

**BOROUGH OF MAGNOLIA  
PLANNING BOARD MINUTES  
SEPTEMBER 26, 2007**

The meeting was called to order by Chairman Lawrence Barrar at 7:35 PM. The public statement was read by the Chairman, followed by the flag salute.

**ROLL CALL - CH-Chairman, VC-Vice Chairman, C-Council, MD-Mayors Designee, A-Alternate**

Lawrence Barrar	CH	Present	Richard Krause	MD	Present
Joyce Albrecht		Present	Arthur Loder		Present
Robert Brown		Present	John Wolf, Jr.		Present
Mary Martz	C	Present	John Lattany	A1	Absent
John DiBartolomeo	VC	Present	Joseph Conway	A2	Present
Jim Hannold		Present	VACANT	A3&A4	

**ALSO**

David Kreck	Engineer	Present	Michael Ward	Solicitor	Present
Chris Mecca	Zoning Off.	Absent	Denise O'Kane	Secretary	Present

**APPROVAL OF MINUTES**

A motion was made to approve the August 22, 2007 minutes and the September 6, 2007 minutes. AIF-Motion approved.

**OLD BUSINESS**

A motion was made to approve Resolutions #07-18 and #07-19. Motion approved by roll call vote.

**VAR07-2 / Wazir Grewal - 331 N. White Horse Pike**

Attorney John Kosylo represented the applicant and Adnan Khen, Store Manager, spoke on behalf of the applicant due to a language barrier. The applicant is requesting a Use Variance to convert the first floor/basement of the existing commercial building to a residential apartment dwelling. The existing use is a Retail Store and Gas Station. The board had concerns regarding the mixed use of commercial and residential, the topography of the land to the building, the location of the gas station, sufficient parking spaces, the ability to safely exit the apartment in the event of an emergency, the utilities that would be needed and the borough ordinance does not allow apartment dwelling on the lower level/basement of a building. The board questioned whether the original approval in 2004, already allowed for an apartment and if the new request was granted, does it meet the parking space requirement or would the room for two more parking spaces be required.

The solicitor stated; the board had concerns during the 2004 application, regarding school age children living on the property, because of the gas station. Also, during fueling of the tanks, can the tankers turn to exit the property without hitting parked cars? How could the borough control the rental use requirements for employees only? The board engineer would need to see the original site plan that was presented at the 2004 meeting, so he can address the many issues that are arising here tonight.

A motion was made to open the meeting to the public. Being no further discussion, a motion was made to close the meeting to the public.

The applicant requested a continuation, so they could supply the required information. A motion was made to approve the continuation until the October 24, 2007 meeting. AIF-Motion approved.

**NEW BUSINESS**

**SPL07-6 / Colombo Development, LLC – 536 & 540 White Horse Pike**

Applicant was represented by his attorney Peter Rhodes, and Paul Colombo spoke on behalf of the Corporation. The applicant presented an Amended Site Plan Application, for the revisions to the original Site Plan approval in 2004 due to D.O.T. approval request, Site construction issues with topography and the height of the foundation, lighting changes and the placement and composition of the trash enclosure. D.O.T requested one entrance and one exit to the property along the White Horse Pike, from the original two entrance and exits from the White Horse Pike. The Warwick road access did change slightly due to a

conflict with an existing utility. The trash trucks are front loaders, so the trash enclosure needed to be moved, so it could be emptied. The gate would now include a one person door, so you can access the trash dumpster and the trash enclosure would match the building. The lighting was changed from wall mounted to pole lighting. Mr. Kreck stated; prior to this meeting the applicant has agreed to most of his recommendations and reviewed his letter dated September 17, 2007. Mr. Kreck said he would need a copy of the D.O.T. approval for his file and one for the planning board file. He feels all of the grading issues will be taken care of and will not affect the stormwater management system and would recommend getting approval from the property owner affected by the grading change. He also feels the lighting is too aggressive and would like it adjusted, also to install a landscape buffer along the commercial and residential boundary lines only.

A motion was made to open the meeting to the public. John Shaw, 503 N. Warwick Road, Magnolia stated; he is the neighbor affected by the construction and has an agreement with Paul Colombo to replace the fence he had before it was removed during construction. His concerns are for his safety, protection against theft and to stop people from crossing through his property.

Being no further discussion, a motion was made to close the meeting to the public.

The board discussed the issue of a double line of landscape buffer versus a fence and what type of trees and plant material to plant. After some discussion a combination of fence and trees are to be installed; a fence from Warwick road to the first right-turn, then white pines to be installed along the boundary line. A motion was made to approve the application with conditions stated by Mr. Kreck and his review letter dated September 17, 2007. Motion approved by roll call vote.

#### **OPEN PUBLIC**

A motion was made to open the meeting to the public. Being no further discussion, a motion was made to close the meeting to the public.

#### **COMMENTS & DISCUSSION**

The Chairman requested the discussion for the "New" Planning Board Application be postponed until the October meeting due to the absence of Councilman D'Amico.

The Chairman inquired about the status of Warwick Auto Sales, Site Plan waiver application. Answer: the applicant is scheduled for the October 24, 2007 meeting.

The Chairman requested copies of the "Rules of the Planning Board" to be delivered to the board members for the work session on Tuesday, October 2<sup>nd</sup> at 7:00 pm.

Mr. Wolf inquired about the "Certification" for the Board Members at the August meeting and all are certified with the exception of John Lattany, First Alternate, Term expires December, 2007.

Mr. Wolf stated; why do we approve applications with specific requirements and they are not executed by the borough professionals; what are we here for? The board shared his concern and will address the situation when Councilman D'Amico is present.

The Chairman requested a motion to adjourn the meeting. A motion was made to adjourn the meeting at 9:30 pm. AIF-Motion approved.

\*AIF – All in Favor

\*DOT – Department of Transportation

Respectfully Submitted by: Denise O'Kane, Planning Board Secretary