

ALLOWAY TOWNSHIP PLANNING BOARD

Township Municipal Building, Auditorium
49 South Greenwich Street
Alloway, New Jersey 08001

MINUTES FOR REGULAR MEETING – October 12, 2016

Meeting called to order at 7:02 P.M.

Statement of adequate notice of meeting was read and the flag salute performed.

Present: Beth Reilly, Craig Kane, Biff Crossley, Warren Wieting, Jack Cianfrani, Allen English, Phil Donohue, Kristen Coleman

Absent: Alexis Coleman, Ron Zarin

A Motion was made by Member Wieting, seconded by Member Reilly, to approve the minutes from the September 14, 2016 meeting. Unanimous voice vote with Members Cianfrani, English, Donohue, and K. Coleman abstaining.

A motion was made by Member Reilly, and second by Member Wieting to open the meeting to the public for comment. Vice Chairman Kane opened the meeting to the public for comment on matters not on the agenda. None. A motion was made by Member Reilly, and second by Member Cianfrani to close the public portion of the meeting.

Resolutions: A typed version of 2016-07 (Alloway Township Subdivision of Block 60, Lot 20) was introduced to be attached to the handwritten version the subcommittee completed.

Business: Roberts, Curtis (B 28, L 1.06) – Bulk (“C”) Variance

This application with withdrawn by the Applicant on the date of the meeting. Mr. Roberts is to submit a letter stating same, as well as requesting a refund of any remaining escrow.

Atanasio, Daniel (B 113, L 1) – Use (“D”) Variance

G. Philip Lewis, attorney for Applicant, provided a receipt for real estate taxes paid regarding the within property, and Solicitor Albano advised the Applicant had provided the appropriate notice to residents within 200’, as well as the newspaper notice being timely published.

Solicitor Albano explained that since this application involves a use variance the positive and negative criteria must be shown, as well as advising that the application would be bifurcated, i.e., review the completeness and use variance first, then if approved, the site plan application could be filed.

Applicant, Daniel Atanasio, was sworn and a question and answer period commenced with Mr. Lewis asking Applicant to confirm various facts regarding the application, the need for same (outside approval stemming from Quinton Planning Board) as the property is mainly located in Quinton Township, but the drive access is within Alloway Township on a County road.

An apiary is located on the property as well as a parking and lay down area for Applicant’s construction business, DPA Construction. Trucks and other heavy equipment routinely enter and exit the property during

daytime hours, as well as early and late arrivals/departures, due to the need for moving the bees to various locations.

Mr. Atanasio testified that he moves construction equipment on a daily/weekly/monthly basis depending on the need for various equipment at different jobs, as well as plowing snow for various municipalities and the County.

Applicant advised that the bees are a primary agricultural use, and that the construction business has grown over the last several years, which supports the increased number of vehicles and traffic to/from the property.

He discussed the equipment used for both the agricultural and construction uses, when the crew arrives/departs, the transport of various equipment to jobs, etc. He advised the home located thereon was built in approximately 1880 and his mother purchased same in 1998.

Member Cianfrani questioned when the business was started and what type of work the business did. Applicant advised the company (DPA Construction) does dirt work, paving, pipe, concrete, etc., and that he presently has eight (8) employees arriving in two or three vehicles as they carpool. He rents space in Florida for the bees when they overwinter there, and that they are here approximately six months out of the year. He also raises beef cattle. The width of the drive is approximately 12 feet and is made of asphalt and crushed concrete.

Member K. Coleman questioned what other type of approvals Applicant needed which are site plan, Salem County Planning Board, Alloway Planning Board, and any and all other outside agency approvals.

Member English questioned what buildings are located on the property, the need for access to the back of the property, etc. He also stated he was aware that there had been problems with neighbors for approximately a year and half and questioned why same couldn't have been worked out to eliminate the need to appear before the Board, i.e., plant tree screening, alter hours, enter/exit from Telegraph Road, etc.

There was a general discussion regarding moving the drive either way up or down the road to avoid the lights shining in the adjacent property owner's home. There is a guard rail and steep incline from the property to the South and the drive would have to progress behind Applicant's home and between outbuildings which would inhibit the turning radius for the larger vehicles. Equipment noise and times of day entering and exiting the property was discussed, as well as the number of days per week the traffic occurs. Applicant also advised the bees must be moved at night when they are quieter.

The positive criteria which was provided was that the equipment also was mostly used for farming, and that the farming promotes the general welfare the community.

The only other equipment stored on the property is 2 x 4 lumber used on various jobs.

Mr. Scheule, the Board's Planner, reviewed his letter and advised Applicant had requested a waiver from providing Items 8, 49, and 52 of the Checklist. He requested testimony (Item 13) be provided as to the accuracy/consistency of the survey as same was completed in 1999, and that a statement (Item 25) be provided regarding the relief requested, (Item 27) Applicant should provide photographs.

Applicant advised the property is the same as it existed on the 1999 survey.

Member Donohue made a motion to deem the application complete, with Member English's second. Thereafter, a roll call vote was taken receiving six (6) affirmative votes, with Members Reilly and Crossley abstaining.

Mr. Scheule then reviewed the conditions provided in his October 2, 2016 review letter. The Quinton approval was also discussed, including the fact that it could not act upon the ingress/egress to/from the property as same is located within Alloway Township, and thus the need to appear before its Board.

Mr. Brunermer, the Board's engineer, next discussed the possibility of moving the driveway. A-1 was introduced as an exhibit, being an "Existing Conditions Plan", as well as A-2, an equipment list outlining use of each vehicle by Construction and/or Farm.

The issue of County review was discussed and what criteria it would consider, i.e., ingress/egress, whether another drive could be cut and where, combining the house and construction drives further North on the road.

Member Donohue asked if Applicant was willing to put up a fence and screening trees on the opposite side of the road to block the lights/noise from the neighbor directly across from the drive. Mr. Atanasio said he would be willing to do same, but advised there is a drainage ditch located across the road and would have to investigate what approvals would be required by the County in order to do so.

Applicant's mother, Karen Atanasio, was sworn and testified that she took photos, marked A-3 and A-4, showing the headlight shine at two locations on the drive, but not on the property across the road.

Kristy Horwell, the neighbor across from the drive residing at 2 Neil Court, was sworn. She reviewed Applicant's exhibits and testified she and her husband had built their home in 2006. In late 2013 the Quinton Zoning Officer, Donna Bradway, contacted her regarding any complaints as to DPA Construction's operation. She gave a detailed overview of the Applicant's business operation from 2007 through the current time. She advised the drive was paved in December 2015 after the Quinton Planning Board application, but before appearing at Alloway Planning Board. She advised there is constant noise from the property, i.e., sand blasting, power washing, down shifting and acceleration of the equipment, etc.

P-1 was introduced into evidence by Ms. Horwell. This was a large sheet containing approximately 20 photographs which was introduced into evidence as an exhibit at the Quinton Township Planning Board meeting and must be returned to same but showed various shots of equipment entering/exiting the property, lights shining in her windows, etc.

During this time the tape machine began to malfunction and several times the meeting had to be stopped while the tape machine was repaired.

Ms. Horwell further advised she had five (5) children ranging in age from 16 to one year, some of who stand and wait for the bus along the roadway.

She also advised there are now three (3) above ground fuel tanks on the property. Ms. Horwell did not contact Mr. Atanasio about the problems as she felt it would not remedy the situation. She also advised she thought Quinton Township was going to take care of the problem.

It was discussed that the Salem County Planning Board must approve any drive opening along the road. She approached the County as to whether an application for same was made, but received no answer.

P-2 was introduced which was a partial survey map not showing the drive on the Atanasio property. The speed limit along the road was discussed and the approximate locations of the two Atanasio drives, Neil court opening, etc. Exhibits P-3 (Bing map photos), P-4 2006 photo pointing across her vacant lot across the road toward Atanasio property (not showing drive), P-5 2014/2015 photos (various-6 pages), and P-6 Google map photos (5 pages).

The time lines of starting the business(es), farm operation was discussed, as well as previous work done by Applicant prior to 2006, when the bees were established, P-7 was introduced (photograph showing a tractor trailer truck with bees loaded thereon), when various equipment was purchased, increased equipment list (P-8 introduced, being November 2015 equipment list submitted to Quinton Township PB).

The subdivision Ms. Horwell resides in has seven (7) approved lots with four (4) being occupied, and three (3) presently empty. Her home is listed for sale on the internet, but no sign is posted at present.

Applicant additionally provided photographs from the internet showing the location of the drive with an online certification, however, Solicitor Albano advised expert testimony would have to be given regarding same.

Steven Horwell was sworn and testified that he worked for NOVA Construction and that his company always complies with local, County, and State regulations and hopes for Applicant to do the same.

Member Cianfrani made a motion to close the public portion of the meeting, with Member Donohue seconding same.

Member Donohue made a motion, with Member Kane seconding, to grant the use variance for nine (9) construction/commercial vehicles to be able to enter/exit onto Pecks Corner-Cohansey Road with the condition that, if approved, Applicant apply for site plan approval. The Board voted as follows: five (5) denied, one (1) approved, with Members Reilly and Crossley abstaining.

A motion was made by Member Reilly, and second by Member K. Coleman to open the meeting to the public for comment. Vice Chairman Kane opened the meeting to the public for comment on matters not on the agenda. None. A motion was made by Member Reilly, and second by Member K. Coleman to close the public portion of the meeting.

Correspondence was briefly discussed.

On motion by Member Reilly, seconded by Member K. Coleman, the meeting was adjourned at 10:01 PM.

Unanimous voice vote.

Respectfully submitted,

Suzanne D. Pierce
Planning Board Secretary