

**South Harrison Township
Planning/Zoning Board of Adjustment
November 9, 2015**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on November 9, 2015 at 7:10 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, Mary Howard – present, Thomas Sorbello – absent, Heather Brown – present, Joseph Marino – present, Melvin Robertson – present, Joseph Wille – absent, Stephen Galati – present, Ronald Ambruster – absent, David Wade – present, John Maybrook – present, Gary Thompson, Solicitor – present, Steven Bach – Board Engineer – present, Candace Kanapue – Township Planner – present, Celeste Keen, Secretary – present.

Minutes:

Motion to approve the regular meeting minutes of October 13, 2015 was made by Melvin Robertson, second by David Wade. **Motion carried.**

Old Business:

Resolution R-15-14

**Resolution Granting a Waiver of Site Plan Review
RE: Bahoo, LLC / Block 7.01, Lot 4
Application No.: 000-251-15**

Motion to adopt Resolution R-15-14 was made by Stephen Galati, second by Heather Brown.

Roll Call: James McCall – abstain, Mary Howard – yes, Thomas Sorbello – absent, Heather Brown – yes, Joseph Marino – yes, Melvin Robertson – abstain, Joseph Wille – absent, Stephen Galati – yes, Ronald Ambruster – absent, David Wade – yes, John Maybrook – abstain

R.C.V.: 5 – yes', 0 – no's, 3 – abstentions. Motion carried.

James McCall and Mary Howard stepped down due to conflict.

New Business:

**Rite Hook Towing, LLC
Use & Bulk Variances
007-286-15**

Joan Adams, attorney for the applicant, addressed the Board. Ms. Adams confirmed with Mr. Thompson that the affidavits of service had been submitted. Mr. Thompson concurred that he had received them and if the application is deemed complete the Board has jurisdiction to proceed with the hearing.

Ms. Adams advised that the applicants operate an automobile towing and repair business and they have been in business for four (4) years and are currently located in West Deptford Township. One (1) of the owners is a South Harrison Township resident and the other lives in Swedesboro; and they would like to relocate the business to South Harrison.

The property in question is located in the Light Industrial (LI) Zone which permits as a conditional use, auto repair and ancillary uses such as towing and auto storage associated with the auto repair. However the towing aspect is not enumerated as an affiliated use which is the purpose of the Use Variance request. The applicants are also requesting Bulk Variances for the pre-existing non conforming aspects

of the lot. The LI Zone requires three (3) acre minimum lot size and 200 feet of road frontage. This is a non conforming lot of record in that the property is 2.95 acres and has 150 feet of road frontage.

Ms. Adams introduced the applicants as Mr. Damian Scott and Mr. Diamond Yorker who are cousins and owners of Rite Hook Towing, LLC. Ms. Adams also introduced Gary Civalier, applicant's engineer.

Mr. Gary R. Civalier of Civalier Engineering and Surveying located at 12 West Mantua Avenue, Mantua, NJ; Mr. Damian Scott, co-owner of Rite Hook Towing resides at 410 Weatherby Avenue, Swedesboro, NJ; and Mr. Diamond Yorker, co-owner of Rite Hook Towing resides at 466 Monroeville Road, South Harrison Township appeared before the Board and were sworn to give testimony.

Candace Kanaplue, Board's Planner and Steven Bach, Board's Engineer were sworn to give testimony.

Ms. Kanaplue reviewed the completion portion of the review letter dated November 2, 2015. Form A items 22 & 24 regarding outside agencies, Bach recommends waivers for completeness.

Motion to deem this application complete was made by David Wade, second by Melvin Robertson.

Roll Call: James McCall – abstain, Mary Howard – abstain, Thomas Sorbello – absent, Heather Brown – yes, Joseph Marino – yes, Melvin Robertson – yes, Joseph Wille – absent, Stephen Galati – yes, Ronald Ambruster – absent, David Wade – yes, John Maybrook – yes

R.C.V.: 6 – yes', 0 – no's, 2 – abstentions. Motion carried

Ms. Adams proceeded with the public hearing, advising that the property known as Block 5, Lot 22 is currently in the LI Zone which permits auto repair, business offices and other industrial uses. Associated with the auto repair property owner may have a secured storage areas as long as the vehicles are titled and registered and are not on the property longer than 90 days. The applicant is asking for those uses plus the towing operation.

The three C Variances being requested are for lot size as the property is 2.95 acres where 3.0 acres is required; lot width as the property is 150' where 200' is required; and possibly a variance for the agricultural buffer if deemed necessary.

The Nash requirement has been met as three of the four surrounding residents have responded and are not willing to sell the .05 acres to the applicants in order to make the lot conforming.

Mr. Scott testified that Rite Hook Towing, LLC has been in business for four (4) years on Crown Point Road, West Deptford, NJ. Proposed operation would be from 6:00 am to 5:00 pm, seven days per week. They would operate with nine trucks and 11 employees, three of whom work in the office and two in the shop. The repair shop would operate six days per week from 9:00 am to 5:00 pm. The property is to be gated with security cameras and motion sensor lights. No cars would be on site for more than ten days and would be registered and titled. The current location in West Deptford will be maintained as a depot. Office operations will be in the South Harrison Township location. This application will be subject to Site Plan approval.

Mr. Civalier reviewed the preliminary site plan design. This application took into account the number of vehicles that are anticipated to be on site and the truck traffic with radiuses kept in mind to accommodate the towing vehicles as well as the employee parking and customer traffic that is expected. Buffering was taken into account with the farmland, residential and the wetlands to the rear of the property. Mr. Scott advised that the repair shop and offices will be in the same building. Emergency vehicles (fire and ambulance) will have ample room to maneuver in case of emergency.

Mr. Galati inquired as to the repair aspect of the business. Will there be vehicles dropped off after hours and if so where/how will they be left? Mr. Scott answered that they will be kept in the parking lot or the garage. Ms. Adams clarified that they will have made an appointment or would call for service which would be done during business hours. One to three cars currently serviced per day with plans for expansion. Proposed garage will have five bays for repair.

Crushed stone versus pavement of the rear portion of the property will be discussed during Site Plan approval. Mr. Bach advised that a variance for a residential buffer may be required. Mr. Thompson noted that not only will Site Plan be a condition of the Use Variance approval but so will a variance for the residential buffer if it is required.

Mr. Civalier reviewed the positive criteria being that the proposed use fits well in the LI zone and would not negatively impact the area.

Open Meeting to the Public:

Motion to open the meeting to the public on this matter only was made by David Wade, second by Stephen Galati. **Motion carried.**

James McCall of 46 Cedar Grove Road appeared before the Board and was sworn to give testimony. Mr. McCall requested clarification regarding the building size 4,000 square feet for Phase 1. Employee parking was clarified.

Connie Sailey of 406 Monroeville Road appeared before the Board and was sworn to give testimony. Ms. Sailey noted that the lot is narrow and inquired why so many parking spaces for only a few employees. Automatic lighting going on and off throughout the evening with wild animals walking around and setting off the lights. Ms. Sailey noted that her property is farmland assessed and therefore there should be a farmland buffer imposed. Also water runoff with gravel are concerning to her. There was some discussion as to what constituted the farmland buffer requirement. Ms. Sailey is also concerned with the runoff with gravel. Ms. Sailey cited South Harrison Township code 90-2.28.

Ms. Adams cited South Harrison Township Code 90-5.24 which states, "Where a nonresidential development takes place adjacent to an occupied residential dwelling within a nonresidential zone, the buffer may be reduced to 25 feet in anticipation of future conversion to a commercial use, however the area must be heavily landscaped."

Mr. Thompson advised that if the Board grants relief this will be an issue that will be a condition of approval. Mr. Thompson added that imposing the farmland buffer may result in an inverse condemnation action. If the property is zoned into inutility the Township may face an inverse condemnation action.

Bob Young of 430 Monroeville Road appeared before the Board and was sworn to give testimony. Mr. Young also owns 426 Monroeville Road. Daughter and son in law currently live on property with repair garage. Their home is for sale if the applicants are interested. The garage was grandfathered in. Mr. Young stated that he was not approached regarding the sale of any portion of his property to make the applicants' lot conform.

Mr. Thompson asked Mr. Young if he would be willing to sell a portion of his property to the applicants. Mr. Young advised that he would be willing to discuss but requested clarification as to how much property would be requested. Mr. Thompson stated that the applicants would need 50 feet of road frontage.

Ms. Adams noted that if Mr. Young sold the applicants the 50 feet required his house would be included.

Mr. Thompson asked Mr. Young if he would be willing to purchase the applicants' property, as though all variances were granted, for fair market value. Mr. Young would be willing to consider depending on how much that would cost.

Connie Sailey of 406 Monroeville Road appeared before the Board regarding the farmland buffer there are four (4) exceptions under 90-2.28 and the application does not meet any of those.

Matthew Sailey of 406 Monroeville Road appeared before the Board and was sworn to give testimony. Upon first hearing of this application he was concerned of that it would be a 24 hour operation and that the lighting would be imposing. Having heard the testimony of the applicants he is more amenable to the proposed application.

Beth Young of 430 Monroeville Road appeared before the Board and was sworn to give testimony. Regarding police impound the applicants would definitely need a secured building.

Close Meeting to the Public:

Motion to close the meeting to the public on this matter only was made by David Wade, second by Melvin Robertson. **Motion carried.**

Ms. Adams noted that the applicants intend to work with the Board and the residents to make sure that all concerns are addressed. This use that is being proposed is mostly permitted within the LI Zone and fits in the character of the area and is particularly suited.

Mr. Marino questioned the farmland buffer issue. Mr. Thompson stated that if the Board does not approve a variance it would seem as though the property has probably been zoned into inutility.

Mr. Bach advised that there has not been a Site Plan application submitted indicating the buffer material, nor has the Board's engineer been able to review the lighting impact. Mr. Bach does not feel that they have enough information that granting a reduced buffer would be sufficient at this time.

Ms. Adams proposed continuing the hearing to the December 14th meeting to allow the applicant's engineer enough time to design the requested buffer variance and also allow the Board's engineer time to review. The Board's Secretary will have copies for the residents to review by December 4, 2015.

Motion to continue hearing to the December 14, 2015 meeting was made by David Wade, second by Melvin Robertson. **Motion carried.**

Mary Howard resumed her seat on the Board.

Open Meeting to the Public:

Motion to open the meeting to the public was made by David Wade, second by Melvin Robertson. **Motion carried.**

No public present.

Close Meeting to the Public:

Motion to close the meeting to the public was made by David Wade, second by Mary Howard. **Motion carried.**

Payment of the Bills:

Motion to approve payment of the bills was made by Mary Howard, second by Melvin Robertson.

Roll Call: James McCall – absent, Mary Howard – yes, Thomas Sorbello – absent, Heather Brown – yes, Joseph Marino – yes, Melvin Robertson – yes, John Maybrook – yes, Stephen Galati – yes, Ronald Ambruster – absent, David Wade – yes

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

The Board discussed the need for additional membership.

The Board discussed the current buffer ordinance and whether the intent was properly represented.

Adjournment:

Motion to adjourn was made by David Wade, second by John Maybrook. **Motion carried.**

Respectfully submitted,

Celeste Keen
Board Secretary

INFORMATION ONLY