Minutes of the Commercial Township Land Use Board meeting was held at the Municipal Hall in Port Norris on **July 24, 2019**.

The Chairperson called the meeting to order. It was advised that the meeting was being electronically recorded in accordance with the Open Public Meeting Act and that anyone wishing to speak must stand, state his or her name and address in a clear tone of voice. All joined in the Flag Salute.

**SYNOPSIS:**

**Roll Call:**

Ryan Broughton, Committee Man

Doris Tomlinson, Class IV Board Member

Russell Stormes, Class IV Board Member

Debra Karp, Class IV Board Member

Dean Berry, Class IV Board Member

LaRae Smith, Class IV Board Member

Ken McGill, Environmental Commission

Ed Dennis, Engineer Substituting

Frank DiDomenico, Solicitor

Heather Whitaker, Board Secretary

**Absent:**

Michael Vizzard, Mayor

Aaron Harden, Class IV Board Member

Steve Nardelli, Engineer (Excused)

**Minutes:**

Minutes: June 26, 2019

A motion was made by Mr. McGill and Seconded by Ms. Karp to accept the minutes.

**Roll Call:**

Ryan Broughton Yes

Kenneth McGill Yes

Doris Tomlinson Yes

Russell Stormes Yes

Debra Karp Yes

Dean Berry Yes

LaRae Smith Yes

**OLD BUSINESS**

**Port Norris Properties, LLC**

**Block 225 Lot 17 & 17.01**

**Site Plan/Conditional Use Variance**

**Completeness and Merit**

Mr. Dennis was sworn in as the Engineering professional for this application as there was a conflict with Fralinger’s Engineering and the applicant.

Richard Hluchan: Attorney for Port Norris Properties, LLC

Joe Maffei: Engineering Associates

Mr. Hluchan: This property is located in the Commercial/Recreational (C/R) Zone, and the site consists of the existing marina, a building formerly utilized as the Shell Pile Restaurant which we do not intent to revitalize at this time, and we would like to add a sand barging operation. A barge will arrive, be filled with sand, ship to Philadelphia and come back empty.

Mr. DiDomenico: I just want to place on the record we have 6 eligible members and you will need 5 votes to pass.

Mr. Hluchan: We are aware and ok with that. I did confer with my client and he is willing to proceed.

Mr. DiDomenico reminded Mr. Hluchan that they needed to be heard for completeness first. Mr. Hluchan was aware and prepared.

Mr. Hluchan: We are here tonight looking for permission for the Sand Barging portion. It is a permitted Conditional Use in this zone but because we will have two principal uses; the marina and the sand barging, that requires a variance. When we were here in June, the Board requested some revisions to the plan and an environmental impact statement, both provided. Mr. Maffai attended the Environmental Commission which approved the project. The first order would be to declare the application complete.

Mr. DiDomenico: Ed, do you have any other requirements in order to deem this application complete?

Mr. Dennis: No, I am good.

Mr. DiDomenico: Board Members, Does anyone have any issues? They have submitted their environmental impact statement and they came before the Environmental Commission, we have a report from them.

Ms. Smith: Have all of their fees been paid?

Ms. Whitaker: Yes and I have proof of noticing and re-noticing.

Mr. DiDomenico: All we need is a motion to deem the application complete.

A Motion was made by Mr. Berry and Seconded by Ms. Smith to deem the application complete.

**Roll Call:**

Kenneth McGill Yes

Doris Tomlinson Yes

Russell Stormes Yes

Debra Karp Yes

Dean Berry Yes

LaRae Smith Yes

The Application was deemed Complete.

Mr. Hluchan: Thank you very much. At this point I will turn it over to Mr. Maffei.

Mr. Joe Maffei was sworn in and deemed an expert.

Mr. Maffei: We indicated all the parking on the plan, 49 spaces with 2 handicap spaces. We moved the sand pile to meet the setback requirements. The water trough is on-site for dust. The zoning on the map does now present the Light Industrial vs the marina.

Mr. McGill: One thing that was brought up at the Environmental Commission meeting that has not been corrected, which I’m sure is an oversight, Commercial Township USGS Map, the project area is in the wrong spot.

Mr. Maffei: Yes, we did notice that and we will get it corrected for the record.

Mr. Dennis: Joe, you are proposing 51 spaces. We require 1 ADA space for every 25 spaces. Either one space needs to be removed or you need to add another ADA space.

Mr. Maffei: We will simply eliminate one space. So that would be a total of 50 spaces, 48 regular and 2 ADA compliant.

With no other questions in regards to the site plan, Mr. Maffei moved on to the Use Variance.

Mr. Maffei: There are two uses on site. The Sand Barging is a Conditional Use and the Marina is also an allowable use. So, each one would stand if on their own. The concern is we want more than one use. The Sand Barge Operation requires 3 acres, the marina requires 1 acre, and the property is a little over 5 acres. Even if you take out the water area there is 4.6 acres, so we are still over the amount of area needed for both uses. So, if this property would ever to be split, it would still meet the bulk requirements for each use.

 One of the big points was transportation; everything goes on the barge and goes out via the river. This reduces the amount of road traffic. There is no substantial detriment to the public. These are allowable uses in this area, it is not residential. There is no impact to the public good. The oil spill kit will be brought to the area in order to satisfy the Environmental Commission.

Mr. DiDomenico: Just want to bring up one point. With the old Shell Pile Restaurant, if at any point you wanted to open that back up, you would have to come back before the board.

Mr. Maffei: We do understand we would have to modify the site plan for parking and all if we were to choose to do that.

Mr. Stormes: That restaurant is vacant.

Mr. Maffei: Yes it is and will remain so at this point in time.

Ms. Smith: No changes to the number of employees and such since last meeting?

Mr. Maffei: No, that is all the same.

With no other questions from the board, a Motion was made by Mr. McGill and Seconded by Ms. Smith to open the meeting to the Public.

All were in favor, none opposed.

With no public wanting to address the board, a Motion was made by Ms. Smith and Seconded by Mr. McGill to close the meeting to the Public.

All were in favor, none opposed.

Mr. DiDomenico: I just want to put on the record the hours of operation and number of employees.

Mr. Maffei: Of course! Hours of operation are 5am-3pm Monday – Friday, with the Barge dependent on the tide. There are two employees.

Mr. Stormes: Mr. McGill, I just want to confirm was the Environmental Commission satisfied?

Mr. McGill: Yes, they came and did a presentation and were able to address all of our concerns, including dust control and an oil spill kit. We did appreciate your representative coming down.

Mr. Dennis: Any cross traffic required between the barging and marina?

Mr. Maffei: No

Mr. Dennis: Any DEP permits required?

Mr. Maffei: Not that we are aware of.

A Motion was made by Ms. Smith and Seconded by Mr. Berry to approve the Conditional Use, Use Variance and Minor Site Plan for Port Norris Properties.

**Ken McGill:** Yes, the environmental impact is negligible. It keeps excess trucks off the road and as was stated last month, barging was done here many, many years ago and he is just bringing it back to the area.

**Doris Tomlinson:** Yes, I agree with Mr. McGill.

**Debra Karp:** Yes, I am in alinement with Mr. McGill. I have seen what is being done down there and I think they did a beautiful job.

**Dean Berry:** Yes. I’ve lived in this town all my life, and as a business owner, it’s nice to see someone putting money into this town. I’d like to see more of it, but you have to start somewhere, one at a time.

**LaRae Smith:** Yes. Economic Development is crutial. They met all the requirements we put before them. They had no problems with any of the changes we requested. So thank you and welcome to the Township.

**Russell Stormes:** At last months meeting, the topic was brought up, we gave you a hard time. The reason why is because you started before coming to us. It would have taken you 5 minutes to come down to the Town Hall to find out what you needed to do. There is a process that needs to be followed. However in light of that, you did come around and met everything asked and therefore, I vote Yes.

Approved.

**CORRESPONDENCE**

* Letter from Mr. Nardone, Environmental Commission
* Email between Mr. DiDomenico and Mr. Baker

**BOARD BUSINESS**

Mr. McGill: During this application a spill kit was brought up. Is there any way to ensure that other businesses down there have one at hand.

Mr. DiDomenico: That really isn’t the job of this board. You need to speak with the Zoning Officer

Mr. Dennis: Can we talk about the Whibco Subdivision? I looked at the notes and when it originally came before the board it was done as a courtesy.

Mr. DiDomenico: Back then it involved two properties, one owned by the Township and one owned by Whibco. Then the Township could do it because a Township property was involved. Now the Township is not involved it is strictly owned by Whibco.

Mr. Dennis: Could it be akin to having a contract purchaser, if there was an agreement in place?

Mr. DiDomenico: If there is a formal agreement in place for consideration, then it would be fine.

Mr. Dennis: The swap is no longer happening but Whibco still wants to subdivide their property and give it to the town. So if we have a standing agreement to sell the property to the Township then we would be good to proceed as a courtesy. The Township is just trying to avoid to additional cost to the tax payers for the cost of noticing.

Mr. DiDomenico: As long as there is some consideration, a dollar or something, then I am good with that.

**BILL LIST**

**APPROVE BILL LIST**

No bills this month

**OPEN TO PUBLIC**

No further public to be addressed.

**ADJORN MEETING**

With no other business, a motion was made by Mr. Berry and Seconded by Ms. Karp to adjourn the meeting.

All were in favor, none opposed.

Heather N. Whitaker

Board Secretary

Next meeting: August 28, 2019