

DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD

Regular Meeting – June 27, 2024 – 7:00 p.m.

Attendance: Walsh, Hope, Walters, Cowan, Watson, Penrose, Martucci, McEvoy, Batastini, Fralinger

Call to Order.

Roll Call.

Applications:

WALTERS, RONALD AND SHERRI: Block 257, Lot 4 – Located on Kings Highway in an R3 (Rural Density Residential) Zone. Applicant seeking a use variance and any and all waivers and/or approvals necessary to construct an additional storage building on a non-conforming property. (Adjourned.)

GAROFALO, GINA AND MEYER, ROY: Block 88.01, Lot 29 – Located on Cedar Lane East in a VR (Village Residential) Zone. Applicant seeking a use variance and accessory building coverage variance, together with any and all variances, waivers and/or approvals necessary to construct an accessory structure to a house with a ground floor garage and an in-law apartment above.

Other Business:

Correspondence:

Resolutions: DeRose

Minutes: May 23, 2024

Bills:

Adjourn.

Walsh – call meeting to order.

Roll call.

Walsh – Ronald and Sherri Walters – application adjourned.

Batastini – applicants need to re-notice because they added a use variance and will now be heard at the next meeting on July 25, 2024.

Walsh – next matter – Gina Garofalo and Roy Meyer.

John Amenhauser, Esquire – attorney for applicants (filling in for Robert Belasco, Esquire). The property is a slightly oversized lot; current use is a single-family dwelling with a shed and pool in the rear yard. Applicants are requesting to construct a garage with a second floor in-law apartment above. Introduced witnesses and applicants.

Batastini – administer oath to Gina Garofalo.

Gina Garofalo – take oath.

Amenhauser – questions to Garofalo.

Garofalo – owner of the property since 2012 and it is her principal address. Wants to construct a second structure for personal storage on the first floor and an apartment on the second floor to her have mother come live with them. Mother was diagnosed with leukemia and is getting older; the apartment is intended for family use only. Would be agreeable to deed restriction for family use only and no rentals. Confirmed that storage on ground floor would be for their personal storage and no commercial use.

Amenhauser – all he has for Garofalo.

Walsh – how old is mom and how would she access the apartment if that becomes a concern.

Garofalo – she can walk now but if it became an issue they are planning to install a chair lift.

Batastini – any other questions from Board – none.

Batastini – administer oath to William McLees.

McLees – indicated his background and credentials (accepted as expert).

Amenhauser – questions to McLees.

McLees – indicated that he had drawn the architectural plans for this project. Referred to shared screen and explained. Referred to plot plan of lot as is and with proposed new structure. Referred to plan of garage and described and location of proposed stairway to

second floor. Described proposed in-law apartment and additional storage area. Referred to exterior elevations and described. Indicated that there were views of the project in sections to help explain what is being proposed more clearly. It is basically a pole barn type building. Talked about exterior finishes – Andersen windows and doors, the siding and roofing pretty much standard metal construction. It's a modest apartment to serve the care of her mother.

Walsh – will it be air conditioned.

McLees – the living area will have mechanical air conditioning, but air conditioning is not proposed for the storage area.

Walsh – any other questions.

Question from Board member – why 2 bedrooms?

Garofalo – either for family when visiting or for her if she needs to stay with her mother.

Amenhauser – understands may add to septic.

Walsh – any other questions.

Penrose – are additional features being considered for the future and the apartment being handicapped accessible.

McLees – being contemplated.

Amenhauser – call Joseph Maffei

Batastini – administer oath to Maffei

Amendhauser – questions to Maffei

Maffei – described what exists, what additional structure will change, discussed existing and proposed setbacks, described how it will fit in neighborhood – for visiting family and the immediate need of the mother; there is sufficient space to accommodate the proposed structure and there will be no detriment to the zone plan or zoning ordinance. Feels lot can easily accommodate proposed structures, no clearing is necessary.

Cowan –

Maffei – original dwelling is approximately 1,700 square feet; described location of septic and what will probably need to be done to accommodate project. Also discussed well.

Penrose – seems that building is set to the back of the property and not close to the existing house. Any reason for this?

Maffei – it's functioning for their needs and wants, some modification may be made.

Batastini – any other questions?

Walsh – what is behind this property?

Maffei – it's a neighborhood.

Walsh – also has concerns about the location, the large doors and closeness to property lines.

Maffei – not aware of any setbacks for this type of building, driveways or drive aisles.

Fralinger – engineer's report.

Batastini – any further questions. Ask Amenhauser for anything additional he wishes to add.

Amenhauser – accepts engineer's report. Asked Gina Garofalo to address concerns of rear garage doors.

Garofalo – they can do one big door on the north side of the building.

(Lost a Board member, Chris Hope, dropped from Zoom, trying to get back on. Gave minute or so to allow him to re-connect. Hope back on Zoom.)

Batastini – administer oath to Roy Meyer.

Roy Meyer – take oath. Likes the idea of one large door (14 X14 or 14 X 16 – as large as possible) on the north side gable end. Would allow mother to access the building.

Batastini – ask for screen share to be taken down. Open meeting to the public.

Paul Codella – (75 Holly Glen Lane – directly behind applicants). Height of building on storage side – is it necessary to be 25 feet – can it be height of one story and with balance of the building being 2 story. As planned would be an eyesore for him.

Batastini – questions are to the Board and not to the applicant.

Codella – he is friends with Meyer, but is afraid it will de-value his and other properties. Also wants to know if new structure would be insured and, if so, for how much. Had an instance where a neighbor's tree fell on his property and he had to pay \$1500.00 to remove it plus damage to his solar panels.

Batastini – the Board doesn't have the authority to under-insure, over-insure or tell the owner what to do – such a matter would be between the involved parties.

Fralinger – given the nature of this project described what is/isn't required.

Codella – seems like the building is extremely large and feels it could be smaller; also questioned where 20 foot setback starts across the back.

Fralinger – addressed location of 20 foot setback across the back and where it starts.

Craig DeGenova – wanted to make a comment.

Batastini – advised Mr. DeGenova that the needed to wait until Mr. Codella was finished speaking.

Codella – OK with deed restriction, but would like to do something about headlights coming into this residence.

Batastini –

Craig DeGenova – take oath – has prepared statement he would like to present to the Board – read into record. He owns property directly to the north side of the applicant's property. He is opposed to the application. The neighborhood is single family homes. The applicant operates a construction business and he fears that is somehow going to come into play on this property. There is already construction equipment on the property. It would be terrible if other property owners decided to follow suit and the whole neighborhood would change. Doesn't believe this property meets the criteria and it will impact on his property. Started out several years ago that there was one van coming and leaving and now there are multiple trucks coming and going. Home businesses are not a permitted use in this area.

Amenhauser – there is no commercial use on the property.

Batastini – made statement, Mr. Amenhauser will address.

DeGenova – scope of project is beyond what is acceptable.

Batastini – other public – Victoria Goodwin – administer oath.

Victoria Goodwin – take oath – questioning a second floor apartment for someone with health issues. Only comment she has.

Batastini – administer oath to Megan Powell.

Megan Powell – 120 Cedar Lane East. In agreement with other comments made.

Cathleen Denise – 134 Cedar Lane East – take oath – in opposition, sees business going on behind the house, people waiting, then leaving and same thing happens again. Also there has been clearing on the lot. The garage door is large and for a commercial size use. Most lots in the area are 1 acre and their use is for residential use only.

Mary Pat Padula – 146 Cedar Lane West – take oath – read prepared statement. Quiet community; subject property has been used for a commercial use for quite some time – sees it while walking her dog. Sorry to hear that applicant’s mother is ill. Her mother just turned 83 and if need be she would move her mother into her home on the first floor. Also, they have been removing trees for years.

Batastini – any other public comment? Becky Gombar – no response.

Victoria Goodwin – wants to add comment.

Batastini – advised Ms. Goodwin that she already had her chance to speak.

Goodwin – indicated that she wasn’t asked if she was in favor or opposed.

Batastini – indicated that she was asked.

Goodwin – so it doesn’t matter?

Batastini – ask Amenhauser for responses to comments.

Amenhauser – asked for minute or so to speak with his clients.

Walsh – someone wants to make a comment, but they were having technical difficulties.

Allen Gombar – wants to comment but had technical difficulties.

Batastini – administer oath

Allen Gombar – has resided in area for number of years. Drawn to area because it was quiet, family neighborhood. Likes it here. Has known Gina Garofalo for many years. Heard her say “if” mother comes live there. Applicants own several properties and are doing ok. Their current home has 3 bedrooms, why can’t they use one for the mother or add on to their house. Discussed the number and types of vehicles that are already on the property.

Batastini – Mr. Amenhauser will address questions.

Gombar – there’s a lot of activity on the property, plus their personal vehicles. Workers are coming and going. Many trees have been cleared. Also, concerned with a 2 bedroom apartment and the total size of the proposed building – believes it will be twice the size of his house and larger than anything else in the area. Privacy concerns. Stairway to apartment will be on his side of the property. Also has concerns with mother going up the steps. Then what happens if the building is constructed and mother decides she can’t handle the steps? Even with deed restrictions, what if sold and new owner decides to rent the apartment out? Concerns with water runoff and where it goes. Also concerns with septic system, but was told that new septic field could not be placed in the back of the

property. Not in favor of the application and was caught by surprise. Has to stand up for quality of the neighborhood.

Batastini – ask to wrap up – repeating things already said.

Gumbar – asked that if any Board members has had personal or business dealings with Roy Meyer, that they do not vote on this application.

Batastini – that will be addressed at the time of voting.

Batastini – asked Amenhauser to address the issues raised.

Amenhauser – spoke with clients and they would like to take comments made, consider revising the plan and come back to the Board next month.

Batastini – asked Walsh to poll Board to allow applicants to take the comments into consideration and make possible revisions to the plan and come back to the July 25, 2024 meeting.

Walsh – ask for rollcall to adjourn application to meeting of July 25, 2024.

Roll call to permit applicants to revise application and come back next month – all in favor with Walters abstaining.

Batastini – DeRose Resolution.

Watson – motion to approve.

Cowan – second.

Roll call – all voting members in favor (5 yes and 3 abstain).

Walsh – minutes for meeting of May 23, 2024.

Voice vote – all in favor.

Walsh – bills.

Roll call – all in favor.

Batastini – ask for motion to adjourn.

Motion to adjourn made and seconded.

Meeting adjourned at 8:36 p.m.