

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF WINSLOW

AUGUST 9, 2017
MINUTES

The Regular Meeting of the Zoning Board of Adjustment was called to order Wednesday, August 9, 2017 at 6: 32 p.m., by the Board Chairperson, Robert Hartzell.

FLAG SALUTE:

All pledged their allegiance to the flag.

ROLL CALL:

GREGORY SCHNEIDER	ABSENT
CALVERT TOLBERT	PRESENT
ROBERT HARTZELL, CHAIRPERSON	PRESENT
LOUIS PARZANESE, VICE CHAIRPERSON	PRESENT
ROBERT STIMELSKI	PRESENT
MICHAEL TILGHMAN, JR.	ABSENT
DANIEL DIFABIO	PRESENT
HARRY WEST, ALT. #1	ABSENT
HAROLD MCMURTRY, ALT. #2	ABSENT

OTHERS PRESENT:

LAWRENCE LUONGO, ESQ.	Z.B. SOLICITOR	PRESENT
GARY WHITE, P.E.	ZB ENGINEER	PRESENT
BARBARA HOUSEHOLDER	Z.B. SECY.	PRESENT
DEBBIE WELLS	RECORDER	PRESENT

If necessary -Vote on Attendance In Accordance With the Citizens Service Act:

A Motion was made by Mr. DiFabio seconded by Mr. Tolbert to excuse the absence of Zoning Board Members Schneider, Tilghman, West and McMurtry. A Voice Vote indicated all present in favor.

ANNOUNCEMENTS:

This meeting is being conducted in full compliance with the "Open Public Meetings Law" and notices were sent to the Courier Post, Central Record and the Inquirer. In addition, due notice was provided on the Official Bulletin Board. In accordance with the Land Use Act of New Jersey, this meeting is being electronically recorded.

In accordance with Zoning Board Resolution ZR2017-010, all Zoning Board Meetings are to begin at 6:30 PM and no new application will be started after 10:00 PM, unless extended by majority vote by the Zoning Board Members during said meeting.

EMERGENCY EXITS:

Please be aware in the event of an Emergency, all persons in the Courtroom should exit the courtroom quickly and orderly, using the two main doors in the courtroom and then locate the nearest exit to safety. In addition, all cell phones shall be turned off or placed on vibrate during the Zoning Board Meeting.

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PUBLIC PARTICIPATION:

Each application will be open for public participation. All citizens will be sworn in and allowed five minutes to be heard unless extended by the Board.

MINUTES:

A **Motion** was made by Mr. Stimelski and seconded by Mr. Parzanese to approve the minutes of the July 12, 2017 Regular Meeting as submitted and dispense with reading of same. A Voice Vote indicated all were in favor. None opposed.

Mr. Luongo advised all the applicant's that the Board only consists of five members in attendance and eligible to vote and all the applicant's said they wanted to be heard anyway.

APPLICATION

Bulk Variance

DiLorenzo, John & Frances
512 Riggs Ave., Tansboro, NJ 08009

Block 1501.01, Lot 16
Zone: PR-6

Mr. DiLorenzo came forward and was sworn in by Mr. Luongo. Mr. DiLorenzo testified that he wanted to build a deck with a 24' rear yard setback where 40' is required.

Mr. Luongo asked what material and height.

Mr. DiLorenzo said composite and 14".

Mr. Luongo stated that the deck would be 23' foot wide and 16' to 18' off the house.

Mr. Lorenzo said there will also be a roof that will tie into the existing dwelling roof and it will not be enclosed.

Mr. Hartzell opened the application to questions from the Board and there were none.

Mr. Hartzell opened the application to questions from the public and there were none.

A **Motion** to close the application to the public was made by Mr. DiFabio and seconded by Mr. Stimelski. A Voice Vote indicated all in favor, none opposed.

Mr. Luongo summarized that the applicant applied for a bulk variance to obtain relief from the rear yard setback to reduce the setback to 24' where 40' is required to allow for the construction of a porch deck with a roof. It will be 23' wide and approximately 16' to 18' off the house. It is located on Riggs Avenue with a bend in the road so the property has a unique configuration and it appears all other improvements are within the setbacks.

