

**TOWNSHIP OF EGG HARBOR
ZONING BOARD**

March 5, 2012

Solicitor: George K. Miller, Jr., Esquire, present
Engineer: Matthew F. Doran, P.E., Debra Wahl, P.E., present
Planner: Edward Walberg, P.P., Joseph Johnston, P.P., present
Zoning Officer: _____ Patty Chatigny, present

A regular meeting of the Zoning Board of Adjustment of Egg Harbor Township was held on the above-date, 7:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairman opened the meeting by reading the statement in compliance with the Open Public Meetings Act

Call to Order/Flag Salute/Public Notice/Roll Call:

John C. Amodeo, Class IV, present	John Haines, Class IV, present
Leonard Dagit, Jr., Class IV, present	Norma Lombardi, Class IV, working
Anthony DiDonato, Alt. #I, present	Chrissy Martin, Class IV, another engage.
Beth Epstein, Class IV, present	Andrew Parker, Alt. #II, present
Chuck Gunther, Alt. #III, present	Paul Savini, Class IV, present

PUBLIC HEARING(S):

1. V 01-12 Edmunds Svedas, Sr. Zone: R1, 15.52 acres, private sewer, private well The applicant, Edmunds Svedas, Sr., is requesting a lot width variance and an accessory structure height variance. The applicant has indicated that there was an existing dwelling on the lot that has been demolished. The applicant is proposing to build a 2,000 sq. ft. home with a garage on the vacant piece of property. CAFRA. Electric available.	Variance Approval Block/Lot: 8801/6 1609 Mays Landing Road Waiver of Time – not granted
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Checklist Waiver(s):

- 1. Item #4 - Sealed copies of the building plans**
- 2. Item #7- List of witnesses**
- 3. Item #10- Traffic Impact Report. Waiver has been requested**
- 4. A letter of Interpretation from the N.J.D.E.P. stating that there is no freshwater wetlands or freshwater wetland transition areas within the subject property.**

“C” Variance Checklist(s):

- 1. Item #3- Sealed copies of the plan of the buildings**
- 2. Item #13- Signature lines for the Chair and Board Secretary**
- 3. Item #16- Zoning District which the parcel is located in shown on the plan**
- 4. Item #30- Location and type of existing easements**
- 5. Item #32- Location of existing septic systems**
- 6. Item #36- Existing width of Mays Landing - Somers Point Road shown on the plan**
- 7. Item #42f&g- Natural Resource Inventory Information. A waiver has been requested.**
- 8. Item #45- Stormwater calculations. A waiver has been requested.**

Variances:

1. §225-28 (C) - Lot Width-150 feet is required; 139 feet is proposed
2. §225-28 (C) - Accessory Structure Height-15 feet is permitted; 17.5 feet is proposed

Robert Campbell, Esq., introduced himself as attorney for the applicant, Mr. Edmunds Svedas, Sr. Attorney Campbell asked if Mr. Svedas could be sworn. Board Solicitor Miller, had duly sworn Mr. Edmunds Svedas, Sr., 5979 6th Avenue, Mays Landing, New Jersey, applicant.

Attorney Campbell indicated notice of the hearing was sent out by the applicant and all proof's were returned and thus submitted to the board office.

Attorney Campbell indicated this evening he is making a short presentation for this application. He indicated there was a structure on this parcel which was demolished. He advised the contractor is present who conducted the demolition. Attorney Campbell stated he is not seeking to call this individual for testimony, however, he is present should the board have any questions.

Attorney Campbell asked Mr. Svedas when he had purchased the parcel in question? Mr. Svedas indicated he has owned this parcel since 2009. He indicated there was a house existing on the property, however, he demolished the home and it was taken away. Mr. Svedas indicated it is his intention to construct a new home and a contract has been hired to do this.

Attorney Campbell asked Mr. Svedas to present the design of the home. Mr. Svedas presented **Exhibit A1**: house design of proposed structure.

Mr. Svedas indicated he is married and he does have children. He indicated one (1) child currently attends school and the other child will begin school this coming September. Mr. Svedas also advised he is also constructing a garage. Attorney Campbell confirmed the applicant will be utilizing the garage for storage and will not be used for business purposes. Mr. Svedas indicated he has four (4) vehicles. His personal truck, his wife's vehicle and a boat, which will be stored in the garage.

Mr. Svedas stated there will be no lights on the inside of the garage for now, but he may place motion sensors on the outside. He is not sure. Attorney Campbell asked what Mr. Svedas what he does for a living. Mr. Svedas advised he is an electrician, however, he will not be doing anything inside the garage and he does not intend to store his work truck inside the garage. He does plan on keeping his work truck outside.

Mr. Svedas indicated the proposed structure will have three (3) bedrooms and will fit on the property since the width of the lot is 139' ft. Mr. Svedas indicated the original home, which was demolished, was constructed in the 1940's. Attorney Campbell asked if Mr. Svedas had spoken to any of his neighbor's to see if he could purchase property from them in order to meet the zoning requirements? Mr. Svedas indicated he did not speak with either neighbor to purchase additional land because they are improved lots and they are also short on meeting the requirements of the zone.

Attorney Campbell indicated it appears the proposed garage is larger than the proposed dwelling. Mr. Svedas advised this is correct. He explained he has a tree line that he would like to maintain, therefore, the garage is a little larger. He advised he would like to place solar panels on the garage and in the near future he would like to purchase a recreational vehicle that he would store in the garage. Mr. Svedas indicated the opening of the garage will be 12' ft.

Mr. Svedas advised, however, he did speak with his next door neighbor concerning what he was proposing to do and they had no issues. Attorney Campbell advised this is a busy road, therefore, customer's will not be coming to your home. Mr. Svedas indicated neither the home or the garage will be used for his business. He indicated this will be his permanent home. Attorney Campbell asked what will Mr. Svedas do with his existing property in Mays Landing? Mr. Svedas advised he will either sell or rent his Mays Landing site.

Attorney Campbell advised the applicant will address all comments referenced within the reports presented by the board professional's.

Board Member Epstein asked Mr. Svedas when he purchased and tore down the existing home was he aware of the guidelines or changes for the zoning? Mr. Svedas advised he had a real estate agenda and no he was not aware.

Board Engineer Doran advised the applicant will have to place sidewalks in, will have to make application to the county board of health with respect to the septic system, and will have to do a concrete apron at driveway through a road opening with Atlantic County.

Board Planning Representative Johnston advised the lot width is not an issue, however, the board must take into consideration the height of the proposed garage. Also, he indicated the applicant will need to go to the Department of Environmental Protection to obtain a letter concerning the presence or absence of wetlands. Board Planning Representative Johnston indicated he did some research on his own concerning wetlands and the applicant does not seem to have any problems, however, they need to go to the Department of Environmental Protection so they will determine.

Zoning Officer Chatigny advised she really does not have any issues. She advised the height of the garage is her only concern. She asked what the actual size of the garage is? Mr. Svedas indicated the garage is 60' ft. x 40' ft. for a total of 2,500 sq. ft. Mr. Svedas indicated he will construct the home first and then purchase the Recreational Vehicle in the future.

Zoning Officer Chatigny explained to Mr. Svedas that he can not run a business out of the proposed garage. She asked if Mr. Svedas works for some or for himself? Mr. Svedas indicated he is self-employed. He also indicated he has a box truck that he uses for business. Zoning Officer Chatigny indicated if someone works for Mr. Svedas they are prohibited from going to his home, park their personal vehicle to pick up a work truck. The Zoning Officer indicated the only truck can be Mr. Svedas.

Board Member Amodeo asked if the proposed garage will be pre-fabricated? Mr. Svedas advised the garage is delivered and the trusses will be first. Board Member Amodeo asked if the height of the proposed garage due to limitations in what could be purchased? Attorney Campbell asked Mr. Svedas if he had a choice of what could be purchased for a certain price. Mr. Svedas indicated he looked at what was available and was quoted a price. He indicated he has not paid in full, but he has placed a deposit on the garage and not sure he can get his money back.

Zoning Officer Chatigny explained if the applicant is placing an Recreation Vehicle within the garage then the applicant will need the height he is proposing.

Attorney Campbell asked Mr. Svedas if there is any standing water or briar patches on property? Mr. Svedas indicated he did have a little water on his property during the hurricane last August, 2011, however, the neighbor's had more and they actually parked their cars on his side of their property to protect them. Board Member DiDonato advised he actually walked the property the other day and it did seem dry. Board Member DiDonato asked what the square footage of the proposed home will be? Mr. Svedas indicated the home will be 1,900 sq. ft., however, the upstairs will not be finished. He indicated he is not sure when he will finish off the second floor (upstairs).

Board Member DiDonato explained the garage will be bigger than home. Mr. Svedas stated he needs a garage and yes it will be bigger than home. Board Member DiDonato asked what material will be used for the structures? Mr. Sveda indicated the proposed home will have siding and the garage will be steel, however, it will be colored to match home. Mr. Svedas referred to **Exhibit A2**: Brochure from "Graber Supply". He explained the pole barn that he has placed a deposit on does not appear in this brochure, however, there is a larger one, that looks similar referenced within.

Board Member Dagit asked if it was the applicants intention on having an office area within the garage or elsewhere? Mr. Svedas indicated that for now he receives phone calls and goes to the work sites. He stated if he were to expand he will operate his business within a commercial area. Attorney Campbell indicated the applicant will address the reports of the professionals and the applicant is aware no business can operate from this site. He also indicated the applicant will supply a letter from CAFRA concerning wetlands.

Board Member DiDonato advised there are four (4) stakes with tape on Mr. Svedas property. He asked what were they for?. Mr. Svedas advised these were markings he placed on the proper to "guesstimate" between the location of the garage with the house. Board Member DiDonato asked if the applicant will use existing well? Mr. Svedas stated yes.

Attorney Campbell stated for clarification purposes the applicant seeking lot width approval in order to construct the single-family dwelling and the garage. The applicant is also seeking relief for the height of the garage.

Board Member Epstein advised this parcel is in character with the area. She stated that within ½ mile or mile there are larger homes. Board Member Dagit advised there are also barns in this area and there are barns that have larger homes associated with them in this area.

Motion Dagit/DiDonato to open public portion: Vote: 7 Yes.

May the record reflect no one came forward concerning this application.

Motion Dagit/DiDonato to close public portion Vote: 7 Yes.

Attorney Campbell indicated the application does have a hardship based upon the configuration of the lot, it is clear. Attorney Campbell stated there was an existing home on the property for 40 years, however, it was demolished because of its poor condition. Attorney Campbell advised there will be some traffic coming to this parcel, but it will be a minimum amount just as the other parcels located in the area.

Attorney Campbell stated the applicant is proposing no commercial use on this parcel, there will be extravagant use of lighting and or noise. He further noted he believes the waiver requested have been addressed.

Board Solicitor Miller stated the curb and sidewalk can not be waived by the board. Therefore, any motion made by the board will not include curb and sidewalk.

Board Solicitor Miller indicated the following are conditions of approval: applicant will not operate any type of business from this parcel, all terms and conditions of the professional reports will be addressed, applicant will obtain a letter from the Department of Environmental Protection concerning presence or absence of wetlands, and applicant will make application and receive approval from County for both the septic system and the concrete apron. .

Attorney Campbell indicated the applicant will amend this application and include curb and sidewalk as directed by the zoning board counsel.

CONDITION(S) OF APPROVAL:

- 1. Applicant will not operate any type of commercial business from this parcel.**
- 2. Applicant will address all applicable terms and conditions outlined within the Board Planner's report dated February 9, 2012.**
- 3. Applicant will address all applicable terms and conditions outlined within the Board Engineer's report dated February 8, 2012.**
- 4. Applicant will obtain a letter from the Department of Environmental Protection concerning either the presence or absence of wetlands with respect to this parcel.**
- 5. Applicant will make application and receive approval from Atlantic County for both the septic system (existing) and the concrete apron (driveway).**

Motion Dagit/DiDonato to grant requested general checklist(s) and requested “C” variance checklist waiver(s) relief. Vote 7 Yes: Amodeo, Dagit, DiDonato, Epstein, Gunther, Parker, Haines

Motion Dagit/Didonato to grant requested “C” variance relief: to allow the lot width of 139' ft.; where 150' ft. is required for the construction of a single family dwelling and detached garage and “C” variance relief: to allow an accessory structure height to be 17.5' ft. in lieu of the permitted 15' ft. for the construction of a detached garage. Vote 7 Yes: Amodeo, Dagit, DiDonato, Epstein, Gunther, Parker, Haines

SUMMARY MATTER(S):

1. Discussion of matters pertaining to the Board.

Board Member Gunther asked why curb and sidewalk can not be waived. Board Solicitor Miller indicated the Township Code does not leave the decision for the installation of curb and sidewalk up to the Board.

Board Solicitor Miller advised the decision of curb and sidewalk installation is up to the Township Engineer. The ordinance either requires it be installed or an in lieu contribution be made, however, it is not up to the board to decide. An application must be made to the Township Engineer for a curb and sidewalk permit and as a function of the Township Engineer’s Office they will decide what will be required.

MOTION Dagit/Amodeo TO ADJOURN AT 8:00 P.M.: VOTE: Amodeo, Dagit, DiDonato, Epstein, Gunther, Parker, Haines

Respectfully submitted by,

Theresa Wilbert, Secretary