

Shamong Township  
April 19, 2016

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, Chairman, at approximately 7:00 P.M.

The pledge of allegiance

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	Richard Orrechio	P
Dave Diamond, Alt	A	Bonnie Schneider-Alt	P
Joseph Gigantiello	P	James Sweet	P
Timothy Gimbel	A	Kathleen Wigley	A
Michael Cooney	A	Kevin Wise	P

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

**On motion of Mr. Sweet seconded by Mr. Burgin, it was moved that the minutes of the February 16, 2016 regular meetings be approved as submitted with members' present voting yes except Ms. Bookbinder- Bell and Mr. Gigantiello who abstained.**

**Application:**

Steve Rehman began his presentation of a minor subdivision of the Cowperthwaite Farm at block 27.01, lot 3. He stated the subdivision is required as part of the Township's preservation of the land. Mr. Dante Guzzi was sworn in by Mr. Lange to give testimony on the application and stated the land preservation will be funded through the State of NJ Green Acres program, County and local Open Space preservation funds. An application has already been approved by the Pinelands Commission to preserve approximately 20 acres of land. Mr. Guzzi stated environmental testing has been completed on the land which only revealed that what was expected for land that has been farmed no unexpected finding. The present zoning is Pinelands Village Commercial and Pinelands Village Residential. If this property was not preserved by the Township it could be potentially developed for something much more significant. Approximately 5 homes could be developed on the 20 acres being preserved or commercial properties. Mr. Lange stated the Boards responsibility is to confirm no variances are being requested and therefore the Board's function is to determine if the application meets all zoning requirements which it does and therefore the Township is entitled to the approval by right. Mr. Wise opened the meeting to the public. As there were no comments from the public the meeting was closed to the public. **On motion of Mr. Gigantiello seconded by Mr. Sweet, the Board approved the subdivision as submitted with members' present voting yes.**

Mr. Wise asked the applications for block 20.04 lot 10.01 for a bulk variance to construct a home with oversized detached garage on a pre-existing non-confirming lot within side yard setback requirements to come forward. Mr. Orrechio recused himself from the application but remained seated in the audience. Mr. Lange verified the 200' notice and newspaper notice. Mr. Barron introduced himself to the board as Legal Counsel to the applicant. Mr. Barron stated the applicant purchased the property which originally had a home on the property which has since been demolished. He stated the first two variances are pre-existing conditions and therefore grandfathered in. The 3<sup>rd</sup> variance is for side yard setbacks whereas the proposed development on the property is an improvement to what was previously on property and the 4<sup>th</sup> variance is due to the size of the detached garage which exceeds that which is permitted. Mr. Lange swore in the applicant, Mr. Stevenson, Al Litworina, provided a synopsis of his professional experience. Mr. Wise accepted Mr. Litworina's credentials as an expert in the fields of planning and engineering. Michael Higgins, Soil Tech Environmental Consultants provided a synopsis of his professional experience. Mr. Wise accepted Mr. Higgins's credentials as an expert in the fields of planning and engineering.

Mr. Stevenson testified he has owned the property for roughly 15 years. Mr. Stevenson stated he recently knocked down the original block home which was in disrepair and that he and his wife would like to build a smaller home on this property to retire into. Mr. Barron presented exhibit A-1 which has several drawings of the home Mr. Stevenson plans to construct with views from all 4 sides as well as a sketch of the detached garage he plans to construct. Mr. Stevenson would like to construct a two car garage to house his cars to enhance the aesthetics of the property. Mr. Stevenson stated he has invested and obtained County Board of Health approval for the septic system and well necessary for the proposed home and further provided a description of the building materials to be used to construct the home.

Mr. Higgins testified he is the environmental consultant and project manager for this project. Mr. Higgins stated he had attempted to contact the property owner of the lot to the west of the PIQ to determine if a land swap could be achieved to make the PIQ a conforming property. Mr. Higgins submitted an unopened envelope as exhibit A-2. Mr. Higgins stated he had met with the property owner on the adjacent property, which the owner of that property did not accept or deny. As a result Mr. Higgins sent a certified letter dated March 20, 2014 which was returned to him after several attempts to be delivered. As the owner of the adjacent property did not accept the certified letter, nor did he reach out to Mr. Higgins in any other manner, Mr. Higgins believed they were not interested in a land swap as proposed.

