



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
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**MARCH 19, 2024
ZONING BOARD
MEETING MINUTES**

The meeting was called to order by Chairman, Pat Malia at 7:00 p.m.

Flag Salute

Notification of Meeting

ROLL CALL

PRESENT: Baltera, Cottrell, Koussoulis, Lawler, Reilly, Sellers, Seher, Malia

ABSENT: Famularo

ALSO PRESENT: Eddie Dennis, Board Engineer; Jim Grimley, Board Attorney

OLD BUSINESS:

VOTE: Minutes of February 20, 2024 meeting

Motion to approve: Chris Cottrell – second – Arianne Sellers

All were in favor

VOTE: D&R for Appl. #1-2024 for Absecon Veterinary Hospital – 195 S. New Road - Block 211 – Lot 1.01 for an Amended Site Plan to create a parking lot; a Variance for the expansion of a pre-existing non-conforming use and a bulk variance for a buffer strip.

The number of parking spaces was corrected from 49 to 62 on page 3.

Motion to approve: Chris Cottrell – second – Marina Koussoulis

ROLL CALL: Baltera, yes; Cottrell, yes; Koussoulis, yes; Sellers, yes; Seher, yes; Malia, yes

NEW BUSINESS:

Appl. #2-2024 for Daniel and Lisa McCall – 204 Cynwyd Drive – Block 184 – Lot 2 for bulk variance relief for lot coverage to install an inground pool

Dan McCall, Lisa McCall (applicants) and Toni Williamson, owner of The Pool Store were all sworn in.

Jim – asked the applicants if the discussion that they had with Mr. Ballak changed anything with them moving forward tonight.

Toni – we will be moving ahead tonight and still asked for lot coverage variance, but we have agreed to install a French drain to take away any water flow from my client's property

Fran Ballak – attorney representing the Galvin's who lives behind the McCalls. He submitted a letter indicating their concern with regards to potential run off from water from their property. We had a discussion tonight and they are willing to agree to put in a French drain along the back rear of their property along the fence line for the distance of the pool and extending about 3 ft. along the sides where the concrete apron around the pool. We will withdraw our objection to this application and we hope this plan works, but it does not negate their obligation to maintain their own water on their own property. We will reach out to them if a problem exists. We are not waiving any rights in the future in the event there is a problem.

Pat – summed up what occurred before the meeting. He asked the applicant to begin their application.

Toni – we are asking for an increase in impervious coverage to allow them to install an inground pool. The backyard is mostly flat and the survey shows the potential pool on it. It should catch the water and there should not be much run off towards the neighbor. We agreed to put in a French drain along the back even though we have the 9 ½ ft. between them.

Dan – our retirement plan is to build this and stay in Absecon.

Toni – the impervious coverage was already over when they purchased the property. He did not improvements to the house that would have increased the impervious coverage. The reason we are going with that size pool is that we want it to be legal for diving and those are the minimum requirements.

Eddie – you have a 3-garage driveway and is there any possibility of removing the pavement that goes beyond the driveway to try and cut down on the coverage?

Toni – that would be costly to do that.

The objective is to try and minimize the extent that you will not comply with the ordinance. What is that extra paved area used for?

Dan – it was there when we bought the house and it is not really used for anything

Matt – he feels you can get a "K" saw and cutting the driveway out of there that is not being used as you said, to lessen the amount of coverage. The pool could probably go closer to the house and you are adding 15 ft. of pavement on each side of the pool. It most likely will create more of a flow to the neighbor's backyard and then where will the water go from the French drain that is be installed? The water must go somewhere. What will it be made of and how deep etc., but Eddie can answer that.

Eddie – that was my second question. With the 15 ft. on each side, is there a reason for that? It might be worth a discussion to throw that idea out. In this forum, cost cannot be used as a justification.

Pat – right now you are permitted 35% lot coverage and you are at 54% being 19% over. On a 15,000 sq. ft. lot, it is about 3,000 sq. ft. over of what is permitted. What they are adding tonight is about 1,500 sq. ft. We are not designing your project for you, but we are looking for something that brings it closer to compliance. We are also questioning the French drain to be installed. Where will that water go? An engineer would tell us how much it can hold and how it would be dispersed. We do not know that now.

Eddie – if that back portion of the driveway is removed, you are close to offsetting the additional coverage you are adding with the pool.

Lisa McCall – was concerned if ripping up some of the driveway would ruin the remaining part of it

A discussion was held as to what the possible scenarios the applicants could do. Eddie stressed that it is completely up to the applicants and what they want to do. Once they decide, the board would move forward with the application and make their decision.

Pat opened the meeting to the public, but there was no public comment.

The applicants went out into the lobby to discuss.

Pat – so the two issues are one if you are willing to reduce the size of something to bring it closer to conformity and the other is if the French drain is the answer you would like to propose, what is the design of it and how much ground water is it going to disperse?

Eddie – I do not think they are prepared to answer that one tonight. The issue is that a French drain perks into the ground and if this property already sits low, you may have high ground water and it will fill up. We know it was said that you are willing to try to do this, but if it does not work, there is something else that is going to be needed to be done to fix the issue. These statements do not relieve the applicant of the requirement to not negatively impact the neighboring properties with runoff water.

Toni - can we get a condition of approval and I will get my engineer to do a topography of the property and then he can map out what needs to be done?

Eddie – they can submit that to me for review and the proposed design of the French drain.

There is no magic number here, but he suggested that they do not decide to do something that they cannot live with. You must tell us what you decide.

Dan – we think we want to take off the new patio between the house and the pool and not touch the driveway.

A quick estimation showed it to be about 325 sq. ft. of the proposed patio around the pool, which is roughly 2%.

Pat – if you are done presenting to us, we will now debate this amongst ourselves and then take a vote. The French drain design would have to go to Eddie for review as well. This does not relieve the property owner to maintain their own stormwater.

Matt – still not happy with the amount of lot coverage and we don't know the French drain will definitely work. To me some of the asphalt in the rear should be moved. Leave enough that you can back the car out to make a turn. They could give you about 1000-1100 sq. ft. of it to be removed. That would allow water coming down that side, to go into a grass or stone area that the water could percolate into. The way it is now, it will not. The neighbor's attorney is saying we can see what

happens and if the French drain does not work, they will have to do something else, but there won't be much that can be done afterwards.

Arianne – even with the applicant's change, they are still at 52.1%.

Chris – I feel it is too much coverage too. He would like to see the rear portion of the driveway removed and that would be about a 1,000 sq. ft. and then the new patio as well.

Steve – he does agree and that if they did remove the asphalt and kept their 15 ft. at the end of the house, it would be better. It is just my opinion.

Greg – he has concerns with the French drain working and the amount of coverage.

Pat – 50% of lot coverage is a lot when 35% is permitted

Eddie – this board must exhaust all options to bring it as close to conformity as possible, within reason. I think what you are hearing, is that you could do more.

Pat – we do realize that you started out at almost 10% over lot coverage to begin with

Mike – likes the idea of cutting the driveway to reduce the coverage

Dan – so after discussion, we propose to remove the driveway area just past a foot or so from the house, basically where the angle is shown and keep the other existing area.

Exhibit A-1 was marked into evidence. A hand drawn sketch of what the applicant suggested to be removed. They will maintain the patio around the pool and they will look at installing some type of drain across the rear of the property to absorb some of the water, which design will be submitted to our engineer for review. A 6 ft. white vinyl fence is also proposed along the rear of the property and it will enclose the shed as well. They have installed the new fence along the other side of the property already.

Jim – subject to the condition of approval of an engineering report regarding the French drain to be submitted to our board engineer for his review and subject to the condition of removal of a portion of driveway consistent with Exhibit A1, which our engineer will calculate with the percentage of coverage. By way of majority vote, does this board grant bulk variance relief to install an inground swimming pool with proposed coverage to be determined by the board engineer.

Motion was made by Steve Baltera – second – Chris Cottrell

ROLL CALL: Baltera, yes; Cottrell, yes; Koussoulis, yes; Lawler, yes; Reilly, yes; Seher, yes; Malia, yes

Vote was 7-0 in favor.

ADJOURNMENT

Motion to adjourn – Steve Baltera – second – Chris Dochney

All were in favor.

Respectfully submitted,


Tina Lawler, Secretary

Approved: 4-16-24