

Call to Order:

The Zoning Board of Adjustment meeting was called to order at 6:34 p.m. on September 7, 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. In addition, notice of this evening’s public hearing was published on August 28, 2023. 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. Salvadori, Mr. Seidenberg, Mr. Fiore, Solicitor, Mr. Kernan, Planner, Mr. Sander, Engineer. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Kerr, Mr. Heverly.

Mr. Fiore made an announcement that item #6 on the agenda, Noria Chaberton JV, LLC applications #23-21 & #523-SP would be rescheduled to the regular meeting on September 21. He stated that there was an issue with the public notice that the applicant’s attorney is required to place in the newspaper. Therefore, the matter will be continued so that they can notice the proper newspaper, however no further notice to the residents is required as the date is being given here tonight.

Public Hearings:

1. #23-27 & #525-SP– Williamstown Congregation of Jehovah’s Witnesses- Use Variance & Site Plan

The applicant is requesting use variance approval for an existing institutional use which is a conditional use in the zone. Variances are being requested , as such, a use variance is required. The applicant is also seeking site plan approval for the construction of a 1300 square foot addition to accommodate ADA accessibility, along with a new roof, new lighting, new exterior finishes, and the expansion of the driveway entrance. Side yard, lot coverage, and buffer variances are required, along with several design waivers. The property is located at 1222 Clayton Road, also known as Block 12701, Lot 10 in the R-2 Zoning District.

Present is the applicant’s attorney, Jared Pape. Mr. Pape asked the Board if proper notice was completed. Ms. Orbaczewski replied yes. Motion passed to deem the application complete. Mr. Pape briefly reviewed the application and named the witnesses that will be testifying. Robert Leondis was sworn in by Mr. Fiore. Mr. Pape asked Mr. Leondis to provide information about the upgrades they plan to provide and the current operations on the site. Mr. Leondis stated that this upgrade will bring the building up to current accessibility code. Mr. Leondis stated that the building is in use during the week for meetings on Wednesday and Thursday evenings from 7 pm

Public Hearings: (continued)

1. #23-27 & #525-SP– Williamstown Congregation of JW (continued)

to about 9:30 pm, and for congregation on Saturdays at 9:30 am and 1 pm, and Sundays at 10 am and 1 pm. He also stated that throughout the year the facility may be used for funerals or weddings and other such uses. Mr. Pape added that there are no proposed real changes to the site, this is simply to upgrade and bring the building to code for accessibility. Mr. Kozak asked Mr. Leondis what his relation is to the organization. Mr. Leondis stated that he is the project manager.

Mr. Kernan asked how big the congregation is. Mr. Leondis replied that there are two congregations here, one for Franklinville and one for Williamstown. He stated that the Franklinville group is about 120 attenders and the Williamstown group is about 90 attenders. Mr. Kozak asked if they both meet there. Mr. Leondis stated yes, they both meet there but at different times. Mr. Fiore asked to give the standard hours of operation. Mr. Leondis stated that most meetings go for about an hour and a half and the daily schedule is program generated. Mr. Kozak asked if everything was conducted inside. Mr. Leondis affirmed.

Eric Brown, the professional engineer witness for the applicant, was sworn in by Mr. Fiore. Mr. Brown stated his credentials and was accepted as an expert witness by the Board. Mr. Brown referred to an aerial photo of the site marked as exhibit 1, and continued to point out the existing conditions at the site. He stated there is currently septic and well service on the site. Mr. Brown referred to an aerial photo of the site marked exhibit 2, showing the proposed addition and ramp. Mr. Brown stated that they are reducing the number of parking stalls but are still above what is required. Mr. Brown stated that they are widening the driveway for safer ingress and egress. He stated that there is also an additional building mounted light to be added. Mr. Brown stated that the addition area is over an existing area of asphalt so the impervious coverage is actually being reduced and the drainage patterns remain the same. He also noted there is an existing shed that will be relocated to be within the proper setbacks.

Mr. Kozak asked Mr. Brown to point out the location of the septic and well on the site. Mr. Brown pointed out the front of the building is where the leech field is located. Mr. Brown pointed out an area in the back of the parking lot to where the well is located. Mr. Kozak asked if they have an ADA ramp currently. Mr. Brown replied not to the primary worship area. Mr. Kozak asked if the signage would be changed. Mr. Brown replied the signage will not change. Mr. Fiore asked Mr. Pape to mark the exhibits 1-5.

Mark Remsa, the professional planner for the applicant, was sworn in by Mr. Fiore. Mr. Remsa stated his credentials and was accepted as an expert witness by the Board. Mr. Remsa referred to exhibit 1, the aerial photo of the site, to show what currently surrounds the property. He stated that with the addition, they will be relocating the drop off area from the front of the building to the back where the addition will be. Mr. Remsa stated that the use variance is needed due to not meeting the bulk variances. He stated that the proposed side yard setback is 13.73 feet due to the building not being parallel to the property line. Mr. Remsa stated that the proposed impervious coverage would be 35.05%. Mr. Remsa also added that the buffer area for a non-residential use

Public Hearings: (continued)

1. #23-27 & #525-SP– Williamstown Congregation of JW (continued)

next to residential use, the proposed would be 3.1 feet from the parking area. He stated there is also a buffer requirement for the parking area itself and they are requesting for that. Mr. Remsa stated there is a sidewalk waiver requested as well, it is a rural area and there are no other sidewalks in the area. Mr. Remsa stated that the requested use is beneficial, he stated there are no changes to the buffer, there is a di minimus increase of the building closer to the property line. He also stated there is no impact to the properties across the road or to the east or south of the property. Mr. Remsa stated that the upgrade of the building to be ADA compliant is a benefit, he also stated there is no detriment that he can find. Mr. Remsa stated that the proposal advances the MLUL and reviewed those notes.

Mr. Kernan stated that he had no questions for the applicant and agreed with the testimony given. Mr. Kozak asked how long they've been there. Mr. Leondis replied since 1970. Mr. Sander was satisfied with the testimony given. Mr. Kozak asked if the parking adjustment was a problem. Mr. Kernan replied no, there would still be more than enough. Mr. Kernan asked why the applicant was no longer proposing any signage change. Mr. Leondis replied the decision was cost effective. Mr. Kozak asked if there have been any problems at the site in the past. Mr. Leondis replied only with the ingress and egress. Mr. Fiore asked if there were any provisions for trash removal. Mr. Leondis replied that the parishioners take the trash home after the meetings. Mr. Pape stated that they are expecting the County to request a right-of-way dedication that will trigger another variance. Mr. Brown stated that they County requested 38-foot right-of-way that may end up being in the form of an easement. Mr. Kernan stated that they should include that in the approval tonight. Mr. Sander stated that the variance should be for 65 feet front yard setback.

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 and memorialize the resolution by Mr. Carino, seconded by Mr. Powers. Roll call vote; Ayes- Mr. Carino, Mr. Powers, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Seidenberg. Nays- Zero.

2. #23-37 – Samantha Diletto/ Mark Pickard – Rear & Lot Coverage Variances

The applicant is requesting a rear yard variance to allow 1.3 feet where 5 feet is required for the existing 12x16 shed and a lot coverage variance to allow 31.4% where 30% is the maximum permitted for the installation of a 36x18 inground swimming pool, along with any other variances or waivers deemed necessary by the Board. The property is located at 924 Mannington Drive, also known at Block 129.0101, Lot 3 in the R-2 Zoning District.

Public Hearings: (continued)

2. #23-37 – Samantha Diletto/ Mark Pickard (continued)

Motion passed to deem the application complete. Mark Pickard was sworn in by Mr. Fiore. Mr. Pickard stated that he wants to put in an inground pool and they need a lot coverage variance. Mr. Kozak asked if the shed came with the property. Mr. Pickard replied that he put the shed there, but the prior owner had a gravel pad there. Mr. Kozak asked if there was a fence in the back. Mr. Pickard stated there is no fence and the residence of that property is out at Tuckahoe Road, a long way away from his back yard. Mr. Pickard stated that he plans to put up a 5-foot fence.

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

Mr. Fiore reviewed the application for the Board.

Motion to approve and memorialize the resolution by Mr. Powers, seconded by Mr. Carino. Roll call vote; Ayes- Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Seidenberg. Nays- Zero.

3. #23-38 – Carlos & Lissette Hernandez – Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 34.8% where 30% is the maximum permitted for the installation of a 29x14 inground swimming pool, along with any other variances or waivers deemed necessary by the Board. The property is located at 128 Harvard Place, also known as Block 1906, Lot 13 in the R-2 Zoning District.

Motion passed to deem the application complete. Carlos and Lissette Hernandez were both sworn in by Mr. Fiore. Mr. Hernandez stated they want to install an inground pool but will need a lot coverage variance. Mr. Kozak asked if there were any drainage issues. Mr. Hernandez replied no.

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

Mr. Fiore reviewed the application for the Board.

Motion to approve and memorialize the resolution by Mr. Powers, seconded by Mr. Carino. Roll call vote; Ayes- Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Seidenberg. Nays- Zero.

4. #23-39 – Tyrone & Stephanie Johnson – Side Yard, Lot Coverage, Wall Height Variances

The applicant is requesting a side yard variance to allow 2.4 feet where 5 feet is required for the existing shed, a lot coverage variance to allow 39.5% where 30% is the maximum permitted, and a retaining wall height variance to allow 2.5 feet where 5 feet is required, along with any other variances or waivers deemed necessary by the Board. The property is located at 1123 Monet Court, also known as Block 110.0407, Lot 33 in the RG-PR Zoning District.

Public Hearings: (continued)

4. #23-39 – Tyrone & Stephanie Johnson (continued)

Motion passed to deem the application complete. Tyrone Johnson was sworn in by Mr. Fiore. Mr. Johnson stated that he wants to put in an inground pool and as such, is requesting the variances. Mr. Kozak asked Mr. Fiore about the retaining wall requirements. After clarification, it was determined that the retaining wall was not referring to the patio area but was an item that was to be constructed mid-yard when the pool is installed to enhance drainage. Mr. Kozak asked what is behind the property. Mr. Johnson replied woods and a motel. Mr. Kozak stated that the shed variance requested is not affecting the neighbor. Mr. Powers asked what fence is there now. Mr. Johnson stated they were approved for a fence previously but have left an opening for the pool install.

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

Mr. Fiore reviewed the application for the Board.

Motion to approve and memorialize the resolution by Mr. Powers, seconded by Mr. Carino. Roll call vote; Ayes- Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Seidenberg. Nays- Zero.

5. #23-40 – Zakia Barber – Side, Rear, & Lot Coverage Variances

The applicant is requesting a side yard variance to allow 34.2 feet where 35 feet is required, a rear yard variance to allow 8.1 feet where 10 feet is required, and a lot coverage variance to allow 39.2% where 30% is the maximum allowed for the installation of an inground pool, along with any other variances or waivers deemed necessary by the Board. The property is located at 2036 Paddock Lane, also known as Block 150.0102, Lot 10 in the R-2 Zoning District.

Motion passed to deem the application complete. Zakia and Samuel Barber were sworn in by Mr. Fiore. Ms. Barber stated they are trying to install an inground pool and concrete walkway. Mr. Kozak asked if there were any drainage issues. Ms. Barber replied no.

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

Mr. Fiore reviewed the application for the Board.

Motion to approve and memorialize the resolution by Mr. Powers, seconded by Mr. Colavita. Roll call vote; Ayes- Mr. Powers, Mr. Colavita, Mr. Carino, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori, Mr. Seidenberg. Nays- Zero.

Public Portion:

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

Reports:

Ms. Orbaczewski explained there will be a special meeting on Wednesday, September 27th at 6:00 p.m. There will also be a training PowerPoint on stormwater management that needs to added to a meeting before the end of the year.

Minutes:

Motion passed to approve the minutes from the meeting on August 3, 2023.

Adjournment:

Meeting was adjourned at 7:46 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