

MINUTES
June 8, 2011

PRE-MEETING CONFERENCE

A pre-meeting conference of the Planning Board was called to order by Acting Chairman Mr. David Manders at 6:30 PM in the Fourth Floor Conference Room of City Hall. Present were:

Michael Pantalone
David Pickett
Victor Terenik
David Manders

Also present were:

Frank DiDomenico, Planning Board Solicitor
Yasmin Ricketts, Planning Board Secretary
Brian Myers, City Engineer
Kathleen Hicks, Supervising Planner
Stephen Hawk, Senior Planner

The pre-meeting did not have a full quorum to proceed with the meeting. The meeting was rescheduled for 7:10PM.

The pre-meeting resumed at the new scheduled time. It was called to order by Acting Chairman Mr. David Manders at 7:10 PM. Present were:

Michael Pantalone
David Pickett
Victor Terenik
Maria Perez
David Manders

Public notice pursuant to the Open Public Meetings Act was given on December 8, 2010 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, the Press, the City Clerk and the Board members.

Beirig Brothers major site plan approval application located at the terminus of Reilly Court, Block 303, Lot 50, Project # 11-1253. The applicant is requesting to construct a solar panel array as an accessory use to an existing slaughter house facility.

Mr. Hawk explained the application, the city drainage basin is south of Gallagher. The array is located in the rear of the northerly part of the site. There are some storm water management changes because of the location.

Mr. Myers explained that the basin is expanding and the solar array is going through the expanded part of the basin. The panels will be pole mounted.

Mr. Hawk explained comment #8 in the Planner's Report. The applicant has provided a letter that states that there is no applicability with regards to flood hazard area requirements. That permit is not required with the array as shown on the drawing prepared by Frailinger. The Planning Division needs that drawing submitted by Frailinger. That will be added as a condition of approval. The wetlands comment in #9, discusses the Permit Extension Act. The wetlands approval that was granted in 2004 is extended until December 31, 2012, and we still have to list it as a condition of approval. If they try to obtain their release

and permits prior to December 31, 2012, that condition will be met. The report should state that it is 400kw total system for the proposed solar array.

Mr. Myers addressed comments #14 and #15 in the Engineer's Report. Comment #15 is related to the last wetlands items that Mr. Hawk discussed. The Permit Extension Act negates comment #15. Comment #14 relates to the city stream corridor buffer. The applicant will be seeking a waiver, to relieve from that and the Engineer's Department does not have an objection.

Mr. Pickett wanted to know about ground cover.

Mr. Hawk suggested that the board ask the applicant about the ground cover.

Mr. Terenik wanted to know if there were any concerns by the utility department.

Mr. Hawk stated that Mr. Foster from the utility department has no issues with this application.

Mr. DiDomenico stated that Mr. Manders has a conflict with this application. An acting chair needed to be nominated.

Polish American Deli "C" Variance application, located on westerly side of S.W. Boulevard between Park Avenue and Peach Street, Block 2904, Lot 10, Project #11-1247. Approval of "c" variances in conjunction with the construction of a 480 square foot addition to an existing retail store (deli).

Mr. Hawk explained that the application was pro-se and he is the operator of the Polish American Deli. It was 26' x 40' masonry building with parking spaces. He has a storage issue and he needs more space. It will be a 480 square foot addition.

Mr. Pantalione wanted to know if it was retail space or storage space.

Mr. Hawk explained that it was storage space.

Mr. Manders wanted to know about trash on the property.

Mr. Hawk stated that he believed the owner hauled away his own garbage.

Mr. Terenik explained what the retail space looked like, and explained the kinds of products that they sell.

Mr. Hawk explained the variances involved. The applicant needs a rear setback variance, parking variance, and impervious coverage.

Mr. Myers wants a bollard placed at the corner of the store to prevent anyone from backing into store.

Moe's Auto Sales is a preliminary/final major site plan approval application, located on the easterly side of Delsea Drive between Chestnut Avenue and Walnut Road, Block 4801, Lot 66, Project #11-1255. The applicant is requesting approval to convert an existing 1894 square foot (897 square foot basement and 997 square foot first level) single family dwelling into a used car sales office, construct an 861 square foot structure for readying of cars for sale on the premises, utilize an existing 330 square foot frame garage and a 170 square foot frame shed for readying of cars for sale on the premises and install spate used car display areas comprising a total of 44 car display spaces and establish a fenced storage yard for 50 cars.

Mr. Hawk explained the application. The site plan is for an expansion of the display area. There are several areas shown on the plan. The driving directional flow and parking will be changed. They extended the display spaces and increased the spaces will be 45 spaces instead of 44 spaces. The 50 car storage area was within a larger fenced in area. The fences should match improved area for storage.

Ms. Perez wanted to know what kind cars would be stored in the storage area.

Mr. Hawk suggested that the board ask that question. The new layout creates a new impervious lot coverage variance to control intensity, 59% vs. 50% maximum allowed.

The last special business items will be discussed at the regular meeting.

Mr. Manders entertained a motion to adjourn the pre meeting, Ms. Perez so moved, Mr. Pantalone seconded. Roll Call:

Michael Pantalone: Yes
Maria Perez: Yes
David Pickett: Yes
Victor Terenik: Yes
David Manders: Yes

TIME: 7:30 PM

REGULAR MEETING

The regular meeting of the Planning Board was called to order by Vice Chairman David Manders, at 7:30 PM in City Council Chambers in City Hall.

Present were:

Michael Pantalone
Maria Perez
David Pickett
Victor Terenik
David Manders

Absent were: Robert Ferrari, Susanne Morello, Stephen Plevins, James Kubiak, Douglas Albrecht, and Mayor Robert Romano

Also present were:

Frank DiDomenico, Planning Board Solicitor
Yasmin Ricketts, Planning Board Secretary
Brian Myers, City Engineer
Kathleen M. Hicks, Supervising Planner
Stephen Hawk, Senior Planner

FLAG SALUTE

Public notice pursuant to the Open Public Meetings Act was given on December 8, 2010 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, the Press, the City Clerk and the Board members.

MINUTES – Approval of minutes of May 11, 2011 board meeting

The Vice Chairman Mr. Manders entertained a motion to approve the minutes. Ms. Perez so moved, Mr. Pickett seconded. Roll call:

Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Pantalone: Yes
Mr. Terenik: Yes
Mr. Manders: Yes

RESOLUTIONS – Approval of resolutions from May 11, 2011 board meeting

The Vice Chairman entertained a motion to approve the minutes. Ms. Perez so moved. Mr. Pickett seconded.

Roll call:

Ms. Perez: Yes
Mr. Pantalone: Yes
Mr. Pickett: Yes
Mr. Terenik: Yes
Mr. Manders: Yes

Mr. DiDomenico explained that the Manestrina application will be amended.

The Board's professional staff, Brian Myers-City Engineer, Kathleen M. Hicks-Supervising Planner, and Stephen Hawk-Senior Planner, were sworn in.

Solicitor Mr. DiDomenico made a motion to appoint David Pickett as acting chair for the Beirig Brothers application, Ms. Perez so moved, Mr. Pantalone seconded. Roll Call:

Mr. Pantalone: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Yes
Mr. Manders: Yes

DEVELOPMENT APPLICATION

1. Beirig Brothers- Located at the northerly terminus of Reilly Court, Block 303, Lot 50, Project #11-1253.

Preliminary/Final major site plan approval to construct a solar panel facility.

Mr. Rocco Tedesco, Esq. testified on behalf of the applicant. The applicant is requesting to construct a 400 KW power generating facility. Mr. Tedesco went over comments from the Planner's Report dated June, 1, 2011, Engineering Report dated June 2, 2011, and a Water Utilities Report dated June 1, 2011. Beirig Brothers operates a slaughter house. No variances required, so Planning and Engineering Reports were reviewed. Comment #8, relates to flood hazard applicability. Mr. Tedesco provide the board with Exhibit the Flood Hazard Applicability Determination Letter, dated October 12, 2010. Item #9, buffer line, the prior determination from 2004 is valid as long as building permits are obtained within period of extension. Regarding item #10, there are 32 parking spaces and that note will be made to perfected plans. Item 15d, is regarding the freshwater wetlands delineation. All the items are acceptable on the Engineering Report.

Mr. Myers explained the design waiver from the stream water corridor 48.25'.

Mr. Pantalone wanted to know the kind of ground cover being used.

Mr. Tedesco stated that it is momo grass. It is low maintenance and assists in storm water management.

Mr. Hawk wants the submission to the Flood Hazard to be included in approval. Wetland is extended until December 31, 2012.

