

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
August 26, 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	Mary Martz	C	Present
Joyce Albrecht		Present	VACANT		
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

APPOINTMENTS

Chairman Barrar announced the following new appointments:

Brian Carson	Class IV	To fill the term of Arthur Loder to expire December 2009
Steven Previtera	Class II	To fill the term of Brian Carson to expire December 2009
Edward Hoban	Alternate 1	To fill the term of Steven Previtera to expire December 2010
Michael Moore	Alternate 2	To fill the term of Edward Hoban to expire December 2009
Robert Mastalski	Alternate 3	To fill the term of Michael Moore to expire December 2010

APPROVAL OF MINUTES

Motions were made to approve the June 24th and the July 22nd minutes as written. AIF-motion approved.

INFORMAL REVIEW

May Funeral Home

Jason Sunkett of Liebling, Malamut & Sunkett., LLC, attorney for Thomas May. Mr. Sunkett said his client, Mr. May might purchase the property located at 721 White Horse Pike, formerly the Garden State Boat property and would like to build a funeral home on the site. The board stated that they would welcome some improvement, but had the following questions: Will Mr. May purchase the vacant neighboring property? How will they handle parking? And the board has some traffic concerns.

Mr. Sunkett said that Mr. May has not purchased the property yet, because he wanted to make sure he could build the funeral home first. Mr. Ward inquired to the time frame that the board could review a Site Plan application, Mr. Sunkett said within 6 months, if Mr. May decides to purchase the property.

COMPLETENESS REVIEW

SDV09-2 / M.R. Burns Enterprises, LLC

Mr. Kreck reviewed his letter dated August 25, 2009. The application has a number of administrative items missing as stated in the letter and the applicant will need to submit a revised set of plans prior to the hearing. Mr. Kreck stated for the board that he has worked with the applicants' surveyor, James Boney in the past. Mr. Szczerbinski inquired if Mr. Kreck would be able to request a grading plan as part of his review. Mr. Kreck agreed that at time of construction, drainage problems could be created, but if Council had an ordinance, then Mr. Szczerbinski could request a grading plan when the permit is submitted. Mr. Kreck will email a copy of a grading plan ordinance to Councilwoman, Mary Martz. Ms. Martz will bring it to the attention of Council and the Borough Solicitor for discussion.

Mr. Kreck recommended that this application be deemed complete at this time. Motions were made to deem the application complete. Motions approved by roll call vote, Richard Krause voted against.

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OLD BUSINESS

Major Preliminary/Final Site Plan

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

David Hodulik, attorney for the applicant stated they have revised the plans as requested by the board and Mr. Kreck as a result of the prior meeting. Mr. Hodulik introduced Calisto Bertin, N.J. Licensed Professional Engineer for Bertin Engineering Associates, Inc. Mr. Ward swore in Mr. Bertin and Mr. Bertin presented his professional qualifications. Mr. Bertin submitted the following two new exhibits; A-6 revised site plan, 13 sheets, A-7 Landscape rendering and stated the following; the building is 400 sq ft smaller, the single drive-thru lane now has a by-pass lane, the menu board will be moved to behind the building, the northern perimeter curb line was moved back, the lane next to the rear left island is one way and some landscaping changes were made.

The board had some concerns regarding, customer traffic flow from fueling to the drive-thru and at time of retail delivery, fuel truck delivery and trash pick-up. Mr. Kreck referred to his letter dated August 20, 2009, page six regarding the Use Variance and stated that at the last meeting the board determined that a Use Variance is required. The Chairman requested the Class I and Class III board members to recuse themselves prior to further testimony. Mr. Kreck continued to review his letter regarding the setback variances, the various sign variances and, the submission requirements. Mr. Kreck inquired if the D.O.T. application was submitted and the applicant stated they were waiting until after this meeting, and they will be requesting a Letter of No Interest from D.O.T.

The board discussed the site triangle for the access road to the rear of the property and Mr. Hodulik will notify the developer requesting the roadway access permit to be modified to include the site triangle and Mr. Hodulik will copy Mr. Kreck.

Mr. Kreck stated due to the existing conditions and the neighboring development, as a condition of Final approval he would like to receive an updated certified boundary survey. The applicant will comply with the suggestions and requirements per Mr. Kreck's letter dated August 20, 2009.

Due to the need to coordinate the site improvements with the neighboring development and the D.O.T., the applicant is requesting the board to grant Preliminary and Final approval. Mr. Kreck stated he has no objection to granting both Preliminary and Final approval.

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

Richard Krause, 332 W. Monroe Ave., Magnolia – He inquired about the type of fencing that will be used around the propane tank and the trash receptacle, and inquired about the directional signs for the White Horse Pike. Mr. Krause stated he has no objection if the board granted both Preliminary and Final approval tonight.

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

Chairman Barrar suggested that Mr. Kreck review all of the required variances noted in his letter.

Motions were made to approve the Use Variance. AIF-motions approved.

Motions were made to approve the following two Bulk Variances, Front yard setback to (0) zero and a rear yard setback to 22'. AIF-motions approved.

Motions were made to approve the various sign variances. AIF-motions approved.

Motions were made to approve both the Preliminary and Final Site Plan. AIF-motions approved.

Chairman Barrar noted that the two recused members, Mary Martz and Richard Krause have returned to the board for the remainder of the meeting.

OPEN PUBLIC

Chairman Barrar stated; there being no public present, there is no need to open the meeting to the public.

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COMMENTS & DISCUSSION

Mater Plan Review – Michael Ward, Solicitor distributed to the board a letter from him dated August 26, 2009 regarding Master Plan Re-Examination. He discussed the following; the need for a resolution from the governing body authorizing the board to begin the re-examination and unless the governing body authorizes the board to create a brand new master plan, this board is only to review the last six years, so we are consistent with the standards of our ordinances and the standards of the M.L.U.L. Mr. Ward suggested that the board members should read section 40:55D-89 (a) & (b) “Periodic re-examination” in the M.L.U.L book and the board should have the re-examination report finalized by December.

Chairman Barrar and Solicitor Ward discussed the total number of people allowed on the review committee that was created at the last meeting. Being that no action will be taken, no public notice is required. The first meeting will be on September 21st @ 7:00 pm.

Chairman Barrar stated that the N.J. League of Municipalities Convention will be held on November 17th, 18th, 19th & 20th. Anyone who is planning to attend must notify the board secretary by September 10th. The following stated they will be attending; Larry Barrar, Brian Carson, Steven Previtera, John DiBartolomeo and spouse.

Chairman Barrar also stated that our monthly meeting is scheduled for November 18th. Would the board like to keep the meeting date or change the date? The board decided to keep the noticed date of November 18, 2009.

Chairman Barrar asked Mary Martz on the status of the new recording system. Ms. Martz stated that Tony DePrince has not been able to show her or the board secretary how to work the recording system, but she will follow up with Mr. DePrince.

Mr. Ward stated he received the briefing schedule from Judge Orlando regarding the Magnolia Commons Litigation. They must submit their briefs by August 28th, but not later than August 31st and our reply briefs are due by mid September. Judge Orlando has tentatively set a (paper) trial date of October 21st and we should have a decision at that time.

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.

ADJOURNMENT

Being no further discussion motions were made to adjourn the meeting at 10:05 pm. AIF-motion approved.

*AIF – All in Favor

*DOT – Department of Transportation

*MLUL – Municipal Land Use Law