

**TOWNSHIP OF BORDENTOWN
ZONING BOARD MEETING**

July 26, 2018

The Bordentown Township Zoning Board Meeting was called to order in the main meeting room of the Municipal Building on Municipal Drive.

PRESENT: Michael Carney, Chairman
Erica Bowyer, Vice-Chairwoman
David Caldwell
Amadeo Dela Cruz
Linda Schiano
Rick Simpson
Charles Klosinski, Alt. #1
Amina Anderson, Alt. #2
Brian J. Carlin, Attorney, Law Office of Brian J. Carlin
Brian K. Johnson, Board Secretary, Dir. of Community Development

ABSENT: Mark McTamney
Brian Boccanfuso, CME – Engineer
Don Meisel, CME – Planner
James L. Kochenour, PE – Traffic Engineer
Cindy Dziura, Recording Secretary/Alt. Board Secretary

The meeting was opened by Chairman Carney at approximately 7:31 pm. The board and public participated in the salute to the flag. The open public meetings announcement was read by Chairman Carney.

APPOINTMENT OF MEMBERS:

TOWNSHIP RESOLUTION #2018-085-15 -- On March 26, 2018, the Township Committee made the following appointment to the Zoning Board of Adjustment:

2 Year Unexpired Term Expiring 12/31/19 (Alt. #2): Amina Anderson

Attorney Brian Carlin administered the Oath of Office to Ms. Anderson.

Roll call was taken by Board Secretary Brian Johnson.

MINUTES:

Mr. Caldwell stated that the motion and second was missing from Resolution Z-2018-09. Mr. Carney made a motion to table the meeting Minutes of April 26, 2018 to the next meeting; seconded by Mr. Simpson.

Roll call: AYE: Klosinski, Simpson, Schiano, Dela Cruz, Caldwell, Bowyer, Carney
NAY: None
ABSENT: McTamney
ABSTAIN: Anderson
NOT VOTING: None

RESOLUTION(S): None

NEW BUSINESS:

<p>ZB-2018-01 Received 7/12/18 Escrow fees: PAID</p>	<p><u>OUTFRONT MEDIA, LLC (Old York Business Park location)</u> Applicant is appealing Zoning Officer’s determination of location of 2 single pole back-to back billboards. <u>REPORTS BY BOARD PROFESSIONALS:</u> None</p>	<p>Block 137.02, Lots 1 & 11.03 Old York Road Zone is REO</p>
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Present giving testimony representing applicant were:

Jennifer Berardo, Esquire – Price, Meese. Shulman & D’Arminio

Ms. Berardo explained that this is an appeal of Zoning Officer, Brian Johnson’s zoning determination of April 24, 2018. This application was originally before the Planning Board; however, they are coming before the Zoning Board to resolve the zoning issues regarding Section 25.601.C.2B regarding the minimum proximity to a residential use or zone and Section 25.601.C.2D regarding the minimum spacing requirements to adjacent billboards. These sections are both found in the Township’s Land Development Ordinance, as amended by Ordinance #2007-13.

Zoning Board Attorney Carlin swore-in Zoning Officer Brian Johnson, who provided testimony regarding the background of this matter. He testified as to his findings and the rationale for his interpretation that are outlined in his memorandum of April 24, 2018.

Ms. Berardo proceeded with presenting arguments contesting the Zoning Official’s interpretation. Debate commenced between Ms. Berardo and Mr. Carlin. Members of the Zoning Board commented and asked questions.

Mr. Caldwell made a motion to affirm the interpretation/determination of the Zoning Officer holding the minimum proximity requirement of 1000 feet to residential uses apply to abutting residential use in neighboring Mansfield Township; seconded by Mr. Carney.

Ms. Bowyer requested clarification regarding the position of the each party. Mr. Carney also commented. After all questions, a Roll Call Vote was called.

Roll call: AYE: Klosinski, Simpson, Schiano, Caldwell, Carney
 NAY: Dela Cruz, Bowyer
 ABSENT: McTamney
 ABSTAIN: None
 NOT VOTING: Ms. Anderson

Mr. Carney made a motion to uphold the interpretation/determination of the Zoning Officer that the minimal spacing requirement in Subsection 25.601.C.2D is not linear, but in fact a radius; seconded by Mr. Dela Cruz.

Roll call: AYE: Klosinski, Simpson, Schiano, Dela Cruz, Caldwell, Bowyer, Carney
 NAY: None
 ABSENT: McTamney

ABSTAIN: None
NOT VOTING: Ms. Anderson

Mr. Simpson made a motion to uphold the interpretation/determination of the Zoning Officer that the spacing requirements of Subsection 25.601.C.2D apply to approve but not yet constructed billboards; seconded by Mr. Caldwell.

Roll call: AYE: Klosinski, Simpson, Schiano, Dela Cruz, Caldwell, Bowyer, Carney
NAY: None
ABSENT: McTamney
ABSTAIN: None
NOT VOTING: Ms. Anderson

OLD BUSINESS:

Zoning Board Attorney Carlin gave a background on what has transpired on Tito Viteri's property (Merrill's Auto Body) who was acting in good faith to try to get into compliance. The end result was that Mr. Viteri was unsuccessful.

Mr. Viteri will probably return to the Zoning Board to amend his approval. Before code enforcement begins, a letter will be sent out to him suggesting he return to the Zoning Board for the amended site plan.

C.D. Director Brian Johnson added that he has engaged in another attorney who has reached out to say they will be filing a new application.

ITEMS FOR DISCUSSION/ADMINISTRATIVE ITEMS: None

Chairman Carney opened and closed the meeting to the public. There was no one present from the public.

Mr. Caldwell made a motion to adjourn the meeting; seconded by Ms. Schiano.

Roll call: AYE: Klosinski, Simpson, Schiano, Dela Cruz, Caldwell, Bowyer, Carney
NAY: None
ABSENT: McTamney
ABSTAIN: None
NOT VOTING: Ms. Anderson

The Zoning Board Meeting was adjourned at approximately 8:57 pm.