

**BOARD OF ADJUSTMENT
MEETING MINUTES
MAY 23, 2007**

Meeting called to Order by Chairman Novellino at 7:30 p.m.

Reading of Adequate Notice by Vice-Chairman Barthelmes.

Salute to the Flag.

Roll Call: Present: Barthelmes, Curcio, Devine, Iradi, Morelli, Novellino, and Bailey. Late: Lambros and Conoscenti.

APPROVAL OF MINUTES: March 28, 2007

Mr. Morelli made a Motion to approve and Mr. Curcio offered a Second. Roll Call Vote: Morelli, Curcio, Devine, Iradi, Barthelmes, Bailey and Novellino.

Chairman Novellino gave the Board a brief update. He reported to the Board that he had spoken to Mr. Coppola concerning the Architectural Standard Ordinance and Mr. Coppola advised that he is in the process of researching information and preparing a draft ordinance.

RESOLUTIONS:

Z07-01 PARAMOUNT MARINA - Block 54, Lot 1. Applicant seeks to construct a single-family residence. Variance needed due to no frontage exists on a public street. Applicant received variance approval to construct a single-family dwelling in Resolution memorialized on October 28, 2005. Applicant granted relief from complying with two conditions of the prior Resolution. Applicant received extension of time on the approval, which expired 1/27/07.

Mr. Curcio made a Motion and Mr. Barthelmes offered a Second to approve the application. Roll Call Vote: Curcio, Barthelmes, Morelli, and Devine voted to approve. Iradi voted no.

Z07-02 CARDINALE – Block 16, Lots 3 & 4. 143 acres in the RU-P Zone Located at Disbrow Hill Road. Applicant seeks to construct a single-family dwelling on the premises. Two variances needed: no frontage on a public street and steep slopes.

Kenneth Pape, Esq. representing the applicant. Attorney Vella reviewed the jurisdictional packet and found same to be in order. The Board accepts jurisdiction over the application. Attorney Vella read the following exhibits into evidence:

- A-1 Jurisdictional Packet
- A-2 Web Notice Posted 5/15/07
- A-3 Application dated 5/7/07
- A-4 Aerial Photo prepared by Crest dated 5/2/07

- A-5 Variance Sketch for a proposed Single Family Dwelling prepared by Crest dated 5/3/07
- A-6 Mounted Colored Site Plan prepared by Crest dated 5/23/07
- A-7 Access & Utility Easement prepared by Salvatore Alferi Esq. dated March 21, 2007
- A-8 Overall Plan highlighted reflecting 15% or greater slopes
- BOA-1 Report of Board Engineer dated 5/15/07
- BOA-2 Report of Board Planner dated 5/16/07
- BOA-3 Report from Environmental Commission dated 5/16/07

Mr. Pape advised that Mr. Cardinale owns the property and is requesting relief from 2 variances to build a single-family dwelling on the 140-acre lot. Presently, there is a residence on the property. He advised that currently the property is accessed via a driveway that exists but is not in an easement. Mr. Cardinale has received an access easement by the Heminghaus' (Lot 4). The access is now a fully legal access to the subject property. Mr. Pape explained that the driveway is designed with a turnaround facility as per the statute and is the proper width.

Mr. Pape explained that there is a slope where the proposed residence is to be located.

Mr. Conoscenti arrives at 7:40 and Mr. Vella advises that he can listen to the application and is eligible to vote on same, if needed, as there had not been any testimony presented yet.

Mr. Peter Strong is sworn in as the applicant's engineer. His credentials are known to the board and he is accepted as an expert. Mr. Strong described the existing condition of the property referring to Exhibit A-6, mounted color site plan. He explained that Lot 3 consists of 140 acres owned by the Cardinales. Lot 4 is a 3-acre lot that fronts on Disbrow Hill Road. The access to Lot 3 is via lot 4.

Mr. Strong explained that the property has been farmed and was formerly known as the Foo-Hsing property. Mr. Strong described the surrounding properties. Mr. Strong advised that the existing driveway is a dirt/gravel drive that comes out to Disbrow Hill Road prior to Beechwood Lane being constructed. It runs through the Heminghaus' property (lot 4).

The existing residence would be demolished and removed, the existing septic would be properly closed and the existing well would be closed per the Health Department.

Mr. Strong described the location of the new driveway. It would be paved to the Disbrow Hill Road ROW. It would be widened from 10 to 18 feet. The location would no longer be random but specifically designed to be as far away from the

Heminghaus property as possible. The easement has been recorded. It was drafted by Salvatore Alferi. Entered into evidence is Exhibit A-7, Easement Description to be approved by the Board Engineer. The RSIS finds 18 feet suitable and Mr. Strong advised that emergency vehicles could pass each other. Mr. Strong stated that the driveway does not impact the Master Plan.

Mr. Pape referred to Mr. Coppola's report regarding his suggested language that the Board should consider regarding this application.

Mr. Lambros arrives at 7:55 p.m.

Mr. Strong described the area where the home would be located referring to Exhibit A-6, 4-5 acres in size and 30 feet high at its highest point. There are small pockets that are a 15% slope or greater. The entire knoll does not contain slopes. The knoll has the vista to look out over the farm. It is the best location for the home. The rest of the area is wooded and stable. Mr. Strong indicated there is no danger of soil erosion due to development of this portion of the property.

Entered into evidence is Exhibit A-8, the limited area requiring grading. In accordance with the Storm Water Management Plan, there are dry wells at the residence and the use of drainage vegetative swales would suffice. For utility service, no gas is available, only electric service, which is located at the Heminghaus' residence. The applicant will work with JCP&L to provide underground service, if possible, from the Heminghaus' property. Mr. Strong indicated that tests of the soils found them suitable for septic.

Mr. Pape will seek an LOI from the NJDEP in order to delineate the area of wetland disturbance. He stated that the LOI is required in order to develop the property. The driveway will cross the stream at the most direct location. He advised that a General Permit from NJDEP is required. He offered that specific grading of the home and driveway will be part of a final plot plan as per conversations with Mr. Shafai.

The applicant agreed to all conditions of Engineer Shafai's Report. Mr. Pape advised that there is a private easement that was recorded in the 1800's. Mr. Strong, referring to Exhibit A-6, advised that the driveway has no legal status, it just exists. The easement that exists is not being used for anything and appears to go through wetlands that did not exist in the 1800's.

Mr. Cardinale and Ms. Butch previously met regarding the establishment of a bridle path, from Prodelin Way to Huneke Way. Mr. Pape explained that bringing a bridle path through Mr. Cardinale's property solely would place it directly behind his home. Mr. Cardinale is in favor of the bridle path but does not want it directly behind his home. He will work with Mrs. Butch and other neighbors to route the bridle path so that it is not directly behind his house.

Mr. Lambros asked Attorney Vella if the bridle path issue is not addressed now, would it be too late to seek the bridle path later? Mr. Pape advised that a single-family residence does not require participation in the bridle path program as a subdivision would. Mr. Pape advised the Board that they met with Ms. Butch and made a commitment to work together regarding seeking better location for the bridle path.

At 8:15 p.m. the Board recessed for a five minute break returning at 8:20 p.m.

Mr. Pape, referring to Exhibit A-6, illustrated to the Board where the bridle path would be located. He advised that the applicant would make the commitment to work with Ms. Butch and the adjacent property owners to locate paths. One potential location would be the wooded and wet area to the east of proposed home location. Attorney Vella would clarify this location. This information was marked on Exhibit A-6. Mr. Pape stated that the goal is to keep flexible to work with Ms. Butch.

In Board Planner, Richard Coppola's report, he suggested keeping the 18-foot driveway width for purposes of emergency vehicle (page two of his report). Peter Strong refers to Beechwood Lane ROW as the area where the first 100 feet are paved and the rest is gravel to the culvert crossing. The remaining driveway would be paved to the house and garages. Mr. Curcio asked about neighbor whose property is closer to new driveway. The property owner Olgivy has received notice of this meeting. The driveway is subject to approval of Mr. Coppola.

The Environmental Commission's report was addressed. Mr. Strong presented reports regarding the EC's comments to Mr. Shafai. Mr. Shafai advised that if the applicant answered "YES" to any question on the checklist, the applicant must prepare an EIS. Mr. Pape stated that the Township's application does have a category where you go through the environmental impacts. The Township's Ordinance for a checklist for variances was discussed and Attorney Vella advised that from a legal standpoint, the checklist requirement ordinance has to list what has to be required for completeness. Engineer Shafai goes through the EC report and addresses their issues as it may pertain to the necessity of providing an EIS. Does the EIS answer the questions that they have? It addresses the NJDEP's role in the approval of this application. These permits are the key to the completion of this project.

The Board wanted to know what the EC's and Shade Tree's involvement would be for a single-family residence. Mr. Pape would meet with the EC at the 6/11/07 Meeting to discuss this project regarding their concerns. Engineer Shafai stated that the NJDEP would be involved with this application on several levels.

Location of the home was discussed. Mr. Pape stated that the location of the home was chosen for optimum use of the land. It is not an area subject to

erosion. Mr. Pape referred to Exhibit A-8 to illustrate. Mr. Shafai concurred with that assessment. No houses are affected by the location of the house. Chairman Novellino and Mr. Bailey advised that they had visited the property. Chairman Novellino indicated he concurred with the applicant's description of the terrain.

The further subdivision of the land was discussed. This would be an issue for a later time. Mr. Coppola stated that a condition of subdividing the property would be acquiring land from adjacent properties in order to access a public road. Applicant agreed to that condition. Attorney Vella stated that the easement provided is for a single-family residence.

At 8:52 p.m., Chairman Novellino opened the application to the public.

Sworn in, Jack Kaye of Beechwood Lane in Perrineville. He referred to Exhibit A-6, showing the Board where his home is contiguous to the proposed project. He offered that he is in favor of the application stating that it is an improvement to what is there now.

Sworn in, Gary Mangino Beechwood Lane, Perrineville. He advised that he is the former owner of Beechwood Lane subdivision. He has a neighboring 19- acre lot, referring to Exhibit A-6 to illustrate where he resides. He stated his support of the application and he explains the past problems on the property such as trespassing, persons dumping garbage, and other problems that occur on an unattended piece of property.

Sworn in, Pat Butch, Prodelin Way, Perrineville. She is the Chair of Open Space & Farmland Preservation (OSF&P). She explained the bridle path trail easements, referring to Exhibit A-6, and how they connect in the area. She offered her appreciation to the Cardinales for working to help with a connection to put 20 miles of trails together in the Township.

At 9:04 p.m., Chairman Novellino closed the public portion and asked the Board if they had any comments. Mr. Lambros asked about the size of the proposed home. Engineer Shafai advised that it would meet the setback requirements.

Attorney Vella read the conditions of approval, including applicant is to meet the technical comments of the reports of the Board Engineer and Planner, the existing structure is to be demolished, the well is to be closed, the old septic system is to be closed per the MCBOH, Mr. Coppola's suggested language concerning the easement, outside agency approvals, NJDEP approvals, the applicant will work with OSFP regarding the determination of the trail easement location, etc.

Mr. Lambros arrived too late to be eligible to vote.

Mr. Curcio made a Motion to approve as conditioned and Mr. Iradi offered a Second. Roll Call vote: Curcio, Iradi, Devine, Barthelmes, Morelli, Bailey and Novellino voted yes to approve.

NEW BUSINESS:

The Board discussed the need to have a designated member as the liaison with the EC. Mr. Vella discussed this with the Board. Chairman Novellino will meet with the EC Chair. The Board unanimously agreed to have Mr. Novellino act as the Board's liaison.

Attorney Vella discussed the request for an EIS on single-family homes or on a case-by-case basis and he suggested case-by-case.

At 9:20 p.m., Mr. Morelli made a Motion to go into executive session to discuss pending legal matters and Mr. Morelli offered a Second and by unanimous vote, the Board voted to go into executive session. Mr. Bailey left the courtroom and the room was cleared of the public prior.

At 9:35 p.m., the Board returned to the regular session and by Motion of Mr. Iradi and a Second offered by Mr. Curcio and by unanimous roll call vote, the meeting was adjourned.

Respectfully submitted,

Pamela D'Andrea
Board Secretary