

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:05 p.m. by Chairman Sebastian who read the following statement: “Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings on January 8, 2021. In addition, notice for this evening’s public hearings were published in the newspaper on February 20, 2021.”

The Board saluted the flag.

Roll Call:

Present – Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian, Mr. Adams. Absent – Ms. Fox, Council Liaison, (excused), Mr. Sander, Engineer, (excused). Also present – Mr. Coe, Solicitor, Ms. Pellegrini, Planner, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Memorialization of Resolutions:

1. #13-2021 – App. #20-48 – Richard Dean – Front Yard Variance Approved

Motion by Mr. Kozak, seconded by Mr. Cummiskey to adopt resolution #13-2021. Roll call vote: Ayes – Mr. Kozak, Mr. Cummiskey, Mr. Cossaboon, Mr. Powers, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

2. #14-2021 – App. #21-01 – Robert & Christine Ebner – Rear Yard & Lot Coverage Approved

Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to adopt resolution #14-2021. Roll call vote: Ayes – Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #15-2021 – App. #21-02 – Amy Byorick – Rear Yard Variance Approved

Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to adopt resolution #15-2021. Roll call vote: Ayes – Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstention – Zero.

4. #16-2021 – App. #20-51 – Walt Chobert – Use Variance Approved

Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to adopt resolution #16-2021. Roll call vote: Ayes – Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Memorialization of Resolutions: (continued)

5. #17-2021 – Personal Home Renovations, LLC – Rear Yard & Lot Coverage Approved

Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to adopt resolution #17-2021. Roll call vote: Ayes – Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

6. #18-2021 – App. #21-06 – Joey Clidy – Lot Coverage Variance Approved

Motion by Mr Kozak, seconded by Mr. Cossaboon to adopt resolution #18-2021. Roll call vote: Ayes – Mr. Kozak, Mr. Cossaboon, Mr. Cummiskey, Mr. Powers, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #21-08 – Marvin Tucker – Lot Frontage & Lot Width Variances

Present – Marvin Tucker, applicant.

The applicant is requesting lot frontage and width variances in order to construct a single-family home. The required lot frontage and width is 150 feet; however due to the property being a flag lot, it only has 43.65 feet at the road. The property is located at 1467 Janvier Road, also known as Block 12601, Lot 51 in the RD-A Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Cossaboon to deem application #21-08 complete. Voice vote; all ayes, motion passed.

Mr. Tucker was sworn in by Mr. Coe. He stated he is before the Board for lot frontage and width variances for a property he purchased in 2008. The property already had a Certificate of Filing from the Pinelands. He stated because it is a flag lot he does not have the required frontage and width but the property opens up once you get to the back. He would like to build a single-family home on the lot. Mr. Salvadori asked the distance of the proposed house from the street. Mr. Tucker replied the house will be set back approximately 700 feet from the street.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Salvadori, seconded by Mr. Cossaboon to grant the lot frontage and width variances conditioned upon the applicant constructing the house in accordance with the plans submitted, the applicant must obtain all necessary permits, COAH compliance as determined by the Construction Official, the applicant must obtain lot grading approval, and the applicant must maintain his escrow account.

Public Hearings: (continued)

1. #21-08 – Marvin Tucker (continued)

Roll call vote: Ayes – Mr. Salvadori, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

2. #21-05 – Thomas R. Fox, Jr. – Use & Height Variances

Present – Thomas R. Fox, Jr., applicant.

The applicant is requesting a use variance to allow the construction of a 40' x 44' x 20.8' pole barn with an 8' foot overhang. In addition, the applicant is requesting a height variance where 18 feet is the maximum height and he is proposing 20.8 feet to the peak for the pole barn. The property is located at 480 Radix Road, also known as Block 22.0303, Lot 35.02 in the R-2 Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Cossaboon, seconded by Mr. Salvadori to deem application #21-05 complete. Voice vote; all ayes, motion passed.

Mr. Fox was sworn in by Mr. Coe. He stated he is before the Board for a use variance and a height variance for a pole barn he would like to construct on his property for personal storage. Ms. Pellegrini reviewed her report for the Board. She stated the applicant is proposing a 1,760 square foot pole barn with a height of 20.8 feet with an 8' x 40' overhang. A use variance is required for the size of the pole barn as well as the height. The other bulk requirements are in compliance. The applicant should testify as to whether the pole barn will be located in any buffers, easements, or drainage ways. In addition, the applicant should give testimony as to the roof shape, textures, and colors, which should be compatible with the existing home. The applicant will be required to satisfy any COAH requirements and maintain his escrow account.

