

Shamong Township
June 17, 2008

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

Members present were:

Noni Bookbinder Bell	James Sweet
Charles Burgin	Kevin Wise
Richard Giberson	George Young
Lynn Heinold	

Also present was Peter C. Lange, Jr., Esq., Solicitor.

The meeting was called to order by Acting Chairman, Kevin Wise, at 8:00 P.M.

The Secretary stated that this meeting had been properly advertised 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.

The minutes of the meeting of May 20, 2008, were approved after adding that James Sweet was in attendance.

Mr. Giberson arrived and as Vice Chairman, chaired the meeting.

The Board reviewed a Resolution of Memorialization for Gene Haas, Block 10, Lot 25. Mr. Giberson did not participate. On motion of Mr. Heinold, seconded by Mr. Burgin, it was moved that the resolution be adopted. All members present were in favor except Mr. Giberson who did not participate and Mr. Young who abstained because he was absent for the April 15, 2008, meeting when the application was heard.

The Board then reviewed a Resolution of Memorialization for Cellco Partnership d/b/a/ Verizon Wireless and AT&T Mobility. In response to a question from Mr. Wise, Mr. Lange said he would need to add a provision that the applicant would deposit with the Township \$5,000.00 for the purpose of removing the equipment when and if it is no longer used and the applicant fails to remove the equipment. With this addition, the resolution was approved on motion of Mr. Heinold, seconded by Mr. Burgin. All members present were in favor except Mr. Giberson who abstained since he was absent on May 20, 2008.

Mrs. Valerie McClain and her attorney, Patrick McAndrew, appeared before the Board to obtain a Certification of Non-Conforming Use Status for a landscaping business and part-time seasonal residence for Block 31, Lots 1 and 1A. Mr. McAndrew and Mrs. McClain

explained that the property is now zoned AP and that Mrs. McClain's parents, through a corporation, have owned the property since 1975 and have used the building and grounds for a landscaping and contracting business and at times for a residence for family and employees and that they never abandoned these uses. Mrs. McClain was sworn in at this time and stated her previous testimony was the truth. The present zoning came into effect as a result of the 1980 Pinelands Act and the 1989 re-zoning of the Township to comply with the Act. Mrs. McClain said they have a fenced-in yard used for equipment and material and a garage portion of the building used as an office and to store equipment. During the peak time of the business, her parents would stay in a trailer on the premises and at times employees would stay in the building overnight. She said around 2000, her parents started to live in the building full time. Mrs. McClain plans on resuming the landscaping business from the property and they have numerous pieces of landscaping equipment and material on site. In response to a question from Mr. Burgin about seasonal residential use, Mr. Lange said the certification requested is for the continuation of the landscaping business and seasonal residential use as a part-time residence. Mr. McAndrew said they are not requesting any expansion in use. Mrs. McClain said her parents are now in Alabama where they have purchased a retirement home. She also stated there are no underground tanks on the property and the only changes they will make will be cosmetic changes to the building such as paint, new windows, and possibly a new heating system. The meeting was then opened to the public at which time, Mr. Roy Knight asked if the residential portion of the building met the minimum requirements of the Township, and Mr. Heinold explained that the Township does not have any minimum square footage requirements and that inadequate square footage for residential use is determined by the Board of Health based on the number of occupants. Mr. Knight then asked how many people would be residing there at any time, and Mrs. McClain said that it would be her immediate family, a total of three people. Mr. Knight stated that he felt the property was a commercial property and not suitable for residential use. Mr. Lange stated that the role of the Board is to determine the use of the property before 1980 and whether it was abandoned as defined by Land Use Law and case law. Mrs. Bookbinder Bell asked what the purpose of getting a certification was, and Mr. Lange explained it was to create an official record that a property has a permitted use because it existed at the time of rezoning. In response to a question, Mrs. McClain said that the camper trailer is no longer at the property, but her parents have lived there full time since 2000, but they are not asking for full-time residential certification. For the record, Mr. Lange noted at this time that proper notification and publication of the hearing had been given. Mr. Knight stated that in his many years of traveling Route 206 he observed long periods of time when no one was living in the building. Mrs. McClain said she has electric bills and other documentation that would show that in the height of the landscaping season portions of the building were used for residential use and that some winters the building wasn't used. She also said her parents have filed all corporate and personal taxes using the address of the building. On motion of Mr. Heinold, seconded by Mr. Burgin, it was moved to issue a Certification of Non-Conforming Use Status for a landscaping and seasonal part-time residential use, the residential use accessory to a main residence at another location and that the residential use be limited to a maximum of three people and the people being the owners of the business and/or their

immediate family. A roll call vote showed all members present voting yes, except Mr. Giberson who did not participate during the hearing and abstained from voting.

The Secretary read from a Notice of Public Hearing for the Tabernacle Township joint Land Use Board concerning a June 18, 2008, hearing in Tabernacle. He also read from a Medford Township notice that they were holding a periodic re-examination of their Master Plan on June 25, 2008.

The Secretary noted that a letter had been received from the New Jersey State Planning Commission that they were accepting comments through August 1, 2008, on the re-adoption of the State Planning Rules without amendment.

The Secretary informed the other members of the Board that he had been given a copy of a letter from Atlantic City Electric Company wherein they informed the Township that they are changing all mercury vapor street light fixtures to high pressure sodium fixtures over the next five years in order to conserve energy.

Mr. Giberson was ready to open the meeting to the public; however there were no longer any members of the public present, and the meeting was adjourned.

L. E. Heinold
Secretary