

LAND USE BOARD MINUTES
June 19, 2013

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

Present: Blake Johnstone, Shaun Van Doren, Mary Elizabeth Baird, Elizabeth Devlin, Shirley Czajkowski, Ed Kerwin arrived at 7:37 p.m., Bruce Mackie, Michael Moriarty, Eric Metzler, Alt. #2 and David Larsen, Alt. #4.

Also present: Daniel Bernstein, Land Use Board Attorney, William Burr, Land Use Board Engineer and Shana Goodchild, Land Use Administrator.

Absent: Dana Desiderio, Robert Becker, Alt. #1 and Ed D'Armiento, Alt. #3

There were approximately three (3) 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 04, 2013.

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. Mr. Van Doren made a motion to approve the claim listed below and Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Attendance at 6-5-13 LUB meeting – invoice dated June 6, 2013 (\$450.00)

Roll Call Vote:

Those in favor: Mr. Van Doren, Mrs. Baird, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Moriarty, Mr. Metzler, Mr. Larsen and Mr. Johnstone

Those Opposed: None

CORRESPONDENCE

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

1. A copy of a letter dated June 10, 2013 from Shana L. Goodchild, HPC Secretary, re: Section 106 filing for Wireless Communications Facility, 19 King Street, Block 44, Lot 26.
2. A letter dated June 13, 2013 from William Burr re: von Hollen, Appl. No. 13-08, Block 16, Lot 4.
3. E-mail dated June 13, 2013 from Roberta Brassard, Twp. Clerk re: special election on October 16, 2013 (date of regularly scheduled Land Use Board Meeting).
4. A note dated June 10, 2013 from Chris Teasdale, Environmental Comm. Chairman re: von Hollen, Appl. No. 13-08, Block 16, Lot 4.

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.

Mr. Gerard Russomagno, 40 Burrell Road was present and spoke to the Board about constructing a carport at his property; the carport would require a setback variance. Mr. Russomagno provided the Board with a photo of another carport in Tewksbury that is similar to the type he would like to construct. The Board instructed Mr. Russomagno to work with Ms. Goodchild to get a copy of the Board's application and checklist material.

There being no additional comments or questions, Mr. Johnstone closed the public participation portion of the meeting.

RESOLUTION

- **Resolution No. 13-20** – Old Turnpike Realty, LLC, Appl. No. 12-15, Block 23, Lot 27
Eligible to vote: Mrs. Baird, Mr. Mackie, Mr. Moriarty, Mr. Becker, Mr. D'Armiento, Mr. Larsen and Mr. Johnstone

Mrs. Baird made a motion to approve the following resolution. Mr. Moriarty seconded the motion.

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 12-15
RESOLUTION # 13-20

WHEREAS, OLD TURNPIKE REALTY, LLC, has applied to the Land Use Board of the Township of Tewksbury for permission to expand the uses of a one and a half story office building which is located at 66 Old Turnpike Road on property

designated as Block 23, Lot 27 on the Tewksbury Township Tax Map, which premises is located in the FP (Farmland Preservation) Zone, and

WHEREAS, the application was presented by Attorney David Bunevich, Esq., and Edward O'Brien at the March 6, 2013 Land Use Board meeting, and

WHEREAS, the application was reviewed by Land Use Board Engineer William H. Burr IV, P.E. of the firm of Maser Consulting, P.A., and

WHEREAS, the Board, considering the evidence and testimony presented by the applicant and Mr. Burr, has made the following factual findings:

A. The Subject Property

1. The subject property contains .721 acres. It has 256.80 feet of frontage on Old Turnpike Road and a depth of 122.26 feet.
2. The lot is improved with three buildings. Located on the southern side of the tract, within 14.7 feet of Old Turnpike Road is a two-story frame dwelling at 62 Old Turnpike Road which is rented to residential tenants. Located along the rear property line, at 64 Old Turnpike Road, is a small one-story office building (the shed) which is leased to office tenants. Located on the north side of the property at 66 Old Turnpike Road, 44 feet from the road, is a one and a half story timber peg office building which has been used by Edward O'Brien as his architecture office.

B. Prior Approvals

- 3) The Tewksbury Township Board of Adjustment, a predecessor to the Tewksbury Township Land Use Board, granted a variance to Marina O'Brien, the

then record owner of the property and the wife of Edward O'Brien, for the use of the one and a half story office building and the shed in the back of the site.

4) The buildings were restricted in the December 17, 2001 Resolution to the following uses:

“The new building shall be limited to the solo practice of an architect together with no more than three full time employees in the new building. (Applicant recognizes that he or his successors in interest may reapply to the Board to permit other users of this building).

The house on the premises shall be continued as a single family residence

The existing shed building shall be used for professional office space for one person with one full time employee. It shall not be used for retail purposes. It shall be limited to use by an accountant, architect, planner, financial consultant, a mortgage broker, a real estate appraiser, a traffic consultant, licensed professional engineer, and a manufacturer's or service representative. The house on the premises shall be continued as a single family residence.”

5) The Board of Adjustment granted preliminary and final site plan approval which was memorialized in a Resolution dated May 20, 2002.

6) Mr. O'Brien has conducted his architecture practice from the building at 66 Old Turnpike Road. He no longer requires the amount of space in that building.

C. The Proposal

7) Mr. Edward O'Brien proposes to vacate the one and a half story office building and to lease that structure to any use permitted at the shed (64 Old Turnpike Road) and as an additional use, an attorney's office.

D. Zoning Considerations

8) The subject property is located in the FP Zone where the minimum lot size is 7 acres. While the lot contains .721 acres, it is grandfathered under 7.06F1 of the Development Regulation Ordinance (DRO) as an existing lot of record.

9) There are a number of existing non-conformities including a deficient front setback, total impervious lot coverage, and three principal structures on one lot, while only one structure is permitted. Two of the buildings are used for office and professional use, which are not permitted in the FP Zone.

10) Edward O'Brien testified that the site plan requirements had been complied with, and there were no parking problems.

E. Justification for Variance

11) The development pattern of the site was established by the variance which was granted by the Board of Adjustment in 2001. The request by the applicant to broaden the permitted uses for the building at 66 Old Turnpike Road is appropriate.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 3rd day of April 2013 that the application of Old Turnpike Realty, LLC be approved in accordance with a plan titled "**VARIANCE AND REVISED MINOR SITE PLAN LOT 27 BLOCK 23 TOWNSHIP OF TEWKSBURY HUNTERDON COUNTY NEW JERSEY TAX MAP SHEET NO. 15.01**" prepared by Ferriero Engineering, Inc. on February 12, 2002 and last revised January 11, 2013, consisting of one sheet, to expand the permitted uses within the one and a half story office building at 66 Old Turnpike Road to include the following uses:

The use of the building is limited to professional office space for use by an accountant, architect, planner, financial consultant, *a real estate office*,

a mortgage broker, a real estate appraiser, attorney, a traffic consultant, licensed professional engineer, and a manufacturer's or service representative. The building shall not be used for retail *and medical uses*. The staff at the building shall be limited to four people, which include professionals, employees, agents, etc.

The approval is conditional on:

- 1) Signage is restricted to that shown on aforesaid plan.
- 2) The conditions in the December 17, 2001 memorialization resolution shall remain in full force and effect, except for the permissible occupancy for 66 Old Turnpike Road.
- 3) Payment of all fees and escrows.

The foregoing is a true copy of a resolution adopted by the Land Use Board of the Township of Tewksbury at its meeting on April 3, 2013 as copied from the minutes of said meeting.

The within resolution memorializes action that was taken by the Land Use Board of the Township of Tewksbury at its meeting on March 6, 2013.

SHANA L. GOODCHILD, LUA
LAND USE BOARD SECRETARY
TOWNSHIP OF TEWKSBURY
STATE OF NEW JERSEY

WHEREAS, the within resolution was amended at the June 5, 2013 Land Use Board Meeting by including *a real estate office* as a permitted use in the office building at 66 Old Turnpike Road and medical uses as a specifically prohibited use.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Mackie, Mr. Moriarty, Mr. Larsen
and Mr. Johnstone

Those Opposed: None

PUBLIC HEARING

- von Hollen
Appl. No. 13-08
Block 16, Lot 4
Impervious Coverage Variance
Action Deadline – 9/30/13

Ulrich and Dorothy von Hollen were present and sworn in by Mr. Bernstein. Mr. von Hollen explained that they have made application to the Board for an impervious coverage variance to construct a 985 sq. ft. patio and wall at their property located at 2 Apple Lane. Mr. Ulrich explained that they have made no exterior improvements to the property which is currently at 8.23% impervious coverage; the proposed patio would increase the coverage to 8.98%.

When asked if there is any existing underground drywell, Mr. von Hollen was unsure but indicated that the gutters from the north and west side of the house run under ground and he believes that they come out in the yard. When asked if he has had any issue with standing water in that area, Mr. von Hollen responded in the negative.

When asked about the proposed material, Mr. von Hollen explained that the patio would be constructed of bluestone and a stacked fieldstone wall topped by pieces of flat blue stone (wall is to be two (2) feet high). He explained that the patio would consist of two (2) sections with the 360 sq. ft. section pitched toward the southeast and the 625 sq. ft. section pitched toward the southwest with a drain installed.

When asked about any proposed lighting, Mr. von Hollen explained that the patio steps would have lighting for safety; no other lighting is proposed.

When asked by Mr. Johnstone if the patio would be constructed with concrete, Mr. von Hollen responded in the negative and explained that there will be spacing between the bluestone to allow some water to percolate into the ground.

Mr. Johnstone opened the meeting up to the public. There being no questions or comments from the public, Mr. Johnstone closed the public portion of the meeting.

Mrs. Czajkowski opined that the patio would be a nice improvement to the property.

There being no additional questions, Mr. Van Doren made a motion to approve the application as submitted with the following conditions:

1. Lighting must comply with Section 632 of the DRO.
2. The applicant must submit a drainage plan to the approval of the Land Use Board Engineer. The plans shall be revised to show the removal of the proposed new walkway.

DENY WITHOUT PREJUDICE

- Nextel d/b/a Sprint
Appl. No. 11-12
Block 11, Lot 38.01
Use Variance – Use Variance for cell tower
Action Deadline – indefinitely

Mrs. Baird made a motion to deny the above referenced application without prejudice. Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Metzler, Mr. Larsen and Mr. Johnstone

Those Opposed: None

ADJOURNMENT

There being no further business, the meeting adjourned at 8:07 p.m. by motion of Mrs. Baird and seconded by Mr. Moriarty.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator