

ROBBINSVILLE TOWNSHIP ZONING BOARD OF ADJUSTMENT MEETING
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NJ
WEDNESDAY, SEPTEMBER 14, 2011 7:30 P.M.
MINUTES

Present: Chairman Shennard, Mr. Caputo, Mr. Patel, Mr. Siekerka, Mr. Gibeault, Mr. Daniel,
Ms. Appelget

Absent: Mr. Kirkpatrick, Ms. Rogers

Also Present: Ms. Post, Board Secretary

Roll call for the above Board members was called and the Flag Salute took place.

Chairman Shennard read the following sunshine statement: "Adequate notice of this meeting has been provided as required under Chapter 231 P.L. 1975 specifying the time and place with such notice being sent to the *Times of Trenton*, *Trentonian* and the *Messenger Press* and posted on the Municipal Building Public Notice Meeting Bulletin Board".

Chairman Shennard asked the Board for a moment of silence for respect to Mr. Herbert's father passing.

CORRESPONDENCE

Chairman Shennard asked the Board members if they had any questions regarding the correspondence in their packet. Chairman Shennard noted that the litigation for Seven Plus One has concluded. Judge Feinberg did make three amendments to the resolution that was approved by the Zoning Board.

PUBLIC COMMENT

Chairman Shennard opened the meeting to public comment to anything not having to do with the resolutions this evening. Seeing no member of the public present in the room, he closed the public portion.

BOARD COMMENTS

Chairman Shennard commented that a week after their last meeting, he had met with Mr. McGough, Ms. Post, Mr. Edward Vernick, President of Remington & Vernick (our consultant engineering firm), and Mr. Stuart Wiser, who will be temporarily taking over Ms. Kooper's position during her leave of absence. Mr. Vernick reassured us that everything will be up and going. Mr. Wiser was instrumental in teaching Ms. Kooper her job. Mr. Wiser is one of the senior members at Remington and Vernick. Mr. Vernick had stated that the Board is in good hands with Mr. Wiser. He apologized for notifying us at the last minute that Ms. Kooper would be taking a leave of absence. It was a last minute decision as they were not sure whether Ms. Kooper would still be moving. If the Board has any issues in moving forward throughout the year, Mr. Vernick would be more than happy to address any concerns the Board may have.

MINUTES

October 7, 2010 – Chairman Shennard asked if there were any comments. No comments were made. Eligible to vote: Mr. Patel, Mr. Siekerka, Mr. Gibeault and Chairman Shennard. A motion was made by Mr. Siekerka and seconded by Mr. Patel.

ROLL CALL:

AYES: Patel, Siekerka, Gibeault, Shennard

NAYS: None

ABSTAINS: None

There being four (4) aye votes and no nay votes, the minutes were adopted as circulated.

April 7, 2011 – Chairman Shennard asked if there were any comments. No comments were made. Eligible to vote: Mr. Patel, Mr. Siekerka and Chairman Shennard.

ROLL CALL:

AYES: Patel, Siekerka, Shennard

NAYS: None

ABSTAINS: None

There being three (3) aye votes and no nay votes, the minutes were adopted as circulated.

BUSINESS TO DISCUSS**Annual Report of Zoning Variance Requests for 2010 – Review & Discussion**

Chairman Shennard asked Ms. Post to explain the purpose of this report. Ms. Post answered that the MLUL states that the Zoning Board annually review its decisions on applications for variances and then adopts a resolution on the findings in the report on the zoning ordinances, which were the subject of the variance requests. In the report, there may be a recommendation for zoning ordinance amendments. Copies of the adopted resolution and report are sent to the Township Council and Planning Board. When Ms. Post prepared the report, she did not see any pattern of concern that would suggest changes to the ordinance. She did advise the Board that the Township staff is currently working on amending the entire Land Use Code, which should be completed by the end of this year. The language in the ordinance will be more user-friendly.

Mr. Gibeault commented that the report said the Board is fairly consistent with the zoning plan. He recalled one year the report stated the fence issue was an ordinance issue that should be changed and the ordinance was changed. In this case, there is nothing that is a red flag.

Ms. Appelget asked if she should abstain from voting on this matter since she was not a member of this Board in 2010. She did read everything.

Ms. Post stated that all Board members are eligible to vote on this resolution, but it is Ms. Appelget's decision if she wants to abstain from voting on it.

Chairman Shennard noted that in 2010, there did not seem to be any applications that came before the Board that had consistent problems that needed to be addressed as far as an ordinance change. As the year goes on, he suggested that if the Board has a concern over something that

they see in an application, they have the option of composing a letter to the Township Council to suggest a change if they feel there is a need.

Mr. Siekerka thinks they have already put forth a suggestion to the Township Engineer regarding cell tower height. The Board continues to have variances coming in to meet the height requirement, which they typically approve because a new tower is not being constructed or the height of the existing tower is not being exceeded.

A motion was made by Mr. Gibeault and seconded by Mr. Siekerka to accept **Resolution ZB2011-10 – Adopting of Annual Report of Zoning Requests for 2010** as presented.

ROLL CALL:

AYES: Patel, Siekerka, Gibeault, Daniel, Appelget, Shennard
NAYS: None
ABSTAINS: Caputo

There being six (6) aye votes, no nay votes and one (1) abstention, the report was adopted as circulated.

Mr. Siekerka thanked Ms. Post for the report because it was well done and makes their lives a lot easier as they go forward.

Resolutions

ZB2006-02 Amended – Paul Rubin – Approval of Preliminary/Final Site Plan and Use Variance. Eligible to vote: Mr. Siekerka and Mr. Gibeault. Mr. Siekerka said that he had reviewed the minutes from the 2006 meeting and the amended resolution that Mr. Herbert prepared. He is fine with the resolution as amended. In their original meeting, the minutes state that the building will be utilized by Mr. Rubin’s wife for her business, Safe Program, which provides childcare to children after school. The office would be used on site as office administration for parents dropping off checks or picking up registration forms. The restatement in the resolution changes the wording from educational administration to office business so he is fine with the amended resolution. Mr. Gibeault agreed with Mr. Siekerka. The version in the packet does reference office business in both locations. The other piece was whether the minutes discussed site plan approval because that was the reason that they were amending the resolution in the first place. The minutes reference that as well that there was site plan approval. A motion was made by Mr. Siekerka and seconded by Mr. Gibeault to adopt the resolution as amended.

ROLL CALL:

AYES: Siekerka, Gibeault
NAYS: None
ABSTAINS: None

There being two (2) aye votes and no nay votes the amended resolution was adopted.

ZB2011-09 – Sharbell Building Company, LLC – Approval of Variances for Signage

Eligible to vote: Mr. Siekerka, Mr. Caputo, Mr. Patel, Mr. Gibeault, Ms. Appelget and Chairman Shennard. Chairman Shennard asked if there were any comments. Since there were no

comments, a motion was made by Mr. Gibeault and seconded by Mr. Caputo to adopt the resolution.

ROLL CALL:

AYES: Siekerka, Caputo, Patel, Gibeault, Appelget, Shennard

NAYS: None

ABSTAINS: None

There being six (6) aye votes and no nay votes, the resolution was adopted as written.

OTHER BUSINESS

Chairman Shennard mentioned that the ordinance in the packet rezoned properties located on Route 130 south to Highway Commercial (HC) zoning. Ms. Appelget asked if the zoning map would be updated. Ms. Post said that it will be updated.

ADJOURNMENT

Since there was no other business, a motion was made by Ms. Appelget and seconded by Mr. Daniel. All in favor. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Elide M. Post

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Zoning Board Secretary

ADOPTED: NOVEMBER 9, 2011