

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

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	Vacant	II	
Joyce Albrecht		Present	Vacant	IV	
Robert Brown		Present	Vacant	A1	
John DiBartolomeo	VC	Present	Joseph Dymond	A2	Present
Richard Krause	MD	Present	Ronald Buchanan	A3	Absent
Arthur Loder		Present	Brian Carson	A4	Present
Mary Martz	C	Present			

ALSO

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

APPOINTMENTS

Chairman Barrar swore in the following new Planning Board Members:
Robert Brandt, Edward Hoban and Steven Previtara

Chairman Barrar announced the following new appointments:

Brian Carson	Class II	To fill the term of John Wolf, Jr. to expire December 2008
Joseph Dymond	Class IV	To fill the term of Jim Hannold to expire December 2008
Ronald Buchanan	Alternate 1	To fill the term of Joseph Conway to expire December 2008
Steven Previtara	Alternate 2	To fill the term of Joseph Dymond to expire December 2009
Edward Hoban	Alternate 3	To fill the term of Ronald Buchanan to expire December 2008
Robert Brandt	Alternate 4	To fill the term of Brian Carson to expire December 2009

APPROVAL OF MINUTES

Motions were made to approve the June 25, 2008 minutes as written. AIF-motion approved.

NEW BUSINESS

Minor Subdivision

SDV08-2 / Scott & Dolores Snyder, 300 E. Washington Avenue

Applicant seeking to subdivide a 100' x 150' lot, into (3) three 50' x 100' lots. Mr. Kreck informed the board that the existing house sits on the corner and has a pre-existing variance for the two front yard setbacks, because they pre-date our Zoning Ordinance and the shed on proposed lot 1.01 will be removed. The applicant will file by deed and submit legal descriptions for review and signatures; submit any outstanding escrow accounts; obtain the necessary building permits and road opening permits required by the Borough and obtain any and all outside agency approvals.

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

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

Motions were made to approve the subdivision. AIF-motion approved.

Variance & Minor Subdivision

VAR08-2 & SDV08-3 Center 48, L.P.; Magnolia Holdings, L.P. & National Retail Associates, L.P.

The applicant was represented by Attorney David A. Laughlin of Stout & O'Hagan. Mr. Laughlin submitted a witness list and Solicitor Michael Ward swore in the following professionals; John Orrico of National Realty & Development Corp.; Richard Crawford of Bartush Signs; Perry M. Petrillo, Architect; Gregory Gallas of Control Point Associates, Inc.; Thomas A. Thomas of Thomas Planning Associates, LLC & John Hornick of Bohler Engineering, Inc. The applicant is proposing to construct two (2) separate freestanding signs and one (1) wall mounted sign. The wall mounted sign will be placed upon the portion of the proposed Wal-Mart building that

lies within the Borough of Magnolia. The wall mounted sign will be a directional sign for "Outdoor Living" and will not be illuminated, but will have wall washed lights. The pylon sign will be double sided, illuminated and at the top of the sign will have the name "Cooper Towne Center". The current name "Lions Head Plaza" will no longer exist. The applicant is proposing an Alternative "A" and Alternative "B" pylon sign proposal, pending an agreement with the Cinemark Movie Theatre.

The Alternative "A" sign will be 30' to the top and would not include the Cinemark name, but the original approved Cinemark sign would be moved to the new location and stand next to the new proposed sign.

The Alternative "B" sign will be 33'8" to the top and would include the Cinemark name and the original Cinemark sign will be removed.

The applicant is requesting the board to approve both proposals because the applicant has not come to an agreement with the Cinemark Movie Theatre at this time.

The applicant is also proposing the consolidation of existing Lot 14;Block 3.02 and Lot 14;Block 3.10, including ½ of the vacated Right-of-Way for Old Egg Harbor Road (vacated by Borough Council under Ordinance 2007-04) into a new Lot 15. The applicant is proposing to subdivide aforementioned Lot 15 to create a new non-conforming Lot 17, which shall be consolidated with existing Lots 1&2 of Block 3.10, filed by Deed as Tract of Land Transferred. This is due to the 10' Right-of-Way needed from Lots 1&2 of Block 3.10.

After a lengthy conversation with the Board members and the Professionals, motions were made to open the meeting to the public. AIF-motion approved. Being no discussion, motions were made to close the meeting to the public. AIF-motion approved.

Motions were made to approve the sign variances and the minor subdivision. AIF-motion approved.

John Orrico stated to the Board that they have received a conditional approval from the NJDOT; construction could possibly start in September or October and the signed and sealed plans should be completed within two to three weeks.

OPEN PUBLIC

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

COMMENTS & DISCUSSION

Chairman Barrar decided to postpone the following discussions; Residential "A" Zoning Ordinance, Planning Board Application and the Rules for Planning Board Members, due to the weather conditions so everyone could get home safely.

Chairman Barrar informed the Board he received a copy of a letter from; Robert Mintz, attorney for Walgreens, to John Szczerbinski, Zoning Officer; requesting a portion of the retail pharmacy be used for a medical office/clinic staffed by licensed professionals. Engineer, Dave Kreck requested a copy of said letter.

Mr. Kreck also inquired about the D'Anastasio application and if Barrington had filed a law suit. Mr. Ward responded that he received a draft copy of the law suit and the Borough should be served shortly.

Chairman Barrar referred to a letter from Peter M. Rhodes, attorney representing Mt. Olive Baptist Church, requesting a special meeting due to the significant amount of time it would need for presentation. Chairman Barrar spoke with the Board Secretary and it was decided that a special meeting would not be necessary and they would be placed on the August agenda.

Member Robert Brown inquired again about the sidewalk along Davis Road by the Arby's as to why it is not straight? Zoning Officer, John Szczerbinski spoke with John Soubasis of 700 White Horse Pike Associates and Mr. Soubasis said the sidewalk will be fixed and the lot behind Arby's will be cleaned.

Zoning Officer, John Szczerbinski informed the board of the Status of Warwick Auto Sales; the As-Built drawings will be received within two weeks and the permit will be closed within the month.

Solicitor, Mike Ward noted that the hours of operation for Arby's is before 10:00 am and wanted the secretary to check the resolution to see if the hours of operation were part of the approval.

Member Richard Krause inquired why the letter to the NJDOT from the governing body, regarding the improvements to the White Horse Pike and Evesham Avenue, has not been sent yet; it has been since April that the Board has been asking and nothing has been done. Board members expressed some concern that maybe the request had fallen on deaf ears. Solicitor, Mike Ward stated; since Mr. Orrico of National Realty and Development, Corp. said they have received conditional approval from the NJDOT, that maybe it is too late. The Board suggested that such requests in the future should be in writing.

Mr. Krause also inquired about the property next to AVI Auto Sales (formerly used as a doctor's office) and now they are using the parking lot to store vehicles. Can he expand the use without Planning Board approval? Board Engineer, Dave Kreck stated; MLU Law states any change of use of a property requires Site Plan Approval. Zoning Officer, John Szczerbinski stated he was just made aware of the situation and the owner will be notified.

ADJOURNMENT

Motions were made to adjourn the meeting at 9:15 pm. AIF-motion approved.

*AIF – All in Favor

*MLU – Municipal Land Use

*NJDOT – New Jersey Department of Transportation

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

Official copies should be requested through the Borough Clerks Office
by completing an Open Public Record Act Request Form. Contact us
at (856)783-1520 for additional information.