

LAND USE BOARD MINUTES
July 6, 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 7:31 p.m.

Present: Blake Johnstone, Mary Elizabeth Baird, Shaun Van Doren, Dana Desiderio arrived at 7:33 p.m., Bruce Mackie, Elizabeth Devlin, Michael Moriarty, Ed Kerwin, Arnold Shapack, Alt. #1, Eric Metzler arrived at 7:36 p.m. and Ed D'Armiento, Alt. #4.

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

Absent: Shirley Czajkowski and Tom Dillon, Alt. #3

There were approximately eight (8) people in the audience.

OPEN PUBLIC MEETING ACT STATEMENT

Mr. Johnstone opened the meeting by announcing that adequate notice of the meeting had been provided by posting a copy thereof on the Police/Administration Building bulletin board, faxing a copy to the Hunterdon Review and the Hunterdon County Democrat, and filing with the Municipal Clerk, all on January 6, 2011.

PLEDGE OF ALLEGIANCE

Those present stood and pledged allegiance to the American flag.

CLAIMS

Mr. Johnstone asked the Board if there were any questions or comments regarding the following claims to which the response was negative. Mr. Van Doren 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 – Attendance at 6/15/11 LUB Meeting – invoice dated June 16, 2011 (\$400.00)
2. Bernstein & Hoffman – Land Use Board Escrow – Hill and Dale Farms, Inc. (B36, L1 & 1.01 and B51, L80) - invoice dated June 23, 2011 (\$262.50 - *to be split between each escrow*)
3. Bernstein & Hoffman – Land Use Board Escrow – Blauvelt (B39, L8) - invoice dated June 15, 2011 (\$532.50)
4. Bernstein & Hoffman – Land Use Board Escrow – Sheft (B33, Lot 7.18) – invoice dated June 14, 2011 (\$645.00)
5. Bernstein & Hoffman – Land Use Board Escrow – Hill and Dale Farms (B36, L1 & 1.01) – invoice dated June 9, 2011 (\$1,372.50)
6. Bernstein & Hoffman – Land Use Board Escrow – Hill and Dale Farms (B51, L80) – invoice dated June 9, 2011 (\$3,105.00)

7. Maser Consulting – Land Use Board General Land Use Work – invoice #165344 (\$97.50)
8. Maser Consulting – Land Use Board Escrow – Fernandes (B32, L23), invoice #165356 (\$877.50)
9. Maser Consulting – Land Use Board Escrow – Johnson (B23, L23), invoice #165345 (\$1,300.00)
10. Maser Consulting – Land Use Board Escrow – Goss (B42, L9.04), invoice #165346 (\$975.00)
11. Maser Consulting – Land Use Board Escrow – Taggart (B23, L26), invoice #165357 (\$357.50)
12. Maser Consulting – Land Use Board Escrow – Sheft (B33, L7.18), invoice #165355 (\$1,332.50)
13. Maser Consulting – Land Use Board Escrow – Snyder (B11, L9.16), invoice #165358 (\$292.50)
14. Maser Consulting – Land Use Board Escrow – Wood (B10, L5.07), invoice #165351 (\$292.50)
15. Maser Consulting – Land Use Board Escrow – Catalano (B6, L25.01), invoice #165352 (\$617.50)
16. Maser Consulting – Land Use Board Escrow – Blauvelt (B39, L8), invoice #165354 (\$1,105.00)
17. Maser Consulting – Land Use Board Escrow – Johnson (B23, L20), invoice #165347 (\$487.50)
18. Maser Consulting – Land Use Board Escrow – Johnson (B23, L4), invoice #165348 (\$585.00)
19. Maser Consulting – Land Use Board Escrow – Johnson (B23, L36), invoice #165349 (\$487.50)
20. Maser Consulting – Land Use Board Escrow – Johnson (B23, L2), invoice #165350 (\$2,372.50)
21. Banisch Associates – Professional Planning Services, invoice #P11-18848 (\$390.50)
22. Banisch Associates – Land Use Board Escrow – Wood (B10, L5.07), invoice #P11-18847 (\$1,171.50)
23. Banisch Associates – Land Use Board Escrow – Johnson (B23, L2), invoice #P11-18843 (\$63.90)
24. Banisch Associates – Land Use Board Escrow – Johnson (B23, L4), invoice #P11-18844 (\$63.90)
25. Banisch Associates – Land Use Board Escrow – Johnson (B23, L36), invoice #P11-18845 (\$63.90)
26. Banisch Associates – Land Use Board Escrow – Johnson (B23, L20), invoice #P11-18846 (\$63.90)
27. Suburban Consulting Engineers – Land Use Board Escrow – Johnson (B23, L2, 20 & 36), invoice #16605 (\$1,335.00)
28. Suburban Consulting Engineers – Land Use Board Escrow – Hill & Dale Farms (B51, L80), invoice #16625 (\$304.50)
29. Suburban Consulting Engineers – Land Use Board Escrow – Hill and Dale Farms (B36, L1, 1.01), invoice #16608 (\$62.50)

30. Suburban Consulting Engineers – Land Use Board Inspection – Pottersville WWTP (B24, Lot 17.01), invoice #16606 (\$354.00)
31. Suburban Consulting Engineers – Land Use Board Inspection – A.M. Best Company (B46, L2.01, 5 & 6), invoice #16588 (\$1,590.08)

Roll Call Vote:

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

Nays: None

CORRESPONDENCE

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

1. A letter dated June 8, 2011 from Douglas Janacek re: an extension of the minor subdivision approval granted for James Johnson, Appl. No. 10-07, Block 23, Lot 2.
2. A letter dated June 20, 2011 from Chief Holmes re: Kian, Appl. No. 11-05, Block 34, Lot 19.04.
3. A letter received on June 16, 2011 from the Environmental Commission re: Kian, Appl. No. 11-05, Block 34, Lot 19.04.
4. A copy of a letter dated June 13, 2011 from the Office of the Hunterdon County Engineer to Roberta Brassard, Clerk re: resurfacing and safety improvements of County Route 523 and County Route 517 in Tewksbury and Readington Townships.
5. A letter dated June 23, 2011 from the Hunterdon County Planning Board re: Stavola Quarries, Block 44, Lot 24.
6. A letter dated June 16, 2011 from the Environmental Commission re: Noise Ordinance.
7. A letter dated July 1, 2011 from Bill Burr re: Kian, Appl. No. 11-05, Block 34, Lot 19.04.
8. A letter dated June 30, 2011 from Jennifer Johnson re: application for an LOI for Block 43, Lot 3.

MINUTES

- May 4, 2011

The minutes of May 4, 2011 were approved by motion of Ms. Desiderio and seconded by Mrs. Devlin. All were in favor. Mr. Van Doren abstained.

- May 18, 2011

The minutes of May 18, 2011 were approved by motion of Mr. Van Doren and seconded by Mrs. Baird. All were in favor. Ms. Desiderio abstained.

ORDINANCE REPORT

Mr. Mackie had no ordinances to report on.

PUBLIC PARTICIPATION

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

Mr. Van Doren recused himself from the remainder of the meeting due to conflicts with the Johnson extension request and the Kian application (Mr. Bunevich is Mr. Van Doren’s attorney).

Ms. Desiderio recused herself from the Johnson matter.

EXTENSION REQUEST

- James L. Johnson, Appl. No. 10-07, Block 23, Lot 2 – extension of Minor Subdivision Approval – *see letter from Doug Janacek dated June 8, 2011*

Mr. Doug Janacek, Attorney for the applicant, was present. He explained that all outside agency approvals have been received but his client is still working with the Township professionals to finalize some of the conditions in the resolution.

