

The regular meeting of the Waterford Township Planning Board was called to order by the Chairman, Thomas Giangliulo, followed by the salute to the flag.

Chairman Giangliulo read the Notices to the Public.

Roll call was taken and the following members were present: Mayor Ralph Condo, Gabe Cimino, Bill Richardson, Carl Lange, John Rowley, Louis Severino, Tom Giangliulo, Mark Shendock, and Jon Becker, absent were: Michael Achey, and Francis DiRocco. Also present were: Ted Brennan, Substitute Board Solicitor, Rakesh Darji, Board Engineer, and Ed Toussaint, Zoning Official (late).

Business:

Louis Kitsios (Sally Star Restaurant), Block 34, Lot 6, location – 439 Jackson Road, Conditional Use, Major Site Plan & Variances, zoned – NB.

Brian Peterman, PE of Peterman\*Maxcy Associates noted that he will be representing the applicant tonight.

Louis Kitsios and Mr. Peterman were sworn in by Solicitor Brennan.

Mr. Peterman stated that they are here for a conditional use application with a major site plan and several variances and waivers. This was an existing site and unfortunately the building burnt in a fire, but Mr. Kitsios would like to rebuild and continue the business. This is being considered a major site plan because of the extension of the sewer to service the business. The site will remain the same except that they are proposing a handicap ramp, a slightly larger building, and the walk-in boxes will be transferred from the north side of the building to the south side. They are looking for waivers and variances primarily due to the existing conditions of the site and locations of the previous building. He read the variances and waivers that are being requested in his July 19, 2011 letter to Mr. Darji. Mr. Peterman noted that they would like waivers on the landscaping items because in the future Mr. Kitsios would like to expand his operation and possibly put another use on this lot, which would require separate application at that time. This is an existing site and the neighbors are used to seeing it the way it is. They are proposing a deck as part of the application which will replace the car-port that was there, part of this business is ice cream sales.

Mr. Darji noted that the only reason this is a major site plan is because of the sewer extension, but there is a more extensive check list for a major. He reviewed his July 18, 2011 report and noted that he recommends approval of the submission waivers listed, with the exception of item 9 because he would like more information on the existing sign.

Mr. Peterman noted that they are going to ask for an exception from Camden County Soil Conservation District. He noted that the freestanding sign is existing and located at the corner of Fifth Street and Jackson Road. He will get more information and photographs of the sign. The secondary sign that was near the restaurant has been removed and is not intending to be replaced. They have not decided on the façade sign as of this time, but if any variances are needed they will come back to this Board at a later date. The parking lot is existing and they are not expanding it at this time. They see no adverse impact as a result of this application. The noise and air quality impact will not change. The business will be open 7 days a week, Sunday thru Thursday 7AM to 10PM, Friday and Saturday 11AM to 11PM.

Mr. Kitsios noted that the maximum number of employees will be 3 to 4 for Monday thru Thursday and 5 to 6 on the weekends. The existing parking lot has been sufficient.

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Chairman Giangiulio noted that the ARH sewer review letter asks for a grease trap on the sewer lateral (3); this is important because the Township is having a problem with a pump station because of grease.

Mr. Peterman noted that they will be installing the same type of grease trap that they presently have, it is in the building.

Chairman Giangiulio reviewed the ARH letter of July 19, 2011.

Mr. Peterman stated that he will get the requested information to Mr. Jerome. He also noted that they will ask for a Municipal Agreement for shared cost should someone else want to tie into the sewer line. He noted for item (12) an easement will not be needed because they have shifted the line back, it will now be within the ROW of Jackson Road. For item (13) they are proposing to dedicate the 8" PVC to the Township as a sewer main extension.

Mr. Severino motioned to grant the submission waivers with the exception of (5) which has been met, Mr. Rowley seconded:

R. Condo	yes	G. Cimino	yes
B. Richardson	yes	C. Lange	yes
J. Rowley	yes	L. Severino	yes
M. Shendock	yes	J. Becker	yes
T. Giangiulio	yes.	Motion carried.	

Mr. Darji explained the Condition Use D(3) Variance and reviewed the bulk variances that are required.

At this time Mr. Toussaint, Zoning Official entered the meeting.

Mr. Darji noted that he recommends approval because they are proposing to use this property as it has been in the past and it also makes the site more efficient for future development.

Mr. Peterman noted that they are asking for the approval of the variances because they show efficient use of the property, the neighbors are familiar with the site and the use, they are not increasing negative impact on the neighbors, and they are improving the driveway for deliveries.

Mr. Toussaint noted that Mr. Kitsios could have just rebuilt the building and he would not have needed a site plan, but he is trying to make some improvements and is doing a great service by trying to tie into the city sewer. He would like to see the Board take that into consideration.

Mr. Kitsios noted that he has spoken to, and has no problems with the neighbors.

Mr. Rowley motioned to approve the D(3) Conditional Use Variance, Mr. Lange seconded, roll call vote was taken of those members eligible:

G. Cimino	yes	C. Lange	yes
J. Rowley	yes	L. Severino	yes
M. Shendock	yes	J. Becker	yes
T. Giangiulio	yes	Motion carried.	

Mr. Darji reviewed the bulk variances and site plan comments from his review letter. He would consider the bulk variances to be existing non-conforming.

Mr. Peterman noted that the walk-in box is being moved from the front to the back which will improve the circulation for the limited loading and unloading.

Mr. Darji noted that he does not want to make them put in landscaping buffers that would

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have to be pulled for future development, but he would like to see some landscaping near the building for the aesthetics of the site.

Mr. Peterman stated that they will work with the Board Engineer on a suitable landscape plan. He noted that there was a covered patio area used for outdoor dining which will now be replaced by a deck. There will be about 4 or 5 tables, which is about the same capacity as what already exist. The deck will be ADA compliant. The existing septic system will be abandoned.

Chairman Giangiulio suggested that the driveway that goes around the building be cleaned up and made more defined for safety and aesthetic reasons.

Mr. Kitsios agreed to add more stone to the driveway.

Mr. Peterman noted that for comment #11 they will stripe a walkway and add parking bumpers. He agreed to cut back the driveway entrance onto Fifth Street, #12. They will use bumper blocks to separate the existing large gravel area, #14. He noted that the loading area is in the back of the building and there would only be box trucks or vans. They will agree to put bollards across the back of the fence trash enclosure.

Open to the Public:

Ed Toussaint, Zoning Official, noted that the current sign at the corner of Fifth and Jackson does not meet the current requirements and he wanted to know if it was proposed to be moved back.

Chairman Giangiulio noted that it was not proposed to be moved.

Mr. Toussaint noted that the sign itself is not a problem because it sits up high, but the landscaping around it has been built up and causes a problem by blocking the site triangle.

Mr. Kitsios stated that he would change the landscaping around the sign and have it approved by Mr. Darji along with the other landscaping.

Closed to the public.

Mr. Cimino motioned to approve the bulk variances as discussed, Mr. Lange seconded, roll call vote:

R. Condo	yes	G. Cimino	yes
B. Richardson	yes	C. Lange	yes
J. Rowley	yes	L. Severino	yes
M. Shendock	yes	J. Becker	yes
T. Giangiulio	yes	motion carried.	

Mr. Severino asked about the electric service to the building.

Mr. Peterman noted that they would keep the existing overhead service and request to defer that to building.

Mayor Condo motioned to approve the preliminary and final site plan conditioned on outside agency approvals as they apply to this application, Mr. Severino seconded, roll call vote:

R. Condo	yes	G. Cimino	yes
B. Richardson	yes	C. Lange	yes
J. Rowley	yes	L. Severino	yes
M. Shendock	yes	J. Becker	yes
T. Giangiulio	yes	motion carried.	

Request for street vacation of a portion of Denver Avenue.

Chairman Giangiulio stated that the Township has adopted a new procedure in which request for street vacations are now reviewed by the Planning Board.

Mayor Condo explained the reasons for the new procedure and noted that it was his suggestion to have these request come to this Board because he felt that the Board may have some insight as to future development that would affect the street or a history of that area.

Chairman Giangiulio noted that a letter and information was submitted to the Township by Mr. Jon Drialo who is asking for Denver Avenue to be vacated from Third Street to the end of his property, 711' deep.

Solicitor Brennan noted that cutting off access to a lot would be the main concern and that this should be thoroughly investigated prior to the Township vacating any street.

Mayor Condo noted that if you limit the access to a lot it may reduce the value of the property; this is something that Committee would need to be aware of. He asked that Mr. Brennan send a note to Committee reflecting the Board's concerns.

Correspondence:

Brochure from Rutgers for Mandatory Planning Board Classes – Summer 2011.

Notice from the Kuhn family – community barbecue to support troops, July 27, 2011.

Township Resolution #2011-193 – Street Vacation Request Procedure.

Minutes:

Mr. Lange motioned to approve the July 5, 2011 minutes, Mr. Richardson seconded, roll call vote:

R. Condo	yes	G. Cimino	yes
B. Richardson	yes	C. Lange	yes
J. Rowley	yes	L. Severino	yes
M. Shendock	yes	J. Becker	yes
T. Giangiulio	yes	motion carried.	

Open to the Public:

Ed Toussaint noted that he had questions on citing violations on certain types of approvals or conditions of that approval. He also wanted to know if the Board has the authority to rescind an approval if there are constant violations.

Solicitor Brennan suggested using any code section that would pertain to individual situations.

Mr. Toussaint noted that he can do that but because it is constant, can it go to a higher level.

Solicitor Brennan stated that if the conditions of the approval are not being met the approval can be rescinded and then the permit to operate the business can be pulled.

Board suggested that Mr. Toussaint call Mr. Brennan to formalize a process.

Mr. Toussaint asked if a business in a residential zone would be allowed to have a special event that would last 2 days and cause a parking problem on a tight residential street.

Mayor Condo noted that it seems to be a public safety issue and he would suggest that Mr. Toussaint talk to Mr. Brennan about this situation also.

Mr. Toussaint reported that the Clean-Up Day last Saturday was a great success. There were 6 of them and they collected 276 signs.

Closed to Public.

Reports:

Board Clerk noted that copies of the ARH Recommendations for Sustainable Energy Facilities, July 14, 2011 were forwarded to all Board Members.

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Chairman Giangiulio noted that he reviewed it and it appears to be in line with what was discussed at the last meeting.

Mayor Condo noted that it will be on the Township Committee Agenda July 27<sup>th</sup>, if anyone has comments they should be given to Committee prior to that meeting.

Board Comments and Questions:

Mr. Lange asked about mix use zones in Waterford Township, there was some discussion on this topic.

Motion to adjourn, seconded, meeting adjourned at 9:15 PM.