

LAND USE BOARD MINUTES
May 18, 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, Mountainville, New Jersey. The meeting was called to order at 7:30 p.m.

Present:, Mary Elizabeth Baird, Shaun Van Doren, Bruce Mackie, Elizabeth Devlin, Michael Moriarty arrived at 7:50 p.m., Ed Kerwin arrived at 7:35 p.m., Arnold Shapack, Alt. #1, 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: Blake Johnstone, Dana Desiderio and Shirley Czajkowski.

There were approximately eleven (11) people in the audience.

OPEN PUBLIC MEETING ACT STATEMENT

Mrs. Baird 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

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

1. Bernstein & Hoffman – Attendance at 5/4/11 LUB Meeting – invoice dated May 5, 2011 (\$525.00)

Roll Call Vote:

Ayes: Mr. Van Doren, Mr. Mackie, Mrs. Devlin, Mr. Shapack, Mr. Metzler, Mr. Dillon, Mr. D'Armiento and Mrs. Baird

Nays: None

CORRESPONDENCE

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

1. A letter dated May 12, 2011 from William Burr, Maser Consulting re: LUB Appl. #11-03, Blauvelt, Block 39, Lot 8.
2. A letter dated May 12, 2011 from William Burr, Maser Consulting re: LUB Appl. #11-06, Fernandes, Block 32, Lot 23.
3. A letter dated May 12, 2011 from William Burr, Maser Consulting re: LUB Appl. #09-10, Goss, Block 42, Lot 9.04.
4. A copy of a letter dated May 6, 2011 from the NJ Highlands Council re: Highlands Council Recommended Steps for Implementation of Plan Conformance Actions.
5. Notice dated May 3, 2011 from PSE&G re: application for a Highlands Applicability Determination.
6. Memorandum dated May 6, 2011 from Chief Holmes re: Appl. #11-03, Blauvelt, Block 39, Lot 8.
7. A letter dated May 13, 2011 from William Burr, Maser Consulting re: LUB Appl. #11-04, Sheft, Block 33, Lot 7.18.
8. A copy of a letter dated May 12, 2011 from Randy Benson to Robert Fernandes re: the existing barn and proposed target wall and enclosure on Block 32, Lot 23.
9. Memorandum dated April 29, 2011 from Chief Holmes re: Appl. #11-04, Sheft, Block 33, Lot 7.18.
10. A letter dated May 16, 2011 from the Lebanon Fire Company re: Appl. No. 11-04, Block 33, Lot 7.18 and Appl. No. 11-06, Block 32, Lot 23.
11. A copy of a letter dated May 18, 2011 from the Tewksbury Land Trust to Rob Fernandes re: issues with the trail easement and a stone wall.
12. A letter dated May 18, 2011 from Steven Gruenberg re: application of Rob and Gina Fernandes.

ORDINANCE REPORT

Mr. Mackie had no ordinances to report on.

PUBLIC PARTICIPATION

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

Public Hearing

- Sheft
 Appl. No. 11-04
 Block 33, Lot 7.18
 Variance Application
Action Deadline – 8/18/11

Paul Fox, Apgar Associates, was present and sworn in by Mr. Bernstein and gave his credentials as a licensed civil engineer. When asked if his license is or has ever been suspended, Mr. Fox responded in the negative.

Mr. Fox explained that his client, Dr. Sheft, recently purchased 9 Stillery Road. The existing home is located in the rear portion of the property. Mr. Fox displayed for the Board a colored version of the plan which was marked as Exhibit A-1. The property is bisected by a drainage easement and a conservation easement in front of the house. The location of the home necessitated a very long driveway. The existing impervious coverage is 9.97% which exceeds the permitted lot coverage of 7.98%. The application is for a pool and patio which will comply with both the rear and side yard setback requirement however, because of the additional lot coverage, a variance is required for the proposed lot coverage of 12%. In order to offset the increase in lot coverage the plan provides for a drainage system that collects stormwater runoff from the proposed patio area, house and the driveway; the drainage system will collect sufficient rainwater to essentially return the lot coverage to the maximum permitted (7.989%).

