

**HARRISON TOWNSHIP ZONING BOARD  
REGULAR BUSINESS MEETING  
JANUARY 27, 2010 – MINUTES  
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Chairman Nancy Kowalik called the Meeting to order at 7:35 P.M. The meeting was held in the Municipal Building in the Township of Harrison, the County of Gloucester, State of New Jersey. The following Zoning Board Members were present: Chairman Nancy Kowalik, Ron Moore, John Williams, Dennis Bonanni, Fred Link, Paul Mattessich, Alternate #1, and Allison Lukacsy, Alternate #2. Absent were: Scott Herman and Fran Plitt.

Others Present: John Hoffman, Esq., Zoning Board Solicitor; Kevin Van Hise, Township Affordable Housing Consultant; John Cantwell, Remington & Vernick representative; and Susanne H. Rhudy, Zoning Board Secretary.

**OPEN PUBLIC MEETINGS ACT:** Chairman Kowalik noted that the requirements of the Open Public Meetings Act have been satisfied.

**FLAG SALUTE:** Chairman Kowalik led in the salute to our flag.

**PUBLIC HEARINGS:**

***RJP Homes LLC – Visalli Farm Estates***

Ron Moore recused himself and left the podium.

William Ziegler, Esq. appeared on behalf of the applicant. He said a density variance was previously granted by the Zoning Board to permit a greater density of residential housing for up to 205 age restricted units. A clubhouse for the use of the residents was also proposed. Mr. Ziegler said subdivision approval was subsequently granted at a time when the affordable housing obligations were in flux. A settlement agreement between the applicant and the Township Governing Body, which established the type, character, and number of affordable age restricted housing units, was reached. The purpose of the hearing tonight is to amend the subdivision approval for phases 1 and 2 to permit duplex lots for the affordable units, within the Department of Community Affairs (DCA) rules, and for final approval for phase 1 for 105 units, plus final site plan approval for the clubhouse facility.

Mr. Hoffman confirmed that proper public notice was given. He swore in Ron Curcio, applicant's engineer and Terry Combs, applicant's planner. Mr. Combs explained the changes between the previously approved plan and the amended plan. He said the site fronts on Route 322, there is a wooded corridor to the east, and the Leigh Court project is to the west. The project was originally approved for 198 single family detached units. The plan has been modified to incorporate the 24 affordable housing units in 12 duplex units. Those 12 lots are in conformance with the adult community zone ordinance. The 205 maximum units granted under the variance were exceeded so 5 lots were eliminated. The roadways, drainage and impervious coverage did not change. The County Planning Board required an interconnecting roadway between this project and Leigh Court. The

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adjacent road in Leigh Court ends in a cul-de-sac and the plan now shows a full roadway interconnect. Mr. Ziegler said the County imposed a condition on the Leigh Court developer that they grant an easement to stub into the Visalli site. That easement was sent for recording on the land records by the County counsel about a month ago. The Township had already accepted that easement by ordinance. Mr. Ziegler submitted a copy of the ordinance which was marked as Exhibit A-1. Mr. Combs said the County is concerned with the stacking on Route 322 during peak periods which would affect exiting from the Visalli site. The County wanted the Cromwell Drive extension, currently a dedicated right of way under the Leigh Court approvals, constructed to connect Visalli Farm Estates to exits along Route 322 further to the west. Mr. Ziegler said his client was required to acquire the road easement from the Grasso family, the landowners to the north. He said he could represent to the Board that the Grasso family has agreed to convey that easement. Mr. Ziegler said RJP would pave Cromwell Drive to the stub with Cherry Lawn/Harrison Run. Chairman Kowalik noted that the County has denied the Visalli Farm project and Mr. Ziegler said the County does not approve a project until all the requirements have been met. Chairman Kowalik said the County had requested that the Cromwell Drive extension be designed prior to preliminary approval, and constructed as part of the initial phase of the development. Mr. Ziegler said he is scheduled to meet with the County Planning Board next Tuesday. Chairman Kowalik said it would be difficult to contemplate the project without those questions being answered. Mr. Ziegler said the County wouldn't grant final approval until he gets final approval from the Township. He said a County condition is that as a condition of recording the plat for phase 1, the Cromwell Drive extension must be designed and bonded, and he agrees with that condition. Mr. Ziegler noted that phase 1 is at the front of the site and they will be bound by the County's conditions. Mr. Cantwell agreed that the County approval requires the design of Cromwell Drive before preliminary approval is granted, and constructed as part of the initial phase of the development. Mr. Ziegler said the County requires the design before they grant preliminary approval. He said the design work will be done quickly and he has discussed, with the County counsel, entering into a three way agreement between the Township, the County and the applicant. It will be a Township road, and Mr. Cantwell said the Township should have input in the design.

