

Call to Order:

It is 6:31 p.m. on April 11, 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, Ms. Fasano, Mr. Fooder, Mr. Fiore, Solicitor, Mr. Warburton, Planner, Mr. Sander, Engineer, Mr. Heverly, Council Liaison. Also present; Ms. Gallagher, Secretary, Ms. Gabbianelli, Clerk Transcriber. Excused: Mr. Kerr, Mr. Seidenberg, Mr. Rice, Mr. Kernan.

Memorialization of Resolution:

1. Res. #22-2024 – Harold Paul Kanady – Minor Site Plan

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

Public Hearings:

1. #24-15 Paul D'Auria-Use Variance

The applicant is requesting a use variance to allow an existing 6-foot fence in the front yard of dwelling; along with any other variances or waivers deemed necessary by the Board. The property is located at 2715 Fries Mill Road, also known as Block 14801, Lot 18 in the RA Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in Mr. D' Auria.

Mr. Fiore makes the Board aware the legal standards that must be satisfied in order to obtain the use variance. The applicant must demonstrate that the requested use variance can be granted without detriment to the public good.

Mr. D' Auria explains the layout of his property and the placement of his 6-foot fence. They said it was in the backyard but it is technically on the side of his house because of the way the house faces the street. It is a long lot and he has 5.3 acres.

1. #24-15 Paul D'Auria-Use Variance (cont.)

Mr. Kozak asks what is the reason for the fence. Mr. D'Auria explains that he and his father have antique cars and motorcycles stored in a building in the back. He wants to be able to fence it off and keep it secure. Mr. Kozak clarifies the fence is on the side of the house because it sits with the side facing Fries Mill Road. Mr. D'Auria agrees and states it is for privacy.

Mr. D'Auria states where the house sits he would only have enough room to fence in about 20 feet behind his house because it is very close to the property line. Mr. Kozak states he has seen the property. He believes there will not be any site triangle problems with his neighbors pulling out with the 6-foot fence impairing them to see because it is 300 feet back. Mr. D'Auria agrees.

Mr. Cummiskey asks if this is his residence and he replies no, he owns the property but his parents live there. Mr. Cummiskey asks if he uses it for any type of business. He replies no he has a business in Blackwood. Nothing related to this property is related to his business and Mr. D'Auria no. Mr. Cummiskey asks what type of business does he have. He replies heating and air-conditioning. Asked if he stores any types of vans and he replies he has one van there that is decommissioned. He states it does not work, not used and not even registered.

Mr. Fiore asks if he would consider as a condition that he cannot operate a business. Mr. D'Auria agrees. He would agree that the fence would remain in tact and Mr. D'Auria would repair it if it becomes damaged on a regular basis. He agrees. Mr. Kozak brings up the unregistered van. Mr. Cummiskey ask if he is granted the variance then he would remove the vehicle or have it registered. Mr. D'Auria agrees.

Mr. Fiore ask about the three-bay garage and asks if it is two deep. Mr. D'Auria thinks it is about 20 feet deep and probable fit 6 cars inside. Mr. Fiore asks if the gate on the property is power operated and he replies no.

Mr. Warburton states the ordinance about the side yard being 6 feet. He asks why does the fence need to be this high. And Mr. D'Auria replies for security.

Mr. Kozak asks why they keep this unregistered vehicle on the property. He just parked it there and he does not need it. Mr. Kozak states you are not supposed to have any unregistered vehicles and Mr. D'Auria states he will register or remove it.

Mr. Fiore asks why he would need security because it is a residential. Mr. D'Auria states he has a lot of off-road vehicles, dirt bikes, quads and his father's antique cars. Mr. Fiore asks if these vehicles will be in the garage and he replies yes. And will the garage be locked and Mr. D'Auria states yes and the gate is for added security.

Mr. Cummiskey states the applicant would not even have to be here if he just put up a 4-foot fence and an alarm on the garage. He replies his father wants the fence and that there was an existing fence that use to be there.

1. #24-15 Paul D'Auria-Use Variance (cont.)

Mr. Kozak asks if the fence acts as a barrier for the busy highway. Mr. D'Auria says yes and it gives them privacy. Mr. Fooder asks how high was the existing fence. Mr. D'Auria replies 6 feet and he replaced the same dimension. But when it was time to get their C.O. there wasn't a permit on file for the original 6-foot fence.

Mr. Colavita tells Mr. Fiore that the application does have an LLC on it as the application. Mr. Fiore asks Mr. D'Auria if the house is in his name or in an LLC. Mr. D'Auria replies an LLC. Mr. Fiore informs him that he needed to have an attorney present to represent him in front of the Board. Mr. Fiore states that Mr. D'Auria cannot proceed any further and his meeting need to be adjourned and continue with his testimony next time. He must have council represent him.

Mr. Kozak states the alternative that he could take down the fence and put up a 4-foot fence. Then he would be compliant to the Code.

Mr. Fiore advises him it is going to be continued. He should have his attorney contact Ms. Gallagher and he will not have to renotify his neighbors. Mr. Fiore states June 13th will be Mr. D'Auria new hearing date.

2. #24-16 - Frank Andruzzi - Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 9.5% where 3% is the maximum permitted for the construction of a new 2,084 square foot dwelling; along with any other variances or waivers deemed necessary by the Board. The property is located Blue Bell Road, also known as Block 9403, Lot 16 in the RD-A Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in Danielle and Frank Andruzzi.

Mr. Andruzzi states they are trying to build a new house. Ms. Andruzzi says they need a lot coverage for the garage they plan to build in the back. Mr. Kozak asks if the detached garage is putting them over the 3% and they agree. Asked if they did not build the garage would they be within the 3%. Ms. Andruzzi believes they will need a little bit more to build this particular house on this lot.

Mr. Fiore states The Andruzzi's are deed restricted in the back part of the property by way of density transfer. So, the building envelope is somewhat limited. The Andruzzi's agree. Mr. Kozak asks if they plan to move into this house. Mr. Andruzzi replies no they are building it for sale.

Mr. Fiore says the Zoning Officer added a couple of items that were missed on their applications. In addition to the lot coverage variance, the lot requirements for the frontage is 150 feet and for the width is 150 feet. The existing is only 100 feet so they would need those bulk variances. They are covered in the notice so they are ok to proceed.

2. #24-16 - Frank Andruzzi - Lot Coverage Variance (cont.)

Mr. Kozak asks about the endangered species in the back of the property. He asks if they are restricted by the Pinelands. Mr. Fiore responds that the applicants would have to get approval from the Board and will still have to go back to the Pinelands with the resolution of approval. The Pinelands would have to review it and approve it once again.

Mr. Colavita speaks on the lot frontage and width. He asks if they know what the other lots in the area are like, similar in size/width. Mr. Andruzzi is not positive but states there is a house next door and across the street. He does not think it looks that much different but is unsure.

Mr. Kozak asks when they purchase the property. They purchased it three years ago and with Pineland approval. Mr. Kozak asks when they purchased the lot why they didn't check to see what it was zoned for and any other issues. Mr. Andruzzi thought it was already approved. Ms. Andruzzi explains when they purchased the property there were already approvals for a house to be build with plans. Mr. Kozak asked if there were zoning approvals and they responded yes. Ms. Andruzzi states everything was already approved to build the house existing from the previous owner. She has documentation and the plans.

Mr. Kozak asks what changed it from the existing approval and they replied they wanted to do their own design. So, they must have changed something for it to become out of compliance with the zoning. Ms. Andruzzi says it is still a single-family home. Mr. Cummiskey suggests the square footage may have increased to make the house larger and Mr. Andruzzi does not agree.

Mr. Fiore clarifies the plan that was previously approved did not require any type of variances. And that the Andruzzi's are asking the Board to deviate from the Township code for the requirements because they want to build a different style house. Mr. Andruzzi agrees they want to build a different style house but was pretty sure he kept the dimensions and square footage the same.

Mr. Fiore states what the applicants burden of proof is and the Board should be asking the questions (hypothetically); why this is necessary, is it going to impact upon the area, is it substantially different from the area, is it going to affect the domestic land, the zoning in the town in anyway shape or form, how is it going to negatively impact your neighbors, is it going to cause drainage problems and site triangles. This is what the Board needs to consider.

Mr. Andruzzi responds they were unaware of any of this and this is the first time being brought to their attention. They didn't know that changing the style of the house would affect them. All they knew was they needed to get a variance because they want to start building and assume it was a part of the process. If he knew all of this he would have built the house that was previously approved.

Mr. Cummiskey asks if they should bring in the original approved plans and Mr. Kozak replies no. Mr. Kozak states with their testimony they can build a house without any variances but the relief they are asking for is really not relief.

2. #24-16 - Frank Andruzzi - Lot Coverage Variance (cont.)

Mr. Fiore summarizes the applicant's testimony and tells them that their plan affected their building and their building envelope. Mr. Andruzzi was unaware of the situation. Mr. Fiore asks if they have the layout of the new house present. Ms. Andruzzi replies she has it with them.

Mr. Cummiskey asks if they eliminated the detached garage would they still be over and Mr. Andruzzi is unsure. They never knew the frontage was an issue. They were under the impression that the garage was putting them over the lot coverage and not the actually house. They were under the impression they were in front of the Board to ask for the extra lot coverage for the detached garage.

Mr. Fiore suggest they agree to adjourn and take a look at what the additional requirements are before the Board takes any action. Mr. Cummiskey agrees that Mr. Fiore is not trying to give legal advice but it might in their best interest to continue the application until a later date so they can get more information.

Mr. Kozak asks if the Andruzzi are builders. Mr. Andruzzi responds yes. They built their home and this would be their first build to sale home.

Mr. Andruzzi stated they want to continue. Mr. Fiore states the application will continue for June 13th, 2024. Mr. Fiore asks for a motion from the Board to continue to the 13th and no further notices are required. Voice Vote; All Ayes. Motion passed.

3. #24-17 – Brian Luther - Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 11.5% where 3% is the maximum permitted for an existing storage building; along with any other variances or waivers deemed necessary by the Board. The property is located at 313 West Collings Drive, also known as Block 6302, Lot 11 in the RD-RR Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in Mr. Luther.

Mr. Luther is asking the Board to grant him permits for the pole barn that was built on his property. Mr. Kozak asks if it has already been built. Mr. Luther replies yes and it was built without permits. Asked what is the size of the pole barn, he replies 24 feet by 32 feet.

Mr. Kozak asks if this is his residence and he responds it is not. Mr. Luther states his cousins are living there and he is planning to sell the property as soon as they move out. He says his cousins moved in after his mother passed and he inherited the home. Mr. Kozak asks how long has he owned the property. Mr. Luther says approximately three years. Asked if there has always been someone else living there, he replies it was his parents and he inherited it when they passed away.

3. #24-17 – Brian Luther - Lot Coverage Variance (cont.)

Mr. Kozak asks when he built the pole barn and he replies 2 to 2 ½ years ago. He asks Mr. Luther why he thought he would not need a permit. He is a building inspector in Virginia and in Virginia any building for storage or farm use does not need to be inspected. He states this is a crazy law and he was not thinking when he built the pole barn, he just put it up.

Mr. Kozak asks what is it used for and he replies for storage. Mr. Cummiskey asks if any other residence in the area have any accessory building and Mr. Luther replies yes.

Mr. Colavita ask what is the size of the primary residence and he is unsure. Mr. Fiore asks if the home is smaller than the barn. Mr. Luther replies no it is slightly larger than the barn. Mr. Fiore explains the Code states it cannot be any bigger than the home. Mr. Luther says when he had the survey done the house is the larger square footage than the pole barn. Mr. Luther states he was careful on the setback. Mr. Kozak questions that he just forgot to get permits but he is an inspector. Mr. Colavita asks if he is running a business out of the barn and he replies absolutely not.

Mr. Cummiskey asks what color is the pole barn and Mr. Luther replies brown. He asks what color is the house and Mr. Luther replies light blue. Mr. Cummiskey explains typically the Board would ask that the color of the barn compromises with the house in some sort of way. Mr. Luther states it is pretty far from the house and it is tuck into the woods. The color was picked so it would blend with the woods.

Mr. Fiore asks if there are any sheds on the property as well. Mr. Luther explains there are two sheds on the property. One shed has already been removed and the other shed is going to be removed. Mr. Fiore asks what is being stored in the sheds. Mr. Luther replies some of his parents' belongings and his cousin is storing stuff there.

Mr. Kozak asks what is the height of the pole barn and he replies 14 feet and he believes it is 16 feet to the peak. He asks what size is the building again and Mr. Luther replies 24 feet by 32 feet. He questions the measurements because on his application he wrote 30 feet by 40 feet. And the survey states 30 feet by 40 feet. Mr. Luther apologizes and replies 32 feet by 40 feet. Mr. Kozak questions that he is an inspector.

Mr. Fiore asks what is the height of the building and Mr. Luther replies 10 feet. He asks what is the height of the house and Mr. Luther replies it is a single-story house with a regular pitch, so 15 feet. Mr. Kozak asks again that he built this primarily for storage but you're living in Virginia. Mr. Luther explains there was a chance that he might be living in town.

Mr. Fiore asks about the stone driveway on the survey. It is another ingress/egress to the property going out to West Avenue. Mr. Luther agrees and replies it is a corner lot. He asks if it is facing West Avenue and Mr. Luther replies yes.

3 #24-17 – Brian Luther - Lot Coverage Variance (cont.)

Mr. Kozak questions the height of the building. He states that if Mr. Luther testifies the garage door is 10 feet then he would assume the whole building is 20 feet. Mr. Fiore states he is not asking for a height variance and Mr. Kozak replies he needs one. The Board figures out what the height ordinance is and Ms. Gallagher states the ordinance is 22 feet.

Motion passed to close to the public.

Mr. Fooder asks if Mr. Luther's testimony that the pole barn is smaller than the house true and he replies yes. He says based off the survey and the zoning office the house is larger than the pole barn. And he would have to remove the two sheds so he is not over lot coverage.

Mr. Fiore summarizes the application to the Board.

Mr. Cummiskey asks if the driveway going to West Avenue was existing and he replies yes. Asked where was the driveway going to and Mr. Luther replies it was just another access to the backyard.

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

4. #24-19 – Frank Edwards - Buffer Encroachment Variance

The applicant is requesting a variance to allow existing inground pool, concrete, shed, and playground to remain encroaching the buffer; along with any other variances or waivers deemed necessary by the Board. The property is located at 732 Welsh Lane, also known as Block 24.0301, Lot 15 in the R-2 Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in Mr. Edwards.

Mr. Edwards states he is encroaching the buffer and is asking the Board to grant a variance for that. Mr. Fiore asks what development he lives in and he replies Saddlebrook.

Mr. Colavita states Mr. Edwards got the approvals, the permits and had it built. So, when the Township came out to finalize they said it was encroaching. Mr. Edwards agrees. Mr. Kozak asks if he put more concrete in than he was suppose to from the original plan. Mr. Edwards replies he added it but he submitted it with the original plan. Mr. Kozak asks if he added concrete from the original plan and he replies yes.

Mr. Fiore explains to the Board the buffer on Mr. Edwards's survey. Mr. Edwards says the buffer is on the left side of his property where the tree line is. Mr. Fiore says the natural buffer with the vegetation growth was cleared out at one point and he agrees. There is a line of trees in the buffer that Mr. Edwards replanted.

4. #24-19 – Frank Edwards - Buffer Encroachment Variance (cont.)

Motion passed to close to the public.

Mr. Fiore summarizes the application to the Board.

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

5. #24-20 - Robert & Loretta Guenther - Lot Size Variance

The applicant is requesting a lot size variance to be able to build on an undersized lot; along with any other variances or waivers deemed necessary by the Board. The property is located at New Brooklyn Road, also known as Block 2302, Lot 25.03 in the R-2 Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in Mr. and Ms. Guenther.

Mr. Guenther states they are trying to get a land variant to make the property a buildable lot because they are trying to sell the lot. Mr. Cummiskey ask they are just trying to sell it and are not trying to build anything on it. Mr. Luther replies they have lived in the house next door for 27 years. Ms. Guenther adds they purchased this property in 1996. They sold their home and the couple who purchased it were not interested in purchasing this lot.

Mr. Fooder asks how much of a lot size variance are the applicants asking for. Mr. Guenther replies the lot itself is 6/10 of an acre and were told they need to increase it to a full acre. Mr. Fooder asks about item #6 on their application. They stated there will be no hardship and the Guenther's agreed.

Mr. Fiore asks if this was an existing property and they did not subdivide and create the lot. Mr. Guenther states it was already subdivided and they've had it since 1996. Mr. Fiore states that whomever purchases the lot can still conform to the Zoning requirements. They will have to build a building envelope and the Guenther's are not asking for the envelope, they just want to sell it as a building lot. Mr. Guenther understands.

Motion passed to close to the public

Mr. Fiore summarizes the application to the Board.

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

6. #24-24 - Robert Smith - Front Yard Variance

The applicant is requesting a front yard variance to allow 30' where 40' is required for the construction of a new dwelling; along with any other variances or waivers deemed necessary by the Board. The property is located at Birch Lane, also known as Block 8812, Lots 117 & 118 in the RG-M Zoning District.

Motion passed to deem the application complete. Mr. Coe swears in Mr. Smith.

Mr. Smith states the lot is 100 feet by 100 feet, located in Timber Lakes just off of Pine Drive. The reason for the variance is he wants to keep the house consistent with the neighborhood. All of the surrounding houses in the area have front yard setbacks from 20 feet to 30 feet. Our ordinance requires 40 feet and he believe this number would not be consistent with the pattern in the neighborhood. As for as the property concerns, this would leave no backyard.

Mr. Kozak asks Mr. Smith when he uses the word consistent is he referring to how the houses are lined up down the street. Mr. Smith agrees, consistent with the other yard's setbacks. Mr. Smith states this is a fairly old development, probably late 1950's or 1960's. They are small lots and they were built fairly close to the road. He mentioned that the Zoning Board granted a similar variance and few months prior for the same reason. He says the house next door has a 26-foot front yard setback (he is seeking 30 feet) and if you look around the neighborhood you will find as short as 22 feet. He does not believe anything goes beyond 30 feet. He thinks from a Township Zoning Board of Adjustment point of view this type of building, in this type of development is consistent with the neighborhood.

Mr. Smith's perspective if you push it back too far then the homeowners maybe have a 20- or 30-foot backyard if they're lucky. He believes it makes senses from both the applicant and Township Zoning point of view.

Mr. Kozak asks about the houses on both the right and left of this property. Mr. Smith states he is fairly familiar with this area. This way the house is being propose it would face Birch Lane, which runs perpendicular to Pine Drive and Pine runs off of South Shore. The way it would be designed would be facing Birch as opposed to facing Pine. A lot of the houses are facing Pine but the preference is to face Birch.

Mr. Kozak asks if the house were to be setback further, the possibility is the house would be looking into someone's backyard. Mr. Smith responds no. He states the house across the street, if you were looking out the front door of the purposed house, you would be looking into the front yard of that house. The house across the street is setback exceptionally far because it is approximately a one-acre lot. The purposed house is vey small compared to the house across the street.

Mr. Colavita asks what the square footage of the new home will be. Mr. Smith believes it is probably 2,100 or 2,200 square feet. He states it is not a large house and Mr. Colavita agrees. Mr. Colavita states it is consistent with the other homes in the area.

6. #24-24 - Robert Smith - Front Yard Variance (cont.)

Mr. Coe asks if Mr. Smith would agree that the lot of consistency, if he were to stick with the 40-foot standard would be a detriment to the overall neighborhood. Mr. Smith could not say that it was a detriment.

Motion passed to close to the public.

Mr. Coe summarizes the application and stated the conditions the Board put forth for the approval.

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

7. #24-25 - Michael Jamerson - Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 39% where 30% is the maximum permitted for the installation of an inground pool and additional concrete pavers; along with any other variances or waivers deemed necessary by the Board. The property is located at 367 Staggerbush Road, also known as Block 103.0202, Lot 11 in the RG-PR zoning District.

Motion passed to deem application complete. Mr. Fiore swears in Mr. Jamerson.

Mr. Jamerson and his family are planning on building a pool on their property. They do not live on a large lot and the square footage of their home is over 3,000 square feet. His impervious coverage is already at its max, so has requested a lot coverage variance for an inground pool and pavers. He is over 9 % lot coverage.

Mr. Colavita asks if his neighbors have pools, landscaping, desks and so forth. Is this project consistent with other neighbors and could he give examples. Mr. Jamerson replies all three houses that surround his property have pools with landscaping.

Mr. Kozak ask if there are any problems with drainage in his yard such as puddling or flooding. He replies there is a swell that runs through the backyard and downstream. And 5 or 6 houses down there is a catch basin that goes out to the retention pond. He will be installing 2-foot pipping underground with crushed stone for any drainage issues that will carry out to the natural swell.

Mr. Kozak asks if he will be encroaching on the swell and Mr. Jamerson replies no. Mr. Kozak appreciates Mr. Jamerson coming in front of the Board before the construction of the pool.

Motion passed to close to the public

Mr. Fiore summarizes the application to the Board.

7. #24-25 - Michael Jamerson - Lot Coverage Variance (cont.)

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

8. #24-21 - Joseph Poidevien - Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 37.5% where 30% is the maximum permitted for the installation of an inground swimming pool and concrete walkway; along with any other variances or waivers deemed necessary by the Board. The property is located at 1793 Carriage Drive, also known as Block 103.0103, Lot 37 in the RG-PR Zoning District.

Mr. Cummiskey clarifies the applicant's first name is Poidevien and last name is Joseph.

Motion passed to deem the application complete. Mr. Fiore swears in Mr. Joseph and Toni Williamson, owner of the Pool Store, 155 Hurffville- Crosskeys Road.

Ms. Williamson states Mr. Joseph wants to construct an inground pool. His pool and the concrete pad are 37.5% and the impervious coverage required is 30%. He is seeking a variance for the lot coverage. Mr. Fiore asks if this is in the Carriage Glen development and the applicant agrees. He asks if there are other residence in the area with similar pools in the back yard and Mr. Joseph agrees.

Mr. Kozak asks if there are any drainage problems or flooding and Mr. Joseph replies no. He asks him if there is a swell in the backyard. Ms. Williamson says they designed the pool relative to the engineer's topography which allows the water to run in the direction the engineer wanted.

Mr. Kozak thanks the applicants for coming before the Board before they construct the pool.

Motion passed to close to the public.

Mr. Fiore summarizes the application to the Board.

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

9. #24-22 - Aneesah Bush - Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 36% where 30% is the maximum permitted for the existing inground pool and concrete; along with any other variances or waivers deemed necessary by the Board. The property is located at 615 Schoolhouse Road, also known as Block 22.0202, Lot 4 in the R-2 Zoning District.

8. #24-22 - Aneesah Bush - Lot Coverage Variance (cont.)

Motion passed to deem the application complete. Mr. Fiore swears in Ms. Bush. Ms. Williamson from the Pool Store is present.

Ms. Williamson states they are only requesting 31 % and not 36% as previously stated. Ms. Williamson says they are only asking for 1% and that the pool is already built. Mr. Kozak as if she is positive that it is 31% and not 36%. Ms. Williamson replies she is positive.

Ms. Williamson says Ms. Bush did the As-Built and didn't realize when she got the concrete she was over. Mr. Kozak asks if there have been any drainage problems and how long has it been there. Ms. Bush says the pool has been there for 3 years and there have been no drainage issues. Mr. Fiore asks if it is located in any buffer and Ms. Bush replies no.

Mr. Fiore states they are testifying its 1% but if it comes out to be 36% it is still going to be considered by the Board because the Zoning Office has it at 36%. Ms. Bush agrees.

Motion passed to close to the public.

Mr. Fiore summarized the application to the Board and clarifies that if it is at 31% they are not giving her permission at 36%.

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

10. #528-SP Greyhound Angels Rescue & Adoption Inc.- Minor Site Plan

The applicant is seeking site plan approval for a proposed 2,400 sq. ft., 42-dog kennel for rescued greyhounds, new parking areas, and a new septic system; along with any other variances or waivers deemed necessary by the Board. The applicant received use variance approval on October 6, 2022 to allow for two principal uses on the property (Resolution #13-2022). The property is located at 2688 S. Black Horse Pike, also known as Block 5501, Lot 6 in the RG-C Zoning District.

Mr. Sander does not deem the application complete and states the applicant needs various waivers. He lists the waivers:

Side and height of all existing buildings including license architect's and/or engineer's drawing of each building.

Proposed circulation plan 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.

10. #528-SP Greyhound Angels Rescue & Adoption Inc.- Minor Site Plan (cont.)

A topographic plan of the site extending two hundred feet (200') past the boundaries of the site.

A landscaping plan, in accordance with Section 171-70 of the Township Comprehensive Land Management Ordinance.

Mr. Sander spoke to the applicants and they have agreed to asking for these waivers. Mr. Kozak asks if the applicants are waiving the landscaping plan and Mr. Sander says no. He is not sure what they are planning to do for the landscaping plan and misspoke. Mr. Kozak would like to know which items the applicants are asking to be waived.

Ryan Hoffman, Attorney, is representing the applicant. They are asking for approval of site plan 2,400 square foot dog kennel with new parking areas and new septic.

They are asking for waivers for the circulation plan, landscaping plan, site lighting and topography. They do have an architectural drawing which they have provided tonight.

Mr. Kozak asks if Mr. Sander is ok with the waivers they are asking for. Mr. Sander replies yes.

Mr. Hoffman states the minimum front yard setback is 28 feet where 75 feet is a far that is already in current condition. That is the existing house on the property. Mr. Fiore swears in William Gilmore, Engineer, Mr. Sander, Engineer, Mr. Sander, Engineer, Mr. Warburton, Planner. Mr. Kozak asks if the architectural drawing that was submitted is a proposed build and Mr. Gilmore answers yes.

Motion to deem the application complete with the waivers required is passed.

Mr. Gilmore begins by showing the Board the rendered version of the site plan. They added a recent aerial to add context to the plan. And they have added color to parts of the plan that they have changed.

This is a 9-acre site. The site is incumbered by Wetlands within the Pinelands area. It's a 300-foot Wetlands buffer which takes up most of the space. It has two access points to the Black Horse Pike consisting of paved area and gravel. There is an existing residential dwelling on the site and several out buildings. The plans are to repurpose most of the buildings and construct the 2,400 sq. ft kennel in the back. There is a typo of 2,500 sq. ft but it is actually 2,4000 sq. ft is what is purpose.

Mr. Gilmore states they are decreasing overall the impervious coverage by .1 acres so there will be less run off on the project. The Pinelands have reviewed this and issued a Certificate of Filing.

10. #528-SP Greyhound Angels Rescue & Adoption Inc.- Minor Site Plan (cont.)

Mr. Gilmore points out the residential building that will remain as a residential unit. Another existing building was a formal kennel which they converted to an office space. There is a shed located towards the center which will remain for storage and there is another building which will be retrofit to a quarantine area for sick dogs.

They are purposing 18 parking spaces. Four up close to the road on the existing asphalt and filling in some areas that was formerly lawn with gravel to provide the parking for the pole barn.

They are purposing a septic system to service the kennel. And purposing an area to the rear of the kennel for an exercise yard. This will consist of a farm field fence with post to contain the dogs. There will be a side walk that will lead you to this area. As part as a Pinelands approval, they have to remove anything that was in the buffer.

They are not purposing any lighting, buffers or landscaping. As an existing improved lot, it has some landscaping on it surrounded by woods. There is some commercial activity on the northern side, which is why they are asking for the waiver for the landscaping. You really cannot see the building very well from the road and have the visual distance which is pretty far back for a buffer.

Mr. Gilmore states it is a pretty simple project and they are just repurposing what is already on the site, removing or replacing stuff pervious/impervious items and constructing the kennel in the back.

There is no sign depicted on the plan. They did not have a sign at the time of the plan so they purpose a sign in the area between the two driveways. But the sign would need the Code and correct location and they would submit that to the Construction Official to obtain the approval.

