

**LAND USE BOARD MINUTES**  
**September 16, 2015**

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: Blake Johnstone, Mary Elizabeth Baird, Shaun Van Doren, Dana Desiderio, Ed Kerwin, Bruce Mackie, Michael Moriarty arrived at 7:35 p.m., Robert Becker arrived at 7:44 p.m., Ed D'Armiento, Alt. #1, Kurt Rahenkamp, Alt. #2 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: Glenn Stein, Alt. #3.

There were approximately seven (7) 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 8, 2015.

**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 claim to which the response was negative. Ms. Desiderio made a motion to approve the claims listed below and Mrs. Baird seconded the motion. The motion carried by the following roll call vote:

1. Bernstein & Hoffman – Attendance at 8-5-15 LUB meeting, invoice dated August 6, 2015 (\$400.00)
2. Bernstein & Hoffman – Land Use Board Escrow – Kling (B12, L32.02), invoice dated August 11, 2015 (\$525.00)
3. Maser Consulting – Land Use Board Escrow – JUJ 1944 Trust/Vliettown Farm (B43, L3), invoice #294220 (\$135.00)
4. Maser Consulting – Land Use Board Escrow – Habucky (B11, L9.04), invoice #294225 (\$202.50)
5. Maser Consulting – Land Use Board Escrow – Oldwick Properties, LLP (B47.01, L45), invoice #294223(\$202.50)
6. Maser Consulting – Land Use Board Escrow – Puri (B32, L7.08), invoice #294221 (\$315.00)

7. Suburban Consulting Engineers – Land Use Board Inspection – Beaux Champs/Zuzik (B6.04, L23.01), invoice 000000024766 (\$446.50)

Roll Call Vote:

Those in Favor: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mr. Kerwin, 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. Baird acknowledging receipt of the following items of correspondence. All were in favor.

1. Memorandum dated September 10, 2015 from Chief Holmes re: LUB Appl. No. 15-10, Block 43, Lot 2.02, Preziosi.
2. A copy of a letter dated September 4, 2015 from Margaret Nordstrom, Executive Director, Highlands Council to Mayor Voyce re: Modules 2, 3 and 7 Scope of Work Approval.
3. A copy of a letter dated August 14, 2015 from Margaret Nordstrom, Executive Director, Highlands Council to Mayor Voyce re: Scope of Work for Updates to Plan Conformance Grants Modules 2, 3 and 7.
4. A letter dated September 11, 2015 from William Burr re: LUB Appl. No. 15-10, Block 43, Lot 2.02, Preziosi.
5. An e-mail dated September 15, 2015 from Harold Wrede, Scenic Roads and Bridges Commission Chair re: Appl. No. 15-10, Block 43, Lot 2.02.
6. A letter dated September 15, 2015 from Chris Teasdale, Environmental Commission Chair re: Appl. No. 15-10, Block 43, Lot 2.02.
7. A letter dated September 16, 2015 from William Shurts re: the postponement of Resolution No. 15-14, Oldwick Properties LLP, Appl. No. 15-08, Block 47.01, Lot 45.

**MINUTES**

- April 15, 2015

The minutes of April 15, 2015 were approved as submitted by motion of Mrs. Baird and seconded by Mr. Kerwin. All were in favor. Mr. Van Doren, Ms. Desiderio and Mr. Mackie abstained.

**ORDINANCE REPORT**

Mr. Mackie reported on an ordinance from Washington Township amending review fees for variance applications. Mr. Mackie suggested that Ms. Goodchild review the ordinance and compare it to Tewksbury’s fees.

