

**TOWNSHIP OF MONROE  
ZONING BOARD MINUTES  
MINUTES OF REGULAR MEETING**

**August 31, 2021**

Meeting called to order at 6:30 P.M. by Chairman Vincent LaFata who led the salute to the Flag.

Chairman Vincent LaFata read the Sunshine Law as follows: In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided by the following:

Posted on January 1, 2021 on the Bulletin Board of the Office of the Township Clerk, Municipal Complex, 1 Municipal Plaza, and remains on file at that location for public inspection;

Posted on the Bulletin Board of the Office of the Township Clerk;

Posted on the Bulletin Boards within the Municipal Complex;

Printed in the Home News Tribune and Cranbury Press on January 1, 2021;

Posted on the Monroe Township website; and

Sent to those individuals who have requested personal notice.

**MEMBERS PRESENT:** Chairman Vincent LaFata, Vice Chairwoman Carol Damiani, Mr. Louis Masters, Ms. Rajani Karuturi, Mr. Donato Tanzi, Alternate #1 Mr. Richard Lans, Alternate #2 Mr. Arnold Jaffe, Alternate#3 Mr. Nicholas Morolda and Alternate #4 Mr. Manmeet Viridi Singh. Also present for the Board were Attorney Peter Vignuolo, Planner Mika Apte, Engineer Mark Rasimowicz and Director of Planning & Zoning Mr. Joe Stroin.

**MEMBERS ABSENT:** Mr. Marino Lupo and Mr. Gary Busman.

A motion to approve the **July 27, 2021 Minutes** made by Vice Chairwoman Carol Damiani and seconded by Mr. Louis Masters and passed unanimously by all members present.

**BA-5170-19            Rich Sciortino (Sciortino's Barbershop); Request for Use Variance; Located at 375 Spotswood Englishtown Road; Block 160.06, Lot 69, in the R-7.5 Zone**

Represented by Walter Toto. Jurisdiction was established at the July hearing. The notice was published in the Home News Tribune. Tonight, the applicant's use variance is for the conversion of a former dental office into a barber shop. The barber shop has

been in operation since 2018. They are basically here tonight to demonstrate asking for forgiveness. The application has been pending for quite some time because of the COVID delay. Rich Sciortino, Principal and resident. He and his wife Kim were present. The property in question is 3 Romero Ct. at the intersection of Romero & Spotswood Englishtown Road, which is in the northern part of the Township. The property just over 10,000 square feet.

Mr. Rich Sciortino was sworn in to testify. He plans to continue to reside at the property. He has been a barber for 34 years. His shop was on Spotswood Englishtown Road prior to 3 Romero Court. The reason for termination was that it was his parent's barbershop and he and his sister sold it. Talked about current activity at the shop. The days and hours of operation are as follows: Tuesdays and Fridays 8:30 – 6:00, Wednesday, Thursday 8:30 – 6:30 and Saturday 8:30 – 2:30. There are two other barbers who are part-timers; one is his sister. She works Tuesdays, Fridays and Saturdays for 4 hours a day. The third worker works Saturdays 9-1. There are no other employees. Haircuts are by appointment only; 30 minutes per customer. There are walk-ins from time to time. They absolutely make an effort to tell them in the future to make appointments. He is proposing five parking spots and the sixth is handicapped. They take steps to help the parking situation; he and his sister make an effort to park in the street. There are no complaints from neighbors about parking activity. Most of the customers are Monroe Township residents. His wife is the daughter of the dentist Dr. From who was practicing since 1978. He was there since 1999. When he passed away, they rented it out for a while as a dentist's office. When he passed away they left it alone. In 1985, Dr. From came to the board for an expansion of the residence to put in a den, not the practice, but just the home in 1985 - 1986. That was file #196-85 in 1985. Dr. From had three people on staff: himself, a hygienist and a secretary. He saw more than one patient at a time, perhaps two at a time. At any given time, there can be three people in the shop at a time. They eliminated the whole idea of someone waiting because of COVID.

Mr. James Miller, 222 Nicholson Drive, Morristown, NJ. He was sworn in for testimony. He listed his credentials as a Licensed Professional Planner in the state of New Jersey, and was accepted as a professional. He wants to file plans for the facility. He saw photos of the property and is familiar with it even though he has not been inside the facility. He examined the aerial for Zoning regulations, so he is familiar with those and how they might apply to this property. As stated earlier, this is a D1 variance. Under the positive criteria, he justified special reasons for seeking the variance with advanced purposes in municipal land use law. He believes it at least two purposes. Purpose A: to encourage municipal action. It provides sufficient space in an appropriate location as residential, recreational, commercial, investment uses according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. Those proofs are basically established by showing the property in question is particularly suited for the proposed use. He believes that there are a series of reasons

that this is the case. First of all, the sight has improvements and character that makes it appropriate for the proposed use. It is occupied by a residential wing and non-residential wing. The non-residential wing was originally a dental office, it was readily adaptable to a barber shop that has occurred and has all the room and space necessary for that function. It also has the five or six off-street parking spaces sufficient to accommodate the number of patrons that ordinarily frequent this barber shop. It is on a county road on a corner parcel. Basically, any trips that are generated by the user going right out to the county road are not having impact on the residential area or the surrounding community. All these factors make it an ideal location for a barber shop of this character for this particular facility. It is basically an owner occupied, very small activity type of barber shop. Secondly, the relief they are seeking is going to provide the adaptive use for the existing structure. As the Board knows, the Municipal Land Use law recognizes the property owner's right to continue to use improvements that have been established and these improvements have been present in the community since probably the late 1970s. This type of use often is present in residential areas. Another example is a dental practice or a small medical practice. Sometimes, there is childcare facilities. Often, you do have it where there is residential and non-residential use. This practice is an example of one of those. It also provides a means of utilizing the improvements that are already present. There is not a lot else you can do with this structure from this standpoint. It is set up to accommodate this use. As a result, it advances the purposes of the municipal land use law and is fully appropriate use of the property and appropriate to the location on a county road. Those are the reasons the property meets the special reasons criteria and would advance the purpose of the municipal land use law that he cited earlier. The site is particularly suited for the use. In terms of the negative criteria, we have to show that the use will not result in substantial detriment of the public welfare, and it will not result in substantial impairment of the intent and purpose of the zoning ordinance. In terms of the public welfare, that is used to evaluate a portion of this use will remain residential and conforming. That is the portion of the residential area to the east of the property. The non-residential portion is going to be a low intensity personal service use. Again, its oriented toward the highway. Based on these factors, I don't believe there will be any significant detrimental impact of the public welfare. The community is accommodated to having this type of dual use on the property of the dental office to a barber shop because it is very similar to external impact. It's just basically just the visitation and the parking. In terms of the balance of the negative criteria, because this is a D1 variance we have to show the variance reconciled with failure to include the use of the D district despite the R10 district and the use will not impair the purpose of the zone plan or the ordinance. Here, there is less potential for that kind of impairment because both uses occupy an existing building with existing improvements. It's a situation where the improvements are non-conforming, they have been there for many, many years, decades. There is relatively low intensity residential use and does not have a lot of potential for adversity of the surrounding area. In addition, we can reconcile that they don't include the dual use within the zoning

arguments for a number of other reasons, which include ordinances don't usually anticipate dual uses. They're a little bit unusual in that respect. Usually, ordinances focus on continual uses. This use retains the residential character. It's a dental office with impact so much of the use which is in the present location and that use doesn't have any discernable detriment on the area. The site improvements adapt to the use of the proposed. It provides the means of otherwise using viable improvements and overall appropriate uses are relatively low intensity use. Portions of it are conforming to the zone. He doesn't believe the non-conforming portions have a significant detrimental impact. For all those reasons, he thinks we can reconcile that this use, with failure otherwise, included within the zoning district. It is a common dual use that you sometimes find in a residential district. He believes that the negative criteria that we know imperative to the purposes of the zone plan and not a detriment to the public welfare. The floor plan of the shop 41' x 10' parking layout as well is in everyone's package and was submitted as evidence and marked A1 & A2. Mr. Sciortino took the pictures approximately around December of 2020 and they accurately depict the interior of the facility.

Mr. Mark Rasimowicz, Board Engineer, commented regarding the application. They are not proposing any changes to the site or the outside of the building itself or the use within the building. The six parking spots that exist today can accommodate the use and it is appropriate. There is nothing else to say.

Ms. Mika Apte, Board Planner, stated the number of chairs in the barber shop is three. The applicant requests a parking variance for six parking spaces. The parking stall size is 9' x16'. The planner was asked to clarify how to handle refuse. They have a disposable sharps container and recycles, and they change the garbage every day. It is picked up twice a week. There was existing signage that used to be the dentist's. They replaced the dentist's sign. Nothing new is proposed.

Vice Chairwoman Carol Damiani asked if they are they going to change the windows. Mr. Sciortino replied "No, they're going to keep them."

No other Board members had any comments or questions.

The meeting was opened up to the public. No one from the public wished to be heard.

Mr. Mark Rasimowicz, Board Engineer, has no objections subject to applicant's compliance with report dated July 21, 2021.

Ms. Mika Apte, Board Planner, has no objections subject to applicant's compliance with report dated July 20, 2021.

Motion to approve made by Vice Chairwoman Carol Damiani and seconded by Mr. Louis Masters and passed unanimously by all members of the Board present.

**BA-5205-21**            **Hotel Investors, LLC; Request for Use Variance; Located at Interchange Plaza and Abeel Road; Block 55, Lot 9.07, in LI (Light Industrial) Zone**

See attached transcript.

**BA-5204-21**            **CT07 Shard Commercial, LLC and DT07 Shared Commercial, LLC; Request for Preliminary and Final Site Plan; Located on NJSH Route 33 & Joan Warren Way; Block 4.01, Lot 15.01, in the HD / VC-2 Overlay Zone**

See attached transcript.

## **MEMORIALIZATION**

**BA-5194-20**            **Shared Properties, LLC** , a motion to approve made by Vice Chairwoman Carol Damiani and seconded by Mr. Louis Masters and passed unanimously by all members of the Board present.

**BA-5202-20**            **Shared Krackerjack Properties, LLC**, a motion to approve made by Mr. Donato Tanzi and seconded by Mr. Louis Masters and passed unanimously by all members of the Board present.

## **PUBLIC PORTION**

No public wanted to be heard.

A motion to close public portion made by Mr. Louis Masters and seconded by Mr. Donato Tanzi and passed unanimously by all members of the Board present.

## **Discussion Items**

A motion to approve Request for funds, not to exceed \$5000.00, for general non-escrow related legal expenses associated with Zoning Board issues made by Mr. Richard Lans and seconded by Mr. Louis Masters and passed unanimously by all members of the Board present.

A motion to adjourn at 10:30 p.m. made by Mr. Louis Masters and seconded by Mr. Donato Tanzi and passed unanimously by all members of the Board present.

**Respectfully submitted,**

**LAURA ZALEWSKI  
ZONING BOARD SECRETARY**