

**North Hanover Township
Joint Land Use Board
MEETING MINUTES
June 24, 2020
7:30p.m. @ Municipal Complex**

Call to Order

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

In Attendance: Russ Comisky, Jim Durr, Ron DeBaecke, Joe Greene, Debbie Kucowski, Brendan O’Donnell, Patricia Mellor, Jack Smylie, Greg Grauer, Tom Kimball

Absent: Dave Forsyth

Also in Attendance: Joe Hirsh Joint Land Use Board Engineer, Gregory McGuckin Joint Land Use Board Attorney

Minutes for Approval

- **May 27, 2020**

Name	Motion	Second	Aye	Nay	Abstain	Absent
Russ Comisky			X			
Jim Durr	X		X			
Ron DeBaecke			X			
Dave Forsyth						X
Joe Greene		X	X			
Debbie Kucowski			X			
Patricia Mellor			X			
Brendan O’Donnell			X			
Jack Smylie			X			
Greg Grauer			X			
Tom Kimball			X			

Memorialization of Resolution 2020-10- Kaczor- Bulk Hardship Variance- Block 902 Lot 14- 189 Meany Road

NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2020 - 10

RESOLUTION GRANTING
BULK VARIANCE RELIEF
DOUGLAS KACZOR
BLOCK 902, LOT 14

WHEREAS, Douglas Kaczor (the Applicant), has applied to the North Hanover Township Joint Land Use Board (the Board) seeking Bulk Variance Relief with respect to the property commonly known as Lot 14 in Block 902, as shown on the official tax maps of North Hanover Township; and

WHEREAS, the Applicant's property is located on the east side of Meany Road, approximately 1,200 ft. south of its' intersection with County Route 518; and

WHEREAS, the property is currently vacant and was part of a previously approved subdivision, which occurred in/or about 1975 under different zoning regulations; and

WHEREAS, it appears that Lot 14 met the zoning requirements with respect to lot size, as well as all bulk requirements, when it was subdivided in 1975, and no variance relief was requested or approved for same; and

WHEREAS, subsequent thereto, the zoning has changed and the lot has currently been an existing nonconforming lot with respect to the following conditions:

Lot area – 0.69 acres existing, 2.0 acres required;

Lot frontage – 100 ft. existing, 200 ft. required;

Lot width – 150 ft. existing, 200 ft. required; and

WHEREAS, this matter was the subject of a public hearing held before the North Hanover Township Joint Land Use Board on May 27, 2020; and

WHEREAS, prior to said hearing, the Board had an opportunity to review the report of its' Consulting Engineer, Joseph R. Hirsh, P.E., dated March 12, 2020, which report is incorporated herein by reference; and

WHEREAS, at the time of the public hearing, Mr. Kaczor testified as to the history of the subject lot, his ownership thereof and his request to permit the construction of a single-family dwelling and pole barn on the subject property; and

WHEREAS, based upon the application submitted, as well as the testimony presented, the Board determined the following additional variance relief was required:

Maximum building coverage – 12 percent (12%), 14.8 percent (14.8%) proposed, including both the residential structure and the pole barn;

Side yard setback variance – 14 ft. required, 10 ft. proposed;

Rear yard setback – 14 ft. required, 10 ft. proposed; and

WHEREAS, the rear yard and side yard setback variances relate to the pole barn, which will be approximately 14 ft. in height; and

WHEREAS, in accordance with Township Ordinance, if the height of the accessory structure exceeds 10 ft., the height of the structure becomes the side and rear yard setback requirements; and

WHEREAS, based upon the testimony submitted by the Applicant, the Board is satisfied the Applicant has submitted sufficient reasons to grant the relief requested, noting the Applicant is the owner of the adjoining lot both to the rear and side, which would be affected by the application; and

WHEREAS, the Board has determined there would not be a negative impact from the granting of the relief requested; and

WHEREAS, the Board has determined the Applicant does, in fact, suffer a hardship in view of the fact that the lot was created under prior zoning, and it is appropriate to have an accessory structure with a single-family dwelling in North Hanover Township, and the lot size existing can accommodate same; and
WHEREAS, the Board has further determined to legalize the existing, nonconforming conditions as if variances were granted as set forth herein above; and

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

1. The Applicant shall provide for their mailbox to be located at Meany Road;

2. The Applicant shall provide for an access easement to provide access to Lot 14 through Lot 12, which access easement must be approved by the Board Engineer and Attorney, and which must include a provision for maintenance of same; and

WHEREAS, it is with these conditions the Board is satisfied the Applicant is entitled to the relief requested; 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 27th day of May, 2020, that the Applicant's request for 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 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: May 27, 2020

DATE MEMORIALIZED: June 24, 2020

FOR ADOPTION: Jim Durr, Ron DeBaecke, Joe Greene, Debbie Kucowski, Patricia Mellor, Brendan O'Donnell, Jack Smylie, Tom Kimball

AGAINST:

ABSTENTIONS/RECUSALS:

Name	Motion	Second	Aye	Nay	Abstain	Absent
Russ Comisky			X			
Jim Durr		X	X			
Ron DeBaecke			X			
Dave Forsyth						X
Joe Greene			X			
Debbie Kucowski			X			
Patricia Mellor			X			
Brendan O'Donnell			X			
Jack Smylie			X			
Greg Grauer	X		X			
Tom Kimball			X			

Application 2020-06- South's MHC LLC- Use Variance- Block 905 Lot 8- 29 Mary Street

Ron DeBaecke and Brendan O'Donnell stepped down for the use variance application as members of the Township Committee.

Jeffrey Apell Attorney for applicant South's Mobile Home LLC. Mr. Apell explained this appearance in front of the board is the Use Variance only. If the Use Variance is granted they will come back to the board for Site Plan approval. The applicant wishes to expand their mobile home park to a neighboring lot they wish to purchase.

Mr. Apell introduced Nathan Jameson. Land Use Attorney Gregory McGuckin swore in Mr. Jameson. Mr. Jameson stated he is representative of the owner of South's Mobile Home LLC. South's Mobile Home Park was purchased by the applicant purchased December 31, 2019. Mr. Jameson stated their company is working to upgrade these properties. Mr. Jameson stated by expanding the park it will help them update the park with new homes. They would provide current residents with an opportunity to buy these homes first. Mr. Jameson presented exhibit A-1 Fast Facts-Manufactured Housing. Mr. Jameson spoke about manufactured housing and its benefits. Mr. Apell presented exhibit A-51 an aerial view of the area. Mr. Jameson stated the property they wish to purchase is fronts on Mary Street and an internal road of South's Mobile Home Park. Exhibit A-52 showed the property being discussed from an aerial view. Board Member Jim Durr asked what the size of the lot in question is. Mr. McGuckin swore in Michael Avila professional planner and engineer in the state of New Jersey. The board accepted him as a professional. Mr. Avila stated the lot was 100 feet by 400 feet and a little over an acre. Mr. Jameson showed exhibit A-35 which is a single section unit example of what they would like to put in the expansion of the park. Board Engineer asked what the square footage of one of these homes is. Mr. Jameson stated the standard home is about 950 sq. ft. to 1200 sq. It was clarified that the applicant is asking for 10 units. Mr. McGuckin stated the board does need to clarify how many units are approved at this time, it is strictly for the use. Mr. Jameson presented A-18 which is an example of the inside of one of the manufactured homes. The board questioned the importance of presenting the exterior and interior of the homes. Mr. Avila stated it goes to the positive criteria required to be presented under Land Use Law. They want to show that they

have an ascetically pleasing product. It was stated by Mr. Jameson that they believe this would enhance Mary Street. Exhibit A-48 was presented which was the southern most street in South's. Exhibit A-32 was presented which is the property line between the property and Mr. Norman Harris's property was shown in exhibit A-31. Exhibit A-12 is Justice Lewis's property on Mary Street.

Mike Avila this use is in an R-2 zone where this use is not permitted. Mr. Avilla stated this property is particularly suited for this use because it abuts an existing road network for the current park; it is also wide enough for the homes and as long as the existing park. Mr. Avila stated that the use fits a need to provide sufficient space and needs for older Americans. As Mr. Avila previously stated the ascetics of the property also go to the positive criteria. Mr. Avila also addressed the negative criteria. Mr. Avila stated one item under Land Use Law as negative criteria is, impact of the use on the adjacent and surround properties. Mr. Avila also stated that there is no introduction of a new use and therefore would not damage the current character of the neighborhood. Mr. Avila stated it is his opinion that that this does not constitute a "substantial detriment to the public good" or an impairment of the zone plan and ordinances. Another negative criteria is traffic. Mr. Avila does not feel this will not introduce an adverse impact into the area as its all residential traffic.

Chairman Tom Kimball stated that the use is an existing non-conforming use. Engineer Joe Hirsh stated the lot is an undersized lot and anticipates numerous variances. Mr. Hirsh asked if there were any plans to update the front of the community. Mr. Jameson stated that they are working through their upgrade plan. Mr. Hirsh asked how many septic systems there are. Mr. Jameson stated he believed it was one for every two to three homes. . Mr. Hirsh asked if they will clear the entire lot or selectively clear. Mr. Avila stated they will selectively clear and will remove as needed. Mr. Hirsh stated he felt the lot was small for the number of units they wished to place. The boards expressed concern over the new homes vs the existing homes which were not shown and are concerned about this socially.

Chairman Tom Kimball opened the floor to public comment. Mr. Stanley Beckham called in. Mr. McGuckin swore in Mr. Beckham. Mr. Beckham asked if the approval of this application would help him build on his lot? Chairman Tom Kimball stated that each application is judged on its own merit. Greg Grauer made a motion to close public comments. Jack Smylie seconded the motion; All in Favor.

Jim Durr made a motion to deny the use variance. Greg Grauer seconded the motion to deny the use variance.

Roll Call: Russ Comisky- No, Jim Durr- Yes, Joe Greene- Yes, Debbie Kucowski-No, Jack Smylie-Yes, Greg Grauer- Yes, Tom Kimball- Yes

Mr. Apell stated he didn't feel the board stated sufficient reasoning as to why they voted to deny. Mr. McGuckin stated it is a non- conforming use and it will be included in the resolution. Chairman Tom Kimball stated that the use is not consistent with the Master Plan and is a non-conforming use. Board Member Jim Durr stated that it is a non-conforming use and should not be expanded. The Township has 100's of Mobile Homes. At some point it was agreed that they would no longer be allowed. Board Member Debbie Kucowski stated that she believes it would benefit people looking for housing in North Hanover Township. Mr. Avila stated anyone looking develop this parcel would have to come to the board for variances.

Public Comment

Chairman Tom Kimball Opened the floor to public comment. Being no public to comment Greg Grauer made a motion to close public comment. Tom Kimball seconded the motion; all in favor.

Board Discussion

Chairman Tom Kimball made a motion to open board discussion. Being no board discussion Tom Kimball made a motion to close board discussion. Greg Grauer seconded the motion; all in favor

Correspondence- NONE

Adjournment

Greg Grauer made a motion to adjourn. Motion was seconded by Jim Durr; all in favor. Meeting adjourned at 8:50 pm