

**South Harrison Township
Planning/Zoning Board of Adjustment
January 12, 2015**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on January 12, 2015 at 7:15 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, Mary Howard – present, Thomas Sorbello – absent, Melvin Robertson – present, Joseph Marino – present, Heather Brown – present, Joseph Wille – present, Stephen Galati – absent, Ronald Ambruster – present, David Wade – absent, John Maybrook - absent, Gary Thompson, Board Solicitor – present, Steven Bach – Board Engineer – present, Candace Kanaplue – Township Planner – present, Celeste Keen, Secretary – present.

Minutes:

Motion to approve the regular meeting minutes of December 8, 2014 was made by Melvin Robertson, second by Ronald Ambruster. **Motion carried.**

Heather Brown stepped down due to conflict.

Old Business:

**US Homes d/b/a Lennar
004-301-14
Minor Subdivision**

Jonathan Korn of Blank Rome, attorney for the applicant, introduced Chris Rosati, PE PP of FWH Associates, PA. Mr. Rosati's qualifications were detailed and he was sworn to give testimony.

Steven Bach and Candace Kanaplue were sworn to give testimony for the calendar year 2015.

Mr. Thompson reminded those present that this application had been deemed complete at the December 9, 2014 meeting. Mr. Thompson advised that he has reviewed the affidavits of service and the affidavit of publication and all deficiencies have been rectified and the Board has jurisdiction to proceed.

Mr. Rosati apprised the Board as to the reason for this application is to comply with a court settlement mandating the basin be on a designated lot. The basin lot will be owned by the Township and maintenance of the basin will be the Township's responsibility. This subdivision requires a bulk variance for lot width and road frontage where 20 feet is proposed and 150 feet is required.

Open Meeting to the Public:

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

Frank Durso of 110 Marl Road appeared and was sworn to give testimony. Mr. Durso expressed his aggravation regarding the basins with Ashford Estates and the Planning/Zoning Board allowing US Homes to separate the basins off for less money than a resident would be able. Mr. Durso was angered by the Township taking ownership of the basins and having the taxpayers financially responsible.

Mr. Marino explained that these applications are before the Planning/Zoning Board as part of a litigation settlement. US Homes will be getting the basins running properly to the satisfaction of the Township's Engineer and will be supplying an initial escrow account to maintain the basins.

Mr. Durso asked whether the basin could be converted into a pond. Mr. Bach explained that due to the configuration of this particular basin it is not conducive to conversion.

Joan Dougherty of 20 Ashford Court appeared and was sworn to give testimony. Ms. Dougherty explained that she was not informed upon purchasing her property that the basins within Ashford Estates would be owned by individual residents. Ms. Dougherty began to explain issues on with water runoff damaging her property. At which time, Mr. Marino explained that this application deals with the basin across SH-45 and the next application would be a better time for her to testify.

Mr. Durso of 110 Marl Road advised that his neighbor had not been notified. Mr. Thompson reviewed the list of property owners within 200 feet issued by the Gloucester County Tax Assessor's Office and noted the omission. Mr. Thompson then informed Mr. Durso that the applicant is required to notice all of the residents on the 200' list that is submitted. The applicant is not responsible for errors within the list.

Close Meeting to the Public:

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

Motion to grant minor subdivision with a bulk variance was made by Ronald Ambruster, second by Melvin Robertson.

Roll Call: James McCall – yes, Mary Howard – yes, Thomas Sorbello – absent, Melvin Robertson – yes, Joseph Marino – yes, Heather Brown – abstain, Joseph Wille – yes, Stephen Galati – absent, Ronald Ambruster – yes, David Wade – absent, John Maybrook – absent
R.C.V.: 6 – yes, 0 – no's, 0 – abstentions. Motion carried.

Heather Brown resumed her seat on the Board.

**US Homes d/b/a Lennar
005-301-14
Minor Subdivision
w/Bulk Variance**

Jonathan Kohn of Blank Rome advised the Board that this application is also the result of litigation and mandated by the court settlement.

Mr. Rosati appeared before the Board and was sworn to give testimony.

Mr. Thompson advised that he has reviewed the affidavits of service and the affidavit of publication and the Board has jurisdiction to proceed.

The property currently contains a single family home on 1.544 acres. If the application is approved the basin lot would be 0.566 acres and the current Butler property would consist of 0.978 where one (1) acre is the required minimum, variances are required for lot size. Additional variances are required for rear yard setback, minimum lot depth, creating a lot with no road frontage.

Stormwater basin will be modified to better handle the storm water. The Township will have access to the basin by way of a 30' wide access easement. The easement is on the driveway.

Open Meeting to the Public:

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

Joan Dougherty of 20 Ashford Court appeared and was sworn to give testimony. Ms. Dougherty advised that hers is the property that gets impacted the most from Mr. Butler's basin.

Mike Dougherty of 20 Ashford Court appeared and was sworn to give testimony. Mr. Dougherty stated that they have been dealing with this problem for eight (8) years. Mr. Bach advised that he was very familiar with the Dougherty property and would be out to inspect the ongoing issues again.

Mike Small of 45 Ashford Court appeared and was sworn to give testimony. Mr. Small asked if the shifting issues had been addressed. Mr. Bach advised that the basin failure will be resolved. Mr. Small referenced the exhibit A-2 and noted that while the professionals have been discussing the runoff from the farm field to the north of the Butler property a great deal of water comes from the east as well.

Applicant to construct concrete wing walls to promote proper water flow into basin. The basin will include the addition of a second backup outflow structure as well as decorative aluminum picket fencing. Gabion baskets and armoring will be added to the north side of the basin.

Close Meeting to the Public:

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

Motion to grant minor subdivision and bulk variances was made by Ronald Ambruster, second by Melvin Robertson.

Roll Call: James McCall – yes, Mary Howard – yes, Thomas Sorbello – absent, Melvin Robertson – yes, Joseph Manno – yes, Heather Brown – yes, Joseph Wille – yes, Stephen Galati – absent, Ronald Ambruster – yes, David Wade – absent, John Maybrook – absent

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

James McCall and Mary Howard stepped down due to conflict.

New Business:

**Gollihur, Mark
006-329-14
Use/Bulk Variance**

Mr. Thompson advised that as the applicant was not present the Board would only be able to deem the application complete or incomplete. Mr. Thompson inquired as to the receipt of a certification that the taxes were current. Ms. Keen advised that the taxes are current but a certification had not been obtained. Mr. Thompson noted that he and Ms. Kanaplue had been discussing a need for inclusion of a scenic rural corridor. Therefore it was Mr. Thompson's opinion that the application be deemed incomplete.

Motion to deem this application incomplete was made by Joseph Wille, second by Ronald Ambruster.

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

James McCall and Mary Howard resumed their seats on the Board.

Open Meeting to the Public:

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

No Public present.

Close Meeting to the Public:

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

Payment of the Bills:

Motion to approve payment of the bills was made by Melvin Robertson, second by Joseph Wille.

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

Mr. Wille asked Mr. McCall how much the Township had received from US Homes d/b/a Lennar for the escrow account for basin maintenance. Mr. McCall stated that he couldn't remember exactly but it was somewhere in the area of \$100,000. Mr. McCall advised that although he didn't feel that it was enough that is what was mandated by the judgment.

Adjournment:

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

Respectfully submitted,

Celeste Keen
Board Secretary