

**South Harrison Township
Planning/Zoning Board of Adjustment
December 6, 2007**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on December 6, 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 (L-7:35), Gary Spinner – present (L-8:30), Thomas Sorbello – present, Melvin Robertson – present, Marc Nagtegaal – present, Joseph Wille – present, Louis Pollicino – absent, David Wade – present, Ronald Ambruster – absent, John Coleman – present (L-7:35), Gary Thompson, Board Solicitor – present, James Spratt – Board Engineer – present, Robert Hunter – Planner, Celeste Keen, Secretary – present.

New Business:

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

Joan Adams, attorney for Santo Maccherone, appeared before the Board requesting a one year extension of time on the final approval of his major subdivision. Ms. Adams advised the Board that state statute 40:55D-52 allows Planning Boards to grant time extensions for the period of protection for final major subdivision approval upon reasonable grounds. In this instance, final approval was granted on October 6, 2005 as a result the protected period expired October 6, 2007. Prior to that date Ms. Adams submitted a request for a time extension and is before the Board for the purpose of obtaining the extension. Under Subsection D of the law, the Planning Board is required to grant a one year extension of time if there are outside agency approvals that have yet to be received. In Mr. Maccherone's case, there are three outside agencies that are still outstanding: final County Planning Board approval, the county road opening permit, and county septic approval. Under Subsection A of the law, the Planning Board is able to grant an extension of time if the Board determines that it is reasonable under the circumstances.

Gary Thompson, Board Solicitor, asked Ms. Adams for clarification regarding Subsection A and the plat filing requirement. Ms. Adams agreed that normally a plat recordation is required, in this instance the one condition that is preventing that is the posting of the bonds. Mr. Thompson advised, in his determination, the applicant has grounds to request an extension under Subsection D, not Subsection A.

Joseph Wille asked of the possibility of tabling this matter to a later date. Mr. Thompson stated that it is possible, there is no time constraint on this issue. Melvin Robertson asked how many extensions are possible. Mr. Thompson advised that under Subsection D there is a limit to one extension. If the applicant wishes to receive another extension it would have to be under Subsection A which requires that the plats be filed. If the plats are recorded the applicant is eligible to request up to three (3) extensions for one year each under Subsection A.

Motion to table this matter to the January 3, 2008 meeting was made by Joseph Wille, second by John Coleman.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – absent, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – absent, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 7 – yes’, 0 – no’s, 0 – abstentions. Motion carried.**

Old Business:

Resolution R-07-34

**Resolution Denying Preliminary Major
Subdivision Approval to Robert S. Damerjian
Block 19, Lots 4 & 6**

Motion to adopt Resolution R-07-34 was made by John Coleman, second by Thomas Sorbello.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – absent, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – absent, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 7 – yes’, 0 – no’s, 0 – abstentions. Motion carried.**

Resolution R-07-35

**Resolution Approving Amended Preliminary and Final Major
Subdivision to Willow Pond Homes
Block 7, Lots 16.01 & 16.02**

Motion to table Resolution R-07-35 was made by Thomas Sorbello, second by Robert Campbell. **Motion carried.**

Resolution R-07-36

**Resolution To Exclude the Public –
Pending Litigation Matters**

Motion to adopt Resolution R-07-36 was made by Joseph Wille, second by Thomas Sorbello.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – absent, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – absent, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 7 – yes’, 0 – no’s, 0 – abstentions. Motion carried.**

**Paparone – Cambridge Meadows
Major Subdivision
Application No. 012-339-03**

Gary Thompson referenced Leah Furey, Township Planner, letter dated November 19, 2007 recommending that the Board do an administrative approval for a revision to their sign plan and easement conditioned upon the statements in her letter. The Board may act without testimony from the applicant, however the Board always has the right to require the applicant be present. Joseph Wille, Zoning Officer, stated that there was no documentation in front of the Board in order to make their determination.

Robert Hunter, Planner, advised the Board that he had brought a copy of the plan to the meeting. The Board reviewed the revised plan and discussed the proposed changes. The face plate of the sign does meet the Township's sign ordinance requirements.

Motion to approve a revision to the sign plan and the sign easement in accordance with the example of proposed sign, entrance sign easement plan, and the foundation plan with elevation was made by John Coleman, second by Thomas Sorbello.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – absent, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – absent, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 7 – yes', 0 – no's, 0 – abstentions. Motion carried.**

Chapter 90 Ordinances

The Board reviewed two (2) Land Use Ordinances that the Township Committee deferred for the Board's opinion that they be in harmony with the Master Plan.

Motion to advise the Township Committee that the two (2) ordinances are consistent with the Township's Master Plan was made by John Coleman, second by Melvin Robertson.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – absent, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – absent, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 7 – 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 John Coleman. Motion carried.

No public commented.

Close Meeting to the Public:

Motion to close the meeting to the public was made by John Coleman, second by Melvin Robertson. Motion carried.

Gary Spinner arrived and took his seat on the Board.

Payment of the Bills:

Motion to approve payment of the bills with the exception of holding Bach Associates bills subject to verification of available funds was made by John Coleman, second by Robert Campbell.

Roll Call: Charles Tyson – absent, Robert Campbell – yes, Gary Spinner – abstain, Thomas Sorbello – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Louis Pollicino – absent, David Wade – yes, Ronald Ambruster – absent, John Coleman – yes **R.C.V.: 7 – yes’, 0 – no’s, 1 – abstentions. Motion carried.**

Melvin Robertson asked the other members of the Board if they were aware of the changes within the Ashford Estates development. Joseph Wille advised that there are design changes to several of the lots including a basin lot. Bach Associates, Township Engineer, is aware of the changes and are involved in resolving the design issues. Once the designs are approved through Bach; Lennar Homes, Builder, will have sixty days to start the work.

Gary Spinner asked why Lennar has not come before the Planning/Zoning Board with these substantial design changes, including the Stormwater Management Plan. Robert Hunter stated that a review letter was issued to Lennar from Bach Associates earlier this day.

Mr. Hunter advised that Lennar is creating two (2) additional basins on different lots. Marc Nagtegaal noted that the plans that were approved by the Planning/Zoning Board were filed with the County. Those plans have been substantially changed from what was approved, therefore should the developer not come before the Planning/Zoning Board for approval? Mr. Hunter stated that he believes that it falls under the lot grading ordinance. Lot grading is under the jurisdiction of the Township Engineer.

Thomas Sorbello stated that he feels that the Township should get involved with the county farmland preservation program. The Board discussed attending the County Agriculture Board meeting on December 13, 2007.

Closed Session:

The Board thereafter went into closed session to review the status of pending litigation.

December Work Session:

Motion to cancel the December Work Session was made by Gary Spinner, second by David Wade. Motion carried.

Adjournment:

Motion to adjourn was made by Thomas Sorbello, second by Joseph Wille. Motion carried.

Respectfully submitted,

Celeste Keen
Board Secretary