

**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, 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 April 5, 2016.”

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #16-13 – App. #16-06 – Stephen Omrod – Use Variance Approved

Motion by Mr. Fritz, seconded by Mr. Mercado to adopt resolution #16-13. Roll call vote: Ayes – Mr. Fritz, Mr. Mercado, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #16-18 – App. #16-15 – Donna Guzzo – Lot Area Variance Approved

Motion by Mr. Fritz, seconded by Mr. Kozak to adopt resolution #16-18. Roll call vote: Ayes – Mr. Fritz, Mr. Kozak, Ms. Hui, Mr. Salvadori, Mr. Mercado, Ms. Capate. Nays – Zero. Abstentions – Zero.

3. #16-19 – App. #1845 & #465-SP – Redgil, LLC – Applications Tabled to April 19, 2016

Motion by Mr. Fritz, seconded by Ms. Capate to adopt resolution #16-19. Roll call vote: Ayes – Mr. Fritz, Ms. Capate, Ms. Hui, Mr. Kozak, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

**Public Hearings:**

1. #16-09 – Michael Markman – Use Variance

Present – Michael Markman, applicant.

Member’s packets contained: 1. A copy of the applicant’s use variance application and photographs of the property. 2. Report dated April 8, 2016 prepared by Pam Pellegrini. 3. Letter dated April 14, 2016 prepared by Rosemary Flaherty, Zoning Officer.

**Public Hearings: (continued)**

1. #16-09 – Michael Markman (continued)

The applicant is requesting a use variance in order to be allowed to store office trailers, landscape trailers, boats, and motor vehicles on his property. The applicant currently operates a rental business within the existing building (chicken coops). The property is located at 1651 New Brooklyn Road, also known as Block 2501, Lot 19.01 in the R-2 Zoning District.

Mr. McLaughlin asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that the applicant submitted a copy of his previous subdivision plan; however he does not have a certified survey. Motion by Mr. Fritz, seconded by Mr. Mercado to waive the survey requirement and deem application #16-09 complete. Voice vote; all ayes, motion passed.

Mr. Markman was sworn in by Mr. Marmero. He testified that he is before the board for a use variance to allow outside storage. Ms. Capate stated that the application states the property is not in the Pinelands but she wanted to make sure that was correct. Ms. Farrell replied that it is not in the Pinelands, the Pinelands zone is on the other side of the street. Mr. Markman stated that he wasn't aware he was doing anything he shouldn't be doing. He started renting outside space for various vehicles and it was brought to his attention by Ms. Flaherty that he needed a use variance. There aren't any other businesses operating from the site; the landscape vehicles are picked up in the morning by the company workers and returned in the evening. He's always used the property for storage rental inside of the building and he thought he would be allowed to continue the storage business outside. With regard to the office trailers, they do not rent from his location, it's just an offsite storage area for when they need them in this area. He has been operating the storage business since 2003.

Ms. Pellegrini reviewed her report for the Board. She asked Mr. Markman how many businesses rent space from him. He replied that he only rents to two businesses, Chinappi and Nadler just for storage of their vehicles. The other storage is for people who may not be able to store their boat or trailer at their property. Ms. Pellegrini stated that the prior subdivision permitted Mr. Markman to have a pole barn for his personal agricultural use to which Mr. Markman agreed as part of his approval with the County. The property is fenced with several gated openings. There are many trailers, boats, and other vehicles on the grounds and there isn't really any significant screening. Ms. Pellegrini stated that if the Board is in favor the use variance she would recommend the applicant follow up with site plan. The applicant should demonstrate special reasons why the proposed use carries out the purpose of zoning and why the refusal of the variance would create an undue hardship. The submitted sketch does not show current conditions on the site. Testimony should be provided regarding the number of vehicles and type of vehicles being stored as well as if the site is serviced by well and septic and the locations of such.

**Public Hearings: (continued)**

1. #16-09 – Michael Markman (continued)

Mr. McLaughlin asked how many individuals are renting space at the site besides the two businesses. Mr. Markman stated that he has approximately twenty tenants for both outside and inside storage. Mr. Fritz inquired how the Board can grant the use variance for storage without knowing if the site can accommodate all the storage that is currently taking place on the site and whether the Board can grant the use and address that issue at site plan. Ms. Pellegrini stated that the Board could approve the rental of space with no retail activity or business activity and then the quantity of rental area would be determined at site plan. Mr. Marmero agreed that the Board can bifurcate the approvals but the Board should make sure their questions concerning the use are satisfied.

Ms. Flaherty reviewed her letter for the Board. She stated that the Board should be just dealing with the use variance this evening based on the positive and negative criteria. Then they can deal with the site plan issues later if the Board grants the use variance. Mr. Kozak asked if there was a complaint about the site. Ms. Flaherty stated that she issued a violation for the site due to the number of trailers and other vehicles; there wasn't any complaint by a neighbor. Since that time it has been cleaned up significantly. She stated she would like to do a more extensive review of the inside of the "chicken coops".

Mr. Markman stated that the chain link fence around the property is a six foot fence not a four foot fence. He was under the impression that the violation was for the outside storage; he didn't realize he could not have it there and he did not mean to offend anyone. The inside storage in the "chicken coops" has been that way for at least thirty years. The previous owner rented the space and he continued the use when he purchased the property and was told he could continue the use. With regard to the outside storage Mr. Markman stated that it is his responsibility, he did expand the storage to the outside in order to pay the bills. There isn't any retail or business operating from the site other than his storage business. Mr. Marmero explained the special reasons Mr. Markman should address such as why the property is suited for this type of use and why the Board should grant the variance. The negative criteria addresses whether the proposed use of the property creates a substantial detriment to the surrounding area or to the ordinance or the zone plan.

Mr. Markman stated he didn't think he was creating a detriment to the area. He has taken down the dead trees, planted Leland cypress along the fence, expanded the fencing, and cleaned up the property. He has spoken to Mr. Morrison the neighbor across the street who stated he did not have any issues with the site; however Mr. Markman planted the trees along the fence anyway to try to screen the view. He does try to keep the property looking nice for a storage business. He stated that he understands that the Zoning Officer is trying to clean up the town and he is willing to cooperate but he was somewhat confused about what the Board is asking.

**Public Hearings: (continued)**

1. #16-09 – Michael Markman (continued)

Mr. Kozak stated that it is a residential area and there are nice homes in the area but they also have various forms of businesses; it isn't like it's a residential development. Ms. Flaherty stated that there are similar uses in the area, construction uses, car repair uses, etc. Mr. Markman has significantly improved the site and with an appropriate site plan application it would be a suitable location for the business. The property to the left of the site is heavily wooded and with some more landscaping and screening and the site plan the business would not be a detriment to the area. Mr. Carney asked if there are wetlands behind the property. Ms. Pellegrini stated that she did not check for wetlands behind the property. Mr. Carney asked if the landscaper stores materials at the site. Mr. Markman stated that he does not store any materials outside the site; if he does store anything it is in bags and inside one of the units. Mr. Carney asked if any vehicles are in disrepair and repaired on the site. Mr. Markman stated that he did have a couple of vehicles being stored that fell into disrepair; however they have been removed from the site. There aren't any vehicle repairs at the site.

Ms. Pellegrini clarified that there aren't any other businesses being run from the property; just the storage facility which stores vehicles and other equipment for two businesses as well as individual tenants. Ms. Flaherty stated that if the Board does approve the use variance they should limit it to the two businesses and they would be required to come in for site plan waiver approval as well. Mr. Fritz stated that it is only one business for storage so he is confused about why the two businesses that store vehicles there would have to get approval. Ms. Flaherty replied that Chinappi and Nadler are tenants at the site. Ms. Pellegrini replied that the Board doesn't want to give those two businesses approval to operate their business from the site by granting a site plan waiver. Mr. Markman is the only business operating at the site as a storage facility. Ms. Flaherty asked what the buildings are being used for. It was restated that the buildings/chicken coops are used for storage. Mr. Markman stated that he stores his personal equipment in the pole barn building; his truck, his backhoe, etc.

Mr. McLaughlin asked if the tenants have twenty-four hour access to the site. Mr. Markman stated that they do; they have remotes to access the site, there are cameras, and he has remote access from his phone. Mr. Marmero stated that it's basically a use variance for a storage facility. Ms. Pellegrini agreed stating that the office trailers are stored for use when needed in the area, the landscaping trailers are stored there for the landscaper who operates his business elsewhere, and other motor vehicles and boats which belong to private residents. Ms. Farrell asked Mr. Markman if he wanted to consider postponing his hearing and seek legal counsel. Mr. Markman stated he was confused as to why the "chicken coops" were in question since they have been used for storage since before he purchased the property and he has just continued that use. He thought he was only before the Board for the outside storage. He stated that most of his tenants were inherited and have been storing their personal stuff there for over thirty years.

**Public Hearings: (continued)**

1. #16-09 – Michael Markman (continued)

Ms. Pellegrini stated that he did represent something different when he went to the Planning Board in 2003 for the subdivision. Mr. Markman stated that the big pole barn was the subject then and he does use that building for his personal storage. She stated that there wasn't a distinction with that application. Mr. Markman stated that when he purchased the property it was the house and the chicken coops which were being used as storage for private tenants, no businesses were being run from those chicken coop units. When he subdivided the property the metal pole barn had already been approved and constructed for his personal storage for his backhoe and other equipment. The rest of the site wasn't changing; the storage in the chicken coops wasn't changing. He apologized for being confused stating that he believed he was before the Board for the outside storage only since nothing has changed with the storage in the chicken coops since he purchased the property. Ms. Pellegrini stated that the confusion comes in because at the time of the subdivision Mr. Markman represented that he used the building for his personal storage; however the distinction as to what building was being used for personal storage and what building was used for storage rental space wasn't put on the record.

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

Mr. Kozak commented that Mr. Markman is here now to get the matter cleared up if he can. Ms. Flaherty stated that Mr. Markman signed an affidavit indicating the building was to be used for personal storage and that he was considering building a single family dwelling on the property that was subdivided. It is up to the Board if they want to allow him to continue to use the property as a storage yard and have storage inside the chicken coops or if they want him to remove the violation or use. Ms. Farrell informed Mr. Markman that if he moves forward this evening and the Board denies the use variance he will have to remove all the tenant storage from the site and only use it for his personal storage. She asked him again if he would like to table the application and seek legal advice and representation. Mr. Marmero stated that the use variance would include storage for both inside and outside whether it is for the two businesses or private residents. Mr. Markman stated that he is a little confused and disappointed because he believed he was only making an application for the outside storage since the inside storage has been there for a very long time. Ms. Pellegrini stated that it would help if he could produce evidence that the chicken coops have been used as storage since before he purchased the property or since he purchased the property. She stated that Mr. Markman has to provide more history and more information about what actually happens at the site and an attorney or planner would be able to guide him. Mr. Markman asked to have his application tabled. There was some discussion on a meeting date with it being decided the Board would change their regular meeting date from June 7<sup>th</sup> since its election day to June 21<sup>st</sup> and Mr. Markman's application will be continued to that date. He does not have to send any further notice and can continue to operate his business until his hearing.

**Public Hearings: (continued)**

1. #16-09 – Michael Markman (continued)

Motion by Mr. Salvadori, seconded by Mr. Fritz to table application #16-09 to the June 21<sup>st</sup> meeting. Roll call vote: Ayes – Mr. Salvadori, Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #16-16 – Jozef Les – Use Variance

Present – Jozef Les, applicant, Pawel Les, applicant's son.

Member's packets contained: 1. A copy of the applicant's use variance application and photographs of the property/machine shop building. 2. Report dated April 12, 2016 prepared by Pam Pellegrini. 3. Letter dated April 14, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is requesting a use variance to operate a commercial machine shop within existing buildings located on the front portion of a property that also includes their residence. The property is located at 1558 Janvier Road, also known as Block 10701, Lot 3 in the AG Zoning District.

Pawel Les stated that he will be speaking on his father's behalf since his father doesn't not speak very much English. Mr. Les was sworn in by Mr. Marmero. Mr. McLaughlin asked if the application can be deemed complete. Ms. Farrell replied that the applicant has not provided a certified survey. A waiver for the Certificate of Filing from the Pinelands is also required for the use variance but will be required with his site plan waiver or site plan application. A partial survey was submitted but it only depicts the location of the house. Mr. Marmero stated that the Board will have to determine if the partial survey is sufficient in order to move forward with the application this evening. It is typical for the request to waive the Pinelands Certificate of Filing at this time pending use variance approval. Ms. Pellegrini stated that she visited the site and the Zoning Officer did submit photographs of the site. She stated that there are several buildings, there are storage containers that appear to contain glass however she doesn't know how they are related to the business. She stated that the Board can take testimony about the operation of the business but they do not have anything to show operation of the site and the layout. She stated that the property is very deep and the house is way at the rear of the property. The house and the commercial buildings are separated by woods. She stated it's the nature of the business that is addressed with the use variance and the site circulation and other issues can be addressed at site plan. She stated that she did not have any issue with granting either waiver. Mr. Kozak asked Ms. Flaherty if she felt a survey should be provided. Ms. Flaherty stated she thought the applicant should provide the survey since there are multiple buildings and containers on the site.

**Public Hearings: (continued)**

2. #16-16 – Jozef Les (continued)

Motion by Mr. Salvadori, seconded by Mr. Fritz to grant the waiver for the survey until site plan. Roll call vote: Ayes – Mr. Salvadori, Mr. Fritz. Nays – Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Mercado, Mr. McLaughlin. Abstentions – Zero. 2 Ayes, 5 Nays, motion failed. Mr. Les was informed he would need to provide the certified survey with the use variance application. Ms. Farrell stated that he will have to re-notice his neighbors within 200 feet of the property since a date specific cannot be given at this time. Mr. Kozak asked that the applicant be prepared to address the containers and their contents when they return to the Board. The public was informed that they would be re-noticed.

3. #16-18 – First United Methodist Church – Use Variance

Present – Bruce Bolopue, representative of the church trustees.

Member's packets contained: 1. A copy of the applicant's use variance application and photographs of the site, existing sign, and proposed sign. 2. Report dated April 12, 2016 prepared by Pam Pellegrini. 3. Letter dated April 14, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is requesting a use variance in order be allowed to replace the existing sign with a changeable copy LED sign with proposed landscaping. The proposed sign will eliminate the use of the temporary roll away sign used for special events. The property is located at 155 S. Main Street, also known as Block 11804, Lot 2 in the RG-TC Zoning District.

Mr. Bolopue was sworn in by Mr. Marmero. Mr. McLaughlin asked if the application can be deemed complete. Ms. Farrell replied that the applicant is requesting a waiver of the certified survey as well as a waiver of the application fee since they are a non-profit organization. Mr. Marmero stated that the Board has waived the application fee for religious institutions in the past; the waiver of the certified survey is the Board's decision as to whether they have the information they need without the survey. Ms. Flaherty stated that the new sign will be much more attractive for the downtown streetscape and will eliminate some of the other signs being used. Mr. Kozak asked Ms. Flaherty if the LED sign was in keeping with the aesthetics the town wants on Main Street. Ms. Flaherty replied that it's basically used for the church activities and she did not feel a survey was necessary. Motion by Mr. Fritz, seconded by Mr. Kozak to grant the waiver for the survey and the application fees and deem application #16-18 complete. Roll call vote: Ayes – Mr. Fritz, Mr. Kozak, Mr. Carney, Ms. Hui, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearings: (continued)**

3. #16-18 – First United Methodist Church (continued)

Mr. Bolopue stated that the church currently uses two signs, one permanent sign that is approximately thirty-seven square feet and is lit. It is a manual changeable copy sign and very old. They also use a roll away sign on occasion for various events throughout the year. The proposed sign will allow them to advertise the church events as well as the church service hours and inspirational message. The new sign is proposed in the same location as the current permanent sign. Mr. Mercado stated the current sign is only about a foot from the sidewalk and asked if the new sign could be moved back further. Ms. Pellegrini stated that there aren't any driveways close to the location of the sign and as long as they don't encroach any closer to the sidewalk it will be fine.

Ms. Pellegrini reviewed her report for the Board. She stated that changeable copy LED signs are not permitted in this corridor which is why they are before the Board for a use variance. The existing sign clearance is nonconforming at three foot six inches which is less than the required eight foot clearance. The proposed clearance is only three feet so it will be more nonconforming and a variance will be required. She asked the square footage of the sign area. Mr. Bolopue stated that he contacted the sign company and they indicated the square footage of the sign area will be a little over fifteen square feet. Ms. Pellegrini stated that will conform to the ordinance requirement. The location of the sign does not appear to be a traffic hazard or to be a distraction to drivers. The applicant must comply with the ordinance with regard to adjusting the brightness by fifty percent as sunset approaches. The sign is equipped with factory settings to accomplish this requirement. The sign company must follow the code standards as it pertains to the construction of the sign.

Ms. Flaherty reviewed her letter for the Board. She stated that she would like to see some low lying landscaping under the sign. Ms. Pellegrini replied that the plan did include a landscaping plan. Mr. Kozak stated that the ordinance allows for the sign to be used by the Township in the event of an emergency. Mr. Marmero stated that they are not permitted to do any off-site advertising on the sign with the exception of public information. Mr. Marmero asked Mr. Bolopue if they were okay with the requirement that sign may be used in the case of a public emergency. Mr. Bolopue stated that he didn't see a problem with that requirement however he is unsure of who will have access to change the messaging on the sign. Mr. Heffner asked if the County would have any say about the sign since it's on the County road. Ms. Pellegrini replied that she didn't think so since its on private property and not in the County right-of-way.

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

**Public Hearings: (continued)**

3. #16-18 – First United Methodist Church (continued)

Mr. Marmero stated that the motion will include the use variance for the sign as well as the variance for the clearance. Any approval will be conditioned upon the applicant not using any other signage on the property and the agreement that the sign may be used for public and/or emergency information by the Township as well as the landscaping required under the sign. Motion by Mr. Fritz, seconded by Mr. Kozak to grant the use variance and clearance variance with the conditions stated on the record. Roll call vote: Ayes – Mr. Fritz, Mr. Kozak, Mr. Carney, Ms. Hui, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero. Mr. Bolopue commented that it was the first time he had to deal with the Zoning Office and he appreciated the positive experience in working with Rosemary and the clerks in the office.

4. #1843 & #465-SP – Redgill, LLC – Minor Subdivision/Preliminary & Final Major Site Plan

Present – Robert Mintz, applicant’s attorney, Bill Ralston, applicant’s engineer, Tiffany CuvIELLO, applicant’s planner, John Petrongolo, applicant, Ken Pizzo, developer, Vic Barr, architect, Dave Horner, traffic engineer.

Member’s packets contained: 1. Report dated February 8, 2016 prepared by Martin Sander. 2. Report dated March 29, 2016 prepared by Martin Sander. 3. Report dated April 1, 2016 prepared by Martin Sander. 4. Report dated March 11, 2016 prepared by Pam Pellegrini. 5. Response letter dated March 30, 2016 prepared by Bill Ralston, CES. 6. A copy of the applicant’s minor subdivision plan and preliminary and final major site plan.

