

**JOINT LAND USE BOARD of
Woolwich Township
REGULAR BUSINESS MEETING
October 19th, 2017**

“MINUTES”

Chairman Maugeri called the meeting to order at 7:01 pm.

Adequate notice of this meeting had been provided in accordance with the Open Public Meetings Act.

Chairman Maugeri led all present in the Pledge of Allegiance.

Roll call of JLUB members present:

Matt Blake –Present, John Casella – Present, Dave Glanfield – Present, Mike Iskander – Present, John Juliano – Present , Chairman Maugeri – Present, Sue O’Donnell –Present, Deputy Mayor Rizzi – Absent, Beth Sawyer –Present, Bob Rushton – Present, Mayor Schwager – Present.

Also present: Mike Aimino – Solicitor, Tim Kernan- Planner

Next were the minutes from the Regular Meeting of October 5th, 2017. John Casella made a motion to approve the minutes as written and was seconded by Bob Rushton. All were in favor except Mayor Schwager and John Juliano who abstained.

Resolution 2017-25 regarding application No. 2017-012 of Adam Taliaferro - Granting bulk variance approval for property located at 208 Dominic’s Court, designated as block 54, lot 7.05.

John Casella made a motion to approve the resolution which was seconded by Sue O’Donnell.

Roll call was as follows:

John Casella – Yes, Sue O’Donnell – Yes, Dave Glanfield- Yes, Beth Sawyer- Yes, Chairman Maugeri- Yes.

New business: Curtis and Christine Suit – use variance, bulk variance and site plan waiver. Block 48, lot 10. 486 Monroeville Road.

Mayor Schwager recused himself.

Joan Adams introduced herself and briefly described the application. Ms. Adams is an attorney at Adams and Adams in Swedesboro who represented Curtis and Christine Suit who were asking for a ground mounted solar array to serve their residential home and greenhouse. She continued stating they are asking for a use variance to permit the array to be on the lot next to the house since that lot does not have a principal use. Ms. Adams explained they are asking for a bulk variance to allow the array to be in what is considered the front yard and also a minor site plan waiver.

Ms. Adams explained the lot is 10.03 acres and zoned R-1 where solar arrays are permitted but have to be of a certain size and placement.

Chairman Maugeri asked if both arrays are proposed to go on the 10 acre lot.

Ms. Adams responded yes, right next to each other.

Chairman Maugeri stated the house is on the lot next door; how many acres is that lot?

Ms. Adams responded she would have to look that up but in Tim Kernan's letter the total of the two lots is addressed. About 22 acres total.

Mrs. Adams introduced the three people who testified. Mr. Suit, the owner of the property, John Byerly, a representative from Green Energy and Mr. McManus, their planner.

Before moving forward Ms. Adams asked if the notices to neighbors within 200 feet of the property were in order.

The Land Use Secretary responded that everything was correct.

Ms. Adams directed to Mike Aimino that she believed they have jurisdiction to proceed.

Mike Aimino responded we do.

Mike Aimino swore in Bill McManus, Curtis Suit, and John Byerly.

Ms. Adams stated she would like put the basics on the record so the record is clear and proceeded to explain they are asking to erect two solar arrays. The board will receive testimony from the Green Energy representative that Mr. Kernan identifies them as being a combined total of 1,999 Square feet. That is actually a scrivener's error. The original application has the correct size. Ms. Adams stated they will not only testify to that, but will also send in corrected plans to make sure that is corrected.

Mike Aimino asked what the correct square footage is.

Ms. Adams responded 1,175 square feet combined.

Chairman Maugeri asked what the ordinance allows.

Ms. Adams responded 800 square feet total.

Chairman Maugeri stated we are about 300 square feet over.

Ms. Adams responded right.

Ms. Adams continued lot 10, where the array is going to go, contains a barn and some small out buildings. It is primarily used as woodland; the Suits have a forestry program that they are engaged in. They grow black walnut as well as other heritage trees on that lot. The placement of the array was chosen not to interfere with the woodland operation.

Ms. Adams invited Mr. Suit to testify. Ms. Adams started by asking Mr. Suit to give his address to the board.

Mr. Suit stated 480 Monroeville Road Woolwich Township, New Jersey.

Ms. Adams asked Mr. Suit if this is his home they are talking about. Mr. Suit responded it is our home. Mrs. Adams asked if it is their request to have the solar arrays. Mr. Suit responded it is our request. Ms. Adams asked what the purpose is for the solar arrays. Mr. Suit responded that the solar arrays meet both his and his wife's intention of becoming more green in the footprint for the activities that we do. We have been at that property for 31 years. My background is nuclear power as well as just in general, sensitive to green activities. My wife is a retired school teacher with the Swedesboro-Woolwich school system. She has worked for years with heritage plants and improving the attraction of monarch butterflies which she got into as part of the school program with kids. It became obvious to us as we perused these things that local suppliers did not provide the plants necessary. It was either go out of state or a considerable distance to get the plants necessary or to try to grow them ourselves. So we have pursued that and that is where the greenhouse affects come in.

Mrs. Adams Added also on lot 10 you have a woodland management/ forestry management program, is that correct?

Mr. Suit responded that is correct.

Mrs. Adams asked Mr. Suit to describe the kind of trees they are growing there on lot 10.

Mr. Suit explained originally it was a farm that belonged to the Sphinx family. It was cultivated and it had been cleared. Rumor has it; it was one of the first fields to produce tomatoes in the spring for the town. Since then, that property has grown up and we've been trying to return it back to its original woodland habitat. We have any number of wood peckers; wild birds. We also have wild deer, wild turkey, fox, red fox as well as various birds and animals that are indigenous to south Jersey.

Ms. Adams asked am I correct that you have planted and are managing stands of black walnut.

Mr. Suit responded I'm originally from western North Carolina. 20 years ago my father brought up some North Carolina black walnut to add to the species already in south Jersey. So we've been continuing to grow and make essentially an orchard or a forest out of those in the cultivated areas. While in the back acreage, we've maintained what's always been indigenous to South Jersey, which is Red Oak Tulip Poplar which is great for honey bees. So we have many of those species which you don't find anymore because of a lot of the agriculture that south Jersey has had for decades.

Ms. Adams stated Mr. Suit in our application, can you describe to the board the reason why we asked to place the array on the adjacent lot. Primarily it's because of the topography of the land behind your house.

Ms. Adams continued before I ask him to address that, you have sets of plans in your packets and if you look at your plans you can see the topography behind the house is a very steep drop off. Ms. Adams referred to her own plan while she explained which was marked A-1.

Ms. Adams asked Mr. Suit to now explain why they cannot put the solar array behind the house.

Mr. Suit printed pictures of his home taken that day to show that the home is set in woods and the steep slope in the backyard. The pictures were marked A-2 through A-6. Mr. Suit briefly explained each photo.

Mrs. Adams asked Mr. Suit to describe his surrounding neighbors.

Mr. Suit explained they are the last property on the east side of Woolwich Township on Monroeville Road. The next property over is South Harrison and is a 40 acre field that has cultivated soy bean for the last five or six years.

Mrs. Adams stated for the farmers who are on the board, who owns that property.

Mr. Suit responded the last name is Sailey. It is in farmland preservation.

Chairman Maugeri asked if the house is on 9.01.

Mr. Suit responded yes.

Chairman Maugeri asked so that drops off and most of the land continues behind that.

Mr. Suit responded the land in the front, up to about the house, is a slight grade from Monroeville Road to the North East.

Referring to the large plan set up on an easel, Mr. Suit explained the elevation in the front of his home.

Chairman Maugeri asked if what they are looking at is all lot 9.01.

Mr. Suit stated no, and referred to the plan on the easel to explain.

Ms. Adams referenced the plan on the easel and asked if there is vegetation in a particular area.

Mr. Suit responded there is.

Ms. Adams asked Mr. Suit to explain what is in that area.

Mr. Suit explained that whole front line, except for a 10 foot access grid which is wide enough for a service truck because we have a power line that comes to the barn; all of this front of Monroeville road, is forsythia and lilac bushes. There is also a major Oak tree, a very large Maple tree and a large Dogwood. So this whole spot except for that access is visually barricaded from the road and across the street.

Chairman Maugeri asked if knows why it is not drawn in that way.

Tim Kernan stated probably just the larger trees were shown.

Chairman Maugeri stated in Tims letter he talks about a break, is that the same break Mr. Suit is talking about.

Tim stated yes and he is satisfied with that. Probably not a break.

Matt Blake asked if the land where the solar panels are proposed is farm assessed.

Mr. Suit responded it is qualified farm.

Matt Blake asked Mr. Suit if he is aware that property is in the Townships Transfer Development Rights sending area.

Mr. Suit responded I am fully aware of that.

Matt Blake asked if Mr. Suit is intending to participate if given the opportunity in the future to sell credits and preserve the land.

Mr. Suit responded after the last auction that was held, we are considering it.

Matt Blake explained that he raised that question to make sure that the land owner is aware; because there are certain things that people may be able to obtain approval

here to do on their property that might otherwise preclude them from participating in the program.

Ms. Adams chimed in stating that the nice thing about the way we are going to install the arrays; we are following, specifically, the agricultural installation guidelines. So it is all being ground mounted with screws, there is grass underneath, it can be easily removed, there is no impervious coverage and we will testify to all that. But it is really designed to preserve the tillable agricultural aspect of the land should they choose to abandon the solar arrays.

Matt Blake stated I understand that part of that is to serve the greenhouse which you're deriving as part of your agricultural operation. Do you have intentions to expand the solar array in the future?

Mr. Suit responded the short answer to your question is no. My understanding was that the size of the array was based on past usage as registered in Atlantic City Electric's system and that's what we've been going by. So there is no intent to go above that.

Ms. Adams asked Green Energy representative John Bylerly to come up. Green Energy's address is P.O. Box 90 Louisville, PA 19351.

Ms. Adams asked Mr. Bylerly if their company is the designer of the array.

Mr. Bylerly responded we are.

Ms. Adams asked Mr. Bylerly if they will be doing the installation.

Mr. Bylerly responded yes.

Ms. Adams asked Mr. Bylerly to explain to the board the installation of the arrays.

Mr. Bylerly explained there will be two ground mounted arrays which will be screwed into the ground, we have pipe which with then have racking and nails on top.

Ms. Adams asked Mr. Bylerly what the actual size of the array is.

Mr. Bylerly responded 587 square feet per array.

Ms. Adams asked Mr. Bylerly how Green Energy came up with the size for the array.

Mr. Bylerly responded that they start out with a user report from Atlantic City Electric; Annual Homeowners User Report. And then figure out how many kilowatt hours he needs from the array.

Ms. Adams added before we came here tonight we submitted an application to the zoning officer to see if this qualified as a farmland array, and Green Energy was

approved as a fully licensed and approved energy installer and I know that is an element of your ordinance. I just wanted to make sure that Mr. Fruits reviewed that and said they were fine.

Ms. Adams continued to ask Mr. Byerly what is going to be on the ground underneath the arrays.

Mr. Byerly responded after the disturbance of building the array, it will be grass seed.

Ms. Adams asked are you aware that the Department of Agriculture actually has a particular type of grass seed they like under the arrays.

Mr. Byerly responded yes it's whatever they say.

Ms. Adams asked Mr. Byerly if they intend to follow those guidelines.

Mr. Byerly responded correct.

