

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. In addition, this evening’s public hearing was sent in writing on June 24, 2022, a copy was posted on the second floor bulletin board of Town Hall and on the Township website. 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. Colavita, Mr. Kozak, Mr. Papson, Mr. Powers, Mr. Salvadori, Mr. Sebastian **Absent-** Mr. Cossaboon (excused), Mr. Seidenberg, (excused), Mr. Sanders (excused) Also **present** – Mr. Coe, Solicitor, Mr. Kernan, Planner, Ms. Fox, Liaison, Mrs. Tomasello, Clerk Transcriber

Memorialization of Resolutions:

1. Res. #43-2022- Eugene Taylor-Use Variance Amendment Approved

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution # 43-2022. Roll Call Vote; all ayes; motion passed.

2. Res. #44-2022- Jason Alexander- Use Variance Approved

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution # 44-2022. Roll Call Vote; all ayes; motion passed.

3. Res. #45-2022-Matthew Pontano- Use Variances Approved

Motion by Mr. Powers, seconded by Mr. Cummiskey to adopt resolution # 45-2022. Roll Call Vote; all ayes; motion passed.

Waiver Request:

1. #513-SP Carter Airstrip Solar 1, LLC- Letter of request to waive Certificate of Filing.

Present: Al Marmero, applicant’s attorney

Waiver Request: (continued)

1. #513-SP Carter Airstrip Solar 1, LLC- Letter of request to waive Certificate of Filing (continued)

Mr. Marmero introduced himself as the applicant's attorney. He stated that this plan was initially for the Planning Board in some conversation with Mrs. Orbaczewski it sounded like the Township positions that the property has two front yards, meaning the location of the panels will be in the front yard which can require a use variance. He wants to potentially waive the Certificate of Filing from the Pinelands, he stated that in the checklist it requires at the time of submission. He stated that projects aren't heard without Certificate of Filing. Mr. Marmero stated that he submitted a letter to the Board requesting a waiver for that requirement. The genesis of that request is about timing, the applicant does need to get Pinelands approval for this project. Mr. Marmero has attached a letter from Mayor DiLucia that he has endorsed this project back in 2021. Mr. Marmero stated the project didn't get funding at that time but he does expect to get funding this time. Mr. Sebastian asked Mr. Marmero if he felt this was the process that needed to be taken for an LLC. Mr. Marmero replied no. Mr. Kozak asked Mr. Marmero if this was the location where the applicant came in for a repair shop. Mr. Marmero replied yes the property owner came in for a use variance to have multiple uses on the sight. Mr. Kozak also stated that this person didn't want to give up their rights for the air strip. Mr. Marmero stated the air strip will be closed with FAA.

Mr. Coe reviewed the request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approvals of a waiver for the requirement for completion purposes only of the Certificate of Filing from the Pinelands Commission this is not a waiver of any Pinelands requirement.

Public Hearings:

1. #22-31- KMHK- Use Variance

Present: Leonard Schwartz, applicant's attorney, Kishan Patel, applicant

The applicant is requesting use variance to allow an accessory building to store cars on a lot with no principle use, along with any other variances or waivers deemed necessary by the Board. The property is located at 1350 N. Black horse Pike, also known as Block 1904, Lot 38 in the C Commercial District.

Mr. Kernan and Mr. Patel were sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Tomasello replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #22-31 complete. Voice vote; all ayes, motion passed.

Public Hearings: (continued)

1. #22-31- KMHK- Use Variance (continued)

Mr. Schwartz stated that the property is located next to Danzis Janitorial on the Black Horse Pike, there is an empty lot and behind the Shoprite. The property is owned by the applicant's mother in which she is here as well. The proposal is solemnly for a 50 x 100 pole barn; the applicant has custom vehicles that will need to put inside. Mr. Schwartz asked Mr. Patel how many vehicles he had. Mr. Patel replied about 50 cars. Mr. Schwartz asked Mr. Patel where these vehicles are parked. Mr. Patel replied at the house, behind the business and some in the yard. Mr. Schwartz stated that the zoning officer made contact with Mr. Patel and indicated that he had to clean up and do something about all the vehicles, this is not a commercial building it will be to store personal vehicles there are no other accessory buildings on the site. Mr. Schwartz stated there is no need for a site plan because there is no need for parking of vehicles, no customers, no signs the building itself will conform with the building color. Mr. Patel stated the lot is empty and only has stone. Mr. Schwartz asked Mr. Patel if the height of the building will not exceed the Townships ordinance. Mr. Patel replied no. Mr. Schwartz stated that there was some storage in the back of Danzis that by doing the pole barn it will open up room for the outside storage to be able to walk in. Mr. Schwartz stated that in the planner's report if the planner feels that some buffering needs to be done in regards to landscaping and fencing. Mr. Schwartz stated that Mr. Kernan's report stated that a front yard setback is 30 ft. maximum is 60 ft. the plan doesn't conform. The proposed front yard setback of the building will be 111.4 feet that will also require a variance. Mr. Schwartz stated he is asking for a variance for the building site plan waiver, no need for a variance for building height and will work with planner in regards to the buffer.

Mr. Kernan stated the way he reviewed the use variance, the pole barn is for personal use, the stone area out front that exists in the front. Mr. Kernan stated the parking is part of Danzis. Mr. Patel stated that not really, it is part of the lot but it is separated, the lot has asphalt and people just seem to park there. Mr. Sebastian asked Mr. Patel if this is an accessory use. Mr. Schwartz replied they are saying accessory use but not really when it comes under the ordinance. Mr. Kernan stated he was looking on the accessory use structure standards that will be 22 ft. high when he saw that it's proposing 32 ft. to the peak but it's not an accessory structure it's going to be the principle structure on a separate lot. Mr. Kernan stated the main use for the lot is the building for personal use. Mr. Kernan stated that commercial zone permits retail offices and banks but this is for personal use. The way it is purposed for the plan it would require a front yard setback. The rear of the property behind the existing stone area is generally wooded, it has a buffer but we don't know how much of the property is going to be cleared. There is likely that there will have enough room over to meet the buffer requirements it's 25 ft. in residential zones and are proposing the set back of 35 ft. they can technically clear 10 ft. around the corner of the building and meet the 35 ft. buffer for the residential but the front buffer to the street line is wide open. Mr. Kernan stated it's more of a principle structure rather than an accessory structure.

Public Hearings: (continued)

1. #22-31- KMHK- Use Variance (continued)

Mr. Kernan stated it's a 50 x 100 pole barn with 32 ft. to the peak. Mr. Kernan asked Mr. Patel that on the paperwork that he submitted shows the new building 100 x 50 and a dimension of 20 ft. to steel building warehouse. Mr. Patel replied there is another warehouse in the back but it's not on the property it's on the Danzis property. Mr. Schwartz stated to mark the survey as A-1. Mr. Kernan stated a building 5,000 sq. ft. in Jersey any disturbance of 5,000 sq. ft. or more requires a soil conservation, one condition of an approval will have to be soil conservation certification. Mr. Kernan stated that the electrical and plumbing will be in the building. Mr. Patel stated the building will have a bathroom. Mr. Kozak asked Mr. Patel if he will be connecting to city sewer. Mr. Patel replied yes. Mr. Kozak asked Mr. Patel if he is going to have heat. Mr. Patel replied yes. Mr. Kozak asked Mr. Patel if he will have gas. Mr. Patel replied yes. Mr. Kernan stated bathroom and temperature control. Mr. Kozak asked Mr. Patel what will the bathroom consist of. Mr. Patel replied a toilet and sink. Mr. Schwartz stated that even though it's not an accessory he will make it compatible to the buildings around. Mr. Sebastian asked Mr. Patel where will the opening be for the cars to come in. Mr. Patel replied two doors in the front. Mr. Kernan stated that he is on defense if the applicant should come in for a site plan, side walk is a consideration, some type of buffer and street trees along the Pike. Mr. Colavita asked Mr. Kernan as the professional does he feel that the applicant will need a site plan. Mr. Kernan replied that the applicant will need to put a plan together basically a site plan. Mr. Sebastian asked Mr. Kernan what will the state require for the side walk or road way. Mr. Kernan replied the DOT is out of the picture. Mr. Kozak stated that in front of the Shoprite there is a sidewalk that way the applicant can continue it from there. Mr. Kozak stated that for the future if he sells the property there will only be a building on the lot. Mr. Sebastian stated if the lots were combined it was different because then it's not only a pole barn it will not stand on its own. Mr. Coe stated that the condition they are stating is for personal use not commercial use, they would have to come back to the Board. Mr. Cummiskey asked Mr. Patel that he stated he had over 50 vehicles will he be selling them. Mr. Patel replied he wants no one on his property. Mr. Sebastian asked Mr. Patel if the vehicles were antiques. Mr. Patel replied they are mid 90's early 2000 young timers Mercedes, Audi's BMW and some classics.

Mr. Coe reviewed the request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approvals of a use variance to construct a 50 x 100-foot steel building for personal vehicle storage use. The applicant is also seeking a front yard building set back variance of 111.4 ft. where the maximum permitted is 60 ft. The conditions which are appropriate for the motion are that the applicant will obtain soil conservation certification. The applicant will obtain a site plan approval at which time all issues involving buffering access, side walk, appearance of the building will be addressed. The applicant will have no outside storage of vehicles as well as no motor vehicle sales.

Public Hearings: (continued)

1. #22-31- KMHK- Use Variance (continued)

The applicant will comply with the design and performance standards set forth in the planner's report. The applicant must secure all outside agency approvals and Township permits including construction permits and approvals and lot grading that may be necessary. The applicant shall maintain his escrow account and satisfy any outstanding escrow obligations. The building shall be solely for personal storage unit it shall not be used for any commercial purpose, no living area shall be constructed inside of the building. The applicant will comply with any COAH development requirement. The applicant will also comply with all plans and surveys and other documents submitted as part of the application. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

2. #22-32- Nancy Rodney/George Johnson- Use Variance

The applicant is requesting a use variance to allow the construction of a 28' x 24' pole barn/garage in the front yard of their property. They are also requesting a lot coverage variance to allow 5% where 3% is the maximum is permitted. The property is located at 2765 Jackson Road, also known as Block 8101, Lot 3 in the RD-RR Zoning District.

Ms. Rodney was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Tomasello replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #22-32 complete. Voice vote; all ayes, motion passed.

Ms. Rodney would like to build a two car garage. She stated that her house is very small and wanted an extra space to put exercise equipment. She stated they have two trucks and would like to store in the garage. Ms. Rodney stated before the pandemic she belonged to a gym and would work out 5 days a week, once they closed the gyms and reopened them she wasn't allowed to go because she had a health condition. Ms. Rodney stated the reason they are putting it in that location is to be close to the house so it is a short walk. Ms. Rodney stated that someone tried breaking into the shed in the past so they want to have the garage close as possible.

Mr. Kernan stated that the proposed garage is in the front yard, it will require a use variance and also a front yard setback variance in this zone the minimum set back is 50 ft. proposed is 20.3 ft. The maximum permitted lot coverage is 3% proposed is 5% which triggers another variance. Mr. Kernan stated he listed some comments on the report, he asked the applicant what was the height. Ms. Rodney stated it will be two stories but she is uncertain of the height. Mr. Kernan stated maybe higher than 22 ft. he would suggest a height variance. Mr. Kozak asked Ms. Rodney if she will be having a room in the 2nd floor. Ms. Rodney replied yes that is where the gym will be.

Public Hearings: (continued)

2. #22-32- Nancy Rodney/George Johnson- Use Variance (continued)

Mr. Kernan asked Ms. Rodney about the height. Ms. Rodney stated 10/12 peak she had a receipt which was marked as A-1. Mr. Kernan stated the garage doors are 9 x 7, 10 on 12 pitch roof, 25 ft. high. Mr. Kernan asked Ms. Rodney what was the shape of the garage and the color if it will be compatible with the home. Ms. Rodney replied yes Mr. Kernan stated the house not including the porch is 39 ft. of the right of way and the proposal is 20.3 ft. it will be about 19 ft. closer to Jackson road. Mr. Kozak asked Ms. Rodney that she stated she wanted the garage close to the house, but there is a distance from the house why would the house be so forward, Mr. Sebastian chimed in and stated because of the septic. Ms. Rodney stated that the surveyor worked out an alternate survey for her and that one was much closer to the neighbor's property line. Ms. Rodney stated she didn't want the garage facing Jackson Road she wants it to face the side of the house she would like to use the existing driveway. Mr. Kernan stated he agreed with Mr. Kozak to even out the garage with the house to move it 32 ft. will line up with the front porch. Mr. Kernan asked Ms. Rodney if she will be willing to aligning the garage with the house. Ms. Rodney replied yes. Mr. Coe stated to Ms. Rodney that this cannot be used for any commercial purpose. Ms. Rodney replied yes. Mr. Coe also stated that other than the gym it cannot be used as a living space within the space and can't construct a bedroom or kitchen.

Mr. Coe reviewed the request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approvals of a use variance to construct a 24 x 28 garage in the front yard of the property for use for personal storage and exercise area the height of the building not exceed 25 ft. The applicant will also need a bulk variance for the front building setback with the proposal structure to be set parallel with the front porch which is approximately 32 ft. set back where 50 ft. is required. The applicant will also require a lot coverage variance proposing 5% where 3% is the maximum. The conditions which are appropriate on the motion are that the building height will not exceed 25 ft. The applicant will comply with the design and performance standard set forth on 4.0 on the planner's report. The applicant must secure all necessary outside agency approvals and Township permits including construction permits approvals and lot grading that may be necessary. The applicant shall maintain her escrow account and satisfy any outstanding escrow obligation. The garage shall be used solemnly for personal storage and exercise use, it shall not be used for any commercial or business purpose, and no living area shall be constructed within the garage. The applicant shall comply with any COAH development fee requirement as may be determined by the construction official. The garage shall be constructed in accordance with all plans and surveys submitted as part of the application. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

Public Hearings: (continued)

3. #22-39- Sandra L. Ray- Use Variance

The applicant is requesting a use variance to allow more than one principle use on her property; the residential use and a chiropractor business, along with any other variances or waivers deemed necessary by the Board. The property is located at 234 N. Main Street, also known as Block 1803, Lot 9 in the R-1 Zoning.

Mr. Ray and Ms. Ray were sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Tomasello replied the application can be deemed complete. Motion by Mr. Cumiskey, seconded by Mr. Powers to deem application #22-39 complete. Voice vote; all ayes, motion passed.

Ms. Ray is asking for permission to open the business that her parents owned. Mr. Kernan stated they are in front of the Board for multiple principles of reopening a chiropractic office and residence remaining there. He listed the requirements for a home professional use as an accessory use permitted. Mr. Kernan asked Ms. Ray if she read the report and if she can answer some questions. Ms. Ray replied sure. Mr. Kernan asked if Ms. Ray was living in the residence. Ms. Ray replied no she has a tenant, she stated she will be using just the office that was used previously as an office. Mr. Kernan stated that the use shall be one which is customarily incidental to the use of the premises as a dwelling and subordinate to the residential use of the property. Ms. Ray stated it is. Mr. Kernan stated there shall be no more than two employees working on the premises other than the bona fide residents of the dwelling. Ms. Ray stated correct she will have one employee and herself. Mr. Kernan stated the use shall be conducted entirely within the dwelling or within an accessory building or buildings. Ms. Ray stated yes. Mr. Kernan stated no sign shall be larger than two square feet on each of two sides. Ms. Ray stated yes. Mr. Kernan not more than one professional person may utilize the residence. Ms. Ray replied just one. Mr. Kernan stated that portion of the dwelling unit utilized for the professional office shall not exceed 30% of the total floor area of said dwelling unit. Ms. Ray said yes it's only about 500 sq. ft. Mr. Kernan stated no mechanical equipment may be used except that which is normally used for purely domestic or household purposes and with the exception of medical, dental, or office equipment. Mr. Kernan stated for a chiropractor is minimum. Mr. Kernan stated in no case shall any home profession require parking to occur on the adjacent residential streets. Ms. Ray stated they have plenty of room, patients will be scheduled 15 minutes apart there is only two rooms. There won't be more than two people and maybe one waiting it will be the maximum of three patients at a time. Mr. Kernan asked Ms. Ray how many parking spaces currently exist. Ms. Ray said its 210 sq. ft. about 10 cars. Mr. Kernan stated buffers may be required based on the location of any new parking areas. Ms. Ray stated there are no changes. Ms. Ray explained she will be opened one morning a week eventually she would like this to be her retirement, she will like to be opened 3 days a week hours of operation 9am to 1 pm.

Public Hearings: (continued)

3. #22-39- Sandra L. Ray- Use Variance (continued)

Mr. Kernan asked Ms. Ray if there would be any problem with the neighbor with parking. Ms. Ray stated she owns the property next door and her daughter lives there. Mr. Kernan asked Ms. Ray about the handicap access. Ms. Ray replied there is no handicap access with the insurance that is involved she is not required to have it.

Mr. Coe reviewed the request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approval for a use variance to allow the reopening of a chiropractor office and to allow two principal uses on the property and residential use. The conditions which are appropriate on the motion are that the applicant will comply with all representation made on the record this evening concerning the nature in extended the business. The applicant shall comply with the design and performance standard set forth in the Board Planner's report the extent applicable and representing the existing condition on the property. The applicant will satisfy all escrow obligations. The applicant will obtain any outside agency approvals that may be necessary as well as any Township permits and approvals that may be necessary. The applicant will comply with all plans and surveys and other documents submitted with the application. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

4. #22-35- Eric Cowie- Side & Rear Yard Variances

The applicant is requesting a side yard variance to allow a 6 ft. side yard where 12.5 ft. is required and a rear yard variance to allow a rear yard of 30 ft. where 37.5 ft. is required for the construction of a deck around his existing above ground swimming pool, along with any other variances or waivers deemed necessary by the Board. The property is located at 1711 Biden Lane, also known as Block 128.0202, Lot 16 in the R-2 Zoning District.

Mr. Cowie was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Tomasello replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #22-35 complete. Voice vote; all ayes, motion passed.

Mr. Cowie stated he would like to build a deck around his existing above ground pool. Mr. Kozak asked Mr. Cowie if will be bringing it down to 6 ft. where 12.5 ft. was required. Mr. Cowie replied yes. Mr. Kozak asked Mr. Cowie what was behind his property. Mr. Cowie replied wooded area.

Public Hearings: (continued)

4. #22-35- Eric Cowie- Side & Rear Yard Variances (continued)

Mr. Coe reviewed the request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approval of a side yard variance to allow a 6 ft. side yard where 12.5 ft. is required and a rear yard variance to allow a rear yard setback of 30 ft. where 37.5 ft. is required for the construction of a deck around the existing above ground swimming pool in the applicants yard. The conditions which are appropriate on the motion are that the applicant will obtain all Township permits and approvals including construction permits and lot grading as may be necessary. The applicant will satisfy all escrow requirements. The applicant will comply with all plans and surveys submitted with the application. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

5. #22-36- Eugene Krason- Side Yard Variance

The applicant is requesting a side yard variance to allow a 3.8 ft. side yard where 5 ft. is required for his existing shed, along with any other variances or waivers deemed necessary by the Board. The property is located at 3406 Lakeside Drive, also known as Block 8902, Lot 55 in the RG-MR Zoning District.

Mr. Krason & Mrs. Krason were sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Tomasello replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #22-36 complete. Voice vote; all ayes, motion passed.

Mr. Krason stated he is requesting a side yard variance for a shed that is approximately 3.8 ft. off the property line. Mr. Sebastian asked Mr. Krason if the shed was existing. Mr. Krason replied the shed is existing for about 30 years and the concrete pad has been there since the 1970's.

Mr. Coe reviewed the request for the Board. Motion by Mr. Powers, seconded by Mr. Colavita to grant the approval of a side yard where 5 ft. is required for the existing shed on the property. The conditions which are appropriate on the motion are that the applicant will obtain all Township permits and approvals including construction permits and lot grading that may be necessary. The applicant will comply with all plans and surveys submitted with the application. The applicant will satisfy his escrow requirements and obligations. Roll call vote: Ayes- Mr. Powers, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

Public Hearings: (continued)

6. #22-40- Marie Gavin- Front Yard Variance

The applicant is requesting a front yard variance to allow an 8.7 ft. front yard setback where 30 ft. is required for the existing deck constructed at the front entrance, along with any other variances or waivers deemed necessary by the Board. The property is located at 223 Dewey Avenue, also known as Block 607, Lot 1 in the R-2 Zoning District.

Mr. Sebastian informed the Board that one of the applicant's is military and is about 6 hours away and can't make it. Mr. Coe allowed to be able to get called in by phone. Ms. Gavin was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Tomasello replied the application can be deemed complete. Motion by Mr. Cummiskey, seconded by Mr. Powers to deem application #22-40 complete. Voice vote; all ayes, motion passed

Ms. Gavin stated that the previous owner built a deck and she would like to make some changes and get permits for the deck. Mr. Coe asked Ms. Gavin if she verifies the accuracy of all the documents, surveys, and application that was presented to the Board. Ms. Gavin replied yes she does.

Mr. Coe reviewed the request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the approval of a front yard setback variance to allow 8.7 ft. front yard setback where 30 ft. is required for an existing deck constructed at the front end of the property. The conditions that are appropriate on the motion are that the applicant will obtain all Township permits and approvals including construction permits and lot grading approval as necessary. The applicant will comply with all plans, surveys, and other documents submitted with the application which the applicant has verified as to their accuracy. Finally, the applicant will satisfy her escrow requirements and obligations. Roll call vote: Ayes- Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

Interpretation:

1. Copart of Connecticut, Inc. - Interpretation of Use

The applicant is requesting an interpretation for their vehicle related use on property previously approved for warehouse/distribution. The property is located at 3398 S. Black Horse Pike, also known as Block 5701, Lots 5 and 9 in the RD-C Zoning District.