Mr. Kozak asks if the owners live in the house on the property and Mr. Gilmore answers yes.

Mr. Hoffman asks if they are putting up any new fencing. Mr. Gilmore replies the only new fencing is the exercise area for the dogs. The height of the filed fence is 5 feet. Mr. Kozak asks if the fencing is in the Wetlands and Mr. Gilmore says no.

Mr. Hoffman asks about the requirements for the amount of parking. Mr. Gilmore replies they meet it by 4. When asked about the building changes, Mr. Gilmore replies it is 10-foot walls with a 4/12 pitch which works out to be 16.6 feet high.

Mr. Sander states the land disturbance is too small to make it a major development and the impervious surface is reduced. He points out the size of the kennel typo is 2,500 sq. ft when it is actually 2,400 sq. ft.

10. #528-SP Greyhound Angels Rescue & Adoption Inc.- Minor Site Plan (cont.)

Mr. Warburton states this a use variance back in October 2022 to allow two principal uses on the property. The minimum front yard setback is 75 feet. The plan does not conform to this requirement, having a front yard setback of 28.22 feet. This represents a pre-existing, non-conforming condition.

Mr. Warburton states it looks like there are existing buffers which are sufficient and mature buffer that exist on both sides of the property. The building height is 17 feet which is sufficient. The five-foot height fencing which falls within the Code requirements. He asks what material will be used for the fence. Mr. Gilmore replies it is the field fencing seen on a farm. It sits with closer strand at the bottom and 4' by 4' openings at the top with post to secure it down. It is a permanent fence designed to secure large animals.

He asks Mr. Gilmore about the sign in the front and he says they will be meeting with the Construction Official to conform the sign.

Mr. Sander asks about lighting at the site and Mr. Gilmore says they will not be doing any operation after dusk. They will be adding some solar powered lights to the new building just to light up the perimeter.

Mr. Fiore asks if they will agree to maintain the existing buffer and not to remove it as a condition. They agree. He asks about the removal of trash and the dog's excrement if there is a special process. Mr. Fiore swears in Lisa Newbold, applicant. She responds that they have a dumpster that is emptied every two weeks and that is where the waste goes. He asks if they think it is necessary to be enclosed. Mr. Kozak asks where is the dumpster located currently. She replies the dumpster is close to the house and they plan on relocating it. Mr. Gilmore states it will go in the back and they can position it behind the building. Mr. Kozak asks will there be a problem with them picking it up. Ms. Newbold says no and there is access. Mr. Gilmore states it is the Board's pleasure if they want to enclose it because it will not be visible from the roadway. Mr. Sander states he would be ok if they wanted to grant a waiver for the trash enclosure. Mr. Fiore complies and asks if waived they would agree to keep it behind the building. The applicant replies yes. This would be a condition upon approval.

Mr. Fooder asks if they are served by public water and they reply no it is well water. He asks where the location of the well is and Ms. Newbold points it out on the survey. He asks if it is well distanced from the purposed septic and they reply yes. Mr. Sander states they would have had to get approval from the County Health Department for their septic system. Mr. Kozak asks if they had already put the new septic in and Ms. Newbold replies no. The septic is being purposed in the plan. Mr. Fooder asks where the existing septic is and she answers in the back yard of the house and she is not getting rid of it. The well is in front of the house. Mr. Fiore adds the County would not issue a permit unless its 150 feet apart.

10. #528-SP Greyhound Angels Rescue & Adoption Inc.- Minor Site Plan (cont.)

Mr. Hoffman asks Ms. Newbold how much experience does she have dealing with dogs. She replies Greyhound Angels will be 20 years old in June 2024. He asks how this will improve their community. She replies they have had a lot of outsiders from Canada and California. When adopted she makes them come and get the dog because they will not ship a dog. They recommend hotels and places to eat in the area, so they do impact the community.

Mr. Hoffman asks about hours of operation and Ms. Newbold replies they are open to the public from 10 a.m. to 2 p.m. Their kennel staff is 8 a.m. and leave around 10:30 p.m. There will be one staff member per shift.

Mr. Fooder states this is for a greyhound rescue and asks this will not be a breeding facility and Ms. Newbold states no and that would outweigh their purpose.

Mr. Warburton suggest that within a year they put up a formal sign and Ms. Newbold agrees. This would be a condition upon approval. Mr. Fiore states for the record they will agree to the review letters and recommendations with the exceptions of other items discussed. They agree.

Motion passed to close to the public.

Mr. Fiore summarizes the application to the Board. Mr. Kozak adds that if they cannot leave the dumpster in the back then they will agree to enclose it.

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

Mr. Fiore would like to amend the approval of the Certificate of Filing from Pinelands dated March 30th, 2021 will be marked as Greyhound 2 and part of the record.

Motion approved to amend original motion to include Greyhound 2 as an exhibit. Voice Vote; All Ayes. Motion approved.

11- #24-26 - John Campanella - Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 35% where 30% is the maximum permitted for a 36' x 22.5' x 12' addition; along with any other variances or waivers deemed necessary by the Board. The property is located at 1136 Tamarind Place, also known as Block 110.0301, Lot 31 in the RG-PR Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in Mr. Campanella.

11- #24-26 - John Campanella - Lot Coverage Variance (cont.)

Mr. Campanella would like to put an addition on for his mother in law. Mr. Kozak asks what the addition will consist of. He replies it is a living area, one bedroom, one bath and a closet. There is not to be a kitchen. There will be a porch off the back.

Mr. Kozak clarifies this is an in-law suite and it will not be rented out and Mr. Campanella agrees. Mr. Colavita asks where the addition is going on the property. He replies it will be at the end of the driveway and to fill in the back corner. It will fill in the square behind the garage. Mr. Kozak asks about the entrance. Mr. Campanella explains there is an existing back door near their laundry room which will stay for interior entrance. The Township would not allow a front door access because it would appear as if it was a townhouse. So, they change her front exterior door to the side.

Mr. Colavita asks how much square footage and Mr. Campanella answers 620 sq. feet. He believes this includes the porch as well. Mr. Kozak asks where the porch will be and he replies it would be in line with their back door facing the rear of the property. She will have a sliding glass door to access the porch area.

Motion passed to close to the public.

The Board notices an issue with the frame shed on the property that Mr. Campanella plans on keeping. Mr. Fiore states there is a letter from the Township Engineer dated March 13th, 2024 and the proposed plan was rejected and they wanted a lot grading plan. Mr. Campanella states he submitted the survey and then the surveyor had to come back out and do an elevation plan as well. Mr. Fiore asks if that was submitted after March 13th, 2024 and Mr. Campanella replies yes. Mr. Fiore points out on the survey that the frame shed is on his back-property line. The shed appears to have been built at the edge of the property. The minimum side yard is 10 feet and minimum rear yard is 25 feet. He's concerned when Mr. Campanella does the As-Built the Township may have him come back to the Board if he does not move it within the building envelope. Mr. Campanella asks if the variance he is present for is not for the shed and it still has to be moved. Mr. Fiore states it is not part of this application. He agrees to move it. Mr. Fiore further explains it appears to 2.1 feet and 1.1 feet however it will have to conform with the ordinance. It has to be 10 feet off the side yard property and 25 feet off the rear yard, which is moving it substantially. Mr. Campanella states when they put up their fence he went to Public Works and had them sign off to run the fence all the way back to the chain link and he maintained the area (which would normally be maintained by Township). Mr. Fiore asks if that is a buffer area and he replies yes. Mr. Fiore wants to avoid having Mr. Campanella come back to the Board but warns him they may flag him for this. He is aware. Mr. Kozak suggests this should be a condition and the applicant agrees that the shed will not only be put back on his property but conform with the setbacks. He agrees.

Mr. Fiore summarizes the application to the Board.

11- #24-26 - John Campanella - Lot Coverage Variance (cont.)

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

12. #24-28 - William Sellers - Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 35% where 30% is the maximum permitted for a 40' x 30' concrete pad; along with any other variances or waivers deemed necessary by the Board. The property is located at 1216 Sassafra Court, also known as Block 1'10.0301, Lot 49 in the RG-PR Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in Mr. Sellers.

Mr. Sellers would like to build a 30' x 40' basketball court in his backyard for his family. Mr. Kozak asks if the court is going to have lights. Mr. Sellers replies the court he purchased has a light but just on the hoop. Asks if he is going to put additional lighting and he replies no. Mr. Kozak explains he has to abide by the noise ordinance and cannot be out there all night. Mr. Seller states he does not want them to be out there all night and agrees. Mr. Kozak suggest to make it a condition upon approval for no additional lighting. Mr. Fiore adds to just illuminate will not extend beyond his property.

Motion passed to close to the public.

Mr. Kozak asks if there are any drainage issues. Mr. Sellers replies there is a pitch and it runs off to the back. Mr. Seller asks the Board about the trees behind his property he believes are the Township. He would like to remove them but does not know if he is allowed. Mr. Sander answers he can cut the branches that hang over onto his property but he is not allowed to cut the trees.

Mr. Fiore summarizes the application to the Board.

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

Public Portion: Mr. Smith addresses the Board about his application. Motion to reconsiders Mr. Smith's application #24-24. Voice Vote All Ayes. Motion passed.

Motion passed to close the public portion.

Reports: Mr. Heverly announces that Council has considered changing the Ordinance for Lot Coverage.

Approval of Minutes:

1. April 11, 2024

Motion passed to approve the minutes.

Adjournment: The meeting was adjourned 9:01 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.