

P-078
C: COUNCIL
TOM

AUGUST 20, 2012

The Plymouth Township Zoning Board held a public meeting at the Plymouth Township Building on Monday, August 20, 2012.

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

The following were present:

Robert Esposito	Vice Chairman
James Saring	Member
Robert Sassi	Member
Joseph McGrory	Solicitor
David Conroy	Zoning Officer
Paula Meszaros	Court Reporter



Absent: Vincent Frangiosa, Michael Mattioni

The Pledge of Allegiance was recited.

Robert Esposito served as Chairman for this evening's meeting.

Member Esposito announced that the Zoning Board will continue to hear the application for Mr. Gary Berkman concerning relief for a proposed carport.

Submitted for inclusion into the record was the following:

A1) Brochure Of Proposed Carport.

Mr. Berkman advised that the Brochure (A1) is handed out at the dealership. Mr. Berkman stated that the color of the structure would be evergreen.

Submitted for inclusion into the record was the following:

A2) 7-16-12 Email From Mary Ann Ball, 1812 Johnson Road.

Member Esposito noted that Ms. Ball is concerned that the carport would allow more storage on the applicant's driveway. Member Esposito stated that Ms. Ball feels that the neighborhood would be adversely affected by the applicant's proposal.

Mr. Berkman advised that his next store neighbor, Carl Smith, is ok with the proposal. Mr. Berkman stated that he only has his hummer and a 6' by 12' enclosed trailer in his driveway. Mr. Berkman advised that he requests the carport to cover his trailer.

Submitted for inclusion into the record was the following:

A3) 7-23-12 Email From Robert Tomilson, 702 Oak Lane.

Member Esposito advised that Mr. Tomilson in his email stated that he is opposed to the proposed carport.

Submitted for inclusion into the record was the following:

A4) 8-19-12 Petition Opposing The Applicant

Member Esposito noted that 7 residents have signed the Petition (A4) opposing the applicant. Member Esposito read the petition into the record. Member Esposito advised that the residents feel that the protection of a Hummer is not a valid reason to have the carport erected. Member Esposito stated that the residents have requested that the applicant's relief be turned down.

Mr. Berkman asked if an open carport could be put behind his house. Mr. Conroy advised that a carport can only be in the side yard. Mr. Conroy stated that zoning relief would be needed for a carport that is proposed to be in the back of a property.

Mr. Berkman advised that he withdraws his application.

CHRISTINA MARIE, INC.: On an application for Variances from the Plymouth Township Zoning Ordinance No. 342, as amended, Article VII, Sections 702.C.1, 702.F and 702.G.

The Variances requested are as follows: To decrease the side yard setback from 3'2" to 2'2", where a minimum of 12' is permitted. To increase the impervious coverage on property from 65.5% to 68.3%, where a maximum of 35% is permitted. To decrease the green space coverage on property from 34.5% to 31.7%, where a minimum of 65% is permitted.

The property is located at 1820 Butler Pike in a "C" Residential Zoning District.

Mr. Ben Sparango was sworn-in to testify.

Mr. Rich Cunningham was sworn-in to testify.

Mr. Sparango advised that he is the President of Christina Marie, Inc. Mr. Sparango stated that his architect, Mr. Cunningham, will give testimony this evening.

Mr. Cunningham advised that the house in question is currently a 7 unit apartment building. Mr. Cunningham stated that the building will be taken down to 5 units after renovations are done. Mr. Cunningham advised that an attachment to the back of the apartment house was previously the owners' suite.

Mr. Cunningham advised that variances are requested in order to upgrade the house for ADA and parking codes. Mr. Cunningham stated that a couple of extra parking spaces and a fire escape need to be added. Mr. Cunningham advised that the only side to place the fireplace is where the minimal existing setback is located.

Member Sassi asked if the layouts of the apartments will change. Mr. Cunningham advised that the layouts will change in order to get the apartments up to present codes. Member Sassi asked if apartments will increase in square footage. Mr. Cunningham advised that some apartments on the upper floor will increase in size.

Member Saring asked if there are any paved areas on the property where the applicant can put green space on. Mr. Cunningham advised that there is an existing island that is landscaped. Mr. Cunningham stated that this area must be taken out to facilitate the additional parking spaces needed.

Member Saring noted that presently there seems to be a lot of parking on the lawn. Mr. Cunningham advised that the defined parking spaces will be put in to eliminate this parking on the grass.

Member Saring asked if the existing garage is for one car or two cars. Mr. Cunningham advised that it is a little bigger than the normal one car garage, however only one car can fit into the garage. Member Saring asked if there would be storage in the garage. Mr. Cunningham stated that the garage will mostly be used for a car.

Member Saring asked if the proposal has been discussed with neighbors. Mr. Cunningham advised that letters were sent to all of the surrounding neighbors. Mr. Cunningham stated that one neighbor sent back a memo supporting the proposal.

Member Esposito asked what is the plan for the existing pool area. Mr. Cunningham advised that the pool will remain, and will be updated to meet code for drainage and electrical. Mr. Cunningham stated that the wall fence around the pool will also be brought up to code.

Member Esposito asked if pavers can be considered because of the concern for increased impervious surface. Mr. Cunningham advised that pavers are going to be considered.

There was testimony from the audience opposing the applicant.

Mr. Ronald Owen, 1824 Butler Pike, was sworn-in to testify.

Mr. Owen advised that he is concerned about the placement of the fire escape. Mr. Owen stated that he has the house directly across where the fire escape would come down. Mr. Owen advised that there is already a close space between the 2 buildings, and the taking away more space would result in more encroachment. Mr. Owen stated that there will be an adverse affect on the residential area.

Member Esposito asked if the fire escape could be relocated or redesigned. Mr. Cunningham advised that there is no other viable place to put the fire escape because of the way the house is built. Mr. Cunningham stated that there would have to be a complete renovation of the interior for the fire escape to go on another side of the building.

Member Esposito asked if the fire escape will be a pull down or connected to the ground. Mr. Cunningham advised that the fire escape will have a full stairwell down connected to the ground. Mr. Cunningham stated that there will be a concrete pad on the bottom.

Mr. Owen expressed concern that eventually people may use the fire escape as a full entrance and exit because it is not a pull down. Mr. Cunningham advised that there will be proper signage in the building indicating that this is only an emergency exit.

Member Esposito asked if there is any other way to make it undesirable to climb the steps of the fire escape. Mr. Cunningham advised that an alarm can be put on the fire escape.

Ms. Mary Ann Cook, 103 Keys Street, was sworn-in to testify.

Ms. Cook advised that she has the property behind the applicant's property.

Ms. Cook advised that the building in question is an older structure originally designed to be a single family residential. Ms. Cook stated that the previous owners many years ago added on to the building, and built the pool. Ms. Cook advised that with today's zoning regulations the building would not be allowed to be expanded the way it was, and the type of pool would not have been allowed. Ms. Cook stated that her property gets water run off from the pool that exists on the applicant's property.

Ms. Cook advised that the encroachment from the applicant's structure goes right up to her property line and her neighbor's property line. Ms. Cook stated that she is very concerned when the pool gets up and running again for multiple families in an apartment house that was never meant to be an apartment house.

Ms. Cook advised that she is concerned about the impervious coverage. Ms. Cook stated that she does not believe that the property presently has 30% green space. Ms. Cook advised that the footprint for the property is almost all concrete. Ms. Cook stated that pavers would help, however there is already a huge problem with water run off.

Ms. Cook advised that she is concerned that the applicant may want to add more units to the structure in the future. Ms. Cook stated that more parking would result. Ms. Cook advised that the neighborhood in question is residential. Ms. Cook stated that property values will be adversely impacted by the proposed changes. Ms. Cook advised that she is opposed to the applicant.

Mr. Sparango advised that issues such as the pool will be addressed as the new design goes forward. Mr. Sparango stated that new wires and conduit will be taken care of. Mr. Sparango advised that reducing the units from 7 to 5 will bring the structure up to code.

Member Sassi asked if there are regulations and ordinances regarding a pool at an apartment house being secured by a lifeguard. Mr. Conroy advised that he is unsure about a lifeguard being mandatory. Member Esposito commented that the fence around the pool is very important. Mr. Sparango advised that there is presently a block wall around the pool.

Member Saring asked if the applicant would accept as a condition of approval the new wire, conduit, and repairs around the pool. Mr. Sparango advised that this is acceptable.

The Board discussed and decided as follows:

CHRISTINA MARIE, INC.: Member Saring made a motion that the variances be approved subject to the following:

- 1) Repairing the rotted wood around the perimeter of the pool.
- 2) New wires through a conduit be done.

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.

WM. PETER R. CROSS: On the continued amended application for a Special Exception from Plymouth Township Zoning Ordinance No. 342, as amended, Article V, Section 500.B and Variances from Article V, Sections 502.C.1, 502.E, 502.F, 502.G, Article XVII, Sections 1706.A, 1706.C, 1707.A, 1707.B, and Article XIX, Section 1908.C.

The Special Exception requested is as follows: To permit an educational use for a child development center.

The Variances requested are as follows: Reduce side yard to 10 feet, where a minimum of 17 feet is permitted; to increase the building coverage on property to 16%, where a maximum of 15% is permitted; to increase the impervious coverage on property to 78%, where a maximum of 25% is permitted; to decrease the green space coverage on property to 22%, where a minimum of 75% is permitted; eliminate buffer and berming along Plymouth Road and side property lines; to install an impervious surface closer than 4' from the property line.

The property is located at 201 Plymouth Road in "A" Residential Zoning District.

Craig Robert Lewis, Esq. was present to represent the applicant in presenting their application.

Mr. Lewis advised that the property in question is located in an unusual location. Mr. Lewis stated that it is located near a ramp to Route 476. Mr. Lewis advised that a sliver of a parcel goes back to Corsons Lane. Mr. Lewis stated that older residential houses are to the east on Plymouth Road.

Mr. Lewis advised that the area has been subject to a number of applications. Mr. Lewis stated that Mr. Sal Paone has done developments along Plymouth Road. Mr. Lewis advised that a multi family project is getting under way in the area.

Mr. Lewis advised that the property currently is under "A" Residential Zoning. Mr. Lewis stated that there are several considerations to rezone the property and its residential neighbors. Mr. Lewis advised that an overlay could occur, or a rezoning from "A" Residential to something else could take place.

Mr. Lewis advised that the applicant is seeking a number of variances. Mr. Lewis stated that these are for deviations from residential standards. Mr. Lewis advised that the applicant's development is consistent with standard commercial development, and it is the intent to plan for the future.

Mr. Lewis advised that a 3 lot subdivision is sought for a relatively large piece of property. Mr. Lewis stated that the property is narrow at its entrance at Plymouth Road. Mr. Lewis advised that the property is encumbered by Plymouth Creek, the wetlands, and associated floodplains.

Mr. Lewis advised that to utilize the property there must be 1 access along Plymouth Road. Mr. Lewis stated that a general permit was obtained from DEP for this. Mr. Lewis advised that the applicant's driveway for the property is now fixed.

Mr. Lewis advised that the first lot is proposed to be used for a day care type educational use. Mr. Lewis stated that this use is permitted by Special Exception in an "A" Residential Zoning District. Mr. Lewis advised that Lot #1 is subject to all of the variance relief being requested. Mr. Lewis stated that this variance relief pertains to the setback, impervious surface, building coverage, and green space.

Mr. Lewis advised that it is the intent to preserve Lot #3 to the rear, and it is hoped that this lot will be rezoned. Mr. Lewis stated that Lot #2 has an existing occupied residence near the creek that can never be rebuilt. Mr. Lewis stated that all 3 lots will be served by a single driveway. Mr. Lewis advised that there will be a fence adjacent to the creek so that children from the learning center will not be able to go down to the creek.

Mr. Lewis noted that this evening is the zoning application. Mr. Lewis advised that for the land development application the applicant will have to address stormwater management issues, and the Township Engineer will have to review safe ingress/egress.

Mr. Joseph Estock was sworn-in to testify.

Mr. Estock advised that he is a licensed professional engineer. Mr. Estock stated that Mr. Lewis' statements are true and accurate.

Submitted for inclusion into the record were the following:

A1) CV of Joseph Estock

A2) 5-10-12 Engineering Plan Prepared By Joseph Estock

Mr. Estock advised that Lot #1 is the subject of this evening's zoning relief. Mr. Estock stated that Lot #2 is an existing residential property. Mr. Estock advised that Lot #3 is an open lot.

Mr. Estock advised that there are two locations on Lot #1 where berming and buffering would take place. Mr. Estock stated that berming and buffering would take place along the Plymouth Road frontage. Mr. Estock advised that berming and buffering would also take place along the western property line.

Mr. Estock advised that the biggest constraint for the applicant's site is the location of Plymouth Creek. Mr. Estock stated that about one half of the applicant's frontage is constrained by the creek. Mr. Estock advised that there is only a small strip available for entrance to the site because of this constraint. Mr. Estock stated that residential standards are being applied to a commercial development.

Mr. Estock advised that the proposed educational use will not be adverse to public safety. Mr. Estock stated that there will not be an undue concentration of population, and there will not be additional light sent to adjacent properties. Mr. Estock advised that the proposed use will not negatively impact the adjoining properties.

Mr. Estock advised that the variance relief being granted would not have a detrimental impact on appropriate uses for adjoining properties. Mr. Estock stated that this is because the relief will essentially be right next to the right of way to Route 476. Mr. Estock advised that relief is necessary along Plymouth Road to ensure visibility for commercial use. Mr. Estock stated that the physical characteristics of the site are primarily driving the requests for relief.

Member Sassi asked if Lot #3 is desired to have future development. Mr. Lewis advised that this is correct. Mr. Lewis stated that open space is preserved for future development. Mr. Lewis advised that presently relief is requested for Lot #1, and the applicant wants to indicate to the Zoning Board that Lot #3 is open for future development.

Member Sassi asked how many children will be at the learning center. Mr. Lewis advised that students will be in about the low 100's. Mr. Lewis stated that this is a highly regulated use by the State. Mr. Lewis advised that there must be a certain amount of space, and there must be a certain percentage of instructors to children. Mr. Lewis stated that there must also be a certain amount of play area.

