

Chairman Green called the Third Regular Meeting to order

Pledge of Allegiance and Moment of Silence was observed

The Board Secretary read the open public meeting notice and as posted on 01/12/15.

The Board Secretary called the Roll:

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

Board Professionals: Mr. Michael Angelastro, Traffic Engineer, Present; Mr. Brian McVey, Acting Fire Marshal, Absent; Mr. Joseph Petrongolo, Planner, Present; Mr. William Long, Engineer, Present; Mr. Anthony Costa, Board Solicitor, Present; Ms. Jenifer DeSimone, Board Secretary, Present.

Chairman Green reviewed the procedures and announced the following applications are off the agenda and they're continued to the April 1, 2015, meeting at 7:00 P.M. 1). Maximus Land Development, LLC #15-C/D-02, 663 Walton Avenue and 2). Joseph Orlando, #15-D-03, 4518 Church Road. No further need to re-notice or re-advertise.

Memorialize Resolutions: None

Chairman Green asked for a motion to adopt the Regular Meeting Minutes: February 04, 2015. Board member Folcher moved the motion and Board member Bailey second the motion. All present voted affirmatively with the exception of Board members Francescone, Killen and List who abstained from the vote and the motion was carried; so ordered Chairman Green.

Mr. Joseph Petrongolo, Land Planner; Mr. William Long, Engineer; Mr. Michael Angelastro, Traffic Engineer; were sworn in by the Board Solicitor Mr. Costa.

Petitions before the Board:

1. THOMAS CRETELLA, #15-C-01, 16 Reserve Court - R-3 zone, Block 702, Lot 39.06
The Bulk Variance is sought from section 154-16 of the Zoning Ordinance to enable the Applicant to construct a 20' x 32' covered porch with a rear yard setback of 40' where 50' is required. The Board Secretary read the application and certified the completeness. Witness to give testimony for the applicant Mr. Jeffrey King, Architect and the applicant Mr. Cretella were sworn in by the Board Solicitor Mr. Costa. Mr. Cretella testified to removing the existing paved stone patio due to safety issues and poor condition. Mr. King, Professional Architect had exhibit marked into evidence A-1 Site Plan showing the existing site plan of the paved stone patio and the site plan of the proposed covered patio with grill area. Mr. King testified that the addition of the covered porch would be an aesthetic benefit to the neighbors and would keep the home cooler in the summer months. The design material being used will match the ep henry patio. Due to sliding the addition the new setback will be 41' instead of the 40' requested. Board member Francescone asked if the Association was received and approved. Mr. King submitted a copy of the Association approval dated January 25, 2015. Chairman Green opened the hearing to the public, seeing none, closed the public portion and asked for a motion. Board member List moved the motion to approve #15-C-01 subject to the Association approval and exhibit A-1 and Board member Folcher second the motion. Roll call vote: Mr. List, Agree; Mr. Folcher, Agree; Ms. Jones, Agree; Mr. Bailey, Agree; Mr. Killen, Agree; Mr. Francescone, Agree; Chairman Green, Agree. Chairman Green stated the application was approved and a memorandum would be available in the Zoning Board office tomorrow.

Petitions before the Board:

2. ED AND VICKIE JACKSON, #15-C-04, 307 Val Drive – R-3 overlay zone, Block 905.04, Lot 28. The Bulk variances are sought from section 154-16 & 134 of the Zoning Ordinance to enable the Applicant to maintain an 18' round above ground pool with a 3' side yard setback and a 2' rear yard setback where 6' is required for both. Also, to maintain an 18' x 20' deck with a 6' rear yard setback where 20' is required. The Board Secretary read the application and certified the completeness. Ed and Vicki Jackson residing at 307 Val Drive were sworn in by the Board Solicitor Mr. Costa. Mr. Jackson testified that he is building the deck for the kids and the pool was existing. Chairman Green asked how the applicant drains the pool. The applicant stated he has a hose that he puts out to the street. Board member Francescone asked if the pool collapses where the water would go. Mr. Jackson said any water from his backyard drains to the front yard and into the street. The deck is built higher so they can see the kids in the pool. Board member Francescone asked is there a Homeowners Association. Mr. Jackson said there is no Homeowners Association. Board member List asked how high is the pool and fence. Mr. Jackson said the pool is 4' high and the fence is 6'. Chairman Green opened the hearing to the public. Rona Yeung, residing at 7 Nottingham Way, was sworn in by the Board Solicitor Mr. Costa. Rona Yeung testified to living directly behind the applicant's property. She spoke in objection to the application and submitted a photograph taken from the second floor of her house looking down into the applicant's backyard showing the pool and deck. Yan Zheng, resides at 7 Nottingham Way, was sworn in by the Board Solicitor. Yan Zheng testified to living directly behind the applicant's property. He spoke in objection to this application. Rona Yeung had a petition signed by her neighbors. Board Solicitor Costa state this Board can't accept the petition unless the neighbors are here to testify. Michael Chow, resides at 309 Val Drive, was sworn in by the Board Solicitor Mr. Costa. Mr. Chow testified that he was an adjacent neighbor to the applicant's property next door. He spoke in favor of the application noting that he has a large deck the same height and bigger than his neighbor. Board member Killen asked do have to go up a step to get onto the deck. The applicants stated yes. Mr. Costa asked if the pool was there. Mr. Jackson said the pool was there when they purchased the house he just replaced the liner. Board member Francescone asked what the dimension from the house to the pool would be. The Board Secretary read the ordinance from section 154-134. Location. B. (1). Above ground pools. Board member Francescone asked the applicant how close the pool was to the house. Mr. Jackson said the pool was less than 6' from the house. Board member Francescone said the pool would have to be 6' away from the house and that would be an additional variance. Board member Killen discussed the dimensions and thinks the pool would be 2 or 3 feet to the house. Ms. Jackson said that she never knew that was an issue and they didn't know anything about permits. Board member Francescone asked if they had a pool permit. Mr. Jackson said that he didn't know about a permit when they purchased a house. He and his family have lived in the home for 8 years and the pool was existing when they purchased the home it just needed a liner. Board member Francescone made a suggestion about the open issues that would affect how he could vote on this application. He said to the applicant "that you should table this so that these matters can be resolved and you come back with the answers, additionally investigate if any of these things can get into conformity to reduce the number of variances that you need. I know it would be an expense if you would be willing to plant some buffering arborvitaes in the back that grow tall. I would not ask for a vote tonight table to next month." Mr. Jackson said he would rather not table it tonight and they've waited for over a month.

Petitions before the Board:

2. ED AND VICKIE JACKSON, #15-C-04, 307 Val Drive – R-3 overlay zone, Block 905.04, Lot 28. Ms. Jackson said that she doesn't want to come back they just had a major accident and they don't want to come back. Mr. Costa said to the applicant's "one thing that you should keep in mind if the board votes on this tonight and they were to vote it down then you would have to take the pool down." Ms. Jackson asked if the Board says the pool has to go then the pool has to go but can the deck be put up. Mr. Jackson said the variance they're here for is the setbacks from front to back and that is what the variance is. Mr. Costa reiterated what Mr. Francescone said "that you may do something with the deck the Board can't tell you what to do, you need to tell the Board what you're asking for. The board can vote on the application the way it is or you can amend your application, you can make the deck smaller." Mr. Jackson would like to make it clear it is for the setbacks and he doesn't think that anything is different. Board member Killen said that the pool has setback issues and you might want to separate the pool from the deck. Chairman Green stated that "you didn't know about the pool its incumbent upon you to get it right now, take a month to investigate it and come back." Board member Francescone said the pool is too close to the house and if you reduce the size of the pool. Mr. & Mrs. Jackson both said they can't make the pool smaller. Board member Francescone said "that if the pool is too close to the house and if you ask us to vote on the pool and deck tonight you might get a negative outcome across the board." Mr. Jackson said "that is the purpose for why they're here." Mr. Costa suggested maybe to make the deck smaller and you're entitled to have a vote on the way it is. Mr. Jackson said that he has waited so long now then he would have to come back later? Board member Folcher commented that you've waited a long time and it wouldn't hurt to wait another month. Board member Killen questioned the deck elevation to match the pool height, from the back door of the house do you step up onto the deck and people standing on the deck they're going to be looking down on the back yard? If the deck was closer to grade you would step one step down. The deck would be 5' or 6' below the top of the fence. Mr. Jackson said again we're here for a variance front setback and left and right are good and further said that he would agree to an 8' setback for the deck and submit a landscape plan. Chairman Green asked if anyone else from the public that wanted to speak. Rona Yeung, stated that she had corrections to make about 309 Val Drive they do have a deck that is lower. She moved to the house in 2010 and the pool wasn't there until 2012 summer they had a couple people building the pool that's the truth. Chairman Green seeing no further public, close the public portion. Board member Francescone asked he needs to hear something from an engineer that if the pool broke the water would go to the front of the yard. Mr. Jackson said that he has a landscaped rocked area and the water goes right out to the front yard and in the street. Board Solicitor Costa stated the applicant amended the rear yard setback of the deck to an 8' setback the above ground pool 3' side yard 2' rear yard where 6' is required for both and to apply for permits for the pool and deck and the applicant agreed to submit a landscape plan. Chairman Green asked for a motion. Board member Folcher moved the motion to approve with conditions and Board member Jones second the motion. Roll call vote: Mr. Folcher, Agree, Ms. Jones, Agree, Mr. Bailey, Agree; Mr. List, Agree with stipulations; Mr. Killen, Disagree; Mr. Francescone, Disagree for the reasons he talked about and things he's not comfortable with at this point, Chairman Green, Agree; and stated the planner will work with the applicant on the plantings. Applicant approved; Memorandum in Zoning Office tomorrow.

Petitions before the Board: **3. UNITED BENGALS, LLC, #14-D-26, 3601** Route 38- I zone, Block 500, Lot 3 Amended Use Variance & Amended Preliminary and Final Site Plan to construct a drive through for Dunkin Donuts at the existing Martins Liquor Store and the proposed Wawa Gas Station & Mart. Revised Plans 1/5/15. ACT BY: 06/19/2015 PROF. STAFF MTG: 01/15/2015. The application was certified complete. Mr. Raymond Went, Attorney at law represented the applicant. Witnesses to give testimony Mr. Luban Siddique, Managing Director of Applicant lessee of the property, Mr. John Petit, Engineer/Planner for the Applicant, Mr. Nathan B. Mosley, PE, CME Traffic Engineer. The witnesses were sworn in by the Board Solicitor Mr. Costa. Mr. Jeffrey Baron, Attorney at law appeared on behalf of Wawa Inc. and stated his client is in agreement with the application. Mr. Went discussed the request for a modification from a few years ago, reducing 14 parking spaces from the Wawa site and the D-2 variance for the expansion of a non-conforming pre-existing for the Use and Bulk variances for a total of 131 parking spaces. Exhibits entered into evidence A-1 Site Plan, A-2 Traffic Analysis Letter dated February 20, 2015 by Shropshire Associates LLC A-3 Fire Truck Turning Radius Plan 02/24/15. Mr. Petit, Professional Engineer and Planner testified this is a large site utilizing the Dunkin Donuts, Wawa and Martins Liquor Store and the intersection is well traveled. There is no negative impacts and the D use variance can be granted and the benefits outweigh the deterrents as relates to the change in the reduction of 14 parking spaces. Wawa and Dunkin Donuts operate from 7 to 9 am **peak time** and Martin's Liquor Store is a complementary use with the two other approved uses. When you add the drive-thru lane you reduce the need for parking spaces. The Menu Board is less than 32 square feet and is in compliance with the sign ordinance. Mr. Petrongolo, ZB Planner reviewed his report dated February 23, 2015. Mr. Bill Long, ZB Engineer reviewed his report dated January 26, 2015. Mr. Angelastro, ZB Traffic Engineer reviewed his report dated February 19, 2015. Mr. Siddique said that he can control the deliveries times and would not have deliveries during the am peak time. Chairman Green opened the hearing to the public. Mr. SR Winokur, residing at 336 Delancey Place, was sworn in by the Board Solicitor Mr. Costa. Mr. Winokur was in favor of the application. Mr. Long, ZB Engineer read the Fire Marshals report dated February 23, 2015. Mr. Went stated the applicant was in agreement with the professionals reports. Chairman Green seeing no further public, closed the public portion and ask Mr. Costa to review the conditions. Mr. Costa reviewed the conditions 1). The Amended Use variance for the reduction of 14 parking spaces for Wawa 2). Approval of the submission waivers 3). Bulk variance for the 20 parking spaces 4). No deliveries during the am peak hours for Dunkin Donuts 5). Preliminary and Final Site Plan and 6). The Boards Professional reports. Chairman Green asked for a motion. Board member List moved the motion to approve subject to the conditions and Board member Killen second the motion. Roll call vote: Mr. List, Agree; Mr. Killen, Agree; Ms. Jones, Agree; Mr. Bailey, Agree; Mr. Folcher, Agree; Mr. Francescone, Agree; and Chairman Green, Agree; Motion carried application was approved. **4. HIGHVIEW HOMES, LLC, Laurel Green Apartments, #03-D-34B –** Route 38 Block 306, Lots 3 and 15, Use Variance for an Off-Site Freestanding sign and Amended Final Site Plan to modify the Recreation Amenities. ACT BY: 06/27/2015 PROF. STAFF MTG.: 02/19/2015. The application was certified complete. Mr. William Hyland, Attorney at law represented the applicant. Witnesses giving testimony Mr. John Abene, Authorized Member Highview Homes, LLC, Mr. Edward P. Brady, Prof Engineer, Taylor Wiseman & Taylor, Ms. Cecilia Schmidt, Professional Planner, T, W & T were sworn by the Board Solicitor Mr. Costa. Mr. Hyland said this application is to make small changes to the previously approved site plan.

Petitions before the Board:

4. HIGHVIEW HOMES, LLC, aka LAUREL GREEN APARTMENTS, #03-D-34B

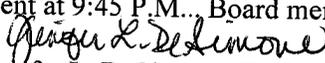
The tot lots and an Amended Use variance for the off-site freestanding sign panel identifying Laurel Green Apartments on the existing Walgreens sign on Route 38. Exhibit marked A-1 Site Plan approved Walgreens. The Subdivision for two lots Ark Four lot was acquired by Jim Stewart and Jim Smith previously owned by Prospectors. Laurel Green acquired the property for phase 2 of the apartments approved by the Planning Board Resolution 2004-27. The cross access easements were created for the Walgreens, TD Bank, and Prospectors. All of these easement were covered in the Declaration of easements, covenants, conditions and restrictions, November 4, 2006, and approved by the Planning Board. The sign will be for Laurel Green Luxury Apts. 24 square feet – 3'high x 8'width and not lite. Exhibit marked A-2 Laurel Green site and Walgreens signage detail. Mr. Brady, Professional Engineer testified to exhibit A-2 and discussed the cross access easements. Mr. Abene, Developer of Laurel Green testified to having 11 apartments buildings that were approved and they have built 5 buildings 142 units are occupied and 2 units are models and have 16 school aged children. The tenants are mostly young professionals and some divorcees. There are 6 buildings in the back section that will be occupied by May of this year and the project completed by the fall this year and they expect the same type of tenants. Exhibit marked A-3 Alternate Landscape Amenities plan. The plan shows the Dog Park behind building 500 and currently they have 45 pets with 6 pet stations. Lincoln management handles the rentals of the tenants and the pets maybe 40 to 50 lbs. and certain breeds. They will still have the pool and the grills. Gas Fire Pits will replace the tot lots. The Fire Marshals report addressed getting a permit each time you use the fire pit he referred to the pit being wood burning. They propose to have a switch for the gas pit. The applicant will met with the Fire Marshal. Ms. Schmidt, Professional Planner testified to the dog park being irrigated and they will have to get rules posted for the pets to have licenses. The applicant will address the rules with the professionals. She reviewed the changes on the plan removing 2 tot lots for the fire pits with casual seating, plants and the trails connect back to the dog run. Mr. Petrongolo, Planner reviewed his report dated February 23, 2015. Mr. Long, Engineer reviewed his report dated February 20, 2015. In the absence of Mr. McVey, Acting Fire Marshal Mr. Long, reviewed the Fire Marshal's report dated February 23, 2015. Chairman Green opened the hearing to the public, seeing none, closed the public portion. Chairman Green asked the Board Solicitor to review the conditions. Mr. Costa stated 1). Amended Use variance for the off-site sign for Laurel Green and Amended Final Site Plan 2). Bulk variance for the height of the sign 9.5' 154-92.5A permits 6' high 3). Subject to the Fire Marshals report dated February 23, 2015 and all the professional's reports. Chairman Green asked for a motion. Board member List moved the motion to approve subject to the conditions and Board member Jones second the motion. Roll call vote: Mr. List, Agree; Ms. Jones, Agree; Mr. Bailey, Agree; Mr. Folcher, Agree; Mr. Killen, Agree; Mr. Francescone, Agree, Chairman Green, Agree; motion carried approved.

Discussion Items: Mr. Costa stated that the Zoning Board was named in the suit and the litigant claims the Board of Adjustment was arbitrary and capricious in there denial of the 2 apartment applications. The Planning Board and Township Council are in the suit the litigant claims the builders remedy is unjustified.

Temporary Use Permit: Hyatt Place, #15-73-03, 8000 Crawford Place, Block 133.03, Lot 5.02 Requesting 5 storage containers 8' in width, 40' in length and 8'6" in height. Requesting an 8 week timeframe. Chairman Green asked for a motion. Board Member List moved the motion to approve for 6 months and Board member Jones second. All present voted affirmatively and the motion was carried; so ordered Chairman Green,

Chairman Green asked for a motion to adjournment at 9:45 P.M... Board member Killen moved the motion and Board member Folcher second.

Adopted on: April 1, 2015


Jennifer L. DeSimone, Zoning Board Secretary