

Florence, New Jersey 08518-2323
November 27, 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 7:30 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	Lou Sovak
Larry Lutz	Anant Patel
Keith Crowell	

ABSENT: None

ALSO PRESENT: Solicitor David Frank

Chairman Zekas 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.

Solicitor Frank said there was correspondence received from the applicant's attorney, Patrick McAndrew, requesting a continuance of about 30 days at least. He said the letter indicated the Board could wait until January. He explained that the recent storm left many in northern New Jersey without power and the applicant was not able to communicate with people working on the application. He said the applicant has adjourned previously, but the Board has an obligation to balance the rights of the public and the rights of the applicant. He said the storm did have a large impact on the area in question. He advised the Board that it can put conditions on the continuance. The Board could decide that if the applicant did not return when the Board required them to the application could be dismissed without prejudice. He said it would also be reasonable to request that the applicant re-notice for the next hearing, most likely in January. Member Bott requested that if the rescheduling for the application is in January it be re-noticed. Member Taylor agreed. She said she understand the impact of the recent storm, but feels that if the applicant is still not ready for the January meeting that the application should

be dismissed. Chairman Zekas said the letter indicated there were changes in the design. After the last meeting he felt he had a good idea of what the applicant wanted, but wonders what kind of changes are being made. He said he would like to see any major changes before the next hearing. He would like that to be a condition of the continuance. Member Bott said he thought at the last hearing the applicant was going to be calling more witnesses. He was upset that the applicant is now discussing making changes. Solicitor Frank advised that if the changes are significant there may need to be a new application made. Member Crowell said the applicant has had at least 60 days to work on changes to the plan because the hearing has been continued quite a few times. He thinks the applicant should be ready for the January meeting. Member Bott said his term expires this year and asked about what the procedure would be for a new member if there are changes for January. Solicitor Frank explained that any new members would need to listen to the recordings of the previous meetings to be brought up to speed. Solicitor Frank said a condition could be that the applicant let the Board know if there are significant changes and if they do plan to return to the Board. The Board could require the applicant to notify them at least 15 days before the meeting to give any new members, if any, the time to get caught up to speed. Member Taylor said she would like this to be a stipulation of the approval for continuance. Solicitor Frank said the motion for the continuance would be stipulated on 14 day advanced notice if appearing at the January meeting, submission of any design changes in the same time frame and dismissal without prejudice if unable to appear in January. Member Bott confirmed that the applicant must also re-notice for the hearing. Chairman Zekas noted that there were members of the public there to discuss the application. Solicitor Frank advised that since the applicant was not in attendance, comments would need to be limited to the docket of the Board and not the actual application.

It was on the MOTION of Taylor, seconded by Bott to open the meeting to the public. All ayes.

David VanCamp, 7 Canidae Street, Burlington Township, said he appreciates the need to balance the rights of the public and applicant but he is concerned that there will be membership changes to the Board in January and he wondered how new members are selected. Solicitor Frank explained that Board members are appointed by the governing body. He said that if there are new members they will be able to listen to the tapes of the meeting to get up to speed.

Fred Heydorn, 2018 Bustleton Road, said he and other residents have invested a lot of time and money in their opposition of the application. He feels this has been too long and drawn out. He thought there was going to be a vote at the last meeting but there was not. He said there have now been three postponements and thinks it just needs to be finished. He said new Board members would not see the emotion on the public's faces when they commented at previous meetings. He would like to see it resolved before the new year. Chairman Zekas said the worst case would be that there is one new member in the new year.

Seeing no one else wishing to be heard, it was on the MOTION of Crowell, seconded by Bott to close the public comment on the continuation of application 2012-05. All ayes.

Motion of Taylor, seconded by Groze to grant the continuance of application 2012-05 with the mentioned stipulations.

Upon roll call the Board voted as follows:

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

Solicitor Frank said that the other application that was originally on the agenda was removed because adequate notice was not given.

It was on the MOTION of Bott, seconded by Lutz to approve the minutes of the July 31, 2012 minutes. Motion unanimously approved.

RESOLUTIONS

Resolution ZB 2012-37

Approving the application of Barry Reichert for Use Variance to permit continued use of an office converted into an apartment on property owned by Phyllis Glassmire and located at 2079 Burlington-Columbus Road, Florence Block 169.01, Lot 5.01.

Motion of Groze, seconded by Bott to approve Resolution ZB #2012-37.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Taylor, Zekas
NOES: None
ABESENT: None

Resolution ZB 2012-38

Approving the application for Angela Lancos for Bulk Variance for a garage replaced without zoning approval or permission on property located at 70 Norman Avenue, Roebing. Block 119, lot 9.

Motion of Buddenbaum, seconded by Lutz to approve Resolution ZB 2012-38.

Upon roll call the Board voted as follows:

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

CORRESPONDENCE

- A. Association of New Jersey Environmental Commissioners (anjec) newsletter, Solar Siting and Sustainable Land Use

Solicitor Frank said that the article is very interesting but he cautioned that the Board members use it to spark questions for the application and not view it as evidence in the solar application.

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

PUBLIC COMMENTS

Mark Dimon, 2076 Old York Road, said he was told the Board cannot hear an appeal of a Zoning Officer's decision but he does not see anything in the Township Code that states this. Solicitor Frank explained that there is a process for filing an appeal of a decision. The Board cannot hear the appeal without the proper procedures being followed. Mr. Dimon disagreed. He said he has spent a great deal of money for the project and in Township fees and his project is still not operating. He said he will file his appeal.

Motion of Groze, seconded by Buddenbaum to close the public portion of the meeting. All ayes.

Solicitor Frank explained that the Board has certain duties it can perform. It is governed by Municipal Land Use law. It can hear appeals of a Zoning Officer's decision if proper procedure is followed. It also interprets ordinances and does heavy variances. He said the governing body can hear any grievance from a resident and possibly take action but this Board has procedures in place that prevents that. He said hopefully Mr. Dimon will have a formal appeal.

Member Taylor wanted to know what happens if a project is not built following the approved site plan. Solicitor Frank explained that there would be official notice given by the Zoning Officer and it would either be appealed at the Zoning Board or go to court as a violation.

Solicitor Frank said there will be a letter sent to Mr. McAndrew to let him know of the stipulations that were imposed tonight.

There being no further business, it was on the motion of Groze, seconded by Bott to adjourn the meeting at 8:17 pm.

William E. Bott, Secretary

WEB/aek