

Meeting Minutes April 19, 2023
Joint Land Use Board
Town of Hammonton

The regular meeting of the Hammonton Joint Land Use Board was called to order this day by Chairman Olivo in the Council Chambers at approximately 7 P.M. with the announcements of the Sunshine Laws and fire exit procedure. The Pledge of Allegiance was recited.

PRESENT: **ABSENT:** **ALSO PRESENT:**

Councilman Oliva
Michael Hozik
Michael Messina
Gordon Pherribo
Mickey Pullia
Ray Scipone
Councilman Wuillermin
Chairman Olivo
Chris Kalani
James Matro
Jonathan Baske
Bill Brinkerhoff

Ralph Cappaccio

Joseph McGroarty, Esq
Shelly DiChurch, Secretary
Mark Hermann, Eng
Stuart Wiser, Planner

“Chairman Olivo called for a motion to approve the March 15, 2023, meeting minutes. The motion was made by Michael Messina and seconded by Gordon Pherribo. The minutes were approved.

PLANNING BOARD ISSUES

There were no planning board issues.

ZONING BOARD ISSUES

Shore Management
460 S. White Horse Pike
Hammonton NJ 08037
Appl # 22-15ZB ARH #1112123.01
(Postponed from March 15, 2023)

Joe McGroarty swore in the applicant (Shore Management).

P.O. Box 2003
Vincentown NJ 08088

Patrick McAndrew (the applicants attorney) gave some background for the property in reference. Mr. McAndrew described that this is an existing single-family building that was converted to an office use approximately 20 years ago, traditional cape cod style. Mr. McAndrew stated that the applicant purchased this property at a sheriff sale a few years ago and tried to market it for office use. Mr. Hopely stated that he had no luck selling this property for office use. Mr. Hopely (the applicant) went to Pinelands and it was stated that Pinelands still views this property as a single-family home and that the appearance of this building still looks as such. Mr. McAndrew shows pictures of the existing home/property which showed this single-family cape cod style home with a one car garage that is still in great condition. The applicant stated that he does not see any negative impact for this use and is well suited since this was how the home was built. Mr. Hozik questioned if the kitchen was removed once this was made into an office. Mr. Hopely stated that the kitchen was the only thing removed everything else is still home style in tact and all the plumbing remains and can easily install the kitchen to convert back to home.

Joe McGroarty stated that this home became an office thru a variance granted by the Joint Land Use Board and the board had the decision if they wanted to grant the variance to revert this back.

Stuart Wisner went thru the ARH report stating that there were some regulations that they needed to confirm compliance or if relief was needed. Mr. McAndrew stated that they will comply. Stuart Wisner asked for positive and negative criteria to be given for the record. Mr. McAndrew stated that it was built as a house and looks like a house so it is well suited and the property has been well maintained with no negative impact on the neighbors. Mark Hermann stated that he had no comments as nothing outside would be changed only inside the structure.

Joe McGroarty spoke that the applicant provided testimony on the positive and negative criteria and that they needed a motion for a D Variance allowing the property to be utilized as a residential property, Mike Hozik made the motion with the kitchen reinstall being and seconded by Ray Scipione. The motion carried.

Chairman Olivo stated that he wanted Joe McGroarty to explain the role of the board with regard to the next two applicants with variances needed for items already installed. Joe McGroarty stated that the variances were requested after the fact and this board is able to evaluate and determine if the benefits of granting the variance outweighs the negative. Joe McGroarty stated that if the hardship is created by the applicant they can be asked to take down the structure as the applicant had created their own hardship and the standards for granting a variance are positive and negative criteria.

Mathew and Angela Gentile
27 N. 4th St. (Block 3102, Lot 17)
Hammonton NJ 08037
ARH File # 1112122.01 Appl # 22-14ZB

Joe McGroarty swore in the applicant Mathew Gentile. Mr. Brennon stated that he was the representing attorney for Mathew Gentile and they were seeking a C variance for the installed pavilion that was over the allowed per ordinance of 400 sq ft. Mr. Brennon stated that the applicant obtained the appropriate permits for the in ground pool and thought the pavilion was included in these permits. Mr. Brennon stated the other two variances needed were for shed distances. Mr. Gentile spoke that this property is his residence purchased in 2021 and had the two sheds on the property, and added solar panels, pool and the pavilion. Mr. Brennon questioned the applicant on the permits obtained. Mr. Gentile stated that he had obtained all the permits for the solar and his pool. Mr. Gentile described the pavilion that has four posts covered by vinyl 20x20 and 13 and a half feet tall. Mr. Gentile stated that he apologized for not having the appropriate permits for the pavilion that they were not aware and tried to resolve this matter as soon as it was brought to his attention by the tax assessor who noticed this while accessing the property. Mr. Brennon questioned Mr. Gentile on the additional variances needed that were brought to attention by ARH after the application was submitted for the pavilion. Mr. Gentile stated that the two sheds are too close to the property line that were in that location when he had purchased the property. Mr. Gentile explained that 15 ft is needed but the ARH report states 4ft and 6ft. Mr. Gentile stated the smaller shed stores pool equipment and the larger shed stores family storage, lawn and household needs located in the rear of the property with the 6ft fence behind them shielding the view of the sheds from the neighbors. Mr. Brennon stated that the variances will not create a negative impact as testimony from the applicant had shown that the sheds are in the rear with cover from the neighbors with the fence. Gordon Councilman Wuillermin questioned who constructed the pavilion. Mr. Gentile stated that it was installed by an Amish company from PA. Councilman Wuillermin questioned if that company advised he would need a permit and Mr. Gentile stated that he was not made aware and assumed that this was a buyer beware type situation. Stuart Wiser stated that 3 C variances were needed, 1- 1000 sq ft of accessory structures, 2 – the rear yard set back for one shed that is plus or minus 6 ft from property line and 3- another shed that is plus or minus 4 ft. Mark Hermann stated that he did not have any comments to add. Chairman Olivo asked if anyone attending the meeting wanted to be heard and no one came forward. Joe McGroarty stated the 3 variances were needed with the conditions provided. Joe McGroarty stated that the first motion was for the 1000 sf ft of accessory structures. Chairman Olivo called for a motion; Ray Scipione made the motion and was seconded by Councilman Oliva, the motion carried. Joe McGroarty stated the second variance requested was for the rear yard setback not met needing 6 ft. Chairman Olivo called for a motion that was made by Ray Scipione and seconded by Mickey Pullia, the motion did not pass. Joe McGroarty stated the 3rd variance needed was for the shed that was 4ft from the property line where 15 required. Chairman Olivo called for a motion, Ray Scipione made the motion and was not seconded, therefore Joe McGroarty asked for a motion to deny, Ray Scipion made the motion and was seconded by Mike Hozik. The motion to deny was approved and the variance was denied. Mr. Brennon asked the board if information was found that the sheds were installed before zoning and found to be pre-existing non conforming that the sheds would not need to be moved. Joe McGroarty advised that was correct.

Mike Gallagher
407 10th St (Block 3716, Lot 18.04)
Hammonton NJ 08037
Appl # 2-21ZB ARH # 111211.01

Joe McGroarty swore in the applicant Mike Gallagher. Stuart Wisner stated that he wanted to go thru the ARH report. Mr. Wisner stated that the applicant installed an addition to the existing deck attached to his home and someone from the town came out and sited the applicant for the deck constructed without permits. Mr. Wisner stated that a permit was denied by the zoning officer due to where the deck was located was in the side yard set back, after review from ARH the issue found is that under the ordinance any accessory building attached to a principal structure shall be considered part of the principal structure and the total structure shall adhere to the yard requirements for the principal building not accessory structures in terms of setbacks. Stuart Wisner also stated all decks are attached to the house and that in this zone there are no requirements for side yard set backs. Mr. Gallagher stated that he constructed this deck himself and since he was adding on and not building new he did not realize a permit was needed. Stuart Wisner stated after all this research there is no reason for this applicant to be before the board other than the reversal of the zoning officers ruling. Joe McGroarty confirmed that no variance needed. Joe McGroarty confirmed that all that is needed is the reversal of the zoning officers decision and once that was given the permits would need to be addressed. Mr. Gallagher stated that the fence that was too high he will bring it down so that it is in compliance. Joe McGroarty needed a motion to reverse the zoning officers decision, Gordon Pherribo made a motion that was seconded by Ray Scipione. Motion carried. Chairman Olivo opened the meeting up to the public. No one came forward. Public portion closed.

RESOLUTIONS

Mark & Kimberly Visco
604 North Egg Harbor Rd
Hammonton NJ 08037
Appl # 22-18PB ARH # 1112126.01

APPLICANT WAS APPROVED FOR A CURB AND SIDEWALK WAIVER.

Chairman Olivo discussed this resolution and stated that there were additional findings as to what the applicant did and did not know and asked Joe McGroarty if the applicant could be brought back to the Joint Land Use board before the Decision and Resolution was adopted. Joe McGroarty stated that the applicant can be asked to come back to the board. Chairman Olivo called for a motion to table the vote to adopt the Decision and Resolution, Councilman Wuillermin made the motion that was seconded by Micheal Messina. The motion carried.

GENERAL BUSSINESS

The next meeting will be in person on June 7, 2023, at the Town of Hammonton, 100 Central Ave on the 1st floor in the Courtroom.

ADJOURNMENT

Respectfully submitted this day of Thursday April 24, 2023 by

Shelly DiChurch