

**North Hanover Township
Joint Land Use Board
MEETING MINUTES
October 23, 2019
7:30p.m. @ Municipal Complex**

Call to Order- Chairman Tom Kimball called the October 23, 2019 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

Name	Attended	Absent
Russ Comisky	X	
Jim Durr	X	
Ron DeBaecke	X	
Lou DeLorenzo	X	
Dave Forsyth	X	
Joe Greene		X
Debbie Kucowski	X	
Jack Smylie	X	
Greg Grauer	X	
Tom Kimball	X	

Also in attendance: Board Solicitor Martin Buckley of Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors

Minutes for Approval

- September 25, 2019

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

Memorialization or Resolution 2019-10- Burlington Preservation Associates- Variance- Block 603 Lot 10 and 29- 202 Croshaw Road

NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2019 - 10

RESOLUTION GRANTING
SITE PLAN APPROVAL FOR
MILLSTREAM APARTMENTS
BLOCK 603, LOTS 29 & 10

WHEREAS, the Millstream Apartments (the Applicant), have applied to the North Hanover Township Land Use Board (the Board) seeking certain variance relief with respect to the property commonly known as Lots 29 and 10 in Block 603 as shown on the official tax maps of North Hanover Township; and

WHEREAS, the property is owned by Burlington Preservation of Wilmington, Delaware, and is currently occupied by an apartment complex known as the "Millstream Apartments"; and

WHEREAS, the property is located on the south side of Croshaw Road, near its intersection with Jones Mill Road; and

WHEREAS, the property currently contains eleven (11) buildings housing apartments and is located within the R-2 Residential Zoning District of the Municipality; and

WHEREAS, the Applicant seeks approval to construct a 20 ft. by 28 ft. covered pavilion and replace a tree line with an opaque PVC privacy fence, 6 ft. in height; and

WHEREAS, the plans, as originally presented to the Board, required variance relief with respect to the fence, as fences cannot be greater than 4 ft. tall within the front yard setback, which is 50 ft. in this zone; and

WHEREAS, during the application process and prior to the hearing, the Applicant determined that it would start the fence at the 50 ft. setback line thereby eliminating any variance relief required with respect to the front yard setback; and

WHEREAS, in addition thereto, the Applicant initially required variance relief with respect to 50 percent open fencing within the first 50 ft. of the front yard setback and, at the time of the application, the Applicant stipulated that with the moving of the fence to the 50 ft. setback line, no variance relief would be required with respect to same; and

WHEREAS, in addition thereto, the Applicant agreed that no fencing shall be permitted within the site triangles on Jones Mill Road, and that moving the fence also eliminates this condition and said fence shall not encroach onto the site triangle for this property or the church parking lot entrance; and

WHEREAS, the Applicant proposes to construct sidewalk access to the new pavilion adjacent to the existing playground on site; and

WHEREAS, in support of the application, the Applicant submitted the testimony of Tim Lamberto, Vice President of Arbor Management, the management company for the subject apartments, as well as the testimony of Joseph Hill, Maintenance Specialist for the Applicant; and

WHEREAS, Mr. Lamberto testified as to the rehabilitation, renovation and refurbishment they have made to the subject property, and the intention to construct the pavilion next to the playground; and

WHEREAS, the Board is amenable to granting the relief requested, provided the sidewalk constructed to the pavilion is ADA compliant, and provided further that the Applicant conduct a night light meter test to ensure no spillage onto adjoining properties and must satisfy the Board Engineer with respect to same prior to the issuance of any construction permit; and

WHEREAS, with these conditions, the Board is amenable to granting the relief requested; and

WHEREAS, two (2) members of the public testified in general support of the application, the Applicant and the renovations they have done to the existing structure, but questioned the lighting resulting in the conditions set forth above; and

WHEREAS, with the removal of the variance conditions, the Applicant essentially seeks site plan approval, and the Board is amenable to granting same; and

NOW THEREFORE BE IT RESOLVED on this 25th day of September, 2019, that the Applicant's request for site plan approval for the construction of a pavilion, sidewalk and fencing be and hereby is approved subject to the Applicant complying to all terms and conditions set forth in the preamble of this Resolution, and all prior Resolutions affecting the subject property; 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 ab 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. Applicant 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 Applicant 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 25, 2019

DATE MEMORIALIZED: October 23, 2019

FOR ADOPTION: Russ Comisky, Ron DeBaecke, Dave Forsyth, Joe Greene, Jack Smylie, Greg Grauer, Tom Kimball

AGAINST:

ABSTENTIONS/RECUSALS: Debbie Kucowski, Jim Durr

Jim Durr Made a motion to Memorialize Resolution 2019-10, motion was seconded by Tom Kimball. All in Favor

Public Comment

Chairman Tom Kimball opened the floor to public comment. Being no public in attendance to comment, Greg Grauer made a motion to close public comment. Motion was seconded by Tom Kimball. All in favor.

Board Discussion

Chairman Tom Kimball opened the floor to board discussion. Attorney Martin Buckley Reviewed Land Use Liability, Training Booklet for Land Use Board Members from the JIF. The training is mandatory by JIF. All board members signed the Affidavit of Completion.

Tom Kimball made a motion to close board discussion. Greg Grauer seconded the motion. All in Favor.

Correspondence- NONE

Adjournment

Motion to adjourn made Greg Grauer, and seconded by Lou DeLorenzo. All in favor. Meeting adjourned at 7:54pm.