

**ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF MONROE**

**ANNUAL REPORT FOR 2019**

**A.     STATUTORY REQUIREMENT**

The Zoning Board of Adjustment (ZBA) is required to review its actions on an annual basis pursuant to the New Jersey Municipal Land Use Law (MLUL), N.J.S.A. 40:55D 70.1, which provides:

**40:55D 70.1: Report on variance applications, amendment recommendations.**

The board of adjustment shall, at least once a year review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board.

This report provides information on all applications that proceeded to decision and memorialization by resolution by the ZBA in 2019.

**B.     DISCUSSION OF APPLICATIONS**

1.     RESOLUTION #10-2019  
DON AND ALICIA HEVERLY  
268 RUSHFOIL DRIVE

The Applicants sought approval for 7.5' rear yard setback where a 10' setback is required for the installation of a 16' x 32' in-ground swimming pool, on the basis of safety. The Applicants needed the pool to be set further from the house so there would be no blind spot for the pool and the whole pool could be seen from the inside of the house.

Decision: The ZBA approved the requested variance for safety and hardship reasons on the condition that the Applicants obtain lot drainage approval from the Township Engineer.

2.     RESOLUTION #12-2019  
SEAN MURTHA  
1901 HERBERT BOULEVARD

The Applicant sought a front yard setback variance of 3' where a 35' setback is required for the installation of an above ground swimming pool. The Applicant received the used pool as a gift, the contractor hired to install it did so without a permit, and it was unlikely that the pool could survive another move. Testimony revealed that the pool was located too close to Prosser

Avenue, which created a safety hazard, and there were other areas of the property on which the pool could be installed.

Decision: The ZBA denied the requested variance as the location of the pool created a safety hazard, and the pool could be relocated to another area of the property.

3. RESOLUTION #13-2019  
WILLIAMSTOWN SDA CHURCH  
946 N. MAIN STREET

The Applicant presented an application for a use variance to replace the existing church sign with a LED electronic message sign, and such signs are not permitted in the R-2 zone in which the property is located.

Decision: The ZBA approved the requested use variance so that the church could provide information to the community, conditioned on the use of the sign being limited to church messages and community emergency messages, and no off-site or commercial messages being displayed.

4. RESOLUTION #14-2019  
CROSS KEYS UNITED METHODIST CHURCH  
1644 N. MAIN STREET

The Applicant presented an application for a use variance to replace the existing church sign with a LED electronic message sign, and such signs are not permitted in the R-2 zone in which the property is located.

Decision: The ZBA approved the requested use variance so that the church could provide information to the community, conditioned on the use of the sign being limited to church messages and community emergency messages, and no off-site or commercial messages being displayed.

5. RESOLUTION #15-2019  
WA OUTDOOR ADVERTISING, LLC  
328 BERLIN-CROSS KEYS ROAD (C.R. 689)

The Applicant sought use variance approval to install a single-column, V-Shaped, 2 bladed billboard, measuring 14' x 48' (each blade), with waivers of site plan review and design and performance standards. A use variance was required as the proposed billboard was not located within the designated billboard corridor, and would constitute a second use at the Property where only one principal use is permitted.

Decision: The ZBA denied the application, as the Applicant failed to meet its burden to show that the use variance for a second principal use in an area outside the designated billboard corridor, with a proposed billboard substantially exceeding both the size and height limitations for billboards as established by Township Code §175-91.2C(2) and (3), could be granted without substantial detriment to the public good and would not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.

6. RESOLUTION #16-2019  
EKE HUTCH, LLC  
220 E. LAKE AVENUE

The Applicant previously received use variance approval (Resolution #17-32) for inventory storage of recreational vehicles at its property located at 220 Lake Avenue for use in connection with its adjacent business known as White Horse RV Center. One of the conditions of the approval was returning to the ZBA for major site plan approval.

Decision: The ZBA granted major site plan approval, with the principal conditions being that vehicles over 4 tons will only be able to access the dealership via the Black Horse Pike, delivery vehicles shall not use Herbert Boulevard for access to the property, and delivery vehicles shall not turn right out of the property onto Lake Avenue.