Ms. Adams stated a question always comes up with the installation of solar panels as to whether or not there is going to be a glare from the panels or whether or not there is going to be any impact on adjacent residents. I would like to explain the nature of this array and if that is an issue.

Mr. Byerly responded we have a 180 degree azimuth and a 25 degree tilt. There is a tool to plug in information; it gives you sun path, angle distance and everything like that. We put it on the doorstep of the neighbor across the street and there was no glare found. That is based off of a clear field. Not taking into account trees as well.

Ms. Adams added the level of vegetation on this tract would actually reduce any possibility of glare, is that correct?

Mr. Byerly responded correct.

Ms. Adams asked Tim Kernan if he would like them to submit the worksheet regarding the glare as evidence.

Tim responded not necessary.

Ms. Adams continued in terms of the placement and the position of the panels; in this particular location, which under the ordinance is considered a front yard, can you explain to the board as to why the panels are positioned there.

Mr. Byerly explained we positioned them there because it is the only spot on the property that gets sufficient sunlight to power the array. Back from the eastern side enough so the eastern property tree line does not shade the array, and far back as we can to keep as much buffer to the road.

Ms. Adams asked Mr. Byerly How tall the array is.

Mr. Byerly responded 9'6".

Ms. Adams stated less than 10 feet

Mr. Byerly responded correct.

Ms. Adams asked Mr. Byerly how much soil disturbance will happen.

Mr. Byerly responded there are going to be about 20 to 26 posts that are going to be screwed it. So it will just be that.

Ms. Adams asked so there will be no ground moving or anything like that.

Mr. Byerly responded we will just have to dig a trench from the array back to the house to tie it in.

Ms. Adams asked are the lines connecting the electrical service going to be installed underground.

Mr. Byerly responded underground, correct.

Chairman Maugeri asked what the distance is from the road to the array.

Mr. Byerly responded about 125 feet back.

Ms. Adams added we were really trying to observe the setbacks set out in your ordinance and comply with everything that we could with the exception that it is on its own lot basically, and it is in the front.

Mr. Byerly added this is the best we could come up with.

Ms. Adams asked Mr. McManus to come up and briefly qualified him by asking him to give his basic credentials.

Mr. McManus stated he is a licensed land surveyor and a licensed planner in the state of New Jersey. He has been licensed as a surveyor since 1986 and as a planner since 1987. He is a principle in the firm of Duffy Goldstein McManus and Rash and supervised the preparation of the large plans that were before the board.

Ms. Adams asked Mr. McManus where s got his education.

Mr. McManus responded he did not graduate college but worked his way up surveying and planning as well.

Ms. Adams Asked Mr. McManus if he is a licensed planner.

Mr. McManus responded he is a licensed planner.

Ms. Adams asked Mr. McManus to explain to the board the positive criteria needed to establish to justify a use variance.

Mr. McManus explained to the board that this is a use variance, or a D1 variance that really has very little to do with use. Most of the time when an application comes before the board, as you well know, is for a use that is proposed to be in a zone or district that is prohibited against those kinds of uses. That is not what we have here. These kinds of uses, solar arrays, are recognized by your municipality as being beneficial. They are scheduled in your ordinance with parameters of how to do them. They are permitted uses. So the “use” that we are proposing is not really the issue at hand with respect to the use variance, it is the location of the use. We are proposing to put this permitted use on a piece of property that doesn’t have a principal use. The topography plan that we have shows two lots, not in their entirety because lot 10 is a rather large lot. We did not show it on the plan because it is so large but we do show it on our cover sheet. Behind the house there is about 140 feet to the property line that separate lot 9.01 and lot 10. Which is all wooded property. Lot 10 does wrap around beyond that property line; there is about another 700 feet of lot 10. Lot 10 does in fact have a shed. That is the only physical structure on the property. 9.01 has the single family home, it has a garage, a garden up in front and it has a greenhouse. By virtue of the fact that lot 9.01 is fairly narrow in scope, with respect to the width of the rest of the property, it is almost a flag lot if you will. There is very little room to put the kind of array that would suit his needs on lot 9.01. We have already talked about the rear of the property; can we fit it behind? And the answer is not really. It is a heavily wooded property, a lot of trees would have to be taken down and the ravine precludes that. How about the front of the house; can we put it there? Well there is a septic system and a garage which precludes that location. And then closer to the road you have the garden. There was very little room to fit it on that property. If we could fit the solar panels on that property, lot 9.01, we wouldn’t be before this board asking for a use variance. So that is why I say that the use is not really the issue here. It is the location of the proposed panels. With respect to justifying that, why put the panels on a lot that doesn’t have a principal use, one of the tenants of planning that allows for the justification of a use variance, is particular suitability. Another one is inherently beneficial uses. We know we have inherently beneficial use. Solar energy is recognized from the top levels of the state organization, the New Jersey State Energy Master Plan encourages solar panels, the Municipal land Use Law encourages solar panels by virtue of the fact that it identifies them as inherently beneficial or uses that are of value of the community. And your own ordinance recognizes and encourages solar panels by virtue of the fact that you have an ordinance. A lot of municipalities don’t. You’ve structured by way of parameters; if you are going to put panels on your property, these are the things you need to do to be able to do that. And fortunately we can meet most of them, not all. One of the other tenants of planning that justifies a use variance is site suitability. Is this particular area on lot 10

suited for what we are proposing to do? And that is to put solar panels on it. I would contend, yes. Site suitability is back sensitive and site sensitive. The facts of the case are it is too steep to put it in the rear; there is too much stuff in the front of the house to put it in the front. We have sufficient buffer around the property. We've heard testimony from Green Energy it is heavily wooded to the rear; it is heavily wooded along the property line to the East. The nearest home to the East across that field is over 500 feet away. And we think there is sufficient buffering to the neighbor right across the street. We have already heard testimony that there is no glare at his front door. Plus since the vegetation is there we certainly think there is no impact on the neighbors so we think the facts of the case prove that this is particularly suited or fitted in the right location. We think that the positive criteria is established by virtue of those facts. With respect to the negative criteria, we don't believe that there is any substantial detriment to the public good. The only public that could be affected by this particular project is the neighbor right across the street. Mr. Suit has spoken with them and they certainly had the opportunity out come out tonight to protest and they didn't. I think with respect to substantial detriment to the public, there is none. And certainly we believe that there is not substantial impairment to the Master Plan or zoning plan, which is the other leg of the negative criteria, because your ordinance contemplates solar panels as accessory uses. It would be nice if it was on our lot. We wouldn't be in front of this board asking for the use variance. So I think we certainly meet the positive and the negative criteria.

Ms. Adams added one of the reasons why you have front yard setbacks is because you want to preserve a sense of open space, of light, of air; you don't want a residential district to feel crowded and quite frankly we have 125 feet from the front of these panels on this very large lot.

Tim Kernan briefly reviewed his letter and noted that he is satisfied after hearing testimony.

Mike Aimino stated that we should deal with the use variance first given the different standard that is involved.

John Casella made a motion to open to the public which was seconded by John Juliano. All were in favor.

With no comment from the public John Casella made a motion to close public which was seconded by John Juliano. All were in favor.

Chairman Maugeri stated that we are looking at the use only.

Mike Aimino chimed in clarifying the reason being is because the use variance requires the super majority, needing 5 affirmative votes. If that is granted we can then move on to the two bulk variances and the site plan waiver.

Matt Blake made a motion to grant the use variance which was seconded by Mike Iskander.

Roll call was as follows:

Bob Rushton – Yes, Matt Blake – Yes, John Casella – Yes, John Juliano – Yes, Sue O’Donnell – Yes, Mike Iskander – Yes, Chariman Maugeri – Yes.

Chairman Maugeri stated we are now looking at two bulk variances.

Mike Aimino stated the first one is for the array being proposed in a front yard and the second would be for the size which exceeds the 800 feet pursuant to our ordinance. We also have the issue of a site plan waiver.

John Casella made a motion to approve both variances and the site plan waiver which was seconded by Matt Blake

Roll call was as follows:

Bob Rushton – Yes, Matt Blake – Yes, John Casella – Yes, John Juliano – Yes, Sue O’Donnell – Yes, Mike Iskander – Yes, Chariman Maugeri – Yes.

Next on the agenda: Sara and Chase Bittle- use variance and site plan waiver. Block 53, lot 1. 501 Glen Echo Ave.

Ms. Adams stated she is here also representing Sara and Chase Bittle. Mr. and Mrs. Bittle are under contract to purchase block 53, lot 1 which is 501 Glen Echo Avenue. They currently occupy that building as the Dance Artistry Studio and they would like to purchase it and use the entire building for their business purpose.

Chairman Maugeri asked just for clarification for the board, this is the point corner where Alphabet Corner was?

Ms. Adams responded yes, it used to be the Masonic Temple and then it was converted to Alphabet Corner Preschool. In 1999 you approved a use variance to permit that but it has actually been a commercial use on that spot forever. In 2010 Mrs. Bittle came in to the board and was approved for a use variance to start Dance Artistry Studio. So today we are here for a use variance because we want to expand her use that she was originally approved. She was only using about 800 square feet and now she would like to use the whole building. Alphabet Corner Preschool has retired and they are no longer in business. We are here today to ask for that use variance and since we are making no changes to the exterior, we are asking for a site plan waiver.

Sara Bittle was sworn in.

Ms. Adams stated before they get started everyone has a survey for the lot and a variance plan for the lot that shows all of the buildings, all of the impervious coverage, the lighting on the site.

Ms. Adams continued the building is 3,925 square feet. The land itself is 1.58 acres although there is quite a significant county road right of way. It is already improved with an asphalt parking lot and it has a gravel parking lot. There are 19 spaces in the asphalt parking lot and 9 spaces in the gravel parking lot. It's zoned R-2. At the time that the dance studio was approved in 2010, this board made the determination as to the positive and negative criteria, and determined that the particular use, the Dance Artistry Center met both the positive criteria and the negative criteria. This is a little bit unusual; but when you are expanding a legal, nonconforming use, which is what this is, you don't have to re-prove the original variance. You just have to prove that the expansion we're proposing is going to meet the positive and the negative criteria. In 2010 when you made your determination you found the following specifically; this site is particularly suited to this particular use, including a non-residential use because of its shape; the triangular shape is odd. It also was particularly suited because it has a big masonry, commercial-like building which isn't easily adaptable to a residential use. You found specifically that it would not have an adverse impact on the surrounding area because of its configuration or the zone plan. The use would not form a new traffic pattern from what the preschool had already established; also that there had been a commercial use there for decades. You also found that educational services, such as those proved by the Dance Artistry Center, are important for the public, they benefit the residents of Woolwich and it would promote the public welfare, morals and health. Those were your findings in 2010 and I am just repeating them into the record since this board had already made all these determinations.

Ms. Adams asked Mrs. Bittle how long she has been operating at the site

Mrs. Bittle replied 7 years, this is our 8th year.

Ms. Adams asked Mrs. Bittle to describe to the board how she anticipates using the building.

Mrs. Bittle responded we just plan to expand our room so we can run more than one class at a time.

Ms. Adams asked Mrs. Bittle what her hours operation are.

Mrs. Bittle responded generally, we are 4:30 PM to 9:00 PM. Some nights we don't go all the way to 9, and some nights we start at 5. Eventually I may want to add some Mommy and Me type classes in the morning, but right now we don't have that.

Ms. Adams asked Mrs. Bittle if she has classes on Saturday or Sunday.

Mrs. Bittle replied we do. We don't have regular classes but we hold competition rehearsals and Nutcracker rehearsals.

Ms. Adams asked Mrs. Bittle what hours she would be there doing that.

Mrs. Bittle replied that varies, but generally in between 10 AM and 4 PM.

Mrs. Adams asked Mrs. Bittle since you are here asking to board to allow you to use the whole building, it is important to tell the board where you see your business going. What are the hours of operation you hope to see your business grow into?

Mrs. Bittle responded I would just like to be able to use the building for anything I want to use it for, dance related. If I want to expand during the day for the preschoolers who are home with their mom we can do that and using it on the weekends.

Ms. Adams asked Mrs. Bittle as your business grows, would you like to have regular hours of operation during the business day?

Mrs. Bittle replied I don't see us having a full day, ever.

Ms. Adams asked Mrs. Bittle do you have special activities in the summer.

Mrs. Bittle replied yes. In the summer we are off for most of it, but we do have some week long camps. For our older dancers we do intensive, so they are 5 PM to 8:30 PM. And then I do some morning camps that are 9:30 AM to 12:00 PM.

Ms. Adams asked Mrs. Bittle what her current enrollment is 164 students.

Ms. Adams asked Mrs. Bittle those students don't all come at the same time, correct?

Mrs. Bittle replied no, some come once a week for one class and they are all staggered throughout.

Ms. Adams asked Mrs. Bittle how many classes at one time would be operating in the building.

Mrs. Bittle responded the most that could possibly operate would be 4.

Ms. Adams asked Mrs. Bittle how many students per class.

Mrs. Bittle responded we try to keep it around 15.

Ms. Adams asked Mrs. Bittle how many teachers would you have when you are fully operational and how many do you have now?

Mrs. Bittle responded right now I have 8 part time employees but they only work a couple hours here, a couple hours there, so the most that could be there at a time would be 4.

Ms. Adams asked Mrs. Bittle if she has any plans to make the building any bigger.

Mrs. Bittle responded no.

Ms. Adams asked Mrs. Bittle do you have any plans to change anything on the outside of the building.

Mrs. Bittle responded no.

Ms. Adams asked Mrs. Bittle in the last 7 years that you have been there have you had any problems with parking or any complaints from the neighbors?

Mrs. Bittle responded no.

Ms. Adams asked Mrs. Bittle and your hours of operation are generally always at night time, correct?

Mrs. Bittle responded after school, yes.

Ms. Adams asked Mrs. Bittle if the site is currently lighted.

Mrs. Bittle responded yes.

Mrs. Adams stated if you look on your plans, there are box lights shown on the plans and on the buildings. And of course there are pole lights there too.

Ms. Adams asked Mrs. Bittle if that has been adequate lighting.

Mrs. Bittle responded yes.

Ms. Adams asked Mrs. Bittle if she has had any accidents or injuries due to insufficient lighting.

Mrs. Bittle responded no.

Ms. Adams asked Mrs. Bittle if she has had any complains form parents or children that they couldn't see.

Mrs. Bittle responded no.

Ms. Adams asked Mrs. Bittle if she has any intention of adding new light to the outside of the site.

Mrs. Bittle responded no.

Ms. Adams asked Mrs. Bittle if she has ever had an insufficient parking situation.

Mrs. Bittle responded no we generally try to stagger our classes and most of the parents will drop off and pick up so they are not all staying there the whole time.

Ms. Adams asked Mrs. Bittle if she has had any complaints from neighbors about the operation of the site or parking and the traffic.

Mrs. Bittle responded no.

Ms. Adams asked Mrs. Bittle if she does recitals now at the school and if she has any intention of doing recitals.

Mrs. Bittle responded no.

Mike Aimino asked how many students total and how many per class.

Mrs. Bittle responded 16 total and about 15 per class.

Chairman Maugeri asked 4 classes at a time?

Mrs. Bittle responded that is the max.

Chairman Maugeri asked if Ms. Bittle was running dance classes while Alphabet Corner was running as a daycare.

Mrs. Bittle responded yes.

Chairman Maugeri asked if she knew how many kids Alphabet Corner had in there at a time.

Mrs. Bittle responded she is not sure, we were separated.

Chairman Maugeri asked the max that you would have would be 60 in the whole building at a time in 4 separate classes; and before it was you guys plus the daycare which was fully operational.

Mrs. Bittle responded right.

John Juliano asked if she only has one class now.

Mrs. Bittle responded I have more now because she slowly backed off.

John Juliano asked but 60 kids will be the max when you're fully up and running plus a handful of staff.

Mrs. Bittle responded right.

Ms. Adams added no more than 4 teachers at any time.

Chairman Maugeri added knowing what a daycare is like dropping kids off; there could actually be a lesser impact.

Ms. Adams responded correct. If you notice, as she's slowly slowed down, there are many fewer cars in the lot now than when the daycare was really aggressive and running.

Mike Iskander asked Ms. Bittle if she anticipates any events that would cause a parking issue or a traffic issue.

Mrs. Bittle responded no we have all of our shows either at Kingsway or Rowan.

Tim Kernan reviewed his letter and raised the issue of not seeing box lighting on the plans but did notice them on google earth. Tim referred to the survey and pointed out there is a light on the utility pole on Swedesboro Franklinville Road, shining towards the parking lot, right under the deck there is another utility pole with a light, and then in the yard there is a pole with a light on it. You can see on google earth.

Tim stated he was satisfied.

Tim continued to page 4 stating I heard testimony about the hours of operation and number of students and teachers. I put the bulk requirements in there so you could get an idea of what the zone requires. The property conforms in all respects but 2, the front yard setback and the accessory building setback. Nothing has changed I am just pointing that out.

Ms. Adams added when you heard the application in 1999 and again in 2010 you actually identified those issues. In 1999 you actually granted the bulk variance and in 2010 you said we don't need to grant it again because it has already been granted.

Chairman Maugeri asked Mike Aimino if that would be the case now.

Mike Aimino stated he agrees with Ms. Adams.

Chairman Maugeri stated so we don't have the grant that again and we are still just looking at use.

Mike Aimino stated correct.

Tim continued his review and finished by stating he would support the waiver of a site plan.

Ms. Adams stated the board has already found the positive and negative criteria but wanted add that when you have an expansion of a nonconforming use in a unique

building like this; that is a commercial building that cannot easily be adapted to residential use, to deny the use of the building may be paramount to a taking. The idea would be if you leave the owner of a property without the ability to use it, it is a taking and that is an undue hardship.

Bob Rushton made a motion to open to public which was seconded by Sue O'Donnell. All were in favor.

With no comment from the public, Bob Rushton made a motion to close the meeting to the public which was seconded by Sue O'Donnell. All were in favor.

Mike Iskander made a motion to grant the use variance which was seconded by John Juliano.

Roll call was as follows:

Bob Rushton – Yes, Matt Blake – Yes, John Casella – Yes, John Juliano – Yes, Sue O'Donnell – Yes, Mike Iskander – Yes, Chariman Maugeri – Yes.

Sue O'Donnell made a motion to approve the site plan waiver which was seconded by John Casella.

Roll call was as follows:

Bob Rushton – Yes, Matt Blake – Yes, John Casella – Yes, John Juliano – Yes, Sue O'Donnell – Yes, Mike Iskander – Yes, Chariman Maugeri – Yes.

With nothing left to discuss, Mike Iskander made a motion to adjourn which was seconded by Bob Rushton. All were in favor.

The JLUB Regular Business Meeting adjourned at 8:04

Respectfully submitted,

Julie Iacovelli

Joint Land Use Secretary

Minutes not verbatim

Audio recording on file