Mr. Combs said the revised plan provides for 181 single family detached lots, and 24 affordable units. Those lots don't meet the minimum lot size of the original use variance because of the zero side yard, and a variance will be required. Because of the connection to Leigh Court, an additional open space lot was created and that lot needs a variance for lot size. The community center building has been reduced in size to 2,500 square feet with a tennis court, swimming pool and a putting green. The architectural elevations were submitted. Mr. Ziegler said all wetland permits have been received and all the DEP issues have been resolved with the exception of the No Further Action letter for the spillage from the above ground fuel tank. Mr. Bonanni said the Township Environmental Commission had raised questions about the filling of wetlands. Mr. Ziegler said this plan fills and disturbs less wetland than the prior plan. The 5 lots that were eliminated were in an area of permitted wetland fill. Mr. Combs said there is a

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sewer connection easement crossing the wetlands to the east. Mr. Ziegler said all of the sewer issues had been worked out with the Township's sewer treatment plant operator. He said the Township's sewer engineer issued a review letter which summarizes the conditions. Mr. Ziegler said the contribution to the lift station will be made, and paving to a pump station and access to some off-site manholes will be provided by the applicant. Mr. Combs explained where the phase line will be on the plan.

Mr. Van Hise said his firm is the special consultant to the Township for affordable housing matters. He said the development will satisfy the current COAH requirements. The phasing of the units will be a concern as will the administration of the units in the future. Mr. Van Hise said the phasing would be in conformance with COAH's regulations as well as the Uniform Housing Affordability Control (UHAC) regulations and the affordable units have to be constructed per formula with the market rate units. He said Mr. Ziegler had agreed to construct them in accordance with the phasing schedule. Mr. Van Hise explained the phasing schedule. Mr. Combs said 16 of the affordable units are in the first phase which includes 108 single units. Mr. Van Hise said the phasing of the project works very well with the schedule. Mr. Ziegler said he had authorized Mr. Van Hise to assist Mr. Hoffman with the preparation of the resolution to incorporate the phasing of the affordable units consistent with the regulations. Mr. Ziegler said the settlement agreement also states that if the COAH regulations change, that issue can be revisited. Mr. Van Hise said that after the 32<sup>nd</sup> market rate house has been constructed, 2 affordable units would have to be completed; after the 54<sup>th</sup> unit, 8 affordable units have to be completed; after the 81<sup>st</sup> unit, 12 affordable units have to be completed; after the 97<sup>th</sup> unit, all 16 affordable units in phase 1 have to be completed. He said the affordable unit has to be ready to be sold to qualify as complete. Mr. Van Hise said the affordable lots will be deed restricted. Mr. Ziegler said the project will undergo review by other agencies, including the DCA. He said they have exclusive jurisdiction to regulate the HOA, including reviewing the budget. Because the project is age restricted, it is mandatory, under the Planned Real Estate Development Full Disclosure Act, that the DCA review and approve the public offering statement and the declaration. Because there are affordable units, those also have to be approved by COAH. Mr. Ziegler said he cannot do the individual deed restrictions until the plat is recorded. Mr. Hoffman said if the plat is recorded and the restrictions have not been placed, there is no assurance the units will remain affordable. Mr. Van Hise said the 30 year deed restriction needs to begin at the first conveyance. Mr. Hoffman, Mr. Van Hise and Mr. Ziegler discussed the timing of filing the plat and the deed restrictions. Mr. Hoffman said his concern is that the lots must continue to be reserved for affordable housing. Mr. Van Hise said it is a condition of the approval and if the lots were sold as non-restricted, the Township could issue zoning violations and not issue building permits. Mr. Ziegler said the DCA needs to see proof of title to the property before they will approve the public offering statement and the recorded plat is needed to prove title. It was agreed that the plat will include a statement that the development is subject to the conditions of the resolution of approval. Mr. Hoffman suggested that preliminary approval be considered tonight, and the applicant return to the Board at the next meeting for final approval which would give the Board the

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opportunity to review the conditions.

Mr. Cantwell reviewed his letter dated January 19, 2010. He said waivers had been requested and he supported all of them. Mr. Ziegler said the site identification sign would be the subject of a minor site plan application. Mr. Hoffman said a waiver had been requested from #31, submitting the restrictions of the development and that could be retained to final. Fred Link made a motion to grant the waivers with #31 retained to final and deem the application complete. John Williams seconded the motion. A Roll Call Vote was taken: Nancy Kowalik – Aye; John Williams – Aye; Dennis Bonanni – Aye; Fred Link – Aye; Paul Mattessich – Aye; Allison Lukacsy - Aye.

