

**North Hanover Township
Joint Land Use Board
MEETING AGENDA
March 22, 2017
7:30p.m. @ Municipal Complex**

Call to Order

The March 22, 2017 meeting for the North Hanover Township Joint Land Use Board 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 “

Attendance

Those members present were:

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

Those members absent were:

Russ Comisky, Debbie Kucowski

Also in attendance: Gregory McGuckin Esq of Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors and Joseph Hirsh Land Use Engineer of Environmental Resolutions, Barbara Fegley Township Planner of Environmental Resolutions.

Minutes for Approval

Greg Grauer made a motion to approve October 26, 2016 minutes; motion was seconded by Tom Kimball. All in favor. Lou DeLorenzo, Kevin Zimmer, Ron DeBaecke abstained from the vote.

Greg Grauer made a motion to approve November 16, 2017 minutes; motion was seconded by Kevin Zimmer. All in Favor. Lou DeLorenzo, Dave Forsyth, Joe Greene, Ron DeBaecke, and Tom Kimball abstained from the vote.

Ron DeBaecke made a motion to approve January 18, 2017 Reorganization meeting minutes, motion was seconded by Greg Grauer. All in Favor. Dave Forsyth abstained from the vote.

Application 2017-02-Variance Application- Great Northeastern- 86 Streeker Road- Block 402 Lot 16

Application 2017-02 was taken off the agenda as the owner of the property has passed away.

Application 2017-03-Variance Application- Kesser Realty LLC- 145 Cookstown-New Egypt Road- Block 903 Lot 18

Chairman Tom Kimball asked Lou DeLorenzo and Ron DeBaecke to step down for the use variance. Alternate Jack Smylie joined the board. Jeffery Apell is representing the applicant Kesser Realty. A color rendering of the property was entered into testimony as exhibit A-1. Photographs of the property are being listed as exhibit A-2. The building that is the subject of this application burnt down in the 1990's. Footings for the burnt building were found. The applicant wishes to rebuild 16, 2 bedroom units. The applicant also stated the have plans to update the septic system. Applicant feels there is a need to rebuild this building. The roof and size will be in the general form and design of the existing buildings. Marc Lichtenestein was sworn in by Land Use Attorney Gregory McGuckin. Mr. Lichtenestein is a part of the property management team. Mr. Lichtenestein confirmed they would like to put 16, 2 bedroom units on the same footprint. Occupancy in the existing two

buildings is usually at 95% capacity on average. Usually about 34 spots open. Management has not had complaints from residents about the parking as it stands now. Applicant specified there are many residents that work, for different trades and military. There is more of a demand for 2 bedroom units. Michael Avila has been retained by the applicant as their professional planner. Mr. Avila has testified in front of our board and many counties in NJ. The board accepted Mr. Avila as an expert in his field. Mr. Avila stated the architecture will be relatively alike to the other buildings currently existing on the property. The building would be similar in size and esthetics. The apartment complex is located in C-1 Zone. The C-1 does not permit apartment buildings. The applicant is asking for use variance for an expansion of a non-conforming use. Mr. Avila stated positive criteria is providing shelter which is one of the basic needs. The property is surrounded by woods and farmland. The applicant does not believe there is any negative impact on the Township or the immediate area. About 30-35 parking spots are available for the new building. According to RCIS there is 32 spots needed for 16 ,2 bedroom units. Mr. Avila does not believe the Master Plan is impacted by what they are proposing. Land Use Engineer Joseph Hirsh went through his review letter with the board and applicant. It was stated a Site Plan would be needed if the use variance is approved. Land Use attorney Gregory McGuckin asked if the applicant could comply with everything set forth in the review letter. Mr. Apell specified that the only issue is the parking spaces. Chairman Kimball and board member Mr. Durr both had concerns over firetrucks getting in and being able to service the building in an emergency situation. They are particularly concerned about this given the history of the building, having burnt down. Mr. Durr thought there might be a provision that would not allowed for the expansion of a non-conforming use. Mr. McGuckin stated that regardless of the ordinance Land Use Law says they can ask for whatever they want in a variance application. Mr. Apell wanted to specify that they aren't making it larger. Mr. Zimmer asked about the size of bedrooms going from 1 bedroom to 2 bedrooms. Mr Lichtenestein said at time of site plan they will address but feels people would rather have smaller rooms and offer 2 bedrooms. Township Planner Barbara Fegley asked why they were upgrading septic. Original septic was for all 3 buildings. The applicant stated the septic needs replaced regardless. Mr. Kimball asked if parking analysis takes into consideration of emergency personal. Mr. Hirsh. Stated is did not and handicap accessible parking was also not noted and would have to be shown at site plan. Mr.Durr does not feel soils are conducive to a septic needed for the building. Mr. Zimmer if they wanted to rebuild right after would they need variance. Mr. McGuckin stated they would have needed a use variance if 50% or more of use is destroyed. Mr. Hirsh asked if there was any record of how many bedrooms were in the prior building. Mr.Apell stated he had reached out to the construction office and they were unsuccessful in finding the file.

Chairman Tom Kimball opened the floor to public comment. No public was attending to comment. Greg Grauer made a motion to close public comment; Tom Kimball seconded the motion, all in favor. Chariman Tom Kimball asked for a motion to approve Application 2017-03. Greg Grauer made a motion to approve, Kevin Zimmer seconded the motion. Chairman Tom Kimball called for a roll call: Jim Durr-No, Dave Forsyth-No, Joe Greene-No, Jack Smylie-No, Kevin Zimmer-Yes, Greg Grauer-Yes, Tom Kimball-No. Mr. McGuckin stated the application is required to have 5 affirmative votes, since they only received 2 the application is denied.

Public Comment

Chairman Tom Kimball opened the floor to public comment. Greg Grauer made a motion to close public comment seeing as there is no public to comment; motion was seconded by Tom Kimball. All in Favor.

Board Discussion

Ron DeBaecke and Lou DeLorenzo returned to the dais.

The board had a brief discussion on the Township zoning, and use variances, and history of zoning in the township. Greg Grauer made a motion to close board discussion, motion was seconded by Tom Kimball

Correspondence

No correspondence.

Adjournment

Being no further business, a motion was made Greg Grauer at 8:38 pm to adjourn the meeting, seconded by Tom Kimball, the motion was carried unanimously

Respectfully submitted by,
Alexandra DeGood
JLU Board Secretary
Approved: August 23, 2017