

**South Harrison Township  
Planning/Zoning Board of Adjustment  
March 9, 2009**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on March 9, 2009 at 7:00 p.m. in the South Harrison Township Municipal Building.

The meeting was called to order by Marc Nagtegaal, Chairperson and led those present in the Pledge of Allegiance to the Flag.

Requirements of the "Open Public Meetings Act" were met.

**Roll Call:** Robert Schenk – absent, Gary Spinner – present (L – 7:10), Thomas Sorbello – present (L – 7:05), Melvin Robertson – present, Marc Nagtegaal – present, Joseph Wille – present, Robert Campbell – present, Joseph Calabro – present, Jonathan Roth – present, Stephen Galati – absent, Donald Palmucci – present (L – 7:05), Gary Thompson, Board Solicitor – present, James Spratt – Board Engineer – present, Celeste Keen, Secretary – present.

**Minutes:**

Motion to approve the regular minutes of February 9, 2009 and the work session minutes of February 23, 2009 was made by Robert Campbell, second by Joseph Wille.

**Roll Call:** Robert Schenk – absent, Gary Spinner – absent, Thomas Sorbello – absent, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Campbell – yes, Joseph Calabro – abstain, Jonathan Roth – yes, Stephen Galati – absent, Donald Palmucci – absent **R.C.V.: 5 – yes', 0 – no's, 1 – abstention. Motion carried.**

**Thomas Sorbello and Donald Palmucci arrived and assumed their seats on the Board.**

**Gary Spinner arrived and assumed his seat on the Board.**

**New Business:**

**Review of NJ Proposed Subdivision re: B 27, L 3 – Sturgis Property**

The Board reviewed a letter dated February 11, 2009 from William A. Schnurr, Deputy Attorney General. The letter indicates the State's proposal to subdivide a parcel from the above reference property which is to be preserved in perpetuity for agricultural uses.

Motion to approve the State's proposed subdivision was made by Jonathan Roth, second by Robert Campbell. Motion carried.

**Rita Lopes – #001-034-09**  
(Minor Subdivision)

Rita Lopes of 725 Tomlin Station Road appeared before the Board and was sworn. Ms. Lopes advised that she is applying for this subdivision to create a six (6) acre lot which would include an existing house in which her son will reside. The property shall continue to be farmed.

Gary Thompson advised the Board that there was a previous subdivision regarding this property in which one (1) additional lot was created. This application will not create a major subdivision and may be heard.

Motion to deem this application complete was made by Melvin Robertson, second by Thomas Sorbello.

**Roll Call:** Robert Schenk – absent, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Campbell – yes, Joseph Calabro – yes, Jonathan Roth – yes, Stephen Galati – absent, Donald Palmucci – yes **R.C.V.: 9 – yes’, 0 – no’s, 0 – abstentions. Motion carried.**

James Spratt reviewed his letter dated February 17, 2009. A waiver is required regarding the key map scale. Item 2 indicates that the plan shows a freshwater wetlands boundary line and contiguous 50’ buffer on the portion of the property to lie within proposed Lot 8.02. The applicant stated that she does not have a Letter of Interpretation (LOI) from the DEP and requested a waiver. Lot number shall be approved by the Township Assessor. All municipal approvals contingent upon county approvals. The applicant agreed.

**Open Meeting to the Public:**

Motion to open the meeting to the public on this matter only was made by Gary Spinner, second by Jonathan Roth. Motion carried.

No public spoke.

**Close Meeting to the Public:**

Motion to close the meeting to the public on this matter only was made by Gary Spinner, second by Jonathan Roth. Motion carried.

Motion to grant this minor subdivision with a waiver for the Letter of Interpretation (LOI) and a waiver regarding the key map scale was made by Joseph Wille, second by Jonathan Roth.

**Roll Call:** Robert Schenk – absent, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Campbell – yes, Joseph Calabro – yes, Jonathan Roth – yes, Stephen Galati – absent, Donald Palmucci – yes **R.C.V.: 9 – yes’, 0 – no’s, 0 – abstentions. Motion carried.**

**Farmland Buffer Ordinance**

The Board reviewed an amended Farmland Buffer Ordinance prepared and submitted by Leah Furey-Bruder. Marc Nagtegaal advised the Board that if they feel that no changes are necessary the Board Secretary can forward a letter recommending the Township Committee adopt this ordinance. Mr. Nagtegaal further stated that if the Board feels changes are warranted the Secretary will advise Ms. Furey-Bruder and those changes will be made prior to the recommendation letter is sent forth.

Gary Thompson recommended item C3 should indicate six (6) acres not five (5) as currently stated in the ordinance to allow for an acre for the homestead.

Gary Spinner asked Mr. Thompson, if a buffer area is wooded will it be deed restricted to prohibit property owner from removing? Mr. Thompson directed the Board’s attention to the first Paragraph 4 on Page 2, it references deed restriction. Mr. Thompson does question how one would define, ‘a screen of trees’.

The Board discussed point of disclosure items to be revealed at the signing of a contract rather than at the time of closing. Possible items to be included would be farmland buffers, environmental issues (i.e. wetlands), and current tax estimation. The Board will continue discussion with Planner at the March work session.

Motion to approve this ordinance with the exception of the change regarding Item C3 on Page 2 was made by Thomas Sorbello, second by Robert Campbell.

**Roll Call:** Robert Schenk – absent, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Campbell – yes, Joseph Calabro – yes, Jonathan Roth – yes, Stephen Galati – absent, Donald Palmucci – yes **R.C.V.: 9 – yes’, 0 – no’, 0 – abstentions. Motion carried.**

### Street Parking Ordinance

Mr. Nagtegaal stated that during the most recent snow storm many residents complained of the snow removal on the smaller streets with cul-de-sacs. The cul-de-sacs are often very difficult to maneuver with larger vehicles which could be made more difficult if residents are parked on the street. It poses a serious issue if the parked cars impede a vehicle such as a fire truck or ambulance in a case of emergency. There is no current ordinance regarding street parking on Township roads. Other municipalities have ordinances in place regarding street parking during snow storms as well as certain hours of the day (i.e. 2:00 am through 6:00 am). Most of the residences on these roads have long driveways and multiple car garages which could accommodate these vehicles. Another concern is children darting out from behind vehicles while playing.

Donald Palmucci advised that he is aware of a family that has four children of driving age and both parents have vehicles. An ordinance that limits their parking and others in their situation may be a hardship that the Board should consider.

Thomas Sorbello recommended creating a snow emergency parking ordinance which would enable the Public Works Department to plow unimpeded but would not hinder the day to day parking of the residents.

Joseph Calabro suggested including other vehicles such as boats and recreational vehicles as well as dumpsters and landscaping materials.

### Open Meeting to the Public:

Motion to open the meeting to the public was made by Joseph Wille, second by Donald Palmucci. Motion carried.

Lori Greenberg, attorney for the Harrisonville Mobile Home Park, appeared before the Board to discuss changing the definition of trailers/mobile homes within the Township Ordinance Chapter 132.

Peter Brandt, manager of the Harrisonville Mobile Home Park, appeared before the Board.

Ms. Greenberg advised that the owner of the Mobile Home Park may be amenable to creating two (2) new lots which could be considered towards the Township’s COAH requirement.

### Robert Campbell left the meeting.

Melvin Robertson asked Ms. Greenberg, regarding the doubling of the sizes of the mobile homes, how would that impact the taxes the Township receives? Ms. Greenberg advised that the community becomes worth more. Although the lot owners do not pay real estate taxes on the mobile

homes, they can pay Municipal Service Fees if an ordinance is established. The Township has the right to charge the cost of the education back to the residents of the mobile home park under the Municipal Service Fee ordinance.

Ms. Greenberg advised that she and Mr. Brandt could return at a later date with septic capability information. Mr. Brandt acknowledged that the roads within the mobile home park need to be redone and some drainage issues need to be resolved.

Gary Thompson asked for clarification of the relief being requested by Ms. Greenberg. Is the relief being requested to amend the ordinance to reflect what is suggested within the Master Plan to become a conditional use and limiting to 22 foot wide? Ms. Greenberg agreed.

Gary Spinner asked if the owner of the mobile home park would be amenable to restricting the mobile homes to two (2) bedrooms. Ms. Greenberg and Mr. Brandt agreed.

Benjamin Freeman of 781 Eldridge's Hill Road appeared before the Board and thanked the Board's professionals for amending their respective invoices regarding his recent minor subdivision.

**Close Meeting to the Public:**

Motion to close the meeting to the public was made by Gary Spinner, second by Joseph Calabro. Motion carried.

**Payment of the Bills:**

Motion to approve payment of the bills was made by Donald Palmucci, second by Joseph Wille.

**Roll Call:** Robert Schenk – absent, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Robert Campbell – absent, Joseph Calabro – yes, Jonathan Roth – yes, Stephen Galati – absent, Donald Palmucci – present **R.C.V.: 8 – yes', 0 – no's, 0 – abstentions. Motion carried.**

**Adjournment:**

Motion to adjourn was made by Joseph Wille, second by Joseph Calabro. Motion carried.

Respectfully submitted,

Celeste Keen  
Board Secretary