

Shamong Township
January 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:

Noni Bookbinder Bell	Bonnie Schneider
Charles Burgin	James Sweet
Kenneth Long	Gary Vinciguerra
Susan Onorato	Kevin Wise

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

The meeting was called to order by the Chairman, Mr. Vinciguerra, at approximately 7:45 P.M.

On motion of Mr. Wise, seconded by Mrs. Onorato, it was moved that the minutes of the November 15, 2011, meeting be approved as submitted. Ms. Bookbinder-Bell, Mr. Burgin, & Mr. Sweet were in favor. Mr. Vinciguerra, Mr. Long and Mrs. Schnieder abstained as they had not been present at the November 15, 2011 meeting. All members present were in favor.

The Board took up a Bulk and Use Variance Application for Nicolette & Jamie Burns, Block 17, Lot 1.09. Mr. Lange swore in the applicants who were present with their Attorney Mr. Patrick McAndrew. Mr. Lange reviewed the service and notice and found them to be in order. Mr. Mc Andrew and Mr. Burns explained the need for the proposed pole barn for storage of three (3) dump trucks in connection with a home occupation family fun business of three to four dump trucks which haul stone and gravel. They also described the setting of his residence where he is conducting a home occupation separate of any other partners and confirmed there are no signs. Mr. Mc Andrew submitted a survey of plan dated November 5, 2011 and pictures A-1, A-2 and A-3 to illustrate the current conditions of the site and demonstrate where he would like to place the pole barn to the Land Use Board for their review. Mr. Burns stated he had planted several trees in the picture to screen the shed and area behind his home from the street. Mr. Burns also stated he had planted additional trees since the picture was taken confirmed the hours of operation for his trucking business are, the trucks would be dispatched at 6:00 AM and return between 4:00 and 5:00 in the afternoon. Mr. Burns verified there would be no signs and he has placed a shed and fuel tank to service the trucks from at this time. Mr. Burns believes his sight supports his business operation as it is a rural setting, secluded by trees and he has no problems with his neighbors on the activity conducted at his home at this time and believes the location is properly suited with no negative impacts to the surrounding area. Upon questioning from Land Use Board members, Mr. Burns confirmed the proposed fuel tank is not proposed and the tank located behind the shed

holds 1,000 gallons of fuel oil. He employs three (3) employees who drive Mack Tri-Axle dump trucks which have been operating at this site since September. Mr. Lange verified the application is bulk variance for the Home Occupation for additional employee and larger than 900 square feet dedicated but Mr. Burns would like to build an accessory building of 1280 square feet for the Home Occupation and for it to be in an accessory building instead of the first floor of the residence. Mr. Lange read the Home Occupation ordinance Section 110:106-G in full for those present. Mr. Burns verified the site provides sufficient area for the trucks to turn around and no variance would be needed for this and that no operations would occur on weekends nor outside the hours of 6:00 am to 4:00 PM. Mr. Burns also verified all service to the trucks is completed off site and they would only be stored and fueled from the site and that all employees would park in front of the shed as noted in the illustrations A-1 and A-3. Mr. Sweet questioned a vacant lot in front of his home which Mr. Burns does not believe is buildable. This lot is owned by the Jennings family who submitted a desire to be heard on this application. Mr. Lange directed the Township Clerk to notify Mr. Jennings that the Board is not permitted to submit their comments via e-mail as it does not give the applicant the opportunity further question the other party. Mr. Lange stated the Board would have the opportunity to carry the hearing to the next meeting when the Jennings would be home from Florida. Mr. Lange also verified the applicant needs a bulk variance for the building which is oversized and for the home occupation that deviates from the conditional use requirements. The Board and Mr. Lange discussed the current zoning of this property which is Regional Growth residential as it pertains to the application and what variances are truly applicable to this application. The Township Clerk pointed out that the Board of Heath ordinance provides construction and commercial operations between the hours of 7:00 am and 10:00 pm as it pertains to the applicant's statement they intend to dispatch the trucks between 6:00 am and 10:00 pm. Mr. Burns verified for Mr. Wise the bookkeeping for the business would take place in the pole barn. Mr. Wise also questioned that since Mr. Burns explained the fuel tank was installed in September why is it listed as proposed on the November 5, 2011 site plan. Mr. Mc Andrew stated he drew the fuel tank in and was not aware the fuel tank was already installed at that time. Mr. Lange asked the Board if they had determined if the application is a home occupation or use variance. After further discussion the Land Use Board determined the application on this property should be for a use variance. **On motion of Mr. Wise, seconded by Mr. Long the Land Use Board determined the application is for a use variance, all board members present .** There was a brief discussion with the applicant on the need to carry this hearing to February to provide the applicant to address the issues of the Use Variance and the Jennings family to be present to express their concerns. In order to accommodate Mr. and Mrs. Burns arrival of a new child in the next week or so it was determined the hearing would be carried to February 21, 2012 and Mr. Burns would notify Mrs. Onorato by February 9th if he needed further extension to the March 20, 2012 meeting. Mr. Vinciguera asked Mr. & Mrs. Burns to confirm the application stating they operate 3 to 4 dump trucks from their home. Mr. Burns verified he operates 4 trucks in total. Mr. Vinciguera opened the meeting to the public on this application. **On the motion by Mr. Wise, seconded by Mr. Sweet hearing on Mr. & Mrs. Burns application was moved to February 21, 2012 unless Mr. Burns requests an extension to March 20, 2012 by February 9th. All members present voted yes.**

The Secretary reviewed with the other members of the Board a report of recommendations submitted by Mr. Heinold on the escrow and application fees established and last reviewed in 2008. **On a motion by Mr. Wise, seconded by Mr. Sweet the board agreed to forward Mr. Heinold's recommendations to the Shamong Township Committee for formal action. A roll call vote showed all members present voting yes except Mr. Long who voted no.**

Mr. Lange reviewed **Resolution 2012-3 Opposing New Jersey Senate Bill S-2950/A-4128 for those present. On motion by Mr. Burgin, seconded by Mr. Wise the resolution was adopted with a roll call vote of all members present voting yes**

The Secretary noted that as Mr. Guzzi was not able to attend tonight's meeting, our discussion on the Master Plan will be focused on the report submitted by Tabernacle Township on proposed changes to their Master Plan (report was distributed to Board Members). There was a brief discussion on the weight limit of a commercial vehicle in a residential zone which is currently 8,000 pounds for Shamong Township.

Mr. Brown distributed a map for the Board members review as it relates to the Master Plan. He stated they are having difficulty identifying item 32 which Mr. Lange believes is the Indian Burial ground the State of NJ paved over and item 25 located off of Jackson Road near Gosin Pond. Mrs. Onorato stated she would review the map with the Public Works staff to see if they could identify these items as well.

The Secretary read a copy of a November 17, 2012, letter from the Pinelands Commission to Robin Miller in reference to the development of a single family dwelling on block 10 lot 18 and creation of a 12 foot wide access on an existing 50 foot wide easement. Mrs. Onorato described the location of the property accessed at the end of Red Onion road on a unpaved lane.

The Secretary informed the other members of a letter dated October 26, 2011 to Mr. Mark Valenzano on block 23.01 lot 12 from the Pinelands Commission regarding a solar facility for agriculture operations only.

The Secretary informed the Land Use Board members of a letter received which was addressed to Branwen Ellis of the Pinelands Commission regarding the Pic-a-lily block 33 lot 8 summarizing the work completed to satisfy outstanding issues to the Pinelands Commission.

The Secretary informed the other members of a letter dated October 26, 2011 to Anna Branco (Block 8.01 lots 10.01, 10.0, 10.03 & 11) from the Burlington County Soil Conservation regarding a major sub-division.

The Secretary informed the other members of a letter dated January 11, 2012 to Everett and Diane Abrams (Block 18 lots 8 & 9.01) from the Pinelands Commission regarding the subdivision and timing of approval.

Mr. Vinciguerra open the meeting to the public, but there were no members of the public present; and there being no further business, **the meeting was adjourned on motion by Mr. Sweet, Seconded by Mr. Burgin the meeting was adjourned with all members present voting yes.**

Susan D. Onorato
Secretary