

Mantua Township Zoning Board of Adjustment
Reorganization Meeting
January 6, 2010

The Reorganization meeting of the Zoning Board of Adjustment was held on January 6, 2010 in the Municipal Building, Mantua, NJ at 6:30 p.m.

ROLL CALL: Present: Members Kaczka, Zeno, Moyer, Acton, VanMeter, Galella, Stuart Platt, Esq., Shirley Veacock, Coordinator

Absent: Alice, Gregg, Estberg

Mr. Acton and Mr. VanMeter were sworn in.

Nominations were opened for Chairman. Mr. Kaczka nominated John Alice for Chairman. Mr. Zeno seconded. In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none. There were no further nominations.

Nominations were opened for Vice-Chairman. Mr. Kaczka nominated Nelson Moyer for Vice-Chairman. Mr. Zeno seconded. In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none. There were no further nominations.

Nominations were opened for Secretary. Mr. Kaczka nominated Lois Varalli for Secretary. Mr. Zeno seconded. In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none. There were no further nominations.

Nominations were opened for Solicitor. Mr. Kaczka nominated Stuart Platt, Esq. for Solicitor. Mr. Zeno seconded. In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none. There were no further nominations.

Nominations were opened for Conflict Solicitor. Mr. Kaczka nominated Samuel Ragonese, Esq. for Conflict Solicitor. Mr. Zeno seconded. In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none. There were no further nominations.

Nominations were opened for Planner. Mr. Kaczka nominated Remington and Vernick for Planner. Mr. Zeno seconded. In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none. There were no further nominations.

Nominations were opened for Conflict Planner. Mr. Kaczka nominated T&M Associates for Conflict Planner. Mr. Zeno seconded. In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none. There were no further nominations.

Nominations were opened for Engineer. Mr. Kaczka nominated CME Associates for Engineer. Mr. Zeno seconded. In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none. There were no further nominations.

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Nominations were opened for Conflict Engineer. Mr. Kaczka nominated T&M Associates for Conflict Engineer. Mr. Zeno seconded. In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none. There were no further nominations.

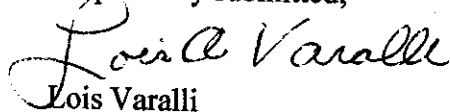
Mr. Moyer made a motion to adopt Roberts' Rules of Order as rules of procedure for the Board. Mr. Kaczka seconded and the motion was carried as follows: In favor - Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none.

Mr. Kaczka made a motion to set the first Wednesday of each month as the regular meeting day of the Zoning Board of Adjustment. Mr. Moyer seconded and the motion was carried as follows: In favor - Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none.

The public portion was opened. No one appeared.

There being no further business, the Reorganization meeting was adjourned.

Respectfully submitted,


Lois Varalli
Zoning Board Secretary

Mantua Township Zoning Board of Adjustment
January 6, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on January 6, 2010 in the Municipal Building, Mantua, NJ immediately following the Reorganization Meeting.

ROLL CALL: Present: Members Kaczka, Zeno, Moyer, Acton, VanMeter, Galella, Stuart Platt, Esq., Shirley Veacock, Coordinator

Absent: Alice, Gregg, Estberg

NEW APPLICATIONS:

Appeal #09-15 Providence Presbyterian Church (Owner: Sora Holdings)
234 Shadow Place
Block 97, Lot 4

A letter was submitted to the Board requesting a postponement to the February 3, 2010 meeting due to a scheduling conflict with the applicant's attorney, Mr. Goldstein. The applicant agreed to extend the time the Board has to act to March 2010.

Mr. Kaczka made a motion to postpone this application conditioned upon the applicant re-noticing everyone for the February meeting. Mr. VanMeter seconded and the motion was carried by unanimous vote.

Appeal #09-19 Timothy Zepp
137 Golf Club Road
Block 260, Lot 3.01

The applicant is seeking a use variance and at tonight's meeting there is less than a full board. The applicant, through a letter from his attorney, Warren Carr, asked for an adjournment to the February 3, 2010 meeting. They will waive all time constraints. Mr. Zeno made a motion to grant this adjournment. Mr. Kaczka seconded and the motion was carried by unanimous vote.

At this time the Chairman called for a five minute recess.

Appeal #2010-01 John Paz
2 Lantern Way, Mantua
Plate 50, Block 276, Lot #3.11

Jeff Albertson, Esquire appeared on behalf of the applicant.

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The applicant as well as Phil Ruggieri, the project architect, was sworn in.

The applicant submitted an application for a variance to construct a four (4) foot fence along his property in the front yard. Mr. Albertson stated that the neighbors on either side of the applicant have front yard fences.

The Board looked into the fences and they appear to be non-conforming. There were no variances or permits granted for them.

Mr. Albertson stated that this property is in the AR (Agriculture Residential) zone and in one section of the ordinance four feet high fences used for farming are permitted in the front yard in this zone. The property is not being farmed and is not farm assessed.

Mr. Ruggieri appeared and described the nature of the application. There are two entry drives that currently exist. The entry walls are under construction now and they have received permits for their construction. Exhibit A1, a colored rendering of the residence with the decorative fence superimposed on it, was entered. A series of 4'4" high stone piers with a 4' high decorative aluminum black or bronze fence that runs between them is proposed along the entire front yard of the property on Lantern Way. The height of the piers at the entrance drives varies from 6 feet to 5'4". The intent is to have controlled access to the house at both driveways. The best way to do this is to have a barrier along Lantern Way, so that there are only two access points at the driveways.

Exhibit A2 was entered. This photo shows the fence of the property to the left of the subject property. Exhibit A3 was entered. This photo shows the fence of the property to the right of the subject property. Exhibit A4 was entered. This photo shows the controlled access of the house to the right of the subject property. Exhibit A5 was entered. This photo shows the decorative fence at 329 Breakneck Road similar to what the applicant is proposing. Mr. Ruggieri stated that he has not seen any animals or any farming on the inside of these fences seen in the exhibits. The stone piers that are being proposed are 20 inches square and 4'4" high and are the same stone that is being used on the house.

Mr. Paz stated that this is going to be his residence. He hopes to be in at the end of February. He stated that he doesn't want anyone to drive up on his grass and he felt that the fence would be the finishing touch that the home needs. Some sort of barrier there would deter people from just walking up into the yard and the locking gate will inhibit cars from gaining access to the driveway. He believes that the fence will provide extra security. The property currently has fences down both sides from the neighboring properties and across the rear. Mr. Paz stated that he has not heard anything about people

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driving up on the lawn in the neighborhood nor has he heard about any security problems. He has not moved in as of yet and he has not met any of the neighbors. Mr. Paz stated that he believes that this will finish off the property and blend in with the other fences that are there as well as add to the security of his home.

The public portion was opened. No one from the public appeared.

Mr. Albertson stated that in his notice he included photos and a rendering of what was proposed. He further stated that this fence will be a benefit and there are no negative impacts.

Mrs. Galella made a motion to approve this application. There were still questions from the Board members, so Mrs. Galella withdrew her motion.

After further discussion, Mrs. Galella made a motion to approve this application. Mr. Acton seconded. The motion was not carried due to the following vote: In favor – Acton, VanMeter, Galella. Opposed – Kaczka, Zeno, Moyer. This application was denied.

**Appeal #2010-02 John and Anne Daly
 123 Olympia Court, Mantua
 Block 6.02, Lot #11**

The applicants submitted an application for a rear yard variance to allow the construction of a roof over their patio in the rear yard. Mr. Daly stated that the roof will be a hip roof and the shingles will match that of the existing roof. He has an odd-shaped lot. A 35' rear yard is required and he will have a 25' rear yard on one side and an 18' rear yard on the other side. The roof will be 23'x16' over a stamped concrete pad.

The public portion was opened. No one from the public appeared.

Mr. Acton made a motion to approve this application. Mr. Kaczka seconded and the motion was carried as follows: In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none.

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Appeal #2010-03

**William Lex
129 Horseshoe Drive, Mantua
Block 6.02, Lot #17**

The applicant submitted an application for a rear yard variance to construct a deck 38' in length and 19.5 feet wide on the left side and 14 feet wide on the right side as well as an 18'x14' screened porch on the rear of his home. Neither the deck nor the porch will encroach any further into the side yard than the existing home. A 35' rear yard is required and the applicant is proposing a 24' rear yard. The porch will have an A frame roof with shingles to match the house as well as siding to match the house.

