

LAND USE BOARD MINUTES
August 5, 2015

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, Mary Elizabeth Baird, Dana Desiderio, Bruce Mackie, Michael Moriarty, Robert Becker, Kurt Rahenkamp, Alt. #2 and David Larsen, Alt. #4.

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

Absent: Shaun Van Doren, Ed Kerwin, Ed D'Armiento, Alt. #1 and Glenn Stein, Alt. #3.

There were approximately twelve (12) 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 8, 2015.

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 claim to which the response was negative. Ms. Desiderio made a motion to approve the claims listed below and Mr. Becker seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Attendance at 7-15-15 LUB meeting, invoice dated July 23, 2015 (\$450.00)
2. Bernstein & Hoffman – Land Use Board Escrow – Habucky (B11, L9.04), invoice dated July 30, 2015 (\$735.00)
3. Maser Consulting – Land Use Board Escrow – JUJ 1944 Trust/Vliettown Farm (B43, L3), invoice #289796 (\$472.50)
4. Maser Consulting – Land Use Board Escrow – Taylor (B37, L7), invoice #289797 (\$135.00)
5. Maser Consulting – Land Use Board Escrow – Olsen (B32, L22.01, 22.04 & 22.05), invoice #289805 (\$236.25)
6. Maser Consulting – Land Use Board Escrow – Preziosi (B43, L2.02), invoice #289804 (\$67.50)
7. Maser Consulting – Land Use Board Escrow – Habucky (B11, L9.04), invoice #289802 (\$573.75)

8. Maser Consulting – Land Use Board Escrow – Oldwick Properties, LLP (B47.01, L45), invoice #289801(\$675.00)
9. Maser Consulting – Land Use Board Escrow – Nicholson (B45, L4), invoice #289799 (\$33.75)
10. Maser Consulting – Land Use Board Escrow – Fritz (B51, L59), invoice #289798 (\$67.50)
11. Suburban Consulting Engineers – Land Use Board Inspection – Beaux Champs/Zuzik (B6.04, L23.01), invoice 000000024567 (\$163.50)

Roll Call Vote:

Those in Favor: Mrs. Baird, Ms. Desiderio, Mr. Moriarty, Mr. Becker, Mr. Mackie, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone

Those Opposed: None

CORRESPONDENCE

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

1. A copy of a letter dated June 11, 2015 from Jesse Landon, Township Administrator to David Bunevich re: Block 39, Lot 24 (Old Firehouse Property).
2. A letter dated July 20, 2015 from Ken Bogen, Hunterdon County Planning Board re: Skalski Equestrian Complex Site Plan, Block 42, Lot 27.
3. A letter dated July 9, 2015 from Adam Bradford, Hunterdon County Planning Board re: Olsen Lot Line Adjustment, Block 32, Lots 22.01, 22.04 and 22.05.
4. A letter dated July 9, 2015 from Adam Bradford, Hunterdon County Planning Board re: Huston Lumber & Supply, Block 47.01, Lot 45.
5. A copy of Tewksbury’s Complaint for Declaratory Judgment dated July 9, 2015 from Michael Selvaggi.
6. The New Jersey Planner, May/June 2015, Vol. 76, No. 3.

MINUTES

➤ April 1, 2015

The minutes of April 1, 2015 were approved as submitted by motion of Mrs. Baird and seconded by Ms. Desiderio. All were in favor. Mr. Becker abstained.

ORDINANCE REPORT

Mr. Mackie reported on an ordinance from Washington Township regarding a 2013 Master Plan Re-examination and also an ordinance from Readington Township which proposed additional definitions in the Research Office District; neither was relevant to Tewksbury at this time.

PUBLIC PARTICIPATION

Mr. Johnstone asked the public if there were any questions or comments regarding anything not on the agenda.

Mr. Joseph Marquardt was present and explained that he applied for and received a use variance a few months ago for a two (2) family use on Old Turnpike Road in the village of Oldwick. He explained that he removed the first floor deck and wished to add a second floor deck in the rear of the home but was denied because of condition number 10 of the approving resolution which stipulates that the footprint of the home cannot be enlarged or additional lot coverage added. He asked if there could be an amendment to his variance Mr. Bernstein explained that the non-conforming use and structure requires Land Use Board approval for any expansion. While Mr. Bernstein opined that the proposed project was not significant the property owner still needs to apply to the Land Use Board for approval under either a new application or an amendment to the original application (providing full notice). Ms. Goodchild noted that if Mr. Marquardt requested an amendment to the original application he wouldn't have to file an additional application fee but he would need to file additional escrow money to cover review of the application and preparation of the resolution.

