

A REGULAR MEETING OF THE PLANNING BOARD OF THE TOWNSHIP OF SANDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY WAS HELD ON MONDAY, APRIL 6th, 2015 AT THE MUNICIPAL BUILDING BEGINNING AT 7:00 P.M.

Mr. Cunico called the meeting to order. This meeting has been advertised in accordance with the Open Public Meetings Act by advertising notice of the meeting in the N. J. Herald and posting copy of the notice in the Sandyston Township Municipal Building.

Roll Call:

Messrs. Huber, Green, MacDonald, Cunico, Powers, Smith and Sinha.

Absent: Harper, Pinzone, Milligan and Utter

ALSO PRESENT: Glen Gavan, Board Attorney

MINUTES: None.

VOUCHER REPORT:

A MOTION was made by Mr. Huber, seconded by Mr. Sinha to approve the April 6th, 2015 voucher report. Upon roll call the following votes were cast: **AYES:** MacDonald, Huber, Cunico, Green, Sinha, Powers and Smith. **NAYS:** None. Motion carried.

Glenn T. Gavan, Esq. LLC

General:

Invoice #2070 – General Matters

\$368.00

Escrow:

Invoice #2072 – Giaccio Matter through 3/10/15

\$432.00

Invoice #2071 – Leppert Matter through 3/10/15

\$416.00

H. E. Pellow & Associates, Inc.

General:

Invoice # 60220 – Planning Board Business

\$31.25

CORRESPONDENCE: None.

FORMAL APPLICATION:

BECKENTHAL APPLICATION # 02-2015 – BLOCK 3004 LOT 11 – “C” VARIANCE

Project Name: Beckenthal Residence

Tamara Beckenthal, 264 Silver Lake Road, Blairstown NJ was sworn and testified that she is seeking to raze a home located at 2 Hague Road, Sandyston and rebuild a new home that would be 4 foot above flood line. They would remove all the utilities in the basement and relocate them into the garage. This building would be in the same footprint as the existing building. Appearing with her was her Engineer, Faith Zimmerman, who testified that she is a licensed architect with Zimmerman Architects in the State of New Jersey.

Ms. Beckenthal testified that this project is approved by the DEP already but they advised that she should take down the building completely and rebuild on the site rather than renovating.

The Board Engineer, David Simmons, read from his report regarding zoning & site plan requirement and approvals required. Photographs of the septic and well heads were submitted with the report as this location is within the flood level and could be impacted. The applicant affirmed that she has had this inspected and understood his concern of the impact on the septic and well head. There was also some concern of the road way and the responsibility of the maintenance of the roadway should there be a need for emergency services. The applicant could find no evidence through title search of who owned the roadway. The Board was able to confirm through their experience and knowledge that the roadway is a private road.

Permit #1917-14-0002.1 FHA 140001 & 1917-14-0002.1 FHA 140002 – Flood Hazard Area Individual Permit – Flood Hazard Area Verification from the Department of Environmental Protection Division of Land Use was submitted by the Ms. Zimmerman, the applicant's architect. This permit verifies the limits of the flood hazard area, floodway and riparian zone to the Delaware River and reconstruction & elevation of this proposed single family dwelling with attached garage and gravel driveway. A copy of this permit was entered as Exhibit A-1 and placed on file.

There was some discussion regarding combining the two adjoining lots. Mr. Gavan upon reviewing the information expressed that it was understood that the lots could not be combined as a legal matter, and as it was understood by the applicants own testimony they she had no intentions of selling that lot. He then asked if the applicant would voluntarily agree to put a restriction in the deed that you do not intend to sell it so that it will always stays in the manner used. The applicant agreed that this would be acceptable. The applicant's attorney and the Boards attorney will come up with language to satisfy this deed restriction.

Mr. Powers discussed the Ordinance Article III General Provisions #75-6 which pertains to all areas of special flood hazards within the municipality and includes a checklist of requirements which must be met. Additionally, he referred to Ordinance 75-14.2D which indicates that variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. The applicants Engineer responded to that by explaining that this new home would remove a lot of the volume of the home as they are eliminating the basement and the garage would have flood vents. She added that as the house would be on piers the flood waters would just be able to go under the house and that they are working with the DEP to essentially pick this house up and remove it from the flood line.

Mr. Cunico asked about the private road and asked as the Board was confident that this is not a Township road, does the Board need to include in this decision private road variance. Mr. Gavan agreed. Notification was provided to the applicant that the Township does not provide any services for that road and they are uncertain if emergency equipment could get down that road. Therefore, the onus is on the applicant as owner that in the event of an emergency, if the emergency personnel could not get down that road they will not hold the Township responsible. Additionally, Mr. Gavan stated that it would be the applicant/owners responsibility to maintain the road so that emergency vehicles can get down that road. The applicant questioned how she could continue to research the ownership of the road. The applicant was advised to seek counsel to research old deed information. The Board would need to view this as a private road in order to entertain this application. The Applicant agreed that this is a private road.

Mr. Sinha expressed some concern over how emergency personnel would respond to this location in the event of a flood and if they could issue an evacuation notice. Members of the Board advised that this location has flooded before and evacuations have been ordered in prior years. To that the Applicant reported that this home is designed to be higher than the elevation of a 100 year flood.

This matter was opened to the public and closed with no comment.

A MOTION was made by Mr. Green, seconded by Mr. Powers to approve the application for "C" Variance as submitted as well as additional variances as required and conditions as necessary. Upon roll call the following votes were cast: AYES: MacDonald, Huber, Cunico, Green, Sinha, Powers and Smith. NAYS: None. The Motion carried.

RESOLUTIONS:

A MOTION was made by Powers, seconded by Green to memorialize the Resolution for application #1-2015 for Giaccio, block 1812 lot 27 for "C" Variance passed at the meeting held on March 2nd, 2015. Upon roll call the following votes were cast. AYES: MacDonald, Huber, Green, Powers, and Smith NAYS: None. ABSTAIN: Cunico and Sinha. Motion carried.

A MOTION was made by Powers , seconded by Huber to memorialize the Resolution denying application #5-2014 for Leppert, block 1103 lot 17 for Variance passed at the meeting held on March 2nd, 2015. Upon roll call the following votes were cast. AYES: MacDonald, Huber, Cunico, Green, Powers, Smith. NAYS: None. ABSTAIN: Sinha. Motion carried.

A MOTION was made by Green, seconded by Sinha to memorialize the Resolution for application #3-2014 for Farrell, block 2301 lot 22 for Variance passed at the meeting held on January 5th, 2015. Upon roll call the following votes were cast. AYES: MacDonald, Huber, Cunico, Green, Sinha, Powers, Smith. NAYS: None. Motion carried.

OTHER BUSINESS: Mr. Powers stated that he would have the Sign Ordinance information prepared for the next meeting.

AUDIENCE PARTICIPATION: None.

A MOTION was made by Mr. Powers, seconded by Mr. Sinha to adjourn the meeting. AYES: All in favor. NAYS: None. Motion carried.



Beth Brothman
Board Secretary