South Harrison Township
Planning/Zoning Board of Adjustment
April 12, 2010

Requirements of the "Open Public Meetings Act" were met.

Roll Call: James McCall – present (L – 7:20), Gary Spinner – present, Thomas Sorbello – present (L – 7:05), Melvin Robertson – present, Marc Nagtegaal – present, Joseph Wille – present, Robert Schenk – present, Joseph Marino – present, Jonathan Roth – present (L – 7:10), Stephen Galati – present (L – 7:10), Donald Palmucci – absent, Gary Thompson, Board Solicitor – present, Robert Hunter – Board Engineer – present, Leah Furey, Planner – present, Celeste Keen, Secretary – present.

Minutes:

Motion to approve the reorganization minutes of January 11, 2010 was made by Joseph Marino, second by Robert Schenk. Motion carried.

Roll Call: James McCall – absent, Gary Spinner – yes, Thomas Sorbello – absent, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Schenk – yes, Joseph Marino – yes, Jonathan Roth – absent, Stephen Galati – absent, Donald Palmucci – absent
R.C.V.: 6 – yes', 0 – no's, 0 – abstentions. Motion carried.

Thomas Sorbello arrived and took his seat on the Board.

Old Business: **Resolution R-10-09**

Resolution Excluding the Public

Motion to adopt resolution R-10-09 was made by Robert Schenk, second by Gary Spinner.

Roll Call: James McCall – absent, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Schenk – yes, Joseph Marino – yes, Jonathan Roth – absent, Stephen Galati – absent, Donald Palmucci – absent
R.C.V.: 7 – yes', 0 – no's, 0 – abstentions. Motion carried.

Jonathan Roth and Stephen Galati arrived and took their seats on the Board.

New Business: **F & S Rental Properties – Lot Line Adjustment 003-074-10**

Gary Thompson advised the Board that there had been an error in the notification of surrounding residents within 200' and that the notice did not specify variances being requested. Mr. Thompson noted that it would be at the Board's discretion to move forward with this application hearing or to require proper notice prior to proceeding.

Mr. Coslow, attorney for the applicant, suggested that the Planning/Zoning Board be more specific with requirements for future applicants.

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Completeness issues to be visited next month prior to the public hearing. Applicant agreed to extend the term of completeness.

Motion to table this matter to the May 10, 2010 meeting was made by Joseph Wille, second by Thomas Sorbello. **Motion carried.**

James McCall arrived and took his seat on the Board.
Joseph Marino stepped down due to conflict.

GCIA – Minor Subdivision
002-061-10

Shannon Cornelius, attorney for the applicant, appeared before the Board and introduced Ms. Thelma Davis, GCIA Administrator; Messrs William Alburger and David Munion of T&M Associates, the witnesses were sworn.

Board's professionals were sworn to give testimony.

Ms. Cornelius advised the Board that the GCIA's intention is to procure a portion of Block 9, Lot 4, currently owned by Sebastian Marino, in order to increase the buffer area. Lot purchased will be consolidated with the other lots owned by the GCIA into one lot. The Board examined the Board's Planner and Engineer's review letters dated March 24, 2010 and April 8, 2010 respectively. Ms. Furey Bruder upon reviewing Ms. Cornelius' Letter dated April 9, 2010 and many of the issues have been addressed. Applicant is requesting waivers for Form B Checklist Items 6 , 7, 13 – 15 and there is no objection from the Planner.

Regarding the Engineer's letter the Applicant is making changes/revisions and will present to the Board Items 1,2,4,5,10 and 11; applicant is requesting waivers to items 3, 6, 7, 8 and 9.

Motion to deem application complete was made by Jonathan Roth, second by James McCall.

Roll Call: James McCall – yes, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Schenk – yes, Joseph Marino – present, Jonathan Roth – yes, Stephen Galati – yes, Donald Palmucci – absent
R.C.V.: 9 – yes', 0 – no's, 0 – abstentions. Motion carried.

Mr. Munion explained that the main purpose of this acquisition is to provide an additional buffer area around the landfill facility. The Improvement Authority has received approval by the Board of Chosen Freeholders to obtain this property as well as an lateral expansion. The Department of Environmental Protection has certified the County Solid Waste Plan and has plans to submit an application to the Solid and Hazardous Waste Program.

This property will be continued to be farmed with the existing peach trees that are approximately five (5) years old until they stop producing. Eventual landfill expansion will be horizontally toward the Marino farm, stormwater basin and Monroeville Road. Technically none of the cells in the landfill are officially closed. Cells 1 through 9 have been "rain covered", only cell 10 is active, while cell 11 is partially constructed but not active.

Ms. Furey Bruder advised that under South Harrison Township's Ordinance 90-2.29 all residential and non-residential subdivisions and site plans that may ultimately result in the construction of new residential dwellings or commercial or institutional uses shall be designed

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so that boundaries abutting qualified farmland include a farmland buffer in addition to the required setbacks. GCIA agreed.

Mr. Hunter advised that he had received Ms. Cornelius' letter dated April 9, 2010 which addressed many of the items contained in Stephen Bach's letter dated April 8, 2010. The Applicant is requesting waivers to items 3, 6, 7, 8 and 9.

Mr. Thompson advised that conveyances to consolidate existing lots is not considered a subdivision and therefore a deed consolidation will be a part of this application.

Open Meeting to the Public:

Motion to open the meeting to the public on this matter only was made by Gary Spinner, second by James McCall. **Motion carried.**

John Vasta of 9 South Branch Court appeared and was sworn. Mr. Vasta asked how large the landfill will be upon completion. Mr. Munion advised that the landfill is currently approved for approximately 75 acres of actual landfill. This acquisition will add another 50 acres which makes the total property approximately 573 acres.

John Campbell of 15 Raccoon Creek Court appeared and was sworn. Mr. Campbell inquired as to the trash entering the facility and its origin. He was under the impression that only Gloucester County trash was accepted however, trucks from Camden County and from other states have been seen entering. Mr. Thompson answered that due to a Supreme Court ruling the landfill is required to accept trash from outside Gloucester County. Thelma Davis advised that 65% is incinerator ash.

Sarah Freeman of 781 Eldridge's Hill Road appeared and was sworn. Ms. Freeman inquired as to height restrictions. Mr. Nagtegaal advised that all of the cells may be as high as the current highest cell.

Close Meeting to the Public:

Motion to close the meeting to the public on this matter only was made by Joseph Wille, second by Jonathan Roth. **Motion carried.**

Motion to approve minor subdivision with waivers was made by Joseph Wille, second by Thomas Sorbello.

Roll Call: James McCall – yes, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Schenk – yes, Joseph Marino – present, Jonathan Roth – yes, Stephen Galati – no, Donald Palmucci – absent
R.C.V.: 8 – yes', 1 – no's, 0 – abstentions. Motion carried.

Joseph Marino resumed his seat on the Board.

Joseph Wille stepped down due to conflict.

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Mr. Thompson reminded the Board that at the March 8, 2010 meeting this application was deemed complete. At that time there was an issue regarding proper notification of residents within 200'. Mr. Yurchenko has submitted proof of adequate notice and publication therefore the Board has jurisdiction to hear this application. Yuriy and Konstantine Yurchenko appeared before the Board and were sworn. The Boards Engineer and Planner were sworn.

Konstantine Yurchenko apprised the Board regarding the construction of a shed on their property. Two pictures submitted by the applicant were numbered A-1 & A-2. The pictures indicate the shop that has been on the property as well as the new shed approximately 24' x 20'. Their issue is that due to the shape of the property the bulk requirements can not be met.

Ms. Furey Bruder asked the applicant to explain the purpose of the shed and inquired whether or not a use variance for the property had ever been received from the Township? Mr. Yurchenko stated that he was unaware of the Township requirements to obtain a building permit prior to construction of the shed. Mr. Wille, as the Construction Code Official issued a stop work order and advised that Mr. Yurchenko would have to obtain the proper permits. Upon filing for the permits it was determined that the shed, already under construction, does not conform to the bulk requirements of the A/R zone. As a result Mr. Yurchenko has applied for a bulk variance. Mr. Yurchenko advised the Board that at the time he started his business he was informed by the previous Code Official that the business was permitted and he has been operating his business for approximately 10 years with no issues since.

Ms. Furey Bruder advised the Board that while Mr. Yurchenko is appearing before them requesting a bulk variance, it is her opinion that the shed is a continuation of the business and as such a use variance also be required to assure that Mr. Yurchenko obtains all of the proper approvals to continue his business. Mr. Yurchenko agreed that the shed is for business use. Mr. Yurchenko's business does not qualify as a Home Occupation.

In order to assure that there is no further question of Mr. Yurchenko's business validity he was advised to submit a use variance application; renotice the residents within 200' advising them of the bulk and use variances being requested; and to return for the May 10, 2010 meeting. Mr. Yurchenko agreed.

Motion to continue this matter to the May 10, 2010 meeting was made by Jonathan Roth, second by Thomas Sorbello.

Roll Call: James McCall – present, Gary Spinner – present, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – present, Robert Schenk – yes, Joseph Marino – yes, Jonathan Roth – yes, Stephen Galati – yes, Donald Palmucci – absent
R.C.V.: 7 – yes', 0 – no's, 0 – abstentions. Motion carried.

Joseph Wille resumed his seat on the Board.

Open Meeting to the Public:

Motion to open the meeting to the public was made by Gary Spinner, second by James McCall. Motion carried.

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Sarah Freeman of 781 Eldridge's Hill Road appeared before the Board and inquired as to the status of Lake Street, Ferrell Road along Saddlebrook subdivision and Cedar Grove Road. Mr. Hunter advised that construction should have resumed on Lake Street, the Township is responsible for Ferrell Road and Cedar Grove Road issue should be clearer later in the week as the bid opening for resurfacing is scheduled for Wednesday.

Ben Freeman of 781 Eldridge's Hill Road appeared before the Board and asked if there was a codebook for Construction. Mr. Wille recommended Mr. Freeman come to his office later in the week.

Joseph Wille asked Mayor McCall as to the basin issues. A list was compiled and sent to the Township Solicitor, was there a status update?

Close Meeting to the Public:

Motion to close the meeting to the public was made by Joseph Marino, second by Joseph Wille. **Motion carried.**

Payment of the Bills:

Motion to approve payment of the bills was made by Robert Schenk, second by Thomas Sorbello.

Roll Call: James McCall – yes, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Schenk – yes, Joseph Marino – yes, Jonathan Roth – yes, Stephen Galati – present, Donald Palmucci – absent
R.C.V.: 9 – yes', 0 – no's, 0 – abstentions. Motion carried.

Robert Hunter updated the Board regarding issues within the Secretary's letter to the Committee dated February 17, 2010.

Melvin Robertson inquired if it would be possible to require builders to increase the size of basins during construction to mitigate water runoff issues. Board professionals will consider this matter and offer their opinions at the next meeting.

The Board entered Closed Session

Motion to return to open session was made by Gary Spinner, second by Thomas Sorbello. **Motion carried.**

Adjournment:

Motion to adjourn was made by Robert Schenk, second by James McCall. **Motion carried.**

Respectfully submitted,

Celeste Keen
Board Secretary

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