

**South Harrison Township
Planning/Zoning Board of Adjustment
November 1, 2007**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on November 1, 2007 at 7:30 p.m. in the South Harrison Township Municipal Building.

The meeting was called to order by Marc Nagtegaal, Chairperson and was followed by the flag salute.

Requirements of the "Open Public Meetings Act" were met.

Roll Call: Charles Tyson – absent, Robert Campbell – present, Gary Spinner – present, Thomas Sorbello – present, Melvin Robertson – present, Marc Nagtegaal – present, Joseph Wille – present, Louis Pollicino – present, David Wade – present, Ronald Ambruster – absent, John Coleman – present, Gary Thompson, Board Solicitor – present, James Spratt – Board Engineer – present, Robert Hunter, Planner – present, Celeste Keen, Secretary – present.

Minutes:

Motion to approve the regular minutes of August 2, was made by Thomas Sorbello, second by John Coleman. Motion carried.

Motion to approve the regular and closed session minutes of September 6, was made by Joseph Wille, second by Melvin Robertson. Motion carried.

Motion to approve the work session minutes of September 20, was made by Thomas Sorbello, second by Robert Campbell. Motion carried.

In reference to the portion of the October 4, 2007 minutes regarding onsite recreation vs. recreation trust fund, Robert Campbell inquired as to the Board's determination. It was determined that the Board would continue to request recreation trust fund contributions and using trust fund money for additional lighting within Stewart Park to make the park more welcoming.

Motion to approve the regular minutes of October 4, was made by Joseph Wille, second by Robert Campbell. Motion carried.

Old Business:

Resolution R-07-33

**Resolution Granting Preliminary and Final
Major Site Plan Approval w/Variations and Waivers
to Thomas Helwig, DMD & Roberta Helwig
Block 7.01, Lot 4**

Motion to adopt resolution R-07-33 was made by John Coleman, second by Melvin Robertson.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – yes, Thomas Sorbello – abstain, Melvin Robertson – yes, Marc Nagtegaal – abstain, Joseph Wille – yes, Louis Pollicino – yes, David Wade – abstain, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 6 – yes', 0 – no's, 3 – abstentions. Motion carried.**

**Santiago / Jess
Use Variance
Application No. 012-229-07**

Gary Thompson advised the audience that the applicant has withdrawn the application and therefore there will be no further action regarding this application.

**Whispering Meadows – Major Subdivision
Request for an Extension of Time
Application No. 010-244-04**

Gary Thompson advised the Board that there has been a miscommunication regarding the hearing date and that he recommends that the Board carry this matter to the December 6, 2007 meeting.

Motion to continue this matter to the December 6, 2007 meeting was made by David Wade, second by Louis Pollicino.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – yes, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 9 – yes’, 0 – no’s, 0 – abstentions. Motion carried.**

**Robert Damerjian – Talia Court
Major Subdivision – Preliminary Approval
Application No. 004-110-07**

Gary Thompson advised the Board that there has been no subsequent submission by the applicant, the applicant has failed to replenish the escrow account and as November 1st is the deadline for a decision by the Board on the application and there is no request for an extension it is his recommendation that this application be denied without prejudice.

Motion to deny this application without prejudice was made by Joseph Wille, second by Robert Campbell.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – yes, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 9 – yes’, 0 – no’s, 0 – abstentions. Motion carried.**

**Willow Pond Homes – Taylor’s Glen
Major Subdivision
Application No. 013-220-05**

Brian Lozuke, attorney for applicant, appeared before the Board. Mr. Lozuke introduced Edward Belski, Applicant’s Engineer, and Carmen Pino, Applicant, appeared and were sworn. Mr. Lozuke stated that the applicant is before the Board seeking Amended Preliminary and Final Major Subdivision approval. Preliminary Major Subdivision Approval was granted in May of 2006 for 13 total lots; 12 of which were for housing units and 1 lot for a combined open space/detention basin. Amended preliminary approval being sought due to the changing of lot designations, the application has been amended to include 11 housing lots, 1 lot for open space and 1 lot for the basin. In November of 2006, South Harrison Township changed the growth share ordinance and the applicant is opting to pay the development fee.

James Spratt and Robert Hunter were sworn to give testimony. Mr. Spratt reviewed his letter dated October 18, 2007. Proposed Lot 1 shall be deed restricted to prohibit access to Franklinville Road. As per Mr. Belski the stormwater discharge to be reduced to 80% of the current discharge for a 100 year storm. No underground clay drain tiles have been discovered in the borings that have been done to date.

Open Meeting to the Public:

Motion to open the meeting to the public on this matter only was made by Thomas Sorbello, second by Louis Pollicino. Motion carried.

Sam Visalli, 670 Franklinville Road appeared and was sworn. Mr. Visalli testified as to his recollection as to the possible placement of clay tiles underground on the property.

Close Meeting to the Public:

Motion to close the meeting to the public on this matter only was made by Louis Pollicino, second by David Wade. Motion carried.

Applicant agrees subject to existing conditions including the gas pipe line and County approval to install drop structure at station 7+25 and replace the existing 30" CMP pipe with concrete pipe under Franklinville Road.

Open Meeting to the Public:

Motion to open the meeting to the public on this matter only was made by Robert Campbell, second by Thomas Sorbello. Motion carried.

Mr. Campbell asked Mr. Visalli what his concerns are regarding the proposed subdivision. Mr. Visalli answered that the existing basin at a neighboring development is already flooding Franklinville Road, he fears that the proposed basin will exasperate the problem. Mr. Belski explained that the proposed basin has been engineered to alleviate the current issues. Harrisonville Fire Department to approve the standpipe and easement. Fire department has been sent a request for approval, applicant has not yet received comment. Wire on split-rail fencing around basin to be installed. Mr. Belski noted that the approximate depth of the standing water in the basin is to be three feet (3'). Mr. Spratt advised that language should be stated clearly that the pump in the basin should be removed in the winter months to prevent damage. Street trees to be placed on the homeowners side of the sidewalk within an easement. The issue of appropriate street lighting was discussed. Members of the Board stated that minimal lighting be installed to maintain the rural feel of the Township.

Jim Spratt noted that currently the plans show three feet (3') of water in the basin. Depending on the objective of the Board, if algae is a concern no less than four feet (4') however five feet (5') would be preferred, applicant's engineer agreed to five feet.

Robert Hunter of Bach Associates reviewed Leah Furey's letter dated October 30, 2007. Tree line that borders the Fox Haven development shall be minimally disturbed, if at all. Gary Spinner requested that the applicant submit a tree save plan. The applicant agreed to identify all trees 12" in diameter and greater.

Denise & Joe Ashcraft of 655 Franklinville Road appeared before the Board and were sworn. Mrs. Ashcraft stated that they would prefer that the fencing be placed as far into the developers property as possible. The applicant agreed to place the fence 25' into the development property.

Mr. Hunter continued with Ms. Furey's comments, requesting status of County approvals. Mr. Belski stated that they are in the process of resubmitting plans that have been amended to address County comments. School bus pick up and drop off area addressed. Mr. Belski advised the Board that the sidewalk from the development continues around the radius of the curb and stops approximately 35'. Mr. Hunter inquired as to the proposed footprints of the buildings and the actual architectural footprints of the buildings and whether or not they will exceed what is shown on the preliminary plans. Mr. Lozuke entered into evidence (A1) four marked up copies of architectural drawings. Mr. Pino testified that Willow Pond Homes is a custom building company and in all of their previous developments they have not repeated a house within the development. Mr. Pino also stated that all homes will have side entry garages. Mr. Lozuke stated that there will be no signage for the development.

Sam Visalli commended the Board regarding the tree safe plan and inquired as to road access to Fox Haven development. Marc Nagtegaal advised Mr. Visalli that it was not possible because of dealing with private property.

Barbara Visalli of 670 Franklinville Road appeared and was sworn. Mrs. Visalli asked for clarification regarding whether or not there is a tree line buffer along Franklinville Road. Mr. Lozuke advised that there is a landscaping plan.

Denise Ashcraft stated that she is opposed to additional lighting within the development.

Close Meeting to the Public:

Motion to close the meeting to the public on this matter only was made by Joseph Wille, second by Thomas Sorbello. Motion carried.

Mr. Lozuke respectfully requested the Board's approval of Amended Preliminary and Final Major Subdivision approval.

Open Meeting to the Public:

Motion to open the meeting to the public on this matter only was made by Louis Pollicino, second by John Coleman. Motion carried.

Mayor Charles Tyson of 1685-A State Highway 45 appeared and was sworn. Mr. Tyson requested that the street trees be Leland Cyprus. The applicant agreed.

Denise Ashcraft inquired as to the possibility of ensuring the life of the trees. Gary Thompson explained the guarantee and maintenance bond process.

Close Meeting to the Public:

Motion to close the meeting to the public on this matter only was made by Joseph Wille, second by David Wade. Motion carried.

Robert Campbell inquired as to when the traffic impact fees would begin to be collected. It was stated that upon adoption of the ordinance along with the Master Plan.

Motion to grant Amended Preliminary and Final Major Subdivision approval with the conditions as stated by the Board's Attorney was made by Joseph Wille, second Thomas Sorbello.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – yes, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 9 – yes', 0 – no's, 0 – abstentions. Motion carried.**

Open Meeting to the Public:

Motion to open the meeting to the public was made by Thomas Sorbello, second by David Wade. Motion carried.

Joseph Calabro, 374 Lincoln Mill Road, commended the Board and their professionals for their handling of the previous hearing. Mr. Calabro inquired as to the escrow process and if there may be a better way of handling the escrows. The Board advised Mr. Calabro that although the process is not yet perfect it is being looked into and improving.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Gary Spinner, second by John Coleman. Motion carried.

Payment of the Bills:

Motion to approve payment of the bills was made by Robert Campbell, second by Louis Pollicino.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – yes, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – yes, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 9 – yes', 0 – no's, 0 – abstentions. Motion carried.**

Dave Wade inquired as to the possibility of members of the Planning/Zoning Board going out to some of the new developments and walk the development to get a better idea of what issues may be occurring or possible prevent problems that may arise. Gary Thompson advised that the Board must keep in mind the Open Public Meetings Act and to watch the discussion so that an applicant can not argue that the Board has prejudged an application. Mr. Wade clarified that he was referring to developments in the building stage, perhaps accompanying the Township Engineer during their inspections.

Adjournment:

Motion to adjourn was made by Thomas Sorbello, second by Gary Spinner. Motion carried.

Respectfully submitted,

Celeste Keen
Board Secretary