7. RESOLUTION #17-2019  
ALLEN MONTEMURRO  
248 HUNTLY LANE

The Applicant proposed to construct a 12' x 30' x 10' deck in his rear yard which required a setback variance, as the required rear yard is 10' and the proposal was for 4.6'. The Applicant's rear yard has a steep slope and is not usable as outdoor space. The Homeowners' Association for Sterling Glen owns the 50' behind the Applicant's rear lot line, and gave the Applicant conditional approval for the requested variance.

Decision: The ZBA granted the requested variance based on hardship and the configuration of the property.

8. RESOLUTION #18-2019  
STEPHEN AND LINDSAY SISCO  
1840 ARLINGTON DRIVE

The Applicants sought approval to construct a 40' x 40' x 18' high (1600 square feet floor area) pole barn accessory structure on their residential property, to store vehicles and personal items. A (d)(4) use variance was required as Township Code § 175-89 allows one garage with a maximum floor area of 900 square feet. The Applicants also sought a 15' rear yard setback variance, as a 37.5' setback is required.



Decision: The ZBA granted the requested variances on the principal condition that the garage be used solely for storage and personal, non-business use.

9. RESOLUTION #20-2019  
THOMAS MARTIN  
208 HUNTLY LANE

The Applicant proposed to construct a 4' x 18' patio in his rear yard with pavers and two seating walls 18" high, which required a setback variance. Required rear yard is 10', proposed was 6'.

Decision: The ZBA granted the requested variance based on hardship and the slope of the property, which left little usable space in the rear yard.

10. RESOLUTION #22-2019  
PAUL DONAHUE, JR.  
1894 S. BLACK HORSE PIKE

The Applicant requested use variance approval to expand an existing 32' x 24' (768 s.f.) pole barn to 36' x 36' (1296 s.f.) x 25' high, to store his personal classic vehicles. A use variance was required as Township Code § 175-89 allows one garage with a maximum floor area of 900 square feet and a maximum height of 18 feet. Moreover, the Property contains a total of two garages, one pole barn (the subject of the application), and one shed, which were existing non-conformities in size for the shed and in number for the accessory buildings. Finally, Township Code § 175-11 requires that the accessory building be subordinate in size to the principal structure, and the proposed expanded building was not in conformity.

Decision: The ZBA granted the requested use variance as it will enable the Applicant to maintain a neat and orderly property so that vehicles and other personal property are parked/stored inside the pole barn. The principal conditions on the variance were that the pole barn shall be used solely for personal vehicle storage and not for any commercial purpose, and that it shall not have any residential living space constructed within, and it shall not have plumbing installed.

11. RESOLUTION #23-2019  
STEVE'S AUTO BODY & REPAIR, LLC  
1717 N. TUCKAHOE ROAD

The Applicant requested a height variance to construct an 8 feet high chain link fence with screening for vehicle storage at its existing auto body business, however, the design standards for fences have a maximum height requirement of 6 feet.

Decision: The ZBA granted the requested variance on the grounds of providing screening and security for the vehicles to be stored, and to comply with Township Code §175-163(E) which requires an opaque fence with a minimum height of 8 feet for vehicle storage areas.

12. RESOLUTION #24-2019  
SKYDIVE CROSS KEYS, LLC  
300 DAHLIA AVENUE

The Applicant was previously granted a use variance (Resolution #17-21) for 10 (20' x 60') overnight camping sites for customer recreational vehicles/campers to be located at the property used by a skydiving business. Minor site plan approval was a condition of the use variance.

Decision: The ZBA granted minor site plan approval, with the principal condition being the approval of all outside agencies having jurisdiction, including but not limited to the Township Board of Health and the New Jersey Department of Environmental Protection (NJDEP).

13. RESOLUTION #26-2019  
BIALOWAS CONCRETE CONSTRUCTION CO., INC.  
1640 NEW BROOKLYN ROAD

The Applicant sought a use variance to store and park commercial vehicles and equipment on the property for use in a concrete business, which are not permitted uses in the RD-A zone. The property consists of approximately 9.3 acres of land and the residence of the principal of the Applicant. The Applicant proposed to have its employees park their vehicles on a stone lot at the back of the site, and exchange them for work vehicles to be stored overnight. The business is conducted off-site.

Decision: The ZBA granted the requested use variance, with the principal condition being that the Applicant would be limited to storing 5 vehicles, 3 trailers, and 4 pieces of excavator/skidsteer equipment at the property.

14. RESOLUTION #27-2019  
THOMAS AND COURTNEY JORDAN  
360 STAGGERBUSH ROAD

The Applicants proposed to construct a 16' x 32' deck in their rear yard which required a setback variance. Required rear yard is 25', proposed was 10'.

Decision: The ZBA granted the requested variance as justified due to the slope in the Applicants' rear yard. The variance was conditioned on the deck not being screened in or enclosed.

15. RESOLUTION #28-2019  
CHARLES CANNING, III  
1766 GLASSBORO ROAD

The Applicant proposed to construct a single-family dwelling with an in-law suite which required lot frontage and width variances. The required lot frontage and width is 200', and proposed was 112'.

Decision: The ZBA granted the requested variances, as suitable for the property given its size and dimensions and the character of the surrounding properties. The approval was conditioned upon the Applicant constructing the dwelling in accordance with the plan and survey submitted with the application.

16. RESOLUTION #31-2019  
GINA AND BRENDEN FOSTER  
115 LINDALE AVENUE

The Applicants proposed to construct a 16' x 22' addition to the rear of their existing single family dwelling which required a side yard variance. Required side yard is 10', proposed was 8'.

Decision: The ZBA granted the requested variance since the existing side yard setback was 8' and the proposal was the only practical way to do the addition.

17. RESOLUTION #32-2019  
SUSAN T. SANDER  
632 ST. VINCENT COURT

The Applicant proposed to construct a 10' x 16' deck to the rear of her existing single family dwelling which required a rear yard variance. Required rear yard is 20', proposed was 18'.

Decision: The ZBA granted the requested variance as since the deck would be the same distance as an existing patio and sunroom. Moreover, the proposal had the approval of the homeowners' association for the community.

18. RESOLUTION #33-2019  
ANGIE C. CHAVARRIA CAMPOS  
3339 S. BLACK HORSE PIKE



The Applicant sought use variance approval to operate a commercial roofing business within the existing detached garage (635 square feet) located at the rear of her property which is also used as her residence.

Decision: The ZBA granted the requested variance as suitable for the property and the character of the neighborhood and it will enable the Applicant to maintain her home based business. The proposed use will also promote a local business and an important trade. The approval was conditioned upon the Applicant not having direct deliveries of materials from suppliers, not having any vehicle maintenance or repair, and being limited to 2 business vehicles, 2 personal vehicles and 1 trailer at the property.

19. RESOLUTION #34-2019  
POZNEK FAMILY HOLDINGS, LLC  
1972 NORTH BLACK HORSE PIKE

The Applicant proposed to construct a 16' x 37' 4" overhang on an existing building and a 24' x 37' 4" storage building for use in its golf cart business which required side and rear yard variances. Required side yard is 5', proposed was 4' 6". The required rear yard is 35'; proposed was 5'.

Decision: The ZBA granted the requested variances on the grounds that the new structure will replace the existing trailers on the property and will allow the Applicant to conduct a more efficient and orderly business operation. The approval was conditioned on the removal of the trailers and lot grading review by the Township Engineer.

20. RESOLUTION #35-2019  
DANIELLE CASALUNOVO  
77 ELDRIDGE AVENUE

The Applicants proposed to construct a 16' x 30' addition to their existing single family dwelling with outside access stairs to the basement in the side yard which required a side yard variance. Required side yard is 20', proposed was 10'.

Decision: The ZBA granted the requested variance on the grounds that the addition will follow the existing line of the house and the outside access stairs to the basement will provide added safety.

21. RESOLUTION #36-2019  
BRUCE STEWART, JR.  
3647 OLD BLACK HORSE PIKE

The Applicant sought approval of a use variance to operate a non-profit training facility for service dogs for veterans with traumatic brain injuries, post-traumatic stress disorder, and other disabilities, in an existing stable at his residential property.

Decision: The ZBA granted the requested variance as suitable for the property and the character of the neighborhood and it will enable the Applicant to perform an important and compelling public service of training service animals for disabled veterans. The approval was conditioned on the Applicant not boarding dogs.

22. RESOLUTION #39-2019  
YUANKAI YANG  
312 CRYSTAL DRIVE

The Applicant sought use variance approval to locate a single-wide, 12' x 32' mobile home at the property, replacing a single-wide mobile home previously existing at the property which had been removed. The Applicant also requested the following bulk variances: (a) a lot area variance for 0.3 acres where the minimum lot size required is 1 acre; (b) a front yard/building setback variance of 23 feet where 60 feet is required; and (c) a rear yard setback of 21 and 27 feet where 75 feet is required.

Decision: The ZBA granted the requested variances as the proposed use was suitable for the property and the character of the neighborhood and will enable the Applicant to locate her mobile home to a property which previously had such a home. A mobile home of the same size previously existed on the property and a new one could be located without any substantial impact on the surrounding properties.

23. RESOLUTION #40-2019  
WBA ARBOURS, JR., LLC  
BLOCK 110.0301, LOT 21 (BLUE BELL ROAD)

The Applicant sought a (d)(5) density variance approval to construct a residential, cluster subdivision consisting of 16 single-family lots and 1 open space lot, and associated bulk variances for front yard setbacks.

Decision: A three (3) vote minority of the Board, sufficient to deny the application, determined the Applicant failed to meet its evidentiary burden to show that the (d)(5) variance, increasing the allowable density from 1.25 units per acre to 1.86 units per acre, could be granted without substantial detriment to the public good and would not substantially impair the intent and the purpose of the zone plan and the zoning ordinance, as the increased density would increase the traffic burden in the area and have a financial impact on the community. Furthermore, the deciding minority determined that the Applicant did not adequately address the reasons for its proposal to deviate from the density requirements, and the potential impacts of not adhering to the same, including increased traffic, fiscal impact to the Township, impact on surrounding areas, and the need for variances or waivers from the open space, buffer, and setback



requirements. Finally, the deciding minority determined that restricting density is an appropriate purpose of zoning that contributes to the public welfare, and the Applicant failed to show why the Board should deviate from the density requirements.

Upon appeal to the Superior Court, the decision of the ZBA was reversed, and the (d)(5) variance was approved.

24. RESOLUTION #41-2019  
DAVID SCHWOYER  
609 WINDMOOR WAY

The Applicant proposed to construct a 16' x 27' addition to the rear of his existing single family dwelling which required a rear yard variance. Required rear yard is 75', proposed was 29'.

Decision: The ZBA granted the requested variance since the existing rear yard setback is 45' and the proposal was the only practical way to do the addition.

25. RESOLUTION #42-2019  
SPRINGS OF HOPE CHRISTIAN MINISTRIES  
31 POPLAR STREET

The Applicant presented an application for a use variance to replace the existing church sign with a LED electronic message sign, and such signs are not permitted in the zone in which the Property is located.

Decision: The ZBA granted the requested variance as the sign will serve the public purpose of identifying the church and its location, eliminating the need for temporary signs, and providing a method for community emergency notifications. The approval was conditioned on the use of the sign being limited to church messages and community emergency messages, with no off-site or commercial messages being displayed. Moreover, the Applicant was required to dim or shut off the sign between the hours of 11:00 p.m. and 6:00 a.m.

26. RESOLUTION #43-2019  
NWD DEVELOPMENT, LLC  
BLOCK 14801, LOT 12, 38.98+ ACRE PARCEL  
FRIES MILL ROAD AND GLASSBORO-CROSS KEYS ROAD

The Applicant requested a use variance to allow a mixed-use development consisting of 7.67 acres of commercial development and 117 age restricted, multi-family units on the property.