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A **Motion** to approve the aforementioned application was made by Mr. DiFabio and seconded by Mr. Stimelski. A Roll Call vote indicated the following: Mr. DiFabio, yes; Mr. Stimelski, yes; Mr. Tolbert, yes; Mr. Parzanese, yes and Mr. Hartzell, yes.

Use Variance & Waiver of Formal Site Plan

Albertson's Engine Service
133 Rt. 73, Berlin, NJ 08009

Block: 4004, Lot 7
Zone: PI-1

Mr. Dave Patterson appeared on behalf of the applicant. He introduced Mr. Albertson, Barbara Kelly and Terrence Combs, P.E., Adams, Rehmann and Heggan.

Mr. Luongo swore in the witnesses and said Mr. Combs testified here many times so he is qualified as an expert.

Mr. Patterson wanted to mark the survey plan as Exhibit "A-1". He asked Mrs. Kelly if she is the owner of the property and she said yes. She also testified that she has owned it since 1994.

Mr. Patterson submitted a current deed to the property and marked it Exhibit "A-2". Ms. Kelly said it is the deed to the property and the owner is identified now as 133 Route 73, LLC which was formed in 2000.

Ms. Kelly said prior uses were a house, a store and two warehouses. We rented out the house and have a current tenant for 14 years. We also rented out the little store via approved Use Variances. The property is currently vacant. Our current intention is to allow my nephew in law to use it as a small engine repair business. He currently does something similar in the city. He is from Winslow. She stated the adjacent uses have no objection.

Mr. Hartzell asked if the Board had any questions and there were none.

Mr. Luongo asked how long the tenants were there and if the proposed use would be in the front building.

Ms. Kelly responded that the tenant has been there for 14 years and Mr. Albertson can testify as to the proposed use.

Mr. Albertson said he has lived on Tansboro Rd. his entire life and he works at a roofing company in Montgomeryville, PA doing mechanical work. He does Albertson's Engine Service on the side. Ms. Kelly is a relative of his. The back building on the left will be a shop for maintenance and the other shop is for storage. I will be fixing small lawn equipment like generators and lawn mowers for oil changes, tune ups and blades. I have been doing this for over ten years. My customer base is residential and commercial. It is an active business. It would have at least one other guy. The front store would have sales of oil, carb cleaner, blades, air filters, etc. The hours of operation would be Monday through

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Saturday 8:00 a.m. to 4:30 p.m. It is a perfect location on Route 73. All work will be performed inside. It will not be a machine shop, only basic hand tools.

Mr. Hartzell asked if the Board had questions.

Mr. Hartzell asked about parking and the tenant occupancy.

Mr. Albertson said employees would park in the back and there is ample parking out front with ten spots. People would be in and out just dropping off their equipment. There is egress enough for turnaround without having to back out onto Route 73. The tenant in the home will remain the same.

Mr. Patterson asked Ms. Kelly if the tenant in the home is aware of what she is proposing and Ms. Kelly said yes. They have no issue with it.

Mr. Patterson asked if the buildings are up to date with inspections and she said yes.

Mr. Combs gave a description of the property and addressed the criteria under the Municipal Land Use Law relative to the grant of a Use Variance. He concluded that in his opinion the site was particularly suited to the proposed use and the granting of the application would not have a negative impact on the zone plan nor be a detriment to the public.

Mr. White referenced his review letter dated July 7, 2017. The applicant has addressed a lot of his questions. Mr. White said the property has had a lot of prior commercial and they now have a Pineland's Certificate of Filing for this application for a Small Engine Repair. There are adjacent commercial uses currently. There will be no outside storage of equipment or material and no outside maintenance. Mr. White asked if they could sign it or see if the handicap parking space could be located on the other side. We should support the Site Plan Waiver because there are no new buildings and it is low intensity. I would ask that if he is successful and wants to expand later and has to come back that he reconfigure the parking to be a traditional parking lot.

Mr. Hartzell asked for questions from the Board and there were none.

Mr. Hartzell opened the meeting up to the public.

Antionette Saia, 649 Wilby Road appeared and said she is a customer of Mr. Albertson's. She gave accolades about his business and customer service.

A Motion was made by Mr. DiFabio and seconded by Mr. Stimelski to close public participation. A Voice Vote indicated all present in favor. None opposed.

