

LAND USE BOARD MINUTES
July 17, 2013

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

Present: Shaun Van Doren, Mary Elizabeth Baird, Elizabeth Devlin arrived at 7:42 p.m., Shirley Czajkowski, Ed Kerwin, Bruce Mackie, Michael Moriarty, Ed D'Armiento, 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: Blake Johnstone, Dana Desiderio, Robert Becker, Alt. #1 and Eric Metzler, Alt. #2.

There were approximately five (5) 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 04, 2013.

PLEDGE OF ALLEGIANCE

Those present stood and pledged allegiance to the American flag.

PUBLIC HEARING – POSTPONED UNTIL 8/7/13

➤ ~~Pomerantz~~
~~Appl. No. 13-09~~
~~Block 34, Lot 19.13~~
~~Impervious Coverage Variance~~
~~Action Deadline – 10/30/13~~

Mrs. Baird announced that the Pomerantz public hearing was postponed until August 7, 2013.

CLAIMS

Mrs. Baird 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 Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Attendance at 6-19-13 LUB meeting – invoice dated June 20, 2013 (\$450.00)

2. Bernstein & Hoffman – Land Use Board Escrow – von Hollen (B16, L4), invoice dated June 26, 2013 (\$510.00)
3. Bernstein & Hoffman – Land Use Board Escrow – NJCF (B51, L81), invoice dated June 27, 2013 (75.00)
4. Bernstein & Hoffman – Land Use Board Escrow – Hayes (B27, L71.27), invoice dated June 12, 2013 (\$450.00)
5. Bernstein & Hoffman – Land Use Board Escrow – NJCF (B51, L81), invoice dated June 13, 2013 (\$255.00)
6. Maser Consulting – Land Use Board Professional Services – General Planning Work, invoice #207831 (\$130.00)
7. Maser Consulting – Land Use Board Escrow – Johnson (B23, L20), invoice #207832 (\$1,105.00)
8. Maser Consulting – Land Use Board Escrow – Newell (B34, L13.1), invoice #207833 (\$97.50)
9. Maser Consulting – Land Use Board Escrow – Tewksbury Land Trust (B29, L8.021), invoice #207834 (\$97.50)
10. Maser Consulting – Land Use Board Escrow – Pentz (B6.03, L3), invoice #207835 (\$747.50)
11. Maser Consulting – Land Use Board Escrow – Bligh (B51, L80.08), invoice #207836 (\$97.50)
12. Maser Consulting – Land Use Board Escrow – Hayes (B27, L71.27), invoice #207837 (\$942.50)
13. Maser Consulting – Land Use Board Escrow – Pomerantz (B34, L19.13), invoice #207838 (\$325.00)
14. Maser Consulting – Land Use Board Inspection – JCP&L (B17, L2.01/2.02), invoice #207839 (\$1,122.50)
15. Suburban Consulting – Land Use Board Inspection – Oldwick Animal Hospital (B45, L28), invoice #000000020591 (\$166.25)
16. Suburban Consulting – Land Use Board Escrow – Johnson (B23, Lot 36), invoice #000000020760 (\$1,400.25)

Roll Call Vote:

Those in Favor: Mr. Van Doren, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. D’Armiento, Mr. Larsen and Mrs. Baird

Those Opposed: None

CORRESPONDENCE

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

1. A letter dated July 8, 2013 from Chris Teasdale, Environmental Comm. Chairman re: Snyder, Appl. No. 13-10, Block 11, Lot 8.04.
2. A letter dated July 8, 2013 from Chris Teasdale, Environmental Comm. Chairman re: Pomerantz, Appl. No. 13-09, Block 34, Lot 19.13.

3. A copy of a letter dated June 24, 2013 from Friends of Fairmount Historic District to NJDEP Commissioner re: Violation of Highlands Act Exemption Condition, JCP&L Substation, Block 17, Lot 2.
4. A memo dated July 3, 2013 from Roberta Brassard re: Board of Health review of Appl. No. 13-10, Block 11, Lot 8.04.
5. Memorandum dated July 3, 2013 from Chief Holmes re: Snyder, Appl. No. 13-10, Block 11, Lot 8.04.
6. Memorandum dated July 10, 2013 from Chief Holmes re: Pomerantz, Appl. No. 13-09, Block 34, Lot 19.13.
7. A letter dated June 28, 2013 from Ron Kennedy of Gladstone Design, re: modification to Lauezzari approval, Block 31, Lot 25.
8. Memorandum dated July 11, 2013 from William Burr re: Lauezzari, modification to prior approval, Block 31, Lot 25.
9. A letter dated July 11, 2013 from William Burr re: Snyder, Appl. No. 13-10, Block 11, 8.04.
10. A letter dated July 11, 2013 from William Burr re: Pomerantz, Appl. No. 13-09, Block 34, Lot 19.13.

MINUTES

- April 3, 2013

The minutes of April 3, 2013 were approved by motion of Mr. Moriarty and seconded by Mr. Mackie. All were in favor. Mr. Kerwin abstained.

- April 17, 2013

The minutes of April 17, 2013 were approved by motion of Mrs. Czajkowski and seconded by Mr. Moriarty. All were in favor. Mr. Van Doren abstained.

ORDINANCE REPORT

Mr. Mackie reported on an ordinance from Readington Township regarding amendments to their checklist for development; Mr. Mackie passed the ordinance on to Ms. Goodchild.

Mr. Van Doren reported that the Township Committee introduced an ordinance to repeal the home inspection ordinance. He added that the Land Use Board will not see it for review since it is an amendment to the Township Code and not the Development Regulations Ordinance. Mr. Van Doren encouraged Board members to attend the public hearing if they wish to express their feelings about the ordinance. He noted that the Land Use Board has dealt with issues that have been discovered as a result of the home inspection and he opined that this ordinance is necessary to bring illegal or non-conforming issues to light. Mr. Bernstein suggested that the Board discuss the issue at the end of the meeting after the public hearings.

PUBLIC PARTICIPATION

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

RESOLUTION

- Resolution No. 13-21 – von Hollen, Appl. No. 13-08, Block 16, Lot 4
Eligible to vote: Mrs. Baird, Mr. Van Doren, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Metzler, Mr. Larsen and Mr. Johnstone

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

LAND USE BOARD
TOWNSHIP OF TEWKSBURY
APPLICATION # 13-08
RESOLUTION # 13-21

WHEREAS, ULRICH VON HOLLEN and DOROTHY VON HOLLEN have applied to the Land Use Board of the Township of Tewksbury for permission to construct a patio and wall on their residential lot which is located at 2 Apple Lane, Califon on property designated as Block 16, Lot 4 on the Tewksbury Township Tax Map, which premises is located in Highlands (HL) Zone, and

WHEREAS, the application was presented by Ulrich von Hollen and Dorothy von Hollen at the June 19, 2013 Land Use Board meeting, and

WHEREAS, the application was reviewed by Land Use Board Engineer William H. Burr, IV, P.E. of the firm of Maser Consulting P.A., and

WHEREAS, the Board, after considering the evidence and testimony presented by the applicants and Mr. Burr has made the following factual findings:

- A. The Subject Property.
 - 1. The subject property contains plus or minus 3.002 acres.

2 Located on the site is the original farmhouse from the Apple Lane subdivision.

3. A long gravel driveway leads to the residence. Also located on the property are walkways and walls.

B. The Proposal.

4. The applicants propose to install a 985 square foot fieldstone patio which would be set in sand and stone. The patio would consist of an eastern section of about 625 square feet and a western section of about 360 square feet. Around the patio would be a stacked fieldstone wall topped by pieces of flat bluestone which would be about two feet tall. As a safety measure, the patio steps will be lit. No other lighting is proposed.

C. Requested Variances.

5. The subject property is currently undersized, containing 3.002 acres, while the minimum lot size in the HL Zone is 12 acres.

6. The lot was conforming when the Apple Lane subdivision was approved.

7. Section 706F3 of the Tewksbury Township Development Regulations Ordinance (DRO) *grandfathers* existing undersized lots which were made nonconforming by subsequent downsizing requiring larger minimum lot sizes. The site meets requirements of 706F3 of the DRO for a *grandfathered* lot of between 3 – 5 acres.

8. Section 706F3 establishes the following requirements for *grandfathered* lots between 3 – 5 acres in the HL Zone:

- Front yard setback – 75 feet.

- Side yard setback – 40 feet.
- Rear yard setback – 40 feet.
- Maximum Lot Coverage – 8%, which shall be decreased for each additional acre or part of an acre over 3 acres.

9. The patio will comply with the 40 foot side yard requirement.

10. The property presently had 8.23% lot coverage which would be increased to 8.98% lot coverage with the proposed patio and wall.

11. The proposed construction will exceed permissible lot coverage by a relatively small 1.98%. Note that if the subject property were 3 acres, rather than 3.002 acres, permitted lot coverage would be 8% and the increased coverage would be .98%.

12. The Board finds that the requested lot coverage variance is *de minimis*.

13. The rationale for the limitation on impervious lot coverage is to control water runoff and for aesthetics. While the patio is characterized as impervious, the type of installation, without concrete, and some spacing between the bluestone, will allow some water percolating into the ground.

14. The construction of the patio will not result in the overdevelopment of the site. In fact, the Board finds that the installation of the attractive patio and wall will be an aesthetic improvement to the site and neighborhood. Board Member Shirley Czajkowski said that the proposal would be a “nice improvement” and the “aesthetics will be beautiful”. Thus, the requested variance is justified under N.J.S.A. 40:55D-70c(2) by advancing purpose f of the Municipal Land Use Law (N.J.S.A. 40:55D-2) by promoting a desirable aesthetic impact. The benefits of the

deviations substantially outweigh any detriments. The variance will result in a benefit to the neighborhood.

15. The Board notes that the site is attractively landscaped. The patio and wall will fit into the site.

16. The requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Tewksbury.

NOW, THEREFORE be it resolved by the Land Use Board of the Township of Tewksbury on this 17th day of July 2013 that the application of Ulrich von Hollen and Dorothy von Hollen be approved in accordance with a marked-up survey titled: "SURVEY OF PROPERTY Lot No. 4 Tax map sheet #5 Block No. 16 Township of Tewksbury County of Hunterdon New Jersey" with the survey being prepared by Frank R. DeSantis of Morgan Engineer, LLC on June 24, 2011 with information added by the applicants, subject, however, to the following conditions:

1. The lighting installed in conjunction with the patio and wall shall be directed downward and shall not cause any glare of sky glow on neighboring properties or roads. The applicants must comply with Section 632 of the DRO.

2. The applicants shall provide a drainage plan which they may prepare (without an engineer certifying the plan) showing the run off from the patio which is subject to the approval of the Land Use Board Engineer.

3. The plans shall be revised to show the approved drainage plan and the removal of the proposed new walkway.

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

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

6. Payment in full of escrows and fees.

Roll Call Vote

Those in Favor: Mr. Van Doren, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. Larsen and Mrs. Baird

Those Opposed: None

MODIFICATION TO PRIOR APPROVAL

- Lauezzari, Appl. No. 12-05, Block 31, Lot 25 – see letter and plan from Gladstone Design dated June 28, 2013

Ron Kennedy, Gladstone Design was present and sworn in by Mr. Bernstein. Mr. Kennedy explained that the applicant received approval for a front yard setback variance by the Board in 2012 for a house and detached garage. The property contained an abandoned house and barn that has since been removed. The new house is framed and the siding and stone work complete. Mr. Kennedy explained that the property owner feels that the proposed garage would be too close to the house and is therefore requesting a modification by sliding the garage 20 feet to the east; same front setback that was approved (41.1 feet); there would be no change to the driveway opening. When asked about a change to the impervious coverage, Mr. Kennedy explained that it would increase by a couple of square feet by virtue of the sidewalk from the main house to the garage (20 feet longer) but would still be within the maximum permitted.

Mr. Bernstein noted that the house is closer to the road than the detached barn so it is a lessening of the variance that the Board previously approved. Mr. Bernstein explained that since it is not an increase he is not concerned with the requested modification.

When asked by Mr. Burr if there is any impact to the Highlands approval, Mr. Kennedy responded in the negative. He explained that if the Board is inclined to approve the amendment the applicant will file notices with the NJDEP and the Highlands Council.

When asked by Mr. Mackie about modifications to the driveway, Mr. Kennedy explained that there will be a small bend in the driveway; it is the same square footage.

Mrs. Baird asked if there was anyone in the audience that wanted to comment on the proposal. There being none, she closed it to the public.

Mr. Van Doren made a motion to approve the site plan modification regarding the front yard setback variance for the detached garage. Mr. Moriarty seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mr. Van Doren, Mr. Mackie, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. D'Armiento, Mr. Larsen and Mrs. Baird

Those Opposed: None

PUBLIC HEARING

- Snyder
Appl. No. 13-10
Block 11, Lot 8.04
Impervious Coverage Variance
Action Deadline – 10/22/13

Michael Rothpletz, Attorney for the applicant, was present and explained that the property is located on Long View Road and the applicant resides in the home which is adjacent to the property owned by her son Arthur Snyder; the home was purchased by Mrs. Snyder in 2011. He went on to explain that Mrs. Snyder is before the Board tonight for an impervious coverage variance to allow a circular driveway. When preparing the application the Snyder's realized that the property exceeds the maximum impervious coverage. They consulted with the prior owners and determined that the coverage existed in 2004 when the zoning changed from the R-3 Zone (8% coverage) to the 7% permitted in the current zoning. Mr. Rothpletz opined that the coverage that currently exists (8.57%) is grandfathered however, he prepared the application to request a variance to retain the improvements that were there when the property was purchased. He explained that Mrs. Snyder made some minor alterations to the property but has not increased the coverage on the property. She added a stone wall, removed a stone wall to the rear of the parking area, re-configured (but did not expand) a rear patio, reconstructed another stone wall in the front of the house, removed a sidewalk and slightly extended another sidewalk and removed a shed in the rear of the property that was violating a setback. The variance requested would take the coverage from 8.57% to 11.45%. Mr. Rothpletz explained that all of the parking for the house is near the garage and there are quite a few cars that visit the property (family, friends, service people and healthcare workers). Mr. Rothpletz noted that Mrs. Snyder will testify that she feels uncomfortable not being able to see people as they are approaching the house and she would feel more comfortable if she could see the cars in the front of the home.

Mr. David Fantina, engineer for the applicant, was sworn in by Mr. Bernstein. Mr. Fantina has appeared before the Board before and was accepted.

Mrs. Beatrice Snyder, 40 Long View Road, was sworn in by Mr. Bernstein. Mrs. Snyder confirmed that the statements made by Mr. Rothpletz were accurate. When asked if she has health aides around the clock, Mrs. Snyder responded in the positive and explained that she lives alone and has two (2) shifts of aides. When asked if there is always at least one (1) health aide car at the house and two (2) at the change of shifts, Mrs. Snyder responded in the positive. When asked if she has a car of her own that is driven by the health aide, Mrs. Snyder responded in the positive. When asked if she has a large family base that visits frequently, Mrs. Snyder responded in the positive. When asked if she has landscapers and contractors that are at the house frequently, Mr. Snyder responded in the positive. When asked if the area near the garage is congested and difficult for those visitors to turn around, Mrs. Snyder responded in the positive. When asked if she expressed concern about not being able to see who is approaching the house, Mrs. Snyder responded in the positive and explained that she hears the door bell ring and she doesn't know who is at her door. When asked if she uses the existing improvements on the property, Mrs. Snyder responded in the positive and noted that she just had her 89th Birthday and they celebrated on the patio.

