

Florence, New Jersey 08518-2323
June 19, 2012

The 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	Larry Lutz
William Bott	Keith Crowell
B. Michael Zekas	John Groze
Lou Sovak	

ABSENT:	Candida Taylor
	Anant Patel

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

Chairman Zekas said there are four applications on the Agenda for the night; he said if the other applicants didn't mind he wanted to call Application ZB#2012-10 for Silvia Secelean and Ioan Secelean. Applicant is requesting the modification of use variance approval for property located at 1019 Potts Mill Road, Florence Township, Block 166, Lot 12.01.

James Burns, Esq., representing the applicant, said the modification for the previous approval asks for a larger porch area. He said when the contractor began the work it was smaller than what Ms. Secelean thought it would be. She then had the contractor change the plans and enlarge the porch area. The area was increased by 4'. The revised plans were presented to the Township and the work was continued with the stipulation that the porch not be used. He said the applicant is asking for the extra 4' to be approved by the Board.

He said the reason is that there is a hot water heater on the porch that takes up much of the space. He said there was no room for a table.

He said in response to the letter from Planner Fegley, he provided a copy of the new plans and the old plans. He pointed out the new patio area on the revised plans. He said

extending one side from 6' to 10' is the only change. It allows for a table and chairs. He said the Applicant is asking permission to keep and use the expanded patio.

He said the property has more than 2 acres, there is no buffer needed, it is located behind the property and would not be visible from the street. He said it is not more than 25 percent lot coverage and it is not near the setbacks, given the large size of the property.

Chairman Zekas asked for clarity on where the extra area was built. Engineer LaRosa said it is on the back and showed on the plan where it is located. The plan shows it extends 4' further into the back yard.

Ms. Secelean was sworn in by Solicitor Frank. She explained that the expansion will give her the extra room she needs to put a table and chairs on the patio. She said it is already installed; she just could not use it until she got the approval for the variance.

Solicitor Burns thanked the Board and the Township employees he worked with for meeting with them and being so helpful.

Chairman Zekas opened the meeting to the public for Application ZB-2012-10. Seeing no one wishing to offer comment, motion was made by Buddenbaum seconded by Crowell to close the public comment.

Engineer LaRosa said the application is accurate, and he agrees the impervious coverage is less than the allowed amount and there are no bulk variances. He said there are no issues or comments.

Planner Fegley said she did not receive the revised plans, but she agreed after seeing the plans that the application is acceptable.

Solicitor Frank said the variances are very precise, and what is granted is followed. He said the application looks good and there are no bulk issues.

Motion was made by Crowell, seconded by Buddenbaum, to approve Application ZB #2012-10.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Crowell, Bott, Groze, Lutz, Zekas, Sovak

NOES: None

ABSENT: Taylor, Patel

Chairman Zekas called for Application ZB#2011-20 for Brian Ostner. Applicant is requesting bulk variances to approve use of an already existing non-approved porch structure on the front and side of the principal structure and for approval to construct a 40'x 60' garage on property located at 2057 Columbus Road, Florence Township, Block 169.04, Lot 13.

Solicitor Patrick McAndrew, representing the applicant, and applicant Brian Ostner approached. Mr. Ostner was sworn in by Solicitor Frank. Mr. McAndrew said this application was before the Board a few months ago but since then there have been changes to the application. He said it was re-noticed. There are two areas of relief the applicant is looking for. He has an undersized lot for the Agricultural zone. He has an existing front porch that was put on recently. He needs variances for front yard and sideyard setbacks for his existing porch. The other area of relief and what is new in the application is the garage. He would like to demolish the existing garage and build a new garage in the back right hand corner of the property. He said the spot is very well screened and drains to the front of his property. It gives him a chance to turn around instead of having to back out of his driveway. The garage will look nice and will give him a chance to get his personal vehicles inside instead of all over the property.

Mr. Ostner said he has lived at the property for 12 years. It is a single family home with some outbuildings. Mr. McAndrew introduced photo A-1, showing the front of the property. The porch in question is to the right of the house. Mr. McAndrew pointed out the property lines in the photo. He said the porch was added as a shelter, a place to sit and relax and to enter the premises. He said it is the best physical location for the porch. Other spots have a well head and egress basement windows. Mr. McAndrew asked Mr. Ostner if the porch had any negative impact to the neighbors. Mr. Ostner said it does not impact his neighbors. None are close to him.

Mr. McAndrew asked why the new garage was needed. Mr. Ostner said the old garage was 20' x 20'. He said it is full. He said he needs room for his camper, mowers, bikes, cars, motorcycles and other recreational vehicles. He said right now these items are out in the weather deteriorating, and he also wants his yard to look nicer. He also wants to be able to find things in his garage. He said 12 years ago he put in landscaping for buffering. A photo was introduced as A-2 showing where the new garage will be. He said the photo shows a wall of Cypress trees he planted and the property lines. He said behind and to the right is all farm fields. Photo A-3 shows from the site of the new garage to his house. It shows the garage that is to be removed. He said the driveway would then be run to the new garage. Photo A-4 shows the current garage and all of its contents. Photo A-5 is a computer rendition of the new garage. There is a large door in the center for the camper. He said he plans to get a motor home and would like to keep that in the garage as well. Mr. Ostner answered a question about noise. He said he will not be working on anything but his own vehicles such as mowers and the like. He will not be doing commercial activities out of the garage, and all that goes in the garage will be personal vehicles. Mr. Ostner said the garage will match the color of the house with a time roof. He said it will be attractive to match the house.

Exhibit A-6 is a copy of police reports to follow up from the previous hearing. He said the Department gave him incident reports on his property. One was for his truck facing the wrong direction on the side of the road. Another was for burning something in the yard. The Fire Marshal and Police said he was in compliance with the burning. He explained there were no arrests or convictions for any incident reports. He said he is not sure about the time period the reports cover. It is either one or two years.

Solicitor said the plan is to knock down the current garage, extend the driveway and put up the new garage. Mr. Ostner said that is his goal. It will not be for commercial business, just personal vehicles and to have a place to work on those vehicles. Mr. Ostner said it is only for his personal recreational vehicles. He said the new location is suited for the garage because of landscaping he has put in place.

Member Bott asked if Mr. Ostner drives a large truck for his work. He asked if a truck will be parked in the garage. He also asked about a question at the last hearing pertaining to Mr. Ostner making bullets on his property. Mr. Ostner said he is not using the new garage for his work truck. He said as far as the bullets, it is part of his Civil War Reenactment hobby. He said it is legal activity. He said he does not fire guns on his property. Mr. Bott asked if Mr. Ostner parks his large truck at lunch time. Mr. Ostner said he has not done that since the last meeting when it was brought up as an issue. Mr. Bott asked if the tractor trailer would be put in the garage, Mr. Ostner said it would not; the big door is for the camper he is hoping to get.

Member Crowell asked if there were previous visits from police in the past five years and if so what was the nature and the result of the visits. Mr. Ostner said his mailbox was knocked over. He said as far as what has been discussed at the meeting, he has only been driving a truck for two years, so there has only been the mailbox and the complaints about his truck in recent years.

Chairman Zekas questioned the size of the garage. He wanted to know how the size was determined. Mr. Ostner said he looked at other garages and took measurements of what he wanted to put into the garage. He said he wanted to be able to access his items easily and that was part of his planning also. Chairman Zekas questioned the size and all of the items being stored. Mr. Ostner went through an inventory of the items he would like to store. Chairman Zekas said the garage is about 2 ½ the size of Mr. Ostner's house. He asked if he has considered making it smaller. Mr. Ostner said it would not be worth it for him to go smaller because that would mean there would be things still out in the elements.

Member Groze said the garage would be the size of the meeting room. Mr. Ostner concurred. He said he wants room to put everything in the garage to keep the yard presentable and keep his property pleasing to the eye.

Chairman Zekas confirmed with Mr. Ostner that anything smaller for him would not be worth the money. Mr. Ostner confirmed that anything smaller would leave vehicles out in the weather to deteriorate. Chairman Zekas said the setbacks that were proposed, is there a reason these could not be met? Mr. Ostner said he wanted the garage closer to the property line to keep some yard to be able to pull on and off of the road. He said there is also a better buffer there. It is farther away from the closest neighbors. If the code is followed strictly the garage will be right in the middle of the lot.

Chairman Zekas asked if there are surrounding properties with a similar building. Mr. Ostner said there are fields on both sides, but there are properties near him with large

garages. He said the properties are bigger than his but the garages are large. He said the building will fit in the corner nicely and it will look agricultural.

Solicitor McAndrew said the property in question looks bigger than it is. He said the garage will fit in and there is a buffer of trees. He said the idea is to get the items inside so the neighbors don't have to see them.

Member Bott said there is a development across the street. Will they see the garage? Mr. Ostner said the person across from him told him she does not oppose the garage. She was not able to attend the meeting.

Mr. Bott asked about the large door. Mr. Ostner said it is for the camper they already have and they are hoping to get a bigger one. Mr. Bott said the door is very big, and he is concerned there will be commercial activity. He wants it confirmed that there will not be commercial activity. Mr. Ostner confirmed this again. Mr. Bott said he knows Mr. Ostner makes bullets, but he recommends this activity stops to please the neighbors. Mr. Ostner asked if there are Ordinances against the Civil War Reenactment activities.

Mr. Groze said he is concerned about the setbacks. Mr. Ostner said he wants to keep the yard as open as possible for his children to play. If he goes with the required setbacks he said it will break the yard up. He said he can make the concession to do an additional ten feet.

Engineer LaRosa said he is concerned with the drainage. He said there are problems already. He wants to know where the water will go. Mr. Ostner said the water runs off to the street and he said it will continue to do that. He said if it does become an issue he will install a drywell and a downspout. Engineer LaRosa asked about the type of soil at the site. He said some are better suited for drywells than others.

Member Bott asked where the water goes when there is a downpour now. Mr. Ostner said it runs into the road and the water from his neighbor is pumped onto his property through a pipe to the street. He said he has asked for this to be rectified but as of now it is still the same. Mr. Bott asked if there are icy conditions in the winter. Mr. Ostner said there are. Mr. Bott asked if the garage will increase this problem. Solicitor McAndrew said the pipe comes from a higher point and drains onto the street. It is all underground.

Member Crowell asked that the application proceed because there is no grading plan. Mr. McAndrew said one can be provided as a requirement of the building permit, or it can be provided at a subsequent meeting. He does not think drainage will be an issue.

Motion of Bott, seconded by Lutz to open the application to public comment.

Laura Sarris, 2044 Old York Road, Florence Township, said her property backs up to the applicant's property. She presented a series of photos to Solicitor Frank that were entered and marked as O-1. The first is her back yard. She said she is concerned with the size of the garage because her family uses their back yard for quality family time.

She said Mr. Ostner asked them to hook the pipe up to run the water to the street, she does not know why he said they did it themselves. She said her family enjoys the back yard. She said she does not have an issue with Mr. Ostner but she feels there will be a problem with something so large. She said the trees he planted do help and they look nice but it will take away the country quality of the properties near him. She said it is too big to be in the middle of the country. Mr. Bott asked if she would be able to see the building if it was built. She said she believes she would be able to see it.

Member Buddenbaum asked if the building was pushed forward and there were more trees put in would that help with the view. Ms. Sarris said she does not believe that would help. She said the garage is too commercial looking. It is an agricultural area. She said other buildings in the area blend in and look like barns but this is going to be right behind her and she will be able to see it.

Member Bott asked how far her property is from Mr. Ostner. She said it is not right on his, and there is a bit of distance but she still uses her whole back yard. She said the garage will be on the side of his property. Member Crowell asked if right now the trees are providing screening. She confirmed that they are. He asked what could be done besides him not building. She asked that it be smaller. She said it will look too big in proportion to its location.

Jeff Offredo, 150 Coachman's Drive, Florence Township, said he has no problems with the proposed garage, he is about 150' from Mr. Ostner's front door and he has never heard anything coming from that direction. He said he cannot remember ever seeing a tractor trailer at the property. He said he did notice there are items in the yard that would be better suited for a garage. He said it is still the same amount of stuff on the same amount of property and it would be better to have all of it inside and not in the yard.

Gylia Maria Hollman-Tucker, 131 Coachman's Drive, Florence Township, said she wanted the Board to know there is another Police Report that she initiated involving large logs he had dropped off that he cut on a Sunday morning before 8am. She said Officer Fisher was one of the responding officers and it was this past winter.

