

Call to Order:

It is 6:30 p.m. on June 13th, 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. Colavita, Mr. Cummiskey, Mr. Kozak, Ms. Fasano, Mr. Fooder, Mr. Fiore, Solicitor, Mr. Kernan, Planner. Also present; Ms. Gallagher, Secretary. Running late; Mr. Heverly. Excused; Mr. Carino, Mr. Kerr, Mr. Rice, Mr. Warburton.

Memorialization of Resolution:

1. #53-2024 Not Your Mother's Garden – Deemed Incomplete
2. #54-2024 Kolawole Oluwasegun – Side & Rear Yard & Lot Coverage Variances Approved
3. #55-2024 Kenneth & Chantel Mercadante – Lot Coverage Variance Approved
4. #56-2024 David Lummis – Use Variance Approved

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

Mr. Fiore swears in Tim Kernan, Board Planner and Engineer. Mr. Chairman announces that Mr. Heverly has just arrived to the meeting.

Public Hearings:

1. #540-SP – Towala Properties, LLC – Preliminary & Final Major Site Plan & Lot Coverage Variances

The applicant is requesting preliminary and final major site plan approval as a condition of prior use variance approval. The applicant received prior use variance approval (Res. #34-2021) to allow two principal uses; a machine shop and a vehicle storage yard. The applicant is also requesting a lot coverage variance to allow 67.2% where 65% is the maximum permitted; along with any other variances or waivers deemed necessary by the Board. The property is located at 1451 Glassboro Road, also known as Block 15001, Lot 4.03 in the BP Zoning District.

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Mr. Cummiskey asks if the application can be complete and Mr. Kernan responds there are some incomplete items. The applicant is asking for waivers for the items listed in Mr. Kernan's review letter that are incomplete. With the exception of the Stormwater Maintenance Manual, which will be a condition of any approval.

Mr. Kernan breaks the application up into two parts: preliminary and final site plan which the applicant is seeking both. Under preliminary site plan shall have a lot of information including an architectural plans and views of each type of building. Mr. Kernan asks if anything on the building is changing and the applicants replies no. Mr. Kernan states letter (g) is missing on the plan. That is existing and proposed stormwater drainage and collection systems with desirable information including maintenance schedules. The applicants are striking this request because it is included in their maintenance manual. So, they will be complying with (g) on Mr. Kernan's letter.

Mr. Kernan states under letter (h) they need size, height, location and arrangement of all existing and proposed buildings, structures and signs. This is not just proposed but it is existing. They have some information such as shape of the building but do not know the height or size of signs existing etc. Mr. Fiore asks what the importance of the items listed in (h). Mr. Kernan says if there was something proposed as a new-built or a new sign then they would want that information. Mr. Kozak asks if the existing signs are out of ordinary for the Township Code and Mr. Kernan does not believe they are. And they are not proposing any new signage. Mr. Kernan states under letter (i) the location of existing and proposed wastewater collection facilities and portable water supply. He asks if it is well and the applicant states it is well water. Mr. Kernan states he is asking for an existing and proposed. The existing information may not be on the plan but nothing is changing.

For final major site plan, Mr. Kernan states it has a lot of the same items as preliminary. In his letter under C (1) size, height, location and arrangement of all existing and proposed buildings, building and structure signs. (3) Existing and proposed wooded areas, buffer areas, and landscaping shall be shown. The landscaping plan, Mr. Kernan would not recommend waiving the proposed landscaping plan. But the extent that all existing and proposing information is not yet on the plan, he says for tonight's purposes he would recommend waiving. And 4 (a) Utilities the proposed location of all drainage (including calculations), sewage and water facilities. Mr. Kernan believes for the most part this has been supplied so may not need a waiver for 4 (a).

Mr. Fiore swears in Paul Witthohn, expert Engineer and John Towers, Owner. Len Schwartz is representing the applicant.

Mr. Kernan refers back to his letter. Page 4 (b) proposed lighting and Mr. Witthohn says they are not proposing any new lighting so this is non-applicable or a part of the waiver for completeness motion. (c) is "Will Serve" letters where the applicant shall arrange with the servicing utility for

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installation of underground utilities. Mr. Kernan states other than the parking area, nothing is changing with utilities so they can get a waiver from that. (d) is similar scenario, a written instrument from each serving utility, again non-applicable or waiver. Lastly is (5) a written description of the proposed operations of the building(s) including the number of employees etc. Mr. Kernan states previously they excepted testimony from the use variances, perhaps some additional testimony on the operation they are describing and why they are here for site plan shall be acceptable. He does not know if the applicant needs a written description and will leave that up to the Board.

Mr. Fiore asks if Mr. Kernan recommendation is complete pending additional information being provided as they proceed through the process. Mr. Kernan responds yes but only additional information on one or two of the items. He can clear that up with the Board. Mr. Kozak says when the applicant came before their concerns were with the landscaping, where it was located and possible houses in the future. He would like it to be addressed in the applicant's presentation that there is going to be some type of landscaping from the front to the back. They agree they intend on addressing the landscaping issue.

Mr. Fiore says they are deeming it complete with conditions upon items that may come up during their presentation and further testimony. Mr. Kernan states for his requirements, existing conditions they will be waiving but the proposed is what the Board is concerned about. Mr. Kozak says landscaping and lighting and Mr. Kernan says they are not proposing any additional lighting. Mr. Kozak does not know how bright it is now but looking towards the future. He is ok as long as it is addressed.

Motion passed to deem application complete upon additional testimony.

Mr. Schwartz asks the owner, Mr. Towers what uses are on the property. He replies it is a machine shop that has been there approximately 50 years. There is parking of bread trucks on the side of the property. Asked how many bread trucks and he replies around 25. The purpose of them being in front of the Board is to finalize all of the parking and Mr. Towers agrees. Mr. Schwartz asks if the operations are during the day and he replies they start at 7pm until 7am. The trucks are delivering bread all through the night. The trucks are parked during the day time and out at night. Asked if there are any customers coming there and he replies no. He says there are only two people that work at the machine shop and do not have customers coming in. Are there any issues on the property with ingress or egress and Mr. Towers says no.

Mr. Witthohn submits exhibit A (1) which is the site plan that was submitted with the site plan application. The stormwater solution to the existing gravel parking lot is what turns this into a site plan. They show on the site plan designated parking for the bakery trucks and it shows some patched areas on how to restore some of the stone areas. And substitute some of the stone areas in the back for shallow infrastructure basin in the rear. Mr. Witthohn adds there are some notes

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to provide privacy screening for the fence along the side as well as additional landscaping. There is a clarification and reorganization of some of the concrete curb stops for the passenger vehicle parking in the front.

Mr. Witthohn admits they are asking for a lot of waivers for lighting, parking, any additional handicap parking in the rear, utilities, pavement or any other structural features. The only feature is a grading flow and a pattern of designated contouring to get the stormwater to the rear basin. There is no piping, just a low outlet to the rear basin. He states it is a shower basin infiltration, which is pretty consistent with what has been done temporarily.

Mr. Fiore asks how many trucks are currently parked there and he replies 25. Asked if that was part of the use variance or was there a number on there. They believe they were allowed up to 29 trucks with the use variance. Mr. Kozak asks Mr. Witthohn if the fence around the property will be a 6-foot fence. He agrees it will be a 6-foot fence with posts and inserted slates. The slates will be on the bakery parking, not on the other side. Slates on adjacent lot 5 and then landscaping across the front. Mr. Kozak asks if any of the landscaping will be on the sides or the back. He replies no.

Mr. Cummiskey asks what the size of the proposed trucks are that are allowed to be parked there. They are between 20 to 25 feet. What style truck and they replay Isuzu 20 to 25. Mr. Fiore asked what the width of the trucks are and Mr. Witthohn replies 7.5 feet. Mr. Fiore states the parking spots on the site plan are 10 foot by 20 foot and these trucks don't take that size up. Mr. Fiore asks Mr. Kernan if that is the standard for automobiles. Mr. Kernan says yes 10 by 20 for automobiles. They say it is difficult because it is an existing site and there are different size spots. Some are 10 feet by 30 feet for the trucks. Asked how many trucks can be housed on their plan and they reply 29.

Mr. Kernan asked about the existing fence because there is a note on the plan that says it is a 7-foot chain link fence. Then there is another note that says modified 6-foot-high chain link fence with slates. They mention there is barb wire on top of the fence which could make it 7-foot. Mr. Kernan is not a fan of slates and says there is existing vegetation along the property line. The existing tree line is on the Cassidy side. Mr. Kernan says there is a number of tall trees spread out on that line and it is almost 366 feet deep. Mr. Kozak mentions it is not on their property it is on the adjacent property and would be hopeful they don't touch it. Mr. Kernan would rather see a row Arborvitaes ran along there. Mr. Kozak asks about the back of the property and what will happen if they develop it in the future. Mr. Towers state the lot was purchased for a retention, which is lot 4. Mr. Kozak asks how many feet is the rear. The whole rear is 366 feet and Mr. Towers owns lot 4. Mr. Fiore asks if the lot is land locked and Mr. Towers says it is. And it is not subdivided. Mr. Colavita asks if there is room on that east side for Arborvitaes. Mr. Kernan mentions a landscaping session and how wide of an area of stones being cleared.

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He says as long as it is 5 or more feet and it would be along lot 5. Mr. Towers says due to the retention ponds there is no room for anymore landscaping. Mr. Kernan asks on your property line and he replies yes on the left side. Mr. Fiore says it is all overgrown into the fence and it is not a clear tree line. Mr. Kernan says this plan before the Board shows that the stone area to be cut back in front of the fence by 5- 7 feet to create an open corner in front of the fence. They are showing an area to be clear of stone along the bottom property line on Mr. Tower's side of the fence. The 30 feet for the bread trucks would not go up to the fence, they would stop short by the dimension shown. Mr. Fiore states the current condition is those truck back up to the fence and the plan that is purposed they will be pushed away from the fence. Mr. Towers says yes but the back tires would hit the buffer. Mr. Fiore asks Mr. Kernan if this is something he wants because he is purposing landscaping there. Mr. Witthohn states the 5 feet is there so they are not parking up against the fence. Also, there is a calculation for the stormwater that they have to meet. Mr. Kernan says if that was being cut back anyways and turned into grass why not plant an Arborvitaes. Mr. Cummiskey states the applicant might need that space to be able to pull the back of the truck up. It would be required because the back tire would hit the tire stop, the back of truck would be off the ground but over the grass. The applicant agrees. Mr. Kernan asks that would add to the 30 feet that is proposed for the truck spaces, which means they would need 37 feet for the bread trucks and are they that big. Also, he states it must be a massive drive aisle of at least 50 feet between the bread truck row and the parking for the employees. Mr. Kozak adds it is probably better for the stormwater to have the 5 feet. Mr. Kernan says if these are single unit trucks then it looks like there is plenty of room to maneuver and some wiggle room to create a tree line. Mr. Cummiskey asks if this is Tim's recommendation and he replies yes versus a fence line with privacy slates.

Mr. Kernan refers back to his letter under Zoning Requirements. The use variance back in 2021 which lists conditional use and any use variance approval granted shall be conditioned on the required site plan approval. They received a number of bulk variances as well; lot area, lot frontage/width, front yard/building setback. Mr. Schwartz states instead of the privacy fence with slates, they could take the slates out and plant Arborvitaes along the fence. Mr. Kernan agrees. Mr. Fiore asks if this is what the Board would like. Mr. Kernan states he would like to go in order and stick with the bulk variances before they decided on the landscaping.

Lot coverage was not address in 2021, but now the site has been engineered with the infiltration basin. The applicant is still over the maximum permitted lot coverage of 65%. They are proposing 67.2% and Mr. Kernan does not have a problem with that. Also, they need a buffer variance because it was not dealt with before. In this Zone it requires a buffer of 50 feet. The applicant is proposing Arborvitaes behind the existing fence and he supports that but would like to figure out what the width is. Mr. Kernan suggest it should be around 8 feet which would be workable. There is wide aisle so if they have to shift the cut line or eliminate gravel and make it 8 feet, he believes there will be plenty of room and he would support the buffer variance. Across to Lot 4 there is nothing being proposed. This is to the west and wraps behind. Mr. Towers was saying there is grass all the way back. Mr. Kozak and the Board would like to see some

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Arborvitaes planted in the back in case of future development. Lot 4 backs behind his lot. Mr. Cummiskey asks if the applicant agrees to put Arborvitaes on the left side and inside the rear of the property. Mr. Towers agrees.

Mr. Kernan talks about off-street parking. The applicant has determined that 2 spaces per 100 storage units, 2 spaces for administration offices, 29 spaces for driver vehicles are required and has provided a total of 27 general parking stalls and 29 dedicated to the vehicle storage area. 30 personal vehicles belonging to the drivers/employees of the bakery business. Testimony should be provided as the plan shows a total of 27 stalls for drives/employees and 29 stalls for the delivery vehicles. Mr. Kernan asks when the bakery company employees park to pick up the trucks is it one for one. Mr. Towers states some people get drop off and some ride their bikes to work. So, they do not need 29 spaces in the middle of the lot. Mr. Fiore asks if it is going to be limited to the 27 for passenger and the machine business is only 2 cars.

Mr. Kernan discusses buffers again and says this is a state road. There is no curbing out there and they are seeking a waiver. Mr. Kernan does not see a problem with this. Mr. Kozak asks what the distance is between 322 and their first fence. Mr. Kernan responds 50 feet or so. There is enough room for the trucks to pull all the way in without a problem. Mr. Kozak asks about landscaping across the front. Mr. Kernan states the applicant is purposing landscaping just in front of the bread truck parking, the east side of the property. He suggests they could probably use more than that. The front needs to be dressed up a little.

Mr. Kernan states there are a lot of waivers listed for lighting and the applicant was going to provide testimony. He asks if they can describe the lighting situation. It looks like light behind the gate and to the right side of the gate and there is another one behind the shed. Mr. Kernan asks if they are on all night. Mr. Towers replies they are not on a timer. They go on automatically and stay on all night. Mr. Kernan states they are on photocell and he has not been there at night to see. Mr. Kozak believes the lights should not shine past their property. The lights are probably 12 feet high and Mr. Kernan states the Arborvitaes will grow higher than that overtime. Mr. Fiore suggest a condition be made for any recommendations to the applicant and the application for the lighting. Mr. Kernan notes they are photocell and there will be a night inspection. He addresses there are no new building lighting on signs proposed. They are asking for a waiver for (6) under lighting. He states if there is no new lighting proposed then this item is eliminated. Mr. Fiore says there may be new lighting recommended from the professionals. Mr. Kernan states it would be in accordance to 175-116A(1)(g) agrees and the applicant must adhere if required. The applicant agrees.

Mr. Kernan touches on off-street parking and loading. Mr. Kozak says there is not a lot of loading because the trucks load and then are out all not and come back empty. Mr. Kernan section states all off-street parking and all off-street loading areas. This comment is about them modifying the parking away but they are not proposing curbing. Mr. Kernan agrees and supports

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a waiver. Mr. Kozak states there should be something that states loading and unloading. Fiore already made a note of that.

