

LAND USE BOARD MINUTES
June 4, 2014

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, Shaun Van Doren, Dana Desiderio, Elizabeth Devlin, Michael Moriarty, Shirley Czajkowski, Robert Becker, Alt. #1, Ed D'Armiento, Alt. #2, Kurt Rahenkamp, Alt. #3 and David Larsen, Alt. #4.

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

Absent: Bruce Mackie and Ed Kerwin

There were approximately fifteen (15) 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 9, 2014.

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. Becker seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Attendance at 5-21-14 LUB meeting, invoice dated May 22, 2014 (\$450.00)
2. Suburban Consulting Engineers, Land Use Board Escrow – Vliettown Farm (JUL 1944 Trust), Block 43, Lot 3, invoice No. 000000022315 - \$26.75

Roll Call Vote:

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

Those Opposed: 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 report from William Burr dated May 30, 2014 re: Lyons, Appl. No. 14-06, Block 32, Lot 37.07.
2. A report from William Burr dated May 30, 2014 re: Wollmer, Appl. No. 14-07, Block 11, Lot 20.
3. A report from William Burr dated May 30, 2014 re: Lance, Appl. No. 14-08, Block 39, Lot 1.
4. Memorandum dated May 22, 2014 from Chief Holmes re: Lyons, Appl. No. 14-06, Block 32, Lot 37.07.
5. Memorandum dated May 22, 2014 from Chief Holmes re: Wollmer, Appl. No. 14-07, Block 11, Lot 20.
6. Memorandum dated May 22, 2014 from Chief Holmes re: Lance, Appl. No. 14-08, Block 39, Lot 1.
7. The NJ Planner, March/April 2014, Vol. 75, No. 2.

ORDINANCE REPORT

Due to Mr. Mackie's absence there was no ordinances report.

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.

MINUTES

- April 2, 2014

The minutes of April 2, 2014 were approved as submitted by motion of Mr. Van Doren and seconded by Mrs. Devlin. All were in favor. Ms. Desiderio, Mr. Becker, Mr. Rahenkamp and Mr. Larsen abstained.

Resolutions

- Resolution No. 14-08 Zamarra, Appl. No. 14-04, Block 14, Lot 17.11
Eligible to vote: Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Czajkowski, Mr. Becker, Mr. Rahenkamp and Mr. Johnstone

Mr. Van Doren made a motion to approve the following resolution. Ms. Desiderio seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 14-04
RESOLUTION # 14-08

WHEREAS, JOHN ZAMARRA & ELLEN GANEK have applied to the Land Use Board of the Township of Tewksbury for permission to retain a shed on their residential lot which is located at 1 Whitenack Road on property designated as Block 14, Lot 17.11 on the Tewksbury Township Tax Map, which premises is located in Highlands (H.L.) Zone, and

WHEREAS, the application was presented by John Zamarra at the May 21, 2014 Land Use Board meeting, and

WHEREAS, the applicants purchased the subject property in October of 2013, and

WHEREAS, at the time of the purchase, an 8 feet x 10 feet shed was located at the rear of the property, and

WHEREAS, a photograph which was submitted along with the application shows an attractive shed with a door, windows, and a peaked roof with shingles, and

WHEREAS, the shed is buffered by large trees from the adjoining neighbor, and

WHEREAS, the nonconformities associated with the shed were discovered when the applicants sought permission to replace their generator with a larger one, and

WHEREAS, the shed has a minimum rear yard setback of 4.5 feet, while a minimum rear yard setback of 40 feet is required for the applicants' property, and

WHEREAS, an impervious lot coverage variance for 10.1% was granted by the Land Use Board on March 17, 2010 and the current impervious lot coverage on the site is 10.16%, and

WHEREAS, the Board finds that the requested relief can be granted without substantial detriment to the public good and without 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 4th day of June 2014 that the application of JOHN ZAMARRA & ELLEN GANEK for permission to retain the shed on their property be approved.

