

**North Hanover Township
Joint Land Use Board
MEETING MINUTES
December 20, 2017
7:30p.m. @ Municipal Complex**

Call to Order

Chairman Tom Kimball call the December 20, 2017 meeting to order at 7:30pm.

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: Ron DeBaecke, Lou DeLorenzo, Joe Greene, Debbie Kucowski, Kevin Zimmer, Greg Grauer, Tom Kimball

Those members absent: Russ Comsiky, Jim Durr, Dave Forsyth, Jack Smylie

Minutes For Approval

-June 28, 2017 Executive Session

Ron DeBaecke made a motion to approve the June 28, 2017 Executive Session Minutes. The motion was seconded by Kevin Zimmer; All in Favor. Lou DeLorenzo, Tom Kimball, and Greg Grauer abstained from the vote.

-September 27, 2017

Greg Grauer made a motion to approve the September 27, 2017 Minutes. The motion was seconded by Ron DeBaecke; all in favor. Lou DeLorenzo abstained from the vote.

Memorialization Resolution 2017- 18- Bulk Variance-Great Northeastern Enterprises- Block 402 Lot 16- 86 Streeker Road

**NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2017 - 18

RESOLUTION GRANTING
BULK VARIANCE RELIEF FOR
GREAT NORTHEASTERN ENTERPRISES
BLOCK 402, LOT 16**

WHEREAS, Great Northeastern Enterprises (the Applicant), has applied to the North Hanover Township Land Use Board (the Board) seeking Bulk Variance Relief with respect to the property

commonly known as Lot 16 in Block 402, as shown on the official tax maps of North Hanover Township; and

WHEREAS, in support of this application the Applicant has submitted a Variance Application Package along with Existing Conditions Plan of Survey consisting of one (1) sheet prepared by Maser Surveying, LLC dated September 9, 2016, as well as a Variance Plan consisting of one (1) sheet prepared by Avila Engineering dated February 10, 2017; and

WHEREAS, this matter was the subject of a public hearing held before the North Hanover Township Joint Land Use Board on November 15, 2017; and

WHEREAS, prior to said hearing, the Board had an opportunity to review the Engineer and Planners Report of the Board's Consulting Planners, Environmental Resolutions, Inc., dated March 10, 2017, which report is incorporated herein and by reference; and

WHEREAS, the property has a common street address of 86 Streeker Road and is located just south of the intersection of Streeker Road and Larrison Road; and

WHEREAS, the property currently contains a wood framed garage and a mobile home and is located within the R-1 Residential Zoning District of the Municipality; and

WHEREAS, the property is currently undersized, consisting of 0.439 acres; and

WHEREAS, the Applicant requires the following variance relief:

1. Lot area – 2.0 acres required, 0.439 acres existing;
2. Lot frontage – 200 ft. required, 107.23 ft. existing;
3. Lot width – 200 ft. required, 107.23 ft. existing;
4. Lot depth – 200 ft. required, 180.74 ft. existing; and

WHEREAS, with respect to these bulk variance requests, the Board notes that each of the conditions relates to existing conditions on site as the lot is already undersized and there is nothing the Applicant can do with respect to lot area, lot frontage, lot width or lot depth based upon the surrounding nature of development; and

WHEREAS, the Applicant further requires a side yard setback variance, 30 ft. required, 20 ft. proposed, and a front yard setback variance, 50 ft. required, 48 ft. proposed; and

WHEREAS, the Applicant has been represented by Chuck Petrone, Esquire, and has submitted the testimony of John A. Asay, a partner in the Applicant entity; and

WHEREAS, at the time of the public hearing the Applicant submitted into evidence:

- Exhibit A-1. Proposed home type consisting of 2,300 sq. ft.;
- Exhibit A-2. Photograph showing the existing lot and buildings to be demolished;
- Exhibit A-3. Photograph showing existing lot and buildings to be demolished closeup;
- Exhibit A-4. Next door property to the right;
- Exhibit A-5. Property located across the street; and

WHEREAS, based upon the testimony of Mr. Asay, it appears the Applicant proposes to construct a four (4) bedroom two and a half bath home consisting of approximately 2,300 sq. ft. on the subject lot; and

WHEREAS, the Applicant is in the business of developing single-family homes and has built approximately 250 such structures including 10-15 in North Hanover Township previously; and

WHEREAS, the Applicant testified they took efforts to insure that the house proposed would blend in with the existing neighborhood based upon existing lot size of this lot and the surrounding lots in the neighborhood; and

WHEREAS, the Applicant testified the bedrooms are considered small but the Applicant does desire to construct a four (4) bedroom home as this is what is most in demand at the current time; and

WHEREAS, the Applicant submitted sufficient testimony to establish that the lots surrounding the subject property are generally the same size in nature with some bigger and some smaller and some similar all containing single-family homes; and

WHEREAS, the Applicant further submitted the testimony of Mike Avila, a Professional Engineer of the State of New Jersey who is qualified and accepted by the Board as an expert witness in this matter; and

WHEREAS, Mr. Avila testified that there were no wetlands located on the subject property and furthermore the Applicant suffers a hardship in accordance with the provisions of C-1 due to the narrow, shallow and irregular shape of the subject property, along with its sloping nature and existing topography; and

WHEREAS, the Board agrees with the Applicant's professional testimony that the Applicant suffers a hardship in view of the existing nature of development in the surrounding area, as well as the undersized nature of the lot as it currently exists; and

WHEREAS, the Board notes that with respect to the side yard setback variance, there is currently an existing 12.5 setback for a trailer which will be removed as part of this application thereby making the property more conforming; and

WHEREAS, the Board is further satisfied that it is appropriate to grant the front yard setback variance for 2 ft. since the property slopes to the rear and it would not make sense to construct a home on such sloping ground while the 2 ft. is essentially a de minimis variance which will not be noticeable to the naked eye; and

WHEREAS, with respect to the four (4) remaining bulk variances, as noted same represents all existing conditions; and

WHEREAS, the Board did discuss a number of conditions which will apply to any approvals granted and are as follows:

1. The Applicant shall submit a Grading Plan, which must be approved by the Board Engineer prior to the issuance of any building permit;
2. The Applicant shall obtain all outside agency approvals including Burlington County Health Department, North Hanover Township Construction Office and NJDEP; and

WHEREAS, the Board is satisfied the relief requested can be granted without substantial detriment to the Township Zoning Plan or Neighborhood Scheme, and the Applicant has submitted sufficient reasons to grant the relief requested; and

WHEREAS, the Board is satisfied there will be no negative impact from granting the variances and the Applicant submitted sufficient reasons for same; and

WHEREAS, it appears that all requisite fees and taxes have been paid in full to date; and

NOW THEREFORE BE IT RESOLVED on this 15th day of November, 2017 that the Applicant's request for Bulk Variance Relief be and hereby is approved subject to the Applicant complying to 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: November 15, 2017

DATE MEMORIALIZED: December 20, 2017

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

AGAINST:

ABSTENTIONS/RECUSALS: Tom Kimball

Ron DeBaecke made a motion to memorialize Resolution 2017-18 Bulk Variance Approval for Great Northeastern Block 402 Lot 16, 86 Streeker Rd. The motion was seconded by Greg Grauer. Lou DeLorenzo abstained from the vote; all others in favor.

Public Comment

Township resident Francis Hewitt asked if the board knew of any proposed development of the land behind her home on Wrightstown-Sykesville Road by the land owner Mr. Sim. The board had not been notified or had any knowledge of any development or proposed development for that land. Kevin Zimmer made a motion to close board discussion. Greg Grauer made a seconded the motion; all in favor.

Board Discussion

Ron DeBaecke confirmed and reminded everyone that the reorganization meeting would be January 10, 2018 at 7:30. Kevin Zimmer made a motion to close board discussion. The motion was seconded by Greg Grauer; all in favor.

Correspondence-NONE

Adjournment

Kevin Zimmer made a motion to adjourn at 7:35pm. Motion was seconded by Greg Grauer; all in favor.

Respectfully submitted,

Alexandra DeGood
Joint Land Use Board Secretary