

**PLANNING BOARD OF ADJUSTMENT
COLLINGSWOOD, NEW JERSEY
MEETING MINUTES
OCTOBER 24 , 2022**

Present: Chairman Caputo, Mr. Hoban, Ms. Marini, Mrs. Ries, Mr. Piacquadio, Mr. Talley, Mr. Santomauro, Ms. Stokes, Solicitor Madden

Absent: Mayor Maley, Commissioner Lewandowski, Mrs. Gustafson, Mr. Orem

These minutes are a summary of events at the meeting and not a transcript.

CONTINUED BUSINESS:

1. NEW BUSINESS

CASE # 2022-40 ZACHARY MESTER, 316 HADDON AVE., BL 113, L 1.01, 2 & 3 ZONE POD

Applicant seeks pre-existing non-conforming certification for a twin residential property.

Applicant was represented by Louis Cappelli, Jr.

Property is a two and a half story structure and was the former site of an office building. Applicant proposes to renovate the property and convert it into twin residential dwellings. Applicant proposes only interior alterations. Review letter was provided by the borough Engineer, Timothy R. Staszewski, P.E., C.M.E.

Presently, it is difficult to rent office space. Property is surrounded by mostly residential uses. Currently, both sides of the property are vacant. The interior is currently in uninhabitable condition. There would be no adverse impact on traffic or public facilities.

A motion to approve was made by Mrs. Ries, Hoban, seconded by Mr. Hoban
Yes: Mr. Caputo, Mrs. Ries, Mr. Hoban, Ms. Marini, Ms. Stokes, Mr. Santomauro, Mr. Talley

No: None
Abstain: Mr. Piacquadio

CASE # 2022-42 RYAN & SARAH SUGGS, 260 S PARK DRIVE, BL 1.07, L 10, ZONE SF-D1

Applicant requesting variance to renovate an existing accessory structure to have a second story with a home gym and entertainment space.

Applicant proposes to renovate and enlarge the detached garage, for use, in part, as a home gym and for entertainment purposes.

Review letter was provided by Timothy R. Staszewski, P.E., C.M.E.

Seven photographs of the property were provided by the applicant.

Applicant needs more space for his growing family.

Currently the property is a rancher and consists of 1700 square ft. with three bedrooms and no basement.

The physical footprint of the renovated garage will be approximately where the footprint is now.

No trees will be removed as part of the proposal.

The garage will never be used as sleeping space or a rental property.

There will be a powder room but no shower in the garage.

Applicant is agreeable to removing portions of the driveway to ensure that the maximum impervious coverage will not exceed the 35% maximum.

A motion to approve was made by Mrs. Santomauro, seconded by Ms. Stokes

Yes: Mr. Caputo, Mr. Hoban, Ms. Marini, Ms. Stokes, Mr. Santomauro,

No: Mrs. Reis, Mr. Talley

Abstain: Mr. Piacquadio

CASE # 2022-43 120 EAST LIVE, LLC, 792 HADDON AVE., BL 94, L 2& ZONE CBD

Applicant seeks variance to construct a 25-person suite, as well as a unisex bathroom.

Property is currently used as a karaoke establishment.

Applicant wants to expand the business to the adjacent property.

Applicant currently resides in the second floor the property.

Review letter was provided by Timothy R. Staszewski, P.E., C.M.E. Engineer for the Planning Board.

Applicant opened for business in 2018.

The use in the expanded location will provide one additional suite for up to twenty-five people.

The suites are all adequately soundproofed.

The new suite will be accessed through the entrance that exists for the use today.
The new suite will not result in an increase in the number of employees or alter the business model at all.

No changes are proposed for the storefront.

The use is existing and has proven to run efficiently and to be a benefit to the Borough.

A motion to approve was made by Ms. Marini, seconded by Mrs. Reis

Yes: Mr. Caputo, Mr. Hoban, Ms. Marini, Ms. Stokes, Mr. Santomauro, Mrs. Reis, Mr. Talley

No: None

Abstain: Mr. Piacquadio

**CASE # 2022-46 WILLIAM JACOBY, 521 JESSAMINE AVE., BL. 125, L 7
ZONE SF-D2**

Applicant is appealing Zoning Officer's decision of a permit in a public right of way.

Applicant was represented by Stephen J. Boraske, Esq.

Board Solicitor advised the Applicant, his counsel and the Board of his legal opinion that the direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 was inappropriate in this instance in light of the storm sewer at issue being an existing facility as opposed to a mapped facility not yet in physical existence in accordance with the Court's directives in the case of Barsel v. Woodbridge Twp. Zoning Bd. of Adjustment, 189 N.J. Super. 75, 81 (App. Div. 1983) wherein the Appellate Division of the Superior Court of New Jersey held that the applicability of N.J.S.A. 40:55D-34 is limited to mapped facilities not yet in physical existence and that N.J.S.A. 40:55D-34 would preclude a board of adjustment from according private rights in a public right-of-way or, indeed, from otherwise modifying the use of a public right-of-way; and

Board Solicitor advised the Applicant, his counsel and the Board of his legal opinion that the Board lacked jurisdiction over the appeal pursuant to N.J.S.A. 40:55D-70(A) because the decision of the Zoning Officer was not based on the enforcement of the zoning ordinance but, rather, based on the Borough's inherent rights in an easement for the existing storm sewer facility as reflected on the survey submitted with the Zoning Permit Application.

There is no easement noted on the deed to the property.

There is a storm sewer pipe going through the property.

Brough currently has access to the property and the proposed addition will not alter that access.

Testimony was given by the following: Gretchen Kolecki, Zoning board Officer, Eric Springer, Tom Hanson.

Letter of review was submitted by Timothy R. Staszewski, Borough Engineer.

A motion to deny the appeal was made by Mary Ellen Ries, seconded by Diane Marini.

Yes: **(TO DENY)** Mr. Caputo, Mrs. Ries, Mr. Hoban, Ms. Marini, Mr. Santomauro, Mr. Talley, Ms. Stokes

No: None

Abstain: Mr. Piacquadio

MEMORIALIZATION OF RESOLUTIONS

There being no further business, the meeting was adjourned at 10:00 PM. The next meeting of the Planning Board of Adjustment will be Monday, NOVEMBER 28 , 2022

Madalyn Deets, Board Secretary