

**Mantua Township Planning Board
March 16, 2010**

Call to Order

Mr. Kenneth Green, chair, called the regular meeting of the Mantua Township Planning Board to order on Tuesday, March 16, 2010 in the Main Meeting Room, Mantua Township Municipal Building, Main Street, Mantua, New Jersey. Mr. Green made statement that the notice of the meeting was published in accordance with the Open Public Meetings Act.

Roll Call

Present: Mr. Robert Harris, Mrs. Sharon Lawrence, Mr. John Legge, Ms. Stephanie Salvatore, Mr. Kevin Howarth, Mr. Robert Zimmerman, Mr. Dave Mastrogiacomo, Mr. John Bair and Mr. Kenneth Green. **Absent:** Mr. Joseph Giumarello and Ms. Michelle Epifani. **Also present:** Mr. Tim Kernan, engineer; Mr. George Stevenson, Planner; Sam Ragonese, Esquire, Mrs. Shirley Veacock, coordinator, and Ms. Peggy Veacock, corresponding/recording secretary.

Swearing of Professionals

Board Professionals Mr. Kernan and Mr. Stevenson were sworn for testimony.

Approval of Minutes

On motion by Mrs. Lawrence, seconded by Mr. Zimmerman, the Board approved the February minutes. All members were in favor of the motion.

New Business

04-022, George Gaughan, Amended Final Site Plan, Block 197, Lot 1

Mr. Gary Civiler, engineer, and Mr. George Gaughan, applicant, were sworn for testimony. The applicant has addressed all concerns and issues from his preliminary approval

Planner's Review: Mr. Stevenson outlined the planner's March 2, 2010 review letter. He stated that all outstanding issues have been satisfactory addressed.

Engineer's Review: Mr. Kernan reviewed his March 9, 2010 letter. He noted the items noted in 3.1 and 3.2 have been provided.

Board/Applicant Discussion: Mr. Civiler noted the Gloucester County Utilities Authority easement would be included on the plan of survey. The deeds will be submitted to Mr. Kernan for review. The setback for the parking variance has been reduced from 3 feet to 2 feet. Notice was served for the 3-foot variance for the preliminary hearing. No notice was given for the 2-foot variance for the final plan submission.

Board Action: On motion by Mr. Howarth, seconded by Mr. Legge, the Board granted final approval upon review and acceptance of items 3.1 and 3.2 of the engineers report and review of the legal description by Mr. Kernan, bonding in place and the parking detail noted. Roll Call Vote: YES –Mr. Harris, Mrs. Lawrence, Mr. Legge, Ms. Salvatore, Mr. Howarth, Mr. Zimmerman, Mr. Mastrogiacomo, Mr. Bair and Mr. Green. NO – None. ABSTENTIONS – None.

Resolution

Mr. Ragonese presented an amended resolution for application 09-007, Domenico Tucciarone, Minor Subdivision, Block 117, Lot 2. The resolution addressed a change in the waiver of sidewalks. **On motion by Mrs. Lawrence, seconded by Mr. Green, the Board approved the resolution. Roll Call Vote: YES – Mrs. Lawrence and Mr. Green. NO – None. ABSTENTIONS – None.**

Other Business

Main Street Salon – Mr. Ragonese informed the Board that he had received an e-mail from the Mayor indicating that there was misrepresentation in the application for the Main Street Salon. He stated that Mr. Giumarello was not forthright in his testimony because he did not indicate there would be any new business proposed as a result of the addition. Due to the allegations, Mr. Ragonese stated that the approval was fraudulently attained. Mr. Giumarello will have to refile his application to the Board based on the recent changes at the Salon.

Mr. Harris questioned how long from the time the applicant testifies does he have before he can grow his business. Mr. Ragonese indicated that the applicant is bound by law to tell the truth and has a right to grow their business. Mr. Ragonese indicated the public should have an opportunity to go on record with their complaints. The Board opened the discussion for public comment.

