Monroe Township
Zoning Board of Adjustment Meeting

July 11, 2024
6:30 p.m.

Call to Order:

It is 6:30 p.m. on July 11th, 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, Ms. Fasano, Mr. Fooder, Mr. Kerr, Mr. Kozak Mr. Rice, Mr. Fiore, Solicitor, Mr. Kernan, Planner, Mr. Heverly, Council, Mr. Sander, Engineer. Also present; Ms. Gallagher, Secretary, Ms. Gabbianelli, Transcriber, Excused; Mr. DeBlase, Mr. Warburton.

Memorialization of Resolution:

1. # 57- 2024 Not Your Mother' s Garden— Amended from# 53- 2024
2. # 58- 2024 Towala Properties, LLC — Preliminary and Final Major Site Plan & Lot Coverage Variance Approved
3. # 59- 2024 Frank Andruzzi— Lot Frontage & Lot Width Variances Approved
4. # 60-2024 Robert Antes— Application Denied Without Prejudice
5. # 61- 2024 Jaime& David Rosenthal— Depth & Width Driveway Variances Approved

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, Mr. Kerr, Mr. Kozak, Mr. Rice. Nays- Zero.

Mr. Fiore swears in Tim Kernan, Board Planner and Marty Sander, Engineer.

Public Hearings:

1. # 1859 The Enclave at Monroe, LLC—Preliminary Major Subdivision

The applicant is seeking preliminary major subdivision approval for 16 single- family lots and 3 open space lots. The Board previously denied a d (5) density variance. That denial was appealed by the prior applicant and the Board decision was overturned by the Gloucester County Superior Court order entered July 16, 2020; which granted the density variance to allow the development of 16 lots on the property. The applicant is also requesting front yard setback variances to allow 25' where 40' is required, a variance from certain open space and recreational requirements that are not proposed; a variance for the total acreage of open space not meeting the minimum 25%, and a variance for two of the open space lots not meeting the minimum 10, 000 square feet;

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along with any other variances or waivers deemed necessary by the Board. The property is located on Blue Bell Road, also known as Block 110. 0301, Lot 21 in the RG- PR Zoning District.

Richard Hoff is representing the applicant. They are present for the context of the remand order. The application is predicated on the cluster provision of the Township's Zoning code. The applicant proceeded under the RG-PR guidance and feel the addressed everything under the bulk standards. They are present for preliminary on the 16 lots. There are a couple of completeness items in order to proceed before the Board. In Mr. Sander's letter, topographic contours extending 200 feet beyond on the property are required to be submitted or waived by the Board. They are seeking a waiver because everything within 200 feet has already been developed. Submission waiver for the requirements to submit a Fiscal Impact statement and Common Open Space Organization documents. They are requesting a waiver. For the Fiscal Impact Analysis, it is a 16-lot subdivision and a major subdivision by definition but is not significant subdivision where the Fiscal Analysis would be required. With respect to the Common Open Space documents, they are asking for a condition upon approve to whom would be responsible for the basins. At the time they come back for final they will need the Developer's Agreement with the Township and this will deal with the issues of who would be responsible. Mr. Sander states they would need to resolve these upon completeness. Mr. Kernan states the waivers are appropriate.

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

Mr. Fiore swears in William Bowman, Applicant and James Clancy, Engineer. Mr. Hoffman submits Exhibit A-1 which is the aerial and Exhibit A-2 is the rendered site plan. Mr. Hoff asks Mr. Clancy if A-1 is an aerial of the subject property and he replies yes. Outlined in blue is the parcel the application is present for tonight. A parcel approximately 9 acres in size located off of Blue Bell Road and Mulberry stubs into this property, Mr. Clancy agrees. It is joining the Arbors Development that was developed over many years in the Township. Mr. Hoff asked if Mr. Clancy was guided by the cluster provisions with the RG- PR Zoning district and he agrees.

Mr. Clancy states they have 16 buildable lots. They have 6 basins, 2 of which are on undersized lots that require a variance to meet the BMP manual. The lots are consistent with each neighboring so it will not be a detriment to the Zoning or Master Plan. The front yard setback is reduced from 40-foot to 25-foot which provides 40- foot instead of 25-foot backyard. The basin depths are approximately 3 feet or less with public sewer and water. Mr. Hoff states access to the property will come through Mulberry and Mr. Clancy agrees and this is a road that currently exists. Mr. Clancy says it goes right into the property and will be the point of access to the property. Mr. Hoff states storm water regulations were much different in 2018 and Mr. Clancy agrees. He says back then they only required one basin. The new BMP manual is trying to

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develop it so the water percolates throughout the whole area. They can only take a 2.5-foot acre area and they have to put a basin there. That is why there are 6 basins on the property. Mr. Hoff states the notable design changes from the last time is to accommodate the new storm water regulations and Mr. Clancy agrees. Mr. Hoff asks if all of the home building lots will be 10,000 square feet and Mr. Clancy replies yes. The only lots that will be undersized are the stormwater lots. Mr. Clancy points out those are the lots on the plan on either side of Mulberry. Asked if the stormwater basins referenced were ponds and Mr. Clancy replies no. Asked out the basins function, Mr. Clancy states the water goes into it, maximum height of 2 or 3 feet and it traces down to the berm. In the event of an overflow there is a discharge pipe that will remove it out of the basin to the rear property, the larger basin farther down in the cul-de-sac. The storm sewer system was design to meet a 25-year storm.

Mr. Hoff asks Mr. Clancy about the variance associated with the front and rear yard standards. The front yard requirement is 40 feet. They are proposing each of the home building lots have a front yard setback of 25 feet. Mr. Clancy states if they held the 40-foot setback then they would only have 25-foot rear yard which would bring it closer to the rear of the adjoining building. By creating the variance, they are pulling away so there is more space between the proposed houses and the existing. Asked if 25 feet for the front yard is still a usable area for the residences and Mr. Clancy replies yes. Mr. Hoff states for this 16-lot subdivision, since it is a cul-de-sac, circulation is within and you would come back out to Mulberry. Mr. Clancy agrees and states you will not see any other traffic then the 16 lots and their company. Asked about the buffering along Blue Bell Road is required by the ordinance incorporated in the design and Mr. Clancy replies yes.

Mr. Kozak asks how does the water get from the basins at Mulberry to the back, is it all underground. Mr. Clancy replies all through the storm source. Mr. Kozak asks if the water gathering there is from the street. Mr. Clancy replies from the street and some of the yard area. If it does overflow they have inlets where the water will overflow into them then run down the piping system to the rear. Mr. Kozak asks what are the chances the back will overflow. They reply they do not see that happening and believe there is an overflow that would run to the Arbor's basin.

Mr. Sander begins with his report and states they're already granted the waivers required. He states the stormwater report submitted is acceptable. The stormwater management maintenance plan is not complete because it needs the name, address and telephone number of the person or persons responsible for regular inspections and preventive/corrective maintenance. Mr. Hoff responds they are willing to supply this and asks it to be a condition until they figure out who that is going to be. Mr. Sander states they need to include cost estimates for maintenance of the basins. Mr. Hoff asks if this could be a condition for final in case there are changes that have to be made. Mr. Sander says the stormwater manholes and inlets which were originally not identified have been and this has been taking care of. The proposed street lighting has been revised to comply with maximum permitted spacing between fixtures. Mr. Kozak asks Mr. Sander about the proposed stormwater and if he believe it is feasible and Mr. Sander replies yes.

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Mr. Kozak asks if there is going to be an HOA and Mr. Hoff responds they have not determined that yet. He states communities of smaller size, some situations the Townships does take responsibilities for the stormwater structures, but that is a discussion they plan to have with the Township representatives. An HOA of 16 lots is not something they would want to do, but it is a discussion with the Township because of the responsibility of the basins. This will be addressed at final.

Mr. Kernan begins with his report. His first item deals with the Pinelands Certificate of Filing from 2005 and wanted an updated Certificate of Filing. Mr. Hoff says they reached out to the Pinelands and they responded because it is a higher number of units they were satisfied and will review. Mr. Kernan says the redemption of requisite number of PDC's and it can be made part of final as well. The applicant agrees.

Mr. Kernan speaks about the bulk variances that were for the infiltration basins on either side of Mulberry Lane and he does not have an issue with granting the variance for those basin lots. For the front yard setback, he would support that 25 foot in this development. Mr. Kernan states it would make sense to have the homes closer to the street to allow deeper rear yards. Mr. Kernan notes under side yard the easements, as of now they are coincident with the easement line. He recommends the setback be measured from the easement line whether it is an additional 10 feet. Mr. Hoff states they double checked and did comply with this. For design and performance standards, Mr. Kernan noted the plan partially conformed to the open space requirements and a waiver is required. Mr. Hoff responds if stormwater management could be included within the open space. So, the waiver is that to be able to include stormwater structures in that calculations.

