

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:45 p.m. Vice Chairman Kozak 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. A copy was sent to the Township Clerk and a copy is posted on the second floor bulletin in Town Hall. In addition, notice of this evening’s public hearing was published in the newspaper on May 8, 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. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Colavita, **Absent-** Mr. Cossaboon, (excused), Mr. DelCampo, (excused), Mr. Sebastian, (excused), Mr. Sanders (excused) Also **present** – Mr. Kernan, Planner, Mr. Coe, Solicitor, Ms. Fox, Liaison, Mrs. Orbaczewski, Secretary, Mrs. Tomasello, Clerk Transcriber

Memorialization of Resolutions:

1. Res. #25-2022- App. #22-13 Philip Falzarano-Use Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Colavita to adopt resolution # 25-2022. Roll Call Vote; all ayes; motion passed.

2. Res. #26-2022- App. #22-12- Dawn Mills – Rear Yard Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Colavita to adopt resolution # 26-2022. Roll Call Vote; all ayes; motion passed.

3. Res. #27-2022- App. #22-14- Daniel Seybert Application Adjourned

Motion by Mr. Cummiskey, seconded by Mr. Colavita to adopt resolution # 27-2022. Roll Call Vote; all ayes; motion passed.

4. Res. #28-2022- App. #22-16- Jeremy Knight- Right-of-Way Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Colavita to adopt resolution # 28-2022. Roll Call Vote; all ayes; motion passed.

5. Res. #29-2022- App. #22-17- Wrayanne Simcox- Right-of-Way Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Colavita to adopt resolution # 29-2022. Roll Call Vote; all ayes; motion passed.

Memorialization of Resolutions:

6. Res. #30-2022- App. #475- SP Allen James Beiler- Extension Request Approved

Motion by Mr. Cummiskey, seconded by Mr. Colavita to adopt resolution # 30-2022. Roll Call Vote; all ayes; motion passed.

Public Hearings:

1. #22-23- Joan Rumpf-Lee-Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 30% lot coverage where 20% is the maximum permitted for the construction of an addition on her existing single family home, along with any other variances or waivers deemed necessary by the Board. The property is located at 669 Ames Road, also known as Block 12101, Lot 2 in the RG-PR Zoning District.

Ms. Rumpf-Lee was sworn in by Mr. Coe. Mr. Kozak asked if the application can be deemed complete. Mrs. Orbaczewski replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Cummiskey to deem application #22-23 complete. Voice vote; all ayes, motion passed.

Ms. Rumpf-Lee stated the reason she is in front of the Board is to extend her master bedroom out to the front of the house 12 ft. so that she can add another bathroom to the property. Mr. Kozak asked Ms. Rumpf- Lee if there have been any drainage problems prior. Ms. Rumpf-Lee replied no.

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Salvadori, seconded by Mr. Powers to grant the approval of a lot coverage variance to allow a 30% lot coverage where 20% is the maximum permitted for the construction of an addition to the applicants existing single family home. The condition which are appropriate for the motion are that the applicant will obtain all Township permits and approvals that are necessary including construction permits and lot grading. The applicant will obtain any outside agency approvals that are necessary. The applicant will comply with all plans and surveys submitted with her application. The applicant will satisfy her escrow requirements and obligations. Finally, the applicant will comply with any COAH requirements deemed necessary. Roll call vote: Ayes- Mr. Salvadori, Mr. Powers, Mr. Cummiskey, Mr. Colavita, Mr. Kozak. Nays- Zero. Abstentions- Zero.

2. #22-24-Stephen McKillop-Use Variance

The applicant is requesting a use variance to allow the construction of a 30 x 32 pole barn to be located in the front yard of the property, along with any other variances or waivers deemed necessary by the Board. The property is located at 1773 Orchard Drive, also known as Block 15403, Lot 2 in the R-3 Zoning District.

Public Hearings: (continued)

2. #22-24-Stephen McKillop-Use Variance (continue)

Mr. McKillop was sworn in by Mr. Coe. Mr. Kozak 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 #22-24 complete. Voice vote; all ayes, motion passed.

Mr. McKillop stated he was in front of the Board because he wants to build a 30 x 32 pole barn on the property. He stated that his property is a flag ship property. He also stated that the front is 50 ft. and goes back to 297 ft. then it opens up to 200 ft. where he wants to put the pole barn is at the 297 ft. mark of the property, he stated it is in the front of the property, but it will not be seen from the street. He stated his house sits sideways. Mr. Powers asked Mr. McKillop how was the drainage on the property. Mr. McKillop replied he was approved for the lot grading. Mr. Colavita asked Mr. McKillop if he had public/private sewer. Mr. McKillop replied it is private he has a septic tank. Mr. Cummiskey asked Mr. McKillop if the pole barn would be used for any business and what color will the building be. Mr. McKillop replied he has his own business of manufactured windows and door installer, he stated the pole barn will be for his personal items. He stated the pole barn will be compatible with the house. Mr. Coe asked Mr. McKillop if he will be constructing a residential space in the pole barn. Mr. McKillop replied no it will be solemnly for storage only.