Addressing Mr. Burr's report, Mr. Fox agreed to address items 1 & 2.

In response to No. 3, Mr. Fox explained that the rock is an edging material near the landscape bed. It will be removed where the drywell is proposed.

In response to No. 4, Mr. Fox noted that Dr. Sheft's landscape architect will provide testimony regarding plantings. He noted that 3 ornamental trees will be removed in the area of the proposed pool area. There are four (4) 4-6 foot high white pines in the area where the proposed drywells are to be located; they will either be relocated to the edge of the drywell area or replaced.

In response to No. 5, Mr. Fox explained that the proposed pool fence would only be four (4) feet in height however, Dr. Sheft is proposing a deer fence around the perimeter in the backyard which will comply with the code for deer fencing. In the areas that will also be utilized for the pool fence there will be an overlay of fencing material on the lower portion that satisfies the pool fence code.

In response to No. 6, Mr. Fox indicated that Dr. Sheft's landscape architect would provide testimony.

In response to No. 7, Mr. Fox agreed to make the correction to the plan.

In response to No. 8, Mr. Fox explained that the retaining wall, at its highest, will be eighteen (18) inches.

In response to No. 9, Mr. Fox agreed to obtain approval for the Grading and Surface Water Management Plan.

Mr. Burr noted that the Lebanon Fire Department issued a letter dated May 16, 2011 noting their interest in using the pool as a water source for firefighting purposes and expressed concern related to access due to the fence. When asked if Dr. Sheft would be amendable to working with the fire department, Mr. Fox indicated that his client is agreeable to providing a gate at the end of the driveway and to provide a turf

reinforcement system between the gate and the pool so that a fire truck could back up and park next to the pool. When asked if he would update the plan to reflect those improvements, Mr. Fox responded in the positive.

When asked by Mrs. Devlin if the patio is raised, Mr. Fox indicated approximately 6 inches above existing grade. He went on to say that the pool and patio will be cut into the slope and set below the existing grade. He explained that there will trench drains around the pool in the back that will collect runoff at the base of the wall as well as a drain at the edge of the patio.

When asked by Mr. Van Doren if the location of the pool fencing satisfies the code, Mr. Fox responded in the positive.

When asked about the shaded areas on the plan, Mr. Fox explained that it represents the areas of the roof and the driveway that will be collected into the drywell.

Mrs. Baird opened the meeting up to the public for questions. There being none, Mrs. Baird closed the public portion of the meeting.

Frederick Learey, was sworn in by Mr. Bernstein. Mr. Learey explained that he has a bachelor degree in landscape architecture with over 25 years experience in the design and build industry and is a senior associate at Environmental Landscape Associates. When asked if he would be testifying regarding lighting, Mr. Learey responded in the positive. Mr. Bernstein opined that Mr. Learey could testify based on his experience.

Mr. Learey explained that they will be removing three (3) trees and proposing five (5) additional trees. He also confirmed that they will work to transplant the existing pine trees and if they do not survive they will be replaced. With regard to the lighting, there are three (3) types of lighting features on the project; all low voltage lighting. There are dome lights with all of the light casting to the ground, wall lights which are half dome lights and there are up lights on the trees. The uplights are small, 20 watt bulb fixtures that give a glow to the tree for ambience. When asked if there will be lights in the swimming pool, Mr. Learey responded by saying that there will be two (2) lights in the pool. When asked if they will comply with the lighting ordinance, Mr. Learey responded in the positive. When asked if there is a two (2) year guarantee on the landscaping, Mr. Learey responded in the positive. When asked if the owner would object to a condition requiring that the trees be permanently maintained, Mr. Learey responded in the negative.

When asked by Mr. Benson what type of light is shown on the northerly side of the wall, Mr. Learey noted that it is a half dome light that only casts light downward.

Mr. Mackie noted that the plan shows the wattage for the tree lighting as 50 watts. Mr. Learey agreed to amend the plan to read 20 watt bulbs.

Mrs. Devlin asked if the uplighting of the trees is necessary and she noted that it discourages birds from nesting. Mr. Learey opined that it adds an aesthetic quality to the

outdoor living space. He opined that the birds would choose to nest in the larger, more native habitat rather than so close to human activity.

Mr. Van Doren asked if the house currently has any spot lights or other outside lighting. Mr. Learey responded in the negative.

Mr. Dillon noted that a temporary stock pile of soil is shown in the northeast area and asked that the silt fencing and protection measures be extended around the corner. Mr. Fox and Mr. Learey agreed.

Mrs. Baird opened the meeting up to the public. There being no questions, Mrs. Baird closed the public portion of the meeting.

When asked by Mr. Mackie how the lights will be controlled, Mr. Learey explained that they will be on a combination photocell and timer; they will activate a little after dusk and go off at approximately 11 p.m.

When asked the distance to the closest house, Mr. Fox opined 150 to 200 feet away on Lot 7.09.

There being no additional questions or comments from the Board or the public, Mrs. Baird closed the public hearing.

Mr. Fox concluded by saying that the applicant is requesting variance relief based on the size and shape of the property and the fact that the drainage and conservation easements require a much larger driveway which adds to the coverage.

Mr. Bernstein noted that if the Board were to approve the application the conditions would be:

- Standard Board Conditions
- Mr. Burr's review letter
- Lighting restrictions based on the testimony
- Landscaping would be subject to the approval of the Land Use Board Engineer's office with a 1 year maintenance guarantee and would be permanently maintained
- A gate that would open that is subject to the approval of the Lebanon Fire Dept.

Mrs. Devlin voiced her concern with the uplighting of the trees but was generally in favor of the application due to the easements in the front yard which caused the house to be placed in the rear of the property.

Mr. Van Doren made a motion to approve Appl. No. 11-04, Block 33, Lot 7.18, with the conditions as outlined by Mr. Bernstein. Mr. Shapack seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Ayes: Mr. Van Doren, Mr. Mackie, Mrs. Devlin, Mr. Kerwin, Mr. Shapack, Mr. Metzler, Mr. Dillon, Mr. D'Armiento and Mrs. Baird

Nays: None

Abstentions: Mr. Moriarty

Mr. Bernstein noted that notice was proper but asked Mr. Fox to have his client provide an affidavit of service.

Public Hearing

- Blauvelt
Appl. No. 11-03
Block 39, Lot 8
Variance Application
Action deadline – 8-10-11

Ms. Kristen Blauvelt and her architect Jonathan Booth were present and both were sworn in by Mr. Bernstein.

Mr. Booth provided the Board with his credentials and reminded the Board that he appeared recently on behalf of the Pierson family. The Board accepted Mr. Booth.

Mrs. Blauvelt explained that her family purchased the home in January of 2010. It is a small home for a family of four (4) so they are requesting three (3) variances in order to enlarge the home by construction an addition. When asked if she is removing a garage, Mrs. Blauvelt explained that there are three (3) outbuildings and one of the buildings is a garage that is newer without a lot of historical value and that structure is proposed to be removed; the Historic Preservation Commission has granted approval for the demo permit. When asked if after the structure is removed there will less coverage, Mrs. Blauvelt responded in the positive and noted that a gravel area of the driveway is also being removed.

Mr. Booth presented Exhibit A-1 which is an enlarged version of the plan submitted to the Board. Mr. Booth explained that the Blauvelt residence is in the Village Residential Zone which is a 1.5 acre minimum lot size and the subject property is slightly less than ½ an acre. He went on to explain that Church Street is characterized by small lots and all of the homes have deficient setbacks for the front and side yards; the Blauvelts have a slightly more generous setback than others. It is a corner lot and with the current setbacks applied it results in no building envelope. The three (3) variances needed are a front yard setback on Miller Ave., a side yard setback and lot coverage. The Miller Ave. relief would allow 25.8 feet where the existing residence is 25.2 feet; the applicant is respecting the existing principal building setback. On the interior side yard relief would allow 25.8 feet where 30 is required; the existing residence is 23.2 feet. Mr. Booth explained that the 25.8 feet is to a roof overhand of a porch entry that projects from the

building approximately 3.5 feet; the main line of the building is 29.5 if the roof overhand was not considered.

The following were marked by Mr. Booth: an enlarged site plan which was marked as Exhibit A-2, an overlay of Exhibit A-2 which was marked as Exhibit A-3 (highlights the existing coverage of the property) and a plan showing the addition, buildings to be removed and proposed driveway reconfiguration was marked as Exhibit A-4.

Referring to Exhibit A-3, Mr. Booth explained that there is a small (1610 sq. ft.) 2 story single family residence with three (3) small bedrooms. There are three (3) outbuildings and a large driveway area. The current lot coverage is 26.8% (maximum allowed is 15%) and the proposal is to reduce lot coverage by 256 sq. ft. bringing the coverage to 25.5%. He explained that the frame garage to be removed has ongoing maintenance issues and its size renders it unusable. The proposed addition is 466 sq. ft. on two (2) levels for a total of 932 sq. ft.

Mrs. Devlin asked if a drywell was proposed to which Mr. Booth responded in the positive. He explained that they are proposing to capture the roof water runoff from the 790 sq. ft. masonry garage which more than offsets the proposed addition. Mr. Burr concurred with Mr. Booth and added that the applicant is also proposing to remove some of the existing driveway. Mr. Burr noted, however, that in previous applications the Board has always required an applicant to provide drainage to reduce the effective runoff to what is permitted.

When asked if soil tests had been performed, Mr. Booth responded in the negative and opined that it would be a condition of approval. Mr. Burr explained that the project would not trigger a Grading and Surface Water Management Plan but noted that in the past the Board has required, as a condition of approval, that the applicant provide the soil logs to the Board Engineer. When asked by Mr. Moriarty if the applicant has considered capturing water from the house roof, Mr. Booth responded by saying that he had not had that conversation with the engineer for the project. He explained that the proposed location of the drywell was chosen based on the site constraints (sewer lines, water lines, fencing and building locations). Mr. Van Doren noted that prior to the community sewer the lots were served by septic systems and cautioned the applicant that the septic tank (which was filled in) was located in the area of the proposed drywell. Mr. Burr noted that if the Board was inclined to ask the applicant to put the excess coverage into a dry well the applicant would need to accommodate approx. 1300 sq. ft. of roof area which is approximately the size of the existing dwelling. A larger drywell would be necessary and they would need to pipe around the house.

Mrs. Baird opened the meeting up to the public. There being no questions, Mrs. Baird closed the public portion of the meeting.

Mr. Booth provided the Board with a brief description of the existing interior of the home and the proposed improvement to add a small family room, reorient the mud room entrance. A porch would also be added oriented to the back yard. The second floor will

have a master bedroom over the proposed addition. Mr. Booth noted that the Historic Preservation Commission reviewed the project and had some minor comments on detailing comments which have been incorporated into the plans. Mr. Booth noted that many of the homes on Church Street have had one (1) and two (2) story additions in depth so you see the original façade on Church Street; the additions create a deeper façade.

When asked about the lighting, Mr. Booth explained that recessed lights are proposed on the side entry and decorative pendent lights on the porch. When asked if there is lighting on the outbuildings, Mrs. Blauvelt responded in the negative. When asked if there is any tree removal planned, Mr. Booth and Mrs. Blauvelt responded in the negative. When asked if they will address the minor plan discrepancies and comments in Mr. Burr's report, Mr. Booth responded in the positive.

Mr. Bernstein noted that the Board will need to make a decision about the amount of stormwater reduction should be required. Mr. Metzler and Mrs. Devlin opined that based on the reduction they are satisfied with what is proposed.

When asked by Mr. Van Doren if a basement is being constructed under the proposed addition, Mr. Booth explained that it would be a crawlspace.

Mr. Shapack noted that drawing three (3) contains a note that the chimney is to be removed and asked for additional explanation. Mrs. Blauvelt noted that they are changing the heating system from oil burning to gas (from the street) so they no longer need the chimney to vent the oil burning furnace.

Mr. Moriarty expressed his approval of the addition however expressed concern with the fact that the house gutters did not lead to a drywell and asked if the applicant would consider doing so. Mr. Moriarty opined that it gets more water into the ground and it also makes the approval, if approved, more consistent with previous approvals. Mr. Booth opined that they could pick up some of the rear corners of the addition. Mrs. Blauvelt was not opposed as long as it was not cost prohibitive. Mr. Shapack suggested that the Board set a certain amount of square footage to be recharged and let the applicant's engineer work to find out where that could best be accomplished. Mr. Kerwin expressed concern with piping the roof leaders from the house to the proposed drywell in the rear of the property noting that there is potential for clogging, etc. Mr. Burr agreed and suggested that if the Board required maximize recharge to place the drywell in the area where the garage is going to be removed so that it is closer to the structures.

Mrs. Baird opened the meeting up to the public.

Tom Stransky, 12 Schoolhouse Lane, asked if the wells in Oldwick have casing to which Mr. Van Doren noted that some of them don't. Mr. Stransky opined that there is a potential for polluting the water system if too much water is recharged into the water table.

There being no other questions, Mrs. Baird closed the public portion of the meeting.

Mr. Booth asked if the Board could give some feedback about the drywell requirement.

Mr. Mackie opined that the application is different from other application since they are reducing the existing impervious coverage and he found the application, as it was proposed, acceptable.

Mrs. Devlin concurred with Mr. Mackie and added that it is a small lot so it would be difficult to find a location for a second drywell or a larger drywell.

Mr. Van Doren agreed and found the application acceptable as presented.

Mrs. Baird concurred with what was said by the other Board members.

Mr. Kerwin opined that collection stormwater from the two (2) buildings in the rear would be sufficient.

Mr. Shapack agreed with Mr. Kerwin and opined that the applicant should be given the flexibility to determine where the recharge works best and for a predetermined amount of coverage.

Mr. Moriarty opined that the Board should be consistent with past decisions and try to get as much recharge as possible. He concurred with Mr. Shapack that the applicant should be given the flexibility to capture as much as possible.

Mr. Dillon and Mr. D'Armiento were in agreement with the application as presented.

Mrs. Baird opened the meeting up to the public for comments. There being no comments, Mrs. Baird closed the public portion of the meeting.

Mr. Bernstein noted that runoff will be captured from the play house/masonry building but asked if the ice house is also to be included. Mr. Van Doren noted that the consensus was to accept the application as presented by having the masonry building runoff captured.

Mr. Bernstein noted that the conditions would be:

- Removal of the impervious coverage that the applicant proposed in the application
- Mr. Burr's review letter
- Removal of one of the buildings
- Conforming exterior lighting
- Standard Board conditions

Mr. Van Doren made a motion to approve Application No. 11-03, Block 39, Lot 8. Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Ayes: Mr. Van Doren, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Kerwin, Mr. Shapack, Mr. Metzler, Mr. Dillon, Mr. D'Armiento and Mrs. Baird

Nays: None

Mr. Bernstein asked Mrs. Blauvelt to provide Ms. Goodchild an affidavit of service.

