

LAND USE BOARD MINUTES
October 19, 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 arrived at 7:33 p.m., Dana Desiderio, Bruce Mackie, Shirley Czajkowski, Michael Moriarty arrived at 7:45 p.m., Ed Kerwin, Eric Metzler, Alt. #2, 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, Elizabeth Devlin and Arnold Shapack, Alt. #1.

There were approximately four (4) 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. Ms. Desiderio made a motion to approve the claims listed below and Mr. Metzler seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Attendance at 10/05/11 LUB Meeting – invoice dated October 6, 2011 (\$400.00)
2. Maser Consulting – Land Use Board Escrow – Johnson (B23, L20), invoice #170046 (\$1,852.50)
3. Maser Consulting – Land Use Board Escrow – Furlong (B23, L2), invoice #170049 (\$325.00)
4. Maser Consulting – Land Use Board Escrow – Wood (B10, L5.07), invoice #170050 (\$910.00)
5. Maser Consulting – Land Use Board Escrow – Catalano (B6, L25.01), invoice #170051 (\$325.00)
6. Maser Consulting – Land Use Board Escrow – Blauvelt (B39, L8), invoice #170054 (\$390.00)

7. Maser Consulting – Land Use Board Escrow – Kian (B34, L19.04), invoice #170055 (\$552.50)
8. Maser Consulting – Land Use Board Escrow – Fernandes (B32, L23), invoice #170056 (\$390.00)
9. Maser Consulting – Land Use Board Escrow – Nextel of NY (B11, L38.01), invoice #170058 (\$487.50)
10. Maser Consulting – Land Use Board Escrow – Berry (B31, L21), invoice #170059 (\$260.00)
11. Maser Consulting – Land Use Board Inspection – A.M. Best (B46, L2.01, 5 & 6), invoice #170052 (\$130.00)
12. Maser Consulting – Land Use Board Escrow – Vliettown Farm (B43, L4), invoice #170060 (\$675.00)
13. Maser Consulting – Land Use Board Escrow – PNC Bank (B45, L1), invoice #170053 (\$1,300.00)
14. Maser Consulting – Land Use Board Escrow – Johnson (B23, L4), invoice #170047 (\$1,787.50)
15. Maser Consulting – Land Use Board Escrow – Johnson (B23, L36), invoice #170048 (\$1,820.00)
16. Suburban Consulting Engineers – Land use Board Escrow – Vliettown Farm (B43, L3), invoice #17279 (\$1,203.00)
17. Suburban Consulting Engineers – Land Use Board Inspection – A.M. Best (B46, L2.01, 5 & 6), invoice #17296 (\$2,583.63)
18. Suburban Consulting Engineers – Land Use Board Escrow – Johnson (B23, L4 & 20), invoice #17274 (\$198.00)

Roll Call Vote:

Ayes: Ms. Desiderio, Mr. Mackie, Mrs. Czajkowski, Mr. Kerwin, Mr. Metzler, Mr. Dillon, Mr. D’Armiento and Mr. Johnstone

Nays: None

CORRESPONDENCE

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

1. A letter dated September 27, 2011 from Sean Murray re: extension request for Appl. No. 08-03, Block 12, Lot 36.
2. A copy of letter dated October 4, 2011 from NJ Highlands Council to PSE&G re: PSE&G Vegetation Maintenance, Highlands Exemption #11.
3. 2011 Official Ballot/Amendments to NJPO By-Laws from the NJ Planning Officials.
4. Resolution No. 2011-03 from the Hunterdon County Planning Board supporting the designation of October 2011 as community planning month.
5. A letter dated October 14, 2011 from William Burr re: Berry, Appl. No. 11-13, Block 31, Lot 21.

6. A memo dated October 12, 2011 from Roberta Brassard re: a draft ordinance in accordance with Mr. Bernstein's memo of April 21, 2011 (time of decision).
7. Memorandum dated October 13, 2011 from Chief Holmes re: Appl. No. 11-13, Berry, Block 31, Lot 21.
8. An e-mail memo dated October 14, 2011 from Kurt Rahenkamp, Scenic Roads and Bridges Comm. Chair re: Application No. 11-13, Berry, Block 31, Lot 21.
9. A copy of a letter dated October 12, 2011 from Michelle Regan to the Mayor and Township Committee re: Shana Goodchild.

MINUTES

- September 7, 2011

The minutes of September 7, 2011 were approved by motion of Ms. Desiderio and seconded by Mrs. Baird. All were in favor. Mr. Metzler 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. 11-22** Frances Schmitt, Appl. No. 09-12/ZBA#03-17, Block 11, Lot 6

Mrs. Baird made a motion to adopt Resolution No. 11-22, seconded by Mr. Mackie. The motion carried by the following roll call vote:

*Extension to
October 21, 2012*

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION #09-21/ZBA #03-17
RESOLUTION #11-22

WHEREAS, FRANCES SCHMITT had applied to the Board of Adjustment of the Township of Tewksbury, a predecessor to the Land Use Board, for permission to construct a home on property off of Sutton Road designated as Block 11, Lot 6 on the Tewksbury Tax Map, and for a lot depth variance for property which was located in the R-3 Zone, and is now located in the HL (Highlands) Zone, and

WHEREAS, the subject property had access to Sutton Road by way of what was described as “*Existing Old Woods Road (Driftway) for ingress and egress*” on a survey, but lacks direct access to a public road contrary to N.J.S.A. 40:55D-35 & 36, and

WHEREAS, the application was approved and a memorialization resolution was adopted on April 19, 2004 which permitted the construction of a home on the subject property which does not front on a public road, and for a depth variance, subject, however, to the following conditions:

“A. The developer of Lot 6 shall be responsible for any damage done to the right of way during construction on lot 6. Thereafter, the parties shall enter into a maintenance and upkeep agreement for all the lots served by the common drive including lot 6, lot 5.02 and lot 5.03. The Zoning Officer shall approve the maintenance agreement before it is recorded with the County Clerk of Hunterdon County. Furthermore the common drive shall be upgraded to Township standards to lot 6 through lot 5.02. The Township Engineer shall have final authority over this matter and the applicant or her successor in interest shall be required to make the improvements prior to the issuance of a building permit.

B. Finally, the Applicant shall submit the responses from the fire department and the police department relating to the notices sent regarding the common drive before a building permit shall be issued.

C. The approval must be utilized within one year from the date of this memorialization resolution or the variance shall be void and have no further effect.”

AND, WHEREAS, the applicant obtained a one-year extension to perfect the aforesaid conditions from the Board of Adjustment to April 19, 2006, and

WHEREAS, Condition C in the resolution and the Tewksbury Township Development Regulations Ordinance require variances to be acted upon within one year, or they will expire, and

WHEREAS, the applicant had not met the conditions in the resolution,
and

WHEREAS, the applicant obtained a second one-year extension from the
Land Use Board to perfect the conditions from the Board of Adjustment to October 21,
2010, and

WHEREAS, the applicant's prior attorney, Meryl Gonchar, Esq. of the
firm of Greenbaum, Rowe, Smith and Davis, satisfied the last unsatisfied condition in the
Resolution by the preparation, execution, and filing of a common driveway agreement by
the owners of Lots 6 (the applicant) 5.02 and 5.03, and

WHEREAS, attorney Gonchar prepared a notice to property owners and
public notice pursuant to N.J.S.A. 40:55D-12a as the extension was for more than 5 years
from the initial approval, and

WHEREAS, the request for a third extension was presented by Frances
Schmitt at the August 4, 2010 Land Use Board meeting, and

WHEREAS, the extension request was approved on August 4, 2010 and a
memorialization resolution was adopted on August 17, 2010, and

WHEREAS, the request for a fourth extension was presented by Attorney
William A. Shurts, Esq. of the firm of Felter, Cain & Shurts and realtor Randee Caren
Zyzyck at the October 5, 2011 Land Use Board meeting, and

WHEREAS, Mr. Shurts reviewed the history of the application, and

WHEREAS, realtor Zyzyck noted that real estate sales were down 75%
from 2007 to March 2010, and

WHEREAS, Ms. Zyzyck noted that the price of the subject property had been reduced from \$270,000.00 to \$199,000.00 without it being sold, and

WHEREAS, Ms. Zyzyck noted that real estate was “a very depressed market”, and

WHEREAS, the Land Use Board finds that a one-year extension, which was sought in the notice, is warranted.

NOW, THEREFORE, be it resolved by the Land Use Board of the Township of Tewksbury on this 17th day of October 2011, that the application of Frances Schmitt for an extension of her Board of Adjustment approval to October 21, 2012 be granted, subject, however, to the following conditions:

1. Conditions previously imposed by the Board of Adjustment.
2. Any construction on the subject property would be required to meet all provisions of the HL Zone (unless variance relief is obtained from same) aside from the relief previously granted.
3. Receipt by the Land Use Board Administrator of a Certification of Service and Affidavit of Publication within 30 days of the adoption of the within resolution.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Mackie, Mrs. Czajkowski, Mr. Kerwin, Mr. Metzler, Mr. Dillon and Mr. Johnstone

Those Opposed: None

➤ **Resolution No. 11-23** Regan, Appl. No. 11-11, Block 40, Lot 5
Mrs. Baird made a motion to adopt Resolution No. 11-23, seconded by Mr. Mackie. The motion carried by the following roll call vote:

LAND USE BOARD

TOWNSHIP OF TEWKSBURY
APPLICATION # 11-11
RESOLUTION #11-23

WHEREAS, BRIAN and MICHELLE REGAN have applied to the Land Use Board of the Township of Tewksbury for permission to expand an existing residence which is located at 11 James Street, Oldwick, on property designated as Block 40, Lot 5 on the Tewksbury Township Tax Map, which premises is located in VR (Village Residential) Zone, and

WHEREAS, the application was presented at the October 5, 2011 Land Use Board meeting by Brian Regan, Architect John A. Beattie, R.A., and Civil Engineer Christian M. Kastrud, P.E., 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 presented by the applicants and Mr. Burr, has made the following factual findings:

A. The Subject Property.

1. The subject property contains 0.25 acres or 10,890 square feet. It has 64.17 feet of frontage on James Street and a rear property line of 63.18 feet which is adjacent to Cow Alley, a private access way.

2. Located on the site is a small colonial style home. The covered front porch is set back approximately 5 feet from James Street and the home has a minimum front setback of 11.8 feet. Attached to the western side of the home is a one car block masonry garage with a 2.7 foot side yard, which garage will be removed. The home has a minimum western side yard of 11.3 feet and an eastern side yard of 18.8 feet.

3. Located in the rear yard is an outhouse with a western side yard of approximately 4 feet and a wood shed which will be relocated further to the south (rear) and rotated 90° to a location 9 feet from the east property line and 70.1 feet from the rear property line.

4. Minimal side yards are not uncommon in the neighborhood.

5. The home to the west has a side yard of 3.4 feet to the subject property and the two story barn on the lot to the east encroaches on the subject property.

6. While the site has frontage on James Street, vehicular access is provided through Cow Alley, at the rear of the property. There is a parking area adjoining Cow Alley not shown on the variance plan.

B. The Proposal.

7. The applicants propose to construct a 16 feet deep by 31.67 feet wide, two-story addition to the rear of the home.

8. The first floor would consist of a kitchen/breakfast eating area/family room.

9. The second floor would consist of a master bedroom suite.

10. There would be a reconfiguration of the existing first and second floors including new bathrooms, however, the total number of bathrooms would be unchanged.

11. The architecture of the addition will be compatible with that of the existing residence. The height of the addition is less than the height of the existing home.

12. The application has been approved by the Tewksbury Historic Preservation Commission.

C. Required Variances.

13. The subject property is severely undersized, containing 0.25 acres while the VR Zone requires a minimum lot size of 1.5 acres. The small size of the lot precludes a conforming addition.

14. The proposed addition, while at the back of the existing residence, will have a nonconforming front setback of approximately 52 feet, while the zoning ordinance requires a minimum front yard setback of 75 feet in the VR Zone.

15. The proposed addition is aligned on the western side with the existing residence. Because the home is not parallel with the western side yard, the addition will have an 11 foot side yard, which is substantially greater than the 2.7 feet side yard for the soon to be demolished garage, but not meeting the required 30 feet side yard in the VR Zone.

16. According to the zoning table, total lot coverage will increase from 21.2% to 24.4%, while the zoning ordinance limits total impervious lot coverage to 15% in the VR Zone. The existing impervious lot coverage is greater than 21.2%, as the parking area adjoining Cow Alley is not shown on the variance plan nor utilized in the computation.

D. Justification for Variances.

17. The front setback and side yard variances are justified under N.J.S.A. 40:55D-70c(1)(c) on the basis of the location of existing residence on the lot. While the setback will be nonconforming, they will be substantially greater than the front and side yard setbacks for the existing residence and garage.

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 19th day of October 2011 that the application of BRIAN and MICHELLE REGAN be approved, in accordance with an engineering plan titled “VARIANCE PLAN LOT 5 BLOCK 40 11 JAMES STREET TOWNSHIP OF TEWKSBURY HUNTERDON COUNTY NEW JERSEY” prepared by Christian M. Kastrud, P.E. on July 31, 2011 and signed on August 5, 2011, consisting of a single sheet, and architectural plans titled: “Project Title: Addition & Alterations Owner: Brian & Michelle Regan 11 James Street Oldwick, NJ 08858 Lot 5 Block 40” prepared by John A. Beattie, R.A., dated May 24, 2011, consisting of Sheets A1, A2 and A3 subject, however, to the following conditions:

1. Conditions recommended by William H. Burr, IV, P.E. in his report of September 30, 2011 as modified by the Land Use Board:

“TECHNICAL REVIEW:

1. The applicant should describe in detail the proposed addition to the existing dwelling and related improvements including the proposed use of the space and exterior style, material, color, size, etc. *The exterior façade will match the existing residence.*
2. The applicant and its professionals should provide testimony to support the proposed front and side yard variances, including testimony as to the location of residential dwellings on adjoining properties and surrounding vegetation. *See factual findings 13, 14 & 15.*
3. The applicant and its professionals should provide testimony to support the proposed lot coverage variance. *See factual findings 13, 15 & 16.*

4. This property is located within the Oldwick Historic District. The applicant should provide comment on the status of any application before the Township Historic Preservation Commission. *Approved resolution provided.*
5. On previous lot coverage variance applications resulting in increases to lot coverage beyond the maximum permitted amount, this Board has required drywells or other stormwater management facilities to be installed as a way to mitigate the impacts of stormwater runoff and reduce the “effective” runoff to no more than that produced by the maximum permitted lot coverage.

I note that the submitted variance plans do not provide any stormwater facilities. In an effort to mitigate the increase in stormwater runoff from the proposed addition, this office recommends the Board require drywell(s) or other individual stormwater management features be installed on the lot to infiltrate any runoff resulting from the construction of the addition and reduce the impacts of the increased impervious coverage.

If the Board agrees, I estimate that an additional 1,111 S.F. of lot coverage (i.e. roof areas) would need to be directed to a drywell (or other stormwater facility) if the Board chooses to require the applicant provide stormwater mitigation to meet the 15% lot coverage requirement. *The applicant must provide a stormwater management plan to detain the stormwater created by more than 15% lot coverage, with the correction for the paved parking area adjacent to Cow Alley, to the approval of the Land Use Board Engineer.*

6. The applicant should clarify whether any trees or shrubs will be removed, impacted or damaged as a result of this project. *Three existing trees to be relocated to the rear of the property.*
7. The proposed architectural plans call for exterior lighting as part of the improvements to the dwelling. The applicant should describe the proposed lighting (i.e. locations, style, wattage, etc.) and confirm that there will not be any undesirable effects to the surrounding properties in accordance with DRO Section 632. *The lighting must meet the requirements of the DRO. No glare or sky glow for new lighting to the approval of the Land Use Board Engineer.*
8. There appears to be several discrepancies between the variance plan and submitted lot coverage computation sheet which was attached to the variance application form as follows:

- a. The variance plan calls for existing and proposed lot coverage of 21.2% and 24.4%, respectively; however, the computation sheet reflects existing coverage of 2,356 (21.6%) and proposed coverage of 2,744 (25.19%).
- b. The computation sheet calls for a walkway to be removed (totaling 96 S.F.); however, the variance plan does not reflect any walk removal.
- c. The computation sheet reflects two (2) sheds and an outhouse on the property; however, the variance plan only shows one (1) shed and an outhouse. *Discrepancies to be cleared-up on the revised plan to the approval of the Land Use Board Engineer.*
9. The plan should be revised to show the elevation 241 contour in the rear yard area. *Plans to be revised to the approval of the Land Use Board Engineer.*
10. The plan should be revised to reflect the rear yard setback line (50 ft.). *Plans to be revised to the approval of the Land Use Board Engineer.*
11. There appears to be a discrepancy with the rear door location (from the addition) between the variance plan and the architectural plans. *Plans to be revised to the approval of the Land Use Board Engineer*
12. The variance plan shows a relocated wood shed. Is this the current location of the shed or is it proposed to be relocated to this location? *The existing shed is relocated to the south (rear) and will be placed 9.0 feet from the eastern property line which is further than it exists now.*
13. Testimony should be provided with regards to whether there are any improvements proposed to the sewer connection from the dwelling to the sewer main located within James Street.” *No changes are proposed to the sewer connection.*
14. Per Chapter 13.12 of the Township Code of Ordinances, a Grading and Surface Water Management Plan (GSWMP) does not appear to be required for this application because the proposed improvements do not meet the threshold requirements for a GSWMP pursuant to Chapter 13.12. *The applicant must provide a stormwater management plan to detain the stormwater created by more than 15% lot coverage, with the correction for the paved parking area adjacent to Cow Alley, to the approval of the Land Use Board Engineer.*

2. The applicants shall file a deed restriction to the approval of the

Land Use Board Engineer and the Land Use Board Attorney requiring:

The perpetual maintenance of the Stormwater Management Plan required in condition 1.14 and the required improvements in accordance with the NJDEP Best Management Practices and any subsequent revisions and subsequent successor regulations.

3. The shed shall be moved to the location as shown on the submitted variance plan.

4. The plans shall be revised to the approval of the Land Use Board Engineer within 90 days of the adoption of the within resolution

5. The approval must be utilized within one year from the date of this memorialization resolution or the variance shall be void and have no further effect.

6. 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 applicants shall submit a letter to the Land Use Administrator certifying compliance with the aforementioned rules, regulations, ordinances and statutes.

7. This resolution and the issuance of a building permit hereunder is conditioned upon the applicant paying all escrow fees and real estate taxes.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Mackie, Mr. Kerwin, Mr. Metzler, Mr. Dillon and Mr. Johnstone

Those Opposed: None

Extension Request

- Sean Murray
LUB Application No. 08-03
Block 12, Lots 36

Mr. Sean Murray was present and requested an extension for the variance received with regard to the swimming pool. He explained that the house is finished and they have a temporary Certificate of Occupancy; they are a few weeks away from demolishing the

existing structure. He noted that the three (3) year approval for the swimming pool expires February 18, 2012. When asked how long of an extension he was requesting, Mr. Murray thought that a year from the February 18, 2012 expiration date would be sufficient.

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

Mr. Dillon made a motion to grant a one year extension from the February 18, 2012 date to February 18, 2013. Ms. Desiderio seconded the motion. The motion carried by the following roll call vote:

Ayes: Mrs. Baird, Ms. Desiderio, Mr. Mackie, Mrs. Czajkowski, Mr. Kerwin, Mr. Metzler, Mr. Dillon, Mr. D'Armiento and Mr. Johnstone

Nays: None

Public Hearing

- **Berry – agenda 10-19-11**
Appl. No. 11-13
Block 31, Lot 21
Side yard setback variance
Action deadline – 1-09-12

Jennifer Berry, Applicant, was present along with Keith Hone, Architect and Jim Madsen, Engineer.

Mrs. Berry was sworn in by Mr. Bernstein. When asked if the application is for a second story addition as well as a bay window on the east side of the existing first floor, Ms. Berry responded in the positive. Ms. Berry explained that they have lived in the house for six (6) years and it was always their intention to renovate by expanding upwards; currently the area is unfinished attic space and it is an energy drain on the house. The improvements will help with much needed space as well as with energy costs. She noted that they will be adding a Master bedroom and an additional bedroom. When asked if they are adding bathrooms, Ms. Berry explained that they are going from two and half baths to 3 full baths. When asked the number of bedrooms, Ms. Berry responded three (3).

Mrs. Czajkowski asked the size of the existing septic system to which Ms. Berry responded a three (3) bedroom septic.

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

Ms. Desiderio asked about the proposed changes to the interior. Ms. Berry explained that the room currently used as an office will be cut in half with one half to be used as a mud room and the other half as an office nook.

Mr. Moriarty noted that the fence and deck appear to be over the property line. Ms. Berry explained that when they purchased the house they were existing features. Ms. Berry noted that she intends to send a letter to the neighbors asking them to provide a letter that they do not object.

Mr. James Madsen, Apgar Assoc. and Engineer for the applicant was present and sworn in by Mr. Bernstein. Mr. Madsen displayed sheet 1 of the plans and marked it as Exhibit A-1. Exhibit A-1 is a colored rendering with the dark green representing an lawn area, lighter green represents the wooded area, the blue band represents a tributary to the Rockaway Creek, lighter brown represents the deck, the lighter brown area to the right represents the existing residential structure and the darker area on the top portion of the brown area represents the second story addition. The existing porch in the front is 15.79 feet from the right of way line and the required setback is 75 feet. The setback to the proposed second floor addition is 23 feet which requires a front yard setback variance. The existing lot coverage for the property is 6.99% and 15% is permitted; the proposed lot coverage will be 7.05%. The proposed bay window is approx. 26 feet from the edge of the stream and falls within the riparian yard of the tributary and so a permit by rule from the NJDEP is necessary which will be applied for if the Board approves the application. The side yard setback for the second story addition is approx. 45 feet and the existing side yard setback is 7.35 feet.

Mr. Mackie asked if silt fencing would be installed to which Mr. Madsen replied in the positive.

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

Mr. Keith Hone, Architect for the applicant, was sworn in by Mr. Bernstein. Mr. Hone explained that the existing porch is in disrepair and so it will be salvaged and repaired. There will also be some repair work to the back of the house on the north side. The windows on the street side will be reconfigured; adding a window accommodates some additional light into the study/office nook area. When asked if the bay window is the only additional footprint, Mr. Hone responded in the positive. Mr. Madsen also noted that the front stair will be made slightly wider than before which will increase the square footage slightly. Mr. Hone explained that the attic space will be removed and a second floor added for a Master Bedroom, bathroom, bedroom and a hallway to allow passage to the addition. The laundry will be relocated from the basement to the first floor.

When asked by Mr. Burr about the additional square footage proposed, Mr. Hone reported approximately 700 additional sq. ft.

Mrs. Baird asked about the basement entrance, Mr. Hone noted that it is a covered entrance. Mrs. Baird pointed out that it is not shown on the plans. Mr. Madsen noted that it is already a pervious surface and will not add to the coverage.

When asked by Mr. Dillon the age of the existing house, Mrs. Berry opined that it is from approximately the 1930's. When asked the age of the septic system, Mrs. Berry explained that she was told it is approx. 25 years old. When asked if it has been inspected, Mrs. Berry explained that they had it inspected with they purchased the property. Mr. Dillon expressed concern that it has been six (6) years since the system was checked and it is in a fragile area.

Mrs. Baird made a motion to approve Application No. 11-13 with the conditions as outlined by Mr. Bernstein. Ms. Desiderio seconded the motion. The motion carried by the following roll call vote:

Ayes: Mrs. Baird, Ms. Desiderio, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Metzler, Mr. Dillon, Mr. D'Armiento and Mr. Johnstone.

Nays: None

DISCUSSION ITEM

➤ Draft Ordinance from Township Committee re: Time of Decision

Mr. Bernstein noted that the State Legislature adopted an amendment to the MLUL for the Time of Submission rule. Previously the law was that if you applied for an application the Township could make an amendment to the zoning and that application would need to comply with the newly adopted ordinance if it had not been voted on. The Rule was changed so that now the ordinance in affect when the application is submitted would govern. The Land Use Board made recommendations to the Township Committee and they in turn had Michael Selvaggi draft an ordinance and they have forwarded that draft for the Board to review. Mr. Bernstein reviewed the ordinance and suggested that the Land Use Board recommend adoption of the ordinance. After a few minor corrections and additions Mrs. Baird made a motion to return the draft ordinance to the Township Committee with the recommendation that the draft be adopted as amended. Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

Ayes: Mrs. Baird, Ms. Desiderio, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Metzler, Mr. Dillon, Mr. D'Armiento and Mr. Johnstone.

Nays: None

➤ NJPO Official Ballot and Amendments to NJPO By-Laws

The Board voted to recommend Shaun Van Doren on the ballot.

The Board had no objection to student members. All were in favor.

The consensus of the Board was to reject the idea of receiving items electronically.

MISCELLANEOUS

Mr. Bernstein noted that occasionally the Land Use Board receives an application where the applicant is only building up and not out. He opined that if an applicant is only going up the Land Use Board could consider grandfathering those types of applications. Ms. Desiderio thought it was a good idea. Mr. Johnstone opined it was a good idea and thought it should be left to the discretion of Ms. Goodchild whether the applicant is required to bring professionals to the meeting. Mr. Benson noted that the scale of the addition would be controlled by the Historic Preservation Commission for those properties in the Historic District. Mr. Moriarty and Mrs. Baird noted that Mr. Bernstein is suggesting that these types of projects would not require a variance. The consensus of the Board was that the applicant should still be required to appear but that Ms. Goodchild could make a determination whether or not an applicant's professionals need to appear at the hearing to save the applicant money; ultimately it is up to the applicant. Mr. Benson noted that the bulk of the applicant's expense is not the professionals at the meeting but the preparation of the application and plans.

ESCROW CLOSING

- Shallowbrook Estates Inspection - \$881.24

Mrs. Baird made a motion to close the above referenced escrow. Mrs. Czajkowski seconded the motion. The motion carried by the following roll call vote:

Ayes: Mr. Johnstone, Mrs. Baird, Ms. Desiderio, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Metzler, Mr. Dillon and Mr. D'Armiento

Nays: None

- Borghese - \$65.00

Mrs. Baird made a motion to close the above referenced escrow. Ms. Desiderio seconded the motion. The motion carried by the following roll call vote:

Ayes: Mr. Johnstone, Mrs. Baird, Ms. Desiderio, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Metzler, Mr. Dillon and Mr. D'Armiento

Nays: None

ADJOURNMENT

There being no further business, the meeting adjourned at 8:55 p.m. by motion of Mr. Dillon and seconded by Mr. D'Armiento.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator