

**South Harrison Township
Planning/Zoning Board of Adjustment
October 15, 2013**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on October 15, 2013 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, John Horner – absent, Thomas Sorbello – present, Melvin Robertson – present, Joseph Marino – present, Heather Brown – present, Joseph Wille – absent, Stephen Galati – absent, Ronald Ambruster – present, Daniel Webster – absent, John Maybrook – present, Gary Thompson, Board Solicitor – present, Steven Bach – Board Engineer – absent, Candace Kanaplue – Township Planner – present, Celeste Keen, Secretary – present.

Minutes:

Motion to approve the regular and closed session minutes of August 12, 2013 and the regular session minutes of September 9, 2013 was made by Melvin Robertson, second by James McCall.

Motion carried.

Old Business:

Resolution R-13-12

Resolution Excluding the Public

Motion to adopt resolution R-13-12 was made by James McCall, second by Melvin Robertson.

Roll Call: James McCall – yes, John Horner – absent, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – absent, Stephen Galati – absent, Ronald Ambruster – yes, Daniel Webster – absent, John Maybrook – yes

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

Resolution R-13-13

**Resolution Granting Use Variance
to C&F Family Ltd Partnership
Block 2, Lot 3.02**

Motion to adopt resolution R-13-13 was made by Heather Brown, second by Melvin Robertson.

Roll Call: James McCall – abstain, John Horner – absent, Thomas Sorbello – abstain, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – absent, Stephen Galati – absent, Ronald Ambruster – abstain, Daniel Webster – absent, John Maybrook – yes

R.C.V.: 4 – yes', 0 – no's, 3 – abstentions. Motion carried.

Guy Killen, attorney for the applicant, appeared before the Board. Richard Clark appeared before the Board and was sworn to give testimony. Candace Kanaplue was sworn to give testimony. Mr. Thompson reminded the Board that the application was deemed complete at the September 9, 2013 meeting. Due to an error in the notification process the application was not able to be heard and has subsequently been renoticed.

Dorothea Fitzgerald of 449 Fislerville Road appeared before the Board and was sworn. Ms. Fitzgerald stated that she lives directly across the street and was not properly noticed as she had just received her notice the day before the meeting. Mr. Thompson advised Ms. Fitzgerald that the applicant's duty was to mail the notices as listed on the Property Owners with 2013 List issued by the Tax Assessor's office. Mr. Thompson stated that the Board has jurisdiction to proceed with the hearing. Ms. Fitzgerald was advised that the hearing would be open to the public at which time she would be given time to express her misgivings.

Mr. Clark of Middletown, DE advised that the property in question has three (3) bedrooms and with two (2) residents per bedroom there will be a total of six (6) residents. Residents are all 18 years of age or older. There will be a staff of three (3) during the day and two (2) during the evening. The attached garage has room for two (2) vehicles and the detached garage/pole barn has room for three (3) vehicles and there is enough parking available on gravel lot for an additional five (5) spaces. That exceeds the requirement in the Township Code. There are no proposed changes to the site.

Mr. Robertson asked if all of the residents would be male. Mr. Clark advised that he could not state with any certainty whether the residents would be co-ed or not. The business will be assumed most likely by GI Advo Propco, LLC which is based in Delaware.

Mr. Marino asked if there would ever be a resident with a criminal history. Mr. Killen advised that there would not be any one with a criminal background in the residence.

Ms. Kanaplue reviewed her letter dated September 4, 2013. As the parking available exceeds that required within the Township's Ordinance a waiver to this variance is permissible. As the second structure on the property is a pole barn that is for storage only and will not be altered for living quarters a waiver to this variance is permissible. As the State mandates that community housing be treated the same as single family dwellings it would be acceptable for the Board to waive the Site Plan requirement.

Mr. Killen testified that the garages will not be converted into living quarters. Ms. Brown asked who would be responsible for assuring that the residents qualify. Mr. Clark stated that the State of New Jersey licenses annually. He was unsure of any additional inspections performed throughout the year.