Mrs. Baird made a motion to approve the extension and Resolution No. 11-18. Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

Ayes: Mrs. Baird, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Kerwin, Mr. Shapack, Mr. D’Armiento and Mr. Johnstone

Nays: None

RESOLUTION

- **Resolution No. 11-18** – James L. and Gretchen W. Johnson, Appl. No. 10-17

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 10-07
RESOLUTION # 11-18

WHEREAS, JAMES L. JOHNSON and GRETCHEN W. JOHNSON had applied to the Land Use Board of the Township of Tewksbury for a minor subdivision and a variance under N.J.S.A. 40:55D-70d for property which is located at 39 Homestead Road and designated as Block 23, Lot 2 on the Tewksbury Township Tax Map, which premises is located in LT (Lamington) and FP (Farmland Preservation) Zones, and

WHEREAS, the application was approved and a resolution was adopted on November 17, 2010, and

WHEREAS, the resolution contained a number of conditions which required legal and engineering work, and

WHEREAS, N.J.S.A. 40:55D-47d provides that a minor subdivision shall expire unless a subdivision deed or plat is filed within 190 days of the adoption of the resolution, and

WHEREAS, neither a subdivision deed nor a plat has been filed within the 190 day period, which expired on May 26, 2011, as the work necessary to perfect the subdivision had not been completed, and

WHEREAS, the period for filing a subdivision deed or plat may be extended under N.J.S.A. 40:55D-47f for an additional 190 days, and

WHEREAS, Attorney Douglas J. Janacek, Esq. of the firm of Gibbons, P.C. wrote a letter on June 8, 2011 to the Tewksbury Township Land Use Board seeking a 4 month extension for filing the subdivision deed or plat, and

WHEREAS, the Board finds that an extension is warranted.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 6th day of July 2011 that the period for the filing of a minor subdivision deed or plat in Application No. 10-07 which was approved on November 17, 2010 be extended to September 26, 2011.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Kerwin, Mr. Shapack, Mr. D'Armiento and Mr. Johnstone

Those Opposed: None

PUBLIC HEARING

➤ Kian

Application No. 11-05

Block 34, Lot 19.04 – Variances for Lot Coverage and Number of Garages

Action Deadline – July 21, 2011

Mr. Bernstein reviewed the notice provided by the applicant and deemed it adequate.

Ms. Desiderio recused herself from the hearing.

Mr. David Bunevich, Attorney for the applicant was present. Mr. Bunevich explained that the applicant applied for and received approval from the Board of Adjustment in June of 1998. Several things were granted as part of that application, an impervious coverage variance for approximately 16%, a motor stable and also a tennis court. Neither the motor stable nor the tennis court was constructed and the tennis court is no longer going to be built. Mr. Bunevich explained that the application before the Board is for the motor stable; the motor stable that was previously approved had a condition that it be constructed within one (1) year and that has since lapsed. He noted that the 1998 approval called for a second floor in the motor stable; the current application does not contemplate a second floor, only attic space for storage.

Mr. Bunevich noted that virtually half of the current impervious coverage is the driveway (31,000 sq. ft.). The driveway was configured in such a way as to avoid traversing steep slopes and removing an excessive amount of trees.

Jim Madsen, was sworn in by Mr. Bernstein. Mr. Bernstein noted that Mr. Madsen has testified before the Board in previous applications. When asked if his license has been revoked or suspended, Mr. Madsen responded in the negative. Mr. Madsen's qualifications were accepted by the Board.

Mr. Madsen displayed for the Board a colored version of the plan submitted as part of the application; it was marked as **Exhibit A-1**. Using Exhibit A-1 Mr. Madsen explained that the darker green represents the wooded area, the lighter green represents the lawn area, the light gray area is the existing driveway, the house is represented by the light brown, the blue shaded areas around the house represents the terraces and the darker blue/purple area represents the pool. Approximately half way up the driveway is a dark brown area which represents the proposed motor stable with a darker gray area in front which represents the proposed driveway to the motor stable. Also shown on the plan is a portion of the driveway to be removed which is an existing turnaround area. This area will be replaced by the driveway area in front of the motor stable to compensate for the loss of the circular area. The existing coverage for the property is at 15.25%. Mr. Madsen noted that there is an existing non-conforming shed in the southwestern portion of the property which will be relocated to a conforming location to meet the proper setbacks.

Mr. Madsen displayed for the Board the plan that was presented to the Board of Adjustment in 1998; it was marked as **Exhibit A-2**. He explained that the drawing notes the steep slope areas on the property in the shaded areas; the slopes dictated the area the home could be constructed in. Mr. Madsen explained that the proposed motor stable is 147 feet from Lot 24 and 197 feet from Lot 19.05.

When asked about the increase in lot coverage, Mr. Madsen explained that 2,412 sq. ft. of coverage is proposed for the driveway and motor stable. The loss of the turnaround area would represent approximately 2,100 sq. ft. so the net increase is approximately 2,100.

William Burr's letter dated July 1, 2011 was reviewed and addressed by Mr. Madsen as follows:

1. a. Five (5) cars and equipment will be stored in the garage.
b. The exterior will be a stone veneer with either cast or limestone accents around the windows with a slate roof. Four (4) lighting fixtures are proposed on the exterior. Other details are on the architectural plans.
c. One (1) bathroom and hvac facilities.
d. One (1) floor with attic space (pull down stairs for access).
2. The steep slopes required the driveway to traverse around those areas adding to the length of the driveway; 31,000 sq.ft. of the existing coverage is for the driveway to the circle in front of the house. There is additional driveway and terraces that adds another 3,000 sq. ft.
3. To be addressed by Mr. Kian
4. a. The intent is to install drywells as depicted on the 1998 plan.
b. The plan is connect the proposed sewer line to the existing sewer system.
c. Walkways are not proposed.
5. A turnaround is being proposed in front of the motor stable to compensate for the removal of the turnaround area.
6. The limits of disturbance can be added to the plans.
7. Seven (7) trees are proposed to be removed. New landscaping could be added.
8. No more than 100 watt bulbs are proposed.
9. A Grading and Surface Water Management Plan will be submitted for approval.

When asked to speak about the visibility from other lots, Mr. Madsen explained that during the summer there is vegetation on the subject lot as well as the surrounding properties. An analysis was done on Lot 19.05 to see how close a house could be constructed and based on the topography from the subdivision map and current setback requirements (without seeking variance relief) the closest house on that property would be 420 feet away from the nearest corner of the proposed motor stable. Lot 24 is 200 feet

away and may be slightly more visible because it is less wooded. Any other surrounding properties are either blocked by Mr. Kian's existing house, the terrain or significant vegetation.

Mr. Burr asked Mr. Madsen to review for the Board the existing drainage conditions (what is currently on the property). Mr. Madsen explained that when the driveway was constructed there were numerous inlets as well as piping constructed to capture the runoff from the driveway which drains down to the existing storm sewer system in Alpaugh Farm Road which eventually leads to the detention basin on a lower lot of the subdivision. The house drains to a series of drywells (shown as circles and triangles on the plan), a total of 21 drywells were installed to capture the roof area. When asked if a drywell is proposed for the motor stable, Mr. Madsen noted that three (3) drywells are proposed for the motor stable. Mr. Bunevich noted that they were proposed as part of the original application in 1998.

Mr. Burr noted that the driveway area proposed to be removed was required by the Township Engineer and Fire Department as part of the 1998 approval. Mr. Madsen explained that there were pull off areas required along the driveway. The plan is to use the area in front of the motor stable as the pull off area which almost replicates the circular area proposed to be removed; it is another 100 feet up the driveway but still maintains adequate sight distance. When asked if they would submit the plans to fire department to get their approval, Mr. Madsen agreed to comply. Ms. Goodchild noted that the Oldwick Fire Company received the plans but have not commented.

