

Call to Order:

The regular meeting of the Monroe Township Planning Board was called to order at 7:00 p.m. by Chairman O'Brien. The Board saluted the flag. Roll call was as follows:

Present – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Absent – Mr. Sebastian, (excused), Mr. Teefy, (excused). Also present – Mr. Schwartz, Solicitor, Mr. Kernan, Planner, Mr. Jordan, Engineer.

Proper notice of this meeting was given in accordance with the requirements of the Open Public Meetings Act on January 11, 2013.

Chairman O'Brien read the following statement: "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."

Discussion for Board Action:

1. Blaze Mill Zoning Ordinance

Mr. Schwartz stated that the Board reviewed this ordinance a while back and after it went to the courts and the settlement agreement was reached revisions to the ordinance were needed. The ordinance basically spells out what was agreed to in the settlement agreement between the court, the town, and the special court master. The ordinance has been before Council for first reading and is now before the Board for their recommendation back to Council so that they can proceed to the second reading in keeping with the time frame agreed to by all parties. The Council and the Committee made some revisions to the ordinance and then the court master, Mary Beth Lonergan reviewed the draft ordinance and provided some comments. Her comments were minor in nature. The Board does have the draft ordinance that reflects the Council's revisions and Mary Beth's comments.

The ordinance lays out what is permitted on the Blaze Mill property; single family attached homes and retail. The retail is proposed on the corner of Route 322 and Fries Mill Road. There is a fifteen acre buffer between the Hunter Woods development and the new development. The developer will be paying a fee into the Township's affordable housing trust fund. Mr. Gabbianelli asked if any of the affordable housing will be built onsite. Mr. Kernan stated that no affordable housing will be built onsite. Mr. Gabbianelli stated that he was against that because there isn't enough money going into the trust fund to build affordable homes. Mr. Agnesino asked if the Board is obligated to accept the fee. Mr. Schwartz replied that they are obligated as part of the settlement agreement. Mr. Gabbianelli stated that they are not obligated and that if they don't agree then it has to go back and another fee has to be negotiated. Mr. Agnesino commented that the Board did not want to accept the fee from the last developer that came before them and wanted them to build onsite. Mr. Gabbianelli stated they should have to build the affordable housing onsite because there is not enough money for the Township to build the number of affordable units generated by this development.

Mr. Schwartz commented that this is not something the Board or Council can change. The numbers were agreed to as part of the settlement agreement with the court. That doesn't mean you like it, Council fought it as well, but ultimately this is what was finally agreed upon. Mr. Kernan indicated that the all the bulk requirements are listed on page two and three. The ordinance also includes a municipal improvement fee the developer will pay.

Discussion: (continued)

1. Blaze Mill Zoning Ordinance (continued)

This fee is a \$25,000.00 payment per year until the first 25,000 square feet of retail is constructed. The buffers are set forth in the ordinance as well as open space requirements. There are some small open space areas required with trails that go through the residential over to the commercial area and over to the bike path. There are a lot of standards that deal with the architecture and the layout of the development. Mr. Crane asked if the Board has to accept the \$6,160.00 per market rate unit as the contribution in lieu of providing affordable housing. Mr. Schwartz replied that the dollar amount for the COAH was part of the settlement agreement. There are other aspects of the ordinance that the Board can disagree with, but the dollar amounts agreed to in the settlement agreement cannot be changed by the Board or Council. Mr. Schwartz reminded the Board that their vote was a recommendation back to Council. Council can take the Board's recommendation or not with regard to the ordinance; it's ultimately on them.

Motion passed to open the hearing to the public.

