

Call to Order:

It is 6:30 p.m. on February 22, 2024 and this is the regular meeting of the Monroe Township Zoning Board of Adjustment. Notice of this meeting was given as required by the Open Public Meetings Act of February 1, 2024 and a copy was posted on the 2nd floor bulletin board in Town Hall and on the Township's website. In addition, notice of this evening's public hearing was published on January 25, 2024.

"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: Present; Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Ms. Fasano, Mr. Fooder, Mr. Fiore, Solicitor, Mr. Kernan, Planner, Mr. Sander, Engineer, Mr. Heverly, Council Liaison. Also present; Ms. Gallagher Secretary, Ms. Gabbianelli Clerk Transcriber. Excused: Mr. Rice, Mr. Seidenberg, Mr. Warburton

Memorialization of Resolutions:

1. Res. #10-2024 – Michael Scheiblein – Lot Coverage Variance

Motion to approved by Mr. Colavita, seconded by Mr. Kozak. Voice Vote; All Ayes. Motion passed.

2. Res. #11-2024 – John Lasch – Use Variance Approved

Motion to approved by Mr. Kozak, seconded by Mr. Colavita. Voice Vote; All Ayes. Motion passed.

3. Res. #12-2024 – John Lasch – Minor Subdivision Approved

Motion to approved by Mr. Kozak, seconded by Mr. Colavita. Voice Vote; All Ayes. Motion passed.

4. Res. #13-2024 – Sandra Ray – Front Yard and Sign Variances Approved

Motion to approved by Mr. Colavita, seconded by Mr. Carino. Voice Vote; All Ayes. Motion passed.

5. Res. #14-2024 –Yanira Martinez -Rear Yard Variance and Buffer Encroachment Approved

Motion to approved by Mr. Colavita, seconded by Mr. Fooder. Voice Vote; All Ayes. Motion passed.

Memorialization of Resolutions (Cont.)

6. Res. #15-2024 – Stephen Holmes – Lot Coverage Variance Approved

Motion to approved by Mr. Colavita, seconded by Mr. Fooder. Voice Vote; All Ayes. Motion passed.

Public Portion:

1. #24-04 – Felix Annise –Rear Yard Variance

The applicant is requesting a rear yard variance to allow 60 feet where 75 feet is required for the construction of a new 1,768 square foot dwelling; along with any other variances or waivers deemed necessary by the Board. The property is located at 1855 Herbert Blvd., also known as Block 401, Lot 56.01 in the R-2 Zoning District.

Mr. Fiore swears in Mr. Annise and motion passed to deem application complete.

Mr. Annise would like to build a home in Monroe Township on Herbert Blvd. The plans have a garage attached to the home which exceeds the setback requirement in the rear yard. They are seeking a variance to allow them to build.

Mr. Kozak ask what is behind their property and Mr. Annise replies a resident. Is your property wooded and Mr. Annise says his property is completely clear. The adjacent property in the rear is not wooded and he believes there is a swimming pool there.

Mr. Fiore ask if the location of the home is similar to other homes in the area as far as its location. Mr. Annise replies it meets the 60 ft requirement for the front yard and plenty of room on the sides.

Mr. Cummiskey asks if it would look uniformed for the area as far as the front setback. Mr. Annise responds you would not see it because the garage would be along the side and to the back of the property.

Mr. Kozak asks if his neighbors are far apart and Mr. Annise replies the one of his neighbor is his daughter. If you are looking at their home, she would be the house on the right. How far is the house on the left and Mr. Annise believes it is 50 ft to 60 ft from the property line.

Mr. Kozak asks if there are any drainage issues in the back and Mr. Annise replies no.

Motion passed to close the hearing to the public.

1. #24-04 – Felix Annise –Rear Yard Variance (cont.)

Motion to approve and memorialize by Mr. Colavita, seconded by Mr. Kerr. Roll call vote; Ayes- Mr. Colavita, Mr. Kerr, Mr. Carino, Mr. Cummiskey, Mr. Kozak, Ms. Fasano, Mr. Fooder. Nays- Zero.

2. #24-05 – William Quash – Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 36.2% where 34% is the maximum permitted for the existing in-ground pool and surrounding concrete; along with any other variances or waivers deemed necessary by the Board. The property is located at 800 Dartmoor Ave., also known as Block 25.0103, Lot 18 in the R-2 Zoning District.

Mr. Fiore swears in William Quash and motion passed to deem application complete.

Mr. Quash had a pool installed and there was too much concrete around. Mr. Cummiskey asks if there are any drainage issue since putting in the pool. Mr. Quash replies no and there is open land behind his house.

Mr. Kozak asks how long has the pool been there. Mr. Quash replies a couple of years and he has not had any problems.

Mr. Cummiskey ask if his neighbors have pools. Mr. Quash replies both of his neighbors have pools.

Mr. Colavita states Mr. Quash was recently in front of the Board and he is present today because the lot coverage was too much. Mr. Quash agrees.

Motion passed to close the hearing to the public.

Motion to approve and memorialize by Mr. Carino, seconded by Ms. Fooder. Roll call vote; Ayes- Mr. Carino, Ms. Fooder, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Mr. Fasano. Nays- Zero.

3. #24-06 – Margaret Sherlock – Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 33.97% where 30% is the maximum permitted for the existing deck, ramp, shed and concrete; along with any other variances or waivers deemed necessary by the Board. The property is located at 1642 Forest Drive, also known as Block 11209, Lot 9 in the RG-PR Zoning District.

Mr. Fiore swears in Margaret Sherlock and motion passed to deem application complete.

3 #24-06 – Margaret Sherlock – Lot Coverage Variance (cont.)

Ms. Sherlock originally applied for a permit for a shed. They updated their survey and received a calculation of their lot coverage. They then realized they were over their lot coverage. Also, the estimates to build the shed were too much money for them. They decided not to build the shed but due to the excess lot coverage they are asking for a variance from the Board.

Mr. Kozak asks if the shed was existing. Ms. Sherlock replies no, they only applied for a permit to build the shed. They acquired a new survey and realized the concrete they added exceeded their lot coverage. Ms. Sherlock states they are not building the shed. The variance is for the existing deck and concrete. They do not have a shed in their yard, only a garage.

Mr. Colavita asks if there are any future plans to build the shed and Ms. Sherlock responds no because it is too expensive. Mr. Colavita states if she was planning to build it in the future then the Board could take care of the matter tonight. She does not plan on building a shed.

Motion passed to close the hearing to the public.

Mr. Kernan points out the survey shows the impervious coverage at 36.7%. Mr. Fiore conforms it to 36.7%.

Motion to approve and memorialize by Mr. Carino, seconded by Ms. Fooder. Roll call vote; Ayes- Mr. Carino, Ms. Fooder, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Mr. Fasano. Nays-Zero.

4. #508-SP – Harold Paul Kanady – Minor Site Plan

The applicant is proposing a use variance and minor site plan approval to allow the storage and parking of trucks and equipment; along with any other variances or waivers deemed necessary by the Board. The applicant was previously granted a conditional use variance on January 17, 2017 (Res. #17-17). The property is located at 1711 Glassboro Road, also known as Block 15202 Lot, 10; the lot the Commercial and Business Park Zoning Districts.

Motion to pass application complete and Mr. Sander replies not without waivers from the Board.

Mr. Sander would like the following; size and height of all existing building must be provided. Proposed circulation plans for the movement and storage of goods, vehicles and persons on the site and including the location of lights, lighting standards and signs on the tract and within 100 feet of the tract. A landscaping plan and a topographic plan of the site extending 200 ft past the boundaries of the site. Also, a grading plan and drainage report to demonstrate the adequacy of conditions at the site and the necessity for providing stormwater management. Location of water and sewage facilities and lighting facilities showing the direction and reflection of lighting.

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Mr. Kozak suggest they take Mr. Sander's condition one by one and Mr. Fiore agrees. First, there is a typo of 200 ft and asks Mr. Sander if he feels it is necessary. He replies no.

Mr. Kozak asks if there are any other buildings then the existing house and Mr. Kanady replies no. He asks Mr. Sander if he needs any other height and he replies the ordinance states you will provide for all existing and proposed buildings.

Mr. Kernan suggest it would make sense for the applicant to do their presentation first and then the Board's Engineer/Planners reports. Mr. Fiore states under the ordinance the applications should be deemed complete before being heard. He suggests on certain issues they could reserve on waiving it and Mr. Kozak agrees.

They decide to reserve on waiving the light plan, landscaping, the grading plan and stormwater.

Mr. Kozak asks Mr. Sander about the stormwater plan and he states there is an area on the site which is low and water ponds there. This area is towards the back of the site before the trees. They agree the stormwater management should be addressed.

Mr. Sander states they should provide the water and sewer on the plans and Mr. Kozak believes they have septic. Mr. Kanady responds there is septic on the house. Mr. Kozak suggest Mr. Sander just needs the location of the septic and he agrees.

Mr. Fiore says they should address and define the Wetlands on the site plan. Mr. Sander does not think this is a completeness issue and they agree.

Mr. Kozak says if the applicant can satisfy the Board and the Professional with their testimony then the application should be deemed complete. Mr. Fiore responds he is going to deem the application complete with the exception of lighting, landscaping, circulation, grading and stormwater plan.

Motion pass to deem the application completed with exceptions.

Mr. Fiore swears in Tiffany Morrisey and she is recognized by the Board as an expert in the field of planning.

Ms. Morrisey describes the applicant's property which is in a spilt zoning district. The front portion of the property is a commercial zoning district and the back portion is in the BP, business park zoning district.

In 2017 the Board granted the variances to have multiple uses on the property, the existing home in the front and the vehicle storage area in the rear. Also, they granted the condition for the use approval for the vehicle storage yard under the ordinance provisions.

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In accordance with the approval there was a review of the conditional use standards and limitations of conditions put on the property. One condition is they had to return to the Board for a site plan approval. They were limited to having no more 40 vehicles on the property and provided a site plan showing how the vehicles were going to be stored, which they submitted.

Previously, a variance was granted to not require fencing around the property. The applicant found some gaps along the employee parking lot property line and was going to install a fence. Instead, he decided to build a vegetation screen in the rear without any fencing. The only fencing is the existing on the adjacent properties.

Mr. Kozak asks what was the additional vegetation and Ms. Morrisey replies arborvitaes. Those were planted in 2017 or early of 2018 and have had some time for growth. Ms. Morrisey estimates they will grow to be very large trees.

Ms. Morrisey states the site has not changed since 2017.

Ms. Morrisey says the 5 ft buffer along the front of the property was noted and approved in 2017, which was on the submitted plans. Also referenced in the resolution there was a reduced buffer. Because they are back for the site plan, she wanted to make sure those issues were addressed. And since they put in landscaping versus the fence, she believes it is more effective.

Mr. Fiore asks about the variances granted for the reduction and if they are only seeking variance for filling in the area where the fence is now. Ms. Morrisey agrees and states it has already been filled in and it is a better buffer.

Ms. Morrisey is requesting the waivers on the Board's checklist.

They are requesting a waiver for providing a lighting plan because they are not making any improvements. They are not installing any lighting and the operations do not require any lighting. They do not feel they need to providing a lighting plan because they will not have any lights on.

They are requesting a waiver for the landscaping, not because they do not want to provide one, but they have already planted the vegetation on both sides of the property. In 2017, they decided to vegetate the east side of the property. The landscape has already been installed. The area on the west side, is where they planted the row of arborvitaes. The landscape plan would just show the existing landscaping, so they are asking for a waiver.

They provided and submitted a minor site plan dated January 27, 2017 and revision date November 23, 2020. This would be exhibit A-1 and was submitted with their application. There is a zoomed in area where the improvements are existing. The existing frame dwelling, the stone area for vehicle parking (highlighted 40 different spaces) and area for employee parking. There are not any changes to the property so they are requesting additional waivers.

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Ms. Morrissey says the site is a stone gravel surface and there are trucks on the property. Overtime there is maintenance generally done on the property where these trucks are parked. They do not believe they need or require a grading plan or stormwater because they are not changing anything on the property. They are just maintaining the existing gravel conditions that are already there.

Mr. Kozak asks about the puddle Mr. Sander's found on the property. Ms. Morrissey addressed the puddles and claims that is what occur when you have vehicles on a dirt gravel driveway. She says it is not a pond (what Mr. Sander previously mentioned) but more like a large puddle. It is not that deep. Mr. Kozak clarifies the area as ponding and not so much a pond per say. Mr. Sander agrees with the statement and the area is in the back on the edge of the driveway. Ms. Morrissey states because of the traffic of the vehicles and their size, you will need maintenance but it does not require a full grading and stormwater management.

Mr. Fiore asks if the applicant would agree to regular maintenance to its greatest extent to avoid the ponding and she agrees it can be a condition to the site plan approval.

Ms. Morrissey explains Mr. Kanady has maintained the property. Since submitting this application, they did not want to do anything on the property until approved by the Board.

Mr. Fooder asks what efforts has the applicant performed to ensure the environmental components due to the impervious surface and have they had the soil tested. He is concerned with oil spillage and believes there should be a stormwater management plan for this site.

Ms. Morrissey states there are no major vehicle repairs performed on the property. As previously discussed, there are no oil changes or maintenance other than perhaps changing a headlight or wiper. To answer Mr. Fooder, in terms of accidental spillage, there would not be any because they do not do oil changes on the property.

Ms. Morrissey says as far as stormwater management, there is no soil testing because they just park vehicles on the property.

Mr. Kozak asks if there is any fueling on site and Ms. Morrissey replies no. Mr. Fiore asks if there are any fuel tanks and she replies no.

Mr. Fooder asks if there has ever been a popped hydraulic hose or ever a leak of any kind and Mr. Kanady replies no, there is no heavy work ever done on the property. Any major repairs are sent to other shops that he uses. Mr. Kanady does have a sand pile on his property for emergency leaks or spills.

Ms. Morrissey addresses the vegetation and says the sand was brought there from the shore. She printed out a soil map (exhibit A-2) and on the applicant's property they have a sandy loam. This type of soil is not hydric and not conducive to wet lands.

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Ms. Morrissey concludes the applicant is there requesting; the minor site plan, clarifying everything that was approved on the property, providing documentation on how the site is utilized and asking for the waivers under the checklist requirements. Also, re addressing the variance for the buffer because they did not put the fence but added the landscape.

She reviews the Board's Engineer and Planner's reports. The comments in Mr. Kernan's report the buffer is not the 50 ft that is required which was approved by the Board in 2017. The parking is located closer to the property line than is permitted in the ordinance which was approved in 2017. They do not propose a sidewalk and a waiver is being requested for that.

A positive criterion is using the landscaping buffer instead of a fence. It is a better zoning alternative and gives it a more natural feel. This creates a more vegetation, more trees, more habitat and it advances the purposes of zoning in terms of providing a desirable environment.

Ms. Morrissey does not believe planting of the vegetation versus the fencing causes any negative criterion. She does not believe it causes a substantial detriment to the public and it provides a better screen to the existing property.

The minor site plan is adequate for the proposed use that has existed on this property because there are no additional improvements proposed other than the ongoing maintenance required. The circulation is the same as it has been. They pull into the same entrance, which is one way in and one way out. The vehicles for the employee's park on the right side of the property. There is no need for arrows on the plan, one way in and one way out.

Mr. Fiore swears in Mr. Sander and Mr. Kernan.

Mr. Sander ask if the previous variance was approved to allow sea boxes on the site. Ms. Morrissey responds no they are not. He asks if they are going to remove the storage boxes on the site now. Mr. Kozak asks how many are on the site and Mr. Sander replies a few, maybe two.

Mr. Kozak ask what the sea boxes are used for. Mr. Kanady replies stuff he uses in the winter time for the plows. Mr. Cummiskey asks if there is any use for the maintenance of property stored in the boxes and Mr. Kanady responds yes. The Board tells the applicant to remove them or ask for a variance. And if they are going to stay they should be shown on the plan.

Ms. Morrissey proposes that the area shown for the 40 vehicles could store the two sea boxes. Mr. Kozak states it would be 38 trucks and 2 spaces for the sea boxes. He asks Mr. Kanady if he has more than two sea boxes. Mr. Kanady replies there maybe an additional little sea box but he will get rid of that one.

Mr. Fiore asks for a time frame to remove the third sea box and move the other two in the stone parking area. The agree on 30 days and no more than 2 sea boxes permitted. Mr. Sander believes

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you need a variance for a stone parking area and it should be paved. Mr. Kernan agrees and states it is a design waiver.

Mr. Kernan begins his testimony. He states there is a requirement to abide by term of the prior court order that is still in place and asks if the applicant agrees to no further clearing. Ms. Morrissey agrees.

Mr. Kernan states the applicant's property is approximately 6 acres and asks how much has been cleared and used. They reply less than half, maybe one third.

Mr. Kernan agrees to the buffer variance and he agrees that landscaping is preferable to a 6 ft high fence.

Mr. Kernan discusses the waiver for not having the surfaces paved and having gravel stone. He agrees the property needs to be maintained.

In addition to the sidewalk waiver, there is also a parking set back waiver. Any parking spaces, including the employee parking spaces are supposed to be setback 15 ft from the residential use or meet the buffer requirement (whichever is greater). In this case it is a 50 ft buffer so it is a 50 ft setback which is the same setback that has existed when it was approved for the use and has existed since 2007.

Mr. Kozak asks Mr. Sander about the ponding again and wants his opinion. He thinks there should be grading on the lot and there is no topography shown on the plan. He recommends the lot should be minimally graded. Mr. Kernan believes this can be accomplished with routine maintenance. Mr. Kozak asks how expensive is it for the lot grading plan and Mr. Sander believes it should be graded to take out the depression and shouldn't be too expensive. They do not need a professional plan for this and Mr. Sander agrees.

Mr. Kozak asks why did it take the applicant so long to get here, from 2017 until today and the Board states they will have to deal with today's matter in a timely fashion. Mr. Kozak would like an actual time frame that the Board can agree upon. Mr. Cummiskey asks what is the applicant's time frame. Mr. Makowski says Mr. Kanady suffered from a bout of cancer and dealing with the pandemic are some of the reasons it took them so long. Going forward, Mr. Fiore states any conditions if approved must be accomplished in 60 days.

Mr. Cummiskey ask if there is a motion to deem the application complete with the waivers required in the new testimony that was given by the applicant and our professionals.
Motion to approve by Mr. Kozak, seconded by Mr. Carino. Voice Vote; All Ayes. Motion passed.

Motion passed to close the hearing to the public.

Motion approved by Mr. Kozak, seconded by Mr. Carino. Roll call vote; Mr. Kozak, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Ms. Kerr, Ms. Fasano, Mr. Fooder. Nays- Zero.

Motion passed to close the hearing to the public.

Motion passed to close to the hearing

Reports: None

Adjournment: The meeting was adjourned 7:45 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: Scottie Lea Gabbianelli, Clerk Transcriber.