

**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 12, 2015. 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 to the South Jersey Times.

The Board saluted the flag.

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

**Public Hearings:**

1. #15-08 – Mike & Irene Foti – Side, Rear, & Lot Area Variances

Present – Irene Foti, applicant, Joe Carew, representative with Sun Up Zero Down.

Member’s packets contained: 1. A copy of the applicant’s variance application. A copy of the applicant’s survey. 3. Photographs of the property and a drawing by Sun Up Zero Down depicting the location of the proposed solar panel array.

The applicant is requesting a lot area variance of approximately two and half acres, a side yard variance of forty feet, and a rear yard variance of forty feet in order to be allowed to construct a ground mount solar array in their backyard. The property is located at 229 Buckingham Court, also known as Block 129.0202, Lot 10.

Mr. McLaughlin asked if the application could be deemed complete. Mrs. Farrell replied that it could. Motion by Mr. Salvadori, seconded by Ms. Capate to deem application #15-08 complete. Voice vote; all ayes, motion passed.

Mrs. Foti was sworn in by Mr. McLaughlin. She testified that they would like to have a ground mount solar array on their property in order to reduce the cost of their electric bill. She stated that their bill averages about eight hundred dollars a month. Mr. McLaughlin asked if the solar panels are going to be on both the roof and the ground. Mrs. Foti replied that they will be on both. She stated that the neighbors will not really be able to see it because they have a fence and the neighbor also has a fence. Mr. Salvadori asked why all the panels could not be placed on the roof. Mrs. Foti stated that they are putting as many as they can on the roof but the rest have to be placed on the ground. Mr. Carew stated that the size of the system is determined by the amount of electric usage and there wasn’t enough roof space to offset the amount of usage.

**Public Hearings: (continued)**

1. #15-08 – Mike & Irene Foti (continued)

Ms. Capate asked the height of the fence in relation to the height of the panels. Mr. Carew stated the actual height of the ground mount is approximately seven feet high. There isn't any glare or noise. Ms. Foti stated that their fence is a wrought iron fence; however the neighbor closest to the location of the ground array has a privacy fence that abuts their fence. The neighbors were sent notice of the proposal.

Mr. Marmero explained that there are three variances being requested. Under the ordinance ground mount solar arrays are permitted if the applicant can meet certain conditions. The conditions are that there be at least three acres and a fifty foot rear and side yard setback. The applicant's property is approximately twenty thousand square feet and they are proposing a ten foot side yard and a ten foot rear yard. It was determined there is not an issue with the height of panels on the roof. Mr. Kozak questioned if the neighbors will be able to see the system. Ms. Foti replied that the neighbor has a privacy fence that abuts their fence and behind their property there is vacant land and the basin.

Mr. Marmero explained that solar energy uses are considered inherently beneficial uses which meets the positive criteria. The applicant has to prove they will not be creating a substantial detriment to the surrounding area or to the zoning code; those are the standards the Board should consider. In addition the ordinance requires the Board Planner to review any ground mount solar arrays to determine if there is adequate buffering from view of the any neighboring properties.

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. Salvadori to approve the lot area, side, and rear yard variances with the condition that the application be reviewed by the Board's Planner. Roll call vote: Ayes – Mr. Carney, Mr. Salvadori, Mr. Fritz, Ms. Hui, Mr. Kozak, Ms. Capate, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #15-09 – David & Wendy DiBartolomeo – Rear Yard Variance

Present – David DiBartolomeo, applicant, Toni Williamson, owner of The Pool Store.

Member's packets contained: 1. A copy of the applicant's variance application. 2. A copy of the applicant's survey and photographs of the property.

**Public Hearings: (continued)**

2. #15-09 – David & Wendy DiBartolomeo (continued)

The applicant is requesting a rear yard variance of five feet where ten feet is required in order to be allowed to install an in-ground pool. The property is located at 1687 Carriage Drive, also known as Block 103.0101, Lot 19.

Mr. DiBartolomeo and Ms. Williamson were sworn in by Mr. Marmero. Mr. McLaughlin asked if the application could be deemed complete. Mrs. Farrell replied that it could. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #15-09 complete. Voice vote; all ayes, motion passed. Mr. DiBartolomeo testified that they would like to install the pool to the right of their back porch area. There is approximately twenty-seven feet between the porch and the rear property line. The width of the pool is sixteen feet with an area to walk around the pool it only leaves them with a five foot rear yard setback. There is a retention basin behind their property and the property drains toward the basin.

Ms. Hui inquired why the applicant cannot get a smaller pool. Ms. Williamson replied that in order for the pool to meet the requirements for diving it has to be a minimum of sixteen foot wide. Mr. Kozak asked the average pool width. Ms. Williamson replied that the average is sixteen feet.

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 the applicant is seeking a five foot rear yard variance where ten feet is required. They also must meet all the other zoning requirements with regard to the pool such as fencing, drainage, etc. Motion by Ms. Capate, seconded by Mr. Carney to approve the five foot rear yard variance. Roll call vote: Ayes – Ms. Capate, Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Salvadori, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

3. #14-17 & WSP-01-15 - EDARELL 710, LLC – Use Variance & Site Plan Waiver

Present – Frank Muratore, applicant, Len Schwartz, applicant’s attorney.

Member’s packets contained: 1. A copy of the applicant’s use variance application. 2. Photographs of the property, survey, and as built plan. 3. Report dated November 20, 2014 prepared by Pam Pellegrini. 4. A copy of the applicant’s site plan waiver application. 5. License to Operate letter from the County issued October 20, 2015.

The applicant is seeking use variance approval to utilize a portion of an existing accessory building as an additional apartment on the property. The property is located at 1826-1828 Herbert Boulevard, also known as Block 301, Lot 18 in the R-2 Zoning District.

**Public Hearings: (continued)**

3. #14-17 & #WSP-01-15 – EDARELL 710, LLC (continued)

Mr. Muratore was sworn in by Mr. Marmero. Mr. Schwartz stated that Mr. Muratore was before the Board last year with Mr. Sinclair as his attorney. Since that time Mr. Sinclair has retired so he is now representing Mr. Muratore. At that time the Board requested additional information including an updated survey, evidence of the County Health Department approval for the septic systems for all uses, and architectural plans. Mr. Schwartz stated that there is an accessory building that houses the sheet metal business as well as three apartments. Two of the apartments were determined to be grandfathered however there is a third apartment that had to be addressed for approval.

The architectural plans have been submitted along with showing the designated parking spaces. The septic system was upgraded and the applicant has received approval for that system from the County. Mr. Muratore testified that some of the impervious coverage was removed when the new septic system was installed. The parking spaces for each of the uses have been delineated on the plan. Ms. Pellegrini asked if the new septic system accommodates the existing apartments. Mr. Muratore replied that it accommodates the entire building with the exception of the single family home which has its own septic system.

Mr. Marmero reviewed the history of the application for the Board. The application was originally heard back in 2014. The applicant was required to submit additional information including an updated survey of the property, architectural plans for the apartment, and County Board of Health approval. The architectural plan and survey have been submitted along with the County Board of Health letter. Ms. Pellegrini stated that when the application goes to the Health Department there is a plan that's submitted with it and when they approve it they stamp the plan and the application approved. She asked that the applicant submit copies of the approved plan and application to the Board office so it can be part of the file. Mr. Muratore stated that he would submit those items to the Board office. Mr. Kozak asked if the applicant plans on any other apartments over the garage. Mr. Muratore stated there will not be any other apartments. Mr. Marmero asked if the issues between Mr. Muratore's property and the neighbor who was present at the last hearing have been resolved. Mr. Muratore stated that the issues have not been resolved. Mrs. Farrell stated that if the applicant receives the certified mailing back for that neighbor to submit it to the office. Ms. Pellegrini inquired as to the issue of the structural items. Mrs. Farrell stated that those issues will be addressed by the Construction Official who is waiting until the Board makes their decision before proceeding with the permitting issues. The applicant understands he still must go through the permitting process.

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

**Public Hearings: (continued)**

3. #14-17 & #WSP-01-15 – EDARELL 710, LLC (continued)

Mr. Marmero stated that the applicant is seeking a use variance to allow the third apartment on the site and he has addressed the issues required by the Board from the hearing in 2014. The only conditions discussed were that the applicant submit the stamped approved plan from the County and that there will be no additional apartments on the site. The site plan waiver is also included in any motion by the Board.

Motion by Mr. Salvadori, seconded by Mr. Fritz to grant the use variance and site plan waiver subject to the conditions previously stated. Roll call vote: Ayes – Mr. Salvadori, Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak, Ms. Capate, 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. Mr. Marmero informed the Board that they are currently in litigation with Mr. Kanady for both the use variance application for the use of the garage and for the Certificate of Nonconformity application for the property on Glassboro Road. He will update the Board when he has further information.

2. Mr. Fritz stated that there are signs up for the Stirling Glen project and inquired as to the status of that project. Mrs. Farrell stated that the plans were signed this evening for Section I of the project. At this time both phases of the project are approved for age-restricted developments.

3. Mr. Fritz stated that the Board approved Mr. Fazzio to continue his storage use on the property located on Glassboro Cross Keys Road. There was testimony that he would not be bringing any new material to that site but removing material little by little. Mr. Fritz stated that he drives by that site every day and has noticed that more material is being stockpiled on the site and nothing has been removed. Mr. Marmero stated that Mr. Fritz did call him regarding this issue. The resolution does state that he is not permitted to bring any new material to the site or replace any material that has been removed. If he is doing this he is in violation of his approval. Mr. Marmero stated that the Board cannot enforce what was approved; however a complaint can be submitted to the Zoning Officer and he can address the issue. Mr. Fritz commented that he has filed a complaint and taken pictures. Mrs. Farrell replied that the Zoning Office will be going through some transitions in the next few weeks and months since the Zoning Officer is preparing to retire and the secretary is also leaving. Since his approval is only until April 2016 the Board can wait and see if the material is removed or if he comes back for another extension.

**Reports: (continued)**

4. Ms. Hui inquired as to the status of COAH. Mr. Marmero replied that Mr. Fiore is handling that issue for the town. He is sure they probably filed the Declaratory Judgement that was required. Ms. Pellegrini stated that Mr. Kernan is waiting for authorization from the town to begin doing a plan. The court has placed a tight time frame on submitting a Fair Share Housing Plan. The Planning Board did recommend to Council that the town join in with other towns in hiring an expert to prepare a report with their recommended number of affordable units for each town. However that report will probably not be available until sometime in November and the plan is due to the court in early December. Mrs. Pellegrini stated that in the meantime many towns are doing vacant land assessments in order to justify the number of affordable units that can be provided. At this time it is very hard to determine what the town's number should be without the studies that are being done by the experts. They are supposed to petition the court for an extension of time but it's not something towns can bank on. Mrs. Farrell stated that Ms. Hui will be able to get more information at future Planning Board meetings.

**Approval of Minutes:**

1. 8/04/15 regular meeting.

Motion by Mr. Fritz, seconded by Mr. Salvadori to approved the minutes from the August 4, 2015 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:00 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 Orbaczewski  
Clerk Transcriber