

**REGULAR MEETING**

**ZONING BOARD OF ADJUSTMENT**

**February 12, 2024**

The meeting was called to order at 7:00 PM by Chairman Craddock with a salute to the flag. He announced the following:

“Pursuant to The Open Public Meetings Act adequate notice of this meeting has been provided to two local newspapers, filed with the City Clerk and posted in a public place. Agenda for this meeting has been provided in the same manner”.

Chairman Craddock request Attorney Manos swear in reappointed and new Board members, Mr. Gilbert and Mr. Kent. Attorney Manos swore in both members.

Chairman Craddock requested Secretary Meischker call roll and the following members responded:

PRESENT: Craddock, Rowan, Gilbert, Helbig, Granus, Kent

ABSENT: Lawler, Kedziora

Solicitor Manos, Engineer Doran and Zoning Official McLarnon were also present

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Chairman Craddock asked for a motion to approve minutes from January meeting. Motion was made by Mr. Granus and seconded by Mr. Rowan. Board voted in favor with Mr. Gilbert and Mr. Kent abstaining.

Chairman Craddock asked for a motion to approve Resolution #3 appointing Mr. Manos 2024 Zoning Board Solicitor. Motion was made by Mr. Granus and seconded by Mr. Rowan. Board voted in favor with Mr. Gilbert and Mr. Kent abstaining.

Chairman Craddock asked for a motion to approve Resolution #4 appointing Doran Engineering 2024 Zoning Board Engineer. Motion was made by Mr. Helbig and seconded by Mr. Granus. Board voted in favor with Mr. Gilbert and Mr. Kent abstaining.

Chairman Craddock asked for a motion to approve Decision and Resolution for Siesta Land/Weikel. Motion was made by Mr. Rowan and seconded by Mr. Helbig. Board voted in favor with Mr. Gilbert and Mr. Kent abstaining.

Chairman Craddock asked for a motion to approve Decision and Resolution for Slane/Costigan Motion was made by Mr. Granus and seconded by Mr. Helbig. Board voted in favor with Mr. Gilbert and Mr. Kent abstaining.

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**Timothy and Maria Cabata  
14 Higbee Ave. Block 1613/Lot 32 Zoned HVR  
C variances to construct a new second floor on an existing non-conforming SFD**

Mr. Cabata came forward and asked for a continuance in order to go before HPC and for the architect to complete design until the April 8<sup>th</sup> meeting. Board agreed and Attorney Manos stated applicant will not have to renotece. Attorney Manos made the announcement to the public.

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**W. Maryland Ave., LLC  
W. Maryland Ave, Block 914/Lot 1. Zoned HC-1.  
Preliminary and Final Major site Plan approval for contractor’s warehouse**

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Attorney Lario represented applicant. He stated the application is for a Preliminary and Final Major Site Plan approval for an approximately 10,100 sf. Contractor’s warehouse. In September 2023 the use and

bulk variances were granted. Plan has been revised to address Board and public concerns. Trash enclosure has been moved. Site lighting spillage has been addressed. Units will be for storage of equipment and materials. Sample lease has been provided. Street vacation of W. Maryland Ave. is needed. City Council must approve it. It was introduced the 2<sup>nd</sup> meeting in January. It was tabled at the February 11<sup>th</sup> meeting. If Zoning Board approval is granted they will go back to Council again. Mr. Halbruner, engineer and architect with the Hyland Group, came forward, was sworn in by Attorney Manos and accepted as a witness by the Board. He testified applicant was before Board in September. The existing condition of the property is a vacant wooded lot. Access is via Gould Ave. It is a remote location for an HC location. This use is suitable for the site and is less intense than permitted uses. Application is for 1 building containing 10 units. Only access is off of Gould Ave. There is a stormwater basin. There is site landscaping and some of existing will be preserved. The buffer will be Arborvitae. There will be a 6' vinyl board on board fence that will transition to 4' at the front yard setback. Arborvitae will be a 40'-60' double row. The applicant is responsible for the maintenance. The trash enclosure has been moved. On site there will be 15' freestanding poles, building mounted lights 15' high, all to be shielded downward with motion sensors and timers. The fencing will have the bottom raised 6" for wildlife. Will replace the existing City chain link fence. There will be a motorized gate at driveway entrance. Mr. Rowan asked if there will be a keypad on the gate. Mr. Halbruner stated yes. He continued to testify there will be 1 freestanding sign, 8' x 6' with a 10' base above ground, lit and landscaped. Operational testimony was given. Tradesmen will be tenants. They will store materials and equipment. Public will not be coming to site. Hours will be dawn to dusk. No overnight. Mr. Helbig asked if it can be accessed at night. Attorney Lario stated no late night working. No tractor trailer deliveries and no lawn waste. Chairman Craddock asked about storing vehicles. Attorney Lario stated no external storage on site. Maybe vehicles parked overnight. Mr. Helbig asked about trash pick up. Attorney Lario stated it will be weekly and can be adjusted. There will be dumpster and recycle containers on site. Mr. Helbig stated there is no curb and sidewalk along their side of Gould ave. Chairman Craddock asked about curbing. Mr. Halbruner stated there is an apron. Mr. Helbig asked about drainage. Mr. Halbruner stated natural pattern is from northeast corner to southwest corner. It will be redirected to large basin in rear. Has an overflow to front basin. Roof runoff will be to front basin. Both basins to drain in 2 hours. Mr. Helbig asked about a maintenance schedule. Attorney Lario stated he will record it. Mr. Halbruner submitted exhibit A-1 rendered site plan. He stated there will be unit signs on doors. Chairman Craddock asked if there will be irrigation. Mr. Halbruner stated no, it will be more natural. Engineer Doran stated owner is responsible. Mr. Halbruner stated they will be using hydro seed. Chairman Craddock stated in hottest month it will be a struggle to maintain. Attorney Lario stated trees must be kept alive. Engineer Doran stated lighting is an ongoing concern. If the bulb can be seen, it causes glare. Mr. Halbruner stated the bulb will not be seen. Mr. Gilbert asked if they will be on at night. Mr. Halbruner stated they are motion and timer sensitive. Small animals will not cause them to go on. Engineer Doran addressed the fence along the back. He stated a minimum 6' fence and not chain link. Attorney Lario stated they must get approval of Council for the fence. Mr. Halbruner stated it is 400' of fence. Engineer Doran stated the sign setback will be determined by Board. Cannot be within site triangle. Mr. Halbruner stated the 18" x 12" sign will be a unit ID sign on the unit. Chairman Craddock confirmed street vacation has not been received. Exhibit C101 was submitted. If vacated it goes to applicant. If not vacated, then have to start over. It will be a condition of approval. Mr. Gilbert addressed fencing. Mr. Helbig stated there are trails. If not fenced will have pedestrian traffic. Mr. Halbruner stated it must pass DEP. Ms. Midgarden, environmental expert from Hyland Group, came forward and was sworn in by Attorney Manos and accepted as a witness by the Board. She stated she prepared the EIS. The natural flow patterns will not be interrupted. Will make the wetlands healthy. As far as vegetation, the invasive species will be cleaned up. It will be a condition of the DEP permit to maintain the area. Mr. Helbig asked about a buffer. Ms. Midgarden stated 100' is the average buffer, existing trees must stay. Mr. Helbig asked if it is on City owned property. Ms. Midgarden stated yes. Mr. Helbig stated the vegetation is oak and asked how many will be cleared. Ms. Midgarden stated any oaks that are cleared in the buffer will have to be replaced with 3' high. The goal is to not disturb the existing. Buffer line is being modified by DEP. Proposing a planting of over 50 trees. Mr. Helbig stated over 500 will be removed. Ms. Midgarden stated they will preserve large trees over 2000 sq ft area. Attorney Lario stated the site developed is consistent with the HC zone. Chairman Craddock asked what percentage of trees can be saved. Ms. Midgarden stated 15%. Mr. Halbruner stated ordinance is for 2 trees per 1000 sq ft of building. Applicant has provided that and more. Mr. McLees, architect, 5 MacArthur Blvd. came forward and was sworn in by Attorney Manos. He stated the architectural plans have not changed. Building is a pole barn with aluminum siding and roof. There are 10 units, 1000 sq ft each. Exhibit G0.00 was submitted. Mr. McLees showed the units have a man door and an overhead door. Exhibit A1.00 was submitted. There is a restroom in each unit. Individual metered gas and electric. Ceiling is mounted. There is no air conditioning. There is no fire suppression, not needed. Tenant could rent 2 side by side units. Mr. Gilbert asked about insulation. Mr. McLees stated yes, it is part of the energy code. Mr. Shropshire, 277 White Horse Pike, Atco, came forward and was sworn in by Attorney Manos. He stated he is a traffic engineer and has prepared the traffic assessment report. He stated the

peak hour trips are 16 in morning and 19 in the afternoon. Level of service is B ( 10-11 second delay) at Groveland and Gould. These are good operating conditions. Mr. Helbig asked for a right turn only sign. Attorney Lario stated no problem. Mr. Helbig asked about pedestrian safety for kids. There is parking on the opposite side of Gould. Mr. Shropshire stated 30' is given, there is no parking on their. Motion to open to the public was made by Mr. Rowan and seconded by Mr. Granus. Mr. Bernstein from Lakewood came forward and was sworn in by Attorney Manos. He stated he is with Groveland Manor apartments. He asked if there is an attendant on site and is not how is it controlled. Chairman Craddock stated it is controlled by lease. Attorney Manos stated a condition can be put in the Decision and Resolution. Mr. Bernstein address the front basin and asked if there is anything blocking the road. Chairman Craddock stated there is nothing blocking it, the water will empty. Mr. Gilbert asked about a fence. Mr. Bernstein stated the only concern is the appearance. He stated there is no sidewalk, will it be well kept ad landscaped. Mr. Craddock stated there is an apron. Mr. Halbruner stated almost the entire frontage goes into existing curb. Chairman Craddock stated the depth is 3' and bottom is sand. It appears as a shallow depression. 72 hours is the maximum time it would hold water. Mr. Garwood, 208 W. Groveland came forward and was sworn in by Attorney Manos. He stated he has no problem with signs. He asked what if trash is not picked up, lights stay on. He stated people from apartments will cut thru. It is the last piece of property with a lot of trees. Taking down large trees. Chairman Craddock stated they must handle their own stormwater. Another approved use can be more intense. Mr. Garwood stated no one goes down there. Groveland Ave. is very busy. Stated it will be for contractors. Chairman Craddock stated Code Enforcement addresses violations. Mrs. S. Cotrell, 210 W. Groveland Ave. came forward and was sworn in by Attorney Manos. She stated trees are a concern. The voice of the trees and squirrels is missing in the room. Environmental impact kept to a minimum. Asked if chemicals will be used on site and affect the animals, etc. Suggested use native plants to encourage birds. Traffic with Aldi is going to increase. Volume will increase in summer. We need nature and nature needs us. Motion to close to the public was made by Mr. Granus and seconded by Mr. Rowan. Attorney Lario stated the follow thru will come from the resolutions. There are 2 written documents. Neighbors will report to Code Enforcement. Applicant knows they must meet conditions. Traffic concerns have been addressed by Shropshire and they are of a minor nature. He stated the HC property and the trees are addressed by use variances that exist for this situation. Attorney Manos stated the use variance was granted prior. Motion is for Preliminary and Final Minor Site Plan approvals. Prior conditions apply. Replacement of chain link fence will go to City Council. There will be no tractor trailer deliveries. Stormwater maintenance will be reviewed by Engineer Doran. Shield lighting. ID signs will be 18" x 12". Street vacation will be by City Council. Right turn only sign. Landscaping in front of basin. Mr. Kent asked if there will be sprinklers for the landscaping. The condition is it must be maintained. Motion was made by Mr. Rowan and seconded by Mr. Granus. Secretary Meischker called roll.

Mr. Rowan-Yes. Thanked owners for a great application. Concerns were addressed.  
Mr. Gilbert-Yes. Good use of property with least impact. Applicant worked with the Board.  
Mr. Helbig-No. Natural Topography and Maintained.  
Mr. Granus-Yes. Very well thoughtout project  
Mr. Kent-Yes. Perfect for site  
Chairman Craddock-Yes. Uniquely suited property., Less Intense. Sensitive to residents. Preserving trees. Installing landscaping.

Approved.

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**Shaun Kent and Erin Walker**  
**654 Sixth St., Block 1420/Lot 3. Zoned R-1**

**“C” variances in order to construct new SFD. Demolish existing SFD when construction completed**

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Mr. H. Kent recused himself. Attorney Manos swore in Mr. S. Kent and Ms. Walker. Mr. S. Kent stated they want to put a new SFD on lot. It is an ENC lot. Would put a modular on the 7000 sf lot. The new house would go in the front of the lot. They would live in the existing house until construction complete, then would demolish the old house. There will be 3 parking spaces. Sheds will be removed, ! will be relocated. Will get a temporary CO to move into the new house and then demolish the old house. New House will conform. Will do curbing and sidewalk. Will plant new trees. Mr. Helbig asked if the driveway will be paved. Zoning Official McLarnon stated they can do a concrete driveway. He suggested they keep the newer shed. Mr. Helbig asked about drainage. Mr. S. Kent stated he will grade the property. Ms. Walker stated the street doesn't flood. She stated they would like 60 days on the temporary CO, do demo, then get the CO. Mr. Gilbert asked about utilities. Mr. S. Kent stated the utilities will be moved. Modular will take 10 weeks. Hopes to get project done by fall. Motion to open

to the public was made by Mr. Rowan and seconded by Mr. Helbig. Hearing no one motion to close made by Mr. Granus and seconded by Mr. Helbig. Attorney Manos stated motion is for "C" variances, curb, sidewalk, 2 trees. Temporary CO for 60 days, demo and final CO. Motion was made by Mr. Helbig and seconded by Mr. Granus. Secretary Meischker called roll.

Mr. Rowan-yes. This is a good job.

Mr. Helbig-yes. Is for a good home

Mr. Granus-yes. It is an improvement.

Mr. Gilbert-yes. Great project.

Chairman Craddock-yes. Applicants are investing in property and making improvement. New home is more conforming.

Approved

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**Christine Cardillo**  
**27 S. Village Dr. Block 1926/Lot 1. Zoned R-1.**  
**"C" variance in order to enclose a front porch**

Mr. and Mrs. Cardillo and Jim Wynn from Sunrooms came forward and were sworn in by Attorney Manos. Mr. Wynn stated he is the contractor. A front yard setback is needed. The lot has 2 front yards. The porch will be 13' x 19'. The existing porch will be 2' longer and enclosed. Chairman Craddock stated it is an unusual lot. Mr. Gilbert asked if there will be a roof over it. Mr. Wynn stated yes, it had been a concrete porch. Chairman Craddock stated the setback is 3'. Mr. Kent confirmed the size. Zoning Official stated the roof triggers the variance. Motion to open to the public was made by Mr. Rowan and seconded by Mr. Granus. Hearing no one, motion to close was made by Mr. Helbig and seconded by Mr. Granus. Zoning Official stated motion is for a 5' variance. Motion was made by Mr. Helbig and seconded by Mr. Rowan. Secretary Meischker called roll.

Mr. Rowan-yes. Shape of lot is hardship.

Mr. Gilbert-yes. There is a hardship and no negative impact.

Mr. Helbig-yes. Hardship for the shape of the lot.

Mr. Granus-yes. Irregular lot.

Mr. Kent-yes. Looks good, odd shaped lot.

Chairman Craddock-yes. Irregular lot and minimal impact.

Approved

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Motion to open to the public was made by Mr. Granus and seconded by Mr. Helbig. Hearing no one, motion to close made by Mr. Helbig and seconded by Mr. Granus.

Motion to adjourn was made by Mr. Helbig and seconded by Mr. Rowan.

Adjourned 9:15