

LAND USE BOARD MINUTES
July 15, 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 7:33 p.m.

Present: Blake Johnstone, Mary Elizabeth Baird, Shaun Van Doren, Ed Kerwin, Michael Moriarty, Robert Becker, Ed D'Armiento, Alt. #1 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, Bruce Mackie, Kurt Rahenkamp, Alt. #2 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. Mrs. Baird 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 6-3-15 LUB meeting, invoice dated June 4, 2015 (\$325.00)
2. Bernstein & Hoffman – Land Use Board Escrow – Puri (B32, L7.08), invoice dated June 1, 2015 (\$1,050.00)
3. Bernstein & Hoffman – Land Use Board Escrow – JUJ 1944 Trust/Vliettown Farm (B43, L3), invoice dated received June 22, 2015 (\$450.00)
4. Bernstein & Hoffman – Land Use Board Escrow – Fritz (B51, L59), invoice dated July 9, 2015 (\$645.00)
5. Bernstein & Hoffman – Land Use Board Escrow – Nicholson (B45, L4), invoice dated July 9, 2015 (\$337.50)
6. Maser Consulting – Land Use Board Escrow – Taylor (B37, L7), invoice #285444 (\$321.25)

7. Maser Consulting – Land Use Board Escrow – Weber (B27, L96 & 154), invoice #280976 (\$67.50)
8. Maser Consulting – Land Use Board Escrow – Marquardt (B39, L27), invoice #280977 (\$303.75)
9. Maser Consulting – Land Use Board Escrow – Preziosi (B43, L2.02), invoice #285454 (\$371.25)
10. Maser Consulting – Land Use Board Escrow – Habucky (B11, L9.04), invoice #285452 (\$236.25)
11. Maser Consulting – Land Use Board Escrow – Oldwick Properties, LLP (B47.01, L45), invoice #285451 (\$67.50)
12. Maser Consulting – Land Use Board Escrow – Puri (B32, L7.08), invoice #285449 (\$135.00)
13. Maser Consulting – Land Use Board Escrow – Nicholson (B45, L4), invoice #285447 (\$607.50)
14. Maser Consulting – Land Use Board Escrow – Fritz (B51, L59), invoice #285445 (\$573.75)
15. Maser Consulting – Land Use Board Escrow – JUJ 1944 Trust/Vliettown Farm (B43, L3), invoice #285443 (\$168.75)
16. Maser Consulting – Land Use Board Escrow – Koplowitz (B6, L24.18), invoice #280975 (\$33.75)
17. Maser Consulting – Land Use Board Escrow – Oldwick Properties, LLP (B47.01, L45), invoice #280981 (\$337.50)
18. Maser Consulting – Land Use Board Escrow – Puri (B32, L7.08), invoice #280979 (B32, L7.08), invoice #280979 (\$1,181.25)

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Van Doren, Mr. Moriarty, Mr. Becker, Mr. Kerwin, Mr. D’Armiento, Mr. Larsen and Mr. Johnstone

Those Opposed: None

CORRESPONDENCE

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

1. Memorandum dated June 26, 2015 from Chief Holmes re: LUB Appl. No. 15-08, Block 47.01, Lot 45.
2. A letter dated July 9, 2015 from William Burr re: LUB Appl. No. 15-08, Block 47.01, Lot 45.
3. A letter dated July 9, 2015 from William Burr re: LUB Appl. No. 15-09, Block 11, Lot 9.04.
4. Citizens to Save Tewksbury Alert: Newly Proposed Affordable Housing Numbers conflict with Highlands Regional Master Plan.
5. A letter dated June 12, 2015 from the Residents Alliance for Neighborhood Preservation, Inc. re: Affordable Housing Service List.

6. Press Release from the Hunterdon County Department of Planning, Economic Development and Land Use re: County Comprehensive Economic Development Strategy (CEDS).
7. A copy of a letter dated June 4, 2015 from Ronald S. Ladell, Senior Vice President of AvalonBay Communities, Inc. re: AvalonBay Communities, Inc. Affordable Housing Service List.
8. A letter dated July 14, 2015 from the Tewksbury Township Environmental Commission re: Oldwick Properties, LLP, Appl. No. 15-08, Block 47.01, Lot 45.
9. A letter dated July 14, 2015 from the Tewksbury Township Environmental Commission re: Appl. No. 15-09, Habucky, Block 11, Lot 9.04.
10. A letter dated July 15, 2015 from the Oldwick Animal Hospital re: Oldwick Properties, LLP, Appl. No. 15-08, Block 47.01, Lot 45.

MINUTES

- February 18, 2015

The minutes of February 18, 2015 were approved as submitted by motion of Mr. Van Doren and seconded by Mrs. Baird. All were in favor. Mr. Becker and Mr. Larsen abstained.

- March 4, 2015

The minutes of March 4, 2015 were approved as submitted by motion of Mr. Van Doren and seconded by Mrs. Baird. All were in favor. Mr. D'Armiento abstained.

ORDINANCE REPORT

There was no ordinance report due to Mr. Mackie's absence.

PUBLIC PARTICIPATION

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

RESOLUTIONS

- **Resolution No. 15-10** - Fritz, Appl. No. 15-03, Block 51, Lot 59
Those eligible to vote: Mrs. Baird, Mr. Van Doren, Mr. Mackie, Mr. Moriarty, Mr. Kerwin, Mr. Larsen and Mr. Johnstone

Mr. Van Doren made a motion to adopt the following resolution. Mrs. Baird seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 15-03
RESOLUTION # 15-10

WHEREAS, BRIAN and LISA FRITZ have applied to the Land Use Board of the Township of Tewksbury for permission to retain a shed on their residential lot which is located at 11 Honeyman Road, Lebanon on property designated as Block 51, Lot 59 on the Tewksbury Township Tax Map, which premises is located in the Highlands (HL) Zone, and

WHEREAS, the application was presented by Brian and Lisa Fritz and their attorney Robert Boak, Esq. at the June 3, 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 testimony and evidence presented by the applicants and Mr. Burr, has made the following factual findings:

A. The Subject Property.

1. The 3.042 acre subject property is shaped like an irregular arrowhead with a circular indentation at the end of the cul-de-sac on Honeyman Road.

2. The site is developed with a single family residence, wood deck, brick patio, driveway and shed.

3. The home is setback 80.96 feet from the road. A small area around the home is reasonably flat and developable. The flat area around the back of the home is about 20 feet deep. The balance of the property has slopes of between 25 – 60%.

4. The applicants purchased the site in 2004. When the contract was signed, the 10 feet by 20 feet shed, which is the subject of the current application, encroached on an adjoining lot to the northeast. The closing was deferred until the shed

was moved entirely on the subject property. It is presently 0.9 feet from the property line.

5. The shed has two (2) garage style doors and a peaked shingle roof. It is used for the storage of lawn equipment and bicycles.

6. Adjoining lots to the northeast are about 500 feet deep and front Pruner Farm Road. There is a stream and hundreds of feet of woods between the shed and the dwellings to the northeast.

B. Zoning Considerations.

7. As noted in factual finding 1 herein, the subject property contains 3.042 acres. The site is in the HL Zone where the minimum lot size is 12 acres. The property is grandfathered under Section 706F.2 of the Tewksbury Township Development Regulation Ordinance (DRO). The minimum side yard for principal and accessory buildings on the site is 40 feet.

C. Justification of Variance.

8. The requested variance is justified under N.J.S.A. 40:55D-70c(1)(b): “by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property.”

9. The Board finds that the shed is at the optimal location on the site. Because of the substantial separation, and wooded buffer, between the shed and the adjoining residential lots, the Board finds that 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 15th day of July 2015 that the application of Brian and Lisa Fritz be approved in accordance with architectural plans titled: “VARIANCE MAP 11 HONEYMAN ROAD TAX MAP LOT 59 BLOCK 51 TOWNSHIP OF TEWKSBURY HUNTERDON COUNTY, NEW JERSEY” prepared by Stephen E. Parker, P.E., of Parker Engineering & Surveying P.C. on December 10th, 2014 and last revised March 17th, 2015 consisting of two (2) sheets, subject, however, to the following conditions:

1. The applicants shall comply with all rules, regulations, ordinances and statues 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 is conditioned on the applicants paying all escrows and fees.
3. There shall be no electric service in the shed.
4. There shall be no lights on the shed.
5. The applicants will obtain all necessary Construction and Zoning permits for the shed and pay the applicable fees.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Van Doren, Mr. Moriarty, Mr. Kerwin, Mr. Larsen and Mr. Johnstone

Those Opposed: None

➤ **Resolution No. 15-11** – Nicholson, Appl. No. 15-04, Block 45, Lot 4

Those eligible to vote: Mrs. Baird, Mr. Van Doren, Mr. Mackie, Mr. Moriarty, Mr. Kerwin, Mr. Larsen and Mr. Johnstone

When asked by Mr. Van Doren what proof Mr. Nicholson had to provide to satisfy condition number 1 of the resolution, Mr. Bernstein opined a simple letter or note would suffice. He went on to explain that if the County will not allow it in the right of way the property owner will need to move the fence.

Mr. Van Doren made a motion to adopt the following resolution. Mrs. Baird seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 15-04
RESOLUTION # 15-11

WHEREAS, BRANDON NICHOLSON has applied to the Land Use Board of the Township of Tewksbury for permission to retain a front yard fence on his residential property which is located at 194 Lamington Road, Oldwick, and designated as Block 45, Lot 4 on the Tewksbury Township Tax Map, which premises is located in the Piedmont (PM) Zone, and

WHEREAS, the applicant retained a fence company to install a 6 foot tall fence along the front of his property, and

WHEREAS, the maximum height for a fence in the front yard in the PM Zone is 4 feet, and

WHEREAS, the justification for the 6 foot tall fence is to keep the applicant's three young children out of the road, and

WHEREAS, Land Use Board Engineer William H. Burr, IV, P.E. noted that a portion of the fence is within the Hunterdon County road right of way, and

WHEREAS, the Board finds that the fence is attractive and does not create any sight problems, and

WHEREAS, the applicant has modified existing pillars which are conforming.

NOW, THEREFORE, be it resolved by the Land Use Board of the Township of Tewksbury on this 15th day of July 2015, that the application of Brandon Nicholson to retain his front yard fence be approved, pursuant to the marked up survey which was submitted with the application, subject, however, to the following conditions:

1. The applicant must either obtain approval within 90 days of the date of the within resolution, from Hunterdon County to retain the fence within the County right of way, or if the approval is not obtained, the fence shall be removed from the County right of way.
2. The applicant shall obtain all Construction and Zoning permits for the fence and pay the required fees.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Van Doren, Mr. Moriarty, Mr. Kerwin, Mr. Larsen and Mr. Johnstone

Those Opposed: None

PUBLIC HEARINGS

- Oldwick Properties, LLP
Appl. No. 15-08
Block 47.01, Lot 45
Expansion of a non-conforming use/structure
Action Deadline – 10/16/15

Mr. Van Doren was recused from the hearing as the applicant is seeking a use variance.

William Shurts, Attorney for the applicant, was present and explained that the property is the site of Huston Lumber at the intersection of Route 523 and Felmley Road. He explained that during the winter storms a portion of the lumber shed was severely damaged. The applicant has determined that when re-building the shed it would be more useful to raise the height of the roof to allow storage of additional lumber under a roofed structure. Because it is a prior non-conforming use any extension of the facility requires a d2 variance because it is an expansion of a prior non-conforming use and structure. Mr.

Shurts introduced John Cilo, Engineer, Nicholas Pietrone, President of Huston Lumber, Brian Shaffer, Branch Manager, Juan Carlos Mendez, IT Manager and Douglas Colson, co-owner of Oldwick Properties.

John Cilo, Engineer and Land Surveyor, was sworn in by Mr. Bernstein. Mr. Cilo provided his qualifications and was accepted by the Board.

Nicholas Pietrone, President of Huston Lumber Supply was sworn in by Mr. Bernstein.

Juan Carlos Mendez, IT Manager for Huston Lumber was sworn in by Mr. Bernstein.

Doug Colson, Owner and CEO of Huston Lumber was sworn in by Mr. Bernstein.

Brian Shaffer, Location Manager of Huston Lumber at the Oldwick branch was sworn in by Mr. Bernstein.

A colored version of the plans submitted to the Board was marked as **Exhibit A-1**. Mr. Cilo explained that the site contains the principal dwelling, pond, the principal office for Huston Lumber and satellite structures used primarily for storage of construction material. The primary interest is to seek approval to re-build the open faced shed that was damaged during the hurricane (shown in yellow on Exhibit A-1) located against the southerly property line which adjoins Lot 47.01 owned by Hunterdon County. Mr. Cilo went on to explain that the wetlands have been delineated in green, the wetland buffers are depicted in a different shade of green and the wetland buffer averaging plan is also depicted. The existing building in question measured 20 feet by 176 feet erected on poles roughly 25 feet on center with a peaked roof. When asked the current height of the peaked roof, Mr. Cilo responded 16.17 feet; the proposed roof is 20.08 feet in the front and 16.75 feet in the rear. When asked about drainage from the roof, Mr. Cilo explained that the rain water will hit the roof and drain to the rear where there is an existing ditch along the property line. When asked where the ditch drains to, Mr. Cilo responded into the wetlands. When asked the size of the site, Mr. Cilo responded 11.07 acres. When asked if there is any other structure involved in the application, Mr. Cilo responded in the negative. When asked if there are any engineering issues associated with the reconstruction of the building, Mr. Cilo responded in the negative.

When asked by Mr. Burr what the County property consists of, Mr. Cilo explained that it is a wooded lot. When asked if there will be any wetland or wetland buffer disturbance, Mr. Cilo responded in the negative. When asked if there is any lighting proposed on the reconstructed building, Mr. Cilo responded in the negative and noted that there is a notation on the plan. When asked if it will be a three (3) sided structure, Mr. Cilo responded in the positive. When asked about the surface of the area in front of the existing building, Mr. Cilo explained that it is hard packed gravel. Mr. Burr questioned why the frame shed to the west of the building in question had an "x" drawn through it, Mr. Cilo explained that the person that drafted the plans used an "x" to demonstrate the roof but that the building will remain.

When asked by Mr. Moriarty the purpose of the pond, Mr. Cilo was unaware why it was located in that area.

When asked by Mr. Johnstone if the footprint of the new building will be the same size as the damaged building, Mr. Cilo responded in the positive noting the only difference is the roof height.

When asked by Mrs. Baird if the site plan presented is a new site plan, Mr. Cilo explained that the site was resurveyed but the stacks of lumber were not located as part of the updated survey. When asked if it accurately represent all of the open storage areas and coverage areas that exist, Mr. Cilo explained that they checked the floor area ratio and if it had a roof it was included. He noted that there are stacks of lumber throughout the property but they were not included in the floor area ratio. When asked if it should be included in the impervious coverage calculation, Ms. Goodchild opined that Mr. Bernstein should comment on whether it should be included since the stacks come and go and can be temporary in nature. When asked by Mr. Bernstein what is under the stacks of lumber, Mr. Cilo explained that it is not paved. Mr. Bernstein read the definition of impervious coverage into the record. Mr. Burr opined that if the area under the stacks of lumber is gravel it should be counted as impervious coverage but if it is lawn area for temporary storage of lumber it should not be counted. Mrs. Baird noted that it is her recollection that the storage area immediately adjacent to Oldwick Road was the subject of the 1996 variance application. When asked if the limits of the gravel areas have been depicted on the site plan, Mr. Cilo responded in the positive. When asked if the lot coverage area of 34.86% includes the gravel areas, Mr. Cilo was unsure. When asked if the coverage is the same as it was in the prior site plans, Mr. Cilo responded in the positive.

When asked by Mr. Larsen if he thought the pond was built for fire fighting purposes, Mr. Cilo responded in the positive. When asked if it is fed by fresh water, Mr. Cilo recalled that it is fed by underground streams. When asked if it discharges towards the wetlands, Mr. Cilo responded in the positive. When asked if the entire building is being replaced, Mr. Shurts responded in the positive.

When asked by Mrs. Baird what was stored in the damaged building and where that material is now, Mr. Cilo suggested that Mr. Pietrone provide that information.

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

Nicholas Pietrone, President of Huston Lumber and Supply (since 1987) provided approximately seven (7) slides which showed an aerial view of the property. He pointed out the building that collapsed in February of 2014 due to the weight of the ice and snow and explained that approximately a third of the building is still standing but the entire building needs to be replaced. He opined that the only adjacent neighbor that can see the damaged shed is the Oldwick Animal Hospital. When asked the height of the damaged

building, Mr. Pietrone replied 16 feet at the peak and the request is for 21 feet. When asked if he was told by the Township what could be replaced as a matter of right, Mr. Pietrone explained that Dennis Allen, Zoning Officer indicated that the building could be re-built as existing but could not be expanded. Mr. Pietrone displayed two (2) slides showing the building at 16 feet and at 21 feet so the Board could understand the proposed dimensions of the building. When asked by Mr. Johnstone why the need for the increase in height, Mr. Pietrone noted that they are trying to create more covered storage to clean up some of the lumber piles throughout the yard to create a neater, safer yard. It also keeps the wood in better condition which is a better service to the customers. When asked by Mr. Johnstone if the lumber will be stacked higher than fourteen (14) feet, Mr. Pietrone clarified the prior approval condition noting that the restriction applied to the southwest corner near the Weichert Realtors building; the condition applied to the stacks of wood in that field. When asked if there are buildings on the property higher than sixteen (16) feet, Mr. Pietrone responded in the positive and noted that there are buildings 22 and 24 feet high. He noted that storing the product undercover preserves the material by shielding it from the elements. When asked by Mr. Johnstone if some of the outside storage will be stored in the building if approval is granted, Mr. Pietrone responded in the positive. When asked if Huston Lumber was a tenant of the property in 1987 when he started, Mr. Pietrone responded in the positive and noted that they became a tenant of the property in 1984. When asked the name of the business prior to 1984, Mr. Pietrone replied Felmley Lumber. When asked if Huston Lumber purchased the business in 1984, Mr. Pietrone responded in the positive and noted that they purchased it from Norbert and Dorothy Cox and continued to lease it from them. When asked if Norbert Cox had any involvement in the business after it was purchased by Huston Lumber, Mr. Pietrone responded in the positive but that he eventually sold the property in January of 2001 to the Oldwick Properties LLP. When asked who Norbert Cox obtained the property from, Mr. Pietrone noted that he bought it from John Felmley in 1967. The deeds were marked into the record as **Exhibits A-2, A-3 and A-4**. When asked if he opined that the lumber yard operated from the property for at least 100 years, Mr. Pietrone responded in the positive. When asked if he opines that the subject property is particularly suited for use as a lumber yard, Mr. Pietrone responded in the positive. When asked if the Board could find that the relief requested could further the appropriate use of the property and promote the public welfare, Mr. Pietrone responded in the positive noting that it will allow for a neater, safer yard and will continue to provide an appropriate location for the specific use of a lumber yard. When asked if he opined that the site has historic significance as one of the oldest establishments in the immediate area, Mr. Pietrone responded in the positive. When asked if the relief would cause any substantial detriment to the public good, Mr. Pietrone responded in the negative and considered it to be a minimal change. Mr. Johnstone opined that the line of questioning by Mr. Shurts was more appropriate for a Planner. When asked about how the property currently drains, Mr. Pietrone believed that most of the water drains into the wetlands area. When asked the reason for the pond, Mr. Pietrone explained that he was told that years ago all lumber yards were required to have ponds on the property.

When asked by Mr. Burr if all of the conditions of the 1996 and 1997 approvals had been complied with, Mr. Pietrone responded in the positive.

When asked by Mr. Bernstein about the exterior of the building, Mr. Pietrone responded wood with a corrugated tin roof. When asked if the new building will serve any other purpose other than storage, Mr. Pietrone responded in the negative and noted that it will not have electric or plumbing.

When asked by Ms. Goodchild if a standpipe was installed in the pond per the 1996 approval, Mr. Pietrone was unsure but agreed to have it as a condition of approval if it was not installed. When asked if there is a dwelling on the property, Mr. Pietrone responded in the positive and noted that it is a single family home at the corner of County Route 523 and Felmley Road.

When asked by Mr. Moriarty if the approval from the Board will help them eliminate some of the mobile lumber piles, Mr. Pietrone responded in the positive.

When asked by Mrs. Baird if the site plan reflects all of the open storage, Mr. Pietrone opined in the negative. Mr. Bernstein recommended that any approval should be conditioned on the site plan being updated to show all outside storage areas. When asked by Mr. Johnstone if anyone has inspected the site to make sure the wetland buffer areas are not being violated, Mr. Burr noted that he has not been to the site to check the wetlands.

Mr. Becker questioned the trailer storage area and opined that it encroaches into the wetland buffer area. Mr. Pietrone explained that it is a moveable trailer and can be moved from the location. Mr. Johnstone suggested that any approval be conditioned on the wetlands being located with wetland markers and anything identified within the wetland buffer areas be moved. When asked by Mr. Becker if the mobile piles to be stored within the new building will be replaced with additional material, Mr. Pietrone responded in the negative.

When asked by Mr. Larsen about the height of the berm and fence, Mr. Pietrone opined 15 feet. When asked how high the lumber is stacked in that area, Mr. Pietrone replied no higher than nine (9) feet.

When asked by Mrs. Baird if the swimming pool for the single family house still exists, Mr. Pietrone responded in the negative.

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

Chris Ahn, 6 Felmley Road, was sworn in by Mr. Bernstein. Mr. Ahn noted that he lives across the street and he has no issue with the application.

Phyllis Baker, 68 Old Turnpike Road, was sworn in by Mr. Bernstein. Ms. Baker was present representing herself as well as the Oldwick Animal Hospital and they have no issue with the application.

There being no additional comments from the public, Mr. Johnstone closed the public hearing.

Mr. Bernstein noted that the Board could rely on Mr. Burr to review the site plan issues such as the impervious coverage and wetlands or require the applicant to return to the Board. The consensus of the Board was to allow Mr. Burr to review the site plan issues discussed. Mr. Burr noted that after Mr. Cilo updates the plan to show all of the impervious coverage he will inspect the site.

Mr. Johnstone was in favor of granting the application since the applicant has testified that the storage will allow them to clean up the yard and will offer the opportunity to identify the areas of wetlands and wetland buffers.

Mr. Bernstein asked if the Board wanted to have the applicant return if the impervious coverage is substantially more than what was approved in 1996/1997. The Board replied in the positive and left it up to Mr. Burr to determine if the coverage was substantial enough to return to the full Board.

Mr. Becker asked if an as-built survey should be a condition of the approval to which the Board agreed.

Mr. Larsen and Mrs. Baird agreed with Mr. Johnstone's comments above.

Mr. Bernstein outlined the following conditions of approval:

1. All conditions of approval from prior approvals with special notation of the standpipe in the pond.
2. The plans to be revised to show the accurate lot coverage and subject to the Land Use Board Engineer's approval. If there is a substantial difference between what was approved in the past the applicant will need to return to the Board.
3. An as built survey will be required after the construction of the building.
4. No violations of the wetlands or wetlands buffer.
5. No electric or plumbing or office use in the new building (only to be used as storage).
6. Permanent markers to delineate the wetlands and wetlands buffers (to be shown on the site plan and in the field) to the approval of the Land Use Board Engineer.
7. Anything being stored in the wetlands or wetland buffers is to be removed (trailer).
8. The woodland buffer is to be maintained so it will continue to be a buffer.
9. All other conditions of prior resolutions are to be complied with.
10. The revised site plan shall serve as a bench mark.
11. Variance is valid for one (1) year.
12. Fees and Escrow to be paid.
13. A letter to the Land Use Administrator that all other governmental approvals have been obtained.

14. There will be no Certificate of Occupancy until the revised site plan is approved (they can begin building the new structure but they cannot obtain a Certificate of Occupancy until the site plan has been approved).

Mr. Moriarty made a motion to approve the variance as submitted, Mr. Becker seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Becker, Mr. Moriarty, Mr. Kerwin, Mr. D'Armiento, Mr. Larsen and Mr. Johnstone

Those Opposed: None

Mrs. Baird made a motion to approve a site plan waiver subject to the above referenced conditions. Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Becker, Mr. Moriarty, Mr. Kerwin, Mr. D'Armiento, Mr. Larsen and Mr. Johnstone

Those Opposed: None

Mr. Van Doren returned to the meeting at 9:10 p.m.

- Habucky
Appl. No. 15-09
Block 11, Lot 9.04
Impervious Coverage Variance
Action Deadline – 10/22/15

Karen Habucky, 6 Glennon Farm Lane was sworn in by Mr. Bernstein.

Mark Wirth, 6 Glennon Farm Lane was sworn in by Mr. Bernstein.

Dr. Habucky explained that they are seeking an impervious coverage variance to add a patio (750 sq. ft.), a shed (420 sq. ft.) and a sidewalk (460 sq. ft.) for a total of 5.57% of impervious coverage where a maximum of 5% is permitted; the property is currently at 4.85%. The pavers proposed will be a Techo-Block product that is installed in such a way that it is pervious. When asked if there will be cement pad under the shed, Dr. Habucky responded in the positive and noted that the portion of the project will not be pervious.

When asked if any existing lot coverage could be removed, Dr. Habucky explained that the driveway is very long due to the house being located 425 feet from Glennon Farm Lane. Included in that area is a brook with a conservation easement so the driveway is

required to wind around the brook and the existing topography; the driveway represents 60% of the existing impervious coverage. When asked if the driveway is stone or macadam, Dr. Habucky responded macadam. She noted that the turnaround area is necessary in order for delivery trucks and cars to turn around so she did not feel that there was an opportunity to remove any existing coverage. When asked if she would agree to the revisions to the plans recommended by Mr. Burr, Dr. Habucky responded in the positive but asked Mr. Burr to explain in more detail what additional information is required since she provided three (3) different scientific papers on the infiltration. Mr. Burr explained that the information provided demonstrated three (3) different cross sections of how the patio could be constructed and he needs to know which option she is choosing. He noted that if the applicant wants to take credit for the pavers being pervious the Board needs to know that it is being constructed per that specific detail. He noted that the information should be shown on the plan to which Dr. Habucky indicated she would show the specific detail on the plan. When asked if she could provide the perc tests used for the septic instead of performing new perc tests, Mr. Burr noted that they would have to be in the vicinity of the proposed project. He cautioned Dr. Habucky that a Grading and Surface Water Management Plan would be required and the acceptance of those perc tests would be subject to the Township Engineer. When asked about the shed and what it will be used for, Dr. Habucky explained that it will be used for storage (not a pool house) and will have the same stone on the front of the shed as was used for the pool along with the same siding and shingles used to match the house. When asked about the size of the shed, Dr. Habucky responded 14 feet x 30 feet with a porch on the front and a garage door for the tractor. When asked if the shed is the same size as the concrete pad, Dr. Habucky responded in the positive. When asked if she will be providing any trees, Dr. Habucky responded in the positive and agreed to delineate them on the plan. When asked about outside lighting, Dr. Habucky responded in the negative and pointed out the note on the plan that indicates there will be no additional lighting.

Mr. Burr explained that the proposed patio and walkway are to be constructed with what is referred to as a pervious paver; they are normal pavers with spaces that allow the water to percolate through with a specific cross section of stone under the pavers that allows the water to infiltrate into the ground. When asked by Mr. Johnstone if he is satisfied that he will get the correct detail for the proper installation of the pavers, Mr. Burr responded in the positive. He noted that the pervious pavers serve as the drywell however the concrete pad for the shed does not allow for infiltration. Dr. Habucky noted that if the shed and pad are included in the calculation they are still under the permitted 5% coverage. When asked by Mr. Bernstein if he will inspect the patio and walkway after they are constructed to ensure they are constructed properly, Mr. Burr explained that the Township Engineer will inspect as part of the Grading and Surface Water Management Plan. Dr. Habucky explained that the contractor she is using is a certified Techo-Block installer and is also certified by the Interlocking Concrete Paver Institute. Mr. Bernstein questioned what tests and schooling the installer participated in to achieve the certification. Mr. Johnstone opined that the certification is good for the homeowner however the Township Engineer must approve the installation to which Dr. Habucky agreed. Mr. Wirth asked what the Township Engineers qualifications are to which Mr. Bernstein explained that the Township Engineer is a licensed engineer who has studied drainage and noted that he is

not selling a product. Mr. Wirth noted that he is relying on the Township Engineer to ensure that the pavers are installed correctly.

When asked by Mr. Van Doren if the pervious pavers are still being counted towards impervious coverage, Mr. Burr responded in the positive and noted that historically the Board has treated this type of material as pervious. When asked if she is asking the Board to rely on perc tests that were performed many years ago, Dr. Habucky responded in the positive. Mr. Van Doren questioned if they are reliable to which Mr. Burr noted that if it was a major development he would recommend new perc tests but will leave the decision to the Township Engineer.

There being no additional questions, Mr. Johnstone opened the meeting up to the public for questions. There being no questions, Mr. Johnstone opened the meeting up to the public for comments.

Barbara Delerey, 4 Glennon Farm Lane, was sworn in by Mr. Bernstein and spoke in favor of the application and had no problem with the project.

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

Dr. Habucky thanked Ms. Goodchild for all of her help throughout the process and for attending the meeting while on vacation.

Mr. Bernstein outlined the conditions as follows:

1. Payment of all fees and escrows.
2. A letter to the Land Use Administrator that all other governmental approvals have been obtained.
3. The variance is valid for one (1) year and a permit must be secured within that time.

Mr. Moriarty made a motion to approve the application as submitted with the conditions as outlined by Mr. Bernstein. Mr. Becker seconded the motion. The motion carried by the following roll call vote;

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Van Doren, Mr. Becker, Mr. Moriarty, Mr. Kerwin, Mr. D'Armiento, Mr. Larsen and Mr. Johnstone

Those Opposed: None

When asked the schedule for the remainder of the summer, Ms. Goodchild explained that she has a request for rezoning. When Mrs. Baird questioned why they were coming to the Land Use Board with the request, Ms. Goodchild explained that she received a copy of a letter to the applicant from the Township Administrator instructing them to go to the

Land Use Board. Mr. Van Doren opined that clarification was needed as it was his recollection that the applicant was to be told to go to the Land Use Board for a variance.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:37 p.m. by motion of Mr. Van Doren and seconded by Mr. Becker. All were in favor.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator