

## LAND USE BOARD

### Minutes - June 19, 2017

The June 19, 2017 Joint Land Use Board meeting of the Township of Waterford, called to order at 7:00 pm by Chairman Ralph Condo

In accordance with Chapter 231, Public Law, 1975, Open Public Meeting Act, notice of time, date and place for this meeting was sent as part of the annual notice to the Courier Post and Record Breeze, and is posted in the Municipal Building.

Salute to the flag.

Notice:

The Planning Board reserves the right to change the order of the published agenda. All changes will be announced at the start of each meeting.

It is the intent of the Board to not begin a new application after 10:30 PM and take no testimony after 11:00 PM.

For those of you in attendance with a cell phone, please turn it off or put in on silent mode. Also, if it is necessary to have a conversation with the professionals involved with your application please do so outside the meeting room.

ROLL CALL: The following members of the board responded affirmatively to the roll call: Mr. Achey, Mr. Becker, Mr. Mauriello, Mr. Russomanno, Mr. Hanna, Mr. Howarth and Chairman Condo. Notified absences were made by the following: Ms. Ferguson, Committeeman Giangiulio, and Mayor Richardson.

SWEARING IN OF PROFESSIONALS: Mr. Wells swore in Mr. Jeff Hanson, Planning Board Engineer.

MOTION OF ADJOURNMENTS OR OTHER MOTIONS: No Motions

OLD BUSINESS - No old business was presented.

NEW BUSINESS: Richard Lindsay, Block 3401 Lots 61 & 62, 703 Jackson Road, Use variance and site plan.

Mark Rinaldi, Esq. stated he is representing Mr. Richard Lindsay.

Mr. Wells swore in Mr. Rinaldi and Mr. Lindsay.

Mr. Lindsay stated he is Richard Lindsay of 2111 Ashland Avenue, Atco, NJ.

Mr. Rinaldi presented a brief introduction re: Mr. Lindsay's application for a use variance and site plan to the Board. He stated Mr. Lindsay plans to use the property for his septic system construction business. He took possession of the property three years ago and now plans to improve the site. He stated Mr. Lindsay was unaware of the limitations on the site and has submitted his plan for the business including hours of operation, property improvements, reducing noise levels and addressing other concerns posed by the zoning official.

Mr. Lindsay, in response to Mr. Rinaldi's question, stated the name of his company is Lindsay Construction, Inc. and he has been in business for thirty-five years. He has been at the Jackson Road site for three years. Mr. Rinaldi asked about the number of people and types of vehicles housed at the facility. He stated he has one office employee, 1 mechanic, 6 employees who operate three service trucks, three dump trucks, excavators and backhoes. Mr. Lindsay responded that sand, stone, pipes and other septic materials are housed in the back of the property. All PVC piping will be stored in the back of the property in the future. The hours of operation are 7:00AM to 5:00PM – the office is open 9:00AM to 4:00PM. There are dumpsters on site that are emptied weekly. Further questioning revealed no used materials are brought back to the site. Mr. Lindsay stated that used materials must be buried on the site where construction is taking place.

Upon additional questioning by Mr. Rinaldi, Mr. Lindsay stated there are five bins on the right of the property at the back of the building. They are approximately 6' x 20' and are open on one end. The material kept in the bins may be 10' high at times. PVC pipes are stored in an area in the back of the building on the left side (on the Sesame Street side). The pipes and material are used daily. The trucks are loaded at night for ready use in the morning. Mr. Lindsay reported he is creating a fence and buffer of evergreens – by building a berm with trees on top of it.

Waste generated at the site is removed once a week. It is just dirt from the office and fill dirt from the business itself. Responding to the question, is there a building sign on site - Mr. Lindsay replied – no; it is not necessary to have one.

When asked about noise levels, Mr. Lindsay replied, the backhoes are used about five times a day to fill the trucks with the materials stored in the bins. The backhoes are not used at any other time during the day. It takes about ten minutes to load a truck he remarked. The service trucks also may make noise; they are diesel and require ten minutes to heat up.

Mr. Toussaint indicated these issues are a violation under township ordinance and are noted as negative criteria in the report.

Mr. Lindsay's application for a Use Variance and Minor Plan included the following documents:

1. Completed Waterford Township Department of Planning & Zoning Application, dated 5/2/2017.
2. Waterford Township checklist for Variance Application
3. Statement of Proposed Use prepared by Mark A. Rinaldi, Esq. date 4/26/2017.
4. Completed NJ Pinelands Commission Development Application dated 4/25/2017.
5. Preliminary Site Plan prepared by South Jersey Engineers dated 3/1/2017.
6. Survey of Property, sheet 1 of 1 prepared by V&I Associates dated 2/14/2017.
7. Topographic Survey, sheet 1 of 1 prepared by V&I Associates dated 4/4/2017.

Mr. Jeff Hanson read his review/findings of the Use variance and Minor site plan application request to the Board.

Mr. Hanson stated the property had already been cleared by the previous owner. He indicated ideas for containing noise levels from dump trucks, backhoes, etc. must be submitted prior to approval. He also recommends the sand/dirt and dust levels needs to be addressed. The should be conditions for approval consideration.

The tract is situated on the south side of Jackson Road within the Rural Neighborhood Business District. It consists of two lots identified as Lots 61 and 62, both of which are located within Block 3401. The applicant is seeking a Use Variance and Minor Site Plan approval to utilize the subject tract to operate a septic construction business. It will also serve as his business office.

The site is currently improved with a 1-story masonry building. The front portion of the site is surfaced with millings/dirt and accessed with two driveways. There are nine existing parking spaces including one depicted as ADA accessible in the front portion of the site. The plan depicts five proposed employees parking spaces in the northeast corner of the site, adjacent to the easterly property line. A combination wood and chain link fence extends across the front portion of the property, in alignment with the front façade of the existing building. A gate provides access to the rear of the property. The rear portion of the site is wooded.

Improvements proposed on the Site Plan include installation of five (5) 16' x 16' concrete storage bins and a new 6' high chain link fence along a portion of the westerly property line. A portion of the existing woods will be cleared along the westerly property line and used to store topsoil, fill dirt and sand within an area measuring approximately 75' x 45'. The plan depicts several other areas reserved for storage and parking heavy equipment and trucks. They include an area that scales approximately 40' x 43' for parking heavy equipment and an area measuring approximately 65' x 75' where septic tanks and pipes will be stored, both located near the easterly property line. Three (3) parking spaces for truck and tractor and trailer parking are depicted behind the existing masonry building. The plan indicates that an existing 6' high chain

link fence along the easterly property line will be replaced and/or repaired. A row of forty-two (42) 8' high evergreen trees planted 10' o.c. is proposed between the fence and property line.

An office building is located south of the subject tract's Jackson Road frontage. Residential properties back up to the subject tract's easterly border behind the office building. It appears that the parcel located adjacent to the property's westerly property line is a commercial use.

Following Mr. Hanson review of the application highlights, Mr. Rinaldi mentioned there are no guidelines or enforcement regarding dust and truck noise. Mr. Lindsay indicated he would have the dump trucks fill up at night on the most westerly area on the site to eliminate the dust and truck noise.

Chairman Condo requested the public get a copy of the site plan so they can review it. The review will help them understand the proposal to upgrade the property and understand the request of the zoning officer to have Board approval of the use variance and site plan.

Jeff concluded his report by explaining all items with conditions listed in his review and outlined all his concerns.

Mr. Toussaint reported on the history of the property and how the application got to the Township. Mr. Lindsay rented the property three years ago. He fixes his septic business vehicles there and stores materials for the business. Originally the property was owned by a landscaping business who had many trucks and employees. They kept large piles of mulch, dirt and stone on the site. Mr. Lindsay is using the property just as the former business owner used it. During the last year he has expanded the business and use of the property.

Residents complained about the use of the property to the Township. Mr. Toussaint met with Mr. Lindsay to discuss the complaints. Mr. Toussaint reported, Mr. Lindsay wants to improve the site, but has done little. When Mr. Lindsay wanted to add another business to the site (now no longer in operation) a use variance became needed. Upon inspection of the site, Mr. Toussaint found several violations – Mr. Lindsay was taken to court. The judge dismissed the case but instructed Mr. Lindsay to continue to clean up the site. Mr. Toussaint stated, Mr. Lindsay has made a good effort and continues to fix it up the property but there are still issues.

Chairman Condo asked Mr. Toussaint to explain the conditions re: the property to the public so they have a better understanding of the property issues.

Mr. Toussaint, upon inspection of the property, stated the following issues:

1. The access road must be shown on the plan.
2. He needs to report how much of the existing tree line will be cleared?
3. The examiner must be able to see a clear definition of the lines

4. An additional upgrading plan must be put in place to protect residential properties
5. The township needs assurances that the property will be graded properly – this is a condition
6. How far is the berm going to be off the property line? Is it going to be 5' to 6' feet and are the tree tops going to be at 8'? This is also a condition.
7. Will there be a 6' chain link fence with privacy slats? Will the slats hide the property from the neighbor's properties?
8. Will there be trash enclosures?

Mr. Toussaint stated, all these questions must be answered and must be included in the plan.

Mr. Toussaint recommends different height of fencing be considered so neighbors have privacy. The fence should be 6' to 10' in height. Also, the storage units and dumpsters should be hidden and covered from view of neighbors. A minimum height for the berm should be 4' to 8' feet with trees planted on top of it. Additionally, storage bins should be located on the easterly side of the property as depicted in detail on the plan. Lastly, no business trucks can be parked in the front of the building.

Chairman Condo asked the Board members if they had any questions.

Mr. Howarth asked about the noise levels, construction dust, sand, fill dirt and topsoil piles the neighbors are complaining about. He asked, how do you plan to contain these problems? Can the materials be covered? He indicated that #16 in Mr. Hanson's report states the applicant should discuss the anticipated height of the materials to be stored, especially the topsoil, fill dirt and sand.

Mr. Rinaldi stated no one told Mr. Lindsay he couldn't do these things. If it is a violation, he needs to be made aware of the regulations.

Mr. Mauriello asked about the need for the access road. He stated there are only woods behind the property. He stated shouldn't the Fire Marshall review this matter and give the Board an opinion regarding the need of the access road.

Mr. Hanna asked about the shed in the back of the property. Mr. Toussaint responded the "shed" is a trailer. It is temporarily in the yard and will be removed by Mr. Lindsay.

Mr. Becker asked two questions about the materials being stored and about the noise levels. How will they be addressed? Mr. Toussaint stated they will be addressed if the use variance is considered by the Board.

Mr. Achey wanted to know how many dump trucks there are. Mr. Rinaldi answered, there are three trucks

Mr. Russomanno asked about noise levels. Will they be addressed. Mr. Condo responded to Mr. Russomanno.

Chairman Condo asked Mr. Rinaldi if he was ready to close his comments.

Mr. Rinaldi made the following closing remarks. He thanked the Board for their patience and understanding of his client's request. He stated the use variance is 90% in place. The expansion of the storage space is already permitted. Only the expansion of the space is in the use variance. His request meets the positive criteria. The property is suited to the purpose of the business and storage expansion. The request modifies how materials are stored on the property. He is a tenant on the property and he is willing to do what is asked of him to meet the township standards.

Chairman Condo asked Mr. Rinaldi, am I to understand that Mr. Lindsay is not asking for expansion of his business, he is only asking for expansion to store materials. Is that right? Mr. Rinaldi responded, yes that is correct. When the landscaper was a tenant on the property he stored fertilizer, stone and dirt on the site just as Mr. Lindsay is now doing. If the Board approves the request for the use variance the Township will have enforcement powers to address violations. As of now there are no set guidelines for this tenant.

Chairman Condo stated if the Board were not to approve the request for the expansion of the storage of materials, there will be no controlled conditions. Is the correct? Mr. Rinaldi responded, yes that is true. Chairman Condo continued, then as I understand this matter, the business stays as it is; they continue to operate as they do now; and there is no solution to the problems cited by Mr. Toussaint. However, if the variance is approved, Mr. Toussaint will have enforcement powers to monitor the property and there will be a concerted effort to bring the business in compliance with township regulations. Mr. Rinaldi again responded yes that is correct.

Mr. Lindsay wants to buy the property and make it right stated Mr. Rinaldi. He is concerned about the residents.

Chairman Condo opened the meeting to the public.

Several residents expressed their concerns and objections to Mr. Lindsay's request for a use variance and site approval.

Mr. Wells swore in Mr. Dennis McFerran, 2305 Sesame St., Waterford Twp., NJ

Mr. McFerran stated he has lived in his home for twenty-seven years. There have never been fences in the neighborhood. It is a very nice area and a good place to raise children. When he moved to the area, the business location being discussed was an old auto repair shop. It then

became a landscaping business. The new septic construction company came there three years ago and operates day and night. There is noise, odors and materials of all kind on the property. It is very disruptive and we need to keep our windows closed because of the diesel smell. We also do not want a berm built with ten foot trees on it. Mr. Lindsay is the only person benefitting from the improvements he says he is going to make. I don't see any benefits for us. I am worried about the health of my kids and family. We do not want fences, noise, diesel smells and a berm built. Change the use variance forever and change our neighborhood back to what it was.

Mr. Wells swore in Mrs. Andrea Minuti, 2307 Sesame St., Waterford Twp., NJ

Mrs. Minuti presented a signed petition from people in the neighborhood, and the area, who are one-hundred against the expansion of Mr. Lindsay's business. I live directly behind the property and I am directly affected by the noise, dust, and the run-off from the stored materials. I am very concerned about my family's well-being from our well water being contaminated by the run-off. I work at the school and I am very well-known and involved in the community. I have lived here for seventeen years. My well has been tested many times in the past due to the businesses that have been on the property. I have received no satisfaction that my well is not being contaminated now.

Mr. Rinaldi responded that the former business stored top soil, stones and dirt on the property. That is not the case now, he said. He asked Mr. Lindsay about the dirt he is storing?

Mrs. Minuti spoke again. She asked is the stuff stored on the property old dirt coming from jobs you are doing? Mrs. Minuti stated she has seen trucks leave with dirt in them and return with dirt and it is dumped on the property. The dirt is different colors. Mr. Lindsay stated, in response to Mr. Rinaldi's question, there is no used dirt stored on the property.

Chairman Condo asked Mrs. Minuti if her well has been tested. She responded yes – it has been tested many times.

Chairman Condo explained that if the use variance is approved it will put many conditions and restrictions on businesses before they can put up fences, etc. Citations and fines will be issued and enforced. At the present time, we do not have the authority to control businesses who expand without township approval. We are here to serve the public. If the variance is not approved, we will have no way to control expansion that will harm the public. Our hands will be tied. If the controls and conditions are approved we can be more specific with regulations on businesses and balance these issues.

Mrs. Lindsay stated, I didn't choose to have a business behind my home.

Chairman Condo again stated future boards will not allow businesses to do what they want without control and conditions. The Board has constraints they can enforce. Everything is in our power to make it better if the use variance is passed.

Mr. Wells swore in Mrs. Darlene Lord and Brielle Lord of 2303 Sesame St., Waterford, Twp., NJ

The mother and daughter offered testimony to the beauty of their back yard and to the noise, smells, dirt and run-off onto their property. They presented a report to the Board re: ground pollution, noise pollution and mosquito infestation. They stated the former landscaping business only had mulch and stones in the yard. The present business still has stones in the front yard. They commented it is unsightly. The Septic Construction business is much worse than the landscaping business. All our wells may be contaminated by the run-off from the property. Mr. Lindsay is not telling the truth, Ms. Lord stated. The women also mentioned the block building in the front of the property. They wanted to know what is being used for. They also questioned the building that is in the back yard. What is that and what is it being used for? Mr. Toussaint responded to both questions. The block building in the front will be used as a business office and the trailer in the back yard has been sold and is being moved out.

Mr. Rinaldi responded stating Mr. Wells, the township engineer, and Mr. Toussaint have been at the site and reviewed the conditions regarding your concerns. They have included their concerns in their reports.

The matter of the access road was brought up during the Lord's presentation. Following discussion, it was stated the Fire Marshall will determine if it is necessary to have the road. Mr. Hanson remarked, requirements need to be met for road location and safety.

Chairman Condo responded that a review of the property would be involved. Mr. Lindsay is not going to be able to do anything until all conditions are met. Mrs. Lord asked, why does it work for him and it did not work for the landscaper? Mr. Wells responded, the use of the property passes on to the new business owner. So, Chairman Condo said, if we adopt the use variance, Mr. Lindsay will be able to improve his site under the inspection of Mr. Toussaint and Mr. Wells. If the Board does not approve the variance, he can't expand, but he can operate his business on site without making any changes.

Mr. Toussaint responded with a little history of the property. H&H Landscaping had a mercantile license to operate their business but they were never approved by the Planning Board. There is no record of approval. They performed the same types of activity as Mr. Lindsay does on the site. They had storage bins, dirt, top soil, fertilizer, stones, etc. They also had thirty trucks and fifty employees. Lindsay Septic Construction actually has fewer trucks and employees.

Chairman Condo said, in my opinion there are no direct answers as to why the businesses were not approved by the planning board in the past. These businesses should have had controls and conditions placed on them before they were permitted to operate. In the case of Mr. Lindsay's request, a new set of plans will be developed. Nothing can happen on the site until all of the conditions are met. We are finding that more and more businesses are operating without conditions. We are looking at the Township's Master Plan very closely particularly after getting the Haines Boulevard site approved. People in town need to get involved. They need to talk about the issues like those you raised, Mrs. Lord. The Board is trying to solve issues presented by citizens by doing due diligence and addressing the needs of the people by having companies follow township ordinances. We want to have written and signed documentation that improves living conditions in the community. We are listening and trying our best to address/resolve the needs of the people regarding these anomalies (business and others) with proper approvals that can be enforced by the Township. We want everything you want within the law; we want reasonable review of wells, noise levels, property management, etc. If the use variance is approved, it will give Mr. Toussaint the permission to enforce the laws approved by the Township.

Mr. Toussaint related a case in point in a neighboring community. It is a true case of enforcement and regulation failure. The town was presented with a use variance in the 1960's by a junkyard that wanted to expand its operation to include re-cycling. Residents complained – town listened to the resident's complaints and denied the owner his request to expand. Today this company is one of the largest junkyards in the area. They set regulations on the property to limited hours and storage of material but they were not granted the request for expansion to include re-cycling. Tonight, we need to understand what we are trying to do by making this decision. We don't want to make the same mistake others have made in the past.

Mr. Hanson reiterated Mr. Toussaint's story. Chairman Condo stated, it is better to know what you are working with rather than dealing with the unknown.

Ms. Lord asked, how do we stop the variance? What conditions will he have to meet? What will happen if it is not approved?

Mr. Rinaldi again explained the conditions go with the land not the owner. Only the expansion of the property can be restricted if the use variance is not approved. Pre-existing approvals cannot be changed. Mr. Hanson agreed with Mr. Rinaldi's explanation. Chairman Condo explained the Board is trying to change things for the better.

Mr. Howarth stated he thinks this is a good thing that the Board can do. He thanked Mr. Toussaint and Mr. Hanson on the work they are doing to enhance conditions/enforcement of businesses in our community.

Chairman Condo called for a recess at 9:32PM when a Board Member left the meeting.

The meeting reconvened at 9:40PM when the Board Member returned to the meeting.

Mrs. Lord and Ms. Lord continued their statements regarding their concerns about the Lindsay Septic Construction Company. Both women thanked the Board for listening to them and asked that they consider their request to investigate the company's activities. They both felt it is too late to doing anything.

Chairman Condo thanked them for stepping forward with their observations of the property and told them their involvement will make a difference in how Board's determine their future decisions. He stated, efforts by citizens make a difference. The Board will think about the conditions and will make every attempt to protect you and your neighborhood.

Mr. Wells swore in Christopher Lenutti of 2307 Sesame St, Waterford Twp., NJ.

Mr. Lenutti presented his observation of the Septic Construction Company. He feels the dirt stored on site is contaminated. He stated the property is a junkyard filled with a boat, broken equipment, stones, dirt and PVC pipe material. He also complained, as the others before him did, of the smells of diesel fuel, loud noise and dust. What will happen to the value of our properties if this continues to go forward? I can guarantee the soil is a problem; it is a different color and texture material. He asked, can the front yard be cleaned up – it “looks like hell”? The site plan shows bushes on the property line. Is that right? Mr. Toussaint said he will check on that. He also responded to a question from Mr. Lenutti re: the company approval. Mr. Toussaint stated, the use variance is granted it is on the property, not the owner, and it doesn't transfer to a new tenant. Mr. Toussaint continued, there is an escrow account established and we have legal authority to change it. Mayor and Council are aware and support our efforts to enforce the law. Mr. Lenutti stated there should be a cleaner, simpler answer to get things covered.

Chairman Condo commented, although you may not get the results you want, Mr. Toussaint will have the right to enforce the law. He again reminded residents to get involved. He continued, what you all did tonight is a start. There is a noise ordinance in effect. The Township monitors noise levels. If there is a nuisance; contact the police and report it. There are noise ordinances in effect in our community and throughout the State.

Mr. Wells swore in Mrs. Joyce Headley, 2309 Sesame St., Waterford Twp., NJ

Mrs. Headley stated she lives two houses down on Sesame St. She is directly behind the property in a bi-level home. She is eye level with the planned berm and trees hang over her property. There is noise at all times of the early morning from trucks that actually shake her house when they are being loaded with stones and other material. I have spoken to Mr. Toussaint many times about this situation. I have also spoken to Mr. Lindsay about the dirt, dust and noise. He stated he would move the dirt. I have no faith that he will be doing anything to improve the property, she stated. I am very concerned about our property values. I

am also concerned about our well water being contaminated. My well is tested frequently because of my concern. We also have an infestation of ants and mosquitos. Many trees have been mowed down. We have no privacy and cannot sit outside on our deck or use our backyard. If you go a little further down on Jackson Road there are several businesses that are very shabby looking. I am embarrassed to invite friends to my house because our neighborhood looks so bad. We do not need this business on Jackson Road. We are trying to save our neighborhood. She thanked the Board for listening.

Mr. Wells swore in Mr. Ed Wood, Atco, NJ

Mr. Wood indicated Mr. Lindsay should work the business as is. Go back to the restrictions put on the last business. Don't reward him by approving the use variance and site plan.

Mr. Lenutti stepped forward again.

I just want to remind the Board if you are going to make a change, make sure it is a change for the betterment of the community.

Mr. Wells swore in Mrs. Karen McFerran, 2305 Sesame St. Waterford Twp., NJ

Mrs. McFerran was very upset about the problems her neighborhood is experiencing. She also spoke about the noise, dirt and smells. She cannot use her porch or backyard any longer because of the pollution and bugs. The berm will not make a difference. We want to be able to use and enjoy our houses.

Mr. Wells swore in Mr. William Richardson, Bartram Ave., Atco, NJ

Mr. Richardson was appearing as a private citizen to testify in favor of the citizens of Sesame St. who were testifying to the noise, dirt, odors and many other issues causing anxiety in their neighborhood. We do not need this business on Jackson Road. The intent of the Master Plan needs to be followed. I am here for the people of the Township.

Hearing from no other residents, Chairman Condo closed the meeting to the public.

Mr. Toussaint thanked everyone for their remarks and stated this is not an easy process. It is hard to regulate businesses if we cannot enforce our laws and regulations.

Mr. Hanson echoed Mr. Toussaint's comments and added it could be worse if regulations are not applied. The Board knows this is a use variance for expansion on the property only.

Mr. Russomanno asked if the use variance for expansion of the business can be disapproved.

Mr. Rinaldi responded if it is denied Mr. Lindsay will not build the fence or improve the property. The business will stay as it is. He will still store materials (that is what we are asking approval for). Little changes may take place for the positive. He is allowed to operate at site within the noise ordinance and can store the materials, etc.

Mr. Wells was asked to advise the Board of their responsibility in voting on this very emotional issue. He stated they should consider their vote for the use variance for expansion and site plan approval carefully. And they should carefully weigh the positive and negative criteria of the case. He made a long statement going over the issues and he advised the Board they can approve the request as presented; they can reject the request as presented; or they can reject or approved the request partially.

Chairman Condo reminded the Board that they are attempting to bring the property up to where it was by submitting a new grading plan. The new grading will re-route the water run-off to the adjoining properties.

Mr. Rinaldi offered, the owner of the property is also responsible for issues at the property. There is less intense use there now compared to the use by the previous tenant. The approval of the variance for expansion will help with the concerns of the residents.

Chairman Condo stated, with the approval of the use variance, conditions can be monitored and enforced and will give us enforcement and control. He called for a motion.

On a motion by Mr. Howarth, seconded by Mr. Hanna approval of the use variance and site plan with terms and conditions as stated in the review by Mr. Hanson were denied.

Roll Call Vote: Mr. Achey, Nay, Mr. Becker, Nay Mr. Mauriello, Abstain, Mr. Russomanno, Nay, Mr. Hanna, Yes, Mr. Howarth Yes, and Chairman Condo, Yes –  
3 ayes, 3 nays, 3 absent, Mayor Richardson, Committeeman Giangiulio, Mrs. Ferguson.  
Motion Failed

#### COMMUNICATIONS / DISCUSSIONS:

Mr. Toussaint reported on the following:

1. Deeper Life Church - Application Deed of Consolidation of lots. – The deed has been received for the property. This was a condition on their application. It is now complete.
2. Palladino 6<sup>th</sup> Subdivision update letter from Jeff Hanson – The property is now ready for sub-division and construction as required by the Board. Mr. Paladino's nephew came in today with his grading plan.
3. March/April New Jersey Planner – The planner is available to Board members.

4. Update on nuisance properties – Notice of Violations were sent to owners setting timelines for “clean-up” of their property.
  - a. At Cardy’s Corvette on Arthur Ave and the White Horse Pike the property owner is trying to comply with Township regulations. He wanted to be at the meeting tonight but a personal matter kept him away. He received letters and fought with me a little. I went out to speak with him and he explained he is trying to comply. He is attempting to get rid of some of the cars. Many of the vehicles are very old and he has no deeds for them. He must search for the titles at his cost. It is slow and time consuming. He was going to show you some of the titles he has this evening but unfortunately, he was called away. He wanted to bring to your attention that he has cut down trees, removed the brush between the cars and has had vehicles towed away. He also repaired the fence by replacing privacy slats.
  - b. At Dick’s Auto on Atco Avenue the vehicles on public property have been removed to a vacant lot on West Atlantic Avenue. He is attempting to comply to Township regulations.
5. Mrs. Britan is working with Andy Wade to remove boats and getting the titles to destroy them. Maintaining the property is a problem. She has received a timeline to clean-up the property
6. Changes to chapter 176-73 street lighting - Mr. Toussaint informed the Board that he and the Township Manager are “looking” into upgrading street lighting to LEDs from high pressure sodium lights in new construction sites. The change would be a cost savings project for the Township.
7. American Irrigation’s application for street vacation request on October 31, 2016 has been approved by the Pinelands Commission. Mr. Condo stated AI must comply with township requirements for approval to move forward on the street vacation.

On a motion by Chairman Condo, seconded by Mr. Mauriello, Mr. Toussaint and Mr. Hanson were directed to continue their plan study re: Chapter 176-73 Use of Street Lighting in new construction and other parts of the township. The motion was carried unanimously.

RESOLUTIONS:

On a motion by Chairman Condo, seconded by Mr. Mauriello the following were approved:

1. 17-08 Kenneth Hornback, Block 1504 Lot 13 Bulk Variance
2. 17-09 Tom Beech, Block 6501, Lot 27, Bulk Variance
3. 17-10 Adam Pjatikin, Block 3803, Lot 3, Bulk Variance
4. 17-11 Jay and Debra Ewan, Block 7101, Lot 13, Use Variance

Roll Call Vote: On a motion by Mr. Howarth, seconded by Mr. Hanna the four resolutions were approved. Mr. Achey, Mr. Becker, Mr. Mauriello, Mr. Russomanno, Mr. Hanna, Mr.

Howarth and Chairman Condo – 7 ayes, 0 nays, 3 absent, Mayor Richardson, Committeeman  
Giangiulio, Mrs. Ferguson.

MINUTES:

On a motion by Mr. Becker, seconded by Mr. Achey the minutes of April 17, 2017 and May 1,  
2017 were approved as presented. Motion carried unanimously.

Chairman Condo opened the meeting to the public. Several residents expressed their concern  
and objection to the Lindsay request for variance approval.

OPEN TO THE PUBLIC:

Chairman Condo opened the meeting to the public.

Mr. Wells swore in Mayor William Richardson, Bartram Ave., Atco.

The Mayor updated the Board on the opening of Dollar General in Atco on Saturday. They will  
be having a grand opening soon. Everyone is invited to attend.

He also stated the RFPs for the redevelopment of Haines Blvd. project are due on June 23<sup>rd</sup>,  
2017. We hope we get a lot of proposals.

Chairman Condo closed the meeting to the public.

BOARD COMMENTS AND QUESTIONS: None

ADJOURNMENT:

On a motion by Mr. Hanna, seconded by Mr. Becker the board adjourned at 10:28PM. Motion  
was unanimously approved.

Submitted by:

Edward Toussaint  
Board Secretary

June 21, 2017