

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
April 22, 2009**

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	Arthur Loder		Present
Joyce Albrecht		Present	Mary Martz	C	Present
Robert Brown		Present	Steven Previtera	A1	Present
Brian Carson		Present	Edward Hoban	A2	Present
John DiBartolomeo	VC	Present	Michael Moore	A3	Present
Joseph Dymond		Present	Robert Mastalski	A4	Present
Richard Krause	MD	Present			

ALSO

David Kreck	Engineer	Present	Michael Ward	Solicitor	Present
John Szczerbinski	Zoning Off.	Present	Denise O’Kane	Secretary	Present

REORGANIZATION OF THE BOARD

Chairman Barrar swore in the Planning Board member:

Robert Brown Class IV Term Expires: December 2012

APPROVAL OF MINUTES

Motions were made to approve the March 25, 2009 minutes as written. AIF-motions approved.

OLD BUSINESS

Site Plan Revision

SPL07-5 / 700 White Horse Pike Association (Arby’s) – Block: 6.08 Lot: 1

David Kreck of KWH, Associates stated that with the original application the borough engineer had a conflict of interest with the applicant; another engineer was recommended which also resulted in a conflict of interest with the applicant. Mr. Kreck was requested by the applicant and the Borough Council to complete the remaining site inspections for this project regarding Bill’s Wonderland of Pets.

The applicant is requesting administrative approval of a proposed revision to the sidewalk circulation around the building for Lot #2, which will be occupied by Bill’s Wonderland of Pets. Mr. Kreck received a faxed photo copy of the revised Site Plan indicating the elimination of the sidewalk around the whole building and replacement with sidewalk extensions from the public sidewalk to Camden Avenue and the parking lot. This is what Mr. Kreck preferred for the original site plan application, this is better for storm water management and there would be no impact on the landscaping.

No formal action was required and Mr. Kreck will handle the changes from his office.

New Business

Variance

VAR09-01 / Pasqualina Hall-Simons – Block: 2.08 Lot: 1

The applicant is requesting a side yard setback variance from 3’ to 2.2’ and the garage is already built. John Szczerbinski, Construction Official and Zoning Officer, clarified the situation for the board members; The original zoning application did not have a survey, Mr. Simons and he had reviewed the zoning requirements and Mr. Simons prepared a hand drawn survey with the dimensions he thought were correct. The property has a couple of different fence lines and he feels this was just human error. If they were required to submit a survey with the zoning application, they would have known where the property line was and they would not be here tonight. They have complied with all of the required permits and he recommended the board grant the variance, because it would be a hardship for them to move the garage at this point since it is 99% finished.

Mr. Ward stated that the application would be marked as A-1, the survey as A-2, the letter from Mr. Szczerbinski dated November 12, 2008 as A-3, the zoning application dated July 28, 2008 as A-4 and the hand

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drawn plan submitted with the zoning application as A-5. Chairman Barrar stated our ordinance defines lot line front as the street line of a lot. On a corner lot the front lot line shall be the shorter street line. On the survey the dimensions on Albertson Avenue are 90' and the dimensions on W. Madison Avenue are 100'. By our definition the front street line is Albertson Avenue; therefore, the line the garage is sitting to close too is the rear line not the side line, requiring a 30' setback. Also per ordinance 270-39 (E) all private garages and normal residential storage structures not exceeding 120 square feet shall be set back three feet from the side and rear property lines. Mr. Szczerbinski deciphered section (E) as two separate entities and Mr. Ward agreed that the interpretation by Mr. Szczerbinski was correct.

Chairman Barrar and Mr. Kreck stated the applicant also needs a front yard setback variance per ordinance 270-15 (M) Corner lots shall provide the minimum front yard requirements for both intersection streets for both principal and accessory buildings.

Being no further questions, motions were made to open the meeting to the public. AIF-motions approved. Being no discussion, motions were made to close the meeting to the public. AIF-motions approved.

Mr. Ward stated the applicant unknowingly omitted one of the required variances from their public notice and he will recommend to the board that the application be tabled so the applicant can do a revised public newspaper notice requesting a rear yard setback variance from 3' to 2.2' and a front yard setback variance from 25' to 19.35' so they can appear at the next meeting. Mr. Ward said he knows this is an inconvenience for the applicant, but is required per the Land Use Law.

Motions were made to table the application until the May 27th meeting. Motions approved by roll call vote.

COMPLETENESS REVIEW

Site Plan

SPL09-2 / Latty and Amrita Petroleum, Inc. – Block: 3.10 Lot: 1&2

Mr. Kreck stated the applicant is seeking Preliminary and Final Site Plan approval to demolish the existing "Citgo" gas station, convenience store and improvements. Applicant is seeking approval to construct a new gas station, convenience store and improvements.

Mr. Kreck referred to his letter dated April 17th deeming the application incomplete. The applicant is requesting both preliminary and final approval with storm water management improvements that require infiltration of the runoff into the soil. They have not supplied any soil boring or soil permeability test information and that is required prior to granting final approval. Mr. Kreck has spoken with the applicant and they will supply this information no later than 10 days prior to the next scheduled hearing. Mr. Kreck will deem the application complete first on the agenda if the information is received, so the application could be heard at the same hearing, if that is OK with the board.

Motions were made to allow the completeness review to be deemed complete at the May 27th hearing, provided the applicant submits the soil permeability test and the soil boring data to the office of Mr. Kreck prior to May 17th, and to allow the application to be heard at the May 27th hearing. Motions approved by roll call vote.