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

RESOLUTION

- **Resolution No. 15-12** – Habucky, Appl. No. 15-09, Block 11, Lot 9.04
Those eligible to vote: Mrs. Baird, Mr. Van Doren, Mr. Becker, Mr. Moriarty, Mr. Kerwin, Mr. D'Armiento, Mr. Larsen and Mr. Johnstone

Mrs. Baird made a motion to approve the following resolution. Mr. Becker seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 15-09
RESOLUTION #15-12

WHEREAS, KAREN HABUCKY has applied to the Land Use Board of the Township of Tewksbury for permission to add a paver pool patio, paver walkway, and shed to the back of her home which is located at 6 Glennon Farm Lane on property designated as Block 11, Lot 9.04 on the Tewksbury Township Tax Map, which premises is located in the Highlands (HL) Zone, and

WHEREAS, the application was presented by Karen Habucky and her husband Mark Wirth at the July 15th, 2015 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, after considering the evidence and testimony presented by the applicant, Mr. Burr, and an adjoining neighbor has made the following factual findings:

A. The Subject Property.

1. The 5.2531 acre subject property is an irregular shaped parcel which is relatively narrow and deep. The site has 232.51 feet of frontage on Glennon Farm Lane which widens to 482.59 feet along the rear property line.

2. A single family residence is set back 424.8 feet from the road.

3. A driveway with a turnaround leads to the home.

4. The lot is traversed by a creek about 270 feet from Glennon Farm Lane.

5. In back of the home is a 20 feet by 40 feet in-ground swimming pool.

6. Photographs which were submitted with the application show substantial trees along the side and rear property lines.

B. The Proposal.

7. The applicant proposes to construct in back of her home:

- A 25 feet by 30 feet pool patio (750 square feet).
- A 14 feet by 30 feet shed (420 square feet).
- A 4 feet wide walkway leading from the home to the swimming pool and pool patio (460 square feet).

8. The pool patio and walkway will be constructed with a permeable paver system.

C. Zoning Considerations.

9. The subject property is located in the HL Zone where the minimum lot size is 12 acres. As noted in factual finding 1, the site contains 5.2531 acres. The lot is *grandfathered* by Section 706F2 of the Tewksbury Township Development Regulations Ordinance (DRO).

10. The site currently has 4.85% lot coverage which will be increased to 5.57% with the proposed improvements. The maximum lot coverage permitted on the property, as a *grandfathered* lot having at least five acres, is 5%, per Section 706F4(d) of the DRO.

D. Justification for Variance.

11. The existing driveway of 6,695 square feet constitutes approximately 60 % of current lot coverage of 11, 120 square feet.

12. The long driveway is required to reach the home which is set back 424.8 feet from the road.

13. Lot coverage requirements are designed to control aesthetics and water runoff.

14. The increase in lot coverage is relatively minor and the proposed facilities will be buffered by a number of large trees from neighboring properties.

15. Adjoining neighbor Barbara Delery of 4 Glennon Farm Lane had no objection to the application.

16. The construction of the patio and walkways with permeable pavers will reduce water runoff.

17. The requested variance is justified under N.J.S.A. 40:55D-70c(1)(c) by reason of the extensive lot coverage caused by the driveway.

18. The requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Tewksbury.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 5th day of August 2015 that the application of KAREN HABUCKY be approved in accordance with a plan titled: “IMPERVIOUS COVERAGE VARIANCE PLAN Prepared For BLOCK 11 LOT 9.04 6 GLENNON FARM LANE Situated in TAX MAP No. 3 Township of Tewksbury Hunterdon County, New Jersey” prepared by D.S. Engineering, P.C. (David J. Schmidt, P.E.) on June 5, 2015, consisting of one sheet, subject, however, to the following conditions:

1. The applicant shall comply with all rules, regulations, ordinances and statutes of the Federal, State, County and local municipal governments that may apply to the premises. The applicant shall submit a letter to the Land Use Administrator certifying compliance with the aforementioned rules, regulations, ordinances and statutes.

