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**TOWNSHIP OF WATERFORD** 2131 AUBURN AVE., ATCO, NJ 08004

**LAND USE BOARD  
MINUTES**

February 5, 2018

The February 5, 2018 Joint Land Use Board meeting of the Township of Waterford, was called to order at 7:05 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 Board members answered present to the roll call vote: Mr. Achey, Mr. Becker, Committeeman Giangiulio, Mr. Howarth, Mr. Mauriello, Mr. Russomanno, Chairman Condo, Alternate #1 Mr. Hanna, and Alternate #2 Mr. Campbell. Ms. Ferguson joined the meeting at 7:03 PM. Chairman Condo noted that Mayor Richardson was in a meeting and would join the Board when the meeting was complete.

**SWEARING IN OF PROFESSIONALS:** Mr. Boraske swore in Mr. Hanson, Joint Land Use Board Engineer.

**MOTIONS OF ADJOURMENTS OR OTHER MOTIONS:** There were no motions.

**OLD BUSINESS:** There was no old business.

**NEW BUSINESS:**

1. *Michael Villano 2206 Joseph Maurone Drive, Block 5902 Lot 4, Bulk variance for side and rear yard setbacks*

Mike Villano of 2206 Joseph Maurone Drive was sworn in by Solicitor Boraske. As requested by Chairman Condo, Mr. Villano described his goal of installing a 24 x 36 pole barn with the setbacks at 12 feet at the rear and 12 feet on the sides instead of 20 feet on the side and 30 feet on the rear. Mr. Villano indicated that he would like to place the pole barn in the rear corner of his property so that he is able to have some usable lawn space.

Board Engineer Mr. Hanson described that the garage was 864 square foot and that they are at the limit for impervious coverage for this property. Mr. Hanson noted that based on the geometric considerations of this lot, the plan that that Mr. Villano has presented will give him more usable yard space. In response to a question from Mr. Hanson, Mr. Villano explained that the garage will just be one floor and then he plans to store a car and bicycles in it. He also noted that he intends to install electric in the building eventually. Mr. Hanson suggested that a dry well be installed, which Mr. Villano agreed to and confirmed that gutters will be installed on the building. The applicant also commented that the building will be metal and will be beige/tan. Mr. Villano noted that he would eventually like to extend the driveway to the garage. Mr. Hanson responded that extending the driveway would increase the impervious coverage, so it would be best to include that in the variance.

Planning Board Secretary Toussaint expressed concern in regards to the drainage and suggested making the installation of gutters a conditional requirement. Mr. Villano agreed to install gutters.

Committeeman Giangiulio commented on the setbacks and discussion ensued regarding the placement of a driveway and how it would line up to the garage. Ms. Ferguson inquired which materials Mr. Villano intended to use on the driveway. Mr. Villano indicated that he would prefer concrete. Mr. Achey asked if the floors in the building would be concrete, which Mr. Villano confirmed.

Chairman Condo opened the meeting to the public.

Planning Board Alternate #2 Mr. Campbell asked for clarification of the location of the septic on the property. Mr. Villano stated that the septic is in front of the back deck and the well is located on the front of the property. The garage would not affect either.

There being no more public comment, Chairman Condo closed the meeting to the public for comment.

Solicitor Boraske noted that the Board indicated that they wanted gutters installed for rain water run-off and Land Use Board Secretary Toussaint responded that it would be part of the building permit.

Solicitor Boraske reviewed the application and reminded the Board that the applicant was requesting a bulk variance. The property is located in the rural residential zoning district. The bulk variance is for relief from Township Code which requires a minimum side yard setback of 20 feet (applicant is proposing 15 feet), relief from Township Code which requires a minimum rear yard setback of 30 feet (applicant is proposing 15 feet) and relief from the Township Code of 20% maximum impervious coverage requirement (requesting 25% impervious coverage) due to the applicant wishing to extend his driveway. Mr. Boraske noted the condition of approval of installation of gutters during initial construction to control storm water run-off. Mr. Boraske explained that a C-1 Hardship Variance has been requested and 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. A C-2 Substantial Benefit Variance may be granted if there is a finding by the board that the purposes of the municipal land use law would be advanced by deviations from the zoning ordinance requirements and the benefits would outweigh any detriment to the public good.

*Moved by Committeeman Giangiulio, 2nd by Mr. Howarth to approve the Bulk Variance as requested for 2206 Joseph Maurone Drive, Block 5902 Lot 4*

<b>ROLL CALL VOTE:</b>	Achey - Yes	Giangiulio	- Yes	Mauriello	- Yes
	Becker - Yes	Hanna	- Yes	Russomanno	- Yes
	Ferguson- Yes	Howarth	- Yes	Condo	- Yes

9 - 0 Motion Carried

**RESOLUTIONS:**

1. 18-01 2018 Reorganization
2. 18-02 Appointing Solicitor

3. 18-03 Appointing Engineer
4. 18-04 Richard Domm Block 2801 Lot 25

*Moved by Mr. Becker, 2nd by Mr. Howarth to adopt Resolutions #18-1 through #18-04*

**ROLL CALL VOTE:**

Achey - Yes	Giangiulio - Yes	Russomanno - Yes
Becker - Yes	Howarth - Yes	Hanna - Yes
Ferguson- Yes	Mauriello - Yes	Condo - Yes

9-0 Motion Carried

**MINUTES:**

1. January 8, 2018 minutes

*Moved by Committeeman Giangiulio, 2nd by Mr. Achey to adopt the January 8, 2018 Reorganization Meeting Minutes as presented*

**VOICE VOTE:** 8 Members in Favor. Ms. Ferguson Abstained. Motion Passed 8-0-1.

Chairman Condo recessed the meeting at 7:25 PM.

Chairman Condo reconvened the meeting at 7:27 PM.

Mayor Richardson entered the meeting at 7:28 PM.

**NEW BUSINESS (continued):**

2. *Gloria & Ed Myers, 1426 Chew Rd, Block 6904 Lot 2, Interpretation of pre-existing use & Site plan for development*

Mark Rinaldi (Council for Gloria and Ed Myers) noted that there was a possible conflict with Land Use Board member Mr. Mauriello. Solicitor Boraske indicated that Land Use Board Alternate #1 Mr. Hanna could sit in place of Mr. Mauriello. Mr. Mauriello recused himself on record due to his association with Mr. Rinaldi and left the dais.

Mr. Rinaldi confirmed that this application was filed as a minor site plan whereas it is possible that it should have been filed at a major site plan. He explained that the Myers family had been operating a wrecking/salvage yard in this area since the 1930's. The property was recognized by the Planning Board in 1988 as a pre-existing, non-conforming use. Mr. Rinaldi explained that he feels an interpretation of the decision made in 1988 is necessary. The site plan requests the relocation of a scale and an approval of a 10,000 square foot dismantling area. Mr. Rinaldi notes that this is an expansion of a pre-existing approval of the non-conforming use but they are not changing or expanding the use that the Board granted in 1988. . . they are only changing the area that is being occupied. He noted that the dismantling area is already present but is now going to have concrete and steel plates placed beneath. Mr. Rinaldi further stated that there was an anonymous allegation in 2013 that the area of occupation expanded.

Board Secretary Mr. Toussaint noted that the application will be heard in two different areas. The first is to certify the use of the property and the second is to satisfy the DEP violations and storm water management in the disassembly area. Mr. Toussaint explained that violation came to the Township in 2013 in regards to the expansion of the non-conforming use. The commission recognizes the use of the junkyard to the early 1970's as only being 4-5 acres of a junkyard, but through the years, the area kept spreading. In 1988, the Board did not list anything about the existing size of the use of the property at the point; they agreed to let the use continue but did not verify the bulk standards. Mr. Toussaint, the Pinelands Commission, the DEP, and the Myers family met multiple times and decided that they could only base the size on aerial satellite images. Mr. Toussaint referred to the images presented to the Board. Mr. Toussaint explained that this Board can certify what was done in 1988 and what the intention was (as indicated in the aerial photos of the property in 1988 with the 50% expansion of the pre-existing non-conforming use) and that the Pinelands Commission would accept it. The Board would need to do a Resolution verifying that this is what is being agreed upon. The Myers family is willing to shrink everything back so that everything is consistent with the one lot. The Myers family is willing to do this in a determined time frame. Mr. Toussaint indicated that there will be some restrictions to ensure that this does not occur again. They are looking for a deed restriction on Block 6904, Lot 2 for no further expansion outside of Lot 2 including

no further expansion to the left side of the residence. The Pinelands Commission is also looking for a deed restriction on Block 6905, Lot 2 that there will be no further expansion of the commercial use of the scrap yard onto this lot. This will only apply to the scrap yard and would not carry onto new owners. Mr. Toussaint reiterated that the Pinelands Commission is looking for the Board to certify what was done in 1988, giving the scrap yard approximately 17 acres of useable commercial land. If the Board does decide to certify what was done in 1988, the Myers family would have 6 months to consolidate the scrap yard to the designated area.

Solicitor Boraske swore in Mr. Edward Myers. Mr. Myers indicated that he would have no problems complying with the discussed provisions. Solicitor Boraske indicated that this would proceed as a use variance based on case law.

Mr. Myers explained that he has been familiar with the property since he was a child. In response to Mr. Rinaldi's questions, Mr. Myers explained that they are a metal/car recycling yard. They pay people a small amount for their cars that they deem "junk." They also accept white goods and household goods. They accept items and put them in containers and ship to a larger site. Mr. Myers noted that since the economy has taken a downturn, the only people employed there are himself and his father. Mr. Myers explained the process of disassembly and the turn over; it's a rolling business. He buys them low and sells them high, which leads to an overflow of items. After a car is "junked," he takes it with a wheel loader and weighs the vehicle. He also detailed his "Enviro-wreck" which is a DEP approved piece of equipment that was the first in New Jersey. Mr. Myers further detailed how all of the fluids are drained from the vehicles and are taken by a waste disposal service and not stored on the property. Mr. Myers noted that he has no Department of Environmental Protections violations and that they have always been and will continue to be compliant. Mr. Myers indicated that they do not accept any hazardous materials and that they are set up to properly dispose of items to ensure that the environment is never harmed. He also noted that they he needs this approval in order to get the equipment dismantling pad, which is now required by the DEP. The DEP is now requiring items to be put on this pad so that all storm water run-off is put into a basin which gets tested quarterly. Mr. Myers detailed the equipment used on the dismantling pad and reported that this equipment does not leave the property. Mr. Myers indicated that there are approximately 10 vehicles coming in weekly. Mr. Myers noted that noise does not seem to be an issue and that there are no air quality issues (they are tested by the state yearly). He also noted that there is no parking issue because they don't conduct typical retail business; there is no cash register within the building. There is also no lighting other than security lights because they do not conduct business in the dark. Mr. Myers indicated in photographs the driveway which is no longer utilized.

Ms. Ferguson questioned if this is "rolling business," how so many cars were accumulated. Mr. Myers' grandfather saved everything and they have been trying to clean up and open space. Ms. Ferguson wanted to ensure that the type of "creepage" would not occur again. Mr. Russomanno also commented that it should never get this bad again. Mr. Howarth and Mr. Hanna requested clarification on the location of areas on the photos provided. Mr. Myers explained the Beautification Act of 1965 and how his grandmother planted each of the trees. Mr. Howarth questioned the access routes and Mr. Myers responded that they must be maintained due to the fire codes. Committeeman Giangiulio questioned the pond behind the garage and Mr. Myers said it was still there.

Chairman Condo noted that the business was only five acres prior to the Pinelands Commission's involvement. Mr. Condo also noted that they do have cars parked on the other side of the road to conduct business (paths for people to walk are visible). Chairman Condo questioned Mr. Myers regarding the DEP and the potential of violations; Mr. Myers responded that anytime there was a potential violation, it was cleared prior to the violation being issued. Mr. Condo also expressed concern that they trees along the perimeter are dying and that a cleanup of the perimeter should be considered.

Mr. Toussaint clarified that the "creepage" will not happen because of the deed restrictions and that the installation of the pad is actually a requirement of the DEP and must be done in order for them to stay in business.

Mr. Rinaldi questioned the customers who utilize the scrapyard. Mr. Myers noted that it is anyone who has an item to scrap; it is people and business from town and helps keep the town clean.

Board Engineer Hanson went through a completeness review and noted that a certificate of filing from the Pinelands (which would be received after this meeting) will need to be provided. Mr. Hanson also noted that the environmental impact statement, traffic study, and air quality reports could, in his opinion, be waived since it is inspected so frequently

by the DEP.

Solicitor Boraske swore in Mr. William P. Gilmore. Mr. Gilmore detailed his experience as a professional engineer and Mr. Rinaldi noted that based on his experience, he would be giving testimony as an expert professional engineer. Mr. Gilmore provided two photograph exhibits to show where the new pad and the dismantling station would be. Based on what they are proposing, they would construct a 100 x 100 concrete pad with steel plates over them. There would be a storm water basin to collect the run off and to ensure no contaminates are entering the water table. Mr. Hanson confirmed that they would need to submit a low impact development worksheet that is required for all business that have storm water management.

Committeeman Giangiulio voiced a concern in regards to the area that holds water that is currently there. Mr. Gilmore indicated that all vehicles on site are dry and that there is nothing in place now to do anything specific with this water area.

Mr. Toussaint noted that this is a Type I hazard use group so that the Fire Marshal and EMS do yearly inspections. Mr. Hanson requested that they applicant sign off on this.

Mr. Rinaldi requested that waivers on items 2, 3, and 4 in Mr. Hanson's letter dated January 31, 2018. Mr. Hanson requested that Mr. Myers look into a traffic study if and when the business starts to have more vehicles coming in for business. Mr. Rinaldi indicated that the testimony given has been competent and that the business services the municipality and that there are no negative effects on the surrounding community.

Chairman Condo opened the meeting to the public.

There being no public comment, Chairman Condo closed the meeting to the public for comment.

Solicitor Boraske reviewed the application and reminded the Board that the applicant was requesting a major site plan approval and a use variance to permit the expansion of a pre-existing non-conforming use. The property is located in the Pinelands Preservation Zoning District. The applicant has acknowledged and understands that the Pinelands Commission has imposed several conditions and the applicant agrees to comply with said conditions. The applicant also has agreed to comply with the terms and conditions of the Board Engineer's review letter. The use variance is to permit the expansion of a pre-existing non-conforming use. Mr. Boraske further stated that the applicant must prove special reasons (the positive and negative criteria) and detailed such.

*Moved by Ms. Ferguson, 2nd by Mr. Achey to approve the Use Variance as requested for 1426 Chew Rd, Block 6904 Lot 2*

<b>ROLL CALL VOTE:</b>	Achey - Yes	Giangiulio - Abstain	Richardson - Abstain
	Becker - Yes	Hanna - Yes	Russomanno - Yes
	Ferguson- Yes	Howarth - Yes	Condo - Yes

7 - 0 Motion Carried

Solicitor Boraske indicated that to approve the site plan, the Board must consider whether the applicant conformed to the Township Ordinance. The Board must consider if the applicant has met the conditions and questions as indicated in the Board Engineer's letter.

*Moved by Committeeman Giangiulio, 2nd by Mayor Richardson to approve the Major Site Plan as requested for 1426 Chew Rd, Block 6904 Lot 2*

Chairman Condo clarified that motion includes all of the conditions and stipulations. Mr. Rinaldi also requested that the waivers for items 2, 3, and 4 in the Board Engineer's review statement be included in the motion. Committeeman Giangiulio and Mayor Richardson confirmed that they still maintain their motions.

<b>ROLL CALL VOTE:</b>	Achey - Yes	Giangiulio - Yes	Richardson - Yes
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Becker - Yes                      Hanna                      - Yes                      Russomanno                      - Yes  
Ferguson- Yes                      Howarth                      - Yes                      Condo                      - Yes

9 - 0 Motion Carried

Mr. Myers thanked the Board for their time and expressed his appreciation.

**COMMUNICATIONS / DISCUSSIONS:** No communications

**OPEN TO THE PUBLIC:** No Public Comment

**BOARD COMMENTS AND QUESTIONS:**

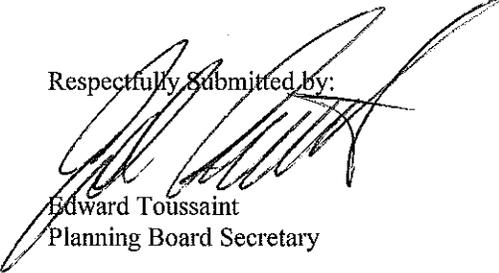
Mayor Richardson commented that a meeting was held with the developers for Haines Boulevard and that he hopes to give an update at the next meeting.

**ADJOURNMENT:**

*Moved by Mayor Richardson, 2nd by Mr. Becker to adjourn the meeting at 8:55 PM.*

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

Respectfully Submitted by:

  
Edward Toussaint  
Planning Board Secretary

Approval Date: 3/19/18