

**Call to Order:**

The Zoning Board of Adjustment meeting was called to order at 6:31 p.m. on March 2, 2023 by Vice Chairman Colavita who read the following statement, “Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings on January 20, 2023 and a copy was posted on the 2<sup>nd</sup> floor bulletin board in Town Hall and also posted on the Township’s website. Be advised no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m.”

The Board saluted the Flag.

Roll call; Mr. Carino, Mr. Colavita, Mr. Kerr, Mr. Kozak, Mr. Salvadori, Mr. Seidenberg, Mr. Kernan, Planner, Mr. Sander, Engineer, Mr. Fiore, Solicitor. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Cummiskey, Mr. Powers, Mr. Rice, Mr. Heverly.

**Memorialization of Resolutions:**

1. Res. #13-2023 - #23-06 – Michael Hickman – Rear Yard and Lot Coverage Variance Approved

Motion to approve by Mr. Seidenberg, seconded by Mr. Carino. Voice vote; All ayes. Motion passed.

2. Res. #14-2023 – #23-07 – Tim & Vanessa Johnson – Rear Yard Variance Approved

Motion to approve by Mr. Seidenberg, seconded by Mr. Carino. Voice vote; All ayes. Motion passed.

3. Res. #15-2023 - #1868 – Monroe Tool & Die – Minor Subdivision Approved

Motion to approve by Mr. Seidenberg, seconded by Mr. Carino. Voice vote; All ayes. Motion passed.

4. Res. #16-2023 - #23-03 – Tuckahoe Tile – Use Variance Approved

Motion to approve by Mr. Seidenberg, seconded by Mr. Carino. Voice vote; All ayes. Motion passed.

5. Res. #17-2023 - #23-04 – Great Railings – Use Variance w Site Plan Waiver Approved

Motion to approve by Mr. Seidenberg, seconded by Mr. Carino. Voice vote; All ayes. Motion passed.

**Public Hearings:**

1. #23-08 – Louis & Christina Bontya –

The applicant is requesting a rear yard variance to allow 4.3 feet where 10 feet is required for the construction of an 11' x 20' deck, along with any other variances or waivers deemed necessary by the Board. The property is located at 608 Panama Court, also known as Block 9.0304, Lot 22 in the RA Zoning District.

Motion passed to deem the application complete. Louis and Christina Bontya were sworn in by Mr. Fiore. Mr. Bontya stated that he is a disabled veteran and he and his wife have lived in Holiday City for about a year and a half. He stated that there is currently a step down out back of his house that is unsafe. He stated that he has bad knees so the deck would be helpful. Mr. Kozak asked how tall was the hedge behind their house. Mrs. Bontya replied about 10 feet tall. Mr. Kozak stated that hedge would obscure the neighbor's view of the deck. Mrs. Bontya agreed. Mr. Colavita noted the existing patio and asked if the deck would be the same size. Mr. Bontya replied that the deck would be a foot longer because they will have to put concrete footings in.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Mr. Fiore reviewed the application for the Board.

Motion to approve by Mr. Seidenberg, seconded by Mr. Salvadori. Roll call vote; Ayes- Mr. Seidenberg, Mr. Salvadori, Mr. Carino, Mr. Colavita, Mr. Kozak, Mr. Kerr. Nays- Zero. Abstentions- Zero.

2. #23-05 – Atlantic City Electric – Use Variance
3. #520-SP – Atlantic City Electric – Minor Site Plan

The applicant is requesting a use variance for the expansion of an existing non-conforming electric substation in order to make necessary improvements as noted in the minor site plan application, along with any other variances or waivers deemed necessary by the Board. The property is located at 415 Clayton Road, also known at Block 13301, Lot 14 in the RG-30 Zoning District.

The applicant is requesting minor site plan approval in order to install and construct new transformer containment walls, a 20' high transformer isolation wall (firewall), a new grounding grid, and a new stone surface within the transformer area, along with replacing and/or repairing internal sidewalks as needed. The property is located at 415 Clayton Road, also known as Block 13301, Lot 14 in the RG-30 Zoning District.

Present for the applicant is their attorney, Nicholas Talavacchia. Mr. Talavacchia stated that the requests are for an upgrade for reliability and safety to the existing substation. Carolyn Feigin stated her qualifications for the Board and a motion passed to accept her as an expert. Ms. Feigin was referring to an aerial photo displayed for the Board marked as exhibit A-1. Ms. Feigin reviewed how the site is currently situated and stated that it's been used as a substation for about 100 years. She stated that there are some issues with the equipment deteriorating so there is a need

**Public Hearings:** (continued)

2. #23-05– Atlantic City Electric (continued)
3. #520-SP – Atlantic City Electric (continued)

to upgrade this site. She explained the new T5 Transformer that is to be replacing a transformer that's already there. It will be surrounded with a concrete containment as well as a 20' fire wall on the north side. There are also some new lightning masts, cable trough, underground duct work, and to fix the sidewalk in front of the existing building, and a 6' light post in the driveway area that would be for emergency use. Ms. Feigin stated that the traffic to the site would be about two vehicles per week. She stated that there's no designated parking on site but the ACE vehicles usually pull in through the driveway and back in to park.

Mr. Talavacchia clarified that an existing transformer is going to be replaced, they are not adding a transformer. Ms. Feigin agreed and added that the only construction would be of the containment area and the wall. She stated that the neighbors wouldn't notice any difference, the substation would function as normal. The work is done as a reliability and safety upgrade. A motion was passed to deem the application complete. Ms. Feigin added that they the Gloucester County Soil Conservation District certification, they have Pinelands Certificate of Filing, they have submitted to Gloucester County Planning Board but have not received any comments from them at this point. The grading will remain the same, no increase in impervious area, the impact of the site will be minimal. Mr. Fiore asked if it was related to Homeland Security or they were required to file or notify county OEM. Mr. Talavacchia stated they are not aware of anything like that.

Mr. Sander stated that there were a number of slats in the fence that are broken and he asked if that would be fixed. Ms. Feigin stated that yes, that would be repaired. Mr. Fiore asked if they would also be repairing the sidewalk along Clayton Road in front of the property. Ms. Feigin agreed and noted that Mr. Kernan had mentioned also fixing the apron to which the applicant agrees to as well. Mr. Kerr asked if they would have to shut the power down to switch the transformers. Mr. Talavacchia replied they would transfer the load so there would not be any outages during this upgrade. Mr. Seidenberg asked if there were currently containment walls that are 20' high and would it be visible. Ms. Feigin replied that the outer fence is 7' with 2' of barb wire so yes, the proposed fire wall would be visible. Mr. Seidenberg asked about noise impact. Ms. Feigin replied that nothing would be different as far as noise goes and reiterated that they are not adding another transformer, they are taking one out and replacing it with an upgraded version.

Stuart Wisner, planner from ARH, stated his qualifications for the Board. Mr. Wisner was sworn in by Mr. Fiore. Motion passed to accept the witness as an expert. Mr. Wisner stated that this project is an upgrade to the existing substation. Since electrical substation is not permitted in Monroe Township, this is addressed as a preexisting nonconforming use so a D2 variance is requested. He stated that he believes the positive criteria is satisfied because a substation is an inherently beneficial use. Mr. Wisner stated that negative criteria has to pass a four-pronged test called the Sica balancing test. First, the public interest is the upgrade to the safety and reliability of the substation. Second, the detriment that may be possible with this variance request could be that of the view of the new 20' high isolation wall. Mr. Wisner referred to exhibit A-1 and stated that the

**Public Hearings:** (continued)

2. #23-05– Atlantic City Electric (continued)
3. #520-SP – Atlantic City Electric (continued)

wall is visible from the bike path but it is still obscured by the equipment that's already there. The only detriment would be the visual impact, but they don't feel it's that significant. He stated that the third prong is for the Board to weigh the detriment to the public good. Mr. Talavacchia asked Mr. Wisner if he believed that the Board had the appropriate justifications to approve the application. Mr. Wisner affirmed.

Mr. Kernan reviewed his report for the Board. He stated that Mr. Wisner's testimony was on point, and that he believes it would be a good idea for the Board to vote in favor of it. He stated that he's surprised that our town doesn't have an ordinance for this type of utilities station. He stated that he is in favor of the application.

Mr. Sander stated that he is in favor of a waiver for the rodent control program because no displacement of rodent population is anticipated.

Mr. Kernan stated that the applicant also requested a waiver for providing additional buffering. He stated that he drove to the site and he believes that there is no where to add additional buffer. Mr. Fiore asked what are the reasons for the wall. Mr. Wisner replied that the wall is a fire control wall. Mr. Carino asked why the wall is only on one side. Ms. Feigin replied that the wall is to protect the building on the property. Mr. Kerr asked if there would be safety on site during construction due to the kids walking by for the school. Mr. Talavacchia replied that ACE always takes appropriate action with safety on site. Mr. Colavita asked if they would communicate with the school. Mr. Talavacchia replied that all appropriate notifications will be made. Ms. Feigin stated that construction is planned to happen from May to October, so hopefully the bulk of it will be completed when the children are out of school.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Mr. Fiore reviewed the use variance application for the Board.

Motion to approve the use variance by Mr. Kozak, seconded by Mr. Seidenberg. Roll call vote; Ayes- Mr. Kozak, Mr. Seidenberg, Mr. Carino, Mr. Colavita, Mr. Kerr, Mr. Salvadori. Nays- Zero. Abstentions- Zero.

Mr. Fiore reviewed the site plan application for the Board.

Motion to approve the site plan by Mr. Seidenberg, seconded by Mr. Kozak. Roll call vote; Ayes- Mr. Seidenberg, Mr. Kozak, Mr. Carino. Mr. Colavita, Mr. Kerr, Mr. Salvadori. Nays- Zero. Abstentions- Zero.

**Public Portion:**

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

**Reports:**

Ms. Orbaczewski asked the Board about adding a meeting date added on March 30<sup>th</sup>. The Board members present were okay with that. She also reminded the Board that the next meeting is a special meeting on March 15<sup>th</sup>, and we still have the regular meeting on March 16<sup>th</sup>.

**Minutes:**

Motion passed to approve the meeting minutes from the 2/16/2023 meeting.

**Adjournment:**

The meeting was adjourned at 7:21 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings.

Respectfully submitted by: Amy Gallagher, Clerk Transcriber