

Call to Order:

The meeting was called to order at 7:00 p.m. by Vice Chairman Salvadori 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 12, 2015. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk.

The Board saluted the flag.

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

Public Hearings:

1. #15-01 – Gerald & Donna Wendt – Side Yard & Height Variances

Present – Gerald & Donna Wendt, applicants.

Member's packets contained: 1. A copy of the applicant's variance application. 2. A copy of the applicant's pool grading plan. 3. A copy of the applicant's survey and photographs of the property.

Mr. and Mrs. Wendt were sworn in by Mr. Marmero. Mr. Salvadori asked if the application could be deemed complete. Mrs. Farrell replied that the application could be deemed complete. Motion by Mr. Carney, seconded by Mr. Kozak to deem application #15-01 complete. Voice vote; all ayes, motion passed. Mrs. Wendt stated that they replaced their old shed with a new shed approximately seven years ago. It was their understanding at the time from speaking with a Township employee that they did not need a permit if they were just replacing their old shed. They came in recently to get permits for a pool and the shed was not shown on the as-built. They need a five foot side yard variance as well as a height variance. The shed is eleven foot high where nine and one half foot is permitted. Mr. Marmero asked the purpose of the shed. Mrs. Wendt testified that they use the shed for storage of their lawn equipment, bicycles, pool supplies, as well as other household items.

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. Fritz to grant the side yard and height variances with the condition the shed is to be used for storage only. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Mercado Mr. Salvadori. Nays – Zero. Abstentions – Ms. Capate.

Public Hearings: (continued)

2. #14-19 & #1837 – K. A. Priest, LLC – Use Variance and Minor Subdivision

Present – Robert Priest, applicant, Kathy Priest, applicant, Robert Mintz, applicant’s attorney, James Kyle, applicant’s planner.

Member’s packets contained: 1. A copy of the applicant’s use variance application and plot plan. 2. A copy of the applicant’s minor subdivision plan and aerial photographs of the property. 3. Report dated December 19, 2014 prepared by Pam Pellegrini.

The applicant is requesting a use variance in order to be allowed to construct a home with an attached plumbing contractor office, storage warehouse, and related parking. There is an existing home on Lot 35 that will be retained. In addition, the applicant is asking for minor subdivision approval to re-divide and reconfigure Lots 35 and 36 with Lot 36 proposed to contain the new home and commercial use. The property is located at 1530 N. Main Street, also known as Block 201, Lots 35 and 36 in the R-2 Zoning District.

Mr. Mintz introduced himself as the applicant’s attorney. Mr. Kyle stated his qualifications as a licensed professional planner. Mr. and Mrs. Priest and Mr. Kyle were sworn in by Mr. Marmero. Motion by Mr. Fritz, seconded by Ms. Hui to recognize Mr. Kyle as an expert in his field. Voice vote; all ayes, motion passed.

Mr. Kyle displayed an aerial photograph for the Board which was marked as Exhibit A-1. Mr. Salvadori asked if the application could be deemed complete. Mrs. Farrell replied that the use variance application could be deemed complete. Motion by Mr. Fritz, seconded by Ms. Capate to deem application #14-19 complete. Voice vote; all ayes, motion passed. Mr. Mintz gave an overview of the proposal. He stated the lots are approximately 660 foot deep. The applicants are proposing to eliminate the existing driveway on Lot 35 and create a single driveway with an access easement on Lot 36 that will service both lots. The applicants are proposing to build their home in the back of the property closer to the rear property line while still meeting the setback requirement. They also propose to have an attached office/storage building for their plumbing business. The storage building will not be a showroom that customers will visit. There is a requirement for one acre lots since public water and sewer are not available; the existing and proposed home will be serviced by wells and septic systems.

Mr. Mintz spoke to the minor subdivision with regard to the proposal and the one acre requirement. He stated that both lots total approximately 2.33 acres. The proposal will allow for Lot 35 to be just under a half an acre; however the applicants will deed restrict the land directly behind the existing home to retain the trees and natural vegetation as well as to prevent anything from being built which would then be in their front yard.

