

**South Harrison Township
Planning/Zoning Board of Adjustment
April 11, 2011**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on April 11, 2011 at 7:00 p.m. in the South Harrison Township Municipal Building.

The meeting was called to order by Joseph Marino, Board Chair and led those present in the Pledge of Allegiance to the Flag.

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

Roll Call: James McCall – present, Gary Spinner – present (L - 7:05), Thomas Sorbello – present, Melvin Robertson – present, Joseph Marino – present, Robert Schenk – present, Joseph Wille – present, Stephen Galati – present, John Horner – present, Neil McIntyre – absent, Gary Thompson, Board Solicitor – present, Leah Furey Bruder – Board Planner – present, Steven Bach – Board Engineer – present, Celeste Keen, Secretary – present.

Minutes:

Motion to approve the regular minutes of February 14, 2011 was made by Joseph Wille, second by Robert Schenk. **Motion carried.**

Motion to approve the regular minutes of March 17, 2011 was made by James McCall, second by John Horner. **Motion carried.**

Motion to approve the closed session minutes of March 17, 2011 was made by James McCall, second by Joseph Wille. **Motion carried.**

New Business:

**Phillips, Alan – 001-003-11
Use/Bulk Variance & Site Plan**

Robert Wiltsee appeared before the Board representing Alan Phillips. Mr. Phillips is applying for a Use/Bulk Variance along with a Site Plan application to expand his current business within the A/R zone. Mr. Wiltsee distributed to the Board a brief chronological overview of Mr. Phillips' business located at 517 Franklinville Road. In 1999 Mr. Phillips was granted a use variance to operate his business. In 2009 Mr. Phillips appeared before the Board and was granted a lot line adjustment and an expansion of the use variance to include the full 1.51 acres. Currently Mr. Phillips is seeking site plan approval and expansion of use variance to construct a warehouse addition to increase his building footprint from approximately 6300 square feet to approximately 13,000 square feet.

Mr. Phillips and Henry Haley, applicant's engineer, were sworn to give testimony. The Board's professionals were also sworn.

Mr. Haley reviewed the completeness issues as stated within Ms. Bruder's review letter dated March 8, 2011.

Motion to deem this application complete was made by Robert Schenk, second by Thomas Sorbello.

Roll Call: James McCall – abstain, Gary Spinner – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Robert Schenk – yes, Joseph Wille – yes, Stephen Galati – yes, John Horner – yes, Neil McIntyre – absent

R.C.V.: 7 – yes, 0 – no's, 0 – abstentions. **Motion carried.**

Mr. Phillips and Ms. Bruder reviewed the 'comments' portion of her letter dated March 8, 2011. Mr. Phillips gave testimony regarding his business' use and operation within the Township. He advised the Board that the building currently houses fertilizer and seed for his primarily wholesale business and will continue as such. It was agreed that the farmland buffer along the adjacent Lot 1 not be enforced for a period of two (2) years as Lot 1 is currently approved for the installation of a solar facility which would negate the need of the buffer. The parking was deemed adequate as the number of employees is not expected to change. Mr. Phillips testified as to the environmental spills that may occur on site. Most of the products are solids and the liquids on site are in containers not larger than 5 gallons.

Open Meeting to the Public:

Motion to open the meeting to the public on this matter only was made by Robert Schenk, second by Thomas Sorbello. **Motion carried.**

No public spoke.

Close Meeting to the Public:

Motion to close the meeting to the public on this matter only was made by Robert Schenk, second by Thomas Sorbello. **Motion carried.**

Motion to grant the use/bulk variance was made by Robert Schenk, second by Melvin Robertson.

Roll Call: James McCall – abstain, Gary Spinner – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Robert Schenk – yes, Joseph Wille – yes, Stephen Galati – yes, John Horner – yes, Neil McIntyre – absent

R.C.V.: 7 – yes, 0 – no's, 0 – abstentions. **Motion carried.**

Informal Review Wagonhouse Winery

Daniel and Heather Brown, owners of Wagonhouse Winery appeared before the Board and apprised them of their intentions regarding their proposed winery and correlating plenary license. Mr. Thompson advised the Board that he had recently attended a 'Right to Farm Act' seminar and that the SADC had recently issued findings pertaining to wineries under the Right to Farm Act. The report will be official by mid to late April. Within this report it is stated that the following activities are allowable under the Right to Farm Act:

Produce, process and package grapes and wine; wine drinking, sampling or tasting; winery tours and wine education classes; Garden State Wine Growers Association "Wine Trail" days; the operation of a farm market provided buildings and parking areas are constructed in conformance

with municipal standards; sale of wine and wine-related products; offer for sale or gratis of cheese, crackers, olives, cold cuts and personal pizza as a supplement to on-site consumption of wine; and music provided that it is subordinate and accessory to the on-site consumption of wine.

Other events such as hosting of weddings, birthday parties, class reunions, corporate retreats, business luncheons, fund raisers, charity events, catering and catering events and other activities or events involving entertainment that are not subordinate to the sale and/or consumption of wine are not acceptable agricultural practices under the Right to Farm Act and as such would require Use Variance approval from this Board prior to commencing. The Browns stated that they were aware of these facts and agreed.

The matter of a waiving Site Plan approval was requested by the Browns. Mr. Bach proposed to have a Bach Associates engineer view the site in person and to report, to the Board, their recommendations regarding the Browns obtaining a waiver of Site Plan review.

A special meeting to be held on Monday April 25th for Site Plan Waiver hearing.

Open Meeting to the Public:

Motion to open the meeting to the public was made by James McCall, second by Robert Schenk. **Motion carried.**

No public spoke.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Gary Spinner, second by Robert Schenk. **Motion carried.**

Payment of the Bills:

Motion to approve payment of the bills was made by Gary Spinner, second by James McCall.

Roll Call: James McCall – yes, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Robert Schenk – yes, Joseph Wille – yes, Stephen Galati – yes, John Horner – yes, Neil McIntyre – absent

R.C.V.: 9 – yes, 0 – no's, 0 – abstentions. **Motion carried.**

Ms. Bruder advised the Board regarding the status of the State's Council on Affordable Housing.

Adjournment:

Motion to adjourn was made by Gary Spinner, second by James McCall. **Motion carried.**

Respectfully submitted,

Celeste Keen
Board Secretary