Roll Call Vote

Those in Favor: Mr. Van Doren, Ms. Desiderio, Mrs. Czajkowski, Mr. Becker, Mr. Rahenkamp and Mr. Johnstone

Those Opposed: None

- Resolution No. 14-09 Hill, Appl. No. 14-05, Block 32, Lot 31
Eligible to vote: Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Czajkowski, Mr. Becker, Mr. Rahenkamp and Mr. Johnstone

Mr. Van Doren made a motion to approve the following resolution. Ms. Desiderio seconded the motion. The motion carried by the following roll call vote:

TOWNSHIP OF TEWKSBURY
APPLICATION #14-05
RESOLUTION #14-09

WHEREAS, Jonathan and Megumi Hill have applied to the Land Use Board of the Township of Tewksbury for permission to install a 30 kW emergency standby generator and above ground propane tank on their residential lot which is located at 34 Water Street on property designated as Block 32, Lot 31 on the Tewksbury Tax Map, which premises is located in the Highlands (HL) Zone, and

WHEREAS, the application was presented by Attorney Guy R. Wilson and Jonathan Wurst of Wurst Contracting at the May 21, 2014 Land Use Board meeting, and

WHEREAS, the existing residence has a front yard setback of 1.60 feet and the detached garage has a front yard setback of 2.43 feet while the Highlands Zone requires a front yard setback of 75 feet for a *grandfathered* lot of the size of the subject property, and

WHEREAS, the applicant proposes to install the generator and propane tank with a front yard setback of 30 feet, which necessitates a dimensional variance under N.J.S.A. 40:55D-70c, and

WHEREAS, generators are typically within five (5) feet of a residence however the proposed location is behind the detached 1 ½ story garage, and

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

WHEREAS, the Board recognizes the desirability of generators which can provide electric service in times of power outages, and

WHEREAS, pursuant to Ordinance #08-2013, concrete pads for generators are not subject to the maximum lot coverage provisions in the Development Regulations Ordinance, and

WHEREAS, the requested relief, with appropriate conditions, 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 4th day of June, 2014 that the application of Jonathan and Megumi Hill for an emergency standby generator and above ground propane tank be

approved pursuant to a plan prepared by Stephen E. Parker of Parker Engineering & Surveying dated November 19, 2013, subject, however, to the following conditions:

1. Compliance with Section 702.2 of the Tewksbury Township Development Regulations Ordinance.
2. The generator and above ground propane tank should be properly landscaped so as not to be visible from Water Street as it is a designated Scenic Road.

Roll Call Vote

Those in Favor: Mr. Van Doren, Ms. Desiderio, Mrs. Czajkowski, Mr. Becker, Mr. Rahenkamp and Mr. Johnstone

Those Opposed: None

Public Hearings

- Wollmer
Appl. No. 14-07
Block 11, Lot 20
Front and Side Setback Variances for addition
Action Deadline – 9/08/14

Marcia Zalewski, Attorney for the applicant was present and explained that her clients, Mr. and Mrs. Wollmer and their engineer John Hansen were present to provide testimony.

Steffen Wollmer, 19 and 20 Water Street, was sworn in by Mr. Bernstein. Mr. Wollmer provided the Board with a handout of photographs, which was marked as **Exhibit A-1**, and he provided the Board with a brief history noting that he and his wife have been a member of the community for over 30 years. He explained that they would like to construct a two (2) story addition to the existing home. He noted that the home has some interior challenges due to the configuration of the rooms; the three (3) bedrooms on the second floor are in a railroad style leading to the bathroom. There is a detached garage on a lot across the street but it is not conducive to car storage. The addition would allow for a better interior configuration as well as a two (2) car garage. The addition is proposed behind the house so it is not visible from the roadway. Mr. Wollmer agreed to move the single bush that might be impacted by the construction. When asked what the light fixtures would look like, Mr. Wollmer explained that they are moving the light fixtures around the house (copper lights). Any additional lights will match the existing lights. Mr. Wollmer thanked the Board for considering his application.

When asked if the home is currently a three (3) bedroom home, Mr. Wollmer responded in the positive and noted that it will remain a three (3) bedroom home which has been approved by the Hunterdon County Department of Health.

When asked by Mr. Burr if it is a two (2) car garage with the second floor as a master bedroom and bathroom, Mr. Wollmer responded in the positive. He added that the other three (3) bedrooms will be reduced to two (2) bedrooms and the existing bathroom will remain.

When asked by Mr. Van Doren if the garage across the street will remain, Mr. Wollmer explained that it will remain and will ultimately be refurbished.

Mr. Johnstone opened the meeting up to public.

Mr. Wilma Frey, 23 Water Street, asked about the permitted coverage. Ms. Goodchild noted that for existing properties under three (3) acres (in the Highlands District) the maximum coverage is 12%.

There being no additional questions of Mr. Wollmer, the Chairman closed the public questioning.

