

**North Hanover Township
Joint Land Use Board
MEETING MINUTES
May 22, 2019
7:30p.m. @ Municipal Complex**

CALL TO ORDER Chairman 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	

Minutes for Approval

- **November 26, 2018**

Name	Motion	Second	Aye	Nay	Abstain	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	
Kevin Zimmer			X			
Greg Grauer		X	X			
Tom Kimball	X		X			

- December 19, 2018

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

- January 09, 2019 Re Org

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

- January 23, 2019

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

- February 27, 2019

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

**Resolution 2019-07-Approving Use Variance & Site Plan Waiver-J&M Realty Block 609 Lot 5- 524
Wrightstown-Sykesville**

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

NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2019 - 07

RESOLUTION GRANTING
USE VARIANCE RELIEF AND
SITE PLAN WAIVER APPROVAL
J&M REALTY II, LLC
BLOCK 609, LOT 5

WHEREAS, J&M Realty II, LLC, (the Applicant), has applied to the North Hanover Township Land Use Board (the Board) seeking Use Variance Relief as well as a Site Plan Waiver with respect to the property commonly known as Lot 5 in Block 609, as shown on the official tax maps of North Hanover Township; and

WHEREAS, in support of this application, the Applicant has submitted a Plan of Survey prepared by Maser Surveying, LLC, dated January 31, 2019, consisting of one (1) sheet, with no revision dates indicated; and

WHEREAS, the Applicant has further submitted an existing and proposed Use Statement with respect to the subject property; and

WHEREAS, the property is located in the C2 Commercial Zoning District of the Municipality and comprises an area of approximately 0.95 acres; and

WHEREAS, ninety (90) percent of the property is currently covered in asphalt from a previous use for parking and circulation areas of a McDonald's restaurant which is no longer located thereon; and

WHEREAS, the property is surrounded by commercial properties, including car sales, restaurant, contractor facilities and residential properties; and

WHEREAS, the Applicant, J&M Realty II, LLC, is the owner of the subject property, and operates the "Twin Oaks Moving Company" located across the street at 644 Sykesville Road; and

WHEREAS, Twin Oaks Moving Company has utilized the subject lot for parking of its vehicles and for employee parking for at least ten (10) years; and

WHEREAS, there is no other principal structure located on the subject property or other principal use than as parking for the moving company and adjoining restaurant; and

WHEREAS, the Applicant seeks Use Variance Relief to permit the continuation of the current utilization of the property as a parking area for its employees and work vehicles including vans and trucks related to its business; and

WHEREAS, this matter was the subject of a public hearing held before the North Hanover Township Joint Land Use Board on April 24, 2019; and

WHEREAS, at the time of the public hearing, the Applicant was represented by Patrick McAndrew, Esquire, and submitted the testimony of John O'Connor, a principal of the Applicant; and WHEREAS, Mr. O'Connor testified as to the use of the subject property for the last ten (10) years and the operation of his business known as Twin Oaks Moving Company & Storage; and

WHEREAS, Mr. O'Connor testified as to the use of the property for employees and the parking of trucks, vans and vehicles in the middle of the subject lot; and

WHEREAS, the adjoining restaurant has been granted a license to use a portion of the parking lot for their employee parking; and

WHEREAS, Mr. O'Connor further testified that no customers of his business located across the street utilize this parking lot, and that there is customer parking located where the principal business is located across the street; and

WHEREAS, Mr. O'Connor testified that, particularly in the summer months, the business has over one hundred (100) employees; and

WHEREAS, Mr. O'Connor testified that all trailers located on site are utilized for moving purposes and not for permanent or long-term storage; and

WHEREAS, the Applicant submitted into evidence as Exhibit A-1 a photograph of the subject property; and

WHEREAS, the Applicant's testimony reveals that the property is well-suited for the use proposed herein and the business could not have grown without the additional parking located across the street; and

WHEREAS, the Applicant testified there is usually a total of twenty-five (25) cars and approximately twelve (12) trailers or trucks parked on this site; and

WHEREAS, questions were raised by the Board and members of the public with respect to access to the site, its general traffic flow thereon, the type of lighting, if any, and any buffers provided to the rear of the subject lot; and

WHEREAS, based upon that testimony, the Board determined that any approvals granted herein would be conditioned upon the following:

1. The Applicant shall not permit the storage of any boats or storage of materials and trailers located on the lot;
2. The Applicant shall ensure that the Elizabeth Street access shall be entrance only and no exiting will be permitted thereon for trucks;
3. The Applicant shall install a new fence buffer along the rear of the subject property, which will be an opaque fence, 6 ft. in height;

4. The Board Engineer shall conduct a lighting test to determine if any additional lighting is required and the Applicant will comply with the direction of the Board Engineer following that inspection;

5. The Applicant shall install trash cans and shall provide daily inspections of the subject property to remove any trash, paper, garbage, empty cups, litter or rubbish, and the Applicant has agreed to do so and recognizes this is a condition of this approval; and

WHEREAS, the Board finds from the testimony submitted that the Applicant has established sufficient positive criteria to justify the granting of the variance relief, and there will be no negative impact from the granting thereof based upon the long-term use of the subject property, the testimony of the adjoining property owners and finding further that the property is particularly suited for the proposed use; and WHEREAS, the Board further finds that the proposed use will advance the purposes of the New Jersey Municipal Land Use Law and the Township's Master Plan and Zoning Ordinances, particularly providing for adequate light, air and open space, and meets the goals and objectives of the Township's Master Plan with respect to attempting to increase commercial development in the C2 Commercial Zoning District of the Municipality; 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 24th day of April, 2019, that the Applicant's request for Use Variance Relief and a Waiver from providing a full 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 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: April 24, 2019

DATE MEMORIALIZED: May 22, 2019

FOR ADOPTION: Russ Comisky, Jim Durr, Ron DeBaecke, Lou DeLorenzo, Dave Forsyth, Joe Green, Jack Smylie, Tom Kimball

AGAINST:

ABSTENTIONS/RECUSALS:

Marguerite Southard Extension- To Minor Subdivision Approval-Estate Of Marguerite Southard-Block 800, lot 57.01 & 57.02.

Dave Forsyth stepped down from the dias. Dave Forsyth was sworn in by Land Use Board Secretary and Notary for the State of New Jersey. Mr. Forsyth stated they are working on settling the estate, and requested a year extension on their approval. Tom Kimball opened the floor to public comment. Greg Grauer made a motion to close public comment. Motion was seconded by Tom Kimball. All in favor. Greg Grauer made a motion to approve the extension. Motion was seconded by Jack Smylie. Roll Call:

Name	Motion	Second	Aye	Nay	Abstain	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	X			
Kevin Zimmer			X			
Greg Grauer	X		X			
Tom Kimball			X			

Public Comment

Being no public in attendance, Greg Grauer made a motion to close public comment. Motion seconded by Dave Forsyth. All in favor

Board Discussion

Chairman Tom Kimball asked if our professionals have coverage in there office, because it is not fair to applicants. Board Secretary mentioned typically Mr. McGuckin has coverage but did not because of the short notice of his absence, but she was unsure about the engineer and planner. The board agreed that not having coverage in their absence is a problem. Tom Kimball made a motion to close board discussion. Motion was seconded by Greg Grauer. All in Favor.

Correspondence

None

Adjournment

Greg Grauer made to adjourn. Motion seconded by Joe Greene. Meeting adjourned at 7:32 p.m.