

Shamong Township  
April 17, 2012

A regular meeting of the Shamong Township Land Use Board was held on the above date at the Municipal Building.

Members present were:

Charles Burgin	P	Bonnie Schneider	P
Noni Bookbinder-Bell	A	James Sweet	P
Colin Cumming	P	Jon Shevelew	A
Mike DiCroce	A	Gary Vinciguerra	A
Ken Long	A	Kevin Wise	P
Susan Onorato	P	Chris Bouffard	P

Also present were Peter C. Lange, Jr., Esq., Solicitor, and Dante Guzzi, Guzzi Engineering.

The meeting was called to order by the Deputy Chairman, Mr. Wise, at approximately 7:02 P.M.

**On motion of Mrs. Onorato, seconded by Mr. Burgin, it was moved that the minutes of the March 20, 2012 regular meeting be approved as submitted. All members present were in favor of adopting the minutes except for Mr. Bouffard, Mr. Cummins and Mrs. Schnieder who abstained**

Mr. Wise opened the discussion on the Barn's application hearing, block 17 lot 1.09. Mr. Lange, Esq. swore in Mr. & Mrs. Burn's prior to their giving any testimony Mr. McAndrew, attorney for Mr. & Mrs. Burns reviewed the amended proposal which reduced the size of the accessory building to a 2 bay, 900 square foot structure and reduced operations to two(2) trucks to be operated by Mr. Burns and an employee. He also stated the fuel tank has been removed and the application was re-noticed. Mr. McAndrew submitted exhibit A-1 which Mr. Burns identified as a 2 bay pole barn which he would like to construct on site. Mr. Burns also confirmed he and an employee would operate the two trucks maintained on his property, no signage would be posted, trucks would depart at approximately 6:30 am and trucks would return between 3:30 and 4:30 pm five (5) days a week and that no trucks are visible from the street and no refer or diesel fumes would be noticed. A photograph of the Burns property from Oak Shade road was submitted as exhibit P-1 and a photograph of Opici Winery across the street from his home in relationship to the operations conducted there. Mr. Burns confirmed for the JLUB there would be electricity in the pole barn to warm the diesel motors and trucks would be started in the building. Mr. Lange reminded the Board Members they already voted to determine the application did not meet the definition of a home occupation. Mr. Lange read into the record the definition of a home occupation. There was a brief discussion on the definition and purpose of the ordinance. Mr. Burns verified for Mr. Lange the additional 1 - 2 trucks associated with his business would be housed at the employee's homes, and that the occupant would be in the vehicle while the truck is warming up. Mr. Burns also confirmed the entire business would be conducted in the

pole barn and no office would be located in the residence. Exhibit A-2 was submitted as a preliminary site plan which depicts a 900 square foot building. Mr. McAndrew agreed to get an engineer involved to prepare the final site plan if the home occupation application is successful. Mr. Bouffard asked for verification of the proposed fuel tank which is also stated tonight as not being there, however it was there when he testified in January. Mr. Burns stated the fuel tank is a 1,000 gallon above ground tank which he will remove. Mr. Burns confirmed the truck(s) could leave as late as 8:30 and occasionally return before 3:30. Mr. Sweet asked the Township Clerk to confirm the local noise ordinance. Mrs. Onorato stated the Township does not have a local noise ordinance however it does follow the Burling County regulations which require commercial operations are 7:00 am to 10:00 pm. Mr. Burns stated the operations across the street at the Opici Winery are nearly 24 hours a day. Mr. Lange reviewed the definition of accessory use for the board members. Mr. Burns verified the empty weight of the trucks is approximately 24,000 pounds. Mrs. Onorato thanked and verified and confirmed for the record that Mr. Cummings and Mr. Bouffard did listed to the recording of the January 17, 2012 meeting and review the minutes to qualify to vote on the application and insure there would be sufficient quorum. Mr. Wise opened the meeting to the public for questions on the Burns application only. Gary Winger of 470 Oak Shade Road stated hi is opposed to the application and concerned with noise of the trucks and stated he hears trucks running as early as 5:00 am. He also stated operations have recently been scaled back and tonight he noticed at 5:00 pm a truck driven across the street and parked across the street. He is also concerned of property value on neighboring properties as buyers might not want to live next to these operations. Angelo Mimmo of 476 Oak Shade Road state he is also concerned with the noise and fumes coming from the trucks as well as the appearance of the neighboring property and negative impact to property value. Kathy Gordon of 466 Oak Shade Road stated she hears the trucks at 6:00 am every morning and she lives three houses down. She is also concerned this is an eye soar. Diane Wagner of 448 Oak Shade Road is concerned of the ascetics of pole barn. Mr. McAndrew provided her with a picture of the proposed pole barn. Ms. Wagner stated she would hope the pole barn would resemble the home more. Ms. Wagner asked if this was an existing business which Mr. Burns has run for 17 years, operations were moved to his new home which he purchased in September 2011. As there were no additional comments from the public Mr. Wise closed the meeting to the public. Mr. Lange reviewed the application with the JLUB and the responsibility of the board to make a determination of the proposed home occupation as presented tonight. Mr. Wise asked to clarify the Burling County noise ordinance were for operations are permitted between 7:00 am and 10:00 pm. Mr. Burns stated he would then need to start operations at 7:00. Mr. Wise then confirmed the zoning of the property across the street as Regional Growth Commercial and the applicant is zoned a Regional Growth residential. **Mr. Burgin moved that the board continue the finding from January and deny the application as submitted due to sounds being audible outside of the building; the use does not meet the definition of a home occupation and is inconsistent of a residential neighborhood - not subordinate to a home occupation. The motion was seconded by Mr. Bouffard the application was denied, all board members in attendance voted yes with exception of Mrs. Schnieder who voted no.**

Mr. McAndrew requested if the application could be considered an accessory use. After a brief discussion between Mr. Lange and Mr. McAndrew it was determined the use did not qualify as accessory use.

Residents in the audience questioned what the process would be going forward and Mr. Lange stated the use is not permitted and the applicant may appeal the board's decision if they so choose.

Mr. Lange stated the next item for discussion is Master Plan however as Mr. Long and Mr. DiCroce, as the Class I and III members are not present tonight and are principal to the development of Master Plan issues. Mrs. Onorato confirmed currently there are no applications for the Board to address next month. Mr. Guzzi stated the Board should focus on land use issues on the Master Plan.

The Secretary reviewed correspondence items with the Land Use Board Members present including:

- Ordinance received from Waterford Township to update their Planning Board fees and escrow fees not updated since 1999.
- Pinelands Commission letter dated March 22, 2012 on block 30 lot 2.02, demolition of a structure which is 50 years or older and to reconstruct the dwelling and replace the existing septic system.

Mr. Wise open the meeting to the public, but there were no members of the public present; and there being no further business, **Mr. Bouffard moved the meeting be adjourned, seconded by Mrs. Onorato with all members present voting yes the meeting was adjourned.**

Susan D. Onorato  
Secretary