

Call to Order:

The meeting was called to order at 7:00 p.m. by Chairman McLaughlin 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. This notice was sent in writing to the Gloucester County Times on January 11, 2012. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk."

The Board saluted the flag.

Roll call: Present – Mr. Carney, Mr. Fritz, Mr. Price, Mr. Salvadori, Mr. Fitzgerald, Mr. Kozak, Mr. McLaughlin. Absent – Ms. Beltrante, (excused), Mr. Manfredi, (excused), Ms. Pellegrini, (excused), Mr. Sander, (excused). Also present – Mr. Marmero, Solicitor, Mr. Sebastian, Council Liaison.

Memorialization of Resolutions:

1. #12-10 – App. #12-07 – Allan & Elizabeth Miller – Side Yard Variance Approved

Motion by Mr. Carney, seconded by Mr. Price to adopt resolution #12-10. Roll call vote: Ayes – Mr. Carney, Mr. Price, Mr. Fritz, Mr. Salvadori, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #12-11 – App. #12-05 – Salvatore Rizzo – Use Variance Approved

Motion by Mr. Carney, seconded by Mr. Price to adopt resolution #12-11. Roll call vote: Ayes – Mr. Carney, Mr. Price, Mr. Fritz, Mr. Salvadori, Mr. McLaughlin. 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.

Discussion:

1. Use Variance Fees

Mrs. Farrell explained that with a use variance application, the office collects a \$200.00 filing fee and a \$1,000.00 escrow fee. However, the professional's fees are going over the \$1,000.00 to sometimes close to \$2,000.00 and at times it's difficult to get the rest of the money owed from the applicants, especially if they've been denied. There is one case where the gentleman was denied and he owes another \$1,200.00 on top of the original \$1,200.00 he paid. At this time that issue is being worked out between him and the professionals. Mrs. Farrell commented that it's her opinion that for certain use variance applications, we don't need the planner's review; for example the LED signs, the signs are not permitted, but do we need a planner's review to tell us the signs aren't permitted. Another example is the person who wanted to have a horse, which was not permitted in the zone; however she was surrounded by other horse farms and had enough property to accommodate a horse. Mrs. Farrell stated either the professionals will have to agree to keep their fees within the \$1,000.00 limit or the fees have to be increased to \$2,000.00.

Mr. Sebastian commented that a number of years ago he asked the professionals to divide up the work load with regard to who was going to do use variances, minor subdivisions, etc. That has been working out well; however a lot of what is put into a report is cut and paste items. For a commercial use variance or major subdivision, it's not an issue but for the single family homeowner or small business that needs a use variance we shouldn't be hurting them with the fees. Mrs. Farrell stated that she wanted the professionals to get paid for their time and work but in some cases asking someone to pay close to \$2,000.00 for a use variance to allow a LED sign is too much. Mr. Fritz asked if the bills seem to be consistent for the more simple use variance applications. Mrs. Farrell stated that they all seem to be coming in about the same. Mrs. Orbaczewski commented that the office does tell the applicant the costs of a use variance and we do sometimes say it might go a little over the \$1,000.00 escrow fee, but to hit them with another \$1,000.00 to \$1,200.00 is a little unfair; so they either have to be increased or the professionals have to sit down and work out a set fee for certain types of use variances so that we're not surprising people and we can tell them up front what costs will be. Mrs. Farrell stated that the Board can give her leeway to decide what use variance applications have to be sent to the planner and which ones we really do not need to send to the planner for review. This way we can keep the costs down for a single family homeowner who needs a use variance to allow a horse or a small business owner to allow a LED sign, to use those as just examples.

Discussion: (continued)

Mr. Marmero commented that from a legal standpoint, it could become difficult for the Board if they do deny an application and there isn't a report from the planner or a professional report, especially if the applicant comes with an expert who provides testimony. Mrs. Farrell stated then the Board can decide they would rather have the planner look at certain use variances or if it's questionable, she would bring it to the Board first for their input. Mr. Fritz asked Mr. Marmero if he has seen the fees increase in other townships he represents. Mr. Marmero stated that he has seen the fees increase in recent years. He also commented that there is usually a difference between the commercial fees and residential fees; however the commercial fees are not in question in this case. Mr. Marmero stated that maybe the Council can look at the sign ordinance at some point since the Board of Adjustment has had so many use variance applications for LED signs, this way if the town adopts an ordinance to allow them they will not need a use variance.

Mr. Fritz suggested that maybe certain use variances not be sent to the planner for review, but she can attend the meeting for that use variance and if her input is needed then she can give her professional advice to the Board. Mr. Marmero stated he has seen separate escrow accounts for each professional required on applications in other towns, and the professionals cannot go over that amount. In certain cases it may go over if the application becomes complicated, but for standard use variance application, it shouldn't go over the set amount of escrow. After some discussion, it was determined that the professionals have to sit down and discuss the issue together and since Ms. Pellegrini is not present to give her opinion on the matter, it should be discussed at the next meeting if possible.

Mrs. Farrell informed the Board that Mr. Rizzo did have a Letter of Interpretation done in 1998 and the plan that he provided to the Board is the same one that was approved by the DEP with regard to the wetlands line and buffer. He can move forward with making the trailer a permanent structure after insuring that it is not in the wetlands buffer area.

Reports:

1. Mr. Sebastian informed the Board that there have been a couple meetings with applicants and he wanted to let the Board know of those meetings. He personally met with Anthony Guzzo and his attorney Bob Mintz. There were no other professionals present or Board members. They simply wanted to meet to discuss what the municipality is looking for in this area and what changes they might be able to make that would be amenable to the Township.

Reports: (continued)

There have also been two meetings with the professionals and Hovbros to discuss certain issues between their professionals and our professionals and iron out those issues before they come in to the Board. The professionals will be paid out of the applicant's escrow account for those meetings. The issues discussed will be presented to the Board when the applicant comes in for a meeting.

Approval of Minutes:

1. 03/20/12 regular meeting.

Motion by Mr. Fritz, seconded by Mr. Price to approve the minutes from the March 20, 2012 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:34 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. The tape of the meeting is stored in the office of the Board.

Ninette Orbaczewski
Clerk Transcriber