

MINUTES
June 11, 2014

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:

Maria Perez
Michael Pantalone
Mary Mendez
Ryan Headley
Sandy Velez
David Manders

Also present were:

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

PRE-MEETING

Public notice pursuant to the Open Public Meetings Act was given on December 28, 2013 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.

Menantico Estates- Located on the southerly side Menantico Road between Lincoln Avenue and Venezia Avenue, Block 5204, Lots 3 & 5, Project #13-1325, major subdivision approval to configure two existing lots into sixteen lots thereby creating fourteen new lots. Fifteen of the lots would be available for the construction of a single family dwelling and one lot will contain a storm water management basin.

Mr. Hawk explained that it is a preliminary major subdivision. The front portion is wooded and the rear portion is farmed. The project is a single street down the middle with lots around it. There is a total of fifteen lots for single family homes and one basin lot. All the lots will be two acres. The street is 20' wide and is deemed a rural street under the Residential Site Improvement standards. No parking will be permitted on the street because it is a rural street. The Residential Site Improvement requires a turn around with a driveway. The applicant is proposing a development sign 32.5 square feet provided vs. 2 square feet maximum allowed. They are seeking two waivers. One waiver is for the storm water management basin. It needs a 6' high fence and they are proposing a 4' high fence. The construction of that fence is a split rail with a mesh. They are also just screening the west and north sides of the basin. They will be clearing 21% of the forested area and have another 9% to go. Roughly 1.6 acres of woods can still be cleared. They would like to have a choice with each lot as development occurs, and they want to clear 1.6 acres of additional clearing as they see fit. The applicant is going to put sidewalks on the southerly side of Menantico Road along their entire frontage. It is recommended to build sidewalks beyond this property and out to the Petway School driveway.

Pasha Halal Poultry, LLC - Located on the northeasterly corner of Delsea Drive and Oak Road, Block 1601 Lot 91, Project #14-1385, preliminary/final major site plan approval to convert an existing 36,166 square foot building formerly used as a school to a retail food sales building and to construct a 1,750 square foot canopy addition.

Mr. Hawk explained that the location is at the northeast corner of Delsea Drive and Oak Road. They would like a retail store for meats and produce. The building is quite large with frontage on Oak Road and Delsea Drive. The site is unimproved in the rear and there is a lot of dirt with dirt trail that leads to

R.E. Michael. They will be extending the parking lot, have a paved truck area for access to loading docks, and new asphalt driveway with concrete apron. They also are going to have a connection on Oak Road with cars that want to use Oak Road. The canopy will be where the dock is located. The Fire Marshall would like the parking area on Oak Road to remain as a dedicated fire lane. They are going to provide significant landscaping with shade trees along the frontages. There will be big improvements aesthetically.

Jay Ambe Mata, LLC - Located on the southeasterly corner of N.E. Boulevard and Oak Road, Block 2301 Lot 1, Project #14-1387, preliminary/final major site plan approval to construct a 6,000 square foot retail liquor store (which includes a 3,870 square foot first level, 110 square foot link corridor and a 2,020 square foot basement level).

Mr. Hawk explained that the application is for the site at N.E. Boulevard and Oak Road. The proposal is to build a building in the rear location, create more parking, and have another driveway on to Oak Road. There is only a minimal amount of clearing because the basin has to be expanded slightly. The addition connects to the front building and it is only 5.7' away from the corner so there is a variance. The front buffer on Oak Road is a variance 9.78' vs. 25' required. They did match it with the existing site. The side buffer is the same as the building setback. The onsite parking amount is 52 parking spaces required vs. 30 spaces provided. The RB-1 zone has special requirements that this plan does not meet. The zone does not allow parking between the building and the street line. All the parking proposed is in between the building and the street line. Outdoor storage is not supposed to be between the building and the street line or front yard. Their trash area is located in the front yard. The structure should have the character of a residential neighborhood. The applicant will address the screening that is required.

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:

Maria Perez
Michael Pantalone
Mary Mendez
Ryan Headley
Sandy Velez
David Manders

FLAG SALUTE

Public notice pursuant to the Open Public Meetings Act was given on December 28, 2013 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 May 14, 2014 board meeting.

The Chairman Mr. Manders made a motion to approve the minutes. Roll call:

Maria Perez: Yes
Michael Pantalone: Yes
Mary Mendez: Yes
Ryan Headley: Yes
Sandy Velez: Yes
David Manders: Abstain

RESOLUTIONS – Approval of resolution from the May 14, 2014 board meeting.

The Chairman Mr. Manders entertained a motion to approve the resolutions. Roll call:

#6086-

Maria Perez: Yes

Michael Pantalone: Yes
Mary Mendez: Yes
Ryan Headley: Abstain
Sandy Velez: Yes
David Manders: Abstain

#6087-

Maria Perez: Yes
Michael Pantalone: Yes
Mary Mendez: Yes
Ryan Headley: Abstain
Sandy Velez: Yes
David Manders: Abstain

#6088-

Maria Perez: Yes
Michael Pantalone: Yes
Mary Mendez: Yes
Ryan Headley: Abstain
Sandy Velez: Yes
David Manders: Abstain

#6089-

Maria Perez: Yes
Michael Pantalone: Yes
Mary Mendez: Yes
Ryan Headley: Abstain
Sandy Velez: Yes
David Manders: Abstain

PUBLIC HEARING

Roll Call:

Maria Perez: Yes
Michael Pantalone: Yes
Mary Mendez: Yes
Ryan Headley: Yes
Sandy Velez: Yes
David Manders: Yes

Menantico Estates- Located on the southerly side Menantico Road between Lincoln Avenue and Venezia Avenue, Block 5204, Lots 3 & 5, Project #13-1325, major subdivision approval to configure two existing lots into sixteen lots thereby creating fourteen new lots. Fifteen of the lots would be available for the construction of a single family dwelling and one lot will contain a storm water management basin.

The applicant was represented by Richard Hoff, Esq. They will be creating 16 single family dwellings on a single street and the property is approximately 40 acres in size.

Matthew Baldino, Professional Engineer, testified on behalf of the applicant. All the lots will be served by septic and well. They will be clearing a portion of the woods for the house. The street is 20' wide with no parking on either side. The configuration is permitted under the RSIS. The storm water basin will discharge to the rear of the property. There are no variances for the houses. They are proposing approximately 21% tree clearing. Comment 11 in the Planning Report, monument sign. They are

requesting a variance for a 32 square foot sign whereas 2 square foot sign is permitted. It will be on lot 5 and located in an easement area. Maintenance will be the responsibility of the Homeowner's Association.

Mr. Hawk indicated that the sign is 32.5' and it cannot be in an easement area.

Mr. Hoff explained that they would create an easement just for the sign.

Ms. Hicks is concerned with the sign. There are not that many homes and they are going to be obligated to maintain the basin and the sign. There are not that many homes to support it.

Mr. Hoff explained that they are committed to maintaining it and the cost will be nominal. It is not a huge budget item.

Ms. Hicks explained that she deals with the homeowners once they are in and they are confronted with the costs.

Mr. Hoff indicated that the applicant is proposing a 4' high fence with a wire mesh. They would like a split rail fence because it is more attractive. Children will climb a 6' or a 4' fence. They would be willing to accommodate a 6' chain fence if that is what the board would like. They feel the split rail would be more attractive.

Mr. Baldino explained that under a 100 year storm conditions it is 3' deep and would drain within 72 hours.

Ms. Hicks indicated that she has an issue with the fence. Split rail with the wire mesh has been approved primarily on commercial sites. Residential has always been more sensitive because of kids. Most of the major subdivisions proposed black chain link with landscaping around it.

Mr. Hoff indicated that the fence is at the pleasure of the board. Comment 13, they will provide screening on all sides of the basin.

Ms. Hicks explained that they could do it on the east side and not the south side.

Mr. Hoff explained that they are not clearing up to 30%. They want the right to clear up to 30%. Homeowner's may want some additional clearing for a pool or swing set. They can control that during the development process. They want to work with Planning and Engineering to keep a tab of the percentage and exceed 30%. They are not agreeable to include it in the deeds or homeowner's documents for future clearing. They do not want to bind what the homeowner's want to do with their property.

Ms. Hicks explained that is an issue. There is a provision in the homeowner's documents that binds the project to the approved plan for grading and clearing. It influences the storm water. They go in and clear cut a sign and it effects the drainage calculations. It gives the city leverage for enforcement.

Mr. Myers explained the storm water calculations, forested area, and the basin becoming undersized.

Mr. Hoff agreed that they would make notation for tree grading and clearing if required by DEP.

Thomas Schaffer, managing member, testified on his own behalf. He indicated that he would agree with including it in the homeowner's documents.

Mr. Hoff explained that they are agreeable to the sidewalks just to their frontage. The water utility comment, they will provide a letter to them. They are requesting payment to the Electric Company as a condition of building permit. It is more difficult to finance and it is easier to defer the payment to the building permit.

Ms. Hicks explained that the process was done years ago and they have no mechanism to hold up building permits. The policy has been established for many years.

Mr. Hoff explained that development fee contribution is 1.5%.

Ms. Hicks explained that COAH has not approved that ordinance, but they are all in agreement to the 1.5%.

Mr. Baldino explained that they addressed the issues with the Engineering report. With regards to the comment about the LOI, they will provide it.

Mr. Hoff indicated that they wanted to table the application.

Mr. Matthew Ritter, Esq. represent the Stary's. They share the same thoughts with the board with regards to the tree clearing. They also wanted to know if there would be concrete monuments in the rear of the lots.

Mr. Hawk explained that it is not required.

Ms. Esther Basetti, member of the public, agreed with the suggestions to the design of the basin being 6' high.

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

Maria Perez: Yes
Michael Pantalone: Yes
Mary Mendez: Yes
Ryan Headley: Yes
Sandy Velez: Yes
David Manders: Yes

The Chairman entertained a motion to table the request. Mr. Pantalone so moved, Ms. Perez seconded.

Maria Perez: Yes
Michael Pantalone: Yes
Mary Mendez: Yes
Ryan Headley: Yes
Sandy Velez: Yes
David Manders: Yes

Pasha Halal Poultry, LLC - Located on the northeasterly corner of Delsea Drive and Oak Road, Block 1601 Lot 91, Project #14-1385, preliminary/final major site plan approval to convert an existing 36,166 square foot building formerly used as a school to a retail food sales building and to construct a 1,750 square foot canopy addition.

The applicant was represented by Michael Fralinger, Esq. For the past 15 years the Board of Education occupied the building as a school. They applicant is seeking to relocate the sales of Marcacci Meats from Vine Road to the location on Delsea Drive. Approximately 10,000 to 15,000 square feet will be used for retail sales and an office. The remainder of the building will be used for cold storage and dry storage.

Steven Filippone, Professional Engineer, testified on behalf of the applicant. The building footprint will not be changing. They will be widening the driveway and changing the grade on Delsea Drive. Sixty one parking stalls will be added to the 10 stalls currently there. They are providing an adequate amount of landscaping. A buffer will be added to the east where there is residential. The basin will be located to the north. It will drain 1.5' per 24 hours and drain into Delsea Drive. The parking lot is designed for

larger spaces at 22' deep for larger vehicles. The loading dock will be paved and there will be access onto Oak Road. There are anticipating 3 tractor trailers per week for deliveries. A canopy is proposed at 8' wide and 70' long at the loading dock. There is a fire lane along Oak Road that is 21' wide requested by the Fire Marshall. There will be two conforming freestanding signs and one wall sign. The basin will have a vinyl board fence with wire mesh inside.

Mr. Fralinger explained that the parking to the north is extended and the applicant will pave the loading dock. They need a waiver for a 4' fence around the storm water basin. The applicant is proposing 71 parking spaces whereas 81 parking spaces are required. There is a quick turnover of customers. Eliminating parking spaces will allow for more greenery. They are requesting a waiver for a 45' wide driveway width whereas 34' is required to permit trucks to turn onto Oak Road.

Mahmet Silpagar, managing member, testified on his own behalf. The busiest time of the year is during the major holidays. There are never more than 30 cars at one time and 71 parking spaces will be more than adequate. The current operating hours at the Vine Street location are 7:00AM until 6:00PM, six days a week. The new store will be open from 9:00AM until 7:00PM.

Mr. Hawk advised that there cannot be any live animals on the site or any slaughtering of animals can be done there.

Jerry Kilpatrick, member of the public spoke with regards to the application. He wanted to know how the meats would be disposed. He also had concerns with the increase of traffic.

Mr. Silpagar explained that the meat by-products will be kept in a cooler inside and picked up once a week. The cardboard disposal will be placed into a compactor.

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

Sandy Velez: Yes
Maria Perez: Yes
Mary Mendez: Yes
Ryan Headley: Yes
Michael Pantalone: Yes

The Chairman entertained to approve the request. Ms. Perez so moved, Mr. Headley seconded.

Sandy Velez: Yes
Maria Perez: Yes
Mary Mendez: Yes
Ryan Headley: Yes
Michael Pantalone: Yes

Jay Ambe Mata, LLC - Located on the southeasterly corner of N.E. Boulevard and Oak Road, Block 2301 Lot 1, Project #14-1387, preliminary/final major site plan approval to construct a 6,000 square foot retail liquor store (which includes a 3,870 square foot first level, 110 square foot link corridor and a 2,020 square foot basement level).

The applicant was represented by Michael Fralinger, Esq. The property is the Xpress market located at NE Boulevard and Oak Road. The existing building is 3,200 square feet. There is parking in the front, side, and rear. The addition is 3870 square feet on the first level with a 2020 square foot basement level. There will be a 100 square foot corridor linking the current building and the proposed building. The liquor store is a permitted use.

Matthew Baldino, Professional Engineer, testified on behalf of the applicant. There will be access from both the Boulevard and Oak Road. The circulation plan will provide access from both streets. The trash

enclosure is located to the east of the new building. The enclosure will have a solid vinyl fence. They will be providing more landscaping. The storm water basin will be expanded to the south. There will be two freestanding signs for both buildings. The wall sign is 90 square feet whereas 32 square feet is permitted.

Mr. Fralinger indicated that the applicant is seeking variances for side yard setback on the south side 5.78' whereas 20' is required. The front buffer on Oak Road of 0' and 9.78' whereas 25' is required. There is a side buffer on the south side of 5.78' whereas 25' is required from a residential use. There is a variance for parking spaces, 30 parking spaces proposed whereas 52 parking spaces are required. Currently there are 28 parking spaces on the site. They are seeking a waiver for an end island width of 5' whereas 10' is required. They need a waiver for no screening material along the residential zone to the east and the residential to the south. The remainder of the Planning Report is acceptable. As for the Engineering Report, the basement floor elevation is 82.26' and the seasonal high water table is 81'.

Tushar Patel, managing member, testified on his own behalf. The store opens from 5:00AM until 9:00PM. The liquor store will be open from 9:00AM until 10:00PM. The busiest time for the store will be from 4:00Pm until 10:00PM. He anticipates between 6-8 cars during that time. There will be 3 employees, one in the morning and two at night. The sign is part of a sign package provided by "Buy Rite" liquor store franchise.

Mr. Myers indicated that the vegetation within the site triangle at the new proposed driveway must be removed.

Emily Conroy, member of the public, provided testimony for her parents. They are elderly and have lived next door for 40 years. She is not happy with the fence that is currently there because it does not provide enough privacy.

Mr. Fralinger indicated that the applicant agrees to increase the portion of the fence which is 3' high on the south side to the height of the remainder of the existing fence. He also agrees to repair any portion of the fence that needs repairing. The current fence is 2 years old.

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

Maria Perez: Yes
Mary Mendez: Yes
Ryan Headley: Yes
Sandy Velez: Yes
Michael Pantalone: Yes

The Chairman entertained to approve the request. Ms. Perez so moved, Mr. Headley seconded.

Mary Mendez: Yes
Ryan Headley: Yes
Sandy Velez: Yes
Maria Perez: Yes
Michael Pantalone: Yes

ADJOURNMENT

The Chairman entertained a motion to adjourn.

Roll call:

Ryan Headley: Yes
Sandy Velez: Yes
Maria Perez: Yes
Michael Pantalone: Yes
Mary Mendez: Yes
David Manders: Yes

TIME: 10:50 PM

Respectfully submitted,

Yasmin Ricketts
Planning Board Secretary