

Call to Order:

The meeting was called to order at 7:00 p.m. by Chairman Salvadori 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 11, 2017. 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 – Ms. Fox, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin, Mr. O’Reilly, Mr. Salvadori. Absent – Ms. Pellegrini, (excused), Mr. Sander, (excused). Also present – Mr. Marmero, Conflict Solicitor, Mr. Garbowski, Council Liaison.

Memorialization of Resolutions:

1. #16-56 – App. #16-16 – Jozef Les – Condition of Approval Modification Approved

Motion by Mr. McLaughlin, seconded by Mr. Fritz to adopt resolution #16-56. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Mr. Kozak, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #16-57 – App. #15-06 – Matthew Pontano, Jr. – Condition of Approval Modification Approved

Motion by Mr. McLaughlin, seconded by Mr. Kozak to adopt resolution #16-57. Roll call vote: Ayes – Mr. McLaughlin, Mr. Kozak, Mr. Fritz, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearing – continued from 11/15/16:

1. #16-26 – Harold Paul Kanady – Use Variance

Mr. Salvadori announced that the applicant has asked for a postponement of the hearing to a future meeting. Mrs. Farrell stated that the Board should specify a date specific so no new notices will have to be sent. She did inform the attorney for the residents and the applicant’s attorney that she would let them know what the Board decided. The date specific would be February 21, 2017 and Mrs. Farrell will contact everyone by email on Wednesday to inform them of the new meeting date. Motion by Mr. McLaughlin, seconded by Mr. Fritz to postpone the hearing to the February 21, 2017 regular meeting at 7:00 p.m. with no new notice required to be sent. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Site Plan Waiver for Board Action:

1. #WSP-03-17 – Matthew Pontano, Jr.

Present – Fred DeClement, applicant’s attorney, Matthew Pontano, Jr., applicant.

Member’s packets contained: 1. A copy of the applicant’s site plan waiver application. 2. Letter dated January 11, 2017 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is requesting a site plan waiver for the storage of four tractor trailers and two passenger vehicles on his residential property located at 1347 Corkery Lane, also known as Block 3801, Lot 6 in the RG-PR Zoning District. The applicant received use variance approval under application #15-06 in 2015 by the Zoning Board.

Mr. DeClement introduced himself as the applicant’s attorney. Mr. Pontano was sworn in by Mr. Marmero. Mr. DeClement stated that he will address the comments in Ms. Flaherty’s letter except where testimony is needed by Mr. Pontano. The property is located in the Pinelands but because Mr. Pontano is not doing any construction a Certificate of Filing is not necessary. The property contains Mr. Pontano’s residence, swimming pool, garage, and a stoned area in the rear where the trucks park. The property is completely surrounded by trees and the trucks are not visible to the neighbors. Mr. Pontano testified that the trucks leave the site between the hours of 4:00 a. m. and 6:00 a. m. and return to the site between 2:00 p.m. and 3:00 p.m. He has never had any neighbors complain about noise or the trucks. The trucks turn out onto Corkery Lane towards the Black Horse Pike; they never turn down Corkery Lane towards Malaga Road. Mr. DeClement asked Mr. Pontano if he has ever addressed Township Council regarding the use of Corkery Lane. Mr. Pontano stated that he had not addressed Council he only attended a hearing before the Board for the use variance. Mr. Pontano was questioned as to the stone driveway being used by the trucks. He testified that he maintains the driveway and adds more stone when necessary but he’s been using it for over seven years and hasn’t had any problems.

Mr. Kozak commented that the Board did address the use of Corkery Lane for the tractor trailers. Mr. Marmero stated that it was discussed but the Zoning Board cannot do anything about the use of the roadway. The Board could not deny the application due to the use of the roadway. The application was strictly for a use variance to be able to park the tractor trailers on his property; any requirements for approval from the Township for the use of the roadway is not under the jurisdiction of the Zoning Board. Mr. McLaughlin asked Mr. Pontano if he has reached out to the Township concerning the use of the roadway. Mr. Pontano stated he has not because other tractor trailers use that road as well not just his. Mr. Salvadori stated that Corkery Lane has a four ton weight limit. He asked the weight of the tractor trailers. Mr. Pontano stated they are about 40 tons. There was further discussion by the Board concerning the use of the roadway. Mr. Marmero stated the Board already granted the use variance to allow the vehicles to be parked at the property. As part of the use variance approval the code requires a site plan.

Site Plan Waiver for Board Action: (continued)

1. #WSP-03-17 – Matthew Pontano (continued)

Mr. Pontano is here seeking a waiver of the site plan since there isn't any new construction being proposed at the site. These approvals are totally separate from any approval required by Council for the use of the roadway. The Board granted him approval to park the trucks on his property; whether or not the Township wants to enforce the use of the roadway that is a Township issue. Mr. Marmero commented that the Board cannot deny him the site plan waiver based on the issue of the road but only if they feel they need more information about the working of the property for the parking of the trucks. Mr. Marmero stated that the Board can condition their approval on Mr. Pontano going to Council concerning the use of the road. Mr. Salvadori commented that he appreciated Mr. Pontano coming to the Board to do the right thing; however the Board can only do so much and they do not have authority over Council. Mr. Pontano thanked him and stated he is only trying to make a living.

Ms. Flaherty reviewed her letter for the Board. She informed Mr. Pontano that he is allowed to have a business sign if he chooses. She stated that Mr. Pontano did have to stop in the office and fill out a zoning permit application for his in-home office. Ms. Flaherty commented that the property is well maintained and that she would not have known there were any trucks parked in the rear since the site is heavily wooded. The trucks cannot be seen from the neighboring properties. She did suggest Mr. Pontano's attorney send a letter to Mr. Fiore for a legal opinion on the granting of the use variance in relation to being able to use the road. Mr. Fiore can then bring the matter to Council if necessary and Mr. Pontano and Mr. DeClement can appear before Council. Mr. DeClement raised some questions with regard to the process of going to Council. Mr. Marmero stated that it is similar to having to obtain an outside agency approval; someone may get an approval to do something on a County road but they still need County approval; this is a similar situation.

Motion passed to open the hearing to the public.

1. Mr. Garbowksi, Council Liaison, commented that area of Corkery Lane is going to be rehabbed in the near future. He suggested the applicant appear before Council sooner than later.

2. Mr. Heffner commented that the job has already been sent out to bid for that section of Corkery Lane. They will not be installing sidewalk on that section of road; it is a total redo of the roadway but it will still be a four ton weight limit. To increase the weight limit on the road it will cost over \$200,000.00. So that would take it to over a half million dollars to rebuild that road. He stated that they applied for \$350,000.00 from the State to redo the road and if they are going to spend that kind of money on that road adhering to the four ton weight limit will become an issue because they don't want the road to be torn up. He didn't think Council would approve the additional money to increase the weight limit.

Site Plan Waiver for Board Action:

1. #WSP-03-17 – Matthew Pontano (continued)

Mr. Kozak questioned whether it's a matter of enforcement especially if the Township is going to spend that kind of money putting in a new road. Mr. Heffner replied that they can't tell the Police Department to go do their job; it still comes down to them.

Motion passed to close the application to the public.

Mr. Marmero reviewed the application for the Board. If the Board is inclined to approve the application it would be conditioned upon the applicant receiving a zoning permit for the in-home office, the applicant is required to appear before Council if deemed necessary by Mr. Fiore for approval to use the road, the applicant must adhere to all Township ordinances, and the Board has to decide if sidewalk will be required. Motion by Mr. McLaughlin to grant the site plan waiver with the conditions stated and to waive the requirement of sidewalk, seconded by Mr. Fritz. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Ms. Fox, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. Salvadori. 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. Township Alcohol & Drug Free Workplace Policy

Member's packets contained a copy of the policy for their information.

2. Mrs. Farrell stated that she forwarded the information to the Township Clerk concerning the Board requesting RFQ's for the position of Board Solicitor. It was posted on the website and when Mrs. Farrell went back to the website to print it out it wasn't there any longer. The Township Clerk had already left for the day so she doesn't have an answer for it but she will find out from her on Wednesday. Mrs. Farrell informed the Board that the next meeting is scheduled for February 7, 2017 and let them know the listing of the Board members and the 2017 meeting dates are in their packets.

Approval of Minutes:

1. 8/2/16 regular meeting.

Motion by Mr. Kozak, seconded by Mr. Fritz to approve the minutes from the August 2, 2016 regular meeting. Voice vote; all ayes, motion passed.

2. 1/10/17 reorganization meeting.

Motion by Mr. Fritz, seconded by Mr. Kozak to approve the minutes from the January 10, 2017 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:35 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