

**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 8, 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 in writing to the South Jersey Times by the applicant’s attorney.”

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #14-18 – App. #14-07 – Greg & Stacey Staman – Side Yard Variance Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #14-18. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #14-19 - #444-SP PS-3 – Cross Keys Monroe, LLC – Prelim. & Final Major Site Plan

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #14-19. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearing:**

1. #14-08 & #464-SP – A & R Used Cars, Inc. – Use Variance/Minor Site Plan

Present – Gerald Sinclair, applicant’s attorney, Stacy Caltabiano, Rosario Caltabiano, Kerri Engelhart, applicant’s engineer.

Member’s packets contained: 1. Report dated July 10, 2014 prepared by Pam Pellegrini. 2. A copy of the applicant’s use variance application. 3. Report dated July 7, 2014 prepared by Marty Sander. 4. Report dated July 24, 2014 prepared by Marty Sander. 5. A copy of the applicant’s minor site plan and photographs of the property.

**Public Hearing; (continued)**

1. #14-08 & #464-SP – A & R Used Cars, Inc. (continued)

The applicant is seeking a conditional use variance and minor site plan approval in order to be allowed to use an existing building and property as a used car dealership. The building is approximately 2,288 square feet and is of block construction. The applicant has done some renovation of the building and the property which is located at 301 Tuckahoe Road, also known as Block 12901, Lot 30.

Mr. Sinclair introduced himself as the applicant's attorney. Mr. Marmero informed Mr. Sinclair that there were only six members of the Board present and his client does have the right to have a full Board since he needs five affirmative votes for the use variance. Mr. Sinclair stated that his applicant would waive that right and proceed with his hearing. Rosario Caltabiano, Stacy Caltabiano, and Kerri Engelhart were sworn in by Mr. Marmero.

Mr. Sinclair displayed the site plan for the Board. He stated that just last week the applicant received a report from the County that will require changes to the submitted site plan. The County is requiring additional right-of-way which will force the applicant to redesign the site. There wasn't enough time to do that before the hearing and submit a new plan for review. They are before the Board to get feedback from the Board's professionals as well as the Board. Mr. Sinclair stated that they have two applications before the Board; the first for a conditional use variance where a d(3) variance is required since used car facilities are a conditional use in the zone and they do not meet all of the conditions. The second application is for the minor site plan which will require some bulk variances.

Mrs. Farrell stated that the use variance application is complete. Mr. Sander commented that the Board does not know what the variance is really going to be since they have not redesigned the site. Mr. Sinclair stated that the Board could bifurcate the application and just vote on the use variance at this time which will be subject to the site plan being approved. Motion by Mr. Carney, seconded by Mr. Salvadori to deem the use variance application complete. The proposed new layout for the site plan was displayed and was marked as Exhibit A-1. Mr. Sinclair gave a brief overview of the old design layout for the Board. He stated that the site is a little less than 20,000 square feet. Before the County report, the applicant was proposing twelve spaces in the front for the cars and three customer parking spaces plus a handicap space on the side. Now due to the County requiring additional right-of-way on both County roads, Tuckahoe and Clayton, the redesign shows just five parking spaces for the cars; one would be on the west or left side of the building, three in the front, and one over to the right side. The customer parking area to the right of the building was originally proposed as crushed stone; however they are now proposing to pave that area. They will lose a customer parking space in that area as well with the redesign.

**Public Hearing: (continued)**

1. #14-08 & #464-SP – A & R Used Cars, Inc. (continued)

Those are the changes due to the County report. Mr. Kozak asked if there will only be seven or eight cars displayed on the site; he inquired as to the space in the back of the building. Mr. Sinclair replied that there are some additional spaces in the back. Mr. Sander asked if those spaces were located over the septic field which isn't shown on the plan. Mr. Sinclair stated that some spaces were eliminated so they wouldn't be located in that area. Mr. Sander commented that the applicant should show the location of the septic field on the plans and indicated that there is also an issue with the whole septic system. Mr. Sinclair replied that the applicant had two Phase I studies done by the same company. One was actually for their other location and one was for this location. The person doing the Phase I studies mixed up the sites with regard to public water/sewer versus well and septic. This site only has well and septic, it does not have public water and sewer. They will have the Phase I corrected. Mr. Sander asked if the applicant received any reports from the County with regard to the well and septic. Mr. Sinclair stated that they did not receive any reports from the County and any approval would have to be conditioned upon those outside agency approvals. Mrs. Caltabiano commented that the well was tested and approved.

Mr. Kozak commented again on the number of cars proposed to be "for sale" on the site. Mr. Sinclair stated that this site is an extension of their other used car site and that Mrs. Caltabiano would be working on this site. Mrs. Caltabiano stated that they would have liked to have more cars but because of the County report they can only have maybe ten to twelve cars. They have owned the property for about a year and have done a lot of work on the site to fix it up. They know now they should have received their approvals before they purchased the property and fixed it up. Ms. Pellegrini inquired as to the note on the plan indicating a portion at the rear of the site as being a vehicle restoration area. Mr. Caltabiano replied that that area will have "for sale" vehicles but they may not have been detailed yet. No major repairs will be done on the site; he has a repair garage on his other site in Clayton. Ms. Pellegrini listed the County requirements for the Board; they are requiring the applicant to close the driveway on Clayton Road, reduce the driveway on Tuckahoe Road, and remove the asphalt within the road easement. This will move the edge of pavement back considerably and leave them with less area in the front of the building. Ms. Pellegrini stated that the Board has to look at how the site will function, for example the customer parking area does not have enough back out area. She isn't sure the arrangement of the site as proposed is the best arrangement for maneuverability on the site. She felt it might be better to have a little less of a setback in the front of the building which would allow for better maneuvering since the building has overhead doors on the front as well as on the side.

**Public Hearing: (continued)**

1. #14-08 & #464-SP – A & R Used Cars, Inc. (continued)

Ms. Pellegrini prepared a mock up on the plan based on the County requirements. The Board would need to consider the setback variances for the best functionality of this site. She didn't think it was the best use for the site and while it is a huge improvement to that property the Board has to make sure that it functions well not only for the success of the applicant's business but for the town. It's located on two very busy County roads at a busy intersection and they want to make sure there aren't visibility issues and circulation issues. They need to look at what is the best resolution for the site if there can be one for this use. She doesn't feel comfortable with moving forward with the use variance without knowing and seeing what the best scenario is for the site. Mr. Sinclair stated he understood and they would like to get the feedback from the professionals and the Board so they can redesign the plan.

With regard to the overhead doors and the circulation, the site is just a branch of the applicant's used car dealership in Clayton, so there will only be two employees with normal operating hours of 10:00 a.m. to 7:00 p.m. Monday through Saturday. He wanted the Board to keep in mind that it is a small operation and there will be an employee on site that will be able to move the cars around if necessary. Mr. Caltabiano stated that the house next door is for sale and has property that wraps around his site. He anticipates maybe purchasing that property if this site does well and expanding the business. He stated that he cannot get a license for this site until he has use variance approval. Mr. Kozak asked Ms. Pellegrini how she proposed the cars to be located on the site. Ms. Pellegrini showed the Board her mock-up of the plan which reflected the requirements of the County and showed how the "for sale" cars would be parked in front of the site. She still didn't think they could fit more than five or six cars out front but it is a better arrangement for maneuverability; however the variance would have to be for a zero setback. Mr. Kozak suggested some kind of permanent wheel stops or bollards, something that would prohibit the applicant from moving the cars forward and closer to the road. Ms. Pellegrini stated that some landscaping can be required so that they cannot put the cars in that area. Mr. Kozak stated that there was an apartment in that building and he inquired if the apartment will be utilized. Mr. Caltabiano stated that the apartment will not be used it will become part of the inside display area, they will also keep cars in the garage space since they will not be doing repairs on the site. Mr. Kozak commented that the most important thing is to have some kind of delineation on the site so that the cars will not encroach into the easement and closer to the roadway. The Board will have to decide whether they want no setback from the easement or they want some setback from the edge of pavement. Some of the Board members indicated that they would be in favor of granting the variance with no setback but they must have a delineation for the cars.

**Public Hearing: (continued)**

1. #14-08 & #464-SP – A & R Used Cars, Inc. (continued)

There was further discussion on a landscaped area at the edge of pavement to keep the “for sale” cars from being parked too close to the pavement. Ms. Pellegrini stated that if the County did not let them install landscaping then the applicant would have to set the pavement back an additional four feet to provide some kind of landscaping. Mrs. Farrell asked if there were any issues with emergency vehicles maneuvering on the site. Mr. Sinclair indicated they would have to get that agency’s approval as well. There was discussion concerning sidewalk and Mr. Caltabiano stated there is currently sidewalk on the site. Mr. Kozak stated he thought there was sidewalk there; if the County does widen the road, then they would put the sidewalk back in.

Ms. Pellegrini asked for some testimony with regard to a floor plan since one was not provided. Mr. Caltabiano testified that there will be an office and a bathroom behind the display area. In the display area there will also be an office/desk for an employee to be visible out front. There was discussion on whether the property has a septic system or a cesspool. Mr. Caltabiano commented that they told him it was a septic system. Ms. Engelhart stated that the law changed so that you cannot buy/sell a property with a cesspool; you have to have a septic system. Mr. Sebastian also expressed this idea and Mr. Sinclair agreed that the bank would have made sure of that issue or they would not have given the applicant’s financing. The applicant was advised that the County Board of Health would have to give their approval for the septic.

Mr. Marmero stated that one of the conditions is that the applicant must submit a completed application for a license to the Division of Motor Vehicles. Mr. Caltabiano replied that he cannot submit an application until he is granted the use variance for the site. Mr. Kozak commented that the site used to be a gas station; he inquired as to the tanks. Ms. Pellegrini stated that the Phase I did not bring that issue up as a concern so most likely the tanks were removed. Mr. Marmero asked the Board members if they have any additional feedback for the applicant before he does a redesign of the site. Mr. McLaughlin commented that he liked Ms. Pellegrini’s idea and Mr. Kozak’s with regard to a landscaped buffer or some kind of delineation so that the cars will not encroach beyond a certain area. The client was inclined to install wheel stops. Mr. Fritz agreed that some kind of barrier should be placed on the site. Mr. Sander advised the applicant to include on the plans the ingress and egress for customers as well as showing they can safely back out of the parking spaces. Ms. Hui inquired as to signage. The applicant testified that the signage will be on the building; no freestanding signs are proposed.

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

**Public Hearing: (continued)**

1. #14-08 & #464-SP – A & R Used Cars, Inc. (continued)

Ms. Engelhart stated that Ms. Pellegrini and the Board expressed concern with the customer parking area and cars not having enough room to back out of the parking spaces. The applicant could reduce the side yard setback in order to alleviate this condition if the Board would be acceptable to granting a variance for that setback as well. Ms. Pellegrini replied that she would reduce the setback at least another five feet to allow for twenty feet behind the last parking space. Mr. Sander stated that the applicant should give a date they would like to come back and continue the hearing so they do not have to provide notice again. Mr. Sinclair stated that the applicant would agree to extend the time running on the application. After some discussion, it was determined that the hearing would be continued to the October 21, 2014 regular meeting. There was a question by the applicant about receiving his use variance in order to get his license for the site. The Board continued to discuss other meeting options for the applicant. Motion by Mr. Kozak, seconded by Ms. Hui to continue the meeting to the October 21, 2014 regular meeting. Voice vote; all ayes, motion passed.

**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 7/28/14 from Kevin Sheehan - #1713 – Hovbros Stirling Glen (Phase I)

Mr. Marmero stated that this applicant was just before the Board for final approval on Stirling Glen I which was a converted subdivision from age-restricted to regular single-family homes. After that hearing they asked to schedule a meeting with the Board's professionals and Township officials to discuss changing Stirling Glen I back to an age-restricted development. Mr. Marmero stated that their prior approval for the age-restricted development is still valid due to the Permit Extension Act as long as they are not changing anything that was approved by the Board. They only have to submit compliance plans. Ms. Pellegrini commented that they made a lot of proposed changes to the stormwater management plans with the conversion; she thought they might want to keep to those changes because it was an improvement to the stormwater but she wasn't sure if they do keep those changes if it would require a re-notice. She didn't think it should since the layout and design of the overall plan wasn't changing and the drainage pattern wasn't changing.

**Reports: (continued)**

1. Letter dated 7/28/14 by Kevin Sheehan (continued)

Mr. Marmero stated that if it is a substantial change such as the layout, density, things of that nature then it would require a new hearing. If it's more of a technical change then it probably would not be subject to a new hearing. He stated that when the compliance plans are submitted if Ms. Pellegrini or Mr. Sander see anything that looks like it a substantial change from the original approval then a decision would have to be made at that time. Mr. Sander stated that the applicant was going to submit the compliance plans based on the previous approvals. He informed them that if any changes were made they have to mark it on the plans as to what the changes are as well as the date they were changed. Ms. Pellegrini stated that she thought some of the technical changes to the basin would remain, the location and drainage on the site would not change, but things like the piping, the outfall, those types of things were modified for the better since the original approval. Mr. Marmero did not feel those types of changes would require a new hearing. Mr. Marmero also commented that the applicant is going to request to change Stirling Glen II to regular single-family homes instead of age-restricted units however they are going to reduce the number of units and make the lot sizes larger. They will need a use variance if they follow through with that plan. Mrs. Farrell stated that the applicant still needs County approval on the Stirling Glen I site.

**Approval of Minutes:**

1. 7/22/14 regular meeting.

Motion by Mr. Fritz, seconded by Mr. Carney to approve the minutes from the July 22, 2014 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:17 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