

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. DelCampo, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Sebastian, Mr. Colavita, **Absent-** Mr. Adams, (excused), Mr. Kernan, (excused), Mr. Sanders (excused) Also **present** – Mr. Coe, Solicitor, Ms. Fox, Liaison, Mrs. Orbaczewski, Secretary, Mrs. Tomasello, Clerk Transcriber

Memorialization of Resolutions:

1. Res. #12-2022- App. #21-61 Son Raj, LLC-Use Variance Approved

Motion by Mr. Kozak, seconded by Mr. Powers to adopt resolution # 12-2022. Roll Call Vote; all ayes; motion passed.

2. Res. #13-2022- App. #22-01- Edward Carter-Use Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution # 13-2022. Roll Call Vote; all ayes; motion passed.

3. Res. #14-2022- App. #22-03- Kenneth Bonk-Side & Rear yard Variances Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution # 14-2022. Roll Call Vote; all ayes; motion passed.

Public Hearings:

1. #22-09- Jamie Ricciardi- Rear Yard Variance

The applicant is requesting a rear yard variance to allow 7.1 ft. where 37.5 ft. is required for a deck still under construction around an existing above ground swimming pool, along with any other variances or waivers deemed necessary by the Board. The property is located at 145 Oxford Place, also known as Block 1906, Lot 3 in the R-2 Zoning District.

Public Hearings: (continued)

1. #22-09- Jamie Ricciardi- Rear Yard Variance (continued)

Ms. Ricciardi 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 #22-09 complete. Voice vote; all ayes, motion passed.

Ms. Ricciardi is in front of the Board because she wants to finish her pool deck on the left side of the property, she stated she has permits from the other side that is existing. She stated she didn't realize the setbacks had changed until zoning came out and stated it had to be 75 feet in which half of that is 37.5 feet. Mr. Kozak asked Ms. Ricciardi if the pool is existing. Ms. Ricciardi replied yes the pool is existing as well as half of the deck that she has permits for from eight years ago. Mr. Kozak asked Ms. Ricciardi how much of the deck is already existing. Ms. Ricciardi replied about 85 % of the deck is complete.

Motion to open to the public.

1. Jessica Mingnogna, 148 Harvard Place was sworn in by Mr. Coe. Ms. Mingnogna lives directly behind the applicant. She stated that she is in front of the Board because she is very concerned about the way the deck is located. She stated that it is 7 feet off her property line. She stated she does have a 6feet privacy fence, but the applicants house is a bi-level that means that her back door comes out already at 6 feet. When the applicant had the original deck there was no problem, all of a sudden she walked out of her house and there was a massive deck right up to her fence, she states that when anyone stands on the deck they can see right into her property she stated its her privacy in which is gone. She stated that she is very concern that maybe the applicants dog sees her dog and jumps the fence, or maybe have a party she has older kids and anyone can dare and can jump her fence. She stated she has lost her privacy, there's a reason for setbacks and giving them an extra 30 feet because of a pool. She stated she has to close her blinds when she sits down to eat. Mr. Sebastian asked Ms. Mingnogna if with the original deck if she had a problem with it. Ms. Mingnogna replied the pool was already existing but the other side of the deck was lower. Mr. Colavita stated to the Board if the opposite side of the pool, is teared down approximately 3 feet that will give the applicant an opportunity to get around the pool to clean and that will bring it back from the property line. Mr. Sebastian stated that the conversation the Board was having is to compromise among neighbors.

Ms. Ricciardi stated that she had to stop the project until she came in front of the Board, but want she is able to finish she will be putting slated railing that is 5 feet tall. She stated that Ms. Mingnogna had her backyard with trees, she came home one day and all the trees were gone and she had no privacy. Ms. Ricciardi stated she doesn't want to be looking into her neighbors back yard.

Public Hearings: (continued)

1. #22-09- Jamie Ricciardi- Rear Yard Variance (continued)

Mr. Kozak asked Ms. Ricciardi about the Gazebo on the deck that is not in good condition. Ms. Ricciardi replied she will be removing it and replacing it with a new one.

Board took a five-minute break.

Ms. Mingnogna stated that about a year ago she did remove two oak trees that were very sick. She stated that eventually she will be doing her own projects in her backyard, but she doesn't want a group of people standing on the deck looking into her property. She believes the Board should bring the setback back to match the other side. Mr. Sebastian stated that his own residence he has a deck and when he stands on it he can see his neighbor's backyard three houses down.

Motion to close the public.

Mr. Coe stated that he will need some direction from the Board as to what type of railing will be going around the deck. He stated that he assumed that the Board might want conditions in reference to the Gazebo, whether buffer trees need to be installed along the property line as a condition and whether the deck should be re configured in a manner to have it teared according to the other side, or is it acceptable to leave it un teared as it is currently constructed.

Mr. Kozak stated he is inclined to leaving it as it stands, not reducing the distance from the fence, but to get a clarification on the railing the applicant stated that she will be putting a 5 feet high horizontal with a two inch spacing apart. Mr. Kozak stated he sees no need to put trees in. The gazebo is going to be replaced. Mr. Colavita stated that if the Board is trying to compromise what compromise is the neighbor getting. Mr. Sebastian stated the applicant will be adding a privacy fencing.

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Kozak, seconded by Mr. Powers to grant the approvals of a rear yard variance to allow 7.1 setback where 37.5 feet is required for a deck that is under construction around an existing above ground pool. The conditions which are appropriate on the motion are that all work shall be done in accordance with Township permits and approvals including construction permits and lot grading approval. All work shall be done in accordance with plans surveys submitted with the application. The applicant will satisfy all escrow requirements. The applicant will install a 5 feet solid railing with horizontal slates two-inch space between the slates around the edge of the deck. The gazebo will be removed and maybe replaced with a new one. Roll call vote: Ayes- Mr. Kozak, Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. DelCampo, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

Public Hearings: (continued)

2. #22-11- Brian Barnish- Side Yard Variance

The applicant is requesting a zero side yard setback where 10 ft. is required to allow him to extend his driveway to park his RV in the side yard, along with any other variances or waivers deemed necessary by the Board. The property is located at 745 Devonshire Drive, also known as Block 24.0202, Lot 13 in the R-2 Zoning District.

Mr. Barnish 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 #22-11 complete. Voice vote; all ayes, motion passed.

Mr. Barnish stated that he is in front of the Board because him and his wife purchased a 35feet Winnebago RV, he stated that he recently retired and would like to travel. He initially had the RV parked on the side of the house, but noticed that when it rains where the RV is parked is muddy and cannot get the RV out. Mr. Barnish stated that he wants to extend the driveway from his property close to the neighbor and from the sidewalk back to half of the property not to exceed the property line. He would like to put gravel so he is able to park the RV and not having to worry about tearing up the yard.

Mr. Kozak asked Mr. Barnish in regards to the parking of the RV will it impact the neighbor trying to see. Mr. Barnish replied no the RV will be parked behind the garage.

Mr. Coe asked Mr. Barnish if the extension was going to be built with stones. Mr. Barnish replied it will be done with gravel and maybe in the future they would put pavers. Mr. Sebastian asked Mr. Barnish about the fence on his property. Mr. Barnish replied he has a chain link fence and will be moved to the back of the property. Mr. Coe asked Mr. Barnish if he has communicated with the neighbor as to what he will be doing on the driveway. Mr. Barnish replied yes he has spoken with her and she has no problem with it.

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approval of a zero-yard setback where 10 feet is required to allow the applicant to extend his driveway with gravel to park his RV on the side yard. The conditions on the motion are that the applicant will obtain any Township permits and approvals including, lot grading that maybe required. The applicant will comply with all plans and survey submitted with the application. The applicant will satisfy his escrow requirements. The applicant will be required to rectify any drainage issues created by this issue. Roll call vote: Ayes-Mr. Cummiskey, Mr. Powers, Mr. Cossaboon, Mr. DelCampo, Mr. Kozak, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

Public Hearings: (continued)

2. #22-11- Brian Barnish- Side Yard Variance (continued)

Mr. Sebastian stated to Mr. Barnish that he cannot grade his property for the water to run off to the neighbor's property, if he has a swale that will be idle.

Ms. Nelms was sworn in by Mr. Coe. Ms. Nelms introduced herself as the Zoning officer for the Township. Ms. Nelms stated that for the crushed gravel the applicant will not need to apply for any grading application, but for the installation of the pavers he will need to apply for a grading application. Ms. Nelms stated if something occurs the Township can call Penoni out to the property or the applicant can have an inspection done.

Public Portion:

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

Reports:

None

Approval of Minutes:

1. 03/17/2022 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 7:16 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.