

**Monroe Township Zoning Board of Adjustment Meeting Minutes**

**July 11, 2017 at 7:00 pm**

**Call to Order:**

Proper notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. Notice of this meeting was given on January 6, 2017 and a copy was given to the Township Clerk and a copy was posted on the first floor bulletin board.

“Be advised, no new business or item of discussion will be started after 10:30 pm and the meeting shall terminate no later than 11:00 pm”.

Chairman Brent Salvadori asked for a moment of silence for the passing of Monroe Township’s former Zoning Officer Fred Weikel.

**Pledge of Allegiance**

**Roll Call:**

Mrs. Fox - Present  
Mr. Fritz - Present  
Mr. Kozak - Present  
Mr. Manfredi – Present (arrived at 7:10pm)  
Mr. McLaughlin, Vice Chairman - Present  
Mr. Mercado – Present  
Mr. Salvadori, Chairman - Present  
Alt. #1, Mr. O’Reilly – Present  
Alt. #2, Mr. Sebastian – Present

**Professionals:**

Mr. Coe, Solicitor - Present  
Mr. Sanders, Engineer - Present  
Mrs. Pellegrini, Planner - Present  
Tara Park, Transcriber and Secretary – Present

**Council Liaison:**

Mr. Garbowski - Present

Chairman Salvadori announced that the applications ZBA-17-09 for the Mink Lane Development and Application ZBA-17-10 for Hutch EKE have been postponed until the August 1, 2017 meeting for any public that might be present for those applications.

**Memorialization of Resolutions:**

**Resolution #17-28 – Appointment of Tara Park, Secretary Position for 2017**

Motion made by Mr. Kozak and 2<sup>nd</sup> by Mr. O'Reilly which was followed by a roll call vote.

Roll Call:

Mrs. Fox - Yes

Mr. Fritz – Yes

Mr. Kozak - Yes

Mr. Manfredi – Absent for vote

Mr. McLaughlin, Vice Chairman – Absent for meeting, voting by Mr. O'Reilly

Mr. Mercado - Yes

Mr. Salvadori, Chairman - Yes

Alt. #1, Mr. O'Reilly - Yes

**Resolution #17-29 – Closed Session Litigation**

Motion made by Mr. McLaughlin and 2<sup>nd</sup> by Mr. Kozak which was followed by a roll call vote.

Roll Call:

Mrs. Fox - No

Mr. Fritz – No

Mr. Kozak - No

Mr. Manfredi – No

Mr. McLaughlin, Vice Chairman – No

Mr. Mercado – No

Mr. Salvador – No

**Resolution #17-30 - Application #ZBA-17-07, Frank Bialowas, Use Variance**

**1640 New Brooklyn Road, Block 2601 Lot 31, Zone RD-A**

The applicant has withdrawn his proposal of a use variance to allow for parking of commercial vehicles pursuant to an existing in-home occupation permit per 175-11 previously approved on 2/1/16 and the use variance per 175-139 for the commercial vehicles. No new development was proposed.

Motion made by Mr. Fritz and 2<sup>nd</sup> by Mr. Kozak which was followed by a roll call vote.

Roll Call:

Mrs. Fox - Yes

Mr. Fritz – Yes

Mr. Kozak - Yes

Mr. Manfredi – Yes

Mr. McLaughlin, Vice Chairman – Absent for meeting, voting by Mr. O'Reilly

Mr. Mercado - Yes

Mr. Salvadori, Chairman - Yes

Alt. #1, Mr. O'Reilly - Yes

**Public Hearings:**

**Application ZBA #17-11, University of Pennsylvania, Application #473-SP, University of Pennsylvania, Use Variance and Site Plan Waiver**

**1531 North Tuckahoe Road, Block 14301 Lot 2**

The application is for the expansion of a non-conforming use and site plan waiver for the proposed relocation of the applicants Penn STAR Helicopter with associated facilities from its current location in Atlantic City to the Cross Keys Airport Property.

