

**North Hanover Township
Joint Land Use Board
MEETING MINUTES
March 27, 2019
7:00p.m. @ Municipal Complex**

CALL TO ORDER Chiarmman Tom Kimball called the meeting to order at 7:00pm

FLAG SALUTE Chairman Tom Kimball led the 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 was Gregory McGuckin of Dasti, Murphy, McGuckin, Ulaky, Koutsouris and Connors in for Gregory McGuckin

MINUTES FOR APPROVAL

- April 24, 2018

MEMORIALIZATION OF RESOLUTION 2019-06-GREENE- MINOR SUBDIVISION AND VARIANCES- BLOCK 500 LOT 18.02 & 18.03- CHESTERFIELD- JACOBSTOWN ROAD

**NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2019 - 06**

**RESOLUTION GRANTING
MINOR SUBDIVISION APPROVAL & VARIANCE RELIEF
FOR JOSEPH J. GREEN
BLOCK 500, LOTS 18.02 & 18.03**

WHEREAS, Joseph J. Green (the Applicant), has applied to the North Hanover Township Land Use Board (the Board) seeking Minor Subdivision Approval and certain variance relief with respect to the property commonly known as Block 500, Lots 18.02 and 18.03, as shown on the official tax maps of North Hanover Township; and

WHEREAS, the Applicant has also applied to vacate Right Over Drive and distribute the right-of-way property to adjacent lots 18.01, 18.02, 18.03, and 18.10 which is proposed through a proposed driveway easement containing a 15 feet wide gravel driveway; and

WHEREAS, the property in question is located on the south side of Chesterfield Jacobstown Road and the subject tract is located within the R-A Residential-Agricultural Zone; and

WHEREAS, existing Lots 18.02 and Lots 18.03 each contain 10 acres; and

WHEREAS, the Applicant is proposing to subdivide lots 18.02 and 18.03 into three (3) total lots, creating one (1) additional, proposed lot, shown as lot 18.10; and

WHEREAS, this matter was the subject of a public hearing held before the North Hanover Township Joint Land Use Board on February 27, 2019; and

WHEREAS, in support of the application, the Applicant has submitted a Minor Subdivision Plan, dated November 27, 2018, by Roberts Engineering Group, LLC, 1 Sheet, a North Hanover Township Minor Subdivision Application, and a North Hanover Land Development Checklist; and

WHEREAS, the Applicant submitted the testimony of Joseph J. Green, the current owner of the property; and

WHEREAS, Mr. Green testified as to the size and shape of his subject property and his plan and reasoning for the application; and

WHEREAS, Mr. Green testified that he proposes to have a total of three (3) houses on the subject properties; and

WHEREAS, the Board recognizes that an existing nonconforming condition exists for lot area for existing lot 18.01 which the approval if granted, would eliminate the nonconforming condition as the existing lot area will increase from 1.89 acres to 2.19 acres after the proposed subdivision; and

WHEREAS, the Applicant requires certain variance relief as a result of this application as a result of Lot 18.04 (proposed 18.07) where:

1. Lot area requirement – 2 acres required, 1.11 proposed (an improvement on the existing lot area of 1.04); and

WHEREAS, the Applicant requires certain variance relief as a result of this application as a result of Lot 18.02 where:

1. Lot frontage requirement – 200 feet is required, 0 feet proposed (proposed lot 18.09);
2. Lot width requirement – 200 feet is required, 0 feet proposed (proposed lot 18.09); and

WHEREAS, the Applicant requires certain variance relief as a result of this application as a result of Lot 18.03 where:

1. Lot frontage requirement – 200 feet is required, 0 feet proposed (proposed lot 18.11);
2. Lot width requirement – 200 feet is required, 0 feet proposed (proposed lot 18.11); and

WHEREAS, the Applicant requires certain variance relief as a result of this application as a result of Lot 18.10 where:

1. Lot frontage requirement – 200 feet is required, 0 feet proposed;
2. Lot width requirement – 200 feet is required, 0 feet proposed; and

WHEREAS, with respect to the lot width, lot frontage, and lot area variances sought, the Board notes that Lots 18.02, 18.03, and 18.10 are existing lots and same have existing nonconforming conditions; and

WHEREAS, with respect to the lot area variance sought, the Board notes that Lot 18.04 is an existing lot and same has existing nonconforming conditions which the approval if granted, would help to minimize the variance condition and bring the property further into compliance than that which is currently existing;

WHEREAS, the Board is satisfied that the Applicant has submitted sufficient evidence to establish a hardship under the (c)(1) criteria of the Statute based upon the size and shape of the existing subject property and the fact that same is currently nonconforming and the plan as presented would make some of the lots more conforming; and

WHEREAS, the Board is satisfied that the Applicant has submitted sufficient evidence that the variance relief requested is unavoidable;

WHEREAS, this Application is conditioned upon the Township Committee's approval of the vacation of Right Over Drive;

WHEREAS, this matter was subject to public comment however, no such comment was received; and

WHEREAS, the Board is satisfied the relief requested by the Applicant can be granted without substantial detriment to the public good and without any negative impact upon the Township's Zoning Plan or neighborhood scheme based upon the evidence presented; and

WHEREAS, prior to the public hearing on this matter, the Board had an opportunity to review the August 13, 2018, Planning & Engineering Report of the Board's Consulting Engineer, Joseph R. Hirsch, P.E., C.M.E., C.P.W.M., which report is incorporated herein by reference; and

WHEREAS, the Applicant has agreed to comply with all requirements set forth in the aforementioned Planning & Engineering Report of the Board's Consulting Engineer, Joseph R. Hirsch, P.E., C.M.E., C.P.W.M.; 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 27 day of February, 2019, that the Applicant's request for Minor Subdivision and 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. 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: February 27, 2019

DATE MEMORIALIZED: March 27, 2019

FOR ADOPTION: Russ Comisky, Jim Durr, Lou DeLorenzo, Dave Forsyth, Jack Smylie, Greg Grauer, Tom Kimabll

AGAINST:

ABSTENTIONS/RECUSALS:

Greg Grauer made a motion to memorialize Resolution 2019-06. Motion was seconded by Jim Durr. Debbie Kucowski Abstained, all others in favor.

PUBLIC COMMENT Chairman Tom Kimball opened the floor to public comment. Being no public comment Greg Grauer made a motion to close public comment. Motion was seconded by Ron DeBaecke, all in favor

BOARD DISCUSSION Chairman Tom Kimball opened to board discussion. Being no board discussion Ron DeBaecke made a motion to close board discussion. Motion was seconded by Greg Grauer, all in favor

CORRESPONDENCE NONE

ADJOURNMENT: 7:03pm

Motion to adjourn made by Tom Kimball. Motion was seconded by Greg Grauer, all in favor