

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:04 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 sent in writing and published in the newspaper on April 24, 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. Kozak, Mr. Rybicki, Mr. Sebastian, Mr. Powers, Mr. Adams. Absent – Mr. DelCampo, (excused), Mr. Salvadori, (excused). Also present – Mr. Coe, Solicitor, Mr. Sander, Engineer, Ms. Pellegrini, Planner, Ms. Fox, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Memorialization of Resolutions:

1. #38-2021 – App. #21-23 – Kirsten Cristinziani – Side Yard Variance Approved

Motion by Mr. Rybicki, seconded by Cossaboon to adopt resolution #38-2021. Roll call vote: Ayes – Mr. Rybicki, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

2. #39-2021 – App. #21-17 – Allison Longo – Side Yard Variance Approved

Motion by Mr. Rybicki, seconded by Mr. Cossaboon to adopt resolution #39-2021. Roll call vote: Ayes – Mr. Rybicki, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #40-2021 – App. #21-18 – Victor Farinelli – Side, Rear, & Lot Coverage Variances Approved

Motion by Mr. Rybicki seconded by Mr. Cossaboon to adopt resolution #40-2021. Roll call vote: Ayes – Mr. Rybicki, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Memorialization of Resolutions:

4. #41-2021 – App. #21-21 – Charles Hampton – Front & Rear Yard Variances Approved

Motion by Mr. Cossaboon, seconded by Mr. Rybicki to adopt resolution #41-2021. Roll call vote: Ayes – Mr. Cossaboon, Mr. Rybicki, Mr. Cummiskey, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

5. #42-2021 – App. #21-22 – Carlene McPhillip – Right-of-Way Variance Approved

Motion by Mr. Rybicki, seconded by Mr. Cossaboon to adopt resolution #42-2021. Roll call vote: Ayes – Mr. Rybicki, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

7. #43-2021 – App. #21-19 – Tony DeAngelo – Use Variance Approved

Motion by Mr. Rybicki, seconded by Mr. Cossaboon to adopt resolution #43-2021. Roll call vote: Ayes – Mr. Cossaboon, Mr. Rybicki, Mr. Cummiskey, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

8. #45-2021 – App. #WSP-05-21 – Patrick Jones – Site Plan Waiver Approved

Motion by Mr. Powers, seconded by Mr. Adams to adopt resolution #45-2021. Roll call vote: Ayes – Mr. Powers, Mr. Adams, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

9. #46-2021 – App. #16-26 – Harold Paul Kanady – Extension Request Approved

Motion by Mr. Powers, seconded by Mr. Adams to adopt resolution #46-2021. Roll call vote: Ayes – Mr. Powers, Mr. Adams, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #21-24 – Reginald Gould – Percentage of Lot Coverage Variance

Present – Reginald Gould, applicant.

The applicant is requesting a lot coverage variance for the installation of an inground swimming pool. The maximum percentage of lot coverage permitted is 30% and the applicant is requesting to increase it to 42%. The property is located at 605 Ironwood Drive, also known as Block 12104, Lot 3 in the RG-PR Zoning District.

Public Hearings: (continued)

1. #21-24 – Reginald Gould (continued)

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. Adams to deem application #21-24 complete. Voice vote; all ayes, motion passed.

Mr. Gould was sworn in by Mr. Coe. Mr. Gould testified that he is before the Board for an increase in lot coverage for the installation of an inground pool. Mr. Coe asked what is located behind Mr. Gould's property. Mr. Gould stated the area is the open walkway and there are neighbors on either side of his property.

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. Cossaboon, seconded by Mr. Powers to grant the lot coverage variance for 42% conditioned upon the applicant obtaining all necessary Township permits and approvals, construction of the pool in accordance with the plans submitted, maintenance of the escrow account. Mr. Sebastian commented on the note on the application indicating a future improvement such as a shed. It was determined that the 42% lot coverage took into account a future structure. Roll call vote: Ayes – Mr. Cossaboon, Mr. Powers, Mr. Cummiskey, Mr. Kozak, Mr. Rybicki, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

2. #21-25 – John M. McGee, Jr. – Percentage of Lot Coverage Variance

Present – John M. McGee, Jr., applicant.

The applicant is requesting a lot coverage variance for the removal of the existing wood deck and adding a concrete patio and walkway. The maximum percentage of lot coverage permitted is 30% and the applicant is requesting to increase it to 33%. The property is located at 479 Colts Run Road, also known as Block 23.0102, Lot 9 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. Cummiskey, seconded by Mr. Powers to deem application #21-25 complete. Voice vote; all ayes, motion passed.

Mr. McGee was sworn in by Mr. Coe. He testified he is before the Board to request an increase in lot coverage in order to increase the patio and walkway behind his home. The existing deck will be removed.

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

Public Hearings: (continued)

2. #21-25 – John M. McGee, Jr. (continued)

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Rybicki, seconded by Mr. Powers to grant the lot coverage variance to allow 33% conditioned upon the applicant obtaining all Township permits and approvals, construction of the patio and walkway in accordance with the plan submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Rybicki, Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #21-27 – Madrid & Wayne Matthews – Percentage of Lot Coverage Variance

Present – Madrid and Wayne Matthews, applicants.

The applicant is requesting a lot coverage variance for the installation of an inground swimming pool. The maximum percentage of lot coverage is 30% and the applicant is requesting 36%. The property is located at 728 Davinci Way, also known as Block 110.0402, Lot 15 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. Powers, seconded by Mr. Cossaboon to deem application #21-27 complete. Voice vote; all ayes, motion passed.

Mr. and Mrs. Matthews were sworn in by Mr. Coe. Mr. Matthews testified that they are before the Board for a lot coverage variance for the installation of an inground swimming pool. Mr. Coe asked the surrounding uses of the property. Mr. Matthews stated he has a fence around his property and he has neighbors on each side and to the rear of his property. Mr. Sebastian commented on the fence meeting all pool code requirements and Mr. Matthews agreed to comply.

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. Rybicki, seconded by Mr. Powers to grant the lot coverage variance to allow 36% conditioned upon the applicant obtaining all necessary Township permits and approvals, construction of the pool in accordance with the plans submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Rybicki, Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

4. #21-28 – David Jost – Percentage of Lot Coverage

Present – David Jost, applicant.

Public Hearings: (continued)

4. #21-28 – David Jost (continued)

The applicant is requesting a percentage of lot coverage variance for the installation of an inground pool. The maximum percentage of lot coverage permitted is 30% and the applicant is requesting to increase it to 48%. The property is located at 373 Bryn Mawr Drive, also known as Block 29.0201, Lot 12 in the RG-MR Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Motion by Mr. Rybicki, seconded by Mr. Powers to deem application #21-28 complete. Voice vote all ayes, motion passed.

Mr. Jost was sworn in by Mr. Coe. Mr. Jost testified he is before the Board for a lot coverage variance for an inground pool. Mr. Coe asked Mr. Jost about the surrounding uses. Mr. Jost stated he has neighbors on either side and behind his house is farmland that is owned by the people who front on Winslow Road.

Motion passed to open to the public.

1. Lynn Stellaccio, 1029 Winslow Road, was sworn in by Mr. Coe. She stated they own the farmland behind Mr. Jost's house. They do not have a problem with Mr. Jost's proposal as he is more than twenty-nine feet off of the property line; however, everyone on Bryn Mawr drive is supposed to have a twenty-five foot natural buffer and most of them are not following that buffer requirement. She stated some have their pools right up against the fence so this was an opportunity to bring this to the Board's attention. Mr. Sebastian commented that the Board will have to be mindful of that requirement for any future applications in this area.

Motion passed to close the hearing to the public.

Mr. Coe commented in regard to Ms. Stellaccio's concerns noting that the conditions of all the approvals is for the construction of the pool to be in accordance with the plans submitted. He reviewed the variance request for the Board. Motion by Mr. Cossaboon, seconded by Mr. Rybicki to grant the lot coverage variance to allow 48% lot coverage conditioned upon the applicant obtaining all necessary Township permits and approvals, constructing the pool in accordance with the plans submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cossaboon, Mr. Rybicki, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Adams, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Final Major Subdivision:

1. #1854 – NWD Development, LLC – Final Major Subdivision

Present – Len Schwartz, applicant's attorney, Ken Schatz, applicant, Paul Witthohn, applicant's engineer, Scott Bordick, J.S. Hovnanian.

Final Major Subdivision: (continued)

1. #1854 – NWD Development, LLC (continued)

The applicant is requesting final major subdivision approval for 117 age-restricted multi-family dwelling units which will consist of 39 triplex buildings, a clubhouse lot, and four open space lots, two of which contain stormwater management facilities. The property is located on Fries Mill Road, also known as Block 14801, Lot 12 in the RA Zoning District. Preliminary approval was granted on September 15, 2020.

Mr. Schatz, Mr. Witthohn, Mr. Bordick, Mr. Sander, and Ms. Pellegrini were sworn in by Mr. Coe. Mr. Schwartz introduced himself as the applicant's attorney. They are before the Board for final major subdivision approval for the 117 age-restricted multi-family units. The applicant is in receipt of the professional review letters which they are in agreement with the only question being the fencing around the pool. Mt. Witthohn confirmed that statement.

Ms. Pellegrini reviewed her report for the Board. She stated the applicant is in compliance with their preliminary approval. She noted that on sheets five and ten of the plans the formally proposed crosswalk across Fries Mill Road is still shown but is no longer needed and it should be removed from the plans. The issue of the height for the fencing around the pool was deferred to final approval. Ms. Pellegrini stated the requirement in an age-restricted townhome community is six feet; however, the zoning code office has been applying a lesser height based on building code. The plans currently show a four-foot high black decorative fence. Mr. Bordick commented that the fence around the swimming pool at Sterling Glen I is four-foot high in accordance with the international swimming pool code. Ms. Pellegrini replied it will be the Board's decision as to the height of the fence. Mr. Sebastian commented that he did not have any issue with a four-foot fence since it's an age-restricted development. Mrs. Farrell commented that she believes the Township revised the code to be in accordance with the swimming pool code but will check while Ms. Pellegrini goes through her report. Ms. Pellegrini stated the rest of her report just lists the fees and other obligations that were outlined in the preliminary and the applicant has agreed to comply.

Mr. Sander reviewed his report for the Board. He stated the applicant has submitted the indemnification that was required and the site assessment report has been addressed except for identifying the number of units in each phase. Mr. Witthohn agreed to comply with that requirement. There was some discussion on the waiver that was granted during preliminary with regard to the topographic contours 200 feet beyond the property lines and whether a waiver should be required for final as well. It was determined that another waiver is not necessary since it was granted during the preliminary approval. Mr. Sander replied the application can be deemed complete. He commented that the final plan of lots for each section should be included in the plan set. Mr. Witthohn replied that the final plan of lots generally has a different process for signatures and filing which is why they are not included in the plan set but submitted separately; however, they will include them.

Final Major Subdivision: (continued)

1. #1854 – NWD Development, LLC (continued)

Ms. Pellegrini stated she did receive a call from the applicant's engineer asking her to verify the buffer on the plans along the southern property line. She stated the Board did require a fifty-foot landscape buffer along the whole perimeter; a waiver was discussed at preliminary, but it was determined to be required. Mr. Sebastian stated there are three sections for the construction of the units and asked if all the roadways will be constructed with the drainage first. Mr. Witthohn replied that there are sixteen triplex buildings in section one, ten in section two, and thirteen in section three. Section one and section two do not require access to Glassboro-Cross Keys Road; the roadways that front those buildings will be constructed. Section one also provides for a looped circulation. There is phasing with regard to the drainage and the roadways as there is an overall arrangement that has to be followed for this property to get the stormwater from one corner to another. Most of the infrastructure in the pathway has to be delineated in section one and then the other basins can be built as the other sections continue.

Mr. Coe commented on not being able to hear Mr. Sander completely and wanted to confirm what is required with respect to the preliminary assessment report. He asked if the certification and indemnification have been provided. Mr. Sander replied they have been submitted. In addition, it was noted that revisions should be made to the stormwater management report to show the correct number of units in section three and submission of the final plan of lots in the site plan set. Mrs. Farrell asked Mr. Sebastian to address the completeness before going to the public portion. Motion by Mr. Powers, seconded by Mr. Cossaboon to deem application #1854 complete. Voice vote; all ayes, motion passed.

Motion passed to open the hearing to the public.

1. Mark Kozachyn, 987 Sykesville Road, was sworn in by Mr. Coe. He stated he reviewed the applicant's Fiscal Impact Statement and it assesses the impact on public services based on the occupancy. The summary at the bottom indicates there is essentially no impact to the town in terms of public services. Mr. Kozachyn stated that with all the development going on in the town, in the aggregate, this does impact the public services. He asked the Board how that is monitored and tracked if new developments come in to town. Mr. Sebastian replied that the Board can only deal with the application before them; they cannot anticipate or predict if there will be future developments. Mr. Kozachyn replied it is an aggregate, so that each new development requires public services and he asked how that is tracked and paid for by the Township. Ms. Pellegrini replied the taxes generated from the new development will handle the increase in services. It doesn't necessarily mean the Township will hire a new employee; the revenues from the taxes are used to pay for municipal services. Mr. Coe commented that the fact that this is an age-restricted community, means it probably has the least amount of impact since there is no impact to the schools.

Final Major Subdivision: (continued)

1. #1854 – NWD Development, LLC (continued)

2. Stu Gerstein, 116 Castlebay Drive, was sworn in by Mr. Coe. Mr. Gerstein stated he lives in the Stirling Glen I development. He commented on the fence around the pool at Stirling Glen I and stated it is not four-feet high but it is five-feet high. Mr. Gerstein stated shortly after he moved in to Stirling Glen I, he became aware of an issue with the stormwater management basin. The basin was subsequently changed from being a dry basin to a partially dry basin and partially wet basin. Then there was another revision to the basin to add safety ledges and another outfall and right now there is a third revision that is going to lower the basin four feet and then pipe the stormwater out into the wetlands area. Mr. Gerstein stated that the test pits and soil borings, the water perk tests, and such, should all be witnessed by an independent engineer to insure it is being done correctly for these new basins. Mr. Sander replied that the submission of the logs showing the results for the test pits, etc., are already completed when he gets the reports and does his review. In order for him to witness the testing being done, a change would have to be made on the procedures. Ms. Pellegrini commented that the town is working on new ordinances with regard to the new stormwater regulations and many other towns do require that test pits be witnessed by the Township. This is something the town could consider and have that requirement included in their new stormwater ordinances.

Mr. Sebastian asked if Ms. Fox could bring this matter to the ordinance committee. Mr. Coe replied that Ms. Fox can bring that suggestion to the ordinance committee. He also commented that the engineers doing these reports for the developer have signed and sealed the plans and they are putting their license on the line. In addition, the developers post performance guarantees to insure all the improvements are installed in accordance with the approvals and then there is a maintenance guarantee to insure there are no issues; so there is recourse there for the town.

The Board took a brief recess.

Mr. Sebastian asked if Mr. Coe could send a letter to Ms. Fox concerning the suggestion by Ms. Pellegrini to have the test pits witnessed by the Township or Board engineer. Mr. Coe replied he would send the letter to Ms. Fox.

Mr. Gerstein commented that this property was supposed to be developed many years ago and development was stopped due to the property being contaminated. Mr. Bordick replied that there was pesticide impacted soil on the site; however, it was remediated over fifteen years ago and they have a no further action letter from the NJDEP. The reason the property wasn't developed was due to the economic downturn; not due to the contamination of the soil as it was remediated back then. Mr. Bordick stated he will send a copy of the NJDEP letter to the Board office for the file.

Motion passed to close the hearing to the public.

Final Major Subdivision: (continued)

1. #1854 – NWD Development, LLC (continued)

Mr. Schwartz stated that the applicant has agreed to comply with any outstanding comments in the professional reports.

Motion by Mr. Rybicki, seconded by Mr. Powers to grant final major subdivision approval conditioned upon the applicant revising sheets five and ten eliminating the crosswalk, the plans will adhere to the swimming pool code in NJ for the fence around the pool, compliance with Section C of Mr. Sander's report, submission of the NJDEP no further action letter, all terms and conditions in the preliminary approval, submission of all outside agency approvals. Roll call vote: Ayes – Mr. Rybicki, Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Adams, Mr. Sebastian. Mr. Bordick inquired as to when the resolution will be completed and the process for an appeal. Mrs. Farrell stated the resolution will be memorialized at the May 18, 2021 meeting. The applicant's attorney will publish the resolution in the newspaper and the appeal period is 45 days from publication.

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. Mr. Coe informed the Board that he and the Board professionals met with the owners of Peach Country and their professionals. They reviewed the issues from the preliminary approval and there was a very lengthy discussion on issues such as the berms, the gates, etc. Mr. Coe stated it was a productive discussion and that he anticipates the applicant returning for an amended preliminary approval will some redesign on those areas of concern.

Approval of Minutes:

1. 4/20/21 & 4/27/21

Motion by Mr. Cummiskey, seconded by Mr. Rybicki to approve the minutes from the 4/20/21 and 4/27/21 Zoning Board meetings. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:32 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.