Mr. Horner introduced himself as the attorney for the applicant. Copart is a business that operates with vehicles accruing them and selling them for insurance company fleets. Copart occupies a site by lease during hurricane Ida last fall and became conducting its business there because there was a lot, as a result Copart was given a zoning violation and that was resolved.

Interpretation: Continued

Mr. Horner stated that during that time the zoning officer violation said Copart was a junkyard. He stated one of the things they wanted to urge the Board to interpretation the ordinance the provisions from being a junkyard provision regarding whole sale distribution facility and confirm that Copart is not a junk yard. Copart wants to come to Monroe Township to conduct its business, it thinks it will be a good addition to the Municipality. Before Copart decides to file the application it wants to know what kind of application is going to be making and which Board will it be going to, if Copart is determined to be a junk yard then that will be a permitted use and will also be a difficult prohibited use to discuss with the Board because the ordinance seems to see junk yards as problematic. Copart is seeking confirmation that this Board agrees with Copart interpretation ordinance, and that the operations due qualify as a conditional use the whole sale distribution facility use, with that information Copart would like to proceed, as part of the resolution of the zoning violation. Mr. Horner prepared a memorandum to the municipal solicitor which has been included in the memorandum. That was referred to the Planning Board attorney in which he got a memorandum back that Ms. Gaglione believes that Copart is a junkyard. We believe that memorandum didn't touch on a lot of the issues and since this Board is properly utilized to hear interpretation we wanted to bring the whole thing to the Zoning Board that way he knows what to do next. Mr. Horner brought a representative from Copart to explain to the Board what it is that Copart does. He also has a professional planner Paul Gleitz. Mr. Coe asked Mr. Horner if during his presentation he will also be addressing the vehicle storage yard. Mr. Horner replied yes.

Mr. Buzzell and Mr. Gleitz were sworn in by Mr. Coe. Mr. Buzzell is a regional manager for the state of New York and New Jersey and oversees 10 facilities in those states. He has been employed with Copart for 16 years. The largest clients are the insurance clients and those customers are Progressive insurance, Geico insurance, State Farm insurance and he also does cars for kid's donation vehicles, fleet vehicles Hertz, Avis are the preferred sellers. There was numerous discussion about the facility. Mr. Sebastian had pictures of the facilities and was given to the Board Members. Mr. Coe asked the applicant what is the number of vehicles that are proposing for Monroe Township. Mr. Buzzell replied he wasn't familiar with that number. Mr. Coe asked if he has an approximation. Mr. Buzzell replied he doesn't. Mr. Coe stated he wants to know what would happen if they had some spill or leak, how you would respond to that. Is there any kind of activity inspections that are generated by the NJDEP over the operation? Is there any follow up from the DEP that are aware. Mr. Buzzell replied they had a visit in the Windsor location it wasn't the DEP it was the municipalities. Mr. Coe stated the provision of the motor vehicle code that carves out the insurance pulls when was that amendment revealed. Mr. Gleitz replied 2009. Mr. Coe stated why in the ordinance definition did not include that and review the code and the definition that is adopted in the ordinance is from 1984.

Interpretation: Continued)

Mr. Coe stated prior to this amendment nobody thought to come back and change the definition to adopt the change in the definition to adopt the change that occurred in 2009. Mr. Coe stated given that testimony vehicle storage yard willing to take off the table for any kind of consideration at this point. It's clearly not an operation. Mr. Horner stated that his legal review of it has made him think this is not a storage yard it's a place where materials are stored, materials that happen to be cars and stored in a ware house.

Manufacturing plants of a type which carry on processes within completely enclosed buildings; wholesale distribution centers for wholesale sales, storage and distribution, including facilities for bulk storage; enclosed service and repair facilities; equipment sales and service ; business offices and office buildings; industrial plants not involving the syntheses of chemical products for direct industrial sale; research laboratories; and other light industrial uses of the same general character.

Mr. Coe reviewed the request for the Board the interpretation of a light industrial use. Roll call vote: Ayes- Mr. Cumiskey, Mr. Powers, Mr. Colavita, Mr. Salvadori, Mr. Papson, Mr. Sebastian. Nays- Mr. Kozak. Abstentions- Zero.

Public Portion:

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

Reports:

Approval of Minutes:

No Minutes

Adjournment:

The meeting was adjourned at 10:47 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.