

**South Harrison Township
Planning/Zoning Board of Adjustment
January 3, 2008**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on January 3, 2008 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: Robert Schenk – late (8:45), Gary Spinner – present, Thomas Sorbello – absent, Melvin Robertson – present, Marc Nagtegaal – present, Joseph Wille – present, Charles Tyson, – absent, Robert Campbell – present, Louis Pollicino – absent, Joseph Calabro – present, John Coleman – absent, Gary Thompson, Board Solicitor – present, James Spratt – Board Engineer – present, Leah Furey, Planner – present, Celeste Keen, Secretary – present.

Gary Thompson advised Joan Adams, solicitor for Santo Maccherone, that there are only four (4) members of the Board eligible to hear Mr. Maccherone's request for an extension. Ms. Adams stated that she would be amenable to represent Mr. Maccherone's case.

Robert Schenk, new Board member, arrived and was sworn. Mr. Schenk took his seat on the Board.

Joan Adams appeared before the Board representing Santo Maccherone, property owner. Ms. Adams recited the case for Mr. Maccherone's time extension. Mr. Maccherone received Amended Preliminary and Final Major Subdivision approval October 6, 2005. Under state statute the period of protection for the subdivision approval lasts for two (2) years which means that the approval would have expired October 6, 2007. Prior to the expiration of that period, Ms. Adams wrote to the Board and requested to be heard for a consideration of an extension of time. Due to timing and circumstances the Board requested that the matter be heard at the November or December meeting. At that time the Board tabled the matter to the January meeting in order for some of the newer members to become familiar with the application. Ms. Adams is requesting the extension of period of protection under Subsection A of the statute which allows an extension if there are outside agency permits which remain outstanding. Mr. Maccherone's delays are in part due to the down turn in the housing market as well as his partner/developer backing out of their deal at the settlement table. The extension is good for one (1) year, which means, if granted, the period of protection would expire October 6, 2008.

Santo Maccherone, owner of the property, appeared before the Board and was sworn. Mr. Maccherone concurred to the testimony given by Ms. Adams.

Joseph Wille, Board Member, asked Ms. Adams when the application was filed with the County for septic approvals. Ms. Adams responded that although she couldn't say when applications were filed; she could determine when initial approvals were received. The County preliminary approval was granted in January of 2006 and upon speaking with the County

recently it has been confirmed that the preliminary approval does not expire and there is no suggestion of any changes.

Robert Campbell, asked Ms. Adams, if this extension is granted to October 6, 2008 and the applicant does not receive final approvals from the County, what is the applicant's course of action as of October 7, 2008. Ms. Adams answered that subdivision approvals, once granted, last forever; what expires is the period of protection from changes of municipal ordinances. Upon expiration of the extension, if the applicant does not have a viable reason under the statute for another extension; the only way for this project to go forward would be to redesign according to whatever changes have been made with the Township ordinances as of that date.

Motion to grant a one (1) year extension to the period of protection for Mr. Maccherone's application was made by Robert Schenk, second by Robert Campbell.

Roll Call: Robert Schenk – yes, Gary Spinner – yes, Thomas Sorbello – absent, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Charles Tyson, – absent, Robert Campbell – yes, Louis Pollicino – absent, Joseph Calabro – yes, John Coleman – absent

R.C.V.: 7 – yes', 0 – no's, 0 – abstentions. Motion carried.

Completeness

Valley Green – #010-193-07
Madison Estates (Major Subdivision)

Pam Pellegrini, Applicant's Engineer, appeared before the Board. Ms. Pellegrini summarized the application to date and testify as to the review letter of Board Engineer dated 12/26/07. Legal descriptions for the easement are being corrected by surveyor and shall be submitted prior to hearing for final approval. All other items agreed upon and requested to be conditions of final major subdivision approval.

Gary Thompson noted for the record that although not present, Mr. Viniar continues to represent the applicant.

Jim Spratt, Board Engineer, had no further comments

Motion to deem this application complete was made by Joseph Wille, second by Robert Schenk.

Roll Call: Robert Schenk – yes, Gary Spinner – yes, Thomas Sorbello – absent, Melvin Robertson – yes, Marc Nagtegaal – yes, Joseph Wille – yes, Charles Tyson, – absent, Robert Campbell – yes, Louis Pollicino – absent, Joseph Calabro – yes, John Coleman – absent

R.C.V.: 7 – yes', 0 – no's, 0 – abstentions. Motion carried.

Marc Nagtegaal reviewed a letter from New Jersey Council on Affordable Housing regarding the updated rules which are scheduled to be released January 22, 2008. There will be five (5) public hearings held across the State during the months of January and February.

Leah Furey noted that the rules are to be published in The Register on January 22, 2008 but have actually been on the website for a couple of weeks. The one item missing for municipalities to calculate their anticipated COAH obligation was released yesterday afternoon. Although COAH designated a number, South Harrison Township will have to create a plan to

check the number and then dispute if necessary. If we believe the methodology is flawed, some of the Board members along with Ms. Furey could attend the public hearings. The New Jersey League of Municipalities is planning to attend on behalf of municipalities however additional support would be valuable. Ms. Furey also noted that the Office of Smart Growth is offering their Smart Future Planning Grants and they have (six) 6 program areas for which you can apply. One of them is the Agricultural Retention & Farmland Preservation Plan. South Harrison was planning on preparing a Farmland Preservation Plan but the ANJEC grant only came through for the Open Space Plan. Marc Nagtegaal stated that the Gloucester County Agriculture Board is doing a county wide plan and is looking at target areas in all of the municipalities. The rules have been made more strict for Farmland Preservation requirements. Mr. Nagtegaal's suggestion is to wait for the County plan to be completed so that we may see where we stand and go from there. Ms. Furey agreed that the plans should be aligned. She is aware that the County has submitted their plans and they are being reviewed. At the same time municipalities can do their own plan and receive more money. There is \$50,000 available from the Office of Smart Growth at this time for Farmland Preservation. It is Ms. Furey's opinion that we apply for the grant without waiting for the County. There is a required technical assistance meeting on Monday, January 7, 2008 @ 9:00 am in Trenton. Ms. Furey called the Office of Smart Growth to ask if she may go on the Township's behalf. They stated that she is welcome to attend, however an elected official from the Township must also attend. Charles Tyson to attend as well.

Open Meeting to the Public:

Motion to open the meeting to the public was made by Gary Spinner, second by Joseph Wille. Motion carried.

Matthew Warner of 34 Ashford Court requested information regarding Christmas tree disposal. The Board advised that South Harrison Township Public Works Department is providing the residents with curbside removal.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Joseph Wille, second by Gary Spinner. Motion carried.

Payment of the Bills:

Motion to approve payment of the bills was made by Gary Spinner, second by Joseph Wille.

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

Gary Thompson updated the Board regarding the Rizzi Estate litigation. He has filed a motion to dismiss, it was originally returnable tomorrow, the judge sent a letter advising she was not available tomorrow, the hearing is scheduled for February 7, 2008 at 9:30 am in Woodbury. The Board is welcomed to attend.

Joseph Wille inquired as to the status of the Marino issue. Mr. Thompson stated that Mr. Marino never filed an application with the County. Which is why there was no hearing in December. Mr. Thompson has reviewed the applicable statutes and regulations and Mr. Marino's case of being site specific management practice. If they have not followed the requirements of the Zoning Ordinance as to a permitted use, a stop work order can be issued. They should be made to come before the Board to get all applicable approvals.

Leah Furey asked when the Board would like to have their next Master Plan discussion. Gary Spinner inquired as to the status of the ANJEC grant. Mr. Nagtegaal stated that the Environmental portion is almost finished and the Open Space portion should be completed in the next few months. Ms. Furey advised that she would like to distribute for the Board's review a draft of the Land Use element for the next work session.

A Town Hall meeting to be held tentatively Saturday, February 2, time to be determined.

Melvin Robertson addressed Lange's Garage on State Highway 45 which had been brought to the Board's attention by Ed Crispin some months prior. The building's foundation is being eroded. One of the major problems is that the ditch has a dog leg in it and the silt from the development across the street has built up which pushes water over to the bank. Can the Board direct our Engineer to send a letter to the developer or recommend that the Township Committee direct the Township Engineer to send a letter to have the silt cleaned up. It may not fix all of the drainage problems but it would alleviate the erosion. Mr. Spinner advised that the Township now has an Engineering Committee. Mr. Tyson agreed that he would contact Bach.

Adjournment:

Motion to adjourn was made by Gary Spinner, second by Melvin Robertson. Motion carried.

Respectfully submitted,

Celeste Keen
Board Secretary