The vice chair entertained a motion to approve the application. Ms. Perez so moved, Mr. Pickett seconded. Roll Call:
Mr. Pantalone: Yes
Ms. Perez: Yes
Mr. Terenik: Yes
Mr. Pickett: Yes

PUBLIC HEARING

1. Polish American Deli – Located on the westerly side of S.W. Boulevard between Park Avenue and Peach Street, Block 2904, Lot 10, Project #11-1247.

“C” variances in conjunction with the construction of a 480 square foot addition to an existing retail store (deli).

The vice chair entertained a motion to close the public hearing. Ms. Perez so moved, Mr. Pickett seconded. Roll Call:
Mr. Terenik: Yes
Mr. Pantalone: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Manders: Yes

Mr. Ted Owoiuszko was sworn in.

Mr. Hawk explained Mr. Owoiuszko’s application to the board. The standards of the neighborhood commercial redevelopment district, the addition results in four variances. One of them is a side yard setback and this addition continues the zero foot setback along the northerly property line vs. 16.46’. That zone requires 20% of the lot width. The rear yard setback proposed is 5.48’ vs. 25’ required. The addition adds to the requirement for parking on site and currently there is a conforming amount of 6 spaces. With the addition, it goes up to 8 spaces and there is a 2 space variance. The impervious lot coverage has increased up to 70.2% vs. 65% maximum allowed.

Mr. Owoiuszko testified that the use will be for storage only. There is a sufficient amount of parking for his business, and it is not a sit down restaurant.

Mr. Manders wanted to know how the garbage is handles on the site.

Mr. Owoiuszko explained that he carries his own trash away because he has a small amount of trash.

Mr. Myers explained that he would like bollard located at the corner because of the way the addition comes out.

Mr. Hawk explained that the introduction of the bollard reduces the drive isle just in that location to 22.5’ vs. 24’, and that would be a design waiver.

The Acting Chairman entertained a motion to close the public hearing. Ms. Perez so moved, Mr. Pantalone seconded. Roll Call:
Mr. Pantalone: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Terenik: Yes
Mr. Manders: Yes

The vice chair entertained a motion to approve the application. Ms. Perez so moved, Mr. Pickett seconded. Roll Call:

Ms. Perez: Yes
Mr. Terenik: Yes
Mr. Pickett: Yes
Mr. Pantalone: Yes
Mr. Manders: Yes

2. Moe's Auto Sales – Located on the easterly side of Delsea Drive between Chestnut Avenue and Walnut Road, Block 4801, Lot 66, Project #11-1255.

Preliminary/Final site plan approval to convert an existing 1894 square foot (897 square foot basement and 997 square foot first level) single family dwelling into a used car sales office, construct an 861 square foot structure for readying of cars for sale on the premises, utilize an existing 330 square foot frame garage and a 170 square foot frame shed for readying of cars for sale on the premises and install space used car display areas comprising a total of 44 car display spaces and establish a fenced storage yard for 50 cars.

The vice chair entertained a motion to open the public hearing. Ms. Perez so moved, Mr. Pickett seconded. Roll Call:

Mr. Pickett: Yes
Mr. Pantalone: Yes
Mr. Terenik: Yes
Ms. Perez: Yes
Mr. Manders: Yes

Mr. Jose Silva, Esq. testified on behalf of the applicant. Mr. Silva explained what the applicant is requesting. He called Jerome Irick, Professional Engineer and Planner, to testify on behalf of the applicant. The board accepted Mr. Irick as a witness.

The dimensions of the property are 100' wide along Delsea Drive and 641' in depth. Currently the applicant is proposing 18 cars for display, handicap parking, and handicap ramp to proposed office building. The building is currently being used solely as an office. The main floor is for business transactions, attic is used for surveillance system, and basement is used for records storage. They are using a one way circulation pattern coming in off of Delsea Drive.

Mr. DiDomenico stated that the use of the single family dwelling has been abandoned, is solely used as an office. This application was before the Zoning Board of Adjustment, and is now before the Planning Board because building is no longer residential.

Mr. Irick stated that they have created display spaces in the front and around, giving them a total of 45 spaces. The area in the rear will be used for cars under warranty that need repair. Another area will be used for vehicles picked up for sale, vehicles waiting for repair, repossession vehicles. They are requesting a waiver from paving and allow them to use stone. They have created underground storage under the stones and a retention basin in the rear.

Mr. Pantalone wanted to know if the applicant is looking to house 72 cars.

Mr. Irick explained that they were told to place the maximum number that they could fit. At any given time, 72 vehicles will not be there.

Mr. Moses Afanador testified on his own behalf. He explained the auction process, the repossession process, and the repair process. He gave a time frame of about a month.

Ms. Hicks suggested that a provision be added to the approval. No damaged car can remain longer than six months.

Ms. Perez wanted to if the fixed cars in storage are moved to the rear.

Mr. Afanador explained that the cars are moved.

Mr. Hawk explained that impervious coverage is mutually exclusive from drainage. Our definition of impervious coverage has to do with the intensity of the use of a lot (buildings, sidewalk, pavement, and stone). Stone can intensify the use of a lot. Drainage is separate and stone is something that you have a run off coefficient that may be different from pavement. The applicant proposed that the storage yard be fenced and the Planning Division proposed that the entire fenced in area should have a stone surface or an improved surface.

Mr. Silva requested that the project be put in phases because of the current market conditions.

Mr. Manders wanted to know if this project was worth fifty cars.

Mr. Afanador would like the maximum amount allowed so that he does not have to return.

Ms. Hicks gave a board background history with the applicant and the city. She believes that he needs a tighter timeline. He has been in operation for seven years without compliance.

Mr. Irick prosed to have paving as Phase II, and have the stone area, the base and drainage as Phase I.

Ms. Hicks explained that phasing is the option of the applicant, and does not want a phase to go uncompleted.

Mr. DiDomenico wanted to know if the project could really be done in phases.

Mr. Myers explained that what Mr. Irick wants to do is a standard sequence of construction.

Mr. Pantalone explained that they could get a reduction in the bond as they go.

Ms. Hicks informed the board that Mr. Finley would like details on what is allowed tomorrow.

Moe's Auto Sales is allowed fifty cars until the entire site is completed. They have to go to the September 14, 2011 meeting if they are not able to meet the conditions of approval. They have one year from today to complete the site plan July 13, 2011.

The vice chair entertained a motion to close the public hearing. Ms. Perez so moved, Mr. Pantalone seconded. Roll Call:

Mr. Terenik: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Pantalone: Yes
Mr. Manders: Yes

The vice chair entertained a motion to approve the application. Ms. Perez so moved, Mr. Pickett seconded. Roll Call:

Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Pantalone: Yes
Mr. Terenik: Yes
Mr. Manders: Yes

SPECIAL BUSINESS

- a) City council request to review and provide comment regarding a proposed amendment to the Center City Redevelopment Plan relating to 814 E. Wood Street, Block 3015, Lot #18, Sergei Kaganzev applicant. Sergei Kaganzev testified on his own behalf. He wants to convert the office in the lower level into an apartment. The upper level has a one bedroom apartment. He is proposing two bedroom in the lower level. He plans to close the office when he receives approval from City Council.

Ms. Hicks explained that they recommend bringing it closer to conformity. There is no longer a demand for professional offices and are in support of the conversion. They do have an issue with the number of bedrooms.

Mr. Kaganzev stated that the surrounding houses have multiple units. He presented pictures of the other units to the board.

The vice chair entertained a motion to approve the application. Ms. Perez so moved, Mr. Pickett seconded. Roll Call:

Mr. Pickett: Yes
Mr. Pantalione: Yes
Mr. Terenik: Yes
Ms. Perez: Yes
Mr. Manders: No

- b) Review waiver for additional screening tree plantings relating to 1996 N. Mill Road (Toco Products). Mr. Tecklinberg testified on his own behalf. He would like relief from the plantings and reduction in surety. The request is 22 trees vs.31 tress required. There will be no screening on the north side rear side.

The vice chair entertained a motion to approve the application. Ms. Perez so moved, Mr. Pickett seconded. Roll Call:

Mr. Pantalione: Yes
Mr. Terenik: Yes
Ms. Perez: Yes
Mr. Pickett: Yes
Mr. Manders: Yes

ADJOURNMENT

The vice chairman entertained a motion to adjourn. Ms. Perez so moved. Mr. Pickett seconded. Roll call:

Mr. Pantalione: Yes
Ms. Perez: Yes
Mr. Plevins: Yes
Mr. Pickett: Yes
Mr. Kubiak: Yes
Ms. Morello: Yes
Mr. Albrecht: Yes
Mr. Manders: Yes

TIME: 9:45 PM

Respectfully submitted,

Yasmin Ricketts

Planning Board Secretary