

Shamong Township
October 20, 2015

A meeting of the Shamong Township Land Use Board was held on the above date at the Municipal Building. The meeting was called to order by Kevin Wise, Deputy Chairman, at approximately 7:00 P.M.

The Secretary stated that in accordance with the Open Public Meetings Law, notice of this meeting had been published in The Burlington County Times, and posted accordingly.

Members present from re-organization meeting were:

Noni Bookbinder-Bell	P	Susan Onorato	P
Charles Burgin	P	Bonnie Schneider-Alt	P
Doug Dimmig, Alt	A	James Sweet	P
Joseph Gigantiello	P (arrive 7:15)	Vacant	A
Kenneth Long	A	Kathleen Wigley	P
Martin Mozitis	P	Kevin Wise	P

Also present were Peter Lange, Esq., Solicitor, and Dante Guzzi, Engineer.

Flag Salute

On motion of Mr. Sweet seconded by Mr. Burgin, it was moved that the minutes of the September 15, 2015 meeting be approved as submitted with members' present voting yes with exception to Mrs. Schnieder who abstained.

Application:

- Block 23.01 lots 10.05 & 10.06 (1412 & 1414 Old Indian Mills Road) for a C Variance to construct a 1,008 square foot accessory structure within the side yard setback and approval of a small sub-division. This applicant provided proof of notification to residents within 200' of property and publication in the local newspaper at the August 18, 2015 meeting. Tonight's hearing represents a continuation of the hearing held on August 18, 2015. Mr. Walton & Mr. Harber were sworn in by Mr. Lange. Mr. Lange summarized the original testimony from the August meeting. Mr. Lange asked the applicant to review the amendments made to the original application and drawings reviewed by the Board members. Mr. Walton stated the new plans show the lot lines have been amended and the proposed location minimizes additional drainage concerns and eliminates the applicant from moving the gas and electric hook up to his home while taking advantage of existing vegetation to buffer the proposed building from Route 206. Mr. Walton also reported the lots were a result of a prior subdivision of a larger lot to provide individual blocks and lots to members of the Aristone family for ownership of individual homes. Mr. Walton made further arguments pertaining to existing conditions of the applicant's lot which were preexisting to his ownership of the property. Mr. Guzzi summarized his letter of review for those present and stated the new configuration eliminated two (2) items requiring variance and Mr. Guzzi listed the variances required as outlined in the attached report. Mr. Walton verified the variance is under a

hardship variance with minimal impact to the two (2) properties included in the subdivision while permitting access to Mr. Harber's driveway. As there were no questions or comments from the Board, the meeting was opened to the public. No public comments were raised the meeting was closed to the public. Mr. Harber stated the proposed building would be similar construction to the brochure he submitted at the last hearing and of similar color scheme of the existing home. Mr. Lange summarized hardship requirements of the variance, the previous testimony by the applicant, the soft C variance requirements and the Boards responsibility in reviewing this application. **On a motion by Mr. Burgin, seconded by Mr. Sweet the variance was denied (vote of yes = a denial of application), Mr. Burgen, Mrs. Onorato and Mr. Sweet voting yes, Mr. Wise, Mrs. Wigley, Ms. Bookbinder-Bell, Mr. Mozitis and Mrs. Schnieder voted no.** After additional discussion there was a consensus of Board members of the need for additional information, aerial and ground level photos, sketches of the building proposed which Mr. Harber would believe to support the hardship they are testifying exist. Mr. Lange asked the applicant if they wanted to prepare some of the information and photographs requested by the Board and provide that information to move forward next month. The applicant agreed to submit additional sight photographs and or sketches as per the requests of various Board members. Mr. Lange stated the Board will need to vote on a motion to continue the hearing to the next meeting. Mr. Lange also stated there would be no notice to re-notify the public of the continuation of the hearing as the notification is being made in public tonight. **On a motion by Mr. Wise, seconded by Mrs. Bookbinder-Bell the Board approved continuation of the hearing at the November meeting with all other Board members, present voting yes.**

- Block 12.02 lot 38 (543 Oak Shade Road) for a C Variance to construct a 36'X36' oversized barn and a 10'X20' run out in front of the rear line of the principal structure. This applicant provided proof of notification to residents within 200' of property and publication in the local newspaper. Mrs. Corbett was sworn in by Mr. Lange. Mrs. Corbett testified the purpose of the buildings included in the applications, described her property, size of her home and reviewed the site plan of her 10Acre+/- property. It was noted the primary residence is located at the rear of the property with wetlands close to the rear of her home causing her to seek the variance to construct the accessory structures in front of her home, closest to the pastors. She would like to have electricity in the barn. Mr. Guzzi permitted his review of the application and the variances required. The applicant submitted a site plan, renderings of the barn and run out along with numerous photographs of her property from various views including a google earth photo with the application and was circulated for the Board members review. Mrs. Corbett agreed to no commercial use or residential occupation of the outbuildings. The meeting was opened to the public. Janine Chambers stated the location of the property with surrounded by farms and is appropriate use within the area. The meeting was closed to the public as there were no additional comments. Mr. Sweet commended the applicant on the job she did on the application. There being no additional comments from the Board, **on a motion by Mr. Burgen, seconded by Mrs. Schnieder the variance was approved with all other Board members present voting yes.**
- Block 28.01 lot 4.16 (109 Three Bridge Road) for a C Variance to construct a 30'X50' oversized barn in front of the rear line of the principal structure. This applicant provided proof of notification to residents within 200' of property and publication in the local

newspaper which were reviewed by Mr. Lange and included in the file of the application. John and Holy Robbins were sworn in by Mr. Lange. Mr. Robbins testified the purpose of the building included in the application and stated due to the topography of his 2.75 +/- acre property with his home constructed to the rear of the property, wetlands and drainage issues location of his septic system, driveway, well and overhead utility lines the proposed location of the new barn would eliminate the need to remove trees. Mr. Robbins then described the properties surrounding his property and the natural buffering of foliage between properties. He is proposing a large barn as they have a boat and truck to store in it along with other yard equipment. The house only has a 1 car garage and they have 3 children so they would be able to store their bikes, etc. There was discussion of the size of the proposed barn versus the size permitted in the location. The applicant stated the pole barn would be finished in similar colors to the home. Mr. Guzzi submitted his report on the application. The applicant verified no water runoff would be created by the construction of the barn. The applicant submitted exhibit A-1, an aerial photograph of the property and exhibit A-2, depicts the proposed sight of the barn and telephone pole which obstructs the location of the proposed structure; and exhibit A-3, a photograph from Three Bridge Road indicating the foliage and characteristics of the property in question. Mr. Burgin stated he is familiar with the location but questions the size of the pole barn. The applicant stated the structure includes a 10' X 50' lien to. The applicant agreed to ability to add electric service to the barn, will not use the barn for any commercial or residential occupation, no internal plumbing will be permitted. The meeting was opened to the public. As no public comment was made, the meeting was closed to the public. Mr. Robbins verified the pole barn is approximately 200' – 250' from the road which was verified by Mr. Guzzi. There being no additional comments from the Board, **on a motion by Mr. Sweet, seconded by Mrs. Schnieder the variance was approved with all other Board members present voting yes.**

Presentation:

Michelle Taylor of Taylor Design Group was sworn in and gave a presentation of the four (4) proposed redevelopment zones within the Township without condemnation. She stated the benefits to rehabilitation include flexible zoning, additional funding sources, tax exemptions or tax abatement, etc. Mrs. Taylor reviewed the map of the Route 206 area and related report. This area includes the Shamong Diner, a large lot across street, and other properties identified south of the Tuckerton Road/Route 206 intersection. Mrs. Taylor also briefly discussed potential limitations due to pinelands restrictions, etc. Mrs. Taylor reported the residential properties located in this grouping of properties which are over 50 years old, nearly 50% of the homes she recommends to be included in the rehabilitation zone. This could help the property owners as homes this old often have asbestos and siding that could be costly to remove. The 206 area has been recommended to be included as a rehabilitation and redevelopment area by her report.

Mrs. Taylor continued her presentation covering the Oak Shade Road – South area. This area includes La Campagnola Restaurant, a church, Opici Wine and office buildings. She reported on the La Campagnola site qualifies due to a number of issues and the potential extension of kitchen area would also qualify. The church site has been included as it is consistent with the definition with redevelopment. The Opici Wine property building is obsolete and the property

owners require more warehouse area qualifying this parcel as an area of redevelopment. The two office buildings next to Opici site. Mrs. Taylor believes there might be a need or cause to create easements to increase access to the Opici site through their site. The buildings are generally in good shape but dependent upon the parties leasing space could require improvements to meet their needs.

Mrs. Taylor reported on the Oak Shade Road – North area. She stated that some of these properties have split zoning of Regional Growth Commercial on the road frontage portion and Agricultural Production on the rears of these lots. Mrs. Taylor suggested these lots might not be permitted to be modified due to the Master Plan. The bank lot across the street was recently purchased and is undergoing improvements which could be costly as the building sat for many years. The old Mac 'N Tots building is currently for sale and has sat vacant for a long period of time as well. This property has become obsolete as well. The adjacent vacant lot could be developed into a commercial use and take advantage of this program as well. Across the street at the Wawa, there is a vacant lot behind the Wawa which she believes is necessary due to Pineland's water dilution requirements which most likely would not qualify for additional development and the lot where the Wawa sits appears to be developed to the maximum capacity of the lot. Finally there is a lot with a residential unit and dance studio located on the front. The dance studio could qualify for this program as well.

Mrs. Taylor presented the 4th and final zone identified as the Industrial Park located off of Willow Grove Road near the intersection of Stokes Road. She stated the area had been developed over many years from the late 1960's to 1988, there are 3 vacant lots still available on and 1 lot being used as a contractors storage yard. This area qualifies as redevelopment as some of the buildings are in need of improvement and other properties in the industrial park would benefit from improvements were done to these older buildings. One building was constructed in 1971 was recently damaged to a fire and due to its age is included in the redevelopment area. Although not all of the properties in the Industrial Park are in need of redevelopment at this time, they are included in the plan as neighboring properties.

Mrs. Onorato questioned the status of the Oak Shade Road North if this area should not be included at this time. Mrs. Taylor stated these properties could be although they are not all in need of redevelopment although the only buildings that would qualify are the dance studio and landscape buildings at this time. Mrs. Taylor stated it would be up to the Board to determine if all or portion of these 4 areas should be included. Mr. Lange asked Mrs. Taylor to explain what the significance of the designation has on their properties. Mrs. Taylor stated the Township Committee determined this would be done without condemnation and the redevelopment could create tax abatement or even improved funding mechanisms for the property owner. Mr. Lange asked if the redevelopment plan would have any effect on our COAH requirements. Mrs. Taylor stated at this time the COAH requirements are in flux and it is difficult to determine at this time.

Mr. Lange referred to his letter of September 30th 2015 which directed the Board in their responsibilities to determine if the 4 studies reviewed by Mrs. Taylor meet the standards of the statutory requirements. Mrs. Taylor confirmed Oak Shade Road – North & South are contiguous to each other, although bisected by road for Mr. Lange.

Mr. Wise asked the Board if they had any questions or concerns with the plans. Mr. Mozitis stated he owns properties in 2 of the zones, the Oak Shade Road South area and the Industrial Park. He does not agree with these plans and believes that the residents do not want to see commercial buildings in our township. Additionally Mr. Mozitis stated he believes farm land should be preserved not developed. Mr. Mozitis also does not agree with the tax abatement or pilot program, he would prefer to see the taxes distributed to the schools, county, etc. as per the normal allocation. Mrs. Taylor stated the governing body can choose to allocate these tax dollars to the schools if they choose to. Mr. Mozitis stated his building was the one affected by the fire. He rebuilt the building 15 years ago with his own money and is doing it again as a result of the fire.

Mr. Wise opened up the meeting to the public at which time James Gaskill (2 Justus Ct., Medford, NJ) who owns several properties in Shamong included in the zones presented and only learned of this program due to a registered letter he received, who is Mrs. Taylor, who hired her, what is condemnation, what is the objective, and what brought this on. Mrs. Taylor introduced herself as President of Taylor Design Group. She was hired by the Township Committee which hired her and passed 4 resolutions which relates to each of the 4 zones represented in her plans under discussion. Mrs. Taylor stated that under this plan a property owner will become eligible for funding, tax abatement when a property is rehabilitated.

Mrs. Bookbinder-Bell stated the Mayor on July 21, 2015 wanted to develop this program to help generate revenue as a legacy. Mayor Long stated the program will provide revenue to the Township to help fund road programs. Mayor Long stated the assessment on the improvements would come to the Township during the pilot period instead of being allocated as normal taxes are to the schools. Mayor Long stated this is not stealing from the school as these are new tax dollars not currently in their budgets. This is not about developing the Township, it provides a mechanism for property owners of commercial properties a means to "fix" their properties and stay in town. We are at risk of losing a commercial property-Opici Wine. Mayor Long had a discussion with them and they would like to stay here in Shamong but they would appreciate a program such as this to make the updates to their property more feasible.

Mr. Gaskill stated he is not fighting this proposed program he just wanted to be informed on the process.

Mark Bray from 1253 Route 206, he is a property not a business. He recently paid \$500,000 on a home and wants to know how this affects his property. Mrs. Taylor stated redevelopment zones can apply to homes as well since six out of the 11 homes are over 50 years old. These homes who improve their homes can qualify for tax abatement. Mrs. Taylor reviewed the benefits of this program available to the property owners in the form of a 5 year tax abatement on the value of the improvement only. Mrs. Taylor then discussed the Shamong Diner and Mighty Joe's dealing with contamination issues. The remediation cost to clean these properties is extremely high and could have qualified for this program.

Mr. Harvey Pitts, 173 Willow Grove Road spoke, he is concerned this program will no mandate changes to a property, such as a property does not look clean or kept up, will the Board mandate improvements to a property. Mrs. Taylor stated no the Township will not. Mr. Pitts wanted

guarantees that the Township will never mandate property owners to do repairs to the properties. Mr. Lange stated the redevelopment plan is to incentivize property owners to make improvements to their properties not mandate them to do so. Mr. Pitts is concerned that this is the first meeting he was notified of via a letter. Mr. Lange stated this is the first public hearing on the redevelopment zones.

MaryAnne Reinhart, 124 Wharton Court spoke on her concerns of communication and transparency. She feels the website and robo call could be used. She would like to see the Joint Land Use Boards minutes for August and September and Township Committee agendas posted on line. Mrs. Reinhart questioned the benefit of the shorter year to the 30 year program. Mrs. Taylor stated the rehabilitation zone tax abatement can only be five years. The Payment In Lieu of Taxes (PILOT) program can be for a period of five to thirty years period. Mr. Lange stated the abatement of taxes would reduce or eliminate the taxes on the improvements for a period of five years, the PILOT program allows the developer to negotiate with the town to make a lump sum payment in lieu of taxes over a period of time to further incentivize developers in a project. Mr. Lange stated this program can be impacted by the restrictions placed on these types of development by the Pineland's restrictions. Mrs. Reinhart would like to see examples of how this program works within each of these zones to help the public and the Board to understand the program. Mr. Lange stated once the tax abatement or pilot period is complete the taxes would be distributed as normal taxes are. Mrs. Reinhart questioned if the plan is up for vote tonight. Mr. Lange stated it is as the Board is required to act upon the plan within 45 days by statute. Mr. Lange stated this 45 day rule is often a soft rule as the governing bodies usually want the comments from the Land Use Board.

Richard Giberson questioned the cost of the study. Mr. Mozitis stated it was approximately \$14 - \$15K plus the cost of the Township Committee and the Joint Land Use Board professionals. Mr. Mozitis does not believe the residents want to see commercial growth in our Township. Mr. Mozitis stated he owns a commercial property and puts his own money into it, Mr. Gaskill has spent a lot of money rehabilitating his property out of his own pocket and he believes property owners will continue to do that. Mr. Gaskill asked if a new building constructed on vacant land would qualify for the tax abatement. Mrs. Taylor stated that would be a PILOT program and summarized the program. Mayor Long stated there would be a negotiation and an agreement made between the property owner and the Township in this instance. Mr. Gaskill he doesn't have problems with getting people interested in his property due to the cost and restrictions of the Pinelands Commission. Mrs. Reinhart is concerned with the tax amounts to be negotiated and the potential for favoritism. Mr. Wise stated the major decision will be made by the Township Committee based upon the Joint Land Use Boards opinion. Mr. Giberson stated he feels like the Committee has already made their decision. Mr. Wise stated we have all heard the Committee in disagreement on this issue tonight.

- As there were no more comments from the public, Mr. Wise closed the meeting to the public and asked the board for their comments or actions they would like to make. Mrs. Onorato wanted to confirm the areas included in the plans are all previously zoned commercial or industrial as verified by Mrs. Taylor. Mrs. Bookbinder-Bell recommends an additional meeting to provide the public with the opportunity to understand this process better. Mrs. Taylor stated this process is complicated and the process is designed to inform the public on

this matter. Mrs. Taylor stated it would take some time, but if necessary she would be willing to go through the plan property by property if necessary. Mrs. Bookbinder-Bell wanted to confirm the Township Committee hired Mrs. Taylor to develop the plan not the Joint Land Use Board. Me. Burgin questioned if the Board postponed any action for another month to provide the Board and the residents to become more familiar with the potential impact of each of the plans. Mr. Lange informed the Board they would be required to vote on each of the plans independently and provide comments in support of their vote. Mayor Long questioned if the Board can recommend a property not be included in the plan. Mr. Lange stated the Committee could do this based upon the Boards recommendations. Mr. Lange also stated that the Board could postpone any action on this plan tonight; however the Committee would have the right to move without their input at that time. Mr. Lange also stated he does not foresee our Committee doing that to our Board as well as he has never seen any other Governing Body do this in his experience. Mrs. Taylor stated she would be willing to go in detail on one of the plans over the next half hour in detail if the Board would like her to. Mr. Wise stated he would like to see the Board members digest the comments made from the public. Mr. Sweet would like to make a motion to table all for resolutions tonight as he is confident our Township Committee will allow the Board this extension to research and digest the information tonight to make an informed decision in the future. Mr. Lange reminded the Board that by tabling a vote on all four plans tonight would also continue the public hearing on same to the next meeting. **Mr. Sweet's motion was amended to respect Mr. Lange's comments and was second by Mr. Burgin, with all other Board members present voting yes to tabling the decision on all four development plans and postponing the public hearing to the November meeting.** Mr. Lange stated for the public that there will be no further notification of the continued public hearing on November 17th. Mrs. Taylor stated she needs to verify hour calendar for her availability on that date.

Mr. Wise opened the meeting to the public at which time Mrs. Reinhart thanked everyone for their time. Mr. Gaskill asked if they could be provided with the plan in simpler terms with examples on what is available to be included. Mr. Burgen suggested a few basic examples for everyone. Mrs. Taylor stated she can do that now if they like. Mayor Long stated everyone wants to digest all the information form tonight and perhaps she can just e-mail some examples to the Board later. Mayor Long asked Mrs. Taylor to use the Shamong Diner site as an example as to what benefits are available for that site. There was a discussion on the limitations on his property due to the Pinelands restrictions and he needs the Township to assist him to get the approvals from the Pinelands. Mrs. Taylor stated the Pinelands is not going to permit an over burdening of a property due to dilution requirements. Mrs. Taylor stated Shamong Dinner would benefit in reduced taxes if the Pinelands approves the project. She also stated the program is to allow the property owner to recuperate some of their expenditures in the form of reduced taxes. Mr. Gaskill stated this sounds good for the property owners, what is the cod? Mayor Long stated going through the process is the con. Mr. Wise stated when the PILOT money expires, the Township Committee no longer receives these funds and therefore it could cause an issue to the local budge at that time. Mr. Wise stated the Township Committee needs to keep this in mind. Mrs. Taylor stated the other benefit of this program is the property value of the immediate property will increase due to the improvements as will those in the surrounding area. Mr. Wise considers the plan as a tool which needs to be used properly.

There being no further business, on motion by Mr. Sweet, seconded by Mrs. Schnieder the meeting was adjourned at approximately 9:45 pm with all members voting in favor.

Susan D. Onorato
Secretary