Kish advised that the new shed is 2' more away from the property lines than the old shed was. Ms. Kish stated that it is impossible for any of her neighbors to see the shed from their properties. Ms. Kish advised that she put the new shed roughly at the same spot as the old shed because this is the only level piece of ground on the property except for a piece of ground in the front yard.

Ms. Kish advised that her lot is over 20,000 square feet in size. Ms. Kish stated that her front yard is bigger than 40', and her rear yard is bigger than 30'. Ms. Kish advised that her side yards are larger than a combined total 40'. Ms. Kish stated that 4% of her ground is covered by buildings. Ms. Kish advised that 5% of her property is covered by

impervious coverage. Ms. Kish stated that an outdoor swimming pool exists on her property, and this pool existed when she bought the house. Ms. Kish advised that her house previously was owned by the George Washington Motel.

Member Esposito asked if the garage attached to the house is approximately 19' by 21'. Ms. Kish advised that this is correct. Member Esposito noted that the two car garage is approximately 21' by 20'8". Member Esposito asked what is stored in the 2 garages. Ms. Kish stated that her son, Michael, is rehabbing 2 vehicles, and these cars are stored in the garages. Ms. Kish advised that her personal vehicle is not stored in a garage.

Mr. Michael Kish was sworn-in to testify.

Mr. Kish advised that he resides at his Mother's house. Mr. Kish stated that he has taken 2 cars completely apart, and is now in the process of putting them back together. Mr. Kish advised that he uses the garages to store the cars.

Member Esposito asked about the size of the previous shed. Mr. Kish advised that this shed was 12' by 14'. Mr. Kish stated that many things were stored in this shed. Member Esposito asked if there was a problem with space in storing items. Mr. Kish stated that he needed room for his snowblower and other items.

Member Esposito asked which garage stores the two rehab vehicles. Mr. Kish advised that one is in the 1 car garage, and one is in the 2 car garage. Member Esposito asked if there is additional space in the 2 car garage to use for additional storage. Mr. Kish stated that this space is being taken up by the parts of the cars that were taken apart.

Member Sassi asked what is the target date to complete the cars. Mr. Kish advised that he still has compressors and other equipment that will continue to be stored after the cars are completed.

Chairman Frangiosa asked if it would be a hardship to replace the shed with the exact same footprint. Mr. Kish advised that they would have to tear down the new shed. Mr. Kish stated that the new shed has a door which allows the tractor to come in and out. Mr. Morrow noted that this was the reason for getting a 16' by 16' shed to accommodate the tractor.

Ms. Kearney inquired about the 25% expansion allowed for a 12' by 12' shed. Mr. Morrow advised that the applicant is actually entitled to another 38 feet for a shed.

Ms. Kearney asked is the attached garage a 1 car garage or a 2 car garage. Mr. Morrow advised that the attached is a 1 car garage. Mr. Morrow stated that the detached garage is a 2 car garage.

Member Esposito asked if there is no door available for a 12' by 14' shed. Mr. Kish advised that the deck of the tractor is 53 inches wide, and a 12' by 14' shed would not be big enough for this tractor.

Member Sassi asked Mr. Kish if the property in question is his primary residence. Mr. Kish advised that he lives at the property.

Member Esposito commented that a resident must get permission first before erecting a structure. Member Esposito stated that he does not believe the applicant has a hardship, however because of the size of the property the Zoning Board can go forward with the application.

There were no questions from the audience. There was no testimony for or against the applicant from the audience.

The Board discussed and decided as follows:

EDNA KISH: Member Sassi made a motion that the nonconforming request pursuant to Section 1800 be denied, and that a variance for a 16' by 16' shed be approved because of the following:

- 1) The sides of the property.
- 2) The slopes of the property.
- 3) The line of sight. The shed will be out of the line of sight.
- 4) The surrounding commercial uses around the property.
- 5) The structure is there presently, and the Zoning Board does recognize that there is a hardship.

Member Saring seconded the motion. Members Sassi, Saring, Esposito, and Frangiosa voted in favor of the motion. The motion passed by the vote of 4-0.

The meeting was adjourned at 9:50 PM.

Respectfully Submitted,

Richard Clifford
Richard Clifford