

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:30 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 July 29, 2021. In addition, separate notice for this evening's public hearings were sent in writing and published in the newspaper on September 25, 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. Powers, Mr. Rybicki, Mr. DelCampo, Mr. Sebastian, **Absent-** Mr. Salvadori, (excused) Mr. Sander, (excused), Ms. Pellegrini, Planner, (excused) Mr. Adams (excused) Also present – Mr. Coe, Solicitor, Mr. Kernan, Planner, Ms. Fox, Council Liaison, Mrs. Orbaczewski, Secretary, Mrs. Tomasello, Clerk Transcriber

Memorialization of Resolutions:

1. #74-2021 – App. #21-47 John Andrie- Use Variance Approved

Motion by Mr. Kozak, seconded by Mr. Powers to adopt resolution #74-2021. Voice Vote; all ayes; motion passed.

Public Hearings:

1. #21-51 – Dave & Lori Brown- Side Yard Variance

Present- Thomas Maza, representative from SRA Home Products, Dave Brown, applicant.

The applicant is requesting a side yard variance where 10' is required and they are requesting a 5'3" side yard for the construction of a 17' x 22' sunroom addition on their existing single family home, along with any other variances or waivers deemed necessary by the board. The property is located at 3204 South Shore Drive, also known as Block 8801, Lot 27 in the RG-MR Zoning.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbaczewski replied that it can be deemed complete. Motion by Mr. Powers seconded by Mr. Rybicki to deem application # 21-51 complete. Voice vote; all ayes, motion passed.

Mr. Brown and Mr. Maza was sworn in by Mr. Coe. Mr. Brown testified the reason he is in front of the board for the side yard variance is to construct a sunroom that will be 17' x 22'. Mr. Sebastian asked how will they be attaching the roof. Mr. Maza stated that they will be connecting to the soffit of the house and it is going to extend approximately 17ft long. Mr. Kozak asked what type of roof will it have. Mr. Maza replied it will have a shed roof.

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

Public Hearings: Continued

1. #21-51 – Dave & Lori Brown- (Continued)

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the side yard variance as noted, conditioned upon the applicant obtaining all required Township permits, approval of lot grading in accordance with the plans provided, and that the applicant will satisfy the escrow account. Roll call vote: Ayes- Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki. Mr. DelCampo, Mr. Sebastian, Mr. Cossaboon. Nays-Zero. Abstentions-Zero.

2. #21-48-Monroe Township Board of Education-Use Variance

Present- Stephen Boraske the applicant's attorney, Joshua Stow bldg. project manager for BOE, Nick Painter representative of Astro Sign Company.

The applicant is requesting a use variance along with any other variances or waivers deemed necessary by the Board, in order to construct a double sided, changeable copy LED sign in front of the Radix Road Elementary School. LED signs are not permitted in the zone. The property is located at 363 Radix Road, also known as Block 2301, Lot 8 in the R-2 Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbaczewski replied that it can be deemed complete. Motion by Mr. Rybicki seconded by Mr. Powers to deem application # 21-48 complete. Voice vote; all ayes, Motion passed.

Mr. Boraske introduced himself as the applicant's attorney. Mr. Stow and Mr. Painter were sworn in by Mr. Coe. Mr. Boraske stated that the reason they are requesting a use variance is that the Monroe Township code restricts LED changeable digital signs to specific roads.

Mr. Kernan reviewed the report for the Board. He states that the sign cannot obstruct traffic visibility, that all illuminated signs must comply with a maximum luminance level of 750cd/m² or nits at least ½ hour before sunset. The current specification shows a total brightness of 10,000 NIT's. Mr. Painter stated that it is 10,000 during the day and at sunset it will automatically dim and it can be adjusted on the computer program. The power will be installed by North East and it will be under ground. Mr. Kernan also stated that there is a provision in our code that will need a certification provided at the time of issuance for a permit. He also stated that they meet the minimum setback of 2ft from the right away line. The applicant must agree that the sign can be used by the township in the event of an emergency. Mr. Kozak asked the applicant if the sign will be like the one at the high school and middle school, and if the applicant understood what Mr. Kernan was stating about the certain guidelines with regard to the dimming at night and that we should have that assurance. He also stated if any of the neighbors on Radix Rd should have a problem Mr. Stow will address it. The applicant has agreed to comply with the standards in the ordinance for the electronic messaging sign especially those for dimming controls and display features. Mr. Coe stated that one of the limitations that have been provided to the churches is that the sign is not used for commercial advertising and that the use will be strictly messaging, for the school, community or emergency messages for the public.

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. #21-48-Monroe Township Board of Education (Continued)

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Rybicki, seconded by Mr. Powers to grant the use variance conditioned upon the use of the sign being limited to school messages as community messages emergency messages and no commercial messages will be displayed. All dimensions and setbacks for the sign will conform to the application according with the, survey and sketch. The applicant will comply will all design performance and evaluation standards that are set forth in section 5.0 of the planner's report with one exemption being that the variance is granted for 40% sign area, sign obtaining all devoted to the purpose other than identification. The applicant will comply and obtain all necessary township permits and approvals including construction permits that may be necessary for the construction of the sign, and maintenance of the escrow account. Roll call vote: - Ayes- Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki, Mr. Sebastian, Mr. DelCampo, 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. Resolution #75-2021 – Appointment of Clerk Transcriber/ Assistant Board Secretary

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution #75-2021. Voice Vote; all ayes; motion passed.

2. Mr. Sebastian informed the Board that Pam Pellegrini's husband had passed and we would like to keep her and the husband in our prayers. Mrs. Orbaczewski stated she will send Ms. Pellegrini something on behalf of the Board.

3. JIF Land Use Liability Training for ZBA Board Members.

Approval of Minutes:

1. 09/21/2021 regular meeting.

Motion by Mr. Rybicki, seconded by Mr. Cummiskey to approve the minutes from the September 21, 2021 regular meeting. Voice votes; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 6:57 p.m.

Training Session: Land Use Liability Training Program (JIF)

Mr. Coe will guide the Board through the training materials for the training course. The training is for Board members to get acquainted with the Risk Management principles. Land use Boards and individual members have the same protections from lawsuits as judges. These immunities do not apply when a land use board violates civil rights. He provided cases law on different types of scenario's. The board members asked questions. New Jersey law allows towns to defend and indemnify their officials and employees for claims that arise from their performance of their official functions. While every policy is different, universally these policies do not cover punitive damages, fines or penalties, fraudulent, dishonest, malicious, criminal or knowingly wrongful acts or omissions, and willful violations of statute, ordinance, rule, agreement, or judicial or regulatory order. In the end the Board Members were advised to contact the attorney for any particular case or circumstances.

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: Iris Tomasello, Clerk Transcriber.