

**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. In addition, notice for this evening's public hearings was sent in writing to the Gloucester County Times.

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #12-19 – App. #12-12 – Arlene McCone – Side Yard Variance Approved

Motion by Mr. Fritz, seconded by Mr. Salvadori to adopt resolution #12-19. Roll call vote: Ayes – Mr. Fritz, Mr. Salvadori, Ms. Beltrante, Mr. Carney, Mr. Manfredi, Mr. Fitzgerald, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearings:**

1. #12-13 – Scott & Tarin Davidson – Height Variance

Present – Scott & Tarin Davidson, applicants.

Member's packets contained: 1. A copy of the applicant's variance application, survey, and photographs of the property.

The applicant is requesting a height variance of one foot three inches in order to be allowed to construct a pole barn. The proposed pole barn is 16'x24'x19.3' where the maximum height permitted is 18'. The property is located at 338 Walnut Street, also known as Block 2901, Lot 39.

**Public Hearings: (continued)**

1. 12-13 – Scott & Tarin Davidson (continued)

Mrs. Davidson was sworn in by Mr. Marmero. Mrs. Davidson testified that they purchased their home in 2008 and since that time they've had to remove the shed from the property because it was extremely dilapidated. They would like to get a pole barn installed by Heartland Barns; however it exceeds the Township's maximum height requirement. Mr. McLaughlin asked if the new pole barn will be located in the same location as the old one. Mrs. Davidson replied yes. Mr. Marmero asked if this is a prefab type pole barn where typically the company will not change the dimensions. Mrs. Davidson replied that they did ask the company if they could change the size to meet the Township's requirements; however because there is a staircase with a landing inside, if they were to adjust the height, the staircase would not meet the proper requirements.

Mr. McLaughlin asked if the application contained the necessary information to be deemed complete. Mrs. Farrell replied that it did. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #12-13 complete. Voice vote; all ayes, motion passed.

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

Mr. Fritz asked if there will be utilities such as electricity in the proposed pole barn. Mrs. Davidson replied they are not installing any electricity in the pole barn and that it will not be used for anything other than storage of their personal items. Mrs. Davidson supplied the Board with a picture of the type of pole barn that they are proposing to construct.

Motion by Mr. Salvadori, seconded by Mr. Fitzgerald to grant the height variance requested by the applicant. Roll call vote: Ayes – Mr. Salvadori, Mr. Fitzgerald, Ms. Beltrante, Mr. Fritz, Mr. Carney, Mr. Manfredi, Mr. McLaughlin. Nay – Zero. Abstentions – Zero.

2. #12-11 – Richard Troiani – Use Variance

Present – Richard Troiani, applicant, Damien Del Duca, applicant's attorney, John Pettit, applicant's engineer, Jaime Lara, real estate manager for Advanced Auto.

**Public Hearings: (continued)**

2. #12-11 – Richard Troiani (continued)

Member's packets contained: 1. A copy of the applicant's use variance application and photographs of the property. 2. A copy of the minor subdivision plan and major site plan. 3. Report dated May 29, 2012 prepared by Pam Pellegrini.

The applicant proposes to construct a 6,900 square foot Advanced Auto retail store with on-site parking as well as stormwater management and associated improvements. The plan proposes access drives from both the Black Horse Pike and Washington Avenue. The development would require the vacation of a paper street, Monroe Avenue. The property is located at the corner of Washington Avenue and the Black Horse Pike, also known as Block 3101, Lots 1; part of Lot 2, and Lot 3.

Mr. McLaughlin asked if the application contained the necessary information to be deemed complete. Mrs. Farrell stated that the applicant is asking for a waiver of the Certificate of Filing from the Pinelands as well as the certified survey. Mr. Marmero stated that the waiver of the Certificate of Filing is appropriate for the use variance. Ms. Pellegrini stated that the applicant did provide a minor subdivision plan; however they must provide the certified survey as part of the site plan application. Mr. Del Duca indicated that they understood both of those items must be submitted when they submit for site plan. Motion by Mr. Fritz, seconded by Mr. Salvadori to grant the waivers and deem application #12-11 complete. Voice vote; all ayes, motion passed.

Mr. Del Duca marked the concept site plan as Exhibit A-1. He stated that the application is for a use variance only and if approved, they will return with a site plan that shows all the details. The plan displayed is slightly different than the original plan submitted. The plan submitted with the application included Lot 1 which is owned by the MMUA. The intention was to subdivide Lot 2 and give that piece to the MMUA in exchange for Lot 1. However they are eliminating Lot 1 from the application and will not be proposing a minor subdivision for Lot 2. Mrs. Farrell indicated that she did include the revised concept plan in the member's packets. Mr. Del Duca commented that they are aware they need outside agency approvals including the NJDOT for the access drive off of the Black Horse Pike. He commented on Ms. Pellegrini's report concerning the COAH obligation and stated that the applicant will not be obligated to provide a fee since the moratorium on COAH has been expanded as long as site plan approval is granted before July 1, 2013 and permits are pulled within two years.

**Public Hearings: (continued)**

2. #12-11 – Richard Troiani (continued)

Mr. Kozak asked why the exchange of property with the MMUA is not part of the application now. Mr. Del Duca stated that the main reason they are not proposing the exchange of property is because Lot 1 was conveyed to the MMUA from the NJDOT many years ago. In the deed there is a restriction that prohibits the property from being used for a private use and if it were to be used for a private use, the State would have the right to take the property back. The applicant would have preferred to move forward with the subdivision and the exchange of property with the MMUA; however because of the deed restriction attached to Lot 1 they cannot pursue that proposal. Mr. Kozak asked if the State could be petitioned with regard to the matter. Mr. Marmero commented that it would not be the Board's place to do that, it would have to be the MMUA. Mr. Del Duca indicated that they spoke with the State regarding the matter and it is a very long process and would be up to the State's discretion. Mr. Sebastian asked why the property was conveyed to the MMUA by the State in the first place. Mr. Manfredi stated he didn't really know but thinks they used it as a jacking pit for when they bored underneath the Black Horse Pike. The reason the MMUA wanted to exchange the properties is because they own the property on the other side of the applicant's proposed driveway that contains a pump station.

Mr. Troiani, Mr. Pettit, and Mr. Lara were sworn in by Mr. Marmero. Mr. Troiani stated that he is the contract purchaser of the property. He has been finding property for Advanced Auto for approximately fifteen years. He commented that this area is a targeted area for them and that he investigated several other properties in town as potential sites for Advanced Auto; but this one was most suited for them. Mr. Troiani testified that he looked at the bank property located at Poplar and the Black Horse Pike, the hardware store near Auto Zone, and the property along the Black Horse Pike next to or in front of Shop Rite. For various reasons, such as building size, access, and/or availability these sites were not suitable for the proposed Advanced Auto store. The property in question meets all the criteria for the proposed use due to its proximity to the general population of the town, being located on the Black Horse Pike, and the access from both directions on the Black Horse Pike.

Mr. Lara testified that he is the real estate manager for Advanced Auto Parts stores. He is responsible for locating suitable locations in the greater Philadelphia area for Advanced Auto Parts stores and is familiar with the general operations of the stores.

**Public Hearings: (continued)**

2. #12-11 – Richard Troiani (continued)

The stores are open seven days a week, Monday through Saturday from 7:30 a.m. to 9:00 p.m. and Sunday from 9:00 a.m. to 7:00 p.m. The store is a prototypical store at 6,896 square feet. The number of employees is approximately twelve to fifteen with maybe eight to ten employees at one time. He testified that the amount of parking identified on the site by the engineer is sufficient for Advanced Auto Parts and is consistent with the parking at other sites. Deliveries will be made by tractor trailer once a week. They are generally at the store for a couple of hours loading and unloading. Deliveries occur during business hours and the trucks will not be on the site overnight. There are two components to the business; selling to do it yourselves and also to businesses that repair cars and other vehicles. They will deliver parts to those businesses via a small truck, like a pick-up truck; however the company is starting to switch to gas friendly smaller cars. They do not do auto repairs on the site; however they will change a car battery or windshield wipers for customers. The car batteries are stored in the building and then shipped back to the company via the delivery truck once a week. They do not change tires or do oil changes on the site.

Mr. Kozak asked how the tractor trailers will navigate the site. Mr. Del Duca replied that Mr. Pettit will address those questions. Mr. Salvadori stated that there isn't a traffic light at that intersection and questioned how the trucks will enter and exit from the site. Mr. Del Duca commented that they are proposing no truck access from Washington Avenue; however Mr. Pettit will address those issues when he testifies.

Mr. Pettit testified as to his credentials as a licensed professional engineer in New Jersey and Pennsylvania. The Board voted to accept Mr. Pettit as a professional in his field of engineering. Mr. Pettit pointed out the proposed building, the stormwater management basin, and the parking area on the concept site plan. He stated that there are two proposed access driveways; one off of the Black Horse Pike and one on Washington Avenue. The access off of the Black Horse Pike is proposed to be a right turn in and a right turn out. There are thirty-nine parking spaces proposed where forty-six are required so a variance will most likely be required unless the plan changes. There is a pocket of wetlands in the southwest corner of the site. They think the Pinelands will require a 175 foot buffer to the wetlands so they took that into account when they designed the original plan. They also flipped the entire site around after talking to the Township's professionals, so that the parking was eliminated along Washington Avenue.

**Public Hearings: (continued)**

2. #12-11 – Richard Troiani (continued)

Mr. Pettit stated that they did include a turning template on the plan for the delivery trucks. The trucks will enter from the Black Horse Pike, pull around in front of the building and then back around to the side where the loading dock is located. Then they can just pull right out to the Black Horse Pike. They need to discuss with the Pinelands the actual buffer to the wetlands so that they can fully design the site. Mr. Pettit outlined the positive and negative criteria required for the use variance. He stated that the special reasons or positive criteria for this use would be to promote the public health, safety, and general welfare. He believed this would promote the general welfare since there are existing commercial businesses on the Black Horse Pike in this area; the proposed use fits in nicely with the character of the surrounding area. The lot exceeds the lot size required in the commercial zone and also exceeds the lot frontage. This commercial use will fit in with the other surrounding businesses since the property is located on a State highway. It will be easily accessible from the highway and will not have a great impact on the existing residential uses on Washington Avenue. While a commercial use is not permitted in this zone; this use will not substantially impact the residential uses in the area as the business will be located on the Black Horse Pike. Mr. Pettit displayed the zoning map and pointed out that in the surrounding area along the Black Horse Pike, this is the only area not zoned for commercial use. He also stated that he did not believe anyone would want to develop this site residentially because it is on the State highway. The Board did express their concern with regard to the tractor trailer deliveries and how they access the site and delivery area. After some discussion, the applicant agreed to look at the issue regarding the tractor trailer deliveries. Mr. Pettit also discussed that need to ask Township Council to vacate Monroe Avenue which is a paper street.

Ms. Beltrante asked if someone could get the approval from the State with regard to Lot 1 so that the properties can be switched. Mr. Sebastian stated that the applicant and MMUA would have to have discussions on the matter. The municipality or the Board cannot get involved with that issue. Mr. Kozak suggested that the applicant could show good faith and continue to try to accomplish that goal. Mr. Del Duca stated that they agree to cooperate with the MMUA and Township on the issue as long as it's not made a condition of any approval. The Board agreed that it would not be a condition. Mr. Del Duca stated that they would be happy to try to resolve the issue. Mr. Kozak also inquired as to the distance of the access drive on Washington Avenue to the Black Horse Pike. Ms. Pellegrini stated it is approximately fifty three feet which is kind of close. Mr. Pettit stated they would have their traffic engineer look at that issue.

**Public Hearings: (continued)**

2. #12-11 – Richard Troiani (continued)

Ms. Pellegrini reviewed her report for the Board. She stated that there are a few minor changes to her report as a result of the changes to the plan. The applicant does not need a front yard setback variance as well as there being a difference in lot coverage, which will not require a variance. The parking variance will still be required and there could be others depending on the site plan. Ms. Beltrante inquired as to another entrance on the side where the delivery vehicles might be parked and have access in and out of the building. Mr. Lara testified that there will probably be a side door for employee access.