Mr. Fox replied that the pole barn will not be located in any buffer area or easements. He stated that color of the pole barn will be earth tone colors, a tan with a darker tan roof, similar in color to his home. The roof is an A-frame roof. Mr. Kozak asked if the purpose of the pole barn is to move items from the yard into storage. Mr. Fox replied it is and to store his RV as well. He also asked Ms. Pellegrini about the need for COAH for a pole barn. She replied it will be at the discretion of the Construction Official. Mr. Coe also commented his condition for COAH always leaves that issue to the Construction Official.

Ms. Pellegrini inquired as to a driveway to the proposed pole barn. Mr. Fox stated he parks his RV in the rear of the property currently and accesses the rear from the east side which is from an adjacent lot he also owns.

Public Hearings: (continued)

2. #21-05 – Thomas R. Fox, Jr. (continued)

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Cossaboon, seconded by Mr. Salvadori to grant the use and height variances conditioned upon the applicant constructing the pole barn in accordance with the plans submitted, any COAH requirement deemed necessary by the Construction Official, obtaining all required permits, no business use is permitted from the pole barn, removal of the existing carport, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cossaboon, Mr. Salvadori, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #21-12 – Patrick Jones – Use Variance

Present – Patrick Jones, applicant, John Kosylo, applicant’s attorney.

The applicant is requesting use variance approval to operate an auto repair, auto body and customization business in an existing building. The property is located at 1740 Glassboro Road, also known as Block 15403, Lot 22.02 in the Commercial Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Cummiskey to deem application #21-12 complete. Voice vote; all ayes, motion passed. Mr. Jones was sworn in by Mr. Coe. Mr. Kosylo introduced himself as the applicant’s attorney. He stated the building on the property was previously used as a wood shop. Mr. Jones is going to be leasing the building from the owner. Mr. Jones stated his last body shop was a full-fledged typical body shop where they repaired wrecks. What he is proposing to do on this site is more of a customization shop for race cars, muscle cars, and vintage cars. There will not be wrecked cars all over the property; the cars being worked on will be inside the building. They will do mechanical repairs, body work, and paint but on a smaller, more customized scale. There are approximately nine employees as the maximum but usually there are only five employees. There are an adequate number of parking spaces at the front of the building and along the side which total about twenty to twenty-five spots. The surrounding uses are mostly commercial with an office building on one side and an irrigation business on the other side. There are two junkyards, two other auto body shops, and one residential use along the roadway near this property. The building has a very good sprinkler system inside already which makes it ideal for his business. Mr. Jones does not intend to make any changes to the building itself.

Public Hearings: (continued)

3. #21-12 – Patrick Jones (continued)

Ms. Pellegrini reviewed her report for the Board. She asked for clarification on the square footage of the existing building, as well as the intended business hours and days of operation. Mr. Jones stated he believes the building is 10,500 square feet. The hours of operation are on Saturday, 8:00 a.m. to 12:00 p.m. and Monday through Friday 7:30 a.m. to 5:30 p.m.; there are no Sunday hours. Ms. Pellegrini stated a light industrial use is not permitted in the Commercial Zone and an auto body/auto repair shop is considered a light industrial use, so a use variance is required. She noted the design considerations listed in her report for light industrial uses that should be considered by the Board. She stated if the use variance is granted the Board should decide if a site plan is required. The applicant should provide testimony as to the onsite circulation and the adequacy of the parking spaces. She asked if the parking spaces are delineated on the site. Mr. Jones testified that the spaces are not striped but he will delineate the spaces if the Board requests him to do so. Ms. Pellegrini stated if the Board requires a minor site plan than that issue can be handled at that time. She asked where the cars will be parked when waiting to be serviced. Mr. Jones stated the cars being worked on will be indoors. If there is one car or maybe two waiting, they will not be parked outside long as he does not intend this business to be a full-fledged typical body shop. It is mostly customization and he will schedule the cars to be worked on. She asked if there will be any other storage outside. Mr. Jones replied there will not be any outside storage.

