

Florence, New Jersey 08518-2323
September 24, 2012

A regular meeting of the Florence Township Zoning Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 8:14 p.m. followed by a salute to the flag.

Secretary Bott then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Candida Taylor
William Bott	B. Michael Zekas
John Groze	Larry Lutz

ABSENT: Keith Crowell, Lou Sovak, Anant Patel

ALSO PRESENT: Solicitor David Frank
Engineer Anthony LaRosa
Planner Barbara Fegley

Chairman Zekas apologized for the delay in starting the meeting. He said the first application on the agenda is ZB 2012-05 for Florence PV, LLC. The applicant is requesting use variance and preliminary and final major site plan approval to permit construction of a solar photovoltaic electricity generating facility for property located on Bustleton Road, Florence Township. Block 160.01, Lot 5 and Block 170, Lot 1.01.

Patrick McAndrew, representing the applicant, said case law compels there is a full board present on a use variance because the applicant needs five votes. With a full board it would be five out of seven. He said any applicant's attorney in this position would need to ask for a full board. He said there is only an hour or so of testimony left on the applicant's side. He would like to request a continuance to October 30, 2012.

Solicitor Frank explained that the Zoning Board of Adjustment is seven members and two alternates. There are six present, and one board member and both alternates are not. A quorum of the board is four members but this applicant is seeking a use variance, which is the highest form of relief this board can grant. The statute says that in this particular form of relief the applicant must get a super majority of affirmative votes in favor of granting that relief in order to come away with what he wants. That means five affirmative votes. There are cases that say the applicant is entitled to have a full complement of seven eligible members to vote on the application. In the absence of that the applicant can ask for, and should be granted, an adjournment of the hearing. There was a lot of time just spent trying to find a date that works for everyone. He said it is rare

there is a fifth week but in October there is a fifth Tuesday and no one is scheduled to be at any other meetings so all can attend.

Jeffrey Barron, representing a group of residents from Florence and Burlington, said Mr. McAndrew told him he is not planning to cross examine any of Mr. Barron's witnesses. He would like this to be on the record because he does not plan to bring any professionals to the next meeting. He said Mr. McAndrew plans to bring a real estate expert and someone whose expertise is utility pole off-site placement. Mr. Barron wanted to give the board members an article from a professional publication. Solicitor Frank said the person who wrote the article is not here to be cross examined by anyone. The author is not answering questions presented by the board and is not addressing the specifics of this application. When it comes to evidence the Board is obliged to make decisions based on competent, credible evidence in the record before it. He said an opinion piece is not specific to this application. Mr. Barron said he does not agree.

Motion of Bott, seconded by Lutz to approve the continuance of the application to October 30, 2012.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Taylor, Zekas
 NOES: None
 ABSENT: Crowell, Sovak, Patel

RESOLUTIONS

Resolution ZB 2012-32

Granting the application of Dominick Ciccone for a variance for impervious lot coverage to permit construction of an in-ground swimming pool on property located at 1306 Maple Avenue, Roebling. Block 143.05, Lot 6.

It was on the MOTION of Taylor, seconded by Lutz to approve Resolution ZB 2012-32.

Upon roll call the Board voted as follows:

YEAS: Bott, Groze, Lutz, Taylor, Zekas
 NOES: None
 ABSENT: Crowell, Sovak, Patel

Resolution ZB 2012-33

Application for Diocese of Trenton for conditional use variance, lot coverage variance, minor subdivision and preliminary and final site plan approval is dismissed and the applicant directed to present its application to the Florence Township Planning Board.

It was on the MOTION of Groze, seconded by Bott, to approve Resolution ZB 2012-33.

Upon roll call the Board voted as follows:

YEAS: Bott, Groze, Lutz, Zekas
NOES: None
ABSENT: Crowell, Sovak, Patel

Resolution ZB 2012-34

Granting the application of Brian Ostner for variances for impervious lot coverage and garage height to permit construction of a 40' X 60' garage on property located at 2057 Burlington-Columbus Road, Florence Township. Block 169.04, Lot 13.

It was on the MOTION of Lutz, seconded by Groze to approve Resolution 2012-34.

Upon roll call the Board voted as follows:

YEAS: Bott, Groze, Lutz, Zekas
NOES: None
ABSENT: Crowell, Sovak, Patel

It was on the MOTION of Lutz, seconded by Buddenbaum to approve the minutes of the July 24, 2012 meeting. Motion unanimously approved.

CORRESPONDENCE

- A. Correspondence from attorney David Serlin dated September 10, 2012 regarding Florence PV, LLC

Motion of Groze, seconded by Lutz to receive and file the correspondence. All ayes.

PUBLIC COMMENTS

Chairman Zekas reiterated the special meeting for application ZB 2012-05 will be October 30, 2012 at 7:00pm. The regular meeting of the Board will be held the week before. Chairman Zekas and other members were surprised that there were members that said they did not know about the meeting. The members expressed the disappointment they felt that people came to the meeting and could not hear what they were there to hear.

There being no further business, it was on the motion of Taylor, seconded by Buddenbaum to adjourn the meeting at 8:32 pm.

William E. Bott, Secretary

WEB/aek