

Call to Order:

The Zoning Board of Adjustment meeting was called to order at 6:35 p.m. on October 5, 2023 by Vice Chairman Colavita 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 September 19, 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. Kerr, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Rice, Mr. Fiore, Solicitor, Mr. Kernan, Planner, Mr. Heverly. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Cummiskey, Mr. Seidenberg, Mr. Sander, Engineer.

Memorialization of Resolutions:

1. Res. #54-2023 – Noria Chaberton – Use Variance Approved

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

2. Res. #55-2023 – Noria Chaberton – Preliminary & Final Major Site Plan Approved

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

3. Res. #56-2023 – Ayaans Holding, LLC – Use Variance Approved

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

4. Res. #57-2023 – Ayaans Holding, LLC – Preliminary & Final Major Site Plan Approved

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

Public Hearings:

1. #23-45 – Fillmore Lawrence – Lot Coverage & Encroachment Variances

The applicant is requesting a lot coverage variance to allow 33.3% where 30% is the maximum permitted lot coverage for the installation of a 16’ x 36’ swimming pool and to allow his existing shed to remain partially in the landscape buffer easement, along with any other variances or waivers deemed necessary by the Board. The property is located at 513 Waverly Court, also known as Block 12901, Lot 5.24 in the R-2 Zoning District.

Public Hearings: (continued)

1. #23-45 – Fillmore Lawrence (continued)

Motion passed to deem the application complete. Mr. Lawrence was sworn in by Mr. Fiore. Mr. Lawrence stated that he did not realize that the concrete under the shed put him over the lot coverage allowed. Mr. Lawrence stated that he placed the shed where it is so his kids can run around the pool without the shed being in the way. Mr. Fiore asked if the pool company installed the concrete. Mr. Lawrence stated that Del Val had a company come in to do the concrete. He added that the company only put 3 feet of concrete around the pool on the permit and did not include the pad for the shed in that calculation. Mr. Colavita asked if the shed was there prior to the pool being installed. Mr. Lawrence replied yes. Mr. Fiore asked if he was aware the buffer existed. Mr. Lawrence replied yes. Mr. Kozak asked if the concrete and the shed was picked up when the Township engineers went out for the pool compliance inspection. Mr. Lawrence replied yes. Mr. Kozak asked how big the shed is. Mr. Lawrence replied 10' x 12'. Mr. Colavita called Mr. Lawrence up to the bench and reviewed both plans that the applicant submitted.

Mr. Fiore reviewed for the Board that the applicant must provide testimony and must be able to demonstrate to the Board why the shed should remain in the buffer and that there are no other alternatives. Mr. Kozak suggested that he just move the shed to where it was originally approved for. Mr. Fiore stated the applicant knew he was placing the shed in the buffer. Mr. Lawrence agreed. Mr. Carino asked if the fence was previously approved to follow the property line and now puts the buffer inside, why can't he just keep the shed where it is. Mr. Fiore replied that is something the Board can consider. Mr. Kozak asked the applicant why he can't come into compliance. Mr. Lawrence replied he feels that the moving the shed would impede the use of the yard.

Motion passed to open the hearing to the public.

- A. Anthony Stola of 509 Waverly Court was sworn in by Mr. Fiore. Mr. Stola stated that he noticed the applicant placed his shed in the buffer. Mr. Stola then applied to Zoning to place his shed in the buffer and was denied. Mr. Stola objects to the variance requested since other homes on the street were denied being able to put their sheds in the buffer and have placed them elsewhere in the yard that were permitted. Mr. Powers asked if he came before the Board asking for variance. Mr. Stola stated that he was told by the Zoning Officer that he could not apply. Mr. Stola stated that if you're going to approve it for one, then do it for all.

Seeing no further public wishing to speak, motion passed to close the hearing to the public.

The Board discussed the application.

Motion to approve 33.3% lot coverage within the non-buffer area by Mr. Powers, seconded by Mr. Carino. Roll call vote; Ayes- Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Kerr, Mr. Kozak, Mr. Salvadori. Nays- Zero. Motion approved.

Motion to approve the shed in the buffer by Mr. Powers, seconded by Mr. Kerr. Roll call vote; Ayes- Mr. Powers, Mr. Kerr. Nays- Mr. Carino, Mr. Colavita, Mr. Kozak, Mr. Salvadori. Motion denied.

Public Hearings: (continued)

2. #23-46 – Gina Stuart – Accessory living space over allowable square footage

The applicant is requesting a variance to allow two proposed additions to the existing single-family dwelling which will exceed the allowable square footage for an accessory living space, along with any other variances or waivers deemed necessary by the Board. The property is located at 617 New Brooklyn Road, also known as Block 2301, Lot 29 in the R-2 Zoning District.

Gina Stuart was sworn in by Mr. Fiore. Mr. Fiore reviewed the application for the Board. Mr. Fiore asked if that property was in the Pinelands. Mr. Kernan replied no. Motion passed to deem the application complete. Ms. Stuart stated that they want to create an addition to move her disabled Aunt and Mother in with her. Mr. Kozak asked what the addition would consist of. Ms. Stuart replied a 600 square foot addition to include one bedroom, storage, a kitchenette and a living room. Mr. Kozak asked her to clarify kitchenette. Ms. Stuart replied cabinets, sink and a stove and fridge. Mr. Kozak stated to Mr. Fiore that this would create an in-law suite. Mr. Kozak asked if there would be outside doors in the addition. Ms. Stuart replied yes.

The Board discussed if this would trigger a duplex or apartment issue. Mr. Kernan interjected that he believes a duplex would be allowed in this zone. Mr. Kozak asked to clarify what the addition would include. Ms. Stuart replied there would be a master bedroom, storage, kitchenette and a bathroom. Mr. Colavita stated the didn't understand why this application didn't trigger a use variance. Mr. Fiore replied it's a duplex. Mr. Carino stated that it would have to have separate utilities. Mr. Kozak clarified that the applicant can have a kitchen; as defined in the Township code- an accessory dwelling unit shall have a kitchen, bathroom and no more than one bedroom.

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

Motion to approve and memorialize by Mr. Powers, seconded by Mr. Kozak. Roll call vote; Ayes- Mr. Powers, Mr. Kozak, Mr. Carino, Mr. Colavita, Mr. Kerr, Mr. Salvadori, Mr. Rice. Nays- Zero.

3. #23-41 & WSP-04-23 – Brian & Rhoda Kownacky – Use Variance/Site Plan Waiver

The applicants are requesting a use variance to allow two principal uses on the same property; a single-family dwelling and a commercial business, along with any other variances or waivers deemed necessary by the Board. The applicants are also seeking a site plan waiver for their proposed business, which will include small events or workshops to take place in the existing barn, the front and rear flower gardens that will offer u-picks, photo opportunities, paint nights, etc. The property is located at 664 Clayton Road, also known as Block 12301, Lot 26 in the RG-C Zoning District.

Brian and Rhoda Kownacky were sworn in by Mr. Fiore. Ms. Kownacky stated that her and her husband moved to Williamstown to fulfill their dream of owning a commercial property where they could live and work. Ms. Kownacky stated they were requesting a use variance for home and

Public Hearings: (continued)

3. #23-41 & WSP-04-23 – Brian & Rhoda Kownacky (continued)

business to sell fresh flower bouquets, host workshops, u-picks and gatherings in the barn and gardens, and also to rent the barn and gardens out. Ms. Kownacky stated the use of gardens and flowers would be from May to October. She stated they wish to sell fresh flowers by pick-up in the rear of the house and/or a flower stand in the front of the property. She stated the flower stand would be a moveable truck, hours would be Thursday and Friday evenings and Saturday mornings. Mr. Kozak asked what hours that would be. Ms. Kownacky replied Thursday and Friday from 3 pm to 7 pm and Saturday 9 am to 12 pm. Mr. Kozak asked if there was a horseshoe driveway. Ms. Kownacky replied no because it's a County road, so they plan to have three spots off to the left of the driveway and k-turn to get out of the driveway. Mr. Kozak asked if the parking area would be gravel. Mr. Kownacky replied they would put gravel. Ms. Kownacky stated they could even put sand down.

Ms. Kownacky stated they would like to have a 3' x 5' hanging sign. Ms. Kownacky stated the second use would be to host events in the flower field in the front of the property. She stated it would be a u-pick by selected dates or by appointment or ticket sales online with 4-20 people at the most and it would be for 2 hours. Mr. Kozak asked so if 25 people show up they would turn people away. Ms. Kownacky replied that they will control the numbers through the ticket sales. Ms. Kownacky stated that would be Thursdays and Fridays from 9 am to 9 pm in the summer and Saturdays from 9 am to 12 pm for u-picks. She added that the parking would be behind the house.

Ms. Kownacky stated the third use would be to host flower and craft events in the barn. She stated that there would be select dates for this and possibly be Thursday 9 am to 9 pm, Saturdays 9 am to 9 pm and Sundays 10 am to 9 pm. Ms. Kownacky stated the last use for the flowers would be the lavender field. She stated they would like to put up a 13' x 15' gazebo. Ms. Kownacky stated they would do picnics in the lavender and it would be prepaid tickets on select dates and parking in the rear. Ms. Kownacky stated that this could be Monday through Friday events with special guests. She stated that is could be a rentable space for parties, u-picks and photography use. Ms. Kownacky stated that would be from May to October. Mr. Kozak asked what the hours would be. Ms. Kownacky replied Monday through Thursday from 10 am to 9 pm, Friday from 9 am to 9 pm, and Saturday from 9 am to 12 pm and Sunday from 10 am to 9 pm. She added that those are available times and not necessarily going to happen every week. Mr. Colavita asked if she planned to use these spaces from Thursday through Sunday. Ms. Kownacky replied that the flowers are mostly available in the summer. She clarified that she did say possible Monday through Friday events during the week.

Ms. Kownacky stated the second use of the barn for rentals. She stated that it is a 2,688 square foot useable rental space. Ms. Kownacky stated this would include the use of the fenced in area behind the barn. She stated this would be offered for birthday parties, showers, reunions, small weddings, meetings and workshops. Mr. Kozak asked how many people the barn would have. Ms. Kownacky replied for the barn rental it would be a maximum of 75 people. Mr. Kownacky stated they would like to talk to the Fire Marshall as well about that. Mr. Kownacky stated that they don't

Public Hearings: (continued)

3. #23-41 & WSP-04-23 – Brian & Rhoda Kownacky (continued)

want people having wild parties. Mr. Fiore asked if it would be BYOB. Ms. Kownacky stated if it's rented they would have to have a licensed bartender, and they will have a rule that there will be wine and beer only, no liquor. Mr. Kozak asked how many events would be happening at the same time. Mr. Kownacky replied one event at a time. Mr. Kownacky handed out packets to the Board to be marked exhibit A-1. Ms. Kownacky stated the barn rentals would be Monday through Thursday from 7 am to 10 pm, Friday from 7 am to 12 pm, Saturday from 8 to 12 and Sunday from 8 am to 12 pm. Mr. Kownacky stated they are considering the barn rentals from April through October. Ms. Kownacky stated she could do some activities during November and December, but close January through March.

Mr. Colavita stated there's a lot going on and they may need some professional help putting this together. Mr. Fiore stated we do need some clarity with all of the concepts presented. Mr. Colavita stated they were asking for four uses. Mr. Fiore asked if it was septic and well. Mr. Kownacky replied they are on septic, and they are looking into putting bathrooms in. Mr. Fiore stated that bathrooms may be required for the site plan. Mr. Kownacky stated they are asking for two uses, to rent the barn for events and growing the flowers. Mr. Colavita called for a brief recess.

Mr. Fiore stated that he and Mr. Kernan spoke to the applicants off the record and the applicants wish to ask for a continuance to they can refine their presentation. Mr. Kownacky agreed. Mr. Fiore stated that no new notice needs to be given.

Motion to accept the request for a continuance by Mr. Powers, seconded by Mr. Carino. Roll call vote; Ayes- Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Kerr, Mr. Kozak, Mr. Salvadori, Mr. Rice. 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: None

Minutes:

Motion passed to approve the minutes from the meeting on September 21, 2023.

Adjournment:

Meeting was adjourned at 8:14 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