Vice Chairman Woitach called the meeting to order at 7:38 p.m. and read the opening statement which affirmed that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Vice Chairman Woitach; Mr. DeRochi; Mr. Fedun; Mr. Post; Mr. Thompson

ALSO PRESENT: Mr. Drollas, Jr., Board Attorney; Mr. Sullivan, Board Planner; Mr. Cline, Board Engineer; Mr. Palmer, Zoning Officer

I. SALUTE TO THE FLAG

II. APPLICATION

Case BA-02-15  Applicant: Robyn Nini
Block 33001 Lot 21.02
Bulk Variance
Expiration Date – 7/2/15
Affidavit of Notification and Publication Required

Notice was found to be in order. Richard Schatzman, Esquire, David Schmidt, PE and Kevin Nini represented the applicant. Mr. Schmidt and Dr. Nini were sworn in.

Mr. Schmidt displayed a photo he took on May 16, 2015 from Mountainview Road looking toward the newly constructed barn (Barn Photo 2 marked as Exhibit A-1). The existing garage is intended to remain but the doors will be replaced and moved to the rear. The increase in coverage in the stream corridor is 750 square feet including a porch. The existing footprint is 2,860 square feet and will be increased to 2,970. Locating the dwelling on other areas of the property will result in twice the amount of disturbance or more. The property is currently being used to raise animals and the applicant is currently working with Somerset County to preserve the entire farm. He is also looking into acquiring additional properties to farm.

Mr. Schmidt discussed the tree waiver request. Dr. Nini has already planted 55 trees on the property. Mr. Schmidt testified that Ms. Wasilauski, Open Space Coordinator, agrees a conservation easement will limit the
farming activity that can take place on the property. However, in exchange, the applicant has been requested to do stream rehabilitation in the area of the stream corridor and floodplain. There is a total of 3.7 acres within the stream corridor of which 0.2 acres will be disturbed. Mr. Schmidt proposed the tree calculation be the area of the stream corridor multiplied by the 14 tree requirement with a credit for half the trees (27) the applicant already planted which totals 25 more trees to be planted or an equivalent of $300.00 per tree to be used in the stream corridor area.

Mr. Schatzman noted that the applicant is strongly considering the willow stakes referenced in Ms. Wasilauski’s memo dated May 19, 2015.

Mr. Schmidt testified that septic testing was done in February, 2013. The septic system is being designed. The reserve septic restriction will be filed as a condition of approval.

Mr. Schmidt described the stream corridor and the purpose of the corridor. The steps down to Bedens Brook will remain. The two retaining walls that project outside of the house and the house foundation show no signs of lean and have no cracks. The garage is heated but has no plumbing; it is not fitted for a residential use. It can be deed restricted that it will not be a residential use. The proposed generator and HVAC units are within the stream corridor but due to the 10’ differential they are not in any danger of being flooded by the Bedens Brook. The above ground oil tank will probably be removed.

Mr. DeRochi questioned Mr. Schmidt. Mr. Schmidt described the footprint of the existing dwelling. The new construction is moving away from the stream. The new septic areas will be located outside the stream corridor.

Mr. Palmer asked about the trees that have already been planted on the site. Mr. Schmidt noted that additional trees have been planted since the plans have been submitted. The number of trees to be planted will be credited by half the number of trees that have already been planted as verified by the Township.

Dr. Nini testified that 55 trees have been planted and there are more under contract to be planted.

Mr. DeRochi asked about the conservation easement. Mr. Schmidt and Mr. Schatzman noted that the Township’s conservation easement does not permit farming. If approval is granted the waiver is conditioned upon the farming. If it is not being farmed someone can ask for a conservation easement. The farm assessment is based on livestock and hay. There are 13+ acres devoted to farming. The stream corridor area will not be excepted out of the farmland preservation area.

Mr. Cline noted that the applicant will need an elevation certificate, a soil disturbance exemption for the borings work, will need to provide floodplain elevation and confirm the lowest floor of the elevations.

Mr. DeRochi asked where the applicant stands on the request for the pathway easement. Mr. Schatzman replied that the applicant will not grant a pathway easement. There is nothing that the Board is granting to the applicant as part of this application that necessitates the granting of the easement.

Mr. DeRochi said he understands but felt that the Township is giving up a very important link in the pathway system. He asked Mr. Drollas if the Board could preserve the option to purchase it as part of the application. Mr. Drollas opined that if the property goes into Farmland Preservation the easement will be prohibited.

Dr. Nini believes the granting of the easement will harm his farming operations. The area on the other side of the stream has been identified as summer forage and animals will be grazed there during the drier months. He hopes to lease or purchase the adjacent property to the south. Dr. Nini described his farming operation in detail. A corridor on the north side of the property, about 20’ wide, has been left for the neighbors to get to the stream and for the deer to get between his lot and the neighbors. He will limit the livestock’s access to the stream as much as possible. He will use as many LEED standards as possible in the construction of the addition.

Mr. Schatzman went through the various memos. Comments 7, 8 and 10 of Mr. Cline’s memo will be conditions of approval. The applicant will work with Mr. Bartalone and Ms. Wasilauski regarding the types of plantings and the locations.

Mr. Schatzman noted that the applicant received letters in support of the application from neighbors Keith Wheelock and Richard Ragsdale.

Mr. Schatzman summarized the application and discussed the purposes of zoning that pertain to this application.

Mr. Cline and Mr. Sullivan noted that their comments have been addressed.
Vice Chairman Woitach opened the meeting to the public. There being no public comment, a motion to close the public hearing was made by Mr. DeRochi, seconded by Mr. Thompson and carried unanimously.

Mr. DeRochi said it would be nice to have gotten the walkway easement. In other respects the application is very responsible.

A motion to approve the application subject to conditions was made by Mr. DeRochi and seconded by Mr. Post. This carried on the following roll call vote:
Ayes: DeRochi, Fedun, Post, Thompson and Woitach
Nays: None

III. MINUTES

March 24, 2015 – Regular Meeting

A motion to approve the minutes was made by Mr. Post and seconded by Mr. DeRochi. This was carried on the following roll call vote:
Ayes: Woitach, DeRochi, Fedun and Thompson
Nays: None

There being no further business to come before the Board, the meeting was adjourned at 9:05 p.m.