

April 7-8-15

Pemberton Township Zoning Board of Adjustment  
Pemberton Township Municipal Building  
500 Pemberton Browns Mills Road, Pemberton, NJ 08068  
Regular Meeting Minutes  
June 10, 2015  
7:30 PM

MEMBERS:

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

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: Thompson, Green, Bailey, McLaughlin, Besselman, Gordon and Haines were present. Hopkins and Gordon were absent.

MATTERS FOR DISCUSSION AND/OR FORMAL ACTION:

- 1.) Greeting of the public and invitation to comment.  
*(No public comment)*
- 2.) Russell, Block 180 Lot 1, 4 High Street, variance to replace a four (4) fence in the front yard on a corner lot in an R-80 zone.

Kyle Russell was sworn in and testified that his family moved to Browns Mills after getting employed at the joint base; he had noticed that the perimeter of the fence needed to be repaired and that the fence was seriously compromised; he applied to replace the stockade fence with chain link; it would enhance safety because what is there doesn't allow a lot of visibility; he would be able to enjoy his yard while ensuring the safety of his son; people drive quickly in the area; proposed chain link but vinyl coating is not in his budget; he's cleaned up a lot of leaves around the fence; noticed that a lot in the area don't; he's tried to keep a high standard on his property.

Bailey asked if the contour of the fence would not change; asked if it is picket being replaced with chain link; the applicant responded yes and that he is keeping the fence where it is but may need to replace posts.

Bailey commented about it being a plus.

Thompson asked about opening the corner for visibility and setting the fence back either on High Street or Bell; Russell responded that based on the scope of it with the fence at this house it would give him no backyard.

Thompson asked if there was any room for compromise; Russell responded if forced he would do what he needed to but would like to use of most of his property; a lot in the area are the same and felt a compromise would be slightly unfair.

Thompson asked how much distance to the edge of roadway and if there was a sidewalk; Russell responded between 4' and 6' and that there was no sidewalk.

McLaughlin asked if there would be a height change; Russell responded no it would be 4'.

Green asked where the fence was being replaced; Russell responded that in

the back corner where three neighbors meet he currently has at least 4 panels of 6' stockade fence and he's going to replace that and add one piece which is just at the back corner of the house.

Green asked if it would completely enclose the property; Russell responded that it would not enclose the driveway.

Banisch reviewed the sight triangle provision of the Township ordinance section 190-34L and that the proposed fence height of 4' or 48" does not appear to be in violation of the sight triangle; 190-34K provides that fences existing shall remain or be maintained; he could rebuild it but feels he's improving it by making it a chain link fence that can be seen through; even though it is a violation he's improving the situation that he's entitled to; understands it being galvanized but down the road he may want to paint it black or grey which tends to make it disappear into the landscape better; commented that it looked like the variance could be granted without any detriment.

Mannix advised that the ability to see is very important; wanted the applicant to look at giving some of the fence right at the corner; the ordinance would require measuring from edge of pavement 30'; another common way to measure the sight triangle would be to measure 15' back from the stop sign and be able to look up 125'; his advice would be to do something to improve the sight distance at the intersection; the applicant advised that 30' or 40' would be obstructed by the neighbors stockade fence; another house on the corner has chain link and multiple trees and that he couldn't help but feel he's being held to an unfair standard.

Haines asked if there were any sidewalks; Russell responded no.

Haines asked if there are any corner lots where there aren't fences to keep people from cutting across peoples lawns; Russell responded that there are some but more are fenced than unfenced.

Haines asked if there wasn't a fence there would he think people would cut across his lawn; Russell responded yes.

Haines suggested a compromise and asked if the applicant would agree not to put any shrubs in the sight triangle; people would be able to see through the chain link fence.

Abbott asked the applicant if the Board granted the variance would he agree to condition of not having any shrubs to block the triangle.

Russell agreed.

Mannix clarified that it would be 15' in either direction from the corner where Bell and High Street meet connecting the two points.

*Application was opened for public comment  
(No public comment)*

Abbott advised that the applicant had requested a variance to allow a 4' chain link fence in the front yard; no shrubs were to be planted within 15' in either direction from the corner.

Green asked for clarification on the location and height of fence.

Banisch advised that it would be in accordance with the sketch submitted.

Mannix confirmed that measuring from the property line where the streets intersect between Bell and High there are to be no shrubs 15' in either direction.

Motion to approve with the condition mentioned

by Green; seconded by Thompson

Roll call: Green, Thompson, Bailey, McLaughlin, Besselman and Haines voted to yes.

- 3.) Resolution Z-19-2015 approving Hallman, Block 60 Lot 46, 412 Sassafras Street, application for rear yard variance to construct a sunroom addition in an R-80 zone

Motion to approve by Bailey; seconded by Green

Roll Call: Bailey, Green, McLaughlin and Haines voted yes.

- 4.) Resolution Z-20-2015, approving Dobovich, Block 827.01 Lot 4, 114 Magnolia Road, side yard setback variances to reconstruct a single family dwelling in an R-200 zone.

Motion to approve by McLaughlin; seconded by Bailey  
Roll Call: McLaughlin, Bailey, Green and Haines voted yes.

- 5.) Resolution Z-21-2015 (tentative) Manna from on High Ministries, Block 842 Lot 6, 319 Magnolia Road application for use variance for house of worship in the AP zone -- *request to revise resolution due to Pinelands Commission comments.*

Abbott explained that this application for a use variance for a church was approved in November of 2014 and memorialized in December of 2014; there was a standard condition to obtain any other approvals; they filed with Pinelands Commission which sent a letter dated May 22, 2015 and directed that the resolution be amended with specific language; noted that the additional language they had requested was in the original testimony so that there is no new testimony. Dorian Morgan the applicant's attorney is going to have the applicant confirm that those conditions are still in effect and the Board can then adopt the resolution.

Morgan agreed with what Abbott had stated; that back on November 12, 2014 and that the Board approved a use variance to use a firehouse for a church; the Pinelands wanted a clarification of what was put into the resolution.

Violet Brown and Pastor Roy Brown were sworn in; Violet Brown confirmed that they were before the Board in November 2014 and had testified about activities for the church; one of which was a food bank and ministry; the testimony was that there was no on site food preparation; the summer youth camp that would be hosted by the church however would not be on the church property and primarily be field trips; agreed that was what had been testified to.

Abbott advised that there didn't appear to be any need for questions unless anyone had questions about the additional text that was included in the resolution or felt that it was not accurate as to what was previously testified to; if not the Board could vote on the resolution.

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

- 6.) Minutes – May 13, 2015

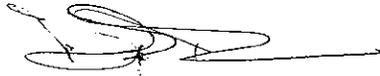
Motion to approve by Green; seconded by McLaughlin  
All in favor: Aye  
Opposed: None

- 7.) Comments by Board Members and Professionals  
*(No comments)*

- 8.) Adjournment

Motion to adjourn by Thompson; seconded by Besselman  
All in favor: Aye  
Opposed: None  
Meeting adjourned at 8:10 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.