

LAND USE BOARD

MINUTES

October 15, 2018

The October 15, 2018 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 Board members answered present to the roll call vote: Mr. Achey, Mr. Becker, Ms. Ferguson, Committeeman Giangiulio, Mr. Howarth, Mr. Mauriello, Mr. Russomanno, Mayor Richardson, Mr. Hanna and Chairman Condo.

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

MOTIONS OF ADJOURNMENTS OR OTHER MOTIONS: No Motions

OLD BUSINESS:

1. Amended plan submitted to Board Engineer for review

Planning Board Engineer Hanson noted that this was just an updated plan submitted for review and that no action was necessary.

NEW BUSINESS:

1. Scott Killiam, 626 Jackson Road, Block 3101 Lot 73, Bulk Variances for a detached accessory garage

Mark Rinaldi, Esq requested that the application carry over to November 5, 2018 to allow the Killiams to further prepare to present their intentions to the Land Use Board.

Land Use Board Solicitor Boraske noted that the application could be carried to November 5th with no additional notification requirements.

Moved by Committeeman Giangiulio, 2nd by Mr. Becker to continue the hearing for Scott Killiam, 626 Jackson Road, Block 3101 Lot 73 on November 5, 2018 at 7:00 PM.

VOICE VOTE: All in Favor. No Objections. Motion Carried

2. Frank & Anne Maise, 2324 Anderson Ave, Block 601 Lot 2, Use variance to permit a new single family dwelling in the PHB zone

Mr. Mauriello left the dais due to a conflict of interest.

Mr. Frank Maise was sworn in by Solicitor Boraske. Mark Rinaldi, Esq. gave a brief history of what has led up to this application being submitted. Mr. Rinaldi explained that the property is a vacant lot of approximately 2 acres in an area not currently zoned for residential homes. Mr. Maise explained that he purchased the lot over a year ago and noted that it was marketed as a property perfect for "building a dream home." Mr. Maise explained that they would like to build a log cabin and they are requesting a use variance to construct the home. Mr. Rinaldi noted that the Maise family was previously represented by another lawyer and that the process has been long to get them in front of the board.

Mr. Hanson noted that because of the size of the property, there would be no need for a bulk variance. Mr. Hanson also noted that the applicant had filed with the Pinelands on October 3 but have not heard in regards to approval or disapproval. Mr. Hanson continued by explaining that there is public water at the property and that they would be required to tie in if the application was approved.

Director of Community Development Mr. Toussaint noted that more details would be needed on the plan (currently, only a block indicates house placement). Mr. Toussaint also stressed the need for standards (if the application is approved) that this house would be required to maintain. All other homes on Anderson Avenue are pre-existing non-conforming use and the "Planned Highway Business" zone has no provisions for residential. Discussion ensued and it was agreed that "R-1" standards would be the most reasonable for the size and location of this property. Mr. Toussaint continued by noting that the Township would need to maintain the road back to the property, but that no sidewalk or curb would be necessary. Planning Board Engineer Hanson noted that the roadway in front of the property should be improved and suggested it be made a condition of approval. Mr. Maise commented that he would do what was necessary for approval, including the paving of the roadway in front of his home. Mr. Toussaint explained the driveway standards and storm water management plan that would be necessary if the application were to be approved.

Committeeman Giangiulio questioned how this situation is a "hardship" for Mr. Maise. Mr. Rinaldi explained that Mr. Maise was unaware of what a PHB zone was. Mr. Rinaldi continued by noting that the Maise family has come into this application with open eyes and are aware of the businesses that surround the property. Mr. Maise reiterated that he understood the business operations that occur on properties near the land he would like to build on and noted that they were aware of the noise that these businesses create; regardless, he still wishes to construct a home at 2324 Anderson Avenue. Discussion ensued regarding the intentions of the "Master Plan" and how allowing this home would affect it. Chairman Condo noted that there are a lot of unknowns in this situation and that Mr. Maise has stated on record that he is aware of the area this property is in and understands the operations of the businesses in close proximity to it. Ms. Ferguson voiced her concerns regarding changing the Master Plan and Mayor Richardson noted that the Master Plan should be utilized as a

guide. Mr. Touissaint reminded the Board that they have to look at both the positive and negative criteria.

Chairman Condo opened the meeting to the public.

Mr. Andrew Wade of Jackson Road was sworn in by Solicitor Boraske. Mr. Wade noted that no new houses have been built on Anderson Avenue since the 1970's. Mr. Wade explained his business operations and how it may affect residents (noting that when there is an emergency or catastrophe, it is open 24/7 and does not always abide by Township imposed rules). Mr. Wade explained his concerns that the road is overgrown and that potholes are evident throughout the length. Mr. Wade offered up photographs that Solicitor Boraske marked Public Exhibit #1. Mr. Wade further noted his opinion that this property should not be allowed to be residential and should remain commercial. He explained his concerns regarding what could happen if the house is sold. He voiced his opinion that this is a self-imposed hardship and that the property could someday be developed if this application is not approved.

Mr. Rinaldi responded to Mr. Wade and noted that his disapproval is not a valid argument as to why the Maise family should not be permitted to construct a home. Mr. Rinaldi also noted that a business owner stating that he does not comply with Township Ordinances is not a good argument.

There being no further Public Comment, Chairman Condo closed the meeting to the public for comments.

Solicitor Boraske reviewed the application and reminded the Board that the applicant was requesting a use variance for the construction of a residential home in the PHB zone.

Moved by Mr. Howarth, 2nd by Chairman Condo to approve for Use variance to permit a new single family dwelling in the PHB zone at 2324 Anderson Ave, Block 601 Lot 2

ROLL CALL VOTE: Achey - Yes	Giangiulio - Abstain	Richardson - Abstain
Becker - Yes	Hanna - Yes	Russomanno - No
Ferguson- No	Howarth - Yes	Condo - Yes

5-2-2 Motion Carried

COMMUNICATIONS / DISCUSSIONS:

1. A motion to recommend payment of the bills as submitted to Township Committee

Moved by Mayor Richardson, 2nd by Mr. Achey to recommend payment of the bills as submitted to Township Committee

VOICE VOTE: All in Favor. No Objections. Motion Carried

2. NJ Planner handout (no discussion)

RESOLUTIONS:

1. 18-17 Jesse Intessimoni, Block 7201 Lots 10 & 11 Amended subdivision

Moved by Mayor Richardson, 2nd by Mr. Howarth to adopt Resolution #18-17

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

7-0-3 Motion Carried

- 18-18 Margaret VanDewater, Block 1902 Lot 1 Bulk Variances for a detached garage.

Moved by Mayor Richardson, 2nd by Mr. Howarth to adopt Resolution #18-18

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

7-0-3 Motion Carried

MINUTES:

- September 17, 2018 meeting

Moved by Mayor Richardson, 2nd by Mr. Achey to adopt the September 17,2018 Meeting Minutes as presented

VOICE VOTE: All in Favor. No Objections. Motion Carried

OPEN TO THE PUBLIC:

No Public Comment

BOARD COMMENTS AND QUESTIONS:

Mr. Russomanno requested an update on the car wash on the White Horse Pike. Mr. Toussaint noted that there was a stop work order and that the project is now stagnant. Violations have been issued. Mr. Russomanno also requested clarification on the property next to the car wash, the old Forte property. Mr. Toussaint responded that asbestos was found but that the property is about 90% demolished and should be completed soon. Mr. Russomanno then questioned the land next to the raceway. Mr. Toussaint explained that it was cleared to put blueberries and has been held up because of a snake/plant study. An action plan was submitted by the raceway.

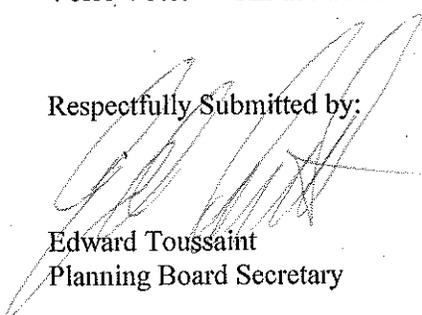
Committeeman Giangiulio inquired regarding Cary's Corvette and Big Boulder. Mr. Toussaint responded that Cary's Corvette is moving into compliance and that over 35 cars have been moved to an offsite warehouse. Mr. Toussaint then explained that any issues at Big Boulder were tuned over to the Pinelands and the Department of Environmental Protection.

ADJOURNMENT:

Moved by Mayor Richardson, by 2nd Committeeman Giangiulio to adjourn the meeting at 8:42 PM.

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

Respectfully Submitted by:



Edward Toussaint
Planning Board Secretary

Approval Date: 11/5/18