

**TOWNSHIP OF MANSFIELD
ZONING BOARD OF ADJUSTMENT**

Monday, April 2, 2012

Regular Meeting

The regular meeting of the Mansfield Township Zoning Board was called to order by **Chairman Tahirak** at 7:30 P.M. on the above shown date followed by the Flag Salute and the following opening statement:

The notice requirements provided for in the 'Open Public Meetings Act' have been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Zoning Board on January 4, 2012. Said resolution was published in the Burlington County Times on January 9, 2012, e-mailed to the Burlington County Times, Trenton Times and Register News, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body, and mailed to each person who has requested copies of the regular meeting schedule and who has prepaid any charge fixed for such service. All the mailing, posting and filing having been accomplished on February 1, 2012.

Those in attendance were as follows:

Board Members:

Randy Allen, Robert Harrison, John Kampo, James Soden, William Tahirak, Richard Tarantino, Alfred Vardalis, Ralph Wainwright, Jeanne Zalegowski and Michelle L. Gable, Secretary.

Professional Staff:

Thomas J. Coleman, III, Solicitor; Harry McVey, Planner; Mark Malinowski, Engineer

PUBLIC COMMENTS:

Chairman Tahirak opened the public comment's portion of the meeting.

Hearing no comments a motion was offered by **John Kampo** and duly second by **Jeanne Zalegowski** to close the public portion of this meeting. Motion carried.

MATTERS TO BE CONSIDERED BY THE BOARD:

PUBLIC HEARING:

Application Number ZB11-11UV: Brian & Jennifer Noble, Block 51.02, Lot 11.01:

Chairman Tahirak introduced this Application for Use Variance to operate a silk screening business in the garage area, which is attached to the residence, located at 2320 Old York Road in the C-2 Office Residential and R-1 Residential Zoning Districts.

TESTIMONY:

Jonas Singer was present representing the applicant Brian & Jennifer Noble.

Solicitor Coleman swore in Brian Noble with his residents being 2320 Old York Road, Mansfield to give testimony on this application.

Mr. Singer asked Mr. Noble if he and his wife own the property know as 2320 Old York Road, is it a single family home and when did they purchase the property. **Mr. Noble** said yes and they purchased the home in October 2005. **Mr. Singer** asked prior to operating the silk screening business in that home did he operate it at a different location. **Mr. Noble** responded yes at 47 Main Street, Roebing, NJ. **Mr. Singer** asked what period of time did he operate the business at the Roebing location. **Mr. Noble** said October 1999 to October 2008 and he left that location because of the economy, he had to shut it down due to the overhead. **Mr. Singer** asked you then moved it to your home. **Mr. Noble** said yes. **Mr. Singer** asked you have provided photographs of the home as well as the garage area, correct. **Mr. Noble** said correct. **Mr. Singer** asked how many employees does he have in his business. **Mr. Noble** said just himself. **Mr. Singer** asked what are the typical hours of operation. **Mr. Noble** responded from about 10:00 a.m. to about 6:30 p.m. he prints t-shirts. **Mr. Singer** asked if he had another job. **Mr. Noble** said yes, he is a supervisor for UPS in Trenton fairgrounds on the morning pre-load. **Mr. Singer** asked him what his hours were at UPS. **Mr. Noble** said from about 3:00 a.m. to 9:15 a.m.

Submittal of Exhibit A-1 – Pictures of the exterior of the home and interior of the garage:

Mr. Noble took the pictures and they accurately depict what is shown in the photographs. **Mr. Singer** asked if his property measurers four plus acres on Old York Road noting it is in the C-3 zone. **Mr. Noble** responded correct. **Mr. Singer** asked if customers come to **Mr. Noble's** home. **Mr. Noble** said every once in a while if somebody wants to see a catalog they may stop down and sit in the kitchen but most of the time he goes to their location. **Mr. Singer** asked how he communicates with his customers. **Mr. Noble** said e-mail and phone. **Mr. Singer** asked what he typically makes. **Mr. Noble** said t-shirts, jackets, sweatshirts, hats, bags, it is textile wearable's. **Mr. Singer** asked if he designed the names or logos. **Mr. Noble** said some people have their designs already and some people might give him an idea of what they want. He does the artwork on the computer, e-mails them a proof and they e-mail him back or call him to deliver it and then he does the work in his garage. **Mr. Singer** asked after the work is complete how does the customer obtain their product. **Mr. Noble** said he usually drops it off when he is done UPS in the morning. **Mr. Singer** asked if most of his customers are close geographically to where he works. **Mr. Noble** said most are within Bordentown, Mansfield, Florence, and Hamilton. **Mr. Singer** asked who are some of his customers. **Mr. Noble** said general contractors, Mansfield Township School District, police department, Lippincott, Liedtka Trucking and most companies like that. **Mr. Singer** asked how he receives product and what product does he receive. **Mr. Noble** said t-shirts and wearable. He usually picks it up after he is done UPS as the company he deals with is based in Hightstown by Applegate Drive. Sometimes he has it shipped in through UPS truck. **Mr. Singer** asked the UPS trucks that come to his home are they tractor-trailers, box trucks, what type of vehicle. **Mr. Noble** responded a 13 cube UPS box truck, which you typically see going to homes. **Mr. Singer** asked how often does he receive deliveries. **Mr. Noble** responded two to three times a week. **Mr. Singer** asked if he had any signage on the exterior of his home to indicate that he is silk screening in his garage and is he requesting any signage. **Mr. Noble** responded no.

Submittal of Exhibit A-2 Literature for Wilflex Epic (textile ink) & Exhibit A-3 – Literature describing the product being non-toxic:

Mr. Singer asked the chemicals that you use in doing the silk screening, are they non-hazardous and has he provided to him literature with respect to those products one being the ink as well as two different styles of ink. **Mr. Noble** said yes.

Mr. Singer asked **Mr. Noble** about the trash and debris that is generated, how do you dispose of it. **Mr. Noble** said one contractor trash bag goes out in the garbage every two weeks and he does not generate a lot of waste.

Mr. Singer asked if there is any outside storage of any materials or vehicles other than his own personal vehicles. **Mr. Noble** said no.

Mr. Singer asked if has ever had any complaints from his neighbors regarding his business. **Mr. Noble** said no.

Mr. Singer asked **Mr. Noble** how did he come about that he is here. **Mr. Noble** said he got a letter in the mail saying to cease and desist on the property and that is why he came before this Board.

PROFESSIONAL COMMENTS:

Mark Malinowski, Engineer referred to his report dated January 17, 2012. He noted the use variance requirement for the silkscreen business in both the C-3 zone and that a portion of the site is in the R-1 zone. He made some review comments for the applicant to provide some testimony. They include support for granting the requested use variance, the square footage of the area used for the silk screen business, the number of employees, the hours of operation, number of customers and the deliveries per day, the storage and type of materials, the parking and loading accommodations, the handicap accessibility for the site, the adequacy of any site

lighting, trash storage and disposal and if there are any other site improvements other than those shown on the submitted survey plan that were part of the application. With regards to his comments, the applicant has provided testimony for most of the comments but he wants some clarification on the area used for the silk screening business. The applicant had indicated it was just a garage area that he uses. **Mr. Noble** said a two-car garage. **Mr. Malinowski** said you did indicate that if someone does come over to the home in relationship to the business that he does his business in the kitchen area. **Mr. Noble** said yes. If they are coming to his house, he knows them but if it is a customer, he goes to their location as it gives them personal attention and it is infrequent that they come to the home. **Mr. Malinowski** asked if the storage of the materials is within the garage. **Mr. Noble** said yes. **Mr. Malinowski** asked the improvements shown on the survey plan. Are they what is currently at the site and is there anything else that might be used for storage? **Mr. Noble** said no.

Harry McVey, Planner referred to his report dated January 18, 2012. The first part of the report is an indication of the site conditions when the site was visited. Under review comments they had a series of questions, what are you doing, how are you doing it and when are you doing it. They have addressed most of the comments and he then asked if the garage doors are open during the summer and is there any noise associated with it that would be a problem. **Mr. Noble** responded yes in the summer the one garage door is open but it does not generate any noise. **Mr. McVey** asked how much of the chemicals does he store on site at any one time. **Mr. Noble** said 20 one-gallon buckets of ink. **Mr. McVey** asked if there are any concerns if there is a spill or leakage. **Mr. Noble** said no. **Mr. McVey** said they have addressed their comments. He thinks if the Board is looking at an approval they really need to take the conditions and establish conditions based on some of the testimony, i.e., very few clients to the site, they do not have a parking lot, they do not have outside lighting, no outdoor storage, things of that nature should be incorporated as conditions. It is a use variance; we have heard testimony as to what is going on and how it operates. He is not sure if we have heard anything in terms of why a variance should be granted other than economic issues and he thinks that is the justification to it. Typical that is not in and of itself sufficient but there is also no neighbor comment or concerns and he is just indicating that to the Board.

