



ZONING BOARD OF ADJUSTMENT
Thursday, November 2, 2017
APPROVED MINUTES

You couldn't pick a better place.

OPENING: The meeting was called to order by Chairman Jonathan Rardin at 7:30 PM.

PLEDGE OF ALLEGIANCE: Led by Chairman Jonathan Rardin.

OPMA STATEMENT: Read by Chairman Jonathan Rardin in compliance with the Sunshine Law.

ROLL CALL

- **Members in attendance:** Jonathan Rardin, Daniel DiRenzo, Jr., Wyatt Sklar; Jeff Potter; Ivy Rovner; Jennifer Apell, Marshall Spevak, and Jill Roth-Gutman.
- **Professionals in attendance:** Lorissa Luciani, PP, AICP, Zoning Board Secretary; Jacob Richman, PP, AICP, Planner; and Cosmas Diamantis, Esq., Zoning Board Solicitor.

ADMINISTRATIVE ITEMS

None.

AGENDA ITEMS:

17-Z-0028

Block(s) 190.01 Lot(s) 23
Zone: Residential (R3) Zone

Dennis & Susan Garbowski

333 Evergreen Avenue
Cherry Hill, NJ

Relief Requested: Use d(1) variance to permit the continued use of the pre-existing, nonconforming property as a residential duplex.

Applicant's Representatives: Lou Garty, Esq. – Applicant's Attorney; Jack Carman, PP – Applicant's Professional Planner; and Dennis Garbowski – Applicant & Owner.

Exhibits Submitted: A-1: Floor Plans; and A-2: Site Photographs.

Ms. Garty stated that the subject property was purchased in 1945 and converted into a duplex in 1949. It has since stayed as a duplex. Prior approval for a Certificate of Non-Conformity for the duplex was granted in 1990 which followed the Township's prohibition of duplexes. Ms. Garty stated that the applicant is seeking a use variance as a mortgage companies are not financing loans for possible buyers of the property due to the possibility of the duplex being substantially destroyed by a natural disaster and then the owner not being able to rebuild the structure as a duplex. As such, her clients have not been able to sell the property. Ms. Garty discussed the layout of the duplex and the property. Ms. Garty noted that there is adequate parking and that the duplex is not inconsistent with the look and character of the neighborhood.

Mr. Garbowski affirmed the accuracy of Ms. Garty's opening testimony and added that he is a carpenter by trade and that he produced the floor plan that was submitted with the application. Mr. Garbowski stated that the duplex has two separate HVAC and water systems (the sewer system is combined). Mr. Garbowski described the layout of the duplex and property and then detailed the history of tenants and their lease structure at the subject property. Mr. Garbowski stated that he believes the character of the house is consistent with the neighborhood and that the configuration of the house only makes sense as a duplex. Mr. Garbowski stated that converting the duplex into a single-family dwelling would be difficult because of the existing utility setup.

Mr. Carman stated that the house blends in with the neighborhood and that you can't tell it is duplex when driving by the property. Mr. Carman noted that there is ample parking space for residents of the duplex. Mr. Carman explained that he believes that the duplex provides diverse housing opportunities for people of different socioeconomic backgrounds and also helps to preserve the existing house stock. As such, the duplex is consistent with the goals of the Master Plan. Mr. Carman noted that duplex living is an affordable option for first time renters as well as senior citizens. Mr. Carman sees no negative impact if the application is approved.

Mr. Garbowski stated there are a couple of duplexes in the area and Ms. Luciani clarified that duplexes are generally scattered throughout the town in older neighborhoods. Ms. Luciani stated she believes all positive and negative criteria have been met.

Public Comment: None.

A discussion ensued regarding protecting neighborhood aesthetics and context should a future owner elect to demolish the duplex and build a new home. A discussion of abandonment ensued in that if the duplex is razed and a new single-family dwelling is built that a duplex couldn't be rebuilt in the future without new variances.

Motion: Following a review of the application and conditions of approval by Solicitor Diamantis, a motion was made by Mr. Spevak and seconded by Ms. Rovner, with affirmative votes for approval by Rardin, DiRenzo, Sklar, Potter, Rovner, and Apell for the approval of the Use d(1) Variance with conditions. Motion carries 7-0.

17-Z-0022

Cellco Partnership d/b/a Verizon Wireless

Block(s) 595.01 Lot(s) 2

731 Cuthbert Boulevard

Zone: Regional Business (B4) Zone

Cherry Hill, NJ

Relief Requested: Site plan waiver with bulk (C) variances to increase the height of the existing monopole telecommunications tower from 100' to 116', install twelve (12) new antennas, and construct a new equipment compound (23' X 13') with associated equipment cabinets and a generator.

Applicant's Representatives: Alyson Fritzges, Esq. – Applicant's Attorney; Andrew Petersohn, PE – Applicant's Radio Frequency Engineer; Andrew Miller, PE – Applicant's Engineer; Brian Seidel, PP, LLA – Applicant's Planner; and Mary Devlin – Site & Acquisitions Manager for Verizon Wireless.

Exhibits Submitted: A-1 through A-18 as noted in the applicant's submission package; and A-19 – Structural Analysis.

Ms. Fritzges gave an overview of the application to increase the height of the existing cell tower from 100' to 116'. Ms. Devlin stated that it is her job to find suitable locations for all cell towers and colocations projects for Verizon Wireless. Ms. Devlin affirmed that she looked at other locations for the proposed new antennas but that this is the only site that worked due to the availability to acquire a lease and based upon the area they intend to service. Ms. Devlin stated that the applicant will provide to Community Development an executed lease agreement as a condition of approval.

Mr. Petersohn stated that Verizon works on different frequency ranges as licensed by the FCC. Mr. Petersohn stated that he prepared an alternative site analysis to show existing Verizon sites and why utilizing the subject structure is the most optimal site and, more importantly, that the proposed height extension is necessary in order to bolster data capacity. Mr. Petersohn noted that nearby existing facilities are overburdened by capacity/data demand issues as indicated in the submitted propagation plan. Mr. Petersohn stated that the proposed twelve (12) antennas will help offload data traffic. Mr. Petersohn added that if the antennas do not get constructed, data speeds will slow down and eventually create gaps in coverage and then the eventual failure of voice services (particularly during peak traffic times). Mr. Petersohn detailed the electromagnetic exposure analysis in that exposure thresholds do not exceed FCC limits, the non-interference analysis report in that the antennas would not interfere with other telecommunication bands such as radio and emergency services, and the FAA Notice Criteria Tool Screening in that the facility will not have to be marked for FAA purposes. Ms. Fritzges stated that the applicant will comply with all local, State, and Federal regulations.

Mr. Miller described the proposed site plan which involves the height extension of the existing cell tower from 100' to 116', the installation of twelve (12) new antennas (to be installed at 113' above grade), and a new equipment compound on a 200 SF concrete pad. Variances are required for the height extension of the cell tower and the setback of the cell tower from the northern property line. Mr. Miller explained that the site is relatively isolated and well screened. The equipment compound will include four to five equipment cabinets, a 20 kW natural gas generator, and 6' tall vinyl fencing on a 200 SF concrete pad. The generator will only be running during maintenance tests and when the power is out. Mr. Miller clarified that the existing lighting rod is at 105' above grade and that the new lighting rod will be at 121' above grade. Mr. Miller noted that Crown Castle will maintain the facility and that he expects there to be no significant emissions to emanate from the facility other than minimal emissions if and when the generator is running. Mr. Miller affirmed there would be no signs on the cell tower.

Mr. Seidel referred to exhibit A-18's photo simulations and key map to illustrate the minimal visual differences that the height extension would create if the application is approved. Mr. Seidel went through the positive and negative criteria as it related to the requested variances and specifically noted that the only real impact will be a visual impact but that this impact is negligible. Mr. Seidel explained that the Zoning Ordinance encourages co-location.

Ms. Fritzges stated that the applicant agrees to all conditions noted in the Department of Community Development's review letter. Mr. Seidel stated that he can affirm that a structural analysis was performed via exhibit A-19 and that with minor improvements to the tower, it can support the proposed extension. Ms. Luciani stated that the applicant will still need to provide an FCC no significant impact letter and FAA approval.

Public Comment: None.

As a point of clarification, the applicant's height variance request is amended to 121' due to the height of the lighting rod and as such, the property line setback request is amended to 181.5'.

Motion: Following a review of the application and conditions of approval by Solicitor Diamantis, a motion was made by Mr. Spevak and seconded by Ms. Rovner, with affirmative votes by Rardin, DiRenzo, Sklar, Potter, Rovner, Apell, and Spevak to approve the application for a site plan waiver with bulk (C) variances. Motion carries 7-0.

RESOLUTIONS

17-Z-0024

Block(s) 515.18 Lot(s) 8
Zone: Residential (R1) Zone

Anthony Salvatore
203 Longstone Drive
Cherry Hill, NJ

Relief Requested: Bulk (C) Variances to permit the construction of a 16' x 36' in-ground pool (5.5' deep) and associated concrete surround walkway in the rear yard of the property.

Motion to Ratify: Following the review of the resolution, Mr. Sklar made a motion which was seconded by Ms. Rovner, to memorialize the resolution for Anthony Salvatore. Affirmative votes by Rardin, DiRenzo, Sklar, Potter, Rovner, and Apell. The resolution is memorialized.

Meeting Adjourned: at 8:53 PM.

ADOPTED: 11/16/17

ATTEST:



LORISSA LUCIANI, PP, AICP
ZONING BOARD SECRETARY



JONATHAN RARDIN, CHAIRMAN