

Shamong Township  
April 15, 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	Timothy VanCuren
Richard Giberson	Kevin Wise
Lynn Heinold	

Also present were Peter C. Lange, Jr., Esq., Solicitor, Dante Guzzi, Engineer, and Richard Nocella, Conflict Attorney.

The meeting was called to order at approximately 8:11 P.M. by the Vice Chairman, Richard Giberson.

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 February 19, 2008, were approved as submitted.

The Board reviewed an application for a minor subdivision by Lawrence Valenzano, Block 22, Lot 10. Mr. Lange informed the Board he could not represent the Board in this matter because he represented the Valenzano's in other matters. Richard Nocella then represented the Board as Conflict Attorney. Mr. Giberson did not participate because he owns property within 200 feet of the proposed subdivision. Mr. Wise chaired the meeting during this application. The Secretary distributed a Certificate of Filing from the Pinelands Commission dated April 4, 2008, and also noted that he has received a letter from the Tax Collector stating taxes are current. Kenneth Levers, engineer, was sworn in and explained the subdivision created a total of three lots: one of ten acres, one of approximately twenty acres, and the third of about sixteen acres in the Commercial Agricultural Zone. The Board also reviewed Mr. Guzzi's letter of April 4, 2008. It was noted that this application is for agricultural purposes only, and no development is proposed at this time. Future development will be subject to the applicable standards of the Township and the Pinelands Commission. In response to a question from Mr. Burgin, Mr. Levers explained that the large lot of twenty acres cannot be subdivided at this time as the Agricultural Zone only permits one ten-acre lot to be subdivided every five years. Mr. Levers said that if the Valenzano's still own the lot in five years, they may come back for a subdivision. On motion of Mr. Heinold, seconded by Mr. Burgin, it was moved that the minor subdivision be approved, and the requirement for percolation data

be waived as no development is proposed, and that the plan and any deeds include the wording required in the Certificate of Filing dated April 4, 2008. A roll call vote showed all members present voting yes; Mr. Giberson not participating and not voting.

The Board then reviewed a redivision minor subdivision application by Peter and Victoria Lange, Block 18, Lots 20.12 and 20.13. Again Mr. Lange did not represent the Board, and Mr. Nocella continued his representation. Mr. Burgin did not participate in the review of this application. Mr. Lange and his neighbor, Michael Vesper, were sworn in, and Mr. Vesper explained the purpose of the subdivision is for Mr. Lange to deed a portion of his lot that runs across the back of Mr. Vesper's lot to Mr. Vesper so that he can install a swimming pool. Mr. Guzzie's letter of April 8, 2008, was reviewed by the Board. Mr. Lange said he will record the subdivision by plat. On motion of Mr. Heinold, seconded by Mr. VanCuren, it was moved that this redivision minor subdivision be approved with the requirement of topography being waived and that no plans will be signed until a Certificate of Filing is received from the Pineland Commission. A roll call vote showed all members participating voting yes. Mr. Burgin did not participate nor did he vote.

The Board then heard a Zoning Variance application from Gene Haas, Block 10, Lot 25. Mr. Lange resumed representing the Board. Mr. Giberson did not participate on this application. Patrick McAndrew, attorney, represented Mr. Haas, who was also present as was his engineer, Ken Levers. Mr. Lange reviewed the notice and service and found them to be in order and advised the Board that they could take jurisdiction. Mr. Levers and Mr. Haas were sworn in. Mr. McAndrew also distributed a Certificate of Filing from the Pinelands Commission dated August 29, 2007. Mr. Levers informed the Board that the Pinelands Commission is currently restricting the use of the approximately 46-acre tract to one acre because of the possibility that there is an endangered species inhabiting the lot. Mr. Levers then reviewed the proposed 4,328 square foot garage that exceeds the Township permitted 20 per cent of the residence that is under construction. The footprint for the residence is 6,150 square feet. Mr. Levers said that the location of the garage complies with all setback requirements. Mr. Haas stated that he will use the garage for storing his car collection, that it will not be used for any commercial purposes, nor will any plumbing be installed, and it will not be used as a residence. Mr. Levers also distributed aerial photos of the area which showed the lot's location. Mr. Levers showed the Board an architect's drawing of the front view of the proposed garage, and he pointed out that this garage will be more esthetically pleasing than many of the large barns in the area. He also stated that Mr. Haas owns the properties surrounding this lot with the exception of a five-acre lot owned by the DEP. Mr. McAndrew said that the DEP acquired this lot under the "Limited Use" program. Mr. Haas testified that he signed a contract that day with Mr. Pratt to purchase Mr. Pratt's lot that adjoins his. Mr. Levers also stated that the structure will be hidden from Red Onion Road. Mr. Levers noted that he feels the 20 per cent requirement that the Township has in their Zoning Ordinance was intended to address smaller lots where homes are much closer together. In response to a question, Mr. Haas stated that some of the lots he owns could possibly be subdivided although he has no plans to do this at this time. Mr. Sweet asked if Mr. Haas had tried to buy or trade the five-acre piece with the DEP, and he said that he had contacted the State,

and they had no interest. Mr. Haas also stated that he will build the garage according to the drawing shown to the Board this evening. Mr. Heinold asked what the endangered species was, and Mr. Haas said the timber rattlesnake, and he and Mr. Levers explained that they are in the process of having a specialist investigate the lot to see if the timber rattlesnake is present. The result of the fall study did not find any rattlesnakes, and the study is continuing this spring. If the results show there are no timber rattlesnakes present, the Pinelands Commission will then allow Mr. Haas to use more of the uplands area. The Board reviewed Mr. Guzzi's letter of April 9, 2008. Mr. Lange reviewed the requirements for a bulk variance where the applicant has to show the granting of the variance will not have any negative effects on the zoning and that there are positive reasons for granting the variance. The meeting was then opened to the public at which time there were no comments, and the public portion of the meeting was closed. On motion of Mr. Heinold, seconded by Mr. Burgin, it was moved that the variance to build a 4,328 square foot garage as an accessory use with no plumbing or bathrooms be approved, that it be constructed according to the architect's plans shown to the Board this evening, that the stormwater will be contained on the lot, and that the garage be used for storing items normal for residential use and not for any commercial use. A roll call vote showed all members present voting yes; Mr. Giberson did not participate and did not vote.

The Board then reviewed a minor site plan and conditional use application for Cellco Partnership d/b/a Verizon Wireless and for AT&T, Block 30, Lot 2.01. Michael Learn, attorney, was present representing the applicant, as was Robert Santiago. The Board was informed that when Mr. Learn filed an application for the Verizon equipment, the Pinelands Commission found that there had been installed AT&T equipment without Pinelands' and Township approval. AT&T did make the necessary application and received permits from the Township's Construction Code office. Mr. Learn informed the Board that all the AT&T equipment and the proposed Verizon equipment will be within the existing compound at the base of the cell tower. Mr. Learn was given approval by the Board to hold a public hearing on this application on March 20, 2008. The Board also reviewed Mr. Guzzi's letter of April 10, 2008.

The Secretary read a Certificate of Filing dated March 4, 2008, from the Pinelands Commission to Lawrence Valenzano for Block 23.01, Lot 2.01.

The Secretary read portions of a letter from Robert D. Bernardi, Burlington County Prosecutor, to Mayor Shevelew concerning compliance with the Open Public Meetings Act. This letter was sent to all mayors in Burlington County.

The Secretary distributed certificates for the successful completion of the Basic Course in Land Use Law and Planning, dated March 17, 2008, from the Department of Community Affairs, Office of Smart Growth, to all members present. He also has certificates for Messrs. Young, Moss and Vinciguerra.

The Secretary reviewed with the Board their previous recommendation for fees and escrows, and the Board said it was not their intention to reduce the application fees for

minor site plan and minor subdivision. The Secretary will now discuss these recommendations with the Chief Financial Officer and then forward them to the Township Administrator.

The Secretary reviewed with the other members of the Board the form used by the Zoning Board for applications and the form and checklist that the Planning Board has used, and he received approval to use the Planning Board's forms. Mr. Lange said he will also get the Secretary standard forms and check list, and the Secretary will review these forms with the Board at a later date.

The meeting was then opened to the public at which time there were no comments, and there being no further business, the meeting was adjourned.

L. E. Heinold  
Secretary