

MINUTES OF ZONING HEARING BOARD MEETING

The zoning hearing board of Palmer Township met on Tuesday, June 7, 2011, at 7:30 P.M. in the Palmer Memorial Library, One Weller Place, to hear the following appeals. In attendance Nicholas Noel III, Esq., Zoning Board Solicitor, Charles Roseberry, Board Chairman, Cherie Kavanaugh Board Member, Peg Kennedy Alternate Board Member substituting for Dan Caravetta for the 11-09 and the 11-03 hearings, Dan Caravetta who participated in the 11-10 and the 11-11 hearings, James Raudenbush, Zoning Administrator, and Court Reporter Ted Rewak.

Cherie Kavanaugh made a motion to accept the minutes from the May 3, 2011 Zoning Hearing. The motion was seconded by Peg Kennedy with all in agreement.

11-09 7:30 p.m. 3740 Sycamore Dr., Joshua Kasenga is seeking a Special Exception form section 190-38B for a home occupation in order to operate a landscaping business. This property is located in a Medium Density Residential Zoning District.

Witnesses: James Kasenga, Property Owner Joshua Kasenga Applicant

Action: Cherie Kavanaugh made a motion to approve the Special Exception for a home occupation in order to operate a landscaping business with the following conditions. There shall be no outdoor grinding of blades or work associated with the business after sunset, and no additional signage is permitted besides what's allowed by ordinance. The motion was seconded by Peg Kennedy with all in agreement.

11-03 7:40 p.m. 2415 Park Ave, First Star Bank, 418 west Broad Street, Bethlehem, Pa 18018, is seeking relief from section 190-6 which authorizes the Zoning Hearing Board to permit or deny a use not specifically regulated by ordinance in order to install an electronic message sign. In the event relief is not granted from section 190-6 the applicant would like to challenge the validity of section 190-171 entitled "Signs" feeling that the section would then be invalid. In the alternative the applicant would like to request use and dimensional variances from sections 190-183A in order to have a sign that would exceed the 10 foot maximum height allowed, and section 190-184 relating to the signage area. First Star Bank is also requesting a validity variance due to the extensive use of electronic message signs in connection with the banking industry. An interpretation of section 190-180 "Signs Prohibited in all Districts" is also being requested, as the applicant feels an electronic message sign does not violate any part of this section. This property is located in a Planned Commercial Zoning District.

Witnesses: Charles Bruno, Palmer Township Solicitor, Chuck Hangen, V.P. First Star Bank, Andy Ralston, Atty. Representing First Star Bank, Jeff Kicska, 2808 Woodlawn Ave., Warren Braverman, with the CB Richard Ellis Company, 188 Nassau St., Princeton NJ 08452 who gave testimony via conference call starting at 7:45 and signing off at 8:05.

Action: It was agreed that the record would be kept open until 6/16/2011 in order for Atty. Bruno and Atty. Ralston to submit their briefs, and then the board will deliberate on the July 6th, 2011 after the regularly scheduled zoning hearing.

11-10 7:50 p.m. 2445 Lawnherst Ave., Suriya Enterprises, LLC, 244 Cobblestone Drive, Bethlehem, Pa 18020 are seeking variances in order to convert an existing single family dwelling into a doctor's office. Relief is being sought from sections

190-168C in order to have a two way traffic aisle width of 20'(25'width is required by ordinance), section 190-168D(1)(a)[1] in order to have an access drive with a width of 18'(a minimum of a 24'width is required by ordinance), section 190-168G(3) in order to have a parking access aisle that is 5' from a non-residential principal building(a minimum of 10' is required by ordinance), section 190-194D(1)(b) in order to reduce the required 10' buffer yards on the Northern and Eastern sides of the property, and section 190-194D(3)(a) to allow vehicle parking and a new driveway to be located within a buffer yard. The applicant is also seeking relief from section 190-191A in order to use 450 square feet of the property for a separate tenant. This property is located in a Medium Density Residential Zoning District within the Route 248 Overlay District.

Witnesses: Terry DeGroot, Terraform Engineering, Dr. Suneel Valla, applicant, James Kenney, 2359 Lawnherst Ave.

Action: Dan Caravetta made a motion to approve and deny parts of the application. Dan Caravetta motioned to deny the requested variances in order to reduce the 10' buffer yard, to have parking within the required buffer yard setback and to have parking spaces/aisles that would be located closer than 10' to a non-residential building. Dan Caravetta then motioned to grant variances in order to have an aisle width of 20', to allow the access drive to have a width of 18', and to grant the variance in order not to install sidewalks along Rte. 248. The motion was seconded by Cherie Kavanaugh with all in agreement. The board also felt the applicant needed to provide further information regarding an additional use on the property. Once the applicant finds a tenant a zoning hearing will be needed in order to ensure the compatibility with the existing business.

11-11 8:00 p.m. Parcels M8-8-3 and M9-30-3(Located between Hobson St and Milford St. North of Tamlynn Ln), Nicholas Pugliese, 1072 Grand Street, Phillipsburg, NJ 08865, is seeking variances from section 190-58.7A in order to have a minimum lot area of less than 7,500 square feet per dwelling unit, a variance from the minimum lot width of 45' per dwelling unit at the setback line, and a variance from minimum lot width of 40' per dwelling unit at the edge of the right-of-way. A variance is also being sought from section 190-168D (1) (a) [1] in order to have a driveway width that exceeds 50' at the curb line. This Property is located in a High Density Residential 2 Zoning District.

Witnesses: Nicholas Pugliese, Applicant, Domenick Colangelo, P.E. Finelli Engineering, David Backenstoe, Esq.

Action: Cherie Kavanaugh made a motion to approve the variances requested at the time of the hearing as depicted on exhibit A-5. The motion was seconded by Dan Caravetta with all in agreement.

11-12 8:10 p.m. Parcel M9SW1-27-9 (Located at the Southern end of Mine Lane Rd wear the unimproved portion of Grandview Dr. would intersect) Nicholas Pugliese, 1072 Grand Street, Phillipsburg, NJ 08865, is seeking variances from the following sections to build on a non-conforming lot of record; Section 190-42 C in order to exceed the 25% maximum building coverage allowed on a lot, section 190-42 G(1) in order to have a rear yard setback for the principal structure that's less than 30', section 190-42G(3) in order to have a raised wood deck that's less than 20' from the rear property line, section 190-199C(2)(a)[1] in order to have a lot width that's less than 60' measured at the building set back line, section 190-199C(2)(a)[4] to be able

to build on a non-conforming lot of record that has a lot area that's less than 6000 square feet, and section 190-199C(2)(a)[6] to have side yard setbacks that would be less than 8'. This property is located in a Medium Density Residential Zoning District.

Witnesses: None

Action: At the request of the applicant the hearing has been continued until the regularly scheduled meeting to be held on July 6th, 2011

Having no further business to discuss, the hearing was adjourned at 11:30p.m.

James F. Raudenbush
Zoning Officer