

**Call to Order:**

The meeting was called to order at 7:00 p.m. by Vice Chairman Salvadori who read the following statement: “Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. This notice was sent in writing to the South Jersey Times on January 8, 2016. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk.”

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #16-31 – App. #16-23 – Jeff Reitz – Lot Area, Buffer/Rear Yard Variances Approved

Motion by Mr. Fritz, seconded by Mr. Carney to adopt resolution #16-31. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Mr. Kozak, Mr. Mercado, Ms. Capate, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #16-31 – App. #16-09 – Michael Markman – Use Variance Approved

Motion by Mr. Carney, seconded by Ms. Capate to adopt resolution #16-32. Roll call vote: Ayes – Mr. Carney, Ms. Capate, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

3. #16-33 – App. #WSP-40-16 – Michael Markman – Site Plan Waiver Approved

Motion by Mr. Carney, seconded by Ms. Capate to adopt resolution #16-33. Roll call vote: Ayes – Mr. Carney, Ms. Capate, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

4. #16-35 – App. #1713 Hovbros Stirling Glen, LLC – Basin Modification Approved

Motion by Mr. Fritz, seconded by Mr. Carney to adopt resolution #16-35. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Mr. Kozak, Mr. Mercado, Ms. Capate, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

**Public Hearings:**

1. #16-25 & #WSP-44-16 – Tajas Chaparral, LLC – Certificate of Nonconformity/SP Waiver

Present – Len Schwartz, applicant’s attorney, Paul Price, applicant, Phyllis Fryer, property owner, Cindy Fryer, property owner.

Member’s packets contained: 1. A copy of the applicant’s Certificate of Nonconformity application. 2. A copy of the applicant’s site plan waiver application. 3. Letter and photographs dated June 27, 2016 prepared by Rosemary Flaherty, Zoning Officer.

Mr. Price and Mrs. Fryer were sworn in by Mr. Marmero. Mr. Schwartz introduced himself as the applicant’s attorney. Mr. Marmero stated that the property is owned by the Fryer Family Trust of which two members are present this evening. There isn’t a checklist for completeness for a Certificate of Nonconformity; however the applicant is requesting a waiver from the property taxes being paid to date until the property is sold to the applicant. The Board voted to approve the waiver from the requirement that the property taxes are paid to date and the application was deemed complete. Mr. Marmero explained to the Board the legal standard for granting a Certificate of Nonconformity and explained the burden of the applicant.

Mr. Schwartz stated that the applicant is asking for a Certificate of Nonconformity as the property has been used as an auto repair business and a residence since 1969 up until the death of Mr. Fryer. Minutes from 1969 were provided which referenced legal approval of the auto repair use on the property. The property owners have been actively trying to sell the property since that time as an auto repair facility. The applicant is requesting to have the use protected so he can utilize the facility for storage of historic fire rescue vehicles as well as being able to make minor repairs to these vehicles. The property is located in the Pinelands and the Pinelands has stated the applicant will not need a new Certificate of Filing if a Certificate of Nonconformity is granted by the Township.

Mrs. Fryer testified that her husband owned and operated the auto repair facility since 1969 until his death a few years ago. All of the repair facility equipment has remained intact since that time and she has tried to sell the business. No act has ever been taken to abandon the use. There have always been many vehicles stored on the site as well as trailers. Mr. Schwartz commented that the current RG-MR Zone did not come into effect in that area until 1978 and the zoning ordinance did not take effect until 1982; therefore the use existed legally before the ordinance changes and those are the reasons for the applicant to seek the Certificate of Nonconformity.

Mr. Price testified as to the proposed use to store historic fire rescue vehicles on the site and on occasion make minor repairs to those vehicles. No commercial repair work will be done on the site. He submitted photographs of the historic vehicles that were marked as Exhibit A-1.

**Public Hearings: (continued)**

1. #16-25 & #WSP-44-16 – Tajas Chaparral, LLC (continued)

Mr. Price testified that there are no plans to make any changes to the property with the exception of removing some of the existing vehicles. Ms. Farrell testified that she used to live next door to this property and that the property often housed 25 to 30 vehicles at one time for repair. There was some discussion as to the limits of the proposed use of storage of the historic vehicles with the applicant agreeing with many of the conditions imposed by the Board. Mr. Price agreed that there will not be a paint booth on the property. He agreed to provide a privacy fence to screen the use from the adjacent property owner. The business sign will be removed from the corner of Fryer's Lane. No more than four historic vehicles will be stored outside the existing buildings. They will be stored behind the existing main building depicted on the plan. Mr. Price agreed that no more than fourteen historic vehicles will be stored on the property. Utility trailers will be stored on the property and is limited to four which will be stored behind the main building. No vehicles will be parked on the street and no public events will be held on the property. Mr. Price also agreed to clean up the trash and debris on the property, to power wash the existing home, and to allow the neighbors to use the parking lot for overflow cars if they have a family events/parties and to allow the Township trash trucks to turn around.

Ms. Flaherty reviewed her letter for the Board. She asked the applicant to provide testimony as to any subleasing of the buildings to other businesses. Mr. Price stated he will not be subleasing to any other business. She asked that the debris around the buildings be cleaned up and that the buildings be maintained as a condition of approval. The property is serviced by a private septic system and testimony should be given if the applicant plans to hook up to public sewer if it's in the area. Mr. Price stated that there isn't public sewer in the area. Ms. Flaherty recommended a full site plan be submitted rather than a site plan waiver.

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

Mr. Marmero reviewed the requests by the applicant for the Certificate of Nonconformity and the site plan waiver. He also reviewed all the conditions of approval imposed by the Board.

Motion by Mr. Carney, seconded by Ms. Capate to grant the Certificate of Nonconformity based on the testimony given and records provided. Roll call vote: Ayes – Mr. Carney, Ms. Capate, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

**Public Hearings: (continued)**

1. #16-25 & #WSP-44-16 – Tajas Chaparral, LLC (continued)

Motion by Mr. Carney, seconded by Mr. Mercado to grant the site plan waiver with all the conditions stated and agreed to by the applicant. Roll call vote: Ayes – Mr. Carney, Mr. Mercado, Ms. Hui, Mr. Kozak, Ms. Capate, Mr. Salvadori. Nays – Mr. Fritz. Abstentions – Zero. 6 ayes, 1 nay, motion passed.

**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 9:00 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 Orbachewski  
Clerk Transcriber