JOINT LAND USE BOARD

REGULAR MEETING MINUTES

November 15, 2012

Chairman Schwager called the meeting to order at 7:00 pm.

Adequate notice of this meeting had been provided in accordance with the Open Public Meetings Act.

Chairman Schwager led all present in the Pledge of Allegiance.

Roll was as follows:

John Casella – Present, Frank Costantini – Present, John Descano –Present, John Juliano – Present, Paul Lott – Absent, Mayor Maccarone – Present, Chief Marino – Present, Joe Maugeri – Absent, Alan Schwager – Present, Bob Rushton – Present, Les Viereck – Present.

Also present: Mike Aimino – Solicitor and Tim Kernan – Planner.

First on the Agenda are the Minutes from the regular meeting of October 4, 2012. L. Viereck made a motion to accept the Minutes as written which was seconded by Chief Marino. All were in favor except for J. Casella, J. Descano and Mayor Maccarone who all abstained.

Next on the Agenda is the Resolution for Rock Steady Fitness Granting a Use Variance and a Waiver of Site Plan. L. Viereck made a motion to approve and was seconded by Chief Marino. Roll was as follows:

**L. Viereck – yes, Chief Marino – yes, F. Costantini – yes, J. Juliano – yes, Chairman Schwager – yes.**

Next on the Agenda is a discussion for Ordinance 2010-10 which was the creation of a Cemetery District (I-C).

Chairman Schwager continued stating that back in 2010 the Planning Board made a recommendation to Township Committee to create a Cemetery District for the 5 cemeteries in the Township. The Township passed an Ordinance creating a Zoning for the cemeteries. What was never clear is will this be an overlay or a base zoning. That is what we have to decide tonight.

Tim Kernan continued with a brief overview of this Ordinance. He would recommend that the Board consider passing a Resolution recommending to Township Committee that they revise the Zoning Map to reflect these areas on to the Zoning Map as Base Zoning.

L. Viereck made a motion to authorize M. Aimino to issue a report to Township Committee to recommend that the I-C district be uses as a Base Zoning. F. Costantini seconded the motion. Roll was as follows:

**L. Viereck – yes, J. Casella – yes, Chief Marino – yes, J. Descano – yes, Mayor Maccarone – yes, F. Costantini – yes, J. Juliano – yes, B. Rushton – yes, Chairman Schwager – yes.**

For the record, J. Descano and Mayor Maccarone excused themselves from the rest of the meeting.

Next on the Agenda is Gino Postorivo, Block 21 ~ Lot 1. This is a Use Variance and a Bulk Variance.

Mr. Steven Filippone was present to represent the applicant, Gino Postorivo.

Mr. Steven Filippone and Mr. Gino Postorivo were both sworn in by Mike Aimino.

Mr. Filippone continued stating that he has been working with Mr. Postorivo and his father for many years on various projects through South Jersey. He stated that Gino is the owner of this 49 acre parcel which he purchased back in 2001.

Mr. Filippone stated that when he first became involved with this property he had worked on a number of permits, including soil erosion, driveway, wetlands and the grading plan which the Municipal Engineer has approved. He stated that this property is exceptional and unique.

He stated that they are seeking relief in “4” different areas. The first is for a sign that has already been constructed and they are seeking to legitimize that sign. Mr. Filippone passed out photos of the sign and described the detail of the sign.

The second area of relief they are seeking is for the size of the entrance gates located on Asbury Station Road and Warrington Mill Road. They believe they are an architectural feature and are attractive and they fit in with the character and size of the property.

The third area of relief they are seeking is to permit a primary dwelling and a secondary dwelling on the property. Mr. Postorivo wants to build the primary residence overlooking Warrington Mill Pond and a few hundred feet away from that location he would like to build a secondary residence. The secondary residence would be for visiting family members or friends/guests. Mr. Filippone continued with the positive criteria for this project and stated that he believes the “2” residences have not negative impact.

The forth area of relief is to build a barn on the property prior to the construction of the residential structure. Typical zoning requires a dwelling structure would have to be constructed prior to any secondary or accessory structure. Also they need a variance for the height of the barn. The one that they are proposing has a height of 27’, where 25’ is the limit.

J. Casella asked if they were encroaching on the wetlands. Mr. Filippone said that they are 300’ away.

Chairman Schwager asked why they want to construct the barn first. Mr. Postorivo stated that they have 6 horses and they are a hard thing to place. They want to make sure that when they start building their home that they have a home for their horses and in a safe spot. Chairman Schwager stated that his concern is that they build the barn, something happens and they never build the home.

J. Juliano asked if they are renting space to board horses or are they all his personal horses. Mr. Postorivo stated that they are all his horses

J. Juliano asked if this is residential, then why the sign. He understands it’s a lot of property but he doesn’t have a sign announcing his house. Mr. Postorivo stated that it’s his horse sign, his family sign, barn sign their colors etc.

Mike Aimino stated for the record that he has marked the “5” photos Mr. Filippone gave him as A-1 through A-5.

T. Kernan continued with his review letter dated November 6, 2012. Mr. Kernan stated that Mr. Filippone addressed all of his comments but a few. One is regarding an accessory structure that cannot be in front of the main building. Mr. Filippone stated that this property is so large that these structures will probably not even be seen unless you are at a certain focal point on Asbury Station Road. It is technical relief that they are seeking but, yes. Mr. Kernan stated that and that they are also seeking relief for more than 2 accessory buildings. The count is “5” between the garage, the two storage buildings the boat house and the barn.

T. Kernan stated other than that, Mr. Filippone addressed each of his comments that dealt with the various variances that are required in order for this to be approved. The only additional comment deals with the Affordable Housing Plan. There is a requirement for a contribution to the Housing Trust Fund. Mr. Filippone stated it is a State law and they will comply.

Chairman Schwager asked about grading. Mr. Filippone put up a Contour Map which Mr. Aimino marked as A-6 for the record. Mr. Filippone described the grading on the map.

J. Juliano made a motion to open to the public which was seconded by J. Casella. All were in favor.

Mr. Louis Fletcher an Attorney from Woodbury representing Frank and Carolyn Casella who own the neighboring property of 24 Mill Road. Mr. Fletcher stated that he has photographs showing water on the neighboring property. There is a lot of sheet flow that comes down off of the high areas of the property down towards the Mill Road driveway and goes directly on to his client’s property. He stated that over the past couple of years, that water has destroyed one driveway and they put in a new driveway to attempt to deal with it. They would like the water abated as a condition of this variance. He has photographs from 2011 and 2010 showing substantial water after the grading was done and there is clearly a problem.

They would also like to see a lighting plan to make sure there will be no spillover on to the Casella property.

Mr. Frank Casella of 24 Mill Road, Woolwich Township was sworn in by Mr. Aimino.

Mr. Fletcher showed Mr. Casella the 9 photographs that he took back in September of 2011 showing drainage issues. He continued going through the photos.

Chairman Schwager asked if there were water issues “8” years ago. Mr. Casella stated “yes”, before they started building their house a year ago there were water issues. He approached the township and the engineer had come out to look at the problem. He also went to Soil Conservation and they told him it was a Township issue. Mr. Casella stated that Mr. Postorivo has done a lot of grading work on his property that changed the earth of the farm that was flat at one time and now the water runs right on to his property.

Mr. Postorivo pointed out that the water has been hitting the spot that Mr. Casella pointed out for well over “11” years.

Extensive conversation continued over the water issues that Mr. Casella is having.

For the record, Mr. Aimino marked the photos as C-1 through C-9.

Mr. Filippone stated that he has Soil Conservation permits and he has a grading plan approval from the Municipal Engineer. They will solve these issues.

Mr. Postorivo added that along Mill Road there is a channel in the asphalt right along the road where the water runs down.

As a condition of approval Mr. Filippone will supply Mr. Kernan the original grading from before Mr. Postorivo started working on the property along with the original survey. He will also supply him with the existing conditions of today and he is will to meet him out there to help mitigate this situation to his satisfaction.

Mr. Fletcher stated that they want this problem abated, regardless of what any drawings show, the photographs don’t lie.

Lighting was discussed. Mr. Postorivo stated that there will be lights like any other house. They will have lights around the tennis court and the outdoor riding ring.

Mr. Filippone stated that as a condition of approval they will comply with the Townships lighting ordinance.

Mr. Casella asked about Mr. Postorivo moving the stable from the way it is shown on the plans. His house is within 100’ of where he wants to move it and he is opposed to this

Chairman Schwager stated that the horse stable meets zoning and he is not asking for a Waiver.

T. Kernan stated that they are asking for a Variance to have it be in front of the main house.

Mr. Postorivo stated they are moving the barn to reduce the noise to Mr. Casella’s home when the kids are riding.

Discussion continued over the placement of the barn.

With no other comments from the public, J. Casella made a motion to close the public portion which was seconded by chief Marino. All were in favor.

Chairman Schwager went through all the Variances that are being requested. He added as a condition of approval the applicant will work with Tim Kernan on the grading and will submit the original conditions and the conditions that are there today. The other condition is that if in the future the applicant wants to put up lighting, they agree that they will submit lighting plans and live by Township Ordinance.

A second discussion took place over the placement of the barn.

F. Costantini stated that the sequence bothers him the most. This could sit as a horse exercise place for 15 years as opposed to a residential place, that is why the Ordinance asks for residential use first prior to letting them build an accessory building. He has not heard a good reason to waive the sequence on this application. He agrees that the property is unique in its size and shape and can certainly have lots of accessory buildings.

Conversation took place over pulling permits for the house and then the barn.

Chief Marino stated that his problem is with security. Mr. Postorivo is going to have horses on the property during night hours with no one around. Mr. Postorivo stated yes, but they would have cameras, security and a fire alarm on the building.

Chairman Schwager continued with the Variances that the applicant is requesting.

F. Costantini made a motion to Grant a Variance for the sign for size, specifically the sign on the corner because it is a very large piece of property and the scale of the sign is suitable for size of that property. B. Rushton seconded the motion. Roll was as follows:

**L. Viereck – yes, J. Casella – abstain (because a relative gave testimony), Chief Marino – yes, F. Costantini – yes, J. Juliano – yes, B. Rushton – yes, Chairman Schwager – yes.**

Chairman Schwager stated that there is a problem and asked J. Casella if he will be abstaining from every vote to which he stated he has to. Chairman Schwager stated at this point the Board cannot give him seven bodies, they can give “6” votes and one of these is a “Use Variance” and they have a right to “7” people. So they have a right to continue or the right to ask for a continuance.

Mr. Filippone asked if they can hear a vote on all the bulk variances and save the use variance until last. Chairman Schwager agreed.

Next is the Bulk Variance for the gate. F. Costantini made a motion to approve the bulk variance for the height of the two gates and again because the size of those gates is suitable for the size of the property. Chief Marino seconded the motion. Roll was as follows:

**L. Viereck – yes, J. Casella – abstain, Chief Marino – yes, F. Costantini – yes, J. Juliano – yes, B. Rushton – yes, Chairman Schwager – yes.**

Chairman Schwager stated next is pulling permits for the barn before the house.

F. Costantini made a motion that they do not grant this variance and it was seconded by L. Viereck. M. Aimino stated that a “yes” vote will be to deny. Roll was as follows:

**L. Viereck – yes, J. Casella – abstain, Chief Marino – yes, F. Costantini – yes, J. Juliano – yes, B. Rushton – yes, Chairman Schwager – yes.**

Next is the height of the barn. Chairman Schwager stated that they are allowed to build this barn 25’ high and they are asking for 27’ so they are asking for a height variance of 2’. L. Viereck made a motion to approve which was seconded by J. Juliano. Roll was as follows:

**L. Viereck – yes, J. Casella – abstain, Chief Marino – yes, F. Costantini – yes, J. Juliano – yes, B. Rushton – yes, Chairman Schwager – yes.**

Next is the Variance to have more than 2 accessory buildings on the property. They want to do a total of “5”. L. Viereck made the motion to approve which was seconded by Chief Marino. Roll was as follows:

**L. Viereck – yes, J. Casella – abstain, Chief Marino – yes, F. Costantini – yes, J. Juliano – yes, B. Rushton – yes, Chairman Schwager – yes.**

The last Bulk Variance is to put the barn in the front yard. After a brief discussion, F. Costantini made a motion to put the barn 50’ of the property line; the grading will be to the satisfaction of T. Kernan, if and when a lighting plan is done, it will meet the ordinance. T. Kernan asked about the setback distance towards Warrington Mill Road. F. Costantini repeated that the motion is the barn will be placed 50’ off the side yard line, 50’ off the front yard line, conditions for grading/drainage & conditions for lighting will be met. J. Juliano seconded the motion. Roll was as follows:

**L. Viereck – yes, J. Casella – abstain, Chief Marino – yes, F. Costantini – yes, J. Juliano – yes, B. Rushton – yes, Chairman Schwager – yes.**

The last item is the Use Variance and if the applicant wants to continue or come back when there are 7 voting members.

Chairman Schwager called for a 5 minute recess at 8:42 pm.

The JLUB meeting reconvened at 8:50 pm.

Mr. Filippone stated that they would like to proceed and they understand that they need “5” yes votes with the “6” voting members here tonight. They would like to make one more appeal. Mr. Filippone stated that Gino has owned this property for 11 years. He is going to build 2 structures out there they he hopes the Town will also be proud of and he is going to make a major investment. He hopes the Board will vote favorably.

F. Costantini made a motion to approve the Use Variance for two residential structures, specifically because of the size of the property and the magnitude of the project. It is certainly suitable and the topography of this property is unique. It does not impair the zoning plan. This will be contingent upon the grading being worked out with our Engineer to handle the drainage issues along the Warrington Mill Road driveway area and anywhere else that Mr. Kernan deems necessary as well as the review of a lighting plan prior to any lighting. Chief Marino seconded the motion. Roll was as follows:

**L. Viereck – yes, J. Casella – abstain, Chief Marino – yes, F. Costantini – yes, J. Juliano – yes, B. Rushton – yes, Chairman Schwager – yes.**

With nothing further to discuss, J. Casella made a motion to adjourn which was seconded by L. Viereck. All were in favor.

The JLUB meeting adjourned at 8:50 pm.

Respectfully submitted,

Christina M. Marquis

Joint Land Use Secretary

*Minutes not verbatim*

*Audio recording on file*