

**Call to Order:**

The Zoning Board of Adjustment special meeting was called to order at 6:00 p.m. on March 15, 2023 by Chairman Cummiskey who read the following statement, “Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings on March 2, 2023 and a copy was posted on the 2<sup>nd</sup> floor bulletin board in Town Hall and also posted on the Township’s website. Be advised no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m.”

The Board saluted the Flag.

Roll call; Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Mr. Powers, Mr. Rice, Mr. Salvadori, Mr. Seidenberg, Mr. Defelice, Planner, Mr. Coe, Solicitor. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber.

**Public Hearings:**

1. #22-59 – Steven Wolf – Use Variance

The applicant is requesting a use variance to have more than one principal use on his property, a residential use and a business use. The applicant operates a Snap-On Tools business from this property along with the storage of product and parkin his trucks on the site. The property is located at 2310 South Shore Drive, also known as Block 9611, Lot 9 in the RG-MR Zoning District.

Mr. Cummiskey asked Ms. Orbaczewski if the application can be deemed complete. Ms. Orbaczewski replied yes. Motion passed to deem the application complete. Mr. Coe stated that the letters submitted by the public are not evidence and are not to be considered by the Board, they were included in the meeting packet for informational purposes only. He also stated the Board can only consider any testimony given by the witnesses that may speak here tonight.

Present is Mr. MacFeeters, attorney for Steven Wolf. Mr. MacFeeters reviewed the application for the Board. He stated that the applicant is requesting a use variance to allow a second principal use and they consider it to fit well within the Township’s ordinance concerning home occupation. This would allow the applicant to use his property for his business, his vehicles and storage. Mr. MacFeeters explained that the applicant is also requesting to allow a container that he added to the property for his personal and family storage. The pole barn was preexisting and permitted by the Township before Mr. Wolf bought the property. Mr. MacFeeters stated that Mr. Wolf is a mobile salesman for Snap-On Tools. He leaves in the morning and his business is conducted at the customer’s sites. This is not a business where clients would come to his home, there is no increase in traffic aside from leaving in the morning and returning in the afternoon.

Mr. Coe conducted the swearing in of Mr. Steven Wolf, the applicant, Ms. Tiffany Morrissey, professional planner, and Mr. Jay Defelice, as Planner for the Board. Mr. MacFeeters asked Mr. Wolf a few questions about the layout of the property. Mr. Wolf stated that it is about 1 and ½ acres, the single-family home is about 2,000 square feet, there is a pole barn, and the back yard is

**Public Hearings:** (continued)

1. #22-59 Steven Wolf (continued)

about ¼ acre, in the rear is the lake. He also stated the front yard has a little grass as well as a bit in front of the pole barn facing the street, and that there was not much side yard around the pole barn, it's mostly trees, and there is more wooded area behind the pole barn towards the lake. Mr. MacFeeters asked Mr. Wolf to describe the pole barn. Mr. Wolf stated the barn is 58' x 30' metal structure with one-man door, two sliding garage doors. He added that there is lighting facing the rear of the property with a ring camera and motion sensors and it has its own electric. Mr. MacFeeters asked Mr. Wolf what he used the shipping container for. Mr. Wolf replied that he uses it to store his quads, dirt bikes, kids bikes and fishing stuff. He stated that the shipping container is painted the same as the pole barn.

Mr. MacFeeters asked Mr. Wolf to explain his job. Mr. Wolf explained that he is a mobile tool salesman for Snap-On Tools for about 8 years now. He stated that he has a list of mechanic shops that he services Monday through Friday. He also stated that all business is conducted at the shops, no business is done at his home. Mr. Wolf explained that when product is received it is either stored in the truck or in the pole barn. Mr. MacFeeters asked if any of the products had chemicals or hazardous material or emitted any odors. Mr. Wolf replied no. Mr. MacFeeters asked how the products arrive to his property. Mr. Wolf replied UPS and FedEx every two to three days and they put the deliveries directly into the pole barn. Mr. MacFeeters asked what type of trucks that UPS and FedEx use to deliver to him. Mr. Wolf replied 16' to 18' box trucks. Mr. MacFeeters asked Mr. Wolf to explain the dumpster on his property. Mr. Wolf replied that they use the dumpster to break down all the cardboard that the business produces, to save space in the household recycle container. He also stated that it could be removed if the Board wanted it removed as a condition of approval.

Mr. MacFeeters asked what type of commercial vehicles he had. Mr. Wolf stated that he had two 22' box trucks. Mr. MacFeeters asked how loud the truck is. Mr. Wolf replied it is a little louder than a FedEx truck. Mr. MacFeeters asked if there was any way to park the trucks out of sight or limited sight from the public. Mr. Wolf replied no, not unless he added on to the pole barn. Mr. MacFeeters asked Mr. Wolf to explain his typical work day. Mr. Wolf stated that he usually goes to two or three dozen shops on his route, all business being done at the customer's shops. He stated that he has one employee that comes to his home in the morning then they go to work together in the same truck. Mr. Wolf stated that his hours of operation at his home are at the end of the work day around 5 or 5:30, that consists of unloading or reloading the truck as needed.

Mr. MacFeeters asked Mr. Wolf to explain why his property is suitable for his business. Mr. Wolf stated that everything is at one location, it's a safe neighborhood and all he does is store stuff on his property, all business is conducted elsewhere. Mr. MacFeeters asked Mr. Wolf if he would be able to add additional landscaping if the Board required it as a condition of approval. Mr. Wolf replied yes. Mr. MacFeeters asked Mr. Wolf when he began using the property for his business. Mr. Wolf replied since the day he started living there in December of 2019 and he stated that he had not had any complaints. Mr. Kozak asked Mr. Wolf what his work hours were. Mr. Wolf stated that he typically leaves at 5:00 a.m. and returns home at 7:30 p.m. at the latest.

**Public Hearings:** (continued)

1. #22-59 – Steven Wolf (continued)

Mr. Kozak asked if the trucks were diesel and asked what the tonnage was. Mr. Wolf replied that the trucks are diesel, and the tonnage is 25,999 pounds. Mr. Kozak asked if he knew the permitted tonnage on his road. Mr. Wolf replied that he did not know that. Mr. Powers asked Mr. Wolf how long was the truck. Mr. Wolf replied 24 feet, it is not a tractor trailer. Mr. Salvadori asked if he looked elsewhere to put the business. Mr. Wolf replied no. Mr. Colavita asked Mr. Wolf if he looked into whether he could run a business there when he was purchasing it. Mr. Wolf replied he wasn't sure but being a new homeowner, he didn't know the zoning and figured since he wasn't conducting any business there that it would be okay. Mr. Colavita asked if he receives any deliveries by tractor trailer. Mr. Wolf replied that he does not receive tractor trailer deliveries. Mr. Colavita asked has he grown since he's been living there since he went from one truck to having two trucks. Mr. Wolf replied yes, the business has grown. He stated that he got a second truck as a back up since he had a break down that caused him to be without a truck for four months. Mr. Powers asked Mr. Wolf if he knew about the HOA when he purchased the property, and did the rules stated anything about the trucks. Mr. Wolf replied that he was aware of the HOA and that he didn't see anything in the bylaws about commercial or business. Mr. Coe asked Mr. Wolf to clarify that he does not use both trucks, and that the back-up truck sits at the property. Mr. Wolf affirmed.

Mr. Mattson came forward stating he would like to cross examine Mr. Wolf. Mr. Coe replied that is appropriate and asked him to identify himself. Present is Mr. Roger Mattson, an attorney on behalf of the Timber Lakes Community Association and the members present. Mr. Mattson proceeded to cross-examine Mr. Wolf asking him questions about hours of operation, trucks, pole barn, shipping container. Mr. Wolf stated that the hours of operation at the property are 5-9 on Monday through Friday and 10-6 on Saturday. Mr. Wolf stated that the shipping container is 40' x 8', the pole barn holds his product. He stated he does not know the height of the pole barn, it was on the property when he purchased it and it was previously permitted by the Township. Mr. Wolf stated that he was aware the property was zoned residential. Mr. Wolf stated that other trucks that travel his road, school bus, trash truck, weigh a lot more than his truck. Mr. Wolf stated that his home is 2100 sq. ft. and the pole barn is approximately 1800 sq. ft.

Tiffany Morrissey qualified herself for the Board and was accepted as a professional for testimony. Ms. Morrissey stated that she plans to review the Township code and relate that to the application. She stated that our Township ordinance does not define home occupation or home professional office, but this application fits as a home occupation. She stated that Mr. Wolf testified he only has one employee that is not a resident at the dwelling. Ms. Morrissey stated the dwelling unit is not utilized for the home occupation. Ms. Morrissey stated that the business is conducted within the accessory building. Ms. Morrissey stated that there are no products visible from the street. Ms. Morrissey stated that he is not selling on the property. Ms. Morrissey stated that there are no signs and none are proposed. Ms. Morrissey stated that there were no changes to the exterior of the property, the pole barn was existing when Mr. Wolf purchased it. Ms. Morrissey stated that this application is not requesting medical, dental or office professional equipment. Ms. Morrissey stated there is plenty of onsite parking, the applicant did not add any parking. Ms. Morrissey stated

**Public Hearings:** (continued)

1. #22-59 – Steven Wolf (continued)

that there are no new parking areas but the applicant is willing to add landscaping buffers. Ms. Morrissey stated the testimony by MR. Wolf meets he criteria of home occupation according to the Township code.

Ms. Morrissey stated that the home professional office criteria could be considered to be much more impactful to the community than the applicant's current dealings. Ms. Morrissey stated that there could be more employees, and that the types of occupations permitted could bring traffic to the home. Mr. Wolf's business is much less intense than that. Ms. Morrissey stated that an accessory structure, such as Mr. Wolf's pole barn, is permitted to be used for home occupation and that is why the application is before the Board to ask for a variance. She stated that the pole barn does not exceed the square footage of the house. Ms. Morrissey stated that Mr. Wolf is not at the property all day long for his home office, his business is done away from the property at his customer's locations. Ms. Morrissey stated that the impact from the truck coming and going from the property is two trips, leaving in the morning and coming home in the evening. Therefore, there is no traffic from customers coming and going from the property. Ms. Morrissey stated that she believes this application meets the criteria of home occupation but still needs a variance to store the trucks on the property.

Ms. Morrissey stated that Mr. Wolf is also asking for a variance to be able to keep the shipping container on the property. The shipping container is painted white to match the pole barn. Ms. Morrissey stated that the dumpster was to get rid of cardboard without having to use the home recycle bin. Ms. Morrissey compared her home to Mr. Wolf's by explaining that only receiving deliveries every 2 to 3 days, that she probably has more cardboard waste at her home than Mr. Wolf would have. She stated that Mr. Wolf would remove the dumpster if the Board denied the request. Ms. Morrissey presented two aerial photos from Google Pro from what the property looked like in 2010 and 2011, marked as exhibits A1 and A2. Ms. Morrissey stated that exhibit A1 shows there used to be various vehicles, equipment and items stored outside of the pole barn.

Ms. Morrissey stated that she drove through the neighborhood and looked at the neighborhood on Google Earth. She stated that there were several businesses in the lakes community. She noted a few of the business that had trailers on their property, or that were simply listed as a business on the Google directory. There were several properties that had box trucks stored on the driveway, and that she also saw large RVs and contractor vehicles that are kept on those small .3 acre lots. Ms. Morrissey stated that she believes this site and use are particularly suited to accommodate the application. Ms. Morrissey stated that the bulk variances required for the lot have not been exceeded. She stated that she believes the positive and negative criteria is satisfied.

