

**North Hanover Township
Joint Land Use Board
MEETING MINUTES
October 25, 2017
7:30p.m. @ Municipal Complex**

Call to Order

The North Hanover Township Joint Land Use Board meeting was called to order at 7:30 pm by Chairman Tom Kimball.

Flag Salute

Statement – Provisions of the Open Public Meetings Act

“The provisions of the Open Public Meetings Act have been met. Notice of this meeting has been transmitted to the Burlington County Times and the Courier Post, given to those having requested and paying for the same and posted on the bulletin board in the foyer of the Municipal Building “

Roll Call For Attendance

Those members present were:

Russ Comisky, Jim Durr, Ron DeBaecke, Lou DeLorenzo, Dave Forsyth, Joe Greene, Debbie Kuowski, Jack Smylie, Kevin Zimmer, Greg Grauer, Tom Kimball

Also in attendance:

Gregory McGuckin Esq of Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors and Gregory McGuckin Esq of Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, Joseph Hirsh of Environmental Resolutions and Barbara Fegley of Enviromental Resolutions.

Minutes For Approval

Greg Grauer made a motion to approve the May 24, 2017 Joint Land Use Board Meeting Minutes. Motion was seconded by Debbie Kuowksi.

Memorialization of Resolution 2017-14- Lee Hill- Minor Subdivision and Variance- Block 803 Lot 9 and 10.

Jim Durr made a motion to memorialize Resolution 2017-14. Motion was seconded by Greg Grauer; all in favor.

**NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2017 - 14**

**RESOLUTION GRANTING
MINOR SUBDIVISION APPROVAL AND
BULK VARIANCE RELIEF
LEE HILL**

BLOCK 803, LOTS 9 & 10

WHEREAS, Lee Hill (the Applicant), has applied to the North Hanover Township Land Use Board (the Board) seeking Minor Subdivision Approval and Bulk Variance Relief with respect to the property commonly known as Lots 9 and 10, in Block 803, as shown on the official tax maps of North Hanover Township; and

WHEREAS, the property is located on the southern side of Jacobstown-Cookstown Road, approximately 700 ft. north of its intersection with Railroad Avenue; and

WHEREAS, Lot 10 contains 1.45 acres and is improved with a two-story dwelling, one-story framed garage, brick framed dwelling, lean-to and canvass carport; and

WHEREAS, Lot 9 contains approximately 3.99 acres and is improved with a one-story framed dwelling, metal framed garage, canvass carport, wood shed and inground pool; and

WHEREAS, the Applicant proposed to subdivide off 0.50 acres from Lot 10 and consolidate it with Lot 9; and

WHEREAS, as a result of this consolidation, Lot 9 will increase its area to 195,952.6 sq. ft., or approximately 4.49 acres, while the area of Lot 10 will be reduced to 41,169.9 sq. ft., or 0.95 acres; and

WHEREAS, each of the existing lots are located within the R-A Residential Agricultural Zoning District of the Municipality, and the Applicant does not propose any new construction as part of this application; and

WHEREAS, the Applicant has submitted a Minor Subdivision Lot Consolidation Plan consisting of one (1) sheet prepared by Avi Luzon, a Professional Land Surveyor of the State of New Jersey, dated August 1, 2017, with no revision dates indicated, in support of this application; and

WHEREAS, this matter was the subject of a Public Hearing held before the North Hanover Township Land Use Board on September 27, 2017; and

WHEREAS, at the time of the application, the Applicant was represented by Jonas Singer, Esquire, and presented the testimony of Lee Reuben Hill, the owner of the subject property; and

WHEREAS, the Applicant testified that Lot 10 is currently leased and the Lessee intends to purchase the subject property from the Applicant. The testimony reveals that new Lot 10 will be consistent with other lots in the general vicinity, including Lot 11, Lot 7, Lot 8 and Lot 31, all of which contain between 1 and 1.02 acres; and

WHEREAS, the Applicant requires variance relief with respect to proposed Lot 10 being reduced from 1.45 acres to 0.95 acres, as two (2) acres is required; and

WHEREAS, Lot 10 is currently nonconforming and the application, if approved, will exacerbate this nonconformity; and

WHEREAS, the Applicant further requires a technical front yard setback variance, where 50 ft. is required, zero (0) ft. is proposed on Lot 10, however, the Board notes this is an existing nonconformity; and

WHEREAS, although the lot area does not meet the zone requirements, there are no other bulk variances required as part of this application. In view of the Applicant's testimony as to the nature of the surrounding development, the Board is amenable to granting the relief requested; and

WHEREAS, the Board is satisfied the relief can be granted without substantial detriment to the public good and without a negative impact upon the Township Zoning Plan or neighborhood scheme; and

WHEREAS, the Board is further satisfied the Applicant has submitted sufficient reasons to grant the relief requested; and

WHEREAS, the Board notes that no one appeared in the public comment portion of this application to object to same; and

WHEREAS, prior to the public hearing held on this matter, the Board had an opportunity to review the September 13, 2017, review letter of the Board's Consulting Engineer, Joseph Hirsh, P. E., which report is incorporated herein by reference; and

WHEREAS, the Applicant has stipulated they will comply with all the terms and conditions set forth in the review letters of the Board's Consulting Professionals; and

NOW THEREFORE BE IT RESOLVED on this 27th day of Septmeber, 2017 that the Applicant's request for Minor Subdivision Approval and Variance Relief be and hereby is approved subject to the Applicant's compliance with all terms and conditions set forth in the preamble of this Resolution; and

IN SO APPROVING the Applicant's request for variance relief, the Land Use Board of the Township of North Hanover has made the following findings of fact and conclusions of law and further declares:

1. The Applicant has a proprietary interest in this application.
2. All requisite fees and real estate property taxes have been paid in full to date.
3. The Applicant has complied with all notification requirements of the municipal land use ordinance of the Township of North Hanover.
4. The application is a "complete application" as defined by the municipal land use ordinance of the Township of North Hanover.
5. The application is a substantial compliance with the zone plan and will not unduly impact upon the neighborhood scheme.
6. The Land Use Board adopts the preamble of this Resolution as its findings of facts and has relied upon these findings in the decision rendered by the Board.
7. The Applicant has submitted sufficient reasons to grant the requested relief herein.

BE IT FURTHER RESOLVED that this approval is further conditioned upon the following:

1. The receipt by the applicant of all approvals and compliance with all permit conditions from any Federal, State, County or local regulatory agency having jurisdiction over this application. Upon receipt of such approvals, the applicant shall provide a copy of any permit or written evidence of approval to the Board and its professional staff. If any agency requires a change in the plans approved by the Board, the applicant must reapply to the Board for approval of that change.

2. The applicant shall provide a statement from the North Hanover Township Tax Collector that all taxes are paid in full as of the date of this resolution and as of the date of the fulfillment of any conditions in this resolution and the failure to provide such a statement shall render this resolution null and void abs initio.

3. The applicant shall reimburse the Board for all professional fees extended or expended with regard to this application.

4. The applicant shall comply with all provisions of the reports of the Board's professional engineer and planner except as modified herein.

5. The applicant shall comply with all representations made before the Board by its attorney, engineer and other expert witnesses as the Board has specifically relied upon those representations in granting the approvals set forth herein. Failure to comply with such representations will render any approvals herein null and void ab initio.

6. Applicants shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of this resolution or the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the applicant.

7. Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

8. Unless specifically modified herein, the applicants shall comply with all terms and conditions of all prior resolutions of the North Hanover Township Planning Board regarding this application.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. Burlington County Board of Health
2. Burlington County Planning Board
3. North Hanover Township Joint Land Use Board;
4. Township Clerk; and
5. Zoning Officer.

DATE ADOPTED: September 27, 2017

DATE MEMORIALIZED: October 25, 2017

FOR ADOPTION: Jim Durr, Ron DeBaecke, Dave Forsyth, Joe Greene, Debbie Kucowski, Kevin Zimmer, Greg Grauer, Tom Kimball

AGAINST:

ABSTENTIONS/RECUSALS:

RON DEBAECKE AND LOU DELORENZO LEFT TO THE DIAS TO ABSTAIN FROM APPLICATION.

Application 2017-06- Use Variance- Wrightstown Partners LLC- Block 602 Lot 1- 545 Wrightstown Sykesville Road

Bill Potter of Potter and Dixon. Wrightstown Partners is asking for a Use Variance to develop 24 Townhouses in the C-1 zone. The lot is 5.44 acres abutting Byron drive which is a private drive. Wrightstown Arms is 50 apartments on the other side of Byron Drive also owned by Wrightstown Partners. They wish to develop these 24 units to provide housing opportunities to the Military. They will also be seeking approvals to bring water and sewage service from the Wrightstown MUA to homes. Wrightstown Partners has obtained a letter from the Wrightstown MUA stating there is adequate capacity. The letter was entered in as exhibit A-1. The applicant is going for just the use variance at this time and will return to the board for Site Plan approval. Mr. Porter asked that Nicholas Graviano be sworn in. Nicholas Graviano gave his credentials and asked to be accepted as a professional in field of planning. The board accepted his credentials.

Mr. Graviano stated the parcel is located on Byron Drive which separates North Hanover and Wrightstown Borough. Mr. Graviano presented plans marked as Exhibit A2 and A3 which had been previously distributed to the board. It was stated that the applicant was looking to develop 24 townhouses that are 2 floors, 2 bedroom and 1.5 baths. Byron Drive is currently servicing Wrightstown Arms but it is proposed to service both complexes. A heavy tree buffer is proposed to provide a private enclave. Recreational play ground will be provided through the existing area at Wrightstown Arms. Mr. Graviano stated the parcel is an irregular shaped lot similar to a lightning bolt. The applicant believes their use is ideal for this lot as it does not have frontage or visibility. They believe the irregular shape of the lot makes the use compatible as it does not require frontage or viability. Mr. Graviano believes this is use aninherently beneficial use and the lot is suited for this use. Mr. Graviano read the conditions of a "D" Variance from Municipal Land Use Law.

Barbara Fegley Planner for the board recapped the Engineers review letter. Ms. Fegley asked if the units would be Fee simple, rental, or HOA? It was stated by Mr. Graviano that the units would be rental units. The rental units will be managed through the Wrightstown Arms rental office. Maintenance staff from the Wrightstown Arms office would be utilized for the new Townhouses. It was asked how Trash would be handled. It was stated by Mr. Graviano that it would handled privately. Ms. Fegley asked if snow removal would also be private and Mr. Graviano responded that yes it would. Ms. Fegley asked about amending the sewer service area. Mr. Graviano stated that the DEP would not entertain an application until they get the "D" variance from the Township.

Tom Kimball asked if this would give other properties the opportunity the chance to tie into the sewer service. Mr. Hirsh Engineer for the Board stated in his review letter he did comment that part of the approval if the Township is so inclined to include in the approval that the sewer service be engineered to allow others to be able to connect to it. Mr. Graviano stated there is no addition infrastructure needed since it is there for Wrightstown Arms. The applicant would be willing to offer easement rights to allow

others to tie into the existing infrastructure. Mr. Hirsh asked about upgrading the recreation area. It was stated that there are not many children expected to be in the complex as they are only 2 bedroom townhomes. Mr. Jim Durr asked if Byron Drive was in North Hanover or Wrightstown. It was stated that it is in Wrightstown. Additionally Mr. Durr asked if Byron drive would need to be expanded. Mr. Graviano stated it would not. Mr. Durr asked how many apartments are in Wrightstown Arms. It was stated there are 50 apartments in Wrightstown Arms. Mr. Graviano has stated that applicant has been approached by other neighboring businesses to connect in to the sewer service and they are open to allowing the easements. Ms. Debbie Kucowski asked about where the school children would be going, and where do the current children in Wrightstown Arms go to. It was stated by the applicant that the Wrightstown Arms children go to school in Wrightstown. It was asked if there is enough room for a school bus for the North Hanover children down Byron Drive. It was stated by Mr. Graviano that they do not believe there will many children based on the size and the fact they are 2 bedroom units. It was asked if this parcel was in the APZ zone. Mr. Graviano stated he did not believe it was. Mr. Durr asked if Byron Drive was not used as access would this parcel be land locked. It was stated by Mr. Graviano that this parcel as very limited frontage and that you cannot get to the "second triangle" of the parcel without using Byron Drive.

Tom Kimball opened the floor public comment. Greg Grauer made a motion to close public comment. Dave Forsyth seconded the motion. All in Favor.

Mr. Durr discussed how hard of a decision this is and how the town has struggled for years over the expansion of sewer service area for many years. Mr. Poters stated that if it is the desire of the board, the applicant would collaborate with the town on the application to the DEP. Mr. Graviano stated that in the applicants DEP application they would include any parcels that the Township would like. The applicant is dedicated to working with and enhancing the Township. Mr. Graviano stated the applicant would include properties within 500' on the DEP application for sewer hookup if the Township desires and requires it. It was asked if they would consider 1500'. Mr. Potter stated they could not do 1500' as it does not become economical for the applicant. The applicant stated he would do 750' of sewer service on the application and the engineering for such application. Ms. Debbie Kucowski about how long will the application process take. Mr. Graviano stated they would like to be pulling construction permits in 2 years.

Jim Durr made a motion to approve the variance. Tom Kimball seconded the motion. Roll Call: Jim Durr- Yes, Dave Forsyth- Yes, Joe Greene-Yes, Debbie Kucowski- Yes, Kevin Zimmer- Yes, Greg Grauer- Yes, Tom Kimball- Yes.

RON DEBAECKE AND LOU DELORENZO RETURNED TO THE DIAS.

Application 2017-09- Minor Site Plan- Scott Alvik- Block 800 Lot 70.03- 158 Meany Road

Scott Alvik the applicant was sworn in. Mr. Alvik stated that he owns a small contracting business called Cabin Doctor. Cabin Doctor does log cabin restoration and building. They bought 150 Meany Road from Scott Crosbie. Mr. Alvik stated he is using the building as Mr. Crosbie had, and it was approved for. The difference is he is not manufacturing anything he is simply using it as a warehouse. Mr. Hirsh Township

and Board engineer asked how many vehicles they have. Mr. Alvik stated they have 2 service vehicles. It was asked if anything would be stored outside. Mr. Alvik stated he would only have 2 trailers outside everything else is inside. Mr. Alvik stated that he, his wife, son and the occasional worker will be the only ones there. They do not do retail sales. Mr. Hirsh asked if Mr. Alvik would be agreeable to enclosing the garbage enclosure and Mr. Alvik agreed. Mr. Alvik presented a plan of the existing conditions as approved in 2008 and built by Mr. Crosbie. Also, submitted to the board, where pictures of the site and parking. No sign is being proposed at this time. Mr. Hirsh reviewed his completeness letter. Mr. Alvik stated there will be no noise coming from the property. Mr. DeLorenzo asked if he would be limited to just the 2 trucks stated he has if his building would grow. Mr. Hirsh said No it would not limit him. Mr. Alvik said he hopes that he hopes with this opportunity he will be able to grow.

Chairman Tom Kimball opened the floor to public comment. Greg Grauer made a motion to close public comment; motion was seconded by Tom Kimball all in favor.

Jim Durr made a motion to approve the application, Dave Forsyth seconded the motion. Roll Call: Jim Durr- Yes, Dave Forsyth- Yes, Joe Greene-Yes, Debbie Kucowski- Yes, Kevin Zimmer- Yes, Greg Grauer- Yes, Tom Kimball- Yes, Ron DeBaecke- Yes, Lou DeLorenzo- Yes

RON DEBAECKE AND LOU DELORENZO LEFT TO THE DIAS TO ABSTAIN FROM APPLICATION.

**Application 2017-10- Minor Site Plan and Variance- Palmer Trust- Block 608 Lot 8- 520
Wrightstown-Sykesville Road**

Tim Palmer owner, and Martin Carpenter of Chesterfield Electric & HVAC were sworn in . Mr. Palmer stated he is asking for a use variance and a minor site plan approval. Mr. Palmer stated that the prior use was an ice cream store, and was a high impact use. The use proposed is to house and be the office for Chesterfield Electric and HVAC. This would not be a high impact use 2 box trucks and bucked truck and service van. 7-5 employees would be there Monday-Friday. There may be times where a service technician on the weekend. Usually all employees and trucks are gone during the day. Mr. Hirsh asked if he would be receiving deliveries. Mr. Carpenter replied that they have a few vendors but they deliver with small box truck or vans. Mr. Hirsh recommended the parking be moved to the right of the building. Mr. Hirsh recommended that a buffer be put up. Mr. Palmer stated that there were bushes had been there at one time and the neighbor asked to take them out because the bushes obstructed the view. Mr. Hirsh recommended putting them starting at the rear of the parking lot extending back. Mr. Carpenter asked if he could put their sign where the existing sign was located. Mr. Hirsh stated it was fine as long as they did not increase the size of the sign. Mr. Hirsh stated that the garbage enclosure had to be enclosed. It was propped to take out a double window to put a garage door in. Mr. Durr asked if there were any anticipated problems with the upstairs tenants with the business downstairs. Mr. Palmer stated that the business would be operating while the upstairs tenants are at work.

Tom Kimball opened the floor to public comment. Greg Grauer made a motion to close public comment. Tom Kimball seconded the motion; all in favor.

Jim Durr made a motion to approve the use variance and minor site plan. Motion was seconded by Dave Forsyth. Jim Durr made a motion to approve the variance. Tom Kimball seconded the motion. Roll Call: Jim Durr- Yes, Dave Forsyth- Yes, Joe Greene-Yes, Debbie Kucowski- Yes, Kevin Zimmer- Yes, Greg Grauer- Yes, Tom Kimball- Yes.

RON DEBAECKE AND LOU DELORENZO RETURNED TO THE DIAS.

Public Comment

Kevin Zimmer made a motion to close public comment as there was no public to comment. Motion seconded by Dave Forsyth; all in favor

Board Discussion

Tom Kimball made a motion to close board discussion. Motion was seconded by Greg Grauer; all in favor.

Correspondence

None

Adjournment

Greg Grauer made a motion to adjourn at 9:34pm. Motion was seconded by Joe Greene; all in favor.

Respectfully submitted,

Alexandra DeGood
Joint Land Use Board Secretary