

Waterford Township Planning Board
Regular Meeting

March 5th, 2013

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

Chairman Giangliulo read the notice to the public.

Roll Call was taken and the following members were present: Mayor Designee Maryann Merlino (Late 8:15 pm) Michael Achey, Bill Richardson (Late 8:25 pm.), Michael Achey, Carl Lange, Francis Di Rocco, John Rowley, Rich Jacoby, Harry Rheam, and Chairman Tom Giangliulo. Also present were Ed Toussaint, Zoning Official, and Ted Brennan, Board Solicitor. Those absent were: Rick Yeatman, Lou Severino.

Regular Meeting:

Motions for adjournments of cases or other motions:

None

Old Business:

None

New Business:

None

Communications:

None

Resolutions:

Resolution 13-03 Frank Olsak Jr. 614 Jackson Road, Buld variance for detached garage

Mr. DiRocco made a motion to approve the resolution for Mr. Olsak, and Mr. Achey seconded the motion. Roll Call:

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

Minutes:

Minutes for February 19th, 2013

Mr. Lange made a motion to approve the minutes, for February 19th, 2013 Mr. Jacoby seconded the motion. Roll Call:

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

Reports:

Mr. Toussaint addressed the board regarding a handout containing a summary of Planning Board Rules. This was given as a refresher, and informational for newer members.

Mr. Toussaint informed the board that he received a call from 2324 Columbia Avenue. The Pinelands sets a time limit for the applicant, but the board did not, and the Township is still waiting for action. The applicant is in the process of removing the 3rd business. There has been no direct answer from Pinelands when they were contacted. Violations still exist at the property. Mr. Toussaint gave the owner 2 weeks from last week, he has a week left. Company Wrench is the only business in operation with no license, Pinelands will not commit without an application.

Lastly Mr. Toussaint reported that the Ciacco application from 1st Street, all items have been complied with. The C.O. has been issued for the addition, the existing garage is still required to have alterations to it, and that has not started yet. The permit has been applied for, but is in need of additional information prior to issuance.

Mayor Designee Maryann Merlino is in attendance at 8:15pm.

Closed Session

Mr. Rowley made a motion to go into closed session, Mr. DiRocco seconded the motion. Mr. Richardson was in attendance during the closed session.

8:40pm. Meeting reconvened, Roll Call:

Those present were: Mayor Designee M. Merlino, B. Richardson, M. Achey, C. Lange, F. DiRocco, J. Rowley, R. Jacoby, T. Giangiulio, H. Rheam.

Motions for Adjournments of Cases or other Motions:

Andrew Wade, 2363 Anderson Avenue, Appeal of Administrative Decision.

Appearing on behalf of the applicant is Mr. Michael Aimino Esq. Mr. Aimino produced an photograph entered as exhibit A-1, the corner of Jackson road and Anderson Avenue, showing all of the Township Vehicles parked, dated November of 1989. Mr. Wade

testified that photo depicted the Township Garage as well. The next photo was shown and Mr. Wade testified that photo depicted the same garage, Jackson Road and Anderson Avenue on 2-15-96 also showing the salt bin, and dirt bin entered as exhibit A-2. Next Mr. Aimino showed a photo entered as exhibit A-3 that Mr. Wade testified to be an aerial view of what is there now, with the recycle bin dated 1-30-99. Mr. Wade stated he does not do recycling that is not his intention. Mr. Aimino entered exhibit A-4 that Mr. Wade testified was the advertising by the Township stating the building was a garage. Mr. Wade added there were 2 notices one in October, and the second in January. Notices were given out prior to the sale. The last photo shown was entered as exhibit A-5, which depicts Anderson Avenue and the fence. There is no recycling on site, and Mr. Wade is willing continue the 12ft. high fence with privacy slats. Mr. Aimino called upon Guy Specman.

Mr. Specman was sworn in and gave testimony. Mr. Specman stated he was the previous owner prior to the Township owning the property in the late 70's and sold it in 1982. He used it for an excavation and building company, and the garage was built for repair for equipment and for storage of supplies inside and outside. The Township purchased the property in 1982 the trucks remained parked in the yard, and an addition was built to repair school buses. Mr. DiRocco asked Mr. Specman if when he owned the property, did he ever receive any complaints regarding the upkeep of the property. Mr. Specman stated no, and that he still owns the property next door, where his office is, and in his opinion the uses are consistent. The statement of intended uses includes storage/repair, which is the same as the previous over the last 20-30 years. Mr. DiRocco referred to the paragraph of intended uses by Mr. Wade. Mr. Wade stated the object of the garage will be to repair inoperable vehicles, and will leave operable. There will be no scrap storage. Mr. DiRocco asked what was meant by the general storage, and Mr. Wade stated it might be flat stock, diamond plate, etc.

Ms. Merlino questioned if the materials stored on site would be used for the proposed repairs, and Mr. Wade stated yes. Mr. Rowley asked Mr. Wade if he is using the building now? Mr. Wade stated no, he has a roofing permit, he is fixing the inside, fixed broken windows, fixed the door, replaced fluorescent tubes in the lights, cleaned all the brush and dead trees, all minor repairs. Chairman Giangiulio asked why he feels the building was not abandoned. Mr. Wade testified that he immediately cleaned the building, changed the locks, fixed windows, all utilities were left on, the air compressor was left on, as well as left a lot of supplies and lights. Mr. Wade stated that an abandoned building would not have left the utilities paid and on, he simply transferred the utilities. The building was ready to use the day he purchased it, and only hung 5 or 6 sheets of drywall.

Mr. Toussaint asked for clarification. The decision is not stipulations of storage, or how he is going to use the site; the board needs to decide to overturn the administrative decision. If the decision is overturned, Mr. Toussaint is asking how to move forward with code enforcement based on the Township Ordinances for Auto Repair. The auto repair under the code is only allowed to be stored for a certain amount of time, and they must be registered vehicles. At this point there is an airplane body that is not a registered

vehicle, and Mr. Toussaint needs to know how to handle that situation. Mr. Brennan asked that all members provide reasoning behind their votes. There are no stipulations to be made at this point. Mr. Toussaint also added that the photos presented are old photographs. When the Township left the building all the equipment was removed, all of the outside storage has been removed as well. 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. Achey made a motion to approve the appeal for Mr. Wade, as he feels it was a pre-existing non-conforming use and the building was not abandoned, and Mr. Lange seconded the motion, and felt that the building was also not abandoned. Roll Call

B. Richardson	Yes	M. Achey	Yes
C. Lange	Yes	F. DiRocco	Yes
J. Rowley	No	R. Jacoby	Yes
T. Giangiulio	Yes		

Open to the Public:

None

Board Comments and Questions:

Mr. DiRocco commended Mr. Toussaint for the work that he does, the board was a fault that they did not give Mr. Toussaint the ammunition to do the job. The clarification was not there. He appreciates the letter and time put forth. Mr. Toussaint referenced the Municipal Code definition of abandonment. He is simply following what is written in our Codebook. There are now no restrictions on that property; he can monitor it as the zoning officer. Chairman Giangiulio seconded what Mr. DiRocco stated, but there was not enough evidence to show abandonment, the uses priors are the same as what he is proposing. Mr. Lange commented this was the hardest decision he has had to make. Mr. Jacoby commented it made it harder by the Township keeping the utilities on. Mr. Rowley commented that he agrees with Mr. Toussaint, and that the board should have taken a stand, he commended Mr. Toussaint.

Mr. Lange made a motion to adjourn the meeting and Mr. Achey seconded the motion. Meeting adjourned.

Respectfully Submitted,

Ed Toussaint, Planning Board Secretary