

MIDDLETOWN TOWNSHIP
ZONING HEARING BOARD

Christian A. Davis

Thomas Danzi

Gerry Gebhart

Jacquelyn S. Goffney

Joseph Klodarska

Lawrence G. Strohm, Jr., Solicitor

Minutes of the Zoning Hearing Board

The regular meeting of the Middletown Township Zoning Hearing Board was held on **May 26, 2021**, beginning at 6:00 PM virtually via Zoom due to COVID pandemic restrictions.

Members Present: Tom Danzi, Christian Davis, Gerry Gebhart, Jackie Goffney, Joseph Klodarska

Staff Present: Lawrence G. Strohm, Solicitor, Meredith F. Merino, Zoning Officer

Approval of Minutes: Mr. Danzi made a motion to approve the minutes of the April 28, 2021, meeting, which was seconded by Ms. Goffney. The minutes were approved as submitted by a vote of 5 – 0.

New Business: Case No. 2021-04: Patricia Ann Cofiell, of 51 W. Forge Road is seeking a variance from Section 275-203.C.(3) to allow an existing barn (Class B Accessory Structure) to be located in the front, side or rear yard of a proposed lot of a 2-lot subdivision (to within 37.87' of new lot line); and Sections 275-15.A and B to allow for the creation of a second building lot containing an accessory structure as the only building. Applicant also seeks a Special Exception from Section 275-203.B(4)(b)(2) to allow an existing pool in the rear yard setback area of a newly subdivided lot, to within 12' 3" of the new lot line. Ms. Cofiell was present and was represented by her attorney, Timothy Sullivan, Esq. Ms. Cofiell presented testimony and exhibits that were entered into the record. After no further discussion, the record was closed and the board determined that a decision will be rendered at the meeting of June 23.

Case 2021-05: Troy Everly of 147 Barren Road is seeking variances from Section 275-21.A.(5) for front yard setbacks and Section 275-21.A.(6) for side yard setbacks in the R-1 Zoning District in order to construct a 26'3" x 36" garage addition that will project to within 18' 9" of the side property line and to within 35'10" of the front property line. Applicant also seeks a variance from Section 275-206.B.(1) for more than 10% expansion of a nonconforming structure.

Mr. Everly was present and offered testimony and exhibits in support of his application. He explained that the proposed addition would be a 2-car garage with second-story attic space to be used for storage only. The board requested to review renderings of the proposed structure in order to ascertain the height and width of the addition and the potential impact to the property. The hearing will remain open until the meeting of June 23 to allow the applicant time to submit a rendering and continue the testimony at that time.

Case 2021-06: Carl Garritano, of 20 E. Glen Circle seeks a variance from Section 275-19.(A), (B) and (C) of permitted, accessory and conditional uses of the R-1 Zoning District for a proposed firearm safety training business to be operated from a residential property. A portion of the business would require client visits to the property in order for clients to receive pre-purchased firearms. Applicant also seeks a variance from Section 275-198.C for more than one principal use on a lot.

Mr. Garritano explained that the proposed business would be a small part-time business to help train and advise people on keeping firearms safely in their homes, and that there would be no signs or advertising associated with it. The training would be conducted entirely elsewhere, and the administrative components of the business would be conducted from the home. He explained that a stipulation of the Federal Firearms License is that clients must pick up any pre-purchased firearm at the location of the licensee's place of business, not meeting off-site anywhere else to conduct the transaction. Mr. Garritano explained that the firearm purchasing would be a very small part of the business and the likelihood that someone would need to come to the house for a firearm transaction would be 1 or 2 times per year at most.

Charles Miller, Esq. was present on behalf of the Township to monitor the application. Mr. Miller asked if Mr. Garritano would be opposed to having a condition placed on the zoning relief that no more than one firearm transaction would take place on the property per year as part of the approval of the safety training business use, and Mr. Garritano responded that he is not opposed to that condition.

Several neighboring property owners spoke in favor of the application, and several had questions about the variance approval and nature of the business. After no further discussion, the board determined that the record will remain open until the meeting of June 23 to allow time for a set of approval conditions to be drafted by Mr. Miller for the review of the applicant and the board.

Adjournment: There being no further business, the meeting was adjourned at 8:18 PM.

The next meeting of the Zoning Hearing Board will be held on Wednesday, June 23, 2021, beginning at 6:00 PM.

Respectfully Submitted,

Meredith Merino, Zoning Officer