

**South Harrison Township
Planning/Zoning Board of Adjustment
June 8, 2009**

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

Roll Call: Robert Schenk – absent, Gary Spinner – present, Thomas Sorbello – present, Melvin Robertson – present, Marc Nagtegaal – present, Joseph Wille – absent, Robert Campbell – present, Joseph Calabro – present, Jonathan Roth – present, Stephen Galati – present, Donald Palmucci – absent, Gary Thompson, Board Solicitor – present, James Spratt – Board Engineer – present, Leah Bruder, Planner – present, Celeste Keen, Secretary – present.

Robert Campbell and Gary Spinner stepped down due to conflict (Township Committee members, following hearing includes a Use Variance).

New Business:

Robert Wiltsee, attorney for the applicant, appeared before the Board and was advised that there are six (6) voting members available at this time. Mr. Wiltsee asked the Board if they would tend to other business in the hopes that an additional voting Board member arrived late. The Board agreed.

Leah Bruder, Township Planner, advised the Board that two ordinances (O-09-07 and O-09-08) are scheduled for a public hearing and that the Board should send a letter to the Township Committee certifying that they are consistent with the Master Plan. Ms. Bruder advised the Board that Ordinance O-09-07 addresses the requirements of the Council on Affordable Housing (COAH) regarding compliance with South Harrison Township's prior round and third round affordable housing obligations. Ms. Bruder advised the Board that Ordinance O-09-08 amends South Harrison Township's Land Use Ordinance to include an Age Restricted Residential Inclusionary Zoning District. Both ordinances have been discussed and agreed upon by the Board during the re-evaluation of the Master Plan earlier this year.

Motion to authorize Board Secretary to send a letter to the Township Committee advising that the Board finds that Ordinances O-09-07 & O-09-08 pose no conflict to the Township's Master Plan was made by Melvin Robertson, second by Thomas Sorbello.

Roll Call: Robert Schenk – absent, Gary Spinner – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – absent, Robert Campbell – absent, Joseph Calabro – yes, Jonathan Roth – yes, Stephen Galati – yes, Donald Palmucci – absent **R.C.V.:** **6 – yes, 0 – no's, 2 – abstentions. Motion carried.**

Payment of the Bills:

Motion to approve payment of the bills was made by Melvin Robertson, second by Thomas Sorbello.

Roll Call: Robert Schenk – absent, Gary Spinner – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – absent, Robert Campbell – absent, Joseph Calabro – yes, Jonathan Roth – yes, Stephen Galati – abstain, Donald Palmucci – absent **R.C.V.:** **5 – yes, 0 – no's, 2 – abstentions. Motion carried.**

Melvin Robertson asked Mr. Spratt if he had had a chance to review the information regarding the Harrisonville Mobile Home Park that was given earlier. Mr. Spratt advised that he had not yet reviewed the material.

Mr. Wiltsee advised that the applicant is willing to move the application forward with the six (6) voting members of the Board present.

Gary Thompson deferred to Mr. Spratt to review the completeness issues. Mr. Spratt advised that there is a discrepancy on the application in that Lot 1.02 is not referenced. Clarification was requested of Mr. Thompson as to the jurisdiction to hear this application due to any discrepancy in the list of residents surrounding this lot that may not have been notified. Mr. Thompson advised that due to the positioning of Lot 1.02 it does not require any additional residents be notified. The Board does have jurisdiction to hear this application.

Mr. Spratt continued with the completeness issues of which the owner's signature is required on the plans; the applicant agreed as a condition of approval. A Letter of Interpretation (LOI) from the DEP is referenced; a copy is to be submitted to the Planning/Zoning Board office and to the Board's Engineer. The Township Ordinance requires a meridian designation; the applicant agreed as a condition of approval.

Henry J. Haley, applicant's engineer, appeared and was sworn. Mr. Haley advised the Board of his credentials and was accepted as a qualified expert in his field. In regards to the LOI, he has a copy and will provide same to the Planning/Zoning Board office and to the Board's Engineer.

Motion to deem this application complete with conditions stated above was made by Joseph Calabro, second by Thomas Sorbello.

Roll Call: Robert Schenk – absent, Gary Spinner – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – absent, Robert Campbell – absent, Joseph Calabro – yes, Jonathan Roth – yes, Stephen Galati – yes, Donald Palmucci – absent **R.C.V.:** **6 – yes', 0 – no's, 1 – abstentions. Motion carried.**

Alan Phillips of 308 Fox Run Court appeared and was sworn.

Leah Bruder and James Spratt were sworn.

Robert Wiltsee reviewed Mr. Phillips application regarding Block 6, Lot 1 which is a lot line adjustment parceling 75' of road frontage (0.5 acre) from lot 1 and adding it to lot 1.02. A contract between the lot owners has been in effect for approximately ten years. It was before the Board previously as part of a major subdivision which in part, due to the economy, is not moving forward. The lot owners are therefore taking the initiative to file this minor subdivision application in order to fulfill the contract between them.

Marc Nagtegaal asked the applicant if he will be needing any additional acreage in the future. Mr. Phillips stated that he may possibly use this half acre for storage in the future he now intends to use the acquired land for use as a buffer between his property and the currently farmed lot 1.

Mr. Phillips advised that he has one part time office worker and a driver that is only on site for pick up and delivery. His facility stores golf course supplies such as seeds and fertilizer. There is no outdoor storage of any of his materials. Mr. Haley indicated that there will be no additional traffic volume from the current conditions.

Mr. Spratt reviewed his letter dated June 4, 2009. Sheet 1 on the plans should indicate "Planning/Zoning Board Engineer" where is presently denotes "Township Engineer". Copies of survey plans should be submitted. The applicant agreed.

Section 90-2.22.C of Township Ordinance states that lot lines be at right angles to straight streets. While the new lot line deviates slightly from a right angle its bearing is the same as both existing side lot lines. Mr. Spratt advised that a waiver be requested. Applicant requested a waiver to that effect. The applicant agreed to monumentation and advised that the subdivision will be filed by deed.

Ms. Bruder reviewed her letter dated June 2, 2009. At the time she wrote her letter she did not realize that Mr. Phillips had already obtained a use variance in 1998. This application reduces the non-conformity of the lot. The Board and Applicant agreed to a 25' buffer.

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

Joseph Sorbello of 549 Franklinville Road (owner of lot 1) appeared and was sworn. The Board asked Mr. Sorbello if he had any additional information that he would like the Board to know. Mr. Sorbello advised that the project was agreed to ten years ago.

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

Motion to approve minor subdivision with variances including all conditions was made by Joseph Calabro, second by Jonathan Roth.

Roll Call: Robert Schenk – absent, Gary Spinner – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – absent, Robert Campbell – absent, Joseph Calabro – yes, Jonathan Roth – yes, Stephen Galati – yes, Donald Palmucci – absent **R.C.V.:** **6 – yes', 0 – no's, 1 – abstentions. Motion carried.**

Gary Spinner resumed his seat.

Mr. Robertson stated that he had wanted to asked Mr. Wille, Zoning Officer, if he had the opportunity to contact the County regarding the Brzozowski property on Franklinville Road (C.R. 538) which appears to be using an unapproved driveway to access Franklinville Road.

Marc Nagtegaal advised that a 50 acre parcel in South Harrison Township that belongs to a Mobile Home Park in Elk Township apparently contains a septic field which appears to be faulty or failing. Mr. Nagtegaal asked the Board's professionals their opinions as to what should be done. Mr. Spratt stated that the Board could contact the DEP of a possible violation. Jonathan Roth noted that there has been a significant increase in the flow of Raccoon Creek which is changing the environment along the creek. Mr. Roth also noted that there are protected fauna in that area which could pose a greater environmental concern. As a member of the Environmental Commission, Mr. Roth and other members of the Commission reached out to Elk Township's Environmental Commission. While there seemed to be a cohesive plan to investigate this matter, no meetings are currently scheduled .

Open Meeting to the Public:

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

Benjamin Freeman of 781 Eldridge's Hill Road stated that he had a complaint regarding the new Electrical Inspector. Mr. Freeman was advised that complaints regarding Township Officials should be taken up with the Township Committee. Mr. Freeman thanked the Board and advised that he would be attending the next Committee Meeting.

Mr. Freeman also stated that it is hard to get a hold of the Board Secretary with the new hours. He inquired as to when his escrow would be released now that his deeds have been filed. Board Secretary advised that she would begin the process within the week.

Close Meeting to the Public:

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

Adjournment:

Motion to adjourn was made by Gary Spinner, second by Jonathan Roth. Motion carried.

Respectfully submitted,

Cecile Keen
Board Secretary