

OWNSHIP OF EVESHAM

Zoning Board

Minutes

7:00 pm

February 26 2018

Municipal Building

Call to Order

Chairman Parikh made the call to order at 7:07 pm.

Flag Salute

Statement of Conformance with Open Public Meetings Act

Chairman Parikh made the statement of conformance with the Open Public Meeting Act and the Municipal Land Use Legislation

Roll Call

Present: Parikh, Rodgers, Alperin, Meyers

Also Present: Wieliczko, Kinney, Bittner

Absent: Wessner, Lutner, Hoyle, Osno, Shah, Furey Bruder, Rehmann, Arcari

Meeting Minutes:

January 22, 2018

Motion: Rodgers

Second: Meyers

Ayes: Rodgers, Meyers, Parikh

A. Unfinished/New Business

1. Leonard Rocco. ZB 18-03. Executor of the Estate of Barbara Oppmann

880 East Main Street, Block 184, Lot 1 (RG-2 Zone District)

Applicant is seeking a pre-existing non-conforming use as a two family dwelling (duplex).

Michael J. Lario, Attorney for Applicant

Application is delayed, as applicant attorney did not receive the Board Planner's Letter, so the are reviewing. Zoning Board approves minutes, resolutions, and communications/organizations in the interim.

Witnesses:

- Leonard Rocco, Executor of Estate
- John weiss
- Harry Foster

Applicant Attorney Overview

- Gives background of property.
- July 26, 2005: Owner, purchased property as a 2-family duplex. This use has been in existence since 1967.

- Pre-existing non-conforming use to allow a 2 family dwelling. The RG2 Zone currently does not permit a 2 family home. The duplex was created prior to the 1970 Comprehensive Plan defining the zone.
- States that the property has always been a duplex and paid taxes.
- Applicant filed to continue as duplex and gave notifications to neighbors.
- Leonard Rocco, is the executor of the estate.

Leonard Rocco Testimony:

- Owner of property at 880 East Main Street in Marlton NJ
- Executor of the estate of Barbara Oppmann, husband of the deceased. She passed away in June 2017.
- Barbara purchased property in July of 2005, and was always used as a duplex. Never looked at history of the property prior.
- Purchased property after previous tenant has lived there for 16 years. Did not have any idea. Applicant wants to sell property. Recently learned that the use is for a single family residence and not a duplex.
- Addresses various comments in the Township Planner's Letter.
 - Applicant attorney asks if there are any issues registering as a landlord in the Township of Evesham? Applicant has no objections to this.
 - Applicant states that both properties are on separate meters.
 - Applicant agrees to maintain the sidewalk.
 - Mr. Wieliczko asks if they will improve sidewalk to its walkable? Applicant says yes. Mr. Parikh asks what planner is referring too. Mr. Wieliczko explains. Applicant understand and expects.
- Mr. Wieliczko asks if applicant agrees to parking requirements?
 - Does applicant agree to parking requirements? Applicant says it is not in the purview so it is not required. Mr. Wieliczko just says he needs testimony that the parking on site is adequate to support a duplex, and needs testimony for the record on how the parking works. Applicant states that there is a ½ acre on site that can park there. Parking can be done on ground and open entrance. There is only one bedroom per unit.
 - Mr. Wieliczko notes that the Board Planner had concerns that there was parking on the lawn? Applicant says no, nobody parks on the lawn. Mr. Wieliczko asks if the applicant would agree as a Condition of Approval to not park on the lawn? Applicant agrees.
- Mr. Wieliczko asks about COA if the applicant would apply for permits, should they make any improvements to property? Applicant says yes, but no plans to update at this moment.

Harry Foster Testimony:

- Current address is 740 East Main street.
- Has resided at current address for a long time, lived in family home.
- Applicant attorney asks if Mr. Foster received notice regarding application? Mr. Foster replies that he did not. However, his son who lives at 820 East Main Street did.

- Applicant attorney asks Mr. Foster's knowledge of the property at 880 East Main Street? Mr. Foster gives testimony regarding the property. States that he bought the property with Mr. Weiss in 1966. It was not a duplex at time of purchase. Property became duplex between 1966 and 1969. States that the building inspector at the time did not see any issue, and stated that the property was grandfathered in.
- Applicant attorney asks what year the property was converted into a duplex?
- States that the property always remained a duplex, and never registered with the Township due to what the inspector said at the time.

John Weiss Testimony:

- 403 Hazelwood Lane, Marlton NJ
- Attorney has discussed application with him.
- Has knowledge of property at 880 East Main Street.
- Purchased in 1966. Single-family home. Began to convert to duplex soon after purchase. First tenant was in 1967.
- No municipal approval to convert to a duplex.
- Discusses the previous house and building. Was converted in 1966.
- By 1970, it was being used as a duplex. Mentions previous tenants of property.
- Property was sold in 2005. Between 1966 and 2005 it was used as a duplex.
- Paid taxes on property as a duplex.
- Mr. Wieliczko asks about the apartment configuration and if it is 1 bedroom upstairs and 1 bedroom downstairs? Mr. Weiss says yes, remained the same. Asks that if in 2005, there was one bedroom in each apartment? Mr. Weiss says yes. Mr. Wieliczko asks the configuration of the duplex, applicant provides testimony.

Public Comment: None

Board Comment: None

Board Attorney Summary:

- Applicant is seeking a certification for pre-existing use.
- Continue to operate as duplex in RG-2 Zone.
- Applicant has provided testimony that property has been a duplex since 1968.
- Applicant agreed to the following Conditions of Approval:
 - Sidewalks along Main Street frontage is acceptable to the Township Planner.
 - Applicant will register as a landlord with the Township.
 - Adequate parking on site, no parking on lawn.
 - Applicant will apply for permit if need be.
- Applicant has provided testimony stating that the duplex was in use prior to the 1970 Comprehensive Plan, and that they have been paying taxes on the property as a duplex.
- Applicant agrees as a COA to not exchange or expand use. If applicant does so, they must come back to Zoning Board for approval.
- Gives background of the lawful use requirements, states that it is not sporadic and occasional. Uses have to be consistent.

- Applicant has provided testimony required for the pre-existing nonconforming use.
- Garages will be used for tenants and not for any other reason/use.
- COA: Applicant agrees to provide a site survey exchanged for sale. Will give copy to the board.
- Asks applicant about plans for site? At this time, the second unit may be rented out but is vacant. Building may be sold.
- Applicant provides testimony regarding the two garage buildings: states that they are used for storage purposes. Applicant agrees as a COA to remain accessory to residential use, not rented separately.
- Board must either grant a motion to approve granting of certificate or deny the granting of certificate.

Motion to Approve ZB 18-03

Motion: Rodgers

Second: Alperin

Ayes: Alperin, Meyers, Rodgers, Parikh _

Public Comment: None

Board Comment: None

Communications/Organization:

Next Meeting March 19th, 2018

Resolutions

ZB 18-01

Motion: Rodgers

Second: Meyers

Ayes: Rodgers, Meyers, Parikh

ZB 17-15

Mr. Wieliczko states that there is a slight revision to the resolution regarding the facade sign. No details provided, but it is a Condition of Approval to abide by all rules.

Motion: Rodgers

Second: Meyers

Ayes: Rodgers, Meyers, Parikh

Meeting adjourned at 7:53pm.