Mr. Kozak asked if any parts or tires will be stored outside the building. Mr. Jones replied no parts or tires will be stored outside the building. The cars will not be worked on outside the building. He will be applying for the State license to operate the body shop. Mr. Kozak asked if there will be a paint booth located in the building. Mr. Jones replied there will be a paint booth. The paint booth will comply with the requirements of the State. Mr. Kozak asked where he will store the parts removed from the cars being worked on. Mr. Jones stated they will be kept inside the building until he removes them. He commented on the two junkyards located near this property and stated it will be very easy to get rid of scrap parts. There was some question on whether Mr. Jones would need a parking corral for the cars and Ms. Pellegrini replied that is something the Board could determine with a minor site plan as to where cars will be parked and the circulation on the site. Mr. Powers asked where the paints will be stored. Mr. Jones stated that they are all stored in a room next to the paint booth. It will be explosion proof and ventilated. He will recycle any leftover paint and the hard biscuit leftover from that is disposed of properly. Mr. Powers asked if Mr. Jones will be using a propane tank for welding and such. Mr. Jones replied he has oxyacetylene tanks that are chained to the carts or chained to the wall as per the fire code. Mr. Coe asked for clarification as to the storage of parts and vehicles outside the building. Mr. Jones replied he will not be storing anything outside the building.

Public Hearings: (continued)

3. 21-12 – Patrick Jones (continued)

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Mr. Kosylo stated that the request is for a use variance to allow a customization auto body/auto repair shop in an existing building. This business fits the character of the neighborhood and is a totally self-contained business. There will not be any outside storage and he is not looking for high volume. It is a less intense use of the property than what it was previously used for and it appears that the only issue is delineation of parking spaces on the site. He stated they can submit something less than a full site plan to address that issue. There are no proposed changes to the building and no outside activity except for employee parking and the delivery of vehicles. Mr. Sebastian asked Ms. Pellegrini if she is willing to accept a parking plan for the site showing the delineation of parking spaces or does she believe a minor site plan is warranted. She replied it is up to the Board; however, if a sketch is provided for the parking, the Board does not get a second look at it. She stated the applicant can modify the survey to show the parking and circulation and that should come back to the Board and the Board can decide if there is anything they want to address. There was a question concerning signage as well and Mr. Kosylo stated any signage will be addressed in a separate application to the town. Mrs. Farrell asked if it can be handled as a site plan waiver which requires a little more detail but not like a full site plan. Ms. Pellegrini replied the Board knows where site plan waivers end up but it depends on if the Board wants to see it again. Mr. Kosylo stated they will consent to submitting a parking plan to Ms. Pellegrini for her approval and if there is something she doesn't like they can change it but a site plan is not needed. Ms. Pellegrini stated she is okay with the submission of a site plan waiver which includes a parking plan but who monitors it after the approval. Mrs. Farrell replied there is a resolution that goes along with the approval. Ms. Pellegrini stated she was fine with the submission of a site plan waiver. Mr. Kozak commented that he is taking the applicant at his word that the business is contained inside the building. He stated if he does not comply with the conditions in the resolution than the Zoning Officer can issue a violation. Mr. Sebastian asked if there are only five employees how many spaces are needed. Ms. Pellegrini stated it's based on the square footage of the building but he did testify that there may be one or two cars waiting outside and then the five employees and if there are one or two customers that come to the site to talk to him so at least that number of spaces should be available on the site. Mr. Powers asked if a dumpster will be used on the site. Mr. Jones replied that he will use a dumpster for normal trash. Any metal parts will be taken off site. Ms. Pellegrini asked if the applicant is willing to enclose the dumpster as that is a requirement. It would just be a simple fence around the dumpster. She stated it should sit on the paved portion at the back of the building. Mr. Jones stated he is willing to place it wherever the Board recommends. Mr. Kosylo replied they will submit that location along with the parking plan.

Public Hearings: (continued)

3. #21-12 – Patrick Jones (continued)

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Kozak, seconded by Mr. Rybicki to grant the use variance subject to the following conditions; the applicant will not store any parts or vehicles outside, no work on the vehicles outside the building, the applicant will submit a site plan waiver application to include the parking, circulation, and the location of the dumpster, the applicant must submit a separate sign application for any signage proposed, the applicant must obtain all outside agency approvals, and maintain his escrow account. Roll call vote: Ayes – Mr. Kozak, Mr. Rybicki, Mr. Cossaboon, Mr. Cummiskey, Mr. Powers, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Mr. Sebastian announced that he has to recuse himself from the last scheduled application due to a conflict of interest. Mr. Coe stated he has a matter to discuss with the Board and would like to do that before Mr. Sebastian leaves the meeting. He stated that the Zoning Board heard a use variance application for JK United and prior to that meeting, he and the Board's professionals were not aware that there was a previous 1988 approval which allowed the multiple uses on the site. In framing the motion, Mr. Coe indicated that the applicant not only needed conditional use approval but also a use variance to allow the expansion of one of the multiple uses, which was incorrect given the previous approval. The second issue is that the 1988 site plan was shown and clearly depicted a stormwater management basin on the site. Mr. Coe researched on historical aerial photographs and found that the basin did exist in 1995; the next available photo is from 2002 and in that photo the basin has been filled in and trucks are being parked in that area. He believes if the matter moves to site plan, that is an issue the Board professionals will have to consider and the applicant will also have to address. The third issue is that the applicant is alleged that one of the objectors committed perjury during the hearing. That is a serious matter and the Board will have to address it based on any evidence the applicant is going to present and the Board will have to consider if the evidence changes their decision in any way. Based on the three issues stated, Mr. Coe recommended that the Board list the matter for a limited rehearing on the next meeting. At the end of the rehearing, Mr. Coe will properly frame the matter before the Board and a vote will be taken. There was discussion on the meeting date and determined that it will be scheduled on the March 23, 2021 special meeting. Motion by Mr. Kozak, seconded by Mr. Cossaboon to hold a limited rehearing on the JK United application. Roll call vote: Ayes – Mr. Kozak, Mr. Cossaboon, Mr. Cummiskey, Mr. Powers, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian.

4. #21-09 – 1085 Black Horse Pike, LLC

Present – Mr. Petrone, applicant's attorney, Joseph Salema, applicant, John Salema, applicant.

Public Hearings: (continued)

4. #21-09 – 1085 Black Horse Pike, LLC (continued)

The applicant is requesting a use variance to allow a vehicle storage yard as a second principal use on his property. The use was previously approved by site plan waiver in 2018 to allow the Auto Lenders to park their overflow vehicles in the rear of the site. The property is located at 1085 N. Black Horse Pike, also known as Block 1301, Lot 3 in the Commercial Zoning District.

Mr. Kozak asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Cossaboon to deem application #21-09 complete. Voice vote; all ayes, motion passed.

Mr. Petrone introduced himself as the applicant's attorney. Mr. John Salema and Mr. Joseph Salema were sworn in by Mr. Coe. Mr. Petrone stated they are before the Board for a d(1) variance to allow more than one principal use on a property and a d(3) variance for not meeting all of the conditions related to a vehicle storage yard. The property consists of approximately 2.4 acres with a two-story commercial building located at the front of the site along the Black Horse Pike. Mr. Petrone stated that a little over two years ago, Auto Lenders approached the applicant about parking their overflow vehicles on the rear of his property as their business is located directly next to Mr. Salema's property. The applicant contacted the previous Zoning Officer to inquire as to the requirements of the Township in order to allow Auto Lenders to park their cars on the property. The previous Zoning Officer recommended the applicant file a site plan waiver application with the Planning Board. The applicant did submit an application and appeared before the Planning Board for approval and in October 2018, the Planning Board granted the site plan waiver with some minor conditions requested by the previous Zoning Officer. The applicant complied with the conditions of the site plan waiver and in reliance on the approval he entered into a lease agreement with Auto Lenders. In addition, the applicant is now under an agreement of sale to sell the property and in doing their due diligence, the contract purchaser discovered that the site plan waiver application was not the correct application required for the dual use. A letter was issued by the current Zoning Officer and they are now before the Zoning Board for the use variance. Mr. Petrone stated they are trying to resolve this issue that was not created by the applicant as he took the necessary steps requested of him in 2018. It has been two years and the Auto Lenders has been using the site for parking its overflow vehicles on the property and there have not been any complaints or issues with the neighbors or the Township which shows there has not been any substantial detriment to the zone plan or zoning code. The applicant has filed this application preserving his rights under the Planning Board approval given two years ago. With regard to the conditional use requirements, the conditions to have 2500 square feet per vehicle is not attainable given the number of cars and the available space on the lot.

Public Hearings: (continued)

4. #21-09 – 1085 Black Horse Pike, LLC (continued)

Mr. John Salema testified that Mr. Petrone gave a true statement of the facts concerning the site and the site plan waiver approval from the Planning Board in 2018. Mr. Salema testified to the statements with regard to the previous Zoning Officers recommendations for a site plan waiver. The conditions of the site plan waiver were to landscape the front of the site along the Black Horse Pike, which they did but they recently removed those plantings because they were dead, the parking area in the back for Auto Lenders was to be gravel or crushed concrete, which was done, a dumpster was required which is on the site, and the entrances were to be identified, which also was done. The driveway aprons were also resealed. After those conditions were satisfied, the previous Zoning Officer approved the parking of the overflow vehicles on the lot. Mr. Salema stated there are no complaints or violations for the property. He also testified to there being adequate parking for customers of the commercial building and for the employees. Auto Lenders employees do not park on the site and the movement of vehicles from their property to the overflow lot in the back is done at the back of the property via an access way in the rear. The vehicles do not enter or exit from the driveway to the commercial building.

Ms. Pellegrini reviewed her report for the Board. She stated at the time of the site plan waiver, a sketch was provided that showed approximately 240 cars to be parked in four double rows in the rear of the site. The two conditional use requirements are not being met; the first for having 2500 square feet per vehicle, which is not being met because this is not the typical vehicle storage that the code is intended for; the second is from providing an eight-foot high opaque fence around the entire vehicle storage area. Ms. Pellegrini reviewed the bulk variance requirements for the Board and noted that compliance under the vehicle storage yard standards is not met for the side, rear, and front yard buffers. With regard to the conditions of the previous site plan waiver approval, Ms. Pellegrini reviewed those conditions and stated the applicant has testified to their compliance. Ms. Pellegrini stated that based on the testimony of the applicant, she believes the conditions placed upon the site plan waiver approval have been met. With regard to the non-compliance with the conditional use standards, the Board must determine the use does not impact the adjacent properties or cause damage to the community or cause a substantial detriment to the public good or negatively impact the zone plan. She stated that the adjacent properties are all commercial in nature and the rear of the property has an Atlantic City Electric easement. Normally a site plan would be required; however, the applicant is requesting that the site plan waiver continue to stand. Ms. Pellegrini stated the applicant's testimony this evening has covered the operations of the site with regard to hours and days of operation, number of employees, deliveries, etc. She asked the applicant to give testimony as to any changes to the site plan waiver approval or any anticipated changes with regard to the operation on the site. Mr. Salema testified that there have been no changes to the operations on the site; they are the same as they were two years ago and no changes are anticipated.

Public Hearings: (continued)

4. #21-09 – 1085 Black Horse Pike, LLC (continued)

Motion passed to open the hearing to the public. \

1. Carol Bartling, 1111 N. Black Horse Pike, was sworn in by Mr. Coe. Ms. Bartling stated her business is located next door to Mr. Salema's and she does not have any issues with the site.

Motion passed to close the hearing to the public.

Mr. Kozak asked if the applicant is willing to continue to abide by the conditions set forth by the site plan waiver granted two years ago. Mr. Salema agreed they are willing to comply with the conditions and he will replace the plantings. Mr. Coe reviewed the variance request for the Board. Motion by Mr. Powers, seconded by Mr. Salvadori to grant the conditional use variance and the variance to allow a second principal use on the property conditioned upon the applicant complying with all of the previous conditions noted in the site plan waiver approval and listed in Ms. Pellegrini's report, and the applicant must maintain the escrow account. Roll call vote: Ayes – Mr. Powers, Mr. Salvadori, Mr. Cossaboon, Mr. Cummiskey, Mr. Rybicki, Mr Adams, Mr. Kozak. Nays – Zero. Abstentions – Zero.

Public Portion:

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

Reports:

1. There was discussion on the JK United rehearing and it was determined that it would be heard on March 16th instead of March 23rd.

Approval of Minutes:

1. 2/16/21 regular meeting.

Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to approve the minutes from the February 16, 2021 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:52 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings.