

**TOWNSHIP OF MONROE
ZONING BOARD OF ADJUSTMENT
APRIL, 26 2016**

The meeting was called to order at 7:00 pm by Chairwoman Carol Damiani who led the Salute to the Flag.

Chair Damiani read the Sunshine Law as follows: In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes that adequate notice of the meeting has been provided by the following: Posted on the bulletin board of the Office of the Township Clerk, Municipal Complex and remains on file at that location; Communicated to the Home News and Tribune on January 8, 2016 and the Cranbury Press on January 8, 2016; filed on January 8, 2016 with the Deputy Municipal Clerk at the Monroe Township Offices and remains on file for public inspection. Posted on the Monroe Township web site and sent to those individuals who have requested personal notice.

MEMBERS PRESENT: Vincent LaFata, Marino Lupo, Dhaval Patel, Mark Klein, Henry Sloan, Stanley Teller, Jennifer Hluchy, Louis Masters, John Carroll and Chairwoman Carol Damiani. Also present for the board were Mark Rasimowicz Engineer and Karl Kemm Attorney

MEMBERS ABSENT: Joseph Gurney

Stanley Teller will be a full voting member this evening.

A motion to approve the minutes from the March meeting was made by Mr. Sloan, seconded by Mr. LaFata and approved by all board members present.

BA-5104-15

LOVE TREE REMOVAL, INC.

Lawrence Sachs on behalf of the applicant Loves Tree Removal, Inc. The reason I'm here this evening is because I received a letter from Mr. Kemm requesting that we appear this evening. A little bit of background, Love's Tree Removal located on 522 in some form or another has been in operation for over 60 years. Last year my client received a violation notice from your zoning officer and as a result of that we filed an appeal of the zoning officer's opinion. That was filed probably in the summer of last year. Shortly after that was filed we appeared in Municipal Court and we ended up having a settlement agreement. Last fall we met with your professionals and discussed whether or not there was any viability with regard to the appeal. I conceded on behalf of my client that we would be filing a use variance application under D2 relief because this business has been here for many years. We retained the services of Amertech Engineering to prepare the site plan. I had all intentions of withdrawing the appeal because we are going to submit the use variance. I did not receive the plan that is now in front of you until just recently. We intend to file a formal application seeking use variance relief from this board. What I would like to do this evening at least is to request

if the appeal can be carried until the end of May with the understanding that within the next two weeks we will submit our formal application. At that point I will be withdrawing this appeal. That is what I am requesting tonight. I sent a letter to Mr. Kemm setting forth my position. I think there may even be notice issues at this point. Even if we were to proceed tonight we would have to provide notice which was not provided under the statute.

Kemm: I don't want to hand out the plans because we won't be hearing the application tonight. The appeal of the zoning officer's determination has been hanging out there and we made a request to make a move on this property's situation. It was originally going to be heard last August and that never materialized. The real issue before the board is to either to grant or deny the applicant's request for a 30 day extension on the appeal of the Zoning Officer's determination. After that we deal with the notice issue. That is kind of the status.

LaFata: Mr. Sachs I see you submitted a letter to the Township of Monroe's Zoning Officer back in June of last year stating that all enforcement proceedings should be stayed pending the appeal of the zoning board of adjustment. So why at that time when you knew you needed to file with the zoning board didn't you take any action?

Sachs: what we ended up doing is we ended up going to Municipal Court on this matter. Municipal Court in essence stayed all of the proceedings. I'm not sure what I had my initial meeting with your staff but it was well after that June letter. We discussed what needed to be filed, here which is really an application for a D2 use variance. The court determination was that as long as the settlement agreement was being enforced that they would not take any action in the Municipal Court. I have been keeping Judge Boyd posted on the status.

LaFata: so from June of last year, you knew you had to come before the board and either you or your client neglected to inquire as to what needed to be done for almost a whole year?

Sachs: I indicated to your professional staff that I intended to withdraw this appeal. Once the application is filed a determination can be made. It has taken quite some time for the engineer to provide these plans for us.

LaFata: what I'm questioning is the length of time that it took to even start to procure what you may need.

Sachs: the dates are the dates-I can't argue the dates Mr. LaFata. If the site plan had been prepared much earlier the appeal would have been withdrawn and it wouldn't be an issue.

Kemm: when the appeal was made to the board of the zoning officer's determination it stopped the Municipal Court jurisdiction. That is why we discussed scheduling this for tonight so that we can get it resolved one way or the other. Just to clarify the time

frames; the appeal was filed on June 22, 2015; the technical review committee met with the applicant in July 2015. At that time we were told they wanted to fast track everything so we scheduled another TRC meeting for August 14, 2015 to review the use variance and plans and we had scheduled for the board for a hearing at the August 25, 2015 meeting which we were unable to do because the plans were not forthcoming. It was clear what was required.

Sachs: if I have had these plans a lot sooner I would not be here this evening and it is still my intention to withdraw this appeal. I understand my client will require a D2 use variance.

LaFata: there are a lot of hazards and open issues from the fire department from this letter?

Sachs: those have all been addressed and I was told by your zoning officer that there were no issues from the fire department. I will provide you with that letter.

Kemm: at this juncture we need to address the issue of whether we are going to grant the request to adjourn the hearing tonight or dismiss the appeal without prejudice. We are really here just to deal with administrative issues. Without proper notification we cannot hear the merits of the application. The professionals want to weigh in on whether we should grant the adjournment request that is fine.

Hluchy: can you tell us what the interim settlement is?

Sachs: I'm not sure it's particularly relevant for this evening but I will tell you there would be no mulching operations on the weekend; the weekday operations would be between 8 AM and 5 PM; that would close off the back entrance on Hoffman Road; that we would address all the fire issues-which rated; that we would obviously dismiss this appeal once this application was submitted. Those are the terms.

Patel: adjourning the appeal would do what and not adjourning it would do what?

Kemm: if the board were to grant the request to adjourn the appeal for 30 days that would continue the stay in Municipal Court until the appeal is either heard or withdrawn by the applicant. If the board grants the appeal than the Municipal Court stay would remain in effect and we can set it down for next month's hearing so that notice could be provided and we could have jurisdiction to hear the matter.

Klein: If we dismiss the appeal that means that they go back to court?

Kemm: that would give jurisdiction to the Court. Since we are doing it on administrative procedure than they can refile.

Rasimowicz: you will be submitting an application next week for a use variance and site plan?

Sachs: I think it's really just use variance as we discussed at the TRC. Actually it's sort of interesting; it is a site plan that I don't think you really need the technical information since we are not doing any new improvements on the property.

Rasimowicz: so for purposes of this meeting it would be if bi-furcated application?

Sachs: I would think so.

Rasimowicz: Karl, if this board dismissed the appeal without prejudice at this point my concern is putting a delay on this and having it drag out even further. Would that delay this process?

Kemm: it really wouldn't because they are two separate issues. One would not hold up the other. If the use variance application is filed timely nothing would be delayed.

A motion to deny the request to adjourn the appeal is made by Mr. LaFata.

LaFata: I believe the client was negligent in following through. He was aware that he needed to come before the board I think he was given ample time. It would be without prejudice I'm going to deny it.

The motion is seconded by Mr. Klein and approved by all board members present. The request is denied.

BA-5102-15

THE SHRI RAM CHANDRA MISSION

Walter Toto representing the Shri Rama Chandra Mission-all notices should be in order as well as the affidavit of publication.

Kemm: the board can take jurisdiction.

Toto: the subject property is block 13 lots 5.02 and 5.03. It is the South East corner of Wyckoff's Mills Road and Halsey Reed Road. Lot 5.03 has been the subject of successful approvals before this board in both 2009 and 2010. In 2010 there was an expansion of the existing meditation center on the site. Tonight we are adding lot 5.02 and we are proposing an expansion of the hours of operation. Tonight we are seeking a use variance for the expansion of the nonconforming use. We need D1 relief for the free standing sign and we have some bulk variance relief requested. We have the reports from Mr. Remsa and Mr. Rasimowicz and we are prepared to address all of the concerns.

Mr. Linga is sworn in and accepted as a member and Secretary of the Mission.

Toto: how long has the mission operated in Monroe Township?

Linga: about four years. The purpose of the mission is to conduct meditation classes to bring quietness and focus to the minds. To dive deep within each individual. You have been successful and the membership is growing. We are here because of the anticipated growth of the membership in the future. If we are approved we anticipate a total membership of 275 in the future which includes children. The expansion of hours would be Monday through Friday 6am to 9am, and 6pm - 9pm. Wednesday would be to 9:30 pm. Sunday would be 6:30 am to 10pm. During the week we have meditation classes in the morning and the evening, individual. Sunday classes are group sessions, 2 or 3 during the day. In between we have group discussions or exercises. We would project about 275 on Sunday at a maximum. A long day is when they come in the morning only conduct a group meditation class starting it typically 6:30 or 7 AM. Then we have a breakfast and exercise or group discussion or some kind of watching or reading a book having to do with spirituality. Before lunch we may have a second meditation session. The evening we have group meditation and then dinner. We end at around 9 PM. That would happen around eight times a year and is very family oriented. People arrive on site through cars, families perhaps 2 to 3 per car. On the new lot there is what we refer to as a parish house for priest to stay at while he is in the area. He will not live there full-time. He lives in India but does have a home in Staten Island which is his permanent residence. This would not be his permanent residence in Monroe Township and his children would not go to the Monroe Township school systems. He will stay at the parsonage between two and four times per year and stays maybe 10 days but not more than a month. The whole membership will never be in the hall all at the same time. We have a children's area, we have a library in the recreation area so it will be people in those areas also.

Toto: On lot 5.03, the existing lot we have the meditation center and we have a care taker's house?

Linga: correct.

Toto: On lot 5.02, we are proposing to convert the garage into a dining hall and a children's area on the 2nd floor correct?

Linga: correct

Toto: will you be cooking on site?

Linga: no we bring food in.

Toto: the children are always supervised by adults?

Linga: a parent always stays with the children.

Toto: when this was last approved you extended the sewer along Halsey and the other surrounding residents were able to tap into it, correct?

Linga: correct

Toto: so that was an additional benefit you brought to the area.

Kemm: with regard to the long days on the prior resolution we limited those to a total of eight per year and during the months of June, July and August only two were permitted during those three months. Will those still remain in effect?

Toto: no Karl and I will tell you why. We agreed to limited long days because of the objector who owns the adjacent property which we have now purchased. I do not know if there is anyone in the audience that would object but that was the reason for the original limitation.

Kemm: what is being proposed?

Toto: 16 long days and no limitation on the summer months.

Klein: the original was eight that could last two days and now you are saying 16 that will last two days?

Linga: correct

Klein: you're asking for 17 waivers. What I see comparing your original approval to what is going on now is totally different than what was said. Originally you said it would be 75 members to 150 and now you're saying that you had 55. On some of these engineer reports they don't coincide with what was written on your application. I'm getting 150 members I'm getting 200 members with a max of 275?

Toto: the original membership was when we owned one lot.

Klein: your times also changed. You also stated late use and no burden to adjacent property owners. You stated no overnight stays and now you are saying there will be overnight stays.

Toto: this is the nature of an expansion and when we first came before this board they had no idea if it would be successful. There has been no complaints from neighboring property owners since they started running the mission. I understand what you are saying but I think there might be a mix-up between the original application in 2009 and the amendment in 2010 which ramped up those numbers.

Linga: the only overnight stay would be in the parsonage which is on the new lot that we just purchased. The priest will not be there permanently. The only other overnight is in the caretaker's house.

Klein: years ago there was an oil business there, it was supposed to be only of the office but can you tell me before you started the mission if you did anything to check on

the property for contamination?

Linga: there was a phase 1 done at the time of the first application. It was all submitted.

Klein: I think the traffic will be a lot - I don't know how you are going to handle it.

Linga: the long days are almost always held on the weekend when there isn't a lot of other traffic.

Klein: I know on the Jewish holidays where there are services they would hire police to deal with the traffic.

Kemm: what are the long days proposed?

Toto: Mr. Klein is correct it can be 2 days. We are proposing 16 long days that can be 2 days each so 32 gross.

Kemm: thank you for clarifying

Patel: why not just state that you want 32 days to begin with|

Toto: that is my error.

Patel: I understand that you purchasing additional property and you are expanding but why do we need to increase the hours and days?

Linga: because we have individual settings by trained people and we need to train them.

Patel: how does the town make sure it is limited to the 32 days?

Linga: we have an established list of days and can give them to the zoning officer.

Masters: this revision was done in 2015 and the traffic study was done in 2014?

Toto: that was assuming the increase in traffic anticipating the expansion.

Masters: during the week if you start at 6 AM why does the traffic study start at 8 AM?

Toto: to include the peak hour of morning traffic. During the week the traffic is insubstantial because it is individual instruction.

Masters: I go to work at 7:30 AM, which is the peak of traffic right?

Toto: I don't mean to mince words that I believe peak starts at 8 AM.

Masters: okay, the sign - is it lit?

Toto: yes, externally. There is only one and the plan has been changed - it had said internally.

Masters: the music?

Toto: no music.

Masters: right now you have volunteers directing traffic?

Toto: internally in the parking lot.

Klein: I am talking about on the public roadway.

Linga: most people will not use that road at all; they will come around the other way. They will not go through Applegarth Road.

Toto: if need be we will retain police to manage the traffic on those days when traffic is heaviest.

Rasimowicz: Applegarth Road and Halsey Reed is a signalized intersection.

Klein: Oh - I didn't know that. Thank you.

Remsa: I just want to make it clear about the sign. When we were at the TRC we requested externally lit sign in the applicant agreed to change that.

Samuel Chung is sworn in and accepted as an expert witness in the field of engineering.

Chung: I prepared the use variance and site plan for this application. Marking the first exhibit A-1; we had multiple TRC meetings with the professionals and worked with them to incorporate a lot of their recommendations into this design. The site is very flat, the run off goes to the stream itself or the wetlands that are surrounding the property. The site itself is heavily buffered by wooded area. The second exhibit that I would like to present this is site plan rendering. The application is to consolidate lot 5.02 and 5.03 and expand the Shri Ram mission that currently exists a lot 5.03. The Shri Ram mission building will continue to be on the original portion of lot 5.03 and there will be an expansion of the caretaker dwelling which consists of 2 buildings. The second one is a storage building. Lot 5.02 consists of a single family home, a garage and another storage shed that is going to be converted into a parsonage in the single family and the storage building will be converted in a dining hall and children's area. For access, the property has 2 ingress and egress is from Halsey Reed road and there is single lane ingress from Wyckoff's Mills Rd. We did do a traffic study and the access will work as

the level of service "A". The main purpose of this expansion is to expand the parking area to accommodate future projected membership. The parking lot expansion will consist of grass pavers which are utilized to reduce the amount of storm water runoff to the wetlands in the streams around the facility of the site. We are also revising the driveway's to be 24 feet wide where we have 90° parking and in the 60° parking will have a 16 foot wide. 97 parking spaces are required based on the maximum membership and we are providing hundred and nine parking spaces on site. The Township professionals requested that we build out all of the parking areas instead of banking them. So we're actually providing 12 parking spaces over the ordinance requirement. Parking spaces measure 9 X 18 where 10 x 20 is required so we will need a variance for that. There are a couple of bulk variances which are all existing nonconformities. They all have to do with the rear yard which will occur when we consolidate the lots. We are going to provide designated refuge area. It will be covered with a 4 foot high vinyl fence and we will provide the appropriate landscaping as required by the board. There is an existing pump station that is currently inoperable and we are providing a 6 foot fence around that. The site is serviced by water and sewer and the connections have already been made. With regard to the landscaping design-although there is substantial wooded buffer we added landscaping around the parking areas. We are also providing street trees along Wyckoff Mills Road. We have designed the site to have minimal impacts of the existing vegetation. There is a landscape berm required, 6 foot high along the frontages of Halsey Reed road and Wyckoff's Mills Road. We are going to need a design waiver because we can't provide that type of fill within the floodplains. The DEP regulations will not allow that. The buildings are going to remain the way they are today, minor changes to add bathrooms in the storage building. We will provide a monument sign that is externally lit. There is a variance required for the sign area because of the monument portion and the brick around it.

Rasimowicz: with regard to my letter, you agree to meet all of the comments in that review letter?

Chung: yes

Rasimowicz: will the lighting be in the parking area?

Chung: yes it will be the lighting that was originally proposed in the banked parking area.

Rasimowicz: can you comment on the traffic report and the peak hours that the board member brought up? On your Sunday when you have your long days, does everyone show up at 6 AM or people arriving throughout the day and leaving at various times?

Linga: people start coming at 6am and services start at 730. People come and leave at different times during the day. All 275 members will not arrive or leave at the same time.

Rasimowicz: does the traffic report take that into account?

Chung: the traffic report takes into account that the members come at once to be conservative.

Rasimowicz: the trip generated seems low, which is my concern. Your traffic count talks about five trips coming into the site in the peak hour which sounds low.

Chung: the typical Monday through Friday from 6 AM to 9 AM there wouldn't be a huge amount of traffic in that area. The study has the times during the week that would be peak times in the vicinity of the site and that also does a study on the festival days which would not coincide with the peak hours.

Rasimowicz: you to have traffic sites that are minimal on Sundays which would generate the highest traffic amount.

Linga: the group meditation time on the long day varies sometimes we meet at 9 o'clock sometimes and eight at 10 o'clock. On the day the traffic count was done I think the group meditation was at 10 AM.

Rasimowicz: just try to get it clarified.

Patel: How do you determine membership? Is it an application?

Linga: we actually have a registration for each gathering so we know ahead of time how many people are going to be attending.

Patel: what happens if 300 people register?

Linga: we close registration when we hit the maximum numbers so we always know.

Patel: so from your original application we are going from 75 two 275; so what is the next step after this?

Linga: I don't know

Toto: I don't think we could on this location.

Remsa: the site might understand this has a number of environmental features that limit how you can develop the site?

Chung: that is correct there was extreme that runs along lot 5.03 which is shown in there are significant wetlands around the perimeter of the site. There is an existing conservation easement that was part of the site plan approval from lot 5.03 and we are okay with providing the same conservation easements for lot 5.02.

Remsa: when I reviewed this I noticed a number of the design exceptions and the bulk variances are result of pushing things in certain areas due to the constraints, is that

correct?

Chung: that is correct.

Remsa: are you going to be able to enhance the plant material, I know you cannot berm because of floodplain but I do want to know if we can enhance with landscaping in certain key areas?

Chung: yes we can.

Remsa: I'm also going to be looking for some plantings to screen some of the buildings. If the board does approve this will you meet with me to revise this?

Chung: yes

Remsa: the majority of my concern was the landscaping and keeping up the residential appearance and I think they are in that direction and I think they could enhance it a little bit more.

You would be willing to have as a condition of approval for us to go out and look at the landscaping is being installed?

Toto: yes

Mark Cannuli is sworn in and accepted as an expert witness in the field of planning. I am relying on Mr. Chung's testimony with regard to an overview of the site. I am familiar with the planning reports there are some minor adjustments and clarifications that need to be made. There are two use variances be required here. One is a D2 in connection with the expansion of the use and the hours of operation. The second use variance is a D1 variance regarding the sign that is proposed. Should be noted that the site is being designed to accommodate the additional congregation and the additional users and there are several improvements along with the sign which include additional paving constructed of grass pavers, pedestrian paths and walkways. The lighting necessary to provide safe and efficient access to the parking areas. The mission is proposing to use the existing structures on 5.03 as they currently exist today. The current application proposes to convert existing structures on lot 5.02. The proposal is to convert the existing house to a priest quarters to provide for the spiritual guide and his family on a limited basis as was mentioned earlier. The existing garage will be converted into a dining area on the first floor and a children's area on the second floor. The site has great access from Applegarth Road onto Halsey Reed with a signalized intersection. The mission received use variance approval in 2009 as it was a nonconforming use. The rear yard accessory building setback variance will be mitigated by the removal of that structure. As the board is aware we need to demonstrate positive and negative criteria, here we are going to rely on the fact that this was once approved as an inherently beneficial use. Shri Ram Chandra Mission is a charitable that provides training and guidance to people from all walks of life including those from different backgrounds. This is a religious and spiritual teaching similar to other religions. It is a positive benefit

