

**LAND USE BOARD MINUTES**  
**February 6, 2013**

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

Present: Blake Johnstone, Mary Elizabeth Baird, Shaun Van Doren, Dana Desiderio, Bruce Mackie, Elizabeth Devlin, Michael Moriarty, Shirley Czajkowski, Ed Kerwin, Robert Becker, Alt. #1, Eric Metzler, Alt. #2 arrived at 7:53 p.m. and Ed D'Armiento, Alt. #3 arrived at 7:44 p.m.

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

Absent: None

There were approximately six (6) people in the audience.

**OPEN PUBLIC MEETING ACT STATEMENT**

Mr. Johnstone opened the meeting by announcing that adequate notice of the meeting had been provided by posting a copy thereof on the Police/Administration Building bulletin board, faxing a copy to the Hunterdon Review and the Hunterdon County Democrat, and filing with the Municipal Clerk, all on January 04, 2013.

**PLEDGE OF ALLEGIANCE**

Those present stood and pledged allegiance to the American flag.

**CLAIMS**

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

1. Bernstein & Hoffman – Land Use Board Escrow – Gale/Fantozzi (B26, L4) - invoice dated January 14, 2013 (\$487.50)
2. Maser Consulting – Land Use Professional Services, invoice #197833 (\$65.00)
3. Maser Consulting – Land Use Board Escrow – Johnson (B23, L4), invoice #197835 (\$552.50)
4. Maser Consulting – Land Use Board Escrow – Johnson (B23, L4), invoice #195870 (\$162.50)
5. Maser Consulting – Land Use Board Escrow – Johnson (B23, L20), invoice #197834 (\$552.50)
6. Maser Consulting – Land Use Board Escrow – Johnson (B23, L20), invoice #195869 (\$162.50)
7. Maser Consulting – Land Use Board Escrow – Johnson (B23, L36), invoice #197836 (\$552.50)

8. Maser Consulting – Land Use Board Escrow – Johnson (B23, L36), invoice #195871 (\$162.50)
9. Maser Consulting – Land Use Board Escrow – Snyder (B11, L9.16), invoice #195876 (\$32.50)
10. Maser Consulting – Land Use Board Escrow – Stavola (B44, L24), invoice #195872 (\$780.00)
11. Maser Consulting – Land Use Board Escrow – Hannon (B32.01, L3), invoice #195875 (\$32.50)
12. Maser Consulting – Land Use Board Escrow – JUJ 1944 Trust (Vliettown Farm) (B43, L3), invoice #197838 (\$975.00)
13. Maser Consulting – Land Use Board Escrow – Thompson (B14, L13), invoice #195873 (\$130.00)
14. Maser Consulting – Land Use Board Escrow – PNC Bank (B45, L1), invoice #197837 (\$260.00)
15. Maser Consulting – Land Use Board Escrow – Gale/Fantozzi (B26, L4), invoice #197840 (\$682.50)
16. Maser Consulting – Land Use Board Escrow – Biedron (B31, L12), invoice #197841 (\$227.50)
17. Maser Consulting – Land Use Board Escrow – Gordon (B6, L41.02), invoice #197842 (\$195.00)
18. Maser Consulting – Land Use Board Escrow – Old Turnpike Realty (B23, L27), invoice #197843 (\$32.50)
19. Maser Consulting – Land Use Board Escrow – JCP&L (B17, L2.01 & 2.02), invoice #197839 (\$422.50)
20. Maser Consulting – Land Use Board Escrow – JCP&L (B17, L2.01 & 2.02), invoice #195874 (\$1,332.50)
21. Suburban Consulting – Land Use Board Escrow – JUJ 1944 Trust (Vliettown Farm) (B43, L3), invoice #000000019885 (\$285.00)
22. Suburban Consulting – Land Use Board Escrow – NJ Conservation Foundation (B51, L80), invoice #000000019884 (\$475.45)
23. Suburban Consulting – Land Use Board Escrow – NJ Conservation Foundation (B51, L80), invoice #000000019764 (\$427.50)
24. Suburban Consulting – Land Use Board Inspection – Johnson (B23, L4, 20 & 36), invoice #000000019763 (\$142.50)
25. Suburban Consulting – Land Use Board Inspection – Johnson (B23, L4, 20 & 36), #000000019883 (\$3,262.50)

Roll Call Vote:

Ayes: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Devlin,  
Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Becker and Mr.  
Johnstone

