

**EAST AMWELL
ZONING BOARD OF ADJUSTMENT – MINUTES
Municipal Building – 7:30 p.m.
December 11, 2012**

Call to order and compliance with the Open Public Meetings Act

The regular meeting of the Board of Adjustment was called to order at 7:34 p.m. on December 11, 2012, in the Main Meeting Room of the Municipal Building, 1070 Route 202/31, Ringoes, NJ by Chair Kendra Schroeder.

In compliance with the Open Public Meetings Act, the Clerk announced this was a regularly scheduled meeting pursuant to the Annual Meeting Notice as published in the January 19, 2012, issue of the Hunterdon County Democrat, filed in the Township Clerk's Office, and posted on the Bulletin Board on December 4, 2012.

Roll Call and Agenda Review

Present: Sherrie Binder
Nancy Cunningham
Gael Gardner
Sue Posselt
Kendra Schroeder
Diana Garrett – Alt. #1
Anne Williams – Alt. #2

Absent: Gloria Frederick
Paul Gavzy

There were no changes to the agenda.

For the record Attorney Jonathan Drill was filling in for regular Board Attorney Trishka Waterbury who recused herself from the Amwell Valley Rescue Squad application due to a conflict.

Presentation of Minutes

A motion was made by Gael Gardner, seconded by Nancy Cunningham, to approve the minutes from 11/13/12 was approved with no revisions noted; there were no abstentions.

Presentation of Bills for Payment

A motion by Sherrie Binder, seconded by Nancy Cunningham to approve the vouchers for payment as listed on the agenda was unanimously approved.

Correspondence

The 11/29 letter from Hunterdon County Soil Conservation for the Amwell Valley Rescue Squad was the only correspondence received.

Applications to be Deemed Complete or Incomplete – None

Applications for Public Hearing

AJ-12-04: Amwell Valley Rescue Squad – 1141 Old York Road, Ringoes

Block 8 Lot 24.01

Bulk and Use Variances associated with addition to building

Amwell Valley Agricultural District

Submitted: 10/24/12 – 45 days: 12/8/12

Deemed Complete: 11/13/12 – 120 Days: 3/13/13

Present for the application were Attorney Donald Scholl, Architect Terry Golda, and Amwell Valley Rescue Squad President Margaret Case.

Mr. Scholl spoke to the Board and the professionals, thanking them for their assistance. There was an issue with the tape, and there was a short recess from 7:43 – 7:46 p.m.

Mr. Drill swore in all parties, i.e., Joanna Slagle, Planner; Dennis O’Neal, Engineer; Terence Golda, an Architect under the employ of Amwell Valley Rescue Squad; Margaret Case, President of the Squad.

Mr. Scholl explained that the property was acquired in 1975, and parties will give some factual testimony about the non-profit corporation. He will be calling Miss Case and Mr. Golda, beginning with Miss Case, President of the Amwell Valley Ambulance Corps.

Mr. Scholl asked how long Miss Case served and what her duties include. Miss Case has been a member for 25 years, and as President, she presides over meetings, takes care of day to day duties, calls special meetings and postpones meetings, presides over trials if charges are filed, allows for excuses if members cannot make meetings. She is familiar with the operations of the squad, the compliment of members, and handling of response calls.

Mr. Scholl presented items:

#A-1 – Incorporation Information for the Amwell Valley Ambulance Corps

#A-2 – September 30, 1975, deed from Round Valley donating property to the rescue squad

On a question about the name of the entity, Miss Case explained that the Amwell Valley Ambulance Corps is the legal name of the squad; the squad also refers to itself as the Amwell Valley Ringoes Rescue Squad, based on certain part of the response area in neighboring communities. State records are under the name of Amwell Valley Ambulance Corps.

Mr. Scholl asked Miss Case to describe the functions at 1141 Old York Road. Miss Case explained that the mission of the squad is to assist sick and injured, assist during fire calls with sick and injured people, such as in the case of motor vehicle accidents. As an example, after “Sandy,” they were on call for a carbon monoxide incident for which the fire company responded. Mr. Scholl asked about first responders. Miss Case explained that first responders are first on the scene if there is a medical call; they respond if there are heart attacks in progress, and a quick response vehicle is sent on the emergency call. Mr. Scholl asked if it was fair to say that the first response team could provide treatment at the scene and in accidents, and it would be critical to have them there as a “life and death” matter; Miss Case responded yes.