Mr. Luongo summarized that the applicant is seeking a Use Variance and Waiver of Site Plan to permit a small engine repair service shop on the abovementioned property. The

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applicant also seeks variances for non-conforming pre-existing minimum front yard and side yard along with a Waiver of Site Plan. The Board Engineer supports the Waiver of Site Plan with the caveat that if there is an expansion then the parking would be reviewed and reconfigured. The applicant indicated there will be no outside storage or maintenance activities. Mr. Combs presented testimony and indicated he believed the site is particularly well suited for this use and it promotes the purposes of zoning and will not have any substantial detriment to the public good. The property is in the light industrial zone and would permit a much heavier use under the existing standards.

A Motion to approve the aforementioned application as summarized was made by Mr. Stimelski and seconded by Mr. DiFabio. A Roll Call Vote indicated the following: Mr. Stimelski, yes; Mr. DiFabio, yes; Mr. Tolbert, yes; Mr. Parzanese, yes and Mr. Hartzell, yes.

Completeness

Aldi Food Market
500 Cross Keys Road, Sicklerville, NJ 08081

Block: 404, Lot 5
Zone: CM

Richard Goldstein, Esquire, appeared on behalf of the applicant.

Mr. White referenced his review letter dated August 3, 2017 for Aldi Food Market. The application is for an Amended Preliminary and Final Major Site Plan approval for Lot 5 & 5.07 of Block 404. He gave a description of the property and what currently is located there. The applicant has asked for some submission waivers of which will be submitted afterwards like the title report and environmental assessment. They've also submitted all the information indicated in my report and this parcel of land has been before this Board at least ten times dating back to 2005. Based upon the information submitted and the previous applications, we recommend that this application be deemed Complete for review.

Mr. Luongo summarized that based on the Board Engineer's recommendation and the information in his report you can entertain a motion to deem the application complete from the Board.

A Motion to deem the aforementioned application complete was made by Mr. Parzanese and seconded by Mr. Tolbert. A Roll Call Vote indicated the following: Mr. Parzanese, yes; Mr. Tolbert, yes; Mr. Stimelski; yes, Mr. DiFabio, yes and Mr. Hartzell, yes.

Amended Preliminary and Final Major Site Plan w/ Bulk Variance

Aldi Food Market
500 Cross Keys Road, Sicklerville, NJ 08081

Block: 404, Lot 5
Zone: CM

Mr. Goldstein said Aldi Inc. is the contract purchaser for the abovementioned property. It has frontage along Cross Keys and Chews Landing Roads which are County Roads. They want to construct a 22,731 s.f. building to be used as an Aldi Food Market. It will include a 733 s.f. canopy with accessory parking, loading, signage and other site

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improvements. We are seeking a variance also to our building mounted signage. The Board granted a variance prior to permit one wall sign per street frontage. We are now seeking to have two wall signs per street frontage. He then gave a description of the signs requested. The aggregate of the two signs proposed is substantially smaller than what is permitted. We are seeking relief to have a parking area that is uniform with the rest of the site.

Ms. Adrienne Kieliszak testified that she has been employed by Aldi as a Director of Real Estate for 11 years. Hours of operation at 9:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 8:00 p.m. on Sundays. We expect to have 10-15 employees. She testified on how deliveries will be run. Trash will be picked up from a dumpster typically 2 or 3 times per week. Lights will be turned off or dimmed enough for employee safety upon leaving. We will not need any grease traps because we do not prepare food on site.

Mr. Hartzell asked for questions from the Board and Mr. DiFabio ask if anything comes from a local truck.

Ms. Kieliszak said Coca Cola, TC Cake and Amoroso are direct delivery with a smaller van or truck.

Mr. Luongo swore in Mr. Seward.

Joshua Sewald, P.E., gave an overview of his credentials and Mr. Luongo accepted him as an expert.

Mr. Goldstein marked the overall site plan rendering as Exhibit A1.

Joshua Sewald gave an overview of the site plan and relief requested. Adding the Aldi would bring the site to 30% of the previously approved total building floor area so there will still be a lot of open land for future development. The County is reviewing for a potential traffic signal across from the WaWa. Aldi is providing 120 parking spaces where 88 is required. We have 5.5' setback for parking where 20' is required. We will be adding over 200 plantings. The plantings that are required by Ordinance to be in between the building and parking will be placed elsewhere on the property. The lighting is set at 25' and the light poles will match with the remainder of the center. The basin was designed to handle the Aldi and much more future development. We will comply with the Board Engineer's review letter and the Utility Engineer's review letter.

Mr. Hartzell asked if the Board had any questions. Mr. Hartzell asked if they will be using the overflow parking when they say they have 120 parking spaces and Mr. Seward said yes.

Mr. Goldstein marked the survey as Exhibit A2.

Mr. Sewald gave an explanation of the parking layout.

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Mr. Gaspare Accordo gave a summary of his professional background and Mr. Luongo accepted him as an expert.

Mr. Goldstein marked the elevation plan of the exterior as Exhibit A3 and a rendering of the exterior finishes as Exhibit A4.

Mr. Accordo gave testimony regarding the architectural design, sign size/placement and building materials.

Mr. Hartzell asked for questions from the Board and there were none.

Mr. Andrew Feranda of Shropshire & Associates came forward and was accepted by Mr. Luongo as an expert because he has appeared before this Board before.

Mr. Feranda testified regarding the traffic study dated June 9, 2017 and stated he did counts at the different intersections and signalized intersection and found that there are acceptable levels of service at the driveway. There are delays at the signal but they are existing conditions. There is also a delay at the left turn out at Chews Landing. We have an application to the County to see if they want any changes to those driveways.

Mr. Sewald gave testimony as to his findings/ conclusions regarding compliance with the standards for the granting of the relief that Aldi is seeking for landscaping and signs.

Mr. White referenced his report dated August 3, 2017 and gave a background of the parcel. We are still at only one third of what was previously approved in 2006. The entire food market and parking area is located in the major commercial CM zone. The rear is in the RL zone and contains a previously constructed basin in order to accommodate the entire complex. We don't have any issue with regard to parking. We have asked for some better internal sidewalk connections. We support the shared parking and the cross easements but have questions regarding the signal.

Mr. Feranda said they went through the warrant analysis for the west driveway across from WaWa and based on the traffic volumes, a traffic signal could be warranted and that is up to the County. If they require it we will install it.

Mr. White said the lighting will comply with the other lighting and have lower levels on off hours. There is no objection to the sign waiver request. The applicant will address any of my stormwater management concerns. We support their variance waiver for the parking lot because of the unique parking lot configuration. We recommend that if there is a shift of parking towards the water tower that that 5.5' also be allowed to give them some flexibility. None of the parking is towards the residential section so I would support the variance for the parking and the landscape around the building which was done for every other pad complex out there. The issue with the grease trap should be relayed to Remington and Vernick in the water and sewer department. We support the project as proposed. The

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applicant has agreed to address our outstanding comments and we think the variances are warranted for this complex.

Mr. Hartzell asked for questions from the Board and there were none.

Mr. Hartzell then opened the meeting up to the public.

Theresa Beard, 191 Orlando Drive, asked questions about sign placement, lighting, buffers, trash pick-up, deliveries and lighting which the applicant addressed to her satisfaction.

A **Motion** to close the meeting to the public was made by Mr. Stimelski and seconded by Mr. Tolbert. A Voice Vote indicated all present in favor.

Mr. Luongo summarized that the application is for Amended Preliminary and Final Major Site Plan with variances to construct the Aldi Food Market in accordance with the plans and testimony. The variances include the landscaping under Section 294-23E, the parking buffer and the signage.

A **Motion** to approve the aforementioned application as summarized was made by Mr. Stimelski and seconded by Mr. Tolbert. A Roll Call Vote indicated the following: Mr. Stimelski, yes; Mr. Tolbert, yes; Mr. Parzanese, yes; Mr. DiFabio, yes and Mr. Hartzell, yes.

RESOLUTION

None

OLD BUSINESS

None

ADJOURNMENT

A **Motion** was made by Mr. Parzanese and seconded by Mr. DiFabio to adjourn the meeting. A Voice Vote indicated all present in favor. None opposed.

PREPARED BY:

Barbara Householder

Barbara Householder
Zoning Board Secretary

The minutes are intended to reflect the basic comments and actions. Verbatim transcripts of all electronic recordings can be made available upon proper request and payment.

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