

CORRESPONDENCE:Handouts:

List of Board Solicitor vouchers dated July 9, 2014.

List of Board Engineer vouchers dated July 10, 2014.

List of Hatch Mott MacDonald voucher dated July 10, 2014.

Chairman Hanson read the agenda for the benefit of the public.

Mr. Brand made a motion to approve the minutes from the June 5, 2014 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

Mr. Brand made a motion to approve the resolutions from the June 5, 2014 meeting. The motion was seconded by Mr. DiStefano. Motion carried.

Mr. Armbruster made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. Waterman. Motion carried.

Mr. Waterman made a motion to approve Board Engineer vouchers. The motion was seconded by Mr. Armbruster. Motion carried.

Mr. Armbruster made a motion to approve Hatch Mott MacDonald vouchers. The motion was seconded by Mr. Waterman. Motion carried.

3. Extension of use variance & site plan approval, submitted by David & Donna Burkhardt for the location known as Block 496.01, Lot 11.04, 252 Fishing Creek Road.

Mr. David Burkhardt, applicant, was sworn in by Chairman Hanson.

Mr. Burkhardt explained he would like a three-year extension of his use variance and site plan previously approved by the Board.

Mr. Galestok explained that he is assuming that the project hasn't been built because of

the economy. Mr. Burkhardt explained that he is not where he would like to be financially. Mr. Galestok explained it has been standard for the Board to grant a three-year extension.

Mr. Brand made a motion to approve a three-year extension. The motion was seconded by Mr. Armbruster.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

1. Hardship variance application to construct an addition encroaching into the side yard setbacks, submitted by Joe & Karen Woulfe for the location known as Block 497.06, Lot 11, 141 Briarwood Drive.

Mrs. Karen Woulfe, applicant, was sworn in by Chairman Hanson.

Mrs. Woulfe explained they would like to construct an addition to the rear of the house. She explained their family is growing and they need additionally room.

Mr. Galestok explained most of the lots in this area are of this size. He explained the zoning was changed to one acre. He explained this could be looked at like R-3 setbacks.

The Board asked Mr. Galestok with the shape of the proposed addition, could the house be squared off without having to come back before the Board? Mr. Galestok explained they could, but it wouldn't worry him if they did. He explained it wouldn't change the setbacks.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Waterman made a motion to conditionally approve this application. The motion was seconded by Mr. Brand.

VOTE:	Mr. Armbruster	YES	Mr. Brand	YES
	Mr. DiStefano	YES	Mr. Utsch	YES
	Mr. Waterman	YES	Mr. Sweeten	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

Mr. Armbruster excused himself for the rest of the meeting.

2. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by Dan Metzler for the location known as Block 512.08, Lot 2995, 412 Hollywood Road.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicant.

Mr. Dan Metzler, applicant, and Mr. Bill Sweeney, Licensed Land Surveyor, were sworn in by Chairman Hanson.

Mr. Dwyer explained this was an isolated undersized lot. He explained there is no ability to add land to this lot. He explained the lots all around are developed.

Mr. Sweeney explained all the lots in this area are non-conforming in area. He explained what is proposed would be consistent with the neighborhood. He explained the proposed house would meet all the requirements for the zone.

Submitted into evidence was the subdivision plan of the area.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Waterman made a motion to conditionally approve this application. The motion was seconded by Mr. Brand.

VOTE:	Mr. Brand	YES	Mr. DiStefano	YES
	Mr. Utsch	YES	Mr. Waterman	YES
	Mr. Sweeten	YES	Mr. Collins	YES
	Chairman Hanson	YES		

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

4. Appeal decision of zoning as to merger. Hardship variance application to construct a single family dwelling on a lot deficient in lot area, frontage & width, submitted by JEL Fowler Properties, LLC for the location known as Block 533.01, Lots 93 & 95.02, 4 & 6 Folsom Road.

Mr. DiStefano excused himself from this application due to a conflict of interest.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicant.

Ms. Linda Barr and Ms. Elizabeth Stokes, applicants, and Mr. Hal Noon, Licensed Land Surveyor, were sworn in by Chairman Hanson.

Mr. Dwyer explained the house has been in the family since 1979. He explained the vacant lot next to the house lot was purchased in 1980. He explained it has maintained it's own identity with both being assessed separately. He explained his clients thought they had two separate lots. He explained he has researched the law and found a recent Supreme Court case that he feels pertains to this application as far as the lots not merging. He explained the case law explained that if there is an adjacent conforming lot and adjacent lots are non-conforming, there is no merger. He explained he feels this is the case with these properties.

Mr. Harvatt explained he feels it is the exact opposite. He explained he believes there is a merger for a reason. He explained he would like to read that section of the law before advising the Board.

The Board asked if there was anything in the law about being assessed as a buildable lot? Mr. Harvatt explained he didn't know of anything.

Mr. Galestok explained he has another similar situation where there is a conforming lot and they want to sell a small non-conforming section without a subdivision. Mr. Dwyer explained he feels that could be done if it falls within the criteria of the Court ruling.

Mr. Harvatt explained he wants the time to read the case. He explained he doesn't feel comfortable giving the Board advise without reading it.

Mr. Galestok explained he had originally sent this to the Planning Board Solicitor along with copies of the deed that said proposed subdivision. He explained he asked about suppling the subdivision and didn't hear anything more about it.

There was a discussion that if one owns property that conforms and the non-conforming lots next to it are purchased in the same ownership, all the lots merge together.

Mr. Dwyer explained he would continue the application until the August 7, 2014 meeting, agreeing to waive time constraints.

Mr. Waterman made a motion to adjourn at 7:35 P.M. The motion was seconded by Mr. Brand. Motion carried.

Respectfully submitted,

Lisa A. Schubert,
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.