

**South Harrison Township
Planning/Zoning Board of Adjustment
July 11, 2011**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on July 11, 2011 at 7:00 p.m. in the South Harrison Township Municipal Building.

The meeting was called to order by Joseph Marino, Board Chair and led those present in the Pledge of Allegiance to the Flag.

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

Roll Call: James McCall – present, Gary Spinner – present, Thomas Sorbello – absent, Melvin Robertson – present, Joseph Marino – present, Robert Schenk – present, Joseph Wille – absent, Stephen Galati – present, John Horner – present, Neil McIntyre – present, Gary Thompson, Board Solicitor – present, Leah Furey Bruder – Board Planner – absent, Steven Bach – Board Engineer – present, Celeste Keen, Secretary – present.

Minutes:

Motion to approve the regular and closed session minutes of August 9, 2010 was made by James McCall, second by Robert Schenk. **Motion carried.**

Motion to approve the regular and closed session minutes of November 8, 2010 and the regular minutes of December 13, 2010 was made by James McCall, second by Gary Spinner. **Motion carried.**

Motion to approve the regular minutes of June 13, 2011 was made by Robert Schenk, second by John Horner. **Motion carried.**

Old Business:

Resolution R-11-11

Resolution Excluding the Public

Motion to adopt resolution R-11-11 was made by James McCall, second by Robert Schenk.

Roll Call: James McCall – yes, Gary Spinner – yes, Thomas Sorbello – absent, Melvin Robertson – yes, Joseph Marino – yes, Robert Schenk – yes, Joseph Wille – absent, Stephen Galati – yes, John Horner – yes, Neil McIntyre – yes

R.C.V.: 8 – yes', 0 – no's, 0 – abstentions. Motion carried.

James McCall stepped down due to conflict.

New Business:

**Metheny, Robert – 003-145-11
Bulk Variance**

Robert Metheny, applicant and Eric Williams of Anthony Sylvan Pools appeared before the Board and were sworn.

Steve Bach was sworn to give testimony. Mr. Bach reviewed the completeness issues included in the review letter submitted by Leah Bruder and Robert Hunter dated June 20, 2011. In regards to items 1-3, Mr. Bach recommended that the Board could waive these items; item 4 Mr. Bach deferred to Mr. Thompson.

Motion to deem the application complete was made by Robert Schenk, second by Stephen Galati.

Roll Call: James McCall – abstain, Gary Spinner – yes, Thomas Sorbello – absent, Melvin Robertson – yes, Joseph Marino – yes, Robert Schenk – yes, Joseph Wille – absent, Stephen Galati – yes, John Horner – yes, Neil McIntyre – yes

R.C.V.: 7 – yes’, 0 – no’s, 1 – abstentions. Motion carried.

Mr. Thompson advised that notice was properly given and therefore the Board has jurisdiction to hear this application.

Mr. Williams of Sylvan Pools advised that the applicant is seeking two bulk variances due to the restrictions of the backyard. The applicant is requesting the rear yard and side yard setbacks to be 10 feet instead of 25 feet which is required.

Gary Spinner noted the ordinance requirements for pool fencing and suggested that the Board review Ordinance 90-5.15.C (1). In order to include the fencing requirement, Mr. Metheny agreed to amend his application to requesting setbacks to be 6 feet.

Mr. Metheny advised that there are no deed restrictions or easements associated with the property.

Motion to open the meeting to the public on this matter only was made by Robert Schenk, second by Melvin Robertson. **Motion carried.**

Kriste Halscheid of 1075-A Mullica Hill Road appeared before the Board and was sworn. Ms. Halscheid advised that Mr. Metheny has been talking about this pool for years. She questioned the size of the home and the size of pool. It is her understanding that the size of the pool has been scaled down; perhaps it could be scaled down a little further.

Melvin Robertson proposed a shrubbery line be installed to alleviate some of the sight and noise issues.

Edward Halscheid of 1075 Mullica Hill Road appeared before the Board and was sworn. Mr. Halscheid referenced Mr. Williams’ testimony that the pool has been downsized but that it still includes a spa and a waterfall.

Mr. Williams noted that there is no decking around the rear of the pool.

Mr. Galati asked if the pool might be moved so that the one setback could be met. Mr. Williams noted that the position of the pool is located for optimum sun exposure. If the pool was moved as suggested, the pool would be shaded by the home.

Mr. Metheny noted that he would be willing to install trees as a buffer and requested recommendations as to types as well as spacing requirements.

Robert Schenk excused himself from the meeting.

Motion to close the meeting to the public on this matter only was made by Gary Spinner, second by Neil McIntyre. **Motion carried.**

Mr. Metheny advised that he would like to amend his application to include buffering along the rear and side yard setbacks.

Mr. Thompson summarized that a motion to approve this application would be for a C variance due to the fact that when this subdivision was granted there was an express condition that the single family home to be constructed would comply with all bulk requirements within the A/R zone. Applicant agrees to installation of a buffer of evergreen trees to be reviewed and approved by the Township Planner. The pool and the concrete surrounding it are to be at a minimum of 10 feet of the property line and the fence to be at a minimum of 6 feet. Motion would grant a C2 variance with a change in the conditions of the minor subdivision approval for that purpose.

Motion to approve application as amended was made by Melvin Robertson, second by John Horner.

Roll Call: James McCall – abstain, Gary Spinner – yes, Thomas Sorbello – absent, Melvin Robertson – yes, Joseph Marino – yes, Robert Schenk – absent, Joseph Wille – absent, Stephen Galati – no, John Horner – yes, Neil McIntyre – yes
R.C.V.: 5 – yes’, 1 – no’s, 1 – abstentions. Motion carried.

James McCall resumed his seat on the Board.

Motion to enter closed session was made by James McCall, second by Stephen Galati.
Motion carried.

Motion to return to open session was made by Stephen Galati, second by James McCall.
Motion carried.

Open Meeting to the Public:

Motion to open the meeting to the public was made by Gary Spinner, second by Neil McIntyre. **Motion carried.**

No public present.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Gary Spinner, second by James McCall. **Motion carried.**

Payment of the Bills:

Motion to approve payment of the bills was made by Melvin Robertson, second by John Horner.

Roll Call: James McCall – yes, Gary Spinner – yes, Thomas Sorbello – absent, Melvin Robertson – yes, Joseph Marino – yes, Robert Schenk – absent, Joseph Wille – absent, Stephen Galati – yes, John Horner – yes, Neil McIntyre – yes
R.C.V.: 7 – yes’, 0 – no’s, 0 – abstentions. Motion carried.

Melvin Robertson asked for a status update of the solar farm. Steven Bach advised that it is moving forward.

Gary Spinner advised that the South Harrison Self Storage has been cited twice for illegal flea market/community yard sale. Mr. Thompson advised that the Board acknowledges that they are aware of citation and that there is a court hearing. The Board will wait for the application to be filed to make their determination.

Adjournment:

Motion to adjourn was made by Gary Spinner, second by Melvin Robertson. **Motion carried.**

Respectfully submitted,

Celeste Keen
Board Secretary

Information Only