

**TOWNSHIP OF GREENWICH
PLANNING/ZONING BOARD
REGULAR MEETING
APRIL 1, 2013**

The regular meeting was called to order by Chairman Rook.

Those present were Chairman Rook, Vice Chairperson Watson, Mr. Reinhart, Mr. Hedges, Mr. Sheppard, Mr. Henry, and Ms. Hunter. Also present was: Lisa Garrison, Board Secretary. Absent: Mr. Valente and Mr. Pointkowski.

Approval of Minutes: March 4, 2013 (Reorganization and Regular) - On motion of Mr. Sheppard, seconded by Ms. Watson to approve and adopt the minutes of March 4, 2013, unanimously carried.

Review of Bills: Bills were reviewed with no exceptions noted.

Resolutions:

RESOLUTION NO: 1-2013

**RESOLUTION GRANTING SUBDIVISION APPROVAL
WITH BULK VARIANCE AND WAIVERS
TO ALAN R. and KATHLEEN FENIMORE
BLOCK 5, LOT 10.02
(County Route 650 and 607)**

WHEREAS, an application was made to the Greenwich Township Land Use Board by Alan R. and Kathleen Fenimore residing at 1071 Bridgeton Road, Greenwich Township, Cumberland County, New Jersey through their attorney, Robert J. Pryor, Esquire, 92 West Commerce Street, Bridgeton, NJ for subdivision approval with a variance to permit an undersized lot (.76 acres) and for major subdivision checklist waivers, which application is dated January 22, 2013; and

WHEREAS, the application was filed with a map dated January 15, 2012 entitled "Major Subdivision Plan: Kathleen and Alan Fenimore" prepared by Tedesco Engineering, LLC as project number 12-75; and

WHEREAS, the Applicants requested waivers for the checklist requirements associated with a major subdivision; and

WHEREAS, the Applicants paid all required fees and established an appropriate escrow, and notice was duly published and provided to all property owners within 200 feet; and

WHEREAS, the matter proceeded for a public hearing on March 4, 2013 at 7:30 p.m. in the Greenwich Township offices situated at 1018 Ye Greate Street, Greenwich, NJ; and

WHEREAS, the Board determined that major subdivision waivers were appropriate and the application was deemed complete; and

WHEREAS, Kathleen Fenimore was duly sworn and provided testimony in support of the application; and

WHEREAS, after hearing testimony, reviewing the evidence submitted, and considering the comments of the Land Use Board solicitor, the Board made the following findings:

1. The subject property has frontage on County Route 607 (Greenwich-Bridgeton Road) and County Route 650 (Springtown Sheppards Mill Road) with water frontage on Sheppards Mill Pond, being Block 5, Lot 10 owned by Girls Scouts of Central and Southern New Jersey.

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2. The property contains two existing single-family residences, which have both been occupied from time-to-time for many years. The property has a history of use in conjunction with property owned by the Girl Scouts, which organization maintains an access easement as shown on the plan prepared by Tedesco Engineering, LLC.
3. The application was filed as a major subdivision, because there had been a prior subdivision. In all other respects, the application resembles a minor subdivision.
4. The Applicants propose to divide the property in order to enable each residence to be lawfully occupied as a single-family residence. No commercial activity is proposed, and there is to be no new construction as part of the application.
5. Each of the existing dwelling structures contains its own well and septic system and both structures can function as single-family residences without any modifications.
6. The subdivision as proposed will require no front, side or rear yard setback variances.
7. The proposed lot lines creating a lot with .76 acres will provide a reasonable and functionally usable dwelling that does not need to be a full one acre in size. The remaining lot of 2.26 acres is sensibly situated to accommodate existing barns, driveways, and road frontage requirements. The members of the Board have taken judicial notice that there are numerous properties within a half mile of the subject property, which are situated on lots of less than one acre.
8. The waivers requested for the major subdivision checklist can be granted without detriment to the township as the site is fully developed, and there will be no increased intensity for the use.
9. The property adjacent to proposed Lot 10.05 will continue to be used by Girl Scouts of Central and Southern New Jersey, and no development or increased density is contemplated on that parcel. Lot 10 is currently a pond, and no development is likely there.
10. The benefits to be derived from granting the bulk variance to permit a .76 acre lot adjacent to a 2.26 acre lot substantially outweigh any detriment caused thereby, and the variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Greenwich Township Master Plan and land use ordinance. Both properties have more than sufficient frontage, there will be no increase in traffic, and the properties will continue to be used as they have historically been used but on two separate lots. There are surrounding properties of similar size, and the subdivision and variance will not alter the appearance or use of the subject property.

