

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:08 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 are published in the newspaper on April 10, 2021. Be advised, 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. DelCampo, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Absent – Mr. Adams, (excused), Mr. Powers, (excused), Mr. Sander, (excused). Also present – Mr. Coe, Solicitor, Ms. Pellegrini, Planner, Ms. Fox, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Public Hearings:

1. #21-23 – Kirsten Cristinziani – Side Yard Variance

Present – Kirsten Cristinziani, applicant.

The applicant is proposing to expand and replace their existing driveway and requesting a variance to allow a five-foot setback where ten feet is required. The property is located at 101 Howard Drive, also known as Block 13505, Lot 25 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. Cummiskey to deem application #21-23 complete. Voice vote; all ayes, motion passed.

Ms. Cristinziani was sworn in by Mr. Coe. She stated she is before the Board to request a variance in order to widen her driveway to a two car driveway and not have to park in the street. Mr. Sebastian asked if they are replacing the existing driveway. Ms. Cristinziani replied they are replacing the existing driveway; the entire driveway will be concrete.

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

Motion by Mr. Cossaboon, seconded by Mr. Salvadori to grant the side yard variance conditioned upon the applicant obtaining all permits and maintaining her escrow account. Roll call vote: Ayes – Mr. Cossaboon, Mr. Salvadori, Mr. Cummiskey, Mr. Kozak, Mr. Rybicki, Mr. DelCampo, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

2. #21-17 – Allison Longo – Side Yard Variance

Present – Allison Longo, applicant.

The applicant is requesting a side yard variance to allow a three-foot side yard where ten feet is required for their existing deck and above ground swimming pool. The property is located at 1789 Winslow Road, also known as Block 4401, Lot 28 in the AG 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. Cummiskey to deem application #21-17 complete. Voice vote; all ayes, motion passed.

Ms. Longo stated they are before the Board for a side yard variance for their existing deck and above ground swimming pool. The pool is ten feet from the side yard but the deck is only three feet. Mrs. Farrell asked why they put the pool and deck in that location. Ms. Longo stated she likes the idea of the pool being closer to the house so she can see it when her children are outside even though she has the locked gate she likes to be able to see it from the house.

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

Motion by Mr. Cummiskey, seconded by Mr. Cossaboon to grant the side yard variance of three feet for the deck conditioned upon the applicant obtaining all necessary Township permits and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. DelCampo, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #21-18 – Victor Farinelli – Side, Rear, & Lot Coverage Variances

Present – Victor Farinelli, applicant.

The applicant is requesting a percentage of lot coverage variance for 50% where 30% is the maximum for the installation of an inground pool as well as rear and side yard variances for an existing shed where he has one foot from the side yard and five feet is required and six inches from the rear yard where five feet is required. The property is located at 378 Rushfoil Drive, also known as Block 103.0103, Lot 11 in the RG-PR 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. Cummiskey to deem application #21-18 complete. Voice vote; all ayes, motion passed.

Mr. Farinelli was sworn in by Mr. Coe.

Public Hearings: (continued)

3. #21-18 – Victor Farinelli (continued)

Mr. Farinelli stated he is before the Board for a lot coverage variance so they can install an inground swimming pool. With regard to the shed, he was unaware of the issue as they just purchased the house last March and the shed was existing on the property. He only discovered there was an issue when he applied for the permit to install the pool. Mr. Coe asked if there are complaints from the neighbors concerning the location of the shed. Mr. Farinelli stated there are no complaints.

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

Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to grant the lot coverage, rear and side yard variances conditioned upon the applicant obtaining all necessary Township permits, construction of the pool in accordance of the plans, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. DelCampo, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

4. #21-21 – Charles Hampton – Front & Rear Yard Variances

Present – Charles Hampton, applicant.

