

Florence, New Jersey 08518-2323
June 2, 2016

The Regular meeting of the Florence Township 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 Lutz 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:

William Bott	Brett Buddenbaum
Joseph Cartier	Larry Lutz
Anant Patel	Lou Sovak
B. Michael Zekas	Anthony Drangula
Margo Mattis	

Absent:

None

Also Present:

Solicitor David Frank
Planner Tim Kahluhiokalani (for Planner Barbara Fegley)

APPLICATIONS

- A. Application ZB#2016-04 for Heather Przbylko. Applicant is requesting a bulk variance for impervious lot coverage to permit installation of an in-ground swimming pool and associated concrete walkways and concrete patio on property located at 619 Seaman Drive, Florence. Block 156.07, Lot 10.

The applicant was sworn in by Solicitor Frank. Chairman Zekas asked her to provide a review of what she proposed to do. Ms. Przbylko said she would like to install an in-ground pool and a patio but the allowed impervious coverage is 25% and this would be over that. There is already 24% impervious coverage on her lot. She said the denial letter she received from the Zoning Officer said the property was at 24% but the report from the Board Engineer said the property was at 19% coverage. Solicitor Frank said he would suggest using the information from the Board Engineer. The applicant provided a revised plan that was entered as Exhibit A. Solicitor Frank said it appeared the revised plan provided what the engineer requested. It showed a dimension for the edge of the water to the property line. The rear property line is shown as 6' dimension. The other is not dimension. Chairman Zekas said based on the original sketch it appears similar at 6' from the pool edge. Ms. Przbylko said it would be 6'. Chairman Zekas said for the

record the revised plan shows the rear yard dimension of 6' from the waterline to the rear property line but there is no dimension for the side, but they are estimating it is the same at about 6'.

Chairman Zekas said the applicant's proposal is for an in-ground pool. The plan shows it at 19'X35' with a patio that extends from the back of the house and surrounds the pool. He asked the width of the patio around the pool. The applicant said it was 3'. Chairman Zekas said she was requesting a variance for impervious lot coverage and for rear and side yard setback. He said the board's responsibility is to minimize variances when and where possible. He asked how the location was chosen and if she considered any other options. Ms. Przbylko said that is the largest side of the yard and she wanted some space between the house and the pool for safety reasons. Chairman Zekas said there is a dimension on the plan from the corner of the house to the edge of the pool that looks to be 20'. He asked if it would be impractical to reduce that by 3'. The applicant said she wanted there to be space when someone steps out of the house. Solicitor Frank said he wasn't sure if the patio would trigger the variance or if it would be the water's edge to the property line. He determined the patio would not be a setback issue.

Chairman Zekas asked if any of the neighbors had anything that was built close to her property line. She said there was not. He asked if there would be any problems with run-off from her yard. The applicant said her property sits lower than her neighbors' so it wouldn't be a problem. Member Buddenbaum noted the filter was up near the house. He asked if it would be run underground. The applicant said it would.

It was the Motion of Lutz, seconded by Bott to open the meeting to the public regarding Application ZB#2016-04. Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Buddenbaum to close the public hearing. All ayes.

Solicitor Frank asked the applicant if there were other similar pools in the neighborhood. Ms. Przbylko said there is one that is being dug currently and there are at least five others in the neighborhood.

Member Patel asked about the shed that was on the property and its location. Ms. Przbylko said it is just a small plastic shed and it would be easy to move if it was not in compliance.

Solicitor Frank said this would be a C2 Variance for an amenity that is prevalent in the area but could be denied to this property because of impervious coverage issues. There was testimony that there are no drainage issues from the adjoining properties. A condition of approval as noted in the Engineer's Report would be to provide a detailed grading plan at the time of construction. He noted the shed would need to be moved to a different location. The other usual conditions would also apply.

It was the Motion of Patel, seconded by Lutz to approve Application ZB#2016-04.

Upon roll call, the Board voted as followed:

51.

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

MINUTES

It was the Motion of Lutz, second of Buddenbaum to approve as submitted the minutes of the Regular meetings of February 1, 2016, March 7, 2016, April 4, 2016 and May 2, 2016. All ayes.

RESOLUTIONS

- A. Resolution ZB-2016-09 granting the application of Ritchard and Patti Woolston for a rear yard setback variance for an accessory structure (detached garage) on property located at 2050 Bustleton Road, Florence Township. Block 170, Lot 4.01.

It was the Motion of Lutz, seconded by Drangula to approve Resolution ZB-2016-09.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Cartier, Lutz, Patel, Sovak, Zekas, Drangula
NOES: None
ABSENT: None

- B. Resolution ZB2016-10 granting the application of Beth Kelley for bulk variance to permit construction of a rear yard deck on property located at 118 Rosewood Drive, Florence Township. Block 166.11, Lot 28.01

It was the Motion of Buddenbaum, seconded by Drangula to approve Resolution ZB-2016-10.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Cartier, Patel, Drangula, Sovak, Mattis, Zekas
NOES: None
ABSENT: None

Solicitor Frank said he went to the meeting of the Historical Commission currently being held. The next applicant's application is still being heard there. At this time the applicant's attorney thinks it could take more than 15 minutes but less 30 minutes. The applicant request a recess until 8:30pm. If the applicant is not available by that time the board would need to decide if they wanted to take jurisdiction of the application.

Chairman Zekas said it seemed there were many people in the public interested in the application. He said he appreciated everyone being there. In fairness to adjourn to 8:30pm would be in everyone's best interest and he hoped everyone who came out can be available when the meeting goes back into session at 8:30.

It was the Motion of Bott, seconded by Lutz to adjourn until 8:30pm. All ayes.

The meeting was resumed at this time by Chairman Zekas. He apologized for the delay and said he appreciated everyone's patience.

- B. Application ZB#2016-05 for The Salt & Light Co. Applicant is requesting use and bulk variances to convert a vacant building that was previously approved for 4 market rate residential condominium units to 8 one bedroom affordable apartments on property located at 111 Norman Ave., Roebling. Block 118, Lot 20.

Chairman Zekas called the applicant, represented by Sanford Schmidt. He said the applicant is seeking use and bulk variances for lot frontage, lot width, lot depth, front yard, rear yard, side yard and building coverage. It is an existing building with these conditions. The use variance is for 8 one bedroom apartments in a Neighborhood Commercial Zone, where multi-family is not permitted. There was a previous application that was granted permission for 4 units in the building. He will have testifying Mr. Kent Pipes, President of Salt & Light Co. He hoped the architect for the project, Mr. Ronald D. Frankie, would also be there shortly.

Mr. Pipes and Engineer Kahluhiokalani were sworn in by Solicitor Frank. Solicitor Frank said to Mr. Schmidt that he prescribes to the school of thought that when there are pre-existing, non-conforming bulks issues such as what are represented in this application, unless something is being done that furthers those existing conditions, new variances would not be required. They are acknowledged for purposes of the official record. It will help everyone focus on the use variance.

Mr. Schmidt asked Mr. Pipes to explain what The Salt & Light Co. was. Mr. Pipes said it is a non-profit housing organization that provides affordable housing for families, single adults, people with special needs and seniors. There are houses in Florence Township and a number of units in the Village of Roebling in the vicinity of this property. There are properties from Ocean County down to Camden County. They grew for a period of time and then stagnated for a period of time when properties became too expensive to acquire. Lately with the rise in foreclosures the group has been able to get properties at very attractive prices.

The building in question has sat vacant for the past six years because there has been a slowdown in funding at both the county and state level that has not allowed him to move forward with development. He was back tonight with a different concept because of the experience he had in the market place dealing with need. Mr. Schmidt asked him to discuss this specific project and provide the history of the prior approvals. Mr. Kent said his company was already working in the neighborhood and saw the "For Sale" go up for 111 Norman Avenue about 7 years ago. He called the owner and found out it had already been approved for 4 condominium units. The owner and his partner were going to live at the property and sell the other two units. The partnership did not work out so they agreed to put the building up for sale. Knowing it was already approved for four units, Mr. Pipes thought that would be an opening for his company to come and help Florence Township meet its Affordable Housing obligations. This is something every municipality in the

state is required to provide. Previous members of the Zoning Board approved affordable apartments for the site with two 2-bedroom units and two 3-bedroom units that were very large and substantial in size and would probably be able to house 16 people. The Zoning Board was concerned at the time about where children would play since there was no yard. The applicant said the children would play where the rest of the children in the neighborhood play – down the street at the public playground. The board understood that those were existing conditions and they approved the application with those kinds of considerations.

Mr. Schmidt asked Mr. Pipes to discuss the current application and how he came to ask for the 8 units. Mr. Pipes said his group continues to serve populations that are not readily served by other organizations. His group is the providers of last resort. One of the most needy populations are single adult who either cannot own a car because they don't have enough money, are not able to drive a car because of a disabling condition or they simple don't want to own a car because of the high costs associated with owning a car. This building is in a transit-oriented kind of community and it fits all of the small growth planning that people say should be provided. Housing should be accessible to public transportation where people don't have to own vehicles. He looked at the impact of the property. If they were converted into 1-bedroom units and kept the size of the bedrooms small they would only be able to house single adults. He thinks it is more appropriate for single adults. The federal law forbids them from denying children the opportunity to live where adults can live. The housing code says if units are a certain size occupancy by anyone is limited. Legally he is serving a population in need and tailoring the population to the existing conditions of the neighborhood in a better way than previously proposed.

Going to 8 units would provide the township 16 Affordable Housing Credits with the state, which would be to the township's advantage. Affordable Housing is considered an Inherently Beneficial Use and everyone understands it does serve a good general purpose, even if sometimes there are some negative impacts on the immediate neighborhood. It does serve a general population that needs to live somewhere. He said at this time he would answer any questions from the board.

Mr. Bott questioned it being for single people. He asked how Mr. Pipes would control the tenants from having significant others stay over. He asked if eviction had to be done through the court system and asked how long it would take. Mr. Pipes said everyone's experience teaches them they don't want to be a landlord if there is something other you can do to make a living. It is a tough business. The law says if there is a marriage there is a right to enter into a lease as a partner to the person who originally signed the lease. But there cannot be someone just living there who is not on the original lease. Mr. Bott asked how someone would be removed if they were living in a unit and not on the lease. Mr. Pipes said that would be a management issue and if someone were living there and was not on the lease he would take the proof to the courts and rectify the problem.

Member Cartier asked about square footage of the units. Mr. Pipes the minimum size of a bedroom must be 70 sq. ft. and it must be at least 7' wide. The minimum size of the

bedroom would be 7' X 10'. There has to be 50 sq. ft. additional for every person who would occupy the bedroom. The units are being designed so there is no more than 119 sq. ft. Mr. Bott said no matter how it is configured there will be another person in the bedroom. Mr. Pipes said he can just do the best that he can.

Member Buddenbaum asked if there is a manager for the building. Mr. Pipes said there is staff that visit all of the properties at least once a week. There are other properties in the neighborhood so this property would be much easier to manage because there is already someone there every week. The company is based in Westampton so he wouldn't want to manage just one property but there are already 2 properties on Alden Avenue in the 100 block and there 12 in the 300 block.

Member Buddenbaum said Mr. Pipes has to have run across the issue of having more than one person in a unit leased for one. He asked how it was handled. Mr. Pipes said it would be the same situation as if there was a seniors only community and they moved in someone who wasn't age eligible. The association would have to enforce its deed restrictions for senior housing. It is a matter of that the courts would have jurisdiction and they would have to intervene.

Chairperson Zekas said he believed Member Buddenbaum wanted to know how Mr. Pipes would specifically handle the problem. Mr. Pipes said he does go through it all the time and it is a human issue. Member Buddenbaum asked how he would handle it and did he rely on other tenants to let him know if there were people there that didn't belong. Mr. Pipes said the burden of proof is on the accuser so any information he receives is valuable. He has to document everything to present to the judge including letters he sent to the tenant and documentation showing any contact he made with the person. Mr. Pipes said his group is people oriented and he tries to work with someone before having to take legal action.

Member Patel asked about the properties on Alden Avenue. Mr. Pipes said one is a duplex and one property was merged to make 7 units. The building that was rebuilt has 4 units in the front building and 2 units in the rear. Member Patel asked if they were similar to this application. Mr. Pipes said 340 Alden Avenue has four 1-bedroom units and two 3-bedrooms. The merged property is all 1-bedroom units except for one 2-bedroom unit. Mr. Patel asked if there were any occupancy issues at the properties. Mr. Pipes said there are always occupancy issues but there hasn't been anything he wasn't able to handle. He said if the Township Officials were asked they would confirm there are inspections for all of the properties and Salt & Light has a good track record with the township.

