

Call to Order:

It is 6:33 p.m. on March 14, 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.

“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. Kozak, Mr. Rice, Mr. Seidenberg, Ms. Fasano, Mr. Fooder, Mr. Fiore, Solicitor, Mr. Warburton, Planner. Also present; Ms. Gallagher Secretary, Ms. Gabbianelli Clerk Transcriber. Excused: Mr. Kerr, Mr. Kernan, Mr. Heverly.

Memorialization of Resolutions:

1. Res. #16-2024 – Capital Realty Consultants, LLC – Minor Subdivision Approved

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

2. Res. #17-2024 – Capital Realty Consultants, LLC – Preliminary Major Site Plan Approved

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

3. Res. #18-2024 – Robert Tullo – Rear & Side Yard Variances Approved

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

4. Res. #22-2024- Paul Kanady – Minor Site Plan Approved

This resolution will be on the agenda for a later meeting date.

Public Portion:

1. #24-07 – Luis & Salvadora Ortiz – Lot Coverage Variance

The applicant is proposing a lot coverage variance to allow 33.4% where 30% is the maximum permitted for the existing pavers along the pool area; along with any other variances or waivers deemed necessary by the Board. The property is located at 1458 Cranleigh Lane, also known as Block 36.0102, Lot 5; in the RG-PR Zoning District.

Mr. Fiore swears in Luis and Salvadora Ortiz and motion passed to deem application complete.

Mr. Ortiz did not realize when he added pavers after installing their pool they would be over their lot coverage. He thought that adding a few stones to prevent the kids from bringing the dirt into the pool would be ok. Afterwards, he realized that it would affect the percentage.

Mr. Kozak asks since this is existing has there been any problems with flooding and/or water run off to the neighbors. They respond no and the pool has been there for almost a year.

Mr. Fiore asks if the lot size is similar to other lots in the neighborhood and Mr. Ortiz replies yes. Asked if other neighbors have similar pools with pavers and stone, Mr. Ortiz replies yes.

Motion passed to close the hearing to the public.

Mr. Fiore summarized the application for the Board.

Motion to approve and memorialize by Mr. Carino, seconded by Mr. Colavita. Roll call vote; Ayes- Mr. Carino, Mr. Colavita, Mr. Cumiskey, Mr. Kozak, Mr. Rice, Mr. Seidenberg, Ms. Fasano. Nays- Zero.

2. #24-08 – Charine Holloway – Buffer Encroachment and Lot Coverage Variance

The applicant is requesting a variance to allow a retaining wall and concrete patio to remain in the landscape buffer, and a lot coverage variance to allow 44% where 35% is the maximum permitted; along with any other variances or waivers deemed necessary by the Board. The property is located at 1140 Monet Court, also known as Block 110.0407, Lot 41 in the RG-PR Zoning District.

Mr. Fiore swears in Charine Holloway and motion passed to deem the applicate complete.

Ms. Holloway is present in front of the Board for a variance for the retaining wall that was built and for the lot coverage. She did not realize she needed to obtain a variance before the wall was built.

2. #24-08 – Charine Holloway – Buffer Encroachment and Lot Coverage Variance (cont.)

Mr. Kozak asks why would she need a variance for the retaining wall and Mr. Fiore replies it is in the landscape buffer. Mr. Kozak asks how long the wall has been there and Ms. Holloway replies about a year. The wall was placed there for the drainage. Since Ms. Holloway's backyard slopes towards the pool, they put up the wall to stop the earth from getting into her pool.

Mr. Kozak asks if there have been any problems with neighbors or yourself and she states she has not had any problems. Mr. Kozak asks approximately how tall is the wall. Ms. Holloway replies it increases as it goes further away from the pool. She explains it starts approximately around 1' and goes to about 2'.

Mr. Kozak asks who came up with the idea of the wall, her landscaper or pool company and she responds it was her landscaper. The landscaper felt that would stop the erosion into her pool and it has been working out for her. There have not been any problems in her yard and her neighbors.

Mr. Fiore states for the record if the conditions of the homes in her neighborhood are similar with pools and landscaping etc. and Ms. Holloway agrees. Mr. Kozak agrees and elaborates the homes have uneven landscape.

Motion passed to close the hearing to the public.

Mr. Fiore summarized the application for the Board.

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

3. #24-09 – Lauren Ingemi – Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 41% where 35% is the maximum permitted for the existing in-ground pool and concrete; along with any other variances or waivers deemed necessary by the Board. The property is located at 343 Staggerbush Road, also known as Block 103.0202, Lot 5 in the RG-PR Zoning District.

Mr. Fiore swears in Lauren and Matthew Ingemi and motion passed to deem the application complete.

Ms. Ingemi states they are in front of the Board for a variance for their backyard. Roughly 10 months prior they put in a pool and thought they were complying. They realized they were over lot coverage.

3. #24-09 – Lauren Ingemi – Lot Coverage Variance (cont.)

Mr. Cummiskey asks if neighbors in their development have pools and Ms. Ingemi replies yes, mostly everyone in their development have pools. There have never had any complaints from their neighbors. They paid extra to install down spouts to have proper drainage towards the streets, so they have never had any issues.

Motion passed to close the hearing to the public.

Mr. Kozak states this property is very leveled and run off is not much of a problem and Ms. Ingemi agrees.

Mr. Fiore summarized the application for the Board.

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

4. #24-10 – Bob Strickland – Buffer Encroachment

The applicant is requesting a variance to allow a frame shed to remain in the landscape easement; along with any other variances or waivers deemed necessary by the Board. The property is located at 381 Bryn Mawr Drive, also known as Block 29.0201, Lot 8 in the RG-PR Zoning District.

Mr. Fiore swears in Bob Strickland and Helen Polack and motion passed to deem the application complete.

Mr. Strickland says they had an addition put on the back of their home. When they had a survey done they realized the existing shed was in the setback buffer. They have a pool, deck and two sheds and they are removing the pool, deck and one of the sheds. They are seeking to keep the larger of the two sheds which was an existing structure.

Mr. Cummiskey reiterates that they are removing just the pool, deck and one shed and the applicant agrees. Mr. Strickland states the deck has already been removed.

Mr. Kozak asks if the shed was existing when they purchased the property and Mr. Strickland replies yes and it was most likely built in the 1990's. Mr. Kozak asks how long have they lived on the property and Ms. Polack replies October 2020.

Mr. Kozak asks what are they asking for distance wise and Ms. Gallagher replies 2.75 feet. Mr. Kozak states there is a farm behind their property and Mr. Strickland agrees. Mr. Kozak states there is no drainage problem and Mr. Strickland agrees. He states directly behind them is a 10' buffer and then it is cow pasture past that. Mr. Kozak says the buffer he is referring to is the farmer put his fence on his property 10' and left a space between for the animals. Mr. Strickland states there are two fences, the livestock fencing and their fencing and Mr. Kozak agrees.

4. #24-10 – Bob Strickland – Buffer Encroachment (cont.)

Mr. Fiore states the applicants pointed out that they need a side yard variance because it is actually 3.7' rather than 5' from the side yard. And a rear yard variance of 2.5'. They are seeking these variances as well so they do not have to come back in front of the Board. The applicants agree.

Mr. Fiore asks if the shed is in the easement area and Mr. Strickland agrees. Asked if he would agree that in the event you replace it, the shed would be in the same footprint and will not make it any larger. Mr. Fiore states technically they cannot be in the easement so they will agree not to make it any larger and the applicants agree. Mr. Fiore would like to make this a condition of approval if the Board chooses so.

Motion passed to open to the public.

Lynn Stellaccio, 1029 Winslow Road, is sworn in by Mr. Fiore. Ms. Stellaccio would like to submit that she does not have an objection to the applicant's request for the variance for him to utilize his deed restricted buffer for his shed. She states for the record she is present, as she always is when notified that the neighbors are requesting variances to utilize the buffer easement. She states the buffer easement was part of the final major subdivision in January 1995. She has a working farm adjacent to the 18 properties of Bryn Mawr and 11 properties on Taylor Lane. She says they always try to be neighborly and merely would like to state for the record, once again, her hopes that the neighbors are neighborly, effort and reciprocated for future reference. She reiterates she does not object to the applicant's request, but would like to remind the Board that they have been a farm since 1970.

Motion passed to close to the public.

Mr. Fiore summarized the application for the Board.

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

5. #24-18 – Barbara & John Horcher – Buffer Encroachment

The applicant is requesting a variance to allow the replacement of an existing above-ground pool to remain in the buffer; along with any other variances or waivers deemed necessary by the Board. The property is located at 822 Rosetree Drive, also known as Block 120.0301, Lot 12 in the RGPR Zoning District.

Mr. Fiore swears in Barbara and John Horcher and the motion passed to deem the application complete.

5. #24-18 – Barbara & John Horcher – Buffer Encroachment (cont.)

Mr. Horcher says they were applying for a permit to replace an existing above ground pool that is about 20 years old and began to rust last year/partially collapse. Mr. Horcher realized it was encroaching in the landscape buffer.

Mr. Cummiskey asks if they are replacing their old pool and putting a new one in and they agree. He asks will it be the same footprint and they reply exactly.

Mr. Kozak asks how much does it encroach into the buffer and Ms. Horcher replies maybe 4' or 5'. He asks how long has the pool been there and the applicants reply 20 years. He asks if there has been any problems and they reply no.

Mr. Colavita asks about the concrete pad on the survey and if the applicants were asked about that. They reply no.

Mr. Cummiskey asks how many acres is their property and they respond it is a little under one acre. Ms. Horcher states most of their backyard was preserved for open space. He asks if the other neighbors have pools and they respond yes. Any issues with water outside the pool and they say no.

Ms. Gallagher states the Zoning Officer did not address the concrete pad and the Board decides to address it tonight. If there is an issue with the impervious surface it will be granted a variance for the impervious surface. Mr. Kozak agrees and tells the applicant that if this issue comes up later than they will not have to come in front of the Board again. They agree.

Ms. Gallagher asks how large is the concrete pad and Mr. Horcher replies 10' x 10'. Mr. Cummiskey asks if they plan to expand it and they reply no. Mr. Kozak asks if it was a basketball court and they reply yes.

Ms. Horcher explains when they first moved in there was a shed that had fallen down. But when they bought the property they told them there was a buffer that was not on their survey, which was behind the shed. They were not aware the buffer was that close to their home.

Mr. Kozak feels they have enough room to the property line that it will not impede with their neighbors. Mr. Horcher states they do not have anyone living behind them.

Mr. Kozak suggests the Board put a number on it for a lot coverage or an addition and leave it open. Mr. Fiore states as of now it is 35 % and not to exceed 40 %. Mr. Kozak agrees.

Motion passed to close to the public.

Mr. Fiore summarized the application for the Board.

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

6. #23-58 & WSP-06-23 – Great Railing Inc. – Use Variance & Site Plan Waiver

The applicant is requesting a use variance to allow use of the existing 17,000 square foot building for fence fabrication and storage and will also need outside storage area in front and back of the building for storage of fence parts. All outside storage will be within proposed fenced in area. A use variance is required for more than one principal uses that will exist on the property. The applicant is also seeking a site plan waiver; along with any other variances or waivers deemed necessary by the Board. The property is located at 1155 S. Black Horse Pike, also known as Block 11301, Lot 2.01 in the Acme Redevelopment Area.

Mr. Fiore states to the Board that they will not be hearing this application this evening.

Mr. Fiore announces this application will be heard at the next Zoning Board of Adjustment meeting on March 28, 2024

Mr. Fiore states they will be no new notice sent for the new hearing date.

Motion passed to open to the public.

Tammy Linden, 1169 South Beecham Rd, voiced her concerns about the Great Railing application. She was advised to appear at the March 28th meeting to express her concerns in front of the Board.

Motion passed to close to the hearing

Reports: None

Approval of Minutes:

1. February 8, 2024
2. February 22, 2024

Board Member Refresher:

Brief review of the role of a Board member.

Adjournment: The meeting was adjourned 7:26 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.