

**South Harrison Township
Planning/Zoning Board of Adjustment
November 10, 2008**

The South Harrison Township Planning/Zoning Board of Adjustment held a regular meeting on November 10, 2008 at 7:00 p.m. in the South Harrison Township Municipal Building.

The meeting was called to order by Marc Nagtegaal, Chairperson and led those present in the Pledge of Allegiance to the Flag.

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

Roll Call: Robert Schenk – present (L – 7:10), Gary Spinner – present, Thomas Sorbello – absent, Melvin Robertson – present, Marc Nagtegaal – present, Joseph Wille – absent, Charles Tyson, – absent, Robert Campbell – present, Joseph Calabro – present, Matthew Warner – present, Jonathan Roth – present (L – 7:05), John Coleman – absent, Gary Thompson, Board Solicitor – present, James Spratt – Board Engineer – present, Leah Furey, Planner – present, Celeste Keen, Secretary – present.

Old Business:

Resolution R-08-31

Granting Minor Subdivision Approval to Michael & Elizabeth Clifford

Motion to adopt resolution R-08-31 was made by Matthew Warner, second by Joseph Calabro.

Roll Call: Robert Schenk – yes, Gary Spinner – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Robert Campbell – abstain, Joseph Calabro – yes, Matthew Warner – yes, Jonathan Roth – yes **R.C.V.: 7 – yes', 0 – no's, 1 – abstentions. Motion carried.**

Resolution R-08-32

Denying Minor Subdivision/Bulk Variance of Erich & Traci Eisenhart

Motion to adopt resolution R-08-32 was made by Matthew Warner, second by Jonathan Roth.

Roll Call: Robert Schenk – abstain, Gary Spinner – abstain, Melvin Robertson – abstain, Marc Nagtegaal – yes, Robert Campbell – abstain, Joseph Calabro – abstain, Matthew Warner – yes, Jonathan Roth – yes **R.C.V.: 3 – yes', 0 – no's, 5 – abstentions. Motion carried.**

Board Secretary advised the Board that Mr. Thompson recommended the adoption and utilization of an Acknowledgement of Escrow form. Mr. Thompson stated that he recommends the form as the language included makes it clear that if the Township must pursue legally, the collection of escrow money, the applicant will be responsible for the Township's legal fees and costs as well.

Mr. Spinner suggested including interest. The Board agreed the interest rate to be 18%.

Motion to authorize Board Secretary to utilize the Acknowledgement of Escrow form, with the addition of 18% interest rate and change of the grace period from 15 days to 7 days, during the application process was made by Joseph Calabro, second by Robert Schenk.

Roll Call: Robert Schenk – yes, Gary Spinner – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Robert Campbell – yes, Joseph Calabro – yes, Matthew Warner – yes, Jonathan Roth – yes **R.C.V.: 8 – yes’, 0 – no’s, 0 – abstentions. Motion carried.**

Open Meeting to the Public:

Motion to open the meeting to the public was made by Robert Schenk, second by Robert Campbell. Motion carried.

No public spoke.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Gary Spinner, second by Matthew Warner. Motion carried.

Payment of the Bills:

Motion to approve payment of the bills with the exception of a Federici & Akin bill to Sunnybrook Nursery, Inc. for \$753.50 was made by Robert Schenk, second by Matthew Warner.

Roll Call: Robert Schenk – yes, Gary Spinner – yes, Melvin Robertson – yes, Marc Nagtegaal – yes, Robert Campbell – yes, Joseph Calabro – yes, Matthew Warner – yes, Jonathan Roth – yes **R.C.V.: 8 – yes’, 0 – no’s, 0 – abstentions. Motion carried.**

Mr. Robertson asked for the Board’s opinion regarding a small age restricted community of approximately 30 units. Mr. Spinner stated the number of bedrooms would have to be considered for septic suitability. Mr. Nagtegaal noted that a use variance would have to be submitted. Mr. Robertson advised that they would most likely be small single detached dwellings. Mr. Spinner asked whether a home owner’s association (HOA) be involved.

Re-Open Meeting to the Public:

Motion to re-open the meeting to the public was made by Matthew Warner, second by Robert Campbell. Motion carried.

Ben Freeman of 781 Eldridges Hill Road asked the Board why it is necessary for his lot line adjustment application that he obtains a bulk variance. Ms. Keen advised that Mr. Freeman’s lot is a pre-existing nonconforming lot of record. Mr. Freeman is purchasing a small piece of his neighbor’s lot which added to Mr. Freeman’s lot will not make it conform. Mr. Thompson stated that that is why a variance is needed.

Close Meeting to the Public:

Motion to close the meeting to the public was made by Matthew Warner, second by Robert Schenk. Motion carried.

Adjournment:

Motion to adjourn was made by Robert Schenk, second by Gary Spinner. Motion carried.

Respectfully submitted,

Celeste Keen
Board Secretary