TOWNSHIP OF WATERFORD

2131 AUBURN AVE. ATCO NJ 08004

LAND USE BOARD

REORGANIZATION MEETING MINUTES

January 8, 2018

Mayor William Richardson, Jr. opened the meeting by reading the Sunshine Statement:
In accordance with Chapter 231, Public Law, 1975, Open Public Meeting Act, notice of time, date and place for this meeting was sent to the Courier Post and Record Breeze, and is posted in the Municipal Building.

The January 8, 2018 Joint Land Use Board meeting of the Township of Waterford, called to order at 7:00 pm by Mayor William Richardson

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.

Mayor Richardson requested that for those in attendance with a cell phone, to please turn it off or put in on silent mode. He also requested that, if it is necessary to have a conversation with the professionals involved with your application, to please do so outside the meeting room.

SWEARING IN OF 2018 NEW AND RE-APPOINTED BOARD MEMBERS:

Mayor William Richardson	Class I	1/1/2018 thru 12/31/2018	1 year term
Committee Member Thomas Giangiulio	Class III	1/1/2018 thru 12/31/2018	1 year term
Township Official Salvatore Russomanno	Class II	1/1/2018 thru 12/31/2018	1 year term
Ralph Condo	Class IV	1/1/2018 thru 12/31/2021	4 year term
John Howarth (unexpired term of Roe I)	Class IV	1/1/2018 thru 12/31/2021	4 year term
Alfonse Campbell	Class IV Alt #2	1/1/2018 thru 12/31/2019	2 year term

EXISTING BOARD MEMBERS WITH NO CHANGE

Mike Achey	Class IV	Expires 12/31/2020	4 year term
Lynn Ferguson	Class IV	Expires 12/31/2018	4year term
Jon Becker (unexpired term of Tom G)	Class IV	Expires 12/31/2018	4 year term
Paul Hanna unexpired term of John Becker	Class IV Alt #1	1/1/2016 thru 12/31/2018	2 year term
Kenneth Mauriello		1/1/2016 thru 12/31/2020	4 year term

ROLL CALL: The following Board members answered present to the roll call vote: Mr. Achey, Mr. Becker, Committeeman Giangiulio, Mr. Howarth, Mr. Mauriello, Mr. Russomanno, Mayor Richardson, Mr. Condo, and Alternate #1 Mr. Hanna. Ms. Ferguson and Alternate #2 Mr. Campbell notified the board that they would be absent.

APPOINTMENT OF OFFICERS:

Moved by Committeewoman Giangiulio, 2nd by Mr. Becker ***to appoint Mr. Condo as Chairman.***

POLL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 – 0 Motion Carried

The Remainder of the meeting was conducted by Mr. Condo following his appointment as Chairman.

Moved by Mayor Richardson, 2nd by Mr. Becker ***to appoint Mr. Achey as Vice Chairman***

POLL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 – 0 Motion Carried

APPOINTMENT OF SOLICITOR:

Moved by Mayor Richardson, 2nd by Mr. Howarth ***to appoint the firm of Florio Perrucci Steinhardt & Fader as Solicitor***

POLL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 – 0 Motion Carried

APPOINTMENT OF BOARD SECRETARY:

Moved by Mayor Richardson, 2nd by Mr. Howarth ***to appoint Mr. Edward Toussaint as Board Secretary***

POLL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 – 0 Motion Carried

APPOINTMENT OF ENGINEER:

Moved by Chairman Condo, 2nd by Committeeman Giangiulio ***to appoint Jeff Hanson of the firm Environmental Resolutions, Inc. as Planning Board Engineer***

POLL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 – 0 Motion Carried

RE-ADOPTION OF RULES AND REGULATIONS: Roberts Rules of order when Planning Board rules do not cover.

Moved by Mayor Richardson, 2nd by Committeeman Giangiulio ***to approve the use of Roberts Rules of Order when Planning Board rules do not cover***

Voice Vote: All in Favor. No Objections. Motion Passed.

MEETING DATES & TIME:

Planning Board meetings shall be held at 7 PM as follows:

JANUARY 8	FEBRUARY 5 & 21
MARCH 5 & 19	APRIL 2 & 16
MAY 7 & 21	JUNE 4 & 18
JULY 2 & 16	AUGUST 6 & 20
SEPTEMBER 17	OCTOBER 1 & 15
NOVEMBER 5 & 26	DECEMBER 3 & 17

Moved by Committeeman Giangiulio, 2nd by Mr. Howarth ***to approve the Plannning Board meeting dates and times as presented***

Voice Vote: All in Favor. No Objections. Motion Passed.

BOARD NEWSPAPERS:

Moved by Committeeman Giangiulio, 2nd by Mayor Richardson ***to approve the Courier Post and Central Record as official newspapers for advertising Planning Board business***

Voice Vote: All in Favor. No Objections. Motion Passed.

TIME LIMITATION FOR MEETINGS:

Moved by Mr. Howarth, 2nd by Mr. Mauriello ***to approve time limitations by hearing no new applications after 10:30 pm and no new testimony after 11:00 pm.***

Voice Vote: All in Favor. No Objections. Motion Passed.

REGULAR MEETING:

MOTIONS FOR ADJOURNMENTS OF CASES OR OTHER MOTIONS: None

OLD BUSINESS:

1. BKS Associates - Vacation of a portion of Merion Ave - Block 4106 Lot 12

Mr. Toussaint explained that this was a street vacation that was heard in the beginning of 2016 for a portion of Merion Avenue. This application was put on hold because there were code violations from the Township and the Pinelands Commission. Those violations have been re-inspected and cleared.

Robert Bowling, Jr. of BKS Associates and Jeff Hanson of Environmental Resolutions, Inc. were sworn in by Solicitor Boraske.

Robert Bowling, Jr. appeared before the Board. Mr. Bowling explained that his tenant, American Lawn Irrigations, had started expanding without proper authority, which resulted in violations. They decided to attempt to vacate Merion Avenue so that the business would be able to expand. The Pinelands Commission rejected their application based on various factors including square footage, drainage, and ratio for run-off water. Currently, American Lawn Irrigations intends to move from the property but BKS Associates still wishes to follow through with this application. The vacation of Merion Avenue would add 12,500 square feet and make it possible to run a larger operation/business. Currently, there is a garage, an office, and a single family home on different lots, with Merion Avenue running between the office and the house. In time, if they could merge the properties together they would be able to sell it with more uses and meet the Pinelands Commission requirements for square footage. Mr. Bowling further explained that the portion of Merion Avenue that he is looking to vacate is unused and is full of weeds and brush. Mr. Bowling added that joining the properties would increase the marketability and makes the property more viable to potential tenants.

Chairman Condo reminded the Board and Mr. Bowling that the Township Committee has the final authority on street vacations and that the Planning Board can only offer a recommendation.

Planning Board Engineer Hanson reviewed a letter from February of 2016. Mr. Hanson noted that ERI would not have any objections because vacating this portion of Merion Avenue would not land-lock any homeowners and no easements would be taken away. Mr. Hanson also stated that all homeowners on Merion Avenue have a way to exit without going through this property.

Mr. Toussaint explained that the property is in a PHP Zone which requires 2 acres to develop a piece of property in that zone along the White Horse Pike. The property that is used commercially is 1.38 acres. The property that is used residentially is .44 acres, so combined they would still not meet the minimum standard required to develop the property. By vacating this portion of Merion Avenue, it would add another .46 acres which would put them at 2.25 acres, which makes it a developable piece of property if Mr. Bowling would ever wish to do so. Mr. Toussaint noted that a Use Variance would be necessary to make the properties all one lot. BKS Associates is not looking to move ahead with a Use Variance at this time. By vacating the street, they will split it between both properties and Mr. Bowling would have the option to be able to consolidate the deeds to make it all one lot at a later time.

Mr. Howarth commented that the application was originally presented in 2016, when he was not on the Board. Chairman Condo clarified that the Board supported the vacation of Merion Avenue however they were made aware of the violations. Chairman Condo also indicated that Mr. Howarth would still be able to vote on the application.

Mr. Bowling noted that one of the issues from the Pinelands Commission was that trees were cut down for firewood, which presented drainage issues. He also noted that the drainage issues made the portion of Merion Avenue that they are looking to vacate flood. Planning Board Secretary Toussaint interjected that American Lawn Irrigation implemented a re-vegetation plan to correct the Pinelands Commission's violation.

Chairman Condo gave the Board the opportunity to present questions. There were none.

Solicitor Boraske reviewed the application and reminded the Board that there was no legal standard for recommending the vacation but asked the Board to consider if the applicant has provided sufficient information to the Board and the Board's professionals so that a recommendation can be made.

Moved by Committeeman Giangiulio, 2nd by Mr. Becker ***to recommend to the Waterford Township Committee that the application for the Street Vacation of Merion Avenue be approved***

ROLL CALL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 - 0 Motion Carried

2. Richard Domm - 2421 Ellwood Ave Block 2801 Lot 25 -Use & Bulk variances for an accessory building

Mr. Richard Domm was sworn in by Solicitor Boraske. Mr. Domm explained that he is looking to build a house at 2421 Ellwood Avenue.

Mr. Hanson reviewed that Mr. Domm is looking for two variances for a single family dwelling on a 9.5 acre lot in a Rural-Residential Zone. Due to the geometry of the lot and well locations, it will need a bulk variance to permit the existing accessory structure to remain in front of the front wall of the proposed dwelling. This will also put the accessory structure within five feet of the neighboring property so he will need a variance on that as well. Mr. Hanson confirmed with Mr. Domm that there would be no electric or utilities in the accessory building and that the building would be strictly for storage. Mr. Hanson noted that there were no issues of concern between Mr. Domm and his neighbor regarding the accessory building. Mr. Hanson questioned Mr. Domm in regards to the other accessory buildings on the property and Mr. Domm indicated that the other accessory buildings rotted and are no longer there.

Planning Board Secretary Toussaint explained that they re-advertised to include a third variance that will allow there to be an accessory building on a lot without a principle structure. Mr. Toussaint noted that although Mr. Domm intends to build a home on this lot, there is not one there currently and this variance will allow the accessory building.

Committeeman Giangiulio confirmed that the accessory building is already in front of the proposed home placement on the lot.

Solicitor Boraske confirmed that these variances are a necessity because of the garage already existing. Mr. Domm responded that the structure is on a concrete pad therefore unmovable. He explained the unique property lines that he is dealing with making it difficult to be more than five feet from the property line. Discussion ensued regarding existing adjusted dwellings.

Mr. Mauriello inquired if the garage once belonged to the neighbor. Mr. Domm responded that the garage was once part of the neighboring property but that the property was subdivided at an unknown earlier time. Committeeman Giangiulio noted that the shape of the lot is out of the ordinary.

Solicitor Boraske reviewed the application and reminded the Board that the applicant was requesting two bulk variances. The first bulk variance is for relief from Township Code which requires a minimum side yard setback of 35 feet (applicant is proposing 5 feet) and relief from the Township Code that requires accessory structures to be placed behind the front wall of the principal building on the lot. Mr. Boraske explained that a C-1 Hardship Variance may be granted when there is a finding by the board that due to the unique shape or topographic conditions, deviations from the zoning ordinance is warranted.

Chairman Condo opened the meeting to the public for comment. There being no comment from the public, Mr. Condo closed the meeting to the public for comments.

Moved by Committeeman Giangiulio, 2nd by Mr. Achey ***to approve the Bulk Variances as requested for 2421 Ellwood Ave Block 2801 Lot 25***

ROLL CALL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 - 0 Motion Carried

Mr. Toussaint noted that in the previous Use Variance of this format, there was a time limit set. Discussion ensued regarding a time frame limitation.

Moved by Mr. Becker, 2nd by Mr. Russomanno ***to approve the Use Variance requested for 2421 Ellwood Ave Block 2801 Lot 25 to allow an accessory structure to exist without a principal structure with a condition that the new structure is built within 18 months***

Committeeman Giangiulio inquired if property is currently farmland assessed. Mr. Toussaint responded that it is currently 100% Farmland Assessed.

ROLL CALL VOTE:	Achey	- Yes	Giangiulio	- Abstain	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	-Abstain
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

7-0-2 Motion Carried

NEW BUSINESS: None

REPORTS / COMMUNICATIONS:

1. Sign deeds for Harrell Subdivision
2. Adoption of the 2017 Annual Board Report

Moved by Mayor Richardson, 2nd by Committeeman Giangiulio ***to adopt the 2017 Annual Board Report***

ROLL CALL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 - 0 Motion Carried

Discussion ensued regarding an informal request via letter in regards to the re-zoning of Anderson Avenue. Solicitor Boraske noted there would be an update at the next meeting.

RESOLUTIONS:

1. 17-15 McKelvey 2354 Clifford Ave Block 1606 Lot 3

Moved by Committeeman Giangiulio, 2nd by Mr. Russomanno ***to adopt Resolution #17-15***

ROLL CALL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 - 0 Motion Carried

2. 17-16 Reese 611 Harvest Lane

Moved by Mayor Richardson, 2nd by Committeeman Giangiulio ***to adopt Resolution #17-16***

ROLL CALL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 - 0 Motion Carried

3. 17-17 Domm 2421 Ellwood Ave

Moved by Mr. Hanna, 2nd by Mr. Howarth ***to adopt Resolution #17-17***

ROLL CALL VOTE:	Achey	- Yes	Giangiulio	- Yes	Russomanno	- Yes
	Becker	- Yes	Howarth	- Yes	Richardson	- Yes
	Hanna	- Yes	Mauriello	- Yes	Condo	- Yes

9 - 0 Motion Carried

MINUTES: December 18, 2017 meeting minutes

Moved by Mr. Russomanno, 2nd by Mr. Hanna ***to approve the Land Use Board minutes of the December 18, 2017 meeting as present.***

Voice Vote: 8 Members in Favor. Mr. Howarth Abstained. Motion Passed.

OPEN TO THE PUBLIC:

Brian Ladden of Old White Horse Pike questioned if there has been any new discussion on the development of Haines Boulevard. Chairman Condo responded that there have been no new developments on the Land Use Board agendas.

BOARD COMMENTS AND QUESTIONS:

Mr. Russomanno questioned a property on Burnt Mill Road that the Pinelands had an issue with allowing a septic tank. Mr. Toussaint clarified that there was a "Waiver of Strict Compliance" on the property that was only valid for three years. There was an approval on the project in 2009 but the property was sold prior to the house being completed. The homeowner is going through the process of renewing the "Waiver of Strict Compliance" with the Pinelands Commission.

Mr. Russomanno also inquired about cleaning up automotive business properties in Waterford Township. Mr. Toussaint commented that there will be an update at the next meeting. Mr. Toussaint and Township Administrator Danson, have composed a letter that will be going to the automotive businesses. Chairman Condo also commented that the letter will be going out from the Waterford Township Committee, not from the Land Use Board. Mr. Mauriello interjected that they do not want to close businesses, just have them clean up. Committeeman Giangiulio questioned the status of the older businesses that have numerous cars parked all over their business lots. Mr. Toussaint responded that it is based on the number of bays that the garage has to work and that there was a certain ratio on number of allowed cars.

Mr. Howarth reminded the board to be careful going to their cars because of the icy conditions.

ADJOURNMENT:

Moved by Committeeman Giangiulio, 2nd by Mr. Howarth ***to adjourn the meeting at 7:53 PM.***

Voice Vote: All in Favor. No Objections. Motion Passed.

Submitted by:

Edward Toussaint
Board Secretary