

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6: 37 p.m. by Chairman Sebastian 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 July 29, 2021. In addition, separate notice for this evening’s public hearings were sent in writing and published in the newspaper on December 3, 2021. 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- Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Powers, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian, Mr. Adams, Mr. DelCampo, **Absent-** Also **present** – Mr. Coe, Solicitor, Mr. Kernan, Planner, Mr. Sander, Engineer, Ms. Fox, Council Liaison, Mrs. Orbaczewski, Secretary, Mrs. Tomasello, Clerk Transcriber

Memorialization of Resolutions:

None

Public Hearings:

1. #21-57- Joseph Manfredi- Use Variance

Present- Leonard Schwartz, applicant’s attorney, Joseph Manfredi, applicant.

The applicant is requesting a use variance for the construction of a 70’ x 50’ pole barn to be used in conjunction with a commercial business. A use variance is also required to allow two uses, one residential and one commercial use, on the property, along with any other variances or waivers deemed necessary by the Board. The property is located at 2305 S, Black Horse Pike, also known as Block 8601, Lot 6 in the TG-C Zoning District.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbaczewski replied that the applicant is asking for a waiver for certificate of filing. Motion by Mr. Salvadori, seconded by Mr. Rybicki to waive the Certificate of Filing and deem application #21-57 complete. Voice vote; all ayes, motion passed.

Public Hearings: Continued

1. #21-57- Joseph Manfredi- Continued

Mr. Schwartz introduced himself as the applicant's attorney. Mr. Manfredi was sworn in by Mr. Coe. Mr. Schwartz stated that this application is in regards to the applicant's home property on the Black Horse Pike. Applicant lives in the front residence and is asking for a use variance in order to have a residence and a pole barn for his business. The pole barn will be utilized to store trucks and equipment. There will be no other improvements on the property. Mr. Schwartz stated that the use variance is for two principal uses, the pole barn that will be larger than the residence, they are asking for a site plan waiver. Mr. Schwartz asked Mr. Manfredi what type of business he has. Mr. Manfredi replied he has a concrete business. Mr. Schwartz asked, how many employees do you have, Mr. Manfredi replied one. Mr. Schwartz asked the number of trucks. Mr. Manfredi replied five trucks. Mr. Schwartz asked where he parks those trucks. Mr. Manfredi replied outside. Mr. Schwartz asked what is the intention for the pole barn. Mr. Manfredi replied cleaning the property and storing the equipment. Mr. Schwartz asked in regards to employees, Mr. Manfredi replied it's just himself. Mr. Schwartz stated on the left side of the house there is an existing asphalt driveway, and asked will that driveway extend to the pole barn. Mr. Manfredi replied yes and it will be finished with stone. Mr. Schwartz asked Mr. Manfredi if any customers come to the property. Mr. Manfredi replied no. Mr. Schwartz asked Mr. Manfredi if he stores any materials. Mr. Manfredi replied no, they are delivered to the job site. Mr. Schwartz asked Mr. Manfredi the hours of operation. Mr. Manfredi replied 7:00 am to 5:00 pm. Mr. Schwartz stated that the property is zoned both commercial and residential, the property has three acres, behind where the pole barn is a wooded area. Mr. Schwartz asked Mr. Manfredi if there has been any complaints to the property in regards to the trucks coming in and out of the property. Mr. Manfredi replied no. Mr. Schwartz asked Mr. Manfredi how the pole barn will look in regards to architect, siding, color and height. Mr. Manfredi replied it will be a regular pole barn that will blend in with the house and the height of the pole barn will be what is required by the Township. Mr. Schwartz advised Mr. Manfredi that if he is approved tonight Mr. Manfredi will have to go to the Pinelands for a Certificate of Filing, Mr. Manfredi replied yes.

Mr. Sebastian asked if in the area in the front of the house where the driveway will be added will be stone. Mr. Manfredi replied yes it will all be stone. Mr. Salvadori asked if the pole barn will have electricity and plumbing. Mr. Schwartz replied no plumbing and there will be electric.

Mr. Kernan reviewed his report for the Board. He stated that Mr. Schwartz had gone through his report in the testimony. Mr. Kernan stated the applicant seeks use variance approval to construct a 70 ft. x 50 ft. pole barn for storage of various equipment for business and personal use. Mr. Kernan stated that on page 3 of his report there are a couple of items; no business, service or industry shall be conducted within a private garage. Mr. Kernan also stated that an accessory building or structures shall be permitted on a lot associated with a principal structure, building or use, except on qualified farmland. The total combined square footage of any accessory building or structure shall not exceed the square footage of the principal building. All farmland structures shall adhere to the setback requirements. The plan does not appear to conform to this requirement, proposing a pole barn which appears to be larger than the dwelling. As proposed a variance may be required. The accessory buildings or structures shall not be located in any required buffer areas, easements or drainage ways. Mr. Kernan stated that the applicant is not within easements. Mr. Kernan stated the roof shape of a garage or shed shall be visually compatible with building and/or structures to which it is visually related, the applicant will have a typical pole barn, less than or equal to 24ft height and an

Public Hearings: Continued

1. #21-57- Joseph Manfredi- Continued

A shape roof. Mr. Kernan stated within a non-subdivision parcel with a minimum of three acres, an accessory building, pole barn may be erected not to exceed 2,500 square feet and no more than 24 feet high from the finished first floor so long as said pole barn is not larger in square feet than the principal use/structure. Said pole barn must meet all setback requirements of the respective zone. The plan does not conform to these requirements, proposing an area of 3,500 sq. ft. As proposed, a variance is required.

Motion to open to the public.

1. Joseph Prus, 2316 S. Black Horse Pike was sworn in by Mr. Coe. He stated that he is Mr. Manfredi's neighbor from across the street and he has no problem with the variance request.

Motion to close to the public.

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Kozak, seconded by Mr. Powers to grant the two use variances one for the residential and commercial use, for the size of the pole barn 70 x 50, and also a site plan waiver. The conditions which are appropriate on the motion are that the applicant must secure all necessary outside agency approvals including the Pinelands, Township permit approvals as well as construction permit approvals. The applicant shall maintain his escrow obligations. The pole barn should be solely for storage purposes; no living area should be constructed in the pole barn. The applicant shall comply with any COAH development fee required as may be determined by the construction official. The applicant shall comply with the design and performance standards as to height, shape, and appearance of the pole barn set forth in the planner's report. The pole barn shall be constructed in accordance with all plans and surveys submitted as part of the application. Roll call vote: Ayes- Mr. Kozak, Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

2. #21-58 & #510 SP- Blue Cork Winery & Vineyard, Inc.

Present- Lawrence Luongo, applicant's attorney, Angelo and Michelle Tantaros, applicant, Richard Clemson, Engineer, Tiffany Morrissey, applicant's planner, Michael Donovan, Architect, Andrew Feranda, Traffic Engineer.

The applicant is requesting a use variance to allow a 9,000 square feet building to operate as a banquet hall to host events. Improvements will be constructed which include parking, a septic system, storm water management, and roadway drainage. The applicant is also seeking site plan approval for the existing vineyard, winery, existing buildings, parking, fencing and the existing residential home along with associated variances and waivers. The property is located at 1093 Blue Bell Road, also known as Block 10901, Lots 4 and 32 in the AG Zoning District.

Public Hearings: Continued

2. #21-58 & #510 SP- Blue Cork Winery & Vineyard, Inc. (continued)

Mr. Sanders stated for completeness topographic contours extending 200 feet in which 300 feet is required beyond the boundaries of the property have not been provided. The submission requirement would not be unreasonable for this application. Mr. Sebastian asked Mr. Luongo if they are asking for a waiver, Mr. Luongo replied yes.

Mr. Sebastian asked if the application can be deemed complete. Mrs. Orbaczewski replied the application for the use variance can be deemed complete. Motion by Mr. Kozak, seconded by Mr. Powers to deem application #21-58 complete. Voice vote; all ayes, motion passed.

Mr. & Mrs. Tantaros, Mr. Clemson, Ms. Morrissey, Mr. Donovan, Mr. Feranda were sworn in by Mr. Coe. Mr. Luongo asked Mr. Tantaros to give the board a brief history on how he came to this country and how he got into the vineyards. Mr. Tantaros stated that he came to the U.S from Greece in 1988 when he was only 18 years. Mr. Tantaros stated in Greece when you are seventeen you need to be in the Army for at least 18 months in which he did, he came to the US with a hand bag and \$80. Mr. Tantaros stated that he was supposed to get picked up by someone and they never showed up, he spent his money on a ride somewhere, had no place to sleep and slept in a park for three days when he met someone they got him a job at a restaurant. Mr. Tantaros was working there for a little until he found out he had family in PA. He went to PA continued working at the restaurant met his wife. They have four children. Mr. Tantaros lived in Bucks County for 15 years where he has a landscaping business. He stated that his father had a vineyard that was over 400 years old, his father got very ill and passed away, during his flight back from Greece Mr. Tantaros stated that wanted to do a vineyard and make his Dad proud of him. Mr. Tantaros purchased the property 12 years ago and wants to have it like they have it in Europe.

Mr. Luongo asked Mr. Tantaros when were the vines put up. Mr. Tantaros replied in 2014. Mr. Luongo asked Mr. Tantaros how long they take to grow. Mr. Tantaros replied 5 years to get grapes. Mr. Luongo asked Mr. Tantaros how much time it took before he could open his doors. Mr. Tantaros replied it was not easy, it took him 10 years to open the doors. Mr. Luongo stated the vineyard business is an expansion use and we all know is well established in many regions of the country. New Jersey is one of the fastest growing new regions for vineyards, and it's called agritourist. One of the fastest growing industries in the wine making regions which we think of is California, Napa Valley but that is not the place anymore. Mr. Luongo stated the application is for a use variance to permit the existing 9,000 square feet building as a banquet hall, there is also a bulk variance that is going along with that including a reduction in some of the parking spaces.

Public Hearings: Continued

2. #21-58 & #510 SP- Blue Cork Winery & Vineyard, Inc.(continued)

Mr. Clemson stated the applicant Blue Cork Winery and Vineyard, is requesting a preliminary and final site plan approval as well as a use variance approval for a 9,000 square feet banquet hall. The property consists of two separate lots, lot 4 is a weirdly shaped property that has frontage to Blue Bell Rd, and lot 32 to the west which has frontage to Sykesville Rd. Total acreage combined is 23 ½ acres, and is in the AG zone agriculture production district. Mr. Clemson stated that lot 4 has 555 feet of frontage along Blue Bell Rd and lot 32 has about 50 feet of frontage on Sykesville Rd. Mr. Clemson stated the land uses surrounding the property are primarily agricultural, but there are some other uses around, there is a residential use on the opposite side of Blue Bell Rd. There is a house and an Auto Repair Shop on the Southside, there is a couple of single family homes further south, there is vacant woodlands and there are some single family homes along Sykesville Rd. There is an existing improvement on the property primarily on lot 4, The existing improvements include the existing family home with an attached garage. There is also a 5,000 sq. ft. wine processing building, there is also a 3,500 sq. ft. retail and tasting building, which is constructed only on the outside the improvements on the inside have not been done a 9,000 sq. ft. building that is just the shell with the intentions of building a banquet facility. Mr. Clemson stated in addition there is a patio that connects the three winery buildings together, they are pavers. Mr. Clemson stated there is a garage on the northern end of the property which is used to house the farming equipment; this is primarily a farming operation. The residential dwelling and the processing and retail facility are allowable uses on the AG- zone. The banquet facility is not, that is the purpose of the use variance. The property does not contain any fresh water wetlands, but they have a 300 ft. wetlands buffer which has been respected. There is also a Certificate of Filing from the Pinelands. There is no endangered species associated with the property and are not in a flood plan. Mr. Clemson marked the aerial A-1. Mr. Clemson marked a color rendering of the site A-2. The site plan application in addition to continue the operation of the processing facility. Mr. Clemson stated the banquet hall will contain a maximum of 250 seats, and that was communicated with the Pinelands Commission. Mr. Clemson stated that hours of operation will be as follows, Monday and Tuesday they will be closed including the processing building as well as the retail, Wednesday noon to five, Thursday noon to eight, Friday noon to nine, Saturday noon to nine, and Sunday noon to seven. There will be a maximum of two events per week in the banquet hall.

Mr. Clemson stated the site improvements that will be necessary in order to support the facility are paved access road coming off of Blue Bell Rd, there will be a road widening along Blue Bell Rd, providing an additional 14ft. of pavement along Blue Cork Winery as well as curbing. That will bring Blue Bell Rd up to masterplan standards, that means it will be 28ft cartway on each side. Mr. Clemson stated there will also be a parking facility which is between Blue Bell and where the building complex is. There is a total of 137 parking spaces, five of which would be barrier-free and they are in front of the retail building. There are also two spaces which we are going to be set aside for electric vehicle charging and those are to the rear of the banquet hall. Mr. Clemson stated that the electric charging parking spaces are something that was added to the plan, there was no additional spaces added, this is spaces that are already planned for. This is something that was added after the plan was submitted to the Board. Mr. Clemson stated storm water collection so there can be storm water basin in the front as a base in the back, they will be connected together. There is a combination infiltration and detention basins. The applicant meets all of the state's storm water management rules and was reviewed and approved by the Pinelands.

Public Hearings: Continued

2. #21-58 & #510 SP- Blue Cork Winery & Vineyard, Inc. (continued)

Mr. Clemson stated there will be landscaping done on the site to what is already there. There will be 181 arborvitaes, which extend along the southern boundary of the property from Blue Bell road all the way to the southwesterly corner. So in his opinion, the buffer that has been provided does meet the intent of the ordinance and clearly supplementing the buffer with additional landscaping along Blue Bell road in the parking area and then scattered in other areas of the proposed development.

Mr. Clemson stated that LED energy efficient lighting is proposed that is a combination of pole mounted and building mounted lights. The property will be serviced by an individual subsurface solution disposal system so it will be a separate system. The septic system will be on lot 32. The winery and vineyard facilities are centralized at the moment on lot 4 but lot 32 will be part of the project. Mr. Clemson states that the fencing on lot 32 is the property that extends to Sykesville Rd. It is the applicant's intent to take the farm field which was farmed by the Sickler Family for generations, grape vines will be planted on this property to expand the vineyard. The vineyard and winery operation have a wire fence now that goes all the way around some portion of the property and it is about 7ft. tall, the purpose of the fence is to keep deer out to prevent them from getting into the crops. This is an important issue for the applicant in order to protect his crops. There will be fencing 25ft. off of Sykesville Rd. with a gate that will be 25ft wide.

Mr. Clemson will summarize the vineyard and the winery which through intensive purposes is the processing building, that is the primary agricultural operation. The variances associated with that have multiples uses the winery, the retail, the banquet the way this particular ordinance is. Every one of these uses has a different set of bulk standards. The applicant is asking for a variance to allow for four parking spaces for the processing building, where based on the square footage of the building ten is needed, the reason is because there is a maximum of four employees that are going to operate the building so there is no need for any more than the number of employees that are going to be working. Mr. Clemson stated the next variance requested is for a buffer and it's to allow 5.9-foot buffer where for the operation of 50 ft. would be required. The driveway will be connected to the parking area to the area behind the banquet hall. The winery and retail have the same ordinance but different standards. Mr. Clemson stated the first variance will be requesting to allow 3,500 sq. ft. building where the ordinance has 2,500 sq. ft. maximum. Mr. Clemson stated he will also be asking for a lot coverage variance associated with the retail sale; there is a maximum lot coverage of 10.4 % where a maximum of 10% is permitted. The banquet hall is similar to the retail building 9,000 sq. ft. where the building coverage is 2,500 sq. ft. Mr. Clemson stated that a variance for parking associated with the banquet hall will be 94 parking spaces based on the Monroe ordinance for a banquet hall, meeting hall, and exhibit. The parking requirement is based on square footage, based on the square footage the banquet hall will need 180 spaces. The applicant is proposing 94 spaces. A typical parking requirement for this type of facility, one parking space per three seats, as opposed to square footage. Mr. Kozak stated that it does call for 180. Mr. Clemson replied it does. Mr. Clemson stated that every ordinance is different and they all don't base their computations on the same thing. Mr. Clemson stated there is a total of 137 spaces in total. Mr. Clemson stated, there is a sign out in the front of the facility that will be moved because of the widening of the county road to the county standards, LED changeable component that was added, it is 10 inches high and 30 inches long that will require a variance. The applicant uses that sign not so much for advertising it's a way to try and connect his business with the community.

Public Hearings: Continued

2. #21-58 & #510 SP- Blue Cork Winery & Vineyard, Inc. (continued)

Mr. Kozak questioned the exit off of Sykesville Rd and asked will that just be used for farm use. Mr. Clemson replied yes. Mr. Kozak asked will this have septic. Mr. Clemson replied yes. Mr. Kozak asked is there any way the parking can increase. Mr. Clemson replied that the parking is sufficient. Mr. Sebastian stated that if they move the parking lot 18 ft. towards the basin they can have 18 more parking spaces and if you move 21 ft. from the other basin you can have 21 parking spaces. Mr. Clemson replied that is something we can look into.

Mr. Feranda stated a traffic study was done as well as a parking analysis on the site. There is a County road adjacent to the facility that has an access to configure appropriately for this facility. The applicant has discussed with the County has done improvements. The road way is the appropriate circulation for the parking lot, it is more than adequately done analysis. There will be 250 seats that will be provided for the site, based on other ordinances and based on the ITE, the parking for a banquet hall is typically one parking space per 3 to 4 persons per vehicle. Mr. Feranda stated when you are having a banquet, typically the cars are not coming one person to a car, vehicles underutilize there is more people per car, therefore the number of spaces get filled quickly with less cars. He stated that in this range of one to three or one to four parking spaces 80 to 90 parking spaces would be required for that type of seating. In addition, there is an ordinance in surrounding communities for example Harrison and Deptford Township. Deptford Township has a parking requirement of 10 spaces per 1,000 ft. in which in this case certainly going by the square feet, it will be a lower number of parking spaces for the facility. Mr. Feranda stated what the applicant is requesting is a reduction from 180 down to 137, this is a farm, it is a growing facility that is trying to keep as much off of the property available for the vines and vineyards. He is trying to keep the impervious down by adding more parking spaces. He doesn't think it will be necessary to add that extra pavement on this property where it can be utilized for something more important that will not ruin their vineyard. Based on the other studies and other ordinances the parking will be adequate at 80 to 90 spaces up to 137 you are providing for the 250 seats. Mr. Feranda stated that it was mentioned about additional spaces by the basin, he stated that what has been done before is ghost or bank parking spaces if necessary, that will mean not putting the pavements down. Mr. Kozak asked how many spaces can be ghosted. Mr. Feranda replied it really depends on where they can be fitted. Mr. Sebastian questioned how does the traffic study relate to 137 that parking spaces and Blue Bell Road. Mr. Feranda replied the distance from the road will certainly be a discouragement for any one parking on that road. Mr. Kernan stated that from the testimony he is hearing it sounds like when the banquet facility is having an event a couple of times a week the retail and winery building won't be opened. Mr. Feranda replied the all buildings will not be simultaneously operating at maximum use. Mr. Kozak questioned what will they be operating if the banquet has an event and someone wants to do the wine tasting. Mr. Feranda replied it's possible. Mr. Clemson stated that when the retail opens the hours are not going to mirror the processing building, they do now because there is a small retail component in the operations. Mr. Clemson stated there can be overlap with the wine tasting and the banquet. The banquet facility is only doing two events per week. Mr. Clemson stated that because of the agritourist that doesn't mean that everyone will be attending in a vehicle, there might be a jitney bus, there can be tourist that come in a van or bus. Mr. Kernan questioned in the retail and the winery building how many seats are there, some towns do a certain amount of parking spaces per seat what he would like is to add up the seats plus the 250 seats for the banquet hall. Mr. Donovan replied he made it consistent with the engineers and they spoke with the professionals.

Public Hearings: Continued

2. #21-58 & #510 SP- Blue Cork Winery & Vineyard, Inc. (continued)

Mr. Donovan presented the Board an aerial with the three buildings and the residence of the applicant, Mr. Donovan stated that it's the same site plan that was submitted. The tasting room will have 102 seats and the banquet hall has 250 seats. The tasting room is closest to Blue Bell Rd. which is the furthest, it is currently being used for the manufacturing process, but will also have offices on the top. Mr. Clemson stated based on the 102 seats for the tasting room and the 250 for the banquet it will be a total of 352 seats, one space for three will be 118 parking and are proposing 137 parking spaces.

Mrs. Morrissey states that the applicant is requesting a use variance but would like to clarify, requesting a use variance is not for an approval for the entire operation, what's existing on the property is permitted to operate as is under an agricultural operation with the wine tasting room and processing facility. The proposal for today is to utilize the 9,000 sq. ft. building for a banquet facility. All other aspects of this property development fall under agricultural zoning anything unlisted to farm provision. The property was purchased with the intention of having the vineyards in this area. This is Pinelands Agricultural Production District; it is intended to preserve and protect existing farmland and keep that as part of the community. This winery is being preserved on the property, it has no sugar added, she stated it taste good. The applicant wants to expand and have revenue sources. The proposal allows to widen the street and have a safe access to the property, County roadway and County jurisdiction to accommodate the development associated with the town. Mrs. Morrissey states they will be strengthening the driveway, there are ample storm water basins in the Pinelands area they have enhanced storm water requirements. She states they have two basins and are not sure if they can tweak it for the parking lot, but they would look into it. The site also has the opportunity to provide a small venue setting for weddings to utilize the vineyard as a back drop. The purpose of the agricultural production district with the ordinance is intended to foster the continuation of expansion of agriculture in the Township. The further intent is to minimize the approaching nonagricultural uses in agriculture area and to protect the ecological value of such areas.

Mr. Kernan stated that Mrs. Morrissey did provide adequate testimony, about the positive and the negative criteria. Mr. Kernan stated that he will support the use variance. He stated he will not go into all variances. He stated the off-street parking is one of the biggest concern. There was some testimony from Mr. Feranda in regards to off-street parking it was summarized and added up when the Mr. Donovan showed the floor plan for the tasting room 102 seats and 250 for the banquet facility that will be a total of 352 seats, if you divide it by three it will give roughly about 118 parking spaces required and a total of 137 spaces will be provided. Mr. Kernan stated he will be happy to work with the applicant's engineer on ghosting some additional parking, that might mean to shift the basin from the front a little closer to Blue Bell Rd. Mr. Kernan had a couple of questions on the design, but the applicant submitted the answers. Mr. Coe questioned Mr. Kernan and asked him if he has a recommendation on the amount of spaces needed for ghosting parking. Mr. Kernan replied if we apply one for three for the tasting room that will be 34 spaces, maybe about 20 additional spaces. Mr. Kernan adding parking to the rear as Mr. Sebastian suggested, if the staff parks in the rear that will free up some parking in the front. Mr. Kozak asked Mr. Kernan what is the size of each parking space. Mr. Kernan replied 9 x18.

Public Hearings: Continued

2. #21-58 & #510 SP- Blue Cork Winery & Vineyard, Inc. (continued)

Mr. Sander stated his report is dated December 6, 2021. Mr. Clemson responded and has addressed everything on the report. Mr. Coe asked if all the items in his report have they addressed. Mr. Coe has certain ones; the applicant has a sub-surface sewerage disposal system. Mr. Sanders replied yes. Mr. Coe stated that it should still be required as a condition. Mr. Sander replied yes. Mr. Coe asked if the traffic study been submitted to the County, Mr. Sander replied yes. Mr. Coe asked in regards to the storm water management maintenance plan. Mr. Sander stated the applicant has agreed. Mr. Kozak stated that if on Blue Bell Rd. can the county put no parking signs that way it will resolve some of the parking issues. Mr. Sebastian replied that it will need County approval. Mr. Clemson stated that all it takes is to take for Council to have a resolution for it. Mrs. Orbaczewski asked who is the one that request that to the Township. Mr. Clemson replied he can submit it or the engineer. Mr. Kernan stated that Mr. Sander had stated about ghosting parking in the rear which will be better; that way the front basin doesn't have to be moved, there is much more space in the rear.

Board took a 5-minute break.

Motion to open to the public

1. John Myles, 1169 Blue Bell Road, was sworn in by Mr. Coe. He has lived there since 2006, he states he loves what the applicant has done with Blue Cork Winery. His only concern that he has is for parking. There was an event that took place months ago where there was no adequate parking, people were parking about half a mile away on both sides of the road. That road 50 mph and is very dangerous, maybe no parking signs might address the issue. He states that other than that he has no problem.

2. Jeremy Orlano, 1149 Blue Bell Rd, was sworn in by Mr. Coe. He states that he is in front of the Board in regards to the parking, he has worked 911 for Atlantic City has seen accidents happen from people not paying attention and when that event happed people tried parking in his driveway, moms were walking with strollers on the street. There was a couple of vehicles where he had to contact the police department because they were doubled parked where it became a one-way street. He states he was a bit confused with the zoning because he spoke to the applicant and thought the applicant was talking about the corn field behind his house, he didn't know the applicant had purchased the other property as well. When it comes to the deer fencing that will go around, will the applicant be putting trees behind his back yard. He just wants to make sure because he doesn't want his son to get curious and try to get through the fence.

Public Hearings: Continued

2. #21-58 & #510 SP- Blue Cork Winery & Vineyard, Inc. (continued)

Mr. Tantaros replied that was an event that happened one time for a 5k run, and he hired police officers to control the streets.

3. Mark Kozachyn, 987 Sykesville Rd, was sworn in by Mr. Coe. He states that the first question he has is for the Chairman and Board members the other variances were not heard tonight, how does that get handles, does that get approved tonight, Mr. Sebastian replied they can be. Mr. Kozachyn states that he didn't have a chance to read through the variances that were proposed tonight. He states that the fence is one thing that he did not hear about, there's a bunch of variances that were proposed tonight. Mr. Coe replied that is part of their application and the notice that was sent is a notice stating that the applicant will be doing something on their property and they are making a variety of variances that are being requested and what that does is puts a burden on someone that wants to object. Mrs. Orbaczewski stated that there is a possibility under the right to farm, the applicant is allowed to have that high of a fence to prevent deer and take care of his vines. Mr. Coe states that just to be clear the law does not require the applicant to send a 20-page detailed letter, it's just a general notice. Mr. Kozachyn states that he thought he did the right thing by going to the Municipal Clerks office and requested a copy of the application via OPRA request, when he received it there was an attachment and he asked about it, in which he just got the respond within a ten-day requirement but it still didn't give him enough time. He asked how the parking issue is going to be handled. Mr. Coe replied we don't know yet. Mr. Coe states the applicant has no idea of what you will be asking to be prepared to answer. Mr. Kozachyn states he is not against the winery and what they will be doing there in general, he states he is against having a commercial facility in an agricultural zone. So to this Board are you going to re zone, the property in which is 4.25 acres, is that going to be re zoned commercial. Mr. Sebastian replied the Board doesn't have the authority to re zone, the applicant is here for a variance to allow them to do a commercial business in an agricultural zone. Mr. Kozachyn states he had a lot of questions, but he doesn't have a problem with the winery existing there, it's just the banquet facility is not appropriate. He states that there has been issues with the applicant previously with noise and bright lights on the facility. Mr. Kozachyn states that the applicant purchased 8 acres from a resident and immediately started cutting down trees, he states in those trees were golden eagles nest he doesn't know where the eagles went or what happened to them. He states that his point is the Board grant the applicant this variance for this facility, will the applicant be putting whatever he wants where ever he wants, will the town be reassessing the banquet uses under the normal property taxes. Mr. Sebastian replied it has nothing to do with this Board we don't deal with dollars and cents. Mr. Kozachyn in reference to 175-169 agriculture production business section E one of them will be a seasonal nature, is that no longer going to be required. He states that they are violating the municipal township code. Mrs. Orbaczewski replied that is the purpose of the use variance, the banquet hall is the use variance regardless of the zone. Mr. Kozachyn in the application it states 175-159 G it does not say anything about E. Mr. Coe states that is the whole reason they are in front of the Board to request a use variance. Mr. Kozachyn states that if anyone noticed he is the only one against. He states he spoke to some neighbors and they stated to leave it alone it was a done deal that the applicant would get approved. Mr. Coe states nothing is a done deal before this Board. The Board listens to all the evidence that the applicant presents to our Board professionals and listens to the public. Mr. Kozachyn presented the Board with some pictures from his backyard toward the winery with the light.

Public Hearings: Continued

2. #21-58 & #510 SP- Blue Cork Winery & Vineyard, Inc.

4. Khalil Elbanna, 1020 Sykesville Rd, was sworn in by Mr. Coe. He states that when the winery came he was going to see a lot of intoxicated people and honestly it has been the total opposite. He states one night he and the neighbor had an issue with noise, the neighbor called the winery and within ten minutes to noise had been dimmed. He also stated that as God as his witness that the American Eagle was flying around the other day. He states if you communicate with the applicant the problem will get solved.

5. Melvin Sickler, 573 Corkery Lane, was sworn in by Mr. Coe. He states he is a neighbor on the Corkery Lane side and has seen what the applicant has done, and it's an absolute positive facility for the town.

Motion to close to the Public.

Mr. Kozak states he wants to address two things, one being the lighting is temporary and regular parking lights will be put in place. They would be 16 ft. poles that will be the proper lighting and as far as the noise the Township has the Zoning Officer and the police department are trained and they are able to address the noise.

Mr. Luongo stated this site is particular, well suited. The owner lives there with his family, he is not asking for a banquet hall on 4-acre lot, it's a typical banquet facility this is a beautiful and thoughtful operation and it's evident in the testimony of the experts the exhibits that were demonstrated and if saying is a done deal is a no brainer then maybe the gentlemen is correct. It is a beautiful thing to do in that zone and there is ample testimony to grant the variance. Mr. Luongo states it works for the community in a positive way, nothing is perfect there is always some problem, but it benefits the community.

Mr. Coe reviewed the use variance request for the Board. Motion by Mr. Kozak, seconded by Mr. Cummiskey to grant the use variance and preliminary and final site plan approval for a 9,000 sq., ft. building to operate as a banquet hall at the Blue Cork Winery and Vineyard. The bulk variances that are requested under the planner's report under vineyard and winery item number eight, off street parking, the four spaces for that particular area. Item number nine buffers and 5.9 ft. buffer under farm winery retail sales. Item number two maximum building coverage of 3,500 sq. ft., item number three maximum lot coverage of 10.4% under item number ten buffer of 5.9 ft. under the category of farm winery special event banquet hall, maximum building coverage of 9,000sq. ft. maximum lot coverage of 10.4 % of street parking at 94 spaces buffer 5.9 ft. under agricultural accessory buildings and building setback variants of 1.8 ft. The conditions which are appropriate on the motion are that the applicant will bank up to 20 additional parking spaces. The applicant will make a development fee payment and accordance for the statewide nonresidential development fee act, will satisfy any and all outstanding escrow accounts. The applicant will obtain all outside agency approvals that are required. The applicant will submit a plan approved for the disposal system from the Gloucester County Health Department. The applicant will submit the approved report on the traffic issue from the Gloucester County jurisdiction. The applicant will present a revised storm water management maintenance plan. The applicant will establish inspection escrow account to cover the cost of inspection. The applicant will submit final plans showing all of the revisions necessary by the approvals within 60 days including the 7ft. high fence to be wired fencing. Roll call vote: Ayes- Mr. Kozak, Mr. Powers, Mr. Cossaboon, Mr. Cummiskey, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

Public Hearings: Continued

Mr. Sebastian stated that he wanted to explain that by law its required for the Board to make the motion and the affirmative and that the Board upon hearing it after has been set they could vote against it. Mr. Sebastian stated he just wants to make it clear because we had a member of the public saying “it was a done deal” and we are putting it forward in a positive note which required by law to do that into the positive and then the Board has the opportunity to vote against it, if that the case.

Mr. Coe stated in regards to the parking issue obviously this Board has no jurisdiction creating a new parking ordinance. What the Board can do is make a motion of recommendation to council to create a no parking sign. Mr. Kozak made a recommendation as stated by the solicitor a no parking zone on Blue Bell Rd near the Blue Cork Winery on both sides to be determined by council, seconded by Mr. Cummiskey.

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. Orbaczewski reminded the Board that this is the last meeting of the year.
2. Mrs. Orbaczewski reminded everyone about the Christmas party on December 22 at 7pm at the Library. She will be sending an email out to members to respond if they will be attending or not, so she can have a head count.
3. Mrs. Orbaczewski stated that if your term is up and have not responded please do so to herself or Aileen at the Clerk’s office.
4. Mrs. Orbaczewski reminded the Board that the re-org meeting will be January 6, 2022 at 6:30 pm.
5. Mrs. Orbaczewski wished everyone a Merry Christmas and a Happy New Year.
6. Ms. Fox stated that she is not sure if she will be with the Zoning Board next year, but if she is she will be very happy, and if she doesn’t she thanked everyone.
7. Mr. Rybicki stated that this was his last meeting as he has sold his house and will be moving to North Wildwood. He thanked everyone on the Board.

Adjournment:

The meeting was adjourned at 9:49 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: Iris Tomasello, Clerk Transcriber.