Mr. Kernan mentions the passenger parking spaces shall be 10 foot by 20 foot. The Board may reduce it to 9 foot by 18 foot with demonstration of design adequacy. They are proposing 10 foot by 18 foot where they are realigning the concrete wheel stops and he is ok with that. The same code section requires ADA handicapped parking and they are requesting a waiver for rear accessible parking. He asks what they meant by that. The applicant replies the rear parking is for the driving of the bread trucks and for switching out personal vehicles. He is not sure about the accessibility or the use of it. Mr. Kernan agrees with this and asks the Board if they are requiring handicap parking if there are no building renovations being proposed. Mr. Fiore's understanding is that this is a site plan and the Board cannot waive ADA. Asked if there is any ADA parking out there and they say no, they could put a spot out front. In the rear of the yard for the bakery delivery trucks they are not providing any accessible parking space for accessible use. Mr. Cummiskey asks if it is required and cannot be waived is there a spot available on site and how many would you need. For every 25 spots you need one. Mr. Fiore asks if this is applicable to the service trucks or just the passenger. They believe it is just for the passenger and one would be sufficient. Mr. Cummiskey asks the applicant is there room, if required, one spot designated for ADA. Mr. Towers said it would have to be. Mr. Witthohn asks could they leave it up to the construction code officer as to whether or not there needs to be an accessible ramp added. Mr. Fiore states that is construction call. Mr. Cummiskey states to make it part of condition of approval if it is requiring the applicant the he will put it in. Mr. Towers agrees. Mr. Fooder asks about Mr. Kernan report for the ADA handicapped. He says it states more than 20 spaces, 5 % of all spaces shall be handicapped, not one. Mr. Kernan replies this code section is antiquated and he is going off of today's ADA guideline. And they are updating the code. Mr. Towers says he could put a handicap spot by the back door where there is concrete pad. Mr. Fiore states on condition that the Board does approve, it is to be submitted with the revised plan to Mr. Kernan, along with all the changes. He agrees and also, they must show detail of how it is striped and decal. Along with the landscape plan.

Mr. Kernan discussing the next item which is the width of the drive aisle. The driveway width entering and exiting the parking area appears to be less than 24 feet wide, then a waiver is required. In their response letter they are asking for the waiver for that drive aisle and Mr. Kernan would support that waiver. Next comment is surface treatment of the lot and code acclimate. The parking lot should be paved but they would keep it at the current conditions, which is stone and he does not have problem. This would be another waiver required. Landscaping in parking lots. They would have to break up a large part of it. Since the Board is asking to screen with the Arborvitaes around and out front, he would recommend waiving this. There shall be a minimum of one loading space and in the back of the machine shop there is room for loading but it is not a dedicated space. So, he would recommend waiving this. There should be a minimum of one trash garbage pickup. Mr. Kernan asks the applicant what they

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currently do for trash now. Mr. Towers does not know what they do for trash because it is the tenants who take care of it in the machine shop. A lot of their waste is recycled. So, they need a waiver for the trash and garbage pickup location. And they would need a waiver for the setback of the parking areas. For non-residential uses they shall be setback minimum 20 feet from the right away and 10 feet from any adjacent nonresidential property line. They are close to the adjacent non-residential property line. They are proposing 5 feet but coming back it may be close to 8 feet or so. But the existing parking to the street goes right up to the right away line. They park facing west and are a way off of 322. He believes with the buffering and everything that a waiver is fine. They are seeking a waiver for the sidewalk, nothing is out there and nothing is proposed. Mr. Kernan is fine with this. Nothing is changing for the site triangle and there are no new signs proposed. Mr. Kernan asks Mr. Towers how big the existing sign is. He response about 40 feet or so.

Mr. Fooder asks if Mr. Witthohn updated the requirement for stormwater management. He states the violations is under the previous stormwater management. In their plan set are they going to show the stormwater glacier system to feed the basin. He responds there is no piping and no drainage for the parking lot. It is all open land to the basin. Mr. Fooder states there are headwalls in the stormwater infiltration basin notes. Mr. Witthohn replies these are their standard construction notes. He asks they intend to just run the water over the parking lot into their stormwater basin and he agrees. He asks if they intend to keep the parking lot stone and how will this affect the basin. Mr. Witthohn states stormwater will behave substantially similar to the parking when the stone parking lot is allowed to engage. It does become pretty impervious. Mr. Fooder asks if they plan to carry finds in the basement because it is stone. He says there will be stormwater finds built in the basin but this is a shallow basin with low infiltration depth and will be required to maintain the top sand layer. Mr. Cummiskey asks Mr. Kernan if he can address any of these questions. Mr. Kernan agrees with Mr. Witthohn and states he is creating a grass filter strip between the stone lot and the basin. Mr. Witthohn says he does not propose any direct input of a stormwater pavement system right to the basin. There will be additional help because the stone does absorb water. Mr. Kernan agrees and is ok with this system. Mr. Fooder ask about the bread trucks parking space and the intent is to back the trucks up into their parking spot. Mr. Witthohn states the trucks have mirrors and will fit in the 30-foot depth parking spot. There are bumpers in the middle of the lot but not along where Mr. Fooder is speaking about. Mr. Fooder would recommend them to consider more bumpers. Mr. Fiore says this could preserve the green area. Mr. Witthohn states as a condition of approval they could evaluate with Mr. Kernan a wheel stop sort of feature.

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

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

2. #24-16 – Frank Andruzzi – Lot Frontage & Lot Width Variances

The applicant is requesting a variance to allow a lot frontage of 100 feet where 150 feet is required and a lot width of 100 feet where 150 feet is required for the construction of a 2,084 square foot dwelling; along with any other variances or waivers deemed necessary by the Board. The property is located on 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 Frank Andruzzi. Robert Smith is representing the applicant.

Mr. Smith states this application was previously heard and had been continued. Mr. Smith states they are seeking three bulk variances. The lot is 100 feet wide and 1.33 acres. In 2007 Mr. Smith was the attorney that processed the application through the Pinelands Commission and secured a septic approval as well as a Zoning permit. There was not a Zoning Board appeal and there were no variances sought. He believes the bulk standards at the time are identical to what they are today. A Zoning Permit was issued for a single-family dwelling. Under the Pinelands Comprehensive Management Plan as well as the Code, it is permissible to develop a single-family dwelling in a RD-A with 1.33 acres if you transfer density from another non-contiguous property to make up the 8 acres. Also, he states the Certificated of Filing, which was issued in 2007, is still good. Mr. Smith tells the Board the septic is a low nitrate system.

Mr. Smith submits exhibit A1. He believes there will be no substantial determinant to the master plan and to the neighbors. In the immediate area of the applicant's proposal there are 10 single-family dwellings that are on 100-foot lots.

Mr. Colavita states on the property the applicant is aware there is a deed restricted area for endangered species. Mr. Smith replies yes and Mr. Andruzzi understands the portion of that property is not useable. Ms. Gallagher and Mr. Fiore let the Board know they still have to address the lot coverage variances because of the time of application they needed it. Mr. Fiore says the time of application was February 6th, 2024 and the ordinance was amended on May 22, 2024. The lot coverage for the zone went from 3% to 10%. But because of time of application the 10 % is not applicable. The applicant is seeking a curb and sidewalk waiver as well.

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

Motion to approve Mr. Colavita, Ms. Fasano. Roll call vote; Ayes- Mr. Colavita, Ms. Fasano, Mr. Kozak, Mr. Fooder, Mr. Cumiskey. Nays- Zero.

3. #24-36 – Robert Antes – Rear Yard Variance

The applicant is requesting a rear yard variance to allow 3.11 feet where 5 feet is required for the existing frame shed; along with any other variances or waivers deemed necessary by the Board. The property is located at 369 Fryers Lane, also known as Block 2801, Lot 2 in the RG-MR Zoning District.

Motion passed to deem the application incomplete. Mr. Fiore states Mr. Antes is not present and will have to re-noticed the neighbors. Mr. Cummiskey tells a neighbor, who is present, they cannot hear his testimony because Mr. Antes is not present. Mr. Fiore motions to deem the application incomplete and dismiss it without prejudice so Mr. Antes may refile.

Motion to deem the application incomplete and dismiss without prejudice by Mr. Fooder, seconded by Ms. Fasano. Roll call vote; Ayes- Mr. Fooder, Ms. Fasano, Mr. Kozak, Mr. Colavita, Mr. Cummiskey. Nays- Zero.

4. #24-32 – Jaime & David Rosenthal – Depth & Width Driveway Variances

The applicant is requesting a variance to allow a depth of 22 feet where 50 feet is required and a variance to allow a width of 30 feet where 25 feet is the maximum permitted for a proposed 660 square foot driveway on Chinkapin Avenue; along with any other variances or waivers deemed necessary by the Board. The property is located at 1520 Madrone Avenue, also known as Block 3702, Lot 6 in the RG-PR Zoning District.

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

Mr. Rosenthal is seeking to widen his original driveway. Mr. Fiore asks if he is referring to the survey dated October 14, 2022 and he replies yes. He is seeking an additional garage on Chinkapin and the removal of the shed. Mr. Fiore clarifies they are seeking variances for the proposed driveway which is the access to the proposed garage. The garage is in compliance with the Code and does not need a variance. Ms. Gallagher states for the original driveway 25 foot is permitted and it is not currently not 25 foot, this is why they are widening it but it does not need a variance. The variances he is requesting tonight is for the purposed new driveway. The building is now permitted within the setbacks and size.

Mr. Fiore asks Mr. Rosenthal to only discuss the proposed driveway. He wants a driveway to pull in and out of the proposed garage. He says there are many driveways that people back out into Chinkapin and his would be just as safe. Mr. Kozak states Mr. Rosenthal is asking for a variance from the curb to the new proposed garage. 50 feet is needed and he is proposing 22 feet. What is the reason he cannot go 50 feet. Mr. Rosenthal replies the garage would be in the middle of his backyard. Mr. Kozak asks about the width of the driveway and he explains it is the width of the proposed garage. Mr. Kozak asks about the curb cut. Ms. Gallagher states they do not need permission from public works unless they are opening the street.

4. #24-32 – Jaime & David Rosenthal – Depth & Width Driveway Variances (cont.)

Mr. Fiore asks if there are any other garages in the area similarly situated. Mr. Rosenthal says there are other garages in their development, but none that sit on the side of their house. Mr. Kozak asks what the garage will be used for. Mr. Rosenthal replies parking and working on his vehicles. Mr. Kozak asks if he will be working on his own vehicles and he says yes. And there will be electrical in the garage, but no sewage and water. Mr. Kozak asks if the garage will be used for residential living space and he replies no.

Mr. Fiore states the width of the driveway is 30 feet and the dept is 22 feet and would he agree to only parking one vehicle. Would he agree not to stack cars and only have one car in the driveway. Mr. Rosenthal states he would park the cars in the garage. He agrees he will not stack them so they are hanging in the street. Mr. Cummiskey asks if the new garage will match the current exterior of their home. He replies yes. Mr. Colavita asks why it has to be 30 feet wide. He currently has a two-car garage and would like three bays, third for storage. One bay to work on his vehicles and another to park cars. Mr. Kozak asks about the height of the garage at its peak and he says 18 feet.

Motion passed to open to the public. Mr. Fiore swears in Shawn and Jennifer Atkinson of 200 Chinkapin Avenue, Williamstown. Ms. Atkinson main concern is the safety of the neighborhood. There are a lot of kids that play in the area. She is concerned with the look and placement of the garage. There is not a lot of space between their fence and the street. Mr. Atkinson asks if it is supposed to be 50 feet back from the street. Mr. Fiore agrees. They would prefer it to be designed for the safety aspect. He believes 25 feet seems close to the street. He does not agree with this and believes it will be a safety issue. Ms. Atkinson states visually, there has not been anything there on the street compared to what the applicants are proposing.

Mr. Colavita asks about the building itself, there are no variances needed for the building and the only thing the applicants are asking for is allow the driveway. Mr. Atkinson agrees and adds the only large building in the neighborhood, which is next to them, is well past 50 feet in length. Mr. Fiore asks how high the Rosenthal's fence is. Ms. Atkinson replies it is a 6-foot fence. He asks the Atkinson's their concern is site triangle and suggests asking the applicant to move the fence back. It has not been addressed as a site triangle problem because it has not been used as a driveway up until now. This is a concern the Atkinson's brought up and the applicants should consider it. Mr. Kozak states if this is going to be a site triangle problem then they could put it as condition and the applicants would have to move or lower the fence. Mr. Cummiskey asks the neighbors if this would relieve some of their concerns. And they agree. Mr. Atkinson says if it comes down to moving or lowering they would ask that it would be moved. They are concerned the Rosenthal's have multiply large dogs.

Mr. Kernan states the garage is proposed to be 15 feet from the right of way line which becomes 22 feet from the curb. If the driveway is going to be parked with 2 or 3 cars, those cars will be hanging into the public right away of the street. Mr. Kozak agrees. Mr. Kernan states these cars would be right behind the curb line. Mr. Kozak asks how many feet should the right of way be.

4. #24-32 – Jaime & David Rosenthal – Depth & Width Driveway Variances (cont.)

Mr. Fiore states it varies. It's 6.9 feet from top and varies allow down the bottom. Mr. Kernan says the right away to the curb line is approximately 7 feet. Mr. Cummiskey asks Mr. Kernan their options are either move the building 5 feet further in or never park any vehicles in the driveway. He replies potentially yes. Otherwise they will always be at the curb line. Mr. Kozak states the Board cannot give them permission to park in the right of way. Mr. Fooder asks if on street parking is allow and Mr. Kozak says yes.

Motion passed to close the public portion.

Mr. Cummiskey asks Mr. Rosenthal if there is any reason why the structure cannot be moved at least 5 feet further into the yard. He replies it would decrease his yard space for his dogs. Mr. Fiore asks would it interfere with his septic system. He is not sure and would have his engineer check it out. Mr. Fiore asks how they position it on the survey. He states where the corner of the house is, that is where their tank is. The Board suggest the Rosenthal's get their septic marked out on their survey.

Mr. Fiore swears in Jamie Rosenthal. Ms. Rosenthal asks how far are the setbacks of other driveways are on Chinkapin. Mr. Fiore states it is not being considered tonight. Ms. Rosenthal states they will have to move the fence to construct the garage and she wants an esthetically pleasing looking garage. She is fine with not parking in the driveway at 22 feet. She would rather not move it back. Eventually, if they do have to move the leech field she has trees in the back and there is not a lot of spaces to move it to. She would like to keep that area open for future prospect. Mr. Cummiskey asks as a condition would they move the structure back 5 feet into their yard. Mr. Fiore states would they agree to move it back 5 feet and Ms. Rosenthal agrees. Mr. Cummiskey states the fence would have to finish with the face of the garage. Ms. Rosenthal replies they are going to move one side of the fence to back corner of the garage. The applicant agrees to move the building back 5 feet into their yard and the fence finished flushed with the face of the garage. They agree. Mr. Kozak clarifies where the fence will be moved back on the left side, there will be no parking of cars on the grass and they agree.

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

Public Portion: None

Reports: New recording system announcements.

Approval of Minutes:

1. May 23, 2024

Motion passed to approve minutes.

Adjournment: The meeting was adjourned 8:57 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.