

A meeting of the Township of Hamilton Zoning Board of Adjustment was held on the above date with Chairperson, Frank Tomasello presiding. Members present were Wayne Choyce, Eduardo Freire, Werner Raff, Bruce Strigh, Kathi Lentz, and Elaine Valentino. Also present were Zoning Officer, Steven Maimon and Zoning Board Solicitor, Robert Cooper. In addition, Zoning Board Professionals present included Kevin Dixon, Engineer, Charles Endicott, Alternate Planner, and Christopher Carey, Landscape Architect. Rami Nassar, Engineer and Thomas Darcy, Solicitor were also present and representing John Pucci, Sr.

The statement of compliance was read.

Kathleen & George Sanders – Solicitor, Robert Cooper verified that the proof package has been executed properly and property taxes are current.

Kathleen and George Sanders, App. #16-10 of 138 Giunta Walk, located on Block 1119, Lot 33 were present and seeking a variance for a rear yard setback of 25' to permit the construction of a proposed 10' x 17' enclosed porch addition.

Mr. Tomasello asked if the applicants had any photos of their property to show the Board. Mr. Sanders said he did and gave Mr. Tomasello two photos which were labeled A-1 and distributed to the Board Members for review. The photos showed the current view from the back of their property which backs up to the clubhouse. They feel that since their home backs up to the clubhouse, they lose a lot of the privacy that their neighbors get since people are always frequenting the clubhouse. They feel this enclosed porch will allow them to use the rear of their house with greater privacy.

Mr. Freire asked the Sanders to clarify if this would be more of a sunroom than a screened porch. Mrs. Sanders agreed that this would be like a sunroom, but it would not have any heat, air conditioning or running water.

Mr. Tomasello asked if it would have any electricity running through it. Mrs. Sanders said that there is already an outlet out the back of the house, so they would just be enclosing that area and not adding any additional outlets.

Mr. Freire said that he visited the property and noticed their neighbor had a similar improvement done to their property. Mrs. Sanders said that it is similar to what she wants; however, it is not enclosed the way she is proposing.

Mr. Tomasello asked Steve Maimon to verify that the applicant is in compliance with all other zoning requirements besides the two feet they are short for the rear yard setback for this addition. Mr. Maimon agreed that this is correct.

Mr. Choyce said he had the chance to view the rear of the property and the neighboring homes and he did see similar improvements at these homes; however these homes were able to meet the 25' setback requirement where Mr. and Mrs. Sanders fall short.

Mrs. Valentino asked the applicants if they needed to get an approval from the Tavistock Homeowner's Association. Mrs. Sanders replied that they did have to seek their approval and they did get it.

Mr. Tomasello opened this portion of the hearing for public comment and there was no response. Mr. Choyce moved, seconded by Mr. Raff to close the public portion of the hearing. SAID MOTION CARRIED WITH THOSE MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Friere moved, seconded by Mr. Raff to grant App. #16-10, George and Kathleen Sanders of 138 Giunta Walk, located on Block 1119, Lot 33, a rear yard variance of 23' +/- 1' setback where a 25' setback is required.

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE – NAY  
MR. RAFF – AYE

MR. FREIRE – AYE  
MS. VALENTINO - AYE

MS. LENTZ – AYE  
MR. STRIGH – NAY  
MR. TOMASELLO – AYE

SAID MOTION CARRIED.

**NOTE:** The following Board Members made the following comments regarding the above motion:

Mr. Choyce: For me, the decision on this application was a bit more difficult than some of the other applications we've had from the same housing development when it comes to rear yard setback. The variances that have been granted to date, by this Board for rear yard setback in the Tavistock Development all dealt with properties that backed up to hundreds of acres of preserved land that is never going to be developed. This particular application is almost in the very center of this development, and like I said from my visit, there are porches, but they also met the 25' rear yard setback requirement. Knowing that this developer built this original development and was granted over 100 variances from the Planning Board with regards to front yard setbacks, rear yard setbacks, side yard setbacks, and things of that nature, unfortunately, I cannot support this application and I vote no.

Mr. Freire: I also visited the sight and noticed that there were many homes that did have porches or similar improvements. In addition, these applicants did reach out to the Homeowner's Association and got their approval for this project. I think that this porch will fit in with the general area and these residents should be able to enjoy their property the way they are intending to with the construction of this proposed porch. I vote yes.

Ms. Lentz: I vote yes because I feel that it is a minimal impact. I recognize that they want and deserve some privacy being that there is a lot of foot traffic back there. So for those reasons, I vote yes.

Mr. Raff: I vote yes. The two foot appears to be a minimal impact and several of their neighbors have screened porches. It seems like it would be a hardship if we did not allow this and I do not feel that the impact is that substantial, so I vote yes.

Mr. Strigh: I also had trouble with this application, as Mr. Choyce did. We did grant rear yard setbacks for several properties that were adjacent to undevelopable property. In addition, I do not think privacy, in this particular case is legitimate because if the porch was constructed, they would have even less privacy outside in their backyard. I'm sure that the applicant knew and understood the configuration of the yard when they purchased the property. I think two feet is significant and you have to draw the line somewhere, so I vote no.

Ms. Valentino: I vote yes. I visited the property and saw the neighbors with similar porches and improvements. More than that, I feel the owners are trying to afford themselves the privacy that the developer did not feel was necessary when he built the clubhouse and did not provide a buffer between the two properties. I vote yes.

Mr. Tomasello: As I see it, there is an issue here concerning privacy. I understand the sentiments of the Board that we have to draw the line somewhere and the fact that the prior variances that we granted dealt with undeveloped land abutting the properties, but here I feel you have a situation similar to that. It's not undeveloped land, but it is the clubhouse of the entire development. So, I feel the impact, with respect to the Zoning

Plan, will be minimal. I also feel the two feet will be minimal in this circumstance and I feel the applicant has a significant issue with privacy that probably wasn't anticipated when they purchased the property, which I think is legitimate. Also, given the testimony of our Site Review Committee that a number of properties have these similar improvements, I vote yes.

John Pucci, Sr. – Solicitor, Robert Cooper, verified that the proof package has been executed properly, and property taxes are current.

Applicant, John Pucci, Sr., was present and seeking Preliminary Site Plan Approval and Final Site Plan Approval on App. #15-10 located on Block 1305, Lot 9.01 & 9.05.

Mr. Cooper addressed that the Zoning Board Planner had pointed out in his report the possibility for the need of a "C" variance if it is determined by the Board that the pole barn is now considered a principle use as opposed to an accessory use. The "C" variance would be needed because an accessory use only requires a 20' setback, which the applicant is in compliance with, where a principle use requires a 50' setback.

Mr. Endicott elaborated on the report by explaining that what typically happens in this situation is there become two principle structures on one lot since there is already an existing home and there will also be a business. If the Board determines this to be true, rather than the pole barn just remaining an accessory structure, Mr. Pucci will have to seek the "C" variance, as stated in his report. He stated that this Board previously viewed the pole barn as an accessory use to the home and after hearing testimony from the applicant, if the Board determines this situation the same way tonight, Mr. Pucci will not need to seek the "C" variance.

Mr. Cooper stated that after looking over the last resolution from Mr. Pucci's previous application he feels the Board did not exactly feel the pole barn was an accessory use, and "C" variances were only granted for height and width of the pole barn and not for the side yard. He stated that after hearing Mr. Darcy elaborate on this case, we'll be able to better determine the use of the pole barn.

Mr. Darcy began his testimony by agreeing with Mr. Endicott's report that it is true that when a lot entails both a business and a home they are each considered a principle use, in most instances. However, Mr. Darcy went on to explain that this pole barn is truly used as an accessory building when looking at Mr. Pucci's business plan as a whole. He explained by stating that when Mr. Pucci gets a job, the job is performed at a different location and not at this pole barn. An employee will come to work and park in the pole barn, take the large trucks and machinery needed for the job that day to the site, leave the machinery at the site and just continue to report to work at that job site in their personal vehicles until the job is complete. This way they are not constantly driving this heavy equipment on Harrison Avenue everyday.

