

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
October 22, 2014**

The meeting was called to order by the Chairman at 7:30 pm.

Flag salute.

The secretary took roll call.

Present

Lawrence Barrar
Joyce Albrecht
Robert Brown
Brian Carson
John DiBartolomeo (Late 7:33 pm)
Joseph Dymond
Mary Martz
Michael Moore
Robert Mastalski (acted as member due to Richard Krause being absent)
William Kennedy Alt 2
William Couse Alt 3
David Kreck
Michael Ward
John Keenan, Jr.

Absent

Richard Krause
Denise O'Kane
Mark Z.

A motion was made by Robert Brown, seconded by Brian Carson to approve the September 24, 2014 minutes with all members voting aye.

Old Business

David Kreck, Engineer stated an item on the approved Magnolia Gulf/Sunoco plan was brought to his attention a few weeks ago regarding the trash enclosure. There was now a lack of proper access to the planned enclosure. He reviewed the site change and is asking the Board to approve the change administratively the trash enclosure location which conforms to the borough code and is only moving it a few feet. Revised plans have been submitted. A motion was made by Brian Carson, seconded by Councilwoman Martz to approve the change recommended by the Engineer regarding the moving of the trash enclosure. All members voted aye.

Member John DiBartolomeo is so noted as present for the meeting.

New Business

The resolution 2014-09 for David Roche' from 412 South Cumberland Avenue, Block 3.08, and Lot 24 was provided by the Solicitor and passed out by the Secretary to all members for review. A motion was made by John DiBartolomeo, seconded by Robert Brown to approve the resolution. All members voted aye by roll call vote.

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
OCTOBER 22, 2014
PAGE 2**

VAR14-01 by Charles Insalaco for Crestview Avenue, Blocks 6.01/6.02, Lots 31, 32, 33, 34, 35. The Chairman Mr. Barrar read the letter dated October 21, 2014 from the applicant stating he was withdrawing his application. The Chairman stated no further action needs to take place.

The Chairman then read a letter from Scannell Urban Renewal Magnolia, LLX regarding the FedEx site. The letter was from their attorney dated October 21, 2014 requesting to continue their application at the next Planning Board meeting on November 19, 2014. It confirmed in the letter the applicant had made proper notice and requested they not have to provide notice again. A motion was made by John DiBartolomeo, seconded by Robert Brown to continue the application at the November 19, 2014 meeting. All members voted aye.

The Solicitor provided at this time a verbal notice that the applicant has provided proper notice and there would be no further notice by this applicant. He stated the application will be continued at the November 19, 2014 meeting.

A motion was made by John DiBartolomeo, seconded by Councilwoman Martz to open the meeting to the public. All members voted aye.

Open Public

Alex Esposito of 407 W. Brooke Avenue began to speak and at the same time held a laptop computer which was playing some disturbing audio noise. He wanted to continue to address the board while this audio continued to play. The Solicitor instructed Mr. Esposito to stop playing the audio since it was not allowing for a clear recording of the Planning Board meeting. Mr. Esposito stopped the audio from playing.

Mr. Esposito spoke about the FedEx. He expressed concern of some residents not getting notice for the FedEx application. The Solicitor explained the process of how the tax assessor provides a list of property owners within 200 feet of the property. The Solicitor did confirm the notice to each person on the list was checked and confirmed. Mr. Ward continued to explain how those noticed can come to the meeting tonight and how a continuance can be made by law and all who could not make it can now come to the meeting on November 19, 2014. Mr. Ward did explain it may not make the agenda for the November meeting and may request another continuance. This he stated was a courtesy the board likes to allow.

Mr. Esposito explained the sound which he said was from vehicles at the FedEx site. The Chairman explained this information you are submitting can not be discussed and no testimony would be taken this evening. Mr. Esposito expressed some residents attending tonight may not be able to make the next meeting and wanted to have their opinions stated now. The Solicitor advised Mr. Esposito to give factual information the applicant has to be present.

Mr. Esposito explained in May of 2008 when the FedEx site was really up and running is when the back up alarms started coming from the FedEx facility. He stated he can not enjoy the outside or inside of his home because he can hear this noise and he lives beyond 200 feet from the facility. He asked if anything can be done to compel the applicant to notice beyond the 200 feet distance. The Solicitor stated there have been issues in the past with Scannell and they have been able to correct the issues. The Solicitor recommended to Mr. Esposito that he contact Scannell with his concerns. Mr. Ward said the board is very responsive to issues impacting the quality of life.

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
OCTOBER 22, 2014
PAGE 3**

Mr. Esposito submitted a petition which he stated had 75 signatures and expressed how hard it is to get people to come out to a meeting. The Solicitor spoke highly of the Planning Board and their years of service and looking out for the residents. He further confirmed petitions are not legal for the Planning Board since all signers have to be present to be questioned.

Mr. DiBartolomeo stated back up alarms are required. Mr. Esposito stated he has spoke to OSHA and NJDOT and they are required but they allow a flashing amber light to be used in place of the alarm in this type of facility. He added there were other vehicles at the Barrington Complex using the same alarms. He said he spoke to the supervisor at FedEx and the supervisor responded he did not think it was their facility vehicles.

Mr. Morabito, resident from 604 N. Walnut Ave., stated he was not aware of the issue at FedEx but will review it for the next meeting. He then spoke of Mr. Insalaco application. He inquired of Mr. Keenan, Borough Clerk filling in for the Board Secretary, about the previous sale from the borough to Mr. Insalaco. The Clerk explained the borough reviewed property they owned and decided to sell these building lots to gain revenue. The Solicitor also confirmed many towns did the same process and it also allows property back to the tax books. He also inquired if the wooded area was part of the FedEx parcel the recreation center sits on. Mr. Keenan responded the wooded area had nothing to do with the FedEx parcel.

Joe Walters of 302 W. Brooke Avenue inquired about the wall FedEx installed to keep the sound down. Mr. Ward agreed there were studies which showed the wall was the answer. Mr. Walters works for a similar facility at USPS and none of the trucks there make that noise.

Mr. Esposito spoke of the sound that comes from the cab when it backs into the trailer in order to hitch to it and said the vibrations are intense. He questioned the board engineer about this which the engineer was not able to answer.

Mr. Esposito asked a question to Mr. Keenan the Borough Clerk, but the Solicitor told Mr. Esposito he was not going to grill Mr. Keenan and to go through the proper OPRA request if he was seeking information.

Mrs. Weinstein of Walnut Avenue inquired about future notice from the application for Crestview Avenue. The Solicitor responded if there were no variances required for the single family homes on Crestview there would be no notice.

Brent Dunaway from 520 N. Walnut Avenue inquired if the applicant could resubmit his application. The Solicitor responded since the application was not heard he could but he would have to re-notice again.

Mr. Pospisil from 600 N. Walnut Avenue inquired about a telegraph pole he thinks maybe in the paper street. The Solicitor responded it may be possible.

Mr. Morabito inquired if the borough was responsible for maintenance on the lots. The Solicitor responded as long as it is kept as natural ground the borough or owner was not obligated to do it. If the owner developed and cultivated the land, the rules would be different. There also would be no liability on the owner if someone got hurt on the property.

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
OCTOBER 24, 2014
PAGE 4**

Brent Dunaway from 520 N. Walnut Avenue inquired about the town paying for the street when it would be constructed for Crestview Avenue. The Solicitor responded the trees would come down, bonding would be in place and the borough engineer would be involved, all paid by the builder not the borough.

A motion was made by Mr. DiBartolomeo, seconded by Mr. Brown to close the public portion. All members voted aye.

Correspondence

The Chairman stated that the New Jersey Planner Newsletter was provided to all members this evening.

The Engineer requested the Council raise the fee for use variances to \$1000.

The Engineer stated that the Zoning Officer contacted him about the SJ Behavioral site, where they have modified the approved plan when the building was installed wrong. The entrance is now to the street and not the yard as the plan represented. There would be no certificate of occupancy provided. They would be required to correct it or come back to the board for an amended site plan application.

A board member inquired about the old Auto Zone property. Councilwoman Martz explained it was bought by the owner of Komfort and Kare medical supply business for their new location.

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

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