

Shamong Township
November 17, 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	A	Bonnie Schneider-Alt	P
Doug Dimmig, Alt	A	James Sweet	P
Joseph Gigantiello	P (arrive 7:04)	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 Mrs. Schnieder, it was moved that the minutes of the October 20, 2015 meeting be approved as submitted with members' present voting yes.

Application:

- Continuation of hearing from October 20, 2015 on 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. Mr. Walton reviewed the additional submission of photos to the Board submitted. Mr. Harber testified relative to the layout of the home, existing driveway and vegetation relative to the neighboring properties also depicted in the photos. Mr. Harber also noted the location of the utilities hook up that would be impacted if the garage was added onto this home. Mr. Harber then described current conditions of existing structure relative to the current property line as well as the location of the proposed structure to the neighbor's home which would be 15 feet from the proposed property line. Mr. Harber stated the proposed structure will be a 3 car garage. Mr. Guzzi reviewed the variances needed for the application. The meeting was opened to the public for questions – there was no public comment made. Mr. Lange summarized the prior testimony of the applicant from the prior hearings which would be conditions of the resolution. **On a motion by Mr. Wise, seconded by Mrs. Bookbinder-Bell the Board approved the application and subdivision with all members present voting yes with exception to Mrs. Wigley.**
- Block 27.01 lot 4 (63 Burnt Road) for a Conditional Use Variance and a C-Variance for an accessory building. Mr. Paul Dietrich represents the applicant Mr. James Callan. Mr. Dietrich stated the applicant would like to operate his Home Occupation from an existing

accessory structure on the property. Mr. Lange swore in Mr. Dietrich and Mr. Callan. The applicant provided proof of notification to residents within 200' of property and publication in the local newspaper. Mr. Callan stated the garage is approximately 35' X 40' which is used to store personal belongings, yard equipment, office area and supply area for business. The business is sale of lab supplies through E-bay, Amazon and his website. Most orders are shipped directly by the distributors. Smaller orders are shipped via UPS or the US postal service. Mr. Callan stated he uses approximately 30 – 40% of the garage for the business or approximately 350 – 400 SF. Mr. Callan is the only employee and not audible noise is generated, no odors are generated. The supplies stored on site are beakers, slides, paper, and packaging supplies. Mr. Callan stated no chemicals are stored or produced on site. Mr. Callan stated no customers come to the property. Mr. Dietrich confirmed Mr. Callan is seeking a variance to permit a home occupation to be operated from the accessory structure. Mr. Dietrich reviewed 7 photographs also submitted with the applicant. Mr. Lange accepted and numbered the 7 photos as S-1 through S-7. All photos were reviewed and described to the Board. The applicant confirmed no goods or supplies are visible to the public, the only traffic associated with the business is the UPS truck which is less than 10 stops per week. Mr. Callan stated he operates the business from the garage as it is heated and quiet, his attached garage is not heated. Mr. Callan described to the nearest neighboring properties located behind his property, there is a home approximately 200 – 250 feet to the South with pine trees buffering the properties. Mr. Lange verified there is no commercial vehicles associated with the business or stored outside, no signage, no supplies stored outside. A photo of the lay out of the garage relative to the business (exhibit S-8) was reviewed by the applicant. Mr. Callan stated he only received UPS shipping, no large trucks or tractor trailers deliver to the property. Mr. Guzzi presented his report and the necessary variances. Mr. Dietrich presented the special reasons causing the variance as the structure is pre-existing; the detached work space supports the business versus residential use. Mr. Lange presented case law to support the application. Mr. Dietrich stated home occupations are permitted use in the zone and the applicant meets all the requirements of a home occupation with exception to operating the business from the accessory structure. Mr. Callan stated he has operated the business from this location for roughly a year, with no complaints. The size of the business has remained unchanged and no growth is anticipated. The meeting was opened to the public. Mitchell Aldridge, 64 Burnt House Road testified the applicant received 5 – 7 shipments daily. Mr. Mitchell stated the home is not a single family home as the house has a mother-in-law sweet attached to it. Mr. Mitchell asks the Board to deny the application as he feels a business this size should be operating at a different location. Mrs. Janet Cowperthwaite Bowers, owner of adjacent farm which fronts Willow Grove Road stated concerns of the property lines of the two properties as Mr. Callan does not seem to know where the boundaries are. She also stated the applicant is dumping debris on her property. Mrs. Bowers does not agree with the variance being awarded and stated the applicant should have requested the variance prior to purchasing the property. Mr. Aldrich stated the only trucks he sees delivering to the applicants property are the UPS and USPS trucks which are there 2-3 times per day. Mayor Kenneth Long stated that as the Township will be purchasing the property that the Board provides a continuance to research the issues stated by the neighboring property owners. Mayor Long stated once the Township purchases the property it would become open space and farmed as it is currently. Mr. Dietrich stated that if Mr. Callan is such a horrible neighbor that is not the standard we are trying to address tonight.

Additionally if the variance would be approved, Mr. Callan would still be held to the minimal deliveries provided which Mr. Lange confirmed to be 10 deliveries per week combined by any delivery service, including the US Postal service. The public portion of the meeting was closed. Mr. Wise stated due to the testimony of the neighboring property owners the providing an opportunity to the applicant and neighboring property owners to provide documentation to support their statements would be welcome which was supported by Mr. Sweet. Mr. Lange reminded the testimony on the type of neighbor Mr. Callan is should have no effect on the applicant. After a brief discussion of Board Members on the reports and/or logs verifying traffic of delivery/shipping of products from the site. The Board asked the same of the public as well as the applicant. **On a motion for continuance was made by Mr. Sweet, seconded by Mrs. Wigley the variance will be continued to the next scheduled board meeting in December with all other Board members present voting yes.**

Resolutions:

2015-9 Resolution recognizing Gary Vinciguerra for his years of service to the Shamong Township Land Use Board was read into the record by Mr. Lange. **On the motion by Mrs. Onorato, seconded by Mr. Wise, the resolution passed with all other Board members present voting yes**

2015-10 Approval of C-Variance to construct a 36' X 36' oversized barn and a 10' X 20' run out in front of the rear line of the principal structure at Block 12.02 lot 38 (543 Oak Shade Road) was reviewed by Mr. Lange. **On motion of Mr. Sweet, seconded Mr. Wise the resolution was passed with all other Board members present voting yes.**

2015-11 Approval of C-Variance to construct a 30' X 50' oversized barn front of the rear line of the principal structure at Block 28.01 lot 4.16 (109 Burnt House Road) was reviewed by Mr. Lange. Mr. Guzzi reported the location of the barn was limited due to wetlands, power lines, and location of primary residence causes the encroachment of the side yard setback. **On motion of Mr. Gigantiello, seconded Mr. Wise the resolution was passed with all other Board members present voting yes.**

The public hearing of the Redevelopment Zone Plan – continuation from October 20, 2015 began with a presentation by Michelle Taylor of Taylor Design Group. Mrs. Taylor began her presentation with Oak Shade Road – North which she recommends removing block 19.01, lots 11,12.01,12.02,12.03,13 & portion of 10.01 as she does not believe these properties meet the criteria of a redevelopment or rehabilitation area. The meeting was opened to the public, as no comments were made by the public, the public portion was closed. Mr. Gigantiello questioned if the Joint Land Use Board has any say in how the tax abatement is allocated between the local school board and the municipality. Mr. Lange stated the Board has no say in this issue; it is the responsibility of the Township Committee. Mr. Mozitis stated he will be abstaining on the vote due to his ownership of property in this zone. He stated he is against the tax deferral from the schools as it will then cause the taxes to increase. Mayor Long stated the only tax dollars affected on the improvement is the improvement itself. The schools will see no change in the current tax dollars currently received. This program provides a method to fund the need for road

repairs within our town. The schools will continue to increase their tax rate by 2% per year regardless. Mrs. Taylor testified the Board should not be caught up on the taxing of future retables. The Board is looking to find a means to develop these properties which have been vacant for 4+ years due to cost of the property versus the cost to renovate the building by the new property owner. This is a new tool to make these properties more marketable. Mr. Wise reminded the Board of our role which is planning and not get caught up on the allocation of the taxes. Mrs. Taylor stated a redevelopment zone was approved for Main Street in Medford, which had been stagnant real estate for several years and now there are two (2) small breweries moving onto Main Street in Medford. Mrs. Taylor stated there needs to be an advocate of the program, which we have with our office staff. Additionally the Township website is a tool to get the word out on this program. Mrs. Bookbinder Bell questioned what the property owners need to do to participate in the program. Mr. Guzzi stated this is needed for the PILOT program or redevelopment of a property. Mrs. Taylor does not believe any added cost would be more than the potential tax savings. **On motion of Mr. Gigantiello, seconded Mrs. Wigley the Oak Shade Road – North plan was approved with the redaction of the blocks and lots stated was above with all other Board members present voting yes except Mr. Mozitis who abstained due to ownership of a property in this zone.** Mrs. Taylor stated she will amend and resubmit the plan based upon the Board's decision tonight.

Mrs. Taylor began her presentation on the Taylor Design Group redevelopment report for Oak Shade Road – South and described the current conditions present and opportunities for redevelopment within this zone. The meeting was opened to the public, there being no public comment; the public portion of the meeting was closed to the public. **On motion of Mrs. Wigley, seconded Mr. Gigantiello the Oak Shade Road – South Redevelopment Plan was approved as submitted with all other Board members present voting yes except Mr. Mozitis who voted no.**

Mrs. Taylor began her presentation on the Taylor Design Group redevelopment report for the Industrial Park zone and described the current conditions present and opportunities for redevelopment within this zone. The meeting was opened to the public, there being no public comment; the public portion of the meeting was closed to the public. **On motion of Mr. Gigantiello, seconded Mrs. Wigley the Industrial Park Redevelopment Plan was approved as submitted with all other Board members present voting yes except Mr. Mozitis who abstained due to ownership of a property in this zone.**

Mrs. Taylor began her presentation on the Taylor Design Group redevelopment report for Route 206 Redevelopment Plan and described the current conditions present and opportunities for redevelopment within this zone. The meeting was opened to the public, at which time Mr. Monterio, owner of the Shamong Diner questions what benefits exist for his property. Mrs. Taylor stated these areas will be added to the Zoning map, which may make a difference for Mr. Monterio if he chooses to improve the current property or sell it in the future. There being no other public comments; the public portion of the meeting was closed to the public. As there was not additional question from the Board, **on motion of Mr. Gigantiello, seconded by Mr. Wise the Route 206 Redevelopment Plan was approved as submitted with all other Board members present voting yes except Mr. Mozitis who abstained due to ownership of a property in this zone.**

Mr. Lange stated he will prepare resolutions to memorialize the plans reviewed and approved by the Board tonight.

Mrs. Onorato verified the NJ Planner – July/August was distributed with the meeting packets.

Mr. Wise opened the meeting to the public, however as there was no public present the meeting was closed to the public.

There being no further business, on motion by Mr. Sweet, seconded by Mr. Gigantiello the meeting was adjourned at approximately 9:36 pm with all members voting in favor.



Susan D. Onorato
Secretary