

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of January 5, 2005 to order at 7:15 p.m.

MEMBERS PRESENT:

Present: Elliott Averett, Morris Bauer, Felix Graziano,
Harvey Ort, Craig Schwemmer, John Turick
Alternate Members: Anthony Spina, Dorothy Walter
Members Absent:
Others Present: Clerk Kesper, Attorney Fraser, Engineer Hall

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

- Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 17, 2004 and posted on the Bulletin Board on the same date.

MINUTES

1. December 1, 2004 Regular Minutes

Mr. Schwemmer made a motion to approve the minutes, seconded by Mr. Graziano. Minor corrections were made. A voice vote was taken; all were in favor and the motion carried.

RESOLUTIONS

05-06 2004 Year End Report

Mr. Ort made a motion to adopt resolution 05-06 and send the report to the Township Committee and Planning Board, seconded by Mrs. Walter. A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Ort, Schwemmer, Turick, Spina, Walter
Nays: None Abstentions: None Absent: None

05-07 Delaney – Block 12.01, Lot 45 - 5 Rachael Court – R-1 Zone - .98
acres – Request for front yard setback variance – Expires March
22, 2005

The resolution was reviewed.

Mr. Ort made a motion to approve resolution 05-07 seconded by Mr. Bauer. A roll call vote was taken:

Ayes: Bauer, Averett, Graziano, Ort, Schwemmer, Turick
Nays: None Abstentions: None

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

**COMPLETENESS
DETERMINATION**

1. Sixteen Hands Farm – Block 34, Lot 1.01 - Fairmount Road – R-5 Zone 43.83 acres – Request for conditional use D variance, preliminary and final site plan for private equestrian facility – Completeness Hearing

James Laughlin, Applicant's Attorney
John Hansen, Applicant's Engineer

Mr. Hansen referred to Mr. Hall's letter of January 3, 2005 regarding completeness and his fax of today in response and asked for a waiver for completeness on the open items. Mr. Hansen explained to the board the flood hazard area analysis done on the farm across the street and it was his opinion that there is no flood hazard area in the land proposed to be developed by this application.

Mr. Hall disagreed with the flood hazard area as explained by Mr. Hansen and stated that if the board wanted to waive this issue for completeness he wanted to see this information before the board took action on the application.

Mr. Hansen referred to the Valley Shepard site plan and reiterated his opinion on the flood hazard area. He answered the board that the area in questions is 1000' – 2000' from the proposed development. He was willing to add 50' to 100' buffer to the wetlands buffer.

Mr. Hall was satisfied with this suggestion for completeness only.

The other items on completeness were reviewed. Mr. Hansen stated he would supply the missing items on the plans with the next set of revisions.

The fire department letter was reviewed and it was noted that they have request for a fire hydrant by the barn.

Mr. Hansen asked for a waiver for completeness and stated that the applicant would try to comply with the request of hydrant placement.

Mr. Hansen asked the board for a design waiver on the meadow calculation for stormwater management. He explained the reasons for using the meadow concept and why this application is different and should be waived. He asked to use rotation meadow calculation method.

Mr. Hall explained the differences in this plan and the Valley Shepard property. He explained the February 2004 stormwater regulations. He was concerned with the impact on downstream neighbors and did not want to waive this requirement on everything. He wanted the meadow concept used for the areas of impervious coverage.

Mr. Laughlin stated that he would have Mr. Hansen meet with Mr. Hall to work this out.

Mr. Ort made a motion to deem the applicant complete subject to the waivers discussed this evening, seconded by Mr. Schwemmer. A voice vote was taken, all were in favor and the application was deemed complete.

2. Rin Robyn Pools – Block 2, Lot 5 – Route 46 – C-1 Zone, .807 acres – Request for Floor area ratio variance, setback variances and Preliminary and Final site plan for expansion and renovation of existing office/retail building, including parking and signs.

Michael Selvaggi, Applicant's Engineer
John Hansen, Applicant's Engineer

Mr. Hansen referred to Mr. Hall's letter of January 5, 2004 and stated that he would comply with items A-G of the letter. The applicant was seeking a waiver for DIS for completeness due to the developed nature of the site. He answered Mr. Hall that the applicant would provide a letter from an environmental professional stating that there are no wetlands on the site.

Mr. Hall was agreeable to waive the DIS for completeness only as long as the applicant submitted the information under the water quality section of the DIS. He stated that he was concerned with the water quality due to the location of this property to the river. He also requested that the

architectural plans be revised to show dimensions inside and outside as they were void not provided on the plans submitted.

Mr. Hansen agreed to do this.

Mr. Selvaggi asked to be put on the next agenda for another completeness review and be scheduled for a public hearing as well.

Mr. Ort made a motion to deem the application incomplete, seconded by Mr. Schwemmer. A voice vote was taken; all were in favor and the motion carried.

APPLICATIONS

1. Ridley – Block 42.02 Lot 13 - 39 Flintlock Drive – R-1 Zone – Acres - Variance Request for Side Yard Setback, Insufficient Lot Size and Expansion of Non-conforming structure

Tracey Ridley, Applicant
Claudia Ridley, Applicant

Tracey and Claudia Ridley were sworn in by Attorney Fraser.

Mr. Ridley explained to the board that they wanted to add a deck to the rear of their home but that this would violate the side yard setback as his house sits within 19' of the side yard. He noted that the original side yard setback when the house was built were 15' and now they are 25'. The deck will be 17.61' from the property line. The deck will not be closer to the property line than the house.

The marked up survey was reviewed.

Mr. Ridley stated that the proposed deck would extend back 30' and be 24' wide.

Ms. Ridley stated that they do not propose to go beyond the footprint of the current house.

Mr. Hall stated that the depth of the house is 25' and that due to the angle of the property line and existing house the deck would be 15' from the side property line.

Mr. Ridley amended his application and asked for a setback of not less than 14.5'. He answered the board that the house is served by city water and sewer.

The meeting was opened to the public for questions and comments on this application. There were no questions or comments from the public and the meeting was closed to the public.

Mr. Bauer made a motion to approve the application for a setback of not less than 14.5', keeping the deck in line with the house. Seconded by Mr. Averett.

Ayes: Bauer, Averett, Graziano, Ort, Schwemmer, Spina, Turick
Nays: None Abstentions: None

2. Booth – Block 22, Lot 30.07 – 11 Partridge Lane – R-1 Zone – 1.08 acres – Request for Side Yard Setback for garage – Expires April 16, 2004

Evette Booth, Applicant
Glenn Booth, Applicant

Evette and Glenn Booth were sworn in by Attorney Fraser.

Ms. Kesper stated for the record that she is a neighbor of the applicant.

Mr. Booth stated that they would like to add a garage at the top of the driveway, which would bring the garage within 17.5' of the side property line. He explained that when this development was built the side yard setback requirement was 25'. He stated that they wanted to convert the existing garage into living space.

Mr. Booth referred to the plans submitted to the board and stated that the proposed garage would face the street. The existing garage would become a laundry room and expansion of the family room.

Mr. Booth submitted photographs of surrounding homes with similar additions, which were marked A-1.

Ms. Booth answered the Board that the addition would be similar to the other homes in the area and would match their existing home.

Mr. Booth stated that the entire house would be resided with the addition. He pointed out the existing hedgerow between his home and the neighbor.

The meeting was opened to the public for questions and comments. There were no questions or comments from the public and the meeting was closed to the public.

Mr. Averett made a motion to approve the application as presented, seconded by Mr. Bauer

Ayes: Bauer, Averett, Graziano, Ort, Schwemmer, Spina, Turick
Nays: None Abstentions: None

3. Basile – Block 4 Lot 7.04 – 74 Route 46 – C-2 Zone, 1.65 Acres - Request for preliminary and final site plan for used car dealership – Previously heard – Expires February 3, 2005

Michael Selvaggi, Applicant's Attorney
Sean Fanching – Applicant's Engineer
Charles Basile – Applicant

Mr. Selvaggi briefly reviewed the previous testimony and stated that the applicant is in the process of finalizing the easement from the adjoining property owner, Claremont Valley LLC. He presented correspondence to the Board on this which was marked A-5. He asked that an approval be made subject to the finalization of the easement.

Ms. Fraser stated that the deed might have to be reviewed by Washington Township Attorney DeBona.

Mr. Selvaggi addressed the geo-technical reports. He asked that a condition of approval be that they comply with Dr. Oweis's comments. If his requirements require a revised stormwater management plan they would return to the board, but they do not believe this would be the case.

Mr. Basile stated that he did not have architectural plans to present but that nothing is changing to the building except the garage doors.

The meeting was opened to the public for comments and questions. There were no questions or comments from the public and the meeting was closed.

Mr. Selvaggi stated the applicant would submit a maintenance plan for the dry wells.

Mr. Hall reviewed his October 1 report and the agreements made by the applicant at the October 6, 2004 meeting including the condition regarding lighting and being able to have half of the lights off at one time and that a lighting inspection be made prior to CO.

Mr. Banisch reviewed the natural heritage letter regarding endangered species. He also noted that this area is in the planning area of the Highlands legislation.

Mr. Hall reviewed the pre-existing variances and waivers required for this application and the testimony heard at the October 6, 2004 meeting.

Ms. Fraser reviewed the conditions of approval discussed this evening and October 6, 2004. Health, lighting, Dr. Oweis, stormwater management manual, drainage easement approval.

Mr. Ort made a motion to authorize the attorney to draft a resolution of approval including the conditions discussed this evening and prior meetings. Seconded by Mr. Graziano. A voice vote was taken; all were in favor and the motion carried.

Eligible: Bauer, Averett, Graziano, Ort, Schwemmer, Spina, Turick, Walter

4. Sixteen Hands Farm – Block 34, Lot 1.01 - Fairmount Road – R-5 Zone 43.83 acres – Request for conditional use D variance, preliminary and final site plan for private equestrian facility – Public Hearing if deemed complete

James Laughlin, Applicant's Attorney
John Hansen, Applicant's Engineer
Hope Greenfield, Applicant

Mr. Laughlin reviewed the application before the board. He noted that this property is part of the county agriculture preservation program and that the county approved this use in July.

Hope Greenfield and John Hansen were sworn in by Attorney Fraser.

Ms. Greenfield stated that she wants to develop a small horse farm to raise and train horses. She will be boarding some horses. They are not proposing to use the property for any shows. It will be a small breeding and training farm. She proposes to have a maximum of 12 horses with 12 stalls. It was her opinion that 44 acres would support the 12 horses. 15 acres would be in pasture and that there was potential of more pasture area in the north field. The land available totals more than one acre per horse and allows for rotational use of the pastures to maintain the grass cover. The main building would be a 12 stall barn, with a tack room with a one room apartment above, an indoor ring, a small house for the farm manager. She has met with Dolores Pecorari, Township Tax

January 5, 2005

Assessor regarding the housing and explained that they would not both be used all the time; at least three months a year one would be vacant. The indoor arena has no viewing area as there will be no shows. There are no bleachers or any viewing areas in the outdoor area either. There will be no shows. Regarding the animal waste her plan is to have the manure removed. A concrete pad with walls on the sides will be used to store the manure for removal.

Ms. Greenfield answered Mr. Schwemmer that she currently has four horses at this time, but she plans to breed. Her trainer will have her own horses and four to five horses will be bordered. There would be a maximum of six people coming to the facility on a regular basis. The trainer would be riding and training Ms. Greenfield's horses as well as her own horses. She will not be offering riding lessons. She explained that horses in training go to Florida for the winter and the trainer would follow the horses. She explained she needs to living areas; the trainer does not take care of the stalls and maintenance and the person that would do that work would not be related to or living in the house with the trainer.

Ms. Greenfield answered Mrs. Walter stated they will meet construction codes for safety of an apartment over a barn.

Ms. Greenfield stated that she rides competitively, dressage and jumping, and the horses are trained for this competition.

Ms. Greenfield stated that the Morris County Agricultural Development Board recommended spreading the manure but did not require it as a best management practice. She answered Mr. Hall that the maximum number of employees on site daily would be two or three. The borders would ride occasionally and it would be rare to have all the employees, herself and the borders on site at one time.

Mr. Hansen stated that they would be presenting testimony on the manure handling and storage at the next meeting.

Ms. Greenfield stated that the horse trailer transport could be either a small two-stall truck or a large trailer. She clarified that there would be a least one person on site 12 months of the year, just both housing units would not be occupied for 12 months. She answered Mr. Banisch that the MCADB saw and approved the plans before the board.

The meeting was opened to the public for questions and comments on this application.

Phil Hoekstra- 75 Fairmount Road asked if the approval would have a restriction that no public events would be held. He asked about the lighting.

Mr. Schwemmer stated that this would be part of any resolution of approval especially as it relates to the parking on site.

Mr. Banisch stated that there would be testimony on the lighting in the future. He referred to the lighting ordinance that the applicant must meet.

Ms. Greenfield stated that the outdoor lighting would be just on the riding arena, not on the fields. The lighting would not be used a great deal.

There were no further questions and the meeting was closed to the public for questions and comments on this evenings' testimony.

Mr. Hansen answered Mr. Hall that that the applicant is working on a phase II geological study.

The meeting was adjourned to February 2, 2005.

5. W.P. Realty Co. – Block 30, Lot 1 – 59 Newburgh Road – OR/I Zone – Request for Certificate of Non Conforming Structure and Use for warehouse building

Application was not heard due to insufficient notice.

DISCUSSION -CORRESPONDENCE

1. Vouchers

Mr. Ort made a motion to approve the vouchers reviewed by the Chairman and found in order, seconded by Mr. Averett. A voice vote was taken; all were in favor and the motion carried.

Mr. Ort made a motion to adjourn, seconded by Mrs. Walter. A voice vote was taken; all were in favor and the meeting was adjourned at 9:50 p.m. p.m.

Virginia R. Kesper, Clerk