

Minutes of the Commercial Township Land Use Board meeting was held at the Municipal Hall in Port Norris on **June 28, 2023**. The Chairperson called the meeting to order at 6:06 pm. It was advised that the meeting was being electronically recorded in accordance with the Open Public Meeting Act. All joined in the Flag Salute.

SYNOPSIS:

Roll Call:

Michael Vizzard, Mayor
Joe Klaudi, Committee Man
Debra Karp, Class IV Board Member, Vice Chairperson
Matt Wheatly, Alternate I
Bon Mulford, Engineer (Fill in)
Nathan Van Embden, Solicitor
LaRae Smith, Class IV Board Member, Chairperson
Gretchen Esquilin, Alternate Board Secretary

Absent:

Edward Fox, Class IV Board Member
Dean Berry, Class IV Board Member
Dustin Piccolo, Environmental Commission
Heike Wheatly, Class IV Board Member
Emmett Vandegrift, Alternate II
Steve Nardelli, Engineer
Stefanie Muessig, Board Secretary

Minutes:

May 24, 2023

A Motion was made by Debra Karp and Seconded by Matt Wheatly to approve the minutes from May 24, 2023.

Roll Call:

Joe Klaudi	Yes
Michael Vizzard	Yes
Debra Karp	Yes
Matt Wheatly	Yes
LaRae Smith	Yes

Resolutions:

- 2023-03 Timothy Reeves

A Motion was made by Debra Karp and Seconded by Matt Wheatly to approve Resolution 2023-03 from May 24, 2023

Roll Call:

Joe Klaudi	Yes
Michael Vizzard	Yes
Debra Karp	Yes
Matt Wheatly	Yes
LaRae Smith	Yes

- 2023-04 Joe Klaudi

A Motion was made by Debra Karp and Seconded by Matt Wheatly to approve Resolution 2023-04.

Roll Call:

Joe Klaudi	Abstain
Michael Vizzard	Yes
Debra Karp	Yes
Matt Wheatly	Yes
LaRae Smith	Yes

NEW BUSINESS

- Asher Noah LLC (Jonathan & Zalman Katz)
1760 Main Street, Port Norris NJ
Block 244 Lot 7
Conditional Use

Zalman Katz is sworn in. Mr. Katz is the property owner along with his son, Jonathan Katz. Ownership is split 50/50 between the two. They identify their endeavor as Asher Noah, LLC. He states he would like to provide the community with a local store for residents/customers to purchase various items for sale. He would also like to hold auctions (in-person and online) a 2-3 times per week. Pick-up of sold items would be handled throughout the week.

Mr. William Flinn is sworn in as the owner of the auction company. He provides a brief explanation of his intentions regarding the auction. Live auctions would be held Tuesdays and Fridays from 6:00-10:00pm weekly. Online auctions would be held via Facebook Live.

Ms. Shannan Cogdill is sworn in as administration for the auction company. Mr. Van Embden inquires as to the structure of the building and what it consists of. There are 2 residential apartments in the upper story and the storefront is located on the ground floor.

Mr. Van Embden addresses the letter submitted to the Board from the Engineer hired by the applicant(s) outlining the structural details of the property. Mr. Van Embden inquires as to the capacity of persons that may be visiting the building each auction. He also inquires about parking for the customers. Mr. Flinn states that he had been working with the former Zoning Officer, Steve Desario, regarding approvals for occupancy. *Mr. Desario is no longer an employee of the Township.

An unofficial copy of a site plan was passed around to the Board for viewing as it was not submitted alongside the application. Mr. Van Embden asked Mr. Katz and Mr. Flinn to identify each structure located on the drawing. He requested the applicants to explain the issue of lighting to ensure the building and walkways would be adequately lit for customers' safety. Mr. Van Embden also asked the applicants to address the issue of parking.

Mr. Katz stated they do not have an official plan; he only has a "preliminary" plan. Mr. Van Embden explains that his failure to provide complete information makes it difficult for the Board to make an informed decision. Mr. Katz also stated that he did not provide an official survey for review. Mr. Flinn confirms that he is still operating his business without complying with UCC codes as well as Zoning approval from the Township. Mr. Van Embden states that the applicants should consult with an attorney in the future if being represented as an LLC.

Mr. Van Embden inquires as to the Conditional Uses requirements for operating a business at this location. He asks about where customers will be parking. The provided drawing is discussed regarding this issue. Measurements were not provided on drawing. Mr. Van Embden requests an official site plan and survey. He summarizes the issues needing to be addressed.

Mr. Vizzard explains the surrounding buildings are owned by John Dino. He indicates where Mr. Dino's restaurant is in relation to the applicants' property. Mr. Van Embden indicates that they will need approval from Mr. Dino for the use of his parking, if needed. Mr. Vizzard states he has spoken with the applicants personally regarding the Zoning approvals. He states the Fire Marshall has not given approval of compliance with the UCC. There's a fireproof barrier that's required to be in between the storefront and the upstairs residential units which has not been completed to date. A disagreement between Mr. Vizzard, Mr. Katz, Mr. Flinn and Ms. Cogdill ensued regarding the Construction Office's standards and procedures.

Mr. Van Embden explained that the application did not clearly indicate what was being brought forth before the Board. He states that "it's the blind leading the blinder." He further describes what should be provided by the applicants, so the Board has a clear understanding of what is being requested. He addressed the permitted uses of the property. He also reviews the lack of documentation required that was not provided. He informs Mr. Katz and Mr. Flinn that they need to contact the Construction Official to get approvals for UCC compliance.

Mr. Van Embden then requests how many bathrooms will be provided for the 30-40 customers that are expected during auction days. He also asks about trash removal and disposal. Mr. Flinn states there will be 1 bathroom and he has a personal dumpster that he will bring to transport waste from the property. Mr. Vizzard then asks for approval for the conditional use of the property. Mr. Van Embden states that the building will be within the permissible uses already in place. He then reviews the criteria on which the Board is to vote.

Mike Vizzard makes a Motion to approve the permitted use of the building. Debra Karp seconded that motion. *No vote was taken at this time.

Mike Vizzard makes motion to open discussion to the Public. Debra Karp seconded that motion. All in favor, none opposed.

Debra Hollinger states her name and is sworn in as a member of the Public. She questioned the notification of surrounding neighbors regarding the application as well as the checklist of requirements. She brought up concerns of the public not being notified appropriately as well as it being an incomplete application. Mr. Van Embden addressed her concerns and explained that the Board can approve applications with conditions, as necessary.

Mike Vizzard makes a motion to close the application discussion to the Public. Debra Karp seconded that motion. All in favor, none opposed.

The application is brought forth for voting with conditions: subject to Engineering review and compliance with Engineer recommendations. Mike Vizzard makes motion to approve application with conditions. Debra Karp seconded that motion.

Roll Call:

Joe Klaudi	Yes
Michael Vizzard	Yes
Debra Karp	Yes
Matt Wheatly	Yes
LaRae Smith	Yes

CORRESPONDENCE

- NJDEP Fresh water Wetland Letter of Interpretation
Line Verification Application
Applicant: Cybernetic Meadows, LLC
Sockwell Road
Block 204 Lot 52
Block 214 Lot 4 & p/o Lot 65

A motion was made by Debra Karp and seconded by Matt Wheatly to accept correspondence. All were in favor, none opposed.

BOARD BUSINESS

BILL LIST

APPROVE BILL LIST

A motion was made by Matt Wheatly and seconded by Debra Karp to approve the Bill List. All were in favor, none opposed.

OPEN TO PUBLIC

A Motion was made by chair president to open to public.

Mrs. Debbie Hollinger addresses the board. She is unhappy with the board and has a few choices of words. She feels the application shouldn't have been approved. She says when she was on board this wouldn't have happened. Mr. Mike Vizzard tells her there are a few opens spots if she would like to rejoin. Mr. Vizzard stated that applicants showed up at his request to he heard. Mr. Van Embden and Mr. Vizzard both stand by their decision. Mr. Nathan Van Embden explains further why this decision was made.

Mr. Joe Klaudi would like to know when the resolution is signed, would he be able to get a copy. He was told to see the board secretary she would have them for him.

A Motion was made by Mike Vizzard and Seconded by Matt Wheatly to close to the public. All were in favor, none opposed.

ADJORN MEETING

With no other business, a motion was made by Mike Vizzard and seconded by Matt Wheatly to adjourn the meeting at 7:35pm.

All were in favor, none opposed.

Stefanie Muessig
Board Secretary
Next meeting: July 26, 2023