She said Mr. Ostner has great disrespect for other's property. She presented photos of ruts on the side of the road from Mr. Ostner's tractor trailer. She said she keeps her property nice but the truck caused erosion on her property. She said the photos were taken in January. She submitted them to Township Administrator Richard Brook to be sent to the County since it is a County owned road. She said she is worried about drainage because there is a problem now. Solicitor Frank labeled the photos O-2 and O-3. She said the large garage will cause flooding on her property

Member Groze asked if the building were denied, would the condition change at all? She said if it was not installed, the problem with drainage would still be a problem. She said the building would definitely make it worse. She said right now he has cones because there is flooding. Member Groze asked if it an issue that should be taken care of by the County. She concurred; she feels it is a danger when it freezes.

She said she has contacted the County and did not get a response. She said Mr. Brook was given the photos to forward to the County.

She said photos O-3 show the ruts behind her property. She said she and her neighbors take care of the upkeep of the grass on the County road, and she wants it to look nice. She said she believes the ruts are from the truck Mr. Ostner parked there for a period of time. She was asked if the ruts were still there. She said they are. She was asked if there were other ruts on the road. She said no, and they are from the truck.

Mr. Ostner said his truck has not been parked at his house since the issues were raised at the last meeting. He said there are many trucks on that road all the time, and once he knew it was an issue he stopped bringing it home. He said any new damage is not from him, and the other trucks could have caused the ruts.

Mr. Bott asked if the truck was being parked there at the time the pictures were taken in January. Mr. Bott asked if his truck caused the ruts. Mr. Ostner said he can't say for sure, but if it is wet looking he would not park there for fear of causing ruts.

Ms. Hollman-Tucker said there are two large pillars on Mr. Ostner's driveway, so she said despite his claim that trucks turn around there all the time, she thinks it would be impossible because of the pillars.

Mr. Ostner said if trucks won't fit between the pillars, then there is no way he will be able to pull his tractor trailer into the new garage.

Member Buddenbaum said that means the argument that the large truck will be housed in the garage is baseless.

Errol Verduchi, 2042 Old York Road, provided photos of his back yard. He also provided an incident report of Mr. Ostner trespassing to take photos of a truck. He also provided a copy of a letter sent to the County by the Township. He said Mr. Ostner accused him of pumping sewage onto Mr. Ostner's property.

He said the building is going to be too big. He thinks the current garage should fit everything. He thinks it is too big and he feels Mr. Ostner is going to store trucks and heavy machinery. Solicitor Frank labeled the photos O-4.

Member Crowell asked what could be done to satisfy Mr. Verduchi. He said he does not think Mr. Ostner needs a bigger garage. He said buffering would be good but does not think there is anything that would hide the building. He said it will be like looking at another house. Mr. Verduchi said he does get some run off from the property.

Joanne Smith, 2065 Burlington-Columbus Road, said she realizes there are drainage problems; it a problem on the entire road. She said Mr. Ostner plans to put a dry well in and she thinks this will help with the drainage problems already there. She said she does

have drainage problems on her property. She said she has no problems with the application and she believes the dry wells will help with current drainage problems.

Engineer LaRosa said if there are going to be dry wells there will need to be a soil survey and a grading plan. He will need to get these studies done.

Mr. Ostner said it is gravelly area so he thinks the dry wells will work, but he will get the studies done.

Mark Dimon, 2076 Old York Road, represents the Farmland. He said the creek is clogged up and it is causing the flooding. He said it is a wetland issue. The water cannot drain causing the runoff. It affects Old York and Burlington Columbus Roads. He said his biggest concern about the building is the setback. He said there are lots on each side; he didn't get a chance to see the plan, but he is concerned with the setbacks. He said as long as the water does not become an issue he is okay with the plan.

Solicitor Frank said the planner did not get this plan for review, but during the hearing she noticed that the Township Ordinance on height restrictions. The garage is higher than the allowed 20' height restriction.

Mr. Ostner said his building is to be 25'. He said he will keep it under the 20', he did not know the ordinance. He agreed to just make it shorter and get the space he needs.

Applicant agrees to amend the application to 20' setbacks, he has agreed to some work to support controlling the run off, he will adjust the height of the building. There will be a grading plan, drywells will be looked into, and he will replant the dead trees to fill in the spaces. Photo O-5 shows the property line with Ms. Sarris. The gaps shown will be filled in. He agreed there will be no commercial use or commercial trucks on the site.

Member Buddenbaum asked how tall the trees will be. Mr. Ostner said at the time of planting they will be 12', and the ones already there are about 20' right now. Member Buddenbaum suggested painting the back of the garage green so it would not be seen through the trees.

Chairman Zekas said the garage will be two and a half times the size of the applicant's house. He said it is as large as or larger than buildings on neighboring lots that are much larger. He said it is logical to want to keep things inside a garage, but if there was more stuff, would the building be even bigger? He said he has a lot of stuff, too, and has to rent space for some of it. He said the Board members and neighbors are saying it is a very big building for the size of the property. He said he agrees that a camper does not need to be kept inside. Mr. Ostner said keeping his camper outside caused it to dry and crack and leak, so he needs to buy a new one and he wants to prevent the damage.

Solicitor McAndrew said it is better to get all of the stuff in the garage, and the house is actually pretty small so comparing it to the house is not a good comparison.

Chairman Zekas suggests cleaning out the garage. Mr. Ostner said there is no space for all the stuff in his yard.

Mr. Bott said he is concerned with the size of the structure. He said he sees campers outside all the time. He said he is also concerned with the drainage. Mr. Ostner said the drainage problems that are there now are not from his property, it runs through his.

Member Sovak said the size is large, perhaps cut down the footprint, he thinks it would make a big difference to the neighbors. Mr. Ostner said he feels he has made many concessions already, and spent a lot of time deciding on the size. He said this is the smallest he can use to work for his needs. He said it is an expense, and he would not buy bigger than he needed.

Solicitor McAndrew would like the Board to consider two issues. There are variances for the garage and for the front porch. He would like them to be considered separately.

Mr. Bott asked if the porch was installed without permits. Mr. Ostner said it was, he did not understand the letter he received thinking he was approved. He said now he is trying to make it right; it was not an intentional oversight.

Engineer LaRosa said the zoning and setbacks are subject to bulk variances in the "R" zone. He said the issues are the height; the setbacks are for the Agricultural zone. He will need to look at the "R" zone requirements. He thinks these two variances might not be issues since the building will be lower and the setbacks are being changed. He said there is still a lot coverage issue. The zone indicates 20 percent, the new building and his porch makes the property 22.4 percent. He said his concern is drainage and grading. Nothing was submitted, so he would like to see something with grading and what will happen with the building. He would like to see a soil plan also for the drywells. He would like to see the reports before the application is voted on.

Planner Fegley said she did not receive a copy of the plan so she was not able to review.

Solicitor Frank said there are two variances, one for the porch and one for the structure. He said Mr. McAndrew would like a continuance for the garage.

Motion of Lutz, seconded by Crowell, to continue the hearing for the proposed garage on July 24.

Upon roll call the Board voted as follows:

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

Motion of Bott, seconded by Crowell to approve the porch conditioned upon submission of a grading report.

Upon roll call the Board voted as follows:

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

The Board took a 5 minute break. The Board returned to the regular order of business.

Chairman Zekas called for Application ZB#2012-06 for Dennis J. Zannoni. Applicant is requesting a variance for impervious surface coverage for existing shed, spa and trash pad installed without permits on property located at 125 Rosewood Drive, Florence Township, Block 166.10, Lot 20.

Mr. Zannoni was sworn in by Solicitor Frank. Mr. Zannoni said he needs to correct past mistakes. He said he decided to put his house on the market he contacted the Township and he was advised by the Construction Code Official that he needed to get permits for the work he had done. He said he applied for the spa permit; he thought the contractor would get the permit. He said he didn't know he needed a permit for the shed. He said he put the concrete pad where he put his cans because the area got muddy. He did not know he needed a permit for that either. He said the variance is for impervious coverage. He said when he bought the house 10 years ago it was already over the impervious coverage limit.

He said the Township employees he has been working with have been very helpful and he did not do any of this intentionally.

Engineer LaRosa said the lot already had more impervious coverage, it is at 34.6 percent, and the limit is 25 percent lot coverage even with accessories.

Chairman Zekas said that the amenities are not uncommon for that neighborhood and many of the yards are over the coverage limit.

Mr. Zannoni said his basement has always been dry, so water is not an issue.