The public portion was opened. No one from the public appeared.

Mr. VanMeter made a motion to approve this application. Mr. Acton seconded and the motion was carried as follows: In favor – Kaczka, Zeno, Moyer, Acton, VanMeter, Galella. Opposed – none.

APPROVAL OF MINUTES:

Mr. Kaczka made a motion to approve the December 2, 2009 meeting minutes. Mr. VanMeter seconded and the motion was carried by unanimous vote.

RESOLUTIONS:

Resolution #10-01 appointing Stuart Platt, Esq. as the Zoning Board Solicitor was reviewed. Mr. Kaczka made a motion to adopt this resolution. Mr. Zeno seconded and the motion was carried by unanimous vote.

Resolution #10-02 appointing CME Associates as the Zoning Board Engineer was reviewed. Mr. Kaczka made a motion to adopt this resolution. Mr. Zeno seconded and the motion was carried by unanimous vote.

Resolution #10-03 appointing Remington and Vernick as the Zoning Board Planner was reviewed. Mr. Kaczka made a motion to adopt this resolution. Mr. Zeno seconded and the motion was carried by unanimous vote.

Resolution #10-04 appointing Samuel Ragonese, Esq. as the Zoning Board Conflict Solicitor was reviewed. Mr. Kaczka made a motion to adopt this resolution. Mr. Zeno seconded and the motion was carried by unanimous vote.

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Resolution #10-05 appointing T&M Associates as the Zoning Board Conflict Engineer was reviewed. Mr. Kaczka made a motion to adopt this resolution. Mr. Zeno seconded and the motion was carried by unanimous vote.

Resolution #10-06 appointing T&M Associates as the Zoning Board Conflict Planner was reviewed. Mr. Kaczka made a motion to adopt this resolution. Mr. Zeno seconded and the motion was carried by unanimous vote.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Lois Varalli
Zoning Board Secretary

Mantua Township Zoning Board of Adjustment
March 3, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on March 3, 2010 in the Municipal Building, Mantua, NJ.

ROLL CALL: Present: Members Alice, Kaczka, Zeno, Moyer, Acton, Galella, Estberg, Stuart Platt Esq., Shirley Veacock, Coordinator, George Stevenson, PP, Laura Neumann, PE

Absent: Gregg, VanMeter

NEW APPLICATIONS:

Appeal #09-19 Timothy Zepp
137 Golf Club Road
Block 260, Lot 3.01

Warren Carr, Esquire appeared on behalf of the applicant. Donald Schmidt, Jr., Donald Netz, Principal of Gloucester County Christian School, Debbie Leonard and George Leonard also appeared on behalf of the applicant and were sworn in.

This application is for a use variance for a machine shop which is existing. Mr. Zepp's father, Donald A. Zepp, started this business in the early 1970's. No ordinances could be found that dated back to that time. The property was purchased in 1971 by Donald and Jean Zepp. The applicant inherited the property. A site plan, drawn by the applicant, was submitted as part of the application. Various photos of machines in the shop as well as aerial photographs will be submitted. Mr. Zepp does not have any employees, although a website for his business does have other people posing in the photos. The applicant is the only employee. His son, when he comes home from college, does help him out occasionally, but there are no paid employees other than Mr. Zepp. The property is also Mr. Zepp's home. The buildings on his property have been there for many years except for one recent addition for which a permit was obtained. A tool was in that addition, but has since been removed.

Mr. Zepp stated that he has lived at this property since approximately 1973. A deed of conveyance to Donald A. Zepp dated 1971 was entered as Exhibit A1. This deed included two parcels of land, the land with the house and the land between Mr. Zepp's property and Mr. Jones' property. The parcel in between Mr. Zepp and Mr. Jones was sold by Mr. Donald Zepp to Mr. Cortland Abbott in 1977. This wooded parcel is 161 feet wide. The deed of conveyance was entered as Exhibit A2. A drawing by Mr. Tim Zepp showing the locations of the house and buildings on his property was entered as Exhibit A3. Mr. Zepp's driveway is the West of his property nearest to the Gloucester County

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Christian School. Mr. Zepp's home sits approximately 220 feet off the roadway. His shop sits approximately 191.8 feet off the roadway. The width of his property is approximately 161 feet. The shop dimensions are 92.2 feet by 39.6 feet. The shop was built in 1975 or 1976. Mr. Zepp's father, Donald, was an electrical engineer and did some small electrical work and small automobile electrical work in the shop. The applicant recently added an 18 foot by 39 foot addition onto the shop. Nothing is in that addition now. There was a machine in the addition, but it is not there now. This addition is included in the total shop dimension of 92.2 feet by 39.6 feet.

The building permit application documents, which consist of the construction permit, building sub code for the addition, garage addition checklist and the electrical sub code, were entered as Exhibit A4. Mr. Zepp stated that the permit was done for a while and he just went and picked it up.

Mr. Zepp stated that the Mantua Township Police Department did a noise test on April 23, 2009 at approximately 3:37 pm because of a complaint from the Jones about noise. Mr. Zepp had an 800 hp drag race motor on the dynamometer at 75 rpm at full load and the decibel reading was close to ordinary traffic. This complaint dispatch report consisting of three pages was entered as Exhibit A5.

Mr. Zepp explained that there are milling machines and specialty equipment in his shop for reconditioning cylinder heads and engine blocks. He does a lot of research in his shop, (i.e. if someone wants an engine for a race car like the ones at Bridgeport Speedway). He then designs the engine, gets the parts, builds the engine and gets it to the customer. He buys the parts. He does not sell any parts. His customers have been gathered by word of mouth over the years. About a year ago, he gained a web site to try to generate business. There has never been a sign or a yellow page ad. Business was always word of mouth. Mr. Zepp further stated that he is the only employee. There are no other employees. His son is studying Engineering Science full-time and occasionally helps him. In the photos that he will submit there are other people in the photos at various machines because he was trying to make his web site look better. He was lacking business and tried to make his shop look bigger than it is. The applicant is seeking approval from the Board to operate his home occupation. He just recently started helping his friend with a mortgage modification company. It is commission based. The applicant's business was slow, so he is doing this part-time. This is not operated out of his shop and will never be operated out of his shop.

Four photos taken from of the property in between the Zepp and Jones property from West to East were entered as Exhibit A6. The photos were taken today.

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Four photos taken of the same property at various angles were entered as Exhibit A7. These photos were also taken today.

Various photos showing the distance between the Zepp property and the Jones property were entered as Exhibit A8.

Four photos looking from the Jones property to the Zepp property at different angles were entered as Exhibit A9.

Mr. Zepp stated that Mr. Jones' house is approximately 380-400 feet from his shop.

Three sheets with photos of various tools used in Mr. Zepp's shop were entered as Exhibit A10. The tools are a grinding bench that he and his father built 18 years ago, a machine for honing blocks that he and his father built 18 years ago, a flow bench that he and his father built 18 years ago, a bench for pressure testing a head that is 12 years old and a lathe from the late 1950's.

Two sheets with googled photos that show 137 Golf Club road and the surrounding area were entered as Exhibit A11.

Mr. Zepp explained that the engine dynamometer is the noisiest machine that he has in the shop. This was the machine that was tested when the police officer was on Mr. Jones' front porch with Mrs. Jones doing a decibel reading. There is no vibration outside of his building. There is minimal vibration inside the building from the console in front of the machine. There is no vibration in the floor at all. He has occasionally heard trucks using Jake brakes on Golf Club Road. This noise is louder than what he would produce in his shop. There is no noise that he would produce that you could hear outside his shop. The only noise that he might produce would be from two industrial silencers at the West end of the building and that noise is pointed away from the Jones' property and to the end of the buildings near the Christian School. The dynamometer is used sporadically (i.e. race season). Testing done on the dyne is relatively short at only a few seconds. The applicant's father passed away in September of 2004. His father, mother and himself have lived on the property since the early 70's. He and his wife still live there presently. He has not made any additions, other than the recent building addition, to the shop at all. He did clean up the building and he and his friends sided the building. The complaint made by the DEP has been resolved.

Mr. Zepp is not aware of any applications before any Board for this business by his father. This business is registered with the State of New Jersey. He is not sure if his taxes are based on having a house and a business. Mr. Carr stated that the house and the shop are separately assessed.

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The building permit for the addition was picked up yesterday. It was a new permit that he applied for recently. He had a permit for the addition from years ago, but didn't follow through. His father passed away and when he could he constructed the addition. He is under the impression that Mr. Jones called the Township and when Sabrina came out to his property, he told her about the permit. She informed him that after so many years, the permit is closed out. Mr. Zepp was not aware of that and then went to apply for a permit. He went and picked it up yesterday.

When he runs the dynamometer, he does not wear hearing protection. The silencers are for the exhaust noise.

Donald Netz, the Principal of the Gloucester County Christian School, appeared on behalf of the applicant. The school is located directly to the West of the Zepp property. He has been there for 22 ½ years. He stated that Mr. Zepp approached him to testify about any noise. Mr. Netz is at the school from 7:30 am to 5:30 pm. He has not received any complaints from the recess aides that are outside. He specifically asked the elementary principal if she had received any complaints from elementary teachers, aides, pupils or their families about any noise and she had received no complaints. He has on rare occasions heard the sound of an engine revving for seconds similar to the noise of a UPS truck going down the road. In the 22 ½ years he has not noticed any traffic or other activity generated at Mr. Zepp's property. The students that attend the school are from ages four to eighteen. Preschool through second grade are in the building closest to the Zepp property.

Mr. Jones introduced himself to Mr. Netz and he was invited into Mr. Netz's office. Mr. Jones shared his concerns with the application by Mr. Zepp. Mr. Netz recollects that he told Mr. Jones that he would be giving testimony on any noise issues between the hours of his school operation. Mr. Jones told him that he has concerns about noise and told him of a noise incident that happened about two or three o'clock in the morning and something about fuel storage. Mr. Jones mentioned something about wetlands and fill dirt. None of which have been a concern to Mr. Netz.

George Leonard, 154 Golf Club Road, appeared on behalf of the applicant. He has lived there since 2003. He is catty-corner to the Zepp property. He believes his property is closer to Mr. Zepp than Mr. Jones is to Mr. Zepp, but has not measured the distance. Mr. Jones house might be closer. He stated that he very rarely hears anything from the Zepp property. There are planes going overhead and a landscaping business which generates noise. Any noise from the Zepp property is less than an airplane going overhead. He has never noticed a lot of traffic going in and out of the Zepp property and has never noticed any trucks at the Zepp property.

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Mr. Leonard had no previous acquaintance with Mr. Zepp before this application. He had no idea what is happening on the Zepp property. He did hear engines, but he hears the landscaping business a lot more than that. He believes there is a landscaping business on the other side of his property. He has not heard any noise for the last six months or so coming from the Zepp property. He has never smelled any odors coming from the property. He hears more noise coming from the landscaping business.

Debbie Leonard, 154 Golf Club Road, appeared on behalf of the applicant. She stated that she has not heard any noise or had any complaints with the Zepp property. She did not know Mr. Zepp prior to this application.

Donald Schmidt, Woodstown, NJ, appeared on behalf of the applicant. He stated he is a very good friend of Tim Zepp for twenty-seven years. He is a heavy equipment operator. He knows the business that Mr. Zepp operates and has been in the shop. There is minimal noise from the business. He stated that his four wheeler is louder than the dynamometer. He further stated that Mr. Zepp has no employees. He has not seen any fuel tanks at the shop except for a five gallon tank. Any paint that is used is out of an aerosol can. He does not paint cars.

Mr. Zepp stated that he does not store fuel. Years ago before gas prices went up, he would have drums of fuel from BP Racing Fuel that he would pump from the drum into a small tank (2 foot x 2 foot polypropylene with sealed fittings) that they ran the engine on for the dyno. He can't afford to keep fuel and a lot of times the customer will bring the fuel with them. Some engines run on pump fuel from the gas station and others run on racing fuel. He has a couple of five gallon containers of gas like you would have for your lawn mower.

The public portion was opened. Jim Maley, Esquire appeared on behalf of Kenneth and Marilyn Jones. A five minute recess was taken to allow for the public to review the exhibits entered by the applicant.

Mr. Jones stated that Zepp Engines, Inc. is operating from the subject property. He does not believe that this is home occupation. Mr. Zepp stated that a CNC machine was removed from his property by the owner on Saturday. The machine is a milling machine that is computer operated. The machine was removed because the owner heard that Mr. Zepp's neighbor was trying to shut his business down and he got concerned and removed his machine. The machine was being loaned to him for about a year by Michael Lynch, who does machining on the side in Pennsylvania. Mr. Lynch was teaching Mr. Zepp how to run the machine. Jersey Cylinder Head, Inc. was started by his father and is what started the business. That business is dissolved.

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The New Jersey State Business Gateway Service report on Jersey Cylinder Head, Inc. was entered as Exhibit Jones 1.

A series of photos of race engines and race cars which were printed from a website TimZeppEngines.com were entered as Exhibit Jones 2. Mr. Zepp stated that he advertises three or four engines that he builds on his website. Any warranty work would be sent to his shop. The engines are used for hot rods. In one of the photos, Mike is running a CNC machine. Mr. Zepp stated that in an effort to make his shop bigger than what it is, Mike is shown appearing to run a CNC machine. He is actually not running it and the picture was taken in a shop that Mike works out of in Bensalem, PA. In the picture to the right of that is Mr. Zepp in his own shop wearing ear protection for the noise. In another picture Mr. Zepp is using a grinder with ear protection. Mr. Zepp stated that if you listen to that all day, it becomes annoying. All of the remaining pictures are taken in his shop. Rob is also posed in the picture and is not working. Mr. Zepp is the person in all the dyno pictures. Ralph was helping him in one picture. There were pages of pictures of vehicles. Mr. Zepp stated that not all of them were built by him at his shop, although he did some type of work on them; some pieces and some complete engines.

Mr. Zepp explained the difference between regular fuel and race car fuel. Nothing was ever required to purchase race car fuel. You have to have a State permit to purchase nitrous oxide. He doesn't buy this or use it. He believes the fuel was purchased under Jersey Cylinder Head. The last time he purchased gas from BP in Delaware was six or seven years ago. Anyone off the street can purchase the gas. Mr. Zepp stated that he has four five-gallon jugs of gasoline. The racing fuel is brought to his shop by the customer and then returned to the customer because it is so costly. He has not really had set hours of operation because of health issues in the past. Anytime any engine or part is brought to his shop it is outside of the car. The car does not come to his property.

Mr. Zepp does not know what his gross revenue is. There is no parking issue. He used tax maps as well as tape and walking the properties for his drawing that was submitted. Mr. Zepp has had annual fire inspections for approximately twelve years.

Ken Jones, 117 Golf Club Road, appeared. He lives approximately 300 feet from Mr. Zepp.

A drawing prepared by Donald Zepp for his sub-division in 1976 was entered as Exhibit Jones-3. It does not show his garage. Mr. Jones moved into his home in December 1986. Mr. Zepp's machine shop didn't have any impact on him back then.

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Mr. Jones became aware of the shop in the last 90's. One morning, about 3:30 am, he was awakened by a big truck with lights on parked down the street. He went down the street and a gentleman came out with an 18 inch wrench and he asked him what he was doing there. Mr. Jones asked him what he was doing there. He was informed that Mr. Zepp was working on his engine. The police came.

In that area there is a lot of water in the ground and when Mr. Zepp operates his machines there is disturbance in the air molecules and in the ground. His house shakes from the noise generated. His wife's jam jars fell off the walls in the basement. The stream that runs in the back of his yard has been filled in with silt from Mr. Zepp's property. The noise has been on an ongoing basis since he learned of the business in approximately 1997. Within the last year approximately five to seven times a month there is noise at all times of the day. The noise has been that consistent for the whole time he has been aware of the shop. He can't be out in his yard when Mr. Zepp is running engines. He saw a big truck there the other day bringing an engine. He saw a fork lift truck there the other day. He saw trucks delivering bulldozers to clear the lot. There are delivery trucks going there and UPS trucks. He hasn't smelled any odors. He has made complaints to the Mantua Police. Nothing has been done about the noise.

A December 15, 2009 letter from Mr. George Bochus was entered as Exhibit Jones-4. The Field Notice from the DEP dated July 22, 2009 was entered as Exhibit Jones-5. Mr. Jones stated that Mr. Zepp has been clearing the back of his lot. The silt from his property is filling up the stream. The ground on his property is getting wet where it has never been wet before.

Mr. Zepp stated that he was clearing a portion of the back of his property and relocating some dirt to the front of his property. This was independent of the business and had nothing to do with the business. Mr. Jones stated that the noise is very disturbing and it interferes with his sleep and enjoyment of his property. The vibration has been consistent over the years. His house was built in 1958. There has been no structural damage to his house. There are no cracks in the walls. Mr. Jones got the exhibit Jones-3 from the Mantua Township Planning or Zoning Board. Mr. Jones marked the stream on the drawing. If someone were to go through the records, they would find the same drawing that was submitted with the application. Mr. Jones did not hear or see the CNC machine arrive. He did see it leave on Saturday. Mr. Jones never went to Mr. Zepp to talk to him about the noise. He has never heard any noise from the landscaping business, although he is familiar with the business. The public portion was closed.

Mr. Zepp testified that he did have the dynamometer in 1998 and did operate it one time at 3:30 am for his own personal use. In October of 2009 was the last time he ran the

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Dynamometer. In the last ten years, he could have run this machine once a week or once every couple of months. It depends on the work he has received.

Mr. George Stevenson reviewed his letter dated 11/24/09. Laura Neumann reviewed her report.

Mr. Zepp stated that UPS brings most of his deliveries. If he is working on an engine, the customer brings it in the back of his pick-up truck. There is no outdoor storage of parts or anything.

Mr. Maley stated that the clearing of dirt and debris is related to the business. The applicant's burden of proof is that this area is particularly suitable for a race car engine business. There has been a substantial detriment to Mr. Jones by the operation of this business.

Mr. Carr stated that this business has been existence since the early 1970's. Much earlier than Mr. Jones acquired his property in 1986. This is not an adjoining property. Several other neighbors testified that there was no substantial detriment from this business. This business is Mr. Zepp's livelihood and has been such for many years. His father had the business and now he has the business. We don't know what the previous zoning was because prior ordinances cannot be located. We know what the zone ordinance is now, but that took place after this business had already been established. Mr. Carr stated that he understands this is a use variance application, but he has a problem with the business predating any ordinance that was in place.

The solicitor informed Mr. Carr that this application is strictly for a D1 use variance.

Mr. Zeno made a motion to deny this application. Mr. Kaczka seconded and the motion was carried as follows: In favor of denial – Alice, Kaczka, Zeno, Moyer, Galella, Estberg. Opposed – none. Abstain - Acton

APPROVAL OF MINUTES:

Mr. Moyer made a motion to approve the February 3, 2010 meeting minutes. Mr. Zeno seconded and the motion was carried by unanimous vote.

Mantua Township Zoning Board of Adjustment
March 3, 2010

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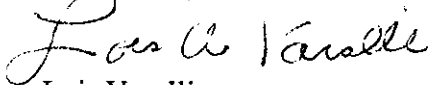
RESOLUTIONS:

Resolution #10-10 for Appeal #2010-04 Clear Wireless reviewed. Mr. Moyer made a motion to adopt this resolution. Mr. Acton seconded and the motion was carried by the following vote: In favor – Alice, Kaczka, Zeno, Moyer, Acton, Gallella. Opposed – none.

Resolution #10-11 For Appeal #09-15 Providence Presbyterian Church was reviewed. Mr. Moyer made a motion to adopt this resolution. Mr. Acton seconded and the motion was carried by the following vote: In favor: Alice, Kaczka, Zeno, Moyer, Acton, Gallella. Opposed – none.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Lois Varalli

Zoning Board Secretary

Mantua Township Zoning Board of Adjustment

May 5, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on May 5, 2010 in the Municipal Building, Mantua, NJ.

ROLL CALL: Present: Members Alice, Gregg, Kaczka, Zeno, Acton, Estberg,
Stuart Platt Esq., Shirley Veacock, Coordinator

Absent: Moyer, VanMeter, Galella

NEW APPLICATIONS:

Appeal #09-19 Timothy Zepp
137 Golf Club Road
Block 260, Lot 3.01

This application was adjourned to the June 2, 2010 meeting. Notice was insufficient and the applicant will re-notice.

Appeal #2010-05 Keith Bessette and Grace Huntzinger
172 Glover Road, Mullica Hill (Bl 268, Lot #1)

The applicants submitted an application for a front yard variance to construct a 40'x20' detached garage on the side of their home. One corner of the proposed garage will be 29' from the front yard setback. A 40' front yard setback is required. The garage will be a one story garage and will not be higher than 15' from the peak. There is a ravine behind their home and a septic system on the other side of their home. They are on a dead end street. The 10'x10' shed will be removed as well as the concrete slab and the garage will be erected where they were located.

The garage will be sided the same as the side of the house.

The public portion was opened. James Graef, Weatherby Road and owner of Lot #4, appeared. He stated that he had no objection to this application. He had some questions about his own lot and what he could do with his lot.

After further discussion, Mr. Kaczka made a motion to approve this application conditioned upon the following: no business can be operated out of this garage, the garage cannot be rented, the garage cannot be used for a residence and the roof cannot be more than 15' at the peak. Mr. Zeno seconded and the motion was carried as follows: In favor – Alice, Gregg, Kaczka, Zeno, Acton, Estberg. Opposed – none.

**Mantua Township Zoning Board of Adjustment
May 5, 2010**

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APPROVAL OF MINUTES:

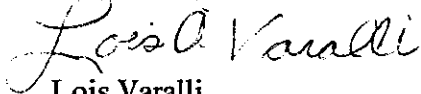
Mr. Zeno made a motion to approve the March 3, 2010 meeting minutes. Mr. Acton seconded and the motion was carried by unanimous vote.

RESOLUTIONS:

Resolution #10-12 for Appeal #09-19 Timothy Zepp was reviewed. Mr. Zeno made a motion to adopt this resolution. Mr. Kaczka seconded and the motion was carried by the following vote: In favor – Alice, Kaczka, Zeno, Acton, Estberg. Opposed – none.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Lois Varalli
Zoning Board Secretary

Mantua Township Zoning Board of Adjustment
June 9, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on June 9, 2010 in the Municipal Building, Mantua, NJ.

ROLL CALL: Present: Members Alice, Gregg, Kaczka, Zeno, Moyer, Estberg, Stuart Platt Esq., Shirley Veacock, Coordinator, Laura Newmann, PE, and Robert Perry, PP

Absent: Acton, VanMeter, Galella

NEW APPLICATIONS:

Appeal #2010-07 David Wentz
254 Lansing Drive, Mantua
Block 17, Lot #15

The applicant submitted an application for a front yard variance to construct a 12'x12' dining room addition on the front of his home as well as a 12'x10' porch area.

The applicant stated that he recently purchased the home and the eating area is insufficient for his family which includes four children. Due to the layout of the home and the kitchen being situated in the front of the home, this is the only place the addition would work. This home is in Centre City and is a front to back split level.

Exhibits A1-A19, depicting various homes in the area that have the same type of additions that were taken two weeks ago by him, were entered.

The addition will be 23' from the front yard property line where 30' is required. The entire house will be resided and the roof on the addition will match the existing roof.

Exhibit A20, the applicant's rendering of the addition, was entered.

The public portion was opened. No one from the public appeared.

Mr. Moyer made a motion to approve this application. Mr. Zeno seconded and the motion was carried as follows: In favor – Alice, Gregg, Kaczka, Zeno, Moyer, Estberg. Opposed – none.

**Mantua Township Zoning Board of Adjustment
June 9, 2010**

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**Appeal #2010-06 Timothy Zepp
137 Golf Club Road
Block 260, Lot 3.01**

John Eastlack, Esquire as well as Addison Bradley, PP, appeared on behalf of the applicant. This application is for reconsideration of a denied use variance and a request for interpretation of a pre-existing, non-conforming use. Mr. Eastlack was informed that only six members are present to vote on this application. Mr. Eastlack stated that he wishes to proceed.

Mr. Eastlack stated that he wishes to establish that this is a pre-existing non-conforming use. A copy of document that was received through an OPRA request that was sent to Mantua in terms of the date upon which the Zoning Code was adopted was entered as Exhibit A1. It includes an ordinance dated 3-19-1983 and a document entitled "Mandy's Plan" dated June 1982. The date of 1983 is a far back as they could receive information from the OPRA request from the Township. The applicant was not able to secure any other information from that request.

The earliest date that they could get from the County was 1973. It made reference to a Master Plan in 1973. This was also done through an OPRA request from the County.

The deed dated September 7, 1971 for the sale of the property to Mr. Zepp's parents was entered as Exhibit A2

An OPRA request to the County was entered as Exhibit A3. A Mantua Township Master Plan was referenced in 1973.

The deed dated April 28, 2003 conveying the property to Tim Zepp as Executor and sole survivor of Donald Zepp was entered as Exhibit A4.

Mr. Zepp stated that he was born in 1966 and has lived at this property since 1971. At that time there was a home and a garage constructed on the property. His father operated a business at the property since that time. As he grew older, he began assisting his father at around age twelve (12). His father's business has never ceased at this property. Mr. Zepp became very involved in the business the older he became. Additions were made to the garage: one when Mr. Zepp was around six (6) years of age, another when he was around fourteen (14) years of age and he, himself, put another addition on the garage last year. The same business has continued through his entire life. He accepts money for his engine repair as his father did. His father had a steady volume of business. He and his father worked on engines together.

Mantua Township Zoning Board of Adjustment
June 9, 2010

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Addison Bradley, PP, appeared on behalf of the applicant. He stated that he evaluated the property owned by Zepp which is zoned AR. Mr. Bradley presented an aerial photo of the property that was taken in 2010 and it was entered as Exhibit A5. Mr. Bradley stated that prior to 2009 this area was 1 acre zoning according to the Clerk's office. The bulk standards were changed from 1 acre to 3 acre, therefore making all the lots pre-existing, non-conforming lots. The home sits 161' from the road and has a 50' side yard on one side and a 23' side yard on the side that is next to the Christian School. Mr. Bradley's opinion was that this predates Zoning and is a pre-existing, non-conforming use prior to zoning. This is Mr. Zepp's only source of income.

Mr. Zepp stated that his father operated out of the garage area. Mr. Zepp, himself, works on engine blocks and engines in the garage area. Some paperwork is done in the home by his wife. He can be reached by cell phone in his house and the garage. Mail for the business is received at his home. Occasionally customers come to this home, but mostly they come to the garage.

The public portion was opened. James Maley, Esquire, who represents a neighbor Mr. Jones, appeared.

Mr. Zepp stated that he didn't do anything to close his father's business when he passed, he just continued with the business. His father worked with him on race cars. His earliest recollection of his father working on race cars was when he was nine (9) years old.

Mr. Maley entered Exhibit B1, a transcript from the March 3, 2010 Zoning Board meeting. Mr. Maley stated that Mr. Zepp's testimony at that meeting is different from his testimony at tonight's meeting.

Mr. Zepp stated that the last addition was made for the CNC machine. He applied for a permit to build the addition prior to 2003. He started building the addition and Sabrina Sabatelli came out and asked where his permit was. He stated that he had one long ago and she informed him that after so many years the permit is closed out. He then went to the Township and applied for another permit.

Mr. Zepp remembers that his dad had a small boring bar, a Bridgeport (milling machine), distributor machine, micrometers, rod reconditioning machine, various test equipment and hand tools. Mr. Maley questioned Mr. Zepp as to when he created Jersey Cylinder Head. Mr. Zepp stated that it was created about 1998. Mr. Maley stated that in 1998, Mr. Jones filed suit about the noise that was being created by Mr. Zepp.

Mantua Township Zoning Board of Adjustment
June 9, 2010

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Mr. Zepp stated that equipment and cars have changed over time. His father worked on cars, cylinder heads and engines. The CNC machine cut the time, but did not increase the volume of work. His father always wanted more business. Mr. Zepp stated that he did not really care for all the work his father did and he is more limited in what he works on than his father worked on.

Mr. Ken Jones, 117 Golf Club Road, Lot 3.03, appeared. He moved into his home in December of 1986. From 1986 until the late 1990's he was not aware of the business that was being operated on the Zepp property. He became aware of the business in the late 1990's because of noise. He notified the police. A letter written to the Mayor on April 30, 1998 was entered as Exhibit B2. Mr. Jones stated that he saw Jersey Cylinder Head advertised on the side of a truck. In approximately 1996, Mr. Zepp spoke to him about putting an extension on his garage.

A memo dated July 20, 1976 to the Mantua Township Planning Board and a hand drawn sketch, drawn by Mr. Zepp Sr. was entered as Exhibit B3. It does not show a garage.

Mr. Jones stated that he does not know if there was a garage or shed on the property that was not drawn on the sketch. He did not live there in 1976.

The public portion was closed.

A 5-10 minute recess was taken at this time.

Mr. Eastlack summated that he has established that since 1971 there was a use as a machine engine shop. The shop was used to repair engines and electrical work on cars. The business evolved over time. Mr. Zepp's father did work on race engines. The focus of the business has gotten smaller. The previous testimony was for the use variance only. Mr. Zepp will operate only for the lifetime of Timothy Zepp or sale or transfer of property or failure to reside there or by stopping the business. The hours of operation will be Monday through Friday 7am to 7pm and Saturday 8am to 5pm. They will not be open on Sunday. The use of this property predated the Zoning doe. There is a reference to a Master Plan in 1973. There is no zoning ordinance prior to 1973 that was found.

Mr. Maley summated that the burden of proof is on the applicant to show what is permitted and what the use was. There is an ordinance before 1983. There is no corroborating evidence for what Mr. Zepp has testified to.

Mr. Kaczka made a motion to approve this application for an interpretation of a pre-existing, non-conforming use. It does not include the recent addition. The approval is

**Mantua Township Zoning Board of Adjustment
June 9, 2010**

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contingent upon the hours of operation stated. Mr. Gregg seconded the motion and the motion was carried as follows: In favor – Alice, Gregg, Kaczka, Zeno, Moyer, Estberg. Opposed – none.

Mr. Eastlack withdrew the other two aspect of the application without prejudice.

APPROVAL OF MINUTES:

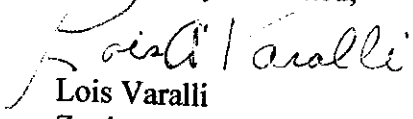
Mr. Moyer made a motion to approve the May 5, 2010 meeting minutes. Mr. Gregg seconded and the motion was carried by unanimous vote.

RESOLUTIONS:

Resolution #10-13 for Appeal #2010-05 Keith Bessette and Grace Huntzinger was reviewed. Mr. Gregg made a motion to adopt this resolution. Mr. Kaczka seconded and the motion was carried by the following vote: In favor – Alice, Gregg, Kaczka, Zeno, Estberg. Opposed – none.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Lois Varalli

Zoning Board Secretary

Mantua Township Zoning Board of Adjustment

July 7, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on June 9, 2010 in the Municipal Building, Mantua, NJ.

ROLL CALL: Present: Members Alice, Gregg, Kaczka, Zeno, Moyer, VanMeter, Galella, Stuart Platt Esq., Shirley Veacock, Coordinator, Laura Newmann, PE, and Robert Perry, PP. Mr. Acton arrived after roll call.

Absent: Estberg

The public portion of the meeting was opened to hear general comments. James Maley, Esquire, appeared before the Board. Mr. Maley stated that he was before the Board last month on behalf of an objector to the Timothy Zepp application. Mr. Maley forwarded a request for reconsideration of that application to the Board's solicitor solely for the purpose of the Board considering Zoning plans that he had located a couple of days after the hearing. They were Zoning plans for Mantua Township from 1950 and 1966. They make references to zoning ordinances that were adopted in 1958. They indicate that the use that was testified to at the hearing was not permitted at the time that it started. Mr. Maley believes that the Board should reconsider that matter with this new information. It was the Board's opinion that this matter has been voted upon and they cannot reconsider the application without Mr. Zepp and an application stating such.

NEW APPLICATIONS:

Appeal #2010-08 Jose Quiles (JQ Enterprises, LLC)
138 Mantua Blvd., Mantua
Block 90, Lot #24

The applicant submitted an application for side yard variances to construct a 22'x36'4" two-story wood frame, three bedroom, 2 ½ bath home on the 40'x271' property. The applicant purchased the property seven (7) years ago with the hope of renovating the existing two story home. The existing structure on the property is in a severe state of disrepair and will be demolished and removed from the property. It has taken him this long to get some financing arranged so that he can rebuild the home instead. The required side yard is fifteen (15) feet. One side yard will have a 10' side yard setback and the other side yard will have an 8' side yard setback. There will be no garage and the home will be vinyl sided. The applicant will meet the 35' front yard setback.

The public portion was opened.

Mantua Township Zoning Board of Adjustment

July 7, 2010

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Kathryn Courtney, 140 Norris Street, appeared and asked to look at the plans. She was concerned with where the applicant's parking was going to be on the property. She is concerned with being able to safely enter and exit the property. The corner is very busy.

Allen Kressley, 136 Norris Street, appeared and asked to look at the plans. He stated that he would like to talk with the applicant.

The applicant stated he would like to have a double driveway in the front of the home, so that there can be four (4) cars parked in front of the home. The Board was concerned with the aesthetics of having a double driveway with all the asphalt in front of the home. The lot is very narrow.

After further discussion, the applicant agreed to a single land driveway in the front of the home that cannot be outside of the side building line for the home.

Mr. VanMeter made a motion to approve the application conditioned upon a single lane driveway in the front of the home that cannot be outside of the side building line of the home. Mr. Acton seconded and the motion was carried as follows: In favor – Alice, Gregg, Kaczka, Zeno, Moyer, Acton, VanMeter. Opposed – none.

Appeal #2010-09 John Paz
200 Lantern Way
Block 276, Lot #3.11

Barry Lozuke, Esquire and Tiffany CuvIELLO, PP and Phil Ruggieri, Architect appeared on behalf of the applicant.

The applicant submitted an application for a front yard variance to construct a decorative fence along the frontage of his property. The applicant previously sought a variance for same, unsuccessfully, at the Zoning Board meeting of January 6, 2010. Since that time, the applicant has modified the proposed location of the fence and has incorporated it into a landscaping plan in order that the fence may be primarily viewed as an aesthetic feature to complement the existing entrance appearance and overall landscape plan.

Phil Ruggieri appeared and stated that he participated in the design of this proposal. Exhibit A1 was entered. The red dashed line represents where the fence location was proposed and the black line represents the new proposed location of the fence. The four (4) feet black aluminum fence is now part of an overall landscape plan. The fence sits back farther than in the last application.

Mantua Township Zoning Board of Adjustment
July 7, 2010

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The landscape plan was entered as Exhibit A2. A photo board was submitted as Exhibit A3. The fence was superimposed on actual photographs of the home and site.

Mr. Paz appeared and stated that the primary purpose of the fence is for appearance. He has made many improvements to the home since he purchased it two years ago. The property needs the fence to finish the job. The additional landscaping allows the fence to blend in. Recently, a sand cherry bush was taken from the front garden and then a couple of weeks later another one was taken from the other side. The Mantua Township police report was entered as Exhibit A4. He believes the fence will be an added deterrent for unwanted visitors.

Tiffany CuvIELLO, PP, appeared and gave an overview.

The public portion was opened. No one from the public appeared.

Mr. Gregg made a motion to approve this application. Mr. Acton seconded and the motion was carried as follows: In favor: Alice, Gregg, Kaczka, Zeno, Moyer, Acton. Abstain: VanMeter. Opposed – none.

APPROVAL OF MINUTES:

Mr. Moyer made a motion to approve the June 2, 2010 meeting minutes. Mr. Gregg seconded and the motion was carried by unanimous vote.

RESOLUTIONS:

Resolution #10-15 for Appeal #2010-06 Timothy Zepp was reviewed. Mr. Moyer made a motion to adopt this resolution. Mr. Zeno seconded and the motion was carried by the following vote: In favor – Alice, Gregg, Kaczka, Zeno, Moyer. Opposed – none.

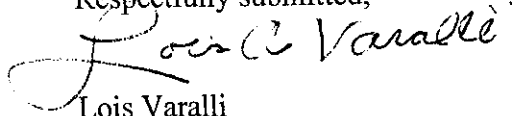
Resolution #10-14 for Appeal #2010-07 David Wentz was reviewed. Mr. Moyer made a motion to adopt this resolution. Mr. Gregg seconded and the motion was carried by the following vote: In favor – Alice, Gregg, Kaczka, Zeno, Moyer. Opposed – none.

Mantua Township Zoning Board of Adjustment
July 7, 2010

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There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lois Varalli". The signature is written in black ink and is positioned above the printed name.

Lois Varalli

Zoning Board Secretary

Mantua Township Zoning Board of Adjustment
August 4, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on June 9, 2010 in the Municipal Building, Mantua, NJ.

ROLL CALL: Present: Members Alice, Gregg, Kaczka, Moyer, Estberg, Eric Russo Esq., Shirley Veacock, Coordinator.

Absent: Zeno, Acton, VanMeter, Galella

NEW APPLICATIONS:

Appeal #2010-10 Roy Wheeler, Jr. and Holly Fischer
210 W. Salem Ave. (Bl 187, Lot #7)

Ms. Fischer stated that she consents to this application, although she was not listed as an appellant. She is the owner of the property and lives at the property with Mr. Wheeler.

The applicant submitted an application for a front and side yard variance to construct an 8'x39' front porch on the front of their home. There is an existing pad, which is the same dimension of the proposed front porch. The existing home currently has a 10'9" side yard and the porch will not encroach any further into the existing side yard. The front yard will be reduced to 22' as opposed to the required 30'. The existing home is a rancher that is sided and the one story front porch will match the house. The front porch will be screened in at a later time. Mr. Wheeler stated that his mother-in-law lives with him and Ms. Fischer and is in Hospice care and likes to sit outdoors and he believes the porch would be a nice addition for his family.

The public portion was opened. No one from the public appeared.

Mr. Kaczka made a motion to approve this application. Mr. Moyer seconded and the motion was carried as follows: In favor – Alice, Gregg, Kaczka, Moyer, Estberg. Opposed – none.

APPROVAL OF MINUTES:

Mr. Moyer made a motion to approve the July 7, 2010 meeting minutes. Mr. Gregg seconded and the motion was carried by unanimous vote.

**Mantua Township Zoning Board of Adjustment
August 4, 2010**

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RESOLUTIONS:

Resolution #10-16 for Appeal #2010-09 John Paz was reviewed. Mr. Moyer made a motion to adopt this resolution. Mr. Kaczka seconded and the motion was carried by the following vote: In favor – Alice, Gregg, Kaczka,. Opposed – none.

Resolution #10-17 for Appeal #2010-08 Jose Quiles was reviewed. Mr. Moyer made a motion to adopt this resolution. Mr. Kaczka seconded and the motion was carried by the following vote: In favor – Alice, Gregg, Kaczka, Moyer. Opposed – none.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Lois Varalli

Zoning Board Secretary

Mantua Township Zoning Board of Adjustment
September 1, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on June 9, 2010 in the Municipal Building, Mantua, NJ.

ROLL CALL: Present: Members Alice, Zeno, Moyer, Acton, Galella, Estberg, Eric Russo Esq., Shirley Veacock, Coordinator.

Absent: Gregg, Kaczka, VanMeter

NEW APPLICATIONS:

**Appeal #2010-10 Clearwireless, LLC (Fred Smith Orchards)
(Block 261, Lot 7.02)**

The applicant submitted an application for use variance and maximum building height variance to place one (1) parabolic dish antenna at a centerline height of one hundred (130) feet on an existing one hundred fifty (15) foot monopole situated at the rear of the Peach Country Orchard site.

Nick Menas, Esquire appeared on behalf of the applicant. Brian Seidel, PP, Luis Velazco, RF Engineer and Mr. Bohlinger, PE also appeared and explained the nature of their application.

George Stevenson, PP and Laura Neumann, PE reviewed their reports.

The public portion was opened. No one from the public appeared.

Mr. Moyer made a motion to approve this application. Mr. Zeno seconded and the motion was carried as follows: In favor – Alice, Zeno, Moyer, Acton, Galella, Estberg. Opposed – none.

**Appeal #2010-12 New Cingular Wireless PCS, LLC
749 Mullica Hill Road (Fred Smith Orchards)
Block 261, Lot 7.02**

The applicant submitted an application for a use variance and maximum building height variance to place three (3) panel antennas at a centerline height of one hundred fifty (150) feet on an existing one hundred fifty (150) foot monopole situated at the rear of the Peach Country Orchard site as well as placement of three (3) ground mounted equipment

Mantua Township Zoning Board of Adjustment

September 2010

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cabinets on an existing six (6) foot by nineteen (19) foot concrete pad within the fenced in compound at the base of the tower.

Nick Menas, Esquire appeared on behalf of the applicant. Brian Seidel, PP, Mark Rubin, RF engineer and Alec Norris, PE also appeared and explained the nature of the application.

Laura Neumann reviewed her report of August 25, 2010. George Stevenson reviewed his report dated August 20, 2010 and noted that the site is overgrown inside of the compound. No barbed wire is allowed in Mantua Township.

Frank Washart of American Tower, the owner of the communications site, appeared and stated that he make sure that the maintenance inside the compound is done.

The public portion was opened. No one from the public appeared.

Mr. Moyer made a motion to approve this application. Mr. Zeno seconded and the motion was carried as follows: In favor – Alice, Zeno, Moyer, Acton, Galella, Estberg. Opposed – none.

APPROVAL OF MINUTES:

Mr. Moyer made a motion to approve the August 4, 2010 meeting minutes. Mr. Estberg seconded and the motion was carried by unanimous vote.

RESOLUTIONS:

Resolution #10-18 for Appeal #2010-10 Roy Wheeler, Jr. and Holly Fischer was reviewed. Mr. Moyer made a motion to adopt this resolution. Mr. Estberg seconded and the motion was carried by the following vote: In favor – Alice, Moyer, Estberg. Opposed – none.

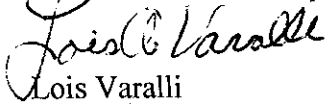
PUBLIC PORTION:

Deb Baldasara appeared and was in the public to get a better understanding of what the Zoning Board does in the Township.

Mantua Township Zoning Board of Adjustment
September, 2010
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There being no further business, the meeting was adjourned.

Respectfully submitted,



Lois Varalli

Zoning Board Secretary

Mantua Township Zoning Board of Adjustment
October 6, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on October 6, 2010 in the Municipal Building, Main Street, Mantua, NJ.

ROLL CALL: Present: Members Alice, Gregg, Zeno, Acton, Estberg, Eric Russo, Esq., George Nicholson, Laura Neumann, Shirley Veacock.
Mr. Moyer arrived at approximately 7:13 p.m. after roll call.

Absent: Kaczka, VanMeter, Galella

NEW APPLICATIONS:

Appeal #2010-14 Steven and Christine Cockerill
575 Main Street, Sewell
Block 158.07, Lot #24

The applicant submitted an application for a variance to allow the construct a ground mount solar panel system in the far back yard of their property. The property is in the R-40 zone, which requires a minimum lot area of three (3) acres. This property is 1.05 acres. The property is eighty (80) feet wide. The side yard will be reduced to twenty (20) feet as opposed to the required fifty (50) feet.

Christine Cockerill appeared and stated that they would like to construct the solar panel system to help with the cost of electricity and alleviate the drain on the public utility system. The roofline of their home is too small to mount the system on the roof. The property is extremely deep and alley shaped. The immediate adjacent properties are also deep, alley shaped lots with well over an acre each. The entire two-thirds (2/3) of all three properties are either entirely wooded or surrounded by wooded area. Due to sloping that begins about a quarter (1/4) of the way back from the frontage road, you cannot see the rear, lower three quarters of any of these properties from Main Street.

Fran West from AP Solar, 9 Arena Street, Mantua, appeared and explained the solar system.

The public portion was opened. No one from the public appeared.

Mr. Zeno made a motion to approve this application. Mr. Acton seconded and the motion was carried as follows: In favor – Alice, Gregg, Zeno, Acton, Estberg. Opposed – none.

**Mantua Township Zoning Board of Adjustment
October 6, 2010**

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**Appeal #2010-13 New Cingular Wireless (AT&T)
635 Main Street, Sewell
Block 153, Lot #3**

The applicant submitted an application for a use and height variances and preliminary and final site plan approval to co-locate twelve (12) antennas on an existing 105 foot water tank at a centerline height of 75 feet and to place the related equipment shelter (11'9" x 20'4") at the base of the tank.

Michael Levine, Esquire appeared on behalf of the applicant. Paul Gleitz, Professional Planner, Richard Peterman, Professional Engineer and Brock Riffel, Radio Frequency Design Engineer also appeared.

Mr. Riffel reviewed Exhibit A1, which shows the coverage area without the proposed facility and Exhibit A2, which shows the coverage area with the proposed facility. Mr. Riffel stated that the equipment shelter is big because of the sheer volume of customers that use AT&T.

Mr. Peterman reviewed Exhibit A3 the site plan as well as Exhibit A4 the elevation plan. He stated that the antennas will be mounted on the legs of the water tank and will not degrade the integrity of the tank. A structural analysis was done by Advantage Engineers dated August 6, 2010 and was submitted to the Board.

Mr. Gleitz stated that this application meets all the bulk requirements of the zone. There is additional landscaping proposed. He reviewed Exhibits A5 and A6, which are photo simulations of the antennas on the tank.

A report from Dr. Bruce Eisenstein dated September 27, 2010 was provided to the Board.

Laura Neumann reviewed her letter dated September 9, 2010. Chris Brown reviewed George Stevenson's letter dated September 17, 2010.

The public portion was opened. No one from the public appeared.

Mr. Moyer made a motion to approve this application. Mr. Acton seconded and the motion was carried as follows: In favor – Alice, Gregg, Zeno, Moyer, Acton, Estberg. Opposed – none.

Mantua Township Zoning Board of Adjustment

October 6, 2010

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APPROVAL OF MINUTES:

Mr. Moyer made a motion to approve the September 1, 2010 meeting minutes. Mr. Zeno seconded and the motion was carried by unanimous vote.

RESOLUTIONS:

Resolution #10-19 for Appeal #2010-10 Clearwireless, LLC (Fred Smith Orchards) was reviewed. Mr. Moyer made a motion to adopt this resolution. Mr. Zeno seconded and the motion was carried by the following vote: In favor – Alice, Zeno, Moyer, Acton, Estberg. Opposed – none.

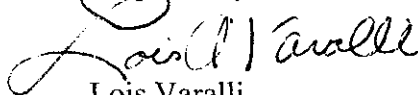
Resolution #10-20 for Appeal #2010-12 New Cingular Wireless PCS, LLC (Fred Smith Orchards) was reviewed. Mr. Moyer made a motion to adopt this resolution. Mr. Zeno seconded and the motion was carried by the following vote: In favor – Alice, Zeno, Moyer, Acton, Estberg. Opposed – none.

PUBLIC PORTION:

No one from the public appeared.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Lois Varalli

Zoning Board Secretary

Mantua Township Zoning Board of Adjustment
November 3, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on November 3, 2010 in the Municipal Building, Main Street, Mantua, NJ.

ROLL CALL: Present: Members Alice, Gregg, Kaczka, Zeno, Moyer, Estberg, Eric Russo, Esq., Chris Brown, Laura Neumann, Shirley Veacock.

Absent: Acton, VanMeter, Galella

NEW APPLICATIONS:

**Appeal #2010-15 Fred Smith Orchards
Block 261.01, Lot #17**

Bill Zeigler, Esquire, appeared on behalf of the applicant, and stated that the Department of Transportation was missed when sending out their notices. He asked for a continuance to the December meeting and will waive all time constraints. No one from the public appeared. No further notice will be given except to the Department of Transportation.

**Appeal #2009-18 Shawn and Craig Shover
Block 65, Lot #7**

This application was previously heard and approved. Due to the economic situation, the Applicants are requesting a one year extension on the variance approval. All members voted in the affirmative to the one year extension.

APPROVAL OF MINUTES:

Mr. Moyer made a motion to approve the October 6, 2010 meeting minutes. Mr. Gregg seconded and the motion was carried by unanimous vote.

RESOLUTIONS:

Resolution #10-23 for Appeal #2010-14 Steven and Christine Cockerill was reviewed. Mr. Zeno made a motion to adopt this resolution. Mr. Gregg seconded and the motion was carried by the following vote: In favor – Alice, Gregg, Zeno, Estberg. Opposed – none.

Resolution #10-22 for Appeal #2010-13 New Cingular Wireless PCS, LLC was reviewed. Mr. Zeno made a motion to adopt this resolution. Mr. Gregg seconded and the motion was carried by the following vote: In favor – Alice, Gregg, Zeno, Moyer, Estberg. Opposed – none.

**Mantua Township Zoning Board of Adjustment
November 3, 2010**

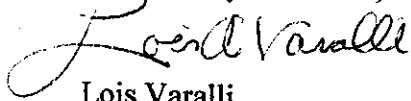
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PUBLIC PORTION:

No one from the public appeared.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Lois Varalli
Zoning Board Secretary

Mantua Township Zoning Board of Adjustment
December 1, 2010

The regular monthly meeting of the Zoning Board of Adjustment was held on December 1, 2010 in the Municipal Building , Main Street, Mantua, NJ at 7:00 p.m.

ROLL CALL: Present: Members Alice, Gregg, Kaczka, Zeno, Acton, Galella, Estberg, Stuart Platt, Esq., George Stevenson, PP, Laura Neumann, PE

Absent: Members Moyer, VanMeter

NEW APPLICATIONS:

Appeal #2010-15 Fred Smith Orchards
212 Fish Pond Road
Block 261.01, Lot #17

William Ziegler, Esquire appeared on behalf of the applicant. This application was postponed from last month due to lack of notice. Notice is now sufficient. The applicant submitted an application for a variance to construct a 6,000 square foot pole barn on his property for equipment storage. This proposed pole barn will cover less area than the three (3) greenhouses that are being removed in this same area.

Steve Smith, owner and President of Fred Smith Orchards and Gary Civalier appeared.

Mr. Smith stated that he will use the pole barn just for his farming business equipment. He currently farms 200 acres in the County and 80 acres in Mantua Township.

A rendered site plan was entered as Exhibit Smith-1. An aerial view of the property was entered as Exhibit Smith-2 dated 12/1/10. Gary Civalier stated that the impervious coverage is minimal at 12.08%. A photo depicting the entrance to the property dated 12/1/10 was entered as Exhibit Smith-3.

Laura Neumann reviewed her letter dated 11/19/10. Mr. Smith stated that the building height will be 20' to the A frame. He will put in a concrete floor. Ms. Neumann asked that the plans show the stoned area in front of and behind the pole barn and that the approving authority be changed to the Zoning Board.

George Stevenson reviewed his letter dated 10/29/10. He asked that the size of the stone be noted on the plan.

The public portion was opened. No one from the public appeared.

Mantua Township Zoning Board of Adjustment

December 1, 2010

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After further discussion, Mr. Kaczka made a motion to approve this application. The floor will be concrete and a waiver will be granted for the driveway, which will not be required to be saved. Mr. Gregg seconded and the motion was carried as follows: In favor – Alice, Gregg, Kaczka, Zeno, Acton, Galella, Estberg.

Appeal #2010-17 ~~Kenneth~~
 Keith Kling
 30 Ravenswood Way
 Block 251.05, Lot #12

The applicant submitted an application for a rear yard variance to construct a one-story glass enclosed sunroom on the rear of his home. A 50' rear yard setback is required in this area. He currently has a 41' rear yard setback. The addition will not encroach any further into the rear yard setback than what currently exists and the exterior will match the existing dwelling.

The public portion was opened. No one from the public appeared.

After further discussion, Mr. Kaczka made a motion to approve this application. Mr. Gregg seconded and the motion was carried as follows: In favor – Alice, Gregg, Kaczka, Zeno, Acton, Galella, Estberg. Opposed – none.

Appeal #2010-16 **Metro PCS**
 380 Tylers Mill Road
 Block 253.01, Lot #18

Kevin Sheehan, Esquire appeared on behalf of the applicant. The applicant submitted an application to allow an existing 161 foot monopole to be extended 10 feet and permit the placement of 6 panel antennas. The subject property is approximately 5.4 acres in the Industrial Zone. Currently, the property contains a commercial building with an associated parking area and various trailers. In addition, the site contains a 161 foot high telecommunications monopole within a 75 foot x 75 foot fenced in compound. The monopole currently contains four service provider antenna array at centerline mounting heights of 130, 140, 149 and 161 feet, each of which have associated equipment cabinets within the fenced compound.

The applicant is seeking approval to extend the tower an additional 10 feet to a proposed height of 171 feet, and install a triangular array of six antenna at a proposed centerline mounting height of 171 feet. In addition, a 10 foot x 10 foot pad is proposed for the equipment cabinets as a lease area within the fenced compound.

Mantua Township Zoning Board of Adjustment
December 1, 2010

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A coverage map without the proposed site was submitted as Exhibit A1. A coverage map with the proposed site was submitted as Exhibit A2.

Jim Miller, PP, Shannon Morton, RF expert and Mr. Johnson, PE all appeared.

Mr. Johnson stated that they will comply with the single layer and asked for a waiver for natural features within 200 feet.

Dr. Eisenstein's report dated 11/19/10 was submitted previously and reviewed. George Stevenson, PP reviewed his report dated 11/10/10 and stated that the applicant answered all of his questions through testimony and added that this site is a very remote site. Laura Neumann, PE reviewed her letter dated 11/19/10 and agreed with waiver of contours and flooding.

The public portion was opened. No one from the public appeared.

After further discussion, Mr. Kaczka made a motion to approve this application for use and minor site plan with waivers. Mr. Zeno seconded and the motion was carried as follows: In favor – Alice, Gregg, Kaczka, Zeno, Acton, Galella, Estberg. Opposed – none.

Appeal #2010-18 New Cingular Wireless (AT&T)
Booty Mill Road
Block 6, Lot #12

Debbie Shulski, Esquire appeared on behalf of the applicant. The applicant submitted an application to allow the placement of a 50 KW generator mounted on a twelve foot x five foot concrete pad within a fenced compound at the base of an existing one hundred sixty (160) foot monopole tower as well as a replacement of a section of existing fencing to allow for the installation of a 12 foot wide double swing gate.

Joseph Frega, PE also appeared on behalf of the applicant. He stated that the 50 KW diesel generator will provide emergency back-up service to AT&T in the event of a power outage. It will be placed on a 12 foot x 5 foot concrete pad. The proposed improvement is de minimus and will have no adverse impact on the character of the neighborhood.

Mr. Frega stated that he assumes there is currently a battery back-up for the system now and he did not know how big the diesel tank would be for storing the diesel fuel on site, as this is the first time he is providing testimony for AT&T.

Mantua Township Zoning Board of Adjustment
December 1, 2010

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There were some concerns as to fuel and generators on the site. After a lengthy discussion, the public portion was opened. No one from the public appeared.

Letters were submitted by George Stevenson PP dated 11/26/10 and Laura Neumann dated November 29, 2010.

George Stevenson PP stated that if there is a maintenance check during the day, the time should be indicated on the plan.

The Board asked if the generator could be fitting with baffling and if the muffler could be sound attenuated.

The applicant agreed that the sound attenuated model will be installed. They will further depict on the plan how a fueling vehicle will ingress and egress on site.

After further discussion, Mr. Gregg made a motion to approve this application subject to the sound attenuated model being installed, Planner and Engineer's letters with the exception of waivers. Mr. Acton seconded and the motion was carried as follows: In favor - Alice, Gregg, Zeno, Acton, Galella, Estberg. Opposed - Kaczka.

APPROVAL OF MINUTES:

Mr. Gregg made a motion to approve the November 3, 2010 minutes. Mr. Estberg seconded and the motion was carried by unanimous vote.

RESOLUTIONS:

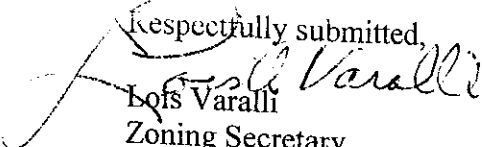
Resolution #10-24 for Appeal #2009-18 Shawn and Craig Shover was reviewed. Mr. Zeno made a motion to adopt this resolution. Mr. Gregg seconded and the motion was carried as follows: In favor - Alice, Gregg, Kaczka, Zeno, Estberg. Opposed - none.

PUBLIC PORTION:

No one from the public appeared.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Lois Varalli
Zoning Secretary