Mr. Darcy also explained that another reason this is considered an accessory use is because it was resolved at the last hearing in the resolution that it is mandatory that whoever is operating the business from the pole barn must also live in the house on the property. Therefore, Mr. Pucci could not rent put the barn and live in his home. The person living in the house is the only person permitted to operate business from the pole barn.

Mr. Darcy also explained that the notices that went out for the hearing in 2007 specifically state that the applicant has already received a "D" variance to maintain the single family home with an accessory storage structure on Lot 9.05, Block 1305 for equipment storage, as per the resolution in 2006.

Finally, Mr. Darcy stated that in a memo dated August 13, 2007 for the 2007 hearing from James Mott to the Zoning Board that the side yard setback for this

accessory structure is 20' and it is in compliance with zoning regulations. Mr. Darcy also emphasized that at the time of that hearing there were variances granted for height and size of this structure, but not for setbacks. He explained that this was because Mr. Mott made it clear in his report to the Board that the pole barn is accessory structure; and consequently, setbacks were never an issue.

Mr. Choyce stated that he reviewed the professional's reports from the initial hearing and agreed that there was never an issue with setbacks in any of the reports. Mr. Cooper agreed and stated that if there was ever an issue with setbacks, it would have been addressed at the hearing in 2006 by the Board Professionals when the other "C" variances were granted.

Mr. Raff stated that he recalls the testimony from this application back in 2006, since he was on the Board at that time, and remembers that it was considered an accessory structure to the home. He also stated that the "C" variance was not required for setbacks. Mr. Freire was also on the Board in 2006 and agreed with Mr. Raff. In addition, he stated that there were numerous meetings on this application and he feels it would have been addressed by the Board Professionals if it was an issue.

Mr. Endicott explained that in his report where it recommends Mr. Pucci to seek a "C" variance that it is based on a more common situation where the business and home are each considered principle structures, which changes the zoning requirements. Mr. Endicott also stated that when Mr. Pucci first got the variances for the pole barn it was being used as an accessory structure, but it can be argued that this is not the case anymore and the pole barn's use has changed to a principle use. However, if the Board does not agree and feels they would like to move forward based on the testimony that was just heard and the history of this case, we have no problem moving forward without seeking the "C" variance, and viewing this barn as an accessory structure.

Mr. Freire moved, seconded by Mr. Choyce to confirm that the pole barn is an accessory structure and conforms to the standards of the zoning regulations; hence, making it unnecessary for the applicant to seek a "C" variance.

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE - AYE  
MR. RAFF - AYE

MR. FREIRE - AYE  
MR. STRIGH - AYE

MS. LENTZ - AYE  
MS. VALENTINO - AYE  
MR. TOMASELLO - AYE

SAID MOTION CARRIED.

Mr. Cooper stated that since Mr. Pucci will not need the "C" variance, the Board will most likely be able to encompass both the preliminary and final site plan approvals tonight in one resolution, as long as there aren't any major changes to it and the Board agrees to it.

At this time, the Board took a ten minute recess to review the resolution from the last hearing when the use variance was granted to Mr. Pucci in 2007.

Mr. Tomasello re-opened the hearing and stated that the Board would like to go over the conditions that were in the December 10, 2007 resolution that dealt with the granting of the use variance to see where the applicant currently stands on how those conditions were met. Mr. Tomasello requested that Mr. Darcy go over them one by one beginning on page 13 of the resolution.

Mr. Darcy began by going over the requirements from the Pinelands Commission that Mr. Pucci had to take into account. He explained that since there are wetlands on Mr. Pucci's site, he would have to avoid allowing a driveway to run through wetlands areas, including the wetlands buffer. Mr. Nassar explained that the driveways do not run

through the wetlands; however they do run through the buffer. He explained that it was obvious he would have never gotten these approvals since the Pinelands Commission requires a 300 ft buffer, which he could not meet, so he feels it was pointless for the applicant to even go through the process of applying to Pinelands for it.

The Board addressed the condition pertaining to the dirt mounds that were piled on Mr. Pucci's property. Mr. Darcy stated that Mr. Pucci had a timeframe to get rid of these commercial stockpiles and was unable to completely have them removed by the deadline he was given and requested an extension from Township Committee, who denied his request and rescinded the use variance that he was granted. Mr. Pucci appealed their decision in Superior Court and it was remanded to the Governing Body. The Governing Body did a reconsideration of their decision after being shown documentation of the great lengths Mr. Pucci went through to have the dirt piles removed and granted him the extension. When he later appeared before the Governing Body, the dirt piles were removed in their entirety, meeting the condition, which enabled them to reinstate the use variance.

Mr. Freire stated that he was out on Harrison Avenue today and noticed the dirt piles were removed from Lot 9.05; however, there were still several dirt piles on Lot 9.02. Mr. Darcy explained that the distinction between these lots is the piles of dirt on Lot 9.02 are used only for agricultural purposes, which is permitted. He said the commercial stockpiles that were on Lot 9.05 were generated from his business and he had intended to sell it. The current piles that are on Lot 9.02 are not from the same stockpiles that were on Lot 9.05. They are a landscape buffer for Mr. Pucci's agricultural use.

Mr. Freire asked Mr. Maimon if a permit is required for a berm or buffer such as this. Mr. Maimon responded that there is nothing in the ordinance prohibiting berms and buffers. Mr. Freire asked him to clarify why you would need a permit for a six foot fence and not one for a ten foot berm. Mr. Maimon explained that if it is not a structure, it does not require a permit, as per the ordinance.

Mr. Cooper asked the professionals if they feel the application is complete at this point and if they would feel comfortable moving forward with this application to the preliminary site plan review. Mr. Endicott, Mr. Carey and Mr. Dixon agreed that they were comfortable moving forward with this application.

Mr. Strigh moved, seconded by Mr. Raff that the application is substantially complete and can move into the review phase for Site Plan Approval.

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE – AYE

MR. FREIRE – AYE

MS. LENTZ – AYE

MR. RAFF – AYE

MR. STRIGH – AYE

MS. VALENTINO – AYE

MR. TOMASELLO – AYE

SAID MOTION CARRIED.

Mr. Nassar began by giving the Board a brief overview of what is being proposed according to Mr. Pucci's site plan including parking, driveways, etc. Mr. Darcy asked Mr. Nassar to confirm that the only improvements that are being proposed that would change the impervious lot coverage include one handicap parking space and one driveway. Mr. Nassar agreed that this was correct.

Mr. Nassar pointed out that the driveway on the southern part of the site would be a one way entrance in order to keep the large trucks from having to turn into the site from Harrison Avenue. Mr. Nassar stated that it would be appropriately marked as one way, so anyone entering the property knows not to exit from the Township Avenue side of the site.

Mr. Darcy stated that there were conditions set so Mr. Pucci would not be allowed to have any more than six employees at any given time. He asked Mr. Nassar to point out the parking situation proposed for these employees. Mr. Nassar stated that these employees would be able to park in the pole barn. The only parking outside of the pole barn would be for one handicap space and one regular parking space.

Mr. Nassar pointed out that the proposed fencing on Mr. Pucci's site will be four feet high. The proposed fence in the rear will be a barrier from the wetlands where the proposed fence on the North side will separate his commercial area from his agricultural area.

Mr. Nassar also stated that he contacted the County Department of Health regarding the cesspool on his property because he was hoping to use it to install a bathroom in his pole barn. However, the Health Department denied this request since the house was built too long ago to permit this. Therefore, the only solution the County could offer was to allow a septic tank to be placed in front of the cesspool which would be tied into the cesspool if Mr. Pucci decides to install the bathroom.

Mr. Freire asked what the current status of the reforestation area is. Mr. Nassar stated that Mr. Pucci is planning to complete this by the end of October using the tree species that were recommended by the Pinelands Commission which were White Oak and Pitch Pine. Mr. Carey said that he also spoke with Mr. Carter from the Pinelands Commission and he said that they are going to work with Mr. Pucci on restoring the trees on his property.

Mr. Darcy asked Mr. Pucci to discuss the lighting on his property. Mr. Pucci stated that there are currently three lights on the South side of the pole barn, one light in the back, two lights on the North side and one light in front of the barn. He said there is also a light on the back of the house and two lights which are on sensors on the front porch. The lights around the barn are switch-operated and will not be on all night.

Mr. Darcy asked Mr. Pucci to explain the old farm equipment on the front yard of his house. Mr. Pucci explained that these old farming tools are antiques and for decorative purposes only. He said many are over one hundred years old and depict the heritage of that rural area. Mr. Pucci agreed that if they are in a sight triangle that they should not be in, he will relocate them.

Mr. Darcy asked Mr. Pucci to explain how he intends to get rid of all solid waste and recyclables with the proposed changes to his property. Mr. Pucci said he intends to dispose of all trash and recyclables the same way as he always has, using the regular Township services.

Mr. Darcy asked Mr. Pucci to explain the purpose for people from the public and customers to come onto his site. Mr. Pucci explained that the only reasons for someone from the public to come onto the site would be to drop off a check or plans. He stated that there will be no retail out of the building. In terms of employees, Mr. Pucci said he intends to give all of his regular workers a remote to have access to the garage. He said he will have total control of the business since he lives right on site and will know who is coming and going.

Mr. Endicott addressed the sign that will be mounted on the pole barn facing Harrison Avenue. He asked if this would be the only sign the applicant is intending to use. Mr. Pucci said it would be only the one sign. Mr. Endicott stated that Mr. Pucci addressed the lighting and parking in his testimony, which satisfied the other issues Mr. Endicott had in his report.

Mr. Dixon stated that the applicant has provided testimony that he tried to obtain the appropriate approvals from Pinelands for the access of Township Avenue. The applicant has demonstrated that he will not be allowed to cross those wetlands for that

purpose. Mr. Dixon also stated that he is comfortable with the proposed parking and feels it is a reasonable solution in this case.

Mr. Dixon stated that he feels the proposed one-way driveway should be labeled appropriately with an interior "One Way" sign that cannot be seen from the street.

Mr. Choyce stated that he feel the signage should be kept to a minimum, with respect to the neighborhood, being the business is being run from a residential zone. He said that the signage should be limited to only the business sign on the pole barn.

Mr. Tomasello agreed with Mr. Dixon that there should be adequate signage as an appropriate safety measure. Mr. Choyce said he agrees as long as it is not in a place where people driving along Harrison Avenue can see it since this is located in a residential zone.

Mr. Dixon asked Mr. Nassar the estimated amount of traffic this site might see in a day. Mr. Nassar stated it would be estimated at about ten trips per day. Mr. Dixon stated that this number is equivalent to the activity in a residential dwelling unit.

Mrs. Valentino asked if we really need to consider the one-way driveway. She feels the two-way driveway on the other side of the house should be sufficient enough to handle that minimal amount of traffic. Mr. Dixon stated that from an engineer's perspective, when you have a drive aisle that is only 15 ft wide, it needs to be a one-way.

Mr. Cooper asked Mr. Pucci if he can eliminate the one-way driveway and only have the two-way driveway. Mr. Pucci stated that he has such a minimal amount of traffic come to the property that it shouldn't be an issue that he has the additional driveway. He stated that with the way the economy has been, it's been a while since he's had any additional employees besides his son. He said he's been using a company that sends employees right to the job, so they don't even need to come to his property. In addition, he stated that his wife is one-hundred percent disabled and uses that driveway to pull her car right up to the front of the house. He said he truly needs that driveway especially for her because the stairs to access the house are on that side.

Members of the Board made a few statements agreeing that the driveway should be able to exist; however, there were a few issues pointed out that were not agreed upon and needed further discussion. These include the "One Way" sign on the back of the house that would not be visible from the road and also the "Stop" sign at the end of the driveway. Mr. Freire stated that he feels the "OneWay" sign behind the house is sufficient and said he feels the "Stop" sign at the end of his driveway is not necessary. Mr. Dixon stated that from an engineering standpoint, he agrees with Mr. Freire.

Mr. Dixon addressed the northern part of Mr. Pucci's property where the driveway is located. Directly north of the driveway is Lot 9.02, which is also owned by Mr. Pucci and is currently used for agriculture. Mr. Dixon made a few suggestions about possibly having a buffer installed along the north side of the driveway in case Mr. Pucci decides to eventually sell Lot 9.02 and the new owner decides to seek a use variance to build a home. Mr. Freire stated that he does not feel it would be necessary for a buffer since Mr. Pucci still owns Lot 9.02 and there are wetlands on that lot which would really limit the area that could be developed. Mr. Cooper agreed and also stated that if someone were to look into buying that property, they would need to be aware of the topography and surroundings of that particular lot, including it being right next to a commercial business.

Mr. Carey said he felt the applicant adequately delineated how he will go about meeting the requirements set up by the Pinelands Commission, including the reforestation area. Other than that, he said he felt the testimony given satisfies all other issues that were addressed in his report.

Mr. Tomasello asked if there were any further questions at this time. Ms. Valentino said she would like to ask Mr. Cooper if a Deed Restriction could be imposed at the time Mr. Pucci consolidates Lot 9.01 and Lot 9.05. Mr. Cooper stated that the Deed Restriction should have been implemented at the time the Use Variance was granted, not at the consolidation of two lots. It wasn't made a condition of that variance and really doesn't come into a Site Plan Approval.

Mr. Cooper explained that this Deed Restriction would make it a requirement for whoever owns the business to also live in the dwelling on the property. He explained that technically, this could be incorporated into the Deed of Consolidation by just adding a Deed Restriction at that point in time. Mr. Darcy said he would have no objection to doing this at the time the two lots are consolidated.

Mr. Tomasello opened this portion of the hearing to the public for comment and Susan Diefenbeck of 829 Harrison Avenue asked to say a few things regarding this application. She stated that there are four waivers written on the Site Plan checklist that she feels should not be granted. These include item number twelve, a waiver from the driveways along with item number fourteen which would waive the need to specify sight triangles. Mr. Diefenbeck stated that these two items go hand-in-hand since we are having trouble with trucks trying to make the turns and driving onto her blacktop. The Board previously recognized this as a problem and tried to alleviate it by placing a driveway on Township Avenue, but the Pinelands Commission wouldn't allow it, as we discussed, so this absolutely shouldn't be waived.

Mr. Cooper responded to Ms. Diefenbeck by stating that the driveway situation was not waived and will need to be adequately shown by the applicant including sight triangles for final site approval.

Ms. Diefenbeck addressed checklist item number eighteen, a waiver from a Stormwater Management Plan. She stated that there is a substantial amount of dirt and debris being brought in and taken off of the site over these past few years and it is causing stormwater issues in the general area. She stated that her and her neighbors have been dealing with flooding ever since Mr. Pucci started bringing the dirt piles in and out of his property.

Mr. Cooper asked Mr. Dixon to explain how Mr. Pucci was able to proceed with the application without having a Stormwater Management Plan. Mr. Dixon stated that the purpose of a Stormwater Management Plan is to take care of changes in ground cover. He stated that it is his understanding that these were fields used for agriculture at one time and are already cleared and graded. He also stated that the only way these dirt piles were to cause flood problems on her property is if they were mounding up in such a way that they were re-routing stormwater to the street and then crossing over Harrison Avenue onto her property which Mr. Dixon stated was not happening here in his opinion. He stated that the only changes to the impervious lot coverage in this case is the proposed paved handicapped parking space and one driveway, which he feels is diminimus. He also stated that it has been a very wet year and feels the problems Ms. Diefenbeck has had on her property were not caused by activity on Mr. Pucci's property.

Ms. Diefenbeck then stated that the applicant's property has appeared unmaintained since she's lived there and feels now that it is a commercial property it should be held to a higher standard. The Board clarified that this is an issue that needs to be brought to the attention of the appropriate department in the municipal complex.

Mr. Carey stated that adding a few trees to the south side of the pole barn to soften its façade will make a big difference in the aesthetics of the site. The Board agreed that they liked this idea. Mr. Darcy said that his client agrees to take the Landscape Architect's recommendation in doing this.

Lastly, Ms. Diefenbeck addressed the business sign that will be mounted on the pole barn. She stated that in the hearing for the use variance it was placed under positive criteria that there would not be a sign identifying the business. She feels this should still be the case for preliminary and final site approvals.

Mr. Darcy objected to this and stated that the sign is in compliance with the Zoning Ordinance. Also, there were no restrictions or conditions placed from the Zoning Board or the Governing Body for the mounting of his business sign on the pole barn.

Mr. Tomasello asked if anyone else would care to speak on this application and there was no response. Mr. Choyce moved, seconded by Mr. Strigh to close the public portion of the hearing. SAID MOTION CARRIED WITH THOSE MEMBERS VOTING "AYE," NO "NAY," NO "ABSTAIN."

Mr. Strigh moved, seconded by Mr. Raff to grant preliminary and final site approvals to Mr. John Pucci, Sr. located at Harrison Avenue on Block 1305, Lots 9.01 & 9.05 with conditions as follows: the stop sign is going to be removed that is currently on the plan, signage is going to be placed on the wall of the pole barn (out of sight from Harrison Avenue) indicating a "One Way" driveway, the owner is going to have the Deed Restriction done at the time the two lots are consolidated so it is a condition for the person living in the home to be the same person who is authorized to run the business (it cannot be rented out, etc.), and the applicant is now going to provide two shade trees on the south side of the pole barn. In addition, the applicant must seek approvals from all other governmental agencies in addition to posting performance guarantees and escrow. Lastly, would be the final approval from the Board Engineer to any last Site Plan revisions.

ROLL CALL ON THE ABOVE MOTION:

MR. CHOYCE – AYE  
MR. RAFF – AYE

MR. FREIRE – AYE  
MR. STRIGH – AYE

MS. LENTZ – AYE  
MS. VALENTINO – AYE  
MR. TOMASELLO – AYE

NOTE: The following Board Members made the following comments on the above motion:

MR. CHOYCE: I vote yes and appreciate the cooperation between the applicant and professionals in this matter. We are finally able to put this application behind us and Mr. Pucci can move on with his life.

MR. FREIRE: I vote yes and feel Mr. Pucci did the best he could with compromising with what he wants for his business and working with the neighbors in trying to find a middle ground. I think that we've achieved that the best we could under the circumstances.

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

MR. RAFF: I vote yes.

MR. STRIGH: I vote yes for reasons previously stated.

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

MR. TOMASELLO: I also vote yes. I feel the applicant has met his burden with regard to being entitled to a preliminary and final approval here given the input from our professionals. Most of what he was requesting has been met, what remains has been compromised to the satisfaction of mostly everyone or will be addressed shortly in the future and he is entitled to the relief.

Approval of Minutes – Mr. Tomasello asked if all were in favor of approving the minutes. SAID MOTION CARRIED WITH THOSE MEMBERS VOTING “AYE,” NO “NAY,” ONE “ABSTAIN.”

Memorialization of Resolutions – Resolutions prepared by the Solicitor for the following applications were accepted by those Members voting: “Aye”, No “Nay,” three “Abstain” by Mr. Freire.

Susan Shipman – Block 717, Lot 28, App. #12-10

Thomas & Gail Pellerito – Block 667, Lot 5, App. #13-10

Shawn Vallauri – Block 1099, Lot 11.01, App. #14-10

Public Comment – Mr. Tomasello opened the hearing to public comment and there was no response. Mr. Raff moved, seconded by Mr. Freire to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Executive Session – Mr. Cooper stated that Nick Talvachia, the Solicitor for South Jersey Gas, Co. requested an additional meeting to seek early approval for their proposed site plan as indicated in the letter given to the Board this evening. The Board discussed this and decided to deny their request for an additional meeting.

Adjournment - Mr. Choyce moved, seconded by Mr. Strigh to adjourn the Zoning Board of Adjustment meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE,” NO “NAY,” NO “ABSTAIN.”

Respectfully submitted,

Jeanne M. Parkinson, Secretary  
Zoning Board of Adjustment

This entire meeting was recorded. The compact discs are on file in the Zoning Office and reviewed by interested persons during regular business hours.