

MINUTES

MARCH 1, 2016

BOARD OF ADJUSTMENT

LONG HILL TOWNSHIP

CALL TO ORDER AND STATEMENT OF COMPLIANCE

The Vice Chairman, Mr. Gerecht called the meeting to order at 8:00 P.M. He then read the following statement: Adequate notice of this meeting has been provided by posting a copy of the public meetings 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 in January 2016.

MEETING CUT-OFF

Vice Chairman Gerecht read the following statement: Announcement was made that as a matter of procedure, it was the intention of the Board of Adjustment not to continue any matter past 11:00 P.M. at any Regular or Special Meeting of the Board unless a motion was passed by the members then present to extend the meeting to a later specified cut-off time.

CELL PHONES AND PAGERS

Vice Chairman Gerecht read the following statement: All in attendance are requested to turn off cell phones and pagers as they interfere with the court room taping mechanism.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Excused:

Edwin F. Gerecht, Jr., Vice Chairman
Michael O'Mullan, Member
Michael Pesce, Member
Thomas Sims, Member
Jeffrey Wills, 1st Alternate
Brian Johnson, 2nd Alternate

E. Thomas Behr, Chairman
Jerry Aroneo, Member
Richard Keegan, Member

Thomas Lemanowicz, Bd. Engineer
Kevin O'Brien, Bd. Planner
Brian Schwartz, Bd. Attorney
Cyndi Kiefer, Bd. Secretary

Dan Bernstein, Bd. Attorney

Ms. Kiefer advised Vice Chairman Gerecht that he had a quorum and could proceed.

EXECUTIVE SESSION

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

PUBLIC HEARING

MARK WHITNEY
78 Gates Avenue
Block 13503, Lot 12

App. #15-06Z
Bulk Variances

PROOF OF SERVICE PROVIDED

Applicant waived court reporter appearance

Mark Whitney applied for submission waivers and bulk variances under N.J.S.A. 40:55D-70c for a shed and a detached garage on property which was located at 78 Gates Avenue, Gillette, and designated as Block 13503, Lot 12 on the Long Hill Township Tax Map and located in the R-4 Zone.

The application was presented by Mark Whitney and Civil Engineer William Hollows, P.E., of the firm of **Murphy & Hollows Associates, LLC** and was reviewed by Zoning Board Planner Kevin O'Brien, P.P. of the firm of **Shamrock Enterprises, Ltd.** and Zoning Board Engineer Thomas Lemanowicz, P.E. of the firm of **Remington & Vernick Engineers.**

The subject property had 100 feet of frontage on Gates Avenue, a depth of 150 feet and contained 15,000 square feet, while the minimum lot size in the R-4 Zone was 20,000 square feet. The property was improved with a ranch style, single family residence, and the applicant proposed to construct a 24 feet by 24 feet two (2) car detached garage on the eastern side of his property which would reduce the accessory building sideyard from 8.4 feet to 5 feet, while the Zoning Ordinance required a minimum sideyard of 10 feet in the R-4 Zone.

Mr. Whitney testified that he would work on cars in the garage as a hobby and not as a business. He also proposed to relocate an existing frame shed to a conforming location on the northwest corner of the property. The concrete pad under the shed would be removed and the construction of the garage and the removal of some impervious areas on the property would increase existing lot coverage from 31.6% to 31.8%, while the maximum permitted lot coverage in the R-4 Zone was 25%.

At the hearing it was suggested that the garage be expanded from 24 feet by 24 feet to 24 feet by 28 feet in order to provide additional storage and that the shed be eliminated and the applicant agreed to this proposal.

Based on the recommendations of the Mr. O'Brien and Mr. Lemanowicz, the Board granted the submission waivers and deemed the application complete.

It was also determined that the applicant had a hardship by reason of the small size of the subject property and that the requested relief could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Long Hill.

After deliberations Mr. Pesce moved approval of the application. The motion was seconded by Mr. Wills. A **ROLL CALL VOTE** was taken. Those in Favor: Mr. O'Mullan, Mr. Pesce, Mr. Sims, Mr. Wills, Mr. Johnson, Vice Chairman Gerecht. Those Opposed: NONE. Application #15-06Z was unanimously approved by the board members subject to the following conditions:

1. Gutters shall be constructed on the garage which shall be connected to the dry well.
2. The finish of the garage will be a beige color similar to the house side and rear.
3. Place a 6 foot high, board on board fence along the East or right side of the property from the back property line to the back of the house.
4. Garage height shall be no more than 15 feet.
5. Garage footprint to be increased from 24 x 24 feet to no more than a width of 24 feet and a depth of 28 feet, the additional 4 feet of depth shall extend the garage to the rear within the graded area with the front and side walls maintaining their positions shown on the plan presented to the Board.
6. Existing shed shall be removed from the property.
7. Exterior garage lighting shall be limited to two full cutoff fixtures on the front of the garage and one on the west side of the garage near the man door, should one be installed.
8. Maximum lot cover shall not exceed 31.8%.
9. Garage shall meet all building code requirements.
10. There shall be no plumbing or water service in the garage.
11. Correct the void ratio in the dry well calculation to comply with the Ordinance.
12. The applicant was to verify to the Board Engineer the extent of the roof area of the house that was to be piped to the drywell.
13. Plantings along the east side of the house shall be Evergreen trees to the satisfaction of the Board Engineer. Landscaping shall be permanently maintained. Dead, diseased and missing landscaping shall be replaced to the approval of the Board Planner.

14. All conditions herein are subject to review and approval of the Board Engineer.
15. Applicant shall submit proof of payment of real estate taxes through the second quarter of 2016.

Mr. Schwartz was excused from the meeting at 9:35 PM.

APPLICATION PROCESS EFFICIENCY- FEES AND ESCROWS

Mr. Pesce advised the board members that he along with Ms. Kiefer had been tasked with working to review current fee and escrow amounts. The review included applications that had been heard through completion by the Board of Adjustment since the fee and escrow amounts had been increased substantially approximately two years ago. Mr. Pesce and Ms. Kiefer found that approximately one third of the escrow amount was routinely refunded to the applicant. They felt that this reduction in escrow collected was due primarily to the successful efforts to increase application process efficiency. It was noted that in cases that were unique in nature or inefficiently handled by either the applicant or the board, the reduced escrow amounts might not be sufficient however both Mr. Pesce and Ms. Kiefer felt that this would be the exception rather than the rule.

The overall recommendation was to reduce escrow requirements for bulk variances by one third.

Mr. Lemanowicz noted that a lot of the potential issues that could derail an application during the hearing were now dealt with during Completeness Review meetings held prior to the hearing. The most expensive portion of the process for the applicant was the actual hearing when the applicant was bearing the cost or not only his professionals but the board's professionals as well. To mitigate these issues prior to a hearing resulted in substantial savings for the applicant.

Mr. Wills suggested that more samples were needed to solidly recommend the reduction. Mr. Pesce agreed and it was decided to take some of the older applications that were completed in one meeting and apply the new fee structure to those applications to see what the final outcome would have been.

APPLICATION PROCESS EFFICIENCY – FLOW CHART

Mr. Sims advised the board members that he along with Ms. Kiefer had been tasked with creating a flowchart for applications. He referred to a two-page document titled "Review of the Long Hill Township Planning/Zoning Process" dated February 1, 2016. That had been created as a result. Increase in efficiency and decrease in applicant costs were the stated goals of the document.

As a result of creating the flowchart, Mr. Sims identified one large delay which was caused by inadequate information provided by the applicant and his professionals. This resulted in requests from the board professionals for either more information or revisions to information already submitted which resulted at times in a delay of many weeks.

Mr. Sims identified a second source of delay which was caused by the meeting schedules of the Shade Tree Commission and the Environmental Commission and the difficulty in getting their reports in a timely fashion. He suggested that the applications be sent to both commissions earlier in the process. First, this would reduce the delay that could potentially occur and second, it would give the board members and the professionals more of a chance to review their comments. At times their reports arrived just prior to the actual hearing and the applicant, the board members, and the professionals were seeing it for the first time.

Vice Chairman Gerecht added that he had been a part of the Land Use Board Efficiency Committee. He had suggested to the committee members that the Environmental Commission and the Shade Tree Commission *schedule two (2) meetings a month with the idea that one or both could be canceled if no applications were available.* He felt that combining this suggestion with Mr. Sims suggestion would eliminate a lot of the issues.

Vice Chairman Gerecht also suggested electronically transmitting the applications to the two commissions.

Mr. O'Brien stated that many years ago when the application was initially received by the Planning and Zoning Coordinator, copies of that application were immediately given to the Environmental Commission and the Shade Tree Commission. Unfortunately, there were so

many changes made to the application over the course of the process, by the time the commissions' reports reached the board members they were not useful since they were based on information that had subsequently changed. That was why it was decided not to forward the application until all changes had been finalized and consequently their comments were based on the same application that the board members were working.

In response to questions from the board members, Mr. O'Brien stated that in most other towns, applications were sent to these bodies towards the end of the process however most towns were not as concerned as Long Hill Township.

There was continued discussion as to when the applications could be submitted to the two commissions. The professionals felt that it would be better to continue submitting complete applications rather than submitting them earlier when potential changes could still occur.

Vice Chairman Gerecht summarized the discussions as follows: (1) request that the Environmental Commission and the Shade Tree Commission *schedule* two meetings each month and (2) electronically submit applications to the commissions in an effort to allow members to review the applications without waiting to pick up a hard copy at Town Hall. He agreed with the professionals that submitting an application that was not complete might generate reports that might not be accurate. The report should be based on the same material that it the board members had for their review.

Transit time for hardcopies and a temporary increase in workload due to COAH requirements was cited by Mr. O'Brien as issues with the Zoning Review. To address the transit issue, Mr. O'Brien advised the board members that all applications were now transmitted electronically. He also had made a commitment to decrease turnaround time as much as possible to help increase the efficiency level of the process. Vice Chairman Gerecht stated that the reports generated by Mr. O'Brien were very thorough and detailed which the Board greatly appreciated.

Vice Chairman Gerecht suggested to Mr. Sims that he meet with Chairman Behr and summarize in writing what was discussed during this meeting.

Mr. Lemanowicz pointed out that the applicant and his professionals bore some responsibility for delays which was out of the Board's control. There was further discussion on possible ways to address this with the applicant.

Vice Chairman Gerecht advised the board members that Chairman Behr was writing and "Applicants Guide" to help applicants navigate the process and to advise them of some of the potential pitfalls and solutions. He felt that would address many of the concerns that had been brought up at the meeting.

Mr. O'Brien pointed out that the improvements made to the Board of Adjustment's application process also benefited the Planning Board since their process was exactly the same.

Vice Chairman Gerecht asked if the board members wanted to begin discussing the Land Use Checklist. Citing the late hour, Mr. Pesce suggested that they table that discussion until the following meeting. The rest of the board agreed.

Mr. Pesce motioned, Mr. Sims seconded and the meeting was adjourned at 10:45 PM.

Date: 7.6.16



Cyndi Kiefer
Planning & Zoning Coordinator