Mr. Kernan stated that he reviewed the application. He stated there is a special circumstance with the fact that it is a flag lot, he stated that the pole barn will be in the front yard, but it is the most suitable location. Mr. Kernan stated that once the pole barn gets bigger than the dwelling a waiver is requested. The ordinance on the structure are a little strange first item is any accessory buildings or structures shall be permitted on a lot associated with a principal structure, building or use, except on qualified farmland. The total combined square footage of any accessory building or structure shall not exceed the square footage of the principal building. All farmland structures shall adhere to the setback requirements of this chapter. Then any accessory storage building greater than 300 square feet shall be permitted to have a maximum height of 22 feet from ground level to the peak and is subject to compliance with setbacks of the zone for accessory structures. The plan conforms to these requirements. He stated he doesn't have setbacks on accessory structures by zone if it is under 300 sq. ft. it's 5 ft. from the rear and side lines, if it's over it doesn't state what are the accessory setbacks for the zone. Mrs. Orbaczewski stated that she thinks Tara the zoning officer goes by the zone and has to meet the requirements for what the setback is. Mr. Kernan stated that whomever did the subdivision years ago it was a R-2 and now it is zoned R-3 in which requires a 100 ft. front yard setback, he suggested a waiver be granted for the front yard setback form 100 ft. to 30 ft. proposing.

Public Hearings: (continued)

2. #22-24-Stephen McKillop-Use Variance (continue)

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Colavita, seconded by Mr. Powers to grant the approval of a use variance to allow the construction of a 30 x 32 x 19.8 high pole barn to be located in the front yard of the applicant's property and also allow the accessory structure to exceed the size of the principal structure. The applicant is also seeking a waiver from the front yard setback requirement. The conditions which are appropriate on the motion are that the pole barn should be used solemnly for personal storage and no residential space shall be constructed within the pole barn. The applicant will comply with any and all performance standards for the pole barn. The applicant will obtain Township permits and approvals including construction permits and lot grading. The applicant will obtain any outside agency approvals that are necessary. The applicant will comply with the plans and surveys submitted with the application. The applicant will comply with any COAH requirement deemed necessary. Roll call vote: Ayes- Mr. Colavita, Mr. Powers, Mr. Cummiskey, Mr. Salvadori, Mr. Kozak. Nays- Zero. Abstentions- Zero.

3. #22-18- Kathryn Maycock-Use Variance

Present: Dan Parenti, applicant's attorney, Kathryn Maycock, applicant

The applicant is proposing to convert the existing duplex dwelling to a commercial property on the second floor and keep the remaining single family residence on the first floor. She is also proposing a 169 square foot addition onto "Building D" and the construction of a 480 square foot garage at the rear of the property, along with any other variances or waivers deemed necessary by the Board. The applicant was previously granted a use variance by Resolution #38-2020 after incorrectly receiving a site plan waiver by Resolution PB-78-17. The property is located at 117 Washington Avenue, also known as Block 3202, Lot 16 in the RG-C Zoning District.

Mr. Parenti introduced himself as the applicant's attorney. He stated that Ms. Maycock is seeking a use variance, he stated that previously the Zoning Board had approved a use variance to have mixed use at the property located at 117 Washington Ave and it has worked out very well there and she would like to continue that use. He stated that there is a duplex located in front of the house that Ms. Maycock is seeking to move some of the Chiropractor wellness center practice into that duplex. Mr. Parenti stated that Ms. Maycock would like to put up a shed on an existing concrete pad, and it will be compatible to the ones on the property. Finally, she would like to do a small addition in which is approximately 123 ft. on building D on the property and that addition is to put a handicap restroom, a utility closet for the HVAC system, and for the stair case leading to the upstairs. This will not increase the customers; it will give them more elbow room within to operate.

Public Hearings: (continued)

3. #22-18- Kathryn Maycock-Use Variance (continued)

Ms. Maycock was sworn in by Mr. Coe. Mr. Kozak asked if the application can be deemed complete. Mrs. Orbaczewski stated the application can be deemed complete if the waiver for the certificate of filing is granted but getting the certificate will be a condition of the approval. Motion by Mr. Cummiskey, seconded by Mr. Salvadori to grant the waiver and deem application #22-18 complete. Voice vote; all ayes, motion passed.

Ms. Maycock stated when they bought the property and rehab it, they wanted to expand the business as it grew. She stated that her two sons, husband, and daughter-in-law are all chiropractors and are all working under the same facility. Ms. Maycock stated that it doesn't change a lot of things, it's mostly things that are already there. She stated the existing storage building will now be used that is why she will need to build an addition to add storage, she stated it's the same parking spaces. Mr. Kozak asked Ms. Maycock if she had public water and sewer. Ms. Maycock replied yes.

Mr. Kernan stated that the request is bringing more in conformant per code because it's commercial, it's in the Pinelands, and its Regional Growth Zone Commercial and the previous use variance was for a residential duplex and now would like to make the second floor commercial and first floor residential. Mr. Kernan stated that Building Dis a vitamin shop. Ms. Maycock stated that it will stay as retail to be able to sell the vitamins, but did state that her daughter-in-law will be working in that space with women and children. Mr. Kernan stated that Ms. Maycock had mentioned a handicap restroom. Ms. Maycock replied yes that way they have everything they will need in Building D. Mr. Kernan asked Ms. Maycock if there was a second floor. Ms. Maycock replied yes, it's a loft. Mr. Kernan stated that he had noted on his report under the bulk requirements there was a variance granted for the front yard for 29.7 ft. but the current survey submitted with the application showed it was actually 29.5 ft. perhaps that can be granted for the front yard variance even though it is pre-existing condition, but since one had been granted 2 years ago maybe it should be 29.5 just to be cleared. Mr. Kernan stated that parking meets the ordinance, he also stated that in the testimony Ms. Maycock stated that the building addition will be compatible with the others.

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Salvadori, seconded by Mr. Cummiskey to grant the approval of a use variance for the applicant's proposal to convert the existing duplex dwelling to a commercial property on the second floor and keep the remaining single family residence on the first floor. The applicant is also proposing as part of her application a 169 sq. ft. addition onto Building D on the property as well as construction of a 480 sq. ft. garage at the rear of the property. The applicant is also seeking a 29.5 ft. front yard setback variance for a pre-existing condition on the property. The applicants request is a site plan waiver.

Public Hearings: (continued)

3. #22-18- Kathryn Maycock-Use Variance (continued)

The conditions which are appropriate are that the applicant will obtain all Township permits and approvals that maybe necessary including construction permits and approvals including the Pinelands certificate of filing. All work and improvement shall take place in accordance with the plans and surveys submitted with the application. The applicant will satisfy her escrow requirements and obligations; she will also satisfy any COAH requirement deemed necessary by the construction official. Roll call vote: Ayes- Mr. Salvadori, Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Kozak. Nays- Zero. Abstentions- Zero.

4. #22-22- Shane Papson- Use Variance

Present: Leonard Schwartz, applicant's attorney, Shane Papson, applicant

The applicant is requesting a use variance to allow the construction of a 40 x 60 pole barn for his landscaping business and to allow for two principal uses on one lot, along with any other variances or waivers deemed necessary by the Board. The applicant incorrectly received a site plan waiver to operate the landscaping business on the property by resolution PB- 18-18. The applicant is also known as Block 5601, Lot 16 in the RD-C Zoning District.

Mr. Schwartz introduced himself as the applicant's attorney. He stated that Mr. Papson was on the Board in 2018. The Board at that time granted him a site plan waiver. Mr. Schwartz stated that recently it was discovered by the present zoning officer that the applicant needed a use variance. Mr. Coe stated for the record that the site plan waiver was before the Planning Board not the Zoning Board.

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

Mr. Schwartz stated that Mr. Papson has a property on 3132 S. Black Horse Pike in the RG-C zone, on the property there is a residence and a shed that is 10 x 15 and the proposal in time is to take down the shed and put a 40 x 60 pole barn, which will be used for personal use as well as his business. Mr. Schwartz stated that Mr. Papson has a landscaping business. Mr. Kozak asked Mr. Papson if the shed was going to be removed. Mr. Papson replied yes it will be removed it is just temporary. Mr. Schwartz stated that because there are two principles, the residence which is presently vacant and the pole barn that will be built. He stated he needed a use variance which should have been applied for, he stated they have submitted photographs that can be marked as A-1 through A-4, those pictures show a garage existing on the site as well as plows and trucks.

Public Hearings: (continued)

4. #22-22- Shane Papson- Use Variance (continued)

Mr. Schwartz stated in terms of septic/well Mr. Papson already has an approved well and the septic is approved by the county. Mr. Kozak asked Mr. Papson what will the residence be utilized for. Mr. Papson replied he is unsure what he will be doing, if he will rent it or put a family member there. Mr. Schwartz stated in terms of the property it is a commercial and will be compatible to the zoning ordinance and the requirements of the town. Mr. Schwartz asked Mr. Papson what are the positive and negative criteria. Mr. Papson replied there are no negative, but the positive will be that he will be able to clean up the property as well as all his equipment to move them from his primary residence to the pole barn. Mr. Schwartz stated that Mr. Kernan had some questions on his report that the applicant will need a variance for the height of the pole barn to be 28 ft.in which 22 ft. is the maximum height. The maximum permitted lot coverage is 50%. Mr. Schwartz stated that Mr. Papson will need a use variance for that. The pole barn will be compatible with the residence, he also stated the site plan, if they have a waiver. Mr. Schwartz asked Mr. Papson if he will be having any employees. Mr. Papson replied yes one full time and one-part time employee, he also stated that parking will be provided for any employee. Mr. Schwartz asked Mr. Papson if the company trucks would be leaving from the business at 8 am and returning at 5 pm. Mr. Papson replied yes. Mr. Schwartz asked Mr. Papson how many vehicles would be parking on the property. Mr. Papson replied two vehicles and one dump truck. Mr. Kozak asked Mr. Papson what would be the plan for demolition. Mr. Papson replied he would sell the shed because it's still in good condition and demolish the garage to put the pole barn close to that location. Mr. Kozak stated to Mr. Papson if the house does get rented out he would need to register it at the Township as a rental property.

Mr. Kernan stated that Mr. Schwartz testified to the questions on his report, except for one. He stated on the RD-C it permits agriculture commercial establishments but it doesn't address a landscaping business that it should be permitted, that business alone triggers a use variance by itself. Mr. Kernan asked Mr. Papson that if he had a meeting in 2018 with the Planning Board for a site plan waiver, where has the business been located. Mr. Papson replied he has been storing things there and was previously operating from there until he went to build a pole barn and had to come in for a variance. Mr. Kernan stated that the property does need some TLC. Mr. Papson stated he will be cleaning up the property. Mr. Kernan stated his only recommendation will be to at least put 20 ft. from the driveway to the edge of the BHP that way the vehicles don't track anything toward the BHP. Mr. Kernan stated that the lot coverage on the property is about 75 %. Mrs. Orbaczewski asked Mr. Schwartz in reference to the septic tank, will the applicant need Pinelands approval. She stated as she was reading the one on file dated from 2012 and talks about the septic, they wanted approvals from the Township or the use. She stated she doesn't see anything in reference to the dual use on the property. She stated to Mr. Schwartz that he needed to get a no call up letter from the Pinelands.

Public Hearings: (continued)

4. #22-22- Shane Papson- Use Variance (continued)

Mr. Coe reviewed the variance requests for the Board. Motion by Mr. Colavita, seconded by Mr. Salvadori to grant the approval of the applicants request for a use variance for the construction of a 40 x 60 pole barn that is 28 ft. high, also to operate a landscaping business in the RD-C zoning district and to allow two principle uses on the lot. The applicant is also seeking a bulk variance for a lot coverage to exceed the 50 % maximum for the improvements as depicted on his plan for a total lot coverage of up to 75 %. The applicant is also requesting a site plan waiver from the Board. The condition that are appropriate on the motion are that the garage and shed structures will be removed from the property so that all that will remain on the property will be the residential structure as well as the pole barn. The applicant will pave 20 ft. from the Black Horse Pike. The applicant will comply with all representation made on the record concerning the nature extent of the business that will be operated on the property. The applicant will clean up the property by September 30. The applicant will obtain all Township permits and approvals including construction permits and lot grading approvals that are necessary. The applicant will obtain outside agency approvals including Pinelands Certificate of Filing. The applicant will comply with all plans and surveys that were submitted with the application. The applicant will satisfy his escrow requirements, permits and obligations. The applicant will comply with any COAH requirements deemed necessary. Roll call vote: Ayes- Mr. Colavita, Mr. Salvadori, Mr. Cummiskey, Mr. Powers, Mr. Kozak. 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. Coe stated that the Board was going to have a Special Meeting on May 24 for Wood Management but the Board professionals met last week and discussed that there is a lot of open issues. The Board professionals will need to meet with the applicant and go over the open issues.

2. Mrs. Orbaczewski stated that the next meeting will be on June 16. She stated one meeting a month for the summer. She also stated she will need to speak with the Chairman because the Board will need two more members.

Approval of Minutes:

None

Adjournment:

The meeting was adjourned at 7:35 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.