

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:15 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, separate notice for this evening’s public hearings was sent in writing and published in the newspaper on May 8, 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. Sebastian, Mr. Powers. Absent – Mr. DelCampo, (excused), Mr. Rybicki, (excused), Mr. Salvadori, (excused), Mr. Adams, (excused), Mr. Sander, (excused). Also present – Mr. Coe, Solicitor, Ms. Pellegrini, Planner, Ms. Fox, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Memorialization of Resolutions:

1. #47-2021 – App. #21-24 – Reginald Gould – Lot Coverage Variance Approved

Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to adopt resolution #47-2021. Voice vote; all ayes, motion passed.

2. #48-2021 – App. #21-25 – John M. McGee, Jr. – Lot Coverage Variance Approved

Motion by Mr. Cossaboon, seconded by Mr. Powers to adopt resolution #48-2021. Voice vote; all ayes, motion passed.

3. #49-2021 – App. #21-27 – Madrid & Wayne Matthews – Lot Coverage Variance Approved

Motion by Mr. Cossaboon, seconded by Mr. Powers to adopt resolution #49-2021. Voice vote; all ayes, motion passed.

4. #50-2021 – App. #21-26 – David Jost – Lot Coverage Variance Approved

Motion by Mr. Cossaboon, seconded by Mr. Powers to adopt resolution #50-2021. Voice vote; all ayes, motion passed.

5. #52-2021 – App. #506-SP – JK United Group, LLC – Hearing Adjournment

The Board discussed a condition of how long to give the applicant to return. It was determined they must return within six months. Motion by Mr. Cossaboon, seconded by Mr. Cummiskey to adopt resolution #52-2021. Voice vote; all ayes, motion passed.

Mr. Coe stated he prepared resolution #51-2021 concerning NWD Development, LLC; however, that resolution will be voted on after they present their discussion concerning COAH.

Public Hearings:

1. #21-26 – Marc & Tara Grill – Percentage of Lot Coverage

Present – Marc & Tara Grill, applicants.

The applicant is requesting a lot coverage variance for the installation of an inground swimming pool with a concrete patio. The maximum permitted lot coverage is 30% and they are proposing 40%. The property is located at 256 Spring Beauty Drive, also known as Block 37.0203, Lot 5 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 #21-26 complete. Voice vote; all ayes, motion passed.

Mr. and Mrs. Grill were sworn in by Mr. Coe. Mr. Grill explained that they would like to install an inground swimming pool and they need the variance for lot coverage. 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. Cummiskey, seconded by Mr. Cossaboon to grant the lot coverage variance to allow 40% where 30% is the maximum 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. Cummiskey, Mr. Cossaboon, Mr. Kozak, Mr. Powers, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

2. #21-31 – Rick & Stacy Snyder – Right-of-Way & Buffer Encroachment Variances

Present – Stacy Snyder, applicant.

The applicant is requesting right-of-way and buffer encroachment variances in order to install an inground swimming pool. The required right-of-way is 35 feet and the applicant is proposing 15 feet. In addition, 3 feet of the concrete around the perimeter of the pool will encroach into a buffer easement. The property is located at 800 Spain Court, also known as Block 12104, Lot 23 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. Cummiskey, seconded by Mr. Powers to deem application #21-31 complete. Voice vote; all ayes, motion passed.

Mrs. Snyder was sworn in by Mr. Coe. Mrs. Snyder testified that they are seeking a variance to allow the concrete to encroach into the buffer and also a right-of way variance.

Public Hearings: (continued)

2. #21-31 – Rick & Stacy Snyder (continued)

Mr. Sebastian commented that the pool is as close as they can get it to the house based on the survey provided so he understands why a variance is needed. 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. Cummiskey, seconded by Mr. Powers to grant the right-of-way variance to allow 15 feet as opposed to 35 feet and to allow 3 feet of the concrete to encroach into the buffer easement 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. Cummiskey, Mr. Powers, Mr. Cossaboon, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #21-32 – Thomas & Christie Locchetto – Side, Rear, & Lot Coverage Variances

Present – Thomas & Christie Locchetto, applicants.

The applicants are requesting side, rear, and lot coverage variances for the installation of an inground swimming pool. The required rear and side yard setback is 10 feet and they are proposing 6 feet. The maximum percentage of lot coverage is 30% and 40% is being proposed. The property is located at 316 Marissa Court, also known as Block 27.0201, Lot 5 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. Powers to deem application #21-32 complete. Voice vote; all ayes, motion passed.

Mr. & Mrs. Locchetto were sworn in by Mr. Coe. Mrs. Locchetto testified that they are asking for side and rear yard setbacks of 6 feet and lot coverage of 40% for an inground swimming pool. Mr. Sebastian inquired as to the proposed beach entry area noted on the plan and asked if it is going to be concrete with sand over it. Mrs. Locchetto replied it is concrete with sand in it; there is no real sand, it is just the finish of the concrete.

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. Powers, seconded by Mr. Cossaboon to grant the rear and side yard setback variances to allow 6 feet where 10 feet is required and to allow 40% lot coverage where 30% is the maximum 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. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

4. #21-33 – Anthony Leanza – Side & Rear Yard Variances

Present – Anthony Leanza, applicant.

The applicant is requesting side and rear yard variances in order to replace an existing shed with an 18' x 36' x 12' shed. The required side yard setback is 5 feet and the applicant is proposing 3 feet and the required rear yard setback is 12.5 feet and the applicant is proposing 3 feet. The property is located at 405 Taylor Lane, also known as Block 29.0102, Lot 2 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. Cummiskey, seconded by Mr. Powers to deem application #21-33 complete. Voice vote; all ayes, motion passed.

Mr. Leanza was sworn in by Mr. Coe. He testified that he just recently purchased this property and there is a stone pad in the rear corner of the property with a really small shed. He would like to utilize the space and construct a larger shed. Mr. Coe asked what is located to the rear of his property. Mr. Leanza replied that there is an existing farm owned by the Stellaccio's and that they are okay with his proposal.

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. Powers, seconded by Mr. Cossaboon to grant the side yard and rear yard variances to allow 3 feet for both setbacks conditioned upon the applicant obtaining all necessary Township permits and approvals, removal of the old shed, construction of the new shed in accordance with the plans submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

5. #21-34 – Jamie Kienzle & Michael Fulbrook – Rear Yard Variance

Present – Jamie Kienzle & Michael Fulbrook, applicants.

The applicants are requesting a rear yard variance in order to install a 15' x 30' x 54" above ground swimming pool with a 30' x 40' deck. The required rear yard setback is 37.5' and they are proposing 10.6'. The property is located at 2028 Ridings Drive, also known as Block 150.0101, Lot 61 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. Powers to deem application #21-34 complete. Voice vote; all ayes, motion passed.

Public Hearings: (continued)

5. #21-34 – Jaimie Kienzle & Michael Fulbrook (continued)

Ms. Kienzle and Mr. Fulbrook were sworn in by Mr. Coe. Mr. Fulbrook testified that they are before the Board in order to install an above ground pool in their backyard. He stated they cannot meet the 37.5 feet because the pool would be too close to the house. Mr. Coe asked what is located to the side of the property where the setback is reduced. Mr. Fulbrook replied that there is a horse farm behind his property and neighbors to the side. Ms. Kienzle stated all of the neighbors signed that they received notice of their variance request. Mrs. Farrell stated that Ms. Kienzle hand delivered the notices and all of the neighbors signed that they received the notice.

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. Cummiskey, seconded by Mr. Cossaboon to grant the rear yard variance to allow 10.6' where 37.5' is required 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. Cummiskey, Mr. Cossaboon, Mr. Kozak, Mr. Powers, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

6. #506-SP – JK United Group, LLC – Minor Site Plan

Mr. Coe announced that the application has been postponed and there is no date set for a new hearing. The applicant will have up to six months to return with a new site plan. All residents within 200 feet of the property will be noticed when the applicant is scheduled for a new hearing.

7. #21-29 – David Howey & April Egerstafer – Use Variance

Present – David Howey, applicant.

The applicant is requesting a use variance for the construction of a 30' x 50' x 15' pole barn. The maximum permitted accessory structure is 900 square feet and the applicant is proposing a 1500 square foot building. The property is located at 1028 Herbert Boulevard, also known as Block 1001, Lot 17 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. Powers, seconded by Mr. Cossaboon to deem application #21-29 complete. Voice vote; all ayes, motion passed.

Mr. Howey was sworn in by Mr. Coe. Mr. Howey stated he is before the Board for permission to construct a pole barn in his backyard. Ms. Pellegrini reviewed her report for the Board. She stated the applicant is seeking use variance approval for the construction of a 1500 square foot pole barn to store personal cars and other items on his property.

Public Hearings: (continued)

7. #21-29 – David Howey (continued)

As proposed the application does not conform to the ordinance requirement which allows for a maximum accessory building size of 900 square feet. In addition, the applicant is proposing a third accessory structure where two are permitted. The setback requirements as well as the proposed height of the pole barn conform to the ordinance. There are design and performance standards that should be followed such as there should be no business or service conducted within the garage. She asked the applicant to confirm there will be no business use within the pole barn. Mr. Howey testified that he is storing his late father's vehicles in the pole barn. He also has items of his late father's stored in the existing sheds; however, once this pole barn is constructed, the two small sheds will be removed. Ms. Pellegrini asked the applicant to confirm there are no easements or drainage ways in the proposed location for the pole barn. Mr. Howey replied there are no easements or drainage ways.

Ms. Pellegrini stated the roof shape of the pole barn as well as the materials, textures, and color of the façade should be visually compatible with the principal structure. Mr. Howey testified the materials and colors will match the house and the pole barn will have an A-frame roof. She also asked Mr. Howey to testify that there will be no living space provided inside the proposed pole barn and to give a brief statement as to the special reasons the use variance should be granted. Mr. Howey testified he does not intend to have any living space in the pole barn. As to the special reasons, it was noted that if Mr. Howey could not have the pole barn the cars and other items would have to be stored on his property making his backyard not very visually appealing. Ms. Pellegrini asked if Mr. Howey intended to extend the existing driveway to the pole barn and if there is any buffering between his property and neighbor on the side where the pole barn will be constructed. Mr. Howey stated he does not intend to move the cars in and out of the pole barn and the existing driveway is only about ten feet from where it will be located so there is no need to extend the driveway. He also stated there are trees between his property and the neighbor's property next to where the pole barn will be located.

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. Cummiskey, seconded by Mr. Powers to grant the use variance for the construction of a 1500 square foot pole barn with a roof height of 15 feet for the storage of personal vehicles and other items only conditioned upon the applicant obtaining all necessary Township permits and approvals, the removal of the existing sheds once the pole barn is constructed, compliance with the design and performance standards discussed, construction of the pole barn in accordance with the plans submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Cossaboon, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Discussion for Board Action:

1. #1854 – NWD Development, LLC – COAH Agreement

Present – Len Schwartz, applicant’s attorney, Ken Schatz, applicant, Peter Hovnanian, contract purchaser.

The applicant is requesting the Board to honor the existing COAH agreement concerning Stirling Glen I and Stirling Glen II. The contract purchasers of “The Greens” formerly Stirling Glen II, and builders of Stirling Glen I, wish to keep the current agreement in place. The agreement is to allow for a COAH contribution of \$2,199.00 per unit and not the 1.5% of the equalized assessed value of the residential construction.

Mr. Schwartz stated that when Mr. Hovnanian received approvals for Stirling Glen I and II, there was a developer’s agreement established in 2008 which included the COAH fee of \$2,199.00 per unit. They are asking that the resolution of approval for “The Greens” be amended to continue that fee as opposed to the 1.5% of the equalized assessed value. Mr. Hovnanian stated this was an agreement made many years ago and it was intended for both Stirling Glen I with 195 active adult units and Stirling Glen II with 117 active adult units. The same number of units are proposed in what is now called “The Greens” formerly known as Stirling Glen II. They are before the Board to reaffirm the developer’s agreement will still be accepted.

Ms. Pellegrini stated the COAH paragraph in her report is a standard paragraph and the agreement Mr. Hovnanian spoke about was done some time ago and it was missed on her part in doing her report. She stated they have no objection to continue the agreement and it is important for the Board to reaffirm that agreement. Mr. Coe commented that the developer’s agreement is for Stirling Glen I and II and has nothing to do with this development known as “The Greens”. Ms. Pellegrini replied that “The Greens” is just a different version of the old Stirling Glen II and it is the same developer, the same number of units, and the same type of development being age-restricted. Mr. Coe stated the agreement done back in 2008 was done by the Zoning Board; however, all developer’s agreements are done directly with the Township now and signed by the Mayor and prepared by the Township Solicitor. Mrs. Farrell stated that is true and all resolutions are attached to the developer’s agreement so any conditions of approval are part of the developer’s agreement.

Mrs. Farrell commented that this development’s COAH obligation, formerly Stiling Glen II’s COAH obligation, is included in the approved COAH plan for the Township. Ms. Pellegrini agreed with Mrs. Farrell that the COAH fees are included in the existing approved COAH plan. After further discussion, it was determined the resolution for “The Greens” would be amended and the Zoning Board would honor the previous agreement subject to the review and approval by the Township Solicitor and the governing body. Mr. Coe stated that Resolution #51-2021 has been drafted but was left blank regarding the COAH information.

Discussion: (continued)

He will add that the Board recommends that the municipality honor the previous developer's agreement concerning the COAH fees subject to the review and approval of the governing body. Mrs. Farrell stated she will send the resolution to the Township Solicitor highlighting that comment and letting him know the Board is in agreement to honor the prior agreement as long as the Township is okay with it.

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution #51-2021. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Cossaboon, Mr. Kozak, 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. Farrell reminded the Board that for the next three months there will only be one meeting a month with the next meeting being June 15th.
2. Mrs. Farrell stated the Annual Reports were given to the Planning Board and the Ordinance Committee has already made changes to a couple of the ordinances.
3. Ms. Fox asked Mr. Coe to send her the email regarding the recommendation discussed concerning the Township overseeing the test pits for new stormwater management basins.

Approval of Minutes:

1. 5/4/2021 regular meeting.

Motion by Mr. Cummiskey, seconded by Mr. Powers to approve the minutes from the May 4, 2021 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:39 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.