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**ZONING BOARD OF ADJUSTMENT
AGENDA FOR AUGUST 11, 2022, 7:00 P.M.
REGULAR MEETING VIA ZOOM WEBINAR**

CALL TO ORDER & FLAG SALUTE

NOTICE:

The Zoning Board of Adjustment reserves the right to change the order of the published agenda. All changes to the agenda will be announced at the beginning of each meeting.

It is the intent of the board (and at the discretion of the Chairman) to not begin a new application after 10:00 P.M. and to adjourn the meeting by 11:00 P.M.

It is a further policy of the Board that members of the public will be limited to five minutes when speaking on an application. When a person is representing a group of people, he or she may speak for ten minutes.

Thank you for your cooperation.

This Board is a quasi-judicial Board therefore this meeting shall be conducted in a similar manner to a judicial proceeding. Decorum appropriate to a judicial hearing must be maintained at all times and any questions or comments must be limited to issues that are relevant to what the Board may legally consider in reaching a decision.

OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is being held in compliance with the requirements of the 'Open Public Meetings Act' and has been duly noticed and published as required by law.

ROLL CALL

RESOLUTIONS

MINUTES

OLD BUSINESS

RAJIV & MARISOL PATEL	MDR-R100A	Case #ZC2022-002
32 Ashton Drive Block: 304.02, Lot: 12		Action Date: 8/2/2022

The Applicant has requested bulk (c) variance(s) from the following Sections:

- 150.12(B)(1)** Where no improvements may be constructed within 5' of the side or rear property line, the existing driveway is ~2', outbuilding is ~8.8', shed is ~1.5' and patio is ~1', and
- 150.13(A)(1)** Where accessory uses and structures may not occupy more than 25% of the rear yard area the existing accessory structures and uses occupy more than 25% of the rear yard area, and
- 150.13(A)(6)** Where the rear yard setback for accessory uses and structures is 15' the existing shed is located ~1.5' from the rear property line, and
- 150.13(A)(6)** Where accessory uses and structures are only permissible in rear yards the outbuilding and part of the patio were installed in the side yard, and
- 152.015 (D)(3)** Where the minimum side yard setback is 15' the patio and outbuilding are 6' and 8/8' respectively, and
- Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

NEW BUSINESS

Monarch Development Company V, LLC	MB	Case #ZC2022-012
178 Route 73 Block 229, Lots 15		

The Applicant has requested the following variances and design waivers:

Use Variance Requested:

- Section 152.102(A)** permits Assisted Living Facilities marketed to senior citizens, whereas the Applicant proposes to expand services offered to include Independent Living Facilities, which is not a use within the MB District.

Bulk Variance Requested:

1. **Section 152.102(A)** permits a minimum side yard setback of 50 feet whereas the Applicant is proposing a setback of 43 feet from the side property line to the proposed retaining wall structure.

Design Waivers Requested:

1. **Section 154.007(B)(2)(g)** permits a maximum illumination of 0.2 foot-candles at the common property line with adjacent properties whereas the plan proposes a maximum of 1.5 footcandles.
2. **Section 154.010(B)(10)** requires every commercial and industrial use, or combination thereof, containing at least 5,000 gross square feet of floor area to provide and permanently maintain adequate space for the standing, loading, and unloading of material or merchandise. The loading area shall be so designated on the site plan and shall not be used for any other purpose. The minimum dimensions of the loading area shall not be less than 12 feet wide by 35 feet deep with a height clearance of 14 feet. One such loading area shall be required for each 20,000 gross square feet of floor area or part thereof. Accordingly, 11 loading areas are required whereas only one (1) is proposed.
3. **Section 154.010 (B)(14)(a-c)** requires trash enclosures to be enclosed on three sides by masonry walls and be compatible with the architectural scheme of the development, the enclosure gates shall be constructed of solid welded steel panels and landscaping consisting of six-foot-high evergreen trees shall be installed to screen the perimeter of the masonry walls whereas the plan proposes a vinyl fence and gates with no evergreen screening.
4. **Section 154.015(A)(8)(b)** permits a maximum of 0.9 foot-candles in parking areas and walkways for non-residential uses whereas the plan proposes a maximum of 4.4 foot-candles.
5. **Section 154.015(A)(4)(a)** requires the building layout be constructed in a manner to position at least 50% of the building façade along Route 73 Corridor required front yard building setback (100') whereas the building is set back 135.3'.
6. **Section 154.015(A)(4)(a)** requires trash receptacles and refuse areas be enclosed with solid walls that match the façade of the building or buildings it serves. Gates and doors that provide access shall compliment the color scheme of the walls. The doors shall be constructed of a solid material like metal or wood. Landscaping shall be utilized to soften the appearance of any such wall. The plan proposes a vinyl fence and gates with no evergreen screening.
7. **Section 154.006(A)(8)(a)(5)** requires a continuous earthen berm constructed to a minimum of six feet above the final design elevation of the adjoining proposed non-residential or the adjoining residential property, whichever is higher in elevation. The minimum berm height of six feet shall be maintained along the entire length of the buffer area unless it is determined by the Board that a discontinuation or break in the berm design can be accommodated without impacting the effectiveness of the intended screen to the adjacent residential use. There are no berms proposed along residential boundaries.
8. **Section 154.006(A)(8)(a)(6)** requires a continuous six-foot-high decorative solid wood or vinyl fence be provided along the top of the berm. The fencing shall also be constructed such that the decorative side of the fence faces the residential boundaries.
9. **Section 154.006(A)(8)(b)** requires that plantings shall generally be located on the upper elevations of the berm and planted on a continuous four-inch-deep shredded hardwood mulch bed. There is no berm proposed.
10. **Section 154.006(A)(8)(b)** requires that in situations where exiting vegetation can be preserved within the 50-foot buffer, existing vegetation shall be supplemented with a continuous six-foot-high decorative solid wood or vinyl fence. No fence is proposed.

Seeking any and all other variances, waivers and/or other relief as may be deemed necessary by the Board and/or its professionals.

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE BOARD

NEXT MEETING DATE(s): August 25, September 9, September 29, October 13

ADJOURNMENT