Solicitor Frank had no comments. Chairman Zekas opened the meeting to the public. Seeing no one wishing to comment, motion of Crowell, seconded by Buddenbaum to close the public comment.

Motion of Crowell, seconded by Lutz to approve Application ZB#2012-06.

Upon roll call the Board voted as follows:

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

Secretary Bott Read the time limit for appeal statement to the applicant.

Chairman Zekas called for Application ZB#2012-07 for SBA Towers III, LLC. Applicant is requesting a use variance, height variance, and minor site plan approval to permit construction of a 120' telecommunications monopole on property located at 2009 Route 130 South, Florence Township, Block 159.01, Lots 1.02 & 1.03.

Eric Goldberg, Attorney for the Applicant explained that currently there is a 120' lattice tower located at 2022 Route 130. The applicant would like to take this tower down and replace it at a new site. What is being proposed would let the current land owner develop his property, the new tower is a monopole and is more aesthetically pleasing, it is farther off the road and it can accommodate more than one carrier. He said there are seven variances being requested. Five are bulk variances. He said there are four witnesses ready to testify. He would like to give an offer of proof for each.

The witnesses were sworn in by Solicitor Frank. They were David Weightman, Civil Engineer, Brian Seidel, Land Use Planner, Michael Shine Site Acquisition Consultant, Paul Dugan, Independent Radio Frequency Consulting Engineer.

Engineer LaRosa said there were three items needed that the applicant requested be waived. The first is an Environmental Impact Statement, but it was requested on the application to be waived. The second was a preliminary delineation of Wetlands based on NJDEP criteria. He said there are no wetlands in the area so that is waived. The third, a preliminary delineation of stream encroachment based on DEP criteria is also waived because the creek is more than 1000' away.

Motion of Bott, seconded by Lutz to deem Application ZB#2012-07 complete. All those in attendance in favor.

Mr. Goldberg said AT&T currently has a tower right down the street. The hope is to have the proposed site gets on air later this year. Once it is up and running, AT&T will move its operation to the new tower and remove the old tower. The owner of the existing tower wants it removed to develop the site.

The new monopole will be able to hold multiple carriers. Chairman Zekas asked who will be removing the old tower. Mr. Goldberg confirmed that applicant will be responsible for removing the old tower. Member Crowell wanted to know what the capacity is for the number of carriers. Mr. Goldberg said he does not know, but carriers are usually attracted to the monopoles. Mr. Crowell is concerned about the look of the tower and the capacity of multiple carriers. Mr. Goldberg said the tower can accommodate many carriers, but at this point the only one is AT&T. The tower will be built to hold at least three other carriers depending on the weight of the equipment.

Member Buddenbaum asked if there will be a break in coverage when the pole is constructed and the old one removed. Mr. Goldberg said there will be no lapse in coverage.

Mr. Goldberg said this site was chosen to have a continuous coverage pattern so there is no change in service for customers. It is close enough to the old tower that the coverage will remain constant. Also there are no existing structures in the area that are tall enough for AT&T to mount equipment to fill the coverage gap.

Mr. Goldberg referred to the Radio Frequency exhibits submitted as part of the application. He said the towers work by bouncing signals from site to site to site as the customer travels. The signal can be impacted by many things, such as topography, density of objects and others. The graph shows what the AT&T coverage would look like without the existing site. The areas shown in white have no coverage. The next shows the current coverage with the existing pole. The last graph shows what the coverage will look like with the proposed tower. The new is similar to the existing coverage. The information was obtained through drive tests and computer simulations. It would be a significant gap if AT&T did not have coverage in the area. There would be no service, including emergency and data. He said with the rod, the tower will be 123'. It is the minimum height needed to fill the coverage gap and it is the same height as the existing tower. He said the monopole will have twelve panel antennas and will be in a 50' x 50' fenced in area. There will also be a small shelter area for equipment inside the area, and there is room for other carriers to place equipment. He said it is the best use of the space, but the shelter area could be moved.

Mr. Shine said the property owner uses areas near the site, so this area is the best to be away from regular traffic. He said it is preferred to be tucked back in a corner. He said the north and the west property lines are the Salson trucking yard, it wraps around the site. He said he spoke to the landowner and this option was the best to not interfere with day to day operations. Member Crowell asked if any other options were given. Mr. Shine said there really weren't any other options given.

Mr. Goldberg said there is home near the site but it is owned by the landowner. Egress is via Route 130. There was a proposed 6' fence; the Board professionals requested an 8' fence. Mr. Goldberg said that will be done. He also said the barbed wire can be removed from the plan.

Mr. Goldberg said the fall zone for the tower is engineered so that the tower would implode down on itself, and not fall outside of the enclosure. Member Crowell asked if there was a structural engineer to testify to that. Mr. Goldberg said yes, there was. He said it is an unmanned site that is remotely monitored. He said a technician will visit the site once every eight weeks or so during regular business hours unless there is an emergency.

He said the pole color is steel gray, but it can be made any color. He said the facility will not generate an odor, noise, glare, and it will not require any parking. There will be some trees removed but they will be replaced. He said there is no generator because there is no lighting. There will be a small light by the equipment area just in case of emergency. He said there is no need for a sidewalk. He said the site will comply with any applicable standard for construction. He said the Township will have access in case of emergency.

There will be no signage, just a small placard on the fence. The applicant also agrees to provide a removal bond.

Mr. Goldberg referred to photo simulations that were included in the application. He said one shows the existing tower and another shows the proposed tower. There is an aerial view of the new site and the proposed placement of the monopole. This was entered as A-1. He said this site is justified because it is for an FCC licensed telecommunications carrier, the site will keep the existing coverage, it is located in a commercial area, it is an improvement over the existing tower, there is no impact on municipal services and removing the old tower makes it possible to develop that site. He said there is no detriment to the community, it is a benefit. There is no detriment to Zoning Ordinance or to the Master Plan.

Solicitor Frank said Mr. Dugan has appeared in front of many Boards that Solicitor Frank represents and he said he would like to accept him as qualified. Mr. Goldberg qualified Mr. Weightman. Mr. Weightman said he is the President of Downingtown Engineering Consultants. He said he has been an engineer for 38 years, he went on to describe jobs he has done related to jobs like the monopole. Mr. Goldberg then qualified Mr. Seidel. He is a Land Use Planner in the State of New Jersey, he is certified by the American Institute of Certified Planners, he is licensed as a landscape architect in the State of New Jersey. He has been in the field for 15 years and has testified before numerous boards and committees. All witnesses said the Offer of Proof accurately summarized their testimony.

Member Crowell asked how much wind the monopole could handle. He was told it is rated for 90 mph. Chairman Zekas asked how it will collapse on itself. Mr. Weightman said it is not designed to fail, but it is still designed to collapse like a straw, the tower top third would bend down on itself. But he said it would take a lot for it to come down. Member Buddenbaum asked if it is like a crumple zone designed to bend at certain zones. Mr. Weightman said yes, that is the way it is.

Member Crowell asked if there will be built-in fall protection for the workers who need to climb the pole. Mr. Weightman said there would be. Member Crowell asked what would prevent someone from getting access to the pole. He requested there not be a ladder until 12' or 14' off the ground. Chairman Zekas asked if the steel color was standard. Mr. Goldberg said that is what municipalities usually want, but any color can be used.

Engineer LaRosa said most of the items from his review letter were addressed in the presentation but under design he would like to see details of the gravel driveway. He said there are no DOT permits required for the application. He confirmed that the fence will be 8' with no barbed wire and be regular chain link fence. He also confirmed that there are going to be 12 antennas, there will be only one light with a switch, and it will not burn all night. He also confirmed that there will be anti-climbing measures. He also said there will need to be fall protection on the pole and the Township needs to be able to access the site. He also went through housekeeping items to be included in the plans.

Planner Fegley requested that a removal bond be renewed every three years. She also asked if the two lots could be consolidated. The applicant said they cannot do that because they are leasing the property; they are not the owner of record. She requested the applicant provide a restoration plan. The applicant agreed. Planner Fegley asked about buffering on Route 130. She would like the buffering closer to Route 130 to screen the tower and the other operations on the site. Mr. Goldberg said there is already vegetation growing on the site at other locations and the only thing that will be visible is the tower itself. The applicant is willing to put a buffer at the fence on his site, but does not want to plant trees to buffer the other uses at the site.

