

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 January 12, 2022. 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. Salvadori, Mr. Sebastian, Mr. Colavita, **Absent**- Mr. Adams, (excused), Mr. DelCampo, (excused), Mr. Sanders (excused) Also **present** – Mr. Coe, Solicitor, Mr. Dickerson, Planner, Ms. Fox, Liaison, Mrs. Orbaczewski, Secretary

Memorialization of Resolutions:

1. Res. #88-2021- Conlin Family Partnership-Use Variance & Major Site Plan Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution # 88-2021. Roll Call Vote; all ayes; motion passed.

2. Res. #10-2022- Robert Poznek- Lot Coverage & Side Yard Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution # 10-2022. Roll Call Vote; all ayes; motion passed.

3. Res. #11-2022-Anthony McGill- Side & Rear Yard Variances Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution # 11-2022. Roll Call Vote; all ayes; motion passed.

Request for Board Action:

1. #1854- Request for temporary amenity sign at The Greens development.

Motion by Mr. Powers, seconded by Mr. Cummiskey to approve the waiver for temporary amenity signs. Roll call vote: Ayes- Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Colavita, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

Public Hearings:

1. #22-02- Mathew Piliro- Use Variance

The applicant is requesting a use variance to allow the construction of a 2,400 square foot pole barn to be utilized as a small auto repair business along with any other variances or waivers the Board may require. The proposed pole barn will be larger than the principal dwelling and as such a use variance required. The property is located at 1031 Herbert Boulevard, also known as Block 1101, Lot 8 in the Commercial Zoning District.

Mr. Piliro was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbaczewski replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #22-02 complete. Voice vote; all ayes, motion passed.

Mr. Piliro stated that he was in front of the Board because he would like to put a 40 x 60 Pole Barn so he can store his antique cars. He also stated that he submitted the application for his auto repair business. Mr. Kozak asked Mr. Piliro if there will be any employees. Mr. Piliro replied no just himself. Mr. Kozak asked Mr. Piliro if there will be any auto sales on the property. Mr. Piliro said no.

Mr. Dickerson reviewed the report that was dated March 8, 2022. He stated that all building walls shall be suitably finished for aesthetic purposes. Blank architectural walls shall be discouraged. Architectural techniques to reinforce and to address “human” scale shall be employed. Mr. Piliro replied that the building will have blank walls with doors and possibly a sign outside that states the name of the repair shop. Mr. Dickerson stated that all portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as fencing, shrubbery, lawn area, ground cover, berms, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. Exotic invasive plant materials shall be prohibited. The established grades on any site shall be planted for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas. Mr. Piliro replied that he will be having crushed asphalt for parking and parking blocks, but will have no planting. Mr. Dickerson stated that there shall be at least one trash and garbage pickup location provided for each building, which shall be separated from the parking spaces by the storage of trash and/or garbage in a steel-like, totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three. Mr. Piliro replied he will be having a dumpster in the back of the building.

Public Hearings: (continued)

1. #22-02- Mathew Piliro- (Continued)

Mr. Dickerson stated the roof shape of a garage or shed shall be visually compatible with building and/or structures in which it is visually related. Mr. Piliro replied that the pole barn will not be compatible with the dwelling, he stated that if he can get the pole barn in red that it will be an option since his dwelling is red. Mr. Dickerson asked Mr. Piliro will there be any lifts in the building, if so how many. Mr. Piliro replied there will be one lift inside the building. Mr. Dickerson asked Mr. Piliro will there be any storage of materials outside of the building. Mr. Piliro replied no. Mr. Dickerson asked Mr. Piliro how long will cars be stored outside the building. Mr. Piliro replied no more than five days he likes to maintain the vehicles inside. Mr. Sebastian asked Mr. Piliro what would the height be on the pole barn. Mr. Piliro replied he wasn't sure of the height he was waiting to see if he would get approval first, before he contacted someone. Mr. Sebastian stated that the height of the pole barn cannot exceed 24 ft. Mr. Sebastian informed Mr. Piliro on the non-residential fee, it states that the applicant is required to make payment of a development fee of 2.5% of the increase in equalized assessed value of the non-residential; construction into a Housing Trust Fund established by Monroe Township Council. A condition of receiving certificate of occupancy is the payment of this fee.

Mr. Dickerson stated that Mr. Piliro will need a site plan associated with the way the parking lot will circulate, the landscaping, in addition to the fact that the area of disturbance would qualify for a major development. Mr. Sebastian stated that the applicant asked for a site plan waiver, but he is in agreement with Mr. Dickerson that the applicant should have a site plan to go with the application. Mr. Kozak stated if at minimum the applicant will need a minor site plan or possibly a major site plan. Mr. Sebastian stated that disrupting 10,000 sq. ft. Mr. Dickerson stated that it was calculated the crush asphalt 237 x 100 ft. roughly is 1/2 acre. Mrs. Orbaczewski asked Mr. Piliro knew what the Board was informing him about a site plan. Mr. Piliro replied he was confused as to what is a site plan. Mr. Sebastian stated a site plan is where you contract an engineer to come out to the property and do a survey as to where every building, trash, parking, will be located. Mrs. Orbaczewski stated that the use variance will be conditioned upon the applicant doing the site plan, in other words the applicant cannot do anything until he has submitted site plans and comes in front of the Board. Mr. Kozak informed Mr. Piliro that he is unable to operate the business, he has no zoning permit and will need approvals.

Motion to open to the public.

1. Bill New, 1046 Herbert Blvd was sworn in by Mr. Coe. He stated he has lived there since 1992 since then he states there is a junkyard on 1812 Herbert Blvd.

Public Hearings: (continued)

1. #22-02- Mathew Piliro- (Continued)

Mr. New stated that it used to be a quiet street. He stated that he received the letter from the applicant for the meeting, two days later at 7am as he was passing by the property he looked over and there was over seventeen to twenty vehicles on the property. Mr. New stated for the Board to reconsider this application. Mr. Kozak stated that the property in reference is zoned commercial, as well as the applicant cannot work on the property until he comes back to the Board. The applicant is in front of the Board for a use variance because the pole barn will be larger than the house.

Mr. Coe informed the audience that the Zoning Board is a judicial body that decides that decides what can and cannot occur on a piece of property. But if something is accruing on a piece of property, that is not permitted that is a separate function. That is an executive function of the Township administration and the Zoning Officer, it will be the role of the Zoning Officer to site that person. This body doesn't do that. Mr. Sebastian stated that the only approval that the Board is acting on this evening is whether the applicant can have that large of a building. If it is approved, it will only state that after the site plan is on the Board then the applicant can move forward with the pole barn.

2. Concheta Aldi, 1050 Herbert Blvd was sworn in by Mr. Coe. She stated that the size of the building that will be built will be to work on cars. She stated what will be the business hours. Mr. Sebastian replied Monday through Friday 7:00a.m to 3: 30p.m, Saturday 7:00a.m. to noon, and Sunday it will be closed. Ms. Aldi questioned the Board as to the used oil, gasoline spills, those are hazardous to the environment. How will that be disposed. Mr. Sebastian stated that everything will be discussed in the site plan. This meeting is only for the approval of the size of the building. Ms. Aldi stated that she is concerned as to the noise coming out of the building while the applicant works on the cars. Mr. Sebastian stated again that the only reason the applicant is in front of the Board is for the size of the building.

Motion to closed to the public.

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approval of a use variance to construct a 40 x 60 pole barn and related crushed asphalt customer parking and car storage areas for the auto repair business. The Board will not be doing the parking and the car storage area at this time, those will be deferred to the site plan. The applicant is also requesting a variance for front yard setback of 75 ft. and the condition that are appropriate on the approval should it be granted this evening, are that there will be no vehicle sale at the property, there will be no employees at the property. The hours of operation will be as stated on the application. The maximum building height will be 24 ft.

Public Hearings: (continued)

1. #22-02- Mathew Piliro- (Continued)

The applicant will be required to comply with all standards for permitted use set forth in section 3.3 of the planner's report. The applicant will be required to comply with the design and performance standard set forth in section 4.0 of the planner's report. The approval will be conditioned upon a site plan approval. The applicant will also have to comply with all permits and approvals including construction permits and lot grading approvals as may be necessary. The applicant will comply with its COAH requirements, all construction and activity should be in accordance to the plans and survey submitted with the application. The applicant should be required to satisfy his escrow requirements. Finally, the applicant will obtain any outside agency approvals that may be necessary. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Cossaboon, Mr. Kozak, Mr. Salvadori, Mr. Colavita, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

2. #22-08 Al Westfall –Use Variance

The applicant is requesting a use variance to allow the existing 54” fence in the front yard where 48” is the maximum height permitted, along with any other variances or waivers the Board may require. The property is located at 115 Grandview Avenue, also known as Block 701, Lot 26 in the Commercial Zoning District.

Mr. Westfall & Ms. Williamson were sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbachewski replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Powers to deem application #22-08 complete. Voice vote; all ayes, motion passed.

Mr. Westfall is before the Board for a use variance for his fence in the front of the property. Ms. Williamson from the Pool Store stated that the company put a pool and a fence on the applicant's property. She stated that at that time it was in the beginning of Covid in 2020., a 48-inch fence across the front of the property was not available, it was considered a custom made fence, there was no material. The pool store put a 54-inch black aluminum fence across the front of the property. The Township called and stated that the fence had to be 48-inches, Ms. Williamson did state that she knew it was 6-inches but the gate has to be 54 inches, the fence is 40 ft. off the front of the property.

Mr. Dickerson stated referring to the report dated March 14, 2022, most of the facts have been stated in the testimony by the applicant. There are no major comments. The applicant must contact the Finance office for escrow account.

Public Hearings: (continued)

2. #22-08-A1 Westfall- Use Variance (continued)

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Salvadori, seconded by Mr. Powers to grant the approval of the use variance for a 54-inch fence in the front yard. The conditions are that the applicant will obtain all Township permits and approvals, including construction permits and approvals that may be required. The applicant shall complete all improvements in accordance to the plans and surveys submitted with the application. The applicant shall satisfy escrow requirements. Roll call vote: Ayes- Mr. Salvadori, Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Colavita, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

3. #22-10 Wawa, Inc.- Sign Height & Size Variances/ Right of Way Variance

Present- Sara Werner, applicant's attorney, James Kyle, applicant's Planner, Matthew Bersch, applicant's engineer

The applicant is proposing to upgrade the existing signage and requires a variance for the square footage of the freestanding sign area where 100 square feet is the maximum and 104.2 square feet is proposed. In addition, the applicant requires a height variance to allow the sign to be 32.6 feet where 26 feet is the maximum height permitted. It should be noted that the current sign is approximately 36 feet in height, so the proposal will reduce the height, although it is still non-conforming. The right-of-way variance should be reaffirmed as the location of the sign is not changing; it is still 3.8 feet from the right-of-way where 5 feet is required, along with any other variances or waivers required by the Board. The applicant is also replacing the façade signs but no variances are required for these signs. The property is located at 1413 S. Black Horse Pike, also known as Block 11201, Lot 2 in the RG-C Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbachewski replied the application can be deemed complete. Motion by Mr. Kozak, seconded by Mr. Powers to deem application #22-10 complete. Voice vote; all ayes, motion passed.

Ms. Werner introduced herself as the applicant's attorney. She is here this evening for the property located on 1413 S. Black Horse Pike. The applicant currently operates the Wawa convenience store and fuel station on the property. She stated that the applicant is seeking bulk variances in order to update the signs, no new signs are being proposed. They will be swapping the existing signs with updated ones. The existing signs have been on since the Wawa first opened, over 20 years ago, the logo has changed and the colors have changed.

Public Hearings: (continued)

3. #22-10 Wawa, Inc.- Sign Height & Size Variances/ Right of Way Variance (continued)

Mr. Kyle & Mr. Bersch were sworn in by Mr. Coe. Mr. Bersch placed his credentials on the record as a licensed professional engineer. The Board accepted Mr. Bersch as an expert in his field. Mr. Bersch stated that the subject property shown on the minor site plan, it's known as Block 11201 lot 2. There are signs located on both frontages as well as the front façade, a few months ago Wawa received a Zoning Permit to proceed with the remodel of the façade of the building, columns, canopy, and the ADA site improvements.: He stated that to bring the site into compliance current regulations. Wawa as part of those improvements would like to improve their signs. Mr. Bersch stated that onsite are four signs two façade and two free standing one on each road frontage. On the front façade there is a Wawa goose, as well as the channel letter's underneath and then there is a free standing sign with the fuel pricing along either road frontage. The applicant would like to propose upgrades to all of the signs on the property. First, will be the façade sign it will take the two façade signs and turn them into one, that will eliminate a non-conformant. The two signs are not permitted as one is allowed. The next sign is called the P-50 sign is the smaller one that is located on Corkery Lane area on the top of the sign conforms with the Township Ordinance requirement. The applicant will be reducing the height of the existing sign about 2 feet and will be proposing 18.2 feet, whereas the previous sign was 20.1 feet Wawa will be eliminating another non conformant. They will be using the existing foundations; the setback will not be changing. The P100 is the larger sign on the Black Horse Pike that will be the same as the P-50 sign. The style of this sign is more like a box, whereas the existing signs have an arch on the top. The height dimension is less than the purposed condition. The height of this sign will be 32.6 feet, whereas the existing sign is 35.2 feet.

Mr. Kyle placed his credentials on the record as a licensed professional planner. The Board accepted Mr. Kyle as an expert in his field. Mr. Kyle stated there will be three variances. First, one is related to the maximum sign area for the replacement sign on the Black Horse Pike, the sign will be going over four square feet larger than the P 100 that is permitted by the ordinance. The second variance is for maximum height, on the sign ordinance there's a general section that permits free standing signs of 20 feet, there is a specific requirement for gas station signs that allow 26 feet for free standing sign. The sign has 36 feet existing and Wawa is proposing 32.6 feet. The third variance is for the setback of the sign from the Black Horse Pike, existing is 3.8. Mr. Kozak asked if this new sign will interfere with the DOT. Mr. Kyle replied it will be the same foundation. Mr. Coe stated that if a problem did occur DOT will contact the applicant. Mr. Sebastian asked the applicant if the bottom of the sign will be reduced. Mr. Bersch replied the height of the sign comes from the top of the sign.

Public Hearings: (continued)

3. #22-10 Wawa, Inc.- Sign Height & Size Variances/ Right of Way Variance (continued)

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Cossaboon, seconded by Mr. Colavita to grant the approval of a sign, height, and size of right of way variances, specifically that the square footage of the free standing sign area. The maximum is 100 square feet and proposed is 104.2 square feet a height variance to allow the sign to be 32.6 feet where 26 feet is the maximum. Finally, a right of way variance 3.8 feet from the right of way, where 5 feet is required. The conditions which are appropriate is that all signage and construction shall take place in accordance with Township permits and approvals including, construction permits. All work shall be done accordingly to the plans and survey submitted with the application. The applicant will satisfy the escrow requirements. The applicant will obtain any and all agency approvals that are necessary. Roll call vote: Ayes- Mr. Cossaboon, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

4. #22-06- Anel Kalabic- Front Yard Setback Variance

The applicant is requesting a front yard setback variance to allow 8 feet where 40 ft. is required for the construction of an attached addition to the existing home for a use as an in-law suite, as well as a lot coverage variance to allow 50% where 30% is the maximum permitted, along with any other variances or waivers the Board may require. The property is located at 410 E. Fox Trail, also known as Block 19.0102, Lot 13 in the R-2 Zoning District.

Mr. Kalabic & Mr. Collins were sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbachewski replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Powers to deem application #22-06 complete. Voice vote; all ayes, motion passed.

Mr. Collins stated that he sold the home to the applicant (son in law & daughter) and would like to put an in-law suite on the side of the house, at the same time the applicant would like to put in a pool on the opposite side of the property. Mr. Collins is here for a variance for the distance from the property line. Mr. Kozak stated if for some reason it will no longer be used as an in-law suite, it cannot be used as a rental property. Mr. Sebastian asked Mr. Collins if there was any way to move the addition to reduce the setback. Mr. Collins replied when moving it back it will impede on the roof line of the family room in the back area, it will then be two roofs and can potentially have leaking. Mr. Colavita asked Mr. Collins would it be a problem for drivers turning the corner and not being visible. Mr. Collins replied no. Mr. Sebastian stated that for the record there was a letter submitted to the Board, but the person is not here. Mr. Coe stated that is not evidence since the person was not under Oath.

Public Hearings: (continued)

4. #22-06- Anel Kalabic- Front Yard Setback Variance (continued)

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Salvadori, seconded by Mr. Powers to grant the approval of a front yard setback to allow 8ft. where 40ft. is required for the construction of an addition to an existing home for the use of an in-law suite, also to allow lot coverage variance of 50% where 30% is the maximum permitted. The conditions which are appropriate for any approval are that the addition shall be used solemnly as in-law suite and not as a rental. The applicant will obtain in all Township permits and approvals, including construction permits and lot grading approval that may be necessary. The applicant will comply with any COAH requirements. The applicant will do all work in accordance with the plans and survey submitted with the application. The applicant will satisfy his escrow requirements. Roll call vote: Ayes- Mr. Powers, Mr. Cummiskey, Mr. Cossaboon, Mr. Kozak, Mr. Salvadori, Mr. Colavita, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

5. #22-07- Aimen Zaki Soudi- Rear Yard Variance

The applicant is requesting a rear yard variance to allow the existing pergola to be on the property line where a 12.5-foot setback is required. In addition, the applicant constructed an addition that is 12 feet from the rear yard where a 25-foot setback is required, along with any other variances or waivers the Board may require. The property is located at 1404 8th Avenue, also known as Block 8911, Lot 6 in the RG-MR Zoning District.

Mr. Soudi was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbaczewski replied the application can be deemed complete. Motion by Mr. Powers, seconded by Mr. Cummiskey to deem application #22-07 complete. Voice vote; all ayes, motion passed.

Mr. Soudi is in front of the Board because he built a pergola on the side of the house, but later on he learned it was actually the rear of the house. He stated that his wife is handicap and would enjoy the pergola. Mrs. Orbaczewski stated to the Board that the applicant had also built an addition to the house, she stated the way the house is located it is on a corner lot with two streets one on the side and another one on the front but they are both considered front yards.

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approval of rear yard variances. The applicant is requesting a rear yard variance to allow an existing pergola on his property line where a 12.5-foot setback is required. In addition, the applicant is seeking approval for a rear yard variance for his existing addition which is 12 feet from the rear yard where 25-foot setback is required. The conditions which are appropriate for the motion are that the applicant will obtain all Township permits and approvals including construction permits and lot grading that may be required.

Public Hearings: (continued)

5. #22-07- Aimen Zaki Soudi- Rear Yard Variance (Continued)

The applicant will comply with any COAH requirements, all work should be done in accordance with the plans and surveys submitted with the application. The applicant will satisfy his escrow requirements. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Cossaboon, Mr. Kozak, Mr. Salvadori, Mr. Colavita, 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

Reports:

1. Mr. Sebastian informed the Board that the Zoning Officer will be going to the Ordinance Committee about the signs of the development. He stated that all the developments want to put up the signs at least temporary until the completion of the development.

Approval of Minutes:

1. 03/03/2022 regular meeting

Motion by Mr. Kozak, seconded by Mr. Powers to approve the minutes from the regular meeting. Voice votes; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:48 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: Iris Tomasello, Clerk Transcriber.