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Florence, New Jersey 08518-2323
May 5, 2014

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 Buddenbaum then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	William Bott
Larry Lutz	Lou Sovak
B. Michael Zekas	Anant Patel
John Lauricella	

ABSENT: Keith Crowell
John Groze

Also Present:
Solicitor David Frank

Excused:
Engineer Anthony LaRosa
Planner Barbara Fegley

RESOLUTIONS

Resolution No. ZB-2014-07
Granting the Application of David and Renee Giallella for a
Bulk Variance to Permit Installation of an Above Ground Pool
and Decking on Property Located at
311 East Third Street, Florence
Block 73, Lot 9

Solicitor Frank explained that at last month's meeting there was an application to permit a pool and a deck. It was an existing undersized lot and needed an impervious coverage variance. The applicant thought they needed a rear yard setback variance but it was not needed because there was an error in the survey. The Board's conditions of approval were that they would not direct new run off to other properties and that they get all the other approvals and permits that are required.

It was the Motion of Bott, seconded by Lutz to approve Resolution No. ZB-2014-07.

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Upon roll call, the Board voted as follows:

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

**Resolution No. 2014-08
Continuing the Application of LB Solar, LLC for
Amended Final Major Site Plan, Use Variance and Bulk Variance
for Property Located at 1051-59 Florence Columbus Road.
Block 165.04, Lot 64.**

Solicitor Frank explained the reason for the second adjournment was because the professionals were uncertain about Mr. Patel's inclusion on the 200' certified list. It has since been determined that he is on the 200' certified list legitimately.

It was the Motion of Bott, seconded by Lutz to approve Resolution ZB No. 2014-08.

Upon Roll call, the Board voted as follows:

YEAS: Buddenbaum, Bott, Sovak, Lutz, Sovak, Zekas
NOES: None
ABESSENT: Crowell, Groze

MINUTES

It was the Motion of Buddenbaum, seconded by Bott to approve the minutes of the Reorganization/Regular Meeting of February 10, 2014, the Regular Meeting of March 3, 2014 and the Regular Meeting of April 7, 2014 as submitted. All ayes.

APPLICATIONS

- A. Application ZB#2014-02 for LB Solar, LLC. The Applicant has installed a fence around the solar array, erected a hut for five Alpacas and utilizes the fenced in solar array for Alpaca grazing on property located at 1051-59 Florence-Columbus Road, Florence Township, Block 165.04, Lot 64

Solicitor Frank explained that this is the application that a resolution was just passed to continue from last month. Although the issue of Mr. Patel's status has been resolved, the applicant is faced with the difficult prospect that he needs to come before the Board and have six members eligible to hear the application, of which he must get five affirmative votes. The applicant is raising the legitimate question of whether it is necessary to get a use variance. The applicant is going to be seeking an interpretation as to whether the alpacas that are there really do require a use variance. The Board will hear that

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application first. That application does not require a super majority vote. If it is decided a variance is not needed it is only a matter of the site plan issues. He understands the applicant's thinking, and information will be provided by both sides for the Board to decide what they think the law is. He recommends the application be adjourned again. The applicant provided a written request for the adjournment.

Member Lauricella asked why a super majority was required. Solicitor Frank explained there is a statute requiring a super majority for a use variance. It is the opinion that has been put forward by the Township Zoning Officer and Solicitor Frank that the alpacas are not permitted there. Having said that, it is a legitimate question to be asked and the Board can hear it and decide. The Board's decision has weight; Solicitor Frank noted he is just an advisor. The Zoning Officer is an administrative official and in the first instances he makes those kinds of calls but the matter is now before the Board.

Chairman Zekas said the interpretation of the ordinance would be separate from modification to the site plan. Member Bott confirmed that the Board first will decide about the alpacas and will then discuss the modifications to the site plan. Solicitor Frank explained the procedure. He said he will provide information to the Board members during the process to keep them informed.

The applicant's attorney sent a letter dated May 5, 2014 in which he requested an adjournment while the professionals work on the interpretation hearing. The applicant will return in June and the application will be re-noticed.

It was the Motion of Bott, seconded by Buddenbaum to continue Application ZB#2014-02 to the June 2, 2014 meeting with a required re-notice.

Upon roll call the Board voted as follows:

AYES: Bott, Lutz, Zekas, Sovak, Buddenbaum

ABSENT: Crowell, Groze

ABSTAIN: Patel, Lauricella

CORRESPONDENCE

- A. Letter from the Board of Chosen Freeholders dated April 23, 2014 regarding LB Solar, LLC.

It was the Motion of Lutz, seconded by Buddenbaum to receive and file the correspondence. All ayes.

OTHER BUSINESS

Chairman Zekas said those who were recusing themselves from the application were welcome to attend the next meeting but would not be needed. Solicitor Frank said they might be needed if there was another application filed. Mr. Patel is a member of the public who is on the 200' certified. That means he has standing to participate in the

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hearing as an adjoining land owner, even though he is a recusal from the Board. With other Board members who are recusing but are not on the 200' certified list the better thing to do is not stay for the hearing. Member Bott asked why a judge would feel the recused members should leave the hearing. Solicitor Frank said the concern is that the members could signal each other from the back of the room. There is chance the opinions of board members could be influenced. He discussed the 200' notice requirements. There was further discussion regarding when to recuse and when it is not required. Solicitor Frank described instances when it would be required.

Motion of Buddenbaum, seconded by Lutz to adjourn the meeting at 8:01 p.m. Motion unanimously approved by all members present.

Brett Buddenbaum, Secretary

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