

Meeting Minutes April 17, 2024
Joint Land Use Board
Town of Hammonton

The special meeting of the Hammonton Joint Land Use Board was called to order this day by Chairman Olivo in the Council Chambers at approximately 7 P.M. with the announcements of the Sunshine Laws and fire exit procedure. The Pledge of Allegiance was recited.

<u>PRESENT:</u>	<u>ABSENT:</u>	<u>ALSO PRESENT:</u>
Jonathan Baske		Joe McGroary, Esq
Ralph Capaccio		Mark Hermann, Eng
Ray Scipione		
Philip Barbagallo		Stuart Wiser, Planner
Councilman Oliva		Shelly DiChurch, Secretary
Michael Messina		
Michael Hozik		
Ed Wuillermin		
Chairman Olivo		
James Matro		
Jonathan Baske		
Chris Kalani		

“Chairman Olivo opened the special meeting addressing the Pinto application, as the applicant was present for the meeting and thought their case was to be heard and was not so a motion to postpone the case until the May 15, 2024 agenda was made by Councilman Oliva and seconded by Michael Hozik, motion carried with all “Yes” votes. Joe McGroarty swore in Frank Rizzotte (the applicant). Frank Rizzotte stated that he was seeking approval for a curb and sidewalk waiver for a home he was building on 61 S. Myrtle St. Frank Rizzotte stated that installing curb and sidewalk would cause drainage issues. Mark Hermann stated that this applicant was correct and installing curb and sidewalk would cause drainage issues and would cause determinate therefore he had no objections. Joe McGroarty stated that this location is in the AP zone and that it is not an area identified to need curb and sidewalk. Mark Hermann stated that if the Town decided to install curb and sidewalk in this area the applicant would be responsible to then install curb and sidewalk. Chairman Olivo opened the meeting up to the public, no one came forward, public portion closed. Joe McGroarty stated a motion was needed for the curb and sidewalk waiver, James Matro made a motion that was seconded by Ray Scipione, motion carried with all “Yes” votes except Chris Kalani and Philip Barbagallo who did not vote. Chairman Olivo stated the next applicant to be heard would be Spark Car Wash. Councilman Oliva and Ed Wuillermin excused themselves due to Spark being a zoning board vote. Cheryllyn Walters introduced herself as the attorney representing Spark Car Wash. Cheryllyn stated that she is a partner with Nehmad Davis & Goldstein. Ms. Walters continued to state that the applicant was applying for a minor subdivision for a

small lot line adjustment and D variance relief for the building height and car wash use. Cherylln stated that she would be providing testimony to the interpretation of the ordinance which permits local service in the GW2 zone and that a car wash should be considered a local service use. Cherylln stated that the car wash will be in a pad commerce building type and that local service in a pad commerce building type is permitted. Joe McGroarty swore in Matt Canale representing Spark Car Wash as he is the director of real estate for Spark. Mr. Canale described the area as well suited for a car wash as the surrounding uses are also commercial and a good location for the community as well as the business. Mr. Canale stated that the location plays heavily with the business as they have a membership program. Mr. Canale continued to state that the vast members of the car wash usually live within 5 miles. Chairman Olivo questioned if Spark was a franchise. Mr. Canale stated that it was not and is privately owned and operated. Joe McGroarty swore in John Corak. Mr. Corak introduced himself as a NJ licensed professional engineer and the board accepted him as an expert witness in the area of traffic engineer. Mr. Corak stated that this was a good area for the membership base of the car wash due to being on White Horse Pike in a commercial area and geared to Hammonton residents and those in close proximity. Stuart Wisner spoke in reference to the car wash being considered a local service and stated that he did not believe a car wash a local service. Mr. Wisner stated that the examples given in the ordinance were hair shops, photo, retail ect. And in his opinion a car wash is not similar to those examples provided. Mr. Wisner also stated that a car wash is permitted in the HB zone. Ms. Walters stated that this is a form based code that is not defined for a car wash. Joe McGroarty stated that in the event of an appeal his opinion was that a judge would favor a car wash being considered a local service. Joe McGroarty swore in John McDonough. Mr. McDonough stated that he is a NJ licensed planner for 35 years and the board acknowledged him as an expert witness. Mr. McDonough stated that a car wash in his opinion was a personal service. Joe McGroarty stated a motion was needed for the requirement of a D variance to be voted on. Michael Hozik made a motion that was seconded by James Matro, motion carried with all "Yes" votes from: James Matro, Ray Scipione, Ralph Capaccio, Michale Messina, Michael Hozik, Jonathan Baske and Chairman Olivo, therefore a D variance was required and the Car Wash was not recognized as a local service to the Board. Cherylln Walters then discussed the need for a D variance for the height of the building and she did not see the need as the building is a single story and our ordinance states the max height of the first story 35 feet. Joe McGroarty swore in Oliver Young. Mr. Young stated that he was a licensed NJ architect for 25 years and the board accepted him as an expert witness. Mr. Young stated that he was the architect for Spark Car Wash and stated that the majority of the Spark building was below the 35 feet requirement. Mr. Young stated that there was a tower element that was not a second floor nor would there be access of any kind to a second story. Chairman Olivo opened the meeting up to the public no one came forward, public portion closed. Stuart Wisner stated that this was an example of the ordinance being inconsistent and this was the board's decision if this would need a variance or the height would be accepted. Joe McGroarty stated that a motion was needed if the height met the ordinance requirement of 35 feet; Michael Hozik made a motion that was seconded by Ray Scipione. Motion carried with all "Yes" votes from the following: James Matro, Ray Scipione, Ralph Capaccio, Michale Messina, Michael Hozik, Jonathan Baske and Chairman Olivo, therefore a D variance was not needed for the height of the building.

Mr. Canale discussed the Spark and stated that the hours of operation will be 8A.M to 8P.M 7 days a week and that there will be 10-12 employees which 3-4 will be on site regularly. Mr. Canale stated that the employees are always very friendly and there to help the customers. Mr. Canale stated that there will be a pay station and a small office for the employees. Mr. Canale stated that this business is eco friendly and 75% of the water is reused, the cleaning agent used is biodegradable and non hazardous (kitchen grade). Mr. Canale stated that they will have a trash enclosure with 2 dumpsters (one for trash and one for recycling) which will be emptied once a week and more as needed. Ray Scipione questioned if there would be freezing in the winter and Mr. Canale advised that there is radiant heat to prevent this. Joe McGroarty swore in Paul Mutch. Mr. Mutch stated that was a site civil engineer licensed in NJ working with Spark and the board excepted him as an expert witness. Mr. Mutch explained with exhibits the site as it appears today and what was being proposed. Mr. Mutch described the site in the condition now as dilapidated with one single building on the lot used as a car repair shop which no changes were being proposed for that business/building. Mr. Mutch stated that the existing building on the lot next to this repair building will be demolished for the Spark Car Wash and there will be no retail area only a small office for the employees. Mr. Mutch stated that there will only be one entrance to Spark off Broadway as recommended by the state to have the entrance further from the Pike. Mr. Mutch stated the landscaping design will much improve the site as the buffers proposed will make this a much greener site. Mr. Mutch stated that the site can handle 30 vehicles without extending into the highway but do not expect this volume during peak hours or regular. Mr. Mutch stated that the site has an emergency lane which allows for a simple turn to be made no backing up. Mr. Mutch stated that there will be 19 vacuum stations and 5 employee parking spaces as well as a required EV space but can store 35 vehicles on the premises. Mr. Mutch stated that the landscaping was going to be a feature to stand out with the planting of 9 trees, shrubs, grass and shrubbery. Mr. Mutch stated that they will be in compliance with Pinelands for the storm water management and that the Pinelands letter received was in support of the Sparks plan. Mr. Mutch stated the lighting will be LED and turns off 1 hour after closing. John McDonough stated the positive and negative criteria for the variance and stated that this site will promote the general welfare of the town, promote safety and financial benefit, provide a visual appeal as the area will be renovated and did not see any detriment and the site will flow safely and no traffic impact negatively. It was also stated that relief for 5 signs was needed. Mark Hermann stated that the comments in the ARH report had been addressed and he was satisfied with the testimony to such. Stuart Wiser stated that the sign above the roofline would need approvals due to the ordinance that states no sign above roof line is permitted. Joe McGroarty stated that a motion was needed for the Site Plan, Michael Hozik made the motion that was seconded by Ray Scipione, motion carried with all "yes" votes from James Matro, Ray Scipione, Ralph Capaccio, Michale Messina, Michael Hozik, Jonathan Baske and Chairman Olivo. Joe McGroarty then stated a motion was needed for the various C variances needed, minor subdivision, D variance and sign relief with all the conditions listed in the ARH report, Michael Hozik made a motion that was seconded by Ray Scipione, motion carried with all "yes" votes from James Matro, Ray Scipione, Ralph Capaccio, Michale Messina, Michael Hozik, Jonathan Baske and Chairman Olivo.

GENERAL BUSSINESS

The next meeting will be in person on May 1, 2024 at the Town of Hammonton, 100 Central Ave on the 1st floor in the Courtroom.

ADJOURNMENT

Respectfully submitted this day of Thursday April 18, 2024 by

Shelly DiChurch