

Waterford Township Planning Board
Regular Meeting

January 15th, 2013

The regular meeting of the Waterford Township Planning Board was called to order by the Mayor Robert Critelli Jr., followed by the salute to the flag.

Mayor Robert Critelli read the notice to the public.

New and Re-appointed Board members were sworn in.

Roll Call was taken and the following members were present: Rick Yeatman, Bill Richardson (Late 8:12pm.), Michael Achey, Carl Lange, Francis Di Rocco, John Rowley, Rich Jacoby, Tom Giangliulo, Harry Rheam, Louis Severino, and Mayor Critelli. Also present were Jeff Hanson of ERI, Board Engineer, Ed Toussaint, Zoning Official, and Ted Brennan, Board Solicitor.

Appointment of Officers:

A motion to appoint Tom Giangliulo as Chairman was made by Carl Lange, and John Rowley seconded the motion, roll call vote:

Rick Yeatman	No	Michael Achey	Yes
Carl Lange	Yes	Francis DiRocco	Abstain
John Rowley	Yes	Rich Jacoby	No
Tom Giangliulo	Yes	Mayor Critelli	Yes

A motion to appoint Michael Achey as Vice Chairman was made by Chairman Giangliulo and Carl Lange seconded the motion, roll call vote:

Rick Yeatman	Yes	Michael Achey	Yes
Carl Lange	Yes	Francis DiRocco	Yes
John Rowley	Yes	Rich Jacoby	Yes
Tom Giangliulo	Yes	Mayor Critelli	Yes

Appointment of Solicitor:

A motion to appoint Florio, Perucci, and Stenhardt as the Board Solicitor was made by Michael Achey and Tom Giangliulo seconded the motion, roll call vote:

Rick Yeatman	Yes	Michael Achey	Yes
Carl Lange	Yes	Francis DiRocco	Yes
John Rowley	Yes	Rich Jacoby	Yes
Tom Giangliulo	Yes	Mayor Critelli	Yes

Appointment of Board Secretary:

A motion to appoint Ed Toussaint was made by Tom Giangiulio, and Michael Achey seconded the motion, roll call vote:

Rick Yeatman	Yes	Michael Achey	Yes
Carl Lange	Yes	Francis DiRocco	Yes
John Rowley	Yes	Rich Jacoby	Yes
Tom Giangiulio	Yes	Mayor Critelli	Yes

Appointment of Board Engineer:

A motion to appoint Environmental Resolutions INC as Planning Board Engineer was made by Michael Achey, and Tom Giangiulio seconded the motion. Mr. DiRocco asked how many proposals were received, Mr. Toussaint stated 2 and Chairman Giangiulio stated we could nominate anyone that submitted a proposal. Mr. DiRocco questioned how ERI could be brought in without submitting a proposal. Roll call vote:

Rick Yeatman	Yes	Michael Achey	Yes
Carl Lange	Yes	Francis DiRocco	Abstain
John Rowley	Yes	Rich Jacoby	Abstain
Tom Giangiulio	Yes	Mayor Critelli	Yes

The board chose to forego the appointment of a conflict engineer, and appointment of a planner.

Re-Adoption of rules and regulations: Roberts Rules of order when Planning Board rules do not cover:

A motion to re-adopt the rules and regulations was made by Mayor Critelli, and Carl Lange seconded the motion, roll call vote:

Rick Yeatman	Yes	Michael Achey	Yes
Carl Lange	Yes	Francis DiRocco	Yes
John Rowley	Yes	Rich Jacoby	Yes
Tom Giangiulio	Yes	Mayor Critelli	Yes

The board chose to forego the adoption of meeting dates until the end of the meeting.

Board Newspapers:

A motion for the Courier Post & Record Breeze was made by Francis DiRocco, and Mayor Critelli seconded the motion, roll call vote:

Rick Yeatman	Yes	Michael Achey	Yes
Carl Lange	Yes	Francis DiRocco	Yes

John Rowley	Yes	Rich Jacoby	Yes
Tom Giangiulio	Yes	Mayor Critelli	Yes

Time Limitation for Meetings:

(no new applications after 10:30pm, and no testimony after 11:00 pm.) A motion was made by Rick Yeatman, Carl Lange seconded the motion, roll call vote:

Rick Yeatman	Yes	Michael Achey	Yes
Carl Lange	Yes	Francis DiRocco	Yes
John Rowley	Yes	Rich Jacoby	Yes
Tom Giangiulio	Yes	Mayor Critelli	Yes

2012 Annual Report was moved to a later time.

Regular Meeting:

Motions for adjournments of cases or other motions:

None

Old Business:

Little Miracles Rabbit Rescue 2308 Auburn Avenue, Violation of Order

Mr. Toussaint read his report on his findings. The applicant obtained an attorney. There was a meeting held today, and a list of the violations were addressed at the meeting, and 10 conditions were set. The business must register with the town and Camden County Board of Health, there is to be a maximum of 100 animals, the debris outside must be cleaned along with the kennels, feces needs to be cleaned and properly disposed of, trash dumpster is not large enough, there are additional kennels in the rear that need to be removed, Camden County Board of Health, and State of New Jersey Board of Health have violations, and need access, along with having proper daily hours, work without permits must be addressed, veterinary services were performed as they built an operating room with no approvals, all hours of operation must be posted and inspectors must be permitted entry.

A summons was not issued, warning letters were written, and the applicant has 7 days to comply or have the motions in progress since the State and County Board of Health needs access for inspections. Next Tuesday this will be on the Committee Agenda to rescind the mercantile license. Chairman Giangiulio stated the public portion for this will be later on during the meeting.

New Business:

David Decker 118 Jackson Road Block: 45.05 Lot 36.04, Sign Variance

Appearing before the board and sworn in is David Decker. Mr. Decker stated he is applying for a variance for an off site sign; however it is not a billboard sign. The size of the sign is permitted by ordinance. Mr. Toussaint addressed the letter from Adams, Rehmann and Heggan. Mr. Toussaint stated that the applicant is seeking relief from having the sign off site, as well as the applicant will need to make an application to the NJDOT, and Pinelands. Mr. Toussaint stated this would also be a Use Variance. Mr. Jacoby asked what size the sign is, and Mr. Decker stated it is 4 x 8. Mr. Yeatman asked if Mr. Decker is the owner of the property. Mr. Decker stated yes. Chairman Giangiulio asked what the timeline is for putting a building up, and Mr. Decker stated possibly 2 years. With nothing further from the board, Chairman Giangiulio opened this portion of the meeting up to the public.

Appearing before the board is Mike Ward. Mr. Ward stated he saw the notice in the newspaper, and he asked if the notice had the name of the applicant? Mr. Toussaint stated he has a copy of the notice. Mr. Ward commented this is a use variance for a commercial sign, this is for a business located in Burlington County. Mr. Ward added this may create a problem in the future. Mr. Decker has owned this property for at least 5 or 6 years, and now to put the sign up is premature. With nothing further from the public, Chairman Giangiulio closed the public portion. Mr. Jacoby made a motion to deny the application, Mr. Lange seconded the motion, roll call:

R. Yeatman	Yes	M. Achey	Yes
C. Lange	Yes	F. DiRocco	Yes
J. Rowley	Yes	R. Jacoby	Yes
T. Giangiulio	Yes		

Chairman Giangiulio informed the applicant that the sign must be removed immediately.

Martin Silverstein 672 Old White Horse Pike Block 2426 Lot 3. Bulk Variance for size of Pole Barn.

Appearing before the board and sworn in is Martin Silverstein. Mr. Silverstein testified that the property is a 78 Acre farm with a farmhouse. There was a barn on site, however it collapsed in a storm. Mr. Silverstein also testified that the new proposed building would be the same size as what was there. There is no proposed loft; the building would be 16ft. 8 inches at the peak. It is proposed to be a 40 x 40 building to fit 4 horses, and there is no intention of commercial use. Mr. Toussaint commented that the proposed structure complies with all set backs, and impervious coverage requirements. The structure is proposed to be 250ft. off the road. Mr. Lange inquired about access from the main driveway to the structure. Mr. Silverstein testified there currently is a driveway to the farmhouse, and packed soil that would remain to the building. Hay would be stored in the building, he is not proposing any additions, and no storage of any machinery. Mr. Toussaint added that the applicant does not live on the property, as he rents the house. Mr. Yeatman questioned the drainage and if there will be any changes. Mr. Silverstein testified there would be no changes to the current grading. With nothing further from the board, Chairman Giangiulio opened this portion of the meeting up to the public. With

nothing from the public, Chairman Giangiulio closed the public portion. Mr. Lange made a motion to approve this application, and Mr. Jacoby seconded the motion, roll call;

R. Yeatman	Yes	M. Achey	Yes
C. Lange	Yes	F. DiRocco	Yes
J. Rowley	Yes	R. Jacoby	Yes
T. Giangiulio	Yes	R. Critelli	Yes

Communications:

New Member Classes, Mayor Critelli is exempt, however Mr. Rheam will need to take the mandatory class. The closest one is at the Gloucester Township Municipal Building.

Mr. Toussaint informed the board the upon certification of the Master Plan, the approvals start on the date of certification, which was a question brought up at a previous meeting. Next Wednesday the ordinance will be introduced to Committee from RF zone to RPF zone which allows sewer. The clustering has been finalized as part of this change, and the commercial solar is also addressed.

Mr. Toussaint mentioned to the board regarding a property owner that removed trees on their property that were in the wetlands. Mr. Toussaint met with Pinelands, and came up with a plan to replant the trees, and clean up any and all debris. The trees covered approximately and acre and a half.

Resolutions:

Resolution 12-27 Thomas Lucas, 2337 Ellwood Avenue, Block 138 Lot 13, Bulk Variance.

Carl Lange made a motion to approve the resolution, Michael Achey seconded the motion. Roll call:

R. Yeatman	Yes	M. Achey	Yes
F. DiRocco	Yes	C. Lange	Yes
J. Rowley	Yes	L. Severino	Yes
T. Giangiulio	Yes		

Minutes:

Minutes for November 20th, 2012

Carl Lange made a motion to approve the minutes, John Rowley seconded the motion. Roll Call:

R. Yeatman	Yes	M. Achey	Yes
C. Lange	Yes	F. DiRocco	Yes

J. Rowley	Yes	L. Severino	Yes
T. Giangliulio	Yes		

Mr. Richardson is now present at the meeting at 8:12pm.

Open to the public:

Appearing before the board is Jim Perry from Camden County Board of Health. Mr. Perry commented that the Little Miracles has been open for 2 years, and has never been in compliance. Mr. Perry testified that he posted a cease and desist order. On August 16th there were up to 22 violations. He has made 3 attempts to access the building but was unsuccessful. Mr. Toussaint stated that as part of a previous meeting with the Little Miracles owner, and legal council the owner has 7 days from today to have all violations corrected, as well as be in the process of meeting all county and state approvals.

Next to appear is Linda from the State of New Jersey Department of Health. Little Miracles can apply for a shelter license, but in order to receive it, they must meet all codes and regulations. A satisfactory inspection by a local authority is needed. As for surgeries, that will need Planning Board approval.

Next to appear is Danielle Chalendar. She is a member of the animal rescue community. In 2012 she got involved with the investigation with Little Miracles. Ms. Chalendar submitted photos of a guinea pig and it's poor condition that was adopted from Little Miracles, and she filed a complaint with NJ Dept. of Health. When they were ordered to reduce the amount of animals, she and other rescues offered to house some of the animals, and were told there were personal problems and they were not able to pick the animals up. Ms. Chalendar attended the Little Miracles Jingle Ball and witnessed some animals with no food, kennels and cages were not clean. (photos submitted). Testimony and photos from another rescuer was submitted and has also contacted State and County authorities. Mr. Yeatman commented that he is on the Environmental Commission. He is aware of the situation, and there is an upwell of support due to the information on the Rabbit Rescue site. He addressed the comments that the Township is not business friendly, however seeing reports and photos, the Township has been very lenient, but the animals are the first concern.

Next to appear is Marci Thompson from Burlington. Ms. Thompson testified that the owner of Little Miracles has had multiple problems with multiple towns, and neglects the animals. Ms. Thompson's concern is for the animals.

Next to appear is Lorraine from Pitman. Lorraine asked if the business license is revoked, what happens to the animals? She would like to be considered as a means of rescuing these animals. Chairman Giangliulio informed her to reach out to the outside agencies. Lorraine asked how long before someone can get in to remove the animals? Chairman Giangliulio stated to coordinate that with the SPCA and police department. Mr. Toussaint added there will be a summons and a court date issued if they do not comply.

Next to appear is Marie from Stratford, she adopted a bunny that is quite healthy and has no issues. She is in contact with the rescue, and the rescue asked for supporters to be at the meeting.

Next to appear is Kylie from Stratford, she is Marie's daughter. She stated when she was at the facility the cages were spacious, and clean, the animals were well fed, and the staff was very attentive. This is a good shelter.

Next to appear is Mike Ward of 2325 Auburn Avenue. Mr. Ward stated this was a Use Variance, and a site plan was never received. They seem to be caring and sincere people, and the animals appeared to be in good shape, his concern is that no one is there. It would not be beneficial to waive a site plan. There were no homes for these animals, and she took them in. Subject to all outside approvals, they seem very nice. With nothing further from the public, Chairman Giangiulio closed the public portion.

Reports:

Meeting dates and times:

Mr. Toussaint informed the board that one of the members is unable to be at the meetings as currently scheduled. After checking the court schedule, our choices are to leave the dates and times as they currently are, or move them to the 1st and 3rd Monday of the month, or change the start time to 8pm. vs. 7:30. Mr. Richardson stated he can not be at the meeting by 7:30 due to work. Mr. Lange made a motion to move the meeting time to 8pm. and keep the days on the 1st, and 3rd, Tuesday as they currently are. Mr. Jacoby seconded the motion to change the time to 8pm. Roll Call:

R. Yeatman	Yes	B. Richardson	Yes
M. Achey	Yes	C. Lange	Yes
F. DiRocco	Yes	J. Rowley	Yes
R. Jacoby	Yes	T. Giangiulio	Yes
R. Critelli	Yes		

Appointment of Conflict Engineer:

It was decided that no conflict engineer, and a Planner would be needed. It can be determined on an as needed basis. Mr. Richardson asked could we use the Township Engineer if needed? Mr. Brennan stated as long there is no conflict there then we can use them.

2012 Annual Report:

Mr. Toussaint commented that he prepares this report on violations in town prior to additional applications. Mr. DiRocco made a motion to approve the annual report, and Mr. Lange seconded the motion. Roll Call:

R. Yeatman	Yes	B. Richardson	Yes
M. Achey	Yes	C. Lange	Yes
F. DiRocco	Yes	J. Rowley	Yes
R. Jacoby	Abstain	T. Giangiulio	Yes
R. Critelli	Yes		

Chairman Giangiulio stated that we are going to implement something new at the Planning Board. Mr. Toussaint will prepare a report of violations in the town prior to any applications coming to the board, just for informational purposes.

Board Comments and Questions:

Mr. Jacoby asked with something like the shelter, could we as a Planning Board require approvals for County and State approvals? Mr. Toussaint stated that when this applicant came in to apply for the business application, the board approved the Use Variance. We have only had items dealt with dogs, and needed clarification regarding the registration of a kennel, or shelter. They still need to comply with State regulations, and we are making the change to say animals vs. dogs. Chairman Giangiulio stated the approval of an application for a license might require the Planning Board approval prior to the licensing approval. Mr. Brennan stated we could list those requirements as a condition of Planning Board approval.

Mr. Rowley made a motion to adjourn the meeting, Mr. Jacoby seconded the motion. Meeting adjourned.

Respectfully Submitted,

Ed Toussaint, Planning Board Secretary