Vice-Chairman Senders called the Board of Adjustment Meeting of July 21, 2004 to order at 7:30 P.M. announcing that this meeting had been duly advertised according to Chapter 231, Open Public Meetings Act. The meeting took place at the Municipal Building in the Court Room.

PLEDGE OF ALLEGIANCE

ROLL CALL:
Greg Bonin- Present
Rick Nunn- Absent
Charles Senders – Present
Jo-Ann Delasko (Alt. #1) – Present
Barry Quick (Alt. #2) - Present
Walter Dietz- Present
Vince Canterelli – Present (7:35)
Mark Tomczak – Present
Chairman Paul Drake – Present (7:35)

Also in attendance was Karl Kemm, Board Attorney, Mark McCloskey, Zoning Officer, Mark Zelina, Board Engineer and Lucille Grozinski, CSR.

Chairman Drake arrived and resumed Chair for the meeting

ACCEPTANCE OF MINUTES
♦ May 19, 2004
Ms. Delasko made a motion to approve the minutes of May 19, 2004, as written, seconded by Mr. Dietz- Motion carries

♦ July 7, 2004
Mr. Bonin made a motion to approve the minutes of July 7, 2004, as written, seconded by Mr. Dietz- Motion carries

ACCEPTANCE OF RESOLUTIONS
♦ CASCIO– BA-01-18
Ms. Delasko made a motion to approve, as written, seconded by Mr. Dietz
ROLL CALL:
Greg Bonin- yes, Charles Senders – yes, Walter Dietz- yes, Jo-Ann Delasko (Alt. #1) – yes, Mark Tomczak-yes, Chairman Paul Drake – yes
Motion carries

♦ MARTIN – BA-04-16
Ms. Delasko made a motion to approve, with changes, seconded by Mr. Senders
ROLL CALL:
Greg Bonin- yes, Charles Senders – yes, Jo-Ann Delasko (Alt. #1) – yes, Barry Quick- yes, Mark Tomczak-yes, Chairman Paul Drake – yes
Motion carries

♦ DOG DAYS DAYCARE BA-03-43
Mr. Tomczak made a motion to approve, with changes, seconded by Mr. Senders
ROLL CALL:
Charles Senders – yes, Jo-Ann Delasko (Alt. #1) – yes, Mark Tomczak-yes, Chairman Paul Drake – yes
Motion carries

♦ NYSMSA-VERIZON – BA-04-6
Ms. Delasko made a motion to approve, with changes, seconded by Mr. Senders
ROLL CALL:
Charles Senders – yes, Jo-Ann Delasko (Alt. #1) – yes, Walter Dietz-yes, Vince Canterelli- yes, Mark Tomczak-yes, Chairman Paul Drake – yes
Motion carries

BOARD OF ADJUSTMENT BUSINESS
♦ Mr. Kemm presented an amendment to his contract to reflect that his firm has merged with Hoagland, Longo, Moran, Dunst and Doukas, LLP
Mr. Dietz made a motion to accept the amendment, seconded by Mr. Bonin-motion carries
Chairman Drake and Mr. Tomczak informed the Board that they will not be in attendance at the next Board meeting, which is scheduled for September 1, 2004.

Mr. Senders informed the Board that he will not be in attendance at the September 15, 2004 meeting.

Mr. McCloskey informed the Board of the possible need for a second meeting in December. It was agreed that a meeting would be scheduled for December 15, 2004 for the purpose of Board business and to finalize resolutions before the end of the year. In the event that the Courtroom is not available the meeting will be held in an alternative location and will be noticed accordingly.

BUSINESS FROM THE FLOOR
None

APPLICATIONS

COURTYARD AT AMWELL - BA-03-30 - Block 163, Lot 13 - Use variance to permit a 48-unit age restricted complex - carried from May 5, 2004

William Savo, Attorney for the Applicant, appeared. Mr. Savo informed the Board that the plans have been revised and the proposed project now includes the adjacent property. This is the second hearing on the matter which was first before the Board on May 5, 2004.

Exhibits introduced:
A-6 architectural rendering of front of proposed building with stone
A-7 architectural rendering of front of proposed building with brick
A-8 architectural rendering of rear of proposed building with stone
A-9 Floor plan- basement
A-10 Floor plan-ground floor
A-11 Floor plan-second floor
A-12 Floor plan-third floor
A-13 rendering of revised variance plan
A-14 “HOO” ordinance and standards
A-15 Aerial photo- subject lots and surrounding area

Larry Gardner, Applicant appeared and was sworn
John Sabatini, Architect appeared and was sworn

Mr. Gardner addressed the Board and presented a summary of the project including the floor plan and amenities that would be provided to the residents of the building. This will include an outdoor pool, tot lot for grandchildren, various meeting rooms, card room and fitness room. Two architectural renderings were presented to show the Board how the building would appear if it were built with a stone front or a brick front. Since the first hearing, the neighboring property has been acquired and integrated into the development of the site.

Open to public-The following people appeared:
Michael Karpoff, attorney on behalf of Claremont Hills and Bob Elwood

Robert Heibell, P.E. appeared and was sworn
Testimony and discussion included:
- The plan has been revised and now includes lot 12. This increases the lot area to a total of 5.17 acres whereas the prior plan included only lot 13 (3.8 acres). This reduces the percentage of impervious surface and eliminates the need for the coverage variance that was previously requested.
- A cross access easement is proposed along the westerly lot boundary which can be utilized at the time lot 11 is developed.
- Per the request of the Fire Official a 16’ wide grass-paver emergency access drive around the entire building will be provided.
- 96 parking spaces are proposed-allowing for 2 spaces per unit.
Open to public for questions of the testimony. The following members of the public appeared: Bob Elwood, Guy Watson, Michael Karpoff and Steve Lucash

Kenneth Newman, P.E.- traffic engineer appeared and was sworn
Testimony and discussion included:
♦ The prior traffic study that was conducted for the office application (2000) was submitted to Somerset County for review. The County has recently done a traffic count along Amwell Road and compared the findings from the two studies. The County has accepted the original analysis provided the applicant supplement it with a weekend traffic count. The Applicant did a Saturday analysis to satisfy this condition from the County.
♦ The amount of trips during peak times will be less for this project than the previously approved office/medical development.
♦ Somerset County will not restrict egress to left out only- there are adequate gaps in the traffic to permit left and right turns onto Amwell Road.

Open to public for questions of the testimony. The following members of the public appeared: Steve Lucash, Guy Watson, Michael Karpoff and Steve Lucash

Richard Gullick P.P., appeared and was sworn
Testimony and discussion included:
♦ A d(1) use variance is required to permit the proposed residential use in the "HOO" zone
♦ A bulk variance is requested to permit an 18’ buffer where 35’ is required.
♦ The proposed density is 8.4 du/acre, which is compatible and similar to the density in the surrounding "PD" and "TC" zoning district
♦ The project is in close proximity to community and public services including the high school, post office, Amwell Mall, Nelson’s Corner and Kingsbridge Center, which are all within 1 mile.
♦ The FAR regulation should not be applicable for a residential project- FAR maximums are usually applied to non-residential development. There is no FAR standard for any of the Townships residential zones

Mr. McCloskey informed the Board that the proposed FAR (whether the Board determines it applicable or not) is 0.27 and was calculated because all past applications in the “HOO” zone have had the underlying “HOO” zone regulations applied to their projects. The permitted FAR in the “HOO” is 0.04.

To provide an equal amount of time for each Applicant the Board agreed to carry this application to October 20, 2004- planning testimony will be continued at the next hearing. Applicant has agreed to an extension of time for the date of decision. Application carried to October 20, 2004.

RAKSA, WALTER - File #BA-04-10 - Block 168, Lot 10.01 - Property located on Wertsville Road - Bulk variance for construction of single family dwelling

Francis Linnus, Attorney for the Applicant, introduced and summarized the application. The Applicant has attempted to both obtain additional property and has offered to sell the vacant lot pursuant to case law with regard to undersized isolated lots. Purchase attempts were unsuccessful and there was no interest from adjacent owners to buy the lot.

Exhibits Introduced:
A-1 Correspondence buy/sell offers
A-2 Various photographs

Michael Ford, P.E., P.P., was sworn and presented testimony in support of the variances
Testimony and discussion included:
♦ Planning and zoning overview and summary of existing conditions of the general neighborhood and adjacent properties.
♦ The property is a 2.9995 acre lot and is located along Wertsville road within the "AG" Agricultural zoning-district where 10 acres is required for single-family dwellings.
♦ The lot was created by a subdivision that was approved by the Hillsborough Planning Board in 1967
♦ The following variances are requested:
- Lot area deficiency of 7+/- acres
- Lot width of 200’ where 400’ is required
- Front yard setback of 75’ where 150’ is required
- Side yard setback of 50’ where 75’ is required

♦ The setbacks and lot dimensions are consistent with the requirements for similar sized “grandfathered” lots with existing dwellings in the “AG” zone and within the area of the subject property.
♦ Septic testing has been conducted- the system design has been submitted to the Health Department and was approved pending Board of Adjustment approval of the variances.
♦ A grading plan will be generated prior to obtaining building permits. Grading will be designed in a manner not to impact adjacent properties.
♦ An L.O.I has not been previously submitted because there is no indication of wetlands on the lot. Soil logs indicated no presence of groundwater above 30”.

Walter Raksa - Applicant/owner, was sworn and presented a brief summary of the subject lot. Mr. Raksa purchased the property shortly after the lot was created by the subdivision in 1967.

Open to public for questions and comments: the following members of the public appeared and were sworn Margaret Harmsen, Judith Glassgold and Christian Jensen

Close to public
Ms. Delasko made a motion to approve the application with conditions, seconded by Mr. Senders

ROLL CALL:
Mr. Bonin - yes
Mr. Senders – yes
Ms. Delasko – yes
Mr. Dietz - yes
Mr. Canterelli - yes
Mr. Tomczak – no
Chairman Drake – no

Motion carries- variances granted to permit the construction of a single-family dwelling on the subject 2.9995 acre lot in the “AG” zone where 10 acres is the minimum required.

Conditions of approval:
♦ Current survey to be submitted
♦ Approval subject to findings of Letter of Interpretation
♦ Drainage not to impact adjacent properties- use of swales, drywells or the like shall be permitted if required
♦ Construction to begin within one year after L.O.I is received from NJDEP and construction to be completed 2 years after that date

R & J BUILDING ENTERPRISES - BA-04-9 - Block 167, Lot 13.01 - Property located on Montgomery Road - Bulk variance for construction of single family dwelling on an undersized lot Carried to September 1, 2004

ADJOURNMENT- 11:15 P.M.
Submitted by,

Mark A. McCloskey