



MINUTES

MERCHANTVILLE JOINT LAND USE BOARD

Tuesday, August 25, 2020, 7:30pm
Public Meeting Held by Zoom Video and Teleconference

1. CALL TO ORDER

Chairman Brennan explained that, in light of certain technical difficulties he has previously encountered, he requested that the Board Solicitor run the hearing, to which no Board members objected. Solicitor Matthew Madden, Esquire then called the meeting to order at approximately 7:35pm.

2. OPEN PUBLIC MEETINGS ACT

Solicitor Madden advised that the meeting was being held in accordance with Open Public Meetings Act and the manner in which public notice of the meeting had been published and posted.

3. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE.** The pledge of allegiance was conducted.

4. **ROLL CALL.** Solicitor Madden called the roll as follows:

Class IV	Class I	Class IV	Class IV	Class IV*	Class IV	Class IV	Class IV	Class III	Class II	Class IV*
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X	X	X		X	X	X		

5. OLD BUSINESS

- Approval of Meeting Minutes - Solicitor Madden advised the Board that meeting minutes are not available yet for review. The minutes are, therefore, tabled until the September 8, 2020 meeting.
- Sustainable Jersey Resolution – Solicitor Madden advised that Resolution 2020-12, regarding the Sustainable Jersey Pledge, has been prepared in draft but not provided for review to the Board members and, therefore, is tabled until the September 8, 2020 hearing.
- JLUB #2020-3, Patrick McIlhenny, Jr., 213 Glenwood Avenue (Block 43.03, Lot 7) – Solicitor Madden announced that this matter has been adjourned until the September 8, 2020 hearing noting that he corresponded with Mr. McIlhenny who advised that he had commissioned a survey which had not been completed and would not be prepared in time for the August 24, 2020 hearing. Mr. McIlhenny advised that the survey would be submitted in time for the September hearing. Therefore, the announcement was made that any members of the public with comments, questions or concerns regarding the McIlhenny application should participate in the September 8, 2020 meeting in order to be heard and that no further notice would be required of the applicant.

6. NEW BUSINESS

- JLUB # 2020-4 William Potts, 19 W. Chestnut Avenue (Block 57, Lot 26) Application for Bulk Variance Approval permitting the construction of a shed with a proposed area of two hundred and eighty eight (288) square feet, where the maximum permitted size of a non-garage, accessory structure is one hundred (100) square feet pursuant to Land Development Ordinance, Article V, § 94-22(5).

Solicitor Madden summarized the pending application as a request for bulk variance relief permitting the construction of a shed of 288 square feet in total area which is in excess of the maximum permitted area of 100 square feet. Solicitor Madden also requested clarification from the Applicant with regard to the side and rear yard setbacks proposed for the shed inasmuch as there is a discrepancy between the setbacks noted on the application form and the survey submitted with the application. William Potts, the Applicant, and owner of the subject property, who was duly sworn, provided testimony that he proposes a six foot (6') side yard setback and a six foot (6') rear yard setback as reflected on the application form. Mr. Potts provided further testimony as follows:

Mr. Potts proposes the construction of a twelve by twenty-four foot (12' x 24') colonial style shed. The property does not presently have a garage or any other accessory buildings. The purpose of the shed is two-fold. Half of the shed would be used for the storage of lawn and yard equipment and other materials typically stored in a residential garage. The other half of the shed would be used as an area in which Mr. Potts can utilize the exercise equipment provided to him by the Veterans Administration as therapy for the lower back injury he suffered while in the military. Mr. Potts did not anticipate undertaking any major projects in the shed but only the standard home projects and, therefore, did not anticipate the generation of any excess noise, vibrations or dust.

Mr. Potts testified that he intended to obtain any and all necessary permits associated with the construction of the shed and had no objection to any condition of approval requiring same. With regard to potential drainage impacts, Mr. Potts testified that he discussed the matter with Board Engineer Jeff Hanson and understands he should avoid impacting adjacent properties with runoff from the shed. Mr. Potts testified that only on the rainiest days is there light puddling in his yard and that, likely, this is the result of his property being lower in elevation than the adjacent properties. He, therefore, does not believe there will be any negative impact from storm water. However, Mr. Potts testified that, should an issue with stormwater drainage arise, he could install a dry well on the southeast side of the shed to address such issue. Mr. Potts further testified that he intended to have gutters installed on the shed and that the downspouts from the gutters would be directed to the internal part of his property as opposed to being directed to any adjacent property.

With regard to the building materials and colors for the proposed shed, Mr. Potts testified that the shed would be roofed with architectural asphalt shingles and that vinyl siding would be installed. The colors of the shed were chosen by his wife and will be different from the home consisting of a sage/mint color with white trim and white double doors along with black shutters. Mr. Potts also intends to insulate and sheetrock the interior of the shed in light of his intent to utilize the space, in part, as an exercise area. The sole utilities proposed for the shed is electric service.

With regard to comments contained within the professional review letters, Mr. Potts noted that the shed was not intended for habitation and had no objection to a condition of approval indicating that no habitation is permitted in the shed.

Mr. Lammey asked Solicitor Madden what the regulations were associated with the maximum size of a garage as opposed to a shed. Solicitor Madden advised the Board that two-car garages are permitted up to a maximum size of five hundred (500) square feet. Mr. Lammey noted that, were this structure a garage, it would be permitted without the need for Board approval.

Mr. Uricchio inquired as to whether the applicant had submitted elevations with the application and was advised that no grading or spot elevations had been provided. Mr. Uricchio also asked for

clarification on the shed height and Mr. Potts testified that the shed would be twelve feet (12') high at its highest point.

Ms. Lehman inquired regarding what type of and how many doors would be included in the shed. Mr. Potts testified that he proposes two (2) insulated double doors as shown in the architectural plans submitted with the application.

Mr. Lammey, Mr. Uricchio and Mr. Potts engaged in a discussion concerning the permitting requirements for the shed and noted the necessity for permits depends, in some instances, on whether the shed is constructed atop a concrete foundation or alternative means. Mr. Potts testified that he intended to construct the shed atop a twelve foot by twenty four foot (12' x 24') concrete slab.

There being no further questions from the Board, Solicitor Madden open the public portion of the hearing asking if anyone from the public had questions of the applicant or the Board or wanted to comment on the application.

There being no members of the public that appeared to comment, Solicitor Madden closed the public portion of the hearing and asked if there was any further discussion the Board wished to undertake or if the Board was prepared to consider a motion.

Mr. Brennan made a motion to grant bulk variance approval permitting a two hundred and eighty-eight (288) square foot shed where the maximum permitted size is one hundred (100) square feet, as described and submitted by the applicant, together with the approval of all submission waivers, subject to the conditions that (1) the applicant will obtain any and all necessary permits and outside agency approvals; (2) there will be no habitation in the shed; (3) gutters will be installed and all downspouts will be directed to the interior of the property as opposed to toward any adjacent properties; and (4) should stormwater drainage become an issue as a result of the shed installation, the applicant will install a dry well on the southeast side of the shed. Mr. Fiume seconded the motion.

The Board members voted as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
Yes		Yes	Yes	Yes		Yes	Yes	Yes		

7. PROFESSIONAL COMMENTS

- Borough Council Resolution R19-80 - Land Use & Economic Development Recommendations

Item number 7 is tabled because not ready to discuss it yet.

8. BOARD COMMENTS

There were no comments from the Board.

9. ADJOURNMENT

A motion was made to adjourn the meeting, that was seconded. All members present voted in favor of adjournment and the hearing was adjourned at 7:21 PM.