

**South Harrison Township
Planning/Zoning Board of Adjustment
November 14, 2011**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on November 14, 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 – present, Melvin Robertson – present, Joseph Marino – present, Robert Schenk – present, Joseph Wille – present, Stephen Galati – present, John Horner – present, Neil McIntyre – absent, Gary Thompson, Board Solicitor – present, Leah Furey Bruder – Board Planner – present, Steven Bach – Board Engineer – present, Celeste Keen, Secretary – present.

Minutes:

Motion to approve the regular minutes of October 11, 2011 was made by Thomas Sorbello, second by Melvin Robertson. **Motion carried.**

New Business:

Lot Line Adjustment

**Rita Lopes
005-277-11**

Frank Lopes of 26 Bennett Court appeared on behalf of Rita Lopes and was sworn. Leah Bruder and Stephen Bach were sworn to give testimony. Ms. Bruder reviewed her letter dated November 9, 2011 regarding completeness issues. Verification by Board Secretary confirmed that property taxes are paid. Mr. Lopes advised that the GC Planning Board has sent him a letter advising their approval of this application, Ms. Furey recommended that the letter be provided as a condition of approval. The plan included in the application does not depict the location of wells and septic systems of the adjacent properties, as there is currently no proposed construction this condition may be waived. Form B items 13, 14 and 15 require that a delineation and survey of freshwater wetlands and buffers be provided, surveyor did show wetlands on the plan but buffer is not delineated. These items may be waived however in the event that any construction is proposed in the future the applicant should be aware that those items may be required prior to any permits being issued.

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

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

R.C.V.: 9 – yes', 0 – no's, 0 – abstentions. Motion carried.

Ms. Bruder continued review of letter dated November 9, 2011, the applicant, Rita Lopes, previously received minor subdivision approval which created lots 8.01 & 8.02 from the existing lot 8. This application is requesting to move the lot line and therefore is not creating any new lots. A bulk variance was granted in March 2006, and memorialized by resolution R-06-12 regarding the setback of the existing dwelling on lot 8.01. A scenic rural corridor should be established along Tomlin Station Road, new construction will have to be 200' from roadway. As there is no proposed construction, the applicant

need only be aware of this buffer if construction is proposed in the future. Mr. Lopes agreed to construct an agricultural buffer if, in the future, any plans are made to develop lot 8.02.

Mr. Lopes advised that he is proposing the lot line adjustment in order to acquire an additional acre.

Motion to open the meeting on this matter only was made by Gary Spinner, second by James McCall. **Motion carried.**

No public spoke.

Motion to close the meeting on this matter only was made by Gary Spinner, second by John Horner. **Motion carried.**

Motion to approve the lot line adjustment application subject to all conditions as set forth was made by Thomas Sorbello, second by John Horner.

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

R.C.V.: 9 – yes’, 0 – no’s, 0 – abstentions. Motion carried.

Gary Thompson stepped down due to conflict.

**Harlan Corporation
007-299-11**

George Harlan, of Harlan Corporation appeared before the Board. He advised that he is the owner of 13 lots on Commissioners Road, known as Windsor Estates major subdivision. Gary Civalier, Mr. Harlan’s Civil Engineer, appeared and stated that they are requesting a reverse subdivision. Mr. Harlan is looking to take the approved major subdivision and revert back to farmland in order to put into farmland preservation. The existing farmhouse is owned by another individual that purchased the home from Mr. Harlan and is possibly looking to purchase the lot behind which would be taken care of prior to or at the same time as the preservation process. Farmland preserved properties allow ‘exception’ areas which are areas within the preserved parcel that are able to be improved lots for the purpose of maintaining the lot. The exception lot would be approximately three (3) acres. The existing home would require ownership of the roadway in order to avoid easement issues in the future. While technically making the existing home a ‘flag’ lot which is not permitted per the Township Code, the area between the roadway and the home would not be developed therefore would not create the negative concerns associated with flag lots. Mr. Bach recommended that Mr. Harlan submit a minor subdivision application in order to essentially request a lot line adjustment for the existing farmhouse and 50’ driveway along with consolidation of the remaining lots.

Mr. Harlan thanked the Board for their time.

Mr. Thompson resumed his seat on the Board.

Mayor McCall and Deputy Mayor Spinner stepped down due to possible conflict.

Mr. Thompson advised that Board that the Pacilli application is before the Board for completeness determination only and that only those issues dealing with completeness are to be discussed at this time.

Ms. Bruder reviewed her letter dated November 1, 2011. Form A: #2 requires certification that taxes are paid, Board Secretary advised that no certificate was received; #5 requires scale of the plat and a graphic scale (applicant requests a waiver). Ms. Bruder recommends the applicant provide a detailed plan; #6 requires a key map (applicant requests a waiver); #10 requires that setback lines be shown graphically and are not shown on the copied plan provided. Ms. Bruder advised that the Board may allow the applicant to proceed with the interpretation and use variance, recommends requiring for site plan; #13 requires the date of the survey on the plan, this information has not been provided, a waiver is required; #17 requires the names and addresses of the property owners within 200', this information as well as proof of notification is required prior to public hearing; #21 requires outbound bearings and dimensions. Ms. Bruder advised that the Board may allow the applicant to proceed with the interpretation and use variance, recommends requiring for site plan; #24 requires that copies of applications to and approvals of the outside agencies. Ms. Bruder advised that any approval of this Board would be conditioned upon approvals from all outside agencies.

Motion to deem incomplete due to all items referenced in Ms. Bruder's letter dated November 1, 2011 was made by Stephen Galati, second by Joseph Wille.

Roll Call: James McCall – abstain, Gary Spinner – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Robert Schenk – yes, Joseph Wille – yes, Stephen Galati – yes, John Horner – yes, Neil McIntyre – absent
R.C.V.: 7 – yes', 0 – no's, 2 – abstentions. **Motion carried.**

Joseph Wille stepped down due to conflict.

Motion to deem incomplete due to all items referenced in Ms. Bruder's letter dated November 1, 2011 was made by Stephen Galati, second by Melvin Robertson.

Roll Call: James McCall – abstain, Gary Spinner – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Robert Schenk – yes, Joseph Wille – abstain, Stephen Galati – yes, John Horner – yes, Neil McIntyre – absent
R.C.V.: 6 – yes', 0 – no's, 3 – abstentions. **Motion carried.**

Mr. Thompson advised that he will send a letter to Mr. Ziegler advising the Board's determination of incompleteness.

Mayor McCall, Deputy Mayor Spinner and Mr. Wille resumed their seats on the Board.

Open Meeting to the Public:

Motion to open the meeting to the public was made by Thomas Sorbello, second by Robert Schenk. **Motion carried.**

Marc Nagtegaal of 719 Franklinville Road referenced an article that he read in the GC Times regarding farmland preservation. Although South Harrison Township is not ranked highest, it is towards the top of the list thanks a great deal to the McCann brothers. Mr. Nagtegaal commented that he believes Mr. Harlan is proceeding with farmland preservation due to tax constraints. The Board was unable to verify definitively how the property is currently assessed.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Gary Spinner, second by Robert Schenk.
Motion carried.

Payment of the Bills:

Motion to approve payment of the bills was made by Thomas Sorbello, second by Gary Spinner.

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

R.C.V.: 9 – yes’, 0 – no’s, 0 – abstentions. Motion carried.

Mr. Robertson raised the issue of the three acre zoning and the possibility of rezoning back to one acre minimums. Mr. Marino recommended speaking to Ken Atkinson of GC Farmland Preservation. Mr. Sorbello advised that he is currently in negotiations with Farmland Preservation regarding a personal property. He will speak with Mr. Atkinson regarding any positive or negative effects of different lot sizes.

Ms. Bruder advised that if the Board wishes to revisit the current minimum lot size requirements after Mr. Sorbello reports back his findings with Mr. Atkinson, she will be willing to assist.

Adjournment:

Motion to adjourn was made by Robert Schenk, second by Thomas Sorbello. **Motion carried.**

Respectfully submitted,

Celeste Keen
Board Secretary