Motion passed to open the hearing to the public.

1. Lee Randolph, 261 Washington Avenue, was sworn in by Mr. Marmero. Mr. Randolph wanted to know how far the building is setback from Washington Avenue. He asked if the applicant was proposing a fence along Washington Avenue. There was concern expressed about the kids on Washington Avenue as well as the access drive being so close to the Black Horse Pike access. Mr. Kozak asked if the entrance was moved back and closer to Mr. Randolph's house would that be an issue for him. Mr. Randolph stated it will still have an impact on the entire street. He wanted the fencing to hide the back of the building from his home. He also asked about the maintenance of Lot 1 and wondered if the applicant was going to take care of that lot. He was informed that the applicant does not own that lot; however they indicated they will work with the MMUA with regard to that issue.

2. Linda Moore, 246 Washington Avenue, was sworn in by Mr. Marmero. Ms. Moore expressed her concern with regard to additional traffic on Washington Avenue. She stated she heard that the State was going to close the median opening at the Black Horse Pike and Washington Avenue. She also commented that the town already has several auto parts stores and the nearest Advanced Auto was only four and half miles away.

3. Jurgen Moore, 246 Washington Avenue, was sworn in by Mr. Marmero. Mr. Moore also expressed his concern with the additional traffic on Washington Avenue. He also stated the corner lot is not very well maintained and that most of the traffic that uses the street does not live on the street. This use will have an impact on their quality of life.

Motion passed to close the hearing to the public.

**Public Hearings: (continued)**

2. #12-11 – Richard Troiani (continued)

Mr. Pettit stated that the proposed building has a ninety foot setback from Washington Avenue. If approved, they will come back with the site plan that will show the setbacks as well as the buffering along Washington Avenue. With regard to fencing, they will be proposing a fence along Lot 4; however any fencing along Washington Avenue would have to be stepped down because fencing is not allowed in the front yard. He stated that he believed they could adequately buffer the site along Washington Avenue with trees and landscaping. As far as the concern with the additional traffic, he felt the majority of traffic would remain on the Black Horse Pike and only the people who live back in that area would go down Washington Avenue as they do now.

Mr. McLaughlin asked if it was possible to not have an access drive on Washington Avenue. Mr. Pettit stated that it is not possible; the NJDOT requires an alternative access as well as being a requirement for emergency purposes in case one access was blocked. He commented that they will submit a traffic impact report when they come back for site plan. In closing, Mr. Del Duca stated that this use is suitable to the location because it's on a State highway. They hear and respect the concerns of the public; however this location will probably never be developed as a residential use, and this use will have much less impact on the neighborhood than another type of commercial use. He believed that this use will not be a substantial detriment to the neighborhood and is consistent with the other uses in the area.

Motion by Mr. Salvadori, seconded by Ms. Beltrante to grant the use variance subject to site plan review. Roll call vote: Ayes – Mr. Salvadori, Ms. Beltrante, Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Fitzgerald, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

The Board took a brief recess.

**Public Portion:**

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

**Reports:**

1. Mrs. Farrell stated that next meeting was scheduled for August 7, 2012 and at this time it appears the Board will only meet to memorialize resolutions.
2. Mr. Fritz inquired about the temporary use granted to for the Fazzio property. Mr. Marmero commented that they have exceeded the time limit of the use granted. He wasn't sure if Council was going to address the issue since it would be considered a zoning violation. Mr. Sebastian stated that the issue does have to be addressed. He suggested that Mr. Marmero should send a letter notifying them that their temporary use has expired and that they must return to the Board for an extension or move the items off of the property. Mr. Marmero stated that he would send the letter and then report back to the Board.

**Approval of Minutes:**

1. 06/5/12 regular meeting.

Motion by Mr. Fritz, seconded by Ms. Beltrante to approve the minutes from the June 5, 2012 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:30 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