Nays: None

**CORRESPONDENCE**

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

1. A letter dated January 14, 2013 from Robert Boak re: Oldwick Fire Company, Block 44, Lot 22.01 request for exemption from amended site plan approval.
2. An e-mail dated January 30, 2013 from Jeff Hayes, Oldwick Fire Company Chief re: Old Turnpike Realty and Newell applications.
3. A copy of a letter dated January 18, 2013 from Banisch Associates, Inc. to NJ Highlands Council re: Tewksbury Township TDR Study.
4. Notice dated January 15, 2013 from Dewberry Engineers re: Notice of application for a NJDEP Freshwater Wetlands Individual Permit for replacement of Bridge RT-16 on Route 523 over North Branch Rockaway Creek.
5. The NJ Planner, November/December 2012 issue.
6. A copy of a letter dated January 2, 2013 from Daniel Bernstein to the Clerk of Superior Court re: Johnson v Tewksbury Township, Docket No. HUN-L-585-12.

### **MINUTES**

- December 19, 2012

A motion was made by Mrs. Baird and seconded by Mrs. Devlin to adopt the December 19, 2012 minutes. All were in favor. Mr. Van Doren, Ms. Desiderio, Mr. Moriarty and Mr. Becker abstained.

- January 2, 2013

A motion was made by Mr. Van Doren and seconded by Mrs. Baird to adopt the January 2, 2013 minutes. All were in favor. Mrs. Czajkowski 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 comments or questions, Mr. Johnstone closed the public participation portion of the meeting.

### **RESOLUTIONS**

- **Resolution No. 13-05** – Gale/Fantozzi, Appl. No. 12-11, Block 26, Lot 4 – **agenda 1-16-03**

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

LAND USE BOARD  
TOWNSHIP OF TEWKSBURY  
APPLICATION # 12-11  
RESOLUTION # 13-05

WHEREAS, NANCY GALE and PHILIP FANTOZZI have applied to the Land Use Board of the Township of Tewksbury for permission to install a central air conditioner condenser in front of a portion of their home and for approval of an existing gazebo which are located at 83 Guinea Hollow Road on property designated as Block 26, Lot 4 on the Tewksbury Township Tax Map which premises is located in the HL (Highlands) Zone, and

WHEREAS, the application was presented at the December 19, 2012 Land Use Board meeting by Nancy Gale and Philip Fantozzi, 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 existing residence has a front yard setback of approximately 15 feet, the proposed central air conditioner condenser will be placed on a 3 foot by 3 foot concrete pad and set back approximately 22 feet from the front of the property, while the zoning ordinance requires a minimum front yard setback of 100 feet under Section 709 of the Development Regulations Ordinance, and

WHEREAS, approximately 10 years ago the applicants placed a gazebo on an 11 foot diameter brick patio approximately 28.6 feet from Guinea Hollow Road while a 100 foot front setback is required, and

WHEREAS, there are three weeping cherry trees in the front of the gazebo which partially block its view from the road, and

WHEREAS, the requested variance relief is warranted under N.J.S.A. 40:55D-70c(1)(c) based on the location of the existing residence on the lot, and

WHEREAS, the Board finds that the gazebo is appropriately located on the property, and

WHEREAS, 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, and

WHEREAS, Land Use Board Engineer William H. Burr, IV, P.E. noted that the front of the subject property appears to be located within the flood plain of the Rockaway Creek.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 6<sup>th</sup> day of February 2013 that the application of NANCY GALE and PHILIP FANTOZZI, be approved in accordance with a copy of a plan titled: "PROPOSED (2) CAR GARAGE FOR PHILIP FANTOZZI AND NANCY GALE LOCATED AT #83 GUINEA HOLLOW ROAD TEWKSBURY TWP. NEW JERSEY" prepared by Columbro Architecture dated 8/20/97 revised through 9/19/97 which has been modified by the homeowners' handwritten notes to reflect the proposed air conditioning unit and existing gazebo locations, subject, however, to the following conditions:

1. The applicants shall submit a flood plain elevation certification to the Township prior to obtaining any permits for the proposed improvements.
2. The within variances must be utilized within one year from the date of this memorialization resolution or the variances shall be void and have no further effect.

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

5. The resolution and the issuance of a Building Permit are conditioned upon the applicants paying all escrows and fees.

6. The applicants shall plant landscaping to screen the air conditioning unit from Guinea Hollow Road, if deemed necessary by the Land Use Board Engineer's office, to the approval of the Land Use Board Engineer's office.

7. Applicants agreed to revise plan to show the sidewalk (approximately 3 feet by 21 feet) and the landscaping in front of the air conditioning unit, if the landscaping is required by the Township Engineer's office.

Roll Call Vote

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

Those Opposed: None

- **Resolution No. 13-06** – Report on Board applications in accordance with N.J.S.A. 40:55D-70.1

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

**LAND USE BOARD  
TOWNSHIP OF TEWKSBURY  
RESOLUTION NO. 13-06**

Be it resolved by the Land Use Board of the Township of Tewksbury in the County of Hunterdon that the following shall represent the report from the Board in accord with the requirements of N.J.S.A. 40:55D-70.1.

Be it further resolved that the Secretary of the Board shall cause copies of this report to be sent to the Governing Body.

The applications in 2011 and 2012 were as set forth in the attached Exhibit A:

**ROLL CALL VOTE**

Those in Favor: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Becker and Mr. Johnstone

Those Opposed: None

➤ **Resolution No. 13-07** – Resolution of Appreciation for Arnold Shapack

Mrs. Baird made a motion to adopt the following resolution. Ms. Desiderio seconded the motion. The motion carried by the following roll call vote:

**RESOLUTION NO. 13-07  
TEWKSBURY TOWNSHIP LAND USE BOARD  
EXPRESSION OF APPRECIATION FOR  
ARNOLD SHAPACK**

**WHEREAS**, Arnold Shapack has over the past six years, served on the Land Use Board and prior to that served five years on the Board of Adjustment of the Township of Tewksbury, County of Hunterdon, State of New Jersey; and

**WHEREAS**, Arnold Shapack has unselfishly given of his time to serve the Township of Tewksbury in numerous other capacities; and

**WHEREAS**, Arnold Shapack has demonstrated leadership, dedication, initiative and wisdom, consistently going far beyond the requirements of his positions, to serve and assist the citizens of the Township of Tewksbury, the Mayor of Tewksbury, the Tewksbury Township Committee, staff members as well as other Boards and Committees.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Township of Tewksbury, County of Hunterdon, State of New Jersey, that said Land Use Board, on behalf of its present and former members and the citizens and taxpayers of the Township of Tewksbury, does hereby extend to Arnold Shapack its admiration, respect and appreciation for his dedicated service to the Township.

**BE IT FURTHER RESOLVED** by said Land Use Board that the Township of Tewksbury is a better place to live as a result of the efforts and services contributed by Arnold Shapack.

**BE IT FURTHER RESOLVED** that this resolution be spread in full upon the minutes of this meeting as a permanent and devoted expression of appreciation upon its adoption by a unanimous vote of the Land Use Board on this 6th day of February, 2013.

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Becker and Mr. Johnstone

Those Opposed: None

**WAIVER REQUEST**

- Oldwick Fire Company – requesting exemption from amended site plan approval for construction of duty quarters in the firehouse – Block 44, Lot 22.01

Mr. Robert Boak was present on behalf of the Oldwick Fire Company along with Dan Todd, President and Rick Brady Chairman of the Buildings and Grounds Committee. Mr. Boak explained that the proposal is to build two (2) small duty crew quarters in what is currently the basement of the firehouse. The plan is to have duty crew in the firehouse at night ready to answer calls. He explained that there is a program at the Raritan Valley Community College for students that are training for the volunteer fire service; they earn credits if they spend the night in the firehouse and answer calls. All improvements would be internal and no structural work is planned other than some partitioning within the basement and electrical and plumbing. Mr. Boak noted that no exterior improvements are planned and therefore requested that the Land Use Board waive site plan approval.

When asked by Mr. Burr if each unit will have its own bathroom, Mr. Boak indicated that they will share a bathroom and kitchen. When asked if there is ample parking, Mr. Boak responded in the positive.

When asked by Mr. Bernstein if the Township Attorney made a ruling that the duty crew quarters were a permitted use, Mr. Benson responded in the positive. When asked if there are any exterior improvements proposed, Mr. Boak confirmed there will be no exterior improvements.

When asked by Mr. Mackie if any additional septic capacity would be necessary, Mr. Boak responded in the negative and explained that the current capacity is enough to handle the proposed improvements.

When asked by Mrs. Czajkowski about the exit strategy for the units, Mr. Boak explained that there are emergency exits on what are currently well windows; there will be two (2) means of ingress/egress from the area.

When asked by Mrs. Devlin the number of students that will be staying in the units, Mr. Boak responded two (2) to four (4) on duty depending on the program at the college. When asked the age of the students, Mr. Boak opined over the age of 18.

Mr. Webster (Dan) Todd was sworn in by Mr. Bernstein. Mr. Todd is the President of the Fire Company and explained that there are two (2) purposes with the college program referenced by Mr. Boak. He explained that the college has a curriculum of voluntarism and one their concentrations is first response services. It is difficult for their students to find housing close enough to the facility to exercise their privileges. Mr. Todd explained that it is difficult to gauge the number of students and frequency of use since the fire house is not in charge of the program. Mr. Todd noted that Tewksbury has had two (2) FEMA alerts in the past 24 months that required the staffing of the firehouse for 24 hours and the couches in the upstairs hall fill up quickly. Mrs. Devlin noted that her concern would be the supervision of those who stay in the units; she has heard of other situations where the firehouse turns into a place to gather and drink beer. Mr. Boak noted that Oldwick Fire Company is a dry firehouse. Mr. Todd explained that the Chairman of the House Committee would set up a schedule of checks and balances. Mr. Todd noted that no student would be housed there until they have gone through Firefighter 1 which is 120 classroom hours and if they violate rules they will lose their certification.

When asked by Mr. Van Doren how the students will be treated from a membership aspect Mr. Todd was not prepared to answer. Mr. Van Doren wondered if they would go through the regular application process which is reviewed by the Township Committee. Mr. Todd agreed to look into the application process. Mr. Van Doren confirmed that the students would not be charged rent and would receive free room and board for providing service back to the Township to which Mr. Todd agreed.

Mr. Rick Brady was sworn in by Mr. Bernstein.

When asked by Mr. Johnstone the number of beds in each of the two (2) bedrooms, Mr. Boak noted that there would be a single bed in each bedroom. When asked if there are plans for additional beds, Mr. Boak was unsure. Mr. Todd opined that perhaps a set of bunk beds in each bedroom might be considered in the future. When asked the number of people that will be permitted to sleep in the bedrooms on a given night, Mr. Todd was unsure. When asked if any firemen would be present when the students are there, Mr. Todd explained that that was not the intention. Mr. Johnstone applauded the concept but expressed some concern with the students being at the firehouse unsupervised at night as well as the number of students that could possibly stay.

Ms. Desiderio asked if the Chief or other members of the Fire Company could check on the students randomly. Mr. Todd opined that a protocol will be established and someone would be assigned that duty.

When asked by Mrs. Baird if the duty room would impact the banquet hall, Mr. Boak responded in the negative. Mrs. Baird liked the idea and encouraged the development of the protocol to keep the liability down.

When asked by Mr. Moriarty what triggers the need to request a waiver from site plan review, Mr. Bernstein explained that because it is non-residential they would require site plan review.

When asked by Mr. Becker if the units will be co-ed, Mr. Todd indicated that if it becomes an issue they will need to change the monitoring policies. When asked if ADA requirements need to be met, Mr. Todd was unsure. Mr. Becker suggested that there be something between the college and the Oldwick Fire Company that outlines the protocols regarding alcohol consumption, access to the building, etc. Mr. Boak noted that Rutgers has a number of similar programs in the New Brunswick area. When asked about the kitchen, Mr. Brady explained that the kitchen will have a sink, refrigerator and stove. When asked if the facility will be available for hall rental when it is not occupied, Mr. Brady responded in the negative.

There being no additional questions from the Board or the public Mr. Johnstone closed the questioning.

Mr. Van Doren made a motion to exempt the Oldwick Fire Company from the site plan review in connection with the plans for the duty crew quarters. Ms. Desiderio seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Becker, Mr. Metzler and Mr. Johnstone

Those Opposed: None

Abstained: Mr. D'Armiento

**PUBLIC HEARING**

- Gordon  
Appl. No. 12-14  
Block 6, Lot 41.02  
Lot Coverage Variance  
**Action Deadline – 5/21/13**

Mr. Wayne Ingram, applicant's Planner was present and sworn in by Mr. Bernstein. Mr. Ingram provided for the Board his education and work experience. The Board accepted Mr. Ingram as an Engineer and Planner.

Mr. Ingram explained that the applicant is requesting an impervious coverage variance for property at 37 Big Spring Road. The applicant is requesting to increase the lot coverage from 7.41% to 8.42% where 5% is the maximum permitted. The applicant wishes to construct an addition located on the front face of the existing home and to the

east; the addition is a first and second floor living space and a wraparound porch. Mr. Ingram explained that it is difficult for the applicant to maintain the 5% coverage due to the sloping nature and configuration of the property. Most of the lots in the development are approximately three (3) acres which, according to the DRO, would grant them special provisions to increase the lot coverage from 5% to 12%. Mr. Ingram explained that if the lot were three (3) acres the applicant would only be requesting approval of approximately 250 sq. ft. more impervious than what would be permitted by ordinance. The applicant's lot is considered oversized for the neighborhood due to its location within the subdivision and the topography. Due to the topography there was only one (1) location on the lot that the house could be constructed which necessitated a very long, winding driveway; 3.5% of the lot coverage is the driveway. When asked if the driveway is stone or macadam, Mr. Ingram responded paved. Mr. Ingram explained that the applicant applied for and received a pool permit in the 1990's prior to the current coverage limitation. Mr. Ingram noted that his report outlines other impervious coverage variances that have been approved in the neighborhood for additions and swimming pools. He noted that because of the nature of the lot the house is not visible to the neighbors except for the neighbor to the east. There will be no expansion to the number of bedrooms; it is currently a four (4) bedroom home and it will remain four (4) bedrooms. The septic and other utilities are existing and compliant.

When asked by Mr. Johnstone what the hardship is, Mr. Ingram explained that the hardship is due to the odd configuration of the lot; the reduced frontage doesn't allow the lot to comply with the Section 706 provisions which would permit additional coverage.

When asked by Mr. Burr to compare the applicant's proposed building size to the neighboring properties, Mr. Ingram explained that the house and proposed addition are very typical to the neighborhood; many of the homes in the development have pools and other accessory structures. When asked about the impact on the view shed from neighboring properties, Mr. Ingram explained that the property is heavily wooded and landscaped and so he didn't feel there would be a negative impact on the neighbors.

Mr. Bernstein noted that the list of property owners that received notice included 46 Big Spring Road, Matthew and Jamie Werbel, but the notice was sent to Jill Irwin. Mr. Gordon explained that the Irwin's bought the property from the Werbel's. Mr. Bernstein explained that it should have been sent to the owner shown on the list provided by the Clerk and so he would include a condition in the approval that the Irwin's certify in writing that they were the owners of the property as of February 6, 2013. Mr. Gordon agreed to provide the letter from the Irwin's.

When asked by Mrs. Devlin about the tree removal, Mr. Ingram explained that there will be a few trees removed for the basin system; the addition is located in an area that was previously a garden so no tree removal is necessary for the addition.

When asked by Mr. Van Doren how they plan to mitigate for the additional coverage, Mr. Ingram explained that the only mitigation proposed is the detention basin which will manage any stormwater increase on the property. He opined that the proposed addition

has no negative impact that would require mitigation. It is the applicant's intent to add additional landscaping to the side that faces the neighbor. When asked where the water currently goes from the existing storm gutter and from the proposed addition, Mr. Ingram explained that the stormwater flows north to south mainly through sheet flow and will not change. The downspouts will be collected by the detention basin which will decrease the stormwater runoff. When asked if anything gets collected from the current gutters, Mr. Ingram responded in the negative.

Mrs. Baird noted that the subject property was part of a cluster development when it was approved. Mr. Bernstein didn't believe that made a difference since the zoning changed. Mr. Bernstein explained that in order to be grandfathered the lot has to measure 225 feet at the front setback line and this lot fails to meet that requirement so it is not a grandfathered lot. When asked where the reserve area is for the existing septic system, Mr. Ingram explained that they did not do septic testing since the number of bedrooms isn't changing.

When asked by Mr. Moriarty if a drywell is proposed, Mr. Ingram responded in the negative and explained that due to the topography the applicant chose to install a slightly depressed basin rather than installing a concrete structure below grade. When asked if the detention pond accomplishes the same thing as a drywell, Mr. Burr explained that he would request that the engineer testify to the design and sizing of the basin.

When asked by Mr. Metzler if there was any consideration given to removing some of the existing lot coverage, Mr. Ingram didn't believe that there were any areas that could be removed. He explained that the driveway is a little wider than others for safety reasons due to the curves and sloping nature. Mr. Metzler opined that the parking area appeared to be approx. 60 x 40 and generally an area of 35 x 35 is more than adequate. Mr. Ingram explained that the angle coming into the parking area necessitated a larger turn around area.

When asked by Mr. Van Doren the size of the three (3) car garage, Mr. Ingram opined approximately 500 sq. ft.

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

Richard Nusser, Engineer for the applicant, was sworn in by Mr. Bernstein and provided his educational and work background. The Board accepted Mr. Nusser as an Engineer.

Mr. Nusser explained that the detention basin was designed to control the increase in coverage; it was not designed to handle the coverage from 5%. The runoff from the roof will be collected in the depression and it will dissipate slowly.

When asked by Mr. Burr if the basin was designed to detain 895 sq. ft., Mr. Nusser responded in the positive. Mr. Burr explained that it has been the Board's policy to

design it to the coverage permitted which is 5%. When asked by Mr. Johnstone if there are gutters on the house, Mr. Nusser responded in the positive. When asked if the detention basin could handle the increase, Mr. Nusser explained that they would have to dig a bigger hole. When asked by Mr. Van Doren why a detention basin was selected instead of a drywell, Mr. Ingram explained that the soil log revealed a high water table so there wouldn't be enough separation between the water table and the drywell. Mr. Ingram explained that if the size of the detention basin is increased it will cause additional disturbance and tree removal. When asked by Mr. Mackie the depth to groundwater, Mr. Ingram responded approx. 5 feet.

Mrs. Devlin and Mr. Moriarty expressed concern with the runoff that appears to be directed towards Lot 41.19. Mr. Ingram noted that the proposed detention basin will create a net reduction in runoff. He also noted that the applicant has a significant amount of landscaping that also helps with runoff.

Mr. Kerwin questioned the landscaping referenced by Mr. Ingram because the photographs provided by the applicant do not demonstrate significant landscaping.

Mr. Wade Gordon was sworn in by Mr. Bernstein.

Mr. Gordon explained that the photos were taken of the area of the property to be disturbed. The significant landscaping exists on the opposite side of the house. He noted that the vegetable and kitchen gardens were removed for the preparation of the addition. When asked if the area between the house and the pool is landscaped, Mr. Gordon responded in the positive.

Mr. Metzler again noted that it has been the Board's policy to mitigate down to the maximum permitted by the ordinance. Mr. Metzler expressed concern that 2.4% will go unmitigated and there is no willingness to remove existing coverage. When asked if he has a wet basement, Mr. Gordon responded in the negative. When asked if something could be done to mitigate, Mr. Ingram opined that a drywell may be possible in the front of the property where the water table may not be as high.

Mr. Johnstone noted that it appears that the Board is in favor of the addition but there is a need to mitigate to the 5% coverage permitted by the ordinance. Mr. Ingram explained that beyond collecting the roof runoff from the house there will be a practical difficulty to get to 5%. When asked his opinion, Mr. Burr opined that meeting 6% would be doable without much difficulty. He noted that if they were to capture the entire roof area, existing and proposed, it would mitigate to 6.25%. Mr. Johnstone opined that Mr. Burr's suggestion would be a fair compromise to which the Board agreed. When asked if they would enlarge the basin or install drywells, Mr. Ingram opined drywells.

When asked to comment about the architecture, Mr. Gordon explained that the idea is to enlarge the lower level of the house to provide additional room to entertain and the second floor would provide for additional area for his wife's home office. The washer and dryer will be moved to the second floor. The bedroom count will remain the same as

it exists today. Mr. Van Doren noted that the library/office shown on the plan could be converted into a 5<sup>th</sup> bedroom. Mr. Gordon explained that there is no closet proposed so it should not be considered a bedroom. Mr. Van Doren suggested a condition in the resolution to that affect.

When asked by Mrs. Devlin about the exterior lighting, Mr. Gordon explained that they are not proposing flood lighting.

When asked by Mr. Burr if they will make the plan revisions called for in his review letter, Mr. Nusser agreed to make the corrections to the plan.

Mr. Bernstein outlined the following conditions:

1. Proof that the Irwin's owned the property as of 2/6/13
2. Deed restriction that the drywells be permanently maintained
3. Certification that all other governmental approvals have been obtained
4. Variance is valid for one (1) year
5. Deed notice that only four (4) bedrooms are permitted unless Board of Health approval is sought for additional bedrooms

Mr. Van Doren made a motion to approve Application No. 12-14 with the above mentioned conditions. Ms. Desiderio seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Becker, Mr. Metzler, Mr. D'Armiento and Mr. Johnstone

Those Opposed: None

Mr. Johnstone announced that Randy Benson would be leaving and thanked him for his services.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:05 p.m. by motion of Mr. Van Doren and seconded by Ms. Desiderio.

Respectfully submitted,

Shana L. Goodchild  
Land Use Administrator