

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:09 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, this evening’s public hearings are published in the newspaper on March 27, 2021 in accordance with the Open Public Meetings Act. Be advise, no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m.”.

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 – Mr. DelCampo, (excused), Mr. Sander, (excused). Also present – Mr. Coe, Solicitor, Mr. Kernan, Planner, Mrs. Fox, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Memorialization of Resolutions:

1. #19-2021 - #20-06 & #506-SP – JK United Group, LLC – Reconsideration and Rehearing

Motion by Mr. Kozak, seconded by Mr. Powers to adopt resolution #19-2021. Voice vote; all ayes, motion passed.

2. #20-2021 - #20-06 – JK United Group, LLC – Use Variance Approved

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution #20-2021. Roll call vote: Ayes – Mr. Powers, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #21-2021 - #20-50 – Wood Management, LLC – Res Judicata Denied

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution #21-2021. Roll call vote: Ayes – Mr. Powers, Mr. Cummiskey, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

4. #22-2021 - #20-50 – Wood Management, LLC – Use Variance Approved

Motion by Mr. Powers, seconded by Mr. Cossaboon to adopt resolution #22-2021. Roll call vote: Ayes – Mr. Powers, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Memorialization of Resolutions: (continued)

5. #26-2021 - #506-SP – JK United Group, LLC – Site Plan Hearing Scheduled Approved

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution #26-2021. Roll call vote: Ayes – Mr. Powers, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

6. #32-2021 - #507-SP – Wood Management, LLC – Objector’s Driveway Proposal Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution #32-2021. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #21-13 – Michael Kurz – Use Variance

Present – Michael Kurz, applicant.

The applicant is requesting a use variance to construct a 40’ x 30’ x 21.9’ pole barn with a 30’ x 12’ lean to for his personal storage and use. The maximum permitted size is 900 square feet with a height of 18, as such a use variance is required. The property is located at 222 Hewitt Avenue, also known as Block 14701, Lot 36 in the Business Park Zoning District.

Mr. Kurz was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #21-13 complete. Voice vote; all ayes, motion passed. Mr. Kurz stated he is before the Board to request the extra square footage for the pole barn as he has many items to store and would like to have a larger pole barn.

Mr. Kernan reviewed Ms. Pellegrini’s report. He asked Mr. Kurz if the height to the peak is 21.9 feet. Mr. Kurz agreed that is the height; so a variance is required for the height as well. Mr. Kurz also testified he had a shed but it is no longer on the property; this will be the only accessory structure. Mr. Kernan stated all of the other bulk requirements are in compliance. He asked Mr. Kurz to provide testimony on the materials, color, and roof shape of the accessory building and if it will be compatible with the house, as well as to testify that it will not be used for any type of business or living quarters. Mr. Kurz testified that the pole barn will be used for storage and a personal gym and no business will be conducted nor will there be anyone living in the pole barn.

Public Hearings: (continued)

1. #21-13 – Michael Kurz (continued)

The color of the pole barn will match the existing single family home. Mr. Kernan inquired as to the driveway back to the pole barn. Mr. Kurz stated that the survey indicates he has a stone driveway; however, that driveway no longer exists. He has one in front of the house and he will have another that goes back to the pole barn on that side of the house. Mr. Kozak asked if the lean to will be attached to the pole barn and what it will be used for. Mr. Kurz stated it will be attached to the back of the pole barn and it will be used to put bikes under and items he doesn't want to get wet. Mr. Sebastian commented on the application indicating the height was only 16 feet but the drawings do show that the height of the pole barn to the peak is 21.9 feet.

Motion passed to open the hearing to the public.

1. Katie Bell, 212 Hewitt Avenue, was sworn in by Mr. Coe. Ms. Bell asked why the pole barn has to be that high and asked if there will be a lift inside the pole barn. Mr. Kurz stated that he would like to store his truck inside the pole barn as his truck has lights on top and does not fit in a normal size garage door.

Motion passed to close the hearing to the public.

Mr. Coe reviewed use and height variance requests for the Board. Motion by Mr. Cossaboon, seconded by Mr. Powers to grant the use and height variance conditioned upon the applicant obtaining all required permits, constructing the pole barn in accordance with the plans, compliance with the design and performance standards discussed, no business or living quarters will be permitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cossaboon, Mr. Powers, Mr. Cumiskey, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

2. #21-14 – Towala Properties, LLC – Use Variance/Conditional Use Variance

Present – John Kosylo, applicant's attorney, John Towers, applicant, Garry Fudala, applicant.

The applicant is requesting a use variance to allow two principal uses on the same lot. The property is currently used to operate a machine shop and the applicant is proposing to allow vehicle storage for a baking companies delivery trucks. The property is located at 1451 Glassboro Road, also known as Block 15001, Lot 4.03 in the Business Park Zoning District.

Public Hearings: (continued)

1. #21-14 – Towala Properties, LLC (continued)

Mr. Kosylo introduced himself as the applicant's attorney. Mr. Towers and Mr. Fudala were sworn in by Mr. Coe. He stated the current use of the property is a machine shop shown on the survey as a one story masonry building. That machine shop is occupied by the prior owner of the property under a lease agreement. The proposed use is for a vehicle storage yard for a local baking company, Liscio's. The application proposes 60 parking spaces for 30 vehicles at any one time as the employees will park their personal vehicles on the site and then take the trucks for delivery and then bring the trucks back and pick up their personal vehicles. A use variance is required for the dual use of the property and for the vehicle storage yard in the BP Zone.

Mr. Fudala stated that the machine shop has existed on the site for many years. The proposed use is for the bakery delivery trucks and no improvements have been made to the property. They did add an electric gate so the truck drivers will have access in and out by a code and they added gravel to the parking area. No maintenance is done to the trucks on the property. Mr. Towers stated he operates his landscaping business on an adjacent property. He described the surrounding uses as being the MMUA office across the street, a residential home next to the MMUA office, a vacant field that runs out to Fries Mill Road, his business property, and some residential homes well behind this property.

Mr. Kernan reviewed Ms. Pellegrini's report for the Board. He stated the reasons for the use variance as being for the dual use and from meeting the conditions for the vehicle storage yard which is a conditional use in the zone. The first condition is to provide a minimum of 2500 square feet per vehicle, which they do not meet, the next condition is to provide an 8 foot high opaque fence around the entire vehicle storage area. Mr. Kernan asked the applicant to describe the fencing on the property. Mr. Towers stated that there is a 6 foot chain link fence with 1 foot of barbed wire at the top; the fence goes around the entire property. The next condition is concerning the fencing and landscaping when abutting a residential zone. Mr. Kernan stated there aren't any residential zones; however, the property to the east was approved many years ago for a mixed use of residential and commercial development. The applicant did testify that there would be no maintenance or servicing of the vehicles on the site which is also a condition. Mr. Kernan stated any approval should be conditioned upon site plan. Mr. Kosylo replied that they would like to request a site plan waiver because they are only talking about parking spaces with the current surface being permeable. He also stated that if the Board requires the applicants to increase the height of the fence to meet the 8 foot requirement they are willing to do so. Mr. Kernan replied he will hold the site plan discussion to the end. With regard to the bulk requirements, Mr. Kernan stated they are just shy of having the required 80,000 square feet of lot area and they do not meet the front yard setback for the vehicle storage area and as such variances are required.

Public Hearings: (continued)

2. #21-14 – Towala Properties, LLC (continued)

Mr. Kernan stated that the sketch shows four different areas where the parking will take place on the site with the largest parking area against the eastern property line. He asked the applicant to describe where the delivery trucks are parked; if they are parked up against the fence along the eastern side and the personal cars in the middle or vice versa. Mr. Towers stated the trucks park along the fence. Mr. Kernan stated that a 30 foot setback is required for the side yard and the lot coverage appears to comply. He stated the NJDEP does not consider gravel to be impervious although overtime it can fill in and compact and become impervious which may cause the lot coverage to exceed 65%. With regard to buffers, the minimum perimeter buffer requirement is 50 feet and currently there are no buffers so a variance is required.

