

**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 copy was given to the Township Clerk. In addition, notice for this evenings public hearings was sent in writing to the South Jersey Times on October 4, 2016.”

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #16-43 – App. #16-28 – MCS Integrity Company, Inc. – Use Variance Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #16-43. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Mr. Kozak, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #16-44 – App. #WSP-51-16 – MCS Integrity Company, Inc. – Site Plan Waiver Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #16-44. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Mr. Kozak, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

3. #16-45 – App. #16-05 – ANB Leasing, LLC – 90 Day Extension Approved

Motion by Mr. Kozak, seconded by Mr. Fritz to adopt resolution #16-45. Roll call vote: Ayes – Mr. Kozak, Mr. Fritz, Mr. Carney, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearings:**

1. #16-29 – Ben Fiore – Height Variance

Present – Ben Fiore, applicant, James Castle, Castle Energy.

Member’s packets contained: 1. A copy of the applicant’s variance application. 2. Letter dated October 13, 2016 prepared by Rosemary Flaherty, Zoning Officer.

**Public Hearings: (continued)**

1. #16-29 – Ben Fiore (continued)

The applicant is requesting height variance of one foot for a ground mount solar array he is installing on his property. Where the maximum height is eight feet the applicant is requesting nine feet. He is also requesting a variance for the array being in the front yard. The property is located at 2628 Broadlane Road, also known as Block 4801, Lot 12 in the FD-10 Zoning District.

Mr. Fiore and Mr. Castle were sworn in by Mr. Marmero. Mr. Fiore stated he is before the Board to request a height variance for a ground mount solar array which is located in his front yard. Mr. McLaughlin asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that it can. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #16-29 complete. Voice vote; all ayes, motion passed. Mr. Castle stated that the layout of the solar array is in the member's packets. The ground mount solar array is well buffered from the neighbors and is approximately 150 feet from the road. The array will be five rows with five columns which will be nine feet in height. Mr. Marmero asked the reason the solar panels could not be mounted on the roof. Mr. Castle replied that it's because of the orientation of the house as well as them having to remove quite a few trees. He stated that the proposed array is very modest and that they are using a black panel which makes it even less visible. Mr. Mercado asked if the pitch of the panels could be adjusted so that they wouldn't need the height variance. Mr. Castle stated that they could do that if absolutely necessary but the applicant would not receive the maximum energy benefit from the system. Ms. Pellegrini commented that the Board has passed variances for the nine foot height in the past. Mr. Marmero commented that the Zoning Officer's letter indicates there is a blue storage container on the property. Mr. Fiore replied that the blue storage container is on the neighbor's property across the street not on his property.

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 variance requests for the Board stating that the motion will be for the ground array to be located in the front yard and for the height of nine feet where eight feet is the maximum height permitted under the ordinance. Motion by Mr. Salvadori, seconded by Ms. Hui to grant the two variances as discussed. Roll call vote: Ayes – Mr. Salvadori, Ms. Hui, Mr. Carney, Mr. Fritz, Mr. Kozak, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #16-30 – Bob & Kim Scimeca – Side Yard Variance

Present – Kim Scimeca, applicant.

Member's packets contained: A copy of the applicant's variance application. 2. Letter dated October 13, 2016 prepared by Rosemary Flaherty, Zoning Officer.

**Public Hearings: (continued)**

2. #16-30 – Bob & Kim Scimeca (continued)

The applicant is requesting a side yard variance of thirteen feet in order to be allowed to construct a pool house off the rear of the existing house. The property is located at 1830 Orchard Drive, also known as Block 15401, Lot 14.01 in the R-3 Zoning District.

Ms. Scimeca stated that they are requesting a side yard variance in order to construct an addition off the rear of their existing house. The addition will come off of the laundry room out the rear yard and be used as a pool house. They need a side yard variance of eleven feet where twenty-five feet is required and they are proposing fourteen feet. Mr. McLaughlin asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that it can. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #16-30 complete. Voice vote; all ayes, motion passed.

Mr. Carney inquired as to the comment in the application about the flooding in the basement. Ms. Scimeca stated that the last couple of big hurricanes caused them to get significant water in their yard and basement. They were originally going to use the basement for the pool house and entertaining but they don't want to put money into that area if it will get water damage. Mr. Kozak commented that it appears there are quite a few significant adult trees and arborvitaes on the side where they are proposing the addition. Ms. Scimeca agreed and stated that they are their trees and they will not be removed.

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

Mr. Marmero indicated that there is an existing nonconformity for the other side yard which can be included in the motion as well. Ms. Scimeca stated that they did receive a side yard variance when they built the house. Motion by Mr. Kozak, seconded by Mr. Fritz to grant the side yard variance for thirteen feet where twenty-five feet is required. Roll call vote: Ayes – Mr. Kozak, Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

3. #16-16 – Jozef Les – Use Variance

Present - Pawell Les, applicant's son, Jozef Les, applicant.

Member's packets contained: 1. A copy of the applicant's use variance application, photographs, and certified survey. 2. Report dated April 12, 2016 prepared by Pam Pellegrini. 3. Letter dated April 14, 2016 prepared by Rosemary Flaherty, Zoning Officer. 4. Letter dated October 17, 2016 prepared by Rosemary Flaherty, Zoning Officer.

**Public Hearings: (continued)**

3. #16-16 – Jozef Les (continued)

The applicant is requesting a use variance in order to be allowed the continued use of a commercial machine shop, known as Vector Precision, along with a residential use. No new construction is proposed. The property is located at 1158 Janvier Road, also known as Block 10701, Lot 3 in the Agricultural Zoning District.

Mr. McLaughlin asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that it can. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #16-16 complete. Voice vote; all ayes, motion passed. Mr. Les stated he is before the Board for a use variance for the machine shop business they have been operating since purchasing the property in 2007. There has been no expansion of the building only expansion inside with regard to having more equipment. The previous owner manufactured parts and also had a repair business. Mr. Les specializes in manufacturing parts only; there is no repair business at the site. There are no retail sales at the site so no customer parking is required. All materials are shipped out from the site by Fed Ex or UPS. Materials are delivered to the site approximately once a month by tractor trailer. They do not manufacture large parts, usually the parts are no larger than a car steering wheel; most are smaller. Right now there are five employees but it can vary between four and six depending on the amount of business. The hours of operation are Monday through Friday, 7:00 a.m. to 4:30 p.m. and 7:00 a.m. to 3:00 p.m. on Saturday. UPS accesses the site approximately twice a week. On occasion they do open the back doors in the machine shop with regard to any noise that may come from the shop but most of the time the doors are closed.

Mr. Carney inquired as to the barrels of recycling materials. Mr. Les stated that they do store the barrels in the back of the building. He usually sells the recyclables once or twice a year. The scrap companies are not interested in picking up a small amounts every week or every month. Mr. Salvadori asked how many storage barrels there are on the site. Mr. Les replied that there are approximately thirty barrels. The applicant did submit a business card with the name of the business that was marked as Exhibit A-1. Ms. Hui inquired as to how they get business. Mr. Les stated that they get business by referrals and word of mouth; they do not have a website. They only have between six and ten customers that they do work for at this time. Ms. Pellegrini asked if all the buildings with the exception of the single family home were existing when they purchased the property. Mr. Les replied that the building were all existing when they purchased the property. Ms. Pellegrini asked if the tractor trailer accesses the site for delivery or does it stay out on the road. Mr. Les stated that it accesses the site; it drives around the building to the loading dock, unloads and then it leaves the site. They may get a visit once a year from a customer, especially if it's a new customer, just so they can see the operation, but usually they do not have customers visit the site.

**Public Hearings: (continued)**

3. #16-16 – Jozef Les (continued)

Mr. Kozak asked how difficult it would be to sell the recyclable material weekly or monthly. Mr. Les replied that it is difficult depending on the type of material they are using at the time; they may be working with stainless steel and then some different materials so it's difficult to sell only a small amount of material on a weekly basis. If he had to get rid of the material on a monthly basis he probably could find someone to take it. Mr. Kozak inquired as to the mobile home on the property and if the applicant is going to remove it. Mr. Les stated that he will have the mobile home removed. It is not operable and has to be taken apart. There are several inoperable vehicles on the site as well and Mr. Les stated that they did have someone who was going to come and take them but it didn't work out because some of the cars do not have a title. One of the cars is his sister's car and the others belonged to friends of his fathers. Mr. Les stated he will get rid of the vehicles within thirty days. There was discussion on when the applicant can remove the mobile home. Mr. Les asked for sixty days to have the mobile home removed.

Ms. Pellegrini commented that since the applicant is requesting a use variance, if it is approved by the Board, the applicant should follow up with a minor site plan application. This way the Board can address the parking, layout, and screening issues. Ms. Pellegrini commented that there may be some environmental aspect to the site plan as well to address how any oil or other liquids used are disposed of by the applicant. Mr. Kozak also commented on the Township Public Works Department contacting Mr. Les on getting the receipts for the recycling he sells because the Township gets credit. Mr. Marmero inquired about the boats on the property. Mr. Les stated that they will be removed from the site as well.

Motion passed to open the hearing to the public.

1. Diane Walker-Elam, 1557 Janvier Road, was sworn in by Mr. Marmero. Ms. Walker-Elam stated that her mother's property is across the street from the Mr. Les' property. She commented that the front of the site is very well kept and was mainly concerned that Mr. Les was going to expand in the front of the site; however she realizes now that he is not and she is satisfied with the way the front of the property is maintained.

2. Bob Heffner commented that this is an illegal business and is not registered in the town. He asked if building has ever had a fire inspection from the town. Mr. Les stated that he did not think so. Ms. Pellegrini commented that many of the issues with the site can be addressed at site plan. She also commented that there is a hardship aspect as well because the business existed before Mr. Les purchased it and it has just been continuing.

Motion passed to close the hearing to the public.

**Public Hearings: (continued)**

3. #16-16 – Jozef Les (continued)

Ms. Farrell informed Mr. Les that if the use variance is approved, he must make an effort to submit the site plan in a timely manner. It will take a little time to get some response from the Pinelands but he has to move forward with contacting the Pinelands as soon as possible. Mr. Marmero reviewed the request and the conditions for the Board. Motion by Mr. Fritz, seconded by Mr. Carney to grant the use variances conditioned upon the applicant submitting a minor site plan, the applicant will have the contents of the barrels/bins removed monthly, the mobile home will be removed from the site within sixty days, the vehicles and boats will be removed from the site within thirty days, the applicant is required to submit a Phase I Environmental Site Assessment, and if needed a Certificate of Filing from the Pinelands Commission, submitting recycling receipts to the Township, and if approved a Certificate of Occupancy must be obtained. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Waiver Request:**

1. #09-02 – Christopher Fazzio – Use Variance

Member's packets contained: 1 Letter dated September 21, 2016 prepared by Christopher Fazzio.

Mr. Marmero referred to the most recent resolution dated May 17, 2016. Mr. Fazzio was granted the extension for storage of materials for eighteen months subject to certain conditions. The Zoning Officer is supposed to visit the property at least every three months and provide status reports to the Board. No additional items are permitted to be added to the site. If the Zoning Officer is not satisfied with the progress then the applicant must install the fence and landscaping. Within three months from the date of the resolution the applicant must provide a lease agreement, agreement of sale or some other evidence satisfactory to the Board's attorney which proves a commitment to relocate to the new location. If the applicant fails to produce this item then the applicant must install the fence and landscaping. The applicant's letter includes a deed owned for property owned by Pilgrim Industries who is essentially the applicant. Mrs. Farrell commented that the applicant was trying to purchase a different property as indicated at the last meeting; however that agreement did not work out so the applicant is now stating he will be moving the materials to the property indicated on the deed which is located in Glassboro. Mr. Fritz commented that he has not seen any movement of material in fact he has seen more stuff being added to the site. Mr. Salvadori stated that the Board should wait for the Zoning Officer's assessment as to whether or not the applicant has been removing material. After further discussion there was a motion to table. Motion by Mr. Salvadori, seconded by Mr. Carney to table the request to the next available meeting. Roll call vote: Ayes – Mr. Salvadori, Mr. Carney, Ms. Hui, Mr. McLaughlin. Nays – Mr. Fritz, Mr. Mercado. 4 ayes, 2 nays, motion passed.

**Extension Request:**

1. #15-06 – Matthew Pontano, Jr.

Member's packets contained: 1. Letter dated October 12, 2016 prepared by Frederick DeClement, applicant's attorney.

Mr. DeClement's letter indicated that he is still in discussions with the Pinelands as to whether or not Mr. Pontano is required to obtain a Certificate of Filing. He is requesting a ninety day extension for the use variance in order for him to resolve that issue. Mrs. Farrell stated that Mr. DeClement has been in contact with the Zoning Officer and she suggested he ask for the extension. Motion by Mr. Carney, seconded by Ms. Hui to grant the ninety day extension request. Roll call vote: Ayes – Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Salvadori, Mr. Mercado, Mr. McLaughlin. Nays – Mr. Fritz. 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. Mrs. Farrell commented that the next meeting is scheduled for November 1<sup>st</sup>.

**Approval of Minutes:**

1. 9/6/16 regular meeting.

Motion by Mr. Mercado, seconded by Mr. Fritz to approve the minutes from the September 6, 2016 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:18 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