NOW, THEREFORE, BE IT RESOLVED, by the Greenwich Township Land Use Board, that subdivision approval with a variance to permit a lot of .76 acres with waivers from the major subdivision checklist requirements be and is granted subject to the following conditions, which must be satisfied by the Applicants:

1. The Applicants must pay and all required fees that are due or may become due to the Township within seven (7) days notice thereof.
2. The Applicants must obtain approval or submit letters of non-applicability from any other governmental/regulatory body having proper jurisdiction including but not limited to the Cumberland County Planning Board, and New Jersey Department of Transportation prior to submitting any deeds for approval by the chairman and secretary of the Greenwich Township Land Use Board.
3. The Applicants shall post and maintain an escrow balance with the Greenwich Township treasurer for legal and engineering document review and preparation. The Board secretary is authorized to notify the Applicants and demand escrow replenishment to maintain the escrow in an amount sufficient to cover all

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anticipated professional review fees, however, at no time shall the escrow exceed the amount established by ordinance.

4. Permanent corner markers must be set for the property division line separating Block 5, Lots 10.02 and 10.05. These corner markers must be approved by the Land Use Board engineer.
5. Appropriate deeds with full legal descriptions shall be prepared and submitted to the Land Use Board engineer and solicitor for review and approval. These deeds shall be as required to create new lots designated Block 5, Lot 10.02 and Block 5, Lot 10.05 as shown on the plan submitted with the application.
6. The Applicants must submit to the Land Use Board solicitor for his review and approval as to form the deeds that will effectuate the subdivision. The deeds must contain the statement "Subdivision approval of the premises described herein was granted by the Greenwich Township Land Use Board at its March 4, 2013 regular meeting and memorialized on April 1, 2013 in resolution 1-2013." This language must be followed by signature lines for Dean Rook, Chairman and Lisa Garrison, Secretary.
7. The Applicants must submit the subdivision deeds to the Land Use Board for signature by the Chairman and Secretary after approval by the engineer and solicitor.
8. The Applicants must record the deeds with the Cumberland County Clerk and file the deeds with the Land Use Board engineer and tax assessor within 190 days of the date this resolution is adopted.
9. The Applicants must comply with all representations made, either personally or through any representative during the course of the presentation to the Land Use Board and in accordance with all documents filed or submitted with the application.
10. The Applicants must pay all fees before the deeds can be approved, signed and recorded.
11. The Applicant shall indemnify, defend and hold the Greenwich Township Land Use Board harmless from all claims of any kind which may be made as the result of the Applicants' use of the premises or any approvals granted by the Land Use Board.
12. All conditions set forth in this resolution except number 8 must be satisfied prior to the deeds being signed by the Land Use Board Chairman and Secretary.

Only members of the Land Use Board who voted for the application may vote on this resolution, and a vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. (*See N.J.S.A. 40:55D-10(g)(2)*). A member of the Land Use Board may also vote if they comply with the provisions of *N.J.S.A. 40:55D-10.2* and sign an affidavit or certification to that effect. A copy of this resolution shall be sent to the Applicant or the Applicant's attorney without charge within 10 days of the date of the decision. The Land Use Board Secretary shall file a copy of the resolution, and a brief notice of the decision shall be published in the official newspaper for Greenwich Township.

The undersigned Chairman of the Greenwich Township Land Use Board hereby certifies that the above is a true copy of a resolution adopted by said Board this 1st day of April, 2013 to memorialize action taken by the Board on March 4, 2013.

On motion of Mr. Sheppard, seconded by Mr. Henry to approve and adopt the foregoing resolution, unanimously carried.

Reports:

Environmental Commission - Ms. Watson reported on the cleanup activities.

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Dike Committee – Mr. Henry reported the Township was not asked to submit the grant application to the Dodge Foundation. Work will continue to pursue a planning grant. The Dike Committee is preparing a resolution to submit for the Township Committee's review requesting the County to pursue assistance for Pine Mount Dike. T

Communications – Mr. Henry reported notice had been received that Verizon will be at a meeting located at the Hopewell-Stow Creek Fire Hall, in Roadstown, regarding a cell tower at the Stow Creek school this Wednesday night at 7:00 p.m. All communications with Greenwich have indicated Greenwich is next. It was recommended that the Board attend the meeting to understand the process for when the Board will be entertaining an application.

Old Applications –

Block 11 Lot 11-12 –Bullock-Woolman Residence

The architect Larry Merighi, partner of Manders, Merighi, Poradin, Farrell, presented the application to the Board. Mr. Merighi reviewed the requested changes pursuant to the architectural review held at the last meeting, which included the smooth hardy board and permanent interior and exterior $\frac{3}{4}$ inch muttuns. On motion of Mr. Sheppard, seconded by Mr. Rook to approve the architectural review and the change to the historic district for the Bullock-Woolman property for the smooth hardy board and permanent interior and exterior $\frac{3}{4}$ inch muttuns, unanimously carried upon roll call vote.

Mr. Merighi further presented the bulk variance for lot coverage and lot size and reviewed the Township's requirements. The meeting was opened to the public with no comments forthcoming. Upon review, and on motion of Mr. Henry, seconded by Ms. Watson to approve the bulk variance subject to the side yard depth, which is currently nonconforming to be resolved by the incorporation of the existing lot on the northside; and the combination of the two lots combined with the removal of the rear shed does not result in an increase of lot coverage in favor of the addition and no increase in bedrooms as a result of the addition, minimum lot size and side yard setback for expansion of a conforming use on a nonconforming lot, unanimously carried upon roll call vote.

New Applications-

Cumberland County Historical Society Courtesy Review – Memorial Brick Walkway Site Improvement Project. Prior to the presentation Mr. Henry and Ms. Watson recused themselves. Mr. Theodore Ritter, Esq. presented the concept and objectives of the improvements to create a brick memorial walkway at 960 Ye Greate Street also known as the Gibbon House. The brick pavers would be installed in memorial to individuals. The plan will improve handicap access; make a designated handicap parking space; will improve storm water management. Lighting will be improved in the parking area that will duplicate the existing lamp and post that will be on photoelectric cells. The herb garden will be located on the south side of the building based on soil borings and the landscape architect's recommendation. Mr. Ritter indicated there is a long term plan that will be completed in phases. The Board questioned the placement of the bricks and if the wells have been identified on the property. Mr. Ritter indicated some bricks will be placed immediately with some bricks being presold. The remainder of the walkways will be done in a later phased. Mr. Ritter indicated the well would not be affected. Mr. Ritter also indicated the memorial walkway will replace existing walkways but will be a little wider and pitched. Mr. Ritter stated if approval of the concept was given it would not be necessary to have approval for each of the phases. The meeting was opened to the public with Ms. Watson questioning if the lighting could be placed on a motion detector. Ms. Watson further commented the location was one of the oldest in town and questioned if an archaeologist would be involved. Mr. Ritter indicated the suggestions would be taken back for implementation.

Other Business:

Cynthia Duffield, 957 Ye Greate Street, indicated the chimney on her house was collapsing and questioned if it could be built outside of the house as it would be cheaper. Upon review and discussion the Board recommended the chimney not be altered and repaired to original form.

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Zoning Officer – Mr. Van Pelt questioned the appointment of a zoning officer and indicated any individual appointed should attend the planning board meetings. Mr. Reinhart indicated the Committee would be making an appointment at the next Township Committee meeting.

Fee Schedule- Mr. Sheppard volunteered to contact a cross section of municipalities for information regarding fee schedules. Mr. Henry indicated it would not be prudent to have high fees on architectural review in the historic district as but other application fees should recoup professional costs.

Public Comment - None

Adjournment – On motion of Mr. Van Pelt, seconded by Mr. Reinhart to adjourn, unanimously carried.

Respectfully submitted,

Lisa Garrison, Secretary