2. This resolution and the issuance of permits are conditioned on the applicant paying all escrows and fees.

3. The variance shall be utilized within one year of the date of this memorialization resolution. If it is not utilized within one year, this approval shall become void and have no further effect.

4. Conditions recommended by Land Use Board Engineer William H. Burr, IV, P.E. in his report of July 9, 2015, as modified by the Land Use Board:

“TECHNICAL REVIEW:

1. The applicant and its professionals should describe in detail the proposal including an overview of the proposed improvements, materials, etc. *Ms. Habucky testified that the pool patio and walkway would be constructed of a permeable paver system. Literature was presented to the Board. The within approval is subject to the condition that the permeable paver systems are properly installed to the approval of the Land Use Board Engineer.*
2. The applicant and its professionals should provide testimony to support the proposed lot coverage variance. Can any existing or proposed lot coverage areas on the property be reduced in size or eliminated as a way to decrease the amount of coverage on this property? *See factual findings 11-18 herein.*
3. In an effort to mitigate the increase in stormwater runoff from the proposed improvements, the applicant is proposing to construct the pool patio and walkway with a permeable paver system. I have the following comments regarding the submitted information:
 - a. The plan should be revised to provide site specific details and calculations for the proposed permeable paver system (i.e. for patio and walkway) so that it can be confirmed that the pavers will function as designed. It is important to note that these paver systems can only be considered as pervious if a specific design is followed which will allow runoff to drain completely through the pavers and underlying medium.
 - b. Soil tests will need to be performed to confirm adequate soil conditions exist to allow for the installation of the paver system as proposed. This issue could be addressed as a condition of any Board approval.

The foregoing are conditions to the application. The applicant agreed to comply, but requested that the percolation test results be accepted by the Township Engineer in lieu of the soil test. The Township Engineer is given the authority to waive the soil test and accept in its place the percolation test.

4. There is a discrepancy between the total proposed impervious coverage between the plan (12,750 S.F.) and lot coverage computation form (12,290 S.F.). The applicant should confirm the correct number. *The correct number is 12,750 square feet.*
5. The proposal includes a new shed to be constructed adjacent to (north) of the proposed patio area. What will this shed look like and what will be stored there? Will this shed structure function as a pool house? *The shed shall be constructed*

with the same type of stone that is used in the swimming pool and white siding. The shed shall function as a shed and not a pool house. There shall be no water service or plumbing within the shed.

6. The submitted application materials indicate that “To enhance the beauty of this area and continue to maintain a natural border, the following trees will be added to the meadow:
 - 12 - 10-12 foot blue spruce or Douglas fir pine trees
 - 6 – 10 foot hardwood trees with at least a 3” diameter (2 red maples, 2 pin oaks, 2 white oaks)
 - 3 – Dogwood trees with at least 2” diameter.”

The applicant should clarify where on the property these trees are proposed to be planted? The Board may also want the plan revised to reflect these trees. *The plan shall be revised to indicate where these trees are planted. The revisions may be drawn by the applicant. The trees are to be permanently maintained. Dead, diseased, and missing trees are to be replaced to the approval of the Township Engineer.*

7. The applicant should clarify whether there is any other exterior lighting proposed as part of this application. If so, the applicant should provide information to confirm that there will not be any undesirable effects to the surrounding properties in accordance with DRO Section 632. *No exterior lights are proposed.*
8. A Grading and Surface Water Management Plan (GSWMP) will need to be submitted to the Land Use Administrator for review by the Township Engineer prior to the Construction Permit application. This GSWMP must comply with Chapter 13.12 of the Township Code of Ordinances. *This is a condition of the within approval.*”

Roll Call Vote

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

Those Opposed: None

REQUEST FOR REZONING RECOMMENDATION

- Melick Bernards, LLC
Block 39, Lot 24
Village Residential to Village Business

Mr. Rahenkamp and Ms. Desiderio recused themselves from the proceedings.

