

Call to Order:

The Zoning Board of Adjustment meeting was called to order at 6:31 p.m. on October 19, 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 October 8, 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. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Fiore, Solicitor, Mr. Warburton, Planner, Mr. Heverly. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Carino, Mr. Kerr, Mr. Rice, Mr. Seidenberg, Mr. Sander, Engineer.

Memorialization of Resolutions:

1. Res. 58-2023 - #507-SP – Loring, Inc. – Final Major Site Plan Approved

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

2. Res. 59-2023 - #23-45 – Fillmore Lawrence – Lot Coverage Variance Approved

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

3. Res. 60-2023 - #23-45 – Fillmore Lawrence – Buffer Encroachment Denied

Motion to approve by Mr. Colavita, seconded by Mr. Kozak. Voice vote; All ayes. Motion passed.

4. Res. 62-2023 - #23-41 - & WSP-05-23 – Brian & Rhoda Kownacky – Application Tabled

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

5. Res. 63-2023 - #22-15 – Pine Barrens Productions, LLC – Extension Request Approved

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

6. Res. 64-2023 - #23-21 – Noria Chaberton JV, LLC – Amended Use Variance Approved

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

7. Res. 65-223 - #523-SP – Noria Chaberton JV, LLC – Amended Site Plan Approved

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

Public Hearings:

1. #23-47 & #529-SP Copart of Connecticut, Inc.

William Horner is present as attorney for the applicant. Mr. Horner stated that they notified in earlier in the day by Ms. Orbaczewski that there was not going to be enough Board members present this evening to proceed with their application. Mr. Horner stated they were satisfied with being rescheduled to a special meeting on November 30th. Mr. Horner stated that he would be happy to speak to anyone from the public that might be here for this application he will be in the hallway after this.

Mr. Fiore stated that the Board shall carry this matter to the special meeting date of November 30th. Mr. Fiore stated that the applicant is not required to provide any further notice to the public. Mr. Fiore asked Mr. Horner if they agree to waive any time constraints according to the MLUL. Mr. Horner agreed.

2. #23-44 – Steve & Lisa Mullen – Side, Rear, & Lot Coverage Variances

The applicant is requesting a side yard variance to allow 2.5 feet where 5 feet is required, a rear yard variance to allow 3.2 feet where 5 feet is required for the existing shed; a rear yard variance to allow 34.5 feet where 37.5 feet is required for the existing deck, and a lot coverage variance to allow 38.2% where 30% is the maximum permitted, for the installation of an inground pool, along with any other variances or waivers deemed necessary by the Board. The property is located at 183 Dundee Drive, also known as Block 13706, Lot 5 in the R-2 Zoning District.

Steve and Lisa Mullen were sworn in by Mr. Fiore. Mr. Mullen stated they want to get an inground pool installed. Mr. Kozak asked Mr. Mullen to elaborate on why he can't meet the requirements. Mr. Mullen stated that if they had to meet the requirements the pool would be so small it wouldn't be worth having. Mr. Kozak asked if the shed could be moved. Mr. Mullen stated that it could be moved but he does not want to impede the pool area. Mr. Fiore asked how long the shed has been there. Ms. Mullen replied about 5 or six years. Mr. Kozak asked how big the shed is. Mr. Mullen replied 5' by 7'. Mr. Powers asked if they would use the shed storage of pool items. Mr. Mullen replied yes.

Mr. Fiore asked if it would be a detriment to the neighborhood. Ms. Mullen replied they have a neighbor that has an inground pool that has less space between the pool and the fence than they are requesting. Mr. Kozak asked about the fence around the property. Mr. Mullen replied it is a 6' vinyl fence. Mr. Kozak asked how high was the shed. Mr. Mullen replied about a foot taller than the fence. Mr. Fiore asked if it created any water run off to the neighbor's yards. Mr. Mullen replied no.

Motion passed to open the hearing to the public.

Public Hearings: (continued)

2. #23-44 – Steve & Lisa Mullen (continued)

- A. Dora Madero of 178 Aberdeen Court was sworn in by Mr. Fiore. Ms. Madero stated that she lived behind the applicants. Ms. Madero stated that she was concerned that that the installation equipment would interfere with her property. Ms. Madero stated that she feels he will have to take down the fence for the equipment and she has dogs. Mr. Kozak asked if she has a fence up also. Ms. Madero replied just the one fence. Mr. Kozak asked whose fence it is. Ms. Madero replied it is the Mullen's fence. Ms. Madero stated that there's no way for the equipment to move around without taking down the fence and that he will have to knock down the fence and the equipment will damage her lawn and property. Mr. Fiore stated that the applicant is legally not allowed to do that. Mr. Kozak stated that there is 12' from the pool area to the back fence for the machinery to maneuver. Mr. Kozak stated the plan shows 16' feet from the edge of the water-line to the fence. Ms. Madero asked who is going to pay for any damage if it happens. Mr. Fiore stated that the Board doesn't have any authority to do that and the applicant can contact his homeowners if anything like that happens.

Motion passed to close the hearing to the public.

Mr. Fiore asked Mr. Mullen about the pool company. Mr. Mullen stated they are licensed in the State. Mr. Fiore asked if the plan is to access through his front yard. Mr. Mullen replied yes. Mr. Fiore asked if the pool company or he had any intentions of taking the fence down. Mr. Mullen replied not at all.

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

3. #23-48 – Ronald Mosely – Rear Yard Variance

The applicant is requesting a rear yard variance to allow 21 feet where 37.5 feet is required for an existing pavilion, along with any other variances or waivers deemed necessary by the Board. The property is located at 1064 Beckley Drive, also known as Block 129.0401, Lot 1 in the R-2 Zoning District.

Motion passed to deem the application complete. Ronald Mosely was sworn in by Mr. Fiore. Mr. Mosely stated that he was requesting the variance for the pavilion. He stated that he was previously approved with the pool and concrete. He added that when they came out to inspect the pool, it was brought to his attention that the pavilion needed to be permitted so that's why he's here. Mr. Kozak asked if it has caused any drainage problems. Mr. Mosely replied no. Mr. Kozak asked how long it's been there. Mr. Mosely replied the concrete has been there since November of last year, but the pavilion was put up in April. Mr. Colavita asked about the shed. Mr. Mosely stated the shed is at a permitted distance from the fence. Mr. Fiore asked if it fits in with the neighborhood. Mr. Mosely replied yes.

Public Hearings: (continued)

3. #23-48 – Ronald Mosely (continued)

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

Mr. Kozak asked what is behind his property. Mr. Mosely replied it woods. Mr. Fiore 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. Cummiskey, Mr. Kozak, Mr. Salvadori. Nays- Zero.

4. #23-49 – Damien Ramey – Use Variance

The applicant is requesting a use variance to allow a 5-foot fence in the front yard where 4 feet is the maximum permitted height, along with any other variances or waivers deemed necessary by the Board. The property is located at 2917 South Shore Drive, also known as Block 8805, Lot 1 in the RG-MR Zoning District.

Damien Ramey was sworn in by Mr. Fiore. Mr. Fiore explained that there were only 5 Board members present and that he has a right to continue this application at a later date. Mr. Ramey wanted to proceed anyway. Motion passed to deem the application complete. Mr. Ramey stated that the fence was 30 years old. He stated that when he replaced the fence he didn't change anything about the perimeter or the dimensions. Mr. Ramey added that he has big dogs and replacing the fence was also helping to keep the dogs contained. Mr. Ramey stated that this was brought up because he got a violation about a pool that was sent to him in error as he does not have a pool. He stated that's why the fence became an issue, so he is here to address the fence.

Mr. Warburton stated that the applicant needs a variance because he is asking for 5-foot-tall in the front yard where 4 foot is the maximum permitted. Mr. Warburton asked why he replaced the fence. Mr. Ramey stated it was old an he wanted it to look better as well. Mr. Warburton asked if he planned to paint or stain the fence. Mr. Ramey stated he plans to stain it.

Mr. Kozak asked what color it would be. Mr. Ramey stated he would like to stain it a dark wood color. Mr. Fiore asked if the fence affected any sight triangle. Mr. Ramey replied no. Mr. Kozak suggested it be a condition that if a sight triangle ever becomes an issue that the applicant would have to remedy the issue.

Motion passed to open the hearing to the public.

- A. Anna Guy of 2932 South Shore Drive was sworn in by Mr. Fiore. Ms. Guy stated that she lives across the street. She stated the fence was totally falling down and the only reason it's noticeable now is that the wood is new. She added that once he stains it, it will blend right in with the rest of the neighborhood. Ms. Guy stated that she's glad he replaced the fence.

Public Hearings: (continued)

4. #23-49 – Damien Ramey (continued)

Motion passed to close the hearing to the public.

Motion to approve by Mr. Powers, seconded by Mr. Colavita. Roll call vote; Ayes- Mr. Powers, Mr. Colavita, Mr. Cumiskey, Mr. Kozak, Mr. Salvadori. 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 stated that there will be a special meeting on November 30th. She added that everyone will get an email about the importance of making the meetings for the remainder of the year.

Minutes:

Motion passed to approve the meeting minutes from the regular meeting on October 5, 2023 and for the special meeting on September 27, 2023.

Adjournment:

The meeting was adjourned at 7:10 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