

**PLANNING BOARD MEETING**  
**Meeting Minutes**  
**May 15, 2017**  
**DRAFT**

**MEMBERS PRESENT:** Andrews, Boland, Boyle, Haff, Heine, Masi, Prommel, Rome, Wilcox

**MEMBERS ABSENT:** Holenstein, Lazzaro, Richardson

**ALSO PRESENT:** Mr. David Simmons

Mr. Haff called the meeting to order at 7:00 P. M. with the statement that this meeting is in compliance with the Open Public Meetings Act, Public Law 1975, Chapter 231, Sections 4 and 13, as advertised by Annual Notice. If the applicant is a partnership or corporation, an attorney must represent it. No new applications will be heard after 10:00 P. M. No new testimony will be heard after 11:00 P. M.

Mr. Haff invited all present to participate in the salute to the flag.

**MINUTES**

Mr. Masi moved acceptance of the minutes for the January 25, 2017 meeting as posted and waived reading. Mr. Boland second. Roll call vote: In favor Andrews, Boland, Boyle, Haff, Masi, Prommel, and Rome. Opposed, none. So moved.

**CORRESPONDENCE**

As shown on the attached agenda.

**RESOLUTIONS**

None

**ADJOURNED CASES**

None

**HEARING OF NEW CASES**

William and Janice Hemberger Application # 510-2017 "D" Variance Block 1902 Lot 5.01/5.A30

Mr. Andrews arrived at 7:04 P.M.

William and Janice Hemberger, the applicants, came forward. Zoning Officer Arlene Fisher denied the zoning permit since the property is located on a pre-existing, nonconforming use that includes multiple seasonal cottages and two year round dwellings on one lot. The applicants gave an overview of the project for the property located at 10 Shade Tree Lane. The addition consists of a family room, bedroom and bathroom to the existing 1000 sf ranch style home. The applicants own the physical house and lease the property from Mrs. Sara Budd, who owns the 50 acre lot Block 1902 Lot 5.01 therefore there are no defined property lines. As part of the review for technical completeness, Mr. Simmons noted there was no formal survey. The homeowner used the tax map and sketch for discussion purposes. Mr. Simmons noted the uniqueness of the property and the limited information included in the application. The applicants provided a sketch of floor plan with rough dimensions and will use a licensed architect for the building permit. During the site inspection, Mr. Simmons noted the 640 sf addition was string lined out. Mr. Simmons said the house was 2 bedrooms with one bedroom converted to a home office. The homeowner stated the closet was removed from one bedroom to be used as an office. An email from the Sussex County Department of Health was included noting the septic was adequate for a two bedroom home. Mrs. Hemberger said they were a

**“self-help community” but Budd Properties is ultimately responsible for the private road maintenance but a homeowners association plows and fixes the roads.**

**Ms. Prommel called Mr. Aaroe on mobile and office but reached his voicemail.**

**Mr. Simmons asked the applicant if they had paperwork to document a defined leased area in order to determine where the applicants have the legal authority to expand. Mr. Hemberger said Mrs. Budd stated in her letter of consent that she would update the lease to include new square footage. Mr. Simmons concern is that neighbors have free reign to encroachment because there is no defined boundaries. Mr. Rome asked how the residents know where their yards stop and end if there are not defined property lines. The applicants said the home owners settle their own disputes in an amicable manner, but also stated Mrs. Budd is concerned about the lack of boundary lines. Most of the homes are separated by wooded areas. The applicants handed around pictures of their property as suggested by Mr. Simmons. Mr. Simmons noted that during the inspection he found the septic and well areas but they are not shown on the drawing submitted. He suggested to the applicants at the time of inspection to use Google Earth to show the property and draw in the well, septic and shed. The County issued an email saying they had no objection as long as it is not more than 2 bedrooms.**

**Mr. Haff asked if any board members had questions. Mrs. Prommel noted the application states the large lot Block 1902 Lot 5.01 not the specific applicants specific property which is Lot 5.A30. Mr. Haff noted the tax record has no dimensions attached to it.**

**Mr. Simmons called Mr. Aaroe on mobile and home but reached his voicemail.**

**Mr. Boland asked if the applicant was submitting a proper plot. Mr. Simmons suggested using Google Earth to show an aerial view for a photographic representation that some sort of scale can be determined. Mr. Haff said they should draw on the Google Earth map the existing structure, addition, and shed, so an exhibit can be attached to the resolution. The applicant asked if the engineers site review wasn't enough. Mr. Simmons clarified that he didn't doubt their drawing just that a scaled photo would help define the area. Mr. Hemberger stated there is a 75' steep drop between his home and the closest house noting that encroaching wouldn't be possible. Mr. Masi said we don't know what other homeowner's leases say.**

**Mr. Masi asked how setbacks can be examined if there are no defined property limits. Mrs. Hemberger asked wouldn't it be up to the property owner Mrs. Budd.**

**Ms. Wilcox stated it is the property as a whole since there is no subdivision it would be helpful to have Mrs. Sara Budd present. Even if the nearest neighbor is 400' away their lease may say their leased area includes 500'.**

**Mr. Andrews asked when the house was built and if the other homes were built at the same time. Mrs. Hemberger said the house was built around 1950 and Mr. Hemberger said there had been additions over time to their home.**

**Mrs. Prommel noted that if Mrs. Budd were to define their lease area the application could be move along. Mr. Simmons reiterated that something that would help the board would be google earth map that shows on the map area a defined lease area and Mrs. Budd signed yes this is area we agree applicant has rights to this the area so the board attorney can make it exhibit one and it is quantified to a certain extent.**

**Mr. Haff noted if the leased area could include setbacks according to code. Mr. Simmons said the setbacks are for the 50 acres. The board needs some way to quantify the area that the applicant has the right to use.**

**Mrs. Hemberger asked if Mrs. Budd's letter gives consent.**

**Ms. Wilcox said the board needs to operate within the confines of land use law. Even though the applicant said the neighbors get along, things change and the application contains too many "ifs."**

**Mr. Boland said accurate dimensions are required for a variance.**

**Mr. Hemberger requested the date of the next meeting and Mrs. Prommel clarified it would be June 19th.**

**Ms. Wilcox explained that often clarification is needed on a land use board application.**

**Mr. Rome questioned why Mrs. Sara Budd stated she would change the lease after the addition was completed. Mrs. Prommel noted that the letter from Mrs. Budd states she will update lease according to new square footage. She asked that the applicant ask Mrs. Budd to define the size of the leased land.**

**Mr. Simmons suggested using Google Earth to print a map showing the current leased property including the storage shed, 10' around septic, well and 25 feet past the lease line and 50 feet on one side. Since the dwelling is the only fixed thing it can be used as a monument to measure from in the drawing, so all dimensions from the house should be on the map. Mr. Hemberger asked if the house needed to be in the middle and Mr. Simmons replied no but should it encompass the shed, well, septic and addition so if someone had to lay it out in the future a survey could measure from the house.**

**Mr. Rome asked if a variance was even required if the lease shows required setbacks. Mr. Simmons stated a use variance is required because there is more than one house on the lot.**

**Mr. Andrews stated that the challenge for the Board is not how this will affect your life and immediate need but how this application affects the future when circumstances have changed. That is why we are requesting definition and quantification of the leased property.**

**Mrs. Prommel stated it would be exceptionally helpful if the applicant can have Mrs. Budd define the leased area.**

**Mr. Haff noted that Mrs. Budd should sign off the leased area on the Google Earth map.**

**Mr. Hemberger stated they were the first ones in Block 1902 Lot 5.01 that wanted to improve their home.**

**Mr. Andrews stated that he had asked when the house was built because it was prior to the New Jersey land use laws and that it was difficult for the board whose job is to apply land use law to a piece of property that predates these laws.**

**Mr. Andrews made a motion to deem the application incomplete. Mrs. Prommel seconded. In favor Andrews, Boland, Boyle, Haff, Masi, Prommel, and Rome. Opposed, none. So moved.**

**New members, Mr. Heine and Ms. Wilcox were sworn in at this time.**

**Mr. Masi made a motion to deem no further notice was required to carry Application #510-2017 to the following meeting on June 19, 2017. Mr. Haff second. All in Favor. So moved.**

## **OTHER BUSINESS**

**Ms. Suzanne Boland requested clarification for the Township Clerk that the planning board had decided at the January 25th meeting to modify Ordinance 2016-11 by replacing Planning Board with Land Use Board. Mr. Boland confirmed that a motion was passed at the January 25, 2017 meeting to change the name to Land Use Board.**

**At this time, the meeting was opened to the public. With no one available with comments, the meeting was closed to the public.**

#### **LIAISON REPORTS**

**Township Committee**

**No report.**

**Environmental Committee**

**Mr. Haff reported the Committee held annual Road Side Cleanup.**

**There being no further business before the Board, Mr. Rome made a motion to adjourn at 7:59 P. M. Mr. Masi second. All in favor. So moved.**

**Respectfully submitted,**

**Suzanne Boland**

**Planning Board Secretary**