

Chairman Brod called the Seventh Regular meeting to order at 7:00 P.M. in the Court Room

The Pledge of Allegiance and Moment of Silence led by the Chairman Brod

The Board Secretary read the open public notice which was published and posted on 1/12/16

Roll Call taken by Jenifer DeSimone, Board Secretary

Board Members: Ms. Jones, Present; Mr. Bailey, Present; Mr. Folcher, Present; Mr. Green, Absent; Mr. Killen, Present; Mr. Kramer, Present; Mr. Francescone, Present arrived 7:05; Vice-Chairman List, Present; and Chairman Brod, Present.

Board Professionals: Mr. Petrongolo, Land Planner, Present, Mr. Norman, Board Solicitor, Present; and Ms. DeSimone, Board Secretary

Chairman Brod reviewed the Zoning Boards procedures and No Announcements.

Memorialize Resolutions:

LARCHMONT EQUITIES II, LLC, ZB#16-D-06, 3121-3123 Route 38 – I- zone, Block 301.22, Lots 28 & 28.01. Chairman Brod asked for a motion to memorialize the resolution. Vice-Chairman moved the motion and Board member Killen second the motion. All present voted affirmatively with the exception of Board member Bailey who abstained from the vote and the motion was carried.

SCARBOROUGH LAND GROUP, LLC, ZB#16-D-04, 523-525 Pleasant Valley Ave., Block 1205, Lots 1 & 2. Chairman Brod asked for a motion to memorialize the resolution. Vice-Chairman List moved the motion and Board member Killen second the motion. All present voted affirmatively with the exception of Board member Bailey who abstained from the vote and the motion was carried.

Minutes: Chairman Brod asked for motion to adopt the Regular Meeting Minutes of June 1, 2016. Vice-Chairman List moved the motion and Board member Killen second the motion. All present voted affirmatively with the exception of Board member Bailey who abstained from the vote the motion carried.

Zoning Board Professional: Mr. Petrongolo, ZB Planner was sworn in by Mr. Norman, Board Solicitor

Petitions before the Board:

1. ODED AHARON, ZB#16-B-05, 209 Heather Drive – Block 1303.04, Lot 5 The Interpretation and/or Bulk variances are sought from section 154-65B, 154-65A, 154-94 of the Zoning Ordinance to enable the applicant to continue a use of 30+ year old shed and pool house on property. The Board Secretary read the application and certified the completeness. Mr. David Wollman, Attorney at law represented the applicant. Mr. Aharon was sworn in by the Board Solicitor. Exhibits marked A-1 April 24, 1987 survey of Steven Kelly; A-2 1987 Real Estate Listing File Jacket for 209 Heather Drive; A-3 1987 Deed to the property; A-4 December 9, 2015 Zoning Violation Notice; A-5 December 22, 2015 Letter to Ms. Maute, Zoning Officer; A-6 Copy of Zoning Ordinances in Question; A-7 Various Site Photographs dated August 1, 2016. Mr. Wollman stated that an interpretation should be granted for the (2) accessory structures that were constructed before the Zoning Ordinance 154-64E dated 1987 and height of 12'. The shed and cabana match the color of the home and were on the property when the home was purchased and not expanded. Mr. Joseph Petrongolo, ZB Planner reviewed his report dated July 20, 2016 and discussed the Interpretation, Bulk Variances and License Agreement needed from Twp. Council to maintain the Pool Cabana. The shed is 2.5' from the side yard setback instead of the required 6' and is 5' from the house where 10' is required. The Cabana is 5' from the rear yard property line instead of the 6' required and encroaches 2.5' within the 7.5' drainage easement along the rear yard property line. Chairman Brod opened the hearing to public, seeing none, closed the public portion and asked for a motion on the Interpretation. Board member Francescone moved the motion to approve the Interpretation stating the (2) accessory structures and height are non-conforming and Board member Folcher second the motion. Roll call vote: Mr. Francescone, Agree; Mr. Folcher, Agree; Mr. Bailey, Agree; Mr. Killen, Agree; Mr. Kramer, Agree; Vice-Chairman List, Agree; and Chairman Brod, Agree. Motion carried approved. Chairman Brod asked for a motion for the Bulk Variances. Vice-Chairman List moved the motion to approve the Bulk Variances conditioned upon the applicant obtaining a License Agreement from Township Council and the required permits and Board member Killen second the motion. Roll call vote: Vice-Chairman List, Agree; Mr. Killen, Agree; Mr. Bailey, Agree; Mr. Folcher, Agree; Mr. Francescone, Agree; Mr. Kramer, Agree; and Chairman Brod, Agree. Motion carried approved.

IX. Petitions before the Board:

2. MELISSA REISS, ZB#16-C-08, 328 St Clair Court, Block 1006.03, Lot 8 – PUD-zone

The Bulk variance is sought from section 154-144 of the Zoning Ordinance to enable the applicant to install a 4' white vinyl fence with a side yard setback adjacent to the street of 0' where 25' is required. The Board Secretary read the application and certified the completeness. Mr. Reiss was sworn in by the Board Solicitor and testified as to the reason they were requesting the fence variance which is due to the heavy traffic on the street and they have small children that play in the yard. Mr. Petrongolo, Planner reviewed his report dated July 20, 2016. Chairman Brod opened the hearing to the public, seeing none closed the public portion and asked the Board members for a motion. Board member Vice-Chairman List moved the motion to approve the application and Board member Folcher second the motion. Roll call vote: Vice-Chairman List, Agree; Mr. Folcher, Agree; Mr. Bailey, Agree; Mr. Francescone, Agree; Mr. Killen, Agree; Mr. Kramer, Agree; and Chairman Brod, Agree. Motion carried approved.

3. DARREN STAFFIERI, ZB#16-C-11, 200 Summit Road, Block 700.02, Lot 20

The Bulk variances are sought from section 154-65B and 154-144 of the Zoning Ordinance to enable the applicant to install a 15' x 20' accessory building 20' from the side yard setback and to install a 6' solid vinyl fence 10' from the side yard setback adjacent to the street. The front yard setback is 30' for the structure and fence due to corner property. The Board Secretary read the application and certified the completeness. Mr. Staffieri was sworn in by the Board Solicitor. Mr. Staffieri asked his contractor to explain his application. Mr. TJ Prizzi was sworn in by the Board Solicitor. Mr. Prizzi testified to the fence location and accessory structure 15' x 20' for the Pool Equipment and Restrooms. The landscaping to be planted on the Mountainview Road will be Arborvitae's or Leyland Cypress. Mr. Petrongolo, Planner reviewed his report dated July 20, 2016. Chairman Brod opened the hearing to the public, seeing none, closed the public portion and asked for a motion. Vice-Chairman List moved the motion to approve the accessory structure and fence and Board member Folcher second the motion. Roll call vote: Vice-Chairman List, Agree; Mr. Folcher, Agree; Mr. Francescone, Agree; Mr. Killen, Agree; Mr. Kramer, Agree; and Chairman Brod, Agree. Motion carried approved.

4. WU AND ASSOCIATES, ZB#15-D-07, 100 Gaither Drive, Block 1201.08, Lot 1

The Bulk variance is sought from section 154-92.4 & 154-92.7 of the Zoning Ordinance to enable the applicant to install monument, façade and street address signs. Plan Revision#1 06/30/16

The application was certified complete. Mr. Peter Milligan, Attorney at law represented the applicant. Witnesses to give testimony Mr. Joseph Mancini, Professional Engineer, Ms. Katherine Ng, Wu/Owner Representative were sworn in by the Zoning Board Solicitor.

Mr. Milligan had exhibit A-1 Sign Location Plan marked. The Sign variances are for a second façade sign, (2) freestanding signs and directional sign. Mr. Mancini, Professional Engineer testified to the signage and location of the signs. Mr. Petrongolo, Planner reviewed his report dated July 20, 2016. He discussed the signage and questioned the size of the directional sign and the up lighting on the freestanding sign. The sign ordinance allows down lighting for signs. The applicant agreed to the down lighting. Chairman Brod opened the hearing to the public, seeing none, closed the public portion and asked for a motion. Vice-Chairman List moved the motion to approve the sign variances submit to the change in size of the directional sign and down lighting on the freestanding sign. Board member Killen second the motion. Roll call vote: Vice-Chairman List, Agree; Mr. Killen, Agree; Mr. Bailey, Agree; Mr. Folcher, Agree; Mr. Francescone, Agree; Mr. Kramer, Agree; and Chairman Brod, Agree. Motion carried approved.

Chairman Brod called for a 5 minute break and then reconvened the Zoning Board meeting.

IX. Petitions before the Board:

5. STAR POWER SERVICES, LLC, ZB#16-D-10, 77 Elbo Lane, Block 1413, Lot 1

The Use variance and Site Plan Waiver sought is from section 154-56 of the Zoning Ordinance to enable the applicant to install Photo Voltaic sole electricity power roof top mounted system. The application was certified complete. Mr. Alan Fox, Attorney at law represented the applicant. Witnesses to give testimony Mr. Roger Anderson, Project Manager and Mr. James Clancy, Engineer/Planner were sworn in by the Board Solicitor. Exhibits marked A-1 Photo-Voltaic Array Plans dated May 12, 2016; A-2 Photograph of Solar Panels. Mr. Fox stated that the applicant purposes to put Solar panels on the roof at 77 Elbo Lane and the applicant is requesting a Use Variance and Site Plan Waiver. He further states there will be no construction and the project will not impact the signage or stormwater. Mr. Anderson Project Manager for Star Power testified to the low slope array that will sit on the flat roof, (232) Solar panels will be installed on a racking system and (4) mounted inverters. The panels will not be seen from the street and the color to the panels are blue and silver aluminum. Further discussed were the exhibits and a general comment from a safety point you can touch the solar panels. Mr. Clancy, Engineer/Planner testified to the positive criteria per the Municipal Land Use Law 40:55D2 a. and the use is inherently beneficial use. The negative criteria there is no change to anything on the property and the solar project will have no substantial detriment to the zone plan or the master plan as the solar panels are on the roof. The public won't be able to see the panels from the road there is a 1' parapet wall around the roof top structure. The solar panels on the roof will not detract from the neighborhood. Mr. Petrongolo, ZB Planner reviewed his report dated July 20, 2016. Mr. Fox stated that the applicant will be communicate with the Fire Department.

Chairman Brod opened the hearing to the public, seeing none, closed the public portion and asked for a motion. Vice-Chairman List moved the motion to approve the Use Variance and Site Plan Waiver and Mr. Killen second the motion. Roll call vote: Vice-Chairman List, Agree; Mr. Killen, Agree; Mr. Bailey, Agree; Mr. Folcher, Agree; Mr. Francescone, Agree; Mr. Kramer, Agree; and Chairman Brod, Agree. Motion carried approved.

Temporary Use Permit:

1. STRUCTUREONE, #16-73-05, Automotive Rentals, Inc., 4001 Leadenhall Road, Block 510, Lot 5 4001 Leadenhall Road. Renovate the interior of the building. (1) One Temporary Construction Trailer 46' x 11'9". Requesting: up to (1) year. Chairman Brod asked for a motion to recommend to Township Council for (1) one year from the date of the issuance of either a Construction and/or Zoning Permit. Vice-Chairman List moved the motion and Board member Killen second the motion. All present voted affirmatively and the motion was carried.

Adjournment: Chairman Brod asked for a motion to adjourn the meeting at 9:00 P.M. Board member Jones moved the motion and all present voted affirmatively.

Adopted on: September 07, 2016



Respectfully submitted:

Jenifer DeSimone, Secretary
Zoning Board of Adjustment