**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. 15-13** – Kling, Appl. No. 15-12, Block 12, Lot 32.02  
*Those eligible to vote: Mrs. Baird, Mr. Mackie, Mr. Becker, Mr. Moriarty, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone*

Mrs. Baird made motion to adopt the following resolution. Mr. Mackie seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD  
TOWNSHIP OF TEWKSBURY  
APPLICATION # 15-12  
RESOLUTION #15-13

WHEREAS, DOUGLAS KLING has appealed the Zoning Officers decision pursuant to N.J.S.A. 40:55D-70a that variances are required for the height of an existing fence, the setback of an existing gazebo, and lot coverage for residential property which is located at 45 Philhower Road, Lebanon and designated as Block 12, Lot 32.02 on the Tewksbury Township Tax Map, which premises is located in the Highlands (HL) Zone, prior to his obtaining a permit for a conforming emergency generator which does not count towards lot coverage, and

WHEREAS, in the alternative, Douglas Kling sought a fence height, gazebo rear yard setback, and lot coverage variances pursuant to N.J.S.A. 40:55D-70c, and

WHEREAS, the appeal and variance application were presented by Douglas Kling at the August 5<sup>th</sup>, 2015 Land Use Board meeting, and

WHEREAS, Douglas Kling obtained a Continuing Certificate of Occupancy from the prior Zoning Officer stating there were no nonconformities associated with the subject property prior to his acquiring it in 2008, and

WHEREAS, when Douglas Kling applied to the Zoning Officer for permission to install an emergency generator in 2015, he was told there were unapproved nonconformities on the property which had to be approved prior to the installation of an emergency generator, and

WHEREAS, the Board finds that Mr. Klings reliance on the Certificate of Continuing Occupancy, known as estoppel, cannot support relief from this Board, and

WHEREAS, the Board concludes that the fence height, gazebo rear yard setback, and lot coverage are situations which existed prior to Mr. Kling acquiring the subject property in 2008, and

WHEREAS, the existing deer fence is 10 feet tall, while the maximum height for a deer fence is 8 feet, and

WHEREAS, the gazebo has a rear yard setback of 18.3 feet, while a rear yard setback of 40 feet is required, and

WHEREAS, existing lot coverage is 19.97%, while the maximum permitted coverage for the site is 10%, and

WHEREAS, there is extensive tree cover on the side and rear of the property which buffer the view of the fence and gazebo, and

WHEREAS, Douglas Kling described detention facilities on the property and testified there were no water runoff problems, and

WHEREAS, the Board finds that under the circumstances variance relief is warranted, and

WHEREAS, the Board finds that the requested variances 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 16<sup>th</sup> day of September 2015 that the appeal of Douglas Kling from the Zoning Officer's decision be denied.

BE IT FURTHER RESOLVED, that the application of Douglas Kling for variances for the existing fence height, existing gazebo rear yard setback, and existing lot coverage be approved, in accordance with a survey titled: "Douglas S. Kling, single 45 Philhower Road – Block 12 – Lot 32.02 Township of Tewksbury Hunterdon County, New Jersey" prepared by DAB Surveying, Inc. on July 27, 2015, which survey shall serve as a benchmark for future applications.

BE IT FURTHER RESOLVED, that additional lot coverage under existing zoning will require variance relief from this Board.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Mackie, Mr. Rahenkamp, Mr. Larsen and Mr. Johnstone

Those Opposed: None

**PUBLIC HEARING**

- Preziosi  
Appl. No. 15-10  
Block 43, Lot 2.02  
Impervious Coverage Variance  
**Action Deadline – 12/31/15**

Ms. Desiderio was recused from the hearing.

Mr. David Bunevich, Attorney on behalf of the applicant and owner, Albert and Lisa Preziosi, was present and explained that Block 43, Lot 2.02 is a 21.6 acre flag lot that was created in 1992 under the flag lot ordinance that existed at that time. The property is

located in the Farmland Preservation District and the applicant is requesting two (2) variances, one (1) for impervious coverage (existing coverage is 5% and 7.7% is proposed). The second variance is for the number of garages (five (5) are permitted and eight (8) garage spaces are proposed). He went on to explain that there is a flag staff that services two (2) additional lots (a total of three (3) properties are serviced by the driveway) and the flagstaff contains approximately 1.5% of the impervious coverage. Mr. Bunevich displayed a colored version of the variance plan that was marked as **Exhibit A-1** and he described the location of the common portion of the driveway.

Mr. Moriarty arrived at this time and Mr. Bernstein asked Mr. Bunevich to briefly summarize the testimony provided to which he agreed.

Mr. Bunevich went on to say that, in his opinion, the applicant is only asking for an increase of 1.25% in coverage since the common driveway represents 1.5% of the coverage. Mr. Bunevich also noted that he thought that when the lot was created the allowable coverage was 8% but has since been decreased to 5%.

Mr. Ken Dykstra, Engineer, was sworn in by Mr. Bernstein and provided the Board with his qualifications as an Engineer and Land Surveyor. Mr. Dykstra was accepted by the Board.

Mr. Dykstra explained that the project was granted Grading and Surface Water Management Plan approval in 2010 as it was a fully conforming project; construction began in 2011. After construction commenced Mr. Preziosi realized that he needed some additional amenities, primarily the pool and pool house. Mr. Dykstra pointed out that the house is six (6) bedrooms not eight (8) although the septic system is approved and constructed to accommodate eight (8) bedrooms. He noted that the driveway that traverses Mr. Preziosi's flag staff serves his home as well as the homes on Lots 2.01 and 2.03 and the total length of the flagstaff is 965 feet; 13,600 sq. ft. out of 72,000 sq. ft. of impervious coverage is for the common driveway.

Mr. Dykstra explained that pillars and a gate are proposed 95 feet from where the common portion of the driveway ends. Due to the length of the driveway there will be two (2) bump outs to allow cars or emergency vehicles to pass; the driveway is ten (10) feet wide. The driveway leads to the front of the home where there is a motor court to provide access to the front of the dwelling and there is another driveway that goes under the second story into a garage court where four (4) garage doors are located. There are a series of patios and walkways behind the house and one (1) level down a pool and pool house are proposed. The pool house has a lower level with four (4) additional garage spaces. When asked by Mr. Burr what improvements were proposed in 2011 when the project was fully conforming, Mr. Dykstra noted that 9,250 sq. ft. of coverage was not in the original impervious coverage calculation because they considered that as a common roadway. Mr. Dykstra noted that there is 20,000 sq. ft. difference between the 2011 approval and the current proposal, noting that a majority of that is the addition of the pool and the pool house. Ms. Goodchild noted that the grading plan approved in 2010 included a pool and a tennis court but not a pool house. Mr. Dykstra agreed and noted

that the tennis court is no longer proposed. Mr. Burr questioned where an increase of 20,000 sq. ft. comes from if the only new proposal is from the pool house. Mr. Dykstra explained that there is a slightly larger parking area in front of the house, more patios directly behind the house, the pool area and the pool house and the driveway that services the pool house. When asked if the footprint of the house changed, Mr. Dykstra responded in the negative.

When asked the location of dwellings on adjoining lots, Mr. Dykstra explained that the Preziosi home is over 1,100 feet from Vlietown Road and approximately 750 feet from the homes on Lots 2.01 and 2.03. He noted that because of the vegetation and the topography the house is not visible. The eight and a half acres behind the home is farmed and will continue to be farmed. Mr. Van Doren pointed out that in the winter you can see the home from the bridge on Vlietown Road. Mr. Dykstra noted that they are adding evergreen trees as shown on the plan to further buffer the property.

When asked about the amenities in the pool house, Mr. Dykstra explained that there will be bathrooms and a kitchen area since the pool is a substantial distance from the house. Mr. Bunevich noted that he is aware that the Board is concerned with these types of structures turning into dwelling units and so he offered to place a deed restriction or whatever the Board deems necessary to ensure that the pool house is never used as anything other than a pool house (not used for commercial or rental purposes). When asked by Mr. Rahenkamp if there is a second story, Mr. Dykstra noted that there is a loft area to be used for storage. Mr. Rahenkamp opined that the area has the potential to be a bedroom. Mr. Johnstone noted that the Board has had many applicants testify that the structure will not be used as a dwelling unit and it is then discovered as a dwelling unit used either by that owner or a subsequent owner. Mr. Bunevich reiterated that the applicant would be willing to file a deed restriction so that the intent of the structure is obvious to any future owner. Mr. Bernstein noted that unfortunately the Board has had many requests to lift the deed restriction and he expressed concern that the proposed pool house has a full kitchen, fireplace, one and a half baths, a separate entrance and plenty of area for a bedroom. Mr. Bunevich noted that his client would be willing to remove the mezzanine. Mr. Bernstein was concerned that the area to the left of the kitchen is large enough for a bedroom. Mr. Johnstone suggested that the Board hear the rest of the testimony and deal with the use of the pool house later in the meeting.