When asked by Mr. Burr if there are aides on the property 24 hours a day, Mrs. Snyder responded in the positive. Mrs. Snyder explained that she is fortunate that her husband, who has since passed away, did well in business and provided her with the ability to live on her own with the help of the aides.

When asked by Mr. Moriarty if there is an attached garage, Mrs. Snyder responded that it is a 3 car garage. When asked who parks in the garage, Mrs. Snyder explained that she parks her car in the garage and allows her aide to park in the garage. When asked how she arrived at the design of the proposed turn around driveway, Mrs. Snyder explained that her architect prepared the design and it met her approval. When asked if it was the only design presented to her, Mrs. Snyder responded in the positive.

There being no additional questions from the Board, Mrs. Baird opened the meeting up to the public. There being none, Mrs. Baird closed the public portion of the meeting.

Ezio Columbro, Architect for the applicant, was present and sworn in by Mr. Bernstein. Mr. Columbro has testified before the Board in the past and was accepted.

When asked by Mr. Moriarty about the design of the proposed turn around driveway, Mr. Columbro explained that the driveway was designed in conjunction with Dave Fantina. He explained that all of the designs developed exceeded the maximum permitted coverage. The goal was to get vehicles as close to the front door as possible to alleviate Mrs. Snyder's concerns. The other objective was to design the turnaround in such a way as to allow a car to pass another parked car. When asked if he considered changing the existing driveway location, Mr. Columbro responded in the negative. When asked if he considered changing the entry point onto Long View Road to minimize the coverage, Mr. Columbro responded in the negative. When asked if any consideration was given to pervious material, Mr. Columbro noted that any material is considered impervious under

Tewksbury's ordinance so it was not considered. When asked if anything was considered to mitigate the increase in coverage, Mr. Columbro explained that since Tewksbury's ordinance considers anything other than grass impervious they dismissed any other options.

When asked by Mr. Mackie if the two (2) trees that will be removed will be replaced, Mr. Rothpletz responded in the positive.

When asked by Mr. Larsen what will prevent people from parking by the garage instead of using the circular drive, Mr. Columbro noted that the tendency would be for people to use the circular driveway. When asked if they considered using an alarm to alert Mrs. Snyder that someone entered the driveway, Mr. Rothpletz explained that the alarm would alert her that someone was present but it doesn't ease her concern since she can't see the vehicle. Mrs. Snyder explained that between the phone, the grandfather clock and other electronics in the house she would prefer not to have another alarm.

There being no other questions for the Board, Mrs. Baird opened the meeting up to the public.

Joe Kosakowski, 38 Long View Road, asked the length of the driveway, to which Mr. Fantina responded approximately 500 feet. Mr. Kosakowski explained that there was a reconfigured driveway before and asked the length of that driveway, to which Mr. Fantina was unsure. Mr. Rothpletz explained that the Snyder's didn't move the driveway so they have no way of knowing the length.

Mr. Fantina explained that there is more functionality to the proposed driveway than just security. He opined that it serves as a convenience as well for emergency situations by providing a place to turn off due to the length of the driveway. In answer Mr. Moriarty's question, Mr. Fantina explained that he and Mr. Columbro did look at options for the driveway design but to satisfy Mrs. Snyder's concerns the only option is the layout before the Board.