Mr. Kernan explains the buffers and reverse frontage buffers on the cul-de-sac lots that back up to Blue Bell. He states the code only requires a minimum width of 25 feet for buffers for the reverse frontage buffer. They are showing a 50-foot buffer which still shows significant rear yards for those two lots. He is ok with that but would like if the buffer was smaller and have a bigger back yard. Mr. Hoff says they designed it to meet the buffer requirements but if the Board is flexible to allow them the reduce it, they would be happy to make those lots bigger. Mr. Fiore asks Mr. Kernan what the advantage would be in changing it. Mr. Kernan states those two lots are even with the 50-foot buffer and are still bigger lots than the others, so they should leave it as is.

Mr. Kernan states a lot of sizable trees have grown on the proposed property. He believes, for the 50-foot strip, upon condition of approval for the applicant to see what is out there before clear cutting it for smaller trees. He suggests they come up with a plan that is a combination of existing and proposing, it would be a better buffer. The applicants agree. Mr. Kernan says they are proposing shade trees to be setback not a minimum of 15 feet from the curb line. He believes a waiver would be required for the setback and perhaps for the spacing. Mr. Hoff says if they move it behind the easement, then they would be in another variance situation. Mr. Kernan says

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the proposed shade trees are in the park strip and he is ok with that, even though our code tries to eliminated this. Mr. Kozak asks about the location of the shade tree. Mr. Kernan replies our code says they shall be planted at least 15 feet from the curb line. Typically, 10 feet from the curb line is the right of way and 15 feet is in the front yard of the home. They are proposing to plant them in the grass strip between the sidewalk and the curb. Mr. Kernan has seen this is some developments and has seen the shade tree in the front yard behind the sidewalk. He believes it should be left up to the Board. Mr. Kozak does not like it between the sidewalk and the curb. Also, he has dealt with this in the past where the homeowner does not want a tree. Mr. Kernan has seen where the homeowner has signed a waiver that they do not want the tree and then you have developments with voided street trees which is not a good look. You want some canopy and shade, says Mr. Kernan. Mr. Kozak says the problem is in 10 years from now the sidewalk pops up and everyone is complaining it is not even their tree. Mr. Kozak feels if they make them plant a shade tree then let them put it in the front yard of the property, so there is no issue that it is theirs. And if they do not want it, then they sign off on it. Mr. Kernan says the simple answer would be to not grant the waiver and they come back with the trees in the correct spot. But if something changes, the applicants could seek the waiver again in the final. Mr. Fiore states they are looking between 10 feet and 15 feet for the waiver and Mr. Kernan replies states this is where the electric and cable could run. Mr. Hoff asks if they could withdraw the request for the waiver. And if they could make a note in any resolution should the Board find and grant approval that they reserve the right to address the shade tree at final. Mr. Kozak asks who would be responsible for the buffer along Blue Bell Road to maintain that. Mr. Kernan replies it would be the homeowners for those two lots. Mr. Kozak asks if they can put a fence in and the applicants state no.

Mr. Colavita asks about cars in the driveway hanging over onto the sidewalk. Mr. Hoff does not believe they will with a 25-foot driveway. He asks if it is a double or single car driveway. They say it will be a double wide, enough for two vehicles for each house. Mr. Fiore asks if there will be parking on both sides or no parking on the streets. Mr. Kernan suggest there should be parking on both sides and it should be 34-foot wide cartways. Mr. Kozak asks about fencing around the basins as opposed to the proposed open space. Mr. Hoff says there is no fencing proposed and they would want to waive fencing giving the nature of the basins in the front. Mr. Sander says the basin wouldn't hold a lot of water, 2-3 feet at most. Mr. Clancy says they drain within 72 hours. Mr. Kerr asks about a lift station and Mr. Clancy says they will not have one, they are gravity. Mr. Kerr asks about elevation and they are pretty close to existing grade. Mr. Colavita asks about the cartway, Mr. Hoff states 50 foot right of way and 30-foot cartway. Mr. Fooder asks if the cul-du-sacs have been approved by the Fire Marshall. Mr. Hoff replies not yet. The development meets the RSIS requirements. Mr. Hoff says the state decided that was the size they wanted because a lot of Townships were making them bigger, so the state came up with that size cul-du-sac. A condition is Fire Marshall approval of it.

Motion passed to open the public portion.

