

**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. This notice was sent in writing to the South Jersey Times on June 19, 2014. 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 hearing was sent to the South Jersey Times on July 7, 2014.

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #14-17 – App. #1713 – Hovbros Stirling Glen, LLC – Final Major Subdivision

Motion by Mr. Fritz, seconded by Mr. Carney to adopt resolution #14-17. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak. Nays – Zero. Abstentions – Zero.

**Public Hearings:**

1. #14-07 – Greg & Stacey Staman – Side Yard Variance

Present – Greg & Stacey Staman, applicants.

Member’s packets contained: 1. A copy of the applicant’s variance application, photographs of the property, letter requesting a waiver of the certified survey, and their plot plan.

The applicants are requesting a side yard variance of fifteen feet where twenty feet is required. They are proposing a five foot side yard in order to be allowed to construct a 12’x 32’ shed on their property. The property is located at 404 Orbanus Lane, also known as Block 2803, Lot 7.

Mr. and Mrs. Staman were sworn in by Mr. Marmero. Mr. McLaughlin asked if the application could be deemed complete. Mrs. Farrell replied that the applicants are requesting a waiver from providing a certified survey.

**Public Hearings: (continued)**

1. #14-07 – Greg & Stacey Staman (continued)

Mr. Kozak asked if it would be beneficial for the applicant's to have a survey so they know where their markers are on the property. He asked if they had a survey when they purchased the property. Mrs. Staman replied that they purchased the property in the 1980's and there was a survey at that time but she does not know where it is today. Mr. Marmero stated that a motion to grant the waiver of the survey or to not grant the waiver of the survey is required of the Board in order to deem the application complete. Motion by Mr. Fritz, seconded by Mr. Carney to waive the survey and deem application #14-07 complete. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Mr. Staman testified that they need a side yard variance to allow them to place their shed five feet from the property line. They meet the rear yard requirement; however if they move the shed twenty feet from the side yard property line the shed will be in the middle of their yard. They would also have to remove a few significant trees. Ms. Hui asked if the applicants have fencing. Mr. Staman replied that there is fence between his property and the side of the yard where they are proposing to place the shed. Mr. McLaughlin asked if there are any drainage issues on the property. Mrs. Staman replied that they do not have any drainage issues on the property and that the water runoff drains towards the field behind their house. Mr. Kozak asked what will be stored in the shed. Mr. Staman replied that they currently have a one car garage where they keep all their yard equipment such as the lawn mower, snow blower, etc.; he also testified that they have three kayaks that take up a lot of space. They will store all their yard tools and the kayaks in the shed. Mr. Fritz commented that the location of the septic system is shown on the plot plan; he asked if the applicant's know where the well is located. Mr. Staman replied that the well is located in the front left corner of the 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. Fritz, seconded by Mr. Carney to grant the side yard variance of fifteen feet where twenty feet is required with the condition that the shed is to be used for storage only. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearings: (continued)**

2. #444-SP PS-3 – Cross Keys Monroe, LLC – Preliminary & Final Major Site Plan

Present – Anthony Guzzo, applicant, Robert Mintz, applicant’s attorney, Bill Ralston, applicant’s engineer, Wael Kassem, Nabil Kassem, Eric Timber, applicant’s architect.

Member’s packets contained: 1. Report dated June 6, 2014 prepared by Martin Sander. 2. Report dated June 16, 2014 prepared by Martin Sander. 3. Report dated June 23, 2014 prepared by Pam Pellegrini. 4. A reduced sized copy of the applicant’s site plan.

The applicant is proposing to construct a 7,500 square foot commercial building on a 1.5 acre parcel located along Berlin Cross Keys Road, also known as Block 101, Lot 3.04.

Mr. Mintz introduced himself as the applicant’s attorney. He stated that this pad site is one of four, two having already been approved by the Board. This one is the one closest to the main access drive along Berlin Cross Keys Road.

Mr. Ralston, Mr. Guzzo, Wael Kassem, and Nabil Kassem were sworn in by Mr. Marmero. Mr. Mintz gave an overview of the proposal. The use is a permitted use in the Business Park Zone with Wael Kassem using a portion of the building for his dental practice and Nabil Kassem using a portion of the building for a restaurant, leaving the remainder open for rent. The building will be sold so Mr. Kassem will be the owner/operator. Mr. Mintz distributed photographs of the proposed architectural elevations of the building which were marked as Exhibits A-1 through A-5. The design of the building integrates well with the apartments and clubhouse as well as the other commercial buildings. The landscaping plan has been submitted and is still being reviewed; however they are willing to work with Ms. Pellegrini with regard to the landscaping. The Board previously approved a freestanding sign and they would request a variance to be allowed to have four panels on the sign one for each of the businesses. The building will also have façade signs in the front, the back, and the left side of the building. There are cross easements for access as well as drainage.

They are proposing fifty parking spaces which complies with the ordinance for the retail space; however because of the dentist office the ordinance would require another twenty-three spaces. The dentist will testify that he will be the only dentist along with one hygienist, and one dental assistant. He does not anticipate needing more than eight to ten spaces during his hours of operation. In addition, the dentist office will, on most nights, close at 5:00 p.m. where the restaurant caters to more of a dinner crowd so the parking should not be an issue. Ms. Pellegrini inquired as to the square footage of the restaurant. Mr. Mintz replied that it is proposed to be 2,500 square feet, the same as the dentist office. That also includes the kitchen area so that approximately 1600 hundred square feet is left for the dining space which will hold twelve to fifteen tables.

**Public Hearings: (continued)**

2. #444-SP PS-3 – Cross Keys Monroe, LLC (continued)

Mr. Marmero stated that the Board should address completeness. Mr. Sander reviewed his June 6, 2014 report. The applicant is requesting waivers for several submission requirements; architectural elevations, an Environmental Site Assessment, a topographic base map extending 200 feet beyond the limits of the property, and a written description of the proposed operations, including the hours of operation, number of employees, etc. Mr. Mintz stated they withdraw their request of a waiver for the architectural elevations since they presented those this evening. Mr. Timber was sworn in by Mr. Marmero. Mr. Timber pointed out the façade signage on the architectural plan and stated that all of the proposed signs comply with the ordinance with regard to size. The plans also showed the proposed building from both sides, as well as front and back. The building materials are a mix of architectural stone and stucco with double hung windows and doors. There are three entrances proposed; one for the dental office, one for the restaurant, and one in the center that will accommodate the other one or two tenants.

Mr. Marmero stated that there are still the three other submission waivers that must be granted before the application can be deemed complete. Mr. Ralston explained that topographic information was given for three sides of the property, it's just in one section they did not extend the full 200 hundred feet. Mr. Mintz stated that they would provide testimony with regard to the proposed operations of the building. He also stated that an Environmental Assessment was provided as part of the overall tract; however if one is required by the bank, then they will provide a copy to the Board. Motion by Mr. Fritz, seconded by Mr. Carney to grant the submission waivers and deem application #444-SP PS-3 complete. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Mr. Ralston stated that they will comply with Ms. Pellegrini's comments regarding the lighting and landscaping. The loading area is located in the rear of the building. They do not anticipate any tractor trailers accessing the site. It would be more of a big box truck that would access the site and they will insure that a fire truck and trash truck can maneuver on the site as well. Mr. Carney asked how the restaurant will receive deliveries. Mr. Kassem testified that it is not a big restaurant and that they will not use tractor trailers for deliveries but a smaller sized truck.

Mr. Sander reviewed his report for the Board. There were a few pipe inverts that should be corrected as well as two different scales on one of the plan sheets. Mr. Ralston agreed to make those corrections to the plan.

**Public Hearings: (continued)**

2. #444-SP PS-3 – Cross Keys Monroe, LLC (continued)

Ms. Pellegrini reviewed her report for the Board. They are asking for a waiver from placing the sidewalk at least four feet from the curbline. Mr. Ralston agreed to correct the crosswalks with regard to curb cuts. Ms. Pellegrini commented that based on the square footage of the dentist office and the proposed restaurant, she concluded that seventy-three parking spaces would be required for both uses. The applicant is proposing fifty spaces. Mr. Fritz inquired as to the outdoor seating area shown on the plan and asked if that seating area would trigger a requirement for more parking spaces. Ms. Pellegrini stated that it could; however they did provide testimony concerning the outdoor seating. Mr. Kassem stated that they would reduce the seating capability inside to accommodate the outside area during the warmer months of the year. Mr. Mintz indicated that the Zoning Officer or Construction Official would only permit a certain capacity for indoor and outdoor seating. Mr. Kozak commented that no one would be monitoring whether or not they reduced the seating capacity inside during the warmer months of the year and there would be no way to regulate that issue. Mr. Sebastian replied that Mr. Mintz was referring to square footage and what the allowed capacity is for indoor and outdoor seating. Mr. Kozak asked who would monitor whether or not they use the full indoor capacity while still using the outdoor capacity. Ms. Pellegrini commented that another six parking spaces would be required for the outdoor seating area so that the total number of parking spaces required is seventy-nine. She stated that there is an IHOP next door and while there is shared parking she believed they would be competing for parking at the same time. Mr. Mintz stated that the IHOP restaurant is really not a dinner restaurant; however he does recognize the concern due to the possibility of a conversion to a different type of restaurant in the future. Mr. Kassem testified that the proposed restaurant will serve Middle Eastern cuisine so it's not your typical restaurant and while they will be open for lunch, dinner is usually their peak time. Mr. Sander stated that there would be an overlap only at lunchtime. Mr. Kassem stated that it's not your typical type of food so he does not anticipate an overcrowded situation especially during the lunch hour. Mr. Kozak commented that it could change to a pizzeria at some point and then there might not be enough parking. Mr. Mintz stated that a change of use would have to be looked at then by the Zoning Officer with regard to the parking capacity. Wael Kassem testified that the dentist office closes during the lunch hour.

Mr. Mintz commented that they are in agreement with the other comments in Ms. Pellegrini's report. With regard to signage there will be three façade signs and the request to have four identification panels on the monument sign. The façade signs will conform to the ordinance with regard to their size.

**Public Hearings: (continued)**

2. #444-SP PS-3 – Cross Keys Monroe, LLC (continued)

Mr. Sebastian inquired as to the sidewalk along Falcon Way leading to the proposed building. He commented that no one was really going to be walking in that area to get to the building so they would be able to get another parking space or two if they eliminated that sidewalk. Mr. Ralston agreed that it isn't necessary. Mr. Kozak asked how the people who walked from the apartments get to the building. Mr. Sebastian replied that there is sidewalk provided along Diane Drive and Berlin Cross Keys Road and all around the building. There is also a crosswalk provided along Falcon Way at the rear of the building. Ms. Pellegrini inquired as to the size of the parking spaces at the IHOP and whether they were ten by twenty or nine by eighteen. After further discussion it was decided that the applicant will reduce the size of the parking spaces to nine by twenty with the exception of the ones in the front of the building. With that reduction in size they could add an additional seven parking spaces bringing the total parking spaces to fifty-seven spaces where seventy-nine would be required.

Mr. Marmero had a question concerning the height of the building with the proposed tooth extending from the center of the rooftop. Mr. Timber stated that he would insure the Board that the height of the building will not exceed the thirty-five foot requirement with the tooth. Ms. Pellegrini commented on the building lighting and the amount proposed at sixteen. She stated that it seemed a little excessive when the other similar building only has nine. Mr. Ralston stated that he would look at that issue. Mr. Fritz asked about the outdoor seating area and if it will be enclosed. Mr. Kassem testified that there will be a fabric canopy with fabric sides not a permanent enclosure.

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

Mr. McLaughlin asked Ms. Pellegrini's opinion with regard to the variance request to reduce the parking by twenty-two spaces. Ms. Pellegrini replied that there is shared parking with the other buildings next door and people might have to walk a little bit. There have been variances granted for a larger number of parking spaces and there is shared parking here as opposed to a stand-alone building where there is no other parking lots.

Mr. Marmero reviewed the variances and waivers for the Board. The first waiver is to allow the sidewalk less than four feet from the curblin; a variance to allow three façade signs and four panels on the monument sign; a variance for the number of parking spaces. Motion by Mr. Fritz, seconded by Mr. Carney to grant the waivers and variances and grant preliminary and final major site plan approval. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Ms. Hui, Mr. McLaughlin. Nays – Mr. Kozak. 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. Mrs. Farrell informed the Board that the next scheduled meeting is August 5, 2014 and there is a use variance on the agenda. She asked the Board members to try to be present for this meeting.

**Approval of Minutes:**

1. 6/17/14 regular meeting.

Motion by Mr. Fritz, seconded by Ms. Hui to approve the minutes from the June 17, 2014 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:03 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