

**Alexandria Township
Land Use Board
Meeting Minutes May 18, 2023**

Chair Rochelle announced that adequate notice of this meeting has been provided in accordance with section 3(d) of chapter 231 or the public laws of 1975, commonly known as the “Sunshine Law”. The meeting was called to order at 7:30pm.

Members Present: Chair Rochelle, Papazian, Pauch, Freedman (7:34), Canavan, Tucker, Giannone, Kimsey, Savacool.

Members Absent: Committeeman Kiernan, Committeeman Pfefferle, Hahola.

Professionals Present: Attorney-Dragan, Engineer-Decker, Planner-Banisch

Others Present: Steve Gruenberg, Attorney for applicant, Robert Mannino, applicant, Kelly O’Such, Engineer for applicant, Laurie Troy, resident.

Flag Salute

Minutes Approval

A motion to approve the minutes of the April 20, 2023, meeting of the Land Use Board was made by **Papazian** and seconded by **Tucker**. **Vote: Ayes: Papazian, Pauch, Canavan, Tucker, Giannone, Kimsey, Savacool. Abstain: Chair Rochelle. No Nays. Motion Carried.**

New and Pending Matters

- Mannino – Variance Application – Public Hearing
644 Route 513
Block 21 Lot 4

Attorney Gruenberg described the application to the Board for a 40’ x 60’ pole barn within the front yard on a flag lot. He advised the barn will not be for used for a business. He described the variances requested to allow an accessory structure within the front yard, 125.17 feet is proposed, and 200 feet is required, the side yard setback required is 100 feet where 29.50 is proposed. A maximum height of 16 feet is permitted where a height of 22.67 is proposed. C-1 variances are required for the front, side, and height requirements.

Gruenberg advised there are two witnesses, Kelly O’Such, Engineer and Planner, and Mr. Mannino. **Dragan** swore in the witnesses and the **Board** professionals. Gruenberg called on Mr. Mannino, who resides at 644 Route 513, Pittstown. He has lived on the property for 2 ½ years. He currently manages an auto repair shop in Scotch Plains. He’s been in the automotive business for 49 years. Gruenberg asked for the purpose of the pole barn. Mannino testified for equipment storage, about eight cars including classic cars, tools, yard equipment, lawnmower, a tractor, and a backhoe inherited from his father. He has four classic cars he would like to store inside. He would like to put in one storage lift

which would provide room for two cars. The lift for the cars and the backhoe would require a higher roof. The height of the roof will look more attractive with a higher peak, otherwise the building would look big and square. There are also plans to have goats as well in a few years.

Mannino would also like to have a small workshop inside the structure. He is an inventor with a few patents. He would use this space for household repairs. He is retiring in a few years and this would provide space for him. Gruenberg asked the applicant about proposed conditions as described in the Board engineer and planner's letter. The conditions would be that there would be no residential occupancy in the pole barn, the pole barn shall be limited to electricity, water, and heat and garage use only. There would not be a hookup for septic. There will be no business use and any other utility changes would require the applicant to come back to the Board.

After the applicant's engineer completed a survey of the property, the applicant put down 4,050 square feet of gravel. Mannino did not realize that gravel is impervious coverage. Mannino has agreed to remove the gravel areas as part of any approval. He requested to leave one area of gravel until construction has been finished and then that will also be removed and returned to lawn. Gruenberg asked that the removal of that gravel be a condition of occupancy and not a condition prior to a building permit being issued.

Canavan asked if there were any plans to add additional cars to the applicant's car collection. Mannino advised there is not. **Banisch** asked when the applicant intends to start the project if the applicant were to receive approval tonight. Mannino advised he has a general contractor and would like to start within a few months. **Freedman** asked if the applicant is planning to continue to invent and secure patents once he has officially retired. She asked if this could potentially become a commercial enterprise and business. Mannino advised he would license the idea but would not produce any items in the pole barn.

There were no further questions of the Board to the applicant. The next witness was the applicant's engineer, O'Such. He described his qualifications to the Board. The Board deemed him to be a qualified expert.

O'Such presented exhibit A-1 dated May 18, 2023, entitled Mannino Variance Aerial exhibit. He advised the aerial is of the applicant's property and described the property. It is a flag lot that fronts on County Road 513. A slim portion of the property fronts the road. The flag length is over 350' long. The home is over 200' from the front property line. The property is a 4.28-acre lot. The property is screened by vegetation from the road as well as from the closest neighboring property. The site has onsite well and septic. There are some environmental constraints, with a stream that bisects through the southern portion of the property. The stream has a 300' riparian zone. There are also some wetland areas offsite on neighboring properties. Those wetlands have transition areas associated with them that encroach onto the applicant's property. He described the topography of the lot.

O'Such advised the applicant proposes to install a 40'x60' pole barn of 2,400sf. He presented exhibit A-2 entitled Barn Structure Mannino Residence dated August 22, 2022. The applicant's architect prepared the exhibit however, there was no named architect but labeled floor plan. The exhibit is representative of what the applicant proposes. O'Such reviewed the design and advised the proposed structure has 3

garage bays the middle of which would be an enlarged door. The middle door would be used for pulling in the backhoe which needs a higher clearance than the typical 7' high. He also proposes to install a car storage lift in the back of the middle section for efficiency of the floor plan. O'Such advised the characteristic of the proposed barn is like the barns as currently seen in the community.

O'Such advised the applicant added architectural detail to the roof instead of a flat roof. The highest point of the roof is 22.67' exceeding the 16' height. The structure would be served by gas and electric without a sink but will have a spicket so there would not be a need to connect it to the septic system. O'Such confirmed that this will not be a residential structure of any type, will not have a bathroom, is not for business use and will not have a second floor.

O'Such presented exhibit A-3 previously submitted to the Board entitled Variance Plan dated March 24, 2023, prepared by himself as engineer of EL&P. He advised that typically you want to build in an area that limits the amount of impervious coverage needed to access the building. It is located as close to the driveway to limit the expansion of the gravel area. It is also proposed to be in a relatively flat area of the property to limit the grading and earthwork. Gruenberg asked how far from the road would the structure be located. O'Such advised approximately 475' from the road.

Tucker asked if the building is easily visible when driving down the flag. O'Such referred to the aerial exhibit. He described when you're driving down the driveway, it is screened by trees but when turning into the property, both the house and pole barn would be visible.

O'Such reviewed the areas of gravel as pointed out in engineer **Decker's** review letter dated May 3, 2023. He advised that the applicant agrees to remove the 4,050 square feet of gravel if the Board should grant the variance and will prepare an as-built survey confirming the gravel has been removed. If there is a discrepancy, then the gravel would need to be removed or the applicant would need to come back before the Board. O'Such addressed item 7 of engineer **Decker's** letter, and advised a note will be added to the plan that impervious coverage constructed under this application as well as any other impervious coverage constructed after February 4, 2004, will count towards any Major Development threshold per the state's stormwater threshold and must be considered for any future development on the site.

As specified in the additional comments, item 1 of **Decker's** letter regarding the environmental constraints of the creek and 300-foot riparian zone, O'Such has clarified through emails with the NJDEP that although the structure is completely enclosed it is above the FHA elevation and qualifies for Permit-by-Rule #14.

O'Such reviewed the positive and negative proofs required for the proposed variance relief. He stated the property is in the AR – Agricultural Residential district and read the Townships purpose and intent of the AR district from the Ordinance. O'Such advised the steep slopes are located at the rear of the property. He stated that the location of the pole barn fits in with the intent of the zoning district. He stated the variances requested. O'Such stated that all these areas of relief qualify under C-1 and C-2 hardships. He stated the reasons for C-1 variances and advised that he believes it qualifies because the lot is an oddly shaped flag lot. While the structure is in the front yard, the yard is not typical in that it is

not on the edge of the road. In addition, the significant vegetation in the front of the property screens the structure. He continued that the applicant is avoiding the steep slope areas and away from the state regulated areas, while trying to avoid the disturbance of the natural resources. Gruenberg asked if the only way to erect the structure in a conforming area would be to disturb the steep slopes and extend the driveway into the critical resource area as defined by the Ordinance. O'Such replied yes.

O'Such stated for the purposes of the positive criteria, g., i., and j. would apply. Purpose g. of the MLUL would be advanced as this project locates the structure in a place that would minimize the impact of the currently undisturbed state regulated areas and limits the proposed structure to the areas that are disturbed. Purpose i. of the MLUL would be advised to promote a desirable and visual environment for creative development techniques with a good civic and design arrangement. O'Such stated the location of the structure naturally fits in with the overall functionality of the property, minimizing the disturbed areas and is accessible from the driveway. He stated purpose j. of the MLUL and advised it promotes this purpose as it prevents sprawl and avoids valuable natural resources.

O'Such stated that the structure will store the vehicles inside, which are currently parked out on the property. The structure is about 700' from the closest neighboring property and fits in with the farm look. The location minimizes the grading and the wetland transition areas and avoids further disturbance. The architectural detail of the high point of the building fits in with the overall structures in the area. The height provides adequate storage of the equipment.

O'Such stated with regards to any substantial detriment to the public good, the negative criteria, he does not see any substantial impact. He commented that the structure is being built so that there will not be a negative view from the neighboring property. Gruenberg asked if granting any of these variances would substantially impair the intent and purpose of the AR Zone. O'Such advised with the proofs laid out that it does not. The intent is to preserve natural resources, woodlands, water resources and the views and vistas.

Decker advised that O'Such covered all the comments from his May 3, 2023, letter. He is satisfied with the NJDEP's comments with regards to the Permit-by-Rule #14. He doesn't have an issue with removing the remaining gravel areas prior to the Certificate of Occupancy. Decker asked if the applicant would be under the ¼ acre of impervious coverage if the gravel area were to remain. O'Such advised it would be close. O'Such will provide an as-built.

Banisch advised the lot itself creates a lot of the hardships. The aesthetic enhancements will provide a visually pleasing environment. Due to the distance from the neighboring property, the height of the structure will not create a discernable difference. **Banisch** asked if the applicant would like to include a deed notification for any future development of the site with regards to the property reaching the threshold. The other alternative could be for the applicant to record the resolution as a condition of approval. Gruenberg opined that it could be the same as a deed restriction. He prefers that it is a note on the plan and a condition of approval. There was additional discussion regarding a deed restriction for the legal limit of impervious coverage which would require stormwater management. **Decker** advised that the applicant's engineers' notation on the plan would put any future owners on notice. **Canavan** expressed that the Board has not required a deed restriction in the past. **Decker** advised that due to the

new stormwater regulations, this type of issue will become more prevalent. Municipalities could be held accountable if impervious coverage is not regulated with regards to stormwater. Annual reports will be required for Boards to confirm that stormwater has been reviewed properly in the application process.

Gruenberg pointed out that any future owner would need to come before the Board for relief due to the front yard setbacks. **Papazian** agreed that the zoning officer would not be able to approve future development without an application to the Board. **Giannone** and **Canavan** agreed. **Dragan** pointed out that the language in deeds is summarized and a future owner may not see the restriction. This would be in the title work. Including the restriction in the resolution of approval should suffice to any future owners. **Chair Rochelle** pointed out that goats would not be permitted in the front yard setback of the accessory structure. The applicant understands this would be a separate application.

Freedman asked how the structure can meet the NJDEP requirements of the Permit by Rule #14 when it is not a partially open structure. **Decker** advised the applicant was able to obtain clarification that if the sides of the pole barn are not lower than the Flood Hazard Area the structure would qualify for the Permit by Rule #14.

A motion to was made by **Kimsey** to approve the application with the variances requested and the conditions as stated by Gruenberg from the Engineer's and Planner's letters, the impervious coverage limitations must be notated on the plan for any future owners along with any outside agency approvals, if the applicant wishes to obtain goats, this would require a separate application to the Board. The motion was seconded by **Canavan**. **Vote: Ayes: Chair Rochelle, Papazian, Pauch, Freedman, Tucker, Canavan, Giannone. No Nays. Motion Carried.**

- Windy Knoll Farm –Variance – Completeness Review
66 Sky Manor Rd
Block 21 Lot 44

The applicant was present for the completeness review. Chair Rochelle explained to the applicant the purpose of the completeness review. The applicant has received the engineer's letter which listed out the deficient items of the application.

A motion to deem the application incomplete was made by **Tucker** and seconded by **Pauch**. **Vote: Ayes: Chair Rochelle, Papazian, Pauch, Freedman, Tucker, Canavan, Giannone. No Nays. Motion Carried.**

Correspondence

Bee Flower & Sun Honey – Request to Carry

The Board discussed the length of time that the applicant has asked to carry the application. **Chair Rochelle** advised the application was deemed complete a year ago and the applicant has requested to continually carry the application every few months. **Banisch** advised the applicant has been in contact with the Board professionals and is proposing some changes. The Board discussed allowing the applicant to come back when they are ready without new application fees. Only the escrow fees would need to

be replenished. **Dragan** advised this is within the Boards jurisdiction. **Giannone** advised this would give the applicant a clean start.

A motion to deny the application without prejudice and to allow the applicant to return to the Board without resubmitting application fees and require the applicant to replenish the escrow was made by **Papazian** and seconded by **Giannone**. **Vote: Ayes: Chair Rochelle, Papazian, Pauch, Freedman, Tucker, Canavan, Giannone. No Nays. Motion Carried.**

Approval of Bills

A motion to approve the bills for the Land Use Board was made by **Kimsey** and seconded by **Tucker**. **Vote: Ayes: Chair Rochelle, Papazian, Pauch, Freedman, Canavan, Tucker, Giannone. No Nays. Motion Carried.**

Comments from the Board/Public

Tucker advised the Board that the SADC has passed a Special Events law for preserved farms. This allows for approximately 26 events a year only within the part of the property which has been preserved. The ordinance states that the land needs to remain farmable after the event. This is not approved within the exception area. **Tucker** recommended reading the full ordinance on the SADC website. Laurie Troy, resident, asked for clarification of the SADC ruling. **Tucker** clarified.

Motion to Adjourn

A motion to adjourn was made by **Chair Rochelle** and seconded by **Canavan** at 8:55 pm. **Vote: All Ayes: No Nays. Motion Carried.**

Respectfully Submitted,

Leigh Gronau, Board Secretary