Open Meeting to the Public:

Motion to open the meeting to the public on this matter only was made by James McCall, second by Ronald Ambruster. **Motion carried.**

Dorothy Fitzgerald asked how a commercial business is allowed to operate on a lot that is farmland preserved. It was explained to her that the community residence, by state statute, is not to be treated differently than a single family home. As to the farmland preservation aspect, most properties that have been preserved have lots parceled out for a residence. Ms. Fitzgerald inquired as to her rights

with regard to opposing this application. Mr. Thompson advised that regardless of the Board's decision a resolution memorializing that decision will be adopted at the November meeting. Shortly thereafter that resolution will be advertised. After publication there is a 45 day period at which time Ms. Fitzgerald is able to file a lawsuit. Ms. Fitzgerald advised that she is seeking federal rulings.

Marc Nagtegaal of 719 Franklinville Road appeared as was sworn. The application meets all of the requirements therefore he sees no issues.

Close Meeting to the Public:

Motion to close the meeting to the public on this matter only was made by James McCall, second by Ronald Ambruster. **Motion carried.**

Mr. Thompson stated that the three (3) original variances are down to the site plan waiver. State statute does not allow municipalities to treat community housing differently than single family homes. As South Harrison Township does not require Site Plans for single family homes a waiver would be suitable.

Motion to approve site plan waiver was made by Ronald Ambruster, second by Thomas Sorbello. **Motion carried.**

Roll Call: James McCall – yes, John Horner – absent, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – absent, Stephen Galati – absent, Ronald Ambruster – yes, Daniel Webster – absent, John Maybrook – yes

R.C.V.: 7 – yes', 0 – no's, 0 – abstentions. **Motion carried**

New Business:

**SH Elementary School
Playground Upgrades**

George Duthie, AIA of FVHD, School Planner and Beth Kenderdine, PE of Edwards Engineering, Project Engineer appeared before the Board and were sworn. Mr. Duthie and Ms. Kenderdine explained the proposed playground upgrades which include updating the stormwater drainage. The overall construction cost is \$263,000; the overall project cost is \$300,000. The South Harrison Elementary School is responsible for 60% of the cost.

Open Meeting to the Public:

Motion to open the meeting to the public was made by Ronald Ambruster, second by James McCall. **Motion carried.**

Marc Nagtegaal of 719 Franklinville Road appeared before the Board. Mr. Nagtegaal advised that there are still basins not being maintained within the Township. He also cautioned the Board in their upcoming re-examination of the Township's Master Plan.

Close Meeting to the Public:

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

Motion to enter into closed session was made by Ronald Ambruster, second by Thomas Sorbello.

Brian Lozuke disseminated documents regarding NJDEP Stormwater Design and Performance Standards for Stormwater Management Measures. Mr. Lozuke also requested that the Board consider amending bulk standards with regards to mobile homes within the Harrisonville Mobile Home Park during the upcoming re-examination of the Master Plan. The current bulk standards do not take into consideration the current sizes of mobile homes being built today.

Payment of the Bills:

Motion to approve payment of the bills was made by James McCall, second by Ronald Ambruster.

Roll Call: James McCall – yes, John Horner – absent, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – yes, Joseph Wille – absent, Stephen Galati – absent, Ronald Ambruster – yes, Daniel Webster – absent, John Maybrook – yes
R.C.V.: 7 – yes', 0 – no's, 0 – abstentions. **Motion carried.**

Release of Escrows:

Motion to approve the release of escrows as presented was made by Ronald Ambruster, second by Thomas Sorbello.

Roll Call: James McCall – abstain, John Horner – absent, Thomas Sorbello – yes, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – abstain, Joseph Wille – absent, Stephen Galati – absent, Ronald Ambruster – yes, Daniel Webster – absent, John Maybrook – yes
R.C.V.: 5 – yes', 0 – no's, 2 – abstentions. **Motion carried.**

Ms. Kanaplue advised that a letter regarding the process of the re-examination of the Township's Master Plan will be ready in 1 - 2 weeks. A draft will be ready for the November meeting.

Adjournment:

Motion to adjourn was made by James McCall, second by Ronald Ambruster. **Motion carried.**

Respectfully submitted,

Celeste Keen
Board Secretary

ONLY

Information