

**Mantua Township Planning Board
May 18, 2010**

Call to Order

Mr. Kenneth Green, chair, called the regular meeting of the Mantua Township Planning Board to order on Tuesday, May 18, 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, Mr. Kevin Howarth, Mrs. Sharon Lawrence, Mr. John Legge, Ms. Stephanie Salvatore, Mr. Pete Scirrotto, Mr. Buck Stanley, Mr. John Bair, Ms. Michelle Epifani and Mr. Kenneth Green.
Absent: Mr. Dave Mastrogiacomo. **Also present:** Mr. Tim Kernan, engineer; Mr. George Stevenson, Planner; Sam Ragonese, Esquire; Mrs. Shirley Veacock, coordinator: and Ms. Peggy Veacock, corresponding/recording secretary.

Nomination of Vice Chair

On motion by Mr. Scirrotto, seconded by Mrs. Lawrence, the Board nominated Mr. John Legge as Vice Chair. All members were in favor of the motion.

Swearing of Professionals

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

Approval of Minutes

On motion by Mr. Howarth, seconded by Mr. Legge, the Board approved the April minutes. Because they were not present at the meeting, Mrs. Lawrence, Ms. Salvatore and Ms. Epifani abstained from the motion. All other members were in favor of the motion.

New Business

10-003, Joseph Giumarello, Site Plan, Block 88, Lot 15

Thomas Heim, Esquire, and Mr. John Pettit, engineer, were present on behalf of the application. William Ziegler, Esquire, was representing Smith Funeral Home and Mr. Douglass Wagner. Mr. Ziegler and Mr. Heim informed the Board that they have worked out all the issues between the applicant and Smith Funeral Home. Mr. Heim noted that the applicant's current application is to expand the existing salon adding four working stations. The applicant also proposes to tear down the garage to increase on site parking, additional buffering is proposed along with curbing.

Planner's Review: Mr. Stevenson outlined his March 31, 2010 review letter. He stated the applicant is providing more parking spaces than are required. Mr. Pettit noted an area to be excavated and restored to grass. He reviewed the lighting and stated that there are no concerns with the existing or the proposed illumination. Mr. Giumarello is proposing parking blocks and doubling the exiting buffer with arborvitaes along Mr. Wagner's property. Mr. Giumarello was sworn for testimony. He informed the Board that he plans to install a wall of EP Henry stone along the existing building to complement the wall around the new addition. Photos of the addition exterior and plantings were submitted to the Board for their review.

Engineer's Review: Mr. Kernan reviewed his April 1, 2010 letter. There are no easements affecting the property and drainage calculations have been submitted.

Public Comments: All individuals were sworn for testimony.

William Ziegler, Esquire, reiterated his representation of Smith Funeral Home and Mr. Wagner. He stated that all issues have been worked out reasonable with Mr. Wagner. He reviewed items agreed to:

- 1.) Extend buffer 10 feet along easterly edge.
- 2.) Provide a dense buffer of arborvitaes five to six feet in height for a visual screen to Mr. Wagner's house.
- 3.) Curbing will be constructed along the inside of the buffer and at the Tatum Street right of way.

Improvements will be bonded. Mr. Ziegler's clients have no problems with the proposed plantings being installed at this time or in the fall.

Mr. and Mrs. Nathaniel Holland, 23 Main Street, stated they are very happy with the changes Mr. Giumarello has included in his plans. However, they would prefer the parking in front of the apartment eliminated. They do not feel it fits with the nature of the area.

Mr. Rob Smith, Smith Funeral Home, said he was concerned with the new application because along with four new employees, there will be additional patrons. He stated that two spots would be lost along the street due to the proposed changes. He stated that the original application was done wrong and questioned the Board's manner of doing business if the second application is approved. Mr. Kernan noted that the parking requirement is calculated on square footage and not the number of chairs in the salon. The Board is bound by the code and the applicant exceeds that requirement. Mr. Smith stated that as a Township businessperson and resident he feels the Township loses when they do not consider the parking situation. He further stated that the applicant said one thing than did another. Mr. Ragonese stated that the Board took immediate action when the concern of use was brought to its attention. Mr. Giumarello took it upon himself to resign from the Board. He did not hide any wrong doing and appeared before the Board to take responsibility. The Board was not part of Mr. Giumarello's actions. The Board acted responsibility. The Board worked diligently and with integrity to address the concerns brought to its attention by Mr. Wagner and Smith Funeral Home.

Mr. Stevenson noted that the applicant has provided 24 parking spaces were 15 are required. Mr. Giumarello stated that there are three successful businesses in the area, Telford Inn, Smith Funeral Home and Main Street Salon. He has sought out possible solutions for the parking issues in the area and has tried to provide as many as possible for his business.

Mr. Heim stated that his applicant's plan provides value to his property, the visual improvements are positive. The salon is a viable business that is providing four jobs in a service industry.

Mr. Ragonese stated that the previous attorney for Mr. Wagner and Smith Funeral Home has indicated his disagreement that Board members who may be patrons of the salon not be permitted to act on the application due to a conflict. He asked if Mr. Ziegler held the same opinion. Mr. Ziegler responded that he did not share that opinion.

Board Action: On motion by Mr. Green, seconded by Mr. Harris, the Board moved to approve the application with conditions noted in the professional review letters, the garage will be taken down to allow for three parking spaces, the easterly buffer will be extended to include 5-6 foot arborvitaes, curbing along the edge of the buffer and wheel stops. Roll Call Vote: YES – Mr. Harris, Mr. Howarth, Mrs. Lawrence, Mr. Legge, Ms. Salvatore, Mr. Scirrotto, Mr. Stanley, Mr. Bair and Mr. Green. NO – None. ABSTENTIONS: None.

10-004, Mt. Royal Associates, L.L.C, Final Major Site Plan, Phase I, Block 146, Lots 1 and 1.01

Mr. ____ Long, Esquire, Mr. Joseph Pisara, developer, and Mr. Kevin Kammerer, engineer were present on behalf of the application. Mr. Long noted that the application was denied in 2008. A court order sent the application back to the Board where preliminary and final approval was granted in _____. Due to economic conditions, the applicant is requesting phasing of the project. The plan before the Board is for amended preliminary Site Plan approval for phasing, final approval for phase I and a minor subdivision for phase II. John

K____, Esquire, was present representing the Royal Oaks VI Homeowner's Association. The applicant has worked out drainage issues with the Association and is comfortable moving forward. The Board discussed the matter of unpaid escrow from the previous application. Mr. Long informed the Board that the applicant was not aware of the outstanding escrow at the time of their submission. He takes responsibility for the oversight and will ensure the escrow is paid upon condition of approval. The Board felt that since the application was advertised and members of the public were in attendance, the application should be presented and heard rather than postponed. Mr. Long reviewed the conditions agreed to between the applicant and Royal Oaks VI Homeowner's Association.

Mr. Kammerer was sworn and noted that the application presented is the same application previously approved by the Board. The only change is that requested is phasing. Mr. Scirrotto questioned the improvements for Route 45. Mr. Long noted that an application has been submitted to the County. The proposed plan will ease traffic along the Route 45 corridor

Planner's Review: Mr. Stevenson outlined his April 29, 2010 review letter. The applicant is proposing 83 parking spots were 73 are required.

Engineer's Review: Mr. Kernan presented review letters for Minor Subdivision (April 29), Amended Preliminary Site Plan (April 30) and Final Major Site Plan, Phase I (April 30.)

Public Comments: All individuals were sworn for testimony.

Mr. Stephen Croce, 34 Woodstream Court, ask that the Board consider the application as if it were a neighboring property to their homes. He had questions concerning the buffer location. He noted that the previous plan proposed a fence and properties in the rear of the property to buffer noise and foot traffic. He would like the fencing to be installed during phase I. The applicant is under contract for both phases. They do not know when the sale will be final. Without ownership of the property the proposed improvements cannot be made.

Mr. Guy Prasalowicz expressed concerns for the phasing, noise, traffic and safety.

Mr. Jim Slemple, 536 Mt. Royal Road, noted a concern for foot traffic along Mt. Royal, Jackson Road and Route 45. He also noted concerns with phasing the project and environmental issues.

Mr. Bob Hudgins, Sewell, stated the application should not be considered until the outstanding escrow is paid.

Mrs. Jesse McGregor, Lansing Drive, questioned the need for another drugstore.

Mr. Ragonese informed the public that the previous application was litigated and ordered back to the Board for consideration by a superior court judge. The application is allowable by the law. The Board was required to hear the application on its merits. Mrs. McGregor reiterated the safety concerns along Route 45 and Mt. Royal Road. She was informed the applicant would have to seek County approval before the plan is approve. The County will dictate any improvements to the intersection. The Board can address any issues relating to residential concerns.

Mr. Lance Riccioli, 155 Mt. Royal Road, expressed concerns for the unpaid escrow and the timing of phase II. Mr. Long noted under the extension act, the approvals are in place until 2012. He was also informed that the buffer along Mt. Royal Road is 25 feet. There is no internal buffering.

Ms. Debbie Sutton, 108 Weatherby, stated concerns with the buffering and road improvements, placement of sidewalks and the phasing plan.

Mr. Kevin Macherione 2 Woodstream Court, said he feels the project is incomplete. He is not comfortable with the plan or the phasing. He is concerned with the traffic at the intersection of Route 45 and Mt. Royal Road.

Ms. Henrietta Mtshali, 28 Woodstream Court, asked about the noise of delivery vehicles and expressed safety concerns.

Mr. Mark Lloyd, 29 Skyline Circle, questioned the operating hours. He was informed that the typical hours for CVS are 8 a.m. – 10 p.m. All deliveries occur before 10 p.m.

Ms. Heather McGregor, Lansing Drive, expressed concerns for the detention basin and buffers. She asked who would be responsible for the plantings. The applicant indicated that they would like to be responsible for the maintenance of the site. They have drive by visits every two weeks and want the store to look nice.

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

Board/Applicant Discussion: Mr. Long reviewed the variances and benefits of the application noting the beneficial use of the pharmacy and improvements to the intersection will be positive. He noted that the phasing issue is not inconsistent request in the present economic times. The CVS is expected to create 15-20 jobs. Mrs. Lawrence stated that she would like to see sidewalks approved around the entire site.

Board Action: On motion by Mr. Harris, seconded by Mr. Howarth, the Board approved a motion to approve the application with the following conditions, variances, amended preliminary and final approval of phase I with the installation of sidewalks around the site, minor subdivision, payment of \$12,500 in overdue escrow, waivers and submission of the agreement between Royal Oaks Homeowners Association. Roll Call Vote: YES – Mr. Harris, Mr. Howarth, Mrs. Lawrence, Mr. Legge, Ms. Salvatore, Mr. Scirrotto, Mr. Stanley, Mr. Bair and Mr. Green. NO – None. ABSTENTIONS: None.

10-002, MBI Development Company, Inc., Final Major Site Plan, Block 253.01, Lots 38.01 & 39

Phyllis Bross, Esquire, was present on behalf of the developer. She informed the Board that all outstanding items have been addressed. The developer has been denied funding for this year, but expects to resubmit an application next April.

Planner's Review: Mr. Stevenson outlined his April 27, 2010 review letter. There are few items he has discussed with the developer's attorney that will be reflected on the final plans.

Engineer's Review: Mr. Kernan presented his review letter dated April 1, 2010. He noted that all of his items have been addressed.

Board Action: On motion by Mr. Legge, seconded by Mrs. Lawrence, the Board approved the application. Roll Call Vote: YES – Mr. Harris, Mr. Howarth, Mrs. Lawrence, Mr. Legge, Ms. Salvatore, Mr. Scirrotto, Mr. Stanley, Mr. Bair and Mr. Green. NO – None. ABSTENTIONS: None.

Other Business

Wind Energy Turbines – Mr. Kernan noted that he has reviewed a draft ordinance.

Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted,



Peggy Veacock
Corresponding/Recording Secretary