

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 South Jersey Times on January 17, 2013. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk. In addition, separate notices for this evening’s public hearings were sent in writing to the South Jersey Times.”

The Board saluted the flag.

Roll call: Present – Mr. Carney, Mr. Fitzgerald, Mr. Fritz, Mr. Manfredi, Mr. Salvadori, Mr. Kozak, Mr. McLaughlin. Absent – Mr. Price, (excused), Ms. Hui, (excused), Mr. Sander, (excused), Mr. Caligiuri, (excused). Also present – Mr. DeBrosse, Solicitor, Ms. Pellegrini, Planner.

Memorialization of Resolutions:

1. #13-31 –App. #461-SP –BHP & Washington, LLC –Prelim. & Final Site Plan Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #13-31. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Mr. Fitzgerald, Mr. Manfredi, Mr. Salvadori, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #13-32 – App. #13-20 – Salvatore Nardello – Continued Use of Building Approved

Motion by Mr. Fitzgerald, seconded by Mr. Salvadori to adopt resolution #13-32. Roll call vote: Ayes – Mr. Fitzgerald, Mr. Salvadori, Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #13-18 – Patricia Keller – Side Yard Variance

Present – Patricia Keller, applicant.

Member’s packets contained: 1. A copy of the applicant’s variance application. 2. Photographs of the property and a certified survey.

Public Hearings: (continued)

1. #13-18 – Patricia Keller (continued)

The applicant is requesting a side yard variance in order to be allowed to construct an addition on the back of her home. The required side yard setback is twenty feet. The current side yard setback is approximately seventeen feet seven inches. She is requesting an additional seven feet, leaving a side yard of approximately ten feet.

Ms. Keller was sworn in by Mr. DeBrosse. 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 #13-18 complete. Voice vote; all ayes, motion passed.

Ms. Keller testified that she would like to construct an addition on the back of her existing home. The addition would contain a family room, expansion of the kitchen, and a room upstairs. She stated that her lot is shaped oddly and that her house sits parallel to Radix Road; so the house doesn't have the required twenty foot side yard setback now. Mr. Fritz inquired as to any drainage problems on the property. Ms. Keller testified that she does not have any drainage problems on her property.

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

Motion by Mr. Carney, seconded by Mr. Fitzgerald to approve the side yard setback of ten feet six inches where twenty feet is required. Roll call vote: Ayes – Mr. Carney, Mr. Fitzgerald, Mr. Fritz, Mr. Manfredi, Mr. Salvadori, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #13-21 – Marino General Construction, Inc. – Use Variance

Present – Joseph Marino, applicant, Gerald Sinclair, applicant's attorney.

The applicant is requesting a use variance to allow the use of an existing 1,375 square foot garage for his construction business. The garage will be used for two small offices, storage of construction tools, small equipment, and miscellaneous supplies. No outdoor storage is proposed. The applicant anticipates the work hours to be 8:00 a.m. to 5:00 p.m., Monday through Friday. Clients do not visit the site to obtain the applicant's services. The single-family dwelling on the property is a rental and will continue to be used for that purpose. The property is located at 989 South Main Street, also known as Block 11502, Lot 40.

Public Hearings: (continued)

2. #13-21 – Marino General Construction, Inc. (continued)

Member's packets contained: 1. Report dated November 13, 2013 prepared by Pam Pellegrini. 2. A copy of the applicant's use variance application, photographs of the property, and the certified survey. 3. Letter dated November 19, 2013 prepared by Patricia DiPietro.

Mr. Sinclair introduced himself as the applicant's attorney. Mr. McLaughlin asked Mrs. Farrell if the application contained the necessary information to be deemed complete. Mrs. Farrell replied that the applicant is seeking a waiver for the Pinelands Certificate of Filing; however submission of the Certificate of Filing will be a requirement if the use variance is granted and when the applicant applies for a site plan or site plan waiver. Motion by Mr. Salvadori, seconded by Mr. Carney to grant the temporary waiver for the Pinelands Certificate of Filing and deem application #13-21 complete. Voice vote; all ayes, motion passed.

Mr. Marino was sworn in by Mr. DeBrosse. Mr. Marino testified that he is the owner of the property in question and is seeking a use variance in order to be allowed to use the existing garage for his business. Mr. Sinclair stated that he provided the Board with a brief synopsis for the proposed use of the building which is included in the applicant's application. He briefly went through the synopsis with Mr. Marino. Mr. Marino testified that only the garage will be used for his business; the existing single-family dwelling has a tenant and will remain as a rental. The fenced in yard is for the tenants use. The garage will be used for two small offices, one for his administrative clerk, and one for himself. There will be some storage of tools and small equipment but most of a job sites materials are delivered directly to the job site. Mr. Sinclair commented that the garage has a previous history as being used for commercial businesses. Mr. Marino stated that to his knowledge the garage was last being used for a small engine repair business and also used to be a machine shop. His hours are typically 8:00 a.m. to 5:00 p.m. and his administrative clerk is usually there from 10:00 a.m. to 2:00 p.m. There will not be any customers visiting the site; he goes to the job site to give quotes. There will occasionally be trucks coming and going from the site. He currently has four pick-up trucks, a van, and a small dump truck. The van has been in Virginia for over a year because he does do work down there and in Maryland. The employees generally take the vehicles home with them. On occasion there might be a truck or two there depending on business. The trucks might come there on occasion to get tools or drop off materials but they do not have any need to visit the site on a daily basis.

Public Hearings: (continued)

2. #13-21 – Marino General Construction, Inc. (continued)

There will not be any fabrication or other type of construction work done in the garage. They might do a repair to one of their pieces of equipment but that would be all the work done in the garage. There isn't any signage proposed on the site since there would not be any customers. The surrounding area has many commercial uses with a church being across the street, a car wash, and an accounting office. Mr. Marino stated that the use he is proposing will have a minimal impact on the area.

Ms. Pellegrini reviewed her report for the Board. Ms. Pellegrini stated that the applicant did outline the proposed use as well as the surrounding uses. The proposed use is not permitted in the Regional Growth/Planned Residential Zone. There are essentially two uses being proposed for the site; the first being the residential dwelling and then the garage being proposed for a business use. With regard to COAH, there isn't any new construction proposed but there is language that deals with the conversion of residential property to commercial; the applicant will have to get direction from the COAH administrator and the Township's construction official. Ms. Pellegrini indicated that the plan does not show the driveway access or the make-up of the driveway material. Mr. Marino stated that there is parking on the side of the garage and the parking area is a gravel area; it isn't blacktop. He reiterated that there might be a truck or two parked there but for the most part the trucks are not stored there, it would mostly be just his vehicle or the administrative clerk's vehicle on the site. The driveway goes straight back to the garage; however there is cutout that is used by the tenant of the house. That area for the residence can hold about five cars.

Ms. Pellegrini asked if the Township has any records of the garage being used as a small engine repair shop and before that a machine shop. Mrs. Farrell stated that she does not have records of either type of business being located in the garage; not to say there aren't permits or something of that sort but the Planning Board does not have anything. Ms. Pellegrini commented about the bright light located on the garage and possible spill over into the neighboring properties; that will have to be addressed at site plan. Mr. Sinclair stated that they are only before the Board for the use variance; they will come back to the Board for a site plan or site plan waiver. Mrs. Farrell stated that there is an actual site plan waiver application where the applicant does have to address issues such as parking, lighting, number of employees, hours of operation, etc. It is not reviewed by the Board's professionals nor is public notice required to be given. The Board was made aware of this type of application at the last meeting.

Public Hearings: (continued)

2. #13-21 – Marino General Construction, Inc. (continued)

Ms. Pellegrini stated that the use variance application did not indicate whether or not the applicant was asking for a site plan waiver. Mrs. Farrell responded that they will have to submit an application now unlike in the past where an application wasn't required. Mr. Sinclair stated that they are aware of the site plan waiver application process. Mr. Manfredi commented that years ago that garage was used as a sheet metal shop. Mr. McLaughlin asked if Mr. Marino knew how long ago the garage was used for small engine repair. Mr. Marino stated it was used for that purpose not long before he purchased the property which was earlier in 2013. Mr. McLaughlin inquired as to number of employees. Mr. Marino stated that it varies on how much work there is, but at times he can have as many as ten employees. He does subcontract a lot of the work as well. Right now he has five employees on the books. Mr. Kozak asked if any materials will be stored outside. Mr. Marino testified that there will not be any storage of tools or other materials outside. The dump truck will be stored there on occasion but it is a small dump truck, not a tri-axle.

Mr. Marino stated that because he was aware that the previous occupant of the garage ran a small engine repair business he did not think he had to come to the Township for approvals. He has been using the garage for his business since he purchased the property and was not aware he couldn't use it for his business until recently. He apologized to the Board for this oversight.

Motion passed to open the hearing to the public.

1. Patricia DiPietro, 3 Avery Drive, was sworn in by Mr. DeBrosse. Ms. DiPietro had submitted a letter with questions that was included in the Board member's packets. Her main concern is that if the use variance is granted and Mr. Marino sells the property in the future, can another owner come in and just run any type of business from that garage. Mr. DeBrosse explained that the use variance does run with the land; however the resolution of approval for the use, if granted, will be very specific as to the type of use allowed on the property, so that another type of business would have to come back to the Board and she would receive notification. She is aware that the garage was used for small engine repair in the past. She also wondered why it has taken so long for Mr. Marino to come in for approvals since he has been using the garage for almost a year. She commented that Mr. Marino is very quiet and that she does not have a problem with his business or with the light on the building as it is an added security feature for the area. She also commented that there used to be a sign for Mr. Marino's business at one time.

Public Hearings: (continued)

2. #13-21 – Marino General Construction, Inc. (continued)

Motion passed to close the hearing to the public.

Mr. Sinclair stated that Mr. Marino did address the issue of why he is just coming to the Board for approval as he wasn't aware he could not use the garage for his business since it was used for a business before. There used to be small lawn sign but it is not there any longer and he does not intend to use any signage. Mr. Kozak commented that Mr. Marino should understand that if he does sell the property he should not market the property as being able to be used for a commercial use. Mr. Sinclair stated that he and Mr. Marino already discussed that matter.

Motion by Mr. Salvadori, seconded by Mr. Fitzgerald to approve the use variance subject to the conditions that there isn't any outside storage of materials, no clients on the site, no construction in the garage, no signage, two offices, one for the administrative clerk, and one for Mr. Marino, conditioned upon the submission of the Certificate of Filing and the submission of a site plan waiver application. Roll call vote: Ayes – Mr. Salvadori, Mr. Fitzgerald, Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Kozak, 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.

Reports:

1. Letter dated 11/22/13 prepared by Mrs. Farrell.

Mrs. Farrell stated that there were some issues being raised by some Board members as to the status of several previous applications. The first is application #13-02/Harold Paul Kanady. Mr. Kanady received his Certificate of Non-Conformity from the Board. He is unable to use his pole barn for his business unless he comes back for a use variance. To date there haven't been any complaints that he is using the pole barn for his business. Application #11-12/Frank Sudano, received his use variance approval from the Board for his crab business; to date there haven't been any complaints, and if there were they would be addressed by the Gloucester County Board of Health.

Reports: (continued)

The last item is application #09-02/Christopher Fazzio & Jason Giloley, they have submitted a letter requesting an extension of their use variance and are scheduled for the December 17, 2013 meeting. There was an agreement for the applicants to make voluntary contributions to the Parks and Recreation Fund and those contributions have been made consistently and are up to date.

Approval of Minutes:

1. 11/19/13 regular meeting.

Motion by Mr. Salvadori, seconded by Mr. Carney to approve the minutes from the November 19, 2013 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:40 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