

**JOINT LAND USE BOARD of  
Woolwich Township  
REGULAR BUSINESS MEETING  
August 17<sup>th</sup>, 2017**

**“MINUTES”**

Chairman Maugeri called the meeting to order at 7:02 pm.

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

Chairman Maugeri led all present in the Pledge of Allegiance.

Roll call of JLUB members present:

**Matt Blake – Present, John Casella – Absent, Dave Glanfield – Present, Mike Iskander – Present, John Juliano – Present , Chairman Maugeri – Present, Sue O’Donnell –Absent, Deputy Mayor Rizzi – Present, Beth Sawyer –Present, Bob Rushton – Present, Mayor Schwager – Present.**

Also present: Mike Aimino – Solicitor, Tim Kernan – Planner

Next are the minutes from the Special Meeting of July 6th, 2017. Bob Rushton made a motion to approve the minutes as written and was seconded by John Juliano. All were in favor except Mike Iskander who abstained.

Resolution 2017-23 Dave and Danielle Glanfield – Granting Bulk Variance Approvals for property located at 132 Saratoga Lane, designated as Block 3.25, Lot 7.

Bob Rushton made a motion to approve, which was seconded by John Juliano

Roll call was as follows:

**Bob Rushton- Yes, Matt Blake- Yes, John Juliano- Yes.**

New business: Daniel Kistler – Bulk Variance request. Block 54, Lot 13.15. 6 Alexis Court.

Mayor Schwager and Deputy Mayor Rizzi recused themselves from the hearing at this time.

Daniel Kistler was sworn in

Tim Kernan explains Mr. Kistler is here seeking a variance for the construction of a deck attached to his house that would encroach in the minimum rear yard setback of his property.

Chairman Maugeri asked how far it would encroach.

Tim responded with he is seeking a 22 and a half foot rear yard approximately, but round it down to 20 feet to give room.

Chairman Maugeri asked what is permitted.

Tim responded with 40 feet. He then adds that on the filed plan, the permitted is 40 feet. But under the current code, it must have been revised; the minimum is only 32 feet.

Chairman Maugeri stated it is about a 12 foot encroachment.

Tim added that behind Mr. Kastler's property is open space that wraps around all the lots on Alexis Court which run alongside of the New Jersey Turnpike. Without knowing the exact width, Tim estimated it is about a 50 foot buffer along the Turnpike.

Chairman Maugeri asked Tim what is the property behind Mr. Kistlers property line. Is it the open space?

Tim responded with, it is Lot 13, 12.8 acres and it says "New Jersey State Exempt" and it wraps behind all the lots on Alexis Court and back up to the Turnpike.

Chairman Maugeri asked if the applicant is seeking to encroach on the buffer between the NJ Turnpike and his property.

Tim responded that he is only seeking to encroach into his own backyard.

Chairman Maugeri clarified that the applicant is looking to get closer to, while staying within his property, the buffer that comes before the NJ Turnpike.

Mike Aimino asked Tim if it is fair to say that the applicant's property is uniquely shaped.

Tim responded with agreeing that the property is uniquely shaped and added that there are a number of easements on the property. Including a 20 foot wide storm water easement running right through the middle and to the west of that is a conservation easement across half of his property. So he only has about half of his property that is useable and that is where the house is.

Matt Blake stated that the applicant is trying to make use of an otherwise very constraining property.

Chairman Maugeri asked Mr. Kistler if he has anything to add.

Mr. Kistler explained that he did not know anything about this when he bought the property.

Dave Glanfield asked Tim if that is a typical setback off of the turnpike.

Tim responded that is a typical rear yard setback, yes.

Bob Rushton asked if there is anything back there.

Mr. Kistler stated it is his yard, then there is that 50 feet, then a fence and then there is about 50 feet of trees before the turnpike.

Chairman Maugeri asked if the applicant will be changing any grading.

Mr. Kistler responded no just building a deck.

Chairman Maugeri asked if the deck is regular wood and no concrete other than the footers.

Mr. Kister responded yes, standard deck.

Chairman Maugeri entertained a motion to open to the public.

Bob Rushton made a motion to open to the public, seconded by Dave Glanfield. All were in favor.

With no comments from the public, Bob Rushton made a motion to close the meeting to the public, seconded by Dave Glanfield. All were in favor.

Bob Rushton made a motion to approve a 20 foot variance so the applicant can build a deck. Seconded by John Juliano.

Roll call was as follows:

**Bob Rushton – Yes, Matt Blake – Yes, John Juliano – Yes, Mike Iskander – Yes, Dave Glanfield – Yes, Chairman Maugeri – Yes, Beth Sawyer – Yes.**

Mike Aimino explains to Mr. Kistler that there will be a resolution at the next meeting, and once that is adopted he will be able to pick up his permits.

Tim Kernan asked if he can proceed at his own risk.

Mike Aimino responded he can proceed at his own risk.

Tim Kernan suggested that the Joint Land Use Secretary write a letter to the construction office stating Mr. Kistler has been approved and request that they accept the letter as notice of approval until the resolution is adopted.

Next order of business is the discussion of potential revisions to ordinance 203-70B with respect to location of fences in side yards.

Mayor Schwager and Deputy Mayor Rizzi rejoined the hearing.

Chairman Maugeri stated that 6 foot fences in side yards of corner lots have been becoming an issue in the township. He then asked Tim where in the ordinance it speaks to corner lots specifically.

Tim answered saying he doesn't have it in front of him, but it doesn't speak specifically to corner lots and suggested we find the right spot to insert an exemption.

After reviewing the ordinance Chairman Maugeri points out that number 4 does state: "Fences on corner properties shall not be constructed of materials that would block the view of vehicular traffic at the intersection."

Mike Aimino added that it doesn't talk about side yards.

Chairman Maugeri read number 2 on the ordinance "Fences not exceeding 48 inches in height above ground level may be erected between the building line and road, street, and/or right of way." He clarified, the front yard. He then stated therein lies the problem, because you can only go to 48 inches between the building line and the street. On a corner lot, there are two spots that would happen.

Chairman Maugeri said that no members of the board were around when this ordinance was written.

Mayor Schwager mentioned they tried to change this years ago at the Joint Land Use Board level and the Board didn't want to change it so it stayed the same. The Board at the time wanted people to come in for a variance.

Chairman Maugeri asked Tim if this is typically how it is done in other towns.

Tim responded yes.

Chairman Maugeri asked why.

Tim explained safety and aesthetics.

Mayor Schwager stated that the way the ordinance is written today, you can't have a 6 foot fence in a front yard. And a front yard is defined as anything in front of the setback as it sits off the street. The problem with corner properties is you have two front yards.

Mike Aimino added if you went to 6 feet in what is considered the side yard, would that encroach on the site triangle.

Chairman Maugeri explained that any changes made would have to preclude anyone from putting anything in the site triangle easement.

Tim Kernan referred to Dave Glanfield's fence variance. He explained that the fence he wanted to put up was not close to the site triangle.

Mayor Schwager added it was well away because his driveway is not on that street. However if you take the neighbor behind the Glanfield's, that fence is right up against their driveway. So backing out of that driveway, there is a site triangle problem.

Chairman Maugeri stated there would have to be strict adherence to the site triangle issue.

Mayor Schwager responded they would have to get engineers to go set a triangle because we don't set triangles and I'm not going to allow homeowners to set their own triangle because they will just say it's good.

Beth Sawyer added, isn't it better leave it as a variance because depending on how the builder places the house on the lot, dictates how it comes into the house anyway. I would leave it as a case by case.

John Juliano said if you write it, you address where the driveway is. You have the corner lot with two front yards; the driveway is theoretically in one of those two front yards. So maybe you have a six foot fence where there is no driveway or something to that effect.

Chairman Maugeri stated we never really defined front yard.

Mayor Schwager said front yard is designed by zoning.

Chairman Maugeri asked what the definition is.

Mayor Schwager responded with anything in front of the setback off the street. For example, let's say its 50 feet; your primary structure has to be 50 feet from the street. Anything inside of that is considered your front yard.

Chairman Maugeri responded with he does not know that we have ever codified what is the front yard of a house on a corner lot. Is it where the mailbox is? Is it where the driveway is? Is it where the front door faces? Would it help to define where the front yard is on a corner lot house?

Tim responded with I think that's how it is defined. If the house is facing street A, and that's the front yard then the side of the house facing street B, if you're saying that's the side yard, then instead of 50 feet, maybe it's only 10 ft. minimum side yard, but now you are 10 ft. from that yard and that's your neighbors front yard.

Mayor Schwager stated which is why we danced around this for five or six years and ended up doing nothing.

Mike Aimino added there is another local township that has gone through the same exercise and left it.

Beth Sawyer said I would leave it that way because of safety issues. Let them bring in their plot plan, see how their house is situated. It could be an 80 foot set back if it's an acre lot.

Mayor Schwager explains as soon as you start creating an ordinance to satisfy every possible criterion, the ordinance becomes 20 pages long, and you're inevitably going to miss something. So just leave it as it is, and if people want to put a fence up, they can come in for a variance.

Mike Iskander explained that he comes home on Oldman's Creek every day, and at the intersection of Oldman's Creek and Swedesboro-Woodstown, there is a house on the right with a white fence; it complies with this, and it probably is 48 inches, but the elevation of the land itself is probably about 3 feet. Even in my pickup truck you have to be half way into the intersection to see. I don't know the rate of accidents but that always comes to mind when I'm at that intersection; how do we prevent that from happening?

Chairman Maugeri added I guarantee that house predates the setback rule because it's very close to the road.

Mike Iskander added well how do we keep that from happening; maybe a case by case basis?

Chairman Maugeri responded with that's how it is now, case by case.

Dave Glanfield stated that currently I don't think this is bad. The part we struggled with was the extensive amount of paperwork to get us to the hearing. And that was always the biggest hurdle.

Chairman Maugeri responded with it is not supposed to be easy.

Dave Glanfield added I get that, but I think that the process to get here and ask for that variance should be a little bit simpler. I don't see a positive way to change the ordinance and I don't think that it should change. The way I think that we should change it, or look to change it, is the paperwork that is required to get here.

Chairman Maugeri responded with I think that's a different discussion for another time.

Dave Glanfield added I don't want to spend an exorbitant amount of time trying to rewrite this because all of the research I did, every community, every town in New Jersey runs under the same set of rules. The part that we found cumbersome was the paperwork. There are a lot of terms in there that we don't understand. We were talking about a bulk variance; simply put if you could just add a line that says "fence variance" I think would clarify a lot of that.

Mike Aimino stated that the problem with trying to change that is you still have to meet the criteria of the MLUL you can't simply change the criteria. You can't just say "fence variance" there's not a criteria to go by. It's a bulk variance and you have to meet the positive and negative criteria.

Chairman Maugeri stated it is designed to be difficult.

Dave Glandfield added for the year I have been here I have not seen anyone come in for a fence variance. So it doesn't happen often and someone might come in and ask for the paperwork and say forget it and not get a variance for it.

Chairman Maugeri stated I think part of the issue is there are fences in the township and you have never seen anyone come through for a variance.

Beth Sawyer added I know in our new development that we are starting, in the HOA documents it specifies about the fencing and what the can and cannot do on a corner lot.

John Juliano asked is that for the HOA?

Beth Sawyer responded with it is for the HOA.

Chairman Maugeri asked if it differs from ours.

Beth Sawyer responded with I will have to look but I know it does not allow you to put 6 foot fences there.

Chairman Maugeri asked would keeping it behind the front edge of the house and keeping it x amount of feet off the sidewalk change anything for anybody.

With no other comments, John Juliano made a motion to adjourn, seconded by Bob Rushton. All were in favor.

The JLUB Special Business Meeting adjourned at 7:35 PM

Respectfully submitted,

Julie Iacovelli

Joint Land Use Secretary

***Minutes not verbatim***

***Audio recording on file***