

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. In addition, notice for this evening’s public hearings was sent in writing to the South Jersey Times on October 17, 2016.”

The Board saluted the flag.

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

Memorialization of Resolutions:

1. #16-46 – App. #16-29 – Ben Fiore – Use & Height Variance Approved.

Motion by Mr. Kozak, seconded by Mr. Fritz to adopt resolution #16-46. Roll call vote: Ayes – Mr. Kozak, Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #16-47 – App. #16-30 – Bob & Kim Scimeca – Side Yard Variance Approved.

Motion by Mr. Fritz, seconded by Mr. Mercado to adopt resolution #16-47. Roll call vote: Ayes – Mr. Fritz, Mr. Mercado, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

3. #16-48 – App. #16-16 – Jozef Les – Use Variance Approved.

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #16-48. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

4. #16-49 – App. #09-02 – Christopher Fazzio – Postponement Approved.

Motion by Mr. Carney, seconded by Ms. Hui to adopt resolution #16-49. Roll call vote: Ayes – Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

5. #16-50 – App. #15-06 – Matthew Pontano – Extension Request Approved.

Motion by Mr. Carney, seconded by Mr. Kozak to adopt resolution #16-50. Roll call vote: Mr. Carney, Mr. Kozak, Ms. Hui, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #16-31 – Ken Gillespie – Lot Area, Side Yard, & Buffer Variances.

Present – Ken Gillespie, applicant.

Member's packets contained: 1. A copy of the applicant's variance application with photographs and survey. 2. Report dated October 27, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is requesting a lot area variance, side yard variance, and buffer variance in order to be allowed to install a ground mount solar array in the rear of his property. The property is located at 560 Jones Road, also known as Block 2302, Lot 31.02 in the R-2 Zoning District.

Mr. Gillespie was sworn in by Mr. Marmero. He stated that he was before the Board requesting the variances in order to be allowed to have a ground mount solar array placed in his yard. He did not have enough room on his roof to place all of the solar panels necessary to achieve the maximum savings on his electric bill. Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that the application can be deemed complete. Motion by Mr. Fritz, seconded by Mr. Mercado to deem application #16-31 complete. Voice vote; all ayes, motion passed.

Mr. Fritz asked the height of the panels. Mr. Gillespie replied that the array will be eight feet in height. Ms. Flaherty reviewed her report for the Board. She stated that the rear of the property is fully buffered. The neighbor is here also this evening for the same request and there isn't a buffer between Mr. Gillespie's property and that neighbor. Mr. Gillespie does have a row of pine trees that buffer the property from the neighbor on the other side. Mr. Marmero reviewed the variances requested for the Board. Mr. Kozak commented that any future homeowner's of the properties would be aware of the solar array on this property so if they did not like the aesthetic of it they wouldn't buy the property. Mrs. Farrell asked Mr. Gillespie if he plans to provide any landscaping around the solar array. He replied he may plant some low lying plants and add some stone around the base of the solar array.

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

Motion by Mr. Carney, seconded by Mr. Kozak to grant the lot area and side yard variances as well as the waiver of the buffer requirement. Roll call vote: Ayes – Mr. Carney, Mr. Kozak, Mr. Fritz, Ms. Hui, Mr. Manfredi, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

2. #16-32 – Eric Dare – Lot Area, Side Yard, & Buffer Variances.

Present – Eric Dare, applicant.

Member's packets contained: 1. A copy of the applicant's variance application with photographs and survey. 2. Letter dated October 27, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is requesting a lot area variance, side yard variance, and buffer variance in order to be allowed to install a ground mount solar array in the rear of his property. The property is located at 570 Jones Road, also known as Block 2302, Lot 31.03 in the R-2 Zoning District.

Mr. Dare was sworn in by Mr. Marmero. Mr. Dare stated he is before the Board for the above noted variances in order to be allowed to install a ground mount solar array in his yard. Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that the application can be deemed complete. Motion by Mr. Fritz, seconded by Mr. Carney to deem application #16-32 complete. Voice vote; all ayes, motion passed. Mr. Dare stated that he had the option of putting the panels on his roof or the ground mount and he would rather do the ground mount because his house is twenty years old and he would have to replace his entire roof. His property is identical to Mr. Gillespie's property in size. The solar array will be located on the opposite side of the yard from Mr. Gillespie's. Mr. Dare stated that he still has a good ten years left on the shingles on his roof but it doesn't seem feasible to put the panels on the roof and then have to remove them in about ten years. Mr. Marmero asked if the height of the solar array is eight feet. Mr. Dare stated that it is eight feet in height.

Ms. Flaherty reviewed her report for the Board. She stated that this property is similar to the last property in that they are heavily buffered in the rear. This property would need the buffer waiver for both sides; however the neighbor was notified and they are not present so they obviously do not have any issues with the proposal. Ms. Flaherty stated she would recommend the buffer waiver since it mirrors the last application.

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 applicant's request for the Board. He stated that he is seeking a lot area variance, side yard variance, and a waiver of the buffer requirement. Motion by Mr. Fritz, seconded by Mr. Kozak to grant the lot area variance, side yard variance, and buffer waiver. Roll call vote: Ayes – Mr. Fritz, Mr. Kozak, Mr. Carney, Ms. Hui, Mr. Manfredi, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Waiver Request:

1. #09-02 – Christopher Fazio

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

The applicant is requesting a waiver of the condition imposed by the Board in June which stated that if the Zoning Officer is not satisfied with the progress at the property after three months in the removal of materials, the applicant will have to install fencing and landscaping to buffer the area from the roadway, as well as if the applicant does not provide a lease agreement or other evidence proving his commitment to move the materials to another property within three months. Mr. Fazio's letter included a copy of the deed for property he owns at 114 S. Delsea Drive in Glassboro and indicated he has moved materials already from the property on Glassboro Cross Keys Road and is on track to have all materials removed in accordance with the terms of his extension by December 21, 2017.

Mr. Marmero stated that this request was scheduled for the last hearing where the Board voted to postpone the matter so the applicant and the Zoning Officer could be present. He commented that the applicant is not present again this evening. Mrs. Farrell replied that the applicant was informed he did not need to be present this evening; however Ms. Flaherty is present. Ms. Flaherty stated that Mr. Fazio does own the property in Glassboro and he has started to bring some of the material over there from the Williamstown site. She stated that she thought the Board should just allow Mr. Fazio to keep moving forward with removing the materials. If the Township were to bring him into court at this point it will probably take until sometime next year for anything to get resolved. Ms. Flaherty stated that Mr. Fazio has always been a good neighbor to the town and she believes he does want to get his materials off of the Williamstown site.

Ms. Hui asked Ms. Flaherty to estimate the percentage of inventory that has been moved so far. Ms. Flaherty replied that approximately five to six percent of the materials have been removed. She will expect full compliance by December 2017 and if not she will take him to court. Mr. Fritz commented that there are new signs on the Washington Township side that indicate deliveries are to be made on the Williamstown property. Ms. Flaherty stated that no more deliveries are being made at the site. Mr. Fritz stated that he saw three trucks waiting there this morning when he drove by the property. Ms. Flaherty stated that there are no more deliveries being made at the site. Mr. Fritz stated his disagreement after seeing the three trucks there this morning loaded with materials and they were removing the tarps and undoing the straps ready to unload. Ms. Hui stated that the Board should ask Mr. Fazio to install the fence and landscaping since it's going to be another year before the material is completely removed from the site and it's an eyesore for the people in the area. Ms. Flaherty stated that it's completely at the Board's discretion how they wish to proceed with Mr. Fazio's request.

Waiver Request: (continued)

1. #09-02 - Christopher Fazzio (continued)

Ms. Hui suggested the Board require Mr. Fazzio to install the fencing and landscaping since he still has another year to remove all the materials. Mr. Salvadori asked why they should make Mr. Fazzio install the fencing and landscaping when he will be out of there by next year and a fence and landscaping will remain for no reason. Mr. Mercado stated that it was the Board's recommendation at the time that Mr. Fazzio install the fencing and landscaping. Mr. Salvadori replied that it is also apparent that Mr. Fazzio does own another property and that he is moving the materials to that site. Mr. Carney stated that the Board also left it up to the Zoning Officer to make periodic inspections of the site and her recommendation to the Board. If she feels Mr. Fazzio is making progress then there isn't any need for the fencing and landscaping. Mr. Carney asked Ms. Flaherty if she has received any complaints from any of the neighbors or property owners in the area. Ms. Flaherty replied that the office has not received any complaints. She also stated that it took Mr. Fazzio a little longer to start moving material because he was pursuing a different property to relocate the materials but that negotiation fell through.

Mr. Salvadori stated that Mr. Fazzio has been storing his materials on the site for many years and he didn't think it was reasonable to make him put a fence up now after all this time since he is starting to remove the materials to another site. Mr. Kozak asked Mr. Fritz if the trucks he saw this morning could have just been pulled over waiting to unload on the Washington Township side. Mr. Fritz replied that yes they could have been waiting to go to the Washington Township side; he did not see them unloading on the Williamstown site. Mr. Salvadori asked if the Board would consider a motion for the Zoning Officer to give a monthly report to the Board on the progress being made at the site. Motion by Mr. Carney to have the Zoning Officer submit a monthly report on Mr. Fazzio's progress in removing materials. Mrs. Farrell asked if they are just asking for the report or does that include granting the waiver request for the fencing and landscaping. Mr. Marmero stated that the Board could make the motion to approve or deny the waiver request with the monthly report. One of the other conditions also is that there be no further deliveries at the site. Mr. Carney reiterated his motion to approve the waiver request along with the conditions of the monthly report and no further deliveries. Ms. Hui seconded Mr. Carney's motion. Mrs. Farrell began the roll call; Mr. Carney voted aye, Ms. Hui voted aye, Mr. Fritz voted nay stating he wanted Mr. Fazzio to install the fence. Ms. Hui asked if the vote was just for the monthly report from the Zoning Officer. Mr. Marmero replied that the motion was to grant the waiver from installing the fence and landscaping with the conditions that no new deliveries are to take place and a monthly report from the Zoning Officer. Ms. Hui stated that she would like to retract her vote. Mr. Marmero restated the motion for the Board. Mr. Carney restated his motion to approve, seconded by Mr. Kozak. Roll call vote: Ayes – Mr. Carney, Mr. Kozak, Mr. Salvadori. Nays – Mr. Fritz, Ms. Hui, Mr. Manfredi, Mr. Mercado. Abstentions – Zero. 3 ayes, 4 nays, motion failed.

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 informed the Board that Mr. Sander is unable to make the December 6, 2016 meeting if needed. He asked if the Board would consider changing the date of the December meeting to the thirteenth in case he is needed to attend. Motion by Mr. Fritz, seconded by Mr. Mercado to change the December meeting date from the sixth to the thirteenth. Voice vote; all ayes, motion passed.

Approval of Minutes:

1. 6/21/16 regular meeting.

Motion by Mr. Carney, seconded by Mr. Fritz to approve the minutes from the June 21, 2016 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:35 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