When asked if the garage area will have heat, air conditioning or running water, Mr. Bunevich noted that it may have heat. When asked if the pool house will have heat, air conditioning and running water, Mr. Bunevich responded in the positive.

When asked by Mr. Johnstone why the applicant needs eight (8) garage spaces, Mr. Bunevich noted that Mr. Preziosi has a large family that has extra vehicles, the property is a farm that requires maintenance vehicles and he also has additional hobby vehicles. Mr. Dykstra noted that the garage bays face each other in the rear of the home so they will not be visible from the front driveway. The garages for the pool house are also not visible from the front or sides of the property.

Mr. Bunevich noted that they will have the fire company review the plans. Ms. Goodchild noted that the plans were sent to the Oldwick Fire Company but she had not received a response from them yet.

Mr. Dykstra explained that the motor court areas will be pavers and the driveway will most likely be an oil and chip surface over gravel base. When asked what is currently on the driveway, Mr. Dykstra explained that it is currently a mix of gravel and millings. When asked by Mr. Johnstone if millings are permitted, Ms. Goodchild noted that it is her understanding that millings were used but the proper permits were not sought for the application. Mr. Dykstra noted that they reviewed this issue with the Township Engineer and permits are not necessary if the millings are sealed with a cap; an oil and chip surface over the millings is satisfactory. Mr. Burr agreed that they are only permitted as long as they are capped with bituminous asphalt or an emulsified asphalt layer. When asked by Mr. Burr how much of the driveway had been constructed, Mr. Dykstra explained that the driveway is in rough form from the end of the common portion of the driveway to the house and also from the front of the house to the area where the pool house is proposed.

Addressing drainage, Mr. Dykstra explained that there is a comprehensive drainage plan associated with the project which conforms to local and state regulations. He agreed to comply with all of the drainage comments from Mr. Burr's report. When asked by Mr. Burr to comment on the condition of the soils to accommodate the design, Mr. Dykstra explained that they conducted substantial soil testing (16 to 18 test pits) in 2007 and also performed permeability testing, including lab tests. He explained that the soil is silty clay loam, varying in depth from 7 to 9 feet, basically stable soils that aren't susceptible to erosion. When asked by Mr. Burr if there were any issues with permeability, Mr. Dykstra responded in the negative noting that it passes through the subsurface rock. When asked if groundwater was an issue, Mr. Dykstra responded in the negative.

Mr. Dykstra explained that the drainage easement filed as part of the original Grading and Surface Water Management Plan approval will need to be vacated and re-filed to accommodate the new drainage.

When asked about the proposed pillars, Mr. Dykstra explained that Mr. Preziosi decided to relocate the pillars 95 feet further back to accommodate the neighbors; the neighbor on Lot 2.03 has an entrance to access his rear field. The gate will be a typical residential gate with two (2) lights mounted on the pillars. Mr. Bernstein noted that the Land Use Board recently considered this to be a variance (the Puri application) because the gate and pillar ordinance requires them to be placed near the roadway. Mr. Bernstein did not believe it would be a problem to amend the application to include this as a variance. He opined that the Board should be consistent and consider this a variance since the pillars are not close to the road as stipulated in the ordinance. Mr. Bunevich agreed that they would amend the application to include this as a variance and noted that the notice included language to cover any and all other variances determined by the Board.

When asked about a permanent generator, Mr. Dykstra explained that there will be a generator near the garage area of the pool house (as shown on the plans).

When asked about trees, Mr. Dykstra noted that there is limited tree disturbance explaining that there are a few dead trees that will be removed where the flag staff opens up into the main portion of the property. Mr. Rahenkamp expressed concern about the lights to be mounted to the pillars and the impact of those lights on the neighbors lot. Mr. Dykstra didn't believe that the lights on the pillars would have any impact on the neighbors due to the angle that they are mounted. When asked if there is any other buffering proposed, Mr. Dykstra noted that evergreen trees are proposed at the mouth of the lot (trees to be planted to the right of the driveway as you approach the house). When asked about lighting, Mr. Dykstra noted that a lighting plan has been submitted that shows lighting for the gate/pillars, the drive court area and the access drive for the pool house and various accent and building lights. When asked if he has a problem with the lighting shown, Mr. Burr noted that the applicant will need to confirm that all of the lights will be down shielded and won't produce any sky glare or glow. He noted that typically before a C of O lights are checked to make sure they are appropriate and not objectionable.

Albert Preziosi, applicant and owner, was sworn in by Mr. Bernstein. When asked by Mr. Johnstone if he understood the concerns about the lighting, Mr. Preziosi responded in the positive. Mr. Dykstra noted that the accent lights will point up the side of the building and asked if it will pose a problem at the time of the C of O. Mr. Johnstone opined that everyone has a different definition of accent light and he noted that the Board favors less light. When asked about the pool fence, Mr. Dykstra noted that it will be a conforming pool fence.

When asked about Department of Health approval, Mr. Dykstra noted that the septic system has been approved and constructed. They will be amending the approval to connect the pool house to the system. When asked by Mr. Johnstone if the system is large enough to accommodate the pool house, Mr. Dykstra responded in the positive and noted that the system was designed for an eight (8) bedroom home and the main home is only six (6) bedrooms. When asked by Mr. Becker if the pool house is being looked at for two (2) potential bedrooms, Mr. Dykstra responded in the negative and noted that the original architecture of the home contemplated an additional bedroom over one of the garages.

When asked about the Grading and Surface Water Management Plan approval, Mr. Dykstra agreed that they will need to apply for amended approval.

Mr. Bunevich noted that the application is for a C1 and C2 variance and his client is using two (2) methodologies as justification for the variances. Using a C1 analysis, Mr. Dykstra was asked by Mr. Bunevich to explain why this application qualifies for the hardship. When asked by Mr. Johnstone the hardship the applicant is claiming, Mr. Bunevich explained that the preexisting driveway that consumes so much of the coverage creates a hardship to reasonably develop a home on 21 acres. Mr. Dykstra went on to explain that the 965 foot flag pole creates a hardship with respect to impervious coverage. When asked how the benefits outweigh the detriments, Mr. Dykstra opined that the pool

and pool house are really a necessary amenity for this type of property. When asked by Mr. Johnstone when a pool became a necessary amenity, Mr. Dykstra noted that it wasn't an absolute necessity but it enhances the property. When asked if he agreed that a pool is not a necessity, Mr. Dykstra responded in the positive. When asked by Mr. Bunevich if the property has and will be continually farmed and the integrity of most of the lot will be maintained, Mr. Dykstra responded in the positive. Mr. Dykstra noted that the increase in impervious coverage will be controlled by the sophisticated storm water management system. Mr. Dykstra did not feel there would be any detriment to the public or impact to the neighbors, zone plan, master plan or public good. When asked by Mr. Bunevich if it is consistent with other estate lots in the township, Mr. Dykstra responded in the positive although he noted that he had not done an analysis. Mr. Dykstra noted that 8% impervious coverage was permitted in 2003 and the lot was created in 1992.

Mr. Burr pointed out that there are wetlands on the western portion of the property and asked if there are any permits necessary from NJDEP for any of the improvements. Mr. Dykstra explained that no permits were required; a letter of interpretation was approved prior to development. When asked if there is any opportunity to reduce some of the coverage, Mr. Dykstra noted that if they took a close look they could probably reduce some of the driveway. When asked the proposed width of the driveway from the drive court to the pool house, Mr. Dykstra responded ten (10) feet. Mr. Bunevich indicated that his client would be willing to discuss decreasing the coverage in some areas.

When asked by Mr. Bernstein if the easements referenced earlier in the meeting have anything to do with the wetlands, Mr. Dykstra noted that there is a conservation easement from the original subdivision in 1992. When asked the length of the common driveway, Mr. Dykstra opined 500 plus feet with a 12 foot wide driveway and two (2) passing areas. When asked by Mr. Johnstone the existing material on the common portion of the driveway, Mr. Dykstra noted that it was paved but will be resurfaced when the construction is finished. When asked if the kitchen in the pool house is a complete kitchen, Mr. Dykstra responded in the positive and noted that because of the distance from the house the owner wanted a full kitchen for entertaining. When asked the distance from the pool house to the house, Mr. Dykstra opined over 100 feet. When asked if the pool house will be heated and air conditioned, Mr. Dykstra responded in the positive. When asked to confirm that there is one (1) full and one (1) half bath in the pool house, Mr. Dykstra responded in the positive. When asked what the "Arcade" is, Mr. Preziosi explained that it is a covered patio. When asked the size of the room next to the kitchen, Mr. Dykstra estimated it to be 25 x 20. When asked the purpose of the room, Mr. Preziosi explained that it will be used for entertaining. When asked if there is an exterior entrance to the pool house, Mr. Dykstra responded in the positive.

When asked by Ms. Goodchild what portion of the driveway was already constructed, Mr. Dykstra explained that the construction road is dirt and gravel. When asked about the utility road, he noted that it is in rough form and has some millings on the surface. Ms. Goodchild noted that the maximum impervious coverage was 5% in 1992 when the lot was created.

When asked by Mr. Moriarty when construction started, Mr. Preziosi responded 2010/2011. When asked what was holding up construction, Mr. Preziosi explained that he had a general contractor but for 2 years no construction occurred due to disagreements. That contractor was fired and unfortunately the second general contractor was removed from the project because he had a license that the Township wouldn't accept. He noted that some of the driveways that were not on the approved plan were constructed without approvals and he apologized for that; it was part of the issues he had with the former contractor. When asked what he feels is the purpose of having lot coverage limitations, Mr. Dykstra explained that it is an environmental concern with runoff and soil erosion. He noted that the 2004 Master Plan talks about 10% being the threshold and once that is exceeded serious problems can occur; excessive coverage is disturbance and less infiltration of ground water and potential for runoff. He noted that with today's standards pre and post development infiltration is the same and rates of runoff get reduced so, in his opinion, storm water plans mitigate most of the concerns of impervious coverage. Mr. Moriarty noted that the proposal is 60% over the permitted coverage. Mr. Dykstra opined that the property is unique so he does not feel there will be substantial detriment to the ordinance or Master Plan. When asked what the unique situation is, Mr. Dykstra opined that the flag staff is the biggest impediment and, in his opinion, amenities are important to an estate property. Mr. Bunevich noted that the flag staff also serves two (2) other properties so they get the benefit of more lot coverage because they don't have to include the driveway. Mr. Van Doren noted that the flag lot existed since the property was created and so the property owner and the engineer that prepared the plan were aware of the restrictions. Mr. Bunevich disagreed and noted that the lot was created in 1992 with the purpose of servicing three (3) lots. It was created this way as it has always been Tewksbury's philosophy to limit the number of driveway openings on Scenic Roads. He went on to suggest that the subject lot took the burden for the other two (2) lots and therefore loses coverage. Mr. Van Doren disagreed with Mr. Bunevich's argument. When asked by Mr. Moriarty if there has been any consideration given to pervious materials, Mr. Dykstra responded in the positive but noted that the township ordinance doesn't recognize pervious materials any differently than impervious material. Mr. Dykstra noted that the walkways behind the house will be gravel but the ordinance still counts that as impervious coverage.

