

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, separate notice for this evening’s public hearing was sent in writing to the South Jersey Times on July 15, 2016.

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. Heffner, (excused). Also present – Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Sander, Engineer.

Memorialization of Resolutions:

1. #16-34 – App. #16-01 – Robert Sforza – Use Variance Denied

Motion by Mr. Salvadori, seconded by Mr. Manfredi to adopt resolution #16-34. Roll call vote: Ayes – Mr. Manfredi, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #16-36 – App. #16-25 – Tajas Chaparral, LLC – Certificate of Nonconformity Approved

Motion by Mr. Kozak, seconded by Mr. Salvadori to adopt resolution #16-36. Roll call vote: Ayes – Mr. Kozak, Mr. Salvadori, Mr. Fritz, Ms. Hui, Mr. Mercado. Nays – Zero. Abstentions – Zero.

3. #16-37 – App. #WSP-44-16 – Tajas Chaparral, LLC – Site Plan Waiver Approved

Motion by Mr. Salvadori, seconded by Mr. Mercado to adopt resolution #16-37. Roll call vote: Ayes – Mr. Salvadori, Mr. Mercado, Ms. Hui, Mr. Kozak. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #16-24 – Life Church of Williamstown – Use Variance

Present – Pastor Jaime Morgan, applicant.

Member’s packets contained: 1. A copy of the applicant’s use variance application and photographs depicting the proposed new LED changeable copy sign and the old sign. 2. Report dated July 22, 2016 prepared by Pam Pellegrini. 3. Letter dated July 27, 2016 prepared by Rosemary Flaherty.

Public Hearings: (continued)

1. #16-24 – Life Church (continued)

The applicant is requesting a use variance in order to be allowed to replace their existing monument sign with a LED changeable copy sign. The property is located at 1509 N. Main Street, also known as Block 14501, Lot 32 in the R-2 Zoning District.

Ms. Morgan was sworn in by Mr. Marmero. Mr. McLaughlin asked if the application can be deemed complete. Mrs. Farrell replied that the applicant is requesting a waiver of the filing fee since they are a non-profit and they did not provide a certified survey; however they did provide a detailed description of the property if the Board is amenable to accept that in lieu of the survey. Motion by Mr. Salvadori, seconded by Mr. Fritz to grant the waiver of the filing fee. Roll call vote: Ayes – Mr. Salvadori, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero. Motion by Mr. Fritz, seconded by Mr. Salvadori to waive the certified survey and deem application #16-24 complete. Roll call vote: Ayes – Mr. Fritz, Mr. Salvadori, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Ms. Morgan stated that they would like to replace their existing monument sign with an LED sign. The sign will remain in the same location and be the same size with the exception of the height which will be one foot higher. Ms. Pellegrini reviewed her report for the Board. The proposed sign is in conformance with regard to area. The proposed clearance is only three and half feet which is similar to the existing sign; that clearance is nonconforming and a variance is required. There are several specific standards that must be adhered to regarding the LED sign such as dimming controls, time of display, etc. The sign company must be sure the sign complies with those standards. The applicant must submit the detailed plan for the sign when submitting for their zoning permit. The increase in height of one foot complies with the requirements. Ms. Pellegrini suggested the sign area include the address of the property. Mr. Kozak inquired as to the variance needed for the clearance underneath the sign. Ms. Pellegrini stated that since the sign sits back and is not in the sight triangle the clearance underneath is not an issue.

Ms. Morgan provided the sign detail to Ms. Pellegrini. She stated that the actual height of the sign proposed is seven feet six inches. Ms. Pellegrini replied that the sign is 4 x 8 instead of a 5 x 8 sign with approximately half of the sign used as the changeable copy. There was some confusion as to which sign detail was the correct one. It was determined that they would use the one that is 5 x 8 and reviewed by Ms. Pellegrini.

Ms. Flaherty reviewed her letter for the Board. She stated that Ms. Pellegrini covered most of the issues. The property is on a County road and a letter of no interest should be provided. The banners should be removed from the property. Ms. Morgan stated they were removed today.

Public Hearings: (continued)

1. #16-24 – Life Church (continued)

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 request for the Board. A variance is required for the clearance under the sign. The applicant must comply with the ordinance standards for LED signs, the applicant should consider adding the property address at the top of the sign, and the applicant must provide a letter of no interest from the County. Motion by Mr. Salvadori, seconded by Mr. Kozak to grant the use variance and the bottom clearance variance with the conditions stated above. Roll call vote: Ayes – Mr. Salvadori, Mr. Kozak, Mr. Fritz, Ms. Hui, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #16-26 – Harold Paul Kanady – Use Variance

Present – Harold Paul Kanady, applicant, John Makowski, applicant’s attorney.

Member’s packets contained: 1. A copy of the applicant’s use variance application. 2. Report dated July 26, 2016 prepared by Pam Pellegrini. 3. Letter and photographs dated July 27, 2016 prepared by Rosemary Flaherty.

The applicant is requesting a use variance to utilize his property for the storage and parking of commercial trucks and equipment as well as storage of bulk materials. The property is located at 1711 Glassboro Road, also known as Block 15202, Lot 10 in the Commercial/Business Park Zones.

Mr. Makowski introduced himself as the applicant’s attorney. Mr. Kanady was sworn in by Mr. Marmero. Mr. McLaughlin asked if the application can be deemed complete. Mrs. Farrell replied that the applicant did not provide a certified survey however he did provide a minor subdivision plan that was submitted in 2009. The minor subdivision plan does contain a survey but not a recent survey. He felt it would be sufficient since the Board is only dealing with the use variance at this time. Mr. Marmero commented that it will be up to the Board to determine if they have enough information before them to make a decision without the certified survey.

Ms. Pellegrini stated that the minor subdivision plan does give some information with regard to the location of the house but it does not give any information as to the extent of the back area where the vehicles are being stored. In addition there isn’t enough information to determine the number of vehicles and if there is enough area for the storage of those vehicles. Without a current certified survey showing the existing conditions it makes it very difficult to assess the “D (3)” variance.

Public Hearings: (continued)

2. #16-26 – Harold Paul Kanady (continued)

Ms. Flaherty commented on her letter; she stated that the property is located in the Commercial and Business Park Zone and the commercial use is conforming. She wanted to hear testimony with regard to how the residential use and the commercial use mesh. Mr. Kanady testified that the residential home is rented and is registered in the Township. There is a row of trees that separates the home from the vehicle storage area. He has never had any complaints from the tenants with regard to the commercial use on the property. Mr. Marmero stated that he didn't want to get too far into testimony without first addressing the issue of the survey. Mr. Makowski replied that Mr. Kanady can testify to the number of vehicles on the site and that they come and go but at the maximum he has twenty-five vehicles which are parked on a stone bed. He only keeps a pile of sand on the site in case of an oil spill and that was a stipulation by the EPA. No repairs are done to the vehicles on this site with the exception of minor maintenance such as checking the oil, tire changes, etc.

Ms. Pellegrini stated that the applicant has been before the Board before with the same type of use variance for another property so he is aware of the information that is required. She stated that if the Zoning Officer doesn't feel this use is necessarily a vehicle storage yard use then the conditional use variances would not apply. Ms. Flaherty stated that she did not know if the business is a rental business or what type of business it is. When she visited the site early in the morning cars were pulling in to pick up the trucks and then leaving with the trucks and she didn't know if they were independent contractors. She stated that it looks more like a business is being run from the site than just a vehicle storage yard. Ms. Pellegrini commented that there is confusion as to all the different properties Mr. Kanady owns and where he actually runs his business and what types of businesses is he operating on what site. Clarification is needed to know if he is operating a business from the site or if it's just a vehicle storage yard. Mr. Mercado inquired as to the type of materials being stored on the site. Mr. Kanady replied that he stores some gravel, sand, and stone; he does not store any type of chemicals or toxic materials. He only keeps it there if he needs it for any type of emergency. Ms. Pellegrini asked where Mr. Kanady operates his business. Mr. Kanady replied that he operates his business, his office, at 1887 York Avenue. The guys are given instruction from the office on York Avenue then they go to this property and pick up the trucks and take them to the work site. Mr. Makowski stated that this property is run the same way as the 1821 Glassboro Road property is operated. Nothing is different; there is a residential use and the vehicle storage where the workers go and pick up the trucks from that site. Ms. Flaherty stated that she doesn't think this is just a vehicle storage yard since independent contractors come there and pick up their trucks and leave from the site. Mr. Kanady replied that they are not independent contractors but his workers using his trucks. Ms. Flaherty stated she thinks that these sites are ancillary sites to the 1887 business. Ms. Pellegrini replied then the Board would just be dealing with the dual use rather than the conditional use.

Public Hearings: (continued)

2. #16-26 – Harold Paul Kanady (continued)

Mr. Marmero agreed and stated that the Board has to determine if the minor subdivision plan shows enough information for them to make a decision on just the dual use. Motion by Mr. Fritz, seconded by Mr. Mercado to deem the application incomplete. Roll call vote: Ayes – Mr. Fritz, Mr. Mercado, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Mr. Manfredi, Mr. Salvadori. 5 ayes, 2 nays, motion passed. Mr. Marmero stated that the application has been deemed incomplete until the applicant submits the certified survey.

The Board took a brief recess.

Final Major Site Plan for Board Action:

1. #465-SP – Redgil, LLC

Present – Bob Mintz, applicant’s attorney, Paul Witthohn, applicant’s engineer, Bill Ralston, applicant’s engineer, John Petrongolo, property owner.

Member’s packets contained: 1. Report dated July 22, 2016 prepared by Pam Pellegrini. 2. Report dated July 11, 2016 prepared by Marty Sander. 3. A copy of the applicant’s final major site plan.

The applicant is requesting an amended minor subdivision, an amended preliminary major site plan, and final major site plan approval to construct 326 multi-family residential units consisting of fourteen two-story buildings and four three-story buildings. ‘The proposed construction will be known as Barclay Glen South. The project also proposes to extend Falcon Way Boulevard from the adjacent mixed use development and an emergency access only on Prosser Avenue. The property is located on the Black Horse Pike and Prosser Avenue also known as Block 101, Lots 2 and 53 in the Business Park and Commercial Zoning Districts.

Mr. Mintz introduced himself as the applicant’s attorney. Mr. Witthohn, Mr. Ralston, and Mr. Petrongolo were sworn in by Mr. Marmero. Mr. Witthohn displayed the site plan for the Board which was marked as Exhibit A-1. He stated that the plan has the conformance changes and revisions. The plan does show a lot line adjustment for the subdivision from the previously approved subdivision in order to accommodate the emergency access road. With respect to the drainage the number of basins remains the same; however they have been slightly modified but it does not affect the site layout. Originally they had proposed to pipe some of the runoff through the commercial lot out to the NJDOT right-of-way however the NJDOT will not allow them to do that so they had to make some changes by replacing the soil in the basins as well as flattening and modifying them in order to store more of the water on their site. That allows for better percolation and drainage of the water runoff.

Final Major Site Plan: (continued)

1. #465-SP – Redgil, LLC (continued)

The drainage pipe that will run out to the Black Horse Pike will only be used for the emergency overflow. The basins as proposed today meet both the Township and NJDEP regulations. The NJDOT has agreed with the proposed changes but they have asked for some additional calculations. With regard to the surface of the emergency access roadway the applicant is proposing eight inches of stone; six inches of compacted stone and two inches of clean stone. The applicant is able to meet the twenty-five foot buffer between the rear property line and back of the resident properties on Prosser Avenue. The conformance plans do show an increase in the number of additional plantings to that buffer and they will continue to work with the Board's planner with regard to that buffer. The Board did ask the applicant to consider more 10 x 20 parking spaces and they are amenable to doing that and will work with Ms. Pellegrini on that issue. The developer's agreement will include all of the information with regard to the recreation contribution and the location of the COAH units. Some of the COAH units will be placed in the existing 204 unit Barclay Glen complex which results from an agreement with the town and the balance will be spread throughout this site. With regard to the previously agreed to sidewalk contribution in lieu of constructing sidewalk on Prosser Avenue Mr. Marmero stated that the town can no longer require a sidewalk contribution in lieu of constructing sidewalks. Mr. Mintz stated that they are aware it is not a requirement but they are making a voluntary contribution anyway.

Mr. Mintz stated that Mr. Sander's report contains comments concerning indemnification statements. The environmental consultant has signed the statement and they have submitted a copy to the office. With respect to the required applicant's signature Mr. Mintz asked if the Board can defer the signature of the indemnifications until the Pizzo's take possession of the property since they are the builders of the development. They understand that the plans will not be signed until the indemnifications are signed and submitted. Mr. Mintz stated that the applicant is in agreement with the both Mr. Sander's and Ms. Pellegrini's comments in their reports. The cross access easements will be submitted for review to Mr. Rocco, Mr. Kernan, and Mr. Jordan. Mr. Kozak asked if the emergency spillway leading out to the NJDOT drainage system has been approved by the NJDOT. Mr. Mintz stated they have approved it but they wanted the calculations. Mr. Marmero asked if the NJDOT will provide something in writing. Mr. Mintz stated they will and they will submit it to the Board.

Mr. Sander reviewed his report for the Board. He stated the indemnification issue has already been addressed. The stormwater management maintenance plan does not provide the identification of the responsible party and that must be shown on the plan. Mr. Mintz stated they will provide that on the plan, they will be using Barclay Glen South. The stormwater management report and maintenance plan need to be revised consistent with the proposed changes discussed and agreed to by the applicant.

Final Major Site Plan: (continued)

1. #465-SP – Redgil, LLC (continued)

Mr. Sander stated the plan set did not include the Plan of Survey & Topography or the Minor Subdivision Plan and both should be included in the revised plans. He commented that the modifications to the basin, Basin A will now be Basin A1 and Basin A2, technically it will be a split basin, may look like two basins, but it really it an interconnected split basin.

Ms. Pellegrini reviewed her report for the Board. As noted the minor subdivision was revised slightly to accommodate the emergency access drive. The applicant will be required to submit revised plans to reflect the changes. The applicant has agreed to revise the plans with regard to the rear property line buffer adjacent to the Prosser Avenue residential lots. The ordinance requires that half the buffer be planted; however the applicant has agreed to plant more than half to improve the buffer. The applicant has agreed to work with her office on the content of the buffer and those will be included in the revised plans. Approximately two percent of the parking spaces proposed were 10 x 20 spaces however the applicant has agreed to provide more 10 x 20 spaces in various locations on the site which will not adversely affect their plan since they have an overabundance of parking spaces. There is a total of thirty seven COAH units required and a maximum of twelve units will be located in the 204 unit Barclay Glen complex and the remainder are to be located on this site in various buildings. The exact location of the COAH units should be indicated on the plans. Mr. Salvadori commented on the buffer behind the residential lots on Prosser Avenue and stated he would like to see a fence across the property line. Ms. Pellegrini stated that she thought a fence was discussed at the preliminary and that the residents on Prosser Avenue did not want a fence because they wanted to see trees. Mr. Salvadori stated that he would like to see the fence in addition to the trees. Mr. Mintz stated that they have increased the buffer to the twenty-five feet and that the homes on Prosser Avenue are not located close to the property line.

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

Mr. Marmero stated that the applicant has amended the minor subdivision, the applicant is required to provide NJDOT approval of the emergency spillway; they are required to enter into a developer's agreement which will include all of the conditions of approval including COAH and the recreation contribution. The cross access easements will be submitted and the applicant will comply with all of the comments in both review letters as well as any conditions stated and agreed to this evening. Motion by Mr. Salvadori, seconded by Mr. Manfredi to grant amended minor subdivision approval and final major site plan approval with the conditions stated. Roll call vote: Ayes – Mr. Salvadori, Mr. Manfredi, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Mercado, 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. Multi-Modal Transportation Plan prepared by ARH

Mrs. Farrell stated that Mr. Rehman will be giving a presentation at Monday night's council meeting. Ms. Hui stated that the plan is supposed to consider all the needs of the community such as people with disabilities, low income, pedestrians, etc. and propose improvements in the town. The did provide a five year plan recommendation and spent a lot of time locating where sidewalks are needed, looking at bus routes and improvements to bus shelters. Mr. Mercado stated that there are a lot more roads in the Township that weren't addressed. There was further discussion on the plan and Mrs. Farrell stated that if anyone has any questions or concerns with the plan there will be a presentation at Monday night's council meeting.

Adjournment:

The meeting was adjourned at 8:22 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