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Mr. Fiore swears in Donald Biggerstaff, 1113 Lafayette Street, Williamstown. Mr. Biggerstaff is concerned with water issues and who is responsible for any water problems. He submits two photos to the Board on his cellphone. The photos were taken in 2023 after a rainstorm.

Mr. Fiore swears in Laura Showell, 1124 Tamarind Place, Williamstown. Ms. Showell wants to know is the stormwater management plan, the basins proposed and who is managing them. Ms. Showell has water issues in the inlet behind her backyard. She would like to know how they plan to avoid flooding and run off due to increase impervious coverage. She would like to know what the landscape buffers will consists of. She would like to know why there is not an entrance through Blue Bell. She encourages the applicant to involve the neighbors with further development. And she expresses frustration about taking their privacy away between the residences of the neighborhoods.

Mr. Fiore swears in Dolores McClave 1128 Tamarind Place, Williamstown. Ms. McClave is concerned about her trees and wants to know if her tree encroaches on the proposed lots, do they have a right to shave her trees down. Mr. Fiore states they can not cut her trees down but if it is impacting, the Township will make the appropriate decision. She asks how long the project is going to take and the size/price of the new homes. Mr. Fiore asks if they have an idea of what the building envelope will be. Mr. Clancy states they basically have pads because they would be working with the developer to pick out the actual footprint. He says they are probably 30 feet by 50 feet. It is up to the developer if it is one or two story. Mr. Hoff states what is depicted on the plan is just a box, there is no insider plan. It is just to demonstrate setbacks and coverages.

Mr. Fiore swears in Jerry Marino, 1865 Forest Drive, Williamstown. Mr. Marino has questions about the court ruling. He asked about site review of the property and the setbacks. He asks how wide the streets are going to be. He wanted to know about the size of the homes. Mr. Cummiskey suggest this will all be addressed at final subdivision approval. Mr. Marino questions the variances the applicants are requesting. Mr. Marino submits exhibit Public 1 and Public 2. Two photos of a different development with 25-foot setbacks.

Mr. Fiore swears in Russell Young, 823 Rosetree Drive, Williamstown. Mr. Young is concerned about the variances that are being asked for and the setbacks. He questions the retention ponds and the responsibilities of them.

Mr. Fiore swears in Susan Whipple, 1893 Forest Drive, Williamstown. She believes this development is a bad idea and is concerned with privacy. She is also concerned with the water problems and the run off.

Motion passed to close the public portion.

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Mr. Hoff responds to the public portion and begins with drainage. The stormwater management regulations that were adopted by the State of New Jersey Department of Environmental Projection in this Township through the RSIS ordinances has changed twice since the application was first heard. And it did not get easier on development. They went from one basin to six basins to address the issue of run off and stormwater. Mr. Hoff states under the applicable regulations deals with maintaining the stormwater on your own property. The notion they can spill water off this site however they choose and no regards for surrounding properties is incorrect. Pursuant to the stormwater regulations they need to maintain it and they need to reduce the amount of run off. They hired an environmental scientist whom submitted an environmental impact statement. There are no wetlands on this property. To address why there is not access to Blue Bell, Mr. Hoff says there is an existing stub street (Mulberry). Mr. Clancy adds the county denied access from Blue Bell Road. Mr. Hoff states there are issues of potential encroachments they will have to deal with but the goal is not to aggravate the neighbors by cutting down their trees. With respect to the type of house and price range, Mr. Hoff says this is just a subdivision application. All they are doing is cutting this into 16 pieces. They have provided what could be there by way of house but they have measured the setbacks and complied with the stormwater basins upon the building envelope. They do not have a developer yet and they are only present tonight for preliminary. Mr. Hoff speaks about the setbacks and says they are not gaining anything by pushing it forward 25 feet and they could simply go backwards. But, they are increasing the rear yard to 40 feet. The idea of the HOA on this development just means the homeowner will have to pay more money, Mr. Hoff states. The buffer on Blue Bell Road will be maintained by the homeowner on those lots. It will be a conservation easement and residence of those lots will not be able to remove that buffer. The only variances they are asking for is the front yard setback and minimum lot size on the two basin lots.

Mr. Colavita asks about the concerns of parking and flow of traffic. Mr. Hoff replies the house is 35 feet from the curb. You have 25 feet to fit the cars. There will most likely be 1-2 car garage and you will have 3-4 parking spaces. He states there will be on street parking and if the Fire Marshall has concerns they will put no on street parking signs in the cul-du-sac. Mr. Hoff states with a 30-foot roadway, even if they park on just one side of the street, there will still be about a 20-foot roadway. Mr. Kernan asks about the typical lot width. Mr. Clancy says they range from 85 foot to 100 foot. He says the smallest required width is 75 foot and he does not see any that size on their plans. Mr. Kerr questions the size of the lots and the setbacks. And he wants to know how they are accessing the easements from the storm drain. Mr. Hoff replies the minimum lot area is 10,000 square feet and that this is the average. Mr. Hoff says the houses will be 30 feet by 50 feet and will meet the 30% impervious coverage requirement. Mr. Fooder asks about the stormwater management and was all the overflow taken in account for in calculations. Mr. Hoff responds yes.

Mr. Fiore summarizes the application to the Board.

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

2. # 24- 40— Tonilynn Ayers— Side & Rear Yard Variances

The applicant is requesting a side yard variance to allow 3. 9 feet where 5 feet is required, and a rear yard variance to allow 4.4 feet where 5 feet is required for the existing shed; along with any other variances or waivers deemed necessary by the Board. The property is located at 525 Forest Court, also known as Block 10102, Lot 38 in the RG-PR Zoning District.

Mr. Fiore swears in Jordan Gimbel and Tonilynn Ayers. Mr. Gimbel is seeking a side and rear yard variance. In the side yard they had relocated the shed for a pool. He measured 5 feet from the fence, which was a pre-existing fence put in by their neighbors. When they did the as-built survey, the fence was inside the neighbor's property. So, they are seeking the variance for the difference. For the rear yard, a reputable fence contractor told them they put the fence within 6 inches of the property line. But when they did the as-built survey they found out they did not and are seeking the variance for that.

Mr. Kozak asks if the shed is attached to the ground. Mr. Gimbel says it is wood framing right onto the ground. Mr. Kozak asks why they cannot move the shed. He responds because of where the pool and filter equipment are located. Mr. Kozak asks if he has had any complaints and he replies no. Mr. Kozak asks what brought them to the Board and Mr. Gimbel explains when the pool was put in and they did the final as-built. There have been no complaints from the neighbor.

Motion passed to close the public portion. Mr. Fiore asks if this was an existing shed. Mr. Gimble replies the shed was existing but was relocated. Asked about the size of the lot, roughly 10,000 square feet and Mr. Gimble agrees. Mr. Fiore asks if there are other lots similar with sheds and pools in the backyard. Mr. Gimble replies yes.

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

3.# 24- 41 — James McLaughlin— Use Variance& Lot Coverage Variance

The applicant is requesting a use variance to allow the construction of an in-ground pool in the front yard, a variance to allow a 6' fence in the front yard where 4' is the maximum permitted, and a lot coverage variance to allow 7. 2% where 3% is the maximum permitted; along with any other variances or waivers deemed necessary by the Board. The property is located at 3594 S. Black Horse Pike, also known as Block 5901, Lot 8 in the RD-C Zoning District.

3.# 24- 41 — James McLaughlin— Use Variance& Lot Coverage Variance (cont.)

Motion passed to deem the application complete. Mr. Fiore swears in James McLaughlin. Mr. McLaughlin explains the proposed pool would be in the front and side yard. The rear of the home slopes down to a walkout basement. In the rear is a leech field and septic. If he were to construct the pool in the rear it would be too low. The rear of the house does not have access to the rear yard. Mr. McLaughlin explains this would be the only place the pool would make sense. He plans to have a 6-foot fence around the pool. Mr. Kernan states the issue is zoning, which is a pre-existing, non-conforming condition. Mr. Fiore asks if it would be considered an expansion because it is an inground pool and Mr. Kernan replies it is a D-variance. He explains it is a combination of front and side yard. It is forward of the front of the house, but it is also to the right side of the home. Mr. McLaughlin says it would be even with the cement patio in the front of the house. Mr. Kernan asks if Mr. McLaughlin wants to be that close to the Pike and he responds everyone hangs out in the front anyways and there would be no access to the pool if places in the back. Mr. Fiore asks about the left of the property and he replies it still slopes down and would then have to be closer to the front. Asked about what type of fence would be surrounding the pool and he replies a basic 6-foot vinyl. The front yard fence would be 4-foot. And for privacy purposes the 6-foot fence would start at the actual pool, states McLaughlin. Mr. Cummiskey asks as a condition upon approval would Mr. McLaughlin agree to a 6-foot white vinyl fence. He replies that is what they were planning on and agrees on the record. Mr. Fiore states this is an unusual lot and Mr. Kernan agrees. Mr. Kozak asks what the distance is from the Pike to the fence line and Mr. Kernan responds 35 feet to property line, so approximately 40 feet.

Motion passed to close the public portion. Mr. Kozak asks if Mr. Kernan has an issue with the application. He says he does not have a problem with it. 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. Kerr, Mr. Kozak, Mr. Rice, Mr. Colavita, Mr. Cummiskey. Nays- Zero.

4. # 24- 43 — David & Janet Hyatt— Rear Yard Variance

The applicant is requesting a rear yard variance to allow 5 feet where 20 feet is required for the construction of a 184 square foot sunroom; along with any other variances or waivers deemed necessary by the Board. The property is located at 532 Doral Drive, also known as Block 9. 0205, Lot 2 in the RA Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in Tom Mazza, 712 Whitman Drive, Turnersville and David Hyatt. Mr. Hyatt states he is requesting a variance to build a sunroom onto an existing deck. Mr. Colavita asks if the deck is existing and if they are going to be changing the footprint. Mr. Hyatt states they are just using the size of the existing deck. Asked if any neighbors complained and he responds no. There are other properties in the neighborhood with sunrooms. Mr. Hyatt states this is for house appeal and an extra room they can sit in.

4. # 24- 43 — David & Janet Hyatt— Rear Yard Variance (cont.)

Mr. Kozak asks if he will get approval from Holiday City to construct and Mr. Hyatt states they have already been approved. Mr. Fiore states the lot is 4,400 square feet, the size of the existing house currently is 2,055 square feet and the proposed sunroom is 185 square feet. He asks Mr. Kernan would this affect the impervious surface coverage issue. Mr. Kernan asks Mr. Hyatt if he is placing this on an impervious surface. He states yes, on his wood framed deck. Mr. Kernan says since it will be enclosed with a roof then it would be impervious. Mr. Fiore states they will give Mr. Hyatt a waiver for the impervious surface coverage. Asked if he had to do a grading plan, Mr. Hyatt replies no. The Board suggest he will have to apply for one through Zoning. Mr. Kozak explains to the applicant this process.

Motion passed to close the public portion.
Motion to approve by Mr. Carino, seconded by Ms. Fasano. Roll call vote; Ayes- Mr. Carino, Ms. Fasano, Mr. Kerr, Mr. Kozak, Mr. Rice, Mr. Colavita, Mr. Cummiskey. Nays- Zero.

5.# 24- 44— Andrea & Kevin Rahilly— Side& Rear Yard Variances

The applicant is requesting a variance to allow side yard variance to allow 1. 9 feet where 5 feet is required and a rear yard variance to allow. 1 foot where 5 feet is required for the existing 16' x 24' shed; along with any other variances or waivers deemed necessary by the Board. The property is located at 1608 Holly Parkway, also known as Block 11205, Lot 3 in the RG- PR Zoning District.

Motion passed to deem the application complete. Mr. Fiore swears in Kevin Rahilly. Mr. Rahilly is seeking a variance for the shed in his backyard. He had the shed built for an in-home gym. Mr. Rahilly hired American Sheds to construct it and they put the shed on the property line. When trying to put electric in the shed, the Township informed him he was not in accordance with the Code. There were no complaints from the neighbors, Mr. Rahilly was the one to bring it to the town's attention. Mr. Kozak says the shed was built without zoning and Mr. Rahilly agrees. Mr. Kozak asks if there are any drainage issues and he replies no. Mr. Kozak clarifies this will not be a living space or business purposes and Mr. Rahilly agrees.

Motion passed to close the public portion. Mr. Fiore summarizes the application to the Board. Mr. Colavita points out that Mr. Rahilly is also seeking a lot grading waiver. Mr. Fiore notices it was commented by the Zoning Officer and adds this to the record. Mr. Rahilly will have to reach out to the Zoning Officer for the lot grading waiver. Mr. Kozak asks about the run-off and Mr. Rahilly does not believe there is any and has not observed any. The shed has been there since April 2024. Mr. Fiore asks what the shed is on and Mr. Rahilly replies partial on a slab and short up on pavers and 4-in x 4-in. Mr. Fiore suggests he will need a permit. Mr. Kozak agrees he will need a permit from the Construction Department and have to comply with the regulations.

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

Public Portion: None

Reports: Litigation from Solar Panels has entered into settlement.

Approval of Minutes:

1. June 13, 2024

Motion passed to approve minutes.

Adjournment: The meeting was adjourned 8:48 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.