When asked by Mr. Mackie what the "optional appliances" are that are noted on page 2 of 3 of the plan, Mr. Dykstra opined that it will likely just be cabinet space and countertop. When asked why there are two (2) wells proposed, Mr. Dykstra explained that one (1) well is for potable water and the other is for irrigation of landscaping.

Michael Patterson, on site Supervisor, was sworn in by Mr. Bernstein. When asked by Mr. Mackie about the well yield, Mr. Patterson explained that the first well that was drilled yielded 5 gallons per minute and the second well drilled yielded 30 gallons per minute. Mr. Mackie questioned why the second well was drilled to which Mr. Dykstra explained that it is a benefit to have a second well. When asked how the pool will be filled, Mr. Dykstra was not sure. When asked the ceiling height in the garage, Mr. Dykstra responded twelve (12) feet.

When asked by Mr. Van Doren if the original plan complied with Township ordinances, Mr. Dykstra responded in the positive. When asked when the bedroom count changed from eight (8) to six (6) bedrooms, Mr. Dykstra noted that it was always called out as an eight (8) bedroom house but he believes it was seven (7) bedrooms from the beginning and the septic system was designed for eight (8) as a conservative measure. When asked if the interior of the house or pool house is equipped for sprinklers, Mr. Dykstra responded in the negative. When asked if the proposed generator is sized to operate the entire house, Mr. Preziosi noted that it is sized to run the main house. When asked how many kilowatts the generator will be, Mr. Preziosi was unsure. When Mr. Van Doren expressed concern about the noise from the generator, Mr. Dykstra reassured him that the generator is approximately 800 feet from the nearest neighbor.

When asked by Mrs. Baird if the common driveway easement ends where the light green starts (on Exhibit A-1), Mr. Dykstra responded in the positive. When asked if there were any other restrictions placed on the lot in 1992, Mr. Dykstra was not aware but assured Mrs. Baird that the project conforms to the approving resolution.

When asked by Mr. Becker if the generator will likely be larger than 20 kW and if it will use diesel, Mr. Preziosi explained that it will be larger than 20 kW and will likely be fueled by propane. Looking at the photographs provided by the applicant Mr. Becker questioned the dark area on the gravel and asked if it was a diesel spill from the construction vehicles and if there are any containment vessels on site to which Mr. Patterson responded in the positive. When asked by Mr. Becker if he has his own equipment to farm the property, Mr. Preziosi responded in the negative and noted that someone farms the property for him. When asked what equipment he needed to store in the garages, Mr. Preziosi explained that he has four (4) children and he and his wife both drive along with a gator type vehicle to transport the garbage to the end of the driveway. Mr. Preziosi noted that he owns car dealerships but he does not have a car collection. When asked if there was any consideration to moving the pool and pool house closer to the house (creating a walkout basement) to minimize the coverage, Mr. Preziosi explained that there is no capacity for a walkout basement. Mr. Becker noted that there is a lighting discrepancy on the plan to which the applicant agreed to review and correct. When asked about the geothermal system and how it impacts the impervious coverage and the water table, Mr. Dykstra explained that it will be a subsurface system and will not impact the water table. When asked if the geothermal system should drain using subsurface pvc, Mr. Dykstra responded in the negative and explained that it is just an overflow drain. Mr. Becker questioned the lighting to which Mr. Burr indicated that the applicant will need to submit cut sheets of the actual intended lighting fixtures and wattages.

When asked by Mr. Kerwin what surface will be between the gravel walkways, Mr. Dykstra responded grass.

When asked by Mr. D'Armiento how much of the runoff is being captured, Mr. Dykstra explained that there is a swale and retention basin to the west of the house and in addition to that they have several infiltration chambers; effectively all of the impervious coverage

is going into the drainage system. When asked by Mr. Johnstone if all of the roof area is draining into the infiltration system, Mr. Burr responded in the positive and noted that because the project qualifies as a Major Development there is an enhanced design criterion.