The applicant is seeking minor subdivision approval as well as preliminary and final site plan approval in order to construct 326 multi-family residential dwelling units consisting of fourteen two-story buildings and four three story buildings. The applicant proposes six townhouse style apartment buildings with sixty-six units and twelve apartment style buildings with a total of 260 units. The property is located between the Black Horse Pike and Prosser Avenue, known as Block 101, Lots 2 and 53 in the Business Park, Commercial, and Residential Zoning Districts.

Mr. Mintz introduced himself as the applicant’s attorney. He stated that he wanted to address some completeness issues listed in Mr. Sander’s report. The first is the Environmental Assessment with regard to the required statement and the indemnification. The reason it was not submitted with the application at this time is that the project is being presented by the landowner; however Mr. Pizzo will be the developer of the land subject to the Board’s approval of the plan. The statement and indemnification will be given by Mr. Pizzo at a future date.

Mr. Pizzo, Mr. Ralston, Ms. CuvIELLO, and Mr. Barr were sworn in by Mr. Marmero. Mr. Pizzo testified that he will sign off on the Environmental Assessment statement and indemnification when once he acquires the property from the Petrongolo’s.

**Public Hearings: (continued)**

4. #1843 & #465-SP – Redgil, LLC (continued)

The other outstanding issue for completeness concerns providing the topographic contours extending 200 feet beyond the property lines. The applicant is requesting a waiver of this requirement since the contours have been provided with the previous development. The minor subdivision involves the remainder portion of Lot 2 which contains approximately thirty-nine plus acres; approximately twenty-five acres will be utilized by the proposed residential project with approximately thirteen plus acres being reserved for future commercial use. The Petrongolo's will retain ownership of the remainder portion of Lot 2. Mr. Sander replied that he is okay with the waivers provided the outstanding issue regarding the Environmental Assessment is submitted by Mr. Pizzo. Motion by Mr. Salvadori, seconded by Mr. Fritz to grant the waivers and deem application #465-SP complete. Voice vote; all ayes, motion passed. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #1843 complete. Voice vote; all ayes, motion passed.

Mr. Mercado informed Mr. McLaughlin that he was recusing himself from voting on the application due to a professional conflict. Mr. Mintz stated that the parcel is approximately thirty-nine acres in size and at one time was zoned for residential use. With regard to the connection to Prosser Avenue, Lot 53, which will be consolidated with Lot 2, will not have an active function other than to contain stormwater management basins and an emergency access. After the use variance hearing the applicant's met with the town and the professionals and it was suggested that the town did want to see an emergency access through Prosser Avenue. The main access to the site will be from Berlin Cross Keys Road and an extension of Falcon Way as well as an interconnection with the existing development out to Berlin Cross Keys Road. It was also agreed that an interconnection will be provided through the remainder of Lot 2 when that lot is developed commercially which will allow for an internal bypass that will be gated for the residents of the complex to access the site from the Black Horse Pike without having to use the Berlin Cross Keys Road access. A lot frontage/width variance is required for Lot 53 where one hundred feet is required and it is proposed at eighty-eight feet.

The use variance that was granted allowed the density at 12.81 units per acre as well as the use of Lot 53 for the basin area. The proposed development has a density of 12.60 units per acre and conforms to the approved use variance. All of the units proposed for the site are two bedroom units. The townhouse style units are located along the property line of Prosser Avenue in the two story buildings. With regard to COAH, the units are mandated at 11.11 %; some of them are three bedroom. Some of the COAH units will be located in this project but some will also be located in the existing Barclay Glen development where there are units available.

**Public Hearings: (continued)**

4. #1843 & #465-SP – Redgil, LLC (continued)

One of the buildings will have a reserved area for a satellite community facility with workout space and similar functions of the main community center; however the residents of this development will have use of the main community center and swimming pool as well. The applicant is requesting to have an identification sign just prior to the entrance to the site on Falcon Way to indicate the development as Barclay Glen South. Because that sign is considered an off-site sign a variance will be required. The plan proposes four three story buildings which are placed strategically around the site so they will have minimal impact on the surrounding residents. Those buildings are slightly higher than the required height requirement of thirty-five feet and will require a height variance.

Mr. Ralston reviewed the plan for the Board. He pointed out the location of the two story buildings as well as the three story buildings which are located along the perimeter of the BP Zone. The lot lines had to be adjusted slightly due to the emergency access road. The numbers will be corrected on the minor subdivision plan and the revised site plan. They exceed the fifty percent requirement for open space as the plan proposes just over fifty-one percent. With regard to parking, they meet the requirements of RSIS. The sidewalks, drive aisles, and parking all comply with RSIS with the sidewalks being six feet wide and the drive aisles being twenty-four feet wide. They are not proposing any sidewalk along Prosser Avenue. The emergency access road is twenty feet wide and is basically gravel with topsoil and seed on top so it will not appear to be an access road. The plan currently shows break away bollards at the emergency access however the town would prefer to have a gate and lockbox which is acceptable to the applicant. The site will be serviced by public water and sewer which already exists in the adjacent development and will loop around into this development. There is a total of five stormwater management infiltration basins that all meet the ordinance and the NJDEP Best Management Practices. None of the basins are designed to hold water and the applicant will submit a maintenance plan. They will be adding some more street trees and other plantings throughout some of the open space. With regard to lighting they have tried to provide a half foot candle which is generally the criteria they like to use where there are parking areas and people walking around the buildings. They have submitted plans to the County and the minor subdivision has been approved by the County. They do have other approvals to obtain from MMUA, Soil Erosion, and the State. The applicant is requesting a reduction in the required twenty-five foot perimeter buffer except along the perimeter adjacent to the Prosser Avenue residences where they have thirty-five feet. The proposed walkway will connect at two locations to the sidewalk in the Barclay Glen development. There is a variance required for the buffer along the left side of the basins on Lot 53 where the applicant is proposing a twelve and a half foot buffer instead of the required twenty-five feet.

**Public Hearings: (continued)**

4. #1843 & #465-SP – Redgil, LLC (continued)

Variations are required for the setbacks of the building walls to the perimeter lot lines where fifty feet is required and the applicant is proposing thirty-five feet and twenty-five feet. Mr. Kozak inquired about the clubhouse in this development and if it will be the same size as the existing one in Barclay Glen. Mr. Mintz replied that Mr. Pizzo will speak to the clubhouse issue; however it will not be a separate building, it will be designated space in one of the apartment buildings. It will contain some workout equipment, community activity space, and storage with the overall square footage being 12,500 square feet but the majority of that will be storage for the residents if needed. All three apartment complexes will be able to use the existing swimming pool. Mr. Mintz stated that Mr. Horner arrived and has not been sworn in; he is the applicant's traffic engineer.

Mr. Horner was sworn in by Mr. Marmero. Mr. Horner reviewed his Traffic Impact Study for the Board. He stated that they looked at the a.m. and p.m. peak hours to determine the impact on the surrounding roadways. Access is already in place with a signalized intersection and an un-signalized access road that has a connection for access from the proposed development. There really will not be a significant change or any issues with handling the additional traffic. There is no vehicular access to Prosser Avenue so there will not be any impact on that roadway. Mr. Mintz commented that Berlin Cross Keys Road is a County road and they will have to give their approval as well. The County reports will be submitted to the Board's professionals. Mr. Heffner expressed his concern with the materials being used for the emergency access road. Mr. Ralston stated they are proposing compacted subgrade, three inches of soil, and seed. Mr. Heffner replied that if there's an emergency and it's raining he will not be able to get the fire truck back there because it will get stuck. Ms. Pellegrini suggested grass pavers on top of the crushed gravel. Mr. Mintz stated that they will work with the Board's professionals on the materials for the emergency access road.

Mr. Petrongolo testified that they will retain ownership of the remainder of Lot 2 and that they also own two other lots along the Black Horse Pike. Ms. Cuviallo introduced herself as the applicant's planner. She stated that this site is being developed comprehensively with the units up front so it will all be under the same ownership with common shared facilities. The applicant is requesting several variations; the first is the height variance for the four three story buildings. Two of the three story buildings back up to the commercial lot and two back up to the existing farm lot. Those four buildings will have a height of up to forty-two feet where thirty-five feet is the maximum allowed. The buildings are basically the same design as what is currently being constructed. Ms. Cuviallo displayed the architectural rendering of the three story buildings which was marked as Exhibit A-2. She also displayed the architectural renderings for the two story buildings marked as Exhibit A-3. She stated the three story buildings actually look like four stories but there are only decorative windows in vaulted areas with no usable space.

**Public Hearings: (continued)**

4. #1843 & #465-SP – Redgill, LLC (continued)

There are common stairways and elevators in the buildings. The other variances required are “c” variances; a lot frontage variance for the Prosser Avenue emergency access, variances for the setbacks of the buildings, which is similar to the setbacks in the Barclay Glen development. They are providing the required twenty-five foot buffer along the property line to the residences on Prosser Avenue. It will be a planted buffer with a variety of trees at eight to ten feet in height. The same plantings will be provided in the other buffer areas throughout the development. A walkway is being provided around the development and connects into the existing Barclay Glen development. Some sections of the walkway are in the buffer but not in the required planted area; however a waiver is still required. A waiver is required for the emergency access drive being within the required buffer area; they are still providing the plantings in that twenty foot buffer.

There is a variance required for the offsite identification sign and that is a “d” variance. Ms. CuvIELlo spoke to the special reasons why the variances should be granted and stated they are the same reasons as for the other two approvals for the Barclay Glen developments as an overall comprehensive design. The variances are minor in nature in terms of design and are integral to the way the site is laid out. There is no substantial detriment to the public good. The proposed development is a continued blending of residential uses. The benefits of the granting of the variances substantially outweigh the detriments.

Mr. Mintz displayed the architectural rendering of the rear view of the two story buildings. He stated that is the view the property owners might see who live on Prosser Avenue. Mr. Kozak stated that a resident who lives on Prosser Avenue had a concern about the basins because she has a developmentally disabled older child that has wandered over to the site in the past. He asked about fencing around the basins. Mr. Mintz stated the plans do not show fencing around the basins but they will defer to the Board. He also displayed an aerial photograph of the site which was marked as Exhibit A-5.

Mr. Pizzo testified that his company are the owners of the Barclay Glen development as well as the Barclay Glen North development which is currently being constructed. The total number of units for both developments is 276 and they are doing very well. They are now the contract purchaser of this property. With regard to COAH there are thirty-six or thirty-seven units required for this project. Mr. Pizzo stated that all of the COAH units required for Barclay Glen and Barclay Glen North developments are located in the Barclay Glen development and are dispersed in various buildings. He stated the required thirty-six or thirty-seven COAH units required for this project will be dispersed in this project as well as in the Barclay Glen development. The offsite sign will be owned and maintained by his company. They are hopeful they can locate the mailboxes in the lobby of each building but that will be determined by the post office.

**Public Hearings: (continued)**

4. #1843 & #465-SP – Redgill, LLC (continued)

With regard to trash collection, they are proposing trash compactors. There is a designated area that will require the residents to use their key fob to open the door and discard their trash. There are cameras that monitor who accesses that area. This prevents illegal dumping and keeps the area clean. There is a phone line hooked up that will automatically call the waste management company when the compactor is full. The satellite fitness center will be located in one of the buildings. The pool is usually open from July 4<sup>th</sup> weekend to Labor Day weekend; and they have designed that area with the intent to develop the rest of the property. The satellite fitness center will be approximately 3000 square feet and will contain exercise equipment. The site will be privately owned and the basins and roadways, etc. will be maintained by the owners.

Ms. Pellegrini commented that she needed some clarification regarding the COAH. She stated that she did not believe the thirty-six or thirty-seven COAH units were to be placed in any other location but this proposed development known as Barclay Glen South; however she will check with Mr. Kernan on the details of the conversations regarding COAH. Mr. Pizzo replied that he didn't think there was a preference as to which development they are placed in as long as there was a deed restriction on those units. Ms. Pellegrini stated that she does need to verify with Mr. Kernan exactly where the COAH units for this site are to be located.

Mr. Sander reviewed his report for the Board. He stated that Mr. Ralston did agree to address the comments in his report so he did not see the need to go through the report with each item. Mr. Ralston concurred with Mr. Sander. The applicant's engineer did provide revised stormwater drainage summaries in response to several issues. The summaries now show that the basins will empty within a seventy-two hour time limit as required; however the newly proposed stormwater drainage system is dependent upon NJDOT accepting the overflow runoff from the site. If NJDOT approval is not obtained, revised plans and revised stormwater management reports will be required for review and approval.

Ms. Pellegrini reviewed her report for the Board. She indicated she also received a response letter from Mr. Ralston which indicated they agreed to make the plan revisions she requested. She wanted to make the Board aware of the issues with stormwater management on this site. The four interior basins have infiltration issues and they need extra-large basins to handle the water runoff; they have to take material out and bring new material in because of poor infiltration on this site. Those basins being infiltration basins will have a sand bottom; however she asked them to take another look and determine if there is any way to revise the stormwater calculations to make them grass bottoms or bio-retention which will allow them to install plantings. She stated that she and Mr. Ralston have discussed the issue and Mr. Ralston agreed that he would look at it again. Ms. Pellegrini stated that the basins are small but very deep and they are right in the main area so she wants to make sure they are as attractive as possible.

**Public Hearings: (continued)**

4. #1843 & #465-SP – Redgill, LLC (continued)

Mr. Sander commented that the issue of fencing around the basins has to be decided by the Board. He stated that you can make an argument for and against fences around the basins. The basins will hold over two and half feet of water during a storm event but will drain within ten and half hours. Mr. Fritz stated that he did not believe fencing should be installed around the basins but suggested plantings around the basins. Ms. Pellegrini stated that she is asking for more landscaping around the basins in her report. Ms. Capate inquired as to the parking space sizes. Mr. Sander replied that they are requesting the parking spaces to be 9 x 18 which complies with the RSIS. She also asked if the other developments are in compliance with COAH. Ms. Pellegrini stated that that are in compliance. Mr. Fritz stated that the reduced sized parking spaces make the parking restrictive and asked if there are areas where the spaces can be 10 x 20 for larger vehicles. Mr. Pizzo stated that there are some areas where they can increase the parking sizes but people are going to park in front of their buildings or units regardless of the size of the parking space and their vehicle. Mr. Mintz stated that they will look at that issue and work with the professionals. Ms. Pellegrini stated that it hard to monitor where people will park within the development if you have larger spaces in certain sections. Mr. Fritz stated that the spaces can be labeled. Ms. Capate asked if the applicant will be paying the fee in lieu of providing sidewalk on Prosser Avenue. Ms. Pellegrini commented that a waiver of the sidewalk in front of Prosser Avenue will require the applicant to make the sidewalk contribution.