Member Sassi inquired about the type of fencing on the property. Mr. Lewis advised that the details of the fencing have not yet been discussed. Mr. Lewis stated that the applicant will work with the Township Staff concerning fencing for the entire site. Mr. Lewis noted that when children are brought to the site they must be escorted into the building rather than just being left outside.

Member Saring inquired about an operator. Mr. Lewis advised that the Learning Center is an operator. Member Saring asked if buses will come to the site to take children on trips. Mr. Lewis stated that he is not aware that these bus trips might occur.

Member Saring asked if buffering would occur in the area between Lot #1 and the other two lots. Mr. Lewis advised that there are no limitations on buffering except for where the driveway is proposed. Member Saring asked if hours of operation are known yet. Mr. Lewis stated that hours are not yet known, but possibly they could be like 6:00 AM to 6:30 PM.

Member Esposito asked if there is no other access to the site except for the access that was discussed. Mr. Lewis advised that one exception may be at Corsons Lane where there is currently a dead end. Mr. Lewis stated that a possible paper street seems to be at this dead end, and this could be discussed as an emergency access for Lot #3. Mr. Lewis noted that the applicant does have to meet code concerning access.

Member Esposito noted that there will be an impact on traffic from the Brandywine Property with the new apartment houses. Mr. Lewis advised that there are dramatic improvements that will go in along Plymouth Road. Mr. Lewis advised that there will be widening of the roadway, and there will be the ability to have a center turning lane. Mr. Lewis noted that Brandywine is offering to install a traffic signal at the off ramp at Route 476, and this will help cause gaps which help vehicles make turns.

Member Saring asked if there will be sidewalks for the applicant's site. Mr. Lewis advised that the Township can require sidewalks at any time. Mr. Lewis stated that the issue would be where would the sidewalks go, however the applicant will get the sidewalks in if they are required.

Member Esposito noted that the Plymouth Township Planning Agency has always recommended sidewalks. Member Esposito advised that sidewalks should be reviewed at Land Development.

Mr. Conroy asked if 19 parking spaces will be enough on the property. Mr. Lewis advised that this should be sufficient for day to day parking. Mr. Lewis stated that it is hopeful to have some day a shared parking area with the lot to the rear. Member Esposito commented that it would help if parents can drop off their children in the back of the property.

There was testimony from the audience.

Mr. Philip Harris, 143 Plymouth Road, was sworn-in to testify.

Mr. Harris advised that he and his wife have lived at their property since 1986. Mr. Harris stated that Cold Point Village has come along, and the development for Brandywine is going through across the street.

Mr. Harris advised that he wrote a letter to the Township to expressed concern that there does not seem to be a plan for the entire area. Mr. Harris stated that things have changed since the Comprehensive Plan was enacted. Mr. Harris advised that residents along Plymouth Road have been left out of the planning for development that has gone in around the residents.

Mr. Harris advised that now a rezoning is underway for Mixed Use Village. Mr. Harris stated that he is concerned that there could be piecemeal planning without revisiting the Comprehensive Plan. Mr. Harris advised that it is desired to know what is planned for the entire area instead of just taking into account Cold Point Village or the Brandywine Property each separately.

Mr. Harris advised that he believes that the applicant's plan is being done piecemeal. Mr. Harris stated that there is no plan to judge it against. Mr. Harris advised that when the development for Lot #3 happens it will have an impact on his property and his neighbors' property because it backs up to their properties. Mr. Harris stated that adjacent neighbors need to be part of the planning process.

Mr. McGrory advised that Mr. Harris is correct in referencing the Comprehensive Planning Process. Mr. McGrory stated that however it is not the task or jurisdiction for the Zoning Board to look at the Comprehensive Plan. Mr. McGrory advised that the Zoning Board reviews the Zoning Ordinance, and then sees if relief can be granted. Mr. McGrory stated that Mr. Harris can voice his concerns on the planning issues with the Planning Agency and Township Council.

Mr. Lewis advised that Mr. Harris has been a wonderful advocate for the residents. Mr. Lewis stated that he wants to assure to Mr. Harris that Lot #1 and Lot #3 are not being done piecemeal. Mr. Lewis advised that currently there is no proposal for Lot #3 because only a single family dwelling can go in "A" Residential. Mr. Lewis stated that in the future discussion will take place to determine what makes sense for the Lot #3 Area.

Mr. Harris asked if the applicant's building requires 2 entrances and exits. Mr. Lewis advised that this will be discussed with the Township so that the applicant will be up to what is required for the Fire Code.

The Board discussed and decided as follows:

WM. PETER R. CROSS: Member Saring made a motion that the Special Exception and Variances requested by the applicant be approved. 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.

The meeting was adjourned at 8:35 PM.

Respectfully Submitted,

Richard Clifford