

Shamong Township

May 19, 2020

Regular meeting of the Shamong Township Joint Land Use Board held a virtual meeting (via Zoom conferencing) on the above date. The meeting was called to order by Chairman Sweet, at approximately 7:00 P.M.

The Secretary stated proper notice of this meeting was giving as required by the Open Public Meetings Act.

Pledge of Allegiance was waived due to electronic meeting format.

Roll Call (absentees noted):

Noni Bookbinde-Bell	A	Amy Huber	P	Larry Sharrott	P
Michael Cooney	P	Gene Lera	P	James Sweet	P
Dave Diamond, Alt	A	Susan Onorato	P	Barbara Valenzano	P
Michael DiCroce	A	Bonnie Schneider	P	Kathleen Wigley	P

Also present were Christopher Norman, Esq. and Dante Guzzi, P.E.

On motion by Mr. Sweet, seconded by Mr. Sharrott, the April 21, 2020 Regular Session and Executive Session minutes were approved with all Board Members present voting yes.

Resolutions: None

Application:

Block 9.05, lot 1 (1 Steamboat Drive) – Rottkamp continuance with re-notice. Bulk variance to construct an oversized 57' X 30' X 16' 2 1/2" (1,710 sf) accessory structure (pole barn) where a 600-sf structure is permitted. Mr. Norman swore in the applicant Mr. Justin Rottkamp. Mr. Kingsbury, attorney for the applicant, joined the Zoom meeting via telephone and computer. Mrs. Onorato asked for confirmation of the 200' notices to be dropped off to her office for the record. Mr. Rottkamp will provide these notices.

Mr. Kingsbury presented exhibit A-1, the site plan with proposed 1,710-sf structure on his property. This proposed structure is significantly downsized from the original application.

Mr. Rottkamp testified the location he chose will minimize the number of trees to be removed and there is a berm on his property that would help hid the building. Mr. Rottkamp stated he cannot see Mr. Kelly's property from his home and the other neighbors are hard to see from his property due to the trees.

Mr. Rottkamp stated the proposed layout of storage for the accessory structure, confirmed he is an electrician and would continue to keep the one (1) truck he stores

for his business in the driveway near his home. Mr. Rottkamp agreed to a deed restriction to prevent any commercial business from the new building. Mr. Rottkamp agreed to plant additional buffering if the Board felt it was necessary.

Mr. Rottkamp explained his need for the detached garage on his property due to a personal pick-up, classic car, snow blower, lawn equipment, wood shop, growing family with growing needs. The size was determined by looking at other structures within the neighborhood to keep it smaller and shorter than others in the neighborhood. Mr. Rottkamp stated the additional storage provided by the proposed accessory structure would grant sufficient storage to eliminate any visible clutter currently near his home/garage.

Mr. Rottkamp reviewed exhibits A-1, A-2, A-3, A-4, A6, A-7, A-8. He also provided a color drawing (exhibit A-9) of the proposed structure and a photo of a structure similar to the one he plans to construct (exhibit A-11).

Mr. Rottkamp testified he does not believe the structure will have a negative impact to the neighborhood due to buffering and setback. The height of the structure will be approximately 16' 2 1/2".

Mr. Kingsbury testified he stood in the backyard and that the neighboring homes were hidden by natural growth, which Mr. Rottkamp will add/enhance the buffer if required by the Board. The building will not be used for any business purposes.

The drawing of the proposed building schematics structure was viewed by all on Zoom, exhibit A-12.

Mr. Kingsbury testified the placement of the building will be hidden from view due to heavy tree growth.

Dante Guzzi, Board Engineer, presented his report on the application to those present.

Mr. Norman reviewed a recent ordinance (2020-3) to amend existing zoning within the Rural Development Zone to allow accessory structures as the Committee and Board felt this was an oversight within the residential RDI zone. The applicant would still need a variance for a structure larger than 600-sf.

Mr. Sharrott asked if a variance is required due to undersized lot. Mr. Guzzi stated it is not, but for the record, it is a pre-existing undersized lot.

Mr. Lear asked if there were plans for electric or plumbing for the proposed building. Mr. Rottkamp stated electric would be installed in the building for inside lighting, electric and exterior lights. A gas line would be installed for a furnace and a water line to exterior of building, no water for inside the building. Mr. Rottkamp confirmed no sinks or toilets inside of building.

Mr. Rottkamp testified he would place gutters on the building that would go down to the four (4) corners of the building. He stated the soil is very sandy and no puddling occurs on this property at this time. No runoff would come from the proposed building area.

Mr. Rottkamp testified he will either provide radiant floor heat or small heater in the building – any heat source would be natural gas.

Mr. Cooney asked if there was a similar or larger pole barn in Stony Creek. Mr. Kingsbury stated Mr. Kelly has a larger building. Mr. Rottkamp stated Mr. Kelly is located at 11 Crested Butte Ct. and his detached garage is 1,728-sf with a height of 20’.

Comments from the public:

- George Allen – 5 Steamboat Drive. Has a concern that he will be able to see the building from his home at 16’ tall. He also would like to know how the original application went from commercial use to residential. Mr. Rottkamp stated a year ago he presented an application to only residential use and will not park any commercial vehicle in the garage. Mr. Allen does not believe the propose structure appeals to the neighboring structures. Mr. Allen feels the cupola would be more appealing and add character to the building. Mr. Allen was sworn in by Mr. Norman as he is expanding from questions to statements. Mr. Rottkamp is not proposing a cupola and is not a fan of it. Mr. Rottkamp will install garage doors as similar to the photo of the 3-door garage with cupola.
- Mr. McCrink had no questions or comments.
- Ms. Gaskill had no questions or comments.
- Missy Miller – 433 Atsion Road was sworn in by Mr. Norman and testified as to the location of her home in relationship to the applicants home and stated the canopy from the aerial photos appears to be dense, but at ground level Mr. Rottkamp’s home is clearly visible from her home. She is concerned that she will be required to construct a buffer to hide Mr. Rottkamp’s barn which she does not have the funds for. Mrs. Miller did submit a letter from Mrs. Murphy (48 Oriental Road, Shamong – Keller Williams Realtor) who was sworn in by Mr. Norman, and testified on the effects of the value of Ms. Miller’s home from the Rottkamp structure and believes Ms. Miller’s property value would be negatively impacted by the Rottkamp garage.

Ms. Miller stated she has lived in her home for 20 years and believes her home value would be reduced by the Rottkamp garage. She would not object to a much scaled down building of 600-sf two (2) car garage. She stated it will also impact her and her son’s quality of life. She is opposed to the building.

Mr. Kingsbury asked Ms. Miller what the distance from proposed building and her home. Mr. Guzzi stated it would be approximately 250+/- from Ms. Miller’s home to the proposed Rottkamp garage. Mr. Guzzi testified Mr. Rottkamp could set the building within 30’ of the rear property line per variance.

Mr. Guzzi testified Mr. Rottkamp could construct a 600-sf garage in the same location as the proposed structure with no variance for Mr. Sharrott.

Steve Kelly from 11 Crested Butte was sworn in by Mr. Norman and testified he has lived in his home for 17 years. Mr. Kelly stated the original application was for residential and home occupation use. Mr. Rottkamp applied to the Pinelands and Mr. Kelly stated Mr. Rottkamp found out that if he said the building is for residential use, he did not need Pinelands approval and resubmitted the building for residential use.

Mr. Kelly stated he does not have a pole barn as Mr. Kingsbury stated. Mr. Kelly stated the proposed structure is a 1,700-sf corrugated metal commercial building located on an entrance lot to the development. Mr. Kelly stated the applicant is taking out 10,000-sf of forest for this building and all the aerial photographs show all the growth of the tree canopy, but not below the canopy. Mr. Kelly believes the proposed structure will cause drainage concerns to his property and Ms. Miller's property and he believes a drainage study should be completed.

Mr. Kelly stated the prior owner of his home applied for the variance required to construct his 1,796-sf garage on his property. Mr. Kelly stated Mr. Rottkamp will be adding water to outside of building, heat and electric. Mr. Kelly also testified his garage is constructed of the same materials as his home is constructed with. Additionally, the garage is concealed by landscaping the previous owner of his home put in place. Mr. Kelly cannot see one benefit to the community to grant this variance. Mr. Kelly would be for a 600-sf accessory building constructed of similar materials as the residence.

Mr. Kingsbury testified he respects Mr. Kelly's professional work. Mr. Kingsbury stated he believes Mr. Kelly is exaggerating the impact of the proposed building for the Rottkamp's. Mr. Kingsbury testified there is a significant foliage and ground cover which made it difficult to see the Kelly's fence from the Rottkamp property. Mr. Kingsbury also stated when he visited the Rottkamp property he had to park on the street as there was no room due to the cars parked in the driveway.

Steve McBride was sworn in by Mr. Norman – 437 Stony Creek and previously owned Missy Miller's home. In 1992 Mr. McBride had extreme water runoff after the Stony Creek development went in. He put up an accessory building, he spoke with all his neighbors prior to putting it in and constructed a metal garage that was acceptable to his neighbors and restored an airplane in a 600-sf building and he does not see why the applicant needs such a large building. Mr. McBride also installed \$4,000 of trees to landscape the building and has had no complaints from his neighbors on this.

Bill Ryan and Anastasia Zuccaro – 1 Stony Creek Court were sworn in by Mr. Norman. Ms. Zuccaro supports Ms. Miller’s statement that the properties are visible when the foliage is in full growth. She is aware of another “carriage” house construction within the community where the property owner used similar construction materials to the home which is preferred. Ms. Zuccaro stated you can see through the Rottkamp property from Atsion Road.

Chris Prifte was sworn in by Mr. Norman from 5 Stony Creek Court. Mr. Prifte testified the curb appeal of the property with a corrugated steel garage versus a garage constructed with similar style to the home.

Steven Soppe – 2 Stony Creek Court was sworn in by Mr. Norman. Mr. Soppe would like to know what section of the garage would be heated and if air conditioned, where would the noisy air conditioner be placed. Mr. Soppe expressed a concern of losing 10,000-sf of additional trees per the plan submitted. Mr. Rottkamp stated the heat would only be in the workshop area and no air conditioning would be installed.

Carol Kelly – 11 Crested Butte Court was sworn in by Mr. Norman. She is concerned with the size of the proposed garage and feels it is an eyesore and too big for the neighborhood.

Glen Vanistendal – 4 Crested Butte Court was sworn in by Mr. Norman. Mr. Vanistendal testified the building is too large, will stand out like a sore thumb, wrong architecture for the neighborhood and would be noisy during rainstorms.

Gary Zangerle, Esq.; Andy Thomas, Engineer and Richard Lukoff Planner all representing Mr. Kelly. Mr. Norman verified for Mr. Zangerle that due to the recent amendment to the Shamong Township Code (2020-3) this application is strictly a bulk variance as the structure is greater than 600-sf in size.

Andy Thomas, Planner was sworn in by Mr. Norman provided his credentials which were accepted by the Board and testified as to the need for a bulk variance. Mr. Thomas then reviewed the accessory uses permitted on the applicant’s property and he believes the application requires a D variance as well. Mr. Guzzi stated the principal use is residential and the structure is an accessory use and therefore he believes a C-variance is required.

Mr. Thomas provided testimony on the opinion of C-Variance. Based upon his findings and visiting the subject property. Several properties have accessory structures or storage sheds that are similar in style to primary structure and smaller in size than the applicant is proposing. The proposed building is roughly 2.5 times the size of that permitted. The subject’s property is undersized for the zone and the proposed building would require over 10,000-sf of trees to be removed and the proposed landscaping would not be adequate to buffer the proposed structure which should provide a double row planting of trees.

Mr. Thomas also testified the proposed structure is excessive in size for the needs represented on the plan and the positive criteria is not met by the applicant. The negative criteria is not met to support why the building needs to be the size requested along with the architecture style does not benefit the neighborhood. Mr. Thomas believes this application sets a bad precedent for the neighborhood.

Mr. Richard Lukoff, P.E. was sworn in by Mr. Norman and provided his credentials for the Board. Mr. Lukoff reviewed the application in reference to drainage and referred to Mr. Guzzi's report with similar concerns. Mr. Lukoff did not hear a testimony in regard to this issue nor plans to address any potential drainage issues. The additional 1,700-sf of roof surface will have an impact on the drainage for this lot.

Janine Chambers – 503 Atsion Road, a realtor in Medford, NJ, was sworn in by Mr. Norman. Mrs. Chambers questions why Mr. Rottkamp wants to place this large of a barn in an upscale community on a 2.8-acre parcel. Mrs. Chambers also questions who will monitor the deed restriction. Mr. Norman stated any resident can monitor the deed restriction and it will put any future owner on notice of this restriction. Mrs. Chambers testified her property is 11 acres which supports a larger barn, the applicant's property is too small. Mr. Rottkamp testified that all deliveries go directly to the job site, his one employee meets him at the job site and he has no need for this building for his business. Anyone who is concerned he is running his business from the building should contact the Township so his property could be inspected.

Jeffrey Kerstetter – 16 Crested Butte Court was sworn in by Mr. Norman. Mr. Kerstetter stated a building of this size and construction does not belong in a residential community. A building within the 600-sf limit permitted by code would be fine.

Joanne Borucki – 3 Steamboat Court was sworn in by Mr. Norman. Ms. Borucki has nothing to add.

Tony Klym – 4 Beaver Creek Court was sworn in by Mr. Norman. Mr. Klym agrees with the comments against the size of the structure and believes approval would set a dangerous precedent within a residential area.

Gregory Paw – 5 Beaver Creek Court was sworn in by Mr. Norman. Mr. Paw testified he is agreement of the positions in objection to the size and nature of the building and the drainage concerns.

Katie Price – 11 Crested Butte Court was sworn in by Mr. Norman. Ms. Price testified Mr. Rottkamp chose Stony Creek development and should try to construct a structure of this nature and he should listen to the concerns of his neighbors.

As there were no additional comments from the public, the public portion was closed.

Chairman Sweet asked the applicant based upon all of the comments made relative to the size of the structure if the applicant would like to reduce the size of the structure. Mr. Kingsbury suggested Mr. Rottkamp consider a continuance to modify the size of the structure. Mr. Rottkamp testified the size of the structure would not be the largest in the neighborhood. Mr. Rottkamp also stated he is choosing colors for the building to camouflage the building. Mr. Rottkamp does not believe any runoff from the structure would be able to make it to any of the neighboring properties. Mr. Rottkamp asked if he has different imaginary rules on this property from others in the community since he is on the entrance.

Ms. Miller did not accept Mr. Rottkamp's comments relative to drainage. Mr. Kelly is asking for a vote on the application. Mr. George Allen also asked for a vote tonight.

Mr. Guzzi summarized the need for two variances, both for the size of the structure – a C Variance.

Chairman Sweet closed the meeting to the public.

One motion by Mr. Sharrott for the application to be approved. As there was no second of the motion, the motion failed.

On motion by Mr. Cooney, seconded by Mrs. Huber, the application was denied with all Board Members present voting yes (Mrs. Schnieder was no longer in attendance).

Correspondence:

NJ Pinelands Correspondence has been emailed to board members.

Mr. Guzzi reviewed the size of accessory structures relative to report from Mr. Toussaint from April 16, 2020.

Mr. Norman reported on the Tower North case and updated the Board on a meeting with Judge Bookbinder.

Mathew McCrink, Esq. representing Travis Pratt and residents of the Millstone Community. Mr. Norman testified the Pratts recommended moving the site to the Jennings's property creating a "whack a mole" and asked the Board members if they have any comments. Mr. McCrink stated his proposal was the Jennings property which is further from school but still close to several residential homes. Mr. McCrink testified that although the applicant testified, they had no other alternatives, Mr. McCrink believes the PSE&G towers are an alternative site after he has spoken with representatives of both PSE&G as well as Verizon. Verizon does not require an emergency generator per their website findings submitted by Mr. McCrink.

After hurricane Katrina emergency backup for power supply is preferred and Mr. McCrink testified the emergency power backup can be a generator or a battery backup. Mr. McCrink stated that the applicant - Tower North required the generator and not Verizon. Mr. McCrink testified the applicant never filed an application with PSE&G to place facility on their tower and or right-of-way and Mr. McCrink does not believe the applicant properly presented their limitations of the cell tower. Mr. McCrink did speak with PSE&G and believes the applicant did not want the tower on the PSE&G right-of-way. Mr. Lera asked where the location would be as he is concerned of placing this into a different area of homes. Mr. Sweet stated that the PSE&G towers are already there and would not create a new soar thumb. Mr. Norman stated a shared location is always preferred. Mr. Lera asked if we want to locate municipal antennas for Shamong Fire & EMS on this tower, do we want this without power backup? Mr. McCrink testified emergency generators are not required, the applicant can use a battery backup source, which he understood PSE&G was against a gas-powered generator. Mr. McCrink believes Tower North did not want the tower on PSE&G tower as they would not make as much money under this option. Mr. Norman stated the applicant presented they could not place the cell tower on the existing power lines. In January there was a case Mr. Norman referred to that permitted the placement of a cell tower on an existing tower.

Mr. Rottkamp asked for clarification on the denial of the application. Mr. Norman stated that will be included in the resolution which the Board will hear at the next meeting.

As there were no additional questions from the public, Chairman Sweet closed the meeting to the public. There being no further business, **on motion by Mrs. Onorato, seconded by Mr. Lera, the meeting was adjourned at approximately 10:45 pm with all Board Members present voting yes.**

Attested by:

Susan D. Onorato, Secretary
Shamong Township Joint Land Use Board