

**Call to Order:**

The meeting was called to order at 7:03 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 12, 2015. 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 evenings public hearings was sent in writing to the South Jersey Times on March 10, 2015.”

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #15-12 – App. #14-21 – Allan & Sylvia Fuller – Lot Frontage/Width/Use Variances

Motion by Mr. Carney, seconded by Mr. Manfredi to adopt resolution #15-12. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #15-13 – App. #14-08 & #464-SP – A&R Used Cars – Hearing Adjourned to 3/24/15

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #15-13. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearings:**

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

Present – Rosario Caltabiano, Staci Caltabiano, Mark Brunermer, applicant’s engineer, Gregory Dibsie, applicant’s attorney.

Member’s packets contained: 1. Report dated January 14, 2015 prepared by Pam Pellegrini. 2. Report dated December 30, 2015 prepared by Martin Sander. 3. A copy of the applicant’s use variance application. 4. A copy of the applicant’s minor site plan. 5. Copies of the applicant’s photographs of the site, floor plan, well test, proposed signage, Gloucester County Department of Health application for sewage disposal.

**Public Hearings: (continued)**

1. #14-08 & #1646-SP – A&R Used Cars (continued)

The applicant is requesting a conditional use variance and minor site plan approval to use and renovate an existing 2,288 square foot building for a showroom with offices to conduct a used car dealership. The applicant was before the Board in August of 2014 and he has since revised his plans in response to the County's requirements and the Zoning Board's comments. The property is located at 301 North Tuckahoe Road, also known as Block 12901, Lot 30 in the Commercial Zoning District.

Mr. McLaughlin informed the applicants that two new members of the Board have listened to the tape of the first meeting and are available to vote if necessary. Mrs. Farrell commented that the Board had already deemed the use variance complete. Mr. Marmero recapped what had previously transpired with these two applications. The Board did deem the use variance complete but must determine completeness for the minor site plan. Mr. Sander stated that waivers are required in order to deem the site plan complete. The plan does not show the size, height, location, and arrangement of all existing and proposed structures, it does not show sidewalks from the building entrance and exit, they did not provide stormwater calculations, percolation tests and borings for proposed septic tanks. Mr. Sander stated that he would recommend the Board grant the waivers and deem the application complete. Motion by Mr. Fritz, seconded by Mr. Mercado to grant the waivers and deem application #464-SP complete. Voice vote; all ayes, motion passed.

Mr. Marmero commented that the reason the applicant is required to have a use variance or "d" variance is due to used car sales being listed as a conditional use in the zone. If the applicant cannot meet all the conditions a "d" variance is required. Mr. Brunermer was sworn in by Mr. Marmero. Mr. Brunermer addressed Ms. Pellegrini's comments concerning a section of the existing building labeled for repairs. He stated that it should read detailing and not repairs. Mr. Brunermer explained that as part of the County's requirements they will close the entrance on Clayton Road and remove the existing asphalt. They will create a grass strip for display of vehicles. They also are required to grant additional right-of-way to the County in the form of an easement. They are awaiting the deed from the County Solicitor on that matter. There is already an ordinance in place through the Township that prohibits parking on either roadway. The access along Tuckahoe Road will be reduced in size and moved further away from the intersection. There will be bollards placed along the frontage to insure that the cars do not extend passed the display area. They are proposing to have a display area that wraps around the frontage on Clayton and Tuckahoe Road that can accommodate eight cars and an additional display area in the rear. They will provide a landscaped buffer along the property lines on both sides.

**Public Hearings: (continued)**

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

The display area in the rear will have crushed stone and the customer parking area along Tuckahoe Road will be paved; there will be one handicapped accessible parking space for a total of four customer parking spaces and two employee parking spaces. With regard to the interior space, the large portion on the left side that has three overhead doors with three bays inside will be the detailing area. The area to the right will be the showroom where they will display cars with an access overhead door on the side that will also be used for wheelchair accessibility. The rear part of the building will contain two offices with a bathroom in between.

With regard to the septic system the applicant has received approval from the County Board of Health to install a new septic system. The well is located at the rear of the property and the applicant has provided the results from the well testing. They will require buffer variances for the front yard where ten feet is required and the applicant is proposing zero; that is due to the right-of-way they have to give the County, and a buffer variance for the rear yard where twenty-five feet is required and they are proposing ten feet. The applicant will be putting in additional landscaping along that area. There will be shoebox style lighting that will not spillover onto the neighboring properties or onto the intersection. Two signs are proposed to be mounted on the building and lit from behind. The signs will comply with the size requirements in the ordinance. There will not be any pylon or monument signs on the property.

Ms. Pellegrini reviewed her report for the Board. She stated that the applicant is required to have an indoor display area for each class of vehicle they are selling and asked the applicant how many classes of vehicles he is proposing to sell. Mr. and Mrs. Caltabiano were sworn in by Mr. Marmero. Mr. Caltabiano testified that he will only be selling two classes of vehicles, cars and trucks and that there is room inside the showroom to display a car and pick-up style truck. Ms. Pellegrini asked the applicant to provide testimony on how the vehicles will be delivered to the site. Mr. Caltabiano replied that the vehicles will be driven to the site or if necessary he has a tow truck if a vehicle has to be towed there for some reason. There will not be any large car carriers delivering vehicles to the site. Mr. Dibsie commented that this is really a secondary location as the applicant has another used car dealership as well. The only maintenance that will be done on the cars is what is classified as vehicle prep; cleaning the cars, installing a new battery if necessary or a new tire. All the cars will be owned by the dealership. Mr. Kozak commented on tire storage outside. Mr. Caltabiano stated that he does not store tires so there will not be any tire storage outside. Ms. Pellegrini commented on the buffer variances stating that at the last hearing they did work out the issues so that the site would have a good flow due to the limited space since the County was requiring them to give additional right-of-way which pushed back the usable area in front of the building.

**Public Hearings: (continued)**

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

A variance is required for the proposed crushed stone areas in lieu of providing asphalt. The lot itself has a lot of existing non-conformities such as the lot area, lot frontage, and the front yard setback for the existing building. The side and rear yard setbacks conform to the ordinance. Mr. Brunermer stated that if in the future the stone areas were converted to asphalt the site would still meet the lot coverage requirements. A waiver is required to allow the parking to encroach into the buffer. A waiver is also being requested to reduce the size of the parking spaces from 10 x 20 to 9 x 18. The employee parking area has less than a twenty-four foot drive aisle behind the spaces having only twenty feet; as proposed a waiver is required.

With regard to COAH, the applicant will be required to comply with a development fee of two and one half percent of the equalized assessed value. Ms. Pellegrini commented that it will be up to the construction official as to exactly what, if any improvements to the site will be assessed for COAH fees. Also the applicant is required to pay \$2,055.00 into the sidewalk fund in lieu of providing sidewalk. The applicant must also receive all outside agency approvals including the Fire Marshall. Mrs. Farrell commented that she would send the plan to the Fire Marshall for his review and comment. Ms. Pellegrini reviewed the variances and waivers as listed in her report.

Mr. Sander reviewed his report for the Board. He stated that most of the outstanding items listed in his report have been addressed. With regard to the stormwater runoff, the site drains towards the County right-of-way. Mr. Brunermer stated that they have submitted that information to the County for their review. Certification for the well and proposed septic system from the County Board of Health should be submitted before the final plans are signed. Mrs. Farrell commented that those issues are dealt with during the permitting process and not before she signs the plans.

Mr. Kozak asked if there will be a dumpster. Mr. Caltabiano replied that there will not be a dumpster and that they will dispose of the trash. With regard to signage, Mr. Kozak stipulated that banners, flags, or small realtor type signs are not permitted on the site. Mr. Caltabiano stated that if they are not allowed he would comply. Mr. Kozak asked that outside storage be addressed in the resolution. Mr. Sander commented that the resolution should stipulate no outside storage at all. He also asked the applicant if he was aware that he had to pay the sidewalk fee of \$2,055.00. Mrs. Farrell stated that the sidewalk fee must be paid before the final plans are signed along with submission of all other outside approvals. Mr. Caltabiano was advised again about the COAH requirement and how it is to be paid if he is required to pay a fee.

Mr. Heffner inquired as to a waste water collection system since the applicant will be washing cars on the site or will the water just run down the road. Mr. Manfredi commented that the MMUA does not have a means to collect; he did not know what the County will require. Mr. Caltabiano stated that he is not using any chemicals when the cars are washed.

**Public Hearings: (continued)**

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

Mr. Mercado also expressed his concern about how the vehicles will be detailed and if chemicals will be used. Mr. Dibsie stated that they are only doing prep to the cars for resale. They will use similar items to what you could use in your driveway to wash your own car; no chemicals or hazardous materials will be used. Mr. Sander replied that the County should address that issue since all the runoff is going to the County system. Mr. Heffner stated that the water will run down the road if the cars are washed out front but if they are washed in the back on the stone area the water will seep back into the ground. Mr. Caltabiano testified that the cars would be washed in the front and not in the back on the stoned area. Mr. Kozak asked for clarification as to someone living at the property or an apartment in the building. Mr. Caltabiano stated that there will not be any type of apartment or anyone living on the premises; there will only be two offices, the showroom, the detailing section, and a restroom. Ms. Hui inquired as to how many employees will be on the site. Mr. Caltabiano testified that there will be two employees.

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

Ms. Pellegrini commented that a performance bond would have to be posted for the improvements on the site. Motion by Mr. Carney, seconded by Mr. Fritz to grant the use variance which includes the “d” variances listed in Ms. Pellegrini’s report. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Motion by Mr. Fritz, seconded by Mr. Carney to grant minor site plan approval conditioned upon the applicant paying the \$2,055.00 to the sidewalk fund, no repairs to be done on the site, only prep work as discussed, no outside storage is permitted, all the bulk variances and waivers listed in Ms. Pellegrini’s report, streamers, flags, banners, small signs are not permitted on the site, the signage on the building must comply with the ordinance, permanent bollards, posting of the performance bond and inspection fees, and any COAH fees that may be required by the Construction Official. Roll call vote: Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #15-03 – Jose Zhinin – Side Yard Variance

Present – Jose Zhinin, applicant.

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

**Public Hearings: (continued)**

2. #15-03 – Jose Zhinin (continued)

The applicant is requesting a side yard variance of seven feet where ten feet is required and he will only have three feet for an existing carport located at 205 Jobs Lane, also known as Block 13508, Lot 8 in the R-2 Zoning District.

Mr. Zhinin was sworn in by Mr. Marmero. Mr. Zhinin testified that his father-in-law constructed the carport on the side of the house without knowing he needed a permit. They were trying to refinance and learned that the carport was supposed to have a permit. He is before the Board asking for the side yard variance. He stated that the carport is used as protection from the weather. Mr. McLaughlin asked if the application can be deemed complete. Mrs. Farrell replied that application #15-03 can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #15-03 complete. Voice vote; all ayes, motion passed.

Ms. Hui asked if the applicant has received any complaints from the neighbors. Mr. Zhinin replied that he has not received any complaints. Mr. Marmero asked how long ago the carport was constructed. Mr. Zhinin testified that it has been there two years. Mr. Kozak inquired as to the water runoff. Mr. Zhinin replied that the floor is cement and is slanted toward the street so the water runs into the street. Mr. Kozak commented that he was going to suggest rain gutters and down spouts and questioned whether they were needed after the applicant's testimony concerning the water runoff. Mr. Heffner commented that the carport was built without any approvals and asked if it would even be inspected if the Board grants the variance. Mr. Kozak replied that the applicant must still receive the proper permits from zoning and construction if the variance is granted. Mr. Marmero stated that the Board can make an inspection a condition of approval.

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. Salvadori to grant the side yard variance conditioned upon the applicant receiving the proper permits and inspection of the existing carport. Roll call vote: Ayes – Mr. Fritz, Mr. Salvadori, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Mr. Manfredi. Abstentions – Zero. 6 ayes, 1 nay; motion passed.

3. #09-02 – Christopher Fazzio & Jason Giloley – Use Variance Extension

Present – Jason Giloley, applicant, Joe Bennis.

Member's packets contained: Letter dated February 16, 2015 prepared by Christopher Fazzio.

**Public Hearings: (continued)**

3. #09-02 – Christopher Fazzio & Jason Giloley (continued)

The applicant is requesting a three year extension of his use variance in order to be allowed to store materials on vacant property across from their business located on Glassboro Cross Keys Road. The property is known as Block 15301, Lot 2-4. The applicants were granted the original use variance in 2009 and granted one year extensions by the Zoning Board since that time.

Mr. Giloley and Mr. Bennis were sworn in by Mr. Marmero. Mr. Marmero reviewed the application and extensions for the Board. Mr. Kozak commented that the original approval did not mention stockpiling of dirt but there seems to be a rather large pile of dirt on the property. Mr. Bennis testified that the dirt does not belong to Mr. Fazzio; it is the property owners. He stated that their material is in the fenced in area directly across from Fazzio's. Mr. Fritz stated that there is a graveled area on the Williamstown side, not within the fenced area, where trucks pull in waiting to deliver material to the facility. Mr. Giloley stated that they do maintain that area so trucks have a place to pull off the road. Mr. Fritz stated that the material is still there and they are still receiving more material to their facility. Mr. Bennis replied that the storage area is helping them to not bring back material they aren't interested in bringing into the building. It has been reduced by eighty percent since the use variance was granted. They have not added to the storage area since they first received the use variance.

Mr. Kozak asked if they would be amenable to reduce the request for the extension to one year instead of three years. Mr. Bennis replied that they were hoping to receive the three year extension so they wouldn't have to keep coming back every year. Mr. Kozak stated that it seems there might be some objection to the continued storage of material and he thought reducing to the one year would be a compromise. There was some discussion on the matter and Mr. Kozak suggested that instead of the extension expiring on December 31, 2015 it would be extended to April 2016. Mr. Fritz asked why the applicant took so long to come in and ask for the extension when the use variance extension expired in December. Mrs. Farrell replied that the applicant did submit the extension request in February but she wasn't able to schedule them until now. Mr. Heffner commented that the consensus from some of the Council members was that a one year extension is reasonable.

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

Motion by Mr. Kozak, seconded by Mr. Salvadori to grant the extension of the use variance to April 15, 2016 and that no additional materials are added to the storage area. Roll call vote: Ayes – Mr. Kozak, Mr. Salvadori, Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearings: (continued)**

4. #15-02 – Joseph DiMauro – Lot Area, Side Yard, & Buffer Encroachment Variances

Present – Joseph DiMauro, applicant, Ron Marx, representative from the applicant's solar company, Mister Energy.

Member's packets contained: 1. A copy of the applicant's variance application. 2. Letter and attached diagrams of the proposed solar panel array dated February 24, 2015. 3. The applicant's survey and photographs of the property. 4. Letter dated and notarized March 6, 2015 prepared by the applicant's niece/adjacent property owner.

The applicant is requesting a lot area variance of 1.02 acres, where three acres is required and the applicant has 1.07 acres, a side yard and buffer encroachment variance of thirty feet where fifty feet is required and the applicant is proposing twenty feet, in order to be allowed to have a ground mounted solar array in his rear/side yard. The property is located at 1934 Herbert Boulevard, also known as Block 301, Lot 3.

Mr. DiMauro and Mr. Marx were sworn in by Mr. Marmero. Mr. Marmero asked if the application is able to be deemed complete. Mrs. Farrell replied that application #15-02 can be deemed complete. Motion by Mr. Fritz, seconded by Mr. Salvadori to deem application #13-02 complete. Voice vote; all ayes, motion passed. Mr. DiMauro testified that he would like to have the solar panels to reduce his electricity costs and he needs the variance in order to have them on the ground. Mr. Kozak asked the applicant to explain why he isn't putting the panels on the roof of his home. Mr. DiMauro testified that after consulting with the solar energy company he learned that he cannot have the panels placed on the roof of his home because his house sits east to west and the roof panels would not receive enough sunlight in order to produce enough energy to make it feasible.

Mr. Marmero stated that the ordinance does allow ground mounted solar panels but there are certain conditions that must be met such as the lot being a minimum of three acres and having the fifty foot buffer as well as the side yard requiring a fifty foot setback. Mr. Fritz inquired as to the height of the panels and how that will affect the neighbors view. Mr. Marx replied that the array will be placed as far to the rear of the property as possible and that there will be forty-two panels that will have a height of approximately six foot. Mr. DiMauro stated that his niece lives next door to him on the side where the solar array will placed and that she has submitted a letter indicating that she does not have a problem with the solar panels. Mr. Kozak commented that anyone who might want to buy the adjacent property will know the panels are there before they purchase it. Ms. Capate asked if the panels would get hot enough to ignite a fire in the wooded area behind the proposed site of the array. Mr. Marx replied that the panels absorb the heat they don't reflect the heat, so no they will not cause the trees to become so hot they will catch on fire.

**Public Hearings: (continued)**

4. #15-02 – Joseph DiMauro (continued)

Ms. Hui referred to the photographs and asked if the marked out area with the ribbons is where the solar array will be placed. Mr. DiMauro stated that it is in the area shown in the pictures that is marked out with ribbons. It will not be in the tree line but in front of it.

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 Ms. Hui to grant the lot area variance, side yard, and buffer encroachment variances. Roll call vote: Ayes – Mr. Carney, Ms. Hui, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Salvadori, 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. Mrs. Farrell stated that the next meeting is scheduled for April 7, 2015; as of now there are no applications scheduled so the Board will just be memorializing resolutions.

**Approval of Minutes:**

1. 3/03/15 regular meeting.

Motion by Mr. Fritz, seconded by Mr. Mercado to approve the minutes from the March 3, 2015 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:20 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