



**RESOLUTIONS CONT.**

**Richard & Barbara Cardinal – LUB 06-10 – Block 265, Lots 1.01 & 1.02 – West Shore Lake Owassa Road – Minor Subdivision & “C” Variance:**

The Resolution was reviewed. A Motion was made by Mr. Risdon and seconded by Mr. Martin to approve the Resolution for Richard & Barbara Cardinal for a Minor Subdivision & “C” Variance Extension. Roll Call:

YES: 7 Ayers, Kristensen, Risdon, Zappile, McDowell, Martin, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

**RETURN OF ESCROW**

**GDS Enterprises/David Licata – LUB 06-13 – Block 11, Lot 13.02 – Amended Site Plan:**

A Motion was made by Mr. Martin and seconded by Mr. Risdon to return the balance of the escrow money in the amount of \$151.65 to the applicant, GDS Enterprises. Roll Call:

YES: 8 Ayers, Kristensen, Risdon, Zappile, Gstatenbauer, McDowell, Martin, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

**BOARD BUSINESS**

**Correspondence:**

The correspondence was reviewed.

A letter dated April 28, 2007 from Maribeth Seely was reviewed regarding the lighting installed at the High Ridge Subdivision. The board asked Mr. Pellow to review the subdivision application to make sure the lighting was installed correctly. Also, it was requested that a letter be written to High Ridge to ask that the lighting be reduced.

**General Ordinance Review:**

Mr. Clark and Mr. Pellow indicated that there are still some changes that need to be done and asked that this matter be carried to next regular meeting of the Land Use Board.

**COAH Update:**

Mr. Clark gave an update to the board with regard to the COAH lawsuit.

**PUBLIC PARTICIPATION**

A Motion was made by Mr. Martin and seconded by Mr. Smolen to open this meeting to the public. All were in favor. The Motion was carried.

**PUBLIC PARTICIPATION CONT.**

There was no public participation.

A Motion was made by Mr. Martin and seconded by Mr. Smolen to close this meeting to the public. All were in favor. The Motion was carried.

**NEW APPLICATIONS**

**Robert & Gabrielle Bove – LUB 07-07 – Block 25, Lot 10.03 – 74 Fox Mill Road – “C” Variance:**

Appearing before the board was the applicant, Robert Bove. Mr. Bove was sworn in by the board attorney.

Mr. Clark reviewed the notice submitted by the applicant and indicated that it was adequate.

Mr. Pellow reviewed his report dated April 10, 2007 and revised May 7, 2007 as to completeness:

“1”: The applicant is proposing to construct a 1,000 square foot garage on the property, which is the third accessory structure-three are permitted. A variance is needed for the garage area: 900 square feet allowed and 1,000 square feet proposed. A variance is needed for the collective area of all three (3) accessory buildings: 1,260 square feet allowed and 2,057 square feet proposed.

“2”: The side yard setback to the garage conforms to the side yard setback for the former 1-acre zoning and former 2-acre zoning.

“3”: The application can be deemed complete as long as the following items are presented four days prior to the April 25<sup>th</sup> Land Use Board meeting. The application can be deemed complete and a waiver granted for Item #16.

“Item 16”: Plan clearly and legibly drawn or reproduced at a scale not smaller than 1 inch equals 50 feet. A waiver is required, as the 100 scale map is acceptable.

“Item 28”: Existing structures within 200 feet and distance to property line. The distance of the building on the adjoining lot to the property line is needed. This has now been shown on the revised map.

“Item 75”: Building floor plan, elevation views and first floor elevation with overall building height. Building floor plans and elevation view of the garage are required. They have been submitted. The board to review these plans.

A Motion was made by Mr. Martin and seconded by Mr. Risdon to deem this application complete with a waiver for item 16 of the checklist. All were in favor. The Motion was carried.

Mr. Pellow continued to review this report:

“4”: It appears to be quite sloping where the garage will be constructed, and a grading plan to be submitted four (4) days prior to the scheduled meeting. The revised map depicts a wall being construction behind the garage 3.5 feet high. Mr. Pellow indicated that this is acceptable.

“5”: The type of garage construction to be reviewed by the Land Use Board. The proposed garage is steel construction. Is this what the Board wants in the AR Zone. Mr.

**NEW APPLICATIONS CONT.**

**Robert & Gabrielle Bove – LUB 07-07 – Block 25, Lot 10.03 – 74 Fox Mill Road – “C” Variance Cont.:**

Bove submitted to the board a photograph of the actual shed that he is intending to install. The shed will match his house which is white siding and black trim. He indicated that the picture that was submitted with the application was a sample of the shed. The actual shed is much nicer and matches the house. This photograph was marked as Exhibit “A-1”.

Mr. Clark questioned Mr. Bove as to why he needs to have an additional accessory structure. Mr. Bove indicated that he needs to store his tractors, his antique car and motorcycles, and his children’s motor sports equipment, landscaping equipment and lawn furniture in a shed. He further indicated that he plans to remove the smaller 8’ x 12’ shed that is currently there now which can’t hold all of these items. Currently there is also a barn on the property for horses. Mr. Bove further indicated that he owns 3 horses which are not on the property at this time. He is currently using the barn for storage and needs this additional shed so he can move his horses back home. Mr. Clark questioned Mr. Bove if there is a basement in his house. Mr. Bove indicated that there is no basement.

Mr. Martin questioned Mr. Bove as to the size of his property. Mr. Bove indicated that it is 4.475 acres. Mr. Bove indicated that the proposed shed will only be visible to one neighbor, who is here this evening.

Mr. Bove indicated that the 8’ x 12’ shed that is currently on the property is going to be removed. However, he can’t remove it until the other shed is built in order to protect his equipment. Mr. Pellow indicated that he did not include the removal of this shed in his report. Mr. Bove further indicated that he plans to make it as aesthetically pleasing as possible because it is right next to his home. He plans to surround it with some shrubs. Mr. Clark asked if the landscaping is shown on the map. Mr. Bove indicated that it is not. He further stated that he will plan the landscaping.

A Motion was made by Mr. Martin and seconded by Mr. Zappile to open this matter to the public. All were in favor. The Motion was carried.

Appearing before the board was Lisa Dorans who was sworn in by the board attorney. Ms. Dorans indicated that she is the neighbor to the right of the applicant. Ms. Dorans questioned Mr. Clark if the notice that was served to the surrounding owners and in the newspaper was sufficient. Mr. Clark indicated that it was sufficient. Mrs. Dorans indicated that the shed is acceptable to her as long as he puts the landscaping that he agreed to.

There being no further public, a Motion was made by Mr. Martin and seconded by Mr. Risdon to close this matter to the public. All were in favor. The Motion was carried.

Mr. Clark summarized the application as an application for 2 “C” Variances: 1) To allow a structure of 1,000 square feet where 900 square feet is allowed and 2) The collective area of all 3 accessory buildings of 1961 square feet (after the 8’ x 12’ shed is removed) is proposed and 1260 square feet is allowed. This can be considered under either a hardship or better planning alternative for granting of the relief that is requested. The applicant needs to have some storage. He has a farming operation combined with normal residential storage and he does not have a basement in the house. A condition of the approval is the removal of the 8’ x 12’ shed, as agreed by the applicant. Mr. Clark suggested that Mr. Pellow’s office check for the existence of the landscaping as agreed to by the applicant. Another condition of the approval is that the shed color should match the applicant’s house which is white with black trim.

**NEW APPLICATIONS CONT.**

**Robert & Gabrielle Bove – LUB 07-07 – Block 25, Lot 10.03 – 74 Fox Mill Road – “C” Variance Cont.:**

A Motion was made by Mr. Martin and seconded by Mr. Zappile to approve the “C” Variances requested by the applicant with the following conditions: 1) Remove the 8” x 12” shed within 30 days after new accessory structure has a C/O, 2) Landscaping to be checked by Mr. Pellow that it was done, and 3) The shed should be white with black trim as testified by the applicant. Roll Call:

YES: 9 Ayers, Kristensen, Risdon, Zappile, Gstattenbauer, McDowell, Martin, Smolen, Dolan

NO 0

ABSTAIN: 1 Larson

The Motion was carried.

Mr. Ayers asked that Mr. Bove send a drawing to Mr. Pellow to approve the Landscaping before he plants the shrubs. Mr. Bove agreed.

Mr. Bove requested a Waiver of the reading of the Resolution in order for him to submit his application to the building department. A Motion was made by Mr. Risdon and seconded by Mrs. Kristensen to waive the reading of the resolution. Roll Call:

YES: 9 Ayers, Kristensen, Risdon, Zappile, Gstattenbauer, McDowell, Martin, Smolen, Dolan

NO: 0

ABSTAIN: 0

The Motion was carried.

**Candace Moose – LUB 07-09 – Block 7, Lot 5 – Skyline Drive – Minor Subdivision:**

Appearing before the board was the applicant’s attorney, William Haggerty, and his engineer, Owen Dykstra. Mr. Dykstra was sworn in by the board attorney.

Mr. Haggerty indicated that this is a Minor two lot subdivision without variances.

Mr. Pellow reviewed his report dated April 18, 2007 and revised May 7, 2007 as to completeness:

“2” The applicant is proposing to subdivide two (2) lots from Lot 5, Block 7. Proposed Lot 5.01 will contain 5.224 acres, and proposed Lot 5 will contain 5.224 acres. Both lots meet area and dimensional requirements for the 5-acre Traditional Development AR Zone.

“3”: The application can be deemed complete if the following items are submitted to the Board 10 days prior to the May 16<sup>th</sup> Land Use Board meeting. The application can be deemed complete subject to Items 12 and 71:

Item 12: Copy of Sussex County Planning Board application. A copy of this application to be submitted to the Land Use Board. A copy was submitted. Need approval from the County Planning Board. Mr. Dykstra indicated that they received notice that the

**NEW APPLICATIONS CONT.**

**Candace Moose – LUB 07-09 – Block 7, Lot 5 – Skyline Drive – Minor Subdivision**  
**cont.:**

application was received by the County Planning Board. They are waiting for the approval.

Item 43: Location of existing railroad, bridges, culvert, drainage pipe, water and sewer, utility poles. There is storm drainage along Skyline Drive that should be shown on the plan. Mr. Pellow indicated this was shown on the revised plan

Item 71: Written confirmation from Tax Assessor that proposed lot numbers are acceptable. Confirmation is needed from the Tax Assessor that the proposed lot numbers are acceptable. Mr. Dykstra indicated that this will be submitted.

Item 83: Copy of current deed and all easements/restrictions. Mr. Pellow indicated that a copy of the deed has been supplied.

A motion was made by Mr. Martin and seconded by Mr. Risdon to deem this application complete. All were in favor. The Motion was carried.

Mr. Pellow continued reviewing his report:

“4”: The applicant to outline the non-constrained, contiguous area on each lot. Mr. Pellow indicated that this has been done on the revised map and it is satisfactory.

“5”: The dwelling for proposed Lot 5.01 is shown being constructed on a critical area, and a variance would be needed. I recommend that the building be moved to the northeast so that it is constructed within the non-constrained area. Mr. Pellow indicated that the house has been moved out of the critical area on the revised map last revised May 2, 2007. Therefore, there are no variances are needed.

“6”: The applicant has a Letter of Interpretation (LOI) from the NJDEP which establishes 50 foot buffers, and this has been shown on the plan. There is one condition in the LOI that the wetlands adjacent to point A57 may be a vernal pool and they may investigate this further in the future, which could cause an additional buffer, but I believe that this will not affect the proposed subdivision.

“7”: The lots that have been formed are very irregular in shape. The applicant to explain. Could they be refigured to eliminate the hammerhead for proposed Lot 5 behind proposed Lot 5.01. Mr. Dykstra indicated that they wanted to maintain the 5 acre requirement for each lot. They felt that everything beyond the green line shown on the map is effectively wetlands, therefore it really made no difference. The building areas are consistent in the front portion of the property. They felt that this is an appropriate layout.

“8”: Conservation easements to be prepared for wetland areas to run with the land. Mr. Dykstra agreed.

“9”: Twenty five hundred dollars (\$2,500) to be deposited in the Township Road Trust Fund for one lot. Mr. Dykstra agreed.

“10”: COAH requirements to be adhered to.

“11”: Driveway permits to be applied for at the time of building permit application. Mr. Dykstra agreed.



