

**Call to Order:**

The Zoning Board of Adjustment meeting was called to order at 6:31 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 January 12, 2022. In addition, notice of this meeting was sent in writing on September 2, 2022 and a copy was posted on the second floor bulletin board of Town Hall and on the Township website. 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. Cummiskey, Mr. Colavita, Mr. Kozak, Mr. Papson, Mr. Powers, Mr. Salvadori, Mr. Sebastian, Mr. Seidenberg. Absent- Mr. Cossaboon (excused), Ms. Fox, Council Liaison (excused). Also present- Mr. Coe, Solicitor, Mr. Kernan, Planner, Mr. Sander, Engineer, Mrs. Orbaczewski, Secretary, Mrs. Gallagher, Clerk Transcriber.

**Memorialization of Resolutions:**

1. #55-2022- Daniel O’Donnell- Lot Coverage Variance Approved  
Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote: all ayes, motion passed.
  
2. #56-2022- Bob & Kim Scimeca- Front Yard Variance/Driveway Variance Approved  
Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote: all ayes, motion passed.
  
3. #60-2022- Advantage Land- Postponement Approved  
Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote: all ayes, motion passed.
  
4. #61-2022- Jason Sbalcio- Rear Yard Variance Approved  
Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote: all ayes, motion passed.
  
5. #62-2022- Gregg Stevenson- Use Variance Approved  
Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote: all ayes, motion passed.
  
6. #63-2022- Roger Geiger- Rear Yard Variance Approved  
  
Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Voice vote: all ayes, motion passed.

**Public Hearings:**

1. #22-50 - Joe & Denise Sottosanti – Buffer Encroachment & Side Yard Variances

The applicant is requesting a buffer encroachment variance and side yard variance to allow the existing shed to remain in the buffer area with a 1 ft. side yard, and to allow the existing deck, canopy, and shed to have a 1 ft. side yard where 5 ft. is required. The property is located at 824 Rosetree Drive, also known as Block 120.0301, Lot 13 in the RG-PR Zoning District.

Mr. Sebastian asked if the application can be deemed complete, Mrs. Orbachewski replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Cummiskey. Voice vote: all ayes, motion passed.  
Present – Joe Sottosanti, applicant.

Mr. Sottosanti was sworn in. Mr. Sottosanti states that he is looking to put in an above ground pool. But according to a property survey, in order to situate the pool more center to the yard, they will need to encroach on the buffer at the back of the house.

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 requests for the Board. Conditions being that the applicant obtain all Township permits and approvals, including construction permits and lot grading approval as necessary. The applicant will have all work conform with the plans and surveys submitted, and also satisfy the escrow requirements and obligations. Motion to approve by Mr. Cummiskey, seconded by Mr. Powers. Roll call vote; Ayes - Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Papon, Mr. Sebastian. Nays – Zero.  
Abstentions – Zero.

2. #22-34 –Ranee Butler

The applicant is requesting a use variance to allow more than one principal use on the same property. Besides the residential use, the applicant operates a woodworking business as well as the short term rental of two bedrooms in the existing single family home, along with any other variances or waivers deemed necessary by the Board. The property is located at 1040 Sykesville Road, also known as Block 10901, Lot 19 in the AG Zoning District.

Present –Ranee Butler, applicant. Oliver Dale Butler, applicant’s husband.

Mr. Butler is sworn in. Mr. Butler states that their home is divided into two sections, the original home and an addition. The addition is the part the applicants reside in. The original part of the 1940s farm house has two bedrooms that they listed as an Airbnb. They received a cease and desist letter for this rental use. Upon addressing this rental with the Township, the applicant also notified them of another legitimate business that they run out of their home making on demand cutting boards and side tables from the wood collected from fallen trees on their property. The business is not run as brick and mortar, it is online only. All of the equipment is in a shop on the back side of the property.

**Public Hearings: (continued)**

2. #22-34 Randee Butler (continued)

Mr. Kernan reviewed his report for the Board. He commented that no business shall be conducted, however if the multiple use variance is granted, that he would support a waiver to allow the business to be conducted out of the shop. The shop has been on the property for 75 years, prior to the applicant's ownership, therefore he would recommend a waiver. Mr. Kozak clarifies with applicant that no sign is needed and no parking is necessary since the business is only online. Mr. Sebastian asks if the application is deemed complete, Mrs. Orbaczewski affirms. Voice vote; all ayes. Motion passed to deem application complete. Mr. Kozak clarifies that all work is done inside the shop. The applicant states that the only work done outside is when they contract a company to come out and mill the logs into planks for use, that is typically done once a year. Mr. Kozak asked which is the closest neighbor to the shop. Mr. Butler states that he guesses the closest neighbor is 100 feet from the edge of the shop. He also states that the shop is about 80 feet long, and all the woodworking equipment is at the far end of the shop. Mr. Kozak asks if the outside work is going to be done during the day, and asks if the milling machine would be louder than a chainsaw. Mr. Butler confirms that would only be done during the day and the machine is actually quieter than a chainsaw.

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

Mr. Coe reviewed the requests for the Board. The conditions being that the applicant obtain any other Township permits or outside agency approvals that may be necessary, including but not limited to Pinelands Commission. The applicant will comply with all plans and surveys submitted. Finally, the applicant will comply and satisfy any escrow requirements. Mr. Coe includes condition that all activity other than the milling must be conducted inside the garage. Motion passed to approve the application based on the conditions. Roll call vote; Ayes – Mr. Kozak, Mr. Cumiskey, Mr. Colavita, Mr. Powers, Mr. Salvadori, Mr. Papson, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. #22-48 – Bryan Ardite – Use Variance

The applicant is requesting a use variance to allow the construction of a 40' x 40' pole barn which will be located forward of the house, which is considered the front yard, and for the pole barn size being larger than the principal use, along with any other variances or waivers deemed necessary by the Board. The property is located at 1570 Glassboro Road, also known as Block 14901, Lot 43 in the MU-AR Zoning District.

**Public Hearings:** (continued)

3. #22-48 Bryan Ardite (continued)

Present – Bryan Ardite, applicant.

It was determined the application be deemed complete. Motion passed to deem application complete. Mr. Ardite is sworn in. He stated that the 40' x 40' pole barn encroaches on the front yard and that the overall coverage is larger than the house itself, with all his existing buildings.

Mr. Kernan reviewed his report for the Board. The applicant's property is just over 13 acres, but the pole barn would technically be placed in the front yard. With the square footage of the existing structures and including the proposed barn, the square footage would be greater than that of the home. Mr. Kernan noted that the placement of the pole barn would be about 350 ft., well beyond the minimum front yard setback but there is a question as to the side yard variance. Mr. Ardite clarifies that he doesn't want to commit to 20 ft. because if he gets the structure up and it ends up being 19 and ½ feet he doesn't want to get shut down. Mrs. Orbaczewski asks the applicant if he can do 20 feet. Mr. Ardite states it will be close. Mr. Kernan recommends that to the extent a variance is required the side yard to consider it up to 15 feet. Mr. Kernan asks the applicant to testify that there are no known easements, buffer areas or drainage ways. Mr. Ardite affirms. Mr. Kernan asks the applicant to testify to the height of the pole barn. Mr. Ardite states it will be 19' 4" at the peak.

Mr. Kernan goes on to say that with over 13 acres, there's roughly 5 to 6,000 square feet of coverage, well below 20%. Therefore, there is no need to consider a lot coverage variance. Mr. Kernan asks the applicant how compatible the pole barn will be with the house. Mr. Ardite states that it will be the same color as all the other accessory buildings. Mr. Kozak asks the applicant to clarify where his property is located near the MUA property nearby. Mr. Ardite explains that he is past the Scotland Run, just before the Midway on the right. Mr. Kozak asks Mr. Kernan to confirm that there are no wetlands there. Mr. Kernan responds that he hasn't reviewed it for wetlands. Mr. Ardite adds that his understanding is that there are no wetlands on his property. Mr. Kozak asks why the applicant has picked this location for the pole barn. Mr. Ardite states it is because the land is already clear. Mr. Kozak asks the applicant if the barn will be used for storage. Mr. Ardite affirms. Mr. Coe confirms that the applicant understands he cannot conduct business out of this barn. Mr. Ardite understands. Mr. Coe confirms with the applicant that he understands he cannot construct any kind of living space within the barn. Mr. Ardite understands. Mr. Coe reviews that the applicant is asking to build this barn so he can store his vehicles to keep the property neat and orderly. Mr. Ardite agrees.

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 requests for the Board. Conditions appropriate are that the applicant must secure all necessary outside agency approvals and Township permits including construction permits and approvals and lot grading that may be necessary. The applicant shall maintain his escrow account and satisfy any outstanding escrow obligations. The pole barn shall be solely for personal storage purposes and not for any commercial activity and no living area may be constructed within the pole barn. The applicant shall comply with any COAH development fee requirements. The applicant shall comply with all design and performance standards. The pole barn shall be constructed in accordance with the plans and survey submitted. Motion passed to approve the application. Roll call vote; Ayes – Mr. Powers, Mr. Cumiskey, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Papson, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

4. #465-ASP – Advanced Land, LLC – Amended Final Major Site Plan

The applicant is proposing to amend his previously approved final major site plan and proposes the following modifications; changing the number of one and two bedroom units; however, the total number of units 326 has not changed, providing a clubhouse and recreation such as a pool, basketball court, and tot lot, eliminating the roadway connection to the Barclay Glen development, and changing the footprint of some of the apartment buildings. The applicant was granted preliminary major site plan approval by resolution #16-23 and final major site approval by resolution #16-40. The property is located at Berlin Cross Keys Road and Prosser Avenue, also known as Block 101, Lots 2 and 2.01 in the BP and R-2 Zoning Districts.

Present: Robert Mintz, Attorney for Advanced Land LLC.

It was determined the application be deemed complete. Motion passed to deem the application complete. Mr. Mintz stated the original application for land use, preliminary and final site plan were all previously approved by the Board. Falcon Way is currently accessed by the existing apartment complex. That existing complex was owned by the Pizzo family. After the approvals for the expansion, the Pizzo family chose not to pursue the application. Those approvals have come back to the Petrongolo family, who have found Advanced Land LLC to work on developing the land. The Petrongolo family owned a small piece of property where the proposed project would be that the Board had previously granted subdivision. When they came before the Board it was determined that the only access to the property would be from Prosser Avenue, a residential community, and it was part of the resolution approval that that location would not be an access way. However, that was approved to be an emergency access way for first responders, to be protected by bollards to prevent public entry, and would not be paved but possibly stoned.

Mr. Mintz goes on to state that they are seeking a minimal change to amend the site plan and remove some of the specific conditions that were in the original approval. First, the Board previously allowed that they would not have to construct a full community facility because the testimony by Mr. Pizzo was that the existing community facility would be adequate. The

**Public Hearings:** (continued)

4. #465-ASP – Advanced Land, LLC (continued)

Board did state that there should be some satellite community functions and that was going to be internal to one of the apartment buildings. Since they are no longer able to use the existing community facilities, they have taken a townhome unit and turned it into a community building. The original residential unit would have been two stories, the community building would only be one story. Mr. Kozak asks if that would be where the rental office and pool would be located. Mr. Mintz affirms. Secondly, the original number of units, 36, were testified previously that they would be spread between the existing project and the current project. But without the relationship now, they will be spread throughout the buildings of the new project. Mr. Kozak asks for the number of units. Mr. Mintz clarifies there will be 37 units, unrelated to the old project. They have reduced the number of two bedroom units to allow more one bedroom units, and that holds the density that the Board approved. The consideration was that it would reduce any school impact that number of two bedroom units might have. The road circulation is consistent with that which the Board previously approved. Lastly, the signage currently located at Berlin Cross Keys Road and Falcon Way, there is a vacant panel that would eventually have the current project's name. It was previously submitted that the new project would reflect some type of Barclay name, but since it is no longer the Pizzo family, the name will be changing. Then at the end of Falcon Way, a new sign will be placed to reflect the new project, similar to the current signs. Mr. Kozak asks about Falcon Way being the entry way into the new project. Mr. Mintz affirms.

Mr. Coe swears in Victor Barr Jr., architect. Mr. Barr testifies to his credentials. Mr. Mintz asks if the design that was created for the elevation for this project is consistent with the nature of the design and architecture that exists at the neighboring site currently. Mr. Barr affirms. Mr. Barr testifies that the original plan indicated three types of buildings. Mr. Barr presents exhibits A1 and A2. The first building approved will remain the same structurally. However, there is an update to the colors and some architectural details consistent and complementary of the existing architecture in the area. Mr. Barr presents exhibits A3 and A4. The second building approved remains the same, except for some colors and architectural details were upgraded. The only change is that they have eliminated several buildings, so there are less buildings in the current plan. Mr. Kozak asks if the building is still laid out the same, entering the building from an exterior stairway. Mr. Barr affirms. Mr. Barr presents exhibits A5 and A6. The third building approved was all two bedroom units, ranging from 1100-1300 sq. ft. Now they want to redesign the product to be one and two bedroom units with a range of 950-1300 sq. ft. That will then provide product for the entire spectrum of the residential market. The new building would still be a three-story building, but with a combination of one and two bedroom units and the COAH units are in this building type distributed throughout the site. It has eliminated the interior corridor; this will now be a breezeway building. Mr. Mintz asks to confirm there is an intention to change the name of the project. Mr. Barr affirms. Mr. Mintz asks to confirm that there are no longer

**Public Hearings:** (continued)

4. #465 – ASP – Advanced Land, LLC (continued)

any three bedroom units, and that the reduction in the number of two bedrooms to one bedroom units suggest the reduction in the number of school children. Mr. Barr affirms. Mr. Mintz asks if the height of the buildings comply with what was previously approved. Mr. Barr affirms. Mr. Mintz asks if it is consistent with the prior approval. Mr. Barr affirms. Mr. Kozak asks Mr. Barr to confirm that the new design will have no elevator and no center hallway. Mr. Barr agrees. Mr. Kozak asks where the COAH units will be. Mr. Barr clarifies that the COAH units will be spread out through five different buildings. Mr. Kozak suggests that the buildings be better labeled to navigate through the complex.

Mr. Coe swears in Paul Witthohn. Mr. Witthohn presents a changed site plan as exhibit A7. Mr. Witthohn testifies that this exhibit is a color aerial photo that is nearly identical to the one exhibited in the 2016 and 2017 testimony. Mr. Mintz asked if Mr. Witthohn supervised the revisions to the plan. Mr. Witthohn affirms. Mr. Mintz asked Mr. Witthohn to review the modification with the Board. Mr. Witthohn stated there was removal of an existing townhouse in this location and replaced with a one story rec building with a pool. The updated footprints had multiple locations where the footprints were reduced in area resulting in a total decrease in impervious area of sight which allowed a few additional rec facilities as shown; tot lot and basketball court. Mr. Mintz asked if there are any new variances being requested. Mr. Witthohn replied no. Mr. Mintz asked if there was any change to the roadway or circulation pattern. Mr. Witthohn replied no. Mr. Mintz asked if there was any change to the impervious area. Mr. Witthohn replied there was a small reduction to impervious area. Mr. Mintz asked if there was any change to the drainage. Mr. Witthohn replied there was no substantial change to the drainage. Mr. Mintz asked if the parking was consistent and compliant with the need. Mr. Witthohn replied yes. Mr. Mintz asked if the number of buildings remained the same. Mr. Witthohn replied yes, 18 buildings. Mr. Mintz asked if it is the same acreage. Mr. Witthohn replied, no change. Mr. Mintz asked if there was any change to the density. Mr. Witthohn replied there was no change. Mr. Mintz asked if the property was being served by public water and sewer. Mr. Witthohn affirmed. Mr. Mintz asked if the landscaping and buffering remained the same. Mr. Witthohn affirmed. Mr. Mintz asked if it was to be built all in one phase and not in increments. Mr. Witthohn affirmed it will be built all in one phase. Mr. Mintz asked if the proposed sign will hinder the sight triangle. Mr. Witthohn replied no. Mr. Mintz asked if there was any change to the sidewalks. Mr. Witthohn replied, no change. Mr. Mintz confirmed that it is not a Pinelands property. Mr. Witthohn replied, it is not. Mr. Mintz asked if the revision plan will include a stub that will connect this property with others. Mr. Witthohn replied yes. Mr. Mintz asked about electric vehicle parking. Mr. Witthohn replied this project is not required but they plan to have 5% EV parking. Mr. Mintz reviews that they are not required to comply with the new law regarding EV parking due to the prior approval, but do recognize that in the event they are required to do so, they will. Mr. Powers asked if the 5% are full spaces or make ready spaces. Mr. Witthohn replied those are full spaces. Mr. Kozak asked if they will be

**Public Hearings:** (continued)

4. #465 – ASP – Advanced Land, LLC (continued)

scattered out through the development. Mr. Witthohn affirmed. Mr. Kozak asked if there is a pay station or other means for the EV parking. Mr. Witthohn replied he is not familiar with the technology but there will be electronic pay stations. Mr. Mintz asked if there was any change to the traffic mandate since the original approvals. Mr. Witthohn replied there was no change. Mr. Mintz asked about the emergency access way; that it will be for emergency use only, that it will not be imperviously covered and that it will have some blockage at the Prosser Avenue entry. Mr. Witthohn replied that only emergency vehicles will have access. Mr. Kozak asked who is responsible for maintaining Falcon Way. Mr. Mintz replied the ownership will be by a separate entity related to this project. Mr. Kozak asked where the construction traffic would access the project. Mr. Mintz replied that the prior approval stated that it would not come off of Prosser Avenue and that it is being considered they might be able to have access from the Black Horse Pike over undeveloped lands or potentially some other lands that belong to the Petrongolo family. Mr. Kozak asked that it will not be coming off of Falcon Way from Berlin Cross Keys Road. Mr. Mintz replied that it is possible, but that would not be the greatest option. Mr. Kozak addresses Mr. Coe about adding a condition about the access for construction vehicles Mr. Coe agrees. Mr. Mintz goes on to say that they will not be using Prosser Avenue, but there are other possible options they are looking into.

Mr. Coe swears in Jim Miller, planner. Mr. Miller reviews the slight amendments to the plan. Mr. Miller stated the new project will have its own community facilities, the positive and negative criteria have no significant change; same number of units, slight change in bedroom makeup only lessening the number of residents and lessen the school impact, with the balance of the conditions previously approved to remain the same. Mr. Kernan reviews his report for the Board. Regarding the testimony, he agrees that there was not much change. He noted that he previously made notes about the sidewalk adjustments at building 17 and making sure that the playground had ADA access. Mr. Mintz agreed that those were discussed. Mr. Kernan notes that he would add and support a waiver of signage for the new section and that the actual number of COAH units is 37 not 36 and to add the condition that the units conform to UHAC. Mr. Kozak asks what type of sign, if it will have lights. Mr. Mintz replies that it will be consistent with what is already there. Mr. Coe asks Mr. Kernan to clarify the waiver he requested with regards the signage. Mr. Kernan replied that he is referencing code 175-135; to permit identification signage when the code is silent on residential signage.

Mr. Sander reviewed his report for the Board. Mr. Sander reiterated that the applicant is requesting a waiver that the environmental assessment and the traffic study that was previously submitted be accepted by the Board for the amended Site Plan. Mr. Sander stated he has no problem with that. Mr. Sander states that they are also requesting the original drainage calculation report and original storm water drainage report be accepted in lieu of a



**Public Hearings:** (continued)

4. # 465 – ASP – Advanced Land, LLC (continued)

new report. Mr. Sander affirmed that would be acceptable. The preliminary site investigation is lacking a couple statements and certifications by the applicant and preparer, they need to be included in the addendum to the assessment. Mr. Mintz responded that the owner certification was supplied, the original environmental consultant study was done by the previous owner (the Pizzo family), the purchaser has contacted the original environmental company and is working on getting that completed. Mr. Sander stated that an updated maintenance plan for storm water management measures need to be submitted to the Board prior to signing the Site Plan. Mr. Sander reviews that EVSE parking is not required though the applicant is already providing 5% of spaces dedicated to EVSE and is committing to provide more spaces should the law change. Mr. Sebastian asks about what type of charging station would be installed. Mr. Witthohn replied that he expects they will do what the general industry practice is doing across the board. Mr. Sander goes on to review that the remaining submissions and approvals required must be turned in before the signing of the final site plan. Mr. Mintz agrees. Mr. Sander reviews that revised site plan needs to be submitted within 60 days. Mr. Mintz agrees. Mr. Kozak asked how many parking spots are in the project. Mr. Witthohn replied 682. Mr. Kozak asked when is the commercial going to start on the Black Horse Pike. Mr. Mintz stated there is no time schedule due to the Petrongolo family still living on the property.

Motion passed to open the hearing to the public.

1. Johnathon Mason of 321 Prosser Avenue, sworn in by Mr. Coe. The resident stated has concerns about the emergency access way being used by the homeless that have been known to be in the area. He believes he see a southern grey tree frog that is on an endangered list, he is wondering if the is any kind of study that can be done. He presented photos of a frog, marked exhibits P1 and P2. There is discussion among the Board and the resident as to where exactly his property sits. Mr. Papson asks what was covered by environmental survey that was previously done. The resident is unsure. Mr. Sander replied the study only reviewed for uses of the property, not the wildlife.
2. Merle Dillon of 325 Prosser Avenue, sworn in by Mr. Coe. Ms. Dillon explained where her property is. She stated there was much wildlife in the area, and also mentioned some others that she believed to be on an endangered list. She stated she was concerned about possible noise pollution from the proposed community rec center as well as privacy in her own yard. She stated there seemed to be another retention pond that was not on the original plan. Mr. Sebastian stated that this hearing today was for a revised plan and that they were already approved to build, regardless. Ms. Dillon if there had to be another study. Mr. Sebastian stated that should have been handled when the original plan was approved. Mr. Kernan reviewed that there were no wetlands on the site, so there is no

**Public Hearings:** (continued)

4. # 465 – ASP – Advanced Land, LLC (continued)

requirement by the township or state to do a wetland study. Ms. Dillon again asks about the retention pond. Mr. Mintz stated that he would prefer to address all the issues after all the residents have spoken. Mr. Kozak asked Mr. Mintz why the emergency access would be needed at all if approved by the Fire Marshall. Mr. Mintz replied he would prefer to address all the questions at the end

3. Aaron Crank of 325 Prosser Avenue, sworn in by Mr. Coe. Mr. Crank stated how he enjoys living there and having so much nature around and his concern how the emergency access road may impact the wildlife.
4. Justin Fiola of 1737 Briarwood Drive, sworn in by Mr. Coe. Mr. Fiola stated he is a friend of the Dillon family and gives his brief background of growing up in Forest Hills. He has questions about what kind of material will cover the emergency roadway, and is concerned about the weight of emergency vehicles that may need to use that road. He reviewed that the neighbors are concerned about the public having access to the road and the possibility of crimes of opportunity.

Motion passed to close the hearing to the public.

Mr. Mintz reviewed the concerns of the public. He stated there was an environmental study done, also the habitat impact study that the planners have done. Mr. Witthohn clarified that this project area did not meet the criteria that required them to do any further studies. Mr. Witthohn clarifies that there were no changes to the approved design or layout of the three basins. Mr. Witthohn clarified that the access road is strictly for emergency vehicles only, the material that will cover the road may be gravel stone, but will not be pervious pavers or asphalt. Mr. Mintz stated they may consider a Knox box, that it not be paved, that they may use knock down bollards. The Board questioned how the Knox box would function. Mr. Kozak clarified that there is a key that would open the locked gate on the emergency access way. Mr. Kozak mentioned that in the event the development opens up stub access ways, that there may be an opportunity to close the emergency access road on Prosser Avenue in the future. Mr. Mintz stated they would certainly consider that. Mr. Powers stated that the Knox box with a gate may satisfy the residents who are concerned that bollards may not be practical.

Mr. Coe reviewed the requests. He stated the conditions; the applicant will modify the preliminary assessment site investigation, the storm water management plan should be updated and submitted to the Board prior to the signing of site plans, provide EVSE parking in the form represented on the record and the understanding that if further requirements of the statewide ordinance are deemed to apply to this development that they will be

**Public Hearings:** (continued)

4. # 465 – ASP – Advanced Land, LLC (continued)

implemented. The applicant shall obtain the approval of all outside agencies with jurisdiction. The applicant shall submit set of plans with all conditions and approvals established by the Board. The applicant will establish an inspection escrow, will post performance and maintenance guarantees determined by the Township engineer for any improvements. Any and all revisions to the plans and submissions of the applicant shall be done within 60 days of the approval. Construction access and the condition of the approval to the satisfaction of the Board professionals. The applicant will comply with all COAH requirements. The applicant shall provide appropriate maintenance of easements for access of Falcon Way. The applicant will provide a developer's agreement. The applicant will satisfy all of its escrow obligations and payments. Finally, all prior terms and conditions of the previous resolutions to the Board shall remain in full effect, with the exception of any specific modifications granted as part of these approvals. Also, one of the revisions of the plans will be the stub streets as represented by the applicant. Mr. Kozak reiterated that if one of the stub streets were developed, that the emergency access road to Prosser Avenue should be abandoned. Mr. Coe adds that the applicant would come before the Board to request abandonment of the roadway. Mr. Mintz responded that he is satisfied with that as long as no other Board would require them to keep it. Mr. Mintz stated if the condition could be considered that if and when there is an application for the stub street, that they can ask that Board about removing the emergency access way. Motion passed to approve the application. Roll call vote; Ayes- Mr. Kozak, Mr. Cummiskey, Mr. Colavita, Mr. Powers, Mr. Salvadori, Mr. Papsen, Mr. Sebastian. Nays- Zero. Abstentions- Zero.

5. #22-49 – Impact Landscapes, LLC – Use Variance

The applicant is requesting a use variance to allow the outside storage of landscaping materials such as mulch, rock salt, hardscape products, soil, and calcium chloride in a 6,250 square foot area on the property where he currently operates his landscaping business. The property is located at 1732 Glassboro Road, also known as Block 15403, Lot 20 in the Commercial Zoning District.

Present: Joseph Campellone, applicant. Seth Broder, attorney for applicant.

Motion passed to deem application complete. Mr. Broder reviewed the requests with the Board. Mr. Coe swears in Joseph Campellone. Mr. Campellone testified; his company has been in business since February of 2013, he has been a tenant of this address since 2017. His company uses the property to store materials needed for his landscaping business. Mr. Broder references the materials in the application packet. Mr. Campellone explained what items are being stored on the property such as soil, mulch, décor stone, hardscape material, rock salt, calcium chloride, and live seasonal plants also referring to the photos in the

**Public Hearings:** (continued)

5. #22-49 – Impact Landscapes, LLC (continued)

application packet. The loose materials are situated as piles on the ground, the hardscape materials are palletized, the rock salt is in a pile but tarped over, the calcium chloride is palletized in its bag form and covered with a tarp. Mr. Broder presented a photo labeled exhibit A1. Mr. Campellone described the photo as being a mound of rock salt covered with a tarp. Mr. Broder presents another photo as exhibit A2. Mr. Campellone described this photo as the area he stores his hardscaping material. Mr. Broder presents a photo labeled exhibit A3. Mr. Campellone described this photo as the area he stores the seasonal material like plants and mums. Mr. Broder asks the applicant to explain how the materials are retrieved by his workers to be transported to the job sites. Mr. Campellone explained that it could be done by workers using manual labor or machine depending on the product. Mr. Broder asked how many employees are at this location. Mr. Campellone replied roughly eighteen to twenty, not including the employees that work out of the office in Pitman.

Mr. Broder called upon Jim Miller, who was sworn in earlier in the evening and remained sworn. Mr. Miller reviewed the property and the requests with the Board. Mr. Miller summarized the location and the use of the property. He noted that the applicant was previously granted use of the land by a site plan waiver. It has been returned to the Board because it did not comply with the prohibition of outdoor storage. The landscaping business is permitted use, and by definition a landscaping company would need landscaping material and have to store said materials outside. Mr. Miller presents a photo marked as exhibit A4. Mr. Miller does not see any reason that this application would not be appropriate, considering the principal use is a permitted use and the outdoor storage is an integral part of that business. Mr. Kozak asked about a parking schedule being submitted. Mr. Campellone stated he did not submit that. Mr. Sebastian asked if that would be for the employee parking or for the landscape vehicles. Mr. Campellone stated he does not recall. Mr. Miller stated that a parking schedule is usually required, but the parking from his inspection seemed to be adequate. Mr. Kozak asked about the storage of rock salt not being protected from the elements. Mr. Broder stated that the applicant would have no objection to putting the rock salt in a bin to contain it; concrete blocks with an impervious surface. Mr. Kozak asked if there is an office or a bathroom facility on site. Mr. Campellone stated the office is in Pitman, the employees can go to the office to use the facilities and there is porta potty now on site. Mr. Sebastian references a photo from the packet, asking about what material he sees. Mr. Campellone replied that is just soil and gravel they put down so the trucks don't sink.

Mr. Kernan reviewed his report for the Board. He stated his only concern is how the materials are stored. That the rock salt and perhaps the calcium chloride would be stored in bins going forward. Mr. Kozak asked who is going to make sure this is done. Mr. Kernan stated he had to wrap up his report. He is also suggesting the soil and the mulch be contained

**Public Hearings:** (continued)

5. #22-49 Impact Landscapes, LLC (continued)

in bins. He is unsure about the parking situation, but would like to hear some additional testimony about that. Mr. Broder asked Mr. Campellone to explain to the Board where the vehicles are parked. Mr. Campellone explained they come onto the property by the asphalt driveway, then park there, some employees do park in the grass. Mr. Cummiskey asked what is stored in the block garage. Mr. Campellone replied they store mowers, trimmers, etc. Also that it is a locked building and he also stores pesticides in there. Mr. Kozak asked why the applicant has never done anything different to store the rock salt. Mr. Campellone replied that it is not uncommon in this industry.

Motion passed to open the hearing to the public.

1. Joan Costa of 1719 Orchard Drive, sworn in by Mr. Coe. Ms. Costa stated the property used to be a family property of hers. She stated that it is probably 145 feet wide at the widest point and that there is very little room on that property for the size of his operation. The salt is her biggest concern; it has killed a lot of vegetation on her property. They covered it with mulch but the salt is still leeching on to her side. There's probably 17 or 18 cars. She stated that he and his workers have no respect for boundaries. She put in T posts to mark her property line, but the employees keep knocking over the T posts onto her property. She stated the workers were using an old building on her property as a bathroom. She stated she told Mr. Campellone and he did nothing, and he did not get the porta potty until about two weeks ago. She references photos in the packet of feces and of trash that blows onto her property. She stated her neighbor has 5 dead trees from the salt. She stated that she would take him to court, but if he remedies it now she would be satisfied with that. Mr. Kozak asks about a photo of the T post area. Ms. Costa explained where her land is and that white in the photo is salt encroaching on her property. Mr. Cummiskey asked Ms. Costa about the salt killing her hay. Ms. Costa confirmed. Mr. Colavita asks Mr. Kernan what would be proper for storage of the materials. Mr. Kernan recalled that he mentioned the bins with a roof. The Board discusses many other options for storage and things they each have seen. Mr. Power asked Ms. Costa if she would be satisfied with the bins. Ms. Costa explained that she still doesn't agree that he even has enough room for it. Mr. Powers clarified with Ms. Costa that she wants the salt maintained. She believes the applicant's request should be denied. Mr. Cummiskey asked about the ruts created could be from the water and not the salt that is an issue for her crop. Ms. Costa replied no, it's the salt.
2. Ed Diamond of 1726 Glassboro Road, sworn in by Mr. Coe. Mr. Diamond stated that they killed five of his trees with the salt. He stated they are inconsiderate with his property. Mr. Kozak asked what kind of trees they are. Mr. Diamond replied they are pine trees. Mr. Kozak asked if he put up the trees for privacy. Mr. Diamond affirmed.

Motion passed to close the public portion.

**Public Hearings:** (continued)

5. #22-49 – Impact Landscapes, LLC (continued)

Mr. Broder gave a summary. He understands that the neighbors are upset about the salt, and his client is sorry and did not intend for those things to happen. Mr. Broder proposed a condition of approval be to have bins set up with an impervious bottom and roof, something sufficient to contain the salt. Mr. Sebastian confirms that Mr. Broder is requesting this as a condition of approval, the applicant should submit a drawing to the Board professional to review, and to make sure it meets the requirements of the municipality to contain any of the salt issues. Mr. Broder agrees. Mr. Coe asked if the applicant could submit a site plan showing that he has taken care of all the issued discussed here tonight. Mr. Campellone agreed, and he suggested to possibly use the enclosed storage building to store the calcium chloride leaving more room in the outdoor area. Mr. Kozak asked if it was true that he just got the porta potty facilities two weeks ago, or recently. Mr. Campellone replied yes. Mr. Coe asked what the house on the property was used for. Mr. Campellone replied it was a rental. Mr. Kozak asked the applicant if he would consider putting up a fence to contain the employees driving on the property. Mr. Campellone agreed.

Mr. Broder reiterated the conditions of approval that his client would create a structure for the salt, move the calcium chloride inside, putting a fence in the back on the property line. Mr. Sebastian asked about the logistics of a tri-axel truck dumping the salt. Mr. Broder replied it would be dumped on a concrete pad then pushed in. Mr. Kozak asked Mr. Kernan if the structure would have to be DEP approved. Mr. Kernan replied he is not sure, but there may be some kind of state regulation or requirement. Mr. Campellone references how another business stores their salt and stated how he stores salt is the same concept. Mr. Cummiskey replied that it's not next to farmland. Mr. Sebastian stated that he should move the salt indoors so that when it rains it doesn't leech into the ground. Mr. Powers stated that he agreed about the bin needing a cover. Mr. Coe asked Mr. Campellone if he owned the property. Mr. Campellone stated yes, that he is a member of an LLC that owns the property. Mr. Coe asked what the land was previously being used for. Mr. Campellone replied that it was an existing residential rental. Mr. Coe asked if there was an issue with multiple principal uses on the property. Mr. Kernan replied that it is permitted. Mr. Kozak asked the applicant if he believes he outgrew the property. Mr. Campellone does not agree.

Mr. Coe reviewed the requests for the Board. The conditions appropriate are that the applicant return to the Board for site plan approval; at which time any and all site issues including parking encroachments, storage of materials, bins, site circulation and bathroom facilities would be addressed. Additionally, the applicant is required to satisfy his escrow obligations. Also to obtain any and all outside agency approvals. Motion passed to approve the application. Roll call vote: Ayes – Mr. Cummiskey, Mr. Powers, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Papon, Mr. Sebastian. Nays – Zero. Abstentions – Zero. Mr. Coe clarified that they have approved the concept of storing the materials outside. That

approval is conditional upon the applicant returning to the Board with a site plan. Mr. Broder stated the Board approved the D-1 variance subject to getting a site plan. Mr. Coe confirmed, and stated that it must be done within 90 days. Motion passed to approve the clarified conditions of approval.

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

**Reports:** None

**Approval of Minutes:**

1. 7/7/22 regular meeting
2. 9/1/22 regular meeting

Motion by Mr. Colavita, seconded by Mr. Powers to approve the minutes from the July 7, 2022 regular meeting and the September 1, 2022 regular meeting. Voice vote: all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 10:15 pm.

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: Amy Gallagher, Clerk Transcriber