Member Buddenbaum asked about the process for the property managers to inspect. He asked if they would make sure the properties were being kept up properly. He has seen many times that renters don't always take proper care of the properties. Mr. Pipes said his group is not like typical landlords that just collect rent and only evict when rent isn't paid. His group is involved in the people's lives. People come to him because they have certain conditions and are not able to find housing so he works with them. He said he is

in the people business, not the housing business. There needs to be houses to help people so that is how he becomes a landlord. The real goal and mission is to help people.

Member Drangula asked what the term transit oriented meant. Mr. Pipes said a transit oriented development is a development that is built where there is transportation readily available. This would be a stop on a rail line, near a bus line or terminal, so people can live without having to have a personal vehicle. Single people making \$28,000 a year would find owning a vehicle prohibitive. They would like the convenience of walking just a few blocks to get to transportation. Member Buddenbaum said theoretically it sounds good but he believes the tenants will have cars anyway that they are going to want to park. Mr. Pipes said the issue came up at the Historic Preservation Commission. He said as a landlord, as long as a person agrees to a condition in a lease that is not oppressive the courts will uphold the conditions. There is no off-street parking available so he will not rent to anyone who has a car. The tenants will have to understand they can't go out and buy one; it would be a violation of the lease. He would take the tenant to court because it is a voluntary agreement. It is designed for people who can't or don't want to have cars and still have a decent life.

Solicitor Frank said for purposes of this hearing before this board and the particular issue of the RSIS Standards parking requirements, would the applicant be amenable to include in every lease that automobiles would not be allowed. The applicant agreed. Mr. Pipes said he had enough other housing where parking is available and this is a special condition of this property. Member Bott asked if Mr. Pipes ever had anyone sign a lease agreeing to not have a car and then the tenant bought one. Mr. Pipes said this is the only property where parking is not available but he would enforce the stipulation.

Member Bott asked if the applicant agreed to the requirements presented in the report from the Florence Fire Department. Mr. Pipes said he agreed to comply with the letter.

Chairman Zekas said when Mr. Schmidt began to speak he mentioned a change in the market that made 1-bedroom units more attractive than what the previous variance was granted for. He asked for more of an explanation. Mr. Pipes said the demographics of the population has greatly changed from two parent families to single parent families and many people choose not to have children or the children have grown and they are now single on their own. This is a population that can't afford a 2-bedroom apartment at Tollgate, they want a 1-bedroom place. He is even thinking about starting to build efficiencies to really provide more units in one space. The whole society needs to move in that direction. Fifty percent of all children today are born to single mothers. It is situation none of us grew experiencing. The demographics have clearly changed.

Member Bott said that would mean a woman could rent one of the apartments and have a child. Mr. Pipes said yes, but that would be a violation of the lease and he would find her a place that was suitable. Member Bott said that would mean there would be two people living in the apartment and the people in the neighborhood are being told it would be just one person. Solicitor Frank said he thought Mr. Pipes was trying to say that once he was aware of what happened he would make an effort to move that person to a more suitable

unit. The applicant is responsible for sustaining that. Mr. Pipes said yes, it is a management issue.

Member Drangula asked if the tenants pay Mr. Pipes from their own wages and are they subsidized. Mr. Pipes said all affordable housing is subsidized at some level. He is in the process of applying for funding now for the application being heard tonight. The application for the funds is due July 5th. If it says 8 units he receives funding for 8 units and the project gets built. If it says 4 units there would not be enough money to move forward. That's why the building has been sitting. Member Drangula said he was asking more about what the tenants have to pay. Mr. Pipes said everyone comes with an individual situation. Some come with Section 8 Certificates and landlords cannot discriminate and not accept them. Any source of income, whether it's earned or a public benefit, is considered equal.

Member Drangula asked about the character of the people. He asked if they were people who are down on their luck and don't have a lot of money. He asked if they were people coming out of rehab. He asked what the general character was of the tenants. Mr. Pipes said he did not bring the demographic statistics of the population but he could say that some of them were coming out of institutional settings and they were being put back into the community. The state systems have been, over the last 10 years, deinstitutionalizing people and they are living off SSI income and they need to find a place to live. Some people are just single by choice, there is a whole variety of circumstances. Kids are coming out of the school systems and they can't get jobs because they don't have any skills. These people need a place to live on a part-time income at minimum wage.

Member Bott asked for clarification on the term institutionalized. Mr. Pipes said it could be any form of institution. He cannot discriminate. Member Bott said he just wanted to know what type, would it mean prison or people with records. He thought the people living in the area should know. Mr. Pipes said it could be a mental health condition where someone reached the point that they can live on their own, some are coming out of incarceration and he won't say they are not. Member Bott asked if he knew what they were incarcerated for. Mr. Pipes said he had the right to ask. Member Bott asked if they would have to disclose it. Mr. Pipes said he did not know the answer to that. He knows that Megan's Law offenders are required to disclose.

Mr. Pipes said society is under great pressure to provide for everyone. That is part what the state is going through by providing affordable housing. Given our natural tendencies no one would do it, but the state says it has to be done and every town has to do its fair share. Member Bott asked if Mr. Pipes approached the township administration about contributing to the affordable housing. Mr. Pipes said he has discussed it with the Township COAH Planner and she is concerned about it discriminating against families but she also knows how many family units Salt & Light already provides. The township has been very supportive of his group over the past 7 or 8 years with every application that was submitted. The township knows the legal obligation it has to satisfy the affordable housing requirements. His organization has demonstrated that it is responsible.

Member Cartier asked if any of the units would be ADA compliant. Mr. Pipes said the first floor units will be. There will be a lift at the front of the building and the entry to front door will be of minimal barrier and the four units on the first floor will be ADA adaptable. The units can be converted and the doorways will be 36'.

Mr. Schmidt asked if Mr. Pipes had gone through the neighborhood. The area is predominantly single family dwellings. What is proposed is eight 1-bedroom apartments with no on-site parking. He asked what made this site especially suitable for these one bedroom apartments. Mr. Pipes said the orientation to the transportation that is there at the Riverline is a primary reason. Mr. Schmidt said it couldn't really be said that a tenant won't have a car or that they won't have friends with cars. He believes the Riverline is limited on where the tenants could take it. Mr. Pipes said he would have control as the manager of the property and under the lease that there would be no cars. He believes that would be in the best interest of the community and in his group's best interest. It is commonly accepted that transit oriented development is a place that attracts people who don't want to own a car. That is the purpose of transit oriented developments nationwide. It is to minimize the impact on roads and paved areas.

Member Bott asked how long an individual would stay in a unit. Mr. Pipes said it could be for a long period. The length of time is not defined. Most tenants move on a regular basis. The average mortgage in this country is paid off in 7 years. People getting 30 year mortgages aren't staying there that long. There is a lot of movement with tenants and homeowners. Member Bott said he felt there is no equation to someone who is renting something and someone who owns a home. There is a different scenario in these cases. Mr. Pipes said nothing is really long term in our society. Most people are constantly looking for changes in their lives and want mobility and that's why tenants are tenants rather than homeowners. Solicitor Frank asked what the general duration of his relationship with one of the tenants. Mr. Pipes said there is a variety of housing that his group offers. There is transitional housing, permanent housing, housing that is a combination of transitional and permanent. Solicitor Frank asked what would be provided at the proposed site. Mr. Pipes said he believed it would be both transitional and permanent. The leases would be yearly.

Member Buddenbaum asked what kind of properties he had in Florence. Mr. Pipes said he has a single family home on West Second Street, there is a two unit building on Alden Avenue. Member Buddenbaum said he meant just in Florence, not Roebing also. Mr. Pipes said just the one property.

Mr. Schmidt asked if he spoke the owner of the adjacent property, which is a paved parking lot. He said there are many existing non-conforming conditions and there are no site amenities. One of the recommendations was to have a bike rack but he didn't know where one would go. Another issue is where the trash would go. The apartments are small and there is nothing outside for the tenants. Mr. Pipes said he opened discussions with the church leaders, which owns the lot next door, when he bought the property 6 or 7 years ago. He was told he would not be allowed to use the parking area for anything

even related to construction. Hopefully the conversations will change but for now there is no cooperation. Mr. Schmidt asked if he approached the church about purchasing the lot. Mr. Pipes said the gate was installed because they needed the parking for parishioners and people from the neighborhood were parking there so he doesn't think they would sell.

Member Bott asked about the trash. Mr. Pipes said it was discussed at the Historic Preservation Commission and he agreed to have the garbage in the back and have a manager on site take it curbside and then back every week. Member Bott asked about the bicycle rack. Mr. Pipes said he did not discuss that but it was something that was in the Planner's Report. Member Bott said if a person doesn't have a car they might have a bike and they will need somewhere to keep it. Mr. Pipes there is really only one place to put it and that would be in the front of the building. The stairs are entering on the side so that they don't encroach on the public sidewalk. There is a basement but it would be hard for someone to have to go up and down with a bike. He said if it is a requirement he will just have to figure out how to do it.

Member Lutz said the basement could be another area for storage. Mr. Pipes agreed. Mr. Bott asked if the heating and cooling system would be in the basement. Mr. Pipes said that would be up to the architect. Member Patel asked if it was going to be 8 separate units or one for the whole building. Mr. Pipes said he didn't know that yet either. Member Buddenbaum said if it was a single heat pump the condenser would be large and very loud. He also didn't think it would fit in the back area of the property.

Member Drangula said according to the drawing there is only 19' of space between the two properties. Mr. Pipes said that was correct. Member Drangula said the other side only has 31'. Mr. Pipes said it was not a lot of space but it should suffice. He noted there are no steps out the back of the building. Member Buddenbaum asked if each apartment dweller was going to have to go out the front of the building, around the side and to the back to dispose of their trash. Mr. Pipes said it is something that will need to be discussed with the architect. Perhaps there will be a place inside downstairs. He does know it can't be kept in the front of the building.

Solicitor Frank said the Historic Preservation Commission did provide their review and issued a conditional approval for the application. He entered the meeting notes sheet that was provided by the president of the commission as Exhibit B-1. The conditions are that there will be a change to the front entry. The orientation of ramp will be changed to point to the property sideline so there would be a symmetrical elevation on each side of the center porch, with steps on one side and a lift on the other. A gabled porch will be constructed to be consistent with what was there before. The brick walls are to remain and any infill materials would be submitted to the commission and the board planner for review. Some windows of the building will be closed off but the ones on the visible faces of the building will remain. The materials used to close up the others would need to be approved by the commission and the board planner. The commission was willing to grant a façade easement to ensure the façade remains as it was historically. There will be no trash enclosures in the front and one tenant of the property is to be a manager and

responsible for putting trash in the rear. All materials must be provided for approval. He said those were the essential terms of the Historic Preservation Commission to this board for inclusion as conditions if the board were to grant approval. Member Buddenbaum asked if the manager tenant would have to take all of the trash out. Solicitor Frank said he believed one person was going to be responsible for taking it to the curb for pick-up and then returning the empty cans to the back of the building. Chairman Zekas asked if the building superintendent would be one of the residents. Mr. Pipes said it would be a resident of the property. Someone would get reduction of their rent to assume those responsibilities. If they were not performed the person could be evicted. The person would be interviewed.

Member Bott looked at a photo of the building and noted there was a fence. He asked where the property line was. He said it didn't look like there was much space there.

Member Patel said he had a question about the bedroom sizes. He said on the plans they noted as 126 sq. ft. Mr. Pipes said it will be designed so that the ultimate building plans that are submitted are 119 sq. ft. or less. Member Buddenbaum asked if there were stipulations regarding pets. Mr. Pipes said that is always a difficult issue. He doesn't allow pets in any of his buildings unless it is medically necessary.

Member Drangula asked about window unit air conditioners. Mr. Pipes said they would not be allowed. All of the units will have heat and air conditioning. Member Bott asked if there would be only one thermostat. Mr. Pipes said there would be individual controls in each room. The newer systems allow for controls for each room. There is new technology available. Member Buddenbaum said it sounds like the condenser would be very large and have to be up high. Mr. Pipes said there might be 2 smaller systems and they would only need to be a few feet off the ground. They would not need to be too far from the building because they ventilate up and the intakes are on the sides. Member Buddenbaum is concerned there isn't going to be room for everything in the back of the building. He would like to see a site plan showing everything. Member Bott concurred, and he said he hasn't seen anything depicting the back of the building showing where the units and the trash cans are going to be. He asked where the recycling containers would go.

Mr. Pipes said 10 years ago the original applicant came to the board and asked for four condos. The upper units had attic bedrooms and the lower units had basement recreation areas. It was a huge building. The board apparently asked the same questions but gave him permission to build there. Salt & Light came along with those approvals in place and said it wouldn't do condos but would do apartments instead. If the building was suitable for a previous owner he will make it work the way they would have. He said he is trying to reduce the number of people living in the building and give the township more affordable housing credit and work around all of the existing conditions. He thinks if they can find a way to do that everyone wins. Member Bott said he is having trouble visualizing where everything will go. Solicitor Frank demonstrated the size of the space on the sides of the building. From a practical perspective, he thinks the board is concerned with the ability to navigate trash cans in that narrow space on a regular basis.

He doesn't know the dimension of the trash cans but he noted in the photo there were downspouts. Mr. Pipes said he had a possible solution but it couldn't be confirmed this evening. He suggested he could ask the church if he could have limited access to the parking area.

Mr. Pipes said his other option is to make the four units and move a bunch of people in there because that has already been approved. He is trying to figure how to make it better and get over this problem. Member Cartier asked about lighting in the back of the building and if the noise from the air conditioning units would bother the residents of the house behind the building. Mr. Pipes said he had been through these issues before and at that time he seemed to satisfy the board's requirements. He thought he was making it better by reducing the number of people in the building. Member Bott said he is now in front of a different board with different members. Solicitor Frank said the applicant is making a point. He has the vested right to construct the project that was previously approved. He doesn't know what provisions were provided in that approval to address the issues that are being discussed this evening. He asked Mr. Pipes if he had any recollection of testimony at that time regarding air conditioning. Mr. Pipes said he believed the issue never came up. No one builds houses now without air conditioning and his recollection is that it was not discussed at the prior hearing. Mr. Pipes said he never provided a site plan and he used the same survey and the same architect draw the floor plans. It was basically the same as the condos without the attic and basement portions.

Chairman Zekas said he quickly reviewed the old resolution and he did notice there was going to be a rear entrance added for a fire escape. He asked if there was one proposed for this application. Mr. Pipes said there is a hallway that runs all the way from the front to the back but there is no back entrance.

Member Drangula asked why Mr. Pipes thought having 8 units was better than having 4. Mr. Pipes said the population inside is half than what it would have been with families. Member Drangula asked what type of families would be there. Mr. Pipes said the property is already approved for affordable housing. It would be people with income limits. As long as they provide the proper documentation that they can afford the units with the income that they have he is legally obligated to offer it to them if they are qualified. Mr. Drangula asked if he was talking about the approval for 4 units. Mr. Pipes said he was. There is no difference except there would be children running in the hallways, and jumping up and down on the floors. He is in a mixed use building and his office is next to a tenant who has a young daughter and he hears her running. To him it is a nice sound and he enjoys the sound of children playing. Not everyone does, that's one reason people move to senior communities.

He said the state is under great pressure to provide housing for all populations. It used to be that the state would fund disabled housing. Project Freedom in Lawrence Township was all disabled housing. Westampton Township approved giving township land to Project Freedom for a similar population. The state changed the rules and there can no longer be only disabled people. Now there are families that Westampton never thought

about when they gave the property. Life is constantly changing. Who knows what is going to happen in a year or two. The COAH Board was disbanded and they no longer have authority before a judge. Who knows what a judge would say about Florence Township and what it is doing right or wrong. Under his proposal there would be 8 single people as opposed to 16 adults and children. Member Drangula said at least they would be families. With this application there are individuals that are all different types of people. Mr. Pipes said families have all different types of people also. Mr. Drangula said that was true but he thinks there is a better shot if families were living there. Mr. Pipes said there will be families there if the application is denied because he will find the funding to build the approved application. He thinks he is doing something better for the township. Eight units would provide 16 COAH credits and reduce the impact on the neighborhood. The number of people coming in and out of the building every day would be smaller. There wouldn't be children playing on the sidewalk. He said there are many reasons he thinks the application is a better option.

Member Sovak asked what the parking requirements were for the approved plan. Mr. Pipes said the parking requirements were waived. The RSIS standards are guidelines for a municipality. There are towns across the state that have varying rules about parking, sidewalks and roadways. The RSIS says this is what we think is reasonable but it isn't mandated. It is to be used as a guideline. Solicitor Frank said it isn't quite like that. The board heard a lot about RSIS during a recent application. The RSIS acts as a ceiling on what the town can demand. The township cannot demand more than what the RSIS standards would be. It would be a basic amount per unit plus a certain increment per bedroom. It would be at least as much as would be required for this. What he learned in the recent application that was for a use variance where there was also no off-street parking was that the RSIS allows for towns to look at particular areas and say under certain circumstances the requirement could be reduced.

Member Sovak said the approval was for four units and the parking requirement was waived. However, if people moved in there what would be the allotted parking demand that could happen? What is the parking that could occur for those four units? Solicitor Frank said under RSIS 8 parking spots would be required. He said it could be done tomorrow. It was approved. He thinks what Mr. Pipes is telling the board is that he can at least try, through conditions of his leases, to keep there from being any of those 8 cars on the street.

Member Patel said Mr. Pipes mentioned a funding deadline in July. He asked for information regarding that. Mr. Pipes said the grant amounts have been raised from \$20,000 to \$30,000 per unit. Having 8 units would mean \$240,000 as opposed to \$120,000. It would do a lot toward getting the building done. The next funding application deadline is in July. If he misses that deadline he would have to wait another year. He would go back to buying foreclosures and let the building sit there and pay another \$4,000 in taxes and another \$1,000 in insurance and it just sits there. Member Patel asked if he would apply for grant funds for the four approved units. Mr. Pipes said he would not because he doesn't want to build the four units. He doesn't think it's the right place. He won't say he won't appeal a denial but he rethought the previous decision

of putting four units there for families. He said he is stuck, he owns the building. He can't sell it for what he paid for it. Anyone else coming before the board would have the same issues with the neighbors.

Member Bott said there are people sitting in the audience waiting to comment. He suggested letting them speak. Chairman Zekas agreed. He said there were some issues such as trash collection, movement and storage. He said it is a problem but he believes there is a solution and it can be discussed after. He had a question about the basement entrance that is shown on the plan on the front of the building. Mr. Pipes said there are two entrances one was from the sidewalk with doors that opened up to the stairs. There were issues with that so it was bricked up on the inside, filled in and concrete put over it. It is no longer accessible from the outside. To gain access you must enter the building, turn left to go downstairs or turn right to go to the second floor.

Chairman Zekas said he would like to hear from some of the residents. Solicitor Frank said he wanted to make sure everyone understood the legal framework they are working with. Everyone needs to realize that affordable housing is an inherently beneficial use. That is considered a use that is such a universal benefit to the community in general that it has a special status in the law. Inherently beneficial uses are things like schools, hospitals and other types of public institutions. Affordable housing also achieved that status. The township, over the past 30 years has been working very hard to assure that the township's fair share of affordable housing is addressed. The township has an Affordable Housing Planner who works extensively with the Affordable Housing Council, specifically to achieve compliance with the court mandates. Florence has done a very good job because historically it has realized that affordable housing is working people for the most part. Florence has tended to embrace it as opposed to some other communities. The courts have also said that it doesn't matter that a town has been meeting its affordable housing obligations, affordable housing in a community remains an inherently beneficial use. That means when there is a property that is not zoned for that particular use it needs to be analyzed under a case called SICA. The board dealt with this during some previous applications. The obligation of the board under SICA is to identify the benefit, identify and detriments that may come from the potential development and identify ways the detriments could be mitigated. Once mitigated, the board must balance the benefits against the detriments. The applicant isn't here to prove the site suitability in the same they would be with a commercial use variance. The positive criteria has essentially been determined by its status of being an inherently beneficial use. The board must balance what the negative impacts are if there are ways to mitigate those impacts. It is not a foregone conclusion that an inherently beneficial use must be approved but there is an obligation to weigh the benefits and the detriments. There is also an obligation to explore ways to mitigate the detriments.

At this time Chairman Zekas called for a recess. It was the Motion of Lutz, seconded by Buddenbaum to go into recess. At this time the meeting was called back into session by Chairman Zekas.

Mr. Pipes said he is amenable to a condition that all the trash must be stored inside the building. He will work with the architect to reconfigure the floor space so it can be stored inside and taken out the front door on trash collection days. He thought that might be helpful before the meeting was opened for public comment.

It was the Motion of Bott, seconded by Lutz, to open the meeting to the public regarding Application ZB#2016-05. All ayes.

Vince Sorrentino, 209 East Ninth Street, was sworn in by Solicitor Frank. Mr. Sorrentino said he was here this evening because he is the owner of 80 Norman Avenue, across the street from the property in the application. He has been a landlord for over 35 years. There are certain things the applicant said that he agrees with. No matter how good your lease is there will be people sneaking in animals, boyfriends, buying cars off their friends. It happens. The problem is that the landlord needs to find out there is a problem. Some of the tenants will tell the landlord and some won't. The only time a tenant will rat on another tenant is when they are mad at them. Once a landlord finds out, they have to prove it then take it to a judge and hope it is good enough. That takes quite a while.

Mr. Sorrentino said he looked at that building over 30 years ago and he walked away from it because of the same reasons that were brought up this evening. He looked into trying to obtain the adjacent parking lot. When he couldn't get it he walked away. It was a big headache. There were other properties that he purchased that were much easier. As far as the dimensions, there is 6.8' of space in the back. Whether there are 4 units or 8 units there is going to be a lot of trash and recycling generated. He asked how recycling would be brought to the curb. He asked if snow would be a problem trying to get trash and recycling to the curb. He has lived in Florence and Roebling for many years and parking in that area has always been a problem. It is not something that will improve.

Joseph Bogdovics, 260 Norman Avenue, was sworn in by Solicitor Frank. He said he agreed with everything Mr. Sorrentino said. He is also a landlord and owns the property next to his own home. He has been a resident for 52 years. He sees a lot of transient people, people doing drugs and a lot of trash in the area.

Michelle Scott, 427 East Fourth Street, was sworn in by Solicitor Frank. Ms. Scott said she is a member of the Hungarian Reformed Church. The parking lot in question is owned by the church. She disputes the amount the applicant says is his property. She thinks it is only the trough that is his property. The gutters that come down were supposed to be directed down the trough. The church didn't want the water to come down and freezing on the church parking lot. When the church received the certified letter notice of the meeting, it said it was a church social hall. That was not affiliated with the Hungarian Reform Church. It was a Hungarian home and there were social clubs in the area but the parking lot has always belonged to the church. In the beginning the parking lot was open and the church tried to be good neighbors and let people park there but it came back to bite them. There was a rowboat there, there was trash and junk cars. The church had the lot gated and closed. The church doesn't want the responsibility of having people on its property unless they are members. There is small

gap between the fence and the building and there is no way to get trash and recycling containers through there. It upsets her that it is perceived the church isn't a good neighbor. The church is trying to be good neighbors to its long time neighbors.

She said the quality of life for the tenants would not be good. There is no yard. There isn't a porch to come out and sit on. Are the people just going to stay in their apartments, or come out and sit out on the sidewalk in front? She has cleaned up at the property, pulled weeds and swept there. When her daughter got married she was embarrassed by the condition of the building. There is no space in the back of the building for recycling or trash receptacles. She is against the application. The parking is only on one side of the street on Norman Avenue.

Thomas Lederer, 151 Norman Avenue, was sworn in by Solicitor Frank. He said his house is directly across from the parking lot and he has been there for 28 years. Across the street from him there was a family with 13 people living in one house. People used to sit on the steps of the property in question shooting Heroin until the steps were torn down. It took forever to get those people out. He isn't happy that people from institutions would be coming to the property. It is a family neighborhood. He didn't understand why this building would have this kind of use. It will destroy the neighborhood and decrease home values. Parking is always an issue and the previous applicant was denied a parking variance. He used to rent the property in question and there is no room in the back. He doesn't think he will feel safe if this is approved.

Joe Bordas, 850 Wallace Avenue, was sworn in by Solicitor Frank. He said he was there representing St. Nicholas Byzantine Catholic Church. Solicitor Frank asked if he was a member of the board at the church. Mr. Bordas said he is on the Board of Trustees of the church. Mr. Bordas said he grew up in the area of Norman and Alden Avenues and he knows it quite well. The area that Mr. Pipes has developed at the bottom of the hill is a haven for indigents and it is for Section 8. There are enough problems as it is down there. Salt & Light has had problems in different areas of the township and 140 Alden Avenue has garbage in front of it all the time. James Street has garbage and trash all over the place. His church owns all of the parking area that is directly across the street from the church. There are about 12 parking spots there and below also belongs to the church. Unfortunately the church feels it will have to chain or gate the area off. He doesn't know where people will park. The church is very upset that something like this is going to be in their neighborhood.

Gyula Molnar, 1540 Hornberger Avenue, was sworn in by Solicitor Frank. He bought his property in 1978 under a G.I. Bill. A bunch of people on welfare moved in and about a month ago he had problem with the amount of trash outside the property so he called the owner. The tenant got angry with him. Mr. Gyula asked the owner how many people were allowed to be living in the apartments. The owner told him 5 people. Any given day 10 or more people are living in the house. He has had arguments with the tenant and she told him to move back to his country. He served in 1961 and he was not even a citizen because he hadn't been in the country for 5 years yet. He is proud he served and he had to control himself from saying something to the tenant. He asked if this

application is approved he would like the tenants screened well. He is in favor of people bettering themselves.

Anthony Nutter, 230 Norman Avenue, was sworn in by Solicitor Frank. Mr. Nutter said he is a neighbor to all these fine people out here this evening. He said Mr. Pipes is the worst landlord he has ever seen. He sees kids from the Alden Avenue properties beat on his truck. He confronted them and found out they were from Trenton. He said they were at the property owned by Salt & Light. He said he doesn't want teens from a bad section of Trenton in his neighborhood. That was why he moved to Roebbling. He has been living here for about 15 years. He said Mr. Pipes is a horrible landlord. If he was a good landlord he would take care of his properties on Alden Avenue and he doesn't. There are pot bags all over and the Trenton kids keep going there. He doesn't want them in his neighborhood.

Kevin Lancos, 70 Norman Avenue, was sworn in by Solicitor Frank. He said he wanted to discuss the transient people coming out of institutions. He has 3 small children and he lives right across the street from the property. He said 68% of the people coming out of the institutions will recommit a crime within 3 years. Seventy-seven percent will recommit a crime within 5 years. Solicitor Frank asked if he was expert on the subject. Mr. Lancos said it was from a study done by Duke University. Solicitor Frank said for rules of evidence he would need to be an expert in a field or would need to present the study reflecting that data. He would need to provide a copy of the study to the board to be reviewed. He can't just tell the board the statistics.

Mr. Lancos said right now there are several properties that cater to people that are on some kind of financial deficit. Mr. Pipes already said he had several properties within a three minute walk of this property. He asked how much more would be put in this area. He has no problem with people trying to work and make a living but it seems that these types of properties are being condensed into one small area. There are smaller units in other areas but these are large that are housing many people. There really isn't a way to police what is going on in these properties. The lease may say there can only be one person but how can that be enforced. It would be a logistical nightmare to enforce these restrictions on the tenants. There are going to be cars and people living there who should not be. It is a great building and had a lot of possibilities but not for housing for 8 single people who probably have kids who will come and sleep on the couch. All of a sudden there are many more people. More people will generate more trash. The area in the back will not be large enough for the trash and recycling receptacles and the air conditioning units. There is already a rodent issue in the area from raccoons coming from the creek and now there will be more trash in the area and it will bring a larger problem. It could cause health concerns. This is not the best use of this building.

Solicitor Frank swore in Michele Smith, 41 Norman Avenue. She said she is concerned with the people coming from institutions. She has a 14 year old daughter and there are a lot of children in the neighborhood. There are people from Mr. Pipes' properties on Alden Avenue who are dropping bags of marijuana and trash all over. She said there are police at the properties all the time. She has lived there for 14 years and would sell if the

application was approved. There is also a parking problem on the street. She said the tenants will probably have friends who have cars and there won't be any parking at all. She thinks it would be a mistake to approve the application.

Joseph Varga, 407 East Fourth Street, said he has been a member of his church for 80 years. He reminisced about seeing people this evening that he hadn't seen for a while. He said the meeting this evening was very educational and he didn't know when it would be over but the board members have to go to work tomorrow.

Ms. Scott said everything Member Bott asked is what she would ask. She thinks the board did a good job looking at the different issues. Her church is a small, older population. She thinks everyone's comments were on track. She doesn't think a manager would keep things under control. When there was a carpentry shop in the building there was never a problem. There were businesses there before and there wasn't a problem. The church does a lot of good. They want to help people in the neighborhood, not people who come and go. People buy a home and think it is going to be a safe area for their family then an apartment building is coming in and no one knows who will be there. She said her parents owned a rental property and the tenants trashed the house when they left. She hopes this doesn't come about. She also thinks the church would be getting the parking lot surveyed because she disputes the amount of space the applicant said he owns.

Mr. Nutter said the applicant should tear down the building and cut his losses.

It was the Motion of Lutz, seconded by Bott to close the public hearing on Application ZB#2016-05. All ayes.

Chairman Zekas asked the applicant if he wanted to address any of the comments he heard from the residents. Mr. Pipes said it is hard to defend statements that are made about residents of his property doing things in the neighborhood. Every landlord goes through this. His properties are highly scrutinized because they are a non-profit. There is public funding associated with most of the properties. The township holds him to a higher standard. His group has always had support from the administration. He has received letters of support from the Mayor for funding applications. In spite of what the board heard from the neighbors, the administration of the town has been supportive. They know they have no option but to provide affordable housing. He has proven that he manages his properties well enough to continue to get the support of the administration.

Mr. Pipes said he would not tear the building down, that would be irresponsible. There are worse things that could come to the neighborhood that are not as honorable as his group. Member Drangula said Mr. Pipes said the people are coming from institutions. Mr. Pipes said some of the people may come from institutions but it would be general marketing to individuals who are working, there might be some people who are disabled and live there and can't work. There would be a mix of people, it wouldn't just be people from institutions. He thinks what he is proposing is better than what was approved in the past. It will improve the situation. If he needs to go out for funding to build what was

approve he will seek that out. He doesn't plan to walk away from the building and he doesn't think anyone would walk into it knowing the headache it would be.

Chairman Zekas noted the width of the access between the two properties. The survey provided was from 2009. He asked if there was a more current survey available. Mr. Pipes said there have been no changes to the property so there was no reason for a new survey. A new lender would require a new survey. This was required by the original lender. He relied upon the work of the professional who was hired to do it. If the church wants to get a survey and get the two surveyors together to discuss it he would have no problem with that. He wouldn't fight for land that wasn't his. He only went on the information that was provided to him.

Chairman Zekas asked about the other properties that were mentioned by the residents. He asked if Mr. Pipes had knowledge of any bad behavior. Mr. Pipes said he knows from time to time he does have problems with tenants. It is something he can't defend with specific statements or information because his project managers and behavioral specialists are not with him this evening. He can just let it be said and let the board judge.

Mr. Pipes said getting back to the trash issue, the trash would be kept inside the building until it was placed to the curb for pick up, so that discussion can be eliminated. Member Bott said he understood Mr. Pipes couldn't comment on what people said about other properties he owns, but the people who live around these properties say this what they see. He said he doesn't live in the neighborhood but he saw that this morning there was some police action at the bottom of Alden Avenue.

Chairman Zekas said the original approval was for condominiums. The purpose of the application tonight was a request for a use for affordable housing. The board members are considering the prior approval and the new application tonight and making the comparison of which is more beneficial. He isn't sure the board has had enough discussion regarding negative impact. There are some things that can be mitigated, such as parking. Member Buddenbaum said he had questions regarding the prior approval for things such as trash, parking and the air conditioning units. Solicitor Frank said the parking requirement was waived and there was no mention of the trash or air conditioning units.

Solicitor Frank said negative impact is a detriment to the public good, a detriment to the zone plan and a detriment to the zone ordinance. It would need to be a substantial impairment. The board has to weigh those things against the benefit of the provision of affordable housing. The board would need to determine what it perceives as being the negatives. The parking issue is a negative. The applicant offered as a condition of the leases that no cars would be allowed for tenants. The prior approval didn't have that stipulation. The applicant's case is that this is an improvement over that circumstance. The applicant is addressing the issue of the trash.

Chairman Zekas said even though it is an inherently beneficial use, there is still the need to do the balancing test. He didn't know if that could be done completely without having all of the necessary information. There was brief discussion about bad behavior on similar properties. That is something no one here could quantify. He asked how excessive police activity would weigh with an inherently beneficial use. Solicitor Frank said it is extremely difficult for the board to talk about that kind of thing unless there is something so extreme about the population and known to be so extreme that it would give rise to a genuine public safety concern.

Member Sovak asked if the screening process would be the same for this property as it is for the other properties. Mr. Pipes said the obligation of approving someone for a lease is only on the things that he can legitimately ask about. Things that he can legally use to discriminate against are things like credit history and previous evictions. These he could say would demonstrate someone is not a good tenant and he could deny them a lease. They need to have sufficient income and demonstrate a work history for a number of years. Those kinds of things he evaluates. You can't always predict someone's behavior. Homeowners can also cause issues. Homeownership isn't the solution to everything. Property owners who have a long term investment in a property sometimes maintain properties better than someone who has paid very little on a mortgage and just walk away from a property. He has seen many abandoned properties in this market and homeownership is not a solution for everyone. His group is finding a balance of the social needs that are greater in the community with the immediate concerns of the neighborhood. The transit oriented development idea is bring people to a place where they can walk to a train is clearly a positive benefit to the people who need this kind of outreach. He thinks all of the negative criteria had been addressed. He was trying to bring a responsible proposal to the board and he hoped that they would see the benefits and grant the approvals.

Member Bott asked where the mail would go for the 8 units. Mr. Pipes said he would consult with the postal service to see what they would prefer, either something inside or outside of the building. Member Bott suggested something like what is in his development that has a box with a number of slots in it.

Planner Kahluiokalani said the exterior curbs and sidewalks should be upgraded. There should be lighting on the exterior of the building. Mr. Pipes said the architect provided an architectural drawing of the outside of the building. It showed what the steps would be like from the street. He was asked to make it uniform on both sides so it was balanced. The steps go down one side and the elevator is on the other side. It would look balanced. The rendering was entered as Exhibit A-1.

Chairman Zekas asked if Mr. Pipes' other properties in the area had a live-in manager as is being proposed for this application. Mr. Pipes said Apt. 3 at 320 Alden is the resident manager's apartment. She is offered the same incentives. She receives reduced rent in exchange for overseeing the cleanliness of the property. She monitors who comes in and out. When a tenant moves out she cleans the unit and gets it ready. She has a job description and is held accountable as an employee.

Mr. Lederer said he heard this evening there were concerns from two churches and residents in the area. People will be moving out if this is approved. If this is a politically correct thing to do and that how it ends up, shame on the board.

Solicitor Frank said site lighting needed to be addressed as well as the final disposition of the trash and recyclables. Signage would be subject to administrative approval. There would also need to be curb and sidewalk repairs. Mr. Pipes said there would be concrete work done anyway because he would need to run underground utilities.

Solicitor Frank said the bikes would be stored inside the building. The building would need to have sprinklers meeting the fire marshal's standard. The deed restrictions would be COAH compliant. Solicitor Frank asked what signs would be on the building. Mr. Pipes said there would be a "No Loitering" sign and the house number. It wouldn't be marked in any other way.

Solicitor Frank said focusing on the nature of the people who are going to be living there would be considered discrimination. The courts have determined that by its very nature affordable housing is inherently beneficial. The board can focus on maintenance conditions and require the landlord to regularly police the site to be sure there isn't any trash. There can be conditions to try and monitor, control and guide. But focusing on the population as a detriment to the public good and using that as criteria to support the denial of the use variance would not hold up legally. Chairman Zekas said they were very good comments and conditions and asked if the board was ready to move forward.

Member Buddenbaum asked what the rent amount would be for a unit. Mr. Pipes said he didn't actually do the calculations but the state requires a range of rent amounts. They can't all be upper or lower end low-income, there has to be a range. The rents would range from \$200-\$700 a month.

It was the Motion of Patel to approve Application ZB#2016-05 with the conditions noted by Solicitor Frank. Solicitor Frank said the leases will need to say there would be no cars and the units would be single occupancy only. The landlord would have an obligation to enforce these conditions. There would be no window air conditioning units and the trash would be kept inside. A plan would be submitted for administrative review. The Motion was seconded by Member Bott.

Upon roll call the board voted as follows:

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

Member Bott said he believes Mr. Pipes believes what he does is an honorable thing. Under the circumstances of this day in age he is a vehicle to help people. He doesn't believe that this particular building fits the use. It has nothing to do with the clientele that

70.

would be in there. He just thinks the size and where it sits are not suitable. Even with the approved plan there would be a parking problem.

Member Patel said he voted yes because it is better than the alternative that was already approved.

Chairman Zekas said he hopes the on-site manager and the organization would do everything it could to provide responsible screening and he's sure that is the goal for all properties.

Solicitor Frank said there were four votes "no" and three votes "yes." Five affirmative votes would be required to approve the application. The application is effectively denied.

Mr. Pipes thanked the board for its consideration and for the participation of the audience.

CORRESPONDENCE

A. Letter from Laurence Murphy, P.E., Greensite Engineering to NJ Department of Community Affairs (NJDCA) dated May 5, 2016 regarding 150 Alden Ave. Roebling.

B. Letter from John Lango, NJDCA to Laurence Murphy, P.E., Greensite Engineering dated May 12, 2016 regarding 150 Alden Avenue, Roebling.

It was the Motion of Lutz, seconded by Sovak to receive and file Correspondence A. All ayes.

It was the Motion of Lutz, seconded by Bott to receive and file Correspondence B. All ayes.

OTHER BUSINESS

Motion of Lutz, seconded by Bott to adjourn the meeting at 11:08 p.m. Motion unanimously approved by all members present.

Larry Lutz, Secretary

/ak