

The regular meeting of the Waterford Township Planning Board was called to order by Chairman Rich Jacoby followed by the salute to the flag.

Chairman Jacoby read the notice to the public.

Roll call was taken and the following members were present: Mayor Maryann Merlino, Dave Chiddenton, Rick Yeatman, Michael Achey, Pat Vitarelli, Ro Isles, John Rowley, Rich Jacoby, Harry Rheam. Also present were Ed Toussaint Zoning Official, and Ted Brennan, Board Solicitor. Those absent were Tom Giangiulio.

Motions for adjournments of cases or other motions:

None

Old Business:

None

New Business:

William Loveland 2218 Atco Avenue, Block: 1304 Lot: 1, Dual Use Variance

Appearing before the board is William Loveland of 2218 Atco Avenue. Mr. Loveland summarized his application by stating he is proposing to operate a small engine repair shop from his existing garage. Repair and sales of lawn mowers both push and riding, snow blowers, leaf blowers, etc.

Kurt Otto, of CME Associates reviewed his comment letter on the application. The property is in the TC (Town Commercial) zone. The applicant is seeking a second principal use on the premises, and will use the existing detached garage. The application reflects 2 variances, a special reasons D variance, and for the second primary use on the property. When asked, Mr. Loveland testified that he has made no changes to the property based on the survey submitted. The survey is accurate. Mr. Loveland stated they busy season is April and May, and he is in the process of getting prepared to open the business pending approval. Chairman Jacoby stated he visited the site and asked what will happen to the waste oil from the mowers? Mr. Loveland testified he takes that to Atco Raceway and they recycle it. He has 2 five gallon lock cap containers, and for the mowers, he has a pneumatic air tool to suck up the oil and put it in the containers. Chairman Jacoby also asked about parking for customers. Mr. Loveland stated he has 2 spaces on each side of the garage, and one space in the center for parking. Mr. Loveland testified he would be selling mowers as well as repairing them. He would go to an auction, buy a lot

(maybe 4 or 5) and fix them ending up with 2 or 3 that are good. Mr. Loveland also testified that he is certified in small engine repair. Mr. Giangliulio mentioned this is in a commercial zone. Mr. Toussaint added that this is a dual use variance, the primary use is residential in a commercial zone, and the applicant is seeking a commercial use to add to the premises, for the dual use. Mr. Giangliulio asked what will happen with the leftover scraps? Mr. Loveland testified it will go to the scrap yard. Mr. Giangliulio also asked what the applicant proposes for fire protection. Mr. Loveland stated he has 4 or 5 fire extinguishers, and has 16 years' experience as a fire fighter. Mr. Toussaint added that a CCO will be required for the building in order for the applicant to start the business. Mr. Yeatman suggested a secondary containment for the 5 gallon containers to be put in to prevent leakage. Mr. Achey questioned the hours of operation. Mr. Loveland testified he anticipates being open for actual mechanics, working on the mowers etc. from 8 am. to 4 or 5pm, and from 5pm. to 8pm. for pick up or drop off by appointment only. Tuesday and Saturday he would not be open till 8pm. Mr. Chiddenton asked if there was an entrance or exit off Church Road, and he questioned parking on Atco Avenue. Also Mr. Chiddenton asked if there would be any power washing, as he is concerned that any grease or oil would get into the storm drain on Church Road. Mr. Loveland testified there is a small path where the sloped area is and grass collects there, he picks up the grass and disposes of it, no oil or grease goes into the storm drain. He does minimal power washing, just to remove dirt. Mr. Chiddenton also asked about signage. Mr. Loveland testified he proposes 2 signs, one screwed to the fence, and one small A-frame style sign that would be out front.

Mr. Toussaint informed the board and the applicant that outside storage is not permitted by ordinance. All the extra mowers etc. must go inside the garage. Mr. Loveland asked if he fenced in the area where the extra mowers are if that would be ok so they are not visible. There was a suggestion by Mr. Giangliulio to build a lean to off the garage and box it in to surround the mowers so they are covered. Mr. Loveland asked about a tarp, and Mr. Toussaint stated that would not be permitted either. There was discussion as to what would work best, a fenced enclosure or the lean to, Mr. Loveland explained he would need time to build a lean to, but a fence would be more cost effective and he could do that sooner. Mr. Otto of CME submitted Exhibit A1 a google map of the property. Mr. Giangliulio stated he would like to see a fence on the right side of the property.

Mr. Toussaint added that with the sale of the equipment, they would be parked on Atco Avenue, and that is not permitted. Mr. Loveland stated he would have 2 at the end of the driveway, with a sign, and the rest would be in the back of the property. Mr. Toussaint addressed the proposed signage as well. Only 1 sign is permitted on the building, not on the fence. Only 1 street sign is permitted, an A-frame sign is considered a temporary sign, and would have to be removed. Mr. Loveland stated he would remove the sign during the slow times. As for the waste oil containment. The applicant will need stainless steel drain pans underneath for containment. If customers pick up and drop off, how will they maneuver the driveway. It is only 10ft. wide and with a trailer people would have to back in and that is a long driveway, or back out of the driveway, or park on Atco Avenue. No loading or unloading is permitted on Atco Avenue. Mr. Toussaint also mentioned the applicant should be more specific on the hours of operation in relation to the zone he is in. Mr. Loveland stated 8am. to 5pm. mechanic hours. 5pm.to 8pm. pick up and drop off by appointment only, no Sunday hours and Saturday 9am open.

Mr. Yeatman addressed the scrap metal and recycled materials if Mr. Loveland would tally the tonnage and report it annually to the Township. Mr. Loveland stated he has someone from Riverside that picks up the scraps. Mr. Yeatman explained the Township gets a credit based on the tonnage, Mr. Loveland stated he would do that. Mr. Brennan asked if there are other commercial properties in the area? Mr. Toussaint stated there is a former body shop, firehouse, ice cream shop, and more. This property is one block off the center of town. Mr. Loveland stated there is no negative impact and he keeps the property clean. Mr. Vitarelli commented on the survey not being accurate. The applicant testified the driveway was stone and is now asphalt, and appears wider since there are 2 parking areas on each side of the garage. Mr. Vitarelli is against approving something that is not accurate, the survey does not show the size of the garage, and should be updated. Mr. Loveland stated he did not build the garage, it was there when he purchased the property but he has the plans for the garage from 84 lumber. Chairman Jacoby opened this portion of the meeting up to the public.

Appearing before the board is Harry Juliano of 463 Church Road. Mr. Juliano voiced his concern that the property is not wide enough to have this type of use. The 2 story garage is too large, additionally the applicant has a large trailer, and RV parked on the lot. Mr. Juliano is concerned that people will park on Church Road, and Atco Avenue. Church Road is narrow. By parking the mowers on the grass they may leak, and cause problems. He is concerned that he will listen to mowers and blowers starting all day long. There were 100 year old trees that were removed from this property. He does not want to look at a stockade fence, and he is concerned of all the smoke and the noise this use would bring to the area. He is concerned that his property value would decrease because of this use. Mr. Loveland stated the trees were removed because of the storm in 2010. Tree limbs damaged neighbor's properties so he removed them. The garage has no access to the ally in the back, and there is no entrance from Church Road to his property, there would be no waiting lines, or parking there. Most of the mowers get started up in the shop rather than outside. Mr. Toussaint stated the TC zone encourages businesses, however the vision is mostly retail type uses, and the applicant is seeking a waiver of that. With nothing further from the public, Chairman Jacoby closed the public portion. Mr. Brennan summarized the application and the variances to the board. Mr. Chiddenton made a motion to deny the application based on environmental concerns, Mr. Giangliulio seconded the motion. Several board members voiced a concern for environmental reasons, as well as the survey submitted was not accurate. On roll call vote:

D. Chiddenton	Yes to deny	M. Achey	Yes to deny
P. Vitarelli	Yes to deny	R. Iles	Yes to deny
J. Rowley	No	R. Jacoby	Yes to deny
T. Giangliulio	Yes to deny		

Communications:

Mr. Toussaint addressed the board with discussion on updating surveys. He can ask for a survey to be provided from the last 12 months, unless no changes have been made then the applicant can sign a waiver. Mr. Vitarelli asked what the legality of that waiver is. Mr. Toussaint and Mr. Otto will work on a checklist for Use Variances, then Township Committee can review.

Resolutions:

Resolution 14-04 Rita Das 330 Raritan Avenue, Major Subdivision

Ms. Iles made a motion to approve Resolution 14-04 for Rita Das, and Mr. Rowley seconded the motion.

On roll call vote:

M. Merlino	Yes	D. Chiddenton	Yes
R. Yeatman	Yes	M. Achey	Yes
P. Vitarelli	Yes	R. Iles	Yes
J. Rowley	Yes	R. Jacoby	Yes
H. Rheam	Yes		

Resolution 14-05 ARP Renovations 2308 Auburn Avenue, Use Variance

Mr. Achey made a motion to approve Resolution 14-05 ARP Renovations, and MR. Rowley seconded the motion. On Roll call vote:

D. Chiddenton	Yes	M. Achey	Yes
P. Vitarelli	Yes	R. Iles	Yes
J. Rowley	Yes	R. Jacoby	Yes
H. Rheam	Yes		

Minutes:

March 18th, 2014

Mayor Merlino made a motion to approve the minutes from March 18th, 2014, and Mr. Chiddenton seconded the motion. On roll call vote, all eligible members voted aye.

Reports:

None

Board Comments and Questions:

Adjournment:

Mr. Giangiulio made a motion to adjourn the meeting, Mr. Yeatman seconded the motion. Meeting adjourned.

Respectfully Submitted,

Ed Toussaint, Planning Board Secretary