to your community. With regard to the positive criteria in 2009 the board found this as an inherently beneficial use. Expanding on to lot 5.02 I would offer that same argument that it is an inherently beneficial use. The public welfare is promoted because it is particularly suited here. The house will be used as a house; some of the other uses on the other site are parking expansions. We are required to focus on the four part test; we identified the public interest at stake and identified any detrimental facts that can ensue by the granting of the variance and we weighed the public benefits with the detrimental effects to determine if the variance could be granted without substantial detriment to the public. The church provides a societal benefit through its teaching. The expansions of the site are negligible and although there is an increase in traffic that has been noted the parking has been expanded to accommodate. If deliveries are coming to him from the site there is an abundance of parking spaces that would be open. The activities of the mission should not cause a substantial alteration to the surrounding area and the impacts are minimal. Some of the conditions to reduce the detrimental effects could be the buffering that was mentioned earlier. However in this case there are several waivers of landscape because it is so heavily impacted by conservation easements. The applicant will meet with the planner and engineer for these items. Based on all of this it is my opinion that the benefits far outweigh any detriment. Based on the nature of the use and the surrounding properties I feel there will be no negative impact to the zoning plan or the zoning ordinance. In my opinion, this application can be granted without substantial detriment to the public good.

PUBLIC: There being no one from the public wishing to be heard on this application, a motion to close the public portion is made by Mr. LaFata, seconded by Mr. Sloan and approved by all board members present.

A motion to approve the application is made by Mr. LaFata, seconded by Mr. Patel and approved by all board members present with the exception of Mr. Klein who voted to deny.

BA-5114-16

NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

Rick DeLucry representing Verizon wireless which is its fifth application in recent months. Basically what this entails is a proposed installation of a single antenna and some supporting equipment all on the roof top of the building at 195 Prospect Plains Rd. The purpose of the equipment is going to be described by our radio frequency expert. Basically Verizon wireless is continually monitoring where they have opportunities to improve the service and they have identified service deficit here and found this site is the best way to adjust that. This is a use variance of preliminary and final site plan.

Margaret Lyons is sworn in and accepted as an expert witness in the field of engineering. Marking the first exhibit as A-1; this is the second of two minutes that are in my report. This map shows the coverage area and shows where there are gaps in the coverage. They are proposing to put in this single antenna on the roof of the building to help fill in the gaps in the area. The antenna itself is about 2 foot tall and about 15 inch diameter. It will be above the roof of the building. Right now the parapet of the roof

is at 29 feet tip of the antenna will be up 35 feet. We comply with FCC regulations and 4% of the maximum allowed at this site. The New Jersey standard is actually five times greater than the FCC standard.

Remsa: is this antenna similar to the one that was approved on the roof of the shopping center?

Lyons: yes, I believe it is exactly the same.

Remsa: so visibility of this is probably very small?

Lyons: it is set pretty far back from the roadway and the rooftop already has several vents and I believe this will just blend in.

Rick Masters is sworn in and accepted as an expert witness in the field of Planning. I prepared the photo simulations for this project. They have been submitted with the application and then blown up for this exhibit. The photographs were taken from vantage points directly across the street that specifically one from within the Encore development. Another along Prospect Plains Road and adjacent to the subject property. We are proposing a 2 foot tall 15 inch diameter antenna with some small equipment cabinets within a 70 ft.² raised platform on the roof of the building. The visual impact associated with this application is aesthetically inconsequential. If we were proposing a monopole here we would be permitted use because we are in the light industrial zone which happens to be a priority location in your ordinance. Due to the fact that we are not proposing a free standing support structure but are rather proposing to attach the antenna to the roof of an existing building it triggers the use variance application. I would suggest to you that the impacts associated with this are for less than it would be by constructing a monopole. The applicant's burden of proof however with regard to the use variance remains the same in that the applicant must satisfy both positive and negative criteria. I would submit to the board that the positive criteria here the requirement is to show that the site is particularly suited. I would submit to the board that the site is particularly suited for various reasons. The site meets the technical requirements for increased coverage, the impacts visually are inconsequential, and the existing building which provides an ideal support structure negates the need to construct a new structure. They encourage the use for alternate technologies that do not require the need for new towers. We are encouraged to provide antennas on existing structures. With regard to the particular suitability we have a lot that is twice the minimum lot area which translates into significant setbacks. The front yard setbacks in the light industrial zone is 50 feet and while this application does not meet the 500 separation requirements to the nearest property lines I would suggested that is a requirement that would be more for tower. Front yard setback which is the critical setback here is 50 feet and the proposed antenna is 200 feet setback from Prospect Plains Road. The fact that they site is an existing developed site, existing access, existing parking while contribute to the particular suitability of the site. Moving on to the negative criteria; visual impact here is insignificant. In some situations the board may reduce the detrimental effect by imposing conditions but I do not believe that is

necessary here. Weighing the positive and negative criteria to see the balance I would submit that the positive criteria far outweigh any negative impacts and the use variance can be granted without substantial detriment to the public good. These facilities will not produce any noise, odor or vibrations. There is one waiver that was requested regard of the estimated of staffing. There will be no staff on-site and will be monitored offsite 24 hours a day seven days a week and will only be visited periodically there is plenty of parking in that event.

Remsa: I concur with the findings Mr. Masters. He provided the board the estimated staffing which is in frequent and I would be supportive of all the other checklist waivers.

LaFata: do you propose any generator for this or is it strictly batteries?

Masters: if they need a generator it would be on the grounds adjacent to the building. The proposed generator is shown at minimum 3'6" above grade.

LaFata: if you need to access it after hours how would you access it?

Masters: it would be accessed from a roof hatch. There would be an arrangement with the landlord to have access to get to the roof hatch.

LaFata: can that be included on the paperwork?

Masters: it can be a condition of approval.

Rasimowicz: that is in my review letter and I would ask that you have that easement prior to the perfection of your site plan approval.

Masters: okay

Klein: what is the way to the cabinet that will be on the building?

James Mawresky is sworn in and accepted as an engineer. The proposed equipment will not be sitting directly on the roof. We are proposing to locate over the elevator shafts which are structural walls. We use those walls for support for the equipment platform. The equipment platform in turn supports the components. The cabinet fully loaded ways between 250 and 300 pounds. We design both the antenna and the cabinet and the platform for winds and seismic activity.

Rasimowicz: going back to the access; it is through the office space so you will be tracking your tools do whatever you need to the office space to the hatch to get onto the roof?

Mawresky: no it will be craned up. Once it is installed there is no need for access with the exception of an emergency. We will be provided a 24 hour access, many times by a lockbox.

Rasimowicz: so it is relatively common for Verizon to get access to the interior of the building?

Mawresky: it is common.

PUBLIC: There being no one from the public wishing to be heard on this application, a motion to close the public portion is made by Mr. LaFata, seconded by Mr. Klein and approved by all board members present.

A motion to approve the application is made by Mr. Klein, seconded by Mr. Teller and approved by all board members present.

MEMORIALIZATION:

BA-5112-15 (SP II, LLC)

Kemm: board members, as we were running a little behind getting this on - we had submitted a draft form. There were a few comments which we put in and a couple of typos that we cleaned up as well. The substantive changes are that we clarified that since the board had not granted the density variance that that changed the number of residential units. We also clarify the calculation of how those were broken down between the town houses the market rate units and the affordable units. Those were the changes from the draft that you have in your package versus what we are going to adopt this evening.

LaFata: so basically they are not coming back again? The reduction from 6.3 to 6 was met. Did it impact the affordable or the market rate or both?

Kemm: since the density variance was not given there is a reduction in the total residential units; everything stays the same except the market rate apartments are reduced by 11. They originally proposed nine market rate and since the density rate was not granted they will be 58 market rate. If you look at page 14 the end of paragraph a; we summarize everything. The commercial stays the same, the residential town homes stays the same at 114. The market rate apartments are reduced from 69 to 58 market rate units. The affordable housing stays at 43 and six of those 43 will be very low income units for a total of 250 dwelling units. That meets the six homes per acre and they are keeping all of the other conditions.

A motion to approve the resolution is made by Mr. LaFata, seconded by Mr. Sloan and approved by all board members present with the exception of Mr. Klein who abstained.

BA-5104-15 (Love Tree Removal, Inc.) is approved by all board members present.

PUBLIC:

Michelle Arminio - 9 Nathaniel Street. If SP II (BA-5112-15) comes back they are not necessarily entitled to a variance?

Kemm: Just for the density. They were given a variance for the size and a bulk variance, one setback. They were not given preliminary or final site plan it if they want to revisit the density issued they would need to make a new application.

Arminio: what was the ratio of market rate to affordable units in this application?

Remsa: gives her the percentages, inaudible.

Arminio: I do hope that we adhere to the density in the zones and not continue to give variances because we are building too much and the only ones benefiting are the builders. Let's take care of the residents of Monroe. Thank you all for the great questions tonight.

There being no further business to come before the board, the meeting was adjourned.

Respectfully Submitted,

Patti Williams,
Secretary for the Board