

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairperson, Frank A. Tomasello, presiding. Members present were Wayne Cain, Wayne Choyce, John Sacchinelli, Bruce Strigh, Elaine Valentino and Amanda Zimmerman. Also present were Solicitor, Robert Cooper; Zoning Officer, Philip Sartorio; Planner, Robert Watkins; Engineer Consultant, Steven Mazur and Landscape Consultant, Christopher Carey.

The Statement of Compliance was read.

Announcements – There were none.

Daniel & Tonya Spitzer; Application #15-12; Block 609 Lot(s) 15 & 16 located at 6331 Benson Avenue were present and are seeking a variance for lot and impermeable coverage to construct a 16,980 square foot barn and arena as part of an existing agricultural use (horse breeding & training) and any other variance(s) found to be necessary. Jerome Irick, engineer for the applicant was present and was sworn in.

Solicitor, Robert Cooper verified that the proof package had been executed properly and property taxes are current.

Ms. Spitzer testified this would be an indoor arena for breeding, training and selling of horses. She has been doing this for the past 10 years and by constructing this facility she could work all year round. There are currently 6 horses on the premises and the maximum would be 10-12 over the course of a year (this includes foals). Boarding and horseback riding will not be done there. This property has Farmland Assessment for breeding and training. Mr. Sartorio stated this is a permitted use in the Agricultural Area and Zoning Permits were obtained for all the structures on the site. The total of both lots is 20 acres.

Ms. Valentino asked if there are any employees working there and Mrs. Spitzer stated no.

Mr. Choyce asked if there will be any living quarters or bathrooms in this structure and Mrs. Spitzer stated no.

Ms. Lentz arrived at 7:09 but will not participate in this application.

Mr. Irick gave testimony in regards to his response to the report from Kevin Dixon, Dixon Associates dated 8/ 21/12. A 200' and aerial map was submitted and showed adjacent land and property owners. The map indicated some residential areas along with some vacant property. The proposed operation would be buffered and shielded by surrounding woods. Some spot elevations were given to see how the area was graded and storm water will be dissipated on site with no need for a retention area. The highest point of the building will be 31', the intermediate part 18' and the front part 21'. These heights are less than the zoning ordinance requirements.

Mr. Steven Mazur, Dixon Associates, was sworn in. He testified that everything that was requested from his memo dated 8/10/12 was addressed and can be deemed complete. The application is exempt from site plan review which would include the township's storm water management rules but Mr. Mazur feels a storm water element should be included with this application (to address the roof run off).. This can be a condition upon approval from the Board.

Mr. Strigh asked for clarification in regards to the storm water management and Mr. Mazur replied it could consist of small drainage swales to seepage pits. This would depend on post development runoff versus pre development. Mrs. Spitzer stated there will be gutters included in this project. Mr. Irick stated dry wells could be provided at the downspout location. He stated a waiver would be requested for a storm water plan. The soils are good and there have not been any issues with standing water.

Mr. Choyce stated the proposed impervious coverage is 6.2% where 1.26% is allowed and because of that he feels the run off should be addressed.

Ms. Valentino questioned how the animal waster will be disposed. Ms. Spitzer stated she is familiar with the state requirements and will comply by spreading the waste over the pastures on the property and it would not affect anyone in anyway.

Mr. Irick stated this application falls under the Right to Farm Act and is similar to other farm operations in south jersey. The positive criteria are that it keeps farming in the community, local residents local and preserves open space. The following was introduced as part of the negative criteria:

Exhibit A-1 – An aerial photo which shows adequate wooded buffer.

The wooded buffer which surrounds the property would not be detrimental to the zoning, pinelands or township plan.

Mr. Tomasello opened this part of the hearing for public comment and James Kerrigan of 5714 Laurel Street was present and was sworn in. He asked where the property is located and Mr. Sacchinelli replied it is in the Mizpah section of the township.

Mr. Tomasello asked if anyone else wanted to speak for this portion of public comment and there was no response. Mr. Choyce moved, seconded by Mr. Sacchinelli to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Ms. Valentino moved, seconded by Mr. Sacchinelli, on App. #15-12, Block 609 Lot(s) 15 & 16 located at 6331 Benson Avenue for a lot and impermeable coverage variance to construct a 16,980 sf barn/arena as part of an existing agricultural use. The increase in lot coverage will be 5.73% and the increase of impervious coverage will be 6.21%. This motion is contingent upon storm water management approval in accordance with review by our engineers whether the plan should be more extensive than what was submitted or a more simplistic plan. Any increase in the animal waste would require remedies required by the State.

Ms. Valentino commented she visited the property and it is in a rural area which will be perfect for this type of operation. The operation has been in existence for a considerable amount of time and there are no objectors from the public here. The operation as it exists requires other approvals from boards and agencies other than this. The applicant has complied otherwise they would not be here.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE”, NO MEMBERS VOTING “NAY,” and “NO ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE

MR. CHOYCE-AYE

MR. SACCHINELLI-AYE

MR. STRIGH –AYE

MS. VALENTINO-AYE

MS. ZIMMERNAN-AYE

MR. TOMASELLO – AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: I visited the property and observed where the barn/arena will be constructed. The property is well maintained. The neighbors will not be able to see the structure and neither will anyone from the road. Based on the engineer’s comments in regards to storm water runoff as long as it is taken care of in a timely matter I do not see any negative impact to any neighbors. I vote yes.

MR. CHOYCE: I also visited the property and agree with Mr. Cain that the property is well maintained and the location of this property is well suited for this area. It is in a heavily wooded and minimally populated part of the township. No one will be disturbed by this operation. Since the barn will be strictly used for the breeding and training of horses and no residency will be developed in the barn I see no negative impact in granting the request. I vote yes.

MR. SACCHINELLI: For the reasons stated before I vote yes.

MR. STRIGH: For the reasons stated before I vote yes.

MS. VALENTINO: Yes.

MS. ZIMMERMAN: Based upon the testimony of the applicant and the township’s professionals as well as the reasons previously stated I vote yes.

MR. TOMASELLO: I also vote yes. I am very familiar with the area where this development is proposed. It is probably in the last remaining rural part of the township and for that reason I believe it is uniquely suited for the operation the applicant proposes. I also agree with the testimony in regards to positive criteria this preserves open space and the negative criteria it is that it is heavily wooded area with extensive buffering. The proposal is to add a little of bit of structure to what has been an ongoing operation. For all those reasons I believe the applicant is entitled to the relief requested.

Tracey Hessert App # 16-12; Block 1132.18 Lot 89; 176 Pheasant Run Road was present and is seeking a rear yard setback variance for an expanded attached open deck to the rear and the side of the house and any other variance(s) found to be necessary.

Ms. Lentz is returning to the Board and Ms. Zimmerman will be the first alternate in the event that one of the members cannot vote.

Solicitor, Robert Cooper verified that the proof package had been executed properly and property taxes are current.

Ms. Hessert testified that she would like to extend her existing deck off the back of her house (from 104 sf to approximately 850 sf). The current deck is constructed of a composite material and the proposed deck will be made of the same material. It will not be enclosed or have utilities.

Mr. Philip Sartorio, Zoning Officer, was sworn in and testified the Planning Board granted a variance (11/2004) to the developer to allow any decks to be setback 20' from the rear property line. The setback that is being requested is for an additional 5'.

Mr. Cain visited the property but could not observe the existing deck due to the fence which surrounds the property.

Ms. Valentino asked who owned the property directly behind her. Ms. Hessert answered the association owns and maintains it.

Mr. Choyce also visited the property and also noted it is entirely fenced it. He did note the property to the rear leads up to the parking lot for the swimming pool in the association and it is non developable.

Mr. Tomasello opened this portion of the hearing for public comment and there was none. Mr. Sacchinelli moved, seconded by Mr. Strigh to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Choyce moved, seconded by Mr. Strigh, on App. #16-12, Block 1132.18 Lot 89 located at 176 Pheasant Run Road for a variance for a rear yard setback of 15' (+/- 1') for the installation of an 850 square foot open deck to the rear and side of the house. The applicant would have to come back before the Zoning Board if any roof or covering is proposed for the deck.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE

MR. CHOYCE-AYE

MS. LENTZ-AYE

MR. SACCHINELLI-AYE

MR. STRIGH -AYE

MS. VALENTINO-AYE

MR. TOMASELLO -AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: Based on visiting the property and noting the undeveloped portion located at the back is part of the homeowner's association and existing deck is located there along with the applicant and Mr. Sartorio's testimony I vote yes.

MR. CHOYCE: We have a homeowner who wants to improve their property to better enjoy their home. The applicant's property backs up to commonly owned property that will not be developed and anything that is done in the backyard has minimal impact on the neighbors. I see no negative impact to grant the

variance being requested and based on testimony from the applicant that it will be an open deck and not enclosed for additional living space I vote yes.

MS. LENTZ: I vote yes for the previously stated reasons.

MR. SACCHINELLI: Yes for the same reasons.

MR. STRIGH: Yes for the same reasons.

MS. VALENTINO: Yes. I visited the site and it is a trapezoid lot completely enclosed. There are sufficient setbacks on both side yards. The adjoining property is owned by the association and does not impact on the surrounding properties in any negative way. If the applicant chooses at a later date to put a roof or cover on the deck she would have to come back to the Zoning Board.

MR. TOMASELLO: I also vote yes. This is a traditional hardship in that it is a trapezoid irregularly shaped lot and it is part of a Planned Unit Development where the developer built out what was allowed and left the homeowner a limited amount of room to develop the remaining parts of the parcel. In this case the applicant is asking for a 5' additional rear set back and I feel this is a diminimis request. There are no negative criteria, it abuts a common area and is fenced in. No one will see it or be impacted by it. I believe the applicant is entitled to this request.

Richard Kelusak; App. # 17-12; Block 793 Lot 1; 1501 Route 50 was present and is seeking a variance to enclose an existing porch with windows, add electricity and any other variance(s) found to be necessary.

Solicitor, Robert Cooper verified that the proof package had been executed properly and property taxes are current.

Mr. Kelusak testified that he would like to install windows in the porch (12' x 20') which he received approval for in April 2012 so the elements would not deteriorate the structure. The flooring in the porch is a sub floor not deck material.

Ms. Valentino asked when the applicant decided to come back to the Zoning Board and he replied about 2 months ago. He is waiting for windows in the open space. It will be used as an all seasons room. This room will be for personal use only.

Mr. Cain asked which deck will have these windows and Mr. Kelusak replied only the side deck.

Mr. Lentz asked if the sub floor is acceptable for an enclosed room and Mr. Sartorio answered that is a construction code issue.

Mr. Tomasello opened this portion of the hearing for public comment and there was none. Mr. Choyce moved, seconded by Mr. Strigh to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Ms. Valentino moved, seconded by Ms. Lentz, on App. #17-12, Block 793 Lot 1 located at 1501 Route 50 for a variance to enclose an existing porch (12' x 20') with windows. It will also have all utilities associated with an all seasons room.

Ms. Valentino also noted she visited the site and the construction is in keeping with the character of the house and is made of the same materials as the house.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING "AYE", NO MEMBERS VOTING "NAY," and "NO ABSTAIN."

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE

MR. CHOYCE-AYE

MS. LENTZ-AYE

MR. SACCHINELLI-AYE

MR. STRIGH -AYE

MS. VALENTINO-AYE

MR. TOMASELLO- AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: I visited the site and noted that it is well maintained and cannot be seen from the road. It will be enclosed and become an all seasons room. I vote yes.

MR. CHOYCE: The applicant's request is minimal compared to the previous variances granted in regards to setbacks conditions. I see no detriment with the request to fully enclose the previously approved deck to make it an all seasons room for more enjoyment for him and his family. I vote yes.

MS. LENTZ: I agree with my colleagues and I do not see any detriment to approving this application. I vote yes.

MR. SACCHINELLI: I vote yes for the same reasons.

MR. STRIGH: I vote yes for the same reasons.

MS. VALENTINO: Yes.

MR. TOMASELLO: I vote yes and incorporate the comments made by Mr. Choyce. This is not much of an expansion of what was granted a few months ago. The property is well concealed and I feel the impact is almost non existence. I have no problem with the relief that is being requested.

St. Vincent DePaul Regional School; App#18-12; Block 807 Lot 4; 5809 Main Street will be represented by Jeff McClain, Esquire and is seeking a Use Variance to allow a trailer to be added to the existing site for additional classroom space and any other variance(s) found to be necessary.

Mr. Cain recused himself from this application.

Solicitor, Robert Cooper verified that the proof package had been executed properly and property taxes are current.

The following individuals were sworn in:
Father Edward Heintzelman-Parish of St. Vincent DePaul
Rami Nassar- Schaeffer, Nassar & Scheidegg
Ms. Linda Pirolli, Principal of St. Vincent DePaul

Mr. Nassar testified the site is located on 3 streets (Farragut Ave., Linwood Ave. and Main Str.) and the application is for 1 additional trailer (750 sf) which will be used as a classroom. It will be located on a portion of the playground. The site is on 2.2 acres and the requirements for a school are 5+ acres. There are .85 acres located in Village Commercial (VC) and 1.27 acres in R9 Zone (residential). The trailer will be in the VC Zone. A Use Variance is required due to the split zone to allow the additional building. The trailer that is currently there received a Use Variance in the past. Waiver requests are as follows:

Outbound Survey-This was done when the previous trailer was approved. All existing conditions have been updated and nothing has changed. The proposed construction is located within the site.

Topography-The same report will be used as what was approved previously.

Site Characteristic Map-The existing condition map and the site plan should be sufficient to give the site characteristics of the area being disturbed.

Landscaping-Additional landscaping is not being proposed.

The use is inherently beneficial and will not have an impact on the zoning of the town. There are about 200 students and 20 staff members. The addition will lessen the burden on the school.

Mr. Tomasello agrees that the school is inherently beneficial but questions how the trailer is. Mr. Nassar stated it allows the school to expand.

Father Heintzelman testified the proposed trailer will be used as a 3 year old pre-k program. The school owns one of the existing trailers and the State owns the other for special educational needs.

Mr. Tomasello asked if all 3 trailers were removed would there be enough room for an addition and Father Heintzelman answered possibly.

Mr. Sacchinelli asked if enrollment increased would an addition be feasible and Father Heintzelman answered yes.

Ms. Valentino asked how many students are enrolled in trailer that houses the 4 year olds and Father Heintzelman answered 18 and there are 3 in the Title 1 trailer along with a teacher. None of these (including the 3 year olds) are subsidized by the State. The proposed trailer meets the guidelines of the state in regards to square feet per child.

Mr. Nassar stated the a lot area variance is being requested due to the site being about 2.2 acres and 5 acres are required. This is an existing non conforming use.

Mr. Choyce asked what the property is currently being used for and Father Heintzelman stated it is will be in the pre-k playground which is fenced in. The area behind the fence will be used as the play area instead of teacher parking (convent parking lot). The teachers will park on the street. The driveway will be closed and the recreation will be in the grass area on top of drainage. The students use the park across from Main St.

There are 57 parking spaces and 20 teachers. The anticipated enrollment of the proposed trailer will be 14.

Discussion ensued in regards to accommodations to the relocated playground.

Mr. Robert Watkins, Planner; Mott Associates was sworn in.

Mr. Watkins suggested the trailer be located on the driveway and keep the playground where it currently is. As per his report, the school is an inherently beneficial use and isn't a deterrent to the zone. A building may be better than trailers but it would have to go into the front yard along Main St. due to lack of room in the back. The location of the trailer would be better suited for the children in that confined area.

The Use Variance is for an expansion of an existing non conforming use.

Mr. Watkins stated he prepared the landscaping report and noted there are 2 issues with the site. The 1st is there are no sidewalks along 2nd Str. and Linwood Ave. and all schools require them. At a workshop meeting it was concluded due to the parking along those avenues they didn't feel pedestrians walked along those areas and a waiver is requested. After a site visit it was noted that a significant amount of sidewalk area in front of the school (Main St.) that is broken and requires repair. They agreed to replace that portion.

The 2nd issue is the 5 landscape islands with trees along the proposed drop off/pickup area. These islands are now gone and new concrete is there. Father Heintzleman informed the Board that the trees were removed because the roots dug up the concrete and the concrete was replaced.

Ms. Valentino asked Mr. Watkins to be specific as to what and where the landscaping recommendations are.

Discussion ensued in regards to the sidewalks.

Mr. Watkins suggested additional landscaping along the chain link fence to hide the trailer but it was concluded the fence is not owned by the applicant. The applicant agreed to plant approximately 10 trees to hide the trailer.

Discussion ensued in regards to the vacant lot behind the gas station and why the school never purchased it.

Ms. Valentino asked if the existing 4' vinyl fence will be moved to the existing curb line and then the trailer will be moved back to enlarge the playground. Mr. Nassar confirmed the trailer and handicap ramp will be moved.

Mr. Steven Mazur, Dixon Associates, was present and testified during the workshop parking requirements were discussed. There are 57 spaces but requirements have since changed. Now there can be 2 spaces per classroom, but not less than 1 per full time employee. Mr. Nassar stated 20 parking spaces would be required. In regards to the waivers, Mr. Mazur feels they can be granted. The improvements are

limited to the trailer and the ramp. Mr. Nassar agreed to show the where the building mounted site lightening would be on the compliance plan.

The trailer size and revised location (over the driveway) would cause a diminimis amount of storm water runoff. The main parking lot is kept open due to recreational activities held there. During the workshop it was agreed that a portion of the parking lot will be roped off & used for the teachers. The rest of the area (by Linwood Ave.) is closed.

Mr. Tomasello opened this portion of the hearing for public comment and Mr. Kerrigan stated that on August 9th the HPC approved the new trailer. Linda Farrell, Linwood Ave., was sworn in next. Her concern is with the parking lot being blocked off and the parents parking in the street to drop off and pick up students. The additional trailer will add congestion to the street for drop off and pick up of the increased student population.

Father Heintzelman stated the new trailer will be used for full and half day pre k.

Discussion ensued in regards to where the cars are parking and lining up in that area to pick up their children.

Mr. Tomasello asked if anyone else wanted to speak for this portion of public comment and there was no response. Mr. Strigh moved, seconded by Ms. Zimmerman to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Sacchinelli moved, seconded by Ms. Valentino, on App. #17-12, Block 793 Lot 1 located at 1501 Route 50 for 3 variances. The 1st is a Use variance to permit a trailer to be used as a classroom in conjunction with a pre-school/3 year old program. The 2nd is a lot size variance for a non conforming lot. The 3rd is for a side yard setback variance of 20' on the Linwood Ave. side in order to move the trailer closer to the property line. A request for 5 waivers (survey, existing topography, site characteristic map, landscaping plan, except for a condition for 10-12 trees along the fence line in conjunction with what the landscape engineer determines those trees to be, and a sidewalk waiver along 2nd Str. and Linwood Ave. (except for a condition to repave/repair the sidewalk along Main Str. to the property line). The conditions are: the trailer is to be relocated back from its current location so the original playground will remain where it is; the development of a plan for picking up and dropping off of the students and the plan shall be revised to indicate the building mounted lighting.

Mr. Tomasello asked if there was any discussion on the motion and Mr. Choyce stated he would prefer the voting on this application postponed until a revised plan which shows the relocated trailer, lighting, landscaping and where the 20 parking spaces will be allocated in the parking lot and possibly a draft of the suggested improved traffic conditions in that area before the Board votes on the application. There are a lot of unknowns and conditions and a revised plan will show what the conditions are. Based upon these concerns Mr. Choyce moved to table the application, seconded by Mr. Strigh.

Ms. Valentino asked if this will affect the start of the school year and Father Heintzelman stated it would.

Discussion ensued in regards to voting at this point and a Use Variance requires 5 affirmative votes.

Father Heintzleman concluded he would like to table the application until the September 24th meeting.

Mr. Sacchinelli withdraws his motion and Ms. Valentino withdraws her second of the motion.

This application is postponed until the September 24th meeting and re-notification and re-publication by the applicant does not have to be performed.

Mr. Tomasello recessed the meeting starting at 9:06 pm in order to distribute additional site plans for members to review.

The meeting reconvened at 9:16 pm.

6408 Harding Highway, LLC App. # 20-12; Block 670 Lot 4; 6408 Harding Highway was present and is represented by Samuel Serata, Esquire. They are seeking a Use Variance and Site Plan Approval to allow Sheppard Bus Service, Inc. to lease the property for new & used bus sales, bus equipment dealership along with related activities, including refueling of school buses, and any other variance(s) found to be necessary.

Solicitor, Robert Cooper verified that the proof package had been executed properly and property taxes are current.

The following witnesses were sworn in:

John C. Sheppard, Owner

Walter Fazler, Engineer

Dave Rentschler, Engineer

Randall Scheule, Planner

Mr. Serata stated the applicant would like install a concrete pad in the impervious area so a fuel dispenser can be installed. The entry in regards to the State Highway and the County Road (Bears Head Road) will be changed.

Mr. Sheppard testified he is the controlling interest party in the LLC and primary stockholder. He oversees the operations. The services will extend in the Atlantic County area, including the Mays Landing School District. They are an authorized dealer for Thomas Built Buses, Bluebird Built Buses and an International IC dealership. About 20% of the operation is selling new/used buses. The companies that own equipment they can service would bring them to his site. It would be light body maintenance and heavy duty work would be elsewhere. They will be operating about 27 buses for the Mays Landing School District. They would like to operate fuel dispensing for their vehicles at this facility. A similar operation is performed at their Millville and Carmel sites. There will be no retail sale of diesel fuel. Outside maintenance will be performed on the school buses in the area. The fuel tank will be above ground and meets all criteria of state, local and fire marshal. The dispatch office is in Millville.

The bus drivers will keep the school buses on their property (about 80%). They mainly refuel after the morning run or before their afternoon run.

Mr. Tomasello confirmed with Mr. Sheppard that the buses will be serviced on a warranty basis, light maintenance and a majority of the drivers will take the buses back to their house with the rest staying at the facility.

Mr. Strigh has concerns about what the property will look like due to it being seen when entering Mays Landing. Mr. Sheppard feels 10-14 school buses will be parked there during off hours and more during the summer. The buses that will be for sale will be located at the front of the lot (by Route 40). The type of maintenance that will be preformed includes recalls and Pre Delivery Inspections and that will be done in the existing buildings.

The entire impervious area will be repaved and concrete will be placed at the fuel area. There will be no open dirt area.

A chain link fence with vinyl slats is proposed by the back of the property and the Millville Road side. There entrance by Avenue of the Pines will stay.

Mr. Rentschler indicated that Sheet 5 shows the circulation of the traffic for the site. An entrance will be on Harding Highway, go through the gate to the fueling area and exit onto Millville Avenue. There will be directional arrows in the parking area.

Ms. Valentino asked if the 4 bay garage will remain and Mr. Sheppard stated yes. The trailer and shed will be removed. The body shop will initially be used to perform maintenance on buses and store service vehicles.

The site will not be used as a bus depot for the public or for tour buses. An electric gate will be located at the site. Occasionally a truck that needs immediate service will go to the site and if the problem cannot be immediately fixed it will get towed to another facility.

They propose on installing sidewalks along Harding Highway and Avenue of the Pines. There will be curbing egress on Millville Avenue.

Mr. Sheppard has owned the property since November of 2011. The bus company is leasing the property from the LLC. There will not be any broken down buses on the property. The company turns over buses every 3-4 years. The back fence will be 8'. The landscaping along Route 40 will be enhanced and added to. The lights that are lying in the parking lot will be removed. There will be security lighting along the back fence area.

The trip generation for this type of use is less intense than a car dealership. Most customers would be at the site during the day by appointment only.

Mr. Scheule is a licensed professional planner for the past 26 years. He is familiar with the site and when it was a car dealership. The proposal promotes the general welfare by cleaning up the site, demolishing the old trailer, restore the business, and enhance the aesthetics of the site. The applicant will be improving the site and will address through the site plan approval. The building coverage will be less than 3% where 15% is permitted; the building height will be 15' where 35' is permitted; the impervious coverage will be less than 32% where 60% is permitted. Approximately 4 of the 13 acres are improved.

There are no detriments to the public and this site will be enhanced with the proposed changes.

Ms. Valentino asked Mr. Scheule if he knew how the original business obtained their approval and he stated it has been a car dealership since 1974.

Discussion ensued in regards to the previous car dealerships that were located at that site.

Mr. Serata stated an application has been made to the Pinelands Commission along with a site plan to the County.

The fence height and location will require a variance.

Mr. Watkins gave testimony in regards to his report dated 8/10/12. The positive and negative criteria have been met as per the previous testimony. The proposed use will not be detriment to the area or the zone plan. The use being requested is similar to what is permitted there. There are some site issues and they will be discussed at the next meeting. The issue would be the sidewalk on Route 40 and extending it.

Discussion ensued in regards to the sales of new cars, used cars & buses.

Mr. Mazur will give testimony at the September meeting in regards to site plan approval. He stated the trip generation portion of his report was based on the school buses being dispatched from the site and testimony given by the applicant clarified this information.

Mr. Carey was sworn in and stated his report from August 16th was related to site plan issues which will be addressed at the September meeting. He did have a discussion with Mr. Fazler about adding landscaping and comments from his report.

Mr. Tomasello opened this portion of the hearing for public comment and Kathleen Clark was sworn in. She lives across the street from the site and commented in regards to the speakers and lights that the previous car dealership used. She also has concerns about bus fumes and noise.

Mr. Sheppard answered the hours of the site are 9:00 am to 5:00 pm and will not have a loudspeaker. They are governed by idling laws (3 minute shut downs). The fuel pumps are vaporless and are similar to the Millville site. The drivers refuel after the morning bus run and before the afternoon run. If there a diesel spill occurs and prevention tools are at the site. A contractor is used to check for leaks.

Mr. Strigh had questions about the current standards of the lights. Mr. Mazur noted they will have to address the light spillage onto Millville Ave.

Mr. Tomasello asked if anyone else wanted to speak for this portion of public comment and there was no response. Mr. Sacchinelli moved, seconded by Mr. Strigh to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Choyce moved, seconded by Mr. Sacchinelli on App. #20-12, Block 670 Lot 4 located at 6408 Harding Highway for a Use Variance for the sale and maintenance of new and used buses and refueling and repair of buses, specifically to exclude motor coaches.

SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE”, NO MEMBERS VOTING “NAY,” and “NO ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN-AYE
MR. SACCHINELLI-AYE
MR. TOMASELLO – AYE

MR. CHOYCE- AYE
MR. STRIGH – AYE

MS. LENTZ-AYE
MS. VALENTINO-AYE

SAID MOTION CARRIED.

NOTE: The following Board Members made comments

MR. CAIN: This has been in disarray for about 6 years and we understand what you are trying to do. With the exclusion of motor coaches, along with testimony of the professionals, I don’t see any deterrent to anything else around. The place will get cleaned up and will have normal operations. Based upon Pineland approval, Site Plan approval and what you’re trying to do, I vote yes.

MR. CHOYCE: The use you are proposing is slightly different than what is in our ordinance states for new and used car dealerships. The impact in the neighborhood will be greatly reduced compared to the new and used car dealership, specifically the P.A. system. The traffic patterns will be reduced, the entrances from the main highways will be reduced, and your planner did an excellent job explaining the positive and negative criteria for the application. I understand and agree with his comments. I vote yes.

MS. LENTZ: I agree with my colleagues that the use variance being requested differs very little from the prior use. I think this will be a better entry way into our community. I vote yes.

MR. SACCHINELLI: I agree with my colleagues and vote yes.

MR. STRIGH: Yes for the same reasons.

MS. VALENTINO: I vote yes and would like to incorporate a reference of the comments for this variance made in Mr. Scheule’s report. This use is consistent with the Master Plan and development of a commercial property in that area. The property has been vacant for 6 years and will have a positive impact on the neighborhood.

MR. TOMASELLO: I also vote yes. I incorporate Ms. Valentino’s and Mr. Choyce’s conclusions into my statement.

Approval of Minutes – Mr. Choyce moved, seconded by Mr. Cain to approve the amended minutes from the July 23, 2012 meeting. SAID MOTION CARRIED WITH SEVEN (7) MEMBERS VOTING “AYE,” NO “NAY” and NO “ABSTAIN”.

Memorialization of Resolutions – Resolutions prepared by the Solicitor for the following applications from the July 23, 2012 meeting were adopted as follows:

Mr. Choyce moved, seconded by Mr. Cain to adopt the resolution for Fred and Nancy Kneble App. #12-12; Block 979 Lot 5. SAID MOTION CARRIED WITH ONE (1) MEMBER VOTING “AYE”.

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN- AYE

SAID MOTION CARRIED.

Mr. Cain moved, seconded by Ms. Lentz to adopt the resolution for Robert Kahrman–App. #13-12; Block 997 Lot 1. SAID MOTION CARRIED WITH FIVE (5) MEMBERS VOTING “AYE,” NO “NAY,” and NO “ABSTAIN.”

ROLL CALL ON THE ABOVE MOTION:

MR. CAIN- AYE
MS.VALENTINO – AYE

MR. CHOYCE- AYE
MR. TOMASELLO – AYE

MS. LENTZ- AYE

SAID MOTION CARRIED.

Mr. Tomasello opened this part of the hearing for public comment. Ms. Aline Dix commented as to when the car dealership was open.

Mr. Tomasello asked if anyone else wanted to speak for this portion of public comment and there was no response. Mr. Cain moved, seconded by Mr. Tomasello to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Adjournment – Mr. Choyce moved, seconded by Mr. Cain to adjourn the Zoning Board of Adjustment meeting at 10:47 pm SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Deborah Ohnemuller, Secretary
Zoning Board of Adjustment