Solicitor Mr. Coe swore in Kevin Thomas, Operations Manager of UPENN Flight Program, and Bill Nicholson, Site Engineer of Planner. Attorney Niall O'Brien questioned the applicant and on the operations to take place at the site. Mr. Thomas stated that they are hoping to be able to relocate the current operation of one medivac from Atlantic City to shorten response time, and currently averages approximately 2 calls per day. He did note that there is only one intended to be at this site, unless there is an emergency or mass casualty event that requires more than one to be there by local emergency services or Emergency Management. This medivac is primarily used for hospital to hospital transport, but will respond to motor vehicle accidents or other emergencies as requested and necessary. Mr. Thomas said that the Penn Star Flight Program would also offer Landing Zone Training to Township Emergency Services if approved. Mr. Thomas also stated that there will be two self-contained modular structures placed on the property. One (20 x 8) will be for storage of supplies to restock the medivac and the other (64 x 20) will be sleeping quarters for the crews that work. The crews will work on a 12 hour (6am-6pm and 6pm-6am) rotation and will include a Pilot, a critical care nurse and a flight medic. Mr. Nicholson stated that there will be lattice placed at the bottom of the structures in response to the concern of water run-off being affected. Mr. Coe asked if there was a signed lease, and the applicant stated that there was conditional of the approval of the Zoning Board of Adjustments.

There were questions and concerns from the Board members about the operation running in conjunction with the skydiving school and the airport, as well as the placement of the medivac on take-off, landing or moving to accommodate any noise issues the neighboring residents might have, maintenance of the medivac and the security of the building upon the crew leaving for a call. Mr. Thomas stated that there will be a tractor that will pull the medivac to the place where it will take off and land from, so this can be done to move back the medivac if needed due to noise issues with the neighbors and the noise ordinance. Mr. Thomas did note that this is their smallest medivac as well. He noted that he has already been in contact with those at the airport and the skydive school to talk about coordinating take-off and landing with their jumpers, and that there will be radio communication for the planes coming in and out to let them know that there will be a take-off of the medivac. Mr. Thomas stated that most maintenance will be completed at

Metro Aviation of Shreveport and that when the crew leaves for a call, the building will be locked and secured.

At this point, Mr. Kernan deemed the application complete and moved forward with his review of the application.

#### Use Variance and Site Plan Waiver (1<sup>st</sup> Review)

Plate 143, Block 14301, Lot 2

1531 N. Tuckahoe Road

Zone: BP with AO, Business Park w/Airport Overlay

Applicant: Trustees of the University of Pennsylvania

Application № 17-11 & 473-SP

MC № MMZ-037

The above referenced application is a request for a use variance review and a site plan waiver.

## 1.0 Project Description

### 1.1 Proposal

The applicant proposes to relocate their Penn STAR Flight Program facilities base to the Cross-Keys Airport. The flight base is currently in Atlantic City. The applicant proposes to construct 1, 20' x 64' modular trailer to house a recreation room, restrooms, limited kitchen facilities and sleeping accommodations for the flight crew; 1, 8' x 20' modular trailer to house their mechanic's workspace and storage. Existing impervious surfaces will be utilized for the associated parking and helicopter landing spaces. A sign area of approximately 27 s.f. is also proposed to be added to the existing sign located at the property's frontage. The applicant has also requested a site plan waiver.

*The applicant should confirm the sign area proposed and where on the site the helicopter landing space to be utilized is located. – **The applicant stated the sign would be located to the right of the driveway leaving the property and would not impede on any view of oncoming traffic. Mr. Kernan confirmed this after a site visit prior to the meeting.***

### 1.2 Existing Conditions

The subject property contains approximately 4.03 acres and is irregular in shape. It wraps around lot 3 and is part of the Cross-Keys Airport properties. The existing frontage contains an ingress/egress which serves this lot and others connected with the airport. The property contains an existing hangar building and

associated driveways/parking areas that serve and connect the airport's multiple facilities/improvements.

**1.3 Surrounding Land Uses**

The area is a mix of residential and commercial uses. Cross-Keys Airport surrounds the property in question and contains the airport and related uses. Residential uses exist along the frontage of Tuckahoe Road and continue south and north of the airport properties. Across Tuckahoe Road the land is zoned R-2 and has residential uses.

**2.0 Materials Reviewed**

We have reviewed the referenced submission, encoded by the Zoning Board as #17-11 and #473-SP, received on June 17, 2017, consisting of the following:

<i>Sheet</i>	<i>Title</i>	<i>Date</i>
---	Application (use variance)	June 12, 2017
---	Application (site plan waiver)	June 10, 2017
---	Checklist	---
---	Application Addendum	--
---	Public Hearing Notice	---
1 of 2	Overall Site Plan	May 25, 2017
2 of 2	Site Plan	May 25, 2017

The plans are signed and sealed by William H. Nicholson, PE William H. Nicholson Associates, and P.A.

**3.0 Zoning Requirements**

**3.1 Use**

Although the existing Cross-Keys Airport is located within the BP, Business Park zone, in accordance with § 175-163B, airport uses are not a listed permitted use in the BP, Business Park zoning district. As such, a d (2) use variance is required for the expansion of a non-conforming use to include the proposed Penn STAR Helicopter Services and facilities.

The property is also governed by the Airport Overlay zone. Airport uses are not specifically permitted within Airport Overlay zones either, but must adhere to the minimum standards of the air safety zones as specified in § 175-91.1 and adopted pursuant to N.J.A.C. 16:162 et seq. as amended.

#### **4.0 Master Plan Consistency**

Although the proposed use is not consistent with the current zone plan, it is consistent with the longstanding non-conforming use of the property which is particularly suited for the proposed use, as it ideally contains the facilities necessary for the operations of a flight service and is physically located to provide a greater service area. The use expansion requested can also be found to be an inherently beneficial use as it provides necessary emergency medical transportation services directly contributing to the general welfare of the community. Locating the proposed services at the existing airport promotes a more efficient use of land and places the use in an appropriate location, and thereby furthering purposes of zoning and planning. However, should the use variance be granted, any site improvements and/or physical impacts of the use need to be addressed and mitigated.

The Board must determine if the proposed use provides a benefit to the public and will not negatively impact the intent and purpose of the zone plan.

#### **5.0 Site Plan Waiver Request**

The applicant has submitted a plan which shows the location of the proposed facilities in relationship to the existing improvements on the lot in question. Aside from adding two modular trailers to support the Penn STAR emergency medical transport services crew/team members, utilization of existing improvements for access, parking, signage and flight operations is proposed. As such, a site plan waiver is supported.

#### **6.0 Signs**

In accordance with § 175-135C(2), one freestanding sign per street frontage is permitted, provided said sign does not exceed an area of 50 square feet on each side, and further provided that the maximum height above grade does not exceed 20 feet with the lowest portion of the sign being at least eight feet above grade. The proposed sign does not meet these requirements as the sign area with the new sign area proposed will exceed 50 s.f. (proposed 75 s.f. total) and the lowest portion of the sign as proposed will be less than 8' to grade (proposed 5-10.5"). As proposed, bulk (c) variances for area and grade clearance are required.

*Note: Testimony regarding sight distance should be provided for assessment of the clearance variance required as proposed. **This was addressed earlier in the testimony.***

## 7.0 Fees, Contributions, and Obligations

### 7.1 Escrow

The applicant must contact the Township's Finance Office to settle any outstanding review escrow accounts prior to any approval taking effect.

## 8.0 General Comments / Recommendations

- 8.1 The applicant must demonstrate sufficient "special reasons" why the proposed use carries out a purpose of zoning, or how the refusal to allow the project would impose on the applicant an undue hardship. In addition, the applicant must demonstrate that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Motion to open to the public:

1<sup>st</sup>: Mr. Mercado

2<sup>nd</sup>: Mr. Fritz

Terri Lewis, Principal Owner of Lewis Properties (neighboring lots 3, 4.03, and 4.04) expressed her concerns about the impact of the proposed use on the sale of her own property, how the medivac will refuel, and what the water source will be. She also mentioned other areas of the site that this might be more suitable for the residents surrounding the airport. ***Mr. Thomas stated that they will primarily refuel at Pier 36 in Philadelphia, especially at night, but there is also a refueling area at the back of the airport they will utilize during the day time hours and the storage buildings will be self-contained and will get potable water delivered and septic pumped at the property. He also noted that there are other sites Penn Star is located at and the complaints are very minimal but will do their best to work with the neighbors if any come up.***

John Lewis, co-owner of Lewis Properties and a pilot of over 40 years expressed his concerns of rotor downwash. ***Mr. Thomas stated that rotor downwash will not be an issue.***

Anthony Porter, of 1498 N. Tuckahoe Road mentioned his concerns of the noise and the shaking of his house by the medivac landing and taking off.

Glenn Groves, of 1464 N. Tuckahoe Road noted his concerns about noise and the safety of the skydivers.

Horace Jackson, of 259 Roun Avenue, asked how long the operation was in Atlantic City and when it started as well as the debris that it will cause to fly around. ***Mr. Thomas answered that the crew is now stationed in Egg Harbor Township and has been since 2012, with minimal complaints from the neighbors. He also noted that his crew makes sure they clean up any debris in the area before take-off so they do not get debris caught in the wings.***

James Schlachter, of 1500 N. Tuckahoe Road, expressed his concerns regarding noise and shaking of his house and this his children's bedrooms are the closest to the area it will be stationed and also mentioned the location be moved to a different location on the property that is more remote.

At this time, there was no other public wishing to speak.

Motion to close to the public:

1<sup>st</sup> Mr. Kozak

2<sup>nd</sup>. Mr. Fritz

Motion to approve the D2 Use Variance:

1<sup>st</sup>: Mr. McLaughlin

2<sup>nd</sup>: Mr. Kozak

Roll Call:

Mrs. Fox – Yes

Mr. Fritz - Yes

Mr. Kozak - Yes

Mr. Manfredi - Yes

Mr. McLaughlin, Vice Chairman - Yes

Mr. Mercado – Yes

Mr. Salvadori, Chairman – Yes



Motion to approve the Site Plan Waiver:

1<sup>st</sup>: Mr. Fritz

2<sup>nd</sup>: Mr. Kozak

Roll Call:

Mrs. Fox – No

Mr. Fritz - No

Mr. Kozak - Yes

Mr. Manfredi - No

Mr. McLaughlin, Vice Chairman - No

Mr. Mercado – No

Mr. Salvadori, Chairman – No

The Site Plan Waiver was denied and Mr. Coe advised that applicant at this point that a Minor Site Plan would be required of the leased area only.

Motion to approve the Bulk C Variance:

1<sup>st</sup>: Mr. McLaughlin

2<sup>nd</sup>: Mr. Kozak

Roll Call:

Mrs. Fox – Yes

Mr. Fritz - Yes

Mr. Kozak - Yes

Mr. Manfredi - Yes

Mr. McLaughlin, Vice Chairman - Yes

Mr. Mercado – Yes

Mr. Salvadori, Chairman – Yes

**Approval of Minutes:**

A motion to approve both the May 16, 2017 minutes and June 20, 2017 Minutes was made by Mr. McLaughlin and 2<sup>nd</sup> by Mr. Mercado All were in favor and none were opposed.

A motion to approve the Closed Session Minutes from the June 20, 2017 minutes were approved by Mr. Kozak and 2<sup>nd</sup> by Mr. Mercado.

**Public Portion:**

Motion to open to the public:

1<sup>st</sup>: Mr. Kozak

2<sup>nd</sup>: Mr. Mercado

No one was present from the public wishing to speak.

Motion to close to the public:

1<sup>st</sup>: Mr. Kozak

2<sup>nd</sup>: Mr. Mercado

**Reports/Updates:** Mr. Coe announced that the Crossroad matter is complete and that they are not interested in the Yale site any longer.

**Adjourn:** A motion was made by Mr. McLaughlin and second by Kozak. The meeting was adjourned.