

MINUTES

PLANNING BOARD

MARCH 8, 2011

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Chairman, Mr. Connor, called the meeting to order at 8:03 P.M. He then read the following statement:
Adequate notice of this meeting has been provided by posting a copy of the public meeting dates on the municipal bulletin board, by sending a copy to the Courier News and Echoes Sentinel and by filing a copy with the Municipal Clerk, all in January, 2011.

PLEDGE OF ALLEGIANCE

ROLL CALL

On a call of the roll, the following were present:

Christopher Connor, Chairman	A. J. Batista, 1 st Alt.	Excused:
Mayor Nanette Harrington, Member		E. Thomas Behr, Member
Donald Butterworth, Member		Mead Briggs, Member
Kevin Dempsey, Member	Barry Hoffman, Bd. Attorney	Thomas Vetter, 2 nd Alternate
Guy Piserchia, Member	Kevin O'Brien, Twp. Planner	
Brendan Rae, Member	Thomas Lemanowicz, Bd. Engineer	
Michael Smargiassi, Member	Dawn Wolfe, Planning & Zoning Administrator	

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EXECUTIVE SESSION - It was determined that there was no need to hold an executive session.

APPROVAL OF MINUTES

The minutes of December 14, 2010 were approved on motion by Mr. Batista and seconded by Mr. Smargiassi. Mayor Harrington abstained as she was not a member of the Board at that time.

PUBLIC QUESTION OR COMMENT PERIOD

The meeting was opened to the public for questions or comments.

Mrs. Paula Connor, Millington, said that she was at home viewing parts of the February 22, 2011 Planning Board meeting and wanted it to be on the record that her husband did *not* state the entire problem of what happens to a property when a neighbor decides to cut down between 14-17 trees. She said that it cost them \$7,000.00 in one instance and \$4,000.00 in another for the installation of French drains and other drains due to tree removal. She said that it didn't affect those who cut the trees down, it affected them and they are the ones that had to pay the price.

There were no further public comments.

Mr. O'Brien said that there has been a matter of concern to the Township of late, given the latest announcement concerning Pathmark and other stores. He said that Mrs. Wolfe was kind enough to contact the owner of the Valley Mall and provide the Board with a copy of the square footage of the various stores within the mall. Mr. Croman had provided the Board with this information a few years ago, however this latest version is an updated one.

There being no further comments from the public, the meeting was closed to the public.

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(Mr. Smargiassi recused himself from the next application due to a conflict of interest and left the meeting).

**MICHAEL & MARIA CORTESE
& ESTATE OF CHRISTINE D'APOLITO**

294 & 298 High Street
Block 13101, Lots 16 & 16.02

**#10-11P
Minor Subdivision
Bulk Variances
Relief from Secs. 134.3;
142.1(b) & (d); & 151.1b**

Present: Richard Sasso, attorney for the applicants
William G. Hollows, licensed professional engineer
Michael Cortese, one of the applicants

Lucille Grozinski, certified shorthand reporter

Proof of service was submitted.

Mr. Richard Sasso, attorney for the applicants, said that his clients are seeking a lot line adjustment between Lots 16 & 16.02 in Block 13101. The properties are owned by the same families as in 1988 when he appeared before the Board on behalf of the applicants and received approval for the subdivision of Lot 16 into Lots 16 & 16.02. Mr. and Mrs. Cortese later built a new house on Lot 16.02. He said that, unfortunately, Mrs. D'Apolito (mother of Mrs. Cortese) has passed and the property known as Lot 16 has been placed on the market and there is a pending contract

for its sale. In terms of the reason for the grant of the proposal, he said that it is basically a “cleaning up” of the lot line. He referred to Sheet 2 of 3 of a Lot Line Adjustment Plan by Murphy & Hollows Assoc., Inc., dated 5/28/10, last rev. 2/4/11 containing colored markings, and said that the proposed lot line adjustment is not changing at all on High Street. Only the easterly property line of Lot 16.02 is proposed to be shifted further to the east. He said that the green dotted line on the plan represents the existing easterly property line proposed to be eliminated and the proposed new lot line is shown as a solid green line. He said that the topography of the property, as well as the fence and shrubbery that has been planted throughout the years, is consistent with the proposed property line. He said that if anyone was looking at the two homes, they would think that the lot line in between the two houses is, in fact, the property line that is proposed. He said that the topography drops off and it is a situation whereby the natural thing would be to have the lot line pivoted over to the proposed new lot line depicted on the Murphy & Hollows map.

He said that there will be testimony about the requested bulk variances. He said that the street contains a series of houses that are on undersized lots and that the reports of the Board’s consultants verify pre-existing bulk variance situations. He said that they are not creating variances, they are pre-existing in terms of the R-4 Zone which requires a minimum lot size of 20,000 S.F. The proposal is for Lot 16 to contain 11,236 S.F. and Lot 16.02 to contain 15,420 S.F., which Mr. Hollows will address, as well as the sizes of the other lots in the neighborhood. He did not want to minimize the fact surrounding this application that his clients need the Board’s approval but, by the same token, he said he wanted to call it what it is. He said that whatever variances exist now, exist regardless of whether the application is approved or not. He hoped, with the testimony to be presented, that the majority of the Board will agree that moving the lot line, as proposed, makes more sense before the property is sold to a third party.

Mr. O’Brien and Mr. Lemanowicz were sworn.

Mr. O’Brien corrected two items in his report dated 3/1/11. At the bottom of Pg. 3, entitled Lot 16 (east lot) Zoning Chart, he had incorrectly listed the lot coverage required at 20%. The correct lot coverage requirement in the R-4 Zone is 25%. He said that the same applies for the top of Pg. 4 – the required lot coverage on Lot 16.02 is 25%, not 20% as listed. He also apologized and said that the report was inadvertently issued to the Chairman of the Board of Adjustment rather than the Chairman of the Planning Board.

Mr. Sasso had no objection to the changes since they favor the applicant.

Mr. William G. Hollows, licensed professional engineer, was sworn. He has appeared before the Board on many occasions and was accepted as an expert. He said that his office prepared the original minor subdivision plan for the subject properties in 1988.

The Lot Line Adjustment Plan by Murphy & Hollows Assoc., Inc. dated 5/28/10, last rev. 2/4/11, with colored markings, was marked into evidence as **EXHIBIT A-1**. Mr. Hollows said that Mr. & Mrs. Cortese live in the house that is located at the corner of Central Ave. and High St. and Mrs. Cortese’s mother had lived in the adjacent house on the lot to the east. He said that they are proposing to maintain the front lot corner and swing the lot line over to the east by 19.96’. He said that corner lot will get larger by 1,201 S.F. and the adjacent lot will get smaller by 1,201 S.F. The corner lot will contain 15,420 S.F. and the adjacent lot will contain 11,236 S.F.

He presented and described a copy of Sheet 31 of the Township Tax Map, dated January, 2001, upon which he made colored markings. It was marked into evidence as **EXHIBIT A-2**. He said that the (2) lots which are colored in yellow are the subject properties. The (19) lots in the neighborhood which are colored in green are substandard in size. The (5) lots in the neighborhood which are colored in blue meet or exceed the minimum lot size. He said that the subject properties are like the neighborhood – smaller in size, but similar and improved with homes, patios, decks and garages.

He referred to Sheet 3 of the Lot Line Adjustment Plan and said that you can see that there are a number of evergreen trees, a hedgerow, and some trees to the back of the property that fit the proposed new lot line., whereas they do not fit the old lot line. He said that if you were to look at the two properties today, you would think that the proposed lot line is the current lot line because there is a natural buffer between the two properties. He said that the corner lot is a little higher and the topography drops down towards the adjacent lot.

He referred to and described a display board containing 5 photographs of the existing homes on the subject properties and the area of their lot lines, which was marked into evidence as **EXHIBIT A-3**. He described each photograph. He added that there will no longer be an encroachment of paving from Lot 16.02 onto Lot 16.

He reviewed the requested variances and said that he felt that he proposed new lot line is appropriate for the properties in question. In his opinion, the affirmative and negative statutory criteria for variances had been satisfied in this instance.

He said that the sanitary sewer stops in front of Lot 16. He added a private easement across Lot 16 to service the corner lot when the original subdivision was granted in 1988. If the Board grants approval to the present application, he said that he would have to amend the easement because it would become shorter. He said that it would be customary to prepare new deeds for the two properties and, as part of that, he would prepare a new deed for the sewer easement.

Mr. Sasso agreed that he understood that that would be requirement if the application is approved.

In response to Mr. O'Brien, Mr. Hollows said that he did not take the photos contained in **EXHIBIT A-3**.

Mr. Sasso said that it was he who took the photos at the time the application was first submitted.

In response to Mr. O'Brien, Mr. Hollows said that the 50' wide lots in the neighborhood are definitely smaller than the subject properties. He added that he would also not be surprised to find that the 75' lots closer to Pine St. are similar in size to the subject properties. He agreed that the only physical change that is going to occur to either of the subject properties will be the lessening of the parking area adjacent to the driveway on the western lot. No other changes are proposed.

In response to Mr. Lemanowicz, Mr. Hollows said that he did not know when the supplemental parking area for Lot 16.02 was installed.

Mr. Batista asked if the only reason we are considering this change is that to the naked eye one would think that the property line is along the tree line?

Mr. Hollows replied that he and his clients felt that that was a pretty good reason. He said that the homes on the two properties in question are owned by family. He said that Mr. Cortese has taken care of both properties and there is a natural buffer between the two homes. Lot 16 is now about to be sold to someone else and the applicants would like to keep the landscaping where it is and not have a new owner remove the buffer between the two homes.

Mr. Piserchia asked if the lot coverages that exist today are the same lot coverages that existed in 1988?

Mr. Hollows replied that, in 1988, Lot 16.02 was a vacant lot.

There being no further questions of Mr. Hollows, Mr. Sasso presented his next witness.

Mr. Michael Cortese, one of the applicants, was sworn. He said that he has lived in the existing dwelling on Lot 16.02 since 1993. His wife, Maria Cortese, lived in the house next door with her mother while she was growing up. He said that his mother-in-law was a widow and, in 1987, he and his wife decided to try to build a house next door and take care of her. In 1988, he said that a minor subdivision was approved, however the sewer ban came into effect and they did not get to build their house until 1993. The house is the house is exactly the same as when it was built except for some landscaping improvements, since the lot was pretty much cleared in order to construct the house. He said that no changes were made to the driveway and that he created the additional parking area in his front yard in the beginning. Because of the family situation, he said that he encroached onto his mother-in-law's property, not thinking that there would be a problem. Since his mother-in-law has passed, he said that he and his wife are now selling her house to a third party. They are asking the Board to approve the present lot line adjustment because it is the natural fall of the land with one house being lower than the other. He said that a lot of the existing landscaping was planted to prevent erosion. He felt that it also fits better due to the size of his dwelling. He said that he and his wife made sure that any buyers who were interested in the house knew that they would be seeking the proposed lot line adjustment. He said that he is proposing to cut the existing parking area back in order to install some landscape buffering for privacy for the new adjacent property owners and themselves.

Mr. O'Brien noted that the applicants' utility trailer was parked in the front yard facing Central Avenue when he visited the site. He noted that the Township does not allow storage in a front yard.

Mr. Cortese replied that he had brought some fire wood home and there was no where to put it because of the snow. He said that the trailer is now gone – it stays at his Dad's house.

In response to Mr. Piserchia, Mr. Cortese said that the existing lot coverage is the same as it was when the house was constructed in 1993.

Mr. Connor asked Mr. Cortese why the original lot line was configured in its current position?

Mr. Cortese replied that, at the time, they did not know what was going to happen and they tried to split the property up to make the best of two lots. They did not know how it would really turn out until it was "sculpted". Fortunately, he said that he had a very good excavator who did a very nice job in sculpting the back yard and hill and it drains perfectly and they have never had any issues.

The meeting was opened to the public for questions. There being none, the meeting was closed to the public.

Mr. Sasso said that the applicants' case was concluded.

Mr. O'Brien said that this application is a little unusual for this Board in that the typical subdivision that comes before it relates to new land without dwellings upon it with various variances. He said that this is an existing subdivision with existing homes on it and the applicants are seeking to move the lot line slightly to accommodate personal problems dealing with the family ownership of the former two subdivided lots. The applicants must still meet the burden of proof in terms of positive and negative criteria. They can show either a hardship argument or a c-2 argument (that the benefits outweigh the detriments). He did not think that there is a hardship because this is a subdivided lot by the applicants themselves. The Board must decide whether or not they have made a case for a benefits outweigh the detriments arguments on a c-2 variance and whether or not they meet the negative criteria. He

said that the negative criteria is that there be no impact upon neighboring properties and that there be no substantial detriment to the Master Plan and Zoning Ordinance of the Township.

Mr. Piserchia said that, in his opinion, the benefits of the proposal clearly outweigh any detriment. He said that he felt that it meets the negative criteria in that he was quite certain that, if passed, nobody will even know that it happened other than the fact that it is on a piece of paper in the Town Hall. He also said that there is a slight benefit in that the lot coverage is being reduced, albeit by a small amount.

Mr. Butterworth said that when the application was reviewed by the Environmental Commission, it saw a definite benefit in the fact that there is going to be less coverage from the removal of some pavement, even though it is small.

Mr. Piserchia noted that the Shade Tree Commission said that they wanted to be sure that the ground is stabilized.

Mr. Hoffman read a draft of the annexed Resolution of approval which was approved on motion by Mr. Butterworth and seconded by Mr. Piserchia.

A roll call vote was taken. Those in favor: Mr. Butterworth, Mr. Dempsey, Mayor Harrington, Mr. Piserchia, Dr. Rae, Mr. Batista and Mr. Connor. Those opposed: None.

The meeting adjourned at 9:10 P.M.

DAWN V. WOLFE
Planning & Zoning Administrator