Mr. Scholl asked about the existing building and site. Miss Case explained that it is a cinder block building with four bays, a kitchenette, and men and women restrooms. She detailed the vehicles at the squad, two medical ambulances (one out for repair after an incident during Sandy), with extrication equipment (jaws of life); a third vehicle for fire rescue and minor motor vehicle accidents, which carries portable jaws of life to pop open doors; a command vehicle, which is in violation of homeland security because it is parked outside (no room in the building).

Miss Case continued that the “building is busting at the seams,” with cabinets for first aid supplies being tight. She explained that there was a proposed plan for a larger building at a different location, but the majority of the squad members felt that the move “was too much,” cost prohibitive, and the building was in “an ideal spot” getting from Ringoes to West Amwell, Route 179 to Boss Road, to Delaware Township and out to Wertsville Road. The current building is pocketed at a nice location, not on a major highway. Miss Case said, “The squad doesn’t need as much as the design showed, and the cost would have been high.” She said that they went through a lot to make it not happen. The design for the current building is scaled back, develops within the existing footprint, provides bays for the command rig and equipment, a bay will be lost for a meeting room, and there will be showers for emergency use. Mr. Scholl asked about using the building as a shelter. Miss Case said people could come during emergencies without power.

Mr. Scholl asked about the procedure for response. Miss Case explained that the members have pagers which are tripped by 911 in Cherryville; some members have text to cells, and there are tones for “what it is, where the member is” and whether the member will go to the building or directly to the resident’s location. She said that there may be 3 or 4 cars at the building, and maybe 2 at the scene. Mr. Drill asked if the building was used for staging. Miss Case agreed that it was used for coordination.

Mr. Scholl asked about membership. Miss Case said that there different classes, i.e., active, conditional, probationary, youth, charter, honorary. Active are certified EMTs with CPR skills and are voted into the squad. Conditional members bring merit to the squad, including those with lapsed EMTs, have training, including CPR, can lift and move, and are familiar with rigs. Probationary members just joined and need training. Youth members are under 18, i.e., you have to be 16 to get an EMT. Honorary members provide worth to the squad. There are 12 active; 2 conditional; 3 probationary; 1 youth; 1 honorary.

Mr. Scholl asked about existing parking spaces at the building, i.e., when calls are received, what is the average number of vehicles at the building during response to calls. Miss Case said about 3 – 4 on average with three parking spaces with lines and additional space north of the building without lines. Mr. Drill asked about the number of cars that could be parked in undelineated spaces; Miss Case said about 8 cars.

Mr. Scholl provided more pictures as evidence:

#A-3 – Parking Spaces at the site

#A-4 – North side of building area used for additional parking.

Miss Case said that the north side parking area was about 25 feet by 40 feet; Mr. O’Neal said the property was 45 feet wide in the back, narrowing to 40 feet in front of the building, and about 50 feet deep. Both the engineer and Miss Case agreed that about 6 cars could park in the area and up to 8 if cars are "stacked" for meetings.

Mr. Drill asked if a call came in, with 3 or 4 members coming to the building, having 3 delineated spaces to park, how many additional people may come to the building; Miss Case said maybe 1 or 2 more. Mr. Scholl asked if there was not sufficient parking or could violations be issued for parking at the building or parking impractically. Miss Case said no, although there is a Raritan police officer who follows the squad members if they are driving too fast on calls; warnings, not tickets, have been issued by him.

Mr. Scholl asked about banquets or fund raising. Miss Case explained that the auxiliary disbanded about 8 - 10 years ago, and there have been no banquet or pancake breakfasts (not to their advantage). Their fund raising involves coin tosses and mailings, but no major functions. The only outside "thing" they do, maybe twice a year on Holy Thursday and during Vacation Bible School; about 15 years ago, the squad told Kirkpatrick Church that they could use the squad building for AA meetings when the church can't be used. Mr. Scholl confirmed that Kirkpatrick is the Presbyterian Church in Ringoes.

Mr. Scholl asked about the vehicles maintained at the squad and details about the expansion, height, and design of the proposed building. Miss Case said that the new bay will have a larger opening because vehicles are getting larger. She said that the fire company has a satellite building for vehicles, but if the fire house ever needed to house a vehicle (at the squad), there would be room. Mr. Scholl asked if planning was done for ten years and beyond, not just two to five years; Miss Case said yes.

Mr. Scholl asked what occurs on the property and asked for an explanation of extraction drills. Miss Case explained that during a car accident, if you can't make access, such as a door jam or the dash is on the patient, the jaws of life is a spreader and can pop a door open. A ram is a device cylinder that spreads and pushes the dashboard back, cutters can cut through the roof. There are different levels of training, such as awareness, techniques, and a third class. She explained that with hybrid cars, there is more to be aware of. There are extraction drills usually twice a year, with the intent to train the team to work smoother. Probationary and youth members assist by putting tarps out, cribbing, using blocks of wood to

stabilize the car, which needs to be done before cutting; they also set out little hand tools and punches for the cutters. Miss Case usually sits with the "patients" during the drills. The twice a year trainings are usually in the summer (more day light) and maybe a weekend in the winter (done in the dark) to learn all levels.

Mr. Scholl introduced #A5 as the gravel area near the building where the drills take place. Miss Case also noted that sometimes the drills take place at the fire company for joint drills with their extraction fellows.

Mr. Scholl asked that the applicant identify on the Plan the gravel lot to the rear of the building and the area where six cars may be parked. Mr. Scholl asked about the additional parking, and Miss Case said there was some at the north side as you face the building for three parking spots. Mr. Scholl explained that #A-5 also showed the building and surrounding areas in late summer, early fall this year.

Mr. Scholl asked how the expansion would impact drills. Miss Case said that they would not be able to get to the asphalt, and they would have to go around the new bay. Mr. Scholl asked if they can do it with a wrecker or roll off; Miss Case said yes. Mr. Scholl asked about inclement weather; Miss Case said that they had to cancel a recent drill because of the weather. Mr. Scholl asked about coordinating with the fire company; Miss Case said yes.

Mr. Scholl asked about lighting; Miss Case said there were sconces on either side of the front door and light works with the switch on a telephone pole, including the light on the flag and the north side where the lot is located. There is a motion detector light that goes on when in proximity to the building. Ms. Gardner asked about a door on the side of the building; Miss Case said there was one.

Mr. Scholl spoke about the proposal for a freestanding sign with orientation to the building. Miss Case said that there would be one sign on the building, "Amwell Valley Ambulance Corps." The free standing sign could have a street number on it, and if there is a fund drive for the squad or fire company, or to advertise an event, or public notice, such as "time to change batteries," etc., the free standing sign would be advantageous. Mr. Scholl said that the sign would be located 10 feet off the right of way line and asked about illumination. Miss Case said yes, it would be illuminated from sunset to 10 p.m. with a timer. Ms. Schroeder asked if there was above lighting or ground up; Miss Case said that the architect would tell the Board. Ms. Gardner asked if the sign was parallel or at right angle, suggesting the sign at right angle would be better to see. Miss Case said parallel. Ms. Cunningham asked about the plan for the new free standing sign describing the proposed location on the map indicating that it would be more than 10 feet from the road.

Mr. Scholl said that Mr. Golda was already sworn in and would answer.

Mr. Golda explained the tree shown on the plan is no longer there (i.e., it died and was cut down); Ms. Cunningham said that the sign would be downhill and difficult to see. Mr. Golda said that the sign would be 7 feet high, and the bottom of the sign was 1'10" from grade; Ms. Cunningham questioned

information about events being shown 1.5' from the ground, and Mr. Golda said it would be 2 - 4 feet from the ground. Ms. Cunningham did a site visit and believed it would be almost impossible for people to read the signs from a car because the sign is down a hill. Mr. Golda said that it could not be brought forward because of the site triangle. Ms. Cunningham did not see the advantage of the sign if it could not be seen from the road; Ms. Gardner felt that it could be turned sideways or be made taller. Miss Case felt it would be better if it were closer to the road, but there may be another violation. Mr. Scholl suggested that if the Board approved the project, they could make it a part of the resolution to make the sign more visible, subject to communication between the applicant and the board professionals.

Mr. Scholl mentioned the second item, the existing illuminated flag pole, providing #A-6, the utility pole by the point of entrance and light as shown. Mr. Scholl spoke about regulations about illuminating the United States flag from dusk to dawn. Miss Case said that the flag hangs 24 hours a day. Mr. Drill spoke about having a light on the flag if it is up while Mr. O'Neal says that the ordinance requires lights off by 11 p.m. Mr. Drill suggested that the applicant could apply for relief. Miss Case said that the lit flag has hung for over a decade without complaint. Some discussion took place on whether there was a flag exception in the ordinance, and Mr. Drill referenced the Code.

Mr. Scholl asked about proposed landscaping. Miss Case said there were some new landscaping items proposed, including shrubs and trees to the north side to shield the neighbor and to the south side, near Ziegenfuss Well Drilling. There are a couple of trees there now and no new landscaping is proposed. Mr. Scholl asked about the elimination of any landscaping; Miss Case said that some trees are gone, including a dead dogwood, and she noted some dying cherry trees on the right.

Mr. Drill read from section 92-57 of The Code of East Amwell, Lighting, C, General Standards, (1) (c) : "Two light fixtures to illuminate a single US or NJ State Flag at the same location is permitted. Each such fixture shall not exceed 1,000 lumens and shall use only a narrow cone of light, the beam angle of which shall be based on a circle having a radius equal to the width of the flag, except that flags having a width of 12 feet or more shall not be illuminated by a beam with a radius greater than 2/3 of the width of the flag. Light fixtures which illuminate the US or NJ State flags shall operated by a timer which will turn the lights off no later than 11:00 p.m." Under section C, (4): "Prohibited illuminations includes ... illumination of a single US or NJ State flag...." Some discussion took place about the request to have the flag lit and jurisdictional procedures; Mr. O'Neal said that it could be an exception in the design standards with a waiver being granted. This item will be discussed at the end of deliberations.

Mr. Scholl asked about the expansion's impact on trees or landscaping and the applicant's willingness to protect landscaping. Miss Case suggested that they could shield or protect the existing trees. Ms. Slagle asked if the expansion would impact large trees on the plans; Miss Case said that they would not have to be removed. Some discussion took place about continuing the drills on the existing gravel and crossing over the back of the lot, around the septic field, to get there, or by asking the neighboring Ziegenfusses to access the area through their driveway.

Ms. Posselt asked about having two ambulances with one being repaired. Miss Case said one is for rescue and equipment and the other for fire and rescue calls (minor rescue). Ms. Posselt asked what the SUV is used for; Miss Case said it is used for going into fields since it is 4 Wheel Drive and is used as the command vehicle. Ms. Posselt asked about housing a fire truck; Miss Case said no, but if the fire company needed to store the vehicle at the squad, it could be done (with the higher bay). Ms. Posselt asked about having the Dave's Sunoco trailer on the squad property; Miss Case said that Dave will have to move it. She indicated that Dave does a lot for the squad as a life member. She explained that Bill Reiter is a honorary member, and there are a few life members (a different category), i.e., members who had at least 10 years of active service and no longer want to be active but keep their EMT, such as Dave, Karen Stover, and Sal Angelo. If you are life member, you can make runs if you want. Some comments were exchanged about who can make calls, and there must be an EMT on all calls. Miss Case also noted that Dave makes more calls than active members.

Mr. Scholl had no further direct questions. Ms. Schroeder asked members if they had any questions. Ms. Cunningham said that there are four bays right now and two additional bays are proposed; Miss Case explained that they will be losing a bay and the final expansion will include five bays. Ms. Cunningham asked if the bays were for the vehicle parked outside and a future one; Miss Case said for future apparatus with bigger height. Miss Case also commented on hopes for "a rescue squad up the road."

Mr. Scholl asked about building to the north of the property. Miss Case mentioned the gas line in the vicinity and proximity to the neighbor's house, along with the well located on that side of the building. Ms. Cunningham commented on the north side being 72.5' from the property line. Miss Case said yes, and past the trees, the neighbor's house is close by, stating that there were complaints from the neighbor in the past - she said construction on that side "wouldn't help with good neighbor relations and we still need one bay."

Ms. Cunningham asked about needing the full width of a bay to expand the meeting room, with Ms. Gardner asking how big was the bay. Miss Case said that she thought it was 12 feet. Mr. Scholl referred to page 1 of 2 for elevations, and comments were exchanged about the bays, including the following: one bay is being lost to the bathrooms; Mr. Drill referred to #A-3 showing three existing bays and asked which was being lost; Miss Case said one bay was being lost to the meeting room/lounge area, i.e., to be a "living room, kitchen, and meeting room" to pull in younger members - comments were made about these affiliated younger members who "hang out" while not on duty to check rigs, mingle, play video games, etc.

Ms. Posselt asked why the kitchen would be made bigger if no functions take place. Miss Case said it was more of a galley kitchen with a sink, refrigerator, and stove so that when members stay in the building during a storm, they can have a meal - this was only for members. Ms. Posselt asked about the meeting room in the front, two bathrooms and an entrance in the back. Miss Case said that the squad room is in the back, and that an office is needed; the kitchen is not getting bigger, there are restrooms needed, and a lounge area is planned. Ms. Cunningham asked to be clear that the additional space was twice what the squad has now and why was it needed. Miss Case said it was a 1/3 or 1/2 as much more,

and it would be expanded for the members to watch tv or videos and wait between meetings. Meetings would be held in the office area, and not all members go to all the meetings at the same time. The office would be for the chief and files since the attic is full, and having files in the office would make them more accessible. Miss Case concluded that the plans were a "far cry from the plans for the other building."

Motion by Ms. Gardner, seconded by Ms. Binder to open to the public for questions.

Frances Gavigan, 123 Wertsville Road, asked if the plan design enhanced the ability of the squad to attract and maintain members to serve the public good in the valley, mentioning lots of ambulance squads going to paid ones. She asked if it was easier and better for the community at a reasonable cost to provide service. Miss Case believed that this was true. Ms. Gavigan asked whether the improved facilities, the shower and bathrooms, along with the generator, would supplement the public good and the Township's emergency response by providing additional services. Miss Case said yes. Ms. Gavigan agreed that the showers are important too.

Motion by Ms. Gardner, seconded by Ms. Binder, to close to the public.

Architect Terence Golda was called to testify. He gave his educational and professional background. He has a Bachelors degree in Architecture from Texas Tech University, licensed in New Jersey since 1976, licensed in Pennsylvania, has NCRAB certification with reciprocity in any state of the union, is a licensed planner in New Jersey, and a certified interior designer in New Jersey. Mr. Scholl asked Mr. Golda if he was a site plan and architectural expert witness; Mr. Golda said yes, but he was not before this board before. Mr. Scholl asked Mr. Golda if he was able to testify regarding building design, use, functionability of business operations and relationship to design of a building; Mr. Golda said yes. Mr. Scholl offered Mr. Golda as an expert witness; Mr. Drill confirmed that this was in site plan preparation and architectural design, and Mr. Scholl said yes.

Mr. Golda said that the original plan included taking a bay and expanding the office and bathroom facilities. The scope changed to have two more bays. He referred to page A-2 of the drawings, with an addition to the existing building showing an enclosed front porch, relocating the emergency generator, a new concrete pad for the Dumpster, and one handicapped parking space, and an additional sign and pole. The addition is a 32.5' x 40' masonry building, similar to the existing concrete block, wood truss roof with height raised for overhead doors for future equipment. Mr. Scholl asked about the proposed height of the building in context with the ordinance. Mr. Drill referenced page 1 of 2 of the plans to see elevations. Mr. Golda explained that the ordinance defines height of building to the ridge of building, which should be 20 feet, excluding cupolas and other decorative items. The building is currently 22 feet and the proposed height will be 25 feet.

Mr. Scholl asked about exterior appearance. Mr. Golda said it would be brick face, colored stucco with scored joints, similar to the firehouse addition he designed in the 1990's. On a question from Mr. Scholl, Mr. Golda agreed that the design was driven with roof height consideration in anticipation of vehicles that may be housed in the future.

Mr. Scholl asked about signage, i.e., what exists and what is proposed. Mr. Golda said that there is now a sign under the overhang above the doors. The plans include removing the existing sign and have the words Station 48 inscribed in brick face over the front entrance, similar to the firehouse. Mr. Scholl asked about the freestanding sign. Mr. Golda said that it would be parallel to the front of the building and Route 179, and it is a wood carved sign located approximately 10 feet from the right of way on Route 179, similar to a sign at Quakertown Fire Company. It will have a shielded light on the ground; Mr. Scholl referred to Miss Case's testimony for hours of the sign and site lines triangulated. Mr. Drill asked for location on the plans of where the ground mounted light was sited; Mr. Golda located the light as B on the legend. Mr. O'Neal said that he conferred with Mr. Golda on the location of the light, mentioning his memo on the details of the plan and landscaping and a request for attachment of details to the plans. The sign will be lit from one side only, and Mr. O'Neal commented on shielded lights with plantings from the road so that drivers cannot see the light, which "we'll work on that."

Mr. Scholl asked about the location of the sign to site lines and site triangles. Mr. Golda confirmed that it was not a problem with NJ DOT; there was an October 17th request to them, and they had no interest in the sign although they wanted existing boulders removed from the site. It was explained that the boulders were placed to keep large vehicles from going on the property and making turns.

Mr. Scholl asked about a shed on the site. Mr. Golda said that the shed would be removed and materials in the shed would be put into the building. Mr. Scholl offered a picture of the existing shed as #A-7. Mr. Drill said that the shed was not shown on the plan, and Mr. Scholl said it was mentioned in the architect's report.

Mr. Scholl asked about parking spaces, and Mr. Golda said that there were three 8.6' by 20' spaces now and a new handicapped 16' x 20' space will be added; he mentioned not increasing intensity but only usability of the building. He also spoke about "dollar value" for handicapped accessibility during renovations – providing a handicapped bathroom and the parking area will increase ADA accessibility.

Mr. Scholl asked about the building, operation of facilities, having specific HVAC and emergency generator items because of storms. Mr. Golda said yes. Mr. Scholl asked Mr. Golda to "round out Margaret's testimony" regarding location of the expansion and the gravel area. Mr. Golda explained that the expansion was on this side rather than the other side where the generator and concrete pad for Dumpster would be because of the gas line and an existing electrical panel in the northeast corner of the building. It made more sense money-wise to use the existing building to renovate to upgrade the office use rather than the garage use, i.e., no finished ceilings, etc., and using the existing envelope rather than start from scratch for new interior finishes. Mr. Scholl concluded that the architect used foresight to design for cost effective measures with long term planning.

Mr. Scholl asked about technical points, stating that there were very concise with excellent clarity. The relief being requested is D-2, the expansion of a non-conforming use and he believed that Miss Case gave a lot of testimony about the inherently beneficial use. He asked about the general welfare of the public

and the context of business of this applicant. Mr. Golda explained that the squad works hand-in-hand with the hospital. Mr. Scholl mentioned the location of the squad as "a center of the spokes on a wheel" where in the squad's function, every second counts. Mr. Golda said, "yes, absolutely," noting that the site is hampered by physical constraints because of the nature of the site.

Mr. Scholl spoke about the inherently beneficial use and the presumptive positive criteria.

Mr. Drill said that the application has a D-1 use variance, and he has "crib sheets" for board members with standards to consider for each type of relief. He provided guidance to the board members, including changes in the 2009 Municipal Land Use Laws to amend inherently beneficial uses as D-variances with a list of positive and negative criteria. He referred to D-4 and D-7 definitions in the MLUL, reading it into the record. Mr. Drill advised the board that when making their decision, if they find the rescue squad analogous to a hospital, providing the same services from an ambulance where people do not have to drive to a hospital, it is like a mobile hospital, and if the members find that a rescue squad is a use considered a value to the community, then it is beneficial. He asked the board to consider this now.

Ms. Gardner gave an example of two accidents in 20 years on her road that if the rescue squad did not come, there would be "dead kids," and she believed that these services were inherently useful. Ms. Binder, Ms. Posselt, and Ms. Williams agreed.

Mr. Drill said that since the inherently beneficial designation was in place, the use and height approval would be easier, once again reading from his crib sheets, Seca Case sheet 2, paragraph 2. He referred to a Seca four part test, in essence, having to identify public interest at stake. He summarized defined inherently beneficial uses, such as hospitals, schools, child care, group homes, solar facilities, etc. If the board found a rescue squad analogous to a hospital, it would put the use on top of the list. The next step is to balance the negatives against the use. He detailed the importance of ranking of applications, based on case law provided before them. He suggested a poll of the board members to see where it ranks the squad use, i.e., top, middle, or bottom. Board members Binder, Gardner, and Posselt ranked the squad near the hospital.

Mr. Drill spoke about the detrimental areas, with steps to eliminate the detriments, e.g., attaching conditions to mitigate or eliminate the detriment, and the need to balance the beneficial inherent use with the detriments. He believed that he heard, as detriments, the light on the sign that may have been seen on the road, which may or may not be an issue and the building height higher than the ordinance allows, but not for typical use, with the squad indicating that it is for future planning. Mr. Drill said that the board should consider what detriment having the height higher might be and place conditions, if the board values the squad second after a hospital. They should also consider any other detriments.

Planner Joanna Slagle's memo regarding the variances was noted, specifically for D-1 and D-6 and the rest as C variances. Ms. Schroeder suggested making the planner and engineer's findings conditions. Ms. Slagle commented on a requested bulk relief to the side yard setback and where to put the expansion.

There are some non-conforming pre-existing conditions. The lighting of the pole, perimeter curbing, freestanding sign location and parking are design waivers.

Mr. O'Neal mentioned the design waivers, adding other comments in his memo would be conditions. Mr. Scholl verified from Mr. Golda that items 9 through 14 would be conforming items. Mr. Drill asked that items 15 - 23 be included as conditions, e.g., subject to other approvals. Mr. Scholl agreed that they were standard approvals, and no objection letters have been received from NJ DOT, the Hunterdon County Planning Board, and Hunterdon County Soil Conservation District. Items 21 and 23 in the engineer's memo would include a site triangle easement and a developer's agreement, which the applicant will agree to.

Mr. O'Neal and Ms. Slagle would be able to work on the flag lighting issue, sign issues, and driving around the back of the property for drills. Ms. Slagle said that the sign could be no higher than what the ordinance allows, but the location of the sign could be changed. Ms. Gardner felt that as long as the sign wasn't in the site triangle, it might be moved back further to level ground. Mr. Drill asked if the structure was totally conforming now; Mr. O'Neal said no.

Ms. Binder noted that the dogwood tree is gone and asked about relocating the sign. Some discussion took place, and Ms. Schroeder asked about the site visit report, which was read into the record by Ms. Binder.

Mr. Drill mentioned the two issues of the location of the sign in an area that may not be seen from the street and how to get to the back area for drills. Mr. Scholl said that the squad members will approach the adjoining property owner or go deeper on the site to access and stage drills in dry areas, which would only occur maybe up to two times a year. He spoke about efforts to access the area on the north side and avoid the back of the property if weather conditions prevail. Mr. Drill confirmed that the access on the north would only be when ground conditions permit, and Ms. Posselt added that the Ziegenfuss driveway may be utilized if the ground is wet.

Mr. Scholl suggested that the applicant might work with the board professionals on the freestanding sign. Mr. Drill asked what this would mean so that the applicant would not have to come back before the board. Ms. Slagle said the sign could be 20' high. Mr. Drill suggested that a sign subcommittee could be formed to review that portion of the project and decide that it doesn't violate the ordinance any more. Mr. O'Neal added that the sign could be within 30 feet of the right of way but should be 10 feet off of it. Mr. Drill suggested that language of no closer than 10 feet to and 20 feet from the right of way.

Ms. Gardner suggested that a mock up sign should be made for the sign committee to review; Ms. Posselt suggested a flat sign, and Miss Case agreed that this could be done. Mr. Drill suggested that the subcommittee approve the sign as long as it does not exceed what is allowed in the ordinance.

Mr. Scholl spoke about the illuminated flag pole, which has been there for the last decade. He said that his client reserved their right for an additional waiver and asked for a waiver for the light on the flag. Ms.

Gardner and Ms. Posselt were in favor of a waiver. Board members asked what the fire company, Clawson Park, and the municipal building do with their flags and lights.

There were no more comments from the board, and Ms. Gardner made the motion to open to the public for comments, seconded by Ms. Posselt.

Al Curving, 140 Cider Mill Road, asked if the new bays would be separate or adjoined; he was told adjoined. He also asked about more security for the generator. Some discussion took place, with Mr. Golda saying that one would have to have a hoist to take it, and Miss Case saying there is metal housing on the propane tank. Mr. O'Neal said it was shown on page A-2 of the plans. Mr. Curving suggested addressing security now. Mr. Golda mentioned that the squad may be changing to natural gas in the future.

Frances Gavigan, 123 Wertsville Road, commended the committee, board, and professionals for the "reasonable accommodation" and asked for a timely decision.

Miss Case said that the generator and Dumpster are on the other side of the property because of previous neighbor's complaints.

Ms. Schroeder asked if there were any more sworn statements, and Mr. Drill asked if there were any other public comments. Mr. Drill asked if the members needed a summary on waivers or any questions before deliberations.

Ms. Binder said that having seen the site, the plan "makes sense." She had no objection, and she understood the height requirement for a higher vehicle and not coming back a second time. Ms. Gardner agreed with Ms. Binder. Ms. Posselt wished that there were more parking spaces, and some comments were exchanged about parking, including a new handicapped space also.

Mr. Drill concluded that he heard that the board felt it was a good application and made sense. He listed what he heard as the variances and waivers being requested: D-2 expansion of lawfully created pre-existing non-conforming use variance for the expansion of square footage of the building; D-6 height variance for building from 20 to 25 feet; C-2 variances for beneficial v. detrimental variances for new deviations and C-1 variance for existing ones, including front and side yard setbacks, off-street parking for 3 plus a handicapped spot although the resolution will stated that the spaces can accommodate up to 6 vehicles not stripped, lot coverage and lot area, design waiver on lighting to allow flag pole light after 11 p.m. but the sign will be regulated by the ordinance with a light from dusk to dawn, design waiver concerning no curbing, preliminary and final site plan approval, subject to conditions listed in the engineer's memo of November 21, 2012, access to rear gravel area shall be from the north side of the site when ground conditions permit it and permission will be requested to access to the Ziegenfuss property; a mock up of the free standing sign will be prepared for a subcommittee to review with the sign to be sited no closer than 10 feet to and no more than 20 from the right of way and no taller than the maximum allowed in the ordinance.

Motion by Ms. Gardner, seconded by Ms. Posselt, to approve the application as stated above. A roll call vote was taken. Roll Call Vote (including alternates who were voting this evening): Ms. Binder, yes; Ms. Cunningham, yes; Ms. Gardner, yes; Ms. Posselt, yes; Ms. Schroeder, yes; Ms. Garrett, yes; Ms. Williams, yes.

Mr. Scholl was appreciative for the input and proposed follow-up. Members Gardner, Binder, and Williams will be on the sign committee. Some discussion took place between the engineer and the architect, and Mr. Drill concluded with a note to coincide with the condition, and put the sign location on the design. Mr. Golda was advised to call Board of Adjustment Administrator Andrews to let her know when it was ready so she could notify the committee.

Old Business - None

New Business

A. Board of Adjustment Budget - (Note: Ms. Andrews submitted the same budget as 2012 in order to meet the response deadline.) The board briefly discussed the budget, noting that salary stated the same for the administrator and zoning secretary, and the employee did not ask for a raise. The legal line item was mentioned, and it was speculated that the increase in the line was based on expenses for the Feinberg appeal.

Comments of Board Members

Ms. Binder wished all "Happy Holidays."

Mr. Drill mentioned working with Mr. Scholl before, and he suggested that the two of them work on the draft resolution, and once there is agreement, it would be emailed to all of the members so that he did not have to come to the next board meeting. Ms. Waterbury Cecil would be able to step down during the approval of the resolution, and she has Mr. Drill's cell phone number if there were any questions. The board concurred.

Some pleasantries were exchanged between Mr. Drill and the board.

Open to the Public

Al Curving, 140 Cider Mill Road, suggested that a corkboard be placed on the side wall (above the ramp), so that the public could see the plans referred to during board meetings. Other comments between Mr. Curving and the board provided suggestions to have a lighted magnetic board with a laser pointer for ease in having the public follow along.

Motion by Ms. Gardner, seconded by Ms. Binder, and carried to close to the public.

Adjournment

Motion by Ms. Binder, seconded by Ms. Gardner, and carried unanimously to adjourn the meeting at 10:06 p.m.

Teresa R. Stahl, RMC/CMC
Municipal Clerk