Planner Fegley said the according to local Ordinance the applicant has to supply sidewalks. Solicitor Frank said the requirement cannot be waived. The applicant would have to supply funds to a sidewalk fund. Solicitor Frank also noted that the Board could require lot consolidation. The applicant asked what a ballpark figure might be for the sidewalk payment. He was told approximately \$9500. The applicant said he cannot do the lot consolidation, he is not the owner and the owner is not present, but he is satisfied with the sidewalk quote.

Member Bott said the buffering should only be required to be in the affected area. He said it is not the responsibility of the applicant to have to buffer the area that is already in use. He said that would be the responsibility of the owner or person using that area.

Solicitor Frank said there are use and height variances and two rear yard variances, and once the tower is approved and other companies want to use space on the tower they will not need to come before the board. The applicant is a cell management company, so there is incentive for companies to locate on the tower. He said if it is approved, the Board should require removal of the existing tower and structures. There will be an 8' fence with no barbed wire, there will be a lock box for first responders to gain access and no signage except the placard on the fence. The applicant will, provide a removal bond, anti-climbing as well as fall protection measures and details of the gravel drive improvements. Lighting will be for maintenance only. He would like the site inspected every three years and the applicant will provide evergreen buffer plantings. He said there is a payment in lieu for the sidewalk requirement.

Motion by Bott, seconded by Crowell to open the meeting for public comment on the application. Seeing none, it was on the motion of Crowell, seconded by Lutz to close the public portion.

Member Crowell wanted to know the advantage of lot consolidation. He was told it is for housekeeping. It just makes it one lot. It does not diminish his ability to use the property.

Member Bott asked what would happen to the applicant if the owner refused to consolidate. He was told the applicant would not be able to build the tower. It was decided it is best not to require the consolidation at this time. It was also decided that the applicant will put the buffer on the affected area.

Motion by Bott, seconded by Lutz to approve the application with a buffer installed at the applicant's leased property.

Upon roll call the Board voted as follows:

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

MINUTES

Motion of Lutz, seconded by Groze to approve the minutes of regular meeting of May 22, 2012 as submitted. Motion unanimously approved by all members present.

RESOLUTIONS

Resolution ZB 2012-16

Continuing the application of SBA Towers III, LLC for use variance, height variance, minor site plan approval, to construct a new cellular communications monopole and associated equipment compound as site improvements at the tower's base on property located at 2009 Route 130, Florence Township. Block 159.01, Lot 1.02 & 1.02

Motion of Lutz, seconded by Buddenbaum to approve Resolution ZB 2012-16. Upon roll call the Board voted as follows:

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

Resolution ZB 2012-17

Granting the application of Timothy P. and Tina Lloyd for variances for impervious lot coverage and for an accessory structure in a required front yard setback to permit construction of an in-ground swimming pool on property located at 201 Boulevard, Florence. Block 24, Lot 1

Motion of Lutz, seconded by Groze to approve Resolution ZB 2012-17. Upon roll call, the Board voted as follows:

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

Resolution ZB 2012-18

Granting the application of John and Kristy Zera for a variance for impervious lot coverage to permit the construction of an in-ground swimming pool on property located at 36 Creekwood Drive, Florence Township. Block 166.08, Lot 3

Motion of Groze, seconded by Lutz to approve Resolution ZB 2012-18. Upon roll call, the Board voted as follows:

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

Resolution ZB 2012-19

Continuing the application of Florence PV, LLC for use variance and preliminary and final major site plan approvals 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

Motion of Lutz, seconded by Groze to approve Resolution ZB 2012-19. Upon roll call the board voted as follows:

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

CORRESPONDENCE

A. Letter from John Guinco, attorney for Effisolar, dated July 5, 2012, requesting an extension for the minor subdivision filing period of 190 days.

B. Letter from John Guinco, attorney for Effisolar, dated June 12, 2012, withdrawing the request for an extension and asking that the Board confirm that this approval falls under the Permit Extension Act.

Motion was made by Lutz, seconded by Groze to receive and file Correspondence A and B. Motion unanimously approved by all those present.

PUBLIC COMMENTS

There was no public in attendance to offer any comments.

There being no further business motion was made by Lutz, seconded by Buddenbaum to adjourn the meeting at 11:23 p.m.

William E. Bott, Secretary

WEB/aek