Minutes of the Commercial Township Land Use Board meeting was held at the Municipal Hall in Port Norris on **November 23, 2022**. The Chairperson called the meeting to order at 6:32 pm. It was advised that the meeting was being electronically recorded in accordance with the Open Public Meeting Act. All joined in the Flag Salute.

**SYNOPSIS:**

**Roll Call:**

Michael Vizzard, Mayor

Joe Klaudi, Committee Man

LaRae Smith, Class IV Board Member, Chairperson

Debra Karp, Class IV Board Member, Vice Chairperson

John Nardone, Environmental Commission

Heike Wheatly, Class IV Board Member

Matt Wheatly, Alternate I

Emmett Vandegrift, Alternate II

Nathan Van Embden, Solicitor

Stefanie Muessig, Board Secretary

Guy DeFabrites, Engineer (Alternate)

**Absent:**

Dean Berry, Class IV Board Member (Absent)

Edward Fox, Class IV Board Member (Absent)

Steve Nardelli, Engineer (Absent)

**Minutes:**

October 26, 2022 (live meet)

A Motion was made by Ms. Karp and Seconded by Ms. Wheatly to approve the minutes from October 26, 2022.

Roll Call:

Joe Klaudi Yes

John Nardone Yes

Michael Vizzard Yes

Debra Karp Yes

Heike Wheatly Yes

Matt Wheatly Yes

Emmitt Vandegrift Abstain

LaRae Smith Yes

**Resolutions:**

Resolution No*.*2022-06

Resolution No.2022-07

Resolution No.2022-08

A Motion was made by Mr. Wheatly and Seconded by Ms. Karp to approve the resolution No.2022-06, resolution No.2022-07 and resolution No.2022-08.

Roll Call:

Joe Klaudi Yes

John Nardone Yes

Michael Vizzard Yes

Debra Karp Yes

Heike Wheatly Yes

Matt Wheatly Yes

Emmitt Vandegrift Abstain

LaRae Smith Yes

**NEW BUSINESS**

*None*

**CORRESPONDENCE**

FRALINGER ENGINEERING:

* Minor Subdivision for Perry Bryan Jr. and Robert Schultz

Block 217 Lots 3 & 4

Our project No. 30862.00

* Variance Application for S & S Modulars, LLC

Block 49 Lot 6202

Our Project No. 30870.00

**BOARD BUSINESS**

* **Percy W. Bryan Jr.**

1901 North Ave

Block 217 Lot 3 & 4

Minor Subdivision

Mr. Percy W. Bryan Jr. who resides at 1909 North Ave, is sworn in by Mr. Nathan Van Embden. Mr. Robert Schultz couldn’t be here. He is the owner of the lumber yard and lives near Trenton. Mr. Bryan’s septic system is about 5 feet on Mr. Schultz property. Mr. Schultz agreed to sell him 20 feet of his property so he can redo his septic which is encroaching on his property. Mr. Schultz agreed to sell the property for $3,000.

Mr. Nathan Van Embden states application is for property which had prior nonconformities on frontage on Main Street. By adding land to his lot which was 58 feet now 78 feet taking from 132 now 112. Frontage is still 132 feet on the Schultz property. Its rendering the Bryan property a little more conforming but still the minimum is still 125 feet and does meet that at 78 feet it is getting better.

A Motion was made by Ms. Wheatly and Seconded by Ms. Karp to open to the public. All were in favor, none opposed.

A Motion was made by Ms. Karp and Seconded by Mr. Vizzard to close to the public. All were in favor, none opposed.

Mr. Van Embden recaps the resolution will be to approve the subdivision and submitted.

A Motion was made by Mr. Nardone and Seconded by Ms. Karp to approve resolution for Minor subdivision.

**Roll Call:**

Joe Klaudi Yes

Michael Vizzard Yes

Edward Fox Yes

Debra Karp Yes

Heike Wheatly Yes

Matt Wheatly Yes

LaRae Smith Yes

* **S & S Modulars, LLC**

6210 Magnolia Dr

Block 49 Lot 6202

Variance

Mr. Van Embden swears in Mr. Treey Bennett who represents S & S Modulars LLC. Mr. Bennett tell the board that his clients S & S Modulars LLC misread the setbacks building the house closer than allowed. S & S Modular LLC are asking for a variance.

Mr. Nathan Van Embden Swears in Anibal Santiago & Steven Schankweiler, co-owners of S & S Modulars LLC. Mr. Van Embden asked where is the variance coming from?

Mr. Schankweiler states that on their zoning permit, it had it laid out one way but when he had the septic design done there was a grate in the road for a small sewer which moved the septic out of the way so when we re-did it for house to fit he thought there was 10-foot side lines turns out they are 15 feet. Mr. Schankweiler states that the city of Millville’s are 10 feet and Commercial Township’s are 15 feet.

Mr. Van Embden asked Mr. Schankweiler to explain placement and setbacks for the home. Mr, Schankweiler explains what he felt was the side yard and front yard. Mr. Nardelli explained one of the side yards is considered a back yard. Mr. Mike Vizzard would like to know if this property can be reconfigured to meet the township guidelines. Mr. Schankweiler said for enough money it can be. But he feels that he thought he already has complied. They have a brief discussion as to why he feels this way.

Mr. Charles Hemingway & Mrs. Brandy Hemingway are sworn in, their address is 245 Jute Road. The Hemingway’s property is at the rear of the property in question. Mrs. Hemmingway states she submitted an OPRA request from the township clerk’s office for all plans pertaining to the property. He hands Mr. Van Embden a Zoning Permit which shows S & S Modulars, LLC originally summited to be 26 feet from the property line. The Zoning permit is entered in as exhibit B1 dated July 21, 2022. They also OPRA requested July 21, 2022, septic plans from the County.

Mr. Van Embden asked the Hemingway’s what were some if there concerns? Mrs. Hemingway is worried about how close the property is to hers for a few reasons. One being a fire hazard. Privacy is the second, their children’s room faces that side of the yard, and the deck is 7.9 feet from the fence which faces into the kids’ bedroom window. The last storm the came through and flooded out their yard due to the height difference as well, which their property has never done before.

Mrs. Brandy Hemingway spoke with Steve DeSario in the Zoning office when she first noticed the property was extremely close to her property. Mr. DeSario came to the property and agreed. Mr. DeSario contacted Mr. Bill White, Township Construction Official who verbally told them they weren’t in compliance and are to stop work. S & S Modulars LLC agreed to do so, Ms. Hemingway states work was never stopped, and she called the construction office and Mr. Bill White “red-ticketed” the home with a stop work order and violation notice.

Mr. Vizzard spoke up and agreed that he felt that the Hemingway’s were correct to assume rules weren’t followed.

Mr. Vizzard and Mr. Schankweiler go back and forth about permits and where the misunderstanding happened.

Mr. Guy DeFabrites asked Mr. Schankweiler if there was a survey done on this property. He answers yes. Mr. DeFabrites also asked what township was listed on the septic design. Mrs. Hemingway answers that it says Township of Commercial. The next question was there a grating plan done. Mr. Schankweiler answers he believes so. Mr. DeFabrites says if a plan was done then flooding shouldn’t be an issue. Mr. DeFabrites last question is if S & S Modulars had a survey done to stake out the home. S & S Modulars did not have a survey done. Mr. DeFabrites feels all the work that should have been completed wasn’t done prior to building.

Mr. Nathan Van Embden goes over the zoning permit. He and Mr. Shankweiler go over options and other possible ideas they can do with the home and property.

Mr. Hemingway says all this work done to the property was done prior to the septic design being approved. The Hemingway’s are happy with the situation and at this point still would like the home moved.

Mr. VanEmbden asked if anyone else from the public would like to speak at this time. No one comes forward.

Mr. Van Embden asked if the applicant would like to speak. Mr. Bennett comes forward and states it’s a number one well known principal that he who request equity must give equity. We are in a situation. He continues by saying he doesn’t think moving the house will make a difference in elevation because it’s at a different elevation point apparently. Regardless how we got here we have a big problem and its easy enough to say it’s S & S Modular’s problem. Mr. Bennett is trying to think of the best solution for everyone.

Mr. Mike Vizzard as the mayor would loves to see homes built and the town growing. With that being said, he wants to see things being done properly. He feels the Hemmingway’s have a valid point and have the right to be upset.

Mr. Bennett asked if there is anything the applicant can do to make the situation right for Mr. and Mrs. Hemmingway to change the outcome of this situation. Mrs. Hemingway would like to see the property moved to the location that they originally applied for. Mr. Bennett and the board discuss how possibly they could make that happen.

Ms. LaRae Smith speaks up and says we must step up our game as the Township of people coming in deciding what they want to do and have the correct people to oversee it. I know we have an already built, almost complete home that would generate revenue to the township. We also have a concerned citizen but now this board must decide which direction to go in. Ms. Smith asks the Land Use Board to chime in as to how they feel . Mr. Vizzard totally agrees with Ms. Smith. Mr. Vandegrift explains from a contractor’s point of view what he feels is going on and helps answers the boards questions with locations, how to move home and possible other options.

All board questions were answered by the proper parties.

Mr. Van Embden states to S & S Modular, LLS that there could be a way to compromise that can be reached between both parties. Mr. Shankweiler asked the Hemmingway’s would them moving the fence and cutting down tree(s) be an option for letting them leave the house.

The Hemmingway’s and S & S Modulars, LLC have a 30 min discussion providing different ideas and options. No agreement or deal could be made at this time.

Mr. Mike Vizzard makes resolution to decline to hold to regular zoning requirements, he doesn’t believe applicant is justified at this time.

Seconded by Mr. Vandegrift to decline resolution for variance.

**Roll Call:**

Joe Klaudi Yes

Michael Vizzard Yes

Edward Fox Yes

Debra Karp Yes

Heike Wheatly Yes

Matt Wheatly Yes

LaRae Smith No

**BILL LIST**

**APPROVE BILL LIST**

A Motion was made by Ms. Karp and Seconded by Mr. Wheatly to open & close to pay the bills. All were in favor, none opposed.

**OPEN TO PUBLIC**

A Motion was made by Mr. Nardone and Seconded by Ms. Karp to open & close to the public. All were in favor, none opposed.

**ADJORN MEETING**

With no other business, a motion was made by the Chairperson to adjourn the meeting.

All were in favor, none opposed.

Stefanie Muessig

Board Secretary

Next meeting: December 28, 2022