Motion passed to open the hearing to the public.

1. Mike Allen, 333 Prosser Avenue, was sworn in by Mr. Marmero. Mr. Allen stated that even though most of the homes on Prosser Avenue are located closer to Prosser Avenue and they have deep lots they will still be able to see these proposed two and three story buildings as he can currently see very clearly the buildings that are being constructed at Barclay Glen North. This development will bring the buildings even closer to their properties. The residents in those buildings will have balconies which will allow them full view of the homes and properties on Prosser Avenue. He asked where the privacy is for the residents on Prosser Avenue. The trees they are proposing to install are not large enough to block the view. He also commented on the residents wanting the basin on Prosser Avenue to remain in a natural state. He stated that he pays a lot of taxes and it's not fair for him and his family as well as the other families on Prosser Avenue with regard to their privacy when outside in their backyards.

Motion passed to close the hearing to the public.

**Public Hearings: (continued)**

4. #1843 & #465-SP – Redgill, LLC (continued)

Mr. Mintz stated that because the property is zoned BP it could be developed as an industrial or other non-residential use which would be more intensive than what they are proposing. There will no impact on Prosser Avenue with regard to the traffic from the proposed development.

Mr. Marmero stated that the applicant is seeking both minor subdivision and preliminary and final major site plan approval; however the Board can grant preliminary approval only at this time for the site plan if they want to see the revised plans for issues that were discussed. He reviewed the variances and waivers required for the site plan application. The two “d” variances required for the height of the buildings and the offsite signage will require five affirmative votes so those variances will be voted on separately from the “c” variances. Mr. Carney asked if the applicant is going to provide fencing along the property line with the residences on Prosser Avenue. Ms. Pellegrini replied that the applicant is not proposing any fencing along that property line.

Motion by Mr. Salvadori, seconded by Mr. Carney to approve the “d” variances for the building height and the offsite sign. Roll call vote: Ayes – Mr. Salvadori, Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Ms. Capate, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Motion by Mr. Kozak, seconded by Ms. Hui to approve the minor subdivision. Roll call vote: Ayes – Mr. Kozak, Ms. Hui, Mr. Carney, Mr. Fritz, Mr. Salvadori, Ms. Capate, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Mr. Marmero stated that the applicant agreed to work with the Board’s professionals with regard to the materials used for the emergency access road, the applicant agreed to work with the Board’s professionals to possibly provide 10 x 20 parking spaces, the applicant also agreed to pay the in lieu fee for sidewalk along Prosser Avenue, the applicant agreed that they will not use Prosser Avenue for construction traffic, Mr. Sander asked that the NJDOT approval for the excess stormwater runoff be specifically noted in the resolution. There was discussion on the location of the required COAH units with Ms. Pellegrini noting that all of the units generated from the Barclay Glen and the Barclay Glen North developments are located in the Barclay Glen development. She stated that she did not think the town wanted them all concentrated in the same location. Ms. Farrell replied that there weren’t any discussions she is aware of as to where the units would be located but only on the percentage required. Mr. Pizzo stated that he has extra COAH units in the Barclay Glen development and he would like to utilize those. They built for forty-three units because that was the original approval so they have approximately twelve units left in the Barclay Glen development. The remainder of the COAH units will be located in this development, Barclay Glen South. Mr. Pizzo agreed that up to twelve of the thirty-six or thirty-seven required COAH units will be located in the Barclay Glen development and the rest will be in the Barclay Glen South development.

**Public Hearings: (continued)**

4. #1843 & #465-SP – Redgill, LLC (continued)

Ms. Farrell commented that the applicant also agreed to provide a \$500.00 per market rate unit to the Township Parks and Recreation fund. Mr. Pizzo agreed that he would provide the \$500.00 per market rate unit. Motion by Mr. Fritz, seconded by Ms. Hui to grant preliminary approval subject to the conditions agreed to and stated on the record and no fencing around the basins. Roll call vote: Ayes – Mr. Fritz, Ms. Hui, Mr. Carney, Mr. Kozak, Mr. Salvadori, Ms. Capate, 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. Ms. Farrell commented that the next meeting is May 3, 2016 and reminded the Board to make the change for the June meeting from June 7<sup>th</sup> to June 21<sup>st</sup>.

**Approval of Minutes:**

1. 3/15/16 regular meeting.

Motion by Mr. Fritz, seconded by Ms. Capate to approve the minutes from the March 15, 2016 regular meeting. Voice vote; all ayes, motion passed.

2. 4/5/16 regular meeting.

Motion by Mr. Mercado, seconded by Mr. Fritz to approve the minutes from the April 5, 2016 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 10:10 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