Mr. John Hansen, Ferriero Engineering, 180 Main Street, Chester, NJ, was sworn in by Mr. Bernstein. Mr. Bernstein noted that Mr. Hansen has been accepted by the Board in the past as a Professional Engineer and Planner.

Mr. Hansen displayed sheet 2 of 2 of the plans provided with the application and described the property as containing one (1) principal residence serviced by an on lot well and septic system. He noted that the property has some environmental constraints including a tributary to the North Branch of the Raritan River, freshwater wetlands and flood hazard areas. Permits have been secured for the freshwater wetlands and flood hazard verification permit. Mr. Hansen noted that the proposal is for a modest addition in the northwest corner of the structure with a footprint of 1,185 sq. ft. The lot is a unique shape with an existing home location that is already in the front yard setback; many of the homes on Water Street have a similar setback. Mr. Hansen referred to the variance as a "classic C-1 hardship case" because of the unique shape of the lot and the location of the lawfully existing structure. He opined that the positive criteria had been met with no substantial detriment to the zone plan, impacts to soil erosion or storm water management impacts. Mr. Hansen corrected the impervious coverage noted on the plan indicating that it is 9.1% rather than 9.9% as shown (a net increase of new impervious coverage of 700 sq. ft.).

When asked by Mr. Burr the siding that will be used, Mr. Wollmer explained that it will be cedar siding. He added they want to replicate the (3) dormers on the addition to mirror the dormers on the front of the home to give the house the same look and feel. The roofing material will be cedar shake with copper trim.

Mr. Burr noted that a lot coverage variance is not required and no Grading and Surface Water Management Plan or storm water measures would be required.

When asked by Mr. Burr about the side yard setback variance, Mr. Hansen explained that the overhang encroaches into the setback and therefore triggers a setback variance. When asked about the height of the new addition as it relates to the existing house, Mr. Hansen explained that the ridgeline on the proposed addition will be shorter than the existing roof. When asked about the concrete pads shown on the plan, Mr. Hansen explained that they are for the a/c condenser, generator, propane tank and a landing area from a step.

Mr. Burr noted that the NJDEP put tight disturbance restrictions on the permits issued and asked if the construction is feasible within the confines. Mr. Hansen noted that there is not much of a grade change and not a lot of cut and fill is planned. He agreed to stake the limit of disturbance so the contractors respect the disturbance restrictions. When asked if there will be any change to the driveway, Mr. Wollmer responded in the negative. When asked if they will make the requested changes to the plan, Mr. Wollmer responded in the positive.

When asked by Mr. Bernstein if the proposed addition is being built over existing impervious gravel, Mr. Hansen responded in the positive. When asked if the project will start within a year, Mr. Wollmer responded in the positive.

When asked by Mr. Moriarty if the basement flooded because of a high water table, Mr. Hansen responded in the positive and explained that the soil type (Califon/Cokesbury soils) has a perched water table. When asked if there is a basement, Mr. Wollmer responded in the negative and explained that the addition will be on a slab and there will be no change to the first floor elevation.

When asked by Mr. Van Doren if another addition to the home was approved by the Board of Adjustment, Mr. Hansen responded in the positive. When asked if the addition was constructed, Mr. Wollmer was unaware. When asked the square footage of the current proposed addition, Mr. Wollmer responded 700 sq. ft.

When asked by Mr. Larsen the age of the home, Mr. Wollmer noted that the original part of the home is from 1810.

When asked by Mr. Bernstein the proposed setback to the addition, Mr. Hansen responded 54 feet.

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

Bruce Winter, 25 Water Street, noted that he is downstream from the project and asked if Mr. Wollmer has given any consideration to capturing the water from the roof. Mr. Hansen noted that the net increase is 700 sq. ft. and based on the drainage area the

increase in runoff is very insignificant. Mr. Hansen opined that a drywell would not function properly because of the poor soils. When asked the location of his house, Mr. Winter replied that he lives to the East. Mr. Johnstone noted that the water would drain North to South not East to West. Mr. Winter disagreed and explained that his house is along the stream and when it rains downstream properties get all of the water. Mr. Hansen noted that the Wollmer project will not raise the flood waters during a major rain event.

Wilma Frey, 23 Water Street, asked about the source of the flood hazard delineation shown the plan. Mr. Hansen explained that when they got the wetlands permit the applicant engaged in a detailed stream study of the watershed which was approved by the State. When asked if the applicant's professionals were aware of a 6 to 7 inch rain event in one (1) hour on August 2, 2009, Mr. Hansen noted that it is not a regulated storm and is not something that they design around.

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

When asked by Mr. Van Doren if the gutters lead to some type of underground system that captures the water, Mr. Wollmer was of the opinion that there is some type of system in the ground. Mr. Van Doren asked if the addition could be tied into that system to which Mr. Wollmer agreed to investigate and hook into the existing system where feasible.

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

Wilma Frey, 23 Water Street, was sworn in by Mr. Bernstein. Ms. Frey explained that she is not concerned with aesthetics but she is very concerned about flooding. She noted that she is two (2) houses down and she had two (2) feet of water in August of 2009 and 18 inches in July of 2009; Water Street was under a foot and a half of water. Ms. Frey spoke of the excess water that comes from the Old Mine Road development; the ditch that the water follows used to be 3 feet wide and 3 feet deep but after some major storms it is now more than 10 feet deep and 30 feet wide. She agreed that Mr. Wollmer's project is small but she likened it to "death by a thousand cuts". Mr. Moriarty noted that he has been on the Land Use Board for ten (10) years and every impervious coverage variance, almost without fail, has been required to capture any excess water and put it back into the ground. In Mr. Wollmer's case, there is no impervious coverage variance needed. Mr. Johnstone suggested that Ms. Frey take her concerns about the Old Mine Road drainage issue to the Township Committee. Ms. Frey asked that more attention be paid to alleviating or preventing additional flooding. Ms. Frey noted that she would provide a report to the Township Committee that was prepared by engineer John Thonet when the extensive flooding happened in 2009. Mr. Van Doren asked Ms. Frey to forward the report to him and he would address it with the Township Committee and the Township Engineer.

Bruce Winter, 25 Water Street, was sworn in by Mr. Bernstein. Mr. Winter indicated that he would appreciate if Mr. Wollmer could tie the addition into any existing underground system to capture the water.

There being no additional comments from the public, Mr. Johnstone closed the public portion of the meeting.

Mr. Johnstone opined that the addition should have gutters and that they be connected to any existing underground system to eliminate any potential for runoff.

Mr. Wollmer presented page 3 of the architectural plans, marked as **Exhibit A-2** to demonstrate the roof line of the house and the addition.

Discussions ensued about capturing water from just the addition or the entire house and also if there is no underground system requiring the applicant to install some type of underground drywell. Mr. Hansen explained that because of the NJDEP permitting there is no additional area available for disturbance to install a drywell system. Mr. Hansen opined that a drywell will not function properly because of the soil types. Mr. Burr agreed with Mr. Hansen and noted that it is a modest addition with a very large drainage area. When asked if the entire house is connected to the underground system, Mr. Wollmer responded in the negative and explained that the back of the house is not tied in. Mr. Van Doren suggested that a system be put in under the driveway so not to encroach into the area regulated by NJDEP. Mr. Hansen noted that Mr. Wollmer's environmental scientist agreed that they could do something under the driveway. Mr. Wollmer agreed to look at that as an alternative for the addition. When asked by Mr. Bernstein about the lack of passing percs, Mr. Burr noted that there are other designs such as rain gardens or infiltrators that could be used in the event that a passing perc is not achieved. Ms. Desiderio asked why the Board was requiring the entire house and addition to be captured. Mr. Johnstone noted that he suggested it to attempt to alleviate some of the issues downstream. Mrs. Baird questioned how the applicant would get the leaders from the entire house to one area under the driveway. Mr. Hansen opined that capturing the entire house would require a revised NJDEP permit and he felt that it was unnecessary. Mrs. Baird noted that the application is not a variance for coverage and felt that capturing the entire house would be overkill. Mr. Rahenkamp opined that a good compromise would be to capture the water from the West side of the addition and the West side of the existing house. When asked by Mr. Becker the additional cost to capture the water (NJDEP permitting, drywells, etc.), Mr. Hansen opined 6 to 8 thousand dollars. Mr. Becker opined that requiring the applicants to go back to NJDEP is overkill and unfair. Mr. Larsen noted that the areas of the proposed project are already considered impervious coverage. Mr. Becker opined that the applicants have done their due diligence with the NJDEP permitting process and he would be in favor of approving the application as presented.

There was a straw poll taken of the Board members about water retention or no water retention and the consensus was no water retention was necessary.

Ms. Desiderio made a motion to approve the application as presented with the following conditions outlined by Mr. Bernstein:

1. William Burr's report
2. Verification with the applicant's engineer that the coverage is under the 1,000 sq. ft. threshold.
3. Revisions to the plans.
4. Foundation survey.
5. Verification of NJDEP approvals.
6. Variance must be utilized within one (1) year.
7. Letter to the Land Use Administrator regarding other agency approvals.
8. Taxes and Escrows paid.

Mr. Johnstone opined that the area of the addition should be captured.

Mrs. Baird seconded Ms. Desiderio's motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Ms. Devlin, Mr. Czajkowski, Mr. Becker, Mr. D'Armiento, Mr. Rahenkamp and Mr. Larsen

Those Opposed: Mr. Moriarty and Mr. Johnstone

PUBLIC HEARING

- Lyons
Appl. No. 14-06
Block 32, Lot 37.07
Side and Rear Setback Variance, Impervious Coverage and Steep Slope Variances for addition and detached garage
Action Deadline – 9/12/14

Mark Lyons, property owner, was sworn in by Mr. Bernstein. He explained that he, his wife and four (4) children have lived in Tewksbury for 15 years and are hoping to do some modest renovations to their home to accommodate the size of their family and the changes in their lives as their children are getting older. He went on to report that he has spoken to his neighbors that are impacted by the proposed garage and those neighbors have been supportive of the work proposed.

James Weill, Architect and Planner, 387 Millburn Avenue, Millburn, NJ was sworn in by Mr. Bernstein. Mr. Weill provided his credentials and was accepted by the Board as a professional Architect.

The following exhibits were marked into the record:

- Exhibit A-1** a colored version of the plan.
- Exhibit A-2** colored sheet 2
- Exhibit A-3** colored sheet 3
- Exhibit A-4** architectural plans of first floor with setbacks marked
- Exhibit A-5** architectural plans of second floor
- Exhibit A-6** photo board
- Exhibit A-7** photo board
- Exhibit A-8** photo board

Mr. Weill described the property as a non-conforming lot in the Highlands Zone for both size and dimension. Due to the narrowness of the lot the building envelope is extremely narrow; the existing house already has one (1) encroachment into the required side yard. He went on to explain that there is an access driveway from Water Street that traverses the neighbors property and provides access to both the subject lot as well as an adjacent neighbor. This driveway contributes to the total coverage on the subject lot and causes the subject property to exceed the 10% impervious coverage permitted. The existing home was built in 1985 and is situated in the rear of the lot; the front of the lot is encumbered with the septic system, driveway easement and conservation easement. He went on to explain that another key factor that makes the property unique is that the building is skewed to the setback lines.

Using the architectural plans, Mr. Weill described additions to the existing dwelling which would enlarge the first floor Master Bedroom suite including the bathroom and closet and enlarge the second floor bedroom and bathroom. The addition causes a further encroachment into the side yard setback to the West. There will be an encroachment on the rear setback for an enlarged kitchen/family room/laundry and patio area.

Mr. Weill noted that part of the project is a detached three (3) car garage with a heated and air conditioned office and bathroom on the second floor. The garage requires a side and rear yard setback variance as well as a steep slope variance. Mr. Weill explained that the garage is detached to break up the bulk of the structure.

Mr. Weill described the following variances that are needed:

- Maximum lot coverage allowed is 10%, existing is 9.66% and proposed is 10.97%.
- Side Yard Setback for the house – 40 is required, 33 feet is proposed and 37 exists
- Rear Yard Setback for the house – 40 feet is required, 35.9 is proposed
- Side Yard Setback for the garage – 40 feet is required, 15 feet is proposed
- Rear Yard Setback for the garage – 40 feet is required, 10 feet is proposed
- Disturbance to critical slopes in excess of 25%

When asked by Mr. Burr about any change to the number of bedrooms, Mr. Weill responded that there are 4 currently and 4 will remain with one additional bathroom in the house and one powder room in the second floor of the garage.

When asked by Mr. Bernstein if the proposed garage could be located further to the front to avoid the rear yard setback variance, Mr. Weill explained that the angle would be too sharp for maneuvering cars in and out of the garage. When asked if there is any environmental reason, Mr. Weill responded in the negative. When asked the dimensions of the proposed garage, Mr. Weill responded 36 feet wide by 26 feet deep. When asked about the proposed lighting, Mr. Weill noted that they propose small residential lights with 60 watt bulbs.

When asked by Ms. Goodchild if the second floor office space is for a home business, Mr. Weill responded in the negative and explained that Mr. Lyons has a business in New York but some days he works from home.

When asked by Mrs. Baird if there was any thought to placing the garage at an angle to reduce the encroachment into the setback, Mr. Weill noted that it was discussed but the design concept was to keep things parallel. Mrs. Baird noted that the area to the rear is a conservation easement on the adjoining property. Mr. Weill noted that Lot 37.22 slopes upward and the house located on that lot will likely not see the Lyons' garage.

When asked by Mrs. Devlin if the driveway is gravel, Mr. Weill responded in the positive.

When asked by Mrs. Czajkowski about the patio and walkway shown on the plan, Mr. Weill explained that they are proposed. Mrs. Czajkowski noted that there appears to be 25 feet between the house and the proposed garage and asked if the garage could be moved closer to the house. Mr. Weill explained that the proposed placement of the garage provides for a pleasant distance between the house and garage for landscaping to create a nice transition. He added that the placement of the garage also makes for a better approach by vehicles coming up the driveway.

When asked by Mr. Bernstein if the existing attached garage is in steep slopes, Mr. Weill responded in the negative.

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

James Chmielak, Engineer, 360 Nassau Street, Princeton, NJ, was sworn in by Mr. Bernstein. Mr. Chmielak had testified before the Board in the past and was accepted.

Mr. Chmielak explained that there is a significant distance from the proposed project to adjacent residences: the house on Lot 37.08 is approximately 150 feet to the nearest corner of the addition, the house on Lot 37.06 is approximately 120 feet to the closest corner of the proposed garage and the nearest residence to the south is approximately 350 feet.

Mr. Chmielak reviewed Mr. Burr's letter dated September 17, 2014 and noted that originally the intent was to keep the garage in line with the house which put it at a 10 foot

setback but they increased it to 15 feet. Addressing No. 11b. of Mr. Burr's report, Mr. Chmielak explained that the net change in impervious coverage is approximately 1.3% (1,700 sq. ft.). A drywell has been provided to accommodate that net increase in coverage. He noted that the access driveway that traverses through the middle lot to provide access to the neighbor figures into the coverage calculation and equates to approximately 2% of the impervious coverage (a driveway that the Lyons family does not get the benefit from).

Mr. Chmielak noted that the critical slopes that are proposed to be disturbed are highlighted on **Exhibit A-1**. He explained that the placement of the structure in that area is similar to a bank barn and will serve to decrease the coverage. 940 sq. ft. of critical slope would be disturbed for the garage; the critical slope area will be reduced by half which, Mr. Chmielak opined, would reduce the potential for erosion and drainage concerns. Mr. Chmielak noted that Mr. and Mrs. Lyons' children are approaching driving age and there will be an increased need for garage space. He added that it was important to have an area near the garage for parking and for the ability to turn around. Mr. Chmielak agreed to correct some of the issues pointed out in Mr. Burr's letter regarding inconsistencies.

When asked by Mr. Burr if the driveway will remain gravel, Mr. Lyons responded in the positive. Mr. Burr asked Mr. Chmielak to amend his plan to remove the note about paving. Mr. Lyons noted that water pours down the hill from the Old Mine Road development and erodes the stone in his driveway and deposits it into the stream. Mr. Chmielak noted that there might be a preference to pave the driveway to help with the maintenance issue. When asked if there are inlets midway up the driveway, Mr. Chmielak responded in the positive. When asked if there is a rip rap swale at the top section of the driveway, Mr. Chmielak responded in the positive and explained that it conveys runoff to the inlet which discharges to another swale that travels to the north and through a pipe under the driveway into the watercourse. When asked about the trees that need to be removed, Mr. Chmielak explained that there are three (3) trees on the East side (two (2) 24 inch Oaks and one (1) 12 inch beech) that would be removed to facilitate the grading around the structure. Although not a requirement, Mr. and Mrs. Lyons would plant new trees to compensate if necessary. When asked about repositioning the proposed garage, Mr. Chmielak opined that pushing it further towards the front of the property decreased the circulation within the driveway area. Mr. Lyons noted that they have difficulty backing out of the existing garage and making the turn; on more than one (1) occasion they have slid to the bottom of the driveway in reverse because they can't make the turn.

When asked by Mr. Bernstein how far the house is from Water Street, Mr. Chmielak responded 505 feet. When asked if the site is heavily wooded, Mr. Chmielak responded in the positive noting that it is mostly on the opposite side of the driveway. When asked if he felt it would be a positive feature to eliminate the critical slope, Mr. Chmielak responded in the positive and explained that it would provide decreased area of critical slope and decreased potential of soil erosion associated with that critical slope; the garage would serve as a stabilizer of the slope.

When asked by Mr. Moriarty what the detention basin will capture, Mr. Chmielak noted that it would capture the proposed garage and also the southeastern portion of the home to compensate for the increase in impervious coverage.

When asked by Mrs. Baird how much critical slope would be disturbed, Mr. Chmielak responded 940 sq. ft.

When asked by Mr. Van Doren if there are more critical slopes beyond the proposed disturbance, Mr. Chmielak responded in the negative and noted that it is not as steep further up the hill as the area of the proposed garage was carved out by the developer when the house site was created.

Mr. Johnstone suggested having a site walk of the property to which the Board agreed. The applicant was asked to stake out the proposed garage.

A site walk was scheduled for Friday, June 6, 2014 at 7 p.m. with an invitation to the public.

The hearing was continued to June 18, 2014 with no new notice.

- Lance
Appl. No. 14-08
Block 39, Lot 1
Parking Variance
Action Deadline – 9/18/14

Mr. Van Doren and Mrs. Czajkowski recused themselves from the meeting.

LeRoy Lance, 1 Church Street, was sworn in by Mr. Bernstein. Mr. Lance explained that in 1975 the Township of Tewksbury eliminated parking on Route 517 on the northbound side. Subsequently, parking was eliminated on the southbound side (except for a handicapped spot in front of the Tewksbury Inn and a few in front of the dentist's office) which has impacted property owners with properties in the Village Business Zone. His mother bought several properties in the village of Oldwick in 1960, which consisted of the blue building at the corner of Route 517 and Church Street and the stone building known as 1 Church Street (the subject of the application). The subject building was used as a real estate office for over 40 years. Mr. Lance explained that his family has had trouble renting space to businesses over the years due to the lack of parking. Mr. Lance opined that both the Tewksbury Inn and Tewksbury General Store are the only businesses that come close to providing adequate parking but he believed that they too did not provide the amount of parking required under the ordinance. Mr. Lance also pointed out that the Spa on the corner of Main and James Streets also has issues with parking; the problem exists with almost every business in the village.

Mr. Lance explained that he is seeking relief from the number of parking spaces required for the use proposed. He referenced the survey he provided as part of the application and noted that Block 39, Lot 1 consists of two (2) buildings on one (1) lot which contains the blue building that fronts on Main Street and the stone building at 1 Church Street. After closing the real estate office at 1 Church Street there have been a succession of tenants on the first floor (an attorney, a builder, an artist, an antique shop, etc.) Mr. Lance explained that behind the property there is extremely limited parking on Lot 1 and it is a condition that has existed since the 1920's. The parking extends over the property line of Lot 1 onto Lot 28. Mr. Lance explained that he has a potential tenant that wants to establish a small floral shop at 1 Church Street. The business is primarily to meet with potential clients for weddings, organizational events plus a small amount of retail floral design. The business is not dependent on a high amount of walk in traffic and therefore does not require a lot of parking. He went on to explain that to conform to the DRO parking requirements for this use he would have to provide a minimum four (4) off street parking spots and one (1) off street parking spot for each residential unit. As such, 1 Church Street would need to provide a minimum of five (5) parking spots. Similarly the blue building (on the same lot) would require five (5) parking spots; each building contains a first floor business and one (1) second floor apartment. The building on the next lot (Lot 28) is presently three (3) apartments which would require three (3) parking spaces. Mr. Lance explained that he is seeking effective relief from the terms of the ordinance for a situation that has been there for approximately 100 years. To comply with the ordinance would require him to extinguish any business use in any of the buildings.

When asked by Mr. Burr which building the floral shop will occupy, Mr. Lance responded 1 Church Street (the stone building) on Lot 1. Mr. Burr noted that the plan provided by the applicant shows seven (7) spaces in the back and asked how it currently functions. When asked if all seven (7) spaces are utilized, Mr. Lance responded in the positive.

When asked by Mr. Johnstone if the building has been occupied by other businesses in the past, Mr. Lance responded in the positive. When asked why he is applying for a parking variance now, Mr. Lance explained that the potential renter went to the Zoning Officer to obtain a permit for a sign and was denied because there was a change of use and the parking was deficient. Ms. Goodchild noted that the Zoning Ordinance requires a permit for a change of use and in order for the Zoning Officer to sign off on that permit the applicant must demonstrate adequate parking. Mr. Bernstein noted that the purpose is to control low intensity uses. Mr. Burr pointed out that the DRO requires four and a half (4 ½) spaces for every 1,000 sq. ft. of office space under 50,000 sq. ft. and one (1) space for every 200 sq. ft. for retail; retail needs more parking. When asked who the last renter was, Mr. Lance responded a builder which falls under the office use. Mr. Burr noted that for the size of the building in question, four (4) spaces would be required for retail and three (3) spaces for office. Mr. Bernstein noted that there is also an apartment on the second floor and another building on the lot with a business on the first floor and an apartment on the second floor. When asked if there is any parking on site, Mr. Lance responded in the negative and explained that all of the parking has always been on the contiguous property (Lot 28) which is currently in joint ownership. Mr. Bernstein noted

that there would be a problem if Lot 1 were sold without an easement on the adjoining property. Mr. Lance noted that there is a recorded driveway easement. Mr. Bernstein agreed but noted that the existing easement addresses access and not parking. When asked by Mr. Johnstone if there is parking in front of the building, Mr. Lance responded that there are two (2) spots in front of the building but they are not dedicated to 1 Church Street.

Pamela Hillner, 240 Cokesbury Road, was sworn in by Mr. Bernstein. Ms. Hillner explained that she is a floral designer with a background in interior design and has had her business for three (3) years. She mainly works with clients on events and celebrations, usually custom orders. She was previously at the Fairmount Market (Melick market) but wants to move the business to Oldwick to meet with brides/grooms and parents and have a showroom to display her product. She noted that she does have some retail business but how much, at this point, is unknown. She will be selling candles, scarves but mostly flowers. Most of the orders are taken over the phone or on-line. When asked how many spaces she will need, Ms. Hillner opined two (2) (one for her and one for the customer). She noted that she will likely park in the back so there will be two (2) spaces available in the front. She did note that employees of the Oldwick General Store tend to park on Church Street so they may not always be available. When asked by Mr. Bernstein, Ms. Hillner opined that she would be a good tenant due to her low parking needs.

Mrs. Devlin asked for clarification as to the variance. Mr. Bernstein explained that because there is no parking on Lot 1 (it is all on adjacent Lot 28) they need a parking variance before 1 Church Street can be leased to Ms. Hillner.

When asked by Mr. Moriarty how her business changed since she moved from the Fairmount market, Ms. Hillner noted that it was a new business at the time and she was partnered with a person that was a garden designer which focused on exterior landscape work. Aside from no longer having a partner her businesses has not really changed and her focus is more on events and specific projects. When asked if she is more of a consultant than retail, Ms. Hillner responded in the positive. When asked if someone could stop in to buy flowers, Ms. Hillner responded in the positive.

There being no further questions from the Board, Mr. Johnstone opened the meeting up to the public.

Neil Cuthbert, 7 Church Street, indicated that he does have a problem with Ms. Hillner's business but expressed concern with a future use. Mr. Bernstein noted that the variance would be for this use only because any future use could potentially require more parking. When asked by Mr. Johnstone if the Board can limit the approval to Ms. Hillner's use, Mr. Bernstein responded in the positive indicating that it is a florist consultant with minimal floral retail business.

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

Mr. Bernstein noted that currently the parking is shared between Lots 1 and 28 without a formal parking easement. Mr. Lance could sell the properties to two (2) separate buyers which could prevent Lot 1 users from parking on Lot 28. He suggested the Board consider a joint parking easement so the parking is legally shared. Mr. Lance noted that they are in the process of selling the buildings and he intends to sell them together.

Mr. Lance asked if he would have to revisit the Board every time the tenant changes to which Mr. Bernstein responded in the positive.

Mr. Moriarty made a motion to approve the application for a parking variance with the condition that there be a joint parking easement between Lots 1 and 28 and that any change of use in business would come back to the Board. Mr. Becker seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

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

Those Opposed: None

Board Discussion/Action Items

- Volunteers for COAH Committee

Tabled for a future meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:46 p.m. by motion of Mr. Moriarty and seconded by Ms. Desiderio.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator