

Call to Order:

The meeting was called to order at 7:08 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 on January 19, 2019. In addition, separate notice for this evening’s public hearings were provided in writing and published in the newspaper. Be advised, no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m.”.

The Board saluted the flag.

Roll call: Present – Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. McLaughlin, Mr. Sebastian, Mr. Kozak, Mr. Rybicki, Mr. Salvadori. Absent – Mr. Cossaboon, (excused), Mr. Sander, (excused). Also present – Mr. Coe, Solicitor, Ms. Pellegrini, Planner, Mr. O’Reilly, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Public Hearings:

1. #19-15 – David Schwoyer – Rear Yard Variance

Present – David Schwoyer, applicant.

The applicant is requesting a rear yard variance of forty-six feet in order to construct a 16’ x 27’ addition to the rear of his existing home. The property is located at 609 Windmoor Way, also known as Block 1405, Lot 11 in the Commercial Zoning District.

Mr. Schwoyer was sworn in by Mr. Coe. He testified that he would like to construct a 16’ x 27’ addition to the back of his existing home. Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Fritz, seconded by Mr. McLaughlin to deem application #19-15 complete. Voice vote; all ayes, motion passed.

Mr. Salvadori asked the location of the addition. Mr. Schwoyer stated it will be at the rear of the house off of the kitchen/dining room area. The addition will not extend past the end of the house. Mr. Kozak asked if there was any other property Mr. Schwoyer could purchase to meet the rear yard of seventy-five feet. Mr. Schwoyer replied that there is another home behind his property, so he cannot obtain any other property. Mr. Schwoyer also stated that currently he only has forty-feet between the rear of his house and the rear property line; so, he doesn’t have the seventy-five feet without the addition. With the addition, he will have twenty-nine feet. Mr. Kozak asked how the addition will be used. Mr. Schwoyer replied that it will be used as a recreation type room as well as for additional storage. Mr. Kozak also inquired as to any drainage issues. Mr. Schwoyer replied he does not have any drainage issues and he will be sure that the rain gutters are installed properly as to not push water onto his neighbor’s property.

Public Hearings: (continued)

1. #19-15 – David Schwoyer (continued)

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

Mr. Coe reviewed the rear yard variance for the Board. Motion by Mr. McLaughlin, seconded by Mr. Kozak to grant the rear yard variance of forty-six feet giving Mr. Schwoyer a twenty-nine-foot rear yard where seventy-five feet is required subject to the following conditions: the applicant must obtain all necessary permits for the construction of the addition and maintain his escrow account. Roll call vote: Ayes – Mr. McLaughlin, Mr. Kozak, Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #19-27 – Springs of Hope Christian Ministries – Use Variance

Present – Len Schwartz, applicant’s attorney, Akin Obefemi Aro, Pastor.

The applicant is requesting a use variance in order to replace their existing church sign with an electronic message center LED sign with an illuminated cabinet. The property is located at 31 Poplar Street, also known as Block 3207, Lot 15 in the R-1 Zoning District.

Mr. Schwartz stated that the church is located on Poplar Street and there is an existing sign in front of the building. The application this evening is to replace that sign with an electronic LED sign however, electronic message signs are not permitted in the zone. The applicant has submitted a rendering of what the sign, pictures of the existing sign and its location on the property, and a survey which also shows the proposed location of the sign. Ms. Pellegrini had some questions with regard to the right-of-way and the actual location of the proposed sign as well as the actual size of the sign. She created a drawing to indicate the proper location and dimensions. They have reviewed her report and are in agreement that they will comply with the electronic messaging sign ordinance with regard to the automatic dimming controls, the display time, and illumination.

Mr. Schwartz asked Pastor Aro if the sign will only be used for messages for the church. Pastor Aro replied that the message will be for the community and church members to inform them of activities at the church. The sign will come with automatic dimmer controls so in the evening it will be dimmed so as not to disturb the neighbors. Pastor Aro stated he did not feel there would be any negative impact to the surrounding area. He commented that it will be better visually for the area. He was in agreement to provide a contact person from the church to the Office of Emergency Management in the event they needed to have emergency information posted on the sign.

Public Hearings: (continued)

2. #19-27 – Springs of Hope Christian Ministries (continued)

The location of the sign will not impair any sight triangle for people entering or leaving the church property. There was testimony that there are other electronic signs along Main Street. The new sign will be in the same location as the existing sign; however, it is bigger so it will be closer to the building. Mr. Schwartz discussed the County right-of-way and indicated to the Pastor that in the event the street is ever widened, they might have to move the sign. Pastor Aro acknowledged that statement and agreed that they would have to move the sign in the event the County wanted to widen the street.

Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that the applicant is asking for a waiver of the application fee. Mr. Kozak inquired if the Board has waived the fee in the past for other churches. Mr. Coe replied that the Board has waived the fee for other nonprofit organizations. Motion by Mr. Sebastian, seconded by Mr. McLaughlin to grant the waiver of the application fee and deem application #19-27 complete. Roll call vote: Ayes – Mr. Sebastian, Mr. McLaughlin, Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Ms. Pellegrini was sworn in by Mr. Coe. She reviewed her report for the Board. She wanted to clarify that the right-of-way to the center line is approximately 24.75 feet. At the time of site plan approval for the building, the County required an additional road easement of 7.25 feet. The current sign is just about two feet from the original right-of-way and is located in the 7.25 road easement. The new sign can be placed in the same location as the existing sign but it is wider as the existing sign is approximately four and half feet wide and the proposed sign is just over seven foot wide. They can hold the same distance they have now to the right-of-way but it will place the sign about three and half feet from the building. The applicant will have to move the sign if the road is ever widened. Ms. Pellegrini asked the clearance from the bottom of the sign to the ground of the current sign. Pastor Aro replied it is approximately three feet. Ms. Pellegrini commented that the proposed sign will have the same clearance which is nonconforming and should be part of the variance. The applicant has agreed to the ordinance regulations for the electronic sign. Mr. Sebastian asked if the sign is parallel to the street. Ms. Pellegrini replied the sign will be perpendicular to the street. Mr. Kozak commented that if the sign has to be moved in the future, it would be at the applicant's expense not the Township or the County. Pastor Aro agreed that they would pay to move the sign if necessary.

Motion passed to open the hearing to the public.

Public Hearings: (continued)

2. #19-27 – Springs of Hope Christian Ministries (continued)

1. Matthew Scardino, 1609 Silver Birch Road, was sworn in by Mr. Coe. Mr. Scardino stated that he owns a business on the corner of Poplar and Main Street. He has rental units above the business and the tenants have complained about the illumination from the sign at the bank in the evening. He had to advise them to get room darkening shades but he wanted the Board to be aware that there are seven or eight residential homes in the area around the church.

Motion passed to close the hearing to the public.

Mr. Kozak stated that since the sign is in an area where there are more residential homes, maybe the applicant would agree to turn the sign off in the evening and turn it back on in the morning so as to avoid any complaints from the neighbors. Mr. Schwartz replied that they could put language in the resolution that would indicate if there are complaints from surrounding neighbors, the applicant will work with the town to shut down the sign in the evening. Mr. Kozak agreed with Mr. Schwartz's suggestion.

Pastor Ayodeji Onibuore was sworn in by Mr. Coe. Pastor Onibuore commented that at certain times of the year they have a three-day revival and they would like to have the sign on continuously during that time. They do also have night vigils where they would like to have the sign on continuously during the vigil. He agreed they can turn it off on most nights at around 11:00 p.m. and then turn it back on in the morning but when they have these special events, they would like to keep the sign on. On the evenings when they have a night vigil, they do not finish until around 2:00 or 3:00 a.m. They can turn the sign off when they leave if necessary.

Pastor Elaine Howard, 1905 Maria Elena Drive, was sworn in by Mr. Coe. She stated that there are other churches with electronic signs that do not have to turn their signs off in the evening and that they should not have to turn their sign off. Mr. Kozak replied that there aren't many residences in the area of those signs on Main Street but more residences near where this sign is proposed. Pastor Howard replied that the Methodist and Presbyterian Churches have residential homes right across the street from them. Mr. Schwartz commented that Mr. Kozak's suggestion was they may only have to turn it off if there are complaints. Pastor Howard stated that if they have to turn their sign off then the other churches and businesses near residential homes should have to turn theirs off. Mr. Kozak replied that he only suggested it because someone did give testimony about residents complaining about another sign and he just wanted to try to make a provision in the event neighbors would complain.

Public Hearings: (continued)

2. #19-27 – Springs of Hope Christian Ministries

Mr. Coe stated that the condition he was going to suggest is the that the applicant will agree to further dimming or turning off of the electronic sign between the hours of 11:00 a.m. and 6:00 a.m. if a formal complaint is lodged in writing by a residential neighbor. Mr. Schwartz replied that is fine but on the special occasions they would like to be able to keep the sign on. Pastor Kemley Whiteside, 1056 Beckley Court, was sworn in by Mr. Coe. She stated that she is in agreement with the statement that any complaints have to be a neighbor in the area of the church. She also was in agreement with the hours suggested if it is necessary to turn the sign off in the evening. Manuel Puli, 30 Poplar Street, was sworn in by Mr. Coe. Mr. Puli commented that he lives right across the street from the church and that he does not have any issues with the proposed sign.

Mr. Schwartz wanted to clarify with the Board that on the special occasions they will work something out with the Zoning Officer with regard to the sign staying lit, if at all necessary. Mr. Coe reviewed the use variance request for the Board. The applicant is proposing to install an 8'x 3'x 7.1' changeable copy EMC LED sign with a sign cabinet to replace the existing sign. There is also a variance for the clearance under the sign. Motion by Mr. Mercado, seconded by Mr. Kozak to grant the variances subject to the following conditions: no off-site advertising except for emergency messages from the Township OEM, the sign must comply with all of the EMC sign standards in the ordinance, the has agreed to further dim or turn off the sign between 11:00 p.m. and 6:00 a.m. on non-special occasions if a formal complaint is lodged, in writing, by a residential neighbor, the applicant will move the sign if necessary, at their own expense, if there is widening of the road, the applicant will provide contact information to the OEM in the event the sign must be used for emergency messages, the applicant must obtain all necessary permits, and maintain their escrow. Roll call vote: Ayes – Mr. Mercado, Mr. Kozak, Ms. Fox, Mr. Fritz, Mr. McLaughlin, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

3. #19-29 – NWD Development, LLC – Use Variance

Present – Len Schwartz, applicant's attorney, Ken Schatz, applicant, Paul Witthohn applicant's engineer, Tom Swartz, CES.

The applicant is requesting a use variance to allow a mixed-use development that will consist of 7.67 acres of commercial development and 117 age-restricted multi-family units. The property is located between Glassboro Cross Keys Road and Fries Mill Road and is also known as Block 14801, Lot 12 in the RA Zoning District.

Public Hearings: (continued)

3. #19-29 – NWD Development, LLC (continued)

Mr. Schwartz introduced himself as the applicant's attorney. Mr. Schatz displayed a concept of the proposed use for the Board. Mr. Schatz, Mr. Witthohn, and Mr. Swartz were sworn in by Mr. Coe. Mr. Schwartz stated that the proposal this evening is solely for the use variance to allow a mixed-use development at the corner of Fries Mill Road and Glassboro Cross Keys Road. They are not asking for any approval on the layout or any bulk requirements at this time. If the use is approved, they will be back before the Board for site plan and subdivision approval.

Mr. Coe asked if it is the applicant's intention to submit two separate plans; one for site plan and one for subdivision or will they be combined. Mr. Schatz replied that he is the sole owner of NWD Development and that he owns the property. Mr. Schatz pointed out a plan displayed as the 117 single family homes currently approved as Sterling Glen II. Hovnanian is currently building Sterling Glen I. Mr. Schatz indicated that Sterling Glen II was obtained by TD Bank and that he purchased the property last year from the bank. He then went back to Hovnanian to talk to him about building an alternate product. He displayed a plan showing 147 attached units which is permitted in the zone. They met with the Development Committee of the town and they proposed to him the idea of a mixed-use development. Mr. Swartz displayed the alternate mixed-use plan which depicted 117 attached units and commercial lots on either side of the existing CVS. Mr. Schatz stated he is not sure what the tenants of the commercial lots will be but they are hoping to get the use variance so they can market those lots for commercial development. The 117 attached units will be contracted to Hovnanian to build. If the use is approved, they will come back to the Board for subdivision approval first and then as they acquire commercial tenants, they will come to the Board with the individual site plans for approval.

Mr. Schatz stated they reviewed Ms. Pellegrini's report and they do not have issues with the comments. There are issues they will work out with the Board as they move forward. They anticipate having one or two commercial buildings on Glassboro Cross Keys Road and two buildings along Fries Mill Road but that will be determined by the type of tenants. He indicated they are working with CVS for interconnections. Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell indicated the applicant is requesting a waiver from providing the certified survey but they have submitted the proposed use plan. The certified survey will be provided at the time of subdivision/site plan approval. Motion by Mr. Kozak, seconded by Mr. Fritz to grant the waiver and deem application #19-29 complete. Roll call vote: Ayes – Mr. Kozak, Mr. Fritz, Ms. Fox, Mr. Mercado, Mr. McLaughlin, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

3. #19-29 – NWD Development, LLC (continued)

Mr. Schwartz asked Mr. Schatz why he thinks the area of the proposed commercial development is particularly suited for the use. Mr. Schatz replied that the intersection is a strong, heavily travelled, highly visible corner with commercial development already in the CVS. There are two commercial zoning districts, neighborhood commercial and community commercial and they would hope to be able to acquire an eating/drinking establishment. The zoning plan and goals of the Master Plan will be enhanced with the commercial development instead of all residential development. Along with the proposal for the active adult community and the one already being constructed; the commercial development will be a convenience for residences in those developments.

Mr. Schwartz asked Mr. Schatz, with regard to the negative criteria, if he thought the proposed mixed-use development would have any impact on the surrounding area or the Township's zone plan. Mr. Schatz replied that he did not believe there is any negative impact to the surrounding area and will not be a detriment to the zoning plan or the zoning code. Mr. Schatz stated that the proposed commercial use will compliment the existing commercial and the residential uses. It will also help the Township with increasing commercial ratables and pull some of the commercial development from Washington Township. Also, by developing some of the property commercially, it reduces the number of residential units from 147 to 117. Ms. Fox asked if the applicant will be developing the residential and commercial at the same time. Mr. Schatz replied that the residential will be handled by Hovnanian and he will do the commercial. He did not know the order but stated the residential would probably be started before any commercial. Mr. Coe asked if the applicant would agree that as an appropriate condition of future subdivision approval, the Board would impose a condition of timing with respect to the residential versus commercial portion. Mr. Schatz replied he cannot agree to that condition because the market for the commercial will be driven by sales of the residential units. He is giving up 30 residential lots to provide for commercial development. Mr. Coe stated if Hovnanian obtains subdivision approval then the commercial does not get developed or they can come back and say they want more residential units in place of the commercial. Mr. Schatz replied that if he intended to build all residential, he would do that now as there are already approvals for the site; but he is taking out 30 units in order to develop the corner with commercial. Mr. Schatz stated the town doesn't lose anything if he doesn't develop the commercial as he can build the 147 units if he wanted to, but he is gambling and taking a chance that he can develop the corner with commercial. The one concern is the access road from the residential to the commercial that the development committee wanted to see on the plan. He stated he is not sure where the interconnection will be on the site as of yet.

Public Hearings: (continued)

3. #19-29 – NWD Development, LLC (continued)

Mr. Kozak commented that it is refreshing to have Mr. Schatz come in proposing commercial development. He stated he hoped Mr. Schatz would actively seek to develop the corner before the corner across the street in Washington Township gets developed. Mr. Schatz replied that it is in his best interest to try to get the commercial in this location as they also have a commercial component on the corner of Fries Mill Road and Route 322. Trying to pull down some of the commercial business from Washington Township to this area is their goal.

Ms. Pellegrini reviewed her report for the Board. She stated her report does point out some bulk requirement issues for the applicant if they intend to develop the site in accordance with the concept. Those comments are informational and not intended as part of the use variance. Ms. Pellegrini stated that although the proposed use is not consistent with the goals and objectives of the Master Plan, the overall goals of the Master Plan can be furthered by the proposed use. This is an area of the town where more commercial development is needed on a strong corner to try to accomplish that goal. As is evidenced by the development on Berlin Cross Keys, the rooftops did drive the commercial development to the area. The proposed use will bring needed utilities to this area of the Township which is a positive outcome. Ms. Pellegrini stated there are certain issues that the applicant should take into consideration such as the perimeter buffer and the stormwater management areas. She was part of the development committee where the advantages of having this mixed-use development were discussed. Ms. Pellegrini stated that further review will take place during subdivision and site plan and that they support the application for the reasons stated.

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

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Kozak, seconded by Mr. McLaughlin to grant the use variance for a mixed-use development/residential and commercial, subject to the following conditions: the applicant must maintain his escrow account and submission of subdivision and site plans. Mr. Kozak asked if at the time of subdivision or site plan, can the Board discuss the timing of the commercial versus the residential. Mr. Schatz once again stated he will not agree or represent that he will agree to any of those conditions with regard to constructing so much residential and then commercial. Ms. Pellegrini stated that arrangements can be made such as with the Barclay Glen development where after the pad sites were constructed there was an agreement about taxing them as if they were developed. This may be something that can be discussed at subdivision and site plan. Roll call vote: Ayes – Mr. Kozak, Mr. McLaughlin Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. Sebastian, Mr. Salvadori.

Public Hearings: (continued)

4. #19-28 – Ryan McDonough – Use Variance

Present – Ryan McDonough, applicant.

The applicant is requesting a use variance in order to construct a 40' x 80' pole barn on his property located at 346 Broadlane Road, also known as Block 5303, Lot 5 in the FD-10 Zoning District.

Mr. McDonough was sworn in by Mr. Coe. Mr. McDonough stated that he is before the Board requesting a use variance for the construction of a 40' x 80' pole barn because it is bigger than his existing home. Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that the applicant is requesting a waiver of the Certificate of Filing and that it can be condition of approval, if it is determined to be needed at all. Motion by Kozak, seconded by Mr. Sebastian to grant the waiver and deem application #19-28 complete. Voice vote; all ayes, motion passed.

Mr. Coe asked Mr. McDonough to state the positive reasons he needs this use and if there will be any negative impacts to the neighbors or surrounding area. Mr. McDonough stated that he has valuable equipment and a boat he would like to store inside the pole barn that would otherwise be stored outside. His house is three hundred feet from the road so the neighbors probably won't see the pole barn from the street. His next door neighbor constructed a similar pole barn in their backyard last year so he didn't think they would have any objections. Mr. Kozak stated the applicant also needs a height variance and asked Mr. McDonough the reason for the added height. Mr. McDonough testified that the pole barn will be 21 feet high due to his boat being 13.6' feet in height. Mr. Fritz asked if there will be electricity and plumbing in the pole barn. Mr. McDonough replied that he will eventually have electricity for lights. Mr. Coe asked if there was any intention to use the pole barn for any type of residential space. Mr. McDonough replied he does not intend to use the pole barn for residential or commercial use, just for storage of his personal items.

Ms. Pellegrini reviewed her report for the Board. She stated that the applicant is before the Board because the proposed pole barn is larger than the existing home. A height variance is also required as previously stated. She asked Mr. McDonough if there will be a driveway constructed back to the pole barn. Mr. McDonough replied that there will be a stone driveway as an extension to his existing driveway. Ms. Pellegrini stated that the pole barn should be compatible in design to the existing home. Mr. McDonough replied that the design of the pole barn will be similar to the house in color and material.

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

Public Hearings: (continued)

4. #19-28 – Ryan McDonough (continued)

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Kozak, seconded by Mr. Fritz to grant the use variance and height variance as stated subject to the following conditions: the applicant must comply with the design and performance standards, any COAH requirements as determined by the construction official, no commercial use or residential occupancy, and if necessary, the Certificate of Filing from the Pinelands, the applicant must maintain his escrow account, and obtain all permits. Roll call vote: Ayes – Mr. Kozak, Mr. Fritz, Ms. Fox, Mr. Mercado, Mr. McLaughlin, Mr. Sebastian, 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.

Mrs. Farrell announced that the memorialization of the Redgil resolution and the approval of minutes will be deferred to the next meeting.

Executive Session:

Motion by Mr. Mercado, seconded by Mr. Mercado to adopt resolution #37-19 for executive session. Voice vote; all ayes, motion passed.

The Board adjourned to closed executive session at 8:46 p.m.

At 9:24 p.m., Mr. Coe announced the Board is out of executive session and the matters cannot be discussed at this time.

Adjournment:

The meeting was adjourned at 9:25 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.

Respectfully submitted by: Ninette Orbaczewski, Clerk Transcriber.