

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, notice for this evening’s public hearings was sent in writing to the South Jersey Times on March 1, 2016”.

The Board saluted the flag.

Roll call: Present – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. Salvadori, Mr. Mercado, Ms. Capate, Mr. McLaughlin. Also present – Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Sander, Engineer, Mr. Heffner, Council Liaison.

Memorialization of Resolutions:

1. #16-11 – App. #16-12 – Steven & Elizabeth Ridel – Front Yard Setback Variance Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #16-11. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #16-12 – App. #16-07 – Art Kulikowski – Lot Area, Buffer, & Height Variances Approved

Motion by Mr. Fritz, seconded by Mr. Kozak to adopt resolution #16-12. Roll call vote: Ayes – Mr. Fritz, Mr. Kozak, Mr. Carney, Ms. Hui, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

3. #16-14 – App. #16-05 – ANB Leasing, LLC – Use Variance Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #16-14. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

4. #16-15 – App. #1776 – 607 Main Morgan, LLC – One Year Extension Approved

Motion by Mr. Carney, seconded by Mr. Kozak to adopt resolution #16-15. Roll call vote: Ayes – Mr. Carney, Mr. Kozak, Mr. Fritz, Ms. Hui, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #16-13 – Josef Les – Use Variance

Present – Pawel Les, applicant’s son, Jose Pabon, representative from Paradise Energy Solutions.

Member’s packets contained: 1. A copy of the applicant’s use variance application. 2. Email dated February 11, 2016 from Fred Seeber, Pinelands Commission. 3. Report dated March 8, 2016 prepared by Pam Pellegrini. 4. Letter dated March 7, 2016 prepared by Rosemary Flaherty.

The applicant is requesting a use variance in order to be allowed to install a ground mount solar array in the front yard of his property. The property is an eleven acre parcel and the single family dwelling is located at the far rear of the property. There is an existing machine shop business that is located at the front of the property. The property is located at 1558 Janvier Road, also known as Block 10701, Lot 3 in the AG Zoning District.

Mr. Les and Mr. Pabon were sworn in by Mr. Marmero. Mr. Pabon stated that the applicant is requesting a use variance in order to be allowed to install a ground mount solar array in the front yard of his property. He explained that with the ground mount array they will be able to face it directly south for the optimum production of solar energy whereas the roof of the house is east/west facing which is not best suited for solar production. In addition the time period to pay off the ground mount array is much less than it would be for the roof mount panels. They are able to meet all the other requirements for a ground mount solar array with the exception that ground mount solar arrays are not permitted in the front yard.

Mr. McLaughlin asked if the application can be deemed complete. Mrs. Farrell replied that it could be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #16-13 complete. Voice vote; all ayes, motion passed. Mr. Kozak asked the height of the solar array. Mr. Pabon replied that it’s approximately eight and a half feet in height. Mr. Marmero stated that the applicant would also need a height variance since eight feet is the maximum height allowed. Mr. Marmero asked if the ground array can be installed to meet the maximum eight foot height. Mr. Pabon stated that they like to keep the array at least twenty-four inches from the ground for snow clearance, but he can try to keep it at eight foot high.

Ms. Pellegrini reviewed her report for the Board. She asked the applicant to provide testimony as to the standards for solar energy systems. Mr. Pabon replied that they can meet the required fifty foot buffer setback on all sides. Ms. Pellegrini stated that the buffer may not be completely wooded on all sides but the property is very secluded and there are no other residences in the immediate area. She did not feel that there would be any problem with the front yard variance request or if needed the nine foot height variance since the property is very large and heavily wooded.

Public Hearings: (continued)

1. #16-13 – Jozef Les (continued)

Mr. Pabon stated that the panels are made to be antireflective. Ms. Pellegrini commented that the property is located in the airport overlay zone but the nine foot height should not pose any issues. She advised the applicant that if the solar energy system is out of service for a continuous twelve month period it will be considered abandoned under Chapter 175-97F. Mr. Pabon stated that all signage with regard to the voltage, etc. will be placed according to the requirements. He also stated that they can monitor the system through online monitoring so that if there are any issues with the system they will make a service call.

Ms. Flaherty stated that the single family dwelling is approximately eight hundred to a thousand feet back from the road. The location where they are proposing the ground mount solar array will not be visible from any of the surrounding properties.

Motion passed to open the hearing to the public.

1. Ronald Walker, 1578 Janvier Road, was sworn in by Mr. Marmero. Mr. Walker stated that he owns the property to the right of the applicant's and asked how far away from his property will the solar array be located. Mr. Kozak showed Mr. Walker on the aerial map where the solar array will be located and how far away from the property line it will be. Mr. Walker stated that he cannot see the applicant's house from his house; however the applicant does have an old structure that is on his property. Ms. Flaherty stated that the applicant will be back before the Board next month for the business and at that time they can address any illegal structures. Mr. Les stated that there is an old trailer house that belongs to a friend of his fathers. If that is the structure he is talking about they will remove it from the neighbor's property.

2. Bob Heffner asked Ms. Pellegrini if the applicant needs permission from the airport for the solar array with regard to the reflection. Ms. Pellegrini replied that there is a set of guidelines that they must follow and she is not aware of any particular process they need to be approved. Mr. Marmero stated that the resolution will indicate that they must receive all outside agency approvals.

Motion passed to close the hearing to the public.

Mr. Marmero reviewed the variance requests and conditions of approval. The applicant is requesting a front yard variance to allow the solar array in the front yard as well as a height variance not to exceed nine feet. The applicant must comply with all outside agency approvals and the Zoning Officer's and Planner's comments in their letters. Motion by Mr. Salvadori, seconded by Mr. Fritz to grant the requested variances with the above stated conditions. Roll call vote: Ayes – Mr. Salvadori, Mr. Fritz, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Manfredi, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

2. #16-08 – 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. Letter dated February 12, 2016 prepared by Mr. Fiore. 3. Report dated March 8, 2016 prepared by Pam Pellegrini. 4. Letter dated March 7, 2016 prepared by Rosemary Flaherty, Zoning Officer. 5. Letter dated March 7, 2016 prepared by Greg and Tammy Lippincott.

The applicant is requesting a use variance in order to be allowed to utilize his property for the storage and parking of trucks, equipment, and bulk materials such as stone and gravel along with the continued use of the residential dwelling. The property is located at 1821 Glassboro Road, also known as Block 15201, Lot 8 in the Commercial/Business Park Zoning Districts.

Mr. Kanady was sworn in by Mr. Marmero. Mr. McLaughlin asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that it could. Motion by Mr. Salvadori, seconded by Mr. Carney to deem application #16-08 complete. Voice vote; all ayes, motion passed. Mr. Makowski introduced himself as the applicant’s attorney. He stated that Mr. Kanady was before the Board requesting a use variance in order to be allowed to store his various personal work vehicles at the property as well as storage of materials. Mr. Kanady stated that there is approximately eleven trucks being stored on the site. The material being stored is topsoil, gravel, and some stone. There are no repairs of the trucks being done on the site. There is currently a single family dwelling on the property that is being rented. The rental unit is registered at the Township. The tenant allows for a measure of security on the site for Mr. Kanady’s equipment. The tenant has never complained about noise or any other issues with the business on the site. There is a fence between the single family home and where the trucks and materials are stored. All of the vehicles on the property are registered and owned by Mr. Kanady. The property is serviced by private well and septic.

Mr. Kanady testified that there are three to five employees that park at the property and take the trucks out to different jobs. There are no major repairs done to the trucks on this site; they will check the oil and other fluids in the trucks when necessary. If a job calls for bulk materials then they will use the loader to load it in the dump truck and haul the material to the jobsite. There are no other activities done on the site. Currently there are a few dump truck loads of bulk materials on the property and usually there isn’t much more than that stored. Mr. Kanady stated he would like permission to keep using the property as he has been; however if he has to plant some trees for a buffer or put up a fence he will do that if it’s required by the Board.

Public Hearings: (continued)

2. #16-08 – Harold Paul Kanady (continued)

Mr. Fritz questioned the lot size in relation to the uses on the site. Ms. Pellegrini stated that it depends on how many trucks are being stored on the property. She stated that the initial use variance is to allow the two uses on one lot; however a vehicle storage yard is a conditional use and there are conditions that go along with that use. One of the conditions is that there be 2500 square feet per vehicle. Mr. Fritz asked if the Board can restrict the number of vehicles allowed on the site. Ms. Pellegrini stated they can but monitoring it will be difficult. Mr. Marmero commented that the Board can attach conditions to the use variance. Ms. Pellegrini stated that the lot is only a little over two acres and part of the back portion is wetlands but there is not a formal delineation. Ms. Pellegrini stated that she did not physically go onto the property but there are a lot of vehicles parked in the back. There was some discussion on whether the number of vehicles allowed to be stored at the property should be determined with the use variance or discussed at site plan. Ms. Pellegrini stated that the vehicle storage yard is a conditional use which requires a d variance; if the Board is going to grant the d variance then the number of vehicles should be determined this evening, if the Board states that he must meet the conditions then the number of vehicles allowed will be shown at site plan. Ms. Pellegrini stated that there is also an eight foot fence requirement around the entire vehicle storage area and even though there are residential uses next to the property he does not have to meet the twenty-foot setback for the fence because it's not a residential zone.

With regard to the bulk requirements the lot is undersized for the two uses so a lot area variance is required. With regard to the lot coverage she did not believe the back area where the vehicles are stored is a paved area but that will have to be addressed at site plan. The Board has to determine the impacts of the dual uses and if they will have a negative impact and what can be done to address those impacts. There is a secondary drive way but the surface treatments were not visible. The well and septic are not shown however Mr. Kanady stated that the well is in the front of the property and septic is in the back. Ms. Pellegrini commented that depending on where the septic is located it can't be determined if the vehicles are continually driving over the septic area. She stated that is another reason why the Board should require a site plan if the use variance is granted.

Ms. Flaherty reviewed her letter for the Board. She stated that the wetlands delineation should be addressed at site plan. As far as the dual use the property has been used as a commercial property for many years, the house was built in 1918 and there are similar uses in the area and it's not out of the ordinary to see this type of use on Glassboro Road. She recommended that site plan be required if the use variance is granted.

Public Hearings: (continued)

2. #16-08 – Harold Paul Kanady (continued)

Mr. Mercado commented that the list of registered vehicles Mr. Kanady provided equal nineteen vehicles not eleven. Mr. Kanady stated that if there are nineteen on the list then that is the number; however they are not all always there at the same time. Mr. Kozak asked if any of the bulk materials being stored would be considered environmentally hazardous. Mr. Kanady replied that they are all natural materials; topsoil, gravel, stone. He does do snowplowing for the State; however he does not stockpile the salt on his property he gets it from the State and brings it back to the State. Mr. Kozak asked if the earth drive is where the storage area stops. Mr. Kanady stated that it does stop there and there is about a one hundred and fifty foot buffer between the back of the property and the bike path. Mr. Carney asked if any of the wetlands have been filled in. Mr. Kanady stated that he did not fill in the any of the wetlands. Ms. Pellegrini stated that is one of her concerns since there has been area that has been cleared. She stated that a berm was created along the side property line and that could be causing a water problem by blocking the natural flow of water to the wetlands. Ms. Hui asked how high the materials are that are stockpiled on the property. Mr. Kanady stated they are approximately twelve foot high and that they could be that way for some time it just depends on business.

Motion passed to open the hearing to the public.

1. Greg & Tammy Lippincott, 1951 Moore Avenue, were sworn in by Mr. Marmero. Mr. and Mrs. Lippincott asked why Mr. Kanady needs a variance now after he's been operating the business from that site for many years. Mr. Makowski replied that Mr. Kanady thought his business was grandfathered at this location since there was a previous business and residential dwelling at this site when he purchased the property. They stated that their biggest concern is the filling in of the property. It seems since that happened every home in the area has drainage problems; they had to install a French drain in their basement because of flooding problems that they never had previously. Ms. Lippincott displayed photographs which were marked as Exhibit P-1. They are worried that Mr. Kanady will continue to fill in the back property because the natural drainage from their property to the wetlands has been disturbed enough and they do not want Mr. Kanady to be allowed to fill in anymore of the wetlands. They do not have any concerns regarding the business being located at the property. They also have concerns about seeing the trucks from their property. Mr. Kozak stated that Mr. Kanady indicated he wouldn't have a problem putting up an eight foot fence which is actually required for vehicle storage. Mr. Lippincott stated that he would be fine if the fence was installed. He also stated that Mr. Kanady did build the berm to try to hide the trucks. Mr. Kanady stated that the berm is nine foot high and they can still see the tops of the trucks. Mr. Lippincott commented that their property does sit up higher than Mr. Kanady's. Mrs. Lippincott stated that their primary concern is the drainage. Mr. Lippincott stated that the wetlands are shown on his survey and wondered why they weren't shown on Mr. Kanady's survey.

Public Hearings: (continued)

2. #16-08 – Harold Paul Kanady (continued)

Mr. Heffner asked how the Board can determine how many vehicles should be allowed on the property when they do not know where the wetlands line is located. Mr. Sander stated that the Board isn't making that determination tonight but only deciding whether Mr. Kanady can have two uses on the site. Ms. Pellegrini replied that it's tricky dealing with conditional use variances without having the information. Mr. Marmero explained that the Board can approve the dual use but the storage yard has certain conditions. One of those conditions is the eight foot high fence and the requirement to have 2500 square feet per vehicle. The issue is that we do not know where the wetlands are exactly located so that it can be determined how much area there is for vehicle storage. Mr. Makowski asked if the wetlands area can be used in the calculation of the lot area when determining how many trucks can be stored; not that they would store them in the wetlands but use that area in the calculation. Ms. Pellegrini replied that she didn't think they could use the wetlands area in the calculation. With regard to the wetlands being shown on the survey, Ms. Pellegrini stated that it's the surveyor's assessment of an area that appears marshy but it is not a formal wetlands delineation.

Motion passed to close the hearing to the public.

Mr. Carney asked if there was pieces of concrete in one of the piles of material. Mr. Kanady stated that there is a couple pieces of concrete and stone in the pile. Mr. Carney expressed his concern with asphalt being mixed in the pile of material as well. Mr. Kanady replied that there isn't any asphalt that he knows of; however that pile of material will be removed by South State in the next week or so.

Mr. Marmero reviewed the variance requests for the Board. The applicant is seeking a use variance to allow a dual use at the property which would allow a single family home and a vehicle storage yard for his commercial vehicles as well as storage of bulk materials. There is also a conditional use variance for the vehicle storage yard which requires a minimum of 2500 square feet for every vehicle and an eight foot high opaque fence that will enclose the entire vehicle storage area. Ms. Pellegrini's concern is that the Board does not have the necessary information to determine how much usable property there is for the vehicle storage area without knowing where the wetlands delineation is located. Mr. Marmero stated the Board could grant the use variance for the dual uses conditioned upon the applicant meeting all the required conditions and if he can't meet those conditions he would have to seek a d variance at a later date.

Public Hearings: (continued)

2. #16-08 – Harold Paul Kanady (continued)

Motion by Mr. Fritz to approve the use variance for the dual uses subject to the applicant meeting the conditions as well as the requirement to follow up with a site plan. Mr. Marmero stated that the site plan is a condition of the court order as well. If the applicant cannot meet the conditions and the Board does not grant him site plan approval then the use variance is null and void. The motion was seconded by Mr. Salvadori. Roll call vote: Ayes – Mr. Fritz, Mr. Salvadori, Mr. Carney, Ms. Hui, Mr. Kozak, Mr. Manfredi, 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. Mrs. Farrell reminded the Board that the next meeting is scheduled for April 5, 2016.

Approval of Minutes:

1. 3/1/2016 regular meeting.

Motion by Mr. Fritz, seconded by Mr. Carney to approve the minutes from the March 1, 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