Mr. Fantina explained that a drywell is proposed to catch most of the driveway area and some of the existing driveway area which will account for the increase and mitigate down to 8%. It was noted that Mr. Burr's report asks if a reduction to 7% is possible to which Mr. Fantina responded in the positive explaining that it could be accomplished by either running the roof leaders into a larger drywell or running the roof leaders to a separate, smaller drywell. Mr. Fantina discussed the photographs that were submitted with the application and confirmed that two (2) ornamental trees are proposed to be removed but will be replaced. When asked by Mr. Rothpletz to confirm that the driving force for the turnaround area is due to the length of the existing driveway, Mr. Fantina responded in the positive. He noted that if the house were constructed today it would have been constructed closer to the road. He noted that the current driveway ordinance requires additional turn off areas or bump outs for driveways this long so the circular area provides an element of safety and functionality. As for alternative surfaces, Mr. Fantina opined that the driveway is too long and too large to use anything other than paved or

gravel surfaces. Mr. Fantina confirmed that the alterations to the property since Mrs. Snyder purchased the property have not resulted in an increase in coverage.

When asked by Mr. Burr what the existing driveway surface is, Mr. Fantina explained that it is gravel except for the paved apron near the garage. When asked if the circular driveway would be paved or gravel, Mr. Fantina responded paved. Mr. Burr noted that there has been some concerns expressed about the coverage and he opined that the driveway area near the garage is excessively large (over 60 feet long) as well as the 22 foot wide circular driveway; it is almost as wide as a public roadway. When asked if there is an ability to reduce those areas, Mr. Fantina agreed that they could reduce the circular driveway from 22 feet down to 16 feet. Mrs. Goodchild noted that the driveway ordinance requires a 12 foot wide driveway to which Mr. Rothpletz noted that the ordinance provides for the ability to request a waiver. Mr. Burr noted that the coverage proposed triggers the need for a Grading and Surface Water Management Plan and the Township Engineer can look at it at that time.

When asked by Mr. Moriarty if there are any other drywells on the property, Mr. Fantina was unsure.

When asked by Mrs. Devlin the width of the existing gravel driveway, Mr. Fantina responded 10 to 11 feet. When asked if it is possible to scale back the area near the garage, Mr. Rothpletz asked if the Board could take a break so that he could discuss options with his client.

The Board took a break from the Snyder hearing at 8:30 p.m.

Re-visiting the issue regarding the repeal of the inspection ordinance, Mr. Van Doren noted that some members of the Township Committee feel it is onerous and burdensome on staff now that we have a part time zoning. Also, he noted that the former Zoning Officer missed some things during inspections and it created some problems but he opined that things could be missed with any situation of enforcement. Mr. Van Doren opined that the inspection ordinance brings matters to light that might otherwise go undetected and the property is then corrected and compliant. When asked by Mr. Moriarty who is responsible to pay for the inspection, Mr. Van Doren responded the seller pays the \$50.00 fee. Mr. Bernstein explained that the Land Use Board imposes conditions when an approval is granted and the inspection is an opportunity to enforce those conditions. He noted that the desirable towns in New Jersey have strong zoning and Tewksbury is in that category.

Mrs. Czajkowski noted that, from a real estate standpoint, she finds it very comforting to have the Zoning Officer inspect the property; the purchaser has less of a burden.

When asked when the public hearing is, Mr. Van Doren reported August 13, 2013. Ms. Goodchild was asked to send an e-mail to the Land Use Board to remind them of the hearing date.

Mrs. Devlin made a motion to authorize Ms. Goodchild and Mr. Bernstein to draft a letter against the repeal of the ordinance. Mr. Mackie seconded the motion. All were in favor.

Mr. Rothpletz returned to the meeting at approximately 8:45 p.m. after discussing some options with his client.

Mr. Fantina explained that they discussed the alternatives raised by the Board and they don't feel they meet the client's needs. Mr. Fantina indicated that his client has agreed to reduce the width of the circular driveway from 22 feet to no more than 16 feet and the rest of the driveway is proposed at 10 feet and the applicant would seek a waiver from the Township Engineer. The applicant would also commit to keeping the proposed circular driveway gravel except in the area where cars park. Mr. Fantina opined that the reduction in width would reduce the coverage by approximately 700 sq. ft.

Mrs. Czajkowski questioned the ability for emergency vehicles to access if the driveway width is reduced. Mr. Fantina opined that the circular area would give emergency vehicles the ability to pull over to allow other vehicles to pass.

Mr. Van Doren asked if the expanse of paved area near the garage could be softened. Mr. Fantina agreed that they could soften the far corner.

Mr. Rothpletz noted that the preference is to pave the entire circular portion of the driveway but if the Board feels that gravel is a better choice the applicant would agree.

Ms. Goodchild noted that requiring a portion of the driveway to be gravel and the other paved would be difficult to enforce. After a brief discussion, the Board agreed that from a practical standpoint, it made no sense to require a portion of the driveway to be gravel since gravel and paving counts equally towards impervious coverage; the choice was left up to the applicant.

Mrs. Devlin opined that she was satisfied with the project and the concessions agreed to by the applicant.

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

Joe Kosakowski, 38 Long View Road, applauded the efforts by the Snyder family.

Mr. Rothpletz reminded the Board that the applicant was seeking two (2) variances, the existing coverage to retain the existing improvements and the proposed coverage to allow the circular driveway.

When asked if the comments in Mr. Burr's report are acceptable, Mr. Rothpletz responded in the positive.

When asked by Mr. Moriarty to review what it is the Board should be considering, Mr. Bernstein opined that the argument is that there is a long driveway and the location of the

house causes some of the hardship. Mr. Bernstein noted that the applicant's attorney has presented a case of personal hardship rather than the land. He reminded the Board that Ms. Goodchild prepared a study for the Land Use Board which demonstrated that the Board has approved a number of different coverage variances which exceeded what is proposed tonight; the application before the Board is consistent with action taken in the past.

Mr. Rothpletz noted that in addition to the hardship issue there are safety and visual planning reasons for the variances. He added that there is no detriment by the proposed project and the applicant is reducing the storm water flow and there is little or no visual impact.

Mr. Van Doren commended the applicant for taking the Board's advice to make efforts to reduce the impact.

Mr. Mackie addressed the Environmental Commission's letter and noted that the Commission, when they draft letters, does not have the benefit of the applicant's testimony.

Mrs. Czajkowski commended Mrs. Snyder for her independence and opined that Mrs. Snyder should be given the opportunity to feel more secure and better manage visitors.

Mr. Kerwin opined that the poor lot configuration established years ago and the fact that the home was built so far back makes it difficult to deal with these types of cases. He commended the applicant for bringing the coverage down to 7% by capturing more of the runoff as well as reconfiguring the driveway.

Mr. Larsen didn't feel that adequate proof was provided for a hardship case; however he sympathized with the applicant because of the length of the driveway and the location of the house.

Mrs. Baird was pleased with the concessions made by the applicant and opined that the house may have been cited in that location as a result of a passable perc test.

Mr. Bernstein outlined the following conditions:

1. Bill Burr's report
2. Shaving a portion of the existing driveway to the LUB Engineer's approval
3. Circular portion of driveway would be reduced from 22 feet to 16 feet and where it is 12 feet it would be reduced to 10 feet (subject to the Township Engineer granting a waiver)
4. Provide detention to reduce drainage to 7%; the applicant would be permitted to pave the driveway if they wish
5. Replace two (2) trees to be removed
6. Deed restriction to maintain detention facilities
7. Plan revised to the approval of the Land Use Board Engineer

Mrs. Devlin made a motion to approve the application based on the conditions as outlined by Mr. Bernstein. Mr. Van Doren seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Mr. Van Doren, Mr. Mackie, Mrs. Devlin, Mrs. Czajkowski, Mr. Moriarty, Mr. Kerwin, Mr. D'Armiento, Mr. Larsen and Mrs. Baird

Those Opposed: None

ADJOURNMENT

There being no further business, the meeting adjourned at 9:10 p.m. by motion of Mrs. Devlin and seconded by Mr. Van Doren.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator