

LAND USE BOARD MINUTES
November 16, 2011

The Tewksbury Township Land Use Board met in a regularly scheduled meeting on the above date in the Municipal Meeting Hall, 60 Water Street, Lebanon, New Jersey. The meeting was called to order at 7:30 p.m.

Present: Blake Johnstone, Mary Elizabeth Baird, Elizabeth Devlin, Bruce Mackie, Michael Moriarty, Arnold Shapack, Alt. #1, Tom Dillon, Alt. #3 and Ed D'Armiento, Alt. #4.

Also present: Daniel S. Bernstein, Land Use Board Attorney, William Burr, Land Use Board Engineer and Randall Benson, Zoning Officer.

Absent: Shaun Van Doren, Dana Desiderio, Shirley Czajkowski, Ed Kerwin and Eric Metzler, Alt. #2.

There were approximately thirty five (35) people in the audience.

OPEN PUBLIC MEETING ACT STATEMENT

Mr. Johnstone opened the meeting by announcing that adequate notice of the meeting had been provided by posting a copy thereof on the Police/Administration Building bulletin board, faxing a copy to the Hunterdon Review and the Hunterdon County Democrat, and filing with the Municipal Clerk, all on January 6, 2011.

PLEDGE OF ALLEGIANCE

Those present stood and pledged allegiance to the American flag.

CLAIMS

Mr. Johnstone asked the Board if there were any questions or comments regarding the following claims to which the response was negative. Mrs. Devlin made a motion to approve the claims listed below and Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Land Use Board Professional Services – Attendance at November 2, 2011 meeting - invoice dated November 3, 2011 (\$450.00)
2. Bernstein & Hoffman – Land Use Board Escrow – Berry (B31, L21) – invoice dated October 26, 2011 (\$600.00)

Roll Call Vote:

Ayes: Mrs. Baird, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Shapack, Mr. Dillon, Mr. D'Armiento and Mr. Johnstone

Nays: None

CORRESPONDENCE

A motion was made by Mrs. Devlin and seconded by Mrs. Baird acknowledging receipt of the following items of correspondence. All were in favor.

1. A letter dated October 28, 2011 from Arthur Snyder, III withdrawing his application for 7 Glennon Farm Lane.
2. A copy of a letter dated October 28, 2011 from Neil Yoskin to Janis Hoagland, Director, Office of Legal Affairs, NJDEP re: NJDEP Conditional Highlands Applicability Determination, Block 17, Lot 2, NJDEP.
3. Notice from PK Environmental dated November 1, 2011 re: NJDEP Flood Hazard Area Verification Application, Block 31, Lot 25, Margit Lauezzari.
4. The New Jersey Planner, September, 2011, Vol. 72, No. 4.

MINUTES

➤ October 19, 2011

The minutes of October 19, 2011 were approved by motion of Mrs. Baird and seconded by Mr. Dillon. All were in favor. Mrs. Devlin and Mr. Shapack abstained.

ORDINANCE REPORT

Mr. Mackie had no ordinances to report on.

PUBLIC PARTICIPATION

Mr. Johnstone asked the public if there were any questions or comments regarding anything not on the agenda. There being no questions, Mr. Johnstone closed the public participation portion of the meeting.

RESOLUTION

- **Resolution No. 11-25** Murray, Appl. No. 08-03, Block 12, Lot 36
Eligible to vote: Mrs. Baird, Ms. Desiderio, Mr. Mackie, Mrs. Czajkowski, Mr. Kerwin, Mr. Metzler, Mr. Dillon, Mr. D'Armiento and Mr. Johnstone

Mrs. Baird made a motion to adopt Resolution No. 11-25, seconded by Mr. Mackie. The motion carried by the following roll call vote:

*Extension of Variance
for swimming pool, patios and
walkways to February 18, 2013*

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 08-03
RESOLUTION #11-25

WHEREAS, SEAN MURRAY had applied to the Land Use Board of the Township of Tewksbury for permission to construct a single-family residence and in-

ground swimming pool on property which is located at 37 Philhower Road and designated as Block 12, Lot 36 on the Tewksbury Township Tax Map, which premises is located in HL (Highland) Zone, and

WHEREAS, the application was approved on January 7, 2009 and a memorialization resolution was adopted on February 18, 2009, and

WHEREAS, Condition 4 in the memorialization resolution provides:

“4. The variance for the new residence must be utilized within one year from the date of this memorialization resolution and the construction of the swimming pool, patios and walkways shall be utilized within three years of the approval of this memorialization resolution or the variance shall be void and have no further effect.”

AND, WHEREAS, a new home has been constructed but not a swimming pool, and

WHEREAS, Sean Murray sought an extension of his variance for the construction of a swimming pool, patios and walkways for an additional year to February 18, 2013, and

WHEREAS, the Board finds that an extension is warranted.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 16th day of November 2011 that the portion of the variance which was granted to Sean Murray for the construction of the in-ground swimming pool, patios and walkways be extended to February 18, 2013.

BE IT FURTHER RESOLVED that all conditions in the February 18, 2009 memorialization resolution shall remain in effect.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Mackie, Mr. Dillon, Mr. D’Armiento and Mr. Johnstone

Those Opposed: None

MASTER PLAN CONSISTENCY REVIEW

- Review Ordinance No. 14-2011 pursuant to MLUL 40:55D-26a

Ms. Goodchild explained that Ordinance No. 14-2011 is an amendment to the DRO for the Time of Decision Rule which was recommended by the Land Use Board at the beginning of the year.

Mrs. Baird made a motion to find Ordinance No. 14-2011 not inconsistent with the Master Plan. Mr. Dillon seconded the motion. The motion carried by the following roll call vote:

Ayes: Mrs. Baird, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Shapack, Mr. Dillon, Mr. D'Armiento and Mr. Johnstone

Nays: None

PUBLIC HEARING

- Johnson
Application No. 09-05
Block 23, Lot 23 – Preliminary and Final Site Plan and Use Variance
Action Deadline – November 30, 2011

Mr. Dillon recused himself from the meeting at 7:45 p.m.

PLEASE SEE TRANSCRIPT

A break was taken from 9:08 p.m. to 9:15 p.m.

The next public hearing is scheduled for January 18, 2012, 7:30 p.m. at the Municipal Meeting Hall, 60 Water Street, Lebanon, NJ.

The action deadline was extended to January 31, 2012.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:40 p.m. by motion of Mr. Moriarty and seconded by Mrs. Devlin.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator