

LAND USE BOARD MINUTES
March 5, 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, Michael Moriarty, Shirley Czajkowski, Ed Kerwin, Robert Becker, Alt. #1, Ed D'Armiento, Alt. #2 and Kurt Rahenkamp, Alt. #3

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

Absent: Dana Desiderio, Elizabeth Devlin, Bruce Mackie and David Larsen, Alt. #4.

There were approximately three (3) 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. Mr. Van Doren made a motion to approve the claims listed below and Mrs. Czajkowski seconded the motion. The motion carried by the following roll call vote:

1. Banisch Associates – Land Use Board Professional Services – attendance at re-organization meeting), invoice #P14-22637 (\$0)
2. Banisch Associates, Inc. – Land Use Board Escrow – Cellco/Verizon (B44, L26), invoice #P14-22636 (\$319.50)
3. Menkes Associates, LLC – Land Use Board Escrow – Cellco/Verizon (B44, L26), invoice #403 (\$2,200.00)

Roll Call Vote:

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

Those Opposed: None

Abstentions: Mr. Rahenkamp

CORRESPONDENCE

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

1. A letter dated February 26, 2014 from Michele O’Dowd re: Modification of Deed Restricting Use of Property re: Block 14, Lot 13, Appl. No. 12-01, Resolution No. 12-21.
2. A letter dated February 28, 2014 from William Burr re: Fraser, Appl. No. 13-19, Block 16, Lot 12.03.
3. An e-mail dated March 4, 2014 re: scoreboard placement at the Old Turnpike and Tewksbury Elementary Schools.

ORDINANCE REPORT

There was no ordinance report due to Mr. Mackie’s absence.

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.

RESOLUTION

Resolution No. 14-05 – Report on 2013 Board applications in accordance with N.J.S.A. 40:55D-70.1

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

**LAND USE BOARD
TOWNSHIP OF TEWKSBURY
RESOLUTION NO. 14-05**

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

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

The applications in 2013 were as set forth in the attached Exhibit A:

ROLL CALL VOTE

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

Those Opposed: None

COURTESY REVIEW

- Request for scoreboards at the Old Turnpike and Tewksbury Elementary Schools Block 27, Lot 68.01 and Block 16, Lot 6.03

Mario Colitti, 55 Bissell Road, was present as the Secretary to the Tewksbury Little League and on behalf of the Tewksbury Athletic Association (TAA). Mr. Colitti was sworn in by Mr. Bernstein.

Mr. Colitti explained that he provided the Board with materials to show that the TAA and Tewksbury Little League propose three (3) scoreboards – one (1) on the girls softball field at the Old Turnpike School (the field in the rear of the property) and two (2) at the Tewksbury Elementary School, one (1) on the baseball field closest to the school building and one (1) on the field adjacent to Fairmount Road East. Mr. Colitti explained that, with the blessing of the School Board, they are seeking approval for electronic (solar powered) scoreboards at the locations described. The scoreboards will not impede or encroach on any Township easements or rights of way and there will be no environmental disturbance. When asked why there is a scoreboard placed in the middle of the fields, Mr. Colitti explained that they spoke with other Little League groups and this location is fan friendly in order to have a bird's eye view of the score board. Mr. Colitti noted that Department of Public Works Superintendent Hayden Hull, voiced some concern over the location noting that the scoreboard may encroach on the soccer field. Mr. Colitti opined that the concerns, with all due respect, are misplaced. He explained that the United States Soccer Association calls for soccer fields to be 45 feet wide whereas the width of the soccer field at Pascale is 80 to 85 yards, as a result the scoreboards will not interfere with play. When asked, Mr. Allen read Mr. Hull's e-mail into the record. Mr. Colitti noted that the scoreboards are mounted to two (2) metal poles and would not rot. When asked the dimensions, Mr. Colitti explained that they are five (5) feet by twelve (12) feet by three (3) inches. Mr. Colitti noted that, if necessary, the TAA would be willing to move the scoreboards to assuage Mr. Hull's concerns. Mr. Colitti noted that the TAA is donating the scoreboards to the School Board and they are very costly so the installation will be in phases. He noted that by mid May they would like to have the Old Turnpike School scoreboard installed. Mr. Colitti offered to meet with Mr. Hull to discuss the placement of the scoreboards at the Tewksbury Elementary School.

Mr. Burr noted that ultimately the Department of Public Works must maintain the fields and he agreed with Mr. Colitti that meeting with Mr. Hull is the best approach.

When asked how close the nearest home would be to each scoreboard, Mr. Colitti noted that the closest home is a good distance from the proposed locations. Mr. Johnstone noted that there are no lights on the fields being discussed so there will be no night games.

When asked by Mr. Moriarty if the poles would be removed during the off season, Mr. Colitti explained that the plan was just to remove the scoreboard but if there is concern about the poles they could be removed during the winter months and the holes capped.

There being no further questions or concerns by the Board or public, Mr. Johnstone thanked Mr. Colitti for appearing.

PUBLIC HEARING

- Fraser
Appl. No. 13-19
Block 16, Lot 12.03
Impervious Coverage Variance
Action Deadline – 6/17/14

James Fraser, applicant, was present and sworn in by Mr. Bernstein.

Steve Parker, Engineer, was present and sworn in by Mr. Bernstein. Mr. Parker testified before the Board in the past and has been accepted as an expert. When asked, Mr. Parker indicated that his license had not been suspended or revoked since his last appearance.

Mr. Fraser explained that he purchased the property, a 7.36 acre flag lot in 1979 and constructed a 2,000 sq. ft. house. Mr. Fraser noted that he purchased the flag lot party because he would gain privacy; the house would be positioned quite a distance from the road. In approximately 2005 an addition to the house was constructed bringing the house to a total of approximately 2500 sq. ft. Mr. Fraser explained that he retired a few years ago which gives him time to enjoy a few hobbies including woodlot management which requires a lot of equipment. In addition, he enjoys cars and he has two (2) classic cars that are currently stored off site. Mr. Fraser explained that he would like to store the classic cars and woodlot management equipment in a proposed 28 foot x 40 foot garage/barn with two (2) entrance doors. The property is currently in excess of the maximum impervious coverage and will require an impervious coverage variance to construct the barn/garage.

When asked by Mr. Burr if a drywell or underground system was installed when the addition was constructed, Mr. Fraser responded in the negative and explained that the roof leaders drain to the surface.

When asked by Mr. Van Doren if the addition required a variance, Mr. Fraser responded in the negative.

When asked by Mrs. Baird if the paver patios existed at the time of the addition, Mr. Fraser explained that there were areas that existed and some new patios were constructed. Mrs. Baird opined that perhaps the new patio areas resulted in the excess coverage which may not have been shown at the time of the permit application. When asked by Mr.

Johnstone if the plans for the addition showed the proposed patios, Mr. Frazer was unsure.

When asked by Mrs. Czajkowski if the property is currently approved for a woodlot management plan, Mr. Fraser responded in the positive.

When asked by Mr. Becker if the proposed garage/barn will impact his woodlot management plan, Mr. Fraser responded in the negative. When asked if there will be water and sewer service to the barn/garage, Mr. Fraser responded in the negative.

When asked by Mr. D'Armiento if the driveway always had the turnaround area, Mr. Fraser responded in the positive. When asked if the driveway has always been paved, Mr. Fraser responded in the negative. When asked when it was paved, Mr. Fraser opined 2006.

When asked by Mr. Moriarty if the garage attached to the house is used for vehicle storage, Mr. Fraser responded in the positive. When asked if the proposed garage/barn would be used for the classic cars, Mr. Fraser responded in the positive.

When asked by Mrs. Czajkowski if the two (2) classic cars and all of the equipment (tractor, 7 foot wide snow plow, ATV) will fit in the proposed garage/barn, Mr. Fraser responded in the positive. When asked where the equipment is currently stored, Mr. Fraser responded outside.

Mr. Steve Parker was present and explained that he prepared the plans submitted as part of the application. He referenced page two (2) of the plans and noted that there is an easement on the easterly side of the property that includes most of the existing driveway. The proposed garage/barn is proposed opposite the existing home, along the edge of the easement. A small driveway area is proposed to provide access into the southerly edge of the barn/garage. There are some trees to be removed for the project. He explained that the property currently has 5.54% impervious coverage and with the proposed improvements the coverage would increase to 6.17% where 5% is permitted.

The following responses were given to the technical comments in Mr. Burr's February 28, 2014 letter:

1. Mr. Fraser noted that he has not designed the proposed barn/garage.
2. Mr. Parker opined that there isn't a lot of coverage on the property to remove and that the driveway, necessitated by the flag lot, contributes to most of the impervious coverage. It was noted that 4% of the existing coverage is from the driveway.
3. Mr. Parker confirmed that no storm water management facilities are proposed. Mr. Burr noted that the applicant will be required to submit a Grading and Surface Water Management Plan and under the ordinance detention is required for the new impervious surface. When asked, Mr. Burr recommended that the gutters from the new structure and the new driveway area tie into the drywell.

4. Mr. Parker confirmed that the construction will not disturb the steep slope area that is in close proximity to the proposed garage/barn. Part of the foundation wall will be exposed in the back of the barn so as not to change the grade. Mr. Burr noted that there is only five (5) feet from the foundation wall.
5. Mr. Parker noted that the PSE&G easement does allow for disturbance for the driveway improvements (pavement); no part of the proposed barn/garage will encroach on the easement.
6. A construction detail will be provided.
7. Mr. Parker testified that six (6) trees are to be removed for the construction of the barn/garage. No new trees are proposed to be planted as the rest of the site is wooded.
8. Mr. Parker indicated that standard residential lighting on the barn/garage is proposed and that it will comply with Section 632 of the DRO.
9. Mr. Parker confirmed that the project qualifies for a permit by rule notification since the area is already lawn. He explained that a note is sent to NJDEP two (2) weeks prior to construction to put them on notice. Mr. Burr confirmed the process.
10. Mr. Parker agreed to comply with the Grading and Surface Water Management Plan approval.

Mr. Burr noted that it is up to the Board to decide how they want to handle the storm water issue.

Mr. Bernstein noted that the applicant did not submit architectural plans and asked the applicant if he would object to a condition to require the LUB engineer review and sign off on the architectural plans. Mr. Fraser noted that photos of his home were submitted and the proposed barn/garage will look exactly like the home; clapboard siding, etc. Mr. Fraser agreed to the condition as described by Mr. Bernstein.

When asked by Mr. Moriarty if the entrance to the garage will be on the south side, Mr. Parker responded in the positive. Mr. Moriarty noted that there would be less paved area if the entrance to the garage/barn were shifted. Mr. Fraser opined that vehicles may go in and out 3 or 4 times a week, not daily. The expansion of the driveway is more of a convenience than a necessity.

When asked by Mr. Van Doren if he plans to move the location of the barn/garage, Mr. Fraser responded in the negative and noted that the location is confirmed it is just the entrance that is still to be designed. When asked if PSE&G trims trees/brush in the easement area periodically, Mr. Fraser responded in the positive.

Mrs. Baird noted that the proposed barn/garage is very close to the steep slope area and the easement and suggested that there be a condition to require a foundation location survey. Mr. Fraser agreed to the condition.

When asked by Mr. Rahenkamp if the proposed barn/garage is visible from the road, Mr. Fraser responded in the negative.

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

When asked by Mr. Van Doren if the area of the easement is part of the impervious coverage calculation, Mr. Parker responded in the positive.

Mr. Johnstone noted that he did not have an issue with the proposal and the Board will require the applicant to mitigate the runoff from the garage; the proposal is appropriate for the size of the property and is not visible from the roadway.

Mr. Ron Garutti, 47 Hollow Brook Road, was present and sworn in by Mr. Bernstein. Mr. Garutti noted that he lives adjacent to Mr. Fraser and explained that Mr. Fraser was kind enough to discuss his proposal with him prior to the hearing. During the winter months the properties are visible from one another however he had no objection to the project.

Mr. Van Doren agreed with Mr. Johnstone however he did not feel that the Board should require architectural review as a condition of approval.

Mr. Moriarty made a motion to approve the Fraser application subject to the following conditions:

1. William Burr's report
2. Foundation location survey
3. No change to grade
4. Approval is valid for one (1) year
5. Fees/escrows
6. Letter to the Land Use Administrator
7. Grading and Surface Water Management Plan with the deed restriction for maintenance

Mr. Van Doren seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

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

Those Opposed: None

BOARD DISCUSSION/ACTION ITEM

- Letter dated February 26, 2014 from Michele O'Dowd re: modification of Deed Restriction re: Block 14, Lot 13, Appl. No. 12-01, Resolution No. 12-21

Mr. Bernstein noted that the Board has had several applications where the former Board of Adjustment ruled that when the mother or father leaves the apartment it has to be dismantled. The intent of the language modification would permit elderly parents or children of the home to reside in the unit; the change is the addition of “parents” to the language. The Board had no objection with the proposed change.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m. by motion of Mr. Moriarty and seconded by Mr. Van Doren.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator