

Call to Order:

The Zoning Board of Adjustment meeting was called to order at 6:33 p.m. on February 16, 2023 by Chairman Cummiskey 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 20, 2023 and a copy was posted on the 2nd floor bulletin board in Town Hall and also posted on the Township’s 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; Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rice, Mr. Seidenberg, Mr. Kernan, Planner, Mr. Fiore, Solicitor, Mr. Heverly, Council Liaison. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Kerr, Mr. Salvadori, Mr. Sander, Engineer.

Memorialization of Resolutions:

1. Res. #10-2023 - #22-65 – Ronald Thomas – Use Variance Approved

Motion to approve by Mr. Powers, seconded by Mr. Seidenberg. Voice vote; All ayes. Motion passed.

2. Res. #11-2023 - #23-01 – David Vitt – Rear & Side Yard Variances Approved

Motion to approve by Mr. Powers, seconded by Mr. Seidenberg. Voice vote; All ayes. Motion passed.

3. Res. #12-2023 - #23-02 – Faliere Dieujuste – Side, Rear, and Lot Coverage Variances Approved

Motion to approve by Mr. Powers, seconded by Mr. Seidenberg. Voice vote; All ayes. Motion passed.

Public Hearings:

1. #23-06 – Michael Hickman – Rear Yard & Lot Coverage Variances

The applicant is requesting a side yard variance to allow 14.43 feet where 20 feet is required for construction of a 25’ x 16’ addition which will take the place of the existing deck that his being removed, as well as a lot coverage variance to allow 46% lot coverage where 3% is the maximum permitted, along with any other variances or waivers deemed necessary by the Board. The property is located at 1298 Morgan Road, also known as Block 2601, Lot 42 in the RD-A Zoning District.

Mr. Hickman was sworn in by Mr. Fiore. Motion passed to deem the application complete. Mr. Hickman stated that he is requesting a variance to put an addition on his home. Mr. Fiore reviewed the variances requested with the applicant. Mr. Colavita pointed out that the lot coverage variance stated at 43% should be 46%. It was determined to be a typo on the agenda versus the applicant’s paperwork.

Public Hearings: (continued)

1. #23-06 – Michael Hickman (continued)

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

Mr. Fiore gave a summary of the application for the Board.

Motion to approve by Mr. Kozak, seconded by Mr. Powers. Roll call vote; Ayes- Mr. Kozak, Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Seidenberg, Mr. Rice. Nays- Zero. Abstentions- Zero.

2. #23-07 – Vanessa Johnson – Rear Yard Variance

The applicant is requesting a rear yard variance to allow 32.5 feet where 37.5 feet is required for an existing deck/patio, along with any other variances or waivers deemed necessary by the Board. The property is located at 512 Waverly Court, also known as Block 12901, Lot 5.18 in the R-2 Zoning District.

Vanessa and Timothy Johnson were sworn in by Mr. Fiore. Motion passed to deem the application complete. Ms. Johnson stated that they are requesting a variance for a deck. Mr. Fiore asked if they were replacing a deck. Ms. Johnson stated that the deck is already there. Mr. Fiore asked which development this was located. Ms. Johnson replied Twelve Oaks. Mr. Fiore asked if they found out they needed a variance when they were selling the house.

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

Mr. Fiore gave a summary of the application for the Board.

Motion to approve by Mr. Powers, seconded by Mr. Seidenberg. Roll call vote; Ayes- Mr. Powers, Mr. Seidenberg, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Rice. Nays- Zero. Abstentions- Zero.

3. #1868 - Monroe Tool & Die – Minor Subdivision

The applicant is requesting a minor subdivision approval to convey 775 square feet from existing Lot 20 to existing Lot 22 along with variances to allow 96.75 feet of frontage where 150 feet is required for Lot 20, to allow 96.75 lot width where 150 feet is required, also for Lot 20 and to allow 33% lot coverage where 3% is the maximum permitted lot coverage, along with any other variances or waivers deemed necessary by the Board. The property is located at 187 & 197 Sharp's Road/Monroe Avenue, also known as Block 7416, Lots 20 & 22 in the RD-C Zoning District.

Present was Mr. Schwartz, attorney for the applicant. Mr. Fiore swore in the applicants, Steven Kennedy and Holly Kennedy and also Mr. Kernan. Mr. Cummiskey asked if the application can be deemed complete. Mr. Kernan made note of items in his report that he would like testimony on to consider it complete. Mr. Kernan stated that the survey does not include the wooded lands and

Public Hearings: (continued)

3. #1868 – Monroe Tool & Die (continued)

other nearby structures within 200' feet of the property as required, but he would consider waiving that requirement for the purpose of this application. Mr. Kernan stated that the survey does not include location and size of nearby bridges, culverts, drainage areas, streams, ponds, etc. He stated that across the street there is a lake and possibly a stream corridor nearby, but he would consider waiving that requirement for the purpose of this application. Mr. Kernan asked that there be testimony as to any nearby utilities easements that may exist. Mr. Schwartz asked the applicants if there were any utility easements on the properties in question. Ms. Kennedy replied no. Mr. Kernan stated that the Board should strike that item. Motion passed to deem the application complete.

Mr. Schwartz reviewed the application and what is being requested. He stated that between Lots 20 and 22 there is a triangular piece that they will be adjusting from one lot to the other. There is nothing else being done to the property, no new buildings, no change of use or site plan issues. Mr. Schwartz asked the applicant about a trailer that is existing on the property. It currently straddles the lot line, they are here tonight to adjust the lot line through the minor subdivision. Mr. Kennedy agreed. Mr. Kennedy explained that the trailer has been there since before he owned it, he would like to increase lot 22 so that the lot line includes the trailer on its property. Mr. Schwartz stated that there is private well and septic, they have submitted to Pinelands and received a certificate of filing. Mr. Schwartz stated the County Planning Board has approved the application. Mr. Schwartz made note that Mr. Kernan's report will go over a number of bulk variances for Lots 20 and 22 that are mostly preexisting and may change as a result of this subdivision.

Mr. Schwartz stated that it would be a hardship on the applicants if they were not approved for the variances. Mr. Kennedy agreed with that and stated that they are just trying to clean it up. Mr. Schwartz stated that the positive criteria are the straightening of the lot line and therefore the lot will encompass the entire trailer instead of it straddling the property line. The negative criteria are related to other variances that will affect the house and the business itself. Mr. Schwartz stated there is no negative impact to any of the surrounding properties. Mr. Kennedy agreed. Mr. Schwartz asked how long the house has been there. Ms. Kennedy replied since the 70s. Mr. Kennedy replied the business has been there since 1964. Mr. Schwartz stated there is no negative impact to the zoning ordinance that is in place today.

Mr. Kernan reviewed his report for the Board. He stated that the commercial building is permitted conditionally. The requirements for the conditional use though do not meet the acreage, but since the lot is being enlarged through this application, the lot is being made less nonconforming so it does not require a use variance. Mr. Kernan noted that they already had a certificate of filing for the Pinelands. As for the single-family home on lot 20, there is no use listed for single family homes in the zoning schedule, so it is just there as a preexisting nonconforming use. Mr. Kernan stated that testimony indicated the trailer has been existing for 40+ years, he's unsure if it was previously permitted but it has not been cited for a violation by the Zoning Officer either, so he did not make any comments about the trailer in his report.

Public Hearings: (continued)

3. #1868 Monroe Tool & Die (continued)

Mr. Kernan referenced Lot 20 and stated there are bulk requirements for single family homes in this zone but they are not listed as permitted or not permitted. He stated that a lot frontage and lot width variance would be required, though front and side yard setbacks are conforming. He also stated that the rear yard setback is a preexisting nonconforming condition so does not require a variance, and for lot coverage a variance is required. Mr. Kernan referenced Lot 22, he stated that variances are required for the lot area, lot frontage and width. Mr. Kernan stated that the front yard setback is a preexisting nonconforming condition that does not require a variance. He stated that the side yard setback will require a variance, and the rear yard is another preexisting nonconforming condition that will not require a variance. Mr. Kernan stated that the lot coverage will require a variance and the buffers are a preexisting nonconforming condition that will not require a variance. Mr. Kernan asked the applicant about parking on site. Mr. Kennedy stated that there is no issue with parking, there are plenty of spaces for the employees.

Mr. Kozak asked the applicant about the trailer's current use. Mr. Kennedy replied that it's being used as an inspection room/office. Mr. Fiore asked if the trailer was ever approved by zoning, the applicant stated that the trailer was already there when he bought the property. Mr. Fiore stated they will clean up the variances so there's no problem in the future. Mr. Kozak asked if they are residing in the house. Mrs. Kennedy replied that her daughter and son-in-law are living there. Mr. Kozak asked if they were renting it out. Mrs. Kennedy replied no. Mr. Fiore stated that per the application file and discussion with the Board secretary, as part of the resolution approval the trailer predates the zoning so no further action will be necessary regarding the trailer. Mr. Fiore asked Mr. Kernan if the application requests improves the lots. Mr. Kernan agreed that it does.

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

Mr. Fiore summarized the application for the Board. Mr. Colavita asked about the side yard setback where the trailer sits and whether or not that should require a variance. After discussion it was agreed upon that a variance would also be needed for the side yard for Lot 20 that the trailer sits upon. Mr. Fiore again summarized the application for the Board.

Motion to approve by Mr. Powers, seconded by Mr. Colavita. Roll call vote; Ayes- Mr. Powers, Mr. Colavita, Mr. Carino, Mr. Cumiskey, Mr. Kozak, Mr. Rice, Mr. Seidenberg. Nays- Zero. Abstentions- Zero.

4. #23-03 – Tuckahoe Tile – Use Variance

The applicant is requesting a use variance to allow two principal uses on the same lot; an existing residential home and a commercial garage/pole barn that was constructed in 1999. The applicant is also requesting a side yard variance to allow 15.62 feet where 50 feet is required, along with any other variances or waivers deemed necessary by the Board.

Public Hearings: (continued)

4. #23-03 – Tuckahoe Tile (continued)

Mr. Schwartz is present along with the applicant, Linda Fuscia. Mrs. Fuscia was sworn in by Mr. Fiore. Motion passed to deem the application complete. Mr. Schwartz presented the requests in the applications. Mr. Schwartz asked the applicant Mr. Schwartz asked Mrs. Fuscia if she was an officer of the company. Mrs. Fuscia replied yes. Mr. Schwartz asked if the building in the back was being used as an office. Mrs. Fuscia replied yes. Mr. Schwartz asked when that building was built did anyone tell them they had to get a site plan approval. Mrs. Fuscia replied no. Mr. Schwartz asked if there is any problem with onsite parking and what is parked there now. Mrs. Fuscia replied that her car is parked there, and there are two trailers and funnel cake trailer and a storage trailer as well as a boat they are trying to get rid of. Mr. Schwartz asked if anyone has complained about the property. Mrs. Fuscia replied no.

Mr. Schwartz asked if the employees come and go. Mrs. Fuscia replied no, they are Union so the employees go directly to the job site. Mr. Schwartz asked if there has been any negative impact with the neighboring properties. Mrs. Fuscia replied no. Mr. Schwartz asked if it would be a hardship if she had to tear down the building that has been there since 1999. Mrs. Fuscia replied yes. Mr. Schwartz asked if she would be building anything new. Mrs. Fuscia replied no, she is just there to clean things up.

Mr. Kernan reviewed his report for the Board. Mr. Kernan stated that they are here for multiple principal uses for the dwelling in the front and the pole barn in the back. He stated that the pole barn is much larger than the dwelling so that needs a variance as well. He also mentioned a variance that would be needed for the storage of the travel trailers, boat and utility trailers. Mr. Kernan was satisfied with the testimony regarding the parking at the site and the business use of the pole barn that no employees would be traveling there. Mr. Kernan made note that the property driveway and some of the vehicles being stored seem to be on the neighboring property. Mr. Kozak asked if the applicant is storing their stuff on the neighboring property. Mr. Schwartz stated that sometimes when you pull into the applicant's lot from Tuckahoe Road it may seem like you are on the neighbor's property.

Mr. Kernan stated that the travel trailers and boats seem to be on the neighbor's property. Mr. Fiore asked the applicant if she could move the trailers. Mrs. Fuscia replied that would not be a problem. Mr. Kernan also stated that they need a site plan waiver but since the site has been used this way for so many years without any issues raised from the public he would approve a waiver. Mr. Kozak asked if any materials would be stored outside. Mrs. Fuscia replied no. Mr. Fiore asked the Board if they want to clarify as part of the conditional use that it's for personal use and Tuckahoe Tile and that if they want to rent the pole barn in the future that they would have to come back for new conditional use permission. Mr. Schwartz stated that the language in the ordinance states that they would have to come back to the Township for a change of business anyway.

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

Public Hearings: (continued)

4. #23-03 – Tuckahoe Tile (continued)

Mr. Fiore reviewed the application for the Board.

Motion to approve by Mr. Colavita, seconded by Mr. Powers. Roll call vote; Ayes- Mr. Colavita, Mr. Powers, Mr. Carino, Mr. Cummiskey, Mr. Kozak, Mr. Rice, Mr. Seidenberg. Nays- Zero. Abstentions- Zero.

5. #23-04 – Great Railings – Use Variance

The applicant is requesting a use variance to allow outside storage of materials related to his business located on the Black Horse Pike as well as having a sales office and customer pick up at this location, along with any other variances or waivers deemed necessary by the Board. He plans to install a 6-foot high PVC fence to shield the materials from the street and any neighboring businesses. The property is located at 1401 N. Black Horse Pike, also known as Block 701, Lot 10 in the Commercial Zoning District.

Mr. Schwartz provide the Board with an aerial photo of the property. Mario Conlin was sworn in by Mr. Fiore. Motion passed to deem the application complete. Mr. Schwartz reviewed the application for the Board. He stated that the applicant plans to run his office out of this location. Mr. Conlin agreed and stated that there is ample parking for customers at this location. Mr. Schwartz asked where the outdoor storage would be. Mr. Conlin replied storage for the decking, railing and fencing material would be in the back right corner. Mr. Conlin stated that this location would be for materials ready to be picked up where the old location would be more for fabrication. Mr. Schwartz referred to the lease agreement and stated that Mr. Conlin has to put up a fence to shield the storage area from the other neighboring businesses. Mr. Schwartz stated one of the variances requested is due to the location being a business park, there are multiple businesses currently at that location.

Mr. Schwartz asked the applicant if he was making any changes to the lot. Mr. Conlin replied nothing other than putting up the fence. Mr. Schwartz asked about the variance for the sign. Mr. Conlin said that new sign will just replace what's already existing there. Mr. Schwartz stated there was not any negative impact to any surrounding buildings on the Pike. Mr. Conlin agreed. Mr. Schwartz stated that this affects positive change as well at the applicant's other location on the Pike.

Mr. Kernan referred to the Zoning Officer's letter as to why the applicant was directed to appear before the Board. The Zoning Officer stated that there is only one permitted use for that property and there are various uses there. Mr. Kernan stated that some of the other issues on this property do not apply to this applicant as there are other businesses at that location. Mr. Kernan advised the Board to strike comment #2 in his letter.

Public Hearings: (continued)

5. #23-04 – Great Railings (continued)

Mr. Kernan stated that the sign variance may not be required, as the ordinance states a sign with multiple occupancy should be similar in size and design. He suggests there be a waiver granted for the sign. Mr. Kernan stated that the site plan waiver may be considered since the applicant is only asking to erect a fence. Mr. Kernan asked how the tractor trailers would get in the fenced in area. Mr. Conlin stated that there's room for the tractor trailer through the gate. Ms. Orbaczewski asked for the testimony to be more specific when referring to the survey of the property. Mr. Fiore reminded the Board that the survey the applicant is pointing to is also provided in their packet to follow along. Mr. Conlin described where the tractor trailer could access the property and continue to the yard where the storage will be.

Mr. Fiore asked if there was any handicapped parking. Mr. Conlin replied yes there are three, and stated they just had the parking lot restriped. Mr. Fiore asked Mr. Kernan if that is adequate for the site. Mr. Kernan replied that it's determined by the number of overall spaces. Mr. Fiore made a comment related to all that seems to be going on at this property. Mr. Kernan stated that all he thought the application was here for is for a variance for the storage of materials. Mr. Kozak stated that the Zoning Officer only had issue with the applicant having the outside storage, there was no issue with site plan or use variance. Mr. Kernan agreed with that and he would support a site plan waiver.

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

Mr. Fiore summarized the application for the Board.

Motion to approve by Mr. Powers, seconded by Mr. Rice. Roll call vote; Ayes- Mr. Powers, Mr. Rice, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Seidenberg. Nays- Zero. Abstentions- Zero.

Public Portion:

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

Reports:

Ms. Orbaczewski reminded the Board that there will be a special meeting on 3/15 beginning at 6pm.

Minutes:

Motion passed to approve the minutes from February 2, 2023 regular meeting.

Adjournment:

Motion passed to adjourn the meeting at 8:03 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: Amy Gallagher, Clerk Transcriber