When asked by Mr. Rahenkamp if the applicant owns the entire driveway with rights of access to the adjoining neighbors, Mr. Bunevich responded in the positive. Mr. Rahenkamp noted that the application would need an impervious coverage variance despite the common driveway.

When asked by Mr. Larsen when he purchased the property, Mr. Preziosi responded 2000 and noted that plans for the improvements were approved in 2010. When asked how many acres are farmed and what is produced, Mr. Preziosi responded 8.5 acres and corn and soy are the crops that Clucas Farms plants. When asked how many children he has in school, Mr. Preziosi responded two (2) children, a Freshman and Junior. When asked about the geothermal system, Mr. Patterson explained that it is a closed loop system.

Mr. Van Doren suggested that Mr. Preziosi check with Scott Clucas to make sure he can get his farming equipment through the proposed gates and pillars.

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

Christopher Teasdale, Environmental Commission Chairman, noted that the Commission reviewed the application material and noted the following: the stream is classified as trout production, the property contains exceptional isolated wetlands and prime agricultural soils. Mr. Teasdale noted that most variance requests to the Land Use Board request approximately 1,000 sq. ft. over the permitted coverage. Mr. Bunevich objected to the comments from Mr. Teasdale. When asked by Mr. Teasdale what his client's position was on balancing his personal needs vs maintaining the validity of the Township's Master Plan, Mr. Dykstra referenced the hardship of the driveway and again argued that certain amenities are important aspects of developing an estate sized lot. He added that the increase in impervious coverage is fully controlled by the advanced storm water management system. When asked how such a large deviation from the requirements is justified, Mr. Dykstra didn't feel that the variance was that extreme given the size of the property.

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

When asked by Mr. Johnstone to identify the portions of the driveway to be paved, Mr. Preziosi noted that the only paved areas would be the motor court in front of the house and next to the house; the surface will be paver blocks not asphalt. When asked if the paver blocks will be cemented, Mr. Preziosi was unsure. He noted that the common portion of the driveway is paved (it was paved when he purchased the lot). When asked why the pool is so far from the home, Mr. Preziosi explained that the pool and pool house

were cited to take advantage of the existing topography of the lot. Mr. Johnstone suggested a site walk so the Board could understand the site and the project to which Mr. Preziosi agreed. Mr. Johnstone asked that the proposed improvements be staked out in the field prior to the site walk. Mr. Bernstein asked that the plan be amended to note the areas proposed to be improved with asphalt, gravel or paver blocks.

When asked by Mr. Becker if the septic system was already installed, Mr. Preziosi responded in the positive.

The Board scheduled a site walk for Saturday, October 3, 2015 at 10 a.m. with the next hearing announced for Wednesday, October 21, 2015, 7:30 p.m. with no new notice required.

Mr. Richard Guido, Lot 2.01, was sworn in by Mr. Bernstein. Mr. Guido was present to support Mr. Preziosi. He noted that Mr. Preziosi has been very cooperative and has made changes to the design to accommodate the neighbors and feels he will be an asset to the community. When asked by Mr. Johnstone if he was happy with the position of the pillars and gates, Mr. Guido noted that he is most impacted and doesn't feel they will be a problem.

### **ESCROW CLOSING**

Mr. Van Doren made a motion to close the following escrow accounts and return the balance to the applicants. Mrs. Baird seconded the motion. The motion carried by the following roll call vote:

- Todd - \$62.50
- Kian - \$302.50
- Shanley - \$675.00
- Goldstar Buyers - \$500.00

### Roll Call Vote:

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

Those Opposed: None

Mr. Johnstone noted that there is a joint meeting with the Township Committee next Tuesday night to discuss COAH and Highlands and he encouraged members to attend.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:50 p.m. by motion of Mr. Moriarty and seconded by Mr. Johnstone. All were in favor.

Respectfully submitted,  
Shana L. Goodchild  
Land Use Administrator