

TOWNSHIP OF WATERFORD 2131 AUBURN AVE., ATCO, NJ 08004

LAND USE BOARD

MINUTES FOR SEPTEMBER 7, 2016

The September 7, 2016 Joint Land Use Board Meeting of the Township of Waterford, was called to Order at 7:00pm by Chairman Ralph Condo.

SUNSHINE STATEMENT: In accordance with Chapter 231, Public Law, 1975, *Open Public Meeting Act*, notice of time, date and place for this meeting was sent as part of the annual notice to the Courier Post and Record Breeze, and is posted in the Municipal Building.

SALUTE TO THE FLAG:

NOTICE:

The Planning Board reserves the right to change the order of the published agenda. All changes will be announced at the start of each meeting.

It is the intent of the Board to not begin a new application after 10:30 PM and take no testimony after 11:00 PM.

For those of you in attendance with a cell phone, please turn it off or put in on silent mode. Also, if it is necessary to have a conversation with the professionals involved with your application please do so outside the meeting room.

ROLL CALL:

Members responding to the roll call were: Ms. Iles, Ms. Ferguson, Mr. Becker, Mr. Russomano, Mr. Achey, Councilman Giangiulio, Mayor Richardson and Chairman Condo, Mr. Mauriello, Mr. Jacoby and Mr. Hanna were notified absences

OTHERS IN ATTENDANCE: Mr. Richard Wells, Esq., Township Solicitor and Mr. Jeff Hanson, Township Engineer

PUBLIC ATTENDANCE:

SWEARING IN OF PROFESSIONALS: Mr. Hanson was sworn in by Mr. Wells

MOTIONS OF ADJOURNMENTS OR OTHER MOTIONS: None

OLD BUSINESS:

Mr. Mark Rinaldi, Attorney for Ms. Sharon Austin asked to speak to the Board.

Mr. Rinaldi stated he spoke to Mr. Hanson earlier today regarding a septic inspection report he received from Ms. Austin. The report was not a true certification of the septic system on the property. In his opinion the report does not satisfy the requirements outlined in Mr. Hanson's

recommendations. It is Mr. Rinaldi's opinion that the application cannot move forward until the septic system on the property is replaced. He stated the Planning Board should place the application in the file until further notice.

NEW BUSINESS:

Request approval of a variance application from Matthew Vitagliano.

1. Mr. Vitagliano has submitted an application for C1 Hardship Variances for consideration. The applicant is seeking bulk variances to construct a 30 feet by 40 feet, 1200 square foot pole barn on a residential lot. The applicant is seeking variances for front yard setback and accessory structure size. The site is located at 121 Joyce Road in the rural residential zoning district at the corner of Joyce Road and Hilltop Road. The total lot area of the parcel is 0.86 acres.

Mr. Mark Rinaldi, attorney is representing Mr. Vitagliano.

Prior to testimony beginning Ms. Iles indicated that she is a friend of the Vitagliano family but felt that she could be impartial regarding the testimony and the Board's decision.

Mr. Rinaldi asked that Mr. Matthew Vitagliano come forward and be sworn in by Mr. Wells.

Mr. Matthew Vitagliano stated his name and address as 121 Joyce Way, Atco, NJ. He described his property as a corner property on Joyce Way and Hilltop Road. He has lived on the property for four years. The house is a two story dwelling with no basement. He is requesting approval to build a pole barn to be used for personal use. He wants to store these personal items in a covered barn. He does not want the items to sit in his yard. The planned structure will be a metal structure. It will have no air conditioning or heat but will have electricity. It will have a concrete floor. He is seeking approval of variances to build a pole barn on his property to be used for storage of yard equipment and recreation vehicles. Mr. Vitagliano stated he is the owner of the property and he and only he will be using the structure. He continued he will not run a business from the building and no other individuals will be habituating the property. There will be some type of plantings around the structure to add appeal to the space.

Mr. Rinaldi asked Mr. Vitagliano several questions regarding the property and the required variances. 1. He is requesting variance approval be given to build a pole barn on his property. 2. This variance is requesting approval be granted to have the barn be over 1200 square feet. 3. The third variance is to requesting that an accessory structure which refers to garages or sheds be approved for more additional footage then stated in the ordinance.

Mr. Rinaldi stated that it is only necessary for the Board to approve one and two. Request number three already meets the requirements of the ordinance. Mr. Toussaint agreed that it was not necessary to approved number three. It already falls with township ordinance.

Mr. Rinaldi said the survey on the property is about four years old. The pole barn is going to be built on the other side of the property. The applicant is very flexible and way meet any recommendations suggested by the Board. He has agreed to have a new survey prepared, and if the request for the variances are approved, it will be submitted.

Mr. Hanson stated he would summarized his statements. He mentioned run off from the roof will be directed according to his recommendation. The run off will not go into the septic bed.

The applicant is seeking a 12x18 foot shed be approved for his property. He stated the plan is to build a one story structure and the only utility to the structure will be electricity. There will be plantings around the structure for street appeal. There is no plan to extend the asphalt driveway. Mr. Hanson said he had no further comments.

Ms. Ferguson asked: What is the height restriction? Mr. Toussaint stated the structure cannot be higher than the original two story structure.

Councilman Giangiulio about the shed height, the square footage and the set back. Mr. Toussaint stated the request is for an accessory structure which are required to be less than three hundred square feet. This includes garages and sheds.

The discussion was opened to the public.

Mr. John Fisher, 122 Hilltop Road, Atco, NJ was sworn in.

Mr. Fisher stated that many of his questions had already been answered. His primary concern was location of the garage/shed and he is waiting to see the final plan. He stated that his front door is closer to the building than Mr. Vitagliano's back door is. The primary location is a concern.

Hearing from no other members of the public, Mr. Condo closed the public portion of the meeting.

Mr. Condo asked for further clarification of the ordinance. He asked the Township Solicitor clean up the language re: accessory structures, namely garages and sheds (required square footage) so the ordinance requirements are clearly stated.

On a motion by Mayor Richardson and seconded by Councilman Giangiulio approval was made of Mr. Vitagliano's request for variances to build his pole barn.

ROLL CALL: Ms. Iles, abstain. Ms. Ferguson, Aye, Mr. Becker, Aye, Mr. Russomano, Aye, Mr. Achey, Aye, Councilman Giangiulio, Aye, Mayor Richardson, Aye, Chairman Condo, Aye, Mr. Mauriello, Did not Vote – 7 ayes, 1 abstention, 1 Iles, 1 No vote, Mauriello – Motion carried.

2. Amendment to Farm Animal Ordinance – Agricultural Zone

The Board had a lengthy discussion re: amendment to the farm animal ordinance. Mr. Toussaint presented a plan to amend the existing ordinance to include additional animals in the agricultural zone. Following his presentation Chairman Condo asked several questions. He wanted to know how this subject came before the Board. Mr. Toussaint explained a letter was sent to Mayor Richardson asking for clarification and revision in the ordinance to allow for chickens. Chairman Condo asked, why would we do this? This could be a major change the Planning Board and Council would want to study. Who would create, monitor and enforce the new ordinance? Following continued discussion, Councilman Giangiulio asked, why don't we leave the ordinance as it is and deal with each request on a case by case basis? Chairman Condo, after hearing additional information from Mr. Toussaint stated he sees no reason to change the original ordinance. Mayor Richardson explained how the suggested amendment prepared by Mr. Toussaint came before the Planning Board. He received a letter from a resident re: the ordinance, gave it to Susan and she in turn handed it off to Mr. Toussaint who investigated other communities and how they were handling requests. He prepared a report for

Planning Board review and discussion.

Hearing the explanation, Chairman Condo said the Board owes Township Committee a response stating they reviewed and discussed the proposed amendment and decided that no action is needed at this time.

On a motion by Councilman Giangiulio, seconded by Mr. Becker approval was made to respond to Township Committee and inform them that no action is need as this time re: the amendment to the animal ordinance.

ROLL CALL: Ms. Iles, Abstain. Ms. Ferguson, Abstain, Mr. Becker, Aye, Mr. Russomano, Aye, Mr. Achey, Aye, Councilman Giangiulio, Abstain, Mayor Richardson, Aye, Chairman Condo, Aye, Mr. Mauriello, Aye – 6 ayes, 3 Abstention, Ms. Iles, Ms. Ferguson, Councilman Giangiulio - Motion carried.

COMMUNICATIONS/DISCUSS: An issue of New Jersey Planner has been sent.

RESOLUTIONS: Approval of 16-12 - Pinelands approval – signed; no changes were made.

On a motion by Councilman Giangiulio, seconded by Mr. Becker approval was made of resolution 16-12.

ROLL CALL: Ms. Iles, abstain. Ms. Ferguson, Aye, Mr. Becker, Aye, Mr. Russomano, Aye, Mr. Achey, Aye, Councilman Giangiulio, Aye, Mayor Richardson, Aye, Chairman Condo, Aye, Mr. Mauriello, Aye – 8 ayes, 1 Abstention, Ms. Iles - Motion carried.

MINUTES: On a motion by Councilman Giangiulio seconded by Mr. Becker the minutes were approved with one correction – Mr. Russomano was listed Ms. Russomano.

ROLL CALL: Ms. Iles, abstain. Ms. Ferguson, Aye, Mr. Becker, Aye, Mr. Russomano, Aye, Mr. Achey, Aye, Councilman Giangiulio, Aye, Mayor Richardson, Aye, Chairman Condo, Aye, Mr. Mauriello, Aye – 8 ayes, 1 Abstention, Ms. Iles - Motion carried.

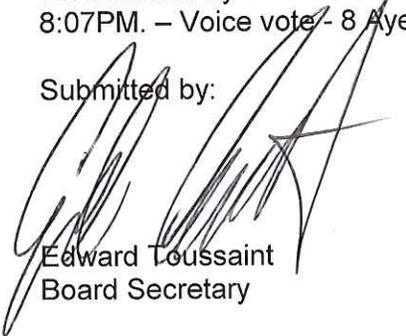
OPEN TO THE PUBLIC: None

BOARD COMMENTS AND QUESTIONS: None

ADJOURNMENT:

On a motion by Councilman Giangiulio seconded by Mr. Becker the meeting adjourned at 8:07PM. – Voice vote- 8 Ayes – 1 Abstention – 1 Absent, Mr. Jacoby. Motion Carried.

Submitted by:


Edward Toussaint
Board Secretary