Mr. Litworina was introduced by Mr. Barron to provide testimony on exhibit A-3 which is a set of plans from the survey of the land showing the pre-existing conditions and the proposed development of the site. Mr. Litworina stated the pre-existing non-confirming condition of the lot cannot be corrected without completing a land swap by neighboring properties. Mr. Barron read into the record the definition of a hardship variance which Mr. Litworina verified the lot to be too narrow and conforming without the variance the lot would not qualify for any development and therefore be worthless. Mr. Litworina reviewed the plans submitted to those present and described the storm water management proposed on this site which is not required, but is being proposed. Mr. Litworina also described the berm and evergreens proposed to be

planted as a buffer to enhance the development of the property as well as the proposed paved driveway on the opposite side of the proposed house from the homes located in Concord Ridge. Mr. Baron confirmed with Mr. Litworina the proposed setbacks are an improvement of the previous building setbacks, but cannot be avoided given the narrow nature of the lot. Mr. Litworina confirmed the conditions of the existing lot meet the requirements of a hardship variance and stated the zoning would permit 2 homes, where the applicant is proposing to construct 1 home on a 2+ acre lot; therefore the proposed density is favorable. Mr. Litworina finds no detriment to granting these variances from neither Shamong Township Zoning Ordinances nor public good and therefore the proposed development is consistent with the neighborhood surrounding the proposed home. Mr. Litworina testified the size and location of the proposed detached garage is consistent with the surrounding neighborhood. Mr. Litworina verified the plans would be modified as per Mr. Guzzi's report to tie any runoff from the garage would be directed into the Stormwater retainage area. Mr. Baron reviewed a case of Davis Industries vs. Carth where an undersized lot in Cherry Hill application was denied since they did not attempt to get ground from adjacent property. In this case it was ruled that if the Township denied the variance, the Township would be required to purchase the land. Mr. Baron stated the applicant attempted to acquire land from the adjacent property owner and has submitted plans that will improve the current development from a previous cesspool to an approved septic system and the proposed development improves the setbacks.

Mr. Guzzi reported on his April 11, 2016 report on the application. Mr. Guzzi verified the side yard setback requested would be for both sides of the property and the proposed garage variance is to construct an oversized garage from that which is permitted by ordinance. Mr. Guzzi stated the applicant stated tonight the areas of concern will be handled by re-directing the runoff from the garage into the Stormwater catch basin. Mr. Guzzi believes the proposed Stormwater retention system should minimize any runoff onto adjacent properties. Mr. Guzzi stated the proposed system should not channel water from the berm but redirect it to the rear wooded area of the PIQ. Mr. Sweet recommended a substitution in the planting be made to something more deer resilient variety. Mr. Higgins verified the property is heavily wooded and a minimal number of trees will be taken down to provide adequate area to turn a vehicle around when backing out of the garage.

Mike Higgins testified that the sight evaluation for drainage designed directs drainage to a natural depression in the typography, item number 97 of the plan. All excess water will flow towards the previous sight conditions. Mr. Lange requested these plans be marked A-3 & A-4. Exhibit A-2 will be submitted to the Board Secretary to make a copy of and include in the file. The original will be returned to the applicant.

Mr. Lange summarized the terms agreed to with the applicant's attorney Mr. Baron and confirmed with the applicant. Mr. Stevenson verified the lot west is a heavily wooded lot. The applicant verified there is sufficient area in the driveway to allow emergency vehicle access.

Mr. Wise opened the meeting to the public. Scott Auty of 2 Concord Drive was sworn in by Mr. Lange. Mr. Stevenson confirmed he purchased the property in 2004 approximately. Mr. Auty questioned the vacant property status of the property. Mr. Stevenson informed Mr. Auty that he originally purchased the property for one of his sons who he no longer has. His original

purchase was for his kids, but as he only has one son now, Mr. Stevenson chose to build a home to retire in with his wife. Mr. Auty is concerned of his property value due larger structure blocking the view he has. Mr. Auty is also concerned with potential run off onto his property as his basement has been flooded two (2) times since he purchased his of his home in 2000. Jayne Auty of 2 Concord Drive was sworn in by Mr. Lange. Mrs. Auty testified her property is a fish bowl property. Mrs. Auty questioned if the grade of the Stevenson property is increased, it will cause water to flow onto her property.

Mr. Jay Kloss of 132 Tuckerton Road was sworn in by Mr. Lange. Mr. Kloss testified he never received a notification on the interest in his property via certified mail and did confirm he was approached by the applicant who was interested in portion of his property.

Mr. Dave Richards of 4 Concord Drive was sworn in by Mr. Lange. Mr. Richards testified if the applicant moved his proposed home back, no variance would be required. He is concerned with run off, drainage, possible issues with mosquitoes. Mr. Richards is also concern the area of depression noted previously is actually the location of a prior out house.

Mrs. Michelle Smith of 6 Concord Drive was sworn in by Mr. Lange. Mrs. Smith testified she has lived in this home for 22 years and she wishes to maintain the neighborhood in its current state. Mr. Stevenson verified the proposed home will be 1 ½ stories with a basement and detached 1 story garage. Mr. Higgins explained the density requirements and plans for a gravity fed septic and drainage on the property. Mr. Higgins also stated the soil replacement bottom line gravity fed septic system and described the guidelines for the proposed septic system. Mr. Higgins verified the septic system would require occasional pumping. Mr. Stevenson's professionals provided Mrs. Smith was requested information on the septic, drainage and Stormwater management system. Mrs. Smith questioned the location of the detached garage which was confirmed to meet the zoning requirements. Mrs. Onorato verified the Township does not have any ordinances limiting the amount of trees that can be removed, however the NJ Pineland's Commission does. Mrs. Smith testified her property currently does not have any flooding issues; she is concerned the construction of the proposed home and detached garage will cause water to flow onto her property. She is also concerned the Stormwater management proposed on the property will require ongoing maintenance and upkeep and who is responsible for that. Mr. Baron verified all of these improvements will require upkeep and maintenance which the property owner will be responsible for.

Mr. Higgins testified on what he believes the flow of ground water would be, however without proper testing, he cannot make a definitive statement on this issue. There was a discussion on the location of the proposed septic system as it relates to neighboring property owners pre-existing well. Mr. Richard's asked what was in the natural depression is. Mr. Higgins stated the seepage pit will be close to the previous out house. Mr. Higgins testified that if the storm water system fill up completely the water would then flow to the rear of the property and between the berm and garage where it would be contained until it recharged. Mr. Higgins estimates this system would sustain 2 - 100 year storms on top of each other, but it is difficult to predict. Mr. Higgins also stated the sandy soils help with the drainage of this area. Mr. Auty questioned if the new development would cause more run off onto his property. Mr. Higgins stated that with the Stormwater management measures being taken, moving the driveway over to the other side of

the lot and setting the proposed home and garage further off the road, he would expect the conditions of Mr. Auty's property to improve. Mr. Richard's then expressed concerns of his property after the construction of the applicant's home. Mr. Higgins believes that if Mr. Richard's house does not currently have water problems, he would not expect the construction proposed to cause any problems with drainage on his property. Mr. Richard's appreciated the time tonight be the Board members and all those present and expressed his only concern is to protect his family.

As there were no further questions from the public, the public portion of the meeting was closed. Mr. Burgen testified that although he is not a real estate expert, he does not believe the construction proposed by the applicant would reduce anyone's property value and sees it as an improvement on the prior condition of the property. Mr. Baron summarized the improvements proposed are a dramatic improvement over what was there previously. He also summarized the current drainage versus the anticipated drainage once the improvements are completed which Mr. Litworina verified will be much better drainage than what is there currently. **Mr. Gigantiello made a motion to approve the application based upon the testimony. Mr. Lange summarized the conditions agreed to for the variance being no increased drainage onto neighboring properties; construction and landscaping would be as per the submitted plans, the vegetation would be modified as pre the direction of the Board Engineer; the submitted plans would be revised to direct the drainage runoff of the garage to be directed into the Stormwater management system; the garage would only be used for subordinate and incidental uses normally associated with a residential garage. Mr. Sweet seconded the motion. All members present voted yes with exception to Mr. Orrechio who recused himself from the application.**

**Resolutions:**

None

**Correspondence:**

NJ Planner for January/February was distributed

Mr. Wise opened the meeting to the public at which no public was present the meeting was closed to the public.

**There being no further business, on motion by Mr. Burgen, seconded by Mr. Sweet the meeting was adjourned at approximately 8:55 pm with all members voting in favor.**

Susan D. Onorato  
Secretary