

**BOROUGH OF MAGNOLIA  
PLANNING BOARD MINUTES  
APRIL 23, 2008**

The meeting was called to order by Chairman Lawrence Barrar at 7:40 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	Mary Martz	C	Present
Joyce Albrecht		Present	John Wolf, Jr.		Present
Robert Brown		Present	Joseph Conway	A1	Absent
John DiBartolomeo	VC	Present	Joseph Dymond	A2	Present
Jim Hannold		Absent	Ronald Buchanan	A3	Present
Richard Krause	MD	Present	R. Brian Carson	A4	Present
Arthur Loder		Present			

**ALSO**

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

**ALTERNATE**

Joseph Dymond	A2	for	Jim Hannold		
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**APPROVAL OF MINUTES**

Motions were made to approve the March 19, 2008 and the March 26, 2008 minutes with corrections. AIF-motion approved.

**OLD BUSINESS**

Motions were made to approve Resolutions #08-9 and #08-10. Motions approved by roll call vote.

**NEW BUSINESS**

**Site Plan Waiver for Warwick Auto Sales**

Michael Ciarrocchi owner of the business requested a site plan waiver for the construction of a 28’ x 40’ addition to the existing building. He needed more space for the office, so he had his contractor apply for a permit in January 2007 and it was issued. At that time the Construction Department did not make him aware of the site plan requirement, until later. After some discussion the meeting was opened to the public. Being no further discussion, motions were made to close the meeting to the public.

Mr. Kreck reviewed the plans and visited the site. The construction is compliant, no drainage impact, height is less than 35’, no new employees, no need for additional parking or loading. Mr. Kreck requested the applicant to submit a set of “As Built Drawings/Survey”.

After a brief discussion the board decided the error was not on the part of the applicant. Motions were made to waive the Site Plan application requirement. AIF-motion approved.

**CORRESPONDENCE**

Mr. Kreck reviewed his letter dated April 23, 2008 regarding revisions to the approved site plan for 700 White Horse Pike Associates, LLC., Block: 6.08, Lot: 1. The modification is for a single commercial tenant to occupy the entire structure and the trash enclosure area has been modified to include an overhead door and loading area; also the applicant is proposing an 80sf wall mounted sign, instead of the multiple signs approved. Mr. Kreck requested that the changes be approved “Administratively”.

Mr. Ward swore in John Soubasis the Manager Member for the applicant, 700 White Horse Pike Associates, LLC. Mr. Soubasis said the tenant “Bills Wonderland of Pets” will have a lease stating the loading hours will be 9:00 am to 4:00 pm only.

After a brief discussion motions were made to approve the changes “Administratively”. AIF-motion approved.

Mr. Kreck discussed the letter he received from TRC Solutions, dated April 21, 2008 and the letter from NJDOT, dated April 14, 2008. He asked Borough Councilwoman Mary Martz, if the Borough had passed an ordinance prohibiting left turns from Washington Avenue onto the White Horse Pike? Mary Martz, stated that she believed Mr. Keenan did, but that she would look into it and get back to Mr. Kreck. Mr.

Kreck gave his copies of the letters to the board secretary, requesting they be delivered to Mr. Keenan, the Borough Clerk.

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

### **OPEN PUBLIC**

Alex Esposito, 407 Brooke Ave., Magnolia: He thanked Mr. Ward and Chairman Barrar for allowing the meeting to be video taped. He submitted a copy, for the file, of the formal notice and case law to Video Record/Document a Public Meeting. He further thanked the Construction Department, Ms. O'Kane and Mr. Szczerbinski for their cooperation with the OPRA requests and thanked Mr. Kreck for his advice on the D'Anastasio project.

Mr. Esposito inquired why Resolution 08-08 for the D'Anastasio Corporation was not ready. Mr. Ward stated he was not finished with the completeness review, but it should be ready for the May meeting.

Mr. Esposito said he received correspondence on March 31<sup>st</sup> from Mr. Keenan stating he could no longer tape or review the documents for the D'Anastasio application. Mr. Esposito has since requested items for examination and requested permission to listen and record the planning board tapes from January 2007 to March 2008. Mr. Esposito stated; that Mr. Keenan said, his request was not possible, because Mr. Keenan did not understand the OPRA request, so Mr. Keenan did not process the request. Mr. Esposito spoke with the Borough Solicitor Sal Siciliano, one day after the required date of compliance for his OPRA request. Mr. Siciliano sighted law that prohibited Mr. Esposito to access or allow him to listen to the tapes.

Mr. Esposito asked what the board could do to help him with his OPRA request. Mr. Ward said the board could not assist with his OPRA request. That is an issue for the Municipal Clerk and the Borough Solicitor.

Jennifer Stuart, 226 E. Williams Ave.: She asked if the board members needed to take an oath at each meeting. Mr. Ward said NO. Ms. Stuart noted that Mr. Ward was absent from the March 26<sup>th</sup> meeting and she asked him what he recommended to the board regarding approval for the D'Anastasio application? Mr. Ward said he does not recommend anything to the board, he only gives advice. The record will speak for itself; we were advised by the Mayor of Barrington, that if the board approved the application, it would be a subject for litigation and the board is not at liberty to discuss the application.

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

### **COMMENTS & DISCUSSION**

Chairman Barrar noted that each member received a copy of the following ordinance updates:  
2008-06 – code 270-16 for parking space size and 2008-07 – code 170 for size & number of copies of plans for planning board applications.

Chairman Barrar read a letter from alternate board member Joseph Conway stating his resignation, due to his work travel schedule. He advised borough council of the need for a new alternate board member. The proposed new Planning Board Application and the proposed Planning Board Rules should be postponed until the May meeting.

Mr. Ward stated to the board members; that ordinance 2008-06 for parking spaces, should be reviewed to see if it is consistent with the Master Plan.

Mr. DiBartolomeo reminded Mary Martz to follow up on the letter to NJDOT as per Mr. Kreck.

### **ADJOURNMENT**

Motions were made to adjourn the meeting at 9:00 pm. AIF-motion approved.

\*AIF – All in Favor

\*NJDOT – New Jersey Department of Transportation

\*OPRA – Open Public Records Act

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