

**North Hanover Township
Joint Land Use Board
MEETING MINUTES
August 25, 2021**

**7:30p.m. @ Municipal Complex
USING A PHONE for Audio only**
Toll Free (Canada/U.S.): 1-855-774-8852
Enter Conference ID: 7589919790
or by VIDEO using the below link:
<https://my.umx.vc/join/7589919790>

Call to Order

Chairman Tom Kimball called the August 25, 2021 Joint Land Use Board Meeting to order at 7:30.

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: Jim Durr, Ron DeBaecke, Brendan O’Donnell, Jack Smylie, Wayne Voorhees, Greg Grauer, Tom Kimball

Absent: Russ Comisky, Joe Greene, Debbie Kucowski, Patricia Mellor

Minutes for Approval

- **July 28, 2021**

Greg Grauer made a motion to approve the July 28, 2021 Minutes. Motion was seconded by Brendan O’Donnell. Ron DeBaecke abstained, all others in attendance in favor.

Memorialization of Resolution 2021-12-Approving Bulk Variances- Okon- 2 Davis Court- Block 401 Lot 1.03

Greg Grauer made a motion to memorialize Resolution 2021-12. Motion seconded by Tom Kimball. Jim Durr and Ron DeBaecke abstained. All others in attendance in favor.

NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2021 - 12

RESOLUTION GRANTING
BULK VARIANCE RELIEF FOR
DAVID AND MARIA OKON
BLOCK 401, LOT 1.03

WHEREAS, David and Maria Okon, have applied to the North Hanover Township Joint Land Use Board seeking variance relief with respect to the property commonly known as Lot 1.03 in Block 401, as shown on the official tax maps of North Hanover Township; and

WHEREAS, in support of this application, the Applicants have submitted a Variance application along with a partial survey indicating the location of a proposed fence along with certain photographs; and

WHEREAS, this matter was the subject of a public hearing held before the North Hanover Township Joint Land Use Board on July 28, 2021; and

WHEREAS, prior to that hearing, the Board had an opportunity to review the June 10, 2021 review letter of the Board's Consulting Engineer, Joseph R. Hirsh, PE, which report is incorporated herein by reference; and

WHEREAS, the property is located on Davis Court, at its intersection with Jacobstown-Cookstown Road, immediately to the north of County Route 537; and

WHEREAS, the property is currently developed as a residential single-family dwelling and is located in the R-1 Residential Zoning District; and

WHEREAS, the Applicants are proposing to construct a six-foot high vinyl fence along the westerly side of the residential structure to tie into an existing chain link fence along the rear property line; and

WHEREAS, the westerly side of the property appears to be lined with mature trees and the testimony reveals that it is the Applicants intention to insure the trees are located inside of the proposed fence; and

WHEREAS, the Applicants presented the testimony of David Okon, who testified that certain trees have been cut back but that the fence would be located between the sidewalk and the trees; and

WHEREAS, pursuant to Section 16-220.2 of the Township Code, since the property is located on a corner lot, the Applicants are limited to a maximum of a four (4) foot high fence within the front yard setback and said fence must be fifty percent (50%) "open" pursuant to 16-220.2; and

WHEREAS, the Applicants are proposing a six (6) foot fence within what is considered a front yard setback area to block the view of traffic from the side of his property where his pool is located; and

WHEREAS, the Applicant therefore requires two variances. The first permitting a six (6) foot high fence instead of four (4) feet and a second to permit a solid fence instead of a picket or chain linked see through fence; and

WHEREAS, the property is further encumbered by a twenty-five (25) foot wide storm drainage easement, which the Applicants notes and acknowledged that they are responsible to remove or replace any fencing or any other structure or improvement contained within the easement, which impedes the Township's ability to maintain, remove and/or replace any storm drainage facilities contained within the easement at the property owner's sole cost and expense; and

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

1. Prior to setting of the fence posts, the Applicants shall provide at least 48 hours notice to the Board engineer for an inspection of the location of said fence posts prior to them being constructed to insure they are located outside of the Township right-of-way and at the appropriate locations.
2. The property owner is responsible for the removal and/or replacement of fencing or any other structure or improvement constructed within the easement in the event the Township needs to access its storm drainage facilities contained within the easement and all costs shall be borne by the owner of the subject property.
3. The fence shall be located on the street side of all trees, which shall be located within the property lines of the Applicant's property and not within the Township right-of-way.

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

WHEREAS, the Board is satisfied the Applicants have submitted sufficient reasons to establish its entitlement to the relief requested; and

WHEREAS, the Board is satisfied the Applicants suffer a hardship in view of the nature of the development of the subject property existing encumbrances including the storm drainage easement, its corner location and the location of an existing pool; and

WHEREAS, the Board is satisfied the Applicants have submitted sufficient reasons to grant the relief and there will not be a negative impact upon the Township Zoning Plan or Neighborhood Scheme and the Applicants satisfy the negative criteria of the statute based upon the existing structures located in the general vicinity; 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 28th day of July, 2021, that the Applicants' request for Bulk Variance Relief be and hereby is approved subject to the Applicants complying to all terms and conditions set forth in the preamble of this Resolution; and

IN SO APPROVING the Applicants' 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 Applicants have a proprietary interest in this application.
2. All requisite fees and real estate property taxes have been paid in full to date.
3. The Applicants have 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 Applicants have 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 Applicants 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 Applicants 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 Applicants must reapply to the Board for approval of that change.
2. The Applicants 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 Applicants shall reimburse the Board for all professional fees extended or expended with regard to this application.
4. The Applicants shall comply with all provisions of the reports of the Board's professional engineer and planner except as modified herein.
5. The Applicants 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 Applicants.
7. Applicants 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:

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: July 28, 2021

DATE MEMORIALIZED: August 25, 2021

FOR ADOPTION: Joe Greene, Debbie Kucowski, Patricia Mellor, Brendan O'Donnell, Jack Smylie, Wayne Voorhees, Greg Grauer, Tom Kimball

AGAINST:

ABSTENTIONS/RECUSALS:

**Memorialization of Resolution 2021-13-Approving Minor Subdivision and Bulk Variances- Cavalli- 126
Schoolhouse Road- Block 501 Lot 8**

Jim Durr made a motion to memorialize Resolution 2021-13. Motion seconded by Wayne Voorhees. Jack Smylie and Greg Grauer abstained. All others in attendance in favor.

NORTH HANOVER TOWNSHIP
JOINT LAND USE BOARD
RESOLUTION 2021 - 13

RESOLUTION GRANTING
MINOR SUBDIVISION APPROVAL
AND VARIANCE RELIEF
APRIL AND VICTOR MORALES
BLOCK 501, LOT 8

WHEREAS, April and Victor Morales have applied to the North Hanover Township Joint Land Use Board seeking minor subdivision approval and variance relief with respect to the property commonly known as Lot 8 in Block 501, as shown on the official tax maps of North Hanover Township; and

WHEREAS, the property is owned by the mother of April Savoy Morales; and

WHEREAS, in support of this application, the Applicants have submitted a Minor Subdivision Plan, dated June 22, 2021, consisting of one (1) sheet as well as various supporting documents; and

WHEREAS, the property is located within the R-A Residential-Agricultural Zoning District of the municipality on the southside of Schoolhouse Road, just east of Schoolhouse Road; and

WHEREAS, the Applicants are proposing to subdivide a 2.0 acre parcel from an existing 12.51 one acre parcel in order to create a building lot for the owner's daughter; and

WHEREAS, the property contains an existing residential dwelling fronting upon Schoolhouse Road and an open farm field to the rear portion of the lot; and

WHEREAS, the Applicants are proposing a "flag lot" with a shared driveway access to each of the two lots to be created by easement; and

WHEREAS, this matter is the subject of a Public Hearing held before the Joint Land Use Board on July 28, 2021; and

WHEREAS, prior to said hearing, the Board had an opportunity to review the engineer report of the Board's Consulting Engineer, Joseph R. Hirsh, P.E., dated July 21, 2021, which report is incorporated herein by reference; and

WHEREAS, the Applicant has submitted the testimony of April Morales and Leah Furey Bruder, with Ms. Bruder being qualified as an expert planning witness in this matter; and

WHEREAS, the Applicants expert testified as to the nature of development in the general neighborhood with testimony revealing that six (6) houses located directly to the east of the subject property are located on properties of less than one acre; and

WHEREAS, the proposed lots meet all lot area requirements of the zone and in fact exceeds same but the Applicants do require bulk variance relief due to the shape and location of the subject property and its minimal pre-existing non-conforming frontage along the roadway; and

WHEREAS, Ms. Bruder testified that the Applicants are entitled to relief under both the C-1 and C-2 criteria of the statute; and

WHEREAS, with respect to a hardship, the Applicants suffers from an irregular shaped property which includes a large lot with limited frontage while the purposes of zoning are advanced through the granting of the relief in question by providing adequate light, air and open space and sufficient utilization of property while meeting the lot area requirements in the zone; and

WHEREAS, with respect to the negative criteria, Ms. Bruder testified and the Board agrees that there is no negative impact for the granting of relief requested as the lots meet the lot area requirements

where there is already a pre-existing non-conforming condition with respect to the frontage and provided appropriate access easements are executed and filed, access would be sufficient for the property; and

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

1. The Applicants shall provide for the preparation of an access easement providing access for each property owner through the driveway location, which Agreement must provide for the responsibility for the future maintenance of same and which Agreement must also be approved by both the Board Engineer and Attorney and recorded as part of this application.

2. The Applicants shall comply with all other requirements of the Engineer Review Letter of the Board's Consulting Engineer, Joseph R. Hirsh.

3. The Applicants and property owners shall insure that there will be no disturbance of the specimen oak tree currently located on the Applicants property; and

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

WHEREAS, the Board is satisfied the Applicants submitted sufficient reasons to grant the relief requested;

NOW THEREFORE BE IT RESOLVED on this 28th day of July, 2021, the Applicants request the Minor Subdivision Approval and Bulk Variance Relief be and is hereby approved subject to the Applicants complying to all terms and conditions set forth in the preamble of this Resolution; and

IN SO APPROVING the Applicants 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 Applicants have a proprietary interest in this application.

2. All requisite fees and real estate property taxes have been paid in full to date.

3. The Applicants have 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 Applicants have 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 Applicants 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 Applicants 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 Applicants must reapply to the Board for approval of that change.

2. The Applicants 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 Applicants shall reimburse the Board for all professional fees extended or expended with regard to this application.

4. The Applicants shall comply with all provisions of the reports of the Board's professional engineer and planner except as modified herein.

5. The Applicants 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 Applicants.

7. Applicants 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:

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: July 28, 2021

DATE MEMORIALIZED: August 25, 2021

FOR ADOPTION: Jim Durr, Debbie Kucowski, Patricia Mellor, Brendan O'Donnell, Wayne Voorhees

AGAINST: Tom Kimball

ABSTENTIONS/RECUSALS:

Public Comment

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

Board Discussion

Chairman Tom Kimball opened the floor to board discussion. Greg Grauer made a motion to close public discussion. Motion was seconded by Ron DeBaecke. All in favor.

Correspondence-NONE

Adjournment

Greg Grauer made a motion to adjourn. Motion was seconded by Ron DeBaecke. All in favor. Meeting adjourned at 7:34 pm.