

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 of this evening’s public hearing was sent in writing to the South Jersey Times by the applicant’s attorney.”

The Board saluted the flag.

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

Mrs. Farrell introduced Mrs. Fox as the new alternate member of the Board.

Memorialization of Resolutions:

1. #16-42 – App. #16-27 – Gail Graisbury – Front & Side Yard Variances Approved

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #16-42. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Salvadori, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Public Hearing:

1. #16-28 & #WSP-51-16 – MCS Integrity Co. – Use Variance/Site Plan Waiver

Present – Michael Sztenderowicz, applicant, Len Schwartz, applicant’s attorney.

Member’s packets contained: 1. A copy of the applicant’s variance application. 2. A copy of the applicant’s site plan waiver application. 3. Letter dated September 14, 2016 prepared by Pam Pellegrini. 4. Letter dated September 13, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is before the Board for a conditional use variance in order to be allowed to operate as a licensed motor vehicle dealership. The applicant currently owns and operates an existing motor vehicle body shop and repair facility on this property. He also is seeking approval to repair and road test unregistered vehicles as well as sell vehicles abandoned after repair. The property is located at 1971 N. Black Horse Pike, also known as Block 201, Lot 52, in the Commercial Zoning District.

Public Hearing: (continued)

1. #16-28 & #WSP-51-16 – MCS Integrity (continued)

Mr. McLaughlin asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that the applicant did not provide the photographs; however Ms. Flaherty submitted photographs of the property with her letter. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #16-28 complete. Voice vote; all ayes, motion passed. Mr. Schwartz introduced himself as the applicant's attorney. Mr. Sztenderowicz was sworn in by Mr. Marmero. He testified that he is the owner of the Integrity motor vehicle repair shop. On many occasions people bring their cars in for repair but then cannot afford to pay for the repairs and abandon the car at the shop. This has become very expensive for Mr. Sztenderowicz because he then must obtain the title and do a title transfer or just scrap the vehicle. He would like to be able to sell the cars online. He will not be selling used cars on his lot; he will not be bringing used cars to the lot to sell and he is not going to be operating a used car lot. The only way he can obtain license plates is to apply to the State DMV for a used car sales lot license.

Mr. Sztenderowicz stated his business is very busy as he works for many of the used car lots on the Black Horse Pike. They used to leave the tags with the cars; however the insurance companies have changed that due to liability and the tags are no longer allowed to stay with the car. That creates a situation where he cannot even road test the vehicles without the tags. Other states have tags specifically for repair shops so they can road test the vehicles but New Jersey does not have anything like that for repair facilities. The only way to do it is to apply for a license for used car sales. Mr. Sztenderowicz stated he does not want to be a used car lot; however he has many occasions where the owners cannot afford the repair and asks him to just get rid of the car for them. Legally he cannot do that because that is what's known as jumping title. He would have to go through a title company which charges him six hundred dollars and the process can take six months; however he just did one that took two years. If he can get approval to from the Board and obtain a license from the State he can deal directly with the NJDMV instead of a third party. He stated that the heavy equipment in the rear of his property has been sold and should be removed by the end of November. He is not proposing any signage advertising he is a used car dealer and he will never advertise a car for sale at this property. He must obtain approval from the Township before he can submit his application to the State. Mr. Schwartz indicated that there are already cross access easements from the Traders Lane parking lot to this parking lot. There are no proposed changes to the ingress and egress from his site.

With regard to the fencing at the back of the property it has slats in it and Mr. Sztenderowicz has let the vines grow over the fencing because he thinks it looks better that seeing the slatted fence. Around the retention basin he has bushes and trees which buffer the basin from view. The front of the site has some low lying bushes that he maintains with fresh mulch. There are posts out in the front that he used to use for temporary signs which he will cut down closer to the ground if he is allowed to keep them there for temporary signage when needed.

Public Hearing: (continued)

1. #16-28 & #WSP-51-16 - MCS Integrity (continued)

Mr. Schwartz asked Mr. Sztenderowicz if he thought there were any negative effects on the community or surrounding area if the Board grants him the ability to operate a used car facility to the extent that he has described to the Board. The positive of him being allowed to obtain the State license is that the town will know he will not jump title and that he can remove abandoned cars from his property legally and much sooner than he's been able to in the past. The car sales portion of the business will be only a small percentage of his business. Mr. Sztenderowicz stated that he is not trying to be a used car dealer; he is just trying to do business better and eliminate the middle man so he can move cars that are left on his property quicker and without added expense.

Mr. Fritz asked if this is an extension of his current business. Mr. Marmero stated technically it is another use so that's why they are before the Board for a use variance. He is also before the Board for a D3 variance because the use is a conditional use which means it's permitted but must meet certain conditions which are not met since he is not technically going to be a used car dealership. Mr. McLaughlin asked approximately how many cars are abandoned each year. Mr. Sztenderowicz replied that he gets about fifteen abandoned vehicles each year. Mr. Fritz asked if there has ever been any complaints with regard to the rear of the property. Mr. Sztenderowicz replied he has never had any complaints officially or unofficially from his neighbors.

Ms. Pellegrini reviewed her report for the Board. She asked Mr. Sztenderowicz how many cars were currently on the site that are abandoned. Mr. Sztenderowicz replied that he has about ten vehicles on the site now. Ms. Pellegrini commented that the applicant is only going to be selling those types of vehicles online and not advertising cars for sale on the site. Typically under the conditional use for a used car lot they do not allow repairs on vehicles other than the ones being sold. Because this is a repair facility and they repair vehicles as their primary business not just on vehicles being sold a D3 variance is required. The sale of gasoline or oil shall not be permitted and the applicant testified that he is not selling either. There will not be any display area as is typical for a used car dealership either inside or outside. Mr. Sztenderowicz stated that he will be keeping the cars that he is selling in the back area by the fence. The site does not meet the conditional use requirements with regard to the location of the parking spaces in relation to the right-of-way so a conditional variance is required for that as well. No additional signage is proposed and the parking lot is already paved. Ms. Pellegrini stated that the Board should look at whether the physical impacts of the use have any negative impact with regard to the requirements. The applicant has testified as to the special reasons, the impacts to the surrounding uses, and has indicated there will not be any substantial detriment to the public good. Ms. Pellegrini stated that there are some things that can be done to improve the property with some landscaping, screening, and cleaning up of the basin area and the rear of the property.

Public Hearing: (continued)

1. #16-28 & #WSP-51-16 – MCS Integrity (continued)

Mr. Fritz inquired as to the comment about a sign. Mr. Sztenderowicz stated that the State may require him to post a sign. It will be whatever the minimum size requirement is; it may also only have to be a sign posted inside the building. He doesn't know at this point until he makes his application to the State. He may at some later date come back to the town for a permit for a new sign for the business. Ms. Pellegrini asked if there are car rentals being done on the site. Mr. Sztenderowicz replied that there used to be but not any longer and that the sign has to be updated to eliminate that advertising.

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

Ms. Flaherty reviewed her letter for the Board. She stated that if the use is approved, the applicant will be subject to the annual used car inspection. She stated the applicant has addressed her questions. Ms. Flaherty also informed Mr. Sztenderowicz that additional signage is not permitted; however if he wants to have temporary signs for special events he must come to the township and get a permit. She would like to see the poles cut down to ground level so they do not pose a safety hazard. Mr. Sztenderowicz agreed he would cut the poles down to ground level. She stated that it's the Board's discretion as to whether they want to have sidewalk or grant a waiver. Mr. Kozak inquired as to the tires stacked up on the left side of the building. Mr. Sztenderowicz replied that the company that comes in to remove the tires comes on a monthly basis now. They no longer want him to store the tires on the trailer he used to have in rear of the property. He stated that he does have the fence there but he can add an additional piece of fencing to keep them from view. Mr. Kozak also inquired as to the back fencing and vines growing over the fencing. Mr. Sztenderowicz stated that he does try to be respectful of the residential use behind his property. Mr. Kozak asked if he could just trim the vines and brush growing along the fence. The applicant agreed to trim the vines and clean up the overgrown areas. Mr. Marmero commented that along with the conditional use variance a site plan is required; however the applicant asking for a site plan waiver. The Board will be voting on whether to waive the site plan and then voting on the use variance and the D3 variances. Mr. Fritz commented that the Board should consider sidewalk in the area due the increased business at Sam's Club and in the area. Mr. Kozak commented that he was under the impression the State does not want sidewalk along the pike. Ms. Flaherty stated that the decision is up the NJDOT so it doesn't matter whether the Board waives the sidewalk or not. The applicant will be required to provide a letter of no interest from the NJDOT. Ms. Pellegrini commented that sidewalk was proposed with the original sidewalk but perhaps it was ultimately waived or the State didn't want it.

Public Hearing: (continued)

1. #16-28 & #WSP-51-16 – MCS Integrity (continued)

Mr. Marmero reviewed the variances for the Board. The first motion will be for the use variance to allow the dual uses and the three d variances; the first from the requirement to submit a site plan, no indoor display area, repairing other vehicles other than those for sale. Conditions of the approval are that there will be no direct sales to consumers other than the title exchange and online advertising, no signage indicating the site is a used car facility other than what's required by the State, the poles being cut down to ground level, subject to the annual used car inspection by the Zoning Officer, the heavy equipment being removed by the end of November 2016, trimming the vines and brush along the back fence, the letter of no interest by the NJDOT with regard to the sidewalk. Motion by Mr. Fritz, seconded by Mr. Salvadori to grant the variances required with the conditions as stated. Roll call vote: Ayes – Mr. Fritz, Mr. Salvadori, Mr. Carney, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Mr. Marmero reviewed the site plan waiver request. He stated that the building is not changing in any way, there aren't any additional employees, the ingress and egress are not changing, and there will not be any additional traffic generated by the use. Motion by Mr. Salvadori, seconded by Mr. Carney to grant site plan waiver approval. Roll call vote: Ayes – Mr. Salvadori, Mr. Carney, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Extension Request:

1. #16-05 – ANB Leasing, LLC – Use Variance

Present – Mr. Schwartz, applicant's attorney.

Mr. Schwartz stated that his client was required to submit his application to the Pinelands by September 14th. Mr. Schwartz was away on vacation but did receive the plans in his office and he is expecting a check from his client and will submit the application to the Pinelands within the next couple of days. He realizes that he is past due the time already. Mr. Marmero stated that the resolution required the applicant to submit a site plan within six months of the date of the resolution; however the Board agreed to work with the applicant if he incurred delays by the Pinelands. Motion by Mr. Carney, seconded by Mr. Salvadori to grant a thirty day extension. Roll call vote: Ayes – Mr. Carney, Mr. Salvadori, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero. Mr. Schwartz thanked the Board.

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. #09-02 – Christopher Fazzio – Use Variance

Mrs. Farrell stated that Ms. Flaherty's letter indicates that Mr. Fazzio has not provided any lease agreement or agreement of sale for property where he proposes to move his product. She is advising that Mr. Fazzio should install the fencing and landscaping as per his condition of approval by the Board. Mr. Fazzio has been advised of Ms. Flaherty's recommendation.

Adjournment:

The meeting was adjourned at 7:55 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 meeting. The tape of the meeting is stored in the office of the Board.

Ninette Orbaczewski
Clerk Transcriber