

**North Hanover Township
Joint Land Use Board
MEETING Minutes
June 28, 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 Dave Forsyth sitting in for Chairman Tom Kimball as most senior member in attendance.

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:

Ron DeBaecke, Dave Forsyth, Joe Greene, Debbie Kucowski, Jack Smylie, Kevin Zimmer

Those absent were:

Russ Comisky, Jim Durr, Lou DeLorenzo, Greg Grauer, Tom Kimball

Also in attendance:

Gregory McGuckin Esq of Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors

Memorialization Resolution 2017- 09 –Filling Extension- Estate of Marguerite Southard - Block 400 Lot 57.01 & 57.02

**NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2017-09**

**RESOLUTION GRANTING ONE (1) YEAR TIME EXTENSION
TO A MINOR SUBDIVISION APPROVAL FOR
ESTATE OF MARGUERITE SOUTHARD
BLOCK 400, LOT 57.01 AND 57.02**

WHEREAS, the Estate of Marguerite Southard (hereinafter the “Applicant”), has previously applied to the North Hanover Township Land Use Board (hereinafter the "Board") seeking a one-year extension of a previously received Minor Subdivision Approval with respect to the property commonly known as Lot 57.01 and 57.02 in Block 400, as shown on the official tax maps of North Hanover Township; and

WHEREAS, this matter was a subject of a Public Hearing held before the North Hanover Township Joint and Land Use Board on May 24, 2017; and

WHEREAS, at the time of the Public Hearing the Applicant submitted the testimony of David Forsyth, the owner of Lot 57.02 and the Executor of the Estate of Marguerite Southard, the owner of Lot 57.01; and

WHEREAS, Mr. Forsyth testified that the Applicant had some trouble completing the subdivision as the Surveyor and prior Attorney had never completed the documentation; and

WHEREAS, Mr. Forsyth further testified that the Applicant was retaining new counsel and requested a one (1) year time extension to complete same; and

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

NOW THEREFORE BE IT RESOLVED on this 28 day of June, 2017 by the North Hanover Land Use Board that the Applicant's request for a one-year time extension with respect to its previously received approvals be and hereby is approved subject to the applicant complying to all terms and conditions set forth in the preamble of this Resolution, and the initial Resolution of approval granted in 2016; and

BE IT FURTHER RESOLVED notice of this decision shall be published by the Applicant in the official newspapers of North Hanover Township; and

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: May 24, 2017

DATE MEMORIALIZED: June 28, 2017

FOR ADOPTION: Russ Comisky, Jim Durr, Ron DeBaecke, Lou DeLorenzo, Debbie Kucowski, Jack Smylie, Kevin Zimmer, Greg Grauer, Tom Kimball

AGAINST:

ABSTENTIONS/RECUSALS: Dave Forsyth

Kevin Zimmer made a motion to memorialize Resolution 2017-09, motion was seconded by Debbie Kucowski; All in favor

**Memorialization Resolution 2017-10- Use Variance- DO Properties- 561 Monmouth Road- Block 501 Lot 1.06
NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2017-10**

**RESOLUTION GRANTING USE VARIANCE APPROVAL
TO DO PROPERTIES BLOCK 501, LOT 1.06**

WHEREAS, DO Properties (hereinafter the "Applicant"), has applied to the North Hanover Township Joint Land Use Board (hereinafter the "Board") seeking a Use Variance with respect to the property commonly known as Lot 1.06 in Block 501, as shown on the official tax maps of North Hanover Township; and

WHEREAS, in support of this application the Applicant has submitted a Tax Map of the subject property, a Zoning Map of the subject property, hand drawn floor plans of the building, aerial and site photographs of the property, a certification of James Rockwell and a "Summary of Application for Use Variance" for the subject property; and

WHEREAS, this matter was a subject of a Public Hearing held before the North Hanover Township Joint Land Use Board on May 24, 2017; and

WHEREAS, prior to said hearing the Board had an opportunity to review the May 15, 2017, review letter of the Board's Planner and Engineer, Barbara J. Fegley, AICP, PP, and Joseph R. Hirsh, PE, respectively, which report is incorporated herein by reference; and

WHEREAS, the property is owned by DO Properties, LLC, of Wrightstown, New Jersey; and

WHEREAS, the Applicant is being represented by Josh Gorsky, Esquire; and

WHEREAS, the property is located within the RA Residential-Agricultural Zoning District of the Municipality and the Applicant is seeking a Use Variance to permit a dental practice to operate on the ground floor of the existing residential structure; and

WHEREAS, it appears, based upon the testimony submitted and the documentation provided by the Applicant, that the property has been operated as a dentist office since at least 1996, and that the original dentist operation was conducted by the owner of the subject property who also resided therein; and

WHEREAS, the current owner neither resides on the property nor operates the dental office, but a dental office currently operates in the property which dentist is a tenant of the landowner; and

WHEREAS, the ground floor utilized as a dental office comprises approximately 1,555 sq. ft., while the upper residential floor consists of 1,588 sq. ft.; and

WHEREAS, the Applicant is not proposing any new site improvements for this application or any changes in the operation of the dental practice as currently existing; and

WHEREAS, the property contains approximately 2.66 acres and includes a paved parking lot adjoining the building that appears to provide ten (10) parking stalls; and

WHEREAS, the dentist office does not comply with the ordinance requirements for accessory home occupations and consequently, the Applicant requires a d(1) Use Variance; and

WHEREAS, the Applicant's testimony reveals that there is no change proposed to the property or the use currently conducted thereon, and the use and operation will be continued as has been existing for approximately twenty (20) years; and

WHEREAS, the Applicant testified there is a small residential apartment upstairs which is currently vacant but the Applicant does intend to rent same in the future; and

WHEREAS, said apartment would not be rented by the Dentist, which operates on the ground level; and

WHEREAS, in support of this application, the Applicant has testified that the positive criteria of the Statute would be met since the property is well suited for such a use since it has been used as same for over twenty (20) years, while it is located so far off of the public right-of-way, the office also does not "stand out" and looks like a residential home and there has been no negative impact since 1996; and

WHEREAS, the Applicant further testified there would be no impairment to the Township's Master Plan or Zoning Ordinance for the reasons set forth above; and

WHEREAS, the Applicant submitted into evidence as Exhibit A-1 a certification of the tenant, James Rockwell, a Doctor of Dentistry, who leases the premises in question; and

WHEREAS, Exhibit A-1 sets forth the proposed hours of operation, the type of use, type of waste generated and the type of deliveries received, along with a number of employees; and

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

1. The Applicant shall maintain at least ten (10) parking spaces on site, with one (1) to be handicapped accessible, and the Applicant shall restripe and provide appropriate signage per the Code with respect to same;
2. The Applicant shall comply with all terms and conditions set forth in the review letter of the Board's Professionals;
3. In the event the Applicant changes the use of the property any differently then the certification of James Rockwell, which is attached hereto, the Applicant shall return to the Board seeking a use for Variance Relief since the decision of this Board is specifically conditioned upon the certification as to how the property will be utilized;
4. The Applicant shall provide detail as to the overhead lighting on the building, which is existing and must be approved by the Board Engineer; and

WHEREAS, this matter is a subject to Public Comment and such comment was provided by an adjoining neighbor, James Durr, who testified that the property has never been a problem in the neighborhood, there is appropriate landscaping, which hides the use, and there is no negative impact upon the Township's Zoning Plan, or Neighborhood Scheme, and same represents an asset to the community; and

WHEREAS, the Board is satisfied the Applicant has submitted sufficient reasons to grant the relief requested and has provided sufficient evidence to establish both the positive and negative criteria of the Statute to justify the Use Variance; and

WHEREAS, the Board recognizes that the site is particularly suited for the proposed use, as it has been used for same for twenty (20) years, the use advances purposes of the New Jersey Municipal Land Use Law and there is no negative impact resulting from the approval granted herein; and

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

NOW THEREFORE BE IT RESOLVED on this 28 day of June, 2017 that the Applicant's request for Use Variance Relief be in hereby is approved subject to the Applicant's compliance with all terms and conditions set forth in the preamble of this Resolution; and

BE IT FURTHER RESOLVED notice of this decision shall be published by the Applicant in the official newspapers of North Hanover Township; and

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

6. Burlington County Board of Health
7. Burlington County Planning Board
8. North Hanover Township Joint Land Use Board;
9. Township Clerk; and
10. Zoning Officer.

DATE ADOPTED: May 24, 2017

DATE MEMORIALIZED: June 28, 2017

FOR ADOPTION: Russ Comisky, Dave Forsyth, Debbie Kurowski, Jack Smylie, Kevin Zimmer, Greg Grauer, Tom Kimball;

AGAINST:

ABSTENTIONS/RECUSALS: Jim Durr, Ron DeBaecke, Lou DeLorenzo

Kevin Zimmer made a motion to memorialize Resolution 2017-10, motion was seconded by Joe Greene; All in favor

Public Comment

Dave Forsyth opened the floor to public comment. Being there was no public to comment Kevin Zimmer made a motion to close public comment. The motion was seconded by Ron DeBaecke; All in Favor

Board Discussion

Dave Forsyth opened the floor to board discussion. Kevin Zimmer made a motion to close public comment. Debbie Kurowski seconded the motion; All in favor.

Correspondence-None

Executive Session Resolution 2017-11-Authorizing a Closed Session Meeting to discuss the following matter(s) pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12; Litigation matters

**RESOLUTION 2017-11
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON**

AUTHORIZING A CLOSED SESSION MEETING

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the North Hanover Township Joint Land Use Board wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS, the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Joint Land Use Board to discuss certain matter(s) in private, and in this case for the purpose of the Joint Land Use Board to discuss contract negotiations, litigation and personnel matters in this regard.

NOW, THEREFORE, BE IT RESOLVED by North Hanover Township Joint Land Use Board that it will go into an Executive Session for the purpose of the litigation matters.

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Joint Land Use Board Secretary anytime during normal business hours for periodic updates as to the availability in this regard.

Name	Motion	Second	Aye	Nay	Abstain	Absent
Russ Comisky						X
Jim Durr						X
Ron DeBaecke		X	X			
Lou DeLorenzo						X
Dave Forsyth			X			
Joe Greene			X			
Debbie Kucowski			X			
Jack Smylie			X			
Kevin Zimmer	X		X			
Vice Chairman Greg Grauer						X
Chairman Tom Kimball						X

Adjournment

Debbie Kucowski made a motion to adjourn at 8:01. Motion was seconded by Kevin Zimmer; All in favor.