Mr. Douglass Wagner, 39 Tatum Street, was sworn for testimony. Mr. Wagner stated that at the October meeting the problems with parking were discussed. He feels it is unfair for the applicant to do whatever he wants and get away with it. He has had enough. The applicant is a liar and a bully. He submitted a photo of a sign at the Mary Kay Salon indicating the business was moving to Main Street Salon. (Wagner #1.) He also submitted an aerial shot of the area around Main Street Salon (Wagner #2.)

There being no further comments, the public hearing was closed.

Thomas Hein, esquire, representing Mr. Giumarello was given an opportunity to address the allegations made against his client. He stated that in October when Mr. Giumarello submitted his application he did not know he would be inviting Mary Kay to join his salon. When he did find out she had come into financial hardship and would be closing he offered to help those who would be losing their jobs. Mr. Giumarello acknowledges the error in not informing the Board of the change and he would like to make it right. Mr. Giumarello was sworn for testimony.

Mr. Green asked if notification was given to the public for the new driveway. Mr. Giumarello responded that he has received County approval for the driveway, which he hopes will alleviate parking issues. He will have to apply to the Township and at that time will notify neighbors within 200 feet. Mr. Harris asked if the addition he constructed has plumbing. Mr. Giumarello indicated that it did not. Ms. Salvatore questioned if the problem was with the parking issue or the fact that he has new employees. Mr. Ragonese replied that the application presented to the Board sought waivers and variances based on the applicant's testimony, regarding a hardship. He reviewed the conditions noted in the resolution memorializing approval. Mr. Heim stated that Mr. Giumarello had the right motivation he just went about it in the wrong way.

Mrs. Lawrence stated that the applicant received approval for a sitting area and that has been changed. She feels the Board's approval looks improper and needs to be corrected so the application. Mr. Heim pointed out that the applicant did not keep the addition of Mary Kay's staff to his business a secret. Mr. Zimmerman stated that the Board based the approval on the testimony. He feels the Board needs to reevaluate the application because there is a concern that the application was tainted in some way.

Mr. Giumarello asked the Board give him some time to relocate the new employees to address health care and 401K fund issues. Mr. Bamford was sworn for testimony. He stated that it is the Construction Officer's responsibility to determine number of occupancy. He does not feel there would be a problem with Mr. Giumarello using the area for its intended purpose and staggering his hours to accommodate the additional staff. Mr. Giumarello asked for the Board's forgiveness. He would like time to relocate the employees. Mrs. Lawrence stated she does not want the new room used until the Board grants proper approval. The new chairs can stay, but there should be no use of the room.

On motion by Mr. Harris, seconded by Mrs. Lawrence, the Board made a motion that Mr. Giumarello will have to refile his application within 60 days, he will have two weeks to relocate the additional staff without citation and there will be no use of the addition after the two weeks. Roll Call Vote: YES – Mr. Harris,

Mrs. Lawrence, Mr. Legge, Ms. Salvatore, Mr. Howarth, Mr. Zimmerman, Mr. Mastrogiamomo, Mr. Bair and Mr. Green. NO – None. ABSTENTION – None

Solar Energy Systems Ordinance – The Township Committee has had a first reading of the proposed “Solar Energy Systems” ordinance. The Board discussed and recommended changes in the Definition, Standard, Utility Company Notification and Standards for and Regulation of Solar Energy System sections. **On motion by Mr. Harris, seconded by Mr. Zimmerman, the Board approved the recommended changes to the Township Committee. Roll Call Vote: YES – Mr. Harris, Mrs. Lawrence, Mr. Legge, Ms. Salvatore, Mr. Howarth, Mr. Zimmerman, Mr. Mastrogiamomo, Mr. Bair and Mr. Green. NO – None. ABSTENTION – None.**

Mr. Stevenson will prepare the recommendation for the Committee’s review prior to approval.

Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted,



Peggy Veacock
Corresponding/Recording Secretary