1. Mary Cote, 1710 Biden Lane, was sworn in by Mr. Schwartz. Mrs. Cote asked if the fifteen acre minimum for non-residential development can increase at all. Mr. Schwartz stated that it could increase but it's not likely to increase. She also asked if anyone from the Board has seen a site plan. Mr. Kernan stated that there isn't a site plan that is based on the agreement. The site plan will have to come back to the Planning Board. Mrs. Cote asked about the timeline with regard to the intersection of Route 322 and Fries Mill Road. Mr. Gabbianelli replied that she could call the Governor's office because he didn't know. He thought they may have lost the two million dollar grant the last Governor promised. He stated that the property owners will have to pay their fair share for the improvements to the corner. The Township cannot bear the cost of improving that intersection. Mr. Kernan stated that the intersection will have to be done before the development of the site. All approvals are conditioned upon that intersection being improved. Mrs. Cote asked about the clean-up of the pit. Mr. Kernan stated that the developer will have to provide Environmental Studies for the site when they come in for site plan. She also asked why the Council and the Board agreed to the \$6,000.00 dollars for COAH if they don't think it's adequate. Mr. Schwartz stated that the town held out as long as they could on that issue but the court master commented that they could hold out as long as they want but in the meantime the Township Solicitor and the Planning Board Solicitor could make a million dollars trying to fight it. Mrs. Cote commented that their main concern is the corner. Mr. Gabbianelli stated that they have been working on trying to get that corner done for twelve years. The State and County have jurisdiction, not the Township. Mrs. Cote asked why every other intersection that was an issue has been fixed but this one.

2. Janene Geiss, 1959 Steeplechase Drive, was sworn in by Mr. Schwartz. Mrs. Geiss asked who the public can contact and if the Board can provide the information so they can take their questions to them with regard to the intersection. Mr. Gabbianelli commented that the County took their Obama money and jumped over that intersection. He pointed out that there was a County official in the room they could talk too. Mr. O'Brien replied that she can contact the County administration so they can direct her to the proper department concerning that intersection.

Motion passed to close the hearing to the public.

Discussion: (continued)

1. Blaze Mill Zoning Ordinance (continued)

Motion by Mr. Agnesino, seconded by Mr. Crane to recommend the ordinance to Council. Roll call vote: Ayes – Mr. Kozak, Ms. Hui. Nays – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Masterson, Mr. O'Brien. 2 ayes, 7 nays, motion failed.

Public Hearing:

1. #460-SP – Francis Shultz, Jr. – Minor Site Plan

Present – Francis Shultz, Jr., applicant, Gerald Sinclair, applicant's attorney, Mark Brunermer, applicant's engineer, Joe Dalessandro, All Pro Baseball/Softball Academy.

Member's packets contained: 1. Report dated August 14, 2013 prepared by Ray Jordan. 2. Report dated August 22, 2013 prepared by Tim Kernan. 3. A copy of the applicant's site plan.

The applicant is proposing to change the use of an existing retail building, formerly known as the Jamesway, from manufacturing back to a commercial use which includes a retail business. The existing building is approximately 61,400 square feet and has been abandoned for a number of years. The proposed use consists of 30,000 square feet for a baseball academy and gym, 11,400 square feet of retail space, and 20,000 square feet as tenant retail. Both interior and exterior renovations are proposed. The applicant is also proposing to reseal and restripe the existing parking lot. He was granted support by the Redevelopment Committee on April 22, 2013. The property is located at 1155 S. Black Horse Pike, also known as Block 11301, Lot 2.01.

Mr. Schultz, Mr. Dalessandro, Mr. Brunermer, Mr. Kernan, and Mr. Jordan were sworn in by Mr. Schwartz. Mr. Sinclair introduced himself as the applicant's attorney. He stated that the applicant is before the Board for minor site plan approval. The property is approximately 6.6 acres and was subdivided back in 1985. In 1997 the building was approved for light manufacturing and then sometime around 2000 the building was abandoned. It took some time for the bank to foreclose on the property; the final foreclosure took place in 2012, when Mr. Schultz purchased the property. The applicant is not proposing any new construction to the building. The property is located in a Redevelopment Zone and they did appear before Council and the Redevelopment Committee and received their approval back in April. The same site plan that was presented to Council is being presented this evening.

Mr. Dalessandro distributed a post card sized business card depicting the proposed All Pro Baseball/Softball Academy and RUSH Fitness Gym. Mr. Dalessandro indicated that he currently has a five year lease with two five year options for the use of 30,000 square feet of the building for his baseball/softball business and proposed gym. He stated that his current baseball academy is located in the industrial park on Route 322. He has outgrown that space. The baseball academy is a seasonal business with peak times starting in November and business dropping off in March. The proposal is to add a fitness center to the space as well; with the fitness center using 15,000 square feet and the baseball/softball academy using 15,000 square feet. There will be a wall separating the two uses. They will also have a physical therapist onsite and an office for that service. During the peak of the season, they have approximately 800 to 1000 people walking into the business per week.

Public Hearing: (continued)

1. #460-SP – Francis Schultz, Jr. (continued)

The hours of operation are proposed to be 5:00 a.m. to 11:00 p.m. during the week and 9:00 a.m. to 6:00 or 7:00 p.m. on the weekends for the gym. The baseball academy will be open from 3:00 p.m. to 10 p.m. during the week and from 8:00 a.m. to 7:00 p.m. on the weekends. Right now he has approximately fifteen part-time employees for the baseball academy. The gym will have a least one full time manager and probably eight to ten more employees. Mr. Heffner asked how many players are in the facility at one time during the busiest time. Mr. Delasandro replied that there are usually around fifteen players at one time between 6:00 p.m. and 8:00 p.m.; he tries to limit the number so the kids can get the most out of the workout. Currently they only have about thirty parking spaces so he is looking forward to the larger parking area for his customers.

Mr. Schultz testified that he would be taking approximately 11,400 square feet of space on the right side of the building. Mr. Schultz stated that he will have a small retail operation in the building; however he does a lot of internet sales. He does do a lot of shipping of automotive parts; after-market parts, some used parts, performance parts, and accessories. Mr. Gabbianelli asked if the used parts will be cleaned before they are stored in this building. Mr. Schultz testified that all the parts will be cleaned at his other site before being brought into this location. Nothing will be assembled or disassembled at this location. Some smaller items will be packaged at this location and the larger parts will be packaged at the other site. He stated that his company is the third largest Ebay motor seller and auto parts seller in the country. The majority of the business is internet orders that will be packaged and shipped out. There will be a small showroom and display area; it will not be a junkyard. Everything will be shelved and cleaned. There are no mechanics or auto repairs on the site. There will not be metal racks in the back of the building with tires and other parts. The only things in the rear of the building will be the trash facilities. Mr. Kozak inquired as to the return of core parts that are usually returned for a refund for things such as starters; he commented that those parts will not be cleaned. Mr. Schultz agreed and stated that those items will be placed in a plastic crate and sent to his salvage yard to be cleaned. Mr. Kozak asked what will be done to prevent someone from replacing parts in the parking lot. Mr. Schultz commented that they do try to stay on top of that situation. He will address that issue upfront with any customers that come into the retail location.

Mr. Sinclair asked Mr. Schultz to explain the condition of the building when he purchased it. Mr. Schultz stated that he has been looking at the building for a number of years with the idea of purchasing it for his business and improving the overall site. He reached out to the owner and was working with him to purchase the building when the bank foreclosed. There was approximately \$240,000.00 in back taxes owed. The building was being vandalized and in the two years he has been trying to acquire the building, the bank would not do anything to protect the building because they said they had insurance. In the meantime the roof air conditioners were vandalized; there was actually an assembly plant set up in there for stripping wire. When he went to settlement he found out that the bank did not have insurance. He has put in all new electricity, plumbing, and all new heating and air conditioning. This week they will start putting on the new roof. He does plan to put on a nice façade and clean up the site. Mr. Cooper inquired what use was going to be in the remaining 20,000 square feet of the building. Mr. Sinclair indicated that they do not have a tenant as of yet for that portion of the building. Mr. Schultz commented that he has had some inquiries for that space but he has not signed any leases at this time.

Public Hearing: (continued)

1. #460-SP – Francis Schultz, Jr. (continued)

There was some discussion by some Board members with regard to the building being identified as a shopping center when the applicant will be selling used auto parts. Mr. Schultz commented that he will be selling new and used auto parts and that it was not different than a thrift store. Mr. Crane agreed saying that he did not see the difference since it was still retail. Ms. Hui inquired as to the traffic using that entrance road in and out of the parking lot since the baseball academy has an average of four or five hundred people using their service. Mr. Dalessandro replied that on average there are about four or five hundred people per week, not per day and they are not all there at the same time.

Mr. Jordan reviewed his report for the Board. He stated that the application can be deemed complete if the Board grants the submission waiver from the applicant providing topography within 200 feet of the paved portion of the site. Motion by Mr. Agnesino, seconded by Mr. Crane to grant the waiver and deem application #460-SP complete. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Mr. Jordan stated that a variance is being requested for the number of parking spaces where 410 parking spaces are required and 328 are being provided. Waivers are being requested from providing curbing around the parking lot and from providing curbed islands within the parking lot. The applicant is proposing to provide painted islands instead. The applicant has testified to the uses and the hours of operation. Mr. Jordan inquired as to the loading area in at the rear of the building and if Mr. Schultz will be utilizing that loading area. Mr. Brunermer stated that there is a loading area that will be behind the All Pro Sports section of the building and they will utilize that loading area for their initial move in of the equipment; he will call that area out on the plan. There is not another door for loading and unloading for the proposed 20,000 square foot area; however they would come back to the Board if they get a tenant in there to propose the installation of a door and loading area for that portion of the building. The existing lighting in the parking area will be utilized and the applicant will be adding one new cobra head fixture which matches the existing lighting. All the information for the lighting should be included on the plans. Details of the trash area should be located on the plan. Mr. Brunermer stated he would comply. The plan is subject to the review and approval by the Fire Sub-Code Official and the Construction Code Official. The applicant will be required to post a site improvement bond and escrow money for site inspections.

Mr. Heffner inquired about signage. Mr. Gabbianelli stated that Mr. Kernan would address the signage issue. Mr. Kernan reviewed his report for the Board. He stated that the auto parts store and the fitness center and baseball academy fit into the definition of our permitted community commercial uses. The other 20,000 square foot space will have to fit into those permitted uses as well. With regard to bulk requirements, the applicant does not have frontage on a public roadway; however this is an existing condition but a variance would be required. A variance is also required for the front yard setback, with an existing setback of 393 feet where a maximum of sixty feet is permitted. A variance is also required for the side yard setback which has an existing condition of zero feet where twenty feet is required. The maximum permitted lot coverage is seventy percent; however the existing lot coverage is eighty-four percent; a variance is required.

Public Hearing: (continued)

1. #460-SP – Francis Schultz, Jr. (continued)

If landscaping is added to the parking lot, then the existing lot coverage would be reduced bringing it closer to compliance. The rear fifty feet of the lot is wooded and is at least six feet lower in grade than the adjacent residential development. There is a wood stockade fence along the common property line. The fifty foot buffer area should be noted on the plans and that existing buffer must remain. Mr. Kernan stated that Mr. Jordan's report indicates one tree should be planted for every twenty parking spaces within the parking lot; however the redevelopment plan calls for one tree for every seven parking spaces. The plan does not propose any trees and a variance would be required. The plan does show a striped island every ten spaces which are the right size to plant two trees in each island. Mr. Kernan suggested that the Board grant the variance from providing a tree for every seven spaces and allow one for every ten spaces. Mr. Gabbianelli commented that the basin should be buffered as well.

Mr. Masterson commented that if the applicant comes back for a loading area in the rear then he would be increasing the lot coverage again. Mr. Sinclair replied that if the applicant provides the trees in the parking area and adds perimeter buffering then that will compensate for the lot coverage. Mr. Brunermer asked if Mr. Kernan wanted trees in the islands where there are light poles. Mr. Kernan stated that he did not but they could come up with something else for those areas. Mr. Kozak suggested that Mr. Kernan work with the applicant with regard to the trees in the parking area. Mr. Kernan agreed that he would work with the applicant on the type of trees and where they should be placed. Mr. Schultz agreed that he would work with Mr. Kernan but asked if he could have time to do the plantings for the parking area in the Spring so that it does not hold up Mr. Dalessandro from getting a Certificate of Occupancy. The Board agreed and stated it would be a condition of approval and that Mr. Schultz would have to post the bond for the site improvements.

Mr. Kernan stated that the Township recently adopted an amendment to the Redevelopment Plan where two different concepts are provided to realign Main Street. In the Redevelopment Plan there is a parking requirement of four spaces per one thousand square feet which are calculated at less than what Mr. Jordan's report indicates is needed. The required number of parking spaces is 246 spaces and the plan provides 328 spaces. The Township did have an agreement with the prior owner to take some of those spaces; however it did provide for pad sites. Mr. Kernan indicated that if Main Street is realigned, by either concept, there would still be enough parking for the existing building. He inquired as to how the Board could be assured the Township's plan to realign Main Street can be accomplished someday if this plan is approved as is. He suggested the applicant should dedicate some right-of-way or an easement should be granted to the Township, but the easement has to be flexible. He also asked if this applicant would have to pay his fair share of the realignment of Main Street and how would the Township get the money, now or at a later date. Mr. Gabbianelli commented that they still have to get an agreement with RD Management as well; as they are the owner of the rest of the property. Mr. Kernan also suggested that Mr. Jordan do a cost estimate for a theoretical Main Street since it shows how it would be in the Redevelopment Plan; then there is at least a connection to a dollar amount and the applicant would be aware of his fair share. Maybe a letter of credit could be obtained from the applicant for a certain period of time, like ten years. Mr. Schultz asked if it could just be a condition of approval that he would be amenable to working with the Township with regard to the realignment of Main Street.

Public Hearing: (continued)

1. #460-SP – Francis Schultz, Jr. (continued)

Mr. Schwartz commented that he talked about this issue with Mr. Sinclair and said that they could put it in the resolution of approval but who will enforce it. Mr. Kozak commented that he may be amenable to that now but maybe not five years from now. Mr. O'Brien asked Mr. Schwartz to put something in the resolution with regard to the applicant be willing to work with the Township.

With regard to signage, the plan does not show any signage; however Mr. Sinclair commented that they would comply with the ordinance or come back before the Board for a variance if necessary. Mr. Kernan suggested the applicant work with the Redevelopment Committee and the Planning Board to address a sign plan. Mr. Gabbianelli commented that the old sign is in the weeds. Mr. Kernan stated that there are façade signs as well which should be added to the plan. Mr. Brunermer stated that they will submit the sign plan to the Zoning Officer and if it does not comply they will come back before the Board. Mr. Kozak asked Mr. Kernan if the applicant's plan hinders or enhances what the Township envisioned for that redevelopment site, since the town was looking for higher end retail shopping and redevelopment in that area. He commented that since Mr. Kernan is the planner he wanted to know his opinion of the applicant's plan and whether it helps the Redevelopment Plan or it hurts it, or does nothing at all. Mr. Kernan stated that it is hard to say right now. Mr. Gabbianelli commented that it really doesn't do anything. Mr. Agnesino replied that it doesn't hurt anything. Mr. Kozak commented that he was asking the planner's opinion, not theirs. Mr. Agnesino and Mr. Gabbianelli replied that it didn't matter what the planner thought. Mr. Kozak stated that's why we pay him thousands of dollars. Mr. Kernan replied that it is a tough call; that it does present a problem with not being able to develop the site comprehensively and then waiting to see what happens and trying to fit it in later; however it is good to see some activity proposed in the area. Mr. Gabbianelli replied that it is an empty building. Mr. Kozak asked Mr. Kernan again did he think having a used and new auto parts store would hinder the plan and keep other stores from coming to the area. Mr. Gabbianelli replied that there will be a lot of stipulations to this auto parts store so it should be alright. Mr. Kozak commented that he wanted to hear Mr. Kernan's opinion. Mr. Kernan stated it was a big area and thought it would work out fine. Mr. Kozak replied that Mr. Kernan did not think it would be a hindrance. Mr. Kernan stated that with the fitness center and the baseball academy, he thought it would bring a lot of people to the area which will attract potential business. Mr. Gabbianelli commented that that was the good thing about the whole proposal, the baseball academy and the fitness center. Mr. Kozak commented that he was asking for Mr. Kernan's opinion on whether it will hurt or help the plan. Mr. Kernan replied again that he thought it would be good. If the town had its way and the whole center could be imploded and reconstructed, the whole plan would look a lot different; but that's not the case and there is a 61,000 square foot building that is empty. Mr. Schultz replied that if the Township's plan comes to be, there will not be an auto parts store there anymore; there will be a bigger and better use there.

Motion passed to open the hearing to the public.

1. Brent Salvadori, 753 S. Beecham Road, was sworn in by Mr. Schwartz. Mr. Salvadori asked about the hours of delivery. Mr. Schultz stated that there will not be any tractor trailers idling in the rear of the building since they will not be open until 8:00 p.m.

Public Hearing: (continued)

1. #460-SP – Francis Schultz, Jr. (continued)

2. Frank Caligiuri, 1204 Tulip Avenue, was sworn in by Mr. Schwartz. Mr. Caligiuri held up what he called the third generation Redevelopment Plan and said that it was a horrible and terrible ordeal creating the plan. The reason why it was horrible and terrible creating it is because we had one whole Redevelopment Zone, then we split the zone in half and gave Wainco half and this side became the other half. One of the revisions of this plan showed all the residential on this side with the retail on the other side. Then the last revision took out most of the residential. He stated Gloucester Township and Mantua Township have both been successful in getting a redeveloper in this economy to develop their redevelopment zones. A redeveloper will take the whole tract and create a cohesive project. The problem here is if this is going to be a motor head shopping center, then maybe then we should have a motorcycle shop and related types of businesses in the same shopping center. He stated Mr. Schultz talked to him about purchasing the building and his plans to put his auto parts business in there and Mr. Caligiuri told him to check with a redeveloper to see if that was part of his plan. He also asked Mr. Schultz if he wanted to be the redeveloper. Mr. Caligiuri stated that there are not a lot of places for retail development in Monroe Township and this area is one of the areas where he thought a big box store could come in similar to Walmart which draws over 120,000 people per week as opposed to what the batting cages will bring to the area. He thought that Council after the first of this year would authorize putting out a notice for professional services, but the regime changed in January and Council President, Mr. Teefy, didn't have a whole lot of background in planning and land development, so Mr. Caligiuri tried to explain that to him but he wasn't very receptive. And that is just because he doesn't understand it, he's not a bad guy, he just doesn't understand it. When Council did an approval to allow Shorty's to come in here, Council did not sanction this business; Council said bring it back to the Planning Board or otherwise he wouldn't be here. He's here because Council said this is a possibility, we'll approve this if the Planning Board likes it. The Planning Board liked the Redevelopment Plan that the taxpayers paid a lot of money for, well it comes to about \$1.50 per taxpayer, so not a lot of money, but the object of the plan was to do what Gloucester Township and Mantua Township did successfully, which was to find a redeveloper to take over the entire site and then work with Mr. Schultz on the use of this building. The vision of this Board was to develop a cohesive shopping center there with a redeveloper managing all the pieces but Council never went out looking for a redeveloper. The plan also says that the Mayor and Council may modify, amend, or revise the plan as circumstances may make the changes appropriate such as if a redevelopment proposal was brought forth by an existing owner. The Mayor and Council may require the owner to prepare an impact study for the amendment to the plan and the study must be prepared by a professional planner and may require the owner to post an escrow account for review of the amendment. So our Redevelopment Plan does allow for a property owner to deviate from the plan but there is a procedure in place for doing that. Mr. Caligiuri stated that it is not a bad plan because we do need retail and a ratable but the fact is that Council did not sanction this plan they just said send it to the Planning Board to see what they think. Mr. Caligiuri stated that he is asking the Planning Board to stick with the plan that they passed. Mr. O'Brien stated that the Planning Board will make their decision and if there was a redeveloper that came forward and wanted to stick to the plan that would be fine; however there isn't a redeveloper at this time and the Planning Board is dealing with a different scenario tonight. Mr. Caligiuri replied that there is a methodology listed in the plan if a property owner wants to do something different and Mr. Schultz didn't follow that methodology.

Public Hearing: (continued)

1. #460-SP – Francis Schultz, Jr. (continued)

3. Mike D'Andrea, 777 Sherwood Drive, was sworn in by Mr. Schwartz. Mr. D'Andrea stated that he was part of a real estate investment group a few years ago and he asked the Mayor to attend a meeting to talk about what development was going to be happening in the town. The Redevelopment Plan wasn't done yet but the Mayor talked about the plan for this area and Mr. D'Andrea felt something really good was going to happen for Williamstown. He appreciates what Mr. Schultz is trying to do but it isn't what is in the plan. He thought the Board should stick to what's in the plan but if the Board does approve this how does it affect the overall plan. Mr. Kernan replied that the plan shows two different concepts to realign and extend Main Street and they either go in front of his property or partially through his property but the plan doesn't show his building being removed. If he develops it tastefully and the parking area gets improved and landscaped properly and if the property owner who owns the rest of the property around there steps up and comes up with a good plan, and Main Street gets realigned through the shopping center, it will be a good thing for the Township. Mr. D'Andrea asked about the ability to attract a big box store. Mr. Kernan stated this side of the Redevelopment Zone was never planned to have a big box store; that is the plan on the opposite side of the Black Horse Pike. He stated they were hoping for this side to be more of a town center or town square, not any big box stores. Mr. D'Andrea commented that if this is approved he hopes it's not a short sighted decision. Mr. Cooper commented that the property owner of most of the property on that side, RD Management, did not want to cooperate with the Township and the plan that was done, which is why we divided the Redevelopment Plan. He asked if the town should just let the building sit empty for another five or ten years.

3. Tracy D'Andrea, 777 Sherwood Drive, was sworn in by Mr. Schwartz. Mrs. D'Andrea stated she works for a fruit importer and she is very familiar with shipping and the trucks, and the truckers, she knows that business. If Mr. Schultz's parts are palletized, those items are not going on a little box truck and it also means Mr. Schultz will be using a forklift. She stated that this is really not a store but a warehouse for shipping items out. Mr. Schultz replied that most of the parts he sells go out in the small UPS trucks but there will be a tractor trailer there for shipping six times a week as well. Mrs. D'Andrea stated that those tractor trailers will idle and sit in the front of building and wait for the business to open. There will be noise with the tractor trailers and the forklifts. Mr. Schultz stated that he does not want the trucks to sit there and idle all night and hopefully the police will enforce that law. There are signs indicating that trucks are not allowed to park there and idle all night and the signs will remain. Mr. Brunermer stated that the trucks will not be refrigerated so they do not have to run all night. Mrs. D'Andrea stated that this is not a shopping center this is small store as a front for a warehouse. She asked what other business will want to go into that building. She commented that his store front will not be able to compete with the other auto parts stores or Walmart and that it's just a front for the warehouse operation in the back. Mrs. D'Andrea wanted to know why the Redevelopment Plan was completely dismissed. Mr. O'Brien commented that it was Council's responsibility to go out and look for a redeveloper; the Planning Board approved the Redevelopment Plan but Council did not find a redeveloper. The Planning Board does not enforce that plan. He stated that the property owner for the rest of that area does not want to cooperate; now there is someone who owns one building and wants to at least put something there that may not affect the plans for the future; it could be another five or ten years before that plan gets implemented. The Planning Board's responsibility is to look at business that wants to come into town and to follow the law.

Public Hearing: (continued)

1. #460-SP – Francis Schultz, Jr. (continued)

Mrs. D'Andrea commented that they're just settling and wanted to know how she stops this business from opening. Mr. O'Brien advised her to ask Mr. Caligiuri. Mr. Schwartz stated that the public should keep in mind that the zoning is still in place regardless of the Redevelopment Plan. If someone is proposing to bring in permitted uses in the building that they own they are allowed to do it. There is an overlay with the Redevelopment Plan and if the town is able to implement that plan with a redeveloper then great, but in the meantime if a property owner wants to develop the property with a permitted use they have that right. Mr. Schwartz stated the applicant is asking for something that is a permitted use and the only thing the Planning Board can do is make sure he follows the requirements and that his use will not be a detriment to the area.

4. Mary Cote, 1710 Biden Lane, inquired as to the lighting in the back of the building. She asked if there is buffering behind the building. Mr. Brunermer stated that there are wall mount lights that reflect downward in the back of the building. There is also a buffer between this property and the residential properties behind it.

Mr. Schultz commented that Mr. Caligiuri was the first person he ever spoke to about his plans to purchase the building and what he wanted to do there and he led him to believe he was for it but has since changed his mind. Mr. Schultz stated that he did go to RD Management in New York and asked them if they intended to develop this property or be the redeveloper for this property and they said they did not have any interest in doing anything on this property. He stated he didn't ignore them; he did go to them to determine their intentions for the property. Mr. Sinclair stated that they own property on both sides of Mr. Schultz's property so that not much can be done without their cooperation and sometimes you have to realize that, in real estate, businesses want passive losses because they own so many properties they need passive losses. Mr. Gabbianelli stated that RD Management is a huge company that owns so many properties and if they wanted the building that Mr. Schultz purchased they could have made a better deal than he did, but they didn't. He stated that he did not want to see a used auto parts store there either but he did want to see Mr. Dalessandro's business have an opportunity to expand. He stated that if it was his building he would put Mr. Dalessandro's business in the back and put more store fronts in the front of the building.

Motion passed to close the hearing to the public.

Mr. Agnesino stated he was going to approve the application but he wanted to know how the Board controls what will be going into the 20,000 square foot portion of the building. Mr. Sinclair stated that to a certain extent the Township's zoning controls that. If the use is a permitted use then they will have to go to zoning for a permit. Mr. Gabbianelli commented that there should be a condition that Mr. Schultz does not expand his use into that space. Mr. Agnesino asked if they could restrict Mr. Schultz's portion to 15,000 square feet. Mr. Schultz agreed to that condition.

Mr. Schwartz stated that the first variance is from providing one tree for every seven parking spaces as the applicant agreed to provide at least one tree for every ten spaces. Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the tree variance. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Public Hearing: (continued)

1. #460-SP – Francis Schultz, Jr. (continued)

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the variance for the zero foot side yard setback which is pre-existing condition. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the lot coverage variance not to exceed eighty-four percent lot coverage which is a pre-existing condition. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Mr. Cooper, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the waiver for the light standards to be twenty-five feet in height where sixteen feet is permitted, as most of the light standards already exist on the property. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the variance for lot frontage as the building does not front on a public roadway; this is a pre-existing condition. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays- Zero. Abstentions – Zero.

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the variance for the building setback which is 393 feet where 60 feet is the maximum and this is also a pre-existing condition. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant preliminary and final minor site plan approval with the following conditions; all auto parts are to be clean, no items will be dismantled on the site, new and used auto parts will be sold, boxing and shipping only onsite, no repairs or assembling onsite, no cleaning of the parts onsite, internal storage only, a cost estimate provided by the Township Engineer for the fair share cost of the Main Street expansion, a dedication of right-of-way easement which will be flexible for the expansion plan for Main Street, the landscaping around the building and in the parking lot subject to the approval of Mr. Kernan's office, the planted islands to be curbed and landscaped, subject to the conditions listed in the Certificate of Filing, the sign plan being submitted and in compliance or they must come back to the Planning Board, no towing to or from the property, no salvage operations onsite, posting of the performance bond and site inspection escrow, no fences in the front of the building, no onsite part changes in the parking lot by the customers, enter into Title 39, no trucks idling or onsite after hours, the auto part sales and warehouse cannot exceed 15,000 square feet of the building, no outside storage, maintain the fencing in the back of the building with a locked gate to be open only during business hours. Mr. Agnesino inquired as to the improvements to the parking lot. He stated that resealing and painting it is not sufficient; he stated that it needs an overlay. Mr. Schultz agreed but asked if he can have a year to complete the parking lot improvements as well. The Board agreed to one year for completion of the parking lot. Mr. Heffner asked if the applicant is in agreement to allow the Halloween Parade to continue to be staged in that parking lot. Mr. Schultz agreed.

Public Hearing: (continued)

1. #460-SP – Francis Schultz, Jr. (continued)

Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Approval of Minutes:

1. 8/08/13 regular meeting.

Motion by Mr. Crane, seconded by Mr. Agnesino to approve the minutes from the August 8, 2013 regular meeting. Voice vote; all ayes, motion passed.

Discussion:

1. Ordinance 175-135 Signs

Mr. Schwartz stated that the Board made their recommendation to Council with regard to the sign ordinance and changeable copy/digital signs. Council sent it back with the change that digital signs are permitted only along the Black Horse Pike from Berlin Cross Keys Road to the Township line with the Borough of Folsom. He stated that if the Board is in agreement with that recommendation, then they can send it back to Council. Mr. Masterson commented that allowing them only along the Black Horse Pike is discriminatory because there are businesses in other parts of the town not just along the pike. Motion by Mr. Agnesino, seconded by Mr. Kozak to approve Council’s change to the sign ordinance. Roll call vote: Ayes – Mr. Agnesino, Mr. Gabbianelli, Mr. Kozak. Nays – Mr. Cooper, Mr. Crane, Mr. Heffner, Mr. Masterson, Ms. Hui, Mr. O’Brien. Abstentions – Zero. 3 ayes, 6 nays, motion failed.

Mr. Kernan asked if there was a way for the baseball academy to move forward with pulling permits to start working inside the building. Mrs. Farrell stated she would go to the Zoning Officer and Construction Official and let them know the minor site plan was approved and if they can help move the baseball academy along before the resolution is memorialized in two weeks and the plans are revised since the plans are not being revised for the inside of the building.

Adjournment:

The meeting was adjourned at 9:40 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