

Call to Order:

It is 6:30 p.m. on May 23rd, 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. Also present; Ms. Gallagher, Secretary, Ms. Gabbianelli, Clerk Transcriber, Mr. Heverly. Excused: Mr. Kerr, Mr. Rice, Mr. Kernan.

Memorialization of Resolution:

1. #47-2024 Mario & Denise Defalcis – Use Variance, Lot Coverage & Side Yard Variances Approved

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

2. #48-2024 Capital Realty Consultants, LLC – Final Major Site Plan Approved

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

3. #49-2024 Kenneth Boyer – Rear & Front Yard Variances Approved
4. #50-2024 Joseph Coleman – Side & Rear Yard & Buffer Encroachment Variances Approved
5. #51-2024 Wayne & Madrid Matthews – Lot Coverage Variance Approved
6. #52-2024 Jamie & David Rosenthal – Adjournment Request Approved

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.

Administrative Amendment for Board Action:

1. #46-2024 - Williamstown Congregation of Jehovah's Witnesses – Sign Waiver

The applicant was previously granted approval for minor site plan by Res. 43-2023. The applicant has requested to move their existing monument sign closer to the building, out of the sight triangle. The Zoning Board planner made no objection to this as it does not affect any other part of the previously approved plan, and still complies with the township ordinance.

Motion approved to amend 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.

Discussion:

1. #539-SP - Not Your Mother's Garden – Minor Site Plan

The applicant applied to Planning Board for minor site plan. It was determined that a use variance was required so the application was referred to the Zoning Board. To this date, the applicant has not submitted a use variance application to accompany the site plan.

Len Schwartz, representing the applicant states they are deeming the application incomplete. The applicant is not 100 % sure he wants the use variances for cannabis on that site. So, at this moment he would like to deem the application complete.

Motion to deem the application in complete by Mr. Colavita, seconded by Ms. Fasano. Roll call vote; Ayes- Mr. Colavita, Ms. Fasano, Mr. Carino, Mr. Cummiskey, Mr. Kozak, Mr. Fooder. Nays- Zero.

Public Hearings:

1. #24-33 – Kolawole Oluwasegun – Side & Rear Yard & Lot Coverage Variances

The applicant is requesting a side yard variance to permit 0 feet where 5 feet is required, a rear yard variance to permit 0 feet where 12.5 feet is required, a lot coverage variance to allow 58% where 30% is the maximum permitted for the existing pavers; along with any other variances or waivers deemed necessary by the Board. The property is located at 1459 Cranleigh Lane, also known as Block 36.0101, Lot 29 in the RG-PR Zoning District.

Motion passed to deem the application complete.

Len Schwartz is representing the applicant. Mr. Schwartz indicates the reason for the lot coverage being so high is that Mr. Oluwasegun's daughter is highly allergic to grass. As a result, the entire backyard is pavers and a pool. Mr. Oluwasegun agrees and he did submit a letter from

1. #24-33 – Kolawole Oluwasegun – Side & Rear Yard & Lot Coverage Variances (cont.)

the doctor confirming the daughter's condition. The letter from Remington & Vernick indicates everything is ok with the grading plans and they had no objection to it. Mr. Schwartz tells the Board the impervious coverage recently went up to 40% so they are asking for an extra 14 %.

Also, they are asking for side and rear yard coverage at 0 feet instead of the 10 feet and 25 feet. Again, this is due to all the pavers being in the backyard.

Mr. Fiore swears in Kolawole Oluwasegun. Mr. Fooder asks if Mr. Oluwasegun has thought to collecting stormwater run off because of all of the pavers. And what is the potential stormwater runoff to adjacent neighbor's property. He says they built a drainage system on the side of their home for the water to run off. It was reviewed and approved by Remington & Vernick. Mr. Fiore states that Mr. Oluwasegun is describing the gutters coming off the house and Mr. Fooder was asking about something that would catch the run off in the back. Since the entire back yard is impervious surface, the Board would like to know where the water is running off to. Mr. Oluwasegun replies the way it is pitched when the water is dropping, it flows towards the drainage. Essentially it is a French drain. Mr. Kozak clarifies it is pitched towards his home and not towards the neighbors and he agrees. It goes towards the house which goes into a collection and also catches the gutter and downspout water. He asks does the water then go to the side of the house and where does it go from there Mr. Oluwasegun says it flows to the grass on the side of the house.

Mr. Kozak asked how long has his backyard been like this. He responds since May of 2023. Asked if there have been any issues with the neighbors and he says no. And no neighbors are present at the meeting so they have no objection to Mr. Oluwasegun's backyard. Mr. Kozak asks the fence is on 0 feet is it right on the property line. He replies yes. Mr. Kozak states he has no legal right to go on the other side (without neighbor's permission) to do any maintenance. He agrees.

Mr. Kozak asks what brought the applicant before the Board and it is when they did the final inspection for the pool they realized the pavers. Mr. Kozak states the plan did not call for all the pavers when he received the zoning permit and Mr. Oluwasegun went passed what the original plan was for the zoning. Mr. Fiore describes the neighborhood, similar small lots, swimming pools and pavers. Mr. Oluwasegun agrees. Mr. Kozak agrees with Mr. Fiore states this is an extraordinary case with a health situation and it's documented by a letter.

Motion passed to close the public portion. Mr. Fiore summarizes the application to the Board.

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.

2. #24-34 – Kenneth & Chantel Mercadante – Lot Coverage Variance

2. #24-34 – Kenneth & Chantel Mercadante – Lot Coverage Variance

The applicant is requesting a lot coverage variance to allow 45.6% where 30% is the maximum permitted for the installation of a 27'x13' inground pool and 889 square feet of pavers; along with any other variances or waivers deemed necessary by the Board. The property is located at 1120 Renoir Way, also known as Block 110.0404, Lot 13 in the RG-PR Zoning District.

Motion passed to deem the application complete.

Mr. Schwartz is representing the applicants. He states the lot coverage with the new pool would be 41.7%. This was submitted with revised application and Remington and Vernick for the lot grading plan. The letter from Remington and Vernick states as of May 1, 2024, an impervious coverage of 39.4% of the property. The applicant feels it would be safe to go with what the plan which is showing at 41.7%. And since the zoning ordinance has change, which became effective May 22nd, the applicants are only 1.7% over.

Mr. Fiore swears in Kenneth and Chantel Mercadante. Mr. Schwartz asks the applicants if there has been an objection from their neighbors and they said no. Mr. Schwartz confirms Mr. Mercadante understands they are asking for 41.7% and he agrees. Mr. Schwartz asks if their lot conforms with the neighborhood and he says yes. Mr. Kozak asks what percent are they asking to be approved for and they respond 41.7%.

Motion passed to close the public portion. Mr. Fiore summarizes the application to the Board.

Motion to approved 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.

3. #24-35 – David Lummis – Use Variance

The applicant is requesting a use variance to permit the construction of a single-family home in a zoning district where it is not currently permitted; along with any other variances or waivers deemed necessary by the Board. The property is located at 1481-1485 Pitman Downer Road, also known as Block 14901, Lot 15 in the MU-AR Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in David Lummis and he is aware there are only five members and majority has to vote yes.

Mr. Lummis is the applicant for the use variance and is under agreement to purchase the property from the owner. He would like to build a single-family home on the property of a 2.5-acre parcel. He states there is a single-family house on the left, right and across the street from the property. He believes this is the best use for the property. Also, believes it would be a problem for the seller if it were used for a senior living/multi use.

3. #24-35 – David Lummis – Use Variance

Mr. Kozak asks if he is building for himself and not to sell and Mr. Lummis agrees. Asked if he has well and septic already and he replies yes. Mr. Kozak asks if there is a pre-existing sidewalk and he replies no. Mr. Fiore states he is probable going to ask for a side walk waiver.

Mr. Warburton states the applicant is seeking a use variance approval to allow for the construction of a single-family detached dwelling within the MU-AR, Mixed Use Age-Restricted District. As required by the statutes of a MLUL the applicant must demonstrate sufficient “special reasons” why the proposed use carries out a purpose of zoning, or how the refusal to allow the project would impose on the applicant an undue hardship. In addition, the applicant must demonstrate that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Mr. Warburton checked out the property and he states the area is heavily residential and does not show any signs of being commercial. Traditionally the zone was laid out for age restricted coming in there. The existing single-family that are in the area are under the guides of the R-2 standards. He would ask the Board to discuss this as applying to this parcel as well, applying the R-2 standards and being under the same jurisdiction.

Mr. Warburton discusses the esthetics of the home. He asks if it is one or two stories. Mr. Lummis replies it will be a two-story home and approximately 2,700 square feet. Most of the living space will be on the first floor and three bedrooms and bath on second floor. Also, there will be a two-car garage. Mr. Warburton asks if the look will be traditional and Mr. Lummis shows him the rendering. Mr. Warburton states as long as it conforms and it is nothing out of the ordinary.

Mr. Warburton states there is not an existing sidewalk and Mr. Lummis is requesting a sidewalk waiver. Mr. Warburton believes he should be granted that. Mr. Fiore asks if Mr. Warburton agrees that most of the existing homes have been there 30-40 years and have always been a residential. Mr. Warburton agrees. Mr. Lummis believes years ago there was a house on the property because you can see it in historical aerial views. Mr. Warburton says this is more of an in-fill parcel. He asks Mr. Lummis if there are any Wetlands on the in-fill parcel and he replies no.

Mr. Fiore states in satisfying the hardship criteria there is no other value or use of this property. It would conform with the land use and regulations of the Township and so on. Mr. Warburton agrees and he does not believe it will substantially impair the intent of purposes of zone plan and zoning orders. He states it is not impacting any environmental areas and being in-fill, it is preventing sprawl from occurring.

Mr. Kozak is familiar with the area and ask if he is closer to Glassboro road. Mr. Lummis states he is closer to Fries Mills road by a couple hundred yards. Asked why he is building so far back and he responds he loves the woods.

3. #24-35 – David Lummis – Use Variance (cont.)

Mr. Lummis asks about the R-2 Zone and the status of the ordinance set back. Mr. Warburton says it was memorialized with the impervious coverage and it is 50 feet. Mr. Fiore asks if he is going to pave the driveway and Mr. Lummis replies he would like to pave. He believes that gravel driveways are a lot of maintenance.

Mr. Kozak asks Mr. Warburton if he thinks this is a good use of the property and he agrees.

Motion passed to close the public portion. Mr. Fiore summarizes the application to the Board.

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

Public Portion: None

Reports: Mr. Kozak discusses a developer denial from the Glassboro Planning Board story.

Approval of Minutes:

1. May 9, 2024

Motion passed to approve minutes.

Adjournment: The meeting was adjourned 7:11 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.