Mr. David Bunevich, attorney on behalf of Melick Bernards LLC was present and explained that his client submitted a report by Planner Betsy McKenzie to rezone the subject property from Village Residential to Village Business. The property in question was under a 99 year lease by the Oldwick Fire Company since 1939 until the fire company moved to its new building. The one (1) story frame building has a meeting room and a kitchen and was enlarged to accommodate the fire engine. Mr. Bunevich noted that it is a very constrained property and has been owned by the Methodist Church since 1823. He went on to explain that the property was purchased by Melick Bernards LLC which operates the Melick Farm stand and they intend to use it for their operations. Mr. Bunevich explained that it has never been a residence and the cemetery in the rear encumbers nearly half of the property; the owner has agreed to abide by any restrictions for maintaining the cemetery.

Mr. Johnstone noted that it is not up to the Land Use Board to change zoning and asked why the applicant didn't apply for a use variance. Mr. Bunevich deferred the question to Ms. McKenzie.

Ms. Elizabeth McKenzie, Professional Planner, was present and provided the Board with her credentials. Mr. Bernstein and Mr. Bunevich agreed that since the presentation was informal that Ms. McKenzie did not need to be sworn in.

She noted that a letter was sent to the Township Committee regarding the re-zoning. The Township Committee is required to refer the request to the Land Use Board in order for the Board to review it for consistency with the Master Plan and also to provide any other comments or opinions on the proposal. She noted that the applicant was aware that they could apply for a variance but felt that the burden of proof would be easier to overcome if the property were placed in the Village Business Zone because it is clearly not a residential property. She opined that it made sense to place the property in the Village Business Zone since the structure is better suited to some sort of business use and because it will likely not be a residential use since the property is encumbered by the cemetery and the obligation to maintain that cemetery.

She explained that there are nine (9) parking spaces that are in the right of way of James Street but are located in front of the firehouse building and cemetery. There is no vehicular access to the back of the property so there is no way to construct parking in the rear; the only improvements that can be made to the property are to adaptively reuse the existing building. Ms. McKenzie noted that her client would like the Board to acknowledge the fact that the property will be used for non-residential purposes. She noted that her client recognizes that some type of variance relief will be required no matter what they proposed because the use may not fit the traditional retail use identified in the Village Business Zone. She explained that the property owner would like to use the property in connection with their farm market which will be ancillary services that are not identified as permitted uses in the Village Business Zone.

When asked by Mr. Bernstein about the size of the building, Ms. McKenzie explained that the building has a footprint of 3,420 sq. ft. for a total of 6,840 sq. ft. however she

noted that there is limited headroom in the second floor so it may not be considered habitable space. When asked what the parking requirement would be, Ms. McKenzie noted that for retail use they would need 34 spaces. When asked what use is proposed, Mr. Bunevich noted that his client is in the formulation stage but wants to integrate it into the farm stand operation as an ancillary use for storage and possible use of the kitchen in preparation of product. Ms. McKenzie noted that even that use would require a “d” variance since it does not fall within the permitted uses as it would be considered more like manufacturing.

When asked by Mr. Moriarty if there is any other business zoned properties facing James Street, Ms. McKenzie noted that the phone company is on the opposite side but is located in the Village Residential Zone. Mr. Johnstone noted that the properties across the street are all residential homes and Ms. McKenzie noted that the Historical Society bought the former Department of Public Works building and the Spirit Spa is on the corner. When asked by Mr. Johnstone if notice was provided of tonight’s meeting, Mr. Bunevich responded in the negative noting that it was not required since it is an informal meeting. Ms. McKenzie noted that if the Township Committee were inclined to change the zoning they would need to ask the Land Use Board to amend its Master Plan which would require a Master Plan public hearing or the Township Committee would have to do a super notification so either way there will be public notice. When asked if there is any vehicular impact on James Street from any other businesses, Ms. McKenzie noted that she didn’t observe any business traffic on James Street but regardless of the use the Land Use Board will have control through the variance process.

Mrs. Baird noted that it has always been a tax exempt property and questioned if there should be a subdivision to split the cemetery off so that the commercial portion of the property can be assessed separately. Ms. McKenzie opined that the existence of the cemetery and lack of usability of the property would come into play when the Assessor values the property for tax purposes. Mr. Bunevich noted that the church left the cemetery prior to 1938 and the fire company took care of the cemetery as part of their lease. Mr. Peter Melick noted that they have relatives in the cemetery and he does not want to “cut them off”.

When asked by Mr. Larsen about access to the rear of the property, Ms. McKenzie explained that the property line is about a foot from the structure; the stockade fence is recessed onto the adjoining property. Mr. Bunevich noted that the adjoining property is in the Village Business Zone so it would just be a matter of readjusting the zone line to include the subject property. When asked what the property owner intends to do with the property if a change in zoning is not granted, Mr. Bunevich opined that it would be used for storage for the Town Farm business such as seasonal products. When asked if it will be rented out to another retail business, Mr. Bunevich responded in the negative. Mr. Bernstein noted that if the Melick farm stand uses it for storage they would still need to apply for a “d” variance to which Ms. McKenzie agreed.

When asked by Mr. Mackie to explain why a change of ownership necessitates a change in zoning contrary to the Township’s Master Plan, Ms. McKenzie explained that a very

limited number of uses are permitted in the Village Residential District and suited the property when the structure was used as a firehouse. The property is no longer going to serve a public purpose since it is in private hands and Ms. McKenzie opined that the character of the property is more of a non-residential use. She believed that because of the change in ownership it would be a good time to make the appropriate change in the zone boundary. She noted that normally the change in ownership would not be an issue but in this instance it took something out of the public sector and put it in the private sector.

Mr. Johnstone opened the meeting up to the public to ask questions of Ms. McKenzie.

Joe Marquardt asked if notice of the re-zoning will be provided to which Ms. McKenzie responded in the positive. When asked if there is any way to restrict the change to the current owner, Ms. McKenzie responded in the negative explaining that zoning and any approvals obtained run with the land. As a neighbor, Mr. Marquardt expressed concern with a business being conducted from the property.

Kurt Rahenkamp, 27 Welsh Road, questioned how the Land Use Board can make a recommendation to the Township Committee without understanding how the building will be used. He noted that the testimony was that there may be product preparation and asked if the use will be manufacturing with truck traffic, shifts and employees. Mr. Bunevich noted that all of that will be presented as part of the variance process. Mr. Rahenkamp questioned why that information would be supplied after the property is re-zoned. Ms. McKenzie again noted that the rezoning doesn't eliminate the need for a variance. Mr. Johnstone noted that the rezoning provides the property owner with more flexibility for future plans. Mr. Johnstone suggested that the Board decide what it feels more comfortable with, leaving the property zoned as Village Residential or recommending a rezoning to Village Business.

Mr. Larsen didn't have a problem with rezoning the property as long as the surrounding residential property owners don't have a problem with the proposal.

Mr. Johnstone felt more comfortable leaving the property in the Village Residential Zone to give the Land Use Board more control over the future proposal. Without hearing all the details of the proposed use he felt more comfortable with the current zoning. He noted that he didn't have a problem with the way the Melick's run their farm stand but would prefer that they apply for a variance with more specific information on the proposed use.

Mrs. Baird agreed with Mr. Johnstone's comments.

Mr. Moriarty noted that the Village Residential Zone is there based upon planning consideration and so he was hesitant to make a recommendation that was inconsistent with the Master Plan when he has not heard any testimony to the contrary other than that there was a change in ownership.

Mr. Becker noted the recent changes for the setbacks for Pottersville and asked if the Planner created the boundaries based on the uses at the time. Mr. Johnstone noted that there were no major changes to the boundaries of the Village Residential or Village Business Zones when the Master Plan was redone in 2003/2004. Mrs. Baird noted historically the lots facing Main Street/Route 517 were zoned Village Business.

Mr. Moriarty made a motion to make a recommendation to the Township Committee to support the request to rezone the property from the Village Residential Zone to the Village Business Zone. Mr. Larsen seconded the motion. The motion failed to pass by the following roll call vote:

Roll Call Vote:

Those in Favor: Mr. Becker, Mr. Moriarty and Mr. Larsen

Those Opposed: Mrs. Baird, Mr. Mackie and Mr. Johnstone

Mr. Bernstein suggested that the letter to the Township Committee indicate that the vote was three (3) to three (3) and that the Board recommends to the property owner that they apply for a variance and site plan approval.

Mr. Rahenkamp returned to the meeting at this time.

PUBLIC HEARING

- Kling
Appl. No. 15-12
Block 12, Lot 32.02
Appeal 40:55D-70a
Action Deadline – 11/19/15

Douglas Kling, property owner, was present and sworn in by Mr. Bernstein. Mr. Kling explained that he applied to the Zoning Officer for a generator permit but was denied because of extensive driveways, a gazebo and fencing that exists without proper permits. Mr. Kling explained that he has not improved the property since the purchase in 2008; the improvements in question were installed or constructed by the previous owner and have been there for years. When asked by Mr. Bernstein if he received a certificate of continuing occupancy, Mr. Kling responded in the positive and assumed that the property was clear of any violations. When asked if the first time he learned of the issues was when he applied for the emergency generator, Mr. Kling responded in the positive. When asked what non-conformities exist, Mr. Kling explained that it is the driveways, gazebo and the height of the fence and a possible coverage issue. Mr. Bernstein noted that estoppel doesn't apply and so Mr. Kling is appealing the Zoning Officer's decision and in the alternative he also applied (and noticed) for variances for the non-conformities. When asked the height of the fence, Mr. Kling noted that it is ten (10) feet in the rear where eight (8) feet is permitted since it is deer fencing. When asked if there is anything between the fence and the neighbor's house, Mr. Kling responded trees. When asked if the fence has an impact on the neighbor's ability to enjoy their view, Mr. Kling

responded in the negative. When asked if he has received any complaints from the neighbor that the fence is too high, Mr. Kling responded in the negative. When asked about the gazebo violation, Mr. Kling explained that it violates the rear setback (40 feet is required and it is 20 feet from the property line). When asked what is between the gazebo and the neighbor, Mr. Kling responded trees. When asked if he has received complaints from his neighbor about the gazebo, Mr. Kling responded in the negative. When asked what the impervious coverage is on the property, Mr. Kling didn't know. It was the consensus of the Board that in order to grant a variance for the coverage a calculation is needed. When asked if there are any drywells on the property, Mr. Kling explained that there are drains built in extensively throughout the property including the area by the driveway and yard. When asked if there is any flooding, Mr. Kling responded in the negative. When asked if the gutters drain into the system, Mr. Kling responded in the positive.

When asked by Mr. Becker the type of generator being installed, Mr. Kling responded a diesel 40 kW generator with an attached 50 gallon tank. When asked why it is being placed 50 feet from the house, Mr. Kling explained that he did not want it in the grassy area.

There being no additional questions from the Board, Mr. Johnstone opened the meeting up to the public for questions. There being no questions from the public, Mr. Johnstone closed the public portion of the meeting.

Mrs. Baird didn't have an issue with the variances but felt that the Board needed to understand the existing coverage before a variance could be granted. Mr. Bernstein suggested that a surveyor prepare a new survey and calculate the coverage. When asked if a survey was done when the property was purchased, Mr. Kling responded in the positive.

Mr. Johnstone opened the meeting up to the public.

Alex Vilenchick, Philhower Road, asked how the Township determined that the property had an impervious coverage violation. Ms. Goodchild noted that the Zoning Officer discovered that the driveway, gazebo and fencing were all done without permits and he believes that the coverage is over what is permitted.

When asked by Mr. Bernstein if the Board wants the impervious coverage calculation to grant the variance or for a benchmark for a future application the consensus of the Board was that it was needed as a benchmark. Mr. Bernstein opined that the Board could grant the application if it was being used as a benchmark with the stipulation that the applicant's surveyor provide a number that could then be included in the resolution as a benchmark.

Mrs. Baird made a motion to approve the variances required for the fence, gazebo and impervious coverage with the condition that a permit for the generator not be issued until

Mr. Kling provides the impervious coverage calculation. Mr. Robert seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

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

Those Opposed: None

ESCROW CLOSING

➤ Hill - \$100.00

Mr. Becker made a motion to approve the above referenced escrow and return the balance to the applicant. Mrs. Baird seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

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

Those Opposed: None

ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m. by motion of Mr. Johnstone and seconded by Mr. Moriarty. All were in favor.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator