

7/ord 5/13/15

Pemberton Township Municipal Building
500 Pemberton Browns Mills Road, Pemberton, NJ 08068
Regular Meeting Minutes
April 8, 2015
7:30 PM

MEMBERS:

Timothy Haines, Chairman
Albert Hopkins, Vice Chairman
T. Stephan Thompson, Board Member Sec.
Alfred Green
Robert Bailey
Russell McLaughlin, Jr. (absent)
Thomas Besselman (absent)
Peter Gordon, Alt. 1

CONSULTANTS:

Nancy Abbott, Attorney
David Banisch, Planner
Robert Mannix, Engineer

STAFF

Donna DiPalma, Business Secretary

ANNOUNCEMENT: NOTICE OF THIS MEETING WAS ADVERTISED IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT. BE ADVISED THAT NO NEW APPLICANTS OR WITNESSES SHALL BE HEARD AFTER 10:30 P.M.

Meeting called to order.
Pledge of Allegiance.
Roll Call

MATTERS FOR DISCUSSION AND/OR FORMAL ACTION:

- 1.) Greeting of the public and invitation to comment.
(no public comments)
- 2.) Saville, Block 606 Lot 13, 23 Chippewa Trail application for use variance for engraving and etching of metal items including firearms in an R-96 zone.

Mark Rinaldi, Esq. represented John Saville and advised that he had been authorized to present the Board with an amendment to do engraving without any reference or in any way involve firearms; there would be no exceptions and he would not apply for the federal firearms license. Abbott advised that this was a continuation of the application and that Saville was still under oath.

Saville confirmed that he amended his application; it was minus any reference for firearms; and that he can not file for a license without approval. Rinaldi stated that he would prefer that if the application was going to be denied in full; it be a denial of the use as amended and as originally submitted. Abbott advised that the testimony had been lacking regarding the home occupations that are permitted under R-96 and still needed testimony on how it would meet the land use law.

Saville reviewed his improvements to the workshop; primarily he would hope to continue it as a hobby business; that he has lived there since 1976; that there was nothing else the same as he does; someone does trophies but it is not exactly what he does as a hand engraver; he works a full time job and doesn't get to do things until late in the evening; not something he would do during the day; he would limit any traffic by appointment only; that no negative impact was proven to the Board; most of his neighbors know what he does; most have asked him to do something for them from time to time; no loud noise; no physical change to the property; it would be a benefit to the community because he doesn't think anyone in the immediate area does what he does; he also does laser engraving; it is not his intention to take possession of any firearms or components.

Bailey asked if there would be a sign; Saville asked for a sign directing where the shop was.

Rinaldi advised that it would be an arrow with engraving or shop out back. Gordon asked if when he was no longer working if it would become full time; Saville responded that if he wants to do that he would look for a different location; he doesn't want that many people coming to his house. Hopkins asked how much noise would be produced; Saville responded maybe a low hum.

Banisch asked what it would be from; Saville responded that it would be from an air compressor.

Hopkins asked what hours; Saville responded 6-9 or 10.

Hopkins asked if he moving the equipment to go to a house would it hazardous; Saville responded no but would involve moving the air compressor, packing up all the engravers and sandpaper.

Hopkins asked how much time would be spent engraving for other people; Saville responded that it may be a few jobs a month.

Hopkins asked if there would be any chemical etching; Saville responded no.

Hopkins suggested that there was a way for him to be listed as a master engraver; Saville responded that they were mainly for machine engraving.

Banisch asked if Saville would be the only person working in the business; Saville responded yes.

Banisch asked the square footage of the house; Saville confirmed that it was approximately 2,200 sq. ft.

Banisch confirmed that Saville would be the only person working there; Banisch asked about displaying products; Saville responded that he would not. Saville stated that it enhanced the backyard; would not interfere with any radio transmissions; he'd never heard any complaints since 1976 when he moved there; confirmed that the structure had received permits and met setbacks.

Banisch reviewed home occupation requirements; it could not reduce the square feet of dwelling unit below the minimum required for a dwelling unit in the zone; can't display anything that would be seen from the street; limited to two employees non-residents of the dwelling; it has be conducted entirely within either the building or the principal building on the lot; no sounds to be auditable outside the building; no articles to be offered for sale on property; no machinery will be used that will cause disruption of radio or television reception.

Banisch advised that he complies with the basic definition of home occupation; although it didn't rigidly meet the type of home occupation that is permitted in the R-96 zone but seems to meet all the other standards; 65 decibels is the daytime noise level that can be generate up to the property line until 11:00 PM at night and its generally described as that level of noise in the conversational tone of voice between two people and asked if when the compressor was running is louder than a conversation.

Saville responded no and that it's in a place where it's insulated around and barely audible inside.

Banisch advised that the yard enhancements to the neighborhood are adequate evidence that the use can be granted without any substantial detriment to the public good or negative intent of the zone.

The application was opened to the public

No public comment

Abbott reviewed the conditions mentioned previously including that there would be no engraving of firearms; it would be by appointment only; no retail. Banisch advised that based on testimony he wouldn't require more than one parking space.

Abbott asked the Board if the Board wished to limit the number of employees. Hopkins responded that it was already limited by ordinance.

Motion to approve application as amended and with conditions by Hopkins; seconded by Green

Roll call: Hopkins, Green, Thompson, Bailey, Gordon and Haines voted yes.

- 3.) Gibson, Block 812 Lot 7.02, 268 Pointville Rd. application for use variance for a repair facility with auto sales in an AR zone.

Larry Gibson was sworn in and testified that he was there because he made an application for a use variance; the location is an existing 2 car garage auto repair facility and while already there wanted to be able to put some cars up for sale; when he came into possession of the building this particular area was down and deteriorating and he that it would be a good place to do his hobby and be an incentive to lift up the area; he found that the elderly owners were not going to use the building so he worked out the purchase of the building; it has greatly improved the area overall and all the neighbors were glad he fixed it up; if granted it would promote and improve the Township; it is a great improvement from the look of what was there before he purchased it; there is no detriment; everything is going to remain the same it is already set up for auto repair; any increase in traffic would be minimal due to the property being a small operation; an existing in a commercial setting; is commercial on both sides of the property; if granted it would promote and contribute to the well being of residents in the neighborhood and the Township; any person that passed by would see a great improvement from the negative that was there; there would be no impairment of the zone or ordinance or detriment to public good if the application was granted; there would be improvement in the value of the property; noted there is a grocery store to the west of the property and the bar to the east of the building and that since he's been there and has improved the property they have improved their property; so its an incentive; he's looking for someone to move to the grocery store because business brings business; responding to Banisch's report item #1 there would be no expansion or increase of the existing facility; there would be a minimum increase of traffic; there are two driveways in and out of the property to handle any traffic.

Abbott marked as Exhibit A-1 an enhanced drawing.

Gibson described the drawing and that there would be a 10' setback; the vehicles would be set in that area; at the rear would be the vehicles for repair; he stated that one right of way was on his property the other was on the other property.

Thompson asked if where the cars were indicated would be in the right of way.

Gibson stated that the curb stops were in the right of way.

Abbott stated that if the right of way is the only way the house behind his property has access to the road its going to be blocked with curb stops; if its used by the land locked property and is an easement then he can't block it.

Gibson said he could move those curbs in and it wouldn't be a problem; they couldn't get to that driveway because a curb there now; he doesn't know how long the right of way has been there but its not being used now because they come in the other way.

Abbott responded that as long as it is a designated easement he can't block it.

Gibson agreed to move the curb stops.

Gibson responded to Banisch report item #6 and that what he was proposing is that there would only be 10 vehicles for sale and 5 for repair or a total of 15 vehicles; in response to #9 the vehicles would be parked 10' from the Pointville Road curb line or the two entry driveways to preserve the sight distance requirements.

Mannix stated that it would be shown on his plan; when you measure sight distance its about 15' from the curb line; based on the County road being about 45 miles an hour; they would need to be able to see about 400 plus feet down to the center of the travel/approach lanes; the setback would be controlled from the property line and not necessarily the curb line.

Gibson stated that wouldn't be a problem.

Mannix stated that he may run out of room based on his sketch.

Abbott asked if he was going to comply with the setback from Pointville Road.

Gibson responded yes.

Banisch advised that the application was initially submitted for a use variance

approval with a sight plan and Gibson was on his way to filing a site plan application with the County when they saw this application they thought it was quite a bit of money to burn to get over to the County if he showed up at the Board and didn't get a use variance; so they suggested that he bifurcate the application and Abbott spoke to Gibson about that; what he's coming in for is half the application asking the use question; the second part is the site plan; they don't have surveyed information to deal with; the question is will the Board permit auto sales in addition to auto repair; the question before the Board is not how much used auto sales but if used auto sales would be permitted in addition to auto repair.

Abbott advised that if the use variance is granted it would be subject to site plan approval.

Banisch stated that he would have to go to the County and then come back to the Board and then deal with the 25' right of way and site distance from the driveways.

Abbott stated that any bulk variances that may be required could be considered as part of the site plan application.

Banisch advised that the basic testimony that was given about the improvements to the area is all germane when considering whether to permit auto sales in addition to auto repair.

Gibson testified that if the application was granted that it would be inherently beneficial to the area and would be no detriment to the neighborhood or the Township and would be a positive in beautifying the property and adding services for the public; there is no additional development or improvement. Hopkins referenced #15 in Banisch's report and asked Abbott if they should address the existing conditions at that time so that when does the site plan they are pre-existing conditions.

Abbott responded that they could be dealt with now or during the site plan. Hopkins noted that there was another auto repair place on that street and a variance with that auto repair business for tractor trailer parking that was granted a number of years ago; noted that that road only has access from the south side; on the north side is Fort Dix; on the north side there is woods all the way down with a drainage ditch going down; even on the south side further up is a drainage ditch; the only access would be coming in and out of those businesses and that single residence that exists back there and would be very limited in scale.

Green asked if it was the property that used to be Hodgson's; Gibson responded yes.

Banisch advised that Gibson had provided some testimony that supports special reasons and one of the purposes of zoning is to promote a desirable visual environment through creative development techniques and good civil design and arrangement; embracing this redevelopment opportunity and rehabilitating an existing eyesore in the neighborhood supports that purpose of zoning.

Hopkins commented that the businesses along that road have deteriorated since September 2001 when they closed the gates; now the gates that go through the base only open twice a day to allow school buses in and out; other than that it's just bypass traffic.

Application was opened to the public

No public comment

Motion to approve use variance with the pre-existing setbacks as discussed by Hopkins; seconded Thompson

Roll call: Hopkins, Thompson, Green, Bailey, Gordon and Haines voted yes.

- 4.) Resolution Z-15-2015 approving Schneider, Block 277 Lot 1, 3 Pecan Lane for side yard setback, distance between structure and lot coverage variances for an accessory structure in an R-80 zone.

Motion to approve by Green; seconded by Bailey

Roll call: Green, Bailey, Hopkins, Thompson and Haines voted yes.

- 5.) Resolution Z-16-2015 continuing Saville, Block 606 Lot 13, 23 Chippewa Trail for a use variance for engraving and etching of metal items including firearms in an R-96 zone.

Motion to approve by Thompson; seconded by Green
Roll call: Thompson, Green, Hopkins, Bailey and Haines voted yes.

- 6.) Minutes – March 11, 2015

Motion to approve by Bailey; seconded by Hopkins
Roll call: Bailey, Hopkins, Thompson, Green, Haines and Gordon voted yes.

- 7.) Comments by Board Members and Professionals

Abbott advised that she wouldn't be able to attend the May meeting but she would have the resolutions as soon as possible and arrange for coverage.

Banisch advised the Board that the contractor for the Tobin solar array wants to maintain the same setback but kind of move it to the east in the backyard; which would be less visible.

Hopkins asked if it was something that needed to be addressed.

Banisch advised that the Board had approved the location.

Mannix asked if it wouldn't improve it.

Abbott stated that they were talking about not having to re-notice but come back to the Board; she felt that the Board should see what he was planning to do.

Haines asked about requiring him to come back and would it cost him more money.

Abbott responded yes.

Banisch responded that it would and that they've already expended time looking at it to figure out what to do with him.

Haines commented that there was only one house that could see it.

Banisch didn't think anyone would when he moves it.

Haines commented that they required some pretty substantial natural screening.

Mannix suggested writing a memo to the Board with an attached sketch that they prepared.

Haines commented that he would like to try to avoid bringing him back in; maybe he could mark it out in his yard.

Abbott if he did come back to the Board it's only his time; it would not be necessary for her to prepare a resolution; he would just be coming to discuss the memo; with it being a ground mounted solar array and the use variance that the change should maybe come to the Board.

Banisch discussed the drawing that they had sent in.

DiPalma advised that she received it by email and had forwarded it to Banisch and it was forwarded to Abbott to find out what needed to be done for them to be able to make the change.

Banisch stated that nothing was built; the Board knows where it was approved; the condition of approval was that he had to submit all specific details; he needed fencing and landscaping and after it was installed he would do a field inspection to see lines of sight to be sure the neighbors couldn't see it; it looked to him like he was moving it farther outside of the neighbors view; he could verify that in the field with stakes before he writes the memo. Haines stated that he did not think they needed it see it again; he asked if any members did.

Gordon commented about it being an improvement.

Banisch stated that the memo will be in the file so that anyone picking up the file can figure out how it happened once he confirmed that the relocation was as he understood it from that drawing.

Abbott suggested a motion and vote.

Motion to authorize the Board Planner to inspect the new location and write a memo in regard to it was made by Hopkins; seconded by Green

All in favor: Aye
Opposed: None

8.) Adjournment

Motion to adjourn by Bailey; seconded by Hopkins

All in favor: Aye
Opposed: None

Meeting adjourned at 8:46 PM

Respectfully submitted by,



Donna DiPalma, Business Secretary
Planning Board and Zoning Board of Adjustment

Disclaimer: the above minutes are neither a verbatim nor a detailed version of the events of the meeting. Such detail is available on the legal recording of the meeting at the Township office during business hours.