Public Hearing

- Fernandes
Appl. No. 11-06
Block 32, Lot 23
Permit building on a lot that doesn't abut a public street
40:55D-36
Action deadline – 9/02/11

Mr. Metzler recused himself from the meeting.

Mr. Rob Fernandes was present and sworn in by Mr. Bernstein. Mr. Fernandes explained that he and his wife Gina have lived in Tewksbury for 17 years. They purchased 11 Schoolhouse Lane in September 2010. The property consists of approximately 25 acres of wooded and open space areas with a 2800 sq. ft. contemporary home in a condition of livable disrepair. When the property was purchased it was in a rundown condition and several tons of metal were removed consisting of old cars, tractors as well as barbed wire and pasture fencing and 8 to 10 dumpsters of garbage and debris. He went on to explain that since September he and his wife have been working with their engineers and architects to create an old world style Bucks County farmhouse. He noted that he has also dismantled a 1857 barn in Pennsylvania with plans to reconstruct it on the property. He described his recent work with the Rutgers Farm Cooperative Extension to develop the land to best raise Highland cattle. Based on the work with all of his professionals a plan has been developed that is in full compliance with the Development Regulations Ordinance and Codes of the Township. The plan has been reviewed by the Township Engineer under the Grading and Surface Water Management Ordinance and a conditional approval letter has been issued. Mr. Fernandes noted that the application before the Land Use Board was necessary because the lot does not front on public right of way and the MLUL requires the applicant to appear before the local Board. He added that the approval should be based on the ability to meet fire truck access and safety requirements before a building permit can be issued. Mr. Fernandes explained that his lot is unique in that it has an existing home on it and the existing driveway has not changed except that it was made wider to comply with the current ordinance.

Mr. Fernandes addressed Mr. Burr's May 12, 2011 review letter as follows:

Item No. 3 – a letter dated May 16, 2011 was received from the Lebanon Fire Company. Mr. Fernandes agreed to install a lock box at the security gate so the fire company has access. When asked if he would agree to work with the fire company to satisfy their concerns, Mr. Fernandes responded in the positive.

Item No. 4 – the barn will be used for storage.

Item No. 5 – there are two (2) watering areas for the cattle which consist of a 10 x 10 concrete pad with a watering fountain in the center.

Item No. 6 – fencing will comply with the Township ordinances.

Item No. 7 – will comply.

Item No. 8 – no plan to have a walkway.

Item No. 9 – will fully comply with the light ordinance.

Item No. 10 – no additional tree removal for the application.

Item No. 11 – Mr. Fernandes explained that he and his children enjoy archery and shooting. The previous owners had a dumping area that created a hollow in the ground which has since been cleaned up and will be used as a backstop for shooting. There are no structures proposed.

Item No. 12 – Mr. Fernandes felt confident he could find another reserve area on the 25 acres should the septic fail.

Item No. 13 – Mr. Fernandes noted that the existing stone rows were restacked to make them more maintainable. There was an area that encroached onto a Tewksbury Land Trust public access easement but that has since been removed. Mr. Fernandes referenced the letter dated May 18, 2011 from Mr. Ken Klipstein of the Tewksbury Land Trust backing Mr. Fernandes' application.

Item No. 14 – will comply.

Item No. 15 – a driveway permit has been secured.

Mr. Burr noted that he mainly looked at drainage and access and he has no issues with either as proposed; there are no changes to the driveway other than a pull off point to the new dwelling. When asked Mr. Burr noted that the stormwater management meets the requirements. When asked about the reserve area location, Mr. Burr noted that if it is ever needed the applicant will either need to remove a portion of the driveway or test and find an alternate location. Mr. Bernstein asked Mr. Burr if there was adequate access for emergency vehicles. Mr. Burr opined that access would be adequate with the widening of the driveway and bump outs proposed.

Mr. Mackie noted that on page 3 there is a tree to be removed. Mr. Fernandes explained that he intends to relocate the tree (dog wood tree).

Mr. Devlin asked if the stormwater control is just for the buildings being constructed. Mr. Fernandes explained that the ordinance requires it for the entire property but the plan controls the buildings; the calculations are based on the amount of land disturbance or impervious coverage. When asked what he would be shooting towards in target area, Mr. Fernandes explained that there is dirt mound. Mr. Fernandes opined that there is a level

of safety that has been reached and he is comfortable with the area. When asked if he has talked to the neighbors about the target area, Mr. Fernandes responded in the negative.

Mr. Van Doren asked about the area between the proposed dwelling and the pool area and why there is no patio or walkway proposed. Mr. Fernandes explained that he doesn't like the look of a long walkway which creates a commercial look.

Mrs. Baird asked what would be stored in the barn. Mr. Fernandes noted two (2) tractors, hay and grain.

Mr. Kerwin asked about the ability to hunt on a farm year round. Mr. Fernandes explained that there is a farm hunting license which allows a farmer to control damaging predators (example: if you have sheep and you have a coyote).

Mr. Moriarty asked about the existing outbuildings around the existing house. Mr. Fernandes explained that one of the structures is a prefabricated pole barn used for horses and the intention is to use it for storage at the moment. When asked about the number of cattle, Mr. Fernandes opined 5 to 8 cattle at one time. When asked if the cattle need a structure, Mr. Fernandes explained that they are hardy cattle and don't require structures.

Mrs. Baird opened the meeting up to the public for questions.

George Cassa, 14 Guinea Hollow Road, asked when the target shooting would take place and if it is controlled. Mr. Fernandes wasn't aware of any timing constraints on shooting or lot size restrictions.

Mr. Bernstein noted that it is not up to the Board to approve or disapprove the target shooting; the Board's focus should be on access only.

Mr. Cassa asked if a Highlands applicability determination has been requested. Mr. Fernandes explained that they are in full conformance with the Highlands requirements.

Tom Stransky, 11 Schoolhouse Lane, noted that there were changes made to the property to make it suitable for the cattle and he felt strongly that care be taken to control the runoff. He opined that there is more runoff since the trees were removed. Mr. Fernandes explained that a portion of the property was cleared for pasture area for the cattle. Seeding of the area was done on April 25, 2011 and on April 28, 2011 there was a severe storm that created erosion. Since then the pasture mix has grown and there have been storms and there was a dramatic decrease in erosion. Mr. Bernstein noted that the Township Engineer has approved a Grading and Surface Water Management Plan and part of that is the drainage. Mr. Burr noted that he reviewed the plan and the drainage calculations and he agreed with the Township Engineer that it meets the intent of the ordinance. Mr. Fernandes noted that woodland has significant more runoff than pasture land. Mr. Stransky asked about lighting on the storage barn and Mr. Fernandes noted the fixture he proposed. When asked if the cattle would be slaughtered on the property, Mr. Fernandes responded in the negative. When asked if he would have a manure stockpile,

Mr. Fernandes responded in the negative. Mr. Stransky expressed concern about the increase in runoff on his property. Mr. Burr explained that the Township Engineer will do a final inspection prior to the Certificate of Occupancy and he will look for visible signs of erosion; any erosion issues will be addressed prior to a sign off. When asked if he would install silt fencing, Mr. Fernandes agreed to meet with Mr. Stransky and review his concerns and if they are valid he would have the Hunterdon County Soil Conservation District visit the property again.

Mr. Raymond Povalski, Water Street, was present and asked if the Board received a copy of the letter from his attorney dated May 18, 2011. Mr. Bernstein asked if there has been agreement between Mr. Fernandes and Mr. Povalski. After reading the letter, Mr. Fernandes noted that he spoke with Mr. Povalski and agreed to plant ten (10) pine trees along the western property line adjacent to Mr. Povalski's property. Mr. Stransky asked if he could have a buffering of trees and Mr. Fernandes agreed to five (5) trees.

There being no additional questions from the public, Mrs. Baird closed the public portion of the meeting.

Mr. Bernstein noted the following conditions:

- Driveway permit
- Applicant to satisfy the fire department
- Tree planting to buffer the neighbors
- Mr. Burr's report

Mr. Dillon made a motion to approve Application No. 11-06 subject to the conditions outlined by Mr. Bernstein. Mr. Mackie seconded the motion. The motion carried by the following roll call vote:

Ayes: Mr. Van Doren, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Kerwin, Mr. Shapack, Mr. Dillon, Mr. D'Armiento and Mrs. Baird

Nays: None

Public Hearing

- Goss
Appl. No. 09-10
Block 42, Lot 9.03
Amended Variance
Action Deadline – 9/02/11

Sophia Furiss from Herold and Haines, attorney for the applicant, was present and explained that the Land Use Board previously granted approval in October, 2010 for variances for the construction of an in-ground pool and a circular driveway. Conditions of the approval was for the applicants to enter into a shared driveway agreement, file a stormwater deed restriction and install drywells. The applicants have complied with all

of the conditions of the approval and prepared the hole for the swimming pool at which time they discovered that in order to place the pool where they had intended another variance would be required. The applicants intended to have the new pool centered on the chimney on the home located on the side of the house but once the hole was excavated they discovered that the pool encroached into the front yard setback. The applicants believe the pool will look better in the current location which is centered on the chimney and that it will look somewhat out of place in the approved location. In order to mitigate any impact the applicants have reduced the footprint of the pool by approximately 14 sq. ft. and have eliminated the slate patio around the pool which reduces the encroachment into the front yard to less than two (2) feet. This revision also reduces the impervious coverage to 6.53% from the previous approval of 6.69%.

When asked, Mr. Bernstein asked that those who participated in the first two (2) hearings and voted should be the members that vote on the amendment presented at this hearing. It was determined that enough members were present to proceed.

Mr. Paul Fox, Apgar Associates, was sworn in by Mr. Bernstein and was accepted based on his prior testimony.

Mr. Fox explained that the proposed pool is setback 98.12 feet compared to the ordinance requirement of 100 feet; 22 inches short of meeting the required setback. He explained that the original proposal was to install a new roof runoff collection system however, the owner subsequently advised that there is an existing collection system so the location of the drywells have been moved to work with the existing system. The existing system will have to be confirmed during construction and verified with the Township Engineer. The calculations reflect the removal of the pool patio area.

Mr. Burr noted that a revised Grading and Surface Water Management Plan would need to be approved and an amended deed restriction filed to reference the updated plan.

Mr. Van Doren questioned the functionality of removing the slate around the pool. Mr. Fox indicated that the homeowners are satisfied with the grass area.

Mr. Shapack questioned the need to align the pool with the chimney. Mr. Fox explained that the chimney is near the covered porch which has a series of columns that are centered on either side. There is a series of stone walls and steps that are centered on the porch/chimney and the goal is to center the pool so that everything is aligned when you view the pool from the porch.

Mrs. Baird opened the meeting up to the public for questions or comments. There being none Mrs. Baird closed the public portion of the meeting.

Mr. Bernstein noted that the conditions from the prior resolution would carry through as well as the need for a revised Grading and Surface Water Management Plan and revised deed restriction.

Mr. Benson noted that construction will be halted until the prior approvals area satisfied.

Mr. Van Doren made a motion to approve the amended variance for a front yard setback for Application No. 09-10, Block 42, Lot 9.04, 43 Joliet Street with the conditions outlined by Mr. Bernstein. Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Ayes: Mr. Van Doren, Mrs. Devlin, Mr. Shapack, Mr. Metzler and Mr. Dillon

Nays: None

ADJOURNMENT

There being no further business, the meeting adjourned at 10:41 p.m. by motion of Mr. Van Doren and seconded by Mr. Moriarty.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator