

existing condition is 29.4'. The rear lot minimum of an accessory building setback requirement is 30' and the chicken coup is currently over the line. The coup will be removed and a garage constructed 1' off the rear property line. The maximum aggregate accessory building coverage requirement is 3% and the existing condition is 1.4% and the proposal is 3.5%. The maximum lot coverage requirement is 15% and the existing condition is 31% and the proposal is for 30.6%.

Mr. Wayne Ingram, engineer and planner, was sworn in. Mr. Ingram gave the Board his qualifications and was accepted as an expert engineering and planning witness. Mr. Ingram referenced the variance plan submitted to the Board and gave an overview of the existing conditions of the site. The proposed garage can't be moved forward since the site is very limited. If the garage was moved the required 30' it would be located in front of the primary structure and the usable area on the site becomes lost. There is also a minimum separation requirement of 15' between the garage and the reserve septic field. If the garage is moved forward they will lose the ability to use that reserve area. The application reduces the impervious coverage on the site by 0.4% although they are still significantly over. Nothing the applicant is asking for is out of character with any of the surrounding lots which meet the acreage requirement. Historically a railroad was located which is why the lot is strangely shaped and at one time the property was larger. There is more of a reduction in impervious than what is reflected on the plan since some of the coverage being removed is on the neighbor's property. There are practical difficulties with doing stormwater management on the lot. The only thing that could be considered is something like a drywell but there is a restriction that the drywell has to be 50' from either septic system location. That by itself eliminates about two thirds of the site. It can't be located in the front because of the utility locations and anywhere else is too close to the septic tanks or structure. The elimination of one of the driveways is an option but would be a hardship on the applicant. They are existing driveways that have been in place for a very long time. The second driveway connection prevents the need to back out onto the street which is a safety issue. There are improvements on either side of the lot so there is no way to ameliorate any of the existing conditions.

Mr. Ingram discussed the professional and staff memos. The Board of Health requested that the septic field be taped off during the project so construction equipment does not drive over the field. Since the garage is on a slab the Health Department is authorized to reduce the setback to 15' to the septic field. The existing septic field is in the Sunset Road right-of-way and the Board of Health records are silent as to whether the consideration of the right-of-way was included at the time the site was reviewed and approved in December 2002.

Mr. Ingram noted that the right-of-way has not been dedicated so the distances were probably taken from the actual property line. No consideration was probably made because that right-of-way didn't exist as to where it would fall. The right-of-way line shown on the variance plan is for representative purposes.

Mr. James Drift, applicant, was sworn in. Between this house and his childhood home he has lived on Sunset Road for over fifty years. The garage that is being constructed fits in with the neighborhood. Architectural plans prepared by Mr. Finelli have been submitted to the Board. The variance plan will be revised to update the reference to the plans prepared by Mr. Finelli. Mr. Drift agreed to plant a couple trees and will work with Mr. Bartolone with regard to the species and location.

Ms. Wasilauski points out in her memo that sidewalks are required and recommended the applicant contribute funds to be used by the Township for construction of sidewalk. The Township is in the process of updating the Recreation and Open Space Master Plan which will discuss providing connections between the existing neighborhoods, the schools and Skillman Park. Mr. Schatzman noted that there are only three houses with sidewalk on Sunset Road. It is his opinion that the Board can't impose that condition because it is not in the Master Plan and there are no standards in an ordinance yet.

Mr. Drift confirmed there will be no commercial space in the new garage. The only proposed utility to the garage is electric; no water or sanitary. Any building mounted lighting on the proposed garage will be LED and shielded. The right-of-way will be dedicated but will allow the septic to encroach. The heavy gray lines on the variance plan indicate an existing pipe that picks up at the ditch that is on the adjacent property and conveys it to the ditch on the other end. All outside agency approvals will be obtained.

Mr. Drift spoke to the owner of the lot that the garage/shed encroaches and he encouraged Mr. Drift to apply for the variance to get it fixed up and off his property. There is an existing maintenance easement so there will be no issues with maintenance with the building being 1' off the property line.

Chairman DeRochi asked what type of a footprint a drywell would have that it wouldn't fit on this site. Mr. Cline said the issue is the 50' separation required from the septic fields. There are two small areas that it would

fit but it is very tight. Chairman DeRochi asked about removing the driveway. Mr. Cline opined that it would be difficult to remove a portion and have it work with the existing improvements on the lot.

There was no public comment.

A motion to approve the bulk variances subject to the conditions was made by Mr. O'Brien and seconded by Mr. Wu. The motion carried on the following roll call vote:

Ayes: Fedun, O'Brien, Voitach, DeRochi, Wu and Lopez-Lopez

Nays: None

IV. MINUTES

November 21, 2017 – Regular Meeting

A motion to approve the minutes was made by Vice Chairman Fedun and seconded by Mr. O'Brien. The motion carried on the following roll call vote:

Ayes: Fedun, O'Brien, Voitach and Lopez-Lopez

Nays: None

V. CLOSED SESSION

Chairman DeRochi read the resolution to go into closed session to discuss matters covered by the attorney/client privilege, specifically the Montgomery Route 206 Realty, LLC litigation and New York SMSA Limited Partnership d/b/a Verizon Wireless litigation.

The Board voted unanimously to go into closed session.

The Board voted unanimously to reconvene the meeting.

There being no further business to come before the Board, the meeting was adjourned at 8:53 p.m.