CORRESPONDENCE

Mr. Kreck stated he has received the final D.O.T. roadway improvement plans regarding the improvements on Route 30 for the Lions Head Plaza development. There are some minor modifications to the plan and in his opinion they are insignificant modifications and have no material impact on the approval granted by the board. Mr. Kreck reviewed the items listed on his letter dated April 1st with the board. Mr. Kreck stated in his opinion the changes are in substantial conformance with the approval by the board and he has no objection with approving the plan for final signatures. After some discussion motions were made to open the meeting to the public. AIF-motions approved.

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William Anderson – 125 Jefferson Avenue: He stated he had followed this application and had some concern with Mr. Kreck using the term substantial conformance. He thought the board said if anything was to change from the approval the applicant would have to come back before the board. Mr. Ward stated that the D.O.T. has jurisdiction over certain issues on which the board can not make a determination. The issues Mr. Kreck reviewed do not materially affect the board's consideration of the site, but do enhance the traffic safety issue. What the board said was, we needed to make sure that the fundamental and essential public safety concerns that this board was focusing on in granting the limited approval, because most of it is in Somerdale. We did not want to deviate from, and if they were, than we insisted the applicant come back before the board. The minor revisions that Mr. Kreck discussed are a result of the review by D.O.T. for general health, safety and welfare of the pedestrians and the traffic.

William Anderson stated that the traffic study was to be done three (3) months after the stores were opened and now the borough council has passed an ordinance changing the traffic study to six (6) months after the stores were opened. This is another change from what the board approved and as a resident he is concerned. Mr. Ward could not comment on the issue with the borough council, but Mr. Kreck stated, that nothing is different with the application or with zoning, these are jurisdictional improvements made by the D.O.T. and beyond our jurisdiction and they are right-of-way improvements, which have nothing to do with the site itself. Our concern was with the new municipal roadway and they made safety improvements within the right-of-way. This had no impact on the approval granted by the board.

Mr. Ward thanked Mr. Anderson for his participation during this process and for being an advocate for the people of Magnolia.

Anthony Comella – 133 Jefferson Avenue: He was concerned with the "No Left Turn" from Washington Avenue on to the White Horse Pike. The traffic light is in front of Mickey's and they have a driveway from Washington Avenue, he is concerned with people using that as a cut-thru and that is not fair to the owner. The board stated that was the decision of the D.O.T. and beyond the scope of this board. The D.O.T. would have contacted the property owners, seeking input and/or approval regarding the changes to the light. Mr. Ward stated the owner would have the right for the Magnolia Police to monitor anyone using the cut-thru and have them cited and fined.

Being no further discussion, motions were made to close the meeting to the public. AIF motions approve.

Motions were made to accept the revised plans as modified by the New Jersey Department of Transportation for the Lions Head Plaza final major subdivision site plan. Motions approved by roll call vote.

OPEN PUBLIC

Motions were made to open the meeting to the public. AIF – motions approved.

William Anderson inquired about who does the inspections for the Lions Head Project. Mr. Kreck stated that the project moves from the boards' jurisdiction to the municipal jurisdiction through the municipal engineer with the approved plans from this board. Mr. Kreck did not know what agreements were made between Magnolia and Somerdale regarding inspections, but the Planning Board is done with their process.

Being no further discussion, motions were made to close the meeting to the public. AIF – motions approved.

COMMENTS & DISCUSSION

Chairman Barrar stated the board was to review Chapter 270, Article IV and the board was to begin the review of the Master Plan. Both Chairman Barrar and Mr. Ward agreed to postpone any further review of Chapter 270, so the board can focus on the review of the Master Plan due to the July deadline. Mr. Ward stated he has a copy of the Re-examination Report from July, 2003, but would need a copy of the mid 1990's Master Plan for reference and the board members would need a copy for review. At next month's meeting, we will discuss the breakdown on how the review will take place.

Chairman Barrar started the review of Chapter 270, Article IV, some grammatical changes were discussed and the Chairman reminded the board members they are supposed to be reviewing for any updates or changes.

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The board discussed the changeable signs that Walgreen's and Colombo Liquor have; the temporary signs currently all over the town, when should they be removed and how should the enforcement be handled? The board members stated the ordinance is not sufficient and other towns are more stringent and we should look at other municipalities for guidance specifically with definitions of a temporary sign and how long a temporary sign may remain before removal can be enforced. Mr. Ward will look into other towns' ordinances and suggested the board make their suggestions.

Chairman Barrar continued his review with section 270-18 and suggested a definition be determined for retaining wall, which is excluded from this section. Mr. Ward stated that would be for the governing body to define. Chairman referred to the following sections; 270-20 "Prohibited uses" with reference to the temporary sign discussion; 270-22 "Temporary uses" D-4 last sentence "failure to equate notice" the codification committee will review and recommend verbiage.

Chairman Barrar requested the board members to suspend the review of Chapter 270, Article V, until at least the August meeting. He also requested that the board members read the Re-examination Report of the Master Plan and copies of the Master Plan which will be delivered prior to the next meeting.

Chairman Barrar stated that the Codification meeting scheduled for the first Monday in May has been rescheduled for the first Monday in June.

ADJOURNMENT

Being no further discussion motions were made to adjourn the meeting at 9:40 pm. AIF-motion approved.

*AIF – All in Favor

*D.O.T. – Department of Transportation

Unofficial Copy

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