Decision: The ZBA granted the requested variance as it will serve the public purpose of promoting commercial development on a strong corner suitable for such development, and also

reducing the number of residential units. The proposed commercial use will complement the existing commercial uses in the area and provide needed services to the residential developments in the area. The approval was conditioned on the Applicant returning to the Board for subdivision and site plan approval.

27. RESOLUTION #44-2019  
RYAN MCDONOUGH  
346 BROADLANE ROAD

The Applicant sought approval to construct a 40' x 80' (3,200 s.f.) pole barn with a peak height of 21'. A use variance was required as Township Code § 175-89 allows one garage with a maximum floor area of 900 square feet and a maximum height of 18 feet. Moreover, Township Code § 175-11 requires that the accessory building be subordinate in size to the principal structure, and the proposed building was not.

Decision: The ZBA granted the requested variance as it will enable the Applicant to maintain a neat and orderly property so that vehicles and other personal property are parked/stored inside the pole barn. It was also determined that the additional area and height of the pole barn will not create any detriment in the neighborhood. The approval was conditioned upon the requirement that the pole barn shall be used solely for personal storage and shall not be used for any commercial purpose, it shall not have any residential living space constructed within, and it shall not have plumbing installed.

28. RESOLUTION #45-2019  
JOHN SCHIAVI  
308 BERRHILL DRIVE

The Applicant proposed to construct two decks (18' x 14' and 11' x 10') in his rear yard which required a setback variance. Required rear yard is 20', proposed was 3.6'.

Decision: The ZBA granted the requested variance on the basis of hardship, as the Applicant's rear yard has a steep slope and is not usable as outdoor space. The Homeowners' Association for Sterling Glen had given the Applicant conditional approval for the requested variance subject to obtaining Board approval.

29. RESOLUTION #46-2019  
WOOD MANAGEMENT, LLC  
BLOCK 14301, LOTS 8 AND 9 (TUCKAHOE ROAD)

The Applicant requested a use variance to allow eight contractor storage units and overnight vehicle storage at the Peach Country site. Each building was proposed to be 6,000 square feet in size. Extensive testimony was provided by objectors concerning the intensity of the expected operations at the property.



Decision: The ZBA denied the requested variance as it was determined that the Applicant failed to meet its evidentiary burden to show that the proposed use variance could be granted without substantial detriment to the public good and would not substantially impair the intent and the purpose of the zone plan and the zoning ordinance. The intensity of the proposed use would be much greater than a self-storage facility, vehicle storage facility or other uses permitted in the Business Park Zone, and it would have a substantial negative impact on the surrounding areas given the nature and intensity of the proposed business operations and vehicular traffic coming to and from the site.

C. SUMMARY OF APPLICATIONS

<u>Type of Variance</u>	<u>Number Granted</u>	<u>Number Denied</u>
Use	11	2
Density	0	1* (reversed by Court)
Setback	13	1
Height	2	0
Frontage/Width	2	0
Lot area	1	0

<u>Site Plans</u>	<u>Number Granted</u>	<u>Number Denied</u>
Major	1	0
Minor	1	0

D. RECURRING APPLICATIONS

During 2019, there were 3 use variance applications for electronic message signs at church properties and 3 use variance applications for oversized pole barn structures.

E. RECOMMENDATIONS

Township Code §175-89 (Accessory Buildings) should be revisited to address the recurring applications for pole barns as an accessory structure to a residence, which have generally been granted with conditions. Consideration should be given to further defining the

sizes of acceptable accessory structures, in relation to lot size. Language limiting such structures to personal, non-commercial, non-habitable use should be further defined. Design and performance standards should be specified further.

Township Code §175-135 (Signs) should be revisited to address electronic message or changeable copy signs for church and other non-profit facilities which are not currently located in the corridors allowing such signs. As part of this review, consideration should be given to further defining the size, illumination, dimming during late night, and non-commercial content of the signs for such organizations.