

LAND USE BOARD

MINUTES FOR MAY 1, 2017

The May 1, 2017 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.

Chairman Condo called for the roll call. He reported Councilman Giangiulio was a notified absence. He is awaiting a heart transplant.

ROLL CALL: The following members responded present to the roll call: Mr. Achey, Mr. Becker, Ms. Ferguson at 7:05PM, Mr. Mauriello, Mr. Russomanno, Mr. Hanna, Mr. Howarth, Mayor Richardson, Chairman Condo. Councilman Giangiulio and Ms. Iles were absent.

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

PUBLIC ATTENDANCE: Yes

SWEARING IN OF PROFESSIONALS: Mr. Wells swore in Mr. Hanson, Planning Board Engineer, Environment Resolutions, Inc.

MOTIONS OF ADJOURNMENTS OR OTHER MOTIONS: None

OLD BUSINESS:

1. Update from Jeff Hanson on Palladino Subdivision Block 2805, Lot 1, 625 6th Street

Chairman Condo asked Mr. Hanson to update the Board on the Palladino Subdivision application. Mr. Hanson reported Mr. Palladino has submitted the Minor Subdivision Plan

Block 2805, Lot 1 and legal descriptions for Block 2805, Lot 1.01, 1.02, 1.03 and 1.04. His submission met the standards and can now be submitted to Camden County Planning Board. All the items recommended by the Waterford Township Planning Board have been satisfied.

Mr. Howarth asked about the matter mentioned in item G regarding the deed. Mr. Toussaint and Mr. Hanson both indicated the deed descriptions have been requested. Mr. Palladino has received a cover letter describing his responsibilities re: the deed descriptions needed. Mr. Toussaint reported that Mr. Palladino acknowledged receipt of the letter and will respond to the request. The revision to the tax map will be charged to the applicant.

NEW BUSINESS:

1. Adam Pjatikin, Block 3803 Lot 3, 719 Burnt Mill Road, Front yard setback Variance. Mr. Pjatikin is requesting approval for a C1 Hardship Variance.

Mr. Pjatikin was sworn in by Mr. Wells. Mr. Pjatikin's representative responded to questions from Mr. Hanson. He gave a history of the property and its description. Mr. Pjatikin also commented on the history of the property.

Mr. Hanson explained the applicant is seeking a bulk variance to construct a 2,819-square foot single family home with an attached garage on his residential lot. The applicant is seeking a C1 variance for front yard setback. (65.0 feet proposed where 200 feet minimum is required). Mr. Pjatikin provided information stating the previous owner received a construction permit from the Township in 2008 to construct a single-family dwelling with a front yard setback of 68.3 feet. The applicant also states that a Waiver of Strict Compliance was received from the Pinelands Commission in 2003 that was modified and again approved by the Commission in 2008 allowing a front yard setback of 65.0 feet. The placement of the home outside of the 200-foot setback is due to the presence of wetlands and an associated 100 foot wetlands buffer that precludes the applicant from constructing the home any further back on the lot. The lot is located at 719 Burnt Mill Road in the Rural Residential Zoning District. The lot is bound by similar residential lots on all sides. The total lot area is 17.59 acres.

Mr. Pjatikin stated, in 2009 an application was sent to the Pinelands Commission to build a log home on the site. A foundation was set at the time. Funding could not be secured to complete the project. He is now requesting approval to build a conventional two story house on the existing foundation. He is seeking approval of a waiver for a 3-foot setback on the property.

Mr. Toussaint explained that there is no need to amend the original approval. They just needed to be separated to keep the record clean for the new owners. The documents are all in order. The only approval needed is for the 3-foot front yard setback.

Mr. Condo asked if anyone on the Board had any questions or comments. Hearing none, he opened the meeting to the Public. Hearing no comments or questions from the Public, he closed the meeting and called for a vote.

On a motion by Mr. Russomanno, seconded by Mayor Richardson approval was made for the request of a C1 Hardship Variance by Mr. Adam Pjatikin, 719 Burnt Mill Rd., Waterford Twp. NJ.

ROLL CALL:

Mr. Achey, Mr. Becker, Ms. Ferguson, Mr. Mauriello, Mr. Russomanno, Mr. Hanna, Mr. Howarth, Mayor Richardson and Chairman Condo all voted aye. Councilman Giangiulio, Ms. Iles were absent. 9 ayes, 0 nays, 2 absent.

2. Debra and Jay Ewan, Block 7101, Lot 13, 1294 Old White Horse Pike, Waterford Township. The applicant is requesting approval for a Use Variance to build a second dwelling on the same lot as the principal dwelling.

Debra and Jay Ewan were sworn in by Mr. Wells.

Chairman Condo asked the Ewan's if it is okay to have the engineer, Mr. Hanson, read his statement. They agreed.

Mr. Hanson stated the Ewan's are seeking a use variance to renovate a 1,150-square foot one story block building for use as a second dwelling on the property. According to information submitted by the applicant, the proposed dwelling will be occupied by Barbara Jones, a relative of the Ewan's who will be actively engaged in and essential to the agricultural operation on the property.

The site is located at 1294 Old White Horse Pike in the Agricultural Zoning District. The total area of the parcel is 11.43 acres with 9.32 acres located in Waterford Township and the remaining 2.11 acre located in Winslow Township. All of the existing and proposed improvements on the property are located on the Waterford Township portion of the property. Mr. Ewan states that they also own Block 710, Lots 12 and 14, which are also part of the farm and bound the subject property on the south and east sides. The property is bound by a wooded, unimproved lot on the north side and single family dwellings on the west side across Old White Horse Pike.

Mr. Hanson continued, section 176-81-A of the Township Ordinance limits the number of principal dwellings to one per lot in all zoning districts. A Use Variance is required. For use variances, it is the applicant's burden of proof to present "positive" and "negative" criteria to justify the variance. The applicant must demonstrate that the site is particularly suited for the proposed use and it will advance the purposes of the municipal land use law and the township's Master Plan and zoning ordinances. The applicant must also show the variance can be granted without substantial detriment to the public good and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinances.

Based on information submitted by the applicant, the proposed dwelling on the property will be inhabited by a family member who is integral to the agricultural operation on the property. The applicant must be prepared to provide testimony regarding whether Cultural Housing requirement listed in the Township Ordinance is met.

Aside from the existing and proposed residential dwellings, five (5) additional accessory structures are shown on the Boundary Survey that was submitted. Township ordinance limits the number of accessory structures to one per lot. They should provide testimony to each of the accessory structures. The structures may be permitted under Right to Farm ordinances. If not, a use variance may be required.

Mr. Ewan testified in response to questions by Mr. Hanson and members of the Board that the property has been owned by the family since 1865. Presently a great-aunt is the principal resident living on the property. She has resided there for more than twenty years. There are horses and steer on the property. There are several accessory buildings including two pole barn, a chicken coop and a garage. It has a right to farm operation. It has a working septic system and it is deed restricted by Pinelands.

Mr. Toussaint stated this is a difficult application. He said there are many discrepancies in the request for variance of the acreage. Subdivision of the acreage does not apply; agricultural housing does not apply and cultural housing does not apply because an immediate family member (blood relative) must own the property. The local ordinance states one house per ten acres. The Ewan's do not want to separate the lots. They will need to use the Cultural Housing designation for the new home. They will need a variance because of the requirements of Waterford Township. Mr. Toussaint relayed to the Board they will have to approve or deny the restriction to allow two residences to be built on the property.

Following Mr. Toussaint's report, Ms. Ferguson asked – How is Ms. Jones going to meet the requirement of work on the property? Mr. Ewan answered, she will be handling many of the agricultural chores.

Mr. Howarth asked, if we pass this what happens next? Mr. Toussaint stated the application must be approved by Pinelands and then it may have to come back to us for discussion and approval. Mr. Ewan stated he feels Pinelands will approve the request.

Ms. Ferguson asked, does this change our standards? What happens if others want to build two houses on their property? Mr. Wells responded, you are conditionally approving the application ensuring it is an active farm worked by a direct family member. The approval does not change or set standards for others.

Hearing no other comments or questions from the Board, Mr. Condo opened the meeting to the public. Hearing no comments from the public, he closed the meeting to the public and called for a roll call vote of the Board.

Mr. Wells explained their vote is for approval of a use variance to permit two houses on one lot. The Township has a restriction that only one house is permitted per lot. The Board must decide if the applicant's testimony regarding whether the Cultural Housing requirement listed in the Township Ordinance is met by comparing it to the positive and/or negative criteria are satisfied through testimony.

Prior to voting, Mayor Richardson stated he would not be voting due to conflict that may occur if the Ewan request comes before the Municipal Board in the future.

On a motion by Mr. Howarth, seconded by Mr. Becker approval, with restrictions, was made by the Board of the application of Debra and Jay Ewan for a Use Variance.

ROLL CALL:

Mr. Achey, Mr. Becker, Ms. Ferguson, Mr. Mauriello, Mr. Russomanno, Mr. Hanna, Mr. Howarth, and Chairman Condo all voted aye. - Councilman Giangiulio, Ms. Iles were absent. 8 ayes, 0

nays, 2 absent.

COMMUNICATIONS/DISCUSSION:

1. Mr. Toussaint reported the Palladino update has already been given by Mr. Hanson.
2. A letter of resignation from the Board has been submitted by Ms. Roe Iles reported Mr. Toussaint. Chairman Condo acknowledged the letter and asked Mr. Toussaint to send a letter to Ms. Iles thanking her for her years of service and support to the Planning Board. He also asked the secretary to send a letter to the Township Committee notifying them of her resignation.

RESOLUTIONS: None

MINUTES: On a motion by Mayor Richardson seconded by Ms. Ferguson the minutes for the April 17th, 2017 were approved as presented. On a voice vote of aye by the nine members of the Board the minutes were approved.

Mayor Richardson requested on all future minutes indicating roll call votes should include an explanation describing a “no vote” by him is made because of the conflict created by being on township committee.

OPEN TO THE PUBLIC: NONE

BOARD COMMENTS AND QUESTIONS:

1. Mr. Russomanno asked for an update re: the used car building. Mr. Toussaint replied the business has received correspondence regarding the situation and violations; however, progress is not being made because the owner has not provided him with required documentation. The owner has many excuses. If he does not comply by May 16th he will receive a letter to appear in court to respond to the violations.
2. Mr. Howarth asked if the township issues licenses for the used car business. Mr. Toussaint explained the DMV issues licenses for used car businesses. The township issues licenses to operate businesses and owners must meet all criteria and standards of the township. An example is an automobile repair facility.
3. Mr. Achey asked about the pet hotel who received approval to re-open. Has that happened, he asked. Mr. Toussaint indicated that has not happen. The owner has not applied for a license. He will be following up and a summons and violation may be issued if violations are indicated.
4. Mayor Richardson and Mr. Condo both asked that everyone attend the ground breaking of the new Safety Building on May 18th, 2017 at 11:00AM.
5. The new Dollar General Store will also be having a grand opening and ribbon cutting ceremony. All are asked to attend this event.
6. RFPs for Haines Blvd are out on the street the Mayor stated. Five developers have shown an interest in the project. The committee will be meeting with them on Thursday, May 4th, 2017.

ADJOURNMENT: On a motion by Mr. Achey seconded by Ms. Ferguson the meeting adjourned at 8:07PM. All members voted aye.

Submitted by:
Edward Toussaint, Board Secretary