

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, 2014. 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 hearing was sent in writing the South Jersey Times by the applicant’s attorney.”

The Board saluted the flag.

Roll call: Present – Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Salvadori, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Absent – Mr. Price, (excused), Mr. Sander, (excused). Also present – Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Sebastian, Council Liaison. Mrs. Farrell informed the Board that Mr. Fitzgerald has resigned due to his moving out of the Township.

Memorialization of Resolutions:

1. #14-12 – App. #1834 – Cross Keys Monroe, LLC – Minor Subdivision Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #14-12. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Salvadori, Ms. Hui, Mr. Kozak. Nays – Zero. Abstentions – Zero.

2. #14-13 –App. #462-SP –Cross Keys Monroe, LLC –Prelim. & Final Site Plan Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #14-13. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Salvadori, Ms. Hui, Mr. Kozak. Nays – Zero. Abstentions – Zero.

3. #14-14 – App. #461-SP – BHP & Washington, LLC – Waiver of Revised Phase I

Motion by Mr. Fritz, seconded by Mr. Carney to adopt resolution #14-14. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Mr. Manfredi, Mr. Salvadori, Ms. Hui, Mr. Kozak. Nays – Zero. Abstentions – Zero.

Public Hearing:

1. #14-05 – Prime Auto Sales, Inc. – Use Variance

Present – John O’Connell, applicant, Melanie Levan, applicant’s attorney.

Member’s packets contained: 1. Report dated April 28, 2014 prepared by Pam Pellegrini.
2. A copy of the applicant’s use variance application and photographs of the site.

The applicant is requesting a use variance in order to be allowed to conduct an internet based used auto sales company in an existing commercial building located at 1085 Black Horse Pike, Suite #10. The applicant’s lease will indicate that retail sales will be by appointment only and the applicant will have a total of six parking spaces available to him in the back of the building.

Ms. Levan introduced herself as the applicant’s attorney. Mr. O’Connell was sworn in by Mr. Marmero. Mr. McLaughlin asked if the application contained the necessary information to be deemed complete. Mrs. Farrell replied that it did. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #14-05 complete. Voice vote; all ayes, motion passed.

Ms. Levan stated that they were before the Board for a conditional use variance and a waiver from one of the criteria of the conditional use which is that a showroom be provided. The applicant’s business is an internet based business and is not open to the general public. All of the marketing is done on the internet and their customers are by appointment only. Based on this type of business there isn’t any need to have an indoor showroom. Ms. Levan also stated that they will be asking for a waiver from providing larger driveway access since there will not be any large car carriers entering the site.

Mr. O’Connell gave a brief description of the current commercial uses in the building. The building currently contains a dentist office, an attorney’s office, an office for a limousine service, a driving school office, and Uncle Mike’s water ice is on the end of the building. The entrance to his office would be located on the side of the building. There are two driveways for ingress and egress into the parking lot. The six parking spaces allocated to the applicant per his lease are located in the rear of the building.

Public Hearing: (continued)

1. #14-05 – Prime Auto Sales, Inc. (continued)

Mr. O’Connell explained that his business is all internet sales; all advertising is done on Craigslist or Ebay, there is never any sidewalk advertising or for sale signs on the cars. He makes appointments with his customers and meets them in a location where they can see the advertised car. He averages about three or four appointments a week. Mr. O’Connell testified as to being licensed in the State of New Jersey to sell used cars. He usually has between six and eight cars in his inventory at one time. Ms. Levan asked the applicant to explain where he will keep his inventory of cars and how he will utilize the six parking spaces at the site. Mr. O’Connell testified that one parking space will be used for his car, one space for the customer he is meeting, and four spaces will be used for his inventory of cars. He stated that he usually has three or four cars being repaired and detailed so that he would only need three or four parking spots for those cars that are ready to be sold.

Mr. O’Connell stated that the office would be open Monday through Saturday, 8:00 a.m. to 6:00 p.m. No car sales on Sunday. The office will be used for his internet business, bookkeeping, and paperwork. The applicant is not proposing any changes to the outside of the building with regard to lighting or signage. There is an existing pylon sign on the property; however he does not have a panel available on that sign; there will be no signage for his business with the exception of the business name on the door at the side entrance. There isn’t any need for a dumpster for trash as the business does not generate much trash. The recycling and trash removal is handled by the owner of the building. There will not be any repairs or washing of the cars on the site. Ms. Levan wanted to make note that the applicant has teamed up with a resident in his development of Carriage Glen who runs a charity to help needy children and to which he donates fifty dollars from every car he sells. Ms. Levan asked the applicant to explain how the cars in his inventory will get to the site. Mr. O’Connell stated that he and his wife are the only two employees and that they will drive the cars to the site.

Ms. Pellegrini reviewed her report for the Board. She stated that the Board would need to determine if a site plan is required or not; however the building and the parking are all existing. The ordinance does require an indoor showroom for used motor vehicle sales which is why the applicant is before the Board for a conditional use variance. COAH may not be required since there is no new construction proposed. If the Board determines a site plan is not required a site plan waiver would have to be granted. The applicant did testify as to the number of cars on site at one time and where the remainder of his inventory will be if the four parking spaces are occupied.

Public Hearing: (continued)

1. #14-05 – Prime Auto Sales, Inc. (continued)

Mr. O’Connell stated that he uses Integrity Auto for his car repairs and sometimes they take several weeks before finishing repairs since they are so busy. He testified that he would not be able to utilize any additional parking spaces on the site for his inventory and he didn’t feel it would be necessary since he funds his own purchases and the repairs of the cars and he may only have three or four cars in his inventory at times. Ms. Pellegrini commented that the lease indicates he is not allowed to advertise on the site or the cars that they are for sale. Mr. O’Connell stated that there will never be any for sale signs on the cars or any type of sticker on the cars.

Mr. Sebastian asked if the cars would be tagged and registered. Mr. O’Connell stated they would not; however he will utilize dealer tags that he does not leave on the cars since they can be stolen. Mr. Sebastian asked where the business is currently located. Mr. O’Connell stated that he still does have his office in Bridgeton but wants to move it closer because he lives in Williamstown. He operates the same type of business in Bridgeton that he is proposing on this site.

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

Mr. Marmero stated that a motion would be needed with regard to the D3 variance or conditional use variance to permit the sale of used vehicles without the use of a showroom. The applicant testified that there would not be any repairs or washing of the cars on the site, the inventory of cars is limited to four parking spaces. The Board would have to make a decision with regard to the site plan, typically a site plan would be required; however due to the nature of the business, the Board might want to waive that requirement. Mr. Kozak asked that, if approved, the wording in the resolution should be very strong with regard to no signage, no banners, and no advertising on the cars.

Motion by Mr. Fritz, seconded by Mr. Carney to grant the use variance and waive the site plan subject to the conditions that there is to be no signage on the site or the cars advertising car sales, the use of four parking spaces for inventory as well as any other comments and conditions listed in Ms. Pellegrini’s report. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Mr. Manfredi, Mr. Salvadori, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Site Plan Waiver –for Board Action:

1. #WSP-02-14 – Marino General Construction, Inc. – Site Plan Waiver

Present – Joseph Marino, applicant, Gerald Sinclair, applicant’s attorney.

Member’s packets contained: 1. A copy of the applicant’s site plan waiver application. 2. A copy of the applicant’s Pinelands Certificate of Filing. 3. A copy of the minutes from the applicant’s use variance hearing.

The applicant was granted a use variance that allowed him to utilize an existing detached garage for two small offices and the storage of construction tools and small equipment for his general contracting business. He is asking for a waiver of providing a site plan since the garage already exists and he isn’t planning any new construction or changes to the property. The property is located at 989 South Main Street, also known as Block 11502, Lot 40.

Mr. Sinclair introduced himself as the applicant’s attorney. He stated that the one of the conditions of the use variance was that the applicant has to receive his Certificate of Filing from the Pinelands, which he has done. The existing detached garage will be used for offices for Mr. Marino’s general contracting business as well as storage of some construction tools and small equipment. The existing single-family home is not involved with the business and continues to remain a residential use. No tools or equipment will be stored outside the garage.

Mrs. Farrell stated that she didn’t recall if sidewalk was discussed as part of the use variance but sidewalk is required in that area. She stated that there may have been sidewalk there at one time and grass may have grown up over it. Regardless the sidewalk must be installed in front of that property and connect to the existing sidewalk on either side. Mr. Marino was sworn in by Mr. Marmero. He agreed that he would install the sidewalk. Mr. Kozak inquired as to the storage of vehicles and asked Mr. Marmero if that issue could be discussed. Mr. Marmero stated that it could be discussed and reviewed the requirements and conditions of a site plan waiver. He stated that the Board would look at issues such as circulation, landscaping, parking, etc. Mr. Kozak commented that as part of the use variance the applicant stated that he was not going to store any vehicles on the site. If there were vehicles they would come and go. He stated that a small dump truck and a large utility truck are being left at the site overnight and a resident has complained.

Site Plan Waiver: (continued)

1. #WSP-02-14 – Marino General Construction, Inc. (continued)

Mr. Marino replied that he thought he was allowed to keep a couple of trucks there at times, in between jobs, but not permanently. Mr. Fritz commented that he remembered Mr. Marino saying he might have a couple of trucks there briefly but not all the time. Mr. Marino stated that the trucks have been parked there for a few weeks because they are in between jobs. Mr. Kozak replied that it has become an issue because of the complaints. Mr. Manfredi stated that there have been long periods with no trucks there too. He stated that Mr. Marino's testimony was that he might have a couple of trucks there at times and that's what the Board voted on.

Mr. Kozak commented that the Board should make the approval more specific then and allow the trucks to be there or not be there because there is no way to enforce "sometimes". Mr. Manfredi was in agreement it should be one way or the other. Mr. Kozak stated that the resident who was present at the use variance hearing was okay with the lighting and all but she believed that the trucks would not be parked there. Mr. Marino thought her only concern was that if he moved his business that someone else could come in there and turn it into something else. Mr. Kozak stated that she did bring up the parking, so the Board cannot leave it at "sometimes". Mr. Marino stated that those trucks have been there because they are waiting to bring them to another job; it will sometimes be a couple weeks but it's hard to say exactly how long. He agreed that it should be more definitive. Mrs. Farrell asked if the resident should be notified if the Board decides the trucks can be there all the time. Ms. Pellegrini stated that the minutes from the use variance indicate that the applicant did testify that a couple of trucks might be there occasionally, they would come and go. Ms. Pellegrini stated that he was granted the use variance based on his testimony that there would be trucks on the site occasionally. If he wants to change that and ask to allow them there all the time, then he should come back with an amended use variance.

Mr. Sinclair and Mr. Marino stated that they were not aware there were any complaints from a resident as they have not received any notice from the Township. Mr. Marino commented that he wanted to resolve the issue but he did not want to start the process all over again. Mrs. Farrell stated that she thought maybe they could postpone the matter and ask the resident to come into the next meeting so that she is aware that the trucks might be allowed to be parked on site. Ms. Pellegrini replied that she thought that would create more of an issue and that the Board should make a standing on what they meant when they granted the use variance.

Site Plan Waiver: (continued)

1. #WSP-02-14 – Marino General Construction, Inc. (continued)

The resolution does state the applicant testified that the trucks would come and go but that on occasion one or two trucks might be parked at the site. So the resolution does indicate the trucks might be parked there on occasion. Mr. Kozak stated that the resident who came to the use variance hearing was the one who came in to complain and she has been in a couple of times. He stated he did not have an issue one way or the other but the Board should decide. Mr. McLaughlin stated he felt that Mr. Marino was compliant with what was approved as he did say they would be parked there on occasion. Mr. Marmero agreed.

There was some discussion as to whether the Board should make it more definitive in the resolution; however Mr. Marmero stated that if they wanted to do that, Mr. Marino would have to amend his use variance and have another hearing. After some discussion, the Board felt that it was clear in the resolution that he can park the one or two trucks there on occasion, which is subjective, but in between jobs may mean the trucks will be there for a few weeks at a time. Mr. Manfredi stated that he was aware there would be trucks there at times when he voted yes for the use variance. There was discussion on the fact that the Board cannot leave such an issue as that undefined in the future. It has to be more specific for the applicant's benefit as well as any surrounding residents.

Mr. McLaughlin asked if there were any Board members who felt Mr. Marino was not compliant with the terms in the resolution. All of the Board members thought he was in compliance; however Mr. Kozak thought the resident was misled because even he did not think the trucks would be there as much as they have been. Ms. Pellegrini stated that everyone has their own perception of what occasionally might mean. Mr. Kozak stated that the resident wouldn't have complained if she didn't come away with the understanding that the trucks would not be parked there for weeks. He felt that if she were at the meeting she would have a different opinion as to what occasionally means. Mr. Marino stated that he does not want an angry neighbor; he would go and talk to the resident if there is an issue. Mr. Marmero stated that the Board should vote on whether to grant the applicant a site plan waiver. Motion by Mr. Carney, seconded by Mr. Manfredi to grant the applicant a site plan waiver. Roll call vote: Ayes – Mr. Carney, Mr. Manfredi, Mr. Fritz, Mr. Salvadori, Ms. Hui, Mr. McLaughlin. Nays – Mr. Kozak. 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 on Mr. Fitzgerald's resignation due to his moving out of the Township.

2. Mrs. Farrell informed the Board that there aren't any applications scheduled for the May 20, 2014 meeting; the Board would just be memorializing the resolutions from this evening's meeting.

3. Mr. McLaughlin asked if there was something the Board could do to avoid the issue they just encountered with Mr. Marino. Mr. Marmero replied that with a use variance those issues are usually kept somewhat general until the applicant comes back with a site plan or a site plan waiver application. Mr. Manfredi commented that he agreed with Mr. Kozak's statement that they should make their approvals on certain issues more definitive. Mr. Fritz commented that he has gone by there at times and he hasn't seen any trucks parked there until very recently. Ms. Pellegrini stated that now that Mr. Marino is aware of the neighbor's concern she thought he would be more sensitive to the situation. Mr. Kozak agreed that the Board has to make a decision on those issues one way or the other.

4. Mrs. Farrell stated that she did hear from Mr. Price and that he expects to be out of the rehab soon and he hopes to be able to come back to the meetings within a few more months.

Adjournment:

The meeting was adjourned at 7:50 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