

Call to Order:

The meeting was called to order at 7:05 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, 2016. 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 hearings was sent in writing to the South Jersey Times on February 16, 2016.”

The Board saluted the flag.

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

Public Hearings:

1. #16-12 – Steven & Elizabeth Ridel – Side Yard Variance

Present – Steven Ridel, applicant.

Member’s packets contained: 1. A copy of the applicant’s variance application with photographs and survey. 2. Letter dated February 23, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant’s property is a corner lot which requires a 35 ft. setback to the public right-of-way line. They are seeking a variance of approximately 18 ft. in order to be allowed to install an in-ground swimming pool. The property is located at 714 Davinci Way, also known as Block 110.0402, Lot 12 in the RG-PR Zoning District.

Mr. Ridel was sworn in by Mr. Marmero. He testified that they are seeking a variance for a pool installation. Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Mr. Marmero asked if the applicant was proposing fencing. Mr. Ridel stated that there is already a vinyl fence in place as well as shrubbery along the fence. Mr. McLaughlin asked if the application can be deemed complete. Mrs. Farrell replied that it could. Motion by Mr. Carney, seconded by Mr. Fritz to deem application #16-12 complete. Voice vote; all ayes, motion passed.

Mr. Mercado asked if the excavated soil will be removed from the site. Mr. Ridel replied it will be removed. Mr. Marmero stated the motion is for a front yard variance conditioned upon the applicant complying with the pool ordinance. Motion by Mr. Carney, seconded by Mr. Mercado to approve the front yard variance. Roll call vote: Ayes – Mr. Carney, Mr. Mercado, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

2. #16-07 – Art Kulikowski – Lot Area & Buffer Variances

Present – Art Kulikowski, applicant, Victor Maene, Code Green Solar.

Member’s packets contained: 1. A copy of the applicant’s variance application with photographs, survey, solar ordinance, and proposed plans for a ground mount solar array. 2. Letter dated February 23, 2016 prepared by Rosemary Flaherty, Zoning Officer.

Mr. Kulikowski was sworn in by Mr. Marmero. Mr. McLaughlin asked if the application can be deemed complete. Mrs. Farrell replied that it could. Motion by Mr. Carney, seconded by Mr. Mercado to deem application #16-07 complete. Voice vote; all ayes, motion passed. Mr. Kulikowski testified that he would like to install solar panels in order to reduce his electricity costs. The reason for the ground mount array and not roof mount is due to the orientation of his home. Ms. Hui asked how much better the ground array would be compared to the roof mount with regard to the percentage of improved solar power. Mr. Maene was sworn in by Mr. Marmero. Mr. Maene replied that the ground arrays can produce more solar power because you can point them directly south. This system proposed for Mr. Kulikowski’s home will produce approximately twenty percent more power as opposed a roof mount system.

Mr. McLaughlin asked how many panels are in the array. Mr. Maene stated that there will be approximately sixty-five panels. Mrs. Farrell clarified that Mr. Kulikowski is proposing forty foot setbacks instead of the required fifty foot setback or buffer. Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public. Mr. Fritz asked the size of the panels and the overall array. Mr. Maene replied the panels are a little over three feet by five and a half feet with the overall array being approximately one hundred feet by thirteen feet. The height is about eight foot at its highest. There was some discussion concerning the rear yard setback and the size of the array. Ms. Pellegrini stated that the applicant might want to consider stacking the panels higher which will decrease the length so that the array will not be so close to the rear property line. Mr. Maene stated they can make the array another row higher and take away from the length in order to meet forty feet in the rear yard. The overall height will then be between eight and nine feet as he can bring the panels closer to the ground. Mrs. Farrell reminded the Board that Ms. Pellegrini will be visiting the site to inspect the buffer and decide whether or not Mr. Kulikowski would be required to provide additional buffer material as per the ordinance. Mr. Kulikowski is aware of this requirement and has already posted the additional escrow for Ms. Pellegrini’s review.

Mr. Marmero stated the motion would be for a lot area variance, a ten foot buffer variance, and a height variance. Motion by Mr. Mercado, seconded by Mr. Carney to grant the required variances. Roll call vote: Ayes – Mr. Mercado, Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

3. #16-06 – Stephen Omrod – Use Variance

Present – Stephen Omrod, applicant.

Member's packets contained: 1. A copy of the applicant's use variance application, survey, and photographs of the property. 2. Letter dated February 17, 2016 prepared by Pam Pellegrini. 3. Letter dated February 23, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is requesting a use variance in order to be allowed to park his work vehicles at his residential home and to be able to access his property in the rear by using Greer Avenue. The property is located at 1565 New Brooklyn Road, also known as Block 2501, Lot 19.02 in the R-2 Zoning District.

Mr. Omrod was sworn in by Mr. Marmero. Mr. McLaughlin asked if the application can be deemed complete. Mrs. Farrell replied that it could be deemed complete. Motion by Mr. Fritz, seconded by Mr. Carney to deem application #16-06 complete. Mr. Omrod stated that he was before the Board for a variance in order to be allowed to access Greer Avenue and park his work vehicles behind his home. Ms. Capate asked if there are more than one vehicle. Mr. Omrod testified that he does have a couple of vehicles; however there is only one vehicle that is there every evening, which is a box truck. He stated that he is hoping to replace the box truck with a van in the near future. Mr. Omrod stated that he has one employee who comes to his home every day and parks his vehicle and takes the box truck for work and then brings the truck back at night. Mr. Marmero asked if Mr. Omrod runs a business from his home. Mr. Omrod stated that he does not run a business from his home; he leases property at 1982 N. Black Horse Pike where he runs his business, receives deliveries, and stores the products for his flooring business. He would rather store his work vehicles at his home for security reasons as they contain his tools which are worth thousands of dollars.

Mr. McLaughlin asked if there is a reason why Mr. Omrod cannot access his property from New Brooklyn Road. Mr. Omrod stated that there are serious water table issues in the area and he had to build his basement above ground because of those issues which makes it impossible to drive any type of trucks on the gravel driveway at the front of the property. Mr. Mercado asked the purpose of the garages in the rear of the property. Mr. Omrod stated that he has had the garages which are two twelve by twenty garages bolted together, for about two years. They weren't built onsite but brought there already constructed. Right now he has some shelving, some out of stock materials, tools, and lawn equipment. Mr. McLaughlin asked how Mr. Omrod accesses his property from Greer Avenue. Mr. Omrod stated that there are three properties back off of Greer Avenue. He had cleared out an area and put down some crushed concrete to make a driveway on his property. Mr. Kozak stated that Greer Avenue does have a lot of pot holes and is not really an access road to anywhere other than to access those few homes back there.

Public Hearings: (continued)

3. #16-06 – Stephen Omrod (continued)

Ms. Pellegrini reviewed her report for the Board. She informed the Board that Greer Avenue only goes back to a certain point, it actually ends one property away from Mr. Omrod's property. There is a private easement which runs across the lot behind Mr. Omrod's property to service Lot 17 which is landlocked. Mr. Omrod will need to determine his right of use of the easement. No one was aware that Greer Avenue ended before Mr. Omrod's property and that there is a private easement. The easement appears to service Lot 16 as well. The easement may be to the benefit of more lots, and to Mr. Omrod but that is something that has to be determined. Mr. Kozak stated that there are no signs posted indicating its private property. Mr. Marmero stated that the Board can give their approval for Mr. Omrod to use Greer Avenue but they cannot give him permission to use the easement. Mrs. Farrell stated that the Board can make the determination of the use of the easement and permission a condition of Mr. Omrod's approval. Mr. Omrod stated that he never knew the road ended before his property as there are always people using the road back there. Ms. Pellegrini stated that if someone drove down there they would never know the public road ends at that certain point.

Ms. Flaherty stated that the easement could have been created in perpetuity and is a common easement for access. She stated she would like to get a copy of the easement which she will share with the Board and work with the applicant to determine his right to access the easement. The applicant did install the garages without a zoning permit and she asked the applicant to comply with the permitting process and the Board to make that a condition of approval. The buffer was removed so if the Board is inclined they can require some buffering to shield the neighbor's view of the truck. There is an existing metal pod structure which is not permitted and must be removed. Mr. McLaughlin asked if the applicant had any objections to the conditions. Mr. Omrod stated he did not have any objections to the conditions stated.

Motion passed to open the hearing to the public.

1. Michael Markman, 1 Albert's Avenue, Sicklerville, was sworn in by Mr. Marmero. Mr. Markman stated that he owns the property next to Mr. Omrod's property. He stated that Mr. Omrod keeps his property very neat and clean and he does not have issues with him keeping his truck on the property.

Mr. Omrod stated that he would like to apologize for bringing the garages to the property without getting a permit but he wasn't aware he needed one; he thought you only needed a permit for a garage if there was going to be a concrete floor, plus they weren't constructed on his property so he was unaware he needed to get a permit, if he'd known he would have gotten the permits.

Public Hearings: (continued)

3. #16-06 – Stephen Omrod (continued)

Mr. Kozak asked if the pod is temporary or what Mr. Omrod had planned for the pod. Mr. Omrod stated that he bought the pod for storage of materials when he used to lease property for his business at a different location than he does now. He stated that he can try to sell it if he cannot keep it on his property. Ms. Pellegrini asked if he can move it to the other property where he runs his business. Mr. Omrod stated that there isn't room for it at the property where he runs his business. He reiterated that he can try to sell it. Mr. Kozak asked if he closed the pod and made it into a shed would that be allowed. Ms. Flaherty stated that Mr. Omrod would have to amend his application if he wanted to keep the pod. She recommended that if the Board wanted to approve the pod that the applicant paint it the same color as the garages and have some screening around it so it's not visible to the neighbors.

Motion passed to close the hearing to the public.

Mr. Omrod stated that he would like to amend his application to include the pod and agreed that he would paint it and provide some screening. Mrs. Farrell stated she will add the pod to the application. Mr. Marmero reviewed the variances for the Board; the applicant will require a use variance to access Greer Avenue with the box truck, he also will require a variance to allow the work trucks to be parked at the site, and a variance to allow the pod as a third shed, as well as being subject to the conditions with regard to the easement and the pod. Motion by Mr. Fritz, seconded by Mr. Carney to grant the variances subject to the conditions stated. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

4. #16-05 – ANB Leasing, LLC – Use Variance

Present – Anthony Imperial, property owner, Len Schwartz, applicant's attorney.

Member's packets contained: 1. A copy of the applicant's use variance application, photographs of the property, and a sketch showing the location of the existing structures on the property. 2. Report dated February 17, 2016 prepared by Pam Pellegrini. 3. Letter dated February 23, 2016 prepared by Rosemary Flaherty, Zoning Officer.

Mr. McLaughlin asked if the application can be deemed complete. Mrs. Farrell replied that it could be deemed complete. Motion by Mr. Fritz, seconded by Ms. Hui to deem application #16-05 complete. Voice vote; all ayes, motion passed.

Public Hearings: (continued)

4. #16-05 – ANB Leasing, LLC (continued)

Mr. Schwartz introduced himself as the applicant's attorney. Mr. Imperial was sworn in by Mr. Marmero. Mr. Schwartz stated that Mr. Imperial had met with the Zoning Officer after it was determined that he added another building on the site for a landscaping business. The existing residential home has been there for many years and was there when Mr. Imperial purchased the property. As a result there is now dual uses on the site which requires a use variance. Mr. Schwartz stated that if the use variance is granted, the applicant will have to obtain a Certificate of Filing from the Pinelands before proceeding with a site plan application before the Board.

Mr. Imperial stated that it would have an undue hardship on him if the Board denied the use variance since he has owned the property for ten years and he has had the small business he has been running from the property. His sister lives in the house and does not pay him any rent. When he first purchased the property he lived in the house and had always intended to have his business there as well. He moved out of the house several years ago but still maintains the business at the property. Mr. Schwartz referred to the photographs submitted with the application. The photographs showing two different pole barn type buildings depict the old building Mr. Imperial has been working out of and the new building being used for the landscaping business. There is also a photograph depicting the residential home. Mr. Imperial stated that having the residential use in the front of the property is aesthetically pleasing as opposed to just seeing the pole barn buildings on the property. There are also many similar uses in the area that have both a residential and commercial use. He did not feel the dual uses negatively impact the zoning or the surrounding properties in the area.

Mr. Mercado asked if the original pole barn was not originally intended for a commercial use. Mr. Imperial stated that when the pole barn was originally built he did inquire about having a commercial use and prepared a site plan as per the Zoning Officer but he never followed through with the site plan because the economy went bad and he did not have any work. He eventually started working again out of the pole barn and then the new one was constructed as well. Mrs. Farrell stated that Mr. Imperial did receive a zoning permit for the original pole barn but did not get a permit for the newest pole barn. She informed him that he could not submit a waiver application for the lot grading as the Township does not allow commercial businesses to get a waiver from the lot grading requirements. Mr. Schwartz stated they will handle that at site plan. Ms. Capate asked why the applicant does not subdivide the property to separate the commercial use from the residential use. Mr. Schwartz replied that the Pinelands would probably not allow the subdivision due to the size of the property.

Public Hearings: (continued)

4. #16-05 – ANB Leasing, LLC (continued)

Ms. Pellegrini reviewed her report for the Board. She inquired as to the height of the pole barns. Mr. Imperial stated that the original pole barn must meet the height requirements because he did receive a permit for the construction. The new building is smaller in height than the original one. Mr. Imperial did not believe the height exceeded the eighteen foot requirement. Ms. Pellegrini stated that they would address the height of the buildings at site plan. She inquired as to whether the existing shed will remain on the site. Mr. Schwartz stated that they can address that issue at site plan as well. She asked if there are any major truck repairs conducted in the buildings. Mr. Imperial stated that he has a company that handles the major repairs. The site is serviced by public water and an onsite septic. Ms. Pellegrini asked if either building has bathroom facilities. Mr. Imperial stated that at this time there are no facilities in the buildings that require either water or sewer.

Ms. Flaherty reviewed her letter for the Board. She stated that the property is located in the RD-C Zone so the use is suitable for the area. The single family dwelling is a pre-existing nonconforming use and there are similar type uses in the area. The residential rental uses are at times used for security for the businesses as well. Ms. Flaherty asked the Board to put a limit on the time frame in which the site plan application should be submitted; she suggested six months. The trash and debris must be removed from the site; she will work with the applicant and show him the areas of concern. All permits, site plan approval, and the Certificate of Filing from the Pinelands should be obtained to bring the site into compliance. Mr. Schwartz asked that the six month time period be conditioned upon Pinelands and how long it takes the applicant to get the Certificate of Filing. They will make the application soon but they do have to wait for the Pinelands.

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

Mrs. Farrell stated that she misspoke regarding the application being able to be deemed complete. The applicant will require a waiver from providing the Certificate of Filing at this time. Motion by Mr. Carney, seconded by Mr. Fritz to defer the requirement to provide the Certificate of Filing at site plan. Voice vote; all ayes, motion passed. Mr. Marmero reviewed the conditions for the Board with regard to the six month condition which will be subject to the Pinelands acting on the Certificate of Filing application. The use variance is to allow dual uses on the property. Motion by Mr. Carney, seconded by Ms. Hui to grant the use variance subject to the conditions stated. Roll call vote: Ayes – Mr. Carney, Ms. Hui, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Extension Requests:

1. #1776 – 607 Main Morgan, LLC

Mrs. Farrell commented that the application was for the property at the corner of Main Street and Virginia Avenue as part of the COAH requirement for Pin Oak Estates. Due to the Permit Extension Act expiring at the end of June applicants are now asking for the extensions they are entitled to request. Mr. Marmero stated that with preliminary approval the applicant is permitted to ask for three one year extensions. They are asking for a one year extension at this time from June 30, 2016 to June 30, 2017. Motion by Mr. Carney, seconded by Mr. Fritz to grant the one year extension. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Mercado, Mr. McLaughlin. Nays – Mr. Manfredi. 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. Mr. Marmero gave a brief update concerning the Kanady litigation. He will be before the Board for a use variance on March 15, 2016. With regard to the litigation he has withdrawn his complaint and will come to the Board for the use variance. Mrs. Farrell asked that everyone try to be present for the March 15, 2016 meeting.

Approval of Minutes:

1. 2/2/16 regular meeting.

Motion by Mr. Mercado, seconded by Mr. Fritz to approve the minutes from the February 2, 2016 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