

# Elk Township Planning and Zoning Board Meeting

## Regular Business Meeting

January 19, 2011

### Minutes

**Call to Order:** The Board Chairman called the meeting to order at 7:47pm.

**Roll Call:**

**Present:** Phil Barbaro, Bill Carter, Frank Goss, David McCreery, Chuck Nicholson, Eugene Shoultz, Wayne Swanson, Jeanne White, Nick. Yovnello, Ed. Pearson, Robert Clark

Also present were the Board's professionals: Leah Furey Bruder, Planner of Bach Associates, Carl Gaskill, Engineer, of Fralinger Engineering, and Raymond Zane, Conflict Solicitor, of Zane & Lozuke

**Open Public Meeting Act:** read by the Board Secretary

**Announcements:**

- Notice to Public and Applicants: Board policy is no new business will commence after 10:30 pm and all testimony will stop at 11:00 pm, except for individuals wishing to speak during the general public session.
- **Approval of minutes: December 15, 2010.**

*Mr. Carter moved to approve the regular business minutes of December 15, 2010. Seconded by Mr. Pearson.* Mr. Nicholson made the secretary aware of a correction (motion made by an absent member). With that correction noted, Mr. Nicholson and Mayor Barbaro abstained and all other members were in favor, *the motion was carried.*

➤ **Resolutions:**

**2011-09:** memorializing the approval of a use variance and waiver of formal site plan to permit a tree business upon block 190 lot 2 commonly known as 254 Clayton Avenue to applicant, Ray Brown.

*Mr. Pearson moved to adopt resolution 2011-09, Seconded by Mrs. White.*

**Roll Call:**

*In favor: Barbaro, McCreery, Nicholson, Shoultz, Swanson, Yovnello, Pearson*

*Against: None                      Abstain: None                      7-0-0`*

**2011-10:** resolution to deem "complete" the application of David Haney for use variance and site plan waiver to permit block 28, lot 15.02 to be used as a single family home and an engineering office.

*Mr. Goss moved to adopt resolution 2011-10, Seconded by Mr. Pearson.*

**Roll Call:**

*In favor: Barbaro, McCreery, Nicholson, Shoultz, Swanson, Yovnello, Pearson*

*Against: None                      Abstain: None                      7-0-0`*

- **Old Business: None**

➤ **New Business, Public Hearing for:**

David Haney, block 28, lot 15.02, 674 Hardingville Road, Monroeville, NJ was sworn in by Mr. Zane.

David Haney - application for a "D" (1) Use variance to change use from custom cabinetry to professional office for a consulting firm & site plan waiver. Application was deemed complete on December 15, 2010 and proper public notice was made. The Mayor and Committeemen Swanson are not eligible to participate as this is an application for a "D" variance.

Mr. Haney summarized, he previously received use variance approval in 2003 to permit use of the existing garage for the construction of custom cabinetry. Since the time of the cabinetry approval, that business is no longer generating revenue and is not in regular use as a cabinet shop (does use it for a hobby). Mr. Haney would like to convert a portion of the cabinetry shop to commercial office space. The proposed office space would be utilized by a firm that does consulting work for nuclear power plants. The firm currently has three employees and they all work from their homes. The office space would primarily be used to train the employees. The consulting is done at the power plants. Mr. Haney is requesting to use a portion of the cabinet workshop space, approximately 1250 sq ft, of a 2800sq ft building. Mr. Haney has provided an existing conditions survey last revised September 27, 2010. Board Planner, Leah Furey referred to her review letter of November 8, 2010. The property is 2.009 acres and is located in the Rural Environmental Residential zoning district. The site currently contains a residential dwelling, one approximately 2870 sq ft secondary structure, one four bay garage, and one 80 sq ft, shed, The property is surrounded to the north, east, south and west by agricultural properties. Referring to the middle of page 3 of her letter, Mrs. Bruder read the overview of the "use" variance" requested from her letter and confirmed with Mr. Haney there would be a maximum of 8 professionals at the site and that Mr. Haney would continue to reside in the residence on the property. The use would be a second principal use on the site. The applicant is not imposing any physical changes or new construction to the property.

The following are existing variance conditions:

- 96-71D(3)a - minimum front yard. 42.08 feet is existing where 50 feet is required
- 96-71D(4) – minimum rear yard setback: 16.3 feet to garage is existing where 40 feet is required.
- 96-71D(5) – minimum side yard setback: 19.6 feet to garage is existing where 20 feet is required
- 96-71D(12) – Maximum impervious coverage. 24.9% is existing where 20% is required
- 96-80A(2) – accessory structures. 3 total accessory structures (2 in excess of 900 sq ft) are existing where a maximum of 2 accessory structures (one not exceed 900 sq ft., & one not to exceed 200 sq ft) are permitted

Regarding "use" Mrs. Bruder confirmed with the applicant the following items as outlined on pages 4 &5 of her letter:

- a. Mr. Haney will continue to reside in the house.
- b. The custom cabinetry business has ceased (no commercial use), only hobbies are conducted in the shop.
- c. The type of business/office proposed is a consulting firm to nuclear power plants. Mr. Haney will not work there.
- d. 4-bay garage. The garage is used primarily for the storage for a church that he is affiliated with. The church stores equipment used for disaster response (ex: hurricanes, tornados). The parking area in front of the garage will be utilized by the employees of the consulting firm. Mr. Haney confirmed this would not interfere with the storage use of the garage as it is not accessed on a regular basis (accessed possibly 2-3 times a year). In addition, there is access to the garage from the side yard as well. Chairman asked

what was in storage and Mr. Haney responded a trailer, a class “c” RV and his own personal camper and lawn equipment.

- e. No customers will visit the site. No deliveries are expected beyond occasional UPS or FedEx service. There are no company vehicles, no outdoor storage,

Parking – By ordinance, the proposal would require 5 parking spaces for the office use and there are 11 existing stripped parking spaces. The remainder of the building will be used for hobby purposes; therefore the eleven spaces are sufficient. The parking area is paved.

Mrs. Bruder also added, Mr. Haney is requesting a waiver from a formal site plan, since no physical changes are being made, and has provided a survey of existing conditions. Mrs. Bruder deferred to engineer, Carl Gaskill, as to whether or not a van accessible handicap parking space would be required. Mr. Gaskill responded that was to be determined by the Construction Code Office and should be a condition upon any approval granted. Mr. Haney added there is plenty of room, should it be required. Mr. Gaskill was in favor in of the site plan waiver.

Agricultural buffer- if a site plan is waived, then an Agricultural buffer is not required. Mrs. Bruder passed around an aerial photo of the property. The Photo showed that Mr. Haney’s property is surrounded by farmland on all sides. Mr. Haney acknowledged that he is familiar with farming operations as he has lived there for 10 years. Mrs. Bruder added that the use Mr. Haney is proposing would create less of an impact than that of a residential use.

Well and Septic system. Mr. Haney testified there is a restroom within the workshop and he has provided a copy of the soil evaluations and permits from the Gloucester County Health Department from 2001. The County septic approvals submitted were sufficient.

In closing Mr. Haney added his home is in a rural setting and the out buildings compliment the farm houses and it’s what you would expect to see in a country setting. The parking area is on the side of the property so it will not look like a commercial operation. This project will not involve any physical exterior changes to the property. Granting the change of use will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance, as mentioned earlier the home is surrounded by active farmland. The proposed use will not conflict with any farming activities. The proposed use is quiet, involves the use of computers and will not generate extreme amounts of traffic. There are two neighbors.

Mr. McCreery confirmed the anticipated hours of operation will be Monday through Friday 8am to 6pm and Commercial trash pick-up is required.

***Mr. Shoultz made a motion to open to the public, seconded by Mr. Carter. With all members in favor, the motion was carried.***

With no comment from the public, ***Mr. Nicholson moved to close to the public, seconded by Mr. Shoultz. With all members in favor, the motion was carried.***

***Chairman Yovnello moved to grant the D-1 change of use variance and existing “c” variances as outlined on page 4 in planner’s letter of November 8, 2010, condition upon all remaining items outlined in the planner’s letter, testimony provided by applicant and further condition upon all required outside agency approvals, handicap parking determination by construction code official, commercial trash pick-up, no commercial delivery, hours of operation Monday thru Friday 8am to 6pm and a maximum of 8 employees. Seconded by Mr. Shoultz.***

***Roll Call:***

***In favor: Carter, Goss, McCreery, Nicholson, Shoultz, White, Yovnello, Pearson, Clark***

***Against: None Abstain: None 9-0-0`***

*Chairman Yovnello moved to grant a formal site plan waiver and accept the documents submitted. Seconded by Mr. Nicholson.*

**Roll Call:**

*In favor: Carter, Goss, McCreery, Nicholson, Shoultz, White, Yovnello, Pearson, Clark*

*Against: None      Abstain: None      9-0-0`*

Mr. Haney asked if he could proceed with obtaining permits before his resolution was memorialized and he was told he could proceed at his own risk. Mr. Haney added the only modification he was making in side was to add a fire separation wall. Zoning Officer recommended he meet with the Construction Official on Monday to discuss.

➤ **General Public Portion**

*Mr. Nicholson moved to open to the public, Seconded by Mr. Goss. With all members in favor, the motion was carried.*

With no comment from the public, *Mr. Pearson moved to close to the public, seconded by Mr. Nicholson. With all members in favor, the motion was carried.*

➤ **Correspondence:**

NJPO December 2010/January 2011 newsletter was distributed to the board members

➤ **Adjournment:**

*Mrs. White moved to adjourn, Seconded by Mr. Nicholson.*

With all members in favor, *the motion was carried.*

Adjournment time: 8:23 pm

Respectfully submitted,



Anna Foley  
Board Secretary