

**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.”

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #16-54 – App. #465-SP – Redgil, LLC – Basin Modification Approved

Motion by Mr. Fritz, seconded by Mr. Mercado to adopt resolution #16-54. Roll call vote: Ayes – Mr. Fritz, Mr. Mercado, Mr. Kozak, Mr. Salvadori, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #16-55 – App. #16-26 – Harold Paul Kanady – Hearing Postponed to January 17, 2017.

Motion by Mr. Salvadori, seconded by Mr. Fritz to adopt resolution #16-55. Roll call vote: Ayes – Mr. Salvadori, Mr. Fritz, Mr. Kozak, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Discussion for Board Action:**

1. #16-16 – Jozef Les – Mr. Schwartz’s letter dated 11/30/16

Present – Len Schwartz, applicant’s attorney, Pawell Les, applicant’s son.

Member’s packets contained: 1. Letter dated November 30, 2016 prepared by Len Schwartz.

The applicant is requesting a reconsideration by the Board concerning the requirement to submit a site plan as opposed to a site plan waiver. The applicant received use variance approval on November 1, 2016 in order to allow dual uses on the property; a machine shop business and a residential single family home. The property is located at 1558 Janvier Road, also known as Block 10701, Lot 3 in the AG Zoning District.

**Discussion for Board Action: (continued)**

1. #16-16 – Jozef Les (continued)

Mr. Schwartz stated that all of the cleaning up of the property has been done; the mobile home has been removed. They contacted the Pinelands and an engineer to inquire about the process and cost of getting a site plan considering everything is already existing. The building exists, the parking is in place, and the house is existing. The cost, which has been provided to the Board, is over \$24,000.00. He stated he then went back to see how they could resolve the issue of needing a site plan for a business that has existed for many, many years. He found that Mr. Weikel issued a zoning permit back in 2007 when Mr. Les purchased the property. The permit indicated that the use was permitted. Mr. Schwartz stated that he was unaware a zoning permit had been issued in 2007 and because it was Mr. Les did not need to obtain a use variance from the Board. There are also letters from the Pinelands indicating that the buildings for the machine shop and the house were in existence as far back as 1989. The zoning permit from Mr. Weikel and the Pinelands letters were in the zoning file for this property. In light of this information the applicant is requesting the Board reconsider their decision to require a site plan for this property. The applicant is willing to move forward with a site plan waiver and Ms. Flaherty has indicated she is in agreement that a site plan is not necessary and they can move forward with a site plan waiver.

Mr. Les was sworn in by Mr. Marmero. He testified that they do not want to expand the business and that the property has been cleaned up according to the conditions set forth by the Board. Mr. Fritz commented that he understands that a site plan might not be needed but he thought a survey of the property should be required to show the current conditions. Mr. Schwartz replied that the applicant has provided an updated survey as part of the use variance application. Ms. Flaherty stated that as part of site plan waiver review she does go out to the properties and she does a full review. She will make recommendations based on her observations of the property and she follows up with a compliance inspection.

Mr. Marmero stated that the applicant is requesting a modification to the conditions of the resolution to allow him to submit a site plan waiver in instead of a site plan. He has stated the reasons and hardships for his request. He stated that if the Board is inclined to make the modification to the resolution the resolution can indicate the requirement of a site plan or a site plan waiver. Motion by Mr. Kozak, seconded by Mr. Salvadori to grant the modification to the resolution. Roll call vote: Ayes – Mr. Kozak, Mr. Salvadori, Mr. Fritz, Ms. Hui, Mr. Mercado, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #15-06 – Matthew Pontano – Mr. DeClement's letter dated 11/17/16.

Member's packets contained: 1. Letter dated November 17, 2016 prepared by Frederick DeClement, attorney for Mr. Pontano.

**Discussion for Board Action: (continued)**

Mrs. Farrell stated that Mr. Pontano's use variance application was for the storage of commercial trucks on his property; however Mr. DeClement has indicated that the wording in the resolution suggests that Mr. Pontano operates his business from his home as well and he would like that portion of the resolution corrected. Mrs. Farrell read the relief requested in Mr. Pontano's use variance application which indicated he would like to park four commercial vehicles and two employees vehicles on his property. Mr. Pontano testified that the employees drive to his residential property, park their personal vehicles, and then take the commercial vehicles to the job site. His request did not include having a business or professional office in his home as his business is run from another location and as such he did not require a second "d" variance. Mr. Fritz stated that he thought he did state he runs the business from the house. Ms. Flaherty stated that regardless of whether he is running the business from the home and in home office is permitted as long as it's not more than thirty percent of the home. The use variance should have been for the storage of vehicles only. Mr. Marmero stated that if he does meet the requirements for an in home occupation than the resolution can be amended to remove the need for the variance for the home office. Motion by Mr. Kozak, seconded by Mr. Fritz to amend the resolution as stated. Roll call vote: Ayes – Mr. Kozak, Mr. Fritz, Ms. Hui, Mr. Salvadori, Mr. Mercado, 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. Ms. Flaherty stated that the Board's packets included the end of the year report and recommendations to the fee ordinance that will be discussed by Council.
2. Mrs. Farrell informed the Board that the reorganization meeting will be held on January 10, 2016.

**Approval of Minutes:**

1. 9/20/16 regular meeting.

Motion by Mr. Mercado, seconded by Mr. Kozak to approve the minutes from the September 20, 2016 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 7:26 p.m.