The applicant is requesting front and rear yard variances in order to construct a new ranch style house in the same location as the existing house which will be demolished. The required front yard setback is 40 feet and he is proposing 15.45 feet and the required rear yard setback is 25 feet and proposed is 10 feet. The property is located at 1404 8th Avenue, also known as Block 8911, Lot 6 in the RG-MR 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. Cummiskey to deem application #21-21 complete. Voice vote; all ayes, motion passed.

Mr. Hampton was sworn in by Mr. Coe. Mr. Sebastian inquired as to the Certificate of Filing. Mrs. Farrell replied the applicant was required to obtain one so they can be grandfathered in to demo the existing house and build a new one within five years. Mr. Hampton testified the existing house is in very bad condition and is a tear down. The property is a corner lot and the house will be facing 8th Avenue instead of Lakeside Avenue. Mr. Coe asked if the new house will be in the same location as the old. Mr. Hampton replied it will be within a few square feet; he tried to match the existing conditions.

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

Public Hearings: (continued)

4. #21-21 – Charles Hampton (continued)

Motion by Mr. Rybicki, seconded by Mr. Cossaboon to grant the rear and front yard variances conditioned upon the applicant obtaining all necessary outside agency approvals, obtaining all necessary Township permits and approvals, satisfaction of any COAH requirement, demolition and construction of the house in accordance with the plans submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Rybicki, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. DelCampo, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

5. #21-22 – Carlene McPhillip – Right-of-Way Variance

Present – Carlene McPhillip, applicant.

The applicant is requesting a right-of-way variance in order to install an above ground pool on her property. The required setback is 35 feet and the applicant is proposing 15 feet. The property is located at 1513 Patricia Court, also known as Block 27.0101, Lot 39 in the RG-PR 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. Cummiskey to deem application #21-22 complete. Voice vote; all ayes, motion passed. Ms. McPhillip was sworn in by Mr. Coe. Ms. McPhillip testified that her property is irregularly shaped and is a corner lot going into a cul-de-sac. She stated she would like to have an above ground pool and the requirement is for 35 feet from the right-of-way and she only has 15 feet. Mr. Sebastian commented that the property is an odd shaped property and the proposed location of the pool is probably the best location on the property.

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

Motion by Mr. Cossaboon, seconded by Mr. Rybicki to grant the right-of-way variance to allow 15 feet where 35 feet is required conditioned upon the applicant obtaining all necessary Township permits and approvals, the construction and placement of the pool in accordance with the plans and survey submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cossaboon, Mr. Rybicki, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. DelCampo, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

6. #21-19 – Tony DeAngelo – Use Variance

Present – Tony DeAngelo, applicant, David Wollman, applicant's attorney, Peter Klein, President of Turnersville Auto Mall.

Public Hearings: (continued)

6. #21-19 – Tony DeAngelo (continued)

The applicant is requesting a use variance to be allowed to continue to have two uses on his property; the first for his used car sale business and the second for the storage of vehicles and sales through a “sealed bid” process from Mr. Klein’s business. The property is located at 1835 North Black Horse Pike, also known as Block 201, Lot 44 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. Cossaboon, seconded by Mr. DelCampo to deem application #21-19 complete. Voice vote; all ayes, motion passed.

Mr. Wollman introduced himself as the applicant’s attorney. He stated Mr. DeAngelo was granted site plan waiver approval back in 2016 for the exact uses he is proposing to have on his property; there is no new business or use proposed. Mr. DeAngelo and Mr. Klein were sworn in by Mr. Coe. Mr. DeAngelo testified that he has owned the property for approximately thirty-two years and at the time of his purchase the property was being used for a used car lot. He stated approximately five years ago the opportunity arose to lease a portion of his site to the Turnersville Auto Mall; however, before he could enter into a lease agreement, he had to secure Township approvals for the proposed use. They came to the Township and received a site plan waiver approval and after receiving approval he entered into the lease agreement. The property being leased is also for used auto sales and storage of the vehicles for Turnersville Auto Mall.

Mr. Klein testified as to the proposal before the Planning Board back in 2016 for the site plan waiver. The primary use of the site will be to store vehicles that were traded in to Turnersville Auto Mall and then subsequently present those vehicles to wholesalers who are interested in purchasing those vehicles via a sealed bid process. The hours of operation are Monday through Friday, 7:30 a.m. to 7:00 p.m. and Saturday from 9:00 a.m. to 5:00 p.m., closed on Sunday. They have continued to operate within those hours for the last five years. Mr. Klein stated that they host a sealed bid sale approximately thirty-two to thirty-five Mondays a year. The bids are placed either online or in person and by the same Monday evening, the winners of the bids are notified. Later the same week those vehicles that were sold are removed from the site. Other than the fact that in the past two years more of the bids are done online rather than in person, Mr. Klein stated he is comfortable testifying that the business is operated exactly as they proposed and was approved in 2016. Mr. DeAngelo stated he still operates his used car business from an office located on the second floor of the existing building. Mr. Klein also commented that this is not a typical vehicle storage yard but more of a stocking of vehicles until the sale when they are removed and then restocking of the vehicles. There is a constant turnover of vehicles so not really a typical vehicle storage yard. Mr. DeAngelo also testified that he has never had any complaints or violations from anyone in the Township or from a neighbor. He keeps his property very clean and takes a lot of pride in his property.

Public Hearings: (continued)

6. #21-19 – Tony DeAngelo (continued)

Mr. DeAngelo stated his property is surrounded by commercial businesses. To the rear of his property there is a wooded area and then a large buffer to the trailer park. He testified as to the location of his septic system and well on the site and that he has never had any issues with either. Mr. Klein state they usually have one or two employees at the office which is located on the first floor of the existing building. There is no signage proposed on the site for his business because they are not a retail business.

Ms. Pellegrini reviewed her report for the Board. She stated the use is due to having more than one principal permitted use on the property. She stated that with this particular dual use, you wouldn't know one use from the other; it appears to be more of an extension of the primary use. Vehicle storage yards are conditional uses in the zone and there are requirements that go along with the conditional use. The requirement to have 2500 square feet per vehicle seems to be geared more towards larger vehicles and not this type of use and that condition is not met. The applicant has the capacity for 142 vehicles and a d3 variance is required. An eight foot high opaque fence around the entirety of the storage area is also required; however, this use operates differently than a typical vehicle storage yard. The property is partially fenced and there is a large electrical easement that bifurcates the property with commercial uses on either side as well as a large buffer to the residential uses to the rear. No additional fencing is proposed and as such a d3 variance is required. She asked that the applicant confirm that there is no maintenance or servicing of the vehicles on site other than the normal fueling or lubrication. The applicant did agree to this condition at the site plan waiver approval in 2016.

With regard to bulk requirements, no new structures are being proposed but there are some pre-existing nonconformities. For lot area a vehicle storage yard would require 80,000 square feet and the used car lot would require 20,000 square feet. A variance is required since they do not have the lot area for both uses. The existing building has a side yard setback of less than fifty feet and a variance is required just to affirm that pre-existing condition. Lot coverage has not been determined and conformance should be provided by some testimony. The site does not conform to the fifty foot buffer requirement for the side yards having stone or paved areas up to the property lines; this is also a pre-existing condition and a variance should be considered. The front yard buffer is also a pre-existing condition with paved or stoned areas up to the property line. Landscaping was minimally addressed at the site plan waiver, however, a variance should be granted for this pre-existing non-conformity as well. All other bulk requirements are met.

Off-street parking indicates that there are thirty-three parking spaces for the used car lot and testimony should be provided regarding the adequacy of that off-street parking. There were conditions as part of the site plan waiver application with one being no car carriers are permitted to bring vehicles to the property nor are they allowed to be stored on the property.