Mr. Mattson asked Ms. Morrissey if she considered neighborhood impact. Ms. Morrissey replied that she did, the use Mr. Wolf is requesting is less than something else that would also be permitted as a home occupation. Mr. Mattson asked Ms. Morrissey if she believed the use variance should be approved. Ms. Morrissey replied yes, in her professional opinion positive and negative criteria have

**Public Hearings:** (continued)

1. #22-59 – Steven Wolf (continued)

been met and that the benefits of the special reasons under the D1 criteria outweigh any detriments. Mr. Mattson asked if it was a prerequisite that other locations in the area were found not suitable. Ms. Morrissey replied no, it is not required under case law or under the MLUL standards that other sites be found not suitable. Mr. Mattson asked Ms. Morrissey if she was familiar with Saddlebrook Realty vs. Board of Adjustment. Ms. Morrissey replied that the site and the use are particularly suited to one another. Mr. Mattson asked Ms. Morrissey if she stated the negative criteria. Ms. Morrissey stated that she did address that. She talked about the site meets the home occupation ordinance. Mr. Mattson asked whether this application was for home occupation. Ms. Morrissey stated that the application was for the use variance to allow two principal uses, and she felt it met the home occupation requirements so she put that before the Board. Mr. Mattson asked Ms. Morrissey about the testimony that she found other home business that were also in the lakes community. Ms. Morrissey stated yes Timber Lakes, and the entire rehabilitation area. She stated that she found that information on Google Earth.

Mr. Colavita asked Ms. Morrissey if she felt that home occupation as an attorney or accountant would have more impact. Ms. Morrissey clarified that it would be more impactful in terms of the traffic it would generate. Mr. Colavita asked Ms. Morrissey if she saw 13-ton trucks at doctor's offices. Ms. Morrissey replied that she did testify that the trucks are different but her point was that the applicant only does two trips per day, leaving and coming home. She added that there are other contractors that are allowed to have their commercial vehicles for work to be kept at their home. Mr. Powers asked Ms. Morrissey if anyone knew how wide the applicant vehicles were. Ms. Morrissey presented a photo of a school bus driving down the applicant's street, marked exhibit A3. Mr. Powers asked how much the applicant's truck weighed. Mr. Wolf stated that his truck weighs 25,999 pounds. Ms. Morrissey added that a school bus weighs between 19,500 and 26,000 pounds. Mr. Powers asked if there were any signs visible that showed the weight limit on the road. Ms. Morrissey stated that she did not see any signs. Mr. Kozak added that there is a sign on Whitehall Road that says 4-ton limit and local deliveries only. Mr. Cumiskey asked if the weight of the applicant's vehicle was 25,999 when empty. Mr. Wolf replied no, 25,999 was the weight fully loaded and the weight of his truck empty was 18,000 or 19,000.

Mr. Coe asked Ms. Morrissey if the Snap-On truck is inconsistent with the home occupation due to the fact that the business is not done inside the home building. Ms. Morrissey replied that it is unique but when he comes home the products are stored in the pole barn so that aspect meets the criteria. Mr. Coe asked then if the definition of home occupation meant that the truck would have to be stored inside the building so that the loading and unloading was done inside. Ms. Morrissey replied with comparing Mr. Wolf's business to someone selling Tupperware. She stated that the Tupperware sales are conducted away from the home so in that way it is similar to Mr. Wolf's. Mr. Coe asked if the criteria states no changes to the exterior of the property then what about the shipping container. Ms. Morrissey replied that the shipping container is not used for the business it stores the applicant's personal items. Mr. Kozak asked if the truck being there was changing the exterior. Mr. Coe agreed that point does not meet the criteria. Ms. Morrissey stated that the application was asking for two shipping containers, but the applicant is only asking for one. Mr. MacFeeters added that they are asking the Board to find for home occupation within the D1 variance.

**Public Hearings:** (continued)

1. #22-59 – Steven Wolf (continued)

Mr. Defelice reviewed the planner's report for the Board. He stated that a lot of the points in the review have already been addressed in testimony. He stated that the occupation does not conform with the requirements for a property within the Pinelands. But it does go with the definition of two principal uses. He stated that the square footage of the pole barn plus the shipping container exceeds that of the principal structure which is the house. Mr. Defelice stated that the dumpster might need to be addressed. Mr. Coe asked Mr. Defelice if a site plan should be imposed as a condition of approval. Mr. Defelice replied yes. Mr. Defelice added that if approved, the applicant would still have to seek approval from the Pinelands on the use.

Motion passed to open the hearing to the public.

- a) Tony Ayres of 815 Poplar Lane was sworn in by Mr. Coe. Mr. Ayres stated that the Timber Lakes Association has a deed restriction that says single family only. He stated that the major impact is property value. He stated that the tractor trailers go up and down the street more than twice a day and that there were more than two employees. Mr. Ayres stated that he's pretty sure the applicant does not have a permit for the millings. He stated that when the street was put in the association asked the engineer what it was designed for and the engineer replied that it was designed for no more than a pick-up truck. He stated that they have a lot of kids that play in the area and there are no sidewalks. He stated that the tractor trailers going up and down the street and the kids playing are not a good mix. Mr. Kozak asked if the HOA had ever taken any action against the applicant. Mr. Ayres stated that when the applicant moved in, the neighbors didn't mind but it has escalated. Mr. Kozak asked so did the HOA take any action. Mr. Ayres replied that's why they are here tonight. Mr. Kozak stated that the association did not take any legal action. Mr. Ayres replied they complained to the Township's Zoning department. Mr. Powers asked if the Zoning got involved before or after. Mr. Ayres stated that after the neighbors complained they went to the Zoning Officer. Mr. Powers asked how many business owners were notified. Mr. Ayres replied that they are not aware of any legally operating businesses in the Timber Lakes area. Mr. Coe asked about the deed restriction and if he had a copy of the language. Mr. Ayres replied no. Mr. Ayres stated that it says single family only and there is language in the deed that says no businesses within the lakes. Mr. Kozak asked if each individual house's deed should state this restriction. Mr. Coe explained that the association rules are enforceable against the homeowners but the Zoning Board is not responsible to do that.
- b) Paula DiNapoli of 2227 South Shore Drive was sworn in by Mr. Coe. Ms. DiNapoli presented 6 photos that were taken after Mr. Wolf applied for the variance. She stated that she got along with the applicant until all this happened. The photos were marked Objector 1-6. Mr. Kozak asked how long ago was it that they contacted the Zoning Officer. Ms. DiNapoli stated that when they brought the container, about 6 to 8 months prior. Mr. Kozak stated that for the years prior it wasn't to that scale and they just lived with it. Ms. DiNapoli agreed. Mr. Powers asked if the applicant only had one truck would she be okay with that.

**Public Hearings:** (continued)

1. #22-59 – Steven Wolf (continued)

Ms. DiNapoli replied that when it was only one truck they were quiet about it but he'll just keep adding on. Mr. Mattson showed exhibit O1. Ms. DiNapoli stated that was of the tractor trailer on his property and she observed it there more than once. Mr. Mattson showed exhibit O2. She stated that photo was of two of the trucks and the pile of asphalt. Mr. Mattson showed exhibit O3. Ms. DiNapoli stated that photo was of the Snap-On truck all lit up. Mr. Mattson showed exhibit O4 of a tractor trailer on the applicant's property. Ms. DiNapoli affirmed that. Mr. Mattson shower exhibit O5. Ms. DiNapoli stated that photo was of a pick-up pulling a Snap-On trailer. Mr. Mattson showed exhibit O6. Ms. DiNapoli stated that was a photo of his Snap-On truck plus you could see the container. Mr. MacFeeters asked if she knew if the white and black truck in two of the photos are the applicant's trucks. Ms. DiNapoli stated that the truck was in Steve Wolf's driveway.

c) Marian Massaro of 3504 South Shore Drive was sworn in by Mr. Coe. Mr. Mattson asked if she could add anything that hasn't already been stated. Ms. Massaro stated that the trucks come up and down the street at all hours. She stated that they fly and there are kids that ride their bikes here. She stated that the trucks make a lot of noise. She stated that she moved here because it is a private lake community. Mr. Rice asked if the trucks go up and down the street more than twice per day. Ms. Massaro affirmed.

d) Wayne Johnson of 824 Maple Terrace was sworn in by Mr. Coe. Mr. Johnson stated that he is amazed that this light industry can be this close to wetlands. He stated that he lives 4 blocks down and he can hear the dumpster being emptied. He stated that there are a lot of truck deliveries. He stated that he's concerned about the road with the trucks going by. He stated that he's surprised that the Pinelands would approve this. Mr. Powers asked if anyone has called the police about the speeding. Mr. Johnson stated that maybe he'll go to the police station next. Mr. Powers clarified his question asking if anyone complained about the applicant's vehicles speeding. Mr. Johnson stated that one of his neighbors made a complaint.

e) Sandra Newton of 807 Poplar Terrace was sworn in by Mr. Coe. Ms. Newton stated that she has had a craft business for 42 years. She stated that she has never sold anything or had anyone come to her house except when she tried to have a yard sale when she was retiring from that. She stated at that time that someone wrote a letter to the Zoning Office that she was operating a business. She stated that she got a letter saying to cease and desist or she could be penalized by fine or go to jail. She stated that 11:00 at night she sees things going on at the applicant's house with lights on trucks facing her house. She stated that she can hear the dumpster and his truck coming in and she knows it's more than 25 miles per hour. Mr. Powers asked if she knows he driving fast had she made any complaints. Ms. Newton replied yes, he driving fast and no she hadn't made complaints since she doesn't live close to him it doesn't bother her all day every day. Mr. MacFeeters asked about the cease and desist letter and if she knew who wrote it. Ms. Newton replied that yes, she knew who wrote it.

**Public Hearings:** (continued)

1. #22-59 – Steven Wolf (continued)
  - f) Carolyn Robinson of 2332 South Shore Drive was sworn in by Mr. Coe. Ms. Robinson stated that she worries about the environment.
  - g) Diane Zakorchemny of 2318 South Shore Drive was sworn in by Mr. Coe. Ms. Zakorchemny stated that she lives next door on the same side of the street. She stated that when she moved in she hoped it would be safe and quiet. She stated that when Steve first moved in it was only one truck but that has changed. She stated that it's not the Snap-On trucks that concern her but her biggest fear is safety with the trucks delivering things.
  - h) George Sharp of 824 Birch Terrace was sworn in by Mr. Coe. Mr. Sharp stated that he is a resident of the area and a customer of the applicant at his job at NJ Transit. He stated that Mr. Wolf told him he is never to come to his home to purchase product. Mr. Sharp stated that he has 3 little kids and he has no problem with them walking with Steve's trucks going up and down the road. He stated that the trucks that worry him are the UPS, FedEx and Amazon trucks that fly up and down the road.
  - i) John Pendergast of 2207 South Shore Drive was sworn in by Mr. Coe. Mr. Pendergast stated that the home was his mother's. He feels bad for Mr. Wolf but it's not the right place to operate a business. He stated that the house has been on the market for 160 days and he feels like it's because of the trucks. Mr. Pendergast stated that there is an area that is Pinelands and he's not seen too many eagles or owls recently. Mr. Powers asked if there were other homes out there that had buses, vehicles or equipment. Mr. Pendergast replied he didn't know, but he does see travel trailers in people's driveways.
  - j) Kathy Romalino of 3122 South Shore Drive was sworn in by Mr. Coe. Ms. Romalino stated that they live in a private lake community and if you're purchasing a house there that means you went through Board and talked to the neighbors. She stated that she believed Mr. Wolf had a preconceived notion of what he planned to do when he purchased the house. She stated that Mr. Wolf is taking away the value of the community.
  - k) Leland Hanson of 832 Birch Terrace was sworn in by Mr. Coe. Mr. Hanson stated that he has driven similar trucks and that they are top heavy and it's nearly impossible to do over 25 mph without possibly tipping over. He stated that Mr. Wolf has his own children that play on this street so he feels like Mr. Wolf is more careful for that reason. Mr. Cumiskey asked about his statement about driving over 25 mph in a vehicle like Mr. Wolf's. Mr. Hanson replied yes why would any sane person drive like that. Mr. Cumiskey added because some of the residents said the applicant's trucks are going over the speed limit. Mr. Hanson asked were they using a radar gun to tell the speed, he said no they are not. He stated that the difference between 50 and 25 is noticeable. Mr. MacFeeters asked Mr. Hanson to clarify he had not driven any of Mr. Wolf's vehicles. Mr. Hanson agreed, he had driven similar trucks but not Mr. Wolf's trucks.



**Public Hearings:** (continued)

1. #22-59 – Steven Wolf (continued)
  - l) George Sharp was previously sworn in. Mr. Sharp stated that he holds a CDL. He stated that one does not need a CDL to drive Mr. Wolf's type vehicles. He stated that you can get an RV which is twice the size of Mr. Wolf's trucks and not need a CDL to drive it. Mr. Powers asked if he had seen other vehicles like buses or trucks. Mr. Sharp stated that he has seen delivery trucks and buses on the street but not all those deliveries are going to Steve's house. Mr. Powers asked if he thought Mr. Wolf was a safe driver. Mr. Hanson stated that he's driven more than a few times with Mr. Wolf in front of or behind him and so he knew he was doing the speed limit.
  - m) Robert Smith of 119 Madison Avenue in Turnersville was sworn in by Mr. Coe. Mr. Smith stated that he owns a repair shop that Steve Wolf services. He stated that Mr. Wolf's truck is smaller than a school bus. He stated that it's narrower by 8 inches and shorter than a bus. He explained the product is all throughout the truck so it doesn't seem correct that he would be speeding. Mr. Kozak asked if he bought product at his house because he testified that he'd been there. Mr. Smith replied that he's never bought product from Mr. Wolf's house, he's been there as a friendly visit. Mr. Powers asked if anyone can go there to buy anything. Mr. Smith replied no, Mr. Wolf made it clear that no one goes to his home to get any product.
  - n) Louis Mullin or 2307 South Shore Drive was sworn in by Mr. Coe. Mr. Mullin stated that he lives directly across the street from Steven. He stated that he's never seen Mr. Wolf speed. He stated that a lot of these people don't even live near Steven. He stated that the lake community has always attacked people if they're not part of the clique. He feels like Steven is very accommodating to the community. Mr. Mullin stated that he's notices a lot of traffic lately of people harassing Steven, they pull in his driveway to take pictures and it's not fair. Mr. Mullin stated that he knows for a fact that the person that lived there before had a construction business going on. Mr. Kerr asked about the guy that lived in the house before Mr. Wolf and asked what kind of construction business did he have. Mr. Mullin replied that there were bobcats and he had crazy parties. Mr. Kerr asked if that ever bothered anyone. Mr. Mullin replied that they pick and choose who they want to attack. Mr. Kerr asked if that was approved by Pinelands. Mr. Mullin stated that if you drove down the road right now you'd see box trucks all over and there's a boom truck in someone's driveway. He stated that he feels like people think the truck is speeding when really, it's just a little louder. Mr. Mattson asked if he does business with Mr. Wolf. Mr. Mullin replied yes, he works at a shop that's on Steve's route and that they are friends and their children also play together.
  - o) Kathy Romalino was previously sworn in. She stated that the association present is not against Mr. Wolf but it's the wrong community to do business in.

**Public Hearings:** (continued)

1. #22-59 – Steven Wolf (continued)
  - p) Brian Carothers of 846 Willow Lane was sworn in by Mr. Coe. Mr. Carothers Mr. Carothers stated that he's concerned that the president of the association who he knows for a fact walks by Paradise Island Entertainment trailer every day. He stated that he's concerned where the money is coming from to pay for this counsel that is here today. He stated that he feels like he's being lied to by his association just because they don't like one person. Mr. Coe directed Mr. Carothers to stick to the subject and relevant matters. Mr. Carothers presented the association bylaws, to be marked Public 1. He stated that Mr. Ayres statement about the street being rated only for a pick-up truck well then why is there school bus and trash trucks allowed.
  - q) Tony Ayres was previously sworn in. Mr. Ayres stated he has no knowledge of any business operating out of the home that Mr. Carothers described. Mr. Coe asked if the exhibit P1 is separate from the rules and regulations. Mr. Ayres replied yes. Mr. Coe asked if they had a copy with them of the deed restrictions. Mr. Ayres replied no. Mr. Mattson replied no. Mr. Coe asked what the deed restriction precisely stated. Mr. Mattson stated that it requires that the property be single family dwellings. Mr. Coe asked if it had a prohibition of commercial businesses in the neighborhood. Mr. Mattson stated that he couldn't say for sure but could provide it. Mr. MacFeeters added that this deed restriction has been offered only as hearsay that no one produced a document. Mr. Coe agreed. Mr. MacFeeters stated that he has reviewed Mr. Wolf's deed and does not recall any deed restriction. Ms. Morrissey stated that she also reviewed the deed on the Gloucester County property record search and did not see any deed restriction.
  - r) John Robinson of 904 Upper Dam Drive was sworn in by Mr. Coe. Mr. Robinson stated that they are not singling out Mr. Wolf, they are simply asking him to follow the rules. He stated that the previous owner of the property, Mr. Crankshaw, did not have a construction company and that they did complain about him. Mr. Powers asked about the neighbors making complaints about other properties and if he thought Mr. Wolf had upgraded his property. Mr. Robinson stated that it was upgraded before he got there. Mr. Kerr asked if the association was going to address anything with the other people that have businesses.
  - s) Louis Mullin was previously sworn in. Mr. Mullin stated for clarification that Mr. Wolf's business is not ran from the house. Mr. Coe replied they are aware.

Motion passed to close the hearing to the public.

Mr. MacFeeters summarized the application in closing. He stated that the home occupation fits and the use variance should be granted. He stated that Ms. Morrissey testified that the site is particularly suitable. He stated that Mr. Wolf is willing to remove the dumpster if necessary for approval. He stated that the shipping container may require a bulk variance depending on the correct square footage of the home. He stated that Mr. Wolf is willing to upgrade the landscaping buffer if required by the Board.

**Public Hearings:** (continued)

1. #22-59 – Steven Wolf (continued)

Mr. Mattson stated that he disagreed with Ms. Morrissey that there's no necessity with trying to find another commercial property for the business. He stated that Mr. Wolf's business is not a home occupation. He stated he believes that the positive criteria has not been met.

Mr. MacFeeters rebutted to clarify the case law that Mr. Mattson brought up. He clarified that the courts upheld that proof that a site is particularly suited for a proposed use does not require a demonstration that no other viable locations are available.

Mr. Coe reviewed the application for the Board. The appropriate proposed conditions being that no clients conduct business at the property, no outside storage of products at the property, a limit of two business vehicles, only one employee, the 5am start time and 6:30 end time, and no tractor trailer deliveries to the property. The applicant would be required to obtain all other Township permits and approvals including construction permits and lot grading that may be necessary. The applicant would be required to obtain any outside agency approvals, including the Pinelands approvals. The applicant must comply with all plans and surveys submitted with the application, and must satisfy escrow requirement and obligations. The applicant must comply with design and performance standards. Finally, the applicant must seek site plan approval for the operation including parking, dumpster, landscaping, lighting and site circulation to be addressed.

Motion to approve by Mr. Powers, seconded by Mr. Kerr. Roll call vote: Ayes- Mr. Powers, Mr. Kerr. Nays- Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kozak, Mr. Salvadori. Abstentions- Zero. The application was denied.

**Public Portion:**

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

**Reports:** Ms. Orbaczewski reminded the Board that there is a regularly scheduled meeting the next day at 6:30 p.m.

**Adjournment:**

The meeting was adjourned at 10:18 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings.

Respectfully submitted by: Amy Gallagher, Clerk Transcriber