

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
September 23, 2015**

The meeting was called to order by Chairman Lawrence Barrar at 7:35 PM. The public statement was read by the Chairman, followed by the flag salute.

ROLL CALL - CH-Chairman, VC-Vice Chairwoman, C-Council, MD-Mayors Designee, A-Alternate

Lawrence Barrar	CH	Present	Mary Martz	C	Present
Joyce Albrecht	VC	Present	Michael Moore	MD	Present
Robert Brown		Absent	Robert Mastalski	A1	Absent
Brian Carson		Present	William Kennedy	A2	Absent
John DiBartolomeo	Arrived 7:50pm	Present	VACANT	A3	
Joseph Dymond		Absent	VACANT	A4	
Robert Brandt		Present			

ALSO

David Kreck	Engineer	Present	Michael Ward	Solicitor	Present
Charles Insalaco	Zoning Off.	Absent	John Keenan, Jr.	Act. Secretary	Present

APPROVAL OF MINUTES

Correction of David Kreck's name as the Engineer was noted in the roll call section where the prior substitute Engineer's name was noted, and public portion resident spelling of last name was Cranmer. Motions were made by Brian Carson and Joyce Albrecht to approve as corrected the August 26, 2015 minutes with all members voting aye with the exception of Michael Moore and Robert Brandt abstaining since they were not present at the August 26, 2015 meeting.

At this time new member Robert Brandt was sworn in by the Chairman.

OLD BUSINESS

None.

NEW BUSINESS

SPL 15-2 Stevens International LLC, 706 N. WHP B. 6.09, L.1
 Michael McKenna, the attorney for the applicant was present. Mr. Kreck stated everything was addressed. There was one item left which related to existing Deed easements and restrictions.

Michael Bass the owner was sworn in. He stated there were no known Deed easements or restrictions that preclude the application. Mr. Kreck stated there was a checklist of items submitted as waivers and stated he was fine with the statement submitted by the owner relating to the loading, unloading and deliveries. Mr. Kreck stated at this time the application should be deemed complete based on the owner's testimony.

A motion was made by Mr. Moore, seconded by Ms. Martz to deem the application complete based on the Engineer's recommendation. All members voted aye by roll call vote.

The Solicitor Mr. Ward spoke of the use issue identified by Mr. Kreck related if there was a use variance needed for warehouse business being conducted. The type of retail on this site needs to be addressed.

The applicant's attorney Mr. McKenna read the Magnolia definition of retail. The front of the business is retail, and the rear of the property is wholesale. The son's business is retail by internet in the new space.

At this time noted Mr. DiBartolomeo arrived.

Mr. McKenna spoke of the similar use at the Auto Zone business in Magnolia. He explained the retail sale to the end user. He noted wholesale differs to the middleman to sell again. Mr. Ward spoke of the warehouse is higher traffic count with transportation of the product and concluded it is not a distribution center for wares, and we are looking to sell to end user so no worry of trucks coming in to ship to other users. Mr. Ward stated it is clearly a retail use and place for storage of retail product. If a traditional warehouse use does begin then the applicant has to come back in for an amendment.

Mr. Ward stated he believes this use is not a warehouse use. Mr. Kreck agreed it was similar to Auto Zone. Mr. Ward stated the board has to vote on use variance. Mr. McKenna repeated his thoughts reference to retail just in case Board Member Mr. DiBartolomeo could hear if he missed it.

Mr. Ward reminded the board the Mayor's designee and Councilwoman Martz could not vote on the use variance.

A motion was made by Mr. DiBartolomeo, seconded by Ms. Martz to open the meeting to the public for use variance. No one from the public spoke.

A motion was made by Mr. DiBartolomeo, seconded by Mr. Carson to close the public portion with all members voting aye.

A motion was made by Mr. DiBartolomeo, seconded by Mr. Carson to confirm there was no use variance needed. All members voted aye with Mr. Moore, the Mayor's designee, and Councilwoman Martz not voting.

The Site Plan review began.

Mr. McKenna spoke of the properties around the commercial site. He noted the internet business ran by the owner's son would be moving from Runnemede to the Magnolia location. The parking lot would be repaved, old fencing replaced, and landscaping, and the disturbance is less than 5,000 sq.ft. A letter was submitted to the board members which responded point by point to the Engineer's letter. Mr. McKenna introduced the applicant and his family and the Architect for the project. The Architect Mr. Wayne Neille was sworn in, as was the owner Michael Bass and the son Alan Bass. The owner stated they have owned the site since they bought it from Kiddie City in 1982 and has since ran the hobby business. In 1996 there was an expansion approval granted and continued to operate since then in the same manner.

The number of employees was provided. There are 3 employees operating the retail, 19 in the wholesale, and 16 in the office totaling 38. They have always had sufficient parking for the employees and customers. The owner explained how the loading dock is a total of 63 lineal feet and occasionally the truck could block the sidewalk if it was a long tractor trailer. They ship out to wholesale through UPS and FedEx Ground trucks once a day. The larger trucks could come 1-2 times a day. The trucks are not there for more than 10-15 minutes, and at the most 40 minutes if the truck is full and that only happens about once a month. There have been no problems with the truck deliveries and unloading in the life of the business.

The new business is called MegaHobby.com which has operated 2-3 years in Runnemede. It is strictly an internet retail. It was noted the owner did authorize the attorney Mr. McKenna to respond in writing to the board. There has also been no parking issues in the past.

The review of the stormwater management was noted as below the disturbance for such a report. A request was discussed related to a waiver for the rain garden due to the cost and maintenance. It was agreed the applicant would work with Mr. Kreck to reduce parking spaces which will reduce run off on the site.

Alan Bass stated he acquired the internet business and their website is their showroom. There are no wholesale customers. He stated he uses all his 10,000 sq. ft. of space in the Runnemedede location. He confirmed all 7 employees would be coming from Runnemedede location to the Magnolia location. He uses UPS, FedEx and USPS and the same trucks as the AAA business. He did note he only has a large truck delivery 1-2 times a year. Mr. McKenna confirmed with Alan Bass there was no signage for the internet business proposed other than a sign on the one door in the rear of the site. Alan Bass confirmed the hours of his business are Mondays through Fridays, 8am to 3pm. There is only one shift no other shifts.

The Architect was qualified as an expert and explained the new addition to the building was 10,287 sq. ft. in the rear connected to the existing building with a 2 hour fire rated wall with a new loading dock and the floor elevation was 3 feet. The larger portion of the new building sits where the existing paving is located. He spoke about the double row of red cedar and the 6 foot high black chain link fence along the edge of the property and in from the sidewalk 4-7 feet. There were 2 ADA parking spaces and an ADA ramp. The old loading dock will be remaining in place. He pointed out two entrances, one on each side of the building which would only be used by employees. There are no customers.

Flooding was discussed on the adjacent street. The Board Chairman stated he has never noticed any flooding on the streets living nearby.

The waiver was for the rain garden, shade trees in the parking, and sidewalk along the driveway and a variance for parking.

Brian Carson inquired about Knox box for the emergency responders. Mr. Ward confirmed there was no basement for the new building.

A motion was made by Mr. DiBartolomeo, seconded by Mr. Carson to open the meeting to the public with all members voting aye.

No one from the public spoke.

A motion was made by Mr. DiBartolomeo, seconded by Councilwoman Martz to close the public portion with all members voting aye.

A motion was made by Mr. DiBartolomeo, seconded by Mr. Carson to approve the Preliminary Site Plan. It was agreed all the applicant was asked for will be included for Final Site Plan presentation subject to conditions agreed by the applicant. All members voted aye by roll call vote.

Mr. Kreck deferred the variances to the Final Site Plan. Mr. Kreck stated he was agreeable to no trees in the parking lot, and agreeable without the rain garden.

VAR 15-1 Daniel Mark Properties LLC 104 Evesham Avenue B. 1.04, L. 1

Use variance to allow the conversion of one (1) commercial unit on the property to be an additional residential unit. The property has currently four (4) residential units, and the proposed conversion would total five (5).

The applicant Mr. Young was sworn in. He confirmed he purchased 104 Evesham Avenue with 4 residential units and 1 commercial unit which unit faces Warwick Road, and also purchased 108 Evesham Avenue which has 5 units. He spoke about converting the old commercial space to a better use and reduce the parking need related to commercial use since residential use is less. He noted it would be better for the neighborhood since the task of renting the commercial space would be difficult. He did state if the commercial space was occupied, their customers would possibly flow over to parking on other adjacent sites like Wawa. He stated his intent is to rent the units and not to sell.

The 12 page application was labeled A-1.

A-2 is the survey supplied by the applicant which was of the subject and the property next to it at 108 Evesham.

Mr. Ward confirmed with the applicant there were 8 spaces located on 104 Evesham and 8 spaces located at 108 Evesham, with one space from 104 encroaching onto 108. Mr. Ward inquired if there were any prohibitions that would prevent cross use of the lots. Mr. Young stated he was aware of none.

When reviewing any options for more parking spaces, the applicant stated the only option would be to close one of the driveways, but added it did not seem like a good idea. Mr. Ward inquired about any easements between Lot 1 and Lot 2, and the applicant responded he was not aware of any.

Mr. Ward inquired if the driveway for 108 had two way traffic. The applicant responded the driveway was not wide enough for two way traffic, but is not restricted to for one way traffic.

The applicant explained it was a benefit to be able to purchase both properties within two weeks of each other in a short sale with two different banks. He did confirm 108 had condo units, but he has spoken to his attorney and are working to dissolve the association. Mr. Ward confirmed with the owner his desire to create cross easements.

The areas for each site for trash containers was pointed out on the survey. The applicant stated each unit will have their own trash container. The applicant did confirm there was a vinyl fence from the building to the corner of the property along Warwick Road.

The applicant provided a picture of the rear parking area taken from Warwick Road and this was labled A-3.

The owner explained how the units would be renovated and his screening process for tenants and has no tolerance for bad tenants.

He explained the commercial space had frontage on Evesham and wrapped around to Warwick Road. He confirmed the concrete out front of the building at 104 would be removed as would the door facing Evesham on 104.

It was confirmed the Mayor's Designee Mr. Moore and Councilwoman Martz could not participate in the use variance section.

Mr. Kreck went over his review letter which included the comparison for commercial vs. residential parking requirements. He spoke about controlling traffic direction on the driveways. Lot 2 should be in, and Lot 1 would be out. All agreed. Mr. Ward recommended cross access easements be created which would be beneficial for future selling and they would run with the property.

Noted there was no public present.

There was discussion related to how commercial unit adjacent to a residential unit could cause issues with the residential tenant complaining of noise and disturbance. Mr. Kreck added how commercial customers coming into the site could be difficult since they would not be familiar with the parking arrangement.

Mr. Ward stated pavement markings would be required to help direct traffic and signage added too.

It was noted moving the use from commercial to residential is less intense use, and better traffic movements.

It was concluded there would be cross access, cross parking, directional signage, with driveway at Lot 2 as inward movement, and driveway at Lot 1 as outward movement, also add no not enter signage on driveways, one way signs, and restripe the parking stalls for 9'x18' stalls, and the ADA stall would be determined by the construction official.

A motion was made by Mr. DiBartolomeo, seconded by Mr. Carson to approve the use variance with all members voting aye by roll call vote. Mr. Moore and Councilwoman Martz did not vote.

A motion was made by Mr. DiBartolomeo, seconded by Mr. Carson to adjourn the meeting with all members voting aye.



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