

Shamong Township
September 25, 2007

A regular meeting of the Planning Board of Shamong Township was held on the above date at the Municipal Building.

Members present were:

Charles Burgin
Richard Giberson
Lynn Heinold
Michael Moss

Timothy VanCuren
Gary Vinciguerra
Kevin Wise

Also present were David Frank, Esq., and Richard Luna, Professional Engineer.

The meeting was called to order by the Chairman, Mr. Vinciguerra, at 8:05 P.M.

The Secretary stated that notice of this meeting had been published in The Central Record, and notification had also been sent to the Burlington County Times in accordance with the Open Public Meetings Law.

All joined in the Pledge of Allegiance to the flag.

On motion of Mr. Giberson, seconded by Mr. Moss, the minutes of the meeting of August 28, 2007, were approved as submitted. Voice vote showed all members present voting yes.

The Board then took up a minor subdivision application for Lawrence Valenzano and Francis Fisher, Block 18, Lot 9. Both applicants were present. The Secretary read a portion of a Certificate of Filing dated June 13, 2007, from the Pinelands Commission to Lawrence Valenzano concerning this application. This letter noted that PDCs for two dwelling units on the lot have been reserved for the right to develop. The letter also contained a paragraph that the Pinelands Commission is requiring be shown on an approved plat that will be filed with the County Clerk or deeds. The Secretary also read from a County Planning Board letter to Mr. Valenzano dated August 14, 2007. At this time, Mr. Frank swore in Mr. Valenzano and Mr. Luna, and on motion of Mr. Heinold, seconded by Mr. VanCuren, it was moved that David Frank, Esq. be appointed Conflict Attorney to handle the Valenzano/Fisher application. All members present were in favor. Mr. Valenzano responded to the Commission's letter, saying that the driveway shown on the plat is not a real driveway but an area that the farmers have used around the boundary of the tract, and he has asked his engineer to remove it from the plat. Mr. Luna then reviewed the Planning Board Engineer's letter of August 14, 2007. The letter outlined three items that were not included in the submission: building setback lines, flood hazard area/flood plain, and percolation data. There is no Federal Flood Plan information available for this lot and there is no proposed development; therefore, no need for percolation data and building setback lines. Mr. Luna advised the Board that as far as he

was concerned, the Board could waive these three items providing that a bulk table is shown on the plat. On motion of Mr. Heinold, seconded by Mr. Giberson, it was moved that these three items be waived and that a bulk table be shown on the plan. All members present were in favor. The application was then deemed to be complete. Mr. Burgin asked about the septic system that appears to be for a house on an adjoining property that is shown on the property in question. Mr. Valenzano said this is a system for handling water from a washer and is being addressed. Mr. Frank said that it would appear that this is a permissive encroachment. Mr. Frank noted that if this is to be filed by deed, the Pinelands will need to approve the language that they will require, and Mr. Valenzano said his engineer would include a bulk table on the plan. Mrs. Valenzano said that they are only requesting a subdivision and did not seek development approval from the Pinelands Commission because the Commission is requiring a farm plan from the person who will live in the home that will be built on each lot. On motion of Mr. Giberson, seconded by Mr. Wise, it was moved that this minor subdivision be approved, noting that there is a permissive encroachment of a septic system on the lot, that the plat and deeds must include a paragraph requested by the Pinelands Commission, that the driveway shown on the plat be removed from the plat, and that it is subject to approval by all other agencies having jurisdiction. A roll call vote showed all members present voting yes.

The Secretary read a letter dated September 21, 2007, from Niall O'Brien, Esq. concerning a subdivision for Robert A. Foulks, Sr., Block 17, Lot 11/33. This was a follow up to his letter of August 23, 2007. In this letter, he included additional information, stating the reasons why he felt the proposed subdivision was for agricultural purposes and therefore excepted it from the Municipal Land Use Law under N.J.S.A.40:55D-7(1). There then followed a lengthy discussion including reading by Mr. Frank of the Land Use Law and Cox. The Secretary informed the other members of the Board that he had discussed this matter earlier in the day with Peter Lange, Esq. who had prepared a draft resolution stating that the Board finds this subdivision to be for agricultural purposes. The Board had a concern about access to Mr. Foulk's home, especially for emergency vehicles. However, finding that the subdivision was exempt from the Planning Board's authority they could take no other action than to voice their concern. The Board also believed that this subdivision is not a variance under "D-36." The Board reviewed the draft resolution and added the following to be added after the "Now therefore be it resolved" paragraph: "The Board has a concern about adequate and maintained access for emergency vehicles to the Foulk's house and existing structures. The Board finds that this is not a variance under D-36." On motion of Mr. Heinold, seconded by Mr. Wise, it was moved that the resolution be adopted. A roll call vote showed Burgin, Giberson, Heinold, VanCuren, Vinciguerra and Wise voting yes. Mr. Moss said that it has not been proven to his satisfaction that this is a subdivision for agricultural purposes.

The Secretary informed the other members of the Board that Oakshade, L.L.C. is anticipating having an application for revised preliminary approval and final major subdivision approval in October.

The Secretary distributed "Proposed Ordinance Language Regarding New Development - August 2007." He said that the Township Administrator had asked for the Board's comments on this ordinance. The Board reviewed the language and noted that multi-family dwellings are not a permitted use in any zone of the Township, the Township has never had a major subdivision of fifty or more homes, but from time to time there have been some site plans for approval for commercial or industrial development. Paragraph B is a policy to be decided to be decided by the governing body. Because of the limited application of this ordinance to the Township, the Board feels that this ordinance should be held for when there are other additions or changes to be made to the Township's Land Use Ordinance.

The Secretary read a Certificate of Filing dated August 28, 2007, from the Commission to Anthony B. Valenzano concerning Block 23.01, Lot 2.01.

The Secretary informed the other members of the Board that immediately following the August meeting where the Planning Board had adopted the Stormwater Plan for the Master Plan, copies were sent to the Burlington County Planning Board and to the Pinelands Commission. He has a copy of a September 10, 2007, letter from the Commission to Barbara Valenzano, Deputy Municipal Clerk, noting that they have received the Stormwater Management Plan and the Township ordinance for handling stormwater. The letter had some comments on the ordinance. There were no comments about the Stormwater Management Plan.

The Secretary read a Certificate of Filing dated August 29, 2007, from the Committee to Eugene Haas in reference to Block 10, Lot 25.

The Secretary read a Certificate of Filing dated September 18, 2007, to Lawrence and Barbara Valenzano from the Commission in reference to Block 19.01, Lots 33.01 and 33.02.

The Secretary noted that official notice had been received from the Pinelands Commission that they would conduct a public hearing on Washington Township's Stormwater Management Plan and ordinance on Wednesday, September 26, 2007, at 9:30 A.M., and Tabernacle Township's ordinance and plan at the same time.

Mr. Vinciguerra was then prepared to open the meeting to the public. However, there were no members of the public present.

There being no further business, the meeting was adjourned.

L. E. Heinold
Secretary