Public Hearings: (continued)

2. #14-19 & 1837 – K. A. Priest, LLC (continued)

If water and sewer become available in the area then the deed restriction could be lifted. Mr. Mintz stated that if the use and minor subdivision are granted, Lot 36 will contain approximately 1.77 acres. In the R-2 Zone business offices are permitted; however because they are proposing a storage building they need a variance to allow the dual use on one lot. There are a lot area, lot frontage, and lot width variances associated with the minor subdivision application. Mrs. Farrell commented that the applicant's revised the minor subdivision plans for the County and those plans do not show only one driveway, they show the existing driveway on Lot 35 and a proposed driveway for Lot 36. Mr. Mintz stated they anticipate that the County will require a shared driveway when they submit the site plan. Mr. Kozak asked why they are proposing less than one acre for Lot 35. After some discussion, Ms. Pellegrini responded that the line would have to move back over two hundred feet and that would not leave room for the applicant's proposal.

Mr. Priest submitted photographs which depicted his current home and the pole barn he currently uses for storage. The photographs were marked as Exhibits A-2 and A-3. He testified that he has run his business from his existing home for almost twenty five years. His existing home is located in a residential area and he has never had any complaints from the neighbors or the town. He is a licensed plumbing and heating contractor. His employees usually go directly to a job site; they do not come to the office very often. They may come to the office occasionally to drop off paperwork or pick up supplies. The on-site staff consists of himself, his wife, his son, who does the delivery of materials to the job sites, and a secretary. The hours of operation are from Monday to Friday, 8:00 a.m. to 4:30 p.m. There are a total of seven employees including the four on-site. The other three employees take their work trucks home with them; the trucks will not be parking on the property. The inventory that is stored is new plumbing and heating supplies. They do not do any fabrication on-site and no customers will come to the site. Deliveries are made by a box type truck similar to a UPS truck; no tractor trailers are used for deliveries. They receive deliveries approximately once or twice a month. Mr. Priest testified that he would like to have a sign out at the road frontage and will comply with the Township's sign ordinance. He also stated that he would like to maintain as many of the existing trees that he can. Mr. Kozak asked why the applicant would need a sign if there aren't any customers and the deliveries are minimal. Mr. Priest replied that he would like a sign for advertising purposes. Mr. Fritz asked if there are any restrictions in the ordinance with regard to the size of the storage building in relation to the size of the house. Ms. Pellegrini stated that the proposed office/storage building is proposed at twice the size of the residential portion; however there isn't anything in the ordinance that regulates the proportions. The Board can address the issue at site plan if the use is approved.

Public Hearings: (continued)

2. #14-19 & #1837 – K. A. Priest, LLC (continued)

Mr. Fritz commented that the proposed storage building is rather large and asked if the applicant plans to expand his business. Mr. Priest stated that his business has remained the same size for many years and that he has no plans for expansion. Ms. Pellegrini asked Mr. Priest how the size of the proposed storage building compares to the size of the building he currently uses. Mr. Mintz replied that the office is currently in the applicant's home in the basement and the storage building is a separate building. Mr. Priest stated that the new office will be a part of the storage building too. Ms. Pellegrini asked if the applicant is going to blend the buildings architecturally so the commercial portion looks like an extension of the house. Mr. Priest replied that he does not want the commercial portion to look like a commercial building but part of the house. Ms. Pellegrini commented on the barn shown on the plot plan and informed the applicant's that they do not have enough acreage to raise any type of livestock including horses.

Mr. Kozak asked Mr. Marmero what would happen if the Board grants the use variance and the applicants sell the property or market the property as a dual use to another type of business. Mr. Marmero replied that the use variance does run with the land so a new user would be able to use the property for a similar use along with any conditions placed on the approval by the Board. Mr. Kozak asked what happens if the applicants never build and just sell the property. Mr. Mintz commented that the use variance will be conditioned upon the applicants receiving site plan approval. He stated that he was sure Mr. Marmero would craft the resolution as such that the use variance would be constrained to this type of use and the user would not be able to have some type of showroom or higher intensity use. Mr. Marmero commented that whoever builds it will have to receive site plan approval from the Board.

Ms. Hui commented that she understood the applicant does own the property but she wondered why he would want to go through this process of trying to get a use variance and the expense of building a new building when there are vacant commercial buildings in the appropriate zone. Mr. Priest replied that he likes running the business from his home for the convenience and he has run his business this way for many years. Mr. Mintz replied that Mr. Priest would then need a use variance to build a home in a commercial zone; he thought trying to get the use variance to allow the commercial building in the residential zone was more likely than the other way around.

Mr. Heffner inquired as to the distance from the proposed storage building to the mobile homes on the adjacent lot to the rear. Mr. Mintz replied that the setback on the plan shows seventy-five feet from the rear property line. Mr. Heffner also asked if there will be large equipment stored on the property. Mr. Priest replied that he does have a mini excavator that he would like to store inside the building.

Public Hearings: (continued)

2. #14-19 & #1837 – K. A. Priest, LLC (continued)

Mr. Marmero stated that any approval could have a condition that outside storage of any materials or equipment is not permitted. Ms. Capate inquired as to the noise from the excavator. Mr. Priest replied that the excavator is smaller than a backhoe and that you can still carry on a conversation when it is running. Ms. Pellegrini asked if the storage building is proposed to be a pole barn. Mr. Priest stated that he hasn't really decided on the design but he thought it might be a pole barn; however the façade of a pole barn can look like a house. Mr. Fritz inquired why the applicant needs such a large stone parking area behind the building. Mr. Priest replied that he is not going to have a large stone parking area but an area that will enable them to access the building from the rear where he is proposing to put the doors. Mr. Fritz commented that he is concerned about the buffer and amount of trees that will have to be removed. Ms. Pellegrini commented that the plot plan is contradictory to the testimony because it basically shows a cleared lot. Mr. Priest stated that he hasn't really designed the site yet. Mr. Mintz stated that they will show all the details at site plan approval if the use is granted.

Ms. Pellegrini commented that the use variance would be null and void if the applicant does not follow through with a site plan. Mr. Mercado asked how often the excavator is used and how it gets from the property to the job site. Mr. Priest stated that the excavator is not used that often and if needed someone picks it up with a flatbed truck similar to a tow truck with a flatbed.

Mr. Kyle testified as to the justification for the use variance. He believes the site is suited for the proposed use because the lots are deep narrow lots. He believes the proposed use is similar to a home based business just with some storage of materials since there will not be any customers and the employees only come and go on occasion with the exception of the secretary who is the only on-site employee that will not live in the home. Most of the existing homes around the site are located closer to Main Street so there really isn't much of an impact on those properties as this use is proposed so far back on the lot. The mobile home park to the rear will be buffered by the existing trees and vegetation. This zone does allow for general office use which would allow for a medical building or dentist office that would have a much greater impact on the neighbors and the traffic. He thinks the proposed use is scaled back in comparison to the uses that would be permitted in the zone and he believes the storage building and the house can be designed to be consistent to the character of the area. There are some bulk variances associated with the minor subdivision. The front yard setback for the existing home is a pre-existing condition that cannot be remedied and actually the lot width is improved for Lot 35 but still does not meet the requirements. Also reducing the size of Lot 35 will allow the applicants to control the wooded area behind the existing home in case they ever want to sell that property.

Public Hearings: (continued)

2. #14-19 & #1837 – K. A. Priest, LLC (continued)

Ms. Pellegrini reviewed her report for the Board. She stated testimony has been given as to the surrounding uses, the existing conditions, and the proposal. Home occupations are permitted in the R-2 Zone as an accessory use; however because the applicant is proposing a contractors yard a use variance is required. The proposed sewer must be approved by the County Board of Health and the deed restriction proposed must be enforced in order to assign the proper acreage to Lot 35. If the use variance is granted the physical impacts and the intensity of the use along with stormwater management will have to be addressed at site plan. Sidewalks and lot grading will be addressed as site plan as well. Ms. Pellegrini suggested the applicant remove the barn from the plan if it is not an intended use.

Motion passed to open the hearing to the public.

1. William Dougherty, 1536 N. Main Street was sworn in by Mr. Marmero. Mr. Dougherty stated that he was speaking for his mother who resides at the above address, (she was present as well). He commented that the house and storage building add up to over seven thousand square foot; in addition there will be space needed for the septic and well as well as parking and the driveway. He commented that after everything is said and done, there will not be any trees left on the site. In addition the trees that are currently on the site are mostly deciduous trees and most are not over thirty or forty foot tall, there aren't many evergreens so in the late fall and winter the use will be visible to the surrounding neighbors. He stated that most of the neighbors are elderly and value their privacy. He asked if the applicant will have to put in evergreen trees and other landscaping as well as fencing to lessen the impact to the neighbors and the natural beauty of the area.

Mr. Mintz stated that the applicant will have to submit a site plan if the use is granted. He added that Mrs. Dougherty will be notified of that hearing as well. If the trees are mostly deciduous then the applicants might have to have a landscaping plan to mitigate any issues. They might also install some fencing. He believed they will be able to construct the building so that it blends in with the surrounding uses.

Motion passed to close the hearing to the public.

Mr. Marmero stated that the applicant made his presentation with regard to the use variance and that at this time the Board would need a motion to allow or deny the dual use on one lot and to allow a commercial use in this zone. Motion by Mr. Carney, seconded by Mr. Salvadori to approve the use variances conditioned upon the applicant receiving site plan approval and all other conditions. Roll call vote: Ayes – Mr. Carney, Ms. Hui, Mr. Mercado, Ms. Capate, Mr. Salvadori. Nays – Mr. Fritz, (use too intense), Mr. Kozak. Abstentions – Zero. 5 ayes, 2 nays, motion passed.

Public Hearings: (continued)

2. #1837 – K. A. Priest, LLC (continued)

Mr. Mintz stated that there are three submission waivers listed in Ms. Pellegrini's report with regard to completeness for the minor subdivision. They are requesting waivers from the first two which are to show all structures and wooded lands within 200 feet of the property and from showing the location of all bridges and culverts as well as the drainage area of all streams, brooks, ponds, etc. The third submission requirement is to provide a description of the proposed drainage facilities. Mr. Mintz stated they would like to defer that submission to site plan. Mr. Marmero stated that a motion is needed for the submission waivers. Mrs. Farrell commented that those submission waivers are typical waivers that are requested and granted by the Planning Board. Motion by Mr. Carney, seconded by Ms. Capate to grant the waivers and the deferment of the drainage facilities and deem application #1837 complete. Roll call vote: Ayes Mr. Carney, Ms. Capate, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Mr. Mintz stated that the prior testimony carries over to the minor subdivision. Mr. Kyle stated that the bulk variances were addressed which are for lot area, lot frontage, and lot width for Lot 35. Mr. Mintz stated that they are proposing Lot 36 to be the larger lot because of the more intense use of other than just a residential home. Mr. Fritz asked how much of the wooded area behind the existing house on Lot 35 will be deed restricted. Mr. Mintz replied that it will be the amount necessary when included with the existing house to equal one acre. He stated that it will be defined on the future site plan. Mr. Fritz added that he did not think the applicant has enough room to do the size building he is proposing along with the well and septic system. Mr. Mintz replied that they do have to go to the County for approval of the septic and well and they might have to be included in the restricted area. Mr. Priest will have control over the restricted area whether or not he sells the home on Lot 35. The proposed driveway will be on the flag pole portion of Lot 36.

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. Mercado to grant the lot area, lot frontage, and lot width variances and to grant the minor subdivision approval conditioned upon the applicant receiving site plan approval. Roll call vote: Ayes – Mr. Carney, Mr. Mercado, Mr. Fritz, Ms. Hui, Mr. Kozak, Ms. Capate, Mr. Salvadori. 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. Mrs. Farrell stated that the next meeting is scheduled for February 3, 2015, there are two use variances scheduled as well as a minor site plan associated with one of the use variances. She also informed Mr. Mercado and Ms. Capate that if they wanted to participate in the applications for the next meeting they would have to listen to the tapes of the meetings in the Board office.

Approval of Minutes:

1. 1/6/15 regular meeting.

Motion by Mr. Kozak, seconded by Mr. Fritz to approve the minutes from the January 6, 2015 reorganization meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 8:42 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