

**North Hanover Township
Joint Land Use Board
MEETING MINUTES
September 27, 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:

Jim Durr, Ron DeBaecke, Dave Forsyth, Joe Greene, Debbie Kurowski, Kevin Zimmer, Greg Grauer, Tom Kimball

Those absent were:

Russ Comisky, Lou DeLorenzo, Jack Smylie

Also in attendance:

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

Minutes For Approval

Jim Durr made a motion to approve April 26, 2017 Minutes. Ron DeBaecke seconded the motion. Greg Grauer and Kevin Zimmer abstained; all in favor

Discussion on R-A Ordinance 2017-13 and 2017-14

Mr. Ed Fox of the Burlington County Bridge Commission briefed the board that the Township Committee introduced Ordinances 2017-13 and 2017-14 which would make our R-A ordinance conform with Municipal Land Use Law. The board was instructed that they need to determine if the ordinances are consistent with the Township Master Plan. Mr. Fox feels they are consistent with Master Plan because they help achieve what was put in the 2008 Land Use Element and the 2010 Comprehensive Farmland Preservation Plan the board adopted. Mr. Fox went through the ordinances with the board. Jim Durr stated he feels it is consistent with the Master Plan. Tom Kimball made a motion to send the Ordinances back to the Township Committee and be deemed consistent with the Master Plan. Jim Durr seconded the motion. Roll Call: Jim Durr, Ron DeBaecke, Dave Forsyth, Joe Greene, Debbie Kurowski, Kevin Zimmer, Greg Grauer, Tom Kimball

Memorialization Resolution 2017-12 Approving Extension for Lot Line Adjustment Approval- Paul Stutesman- Block 400 Lot 34- 90 Larrison Road

**NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2017-12**

**RESOLUTION GRANTING A SIX (6) MONTH TIME EXTENSION
FOR A MINOR SUBDIVISION APPROVAL PREVIOUSLY GRANTED FOR
PAUL STUTESMAN
BLOCK 400, LOTS 34**

WHEREAS, Paul Stutesman (hereinafter the "Applicant"), has applied to the North Hanover Township Land Use Board (hereinafter the "Board") seeking a six (6) month extension with respect to a prior Minor Subdivision Approval he has received from this Board; and

WHEREAS, the Applicant has been represented by Vincent DeSimone, Esquire; and

WHEREAS, the Applicant has previously received Minor Subdivision Approval along with certain variance relief with respect to the property commonly known as Lot 34 in Block 400 as shown on the official tax maps of North Hanover Township; and

WHEREAS, the property has a street address of 90 Larrison Road in North Hanover Township; and

WHEREAS, the Minor Subdivision Approval previously granted was essentially a lot line adjustment where an adjoining property owner donated approximately 30 linear feet of property to the Applicant; and

WHEREAS, the Applicant has now submitted evidence that a delay has been caused due to a title issue relating to the 30 linear feet being donated to the Applicant; and

WHEREAS, the Applicant has advised they are seeking to obtain a release of part of mortgaged premises from the lienholder effecting the adjoining property known as Lot 38; and

WHEREAS, this delay has resulted in the Applicant being unable to complete the Minor Subdivision Approval and through the filing of the Deed or map; and

WHEREAS, this matter was the subject of a Public Hearing held before the North Hanover Joint Land Use Board on August 23, 2017; and

WHEREAS, at that time, the public was provided an opportunity to comment upon this application however no such comments were received; and

WHEREAS, the Board is satisfied the Applicant has submitted sufficient reasons to grant a six (6) month extension with respect to the prior Subdivision Approval granted pursuant to Resolution 2016-06; and

NOW THEREFORE BE IT RESOLVED on this 27th day of September, 2017 that the Applicant's request for a six (6) month extension with respect to its prior Subdivision Approval be and hereby is approved; and

BE IT FURTHER RESOLVED that the six (6) month extension shall commence upon the date of the adoption 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:

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: August 23, 2017

DATE MEMORIALIZED: September 27, 2017

FOR ADOPTION: Russ Comisky, Jim Durr, Ron DeBeacke, Lou DeLorenzo, Dave Forsyth, Debbie Kucowski, Jack Smylie, Tom Kimball

AGAINST:

ABSTENTIONS/RECUSALS:

Jim Durr made a motion to memorialize Resolution 2017-12, Dave Forsyth seconded the motion. Greg Grauer and Joe Greene abstained; all in favor

**Memorialization Resolution 2017-13 Approving Bulk Variance and Site Plan Waiver- Tara's Tavern-
Block 903 Lot 42.01 & 48- 1 Cookstown- New Egypt Road**

NORTH HANOVER TOWNSHIP

JOINT LAND USE BOARD

RESOLUTION 2017 -13

RESOLUTION GRANTING

BULK VARIANCE RELIEF AND SITE PLAN WAIVER FOR

TARA'S TAVERN

BLOCK 903, LOTS 42.01 AND 48

WHEREAS, Tara D. Bruni (the Applicant), has applied to the North Hanover Township Land Use Board (the Board) seeking Bulk Variance Relief and a Waiver of the submission for a Minor Site Plan with respect to the property commonly known as Lots 42.01 and 48 in Block 903, as shown on the official tax maps of North Hanover Township; and

WHEREAS, the property is located at the intersection of Cookstown-New Egypt Road and Meany Road; and

WHEREAS, the two (2) lots comprise a total of 2.18 acres with Lot 48 currently improved with a one (1) story masonry tavern and portions of a gravel parking lot; and

WHEREAS, the Applicant now proposes to construct a 1,363 sq. ft. addition to the existing tavern, which would include a kitchen and additional restrooms; and

WHEREAS, the proposed addition would be located adjacent to the rear portion of the building, in an area currently occupied with concrete paving and an outside metal freezer; and

WHEREAS, Lot 42.01 is currently improved with a gravel parking area with open access to both Cookstown-New Egypt Road and Meany Road, as well as a wood shed comprising of approximately 320 sq. ft.; and

WHEREAS, the property is located in the C1 Commercial Professional Zoning District of the Municipality, as are all adjacent properties; and

WHEREAS, the Tavern is currently serviced by a potable well and septic system; and

WHEREAS, the Applicant has submitted for this application a Plan of Survey prepared by Maser Surveying, LLC, dated June 30, 2017, a proposed kitchen and restroom addition floorplan prepared by James A. Bruni, P.E., dated July 30, 2017, as well as various supporting documents; and

WHEREAS, originally the Applicant sought a variance with respect to the minimum side yard setback, since the proposed addition would only have a roughly 2 ft. setback at the side yard however,

based upon the discussions held before the Board, the Applicant has agreed to consolidate the lots in question, thereby eliminating the side yard setback variance requirement; and

WHEREAS, the Applicant further requires variance relief with respect to the front yard setback, 50 ft. required, 3.8 ft. existing; and

WHEREAS, the Applicant further requires a minimum lot area variance, 1 acre required, whereas Lot 48 contains 0.218 acres; and

WHEREAS, the Applicant initially required variance relief with respect to maximum impervious coverage, 20 percent permitted; and

WHEREAS, Lot 48 exceeded this amount however, same represents an existing nonconforming condition; and

WHEREAS, based upon the Applicant's testimony that they would combine Lots 48 and 42.01, eliminating the side yard setback variance, the property would also comply with both the lot area and impervious coverage requirements; and

WHEREAS, this matter was the subject of a Public Hearing held before the North Hanover Township Joint Land Use Board on August 23, 2017; and

WHEREAS, the Applicant has been represented by Sanford Schmidt, Esquire; and

WHEREAS, the opportunity for Public Comment was provided on this application however, no such comment was received; and

WHEREAS, prior to said hearing, the Board had an opportunity to review the August 8, 2017, review letter of the Board's Planner, Barbara Fegley, and Joseph R. Hirsh, the Board Engineer, which report is incorporated here and by reference; and

WHEREAS, the Applicant testified that the existing kitchen is too small for current operations and they want to bring the outside storage inside of the structure. This will make the kitchen more efficient; and

WHEREAS, the Applicant is not proposing any additions to the customer areas and if additional seats were proposed, this would cause a problem with the Applicant's septic system and consequently the Applicant is not seeking any such relief; and

WHEREAS, the Applicant testified they are replacing the existing septic system and adding bathrooms; 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 insure that nothing is constructed within the right-of-way of Meany Road;
2. The Applicant shall insure that no parking shall be permitted in the site triangle for the exit from the subject property to Meany Road;
3. The Applicant shall combine the lots into one (1) lot; and

WHEREAS, the Applicant further sought a request for a waiver of submitting a Site Plan, and the Board notes that the proposed addition is minor in nature and the testimony was sufficient to establish the relief sought by the Applicant; and

WHEREAS, the Board finds it inappropriate to require the Applicant to go through a full Site Plan requirement, and the Board is satisfied that the drawings and plans submitted are sufficient; and

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

WHEREAS, the Board is satisfied the Applicant has submitted sufficient reasons to grant the relief and there will not be a negative impact upon the Township Zoning Plan or Neighborhood Scheme; and

NOW THEREFORE BE IT RESOLVED on this 27th day of September, 2017 that the Applicant's request for Variance Relief and Waiver of Site Plan 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:

6. Construction Code Official; and

7. Burlington County Board of Health.

DATE ADOPTED: August 23, 2017

DATE MEMORIALIZED: September 27, 2017

FOR ADOPTION: Russ Comisky, Jim Durr, Ron DeBeacke, Lou DeLorenzo, Dave Forsyth, Debbie Kucowski, Tom Kimball

AGAINST:

ABSTENTIONS/RECUSALS: Jack Smylie

Jim Durr made a motion to memorialize Resolution 2017-12, Dave Forsyth seconded the motion. Greg Grauer and Joe Greene abstained; all in favor

Application 2017-08- Lee Hill- Minor Subdivision and Variance- Block 803 Lot 9 and 10

Attorney Jonas Singer is representing the applicant Lee Hill. Mr. Hill was sworn in. Mr. Hill stated he has owned lot 9 since 1984 and his grandfather owned lot 10 since 1917. Mr. Hill has lived in North Hanover his entire life. Mr. Hill would like to move the lot lines between lot 9 and 10. Mr. Hill wishes to do so to sell lot 9 but would like to keep the barbeque which is a little out building built by himself and his grandfather. Mr.Hill's carport and another outbuilding encroach on the lot line. After the adjustment other than lot area and the preexisting front yard setback all others would be conforming. Mr. Hill stated he is not looking to create any additional lots. Tom Kimball opened the floor to public comment. Ron DeBaecke made a motion to close public comment as there was no public comment. Motion was seconded by Dave Forsyth, all in favor. Jim Durr made a motion to approve Application 2017-08 Lot line adjustment, motion was seconded by Ron DeBaecke. Roll Call: Jim Durr, Ron DeBaecke, Dave Forsyth, Joe Greene, Debbie Kucowski, Kevin Zimmer, Greg Grauer, Tom Kimball

Public Comment

Greg Grauer made a motion to close public comment as there was no public to comment.

Motion seconded by Tom Kimball; all in favor

Board Discussion

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

Correspondence

None

Adjournment

Greg Grauer made a motion to adjourn at 8:28pm. Motion was seconded by Ron DeBaecke; all in favor.

Respectfully submitted,

Alexandra DeGood
Joint Land Use Board Secretary

