

**Zoning Board Of Adjustment  
February 12, 2020**

**Meeting: Zoning Board of Adjustment**

**Date: February 12, 2020**

- I. Meeting called to order
- II. Pledge of Allegiance
- III. Open Public Meeting Act

IV. Roll Call

<b>Member</b>	<b>Present</b>	<b>Absent</b>
Chairman John Gee, Jr.	X	
V. Chair Michael Bimmer	X	
Angie Santori	X	
John Zaradnick	X	
Karen Radie	X	
Lu Valentino	X	
Steve Schmidt	X	
Richard Borden, Alt 1	X	
Dawn Sadlowski, Alt 2	X	

**V. New Business:**

**1. 33 W Park Ave. Block 16 Lot 4; D.Keebler; Z-20-2**

Zone: Residential 1

Application: "C" Bulk Variance to permit construction of a detached garage.

Rear Yard Setback: 5' Proposed where ordinance requires 12.5'

Daniel W. Keebler, PhD. was sworn in by Solicitor Kingsbury. Testimony was presented that the house sits on a corner lot and the driveway for the garage would come off of Oakland Ave.

John J Cantwell, Board Engineer said that 5' is acceptable for a side yard setback.

No questions were presented by Board Members.

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Meeting was open to the public. No Comment.  
Meeting was closed to the public.

A motion was made by Ms. Angie Santori to approve, Second by Ms. Karen Radie, All Approve.

2. **325 W. Mill Rd.** Block 137 Lot 2; The Palace Associates LLC; Z-19-20  
Zone: Residential (RA) Existing Use: Single Family Detached Home and Solar Field  
Application: "D" Use Variance to allow residential (Staff Living) within existing detached garage.

Mr. Robert Baranowski, Mr. Ari Rosenberg and Mr. Jim Miller were all sworn in By Solicitor Kingsbury.

Testimony followed by Mr Baranowski. He wanted to make a special Notation from the Proposal that the structure has been mislabeled as a One –story masonry garage.

Mr. Baranowski cited NJ Law about what constitutes a "Family Unit". The scope has broadened to include any group of individuals that cohabitate Together in one "Unit" that maintains a single housekeeping unit.

Mr. Ari Rosenberg(Executive Director) of the Palace Rehabilitation Care Center testified that he is seeking a variance to use the one story ranch Dwelling to house 3-4 Nursing Home Staff Members . The floor plan Consists of 3 bedrooms(2 single, 1 double, a common kitchen area, and a Bathroom.

The current occupants of the building are 3 female and one male CNA'S. They work a minimum of 5-8 hour shifts and generally pick up overtime of 2-4 Extra shifts. They have occupied the building for over a year now and knew Each other prior to coming to the United States.

Mr. James Miller, P.P. testified that part of the reason the CNA's come from The Phillipine's is guaranteed housing. He is of the opinion that these Individuals do constitute the equivalent of a family unit. He further testified

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That it is a benefit to the staff to be able to walk to work since they do not all Have automobiles.

Many questions arose from Board Members regarding the characterization of the family unit, Bedroom size, egress concerns (small windows) and the ability to safely walk to and from the nursing facility. The future use of this building was of concern if the Variance is approved. Mr. Zaradnick questioned the approval of a second residence on one lot. ie: Setting Precedent.

Township Engineer John J. Cantwell noted The Palace has requested a "Site-Plan" waiver.

Chairman Gee Opened the meeting to the General Public. No Comments  
Public Portion Closed.

A Motion was made to Approve the Variance by Vice-Chairman Bimmer, second by Ms. Santori, Roll call- 4 Affirmative votes, Gee, Bimmer, Radie and Santori. 3 Negative Votes, Valentino, Schmidt and Zaradnick. Motion was Denied.

- 3. 2791 Route 73 South and 47 Waverly Ave.** Block 196.02; Lots 11.01 & 11.02; Block 194, Lots 5 & 10; Maple Shade, LLC-Car Vision Z-19-23  
Zone: BD Business Development  
Existing Use: Vacant (Formerly Home Evolutions and Lexus)  
Proposed Use: Used Automobile- Sales Servicing and Detailing  
Application: "D" Use Variance (Used Automobile Sales) with a Site Plan Waiver Request

Mr. Patrick McAndrew, Solicitor  
Mr. Andrew Mogilyanski-Owner  
Mr. Robert Stout LPE  
Mr. James Miller P.P.

Were all Sworn in by Solicitor Kingsbury.

Testimony by Andrew Mogilyansky stated that he would be Operations Manager and Vice President of Car Vision.

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He claimed Car Vision is a growing network of higher end “Used Cars”. They currently operate in Norristown, Pa, Philadelphia and Conshohocken Pa. His Goal is to be “Good Corporate Citizen” with 15-20 Employees. The entire site would be cleaned up and cosmetically improved. He testified that what attracted the owners to this site was the accessibility to major highways and the surrounding Automobile Environment. The bay areas would be mostly used for detailing the cars once they are sold. Questions were answered as far as parking for the bays (usually 5 per bay) but these bays will not be used for what would be classified as regular service.

Mr. James Miller, P.P. gave positive criteria that location is in the BD Zone and is definitely an appropriate site for car sales. He did not feel there was any negative criteria on the general public welfare.

The Engineer’s report questioned the hours of operation, landscaping and signage.

Mr. Andrew Mogilyansky stated the hours of operation are Mon – Fri 10-8, Sat 9-5 and no Sunday hours.

There was no additional landscape plan other than clean-up but would agree to add whatever the engineer would request.

As far as signage, they would be using existing signs and only changing them to say Carvision.

Meeting was opened up to the Public by Chairman Gee.

Josh and Dawn Gonzalez were sworn in by Solicitor Kingsbury.

They live across the street from the proposed site and have concerns about Lighting and the “Test Drive Path”. The owner has agreed to address both concerns and change the type of Light to be used and to adjust the “Test Drive Path”.

Public Portion Closed:

A Motion was made to Approve with Conditions by Mr. Schmidt, second by Mr. Zaradnick. All Approve.

4. **608 Greenwood Ave.** Block 33: Lots 13 & 14: Charles G. Thomas; Z-20-1

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Zone: Residential (RA) Existing Use: Residential  
Application: Interpretation and/or if determined necessary a "D" and "C"  
Variances to permit reconstruction of a two (2) unit residence

Mr. Charles Thomas was sworn in by Solicitor Kingsbury.  
Mr. Thomas testified that he has owned the property for 10 years now. The Agreement of Sale states the property was sold as a duplex, and the CO's Were inspected and approved as Units A and B.

Questions from the Board followed. Several Board Members have noticed that the building has been demolished. Mr. Thomas testified that when repairs were started on the Sil Plate, too much damage had been uncovered for just repair. The decision was made to demolish and rebuild.

Solicitor Kingsbury informed The Board that the "Grandfathered Clause" Is now null and void since building was demolished.

Chairman Gee opened the meeting to the general public.  
No comments.  
Public Portion Closed

A Motion was made by Ms. Radie, Second by Mr. Schmidt that property is "Not Grandfathered" as a duplex. Board Memembers, Gee, Radie, Schmidt, Santori And Zaradnick Approve.

Due to the Late Hour a Motion was made for continuance to the next scheduled Zoning Board Meeting by Ms Valentino, second by Vice Chair Bimmer., All Approve.

**VI. Minutes**

A motion to accept was made by Chairman Gee, second by Vice Chairman Bimmer, All Approve.

**VII. Motion to Adjourn**

A Motion was made by Mr. Schmidt, second by Ms Valentino, All Approve