

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:32 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 Meeting on January 12, 2022. In addition, notice of this evening’s public hearings was sent in writing on August 21, 2022, a copy was posted on the second floor bulletin board of Town Hall and on the Township’s website.”

The Board saluted the flag.

Roll call: Present – Mr. Colavita, Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Sebastian, Mr. Seidenberg. Absent – Mr. Papson (excused), Mr. Sander, (excused). Also present – Mr. Coe, Solicitor, Mr. Kernan, Planner, Ms. Fox, Council Liaison, Mrs. Orbaczewski, Secretary.

Memorialization of Resolutions:

1. #48-2022 – App. #22-31 – KMHK, LLC – Use Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution #48-2022. Voice vote; all ayes, motion passed.

2. #52-2022 – App. #22-36 – Eugene Krason – Side Yard Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution #52-2022. Voice vote; all ayes, motion passed.

3. #53-2022 – App. #22-40 – Marie Gavin – Front Yard Setback Variance Approved

Motion by Mr. Cummiskey, seconded by Mr. Powers to adopt resolution #53-2022. Voice vote; all ayes, motion passed.

Public Hearings:

1. #465-ASP – Advantage Land Management, LLC – Amended Final Site Plan

Mr. Mintz addressed the Board and stated that there was an issue with the notices that were sent so he is before the Board to request the matter be postponed to the September 15, 2022 meeting. He stated he would be happy to meet with any members of the public present out in the hall and apologized for any inconvenience. No new notice will be sent since notice of the new date has been stated on the record. The applicant has also waived any time constraints for Board action. Motion by Mr. Powers, seconded by Mr. Cummiskey to grant the postponement. Roll call vote: Ayes – Mr. Powers, Mr. Cummiskey, Mr. Colavita, Mr. Cossaboon, Mr. Kozak, Mr. Salvadori, Mr. Sebastian, Mr. Seidenberg. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

2. #22-45 – Jason Sbalcio – Rear Yard Variance

The applicant is requesting a rear yard variance to allow a rear yard setback of 16.25 ft. where 25 ft. is required for the construction of a 16' x 21.5' deck, along with any other variances or waivers deemed necessary by the Board. The property is located at 1122 Dublin Court, also known as Block 13.0101, Lot 85 in the R-2 Zoning District.

Present: Mr. Sbalcio, applicant.

Mr. Sbalcio 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 #22-45 complete. Voice vote; all ayes, motion passed. Mr. Sbalcio stated he is before the Board for a variance in order to construct a 16' x 21.5' deck. The zoning permit was denied because they do not have the 25 feet to the property line. Mr. Kozak asked if the HOA has approved the proposal. Mr. Sbalcio replied they have received HOA approval.

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

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the rear yard setback to allow 16.25 feet where 25 feet is required for the construction of a 16' x 21.5' deck with the following conditions; the applicant must construct the deck in accordance with the plans and survey submitted, the applicant must obtain all Township permits and approvals, including lot grading if necessary, the applicant must obtain HOA approval, and the applicant will maintain the escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Kozak, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #22-44 – Greg Stevenson – Use Variance

The applicant is requesting a use variance to allow two accessory structures to be larger than the principal structure, in total, along with any other variances or waivers deemed necessary by the Board. The proposed garage is 32' x 48' and there is an existing 240 square foot shed. The principal structure is 1476 square feet. The property is located at 363 Hancock Avenue, Williamstown, also known as Block 10603, Lot 19 in the AG Zoning District.

Present – Greg Stevenson, applicant.

Public Hearings: (continued)

3. #22-44 – Greg Stevenson (continued)

Mr. Stevenson 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 #22-44 complete. Voice vote; all ayes, motion passed. Mr. Stevenson stated he is before the Board for a use variance in order to build a pole barn that is larger than his house. Mr. Kozak asked the purpose of the pole barn. Mr. Stevenson replied it will be used for storage of cars and a workshop. Mr. Kozak asked if there will be a business use. Mr. Stevenson replied it will not be used for any business. Mr. Colavita asked the height of the pole barn. Mr. Kernan replied it appears it is 20 feet in height.

Mr. Kernan reviewed his report for the Board. He stated that the applicant is requesting a use variance because the proposed pole barn and shed combined exceed the square footage of the house which is approximately 1476 square feet and the proposed pole barn and existing shed are about 1776 square feet. He commented that the shed appeared to be too close to the side yard. Mr. Stevenson commented he already moved the shed back 25 feet from the side property line. Mr. Kernan also commented on lot coverage stating the agricultural zone only allows for 3%. It appears Mr. Stevenson may exceed that when it's all added up but he is unable to determine what the lot coverage is or will be. Mr. Coe stated the resolution will state the variance will allow the lot coverage for what is shown on his survey including the new pole barn. If he wants to construct anything else, he would have to come back to the Board. Mr. Stevenson understood that condition. Mr. Kernan asked Mr. Stevenson to confirm that the shed and the pole barn will be compatible in shape and color to the house. Mr. Stevenson replied it will be compatible with the house. Mr. Coe asked Mr. Stevenson if he would agree that the purpose of the pole barn is keep his property neat and not have storage outside. Mr. Coe also stated that Mr. Stevenson is not permitted to have any living space in the pole barn. Mr. Stevenson agreed with both comments.

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

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Powers to grant the use variance and lot coverage variance to allow the proposed pole barn, existing buildings, and impervious coverage conditioned upon the applicant returning to the Board if he wants to construct anything else on the property. Also with the following conditions; the applicant must obtain all Township permits and approvals, the applicant must construct the pole barn in accordance with the plans and survey submitted, the applicant must comply with the Planner's comments in his report regarding compatibility in shape and color to the existing home, and the applicant must maintain his escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Cossaboon, Mr. Kozak, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

4. #22-47 – Roger Geiger – Rear Yard Variance

The applicant is requesting a rear yard setback variance to allow a setback of 5 feet where 10 feet is required for the construction of a 10' x 16' deck, along with any other variances or waivers deemed necessary by the Board. The property is located at 721 Barbados Drive, Williamstown, also known as Block 9.0306, Lot 12, in the RA Zoning District.

Present – Roger Geiger, applicant.

Mr. Geiger 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 #22-47 complete. Voice vote; all ayes, motion passed. Mr. Geiger stated he is before the Board for a variance in order to construct a 10' x 16' deck in the back yard. Mr. Kozak asked what is behind Mr. Geiger's house. Mr. Geiger replied there is another house behind his but everyone around him has a deck. Mr. Kozak asked if the deck has been approved by the HOA and if he understands that he will be responsible if there are any drainage issues onto neighboring properties after his deck is constructed. Mr. Geiger replied he does have HOA approval and he agreed with Mr. Kozak's comment.

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

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Cossaboon to grant the rear yard variance to allow 5 feet where 10 feet is required for the construction of a 10' x 16' deck conditioned upon the applicant obtaining all permits and approvals from the Township, construction of the deck in accordance with the plans and survey submitted, approval of all outside agencies necessary, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Cossaboon, Mr. Colavita, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Portion:

1. Cody Miller, 711 Clayton Road. Mr. Miller stated he was before the Board on behalf of his mother, Wendy Scarpinato, who lives at 1032 Blue Bell Road. She has been in contact with the Zoning Officer with regard to the buffer that was placed behind the Milano's Pizza business on Corkery Lane. Mr. Miller stated ever since the addition was put on the building there have been issues with parking. A buffer was supposed to be placed there twenty years ago and it wasn't. The property owner recently installed the buffer after his mother complained, but it is not the buffer that should be there. The bushes planted are practically twigs and they are not the required height. Mr. Miller stated they don't want to hurt a local business but there are parking issues and the buffer is not what should have been planted.

Public Portion: (continued)

Mr. Kozak asked if Mr. Miller went to the Zoning Officer. Mr. Miller replied that his mother did speak to Tara and she stated the buffer that was planted was adequate. He stated that the plans are different than the ones his mother has. Mrs. Orbaczewski stated that his mother was in the Planning Board office with her plan and the file plan was brought out and they are the same plan. Mr. Kozak replied that the Board does not have any enforcement and he must contact the Zoning Officer. Mr. Coe added that the Board, either Board, cannot do anything further, it is totally an enforcement issue. It isn't that they don't want to listen to the matter but they cannot do anything to help him. With regard to the parking along the rear of the site, Mr. Miller was advised to call the Fire Marshall. After further discussion, it was decided that Mrs. Orbaczewski would send an email to the Zoning Officer regarding the matter brought up by Mr. Miller. Mrs. Orbaczewski stated she will copy Mr. Miller on her email to the Zoning Officer.

Reports:

1. Mrs. Orbaczewski stated the next meeting is scheduled for September 15, 2022.

Adjournment:

The meeting was adjourned at 7:13 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: Ninette Orbaczewski, Secretary