Solicitor Coleman said Mr. McVey has summed it up and the applicant and Mr. Singer have adequately addressed the pertinent parts of the application with respect to the testimony that was outlined in both of the letters. He would hope that the record is further supplemented with respect to the special needs, what are the positives and if there are any negative impacts and hopefully how this can run simultaneously with the Master Plan.

BOARD COMMENTS:

Robert Harrison is concerned with the storage of chemicals and if they are contained so nothing can leach out into the ground or surrounding area. **Mr. Noble** said they are stored on metal shelving, they are in plastic one gallon containers and they are not liquid it is more like a consistency of thick paint. **Mr. Singer** asked Mr. Noble to describe the process to the Board. **Mr. Noble** said you take a screen that is made of silk, cut your design you set it up in the press, put the ink in the screen; put the shirt on the pallet and when the screen comes down you pull the squeegee across to put your design on and when he is done he scrapes the ink back into the bucket. He has been doing this for about 20 years and never had any problem with spillage. He used to manage a company in Bordentown for about 8 years and then he has had his own business for 12 years. **Mr. Singer** asked if he had a drain in the garage. **Mr. Noble** responded there is no drain in the garage floor.

James Soden said he does not see anything detrimental or negative. In the limited process as was stated here and testified the only thing he would ask is that if it were to be

testified that the professional make it so that we don't lose the limit basis of this application so it does not blow up into a full blown commercial or industrial application.

John Kampo asked if the trash goes into the garbage truck that goes into the landfill. **Mr. Noble** said the ink that is leftover is scraped back into the bucket. **Mr. Kampo** asked how does he get rid of the ink when it is done with. **Mr. Noble** said he throws the bucket in the garbage. **Mr. Kampo** asked that is considered similar to paint. **Mr. Noble** said no, if you look at the data sheets, it is different than paint. **Mr. Kampo** said the landfill does not approve of any paint being thrown in the landfill they have special place for paint. **Mr. Noble** said it is not a latex paint it is like an oil-based paint. He said this paint does not dry out and he still has some buckets that if he does not use a lot of that color from when he first started his business. **Mr. Kampo** said you just cannot throw it in the landfill.

Jeanne Zalegowski referring to the MSDS sheet and asked if he has an eyewash and first aid kit available because that is what is required on the MSDS sheet. She also asked if he wears goggles. **Mr. Noble** said he wears latex gloves when he cleans the stuff and a white mask if he is doing a lot of painting. **Mrs. Zalegowski** asked if his children could get into this area. **Mr. Noble** said if he is out there or they may come out there to help noting that they are 7 and 4 ½ years old.

Rich Tarantino said everyone is concerned with the storage and disposal. He suggested that it would be a good idea to store it in a metal cabinet and dispose of properly at the landfill instead of just disposing into the garbage. He said he read the MSDS and it is not very flammable but there is a low volatility for flammability and health hazard but very minimal so they are relatively safe.

Solicitor Coleman asked Mr. Singer would those two conditions, if the Board were so inclined, would they be satisfactory to your client. **Mr. Singer** said yes.

Chairman Tahirak asked if the business grows in the future, what is his ultimate plan. **Mr. Noble** said if he gets any bigger, his wife will not let in stay at the house with the business.

Mr. Kampo said there is no charge at the landfill. **Mr. Noble** said he could put the buckets aside and bring them to the landfill.

Chairman Tahirak asked if he had to be permitted with the NJDEP. **Mr. Noble** said no.

Mr. Soden asked if he had any residue left in the containers when he is done. **Mr. Noble** said it is very minimal.

Chairman Tahirak asked what he uses for clean up. **Mr. Noble** said paint thinner. He buys it by the case four gallons to a case, which is mineral spirits. **Mr. Soden** asked how it is disposed of. **Mr. Noble** said he cleans it with paper towels and it goes into the garbage. **Chairman Tahirak** asked if his garbage is picked up by the Township or by a commercial hauler. **Mr. Noble** responded whoever picks up my garbage at 2320 Old York Road, which would be the Township. He said it is one bag that goes out every two weeks and the only thing that goes into it is paper towels and packing tape.

PUBLIC HEARING:

Judy Harrison, Mansfield Road West asked does this then change a portion or all of his property to commercial. **Mr. Singer** said it is in a C-3 zone now. **Solicitor Coleman** said it will permit this particular commercial use at this property. **Mrs. Harrison** said if it is commercial then there is a new ordinance that is being proposed that all commercial properties would have to get their own pick up as opposed to using the Township pick up. **Mr. Singer** said he does not think there is a problem. He thinks the testimony is one bag is generated every two weeks. He does not think his client would want to incur the additional cost of hiring a commercial hauler for that purpose. He would agree as a condition that if it were approved any waste pertaining to inks or other solids be taken to the landfill individually so that they are properly disposed of.

Mr. Tarantino said he does not think that garbage should be a big issue to decide whether this applicant gets approved or not. That is a far reach for his to have to split his garbage because he is only throwing out paper towels and tape in one bag and he is going to properly dispose of and store his chemicals that he uses. He said that would be an unrealistic burden on the applicants request for a variance.

Hearing no further comments the public hearing was closed on this application.

MOTION FOR APPROVAL:

A motion was offered by **John Kampo** and duly second by **Richard Tarantino** to approve the use variance with conditions as follows for Application Number ZB11-11UV: Brian & Jennifer Noble, Block 51.02, Lot 11.01: to grant a use variance to operate a silk screening business in the garage area, which is attached to the resident located at 2320 Old York Road, Mansfield Township in the C-3 Office Residential and R-1 Residential Zoning district with the conditions being the inks are to be stored in a metal cabinet, the containers disposed of properly in accordance with any applicable environmental rule or regulation, with respect to the public coming to the site there will be no over public advertising that will lead the public to come to the house, there are no signs, the hours of operation will be consistent with the applicants testimony, there will be no employees, the deliveries will be by trucks no bigger then the standard UPS box truck and if the property were to be sold this approval would expire on the sale. The motion carried on a roll call vote taken as follows:

Aye: Kampo, Soden, Tarantino, Wainwright, Vardalis, Zalegowski, Tahirak
Naye: None
Not Voting: Allen, Harrison

RESOLUTION NUMBER 2012-04-10

(A copy of the foregoing Resolution is spread on the following pages.)

MEMORIALIZATION OF RESOLUTION:

Resolution Number 2012-03-09: Denying Application Number ZB11-08UV, PFSP: Wesley United Methodist Church, Block 26, Lot 12 use variance approval to construct proposed addition to the existing Church building located at 24573 East Main Street in the R-4 Residential Zoning District.

A motion was offered by **John Kampo** and duly second by **Chairman Tahirak** to memorialize **Resolution Number 2012-03-09**. The motion carried on a roll call vote taken as follows:

Aye: Kampo, Vardalis, Tahirak
Naye: None
Not Voting: Allen, Harrison, Soden, Tarantino, Wainwright, Zalegowski

APPROVAL OF MINUTES:

A motion was offered by **John Kampo** and duly second by **Jeannie Zalegowski** to approve the minutes of March 5, 2011 regular meeting. Motion carried.

A motion was offered by **Richard Tarantino** and duly second by **Jeannie Zalegowski** to approve and the release the March 5, 2011 Executive Session minutes. Motion carried.

CORRESPONDENCE:

NJPO

Date: January/February 2012
Re: The New Jersey Planner

BILL LIST:

Raymond, Coleman & Heinold, LLP
Hatcher/Kafer \$476.00

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Aye: Kampo, Soden, Tarantino, Wainwright, Vardalis, Zalegowski, Tahirak
Naye: None
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A motion was offered by **John Kampo** and duly second by **Chairman Tahirak** to memorialize **Resolution Number 2012-03-09**. The motion carried on a roll call vote taken as follows:

Aye: Kampo, Vardalis, Tahirak
Naye: None
Not Voting: Allen, Harrison, Soden, Tarantino, Wainwright, Zalegowski

APPROVAL OF MINUTES:

A motion was offered by **John Kampo** and duly second by **Jeannie Zalegowski** to approve the minutes of March 5, 2011 regular meeting. Motion carried.

A motion was offered by **Richard Tarantino** and duly second by **Jeannie Zalegowski** to approve and the release the March 5, 2011 Executive Session minutes. Motion carried.

CORRESPONDENCE:

NJPO

Date: January/February 2012
Re: The New Jersey Planner

BILL LIST:

Raymond, Coleman & Heinold, LLP
Hatcher/Kafer \$476.00