

MINUTES
September 11, 2013

PRE-MEETING CONFERENCE

A pre-meeting conference of the Planning Board was called to order by Chairman Mr. David Manders at 6:45 PM in the Fourth Floor Conference Room of City Hall. Present were:

John Casadia
Stephen Plevins
Ryan Headley
Michael Pantalone
Maria Perez
David Manders

Also present were:

Frank DiDomenico, Planning Board Solicitor
Yasmin Ricketts, Planning Board Secretary
Kathleen Hicks, Planning Supervisor
Stephen Hawk, Senior Planner
Brian Myers, City Engineer

PRE-MEETING

Public notice pursuant to the Open Public Meetings Act was given on December 17, 2012 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, the Press, the City Clerk and the Board members.

Obed and Marilyn Bermudez – Northerly side of Elmer Road and easterly side of S.E. Boulevard, Block 5801, Lot s 58, 60, & 61, Project#13-1336, resubdivision approval to convey portions of two lots to another lot.

Mr. Hawk explained that the property fronts on Elmer Road, and it is the Tiny Tots Preschool. The other two lots involved front on S.E. Boulevard. They have a dwelling on each lot. They want portions of the two lots to be added to the Tiny Tots lot. They want to achieve at least one acre for the lot. A 50' right of way is shown for S.E. Boulevard and the right of way is 75' according to the tax map. Their attorney was contacted and get said they would go with the 75' right of way. The report reflects the new areas.

Mr. Pantalone wanted to know if they were expanding.

Mr. Hawk indicated that he did not know. It may be for a future expansion. It is a variance free application.

Douglass Novelties, LLC – Westerly side of Delsea Drive between Garden Road and Wheat Road, Block 1101, Lots 51 & 53, Project #13-1332, major site plan approval to utilize an existing 1,572 square foot basement level as "retail/commercial" sales for sexually oriented products and to utilize a previously constructed asphalt parking area.

Mr. Hawk explained that they are before the board because of an enforcement action. There are activities that involve expansion to the basement. The frontage of this property is only 48' on Delsea Drive. There is also the installation of asphalt in the back area beyond what they have approval for. There are actually two lots that are part of this application. They submitted a plan to combine the lots. One main reason for enforcement is because of a situation on the southerly side of the site. There is a lane that comes from Delsea Drive and allows for access to a cluster of homes in the rear. The illegally constructed parking lot was being used by patrons of the store, and they were sometimes taking the side way out on to the private lane. They want to out the asphalt along the edges and eliminate the side access. There is existing fencing in the back, and there is no proposal for new fencing.

Mr. DiDomenico indicated that the board could restrict access to that side lane.

Mr. Hawk explained that they currently have a wood barrier. We would like the pavement removal and some bushes extended for a permanent blockage. There are two points of relief that are necessary. Comment 6a is a technical variance. The driveway width is 16' is a waiver. The parking spaces are 9' wide, and they agree to make them 9.5' wide. There is a little extra asphalt in the front that will be removed. A sexually oriented business is allowed two signs. One would be an identification sign, and a sign stating that no minors are allowed. They have total of five signs. There is a freestanding sign, two signs on the front façade, and two signs on the side façade. They have to remove the extra signs. There are going to completely screen their refuse station.

The Inside Scoop Ice Cream – Northwesterly corner of S.W. Boulevard and Elmer Street, Block 3804, Lot 13, Project #13-1339, minor site plan approval to construct a 517 square foot addition to an existing 220 square floor building and to utilize the entire floor area for take-out food service use.

Mr. Hawk explained that this is a minor site plan application for an addition to existing masonry block building on the Boulevard. There is a significant amount of property to the west and south that will remain open. They will be removing some bushes along Elmer Street for visibility to the site. The existing shade trees will remain. The new addition is not fully set back the 20' required. There is also an awning that requires a relief of approximately 12' set back from the right of way.

Ms. Hicks wanted to know what was happening with the curb cuts.

Mr. Hawk explained that the applicant does not have a problem with closing the curb cuts. There is a wall sign proposed on the northerly side and the wall is not oriented to a street. They also will be removing an awning that is in the right of way.

Request from Thomas and Kate Riggione regarding zone change at 8 West Montrose Street, Block 3601, Lot 9.

Ms. Hicks explained that this request has to be referred to the Zoning Committee.

REGULAR MEETING

The regular meeting of the Planning Board was called to order by Chairman David Manders, at 7:30 PM in City Council Chambers in City Hall.

Present were:

John Casadia
Stephen Plevins
Ryan Headley
Michael Pantalone
Maria Perez
David Manders

FLAG SALUTE

Public notice pursuant to the Open Public Meetings Act was given on December 17, 2012 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, City Clerk, and the Board members.

MINUTES – Approval of minutes from the August 14, 2013 board meeting.
The Chairman Mr. Manders made a motion to approve the minutes. Roll call:

John Casadia: Yes
Stephen Plevins: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Abstain
David Manders: Yes

RESOLUTIONS – Approval of resolutions from the August 14, 2013 board meeting.
The Chairman Mr. Manders entertained a motion to approve the resolutions. Roll call:

#6034-

Stephen Plevins: Abstain
Ryan Headley: Abstain
Michael Pantalone: Yes
Maria Perez: Yes
John Casadia: Yes
David Manders: Yes

#6055-

Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Abstain
John Casadia: Yes
Stephen Plevins: Yes
David Manders: Yes

#6056-

Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Abstain
John Casadia: Yes
Stephen Plevins: Yes
David Manders: Yes

#6057-

Michael Pantalone: Yes
Maria Perez: Abstain
John Casadia: Yes
Stephen Plevins: Yes
Ryan Headley: Yes
David Manders: Yes

DEVELOPMENT PLAN

Obed and Marilyn Bermudez – Northerly side of Elmer Road and easterly side of S.E. Boulevard, Block 5801, Lot s 58, 60, & 61, Project#13-1336, resubdivision approval to convey portions of two lots to another lot.

The applicant was represented by Arnold Robinson, Esq. They have a small building in the rear with an apartment, so this application has to go before the Zoning Board of Adjustment.

OPEN PUBLIC HEARING

Maria Perez: Yes
John Casadia: Yes
Stephen Plevins: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
David Manders: Yes

PUBLIC HEARING

The Inside Scoop Ice Cream – Northwesterly corner of S.W. Boulevard and Elmer Street, Block 3804, Lot 13, Project #13-1339, minor site plan approval to construct a 517 square foot addition to an existing 220 square floor building and to utilize the entire floor area for take-out food service use.

Hector Ruiz, property owner, testified on his own behalf. There is a block building of 220 square feet that faces SW Boulevard. He is proposing to make an addition to the building of 517 square feet. The building will be used to sell ice cream and take- out food. The applicant admitted Exhibit A-1, renderings of the building consisting of six pages.

Mr. Hawk explained that Mr. Ruiz will be expanding the existing block building. There is an existing front yard setback variance for the building from SW Boulevard of less than 1' and it is not being changed. The proposed addition has a setback of 17'5" from SW Boulevard. The awning on the addition has a front yard setback of 12.42'. There is also a variance for a wall sign not oriented to the street frontage on the east side of the façade.

Mr. DiDomenico wanted to know if there would be walk up traffic only.

Mr. Hawk explained that parking is not required on-site in the Landis Avenue Commercial Redevelopment District. Customers could use street parking.

Ms. Perez wanted to know if there would be a sitting area.

Mr. Ruiz explained that there would be an area with outdoor picnic tables.

Ms. Hicks explained that she supported the sign not facing a street frontage. The sign would be helpful to pedestrians in identifying the building.

Mr. Ruiz indicated that he would comply with the Planning and Engineering reports.

The Chairman entertained to close the public hearing. Mr. Pantalone so moved, Ms. Perez seconded.

Roll Call:

John Casadia: Yes
 Stephen Plevins: Yes
 Ryan Headley: Yes
 Michael Pantalone: Yes
 Maria Perez: Yes
 David Manders: Yes

The Chairman entertained to approve the application. Mr. Pantalone so moved, Mr. Headley seconded.

Roll Call:

John Casadia: Yes
 Stephen Plevins: Yes
 Ryan Headley: Yes
 Michael Pantalone: Yes
 Maria Perez: Yes
 David Manders: Yes

Douglass Novelties, LLC – Westerly side of Delsea Drive between Garden Road and Wheat Road, Block 1101, Lots 51 & 53, Project #13-1332, major site plan approval to utilize an existing 1,572 square foot basement level as “retail/commercial” sales for sexually oriented products and to utilize a previously constructed asphalt parking area.

The applicant was represented by Robert Casella, Esq. He explained that the applicant will combine lots 51 and 53 by way of an all-inclusive deed. They also agree to the parking space width of 9.5'. They will be removing the asphalt in the front of the site and in the rear. The asphalt will be replaced with top soil and seed. They will completely fence in the refuse station.

Marion Mamounis, owner of Douglass Novelties, testified on her own behalf. Normal operating hours are 9:00 AM until Midnight on Monday through Saturday. On Sundays they are open 10:00AM until 10:00PM. There are an average of 50-100 cars that enter the site daily, 7 days a week. Deliveries are made by UPS or FEDEX before 9:00AM.

Mr. Casadia wanted to know how long they were in business.

Ms. Mamounis indicated that her father owned the business since 2000.

Ted Wilkinson, Professional Engineer, testified on behalf of the applicant. He explained that the applicant will comply with the Engineering report. There is an underground pipe adjacent to the car lot to the south. If they find the pipe, they will relocate it. The owner also agrees with installing proper lighting on the site.

Mr. Hawk wanted to know if the applicant would install fencing or shrubbery to block the side access.

Ms. Mamounis agreed to block the access.

Mr. Hawk explained that they could extend the fence 20' in lieu of bushes. They can install either or to block the side access. He also had concern with the narrow lane that heads to the back of the site.

Mr. Wilkinson explained that he inspected the site and he saw no issues with vehicles passing each other. It would be impossible to meet the 24' wide standard. He also explained that the building's retail space is 2,800 square feet including the first floor and the basement.

Ms. Hicks explained that the New Jersey statute permits a maximum of 2 signs. They permit a freestanding sign or wall sign and a “no minors allowed” sign. The remaining signs have to be removed.

Alfred Verderose, Esq. appeared for Village Green Auto. They are located adjacent to the site. He wanted to know the nature of the business in the basement.

The applicant explained that it is a viewing area for videos and private booths.

Mr. Verderose explained that his client agreed to maintain the private drive for the residents in the rear. They do not want it used by anyone patronizing the business next door. He also stated that tractor trailers could not fit in this site. He displayed pictures, exhibits Green #1-4 depicting flooding and erosion of the driveway.

Mr. Wilkinson explained that they could include a sign for tractor trailers.

Mr. Hector Martinez testified in opposition to the application. He explained that the private drive is messed up due to the traffic coming from next door.

Ms. Hicks advised the board to set a time frame because the applicant is under enforcement.

The board agreed to give the applicant 90 days to complete the site improvement.

The Chairman entertained to close the public hearing. Mr. Pantalone so moved Ms. Perez seconded.
Roll Call:

John Casadia: Yes
Stephen Plevins: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
David Manders: Yes

The Chairman entertained to approve the application. Mr. Pantalone so moved, Ms. Perez seconded.
Roll Call:

Stephen Plevins: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
John Casadia: Yes
David Manders: Yes

Request from Thomas and Kate Riggione regarding zone change at 8 West Montrose Street, Block 3601, Lot 9.

Ms. Hicks explained that this had to be referred to the Zoning Committee.

The Chairman entertained to approve the application. Mr. Pantalone so moved, Ms. Perez seconded.
Roll Call:

Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
John Casadia: Yes
Stephen Plevins: Yes
David Manders: Yes

ADJOURNMENT

The Chairman entertained a motion to adjourn. Mr. Pantalone so moved, Ms. Perez seconded.
Roll call:

Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
John Casadia: Yes
Stephen Plevins: Yes
David Manders: Yes

TIME: 8:46 PM

Respectfully submitted,

Yasmin Ricketts
Planning Board Secretary