Mr. Bernstein asked for the footprint of the motor stable to which Mr. Madsen replied 2100 sq. ft. When asked if anything other than motor stable would be added, Mr. Madsen replied in the negative. When asked about the net increase in impervious coverage, Mr. Madsen replied .55%. When asked about heating and cooling, Mr. Madsen confirmed that heating, cooling and bathroom facilities are proposed. Mr. Bernstein noted that the motor stable has the capacity for 6 cars to which Mr. Madsen agreed. When asked if there are garages attached to the house, Mr. Madsen reported that there are three (3) two (2) car garages for a total of six (6). When asked if the coverage could be reduced to the current permitted amount of 5%, Mr. Madsen explained that he would need to go back and look at the stormwater calculations for the subdivision to determine whether or not any portion of Mr. Kian's lot was included. He added that additional drywells could be installed to bring it down to the 5%.

Mrs. Devlin asked if the motor stable faces the driveway or the house to which Mr. Madsen confirmed the driveway.

Mr. Moriarty questioned the interpretation of the DRO regarding the number of garages. Mr. Bernstein opined that it could be interpreted different ways however, Ms. Goodchild noted that the Zoning Officer has always interpreted it as the garage bay (door). When asked what the significance of 16% lot coverage was, Mr. Madsen explained that they were trying not to exceed what was approved in 1998. When asked if they would keep the turnaround if the Fire Company required it, Mr. Bunevich responded in the positive.

When asked what the coverage would be if it remained, Mr. Burr noted it would be approximately 16.23%. Mr. Moriarty, using one of the pictures filed with the application (marked as **Exhibit LUB-1**), asked if the grassy area is the lot next to Mr. Kian's. Mr. Madsen noted that it is a vacant lot.

Mr. Johnstone asked if the structure will have heat to which Mr. Madsen responded in the positive. When asked if the building is insulated, Mr. Madsen responded in the positive and explained that there is insulation in the ceiling joists but not in the wall sections. When asked if the building will have water, Mr. Madsen responded in the positive. When asked if there will be a kitchen facility, Mr. Madsen responded in the negative. When asked about the height of the building, Mr. Madsen explained that it is 25 feet to the ridge of the roofline. When asked if there is adequate headroom for a second floor, Mr. Madsen responded in the positive. When asked if there is a plan to utilize the second floor as habitable space, Mr. Madsen responded in the negative.

Looking at the plan approved in 1998, Mrs. Baird asked if the 10,000 gallon underground storage tank was installed to which Mr. Madsen responded in the positive. When asked if the tennis court was built, Mr. Madsen responded in the negative.

Mr. Mackie asked if all of the proposed lighting will be 100 watt or less to which Mr. Madsen responded in the positive.

Mr. Kerwin opined that the motor stable will be elevated and that three (3) of the neighboring lots will have a direct view of the structure. Mr. Madsen opined that it would be difficult to see the structure from the adjoining properties due to the elevation changes and the number of trees. When asked about the hardship, Mr. Madsen explained that the existing coverage was generated to provide access to the residence; the driveway consumes 31,000 sq. ft. of impervious coverage. The topography necessitated the long driveway in order to traverse the steep slopes along with the preservation of existing vegetation. When asked if trees could be planted to help buffer the structure, Mr. Madsen responded in the positive.

Mr. Shapack asked about the maintenance of the 21 drywells since they were constructed. Mr. Madsen did not have any knowledge of their maintenance but didn't think much would be required.

Mr. Metzler asked the width of the existing driveway to which Mr. Madsen responded fourteen (14) feet. Mr. Metzler opined that the parking area in front of the proposed structure is excessive and suggested reducing it to minimize the coverage.

Mr. D'Armiento asked if the basin fills up and overflows in large storms to which Mr. Madsen responded in the negative.

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

Mr. Max Kian, applicant, was sworn in by Mr. Bernstein. Mr. Kian explained that the motor stable is needed for his car collection. For many years he had a house in Warren where the cars were stored however the house is for sale and the cars were moved; they have been moved to the Tewksbury property and are all outside under covers. He explained that in 1998 the motor stable proposed a second floor with a two (2) bedroom apartment for a caretaker but it is not part of the current proposal. The building will be used for the storage of the car collection as well as lawn equipment that is currently sitting outside in the elements. He explained that the bathroom will only contain a sink and toilet, no shower. When asked about the heat and air conditioning, Mr. Kian explained that he likes the cars to be in a climate controlled environment. When asked if he intends to perform mechanical repairs on the cars in the motor stable, Mr. Kian responded in the negative. When asked if his property is farm assessed, Mr. Kian explained that a 7 acre portion is farmland assessed. When asked, Mr. Kian explained that the driveway was designed to preserve as many trees as possible. When asked about the water tank for fire fighting, Mr. Kian pointed out the location on the plan.

Mr. Burr asked for clarification on what will be stored in the structure to which Mr. Kian explained that he would store his car collection and lawn equipment.

Mr. Bernstein noted that a two (2) bedroom apartment may have been proposed but it was not approved in 1998 to which Mr. Bunevich agreed. When asked if he met with the architect to discuss what would be stored in the building, Mr. Kian responded in the positive. Mr. Bernstein noted that the architectural plans show a yard trailer, four (4) ATV's, a bobcat, truck, two (2) lawnmowers, a wood chipper, rototiller, wood splitter and a leaf vacuum but does not show any room for collectible cars or the backhoe. Mr. Kian explained that the 20 foot garage door is for the backhoe. Mr. Bernstein expressed concern with the type of equipment shown on the plans noting that yard equipment and ATV's don't need heat and air conditioning. Mr. Kian was unclear why the plans didn't show storage of some of his vehicles but did suggest that some of the equipment shown is better off stored in facilities that have temperature control. When asked who resides in the home, Mr. Kian responded by saying he, his wife and his 17 year old son. When asked how many cars he has, Mr. Kian responded by saying he has 14 cars and he and his wife drive Range Rovers and his son drives an Audi and the rest of his collection includes three (3) Ferrari's, two (2) Rolls Royce's, two (2) Cadillac's, one (1) Corvette, three (3) Porsche's and one (1) mini. When asked, Mr. Kian explained that the two (2) Range Rovers and the Audi are parked outside. When asked how many cars are outside at the residence in Tewksbury, Mr. Kian responded seven (7).

Mrs. Devlin asked what the attic will be used for to which Mr. Kian explained that it will be used for storage. When asked if he needed the building to be that high, Mr. Kian explained that the design and height was necessary so that it is aesthetically pleasing and matches the house.

When asked by Mr. Moriarty if he has any residential properties within 30 miles of Tewksbury, Mr. Kian explained that his home in Warren is up for sale and his other

properties are commercial properties. When asked if the commercial properties have garage space, Mr. Kian responded in the negative.

Mr. Johnstone asked Mr. Kian the purpose of the heat in the structure. Mr. Kian explained that he likes his cars in a heated environment because the rubber deteriorates when exposed to the cold. When asked the purpose of the air conditioning, Mr. Kian explained that when he is in the garage he wants it to be a comfortable environment. When asked about insulation, Mr. Kian explained that the ceiling will be insulated but the outside walls will not. When asked if there will be a kitchen, Mr. Kian responded in the negative. When asked if there will be a habitable second floor or a shower on the first floor, Mr. Kian responded in the negative. When asked why he can't store the cars in New York where they are now, Mr. Kian explained that it is expensive to store them as well as the fact that he would like them close to his residence for convenience. When asked if he has looked into facilities close by to store the cars, Mr. Kian noted that he asked several brokers to find a facility but they could not find any.

Mr. Mackie asked if there was a walkway/patio around the pool to which Mr. Kian responded in the positive and noted that it is granite. When asked if it is included the impervious coverage, Mr. Kian responded in the positive. When asked if there are lights lining the driveway, Mr. Kian responded in the negative.

Mr. Shapack asked Mr. Kian if he considered buying the vacant lot adjacent to him and Mr. Bunevich noted that it wasn't for sale.

Mr. Metzler asked what is stored in the shed to which Mr. Kian responded garden tools.

When asked by Mr. Bernstein if he would agree to plant trees as a buffer, Mr. Kian responded in the positive.

Mr. Johnstone opened the meeting up to the public for questions. There being none, Mr. Johnstone closed the public portion.

Mr. Metzler suggested the removal of excess coverage in front of the proposed motor stable for a savings of approximately 500 sq. ft. of impervious surface. Mr. Bunevich indicated that if it is feasible his client would concede.

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

Peter Dany, 39A Stillhollow Road, owner of Lots 24 & 25, was sworn in by Mr. Bernstein. Using the map presented by the applicant Mr. Dany explained that Mr. Kian installed a wrought iron fence around the perimeter of his property. The property is bordered by a fieldstone wall and very old trees and both Mr. and Mrs. Kian thoughtfully steered the fence around all of the old trees. Mr. Dany explained that approximately 14 years ago, prior to Mr. Kian purchasing the property, he planted pine and spruce trees along the perimeter. He is the neighbor impacted most by the proposal but because of the vegetation and the orientation of the hill it is impossible to see anything from Lot 24. He

added that when a house is built on the vacant lot he owns it will be cited at the top of the hill. As to Lot 25, where Mr. Dany resides, 40 to 60 foot high spruce and pine trees were planted and only once in awhile a car on the Kian driveway is visible. Mr. Dany noted that because of the orientation of Mr. Kian's home and his lifestyle you never see any lights. He had no objection to the project.

John Antonopoulos, 3 Alphaugh Farm Road, was sworn in by Mr. Bernstein. Mr. Antonopoulos noted that he is directly east of Mr. Kian's property (Lot 19.03) and because of the terrain and the location of the proposed building he will not see it and so he's not concerned with the proposal. He noted that everything done by Mr. Kian has been first quality.

Lance LaMarca, was present to represent his father Tom LaMarca as well as a partial owner of Lot 19.01, he was sworn in by Mr. Bernstein. He explained that Lot 19.01 is directly south of Mr. Kian's property and they have no view of the proposed stable and do not object to the proposal. He read the following letter into the record:

We are an adjacent owner to the subject property before you and we would like the Board to know that we have no objection to this application. Mr. and Mrs. Kian have been model neighbors and have added value to the neighborhood and township during the development and subsequent upkeep of their property. They are very private and decent people who have shown concern and respect for us as adjacent property owners. I reviewed their plan and once again admire their level of care they have taken to satisfy everyone's needs and due to the non-offensive and architectural and pleasing manner they continue to set the bar higher with what they have done with their property. In no way do we object to this improvement and fully support the passing of any variances required at this time.

Hal Kamine, 14 Meadow Lane, was sworn in by Mr. Bernstein. Mr. Kamine is the owner of Lots 19.05, 19.06, 12.03 and some other lots in the area. He explained that he walked the area last week and there are 400 feet of woods between the proposed motor stable and the buildable area on the lot he owns. Mr. Kamine noted that he has no objection to the proposal and opined that Mr. Kian does beautiful work and he expects that to be the case with this project.

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

Mr. Moriarty asked if all of the water is captured in either the dry wells or detention ponds. Mr. Burr believed so and noted that he can only rely on Mr. Madsen's testimony relative to the drainage. Mr. Kian noted that there are eleven (11) catch basins along the driveway and one (1) at the gate. Mr. Burr noted that the roof of the home is captured by the existing 21 dry wells and there are more drywells proposed for the motor stable. Mr. Kian pointed out that the pool area drains into four (4) drywells.

Mrs. Devlin opined that the property is overdeveloped already and opined that the Master Plan didn't envision homeowners with fourteen (14) cars stored on a lot.

Mr. Mackie shared Mrs. Devlin's opinion.

Mr. Moriarty noted that after reading the application material he was focused on the Environmental Commission's comments. He was impressed with the work to capture the water on the property and therefore opined that runoff was not an issue.

Mrs. Baird shared Mr. Moriarty's opinion and noted that she is leaning in favor of the application because it seems to fit in and is not obtrusive.

Mr. Mackie stated that he is not in favor of it as it is currently proposed and opined that the plan is ill-conceived because the applicant testified that he has more cars than space. He also opined that there are other things that could be done to make it more palatable (moving it closer to the house and removal of existing coverage).

Mr. Kerwin shared Mrs. Baird's opinion, it is concealed from the roadway and from the neighbors who have come out to support the application. He opined that the property owner has gone above and beyond with the drywell system and will continue to do so if the application is approved.

Mr. Shapack echoed Mrs. Baird's comments and noted that the effort to contain water on the property should be commended. He was also impressed by the comments from the neighbors who attended to support the application.

Mr. Metzler expressed no issue with the six car garage or the increase in coverage however his concern was the slippery slope the Board is taking with continually granting coverage variances that continue to creep higher and higher.

Mr. D'Armiento agreed that the applicant has demonstrated a lot of effort to contain the water on site and the proposal fits in with the surrounding area.

Mr. Johnstone explained that he had a problem with the proposal starting with when he read the application material and with the testimony during the hearing. He opined that Mr. Kian means well and does a first class job. He noted that the only thing that has swayed his decision was the neighbors coming out to support the application.

When asked if they wanted the Board to take a vote, Mr. Bunevich indicated that his client preferred if the Board voted on the application.

Mr. Bernstein noted the following conditions that would be applicable if the application was approved:

1. Conditions within William Burr's report
2. Standard conditions (other agency approvals, escrow, etc.)

3. Shed will be moved to a conforming location.
4. Opinion of the Oldwick Fire Company re: removal of the bump out.
5. Deed restriction for motor stable & impervious coverage
6. Deed restriction for maintenance of the Grading and Surface Water Management Plan
7. AC/heat permitted in the motor stable
8. Attic access for the motor stable should be through a drop ladder only
9. A bathroom is permitted in the motor stable but no shower is permitted
10. No living space on the second floor
11. No kitchen
12. 100 watt bulbs maximum in the new lighting
13. A deed restriction regarding some of the conditions (no living space, no shower, etc.)
14. A reduction of the impervious area in front of the motor stable (subject to the fire department).

Mrs. Baird made a motion to approve Application No. 11-05 with the conditions listed above. Mr. Metzler seconded the motion. The motion carried by the following roll call vote:

Ayes: Mrs. Baird, Mr. Moriarty, Mr. Kerwin, Mr. Shapack, Mr. Metzler, Mr. D'Armiento and Mr. Johnstone

Nays: Mr. Mackie and Mrs. Devlin

In an effort to address Mr. Metzler's concern, Mr. Johnstone opined that the issue with drawing a line in the sand regarding the amount of coverage is that every case is different; the Kian application is a case in point. He suggested that the Board always listen to the applicant and the neighbors.

MISCELLANEOUS

Mr. Johnstone asked about the correspondence from the Environmental Commission regarding a noise ordinance. Ms. Goodchild suggested that the Land Use Board forward the recommendation to the Township Committee instead of the Planner to gauge whether the Township is interested in a noise ordinance before money is spent on the Planner to examine the information. The Board authorized Ms. Goodchild to send it to the Township Committee and ask them to send it to the Township Planner if they feel it is something to pursue.

Mr. Shapack noted that there is a State statute that sets decibel levels at property lines and in the absence of a local ordinance the County is to enforce the State ordinance.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:34 p.m. by motion of Mr. Metzler and seconded by Mr. Moriarty.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator