

**CALL TO ORDER:**

Mr. O'Leary called the meeting to order at 7:35 p.m. and stated it was open to the public in compliance with Public Law 1975, Chapter 231, sections 4 & 13.

**FLAG SALUTE**

**ROLL CALL:** Members Present: Hughes, Luthman, Corcoran, Leuthe, Didyk, Taylor, Henderson, O'Leary.

Members Excused: Fette, Van Sickle, Jansen

Members Absent: None.

Also Present: Ursula Leo, Esq.  
Nevitt Duveneck, PE

**MINUTES:** November 14, 2013.

A motion to approve the minutes of November 14, 2013 was made by Mr. Corcoran. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Taylor, Henderson, O'Leary.

**COMPLETNESS/ HEARINGS/ CONCEPT:**

1.) DePasquale, Steven      B:29 L:5      VAR13-2

Mr. Steven Schepis, Esq. said he was representing the applicant. He said the lot is existing and they were seeking a "c" variance and explained the existing setbacks and what the applicant was requesting from the Board.

Mr. Steven DePasquale of 135 Jefferson Place, Totowa, NJ is the owner of the property and was sworn in by Ms. Leo. Mr. DePasquale explained his plans to build a house for his family and parents to occupy. He explained the contours of the property to the Board.

Mr. Chris Melick, PP of 602 Boozer Lane, Hillsborough, NJ was sworn in by Ms. Leo. He gave his qualifications which were accepted by the Board. He said he was involved in preparing the plan.

Mr. Melick presented a color aerial of the property which was taken from the D.E.P. website which was marked and entered as exhibit A-1. He explained the photo to the Board. He explained the location of the property and the location of the proposed house. Mr. Melick said the proposed house would not be visible from the existing neighboring houses. He said he felt there is no impact to the neighbors if the Board granted the variance. He explained the surrounding properties to the Board. He explained the wetlands in the area to the Board. Mr. Melick did obtain a letter of interpretation and permit from the D.E.P.

Mr. Melick presented a marked up copy of the plan that was submitted with the application dated 9/9/13 which was marked and entered as exhibit A-2. Mr. Melick explained the plan to the Board. He explained the wooded area between the proposed house and the houses to the north of the property.

Mr. Melick presented an alternate plan which showed the proposed house conforming to the setbacks which was marked and entered as exhibit A-3. He explained the need for more excavation around the house to build it to conform to the setbacks. He said a stone row and large mature trees will need to be removed.

Mr. Melick said there will be no substantial negative impact to the area or the zone plan.

Mr. O'Leary asked why the house could not be moved back further. Mr. Melick said there would be substantial grading needed and possibly the installation of a retaining wall.

Mr. Melick presented the architectural plans prepared by Eric Gitomer Architect, LLC which was marked and entered as exhibit A-4. Mr. DePasquale explained the layout of the house. He said they are putting two of the bedrooms on the main floor and two on the upper level. He said they are proposing a four car garage. Mr. Melick said the orientation of the proposed house is in such a way to maximize the view. Mr. Duveneck said when he did the site visit he did see that the house would sit in a bowl shape impression on the property and the he could not see the neighboring houses. There was a lengthy discussion on the possibility of shifting the house so it would conform to the setbacks. Mr. Taylor suggested that the applicant move the garage to the rear of the house. Mr. Duveneck said that would result in having a larger driveway.

Mr. Hughes asked about the square footage of the proposed house to which Mr. DePasquale said it will be 4200 square feet. Mr. Hughes asked if the driveway is wide enough for emergency equipment. Mr. Melick explained the driveway to the Board. Mr. Duveneck said if the driveway needs to be widened it will be part of the final sign off before a certificate of occupancy is issued.

Mr. Hughes wanted to make sure the applicant was aware of the quarry and the approved solar farm that was in close proximity to his property. The applicant was aware of the quarry and solar farm.

Mr. O'Leary asked if the house could be rearranged so more of the square footage would be in the rear area of the house. Mr. Melick said the applicant would have fewer windows in the house and they would still be fighting with the steepness of the rear yard area.

Mr. Luthman felt that the house could be built without any variances and said that the applicant's expert testified to that fact. There was a lengthy discussion on proposed size of the house and the topography of the lot.

Mr. O'Leary opened the meeting to the public. With nobody present, the meeting was closed to the public.

Mr. Schepis made a closing statement. He said there is no practical benefit to the grading that would be required to make the house conforming to the setbacks. He went over the positive and negative criteria with the Board. He felt this was better zoning than the compliant plan with the additional grading and tree removal.

Ms. Leo went over the conditions of approval if the Board voted in favor of the application.

Mr. Taylor felt the variance was a self-created hardship. There was a discussion if the applicant had met the negative and positive criteria.

A motion to grant a "c1" variance with an updated driveway permit and stormwater permit if needed was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Corcoran, Didyk, Leuthe, Henderson.

Those voting in the negative were Mr. Luthman because he felt the application was a "c2" variance and not a "c1" variance. Mr. Taylor and Mr. O'Leary also vote no on the application.

2.) Advance Housing B:32 L:21.06 FSP13-4

Mr. O'Leary gave a brief history of the project. Mr. Duveneck went over his report.

A motion to deem the application complete and grant the waivers as requested by the applicant was made by Mr. Hughes. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Luthman, Corcoran, Leuthe, Didyk, Taylor, Henderson, O'Leary.

A motion to deem the application for final major site plan complete was made by Mr. Corcoran. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Luthman, Corcoran, Leuthe, Didyk, Taylor, Henderson, O'Leary.

**AUDIENCE:**

Mr. O'Leary opened the meeting to the public. With nobody public present, the meeting was closed to the public.

**OLD BUSINESS:**

1.) Tax Lien for Unpaid Escrow

Ms. Leo said she has done some research on this and the Board can recommend this to the Township Committee however she felt there may not be any authority for it. She felt the Board would need statutory authority. There was a discussion on imposing the lien. Ms. Leo said it is a policy decision for the Board to recommend it to the Township Committee. The Board Secretary had checked with the tax collector to see if she had any concerns with this policy and she did not. Ms. Leo said it would have to be adopted by ordinance. Mr. O'Leary noted that if someone challenged the ordinance then the township would need to defend it. The Board Secretary will send a copy of the proposed form to the Township Committee. Ms. Leo suggested it should be part of the checklists as well.

2.) Handwerg Drive Realty

Mr. O'Leary asked for an update on the Handwerg Drive Realty matter. Ms. Leo said it was in municipal court at this time.

**NEW BUSINESS:**

1.) Temporary Holiday Signs

The matter was carried to the January meeting date.

2.) Letter to D.O.T. Re: Intersection of Route 15 and 94.

Mr. Hughes explained the dangers of the intersection at Route 15 and 94. He said the Township Committee was trying to get the D.O.T. to improve the safety in that area. The Board Secretary will send a letter in support of the improvements to the intersection to the D.O.T.

Mr. Duveneck advised the Board that he had gotten a request about a piece of property bordering Frankford Township and if a street that loops back to itself would be considered a dead-end street. He said it would not be a cul-de-sac and the Board agreed.

**RESOLUTIONS:** None.

**ORDINANCES:** None

**ZONING REPORT:** None.

**BILLS LIST:** List #12

A motion to pay the bills was made by Mr. Leuthe. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, Luthman, Corcoran, Leuthe, Didyk, Taylor, Henderson, O'Leary.

**CORRESPONDENCE:**

1.) From: SC Division of Planning  
Re: Preliminary Site Plan

2.) From: Jeff Fette  
Re: Letter of Resignation

**ADJOURNMENT:**

With no further business to come before the Board, a motion to adjourn was made by Mr. Hughes. It was seconded by Mr. Corcoran and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo  
Secretary