

**LOWER HEIDELBERG TOWNSHIP
ZONING HEARING BOARD (ZHB)
Minutes of the Meeting and Two Hearings**

Date: August 11, 2020

Location: Virtual meeting via the Zoom format, due to restrictions and safety concerns related to the continuing COVID 19 pandemic.

Members of the Zoning Hearing Board in attendance:

Chairman Michael Roberts
Vice Chairman David Kurtz
Secretary Robert Melson

Others in attendance:

ZHB Solicitor Thomas Rothermel
Zoning Officer Andrew Kraft
Township Manager Pamela Stevens
Court Reporter Roxanne Weaver

It should be noted that a general business meeting, as well as two hearings were conducted. Additional attendees for the respective hearings will be noted hereafter.

Chairman Roberts called the meeting to order at 6:00 PM, and announced that a quorum was present to conduct business.

The ZHB members approved the minutes of the business meeting held on January 27, 2020.

**Hearing RE: Variance Application by Nelson Gamez
57 Virginia Avenue**

Chairman Roberts called the hearing to order at 6:05 PM, at which time applicant Nelson Gamez joined the virtual meeting. Solicitor Rothermel asked Mr. Gamez if it was his desire to recess the hearing until he could be joined later in the evening by his retained counsel, Daniel Becker, who had a schedule conflict. Mr. Gamez affirmed his desire to recess. Mr. Roberts made a motion to recess the hearing, which was seconded by Mr. Kurtz. The ZHB members approved the motion unanimously. Chairman Roberts recessed the hearing at 6:10 PM.

**Hearing RE: Variance Application by Nicholas Lambros/Triantafili Kollintza
41 Pacific Avenue**

Chairman Roberts called the hearing to order at 7:00 PM, at which time applicants Nicholas Lambros and Triantafili Kollintza joined the virtual meeting. Notified adjointer Tracy Testerman, 26 Virginia Avenue, joined the meeting by telephone. Steve Deihl, representing Timmerman Remodeling, LLC, also joined the virtual meeting. Chairman Roberts announced the purpose of the hearing.

Solicitor Rothermel provided a statement to the parties, an outline of the hearing procedures, and identification of ZHB exhibits associated with the hearing. Detailed information about the exhibits, testimony and commentary incorporated into the hearing may be found in the official transcript.

Applicant Lambros offered his testimony regarding the need for a dimensional variance to construct his deck. Included were comments about unique physical characteristics of the rear yard lot line to applicant's property, together with the placement and proximity of the house structure to that rear yard lot line. Applicant Lambros offered additional comments regarding the deterioration and poor design of the original deck, permit and construction errors made by his original contractor (since terminated), and his desire to cooperate with the code requirements needed for his new contractor to proceed, should relief be granted. Mr. Lambros and Mr. Deihl further stated for clarification that the unfinished construction, which was started by the first contractor, will be completely demolished, and a new deck will be built to code requirements.

Several questions were asked by ZHB members regarding the dimensions of the new deck, and the projection of the stairs to the ground level.

Mr. Kraft had no further information or comments to offer beyond that which was contained in his review letter to the ZHB members, dated July 17, 2020.

On motion by Mr. Kurtz, seconded by Mr. Melson, the ZHB members voted unanimously to enter into executive session for deliberations regarding the application.

After deliberations, the ZHB members ended the executive session, and returned to the hearing. On motion by Mr. Melson, seconded by Mr. Kurtz, the ZHB members voted unanimously to approve the application. Applicants were advised that a written decision would be forthcoming within 45 days.

On motion by Mr. Melson, seconded Mr. Kurtz, the ZHB members voted to adjourn the Lambros hearing at 7:52 PM.

Gamez Hearing Reconvened

Chairman Roberts reconvened the previously recessed hearing at 7:56 PM. A quorum remained present. Mr. Gamez and his attorney, Daniel Becker, joined the virtual hearing. No other interested persons joined.

Solicitor Rothermel provided a statement to the parties, an outline of the hearing procedures, and identification of ZHB exhibits associated with the hearing. Detailed information about the exhibits, testimony and commentary incorporated into the hearing may be found in the official transcript.

Attorney Becker then offered commentary, exhibits, photos, and testimony from Mr. Gamez to support the request for dimensional variance relief, as amended from a request for special exception, for a roof extending over applicant's rear patio structure.

Mr. Kraft had no further information or comments to offer beyond that which was contained in his review letter to the ZHB members, dated May 13, 2020.

On motion by Mr. Roberts, seconded by Mr. Kurtz, the ZHB members voted unanimously to enter into executive session for deliberations regarding the application.

After deliberations, the ZHB members ended the executive session and returned to the hearing. On motion by Mr. Melson, seconded by Mr. Kurtz, the ZHB members voted unanimously to approve the application, as amended. Applicant and his attorney were advised that a written decision would be forthcoming within 45 days.

The ZHB members voted to adjourn the Lambros hearing and the meeting at 8:45 PM.

Submitted for review and ZHB approval: Robert Melson - secretary