

**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 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 evening’s public hearing was sent in writing to the South Jersey Times on June 22, 2015.

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #15-20 – App. #15-05 – Harold Paul Kanady – Adjournment to 6/16/15 Approved

Motion by Mr. Fritz, seconded by Mr. Manfredi to adopt resolution #15-20. Roll call vote: Ayes – Mr. Fritz, Mr. Manfredi, Ms. Hui, Mr. Kozak, Mr. Salvadori, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #15-21 – App. #15-07 – Paul DeLaurentis – Side & Rear Yard Variances Approved

Motion by Ms. Hui, seconded by Mr. Fritz to adopt resolution #15-21. Roll call vote: Ayes – Ms. Hui, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. McLaughlin, Mr. Mercado. Nays – Zero. Abstentions – Zero.

3. #15-22 – App. #15-05 – Harold Paul Kanady – Certificate of Nonconformity Denied

Motion by Ms. Hui, seconded by Mr. Fritz to adopt resolution #15-22. Roll call vote: Ayes – Ms. Hui, Mr. Fritz, Mr. Kozak, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearing:**

1. #15-06 – Matthew Pontano – Use Variance

Present – Matthew Pontano, applicant, John Armano, applicant’s attorney.

**Public Hearing: (continued)**

1. #15-06 – Matthew Pontano (continued)

Member's packets contained: 1. A copy of the applicant's use variance application, survey, and photographs. 2. Letter dated June 12, 2015 prepared by John Armano. 3. Report dated June 30, 2015 prepared by Pam Pellegrini.

The applicant is seeking a use variance in order to be allowed to park three to four commercial tractor trailers and two employee vehicles related to his business on his residential property. The property is approximately two acres and the applicant is proposing to park the trucks and employee vehicles at the rear of the lot. The property is located at 1347 Corkery Lane, also known as Block 3801, Lot 6 in the RG-PR Zoning District.

Mr. McLaughlin asked if the application contained the necessary information to be deemed complete. Mrs. Farrell replied that the applicant is requesting a waiver from providing the Pinelands Certificate of Filing until he knows if the proposed use is approved. Mr. Armano introduced himself as the applicant's attorney. Mr. Pontano was sworn in by Mr. Marmero. Mr. Marmero confirmed that Mr. Pontano was seeking a waiver from providing the Certificate of Filing until he knows if the use will be approved and he stated that the Board has granted that type of waiver in the past. Motion by Mr. Salvadori, seconded by Mr. Fritz to grant the waiver and deem application #15-06 complete. Roll call vote: Ayes – Mr. Salvadori, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Mr. Pontano testified that the property is owned by himself and his wife and that he owns and operates a small trucking company. There is not a public office or customer parking necessary for his business nor do any employees work onsite. There are two employees/truck drivers that park their personal vehicles on the site and the tractor trailers and employee vehicles cannot be seen from the street. No construction is being proposed. Mr. Pontano has operated his business on the property for the past twelve years. The previous owner operated a HVAC business on the property as well. Access to the property is through a singular stone driveway that continues past his residence and the backyard area to the far rear of the lot. The property directly behind his is the Juniper Village assisted living facility. There is a tree line between his property and Juniper Village; there are no single family residences behind his property. When the tractor trailers exit the property they always make a left hand turn toward the Black Horse Pike; they do not go down Corkery Lane to Malaga Road, so that they only pass by two other residences on both the left and right side of Corkery Lane. The applicant does not load or unload the trucks on his property and he does not store materials on the property. Light maintenance is done if needed such as changing a tire, lights, etc. Heavy repair work is done at an outside repair facility.

**Public Hearing: (continued)**

1. #15-06 – Matthew Pontano (continued)

Mr. Marmero asked how many trucks Mr. Pontano would like to park on the property. The applicant currently has four tractor trailers; however he may want to add one or two more trucks in the future if the economy improves. Mr. Mercado asked the type of trucking business. Mr. Pontano replied he is running flat beds that usually haul storm sewer pipe, construction materials, bagged mulch, etc. The trucks do at times come back to the property loaded and ready to be moved out the next morning. He does not use refrigerated trucks that have to be running all night. Mr. Kozak asked if there was a problem with tractor trailers using the Township road. Mr. Marmero stated that he would be able to use the road unless the Township has an ordinance with a restriction for that road. Mr. Armano commented that Mr. Pontano has been using the road for twelve years and has never received any complaints or violations for using the road. Mr. Fritz commented that there aren't any weight limit signs posted on that road.

Ms. Pellegrini asked why the applicant has come before the Board now. Mr. Armano stated that he received a violation notice from the Zoning Officer. Mr. Kozak stated he believed it stemmed from an issue with the road. Mr. Pontano replied that the Township was trying to fix a pothole further down Corkery Lane towards Malaga Road; his trucks do not run down that way. They had an issue trying to repair the pothole because the runoff from the snow melting and the rain runs down the hill toward that end of the street. He stated that there is a water issue on the street and the water does flow pretty intensely from the Black Horse Pike end of the street across the residential lots and down the hill toward Malaga Road. He and many neighbors have problems with the water runoff and the Township thought he was the cause of the problem. Mr. Kozak commented that if the Board does permit the use it should be conditioned upon the Township giving him permission to use the road. Ms. Pellegrini asked if Mr. Pontano he came in for a permit to run his business when he purchased the property twelve years ago. Mr. Pontano testified that he did not because when he purchased the property the realtor told him there wouldn't be a problem with running his business there since the seller at the time was running a HVAC business there and storing his trucks as well.

Mr. Heffner commented that the Township road department believes there is an issue on the road where Mr. Pontano's trucks turn to go into his property due to the weight of the trucks. Mr. Kozak asked if the Board was going to put a limit on the number of trucks if the use is approved. Mr. Manfredi felt that the Board shouldn't restrict him to just four trucks but he didn't know what the number should be. Mr. Mercado commented on the issue of dust from the use of the stone driveway and the potential increase if the business is expanded. Ms. Pellegrini commented there is a residence right next to the driveway. Mr. Pontano stated that the neighbor does not have any issues with his business and the trucks using the driveway. Mr. Heffner thought there should be a limit on the number of trucks. Mr. Armano agreed that the Board could set a limit for six trucks.

**Public Hearing: (continued)**

1. #15-06 – Matthew Pontano (continued)

Mr. Armano gave a description of how and where the vehicles are parked on the property. He commented that all of the surrounding property owners within 200 feet were notified and none of the property owners notified are present to object to the application. Mr. Fritz asked if the applicant has to come back to the Board after receiving Pinelands approval. Mr. Marmero replied that the applicant will have to return to the Board if the Board requires a site plan as part of the approval or he can ask for a site plan waiver; however the Board is just dealing with the use right now. As part of the conditions of the use the Board can either waive the site plan or condition an approval on the applicant applying for site plan approval. Mrs. Farrell commented that a site plan waiver is still an application with the requirement of the applicant to show where the trucks will be parked and other uses on the property and if the Board wishes, Ms. Pellegrini can review the site plan waiver.

Mr. Kozak asked what time the trucks usually leave and return to the property. Mr. Pontano replied that the trucks usually leave the property around 4:00 a.m. and return around 3:00 p.m. The trucks are not left idling on the property. Ms. Pellegrini stated that the applicant did address the questions she had in her report. She asked that the applicant indicate which way the property drains if they come back with a site plan or site plan waiver as well as the limits of the parking area.

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

Mr. Heffner commented that he would like Mr. Avis and Mr. Cavello to look at the road to make sure there aren't any drainage issues or any other issues from the weight of the trucks. Mr. Pontano commented that there are issues on the road down past his residence but there aren't any potholes or road issues where the trucks turn into his property and he invited any Township officials to go out to look at the road in front of his property. Mr. Manfredi stated that the road department should take care of the road and that it isn't Mr. Pontano's fault that the road isn't up to standard. There was some discussion on what the standard is for a "residential or township road" and if it is able to handle everyday truck traffic. Mr. Marmero stated that that issue is out of the Board's control and that the governing body would have to pass an ordinance concerning traffic on residential or township roads. Mr. Kozak stated that tractor trailers are not permitted on township roads. Mr. Salvadori asked if there are weight limits posted on that road. It was stated that there are not any posted signs with regard to weight limits or truck traffic. Mr. Marmero advised the Board that the town may have ordinances showing certain roads having weight limits or prohibiting tractor trailers; however if there isn't an ordinance then tractor trailers can be on that road. The Board can only deal with the zoning code with what is before them this evening which is storage of commercial vehicles and operating his business from his residence.

**Public Hearing: (continued)**

1. #15-06 – Matthew Pontano (continued)

Motion by Mr. Fritz, seconded by Mr. Mercado to grant the use variance to allow the storage of commercial vehicles and to allow the business on the property conditioned upon the applicant coming back in front of the Board with either a site plan or site plan waiver application and the Certificate of Filing from the Pinelands Commission. Roll call vote: Ayes – Mr. Fritz, Mr. Mercado, Ms. Hui, 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:**

No reports.

**Adjournment:**

The meeting was adjourned at 7:37 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