Public Hearings: (continued)

6. #21-19 – Tony DeAngelo (continued)

Ms. Pellegrini asked that the applicant testify that they have complied with the conditions of the site plan waiver approval and will continue to comply. Mr. DeAngelo testified that he has complied with the conditions and will continue to do so. Mr. DeAngelo expressed his frustration with regard to the site being referred to as a vehicle storage yard. He stated it is not a vehicle storage yard as the Turnersville Auto Mall is selling used cars and not just storing them on his site as on other sites along the Black Horse Pike. Mr. Coe stated that the issue is really two businesses operating from the same property. Mr. Klein responded that Mr. DeAngelo had the same type of relationship with another used car dealer on his site for seven years prior to Turnersville Auto Mall leasing part of the property. He stated as the tenant, who went through an approval process five years ago with the Board, he is wondering why they are doing it again. Mr. Coe replied that in 2016, they should have been before the Zoning Board and not the Planning Board, for a use variance. Mr. Klein replied that they laid out a business plan five years ago to the people who represented that they had the authority to grant them the approval. Mr. Coe replied that they do understand the situation and they are trying to move forward. Mr. DeAngelo commented that for seven years the Motor Zone operated there along with his business with two licenses approved by the Township and the State; so there have been two separate businesses operating on the site for many years.

Ms. Pellegrini stated that other than the title of vehicle storage lot, the applicant still requires a use variance to allow two businesses on the same lot. She acknowledged that the businesses are similar and that one couldn't tell one use from the other. She stated the Board can decide whether they want to grant the use just for the two uses and they don't feel the site should be characterized as a vehicle storage yard in which case the conditions do not have to be addressed and variances do not have to be granted for the vehicle storage yard classification. Mr. Coe stated the applicant also has to decide how they want characterize their application. The Board has to act on the issue of two principle uses. Mr. Wollman replied that their purpose before the Board is to bring the property into compliance. He stated they meet the use variance standards by having a use uniquely suited to the property which is demonstrated by the long history of functioning as such. They are before the Board in good faith as they were in 2016. Mr. Coe stated no one is questioning the reason as they understand the issues and why the applicant had to come back to the Board. Mr. Wollman stated they will proceed as the application states and seek all the relief necessary to continue the two uses on the site. Ms. Pellegrini stated that the Board can justify the approval of the d3 variances based on the testimony provided that this is not a typical vehicle storage yard. She asked the applicant to confirm that no large commercial type vehicles are being stored/sold from the site. Mr. Klein confirmed they are only selling personal cars, pick-up trucks, etc. The applicant also confirmed that they have adequate parking, fencing, and there is no impact to the surrounding neighbors.

Public Hearings: (continued)

6. #21-19 – Tony DeAngelo (continued)

Mr. Sebastian asked if any cars are parked in the Atlantic City Electric easement. Mr. Klein replied that there are boundaries set up to keep the cars outside of the power line area at all times; however, the easement runs out to the Black Horse Pike so there are vehicles that are in the easement but they have an agreement with Atlantic City Electric with regard to that issue. Mr. DeAngelo confirmed he has an email from the electric company stating they do not have any issues with the vehicles being parked in the easement.

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

Motion by Mr. Rybicki, seconded by Mr. Cossaboon to grant the use variance to allow two principle uses on one site, granting of the d3 variances associated with a vehicle storage yard and outlined by Ms. Pellegrini, the bulk variances as they relate to the vehicle storage yard and pre-existing conditions as outlined by Ms. Pellegrini in her report and on the record, and the applicant must obtain any outside agency approvals deemed necessary as well as Township permits. Roll call vote: Ayes – Mr. Rybicki, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. DelCampo, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Memorialization of Resolutions:

1. #28-2021 – App. #21-07 – 322 Motors/Thomas Spaulding – Use Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Kozak to adopt resolution #28-2021. Voice vote; all ayes, motion passed.

2. #29-2021 – App. #21-10 – Frank Andruzzi – Use Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. DelCampo to adopt resolution #29-2021. Voice vote; all ayes, motion passed.

3. #30-2021 – App. #21-15 – Tilghman’s Auto Parts, II – Use Variance Approved

Motion by Mr. DelCampo, seconded by Mr. Cummiskey to adopt resolution #30-2021. Voice vote; all ayes, motion passed.

4. #31-2021 – App. #21-15 – Tilghmans Auto Parts, II – Site Plan Waiver Approved

Motion by Mr. DelCampo, seconded by Mr. Cummiskey to adopt resolution #31-2021. Voice vote; all ayes, motion passed.

Memorialization of Resolutions: (continued)

5. #33-2021 – App. #21-13 – Michael Kurz – Use & Height Variances Approved

Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to adopt resolution #33-2021. Voice vote; all ayes, motion passed.

6. #34-2021 – App. #21-14 – Towala Properties, LLC – Use Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Cossaboon to adopt resolution #34-2021. Voice vote; all ayes, motion passed.

7. #35-2021 – App. #21-16 – James Costa – Use & Height Variances Approved

Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to adopt resolution #35-2021. Voice vote; all ayes, motion passed.

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. Farrell stated that Mr. Patrick Jones would like some clarification with regard to the condition of his use variance to submit a site plan waiver. She asked the Board if they wanted him to appear before the Board with the site plan waiver or just submit it and the drawing for the parking to Ms. Pellegrini for her approval. She stated he did submit a plan he drew on with regard to the location of the parking spaces and the trash enclosure. There are thirteen 10' x 20' parking spaces provided with one of the spaces being handicap accessible. There is one way in and one way out to Route 322 and the drive aisle is twelve feet wide.

Ms. Pellegrini stated from a dimensional standpoint looking at the building setback and the twenty-foot parking stalls with the twelve-foot drive aisle, it does not appear it is going to work. Mr. Jones was present on the Zoom meeting and stated however they want the parking, he will do it that way. Ms. Pellegrini asked if it was determined how many spaces were needed. Mr. Jones stated that he only really needs ten parking spaces but he stated at his last meeting he thought the Board wanted twelve spaces.

There was further discussion on the issue of parking and the trash enclosure with Ms. Pellegrini asking if there is a scaled plan she can mark up for Mr. Jones. Mrs. Farrell stated she will make a copy of the plan for Ms. Pellegrini so that she can help Mr. Jones with how to arrange the parking and the trash enclosure on the site. There was also discussion of Ms. Pellegrini meeting the applicant at the site. The site plan waiver will be scheduled on the April 27th meeting at 5:00 p.m.

Reports: (continued)

2. Mrs. Farrell stated there is another issue to discuss for a potential applicant. She emailed the plan to the Board members. The resident lives in Chestnut Green on a corner lot and needs a variance for an inground swimming pool. Within the corner lot there is a fifteen-foot landscaping easement that encompasses all the front yards of that development. The question is would he be able to encroach part of the concrete walkway around the pool into the landscape buffer easement. The resident would like to know before he submits his lot grading due to the location of the pool. After further discussion, the Board agreed that the applicant should submit the application showing the concrete encroaching into the landscape easement and the Board will deal with the variance then. Ms. Pellegrini suggested that the pool should be moved a little closer to the high point of the swale which will lessen the encroachment into the landscape easement.

3. Mr. Sebastian asked if the Annual Report was completed. Mr. Coe stated he submitted the report to Mrs. Farrell. Mrs. Farrell stated she would schedule that for the next meeting. Mr. Sebastian commented that Ms. Fox should take that report to Council or the Ordinance Chair for review.

Approval of Minutes:

1. 4/6/2021 regular meeting.

Motion by Mr. Cumiskey, seconded by Mr. DelCampo to approve the minutes from the April 6, 2021 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 8:18 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 Orbaczewski, Clerk Transcriber