Mr. Kernan stated that certain proofs are required for the granting of the use variance and that a site plan may be required by the Board if the use is granted. He also commented on the limits of the vehicle storage yard and if there should be some controls in the resolution on the maximum number of vehicles and where they park. He asked for testimony about parking for the existing machine shop. Mr. Fudala stated that the machine shop does not have any vehicles except for the two employees. Mr. Kernan asked if the trucks and employee vehicles for the storage area have a stone driveway out to Glassboro Road or what is the surface they are driving over before getting to the gate. Mr. Towers stated the truck drivers use the gate closest to the machine shop where there is a driveway; they do not use the other gate at all. Mr. Kernan asked the Board if they wanted to discuss the need for a site plan and the other impacts such as buffers.

Mr. Kozak commented he was hesitant about waiving the site plan since they have required others on the same road to get a site plan for vehicle storage. He stated he did not have a problem with them storing the delivery trucks there but if they decided to sell then other types of vehicles could be stored. He also stated that the property to the east has been approved for a mixed use development and that could be developed sometime in the near future. Also he thought the fence should have the slats to shield the vehicle storage area from view. Mr. Kosylo commented that they would consent to a very specific resolution for the use as to the types and number of vehicles. Mr. Kozak stated the Board should be more consistent with their approvals for vehicle storage yards. Mr. Coe replied that they could be very specific in the resolution but there are certain site issues that may need to be addressed. Mr. Kozak replied that is why the site plan is good so the Board does not have to try to think of all the site issues that could come up and his concern is not the current operation but a future operation and also the consistency with regard to vehicle storage yards. Mr. Kosylo stated that if the Board chooses, then they are willing to submit a site plan for review. Mr. Kernan commented he shares Mr. Kozak's concerns with regard to site issues especially the buffering on the eastern property line due to future development and he has concerns with runoff from the parking area where gravel has been placed over the lawn.

Public Hearings: (continued)

2. #21-14 – Towala Properties, LLC (continued)

He thought that should be looked into a little bit further to insure there are no runoff issues from the storage yard. Mr. Kosylo stated they will consent to the site plan as a condition of approval. Mr. Coe stated the issues of fencing and other site issues can be dealt with at site plan. Mr. Kozak asked if there will be any fuel storage on the site. Mr. Fudala stated there is no fuel storage there at this time and they have no intentions of having any on the site. Mr. Kozak asked if the application should be deemed complete before opening the hearing to the public. Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Kozak, seconded by Mr. Powers to deem application #21-14 complete. Voice vote; all ayes, motion passed.

Motion passed to open the hearing to the public. Mrs. Farrell stated she had a letter submitted by Route 322, LLC, who are the owners of the property to the east. The letter indicated their objection to the approval of a vehicle storage yard due to the negative impact on the area. Mr. Coe stated the Board cannot give much weight to the letter and if anyone wanted to object they should appear before the Board and testify. Mr. Kozak stated that the applicant is already using the site as a vehicle storage yard without approval and asked if there is an issue with that since another applicant had to move their vehicles until they received site plan approval. Mr. Coe stated the issue is a matter of enforcement and it's up to the Zoning Officer's discretion. Mr. Sebastian stated that each application is considered on its own merit. Motion passed to close the hearing to the public.

Mr. Coe reviewed the use variance request for up to 30 delivery trucks and 30 personal vehicles, the dual use of the property, and relief from the conditions required for the conditional use variance. Motion by Mr. Powers, seconded by Mr. Kozak to grant the use variance conditioned upon the applicant submitting a site plan for approval which will address the issue of the required 8 foot, opaque fence, buffers, and all other site issues such as circulation, lighting, and stormwater management, there will be no fuel storage permitted on the site, no maintenance or servicing of the vehicles, only registered, insured, and operable vehicles are permitted, no tractor trailers are permitted to be stored, the applicant must obtain all outside agency approvals, the applicant must obtain all required permits, the applicant will maintain the escrow account. The bulk requirements for the pre-existing, non-conforming conditions related to the machine shop will be permitted to stand. Mr. Kernan commented that the motion should allow relief for the 8 foot opaque fence so they do not need a conditional use variance at site plan if the Board allows the existing fence to remain. Mr. Coe stated that the motion could include the relief subject to the issue being addressed at site plan and the Board retaining authority to impose the fencing requirement. Roll call vote: Ayes – Mr. Powers, Mr. Kozak, Mr. Cossaboon, Mr. Cummiskey, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

3. #21-16 – James Costa – Use Variance

Present – James Costa, applicant.

The applicant is requesting use and height variances in order to construct a 40' x 60' x 20' pole barn for his personal use and storage. In addition, the proposed pole barn being 2400 square feet is larger than the existing single family dwelling, which is 1708 square feet. The maximum permitted accessory structure is 900 square feet with a maximum height of 18 feet. The property is located at 2310 Corkery Lane, also known as Block 3901, Lot 22 in the RG-RA Zoning District.

Mr. Costa was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #21-16 complete. Voice vote; all ayes, motion passed. Mrs. Farrell stated there was a question in Ms. Pellegrini's report concerning a driveway leading back to the pole barn. She emailed the Board an additional drawing showing a stone driveway leading to the area where the pole barn will be located. Mr. Costa stated he is requesting the use variance for the larger pole barn for storage of his classic cars, his motorcycle, and his boat.

Mr. Kernan reviewed Ms. Pellegrini's report. Mr. Kernan explained the area where Mr. Costa's property is located and how it got caught up in the age-restricted zone due to the Summerfields West development and their expansion to the east. Accessory structures are prohibited in the zone because the zone is meant for a more controlled, planned, senior development where there are no garages or sheds. With regard to lot coverage, Mr. Kernan stated Ms. Pellegrini's report indicated she could not determine the amount of lot coverage. Mr. Kernan commented since Mr. Costa's property is about an acre, the lot coverage will not be an issue. Mr. Costa replied the lot coverage is 10.6%. Mr. Kernan asked for testimony on the color, material, and roof shape and if it will be compatible with the house as well as testimony that the pole barn will not be used for any business or living quarters. Mr. Costa testified that there will not be any business conducted from the pole barn and the color will match the house, and it will not be used for a living space. Mr. Kozak asked if there are any other accessory structures on the property. Mr. Costa replied there aren't any other accessory structures on the property. There was some question as to the actual height to the peak with Mr. Sebastian stating the first applicant had the same pitch and the height is 21.9 feet. Mr. Costa stated he would like to amend his application for the height.

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

Public Hearings: (continued)

3. #21-16 – James Costa (continued)

Mr. Coe reviewed the use variance request for the Board for a 2400 square foot pole barn with a height of 21.9 feet. Motion by Mr. Cossaboon, seconded by Mr. Powers to grant the use variance conditioned upon the applicant obtaining all necessary permits and approvals, constructing the pole barn in accordance with the plans, no business use or living quarters are permitted, the applicant must comply with the design and performance standards with regard to compatibility with the existing home, and the applicant must maintain his escrow account. Roll call vote: Ayes – Mr. Cossaboon, Mr. Powers, Mr. Cummiskey, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. 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. Mrs. Fox informed the Board members that Mr. Ernie Carbone passed away.

Approval of Minutes:

1. 3/16/2021 regular meeting.

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

Adjournment:

The meeting was adjourned at 7:28 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.

Respectfully submitted by: Ninette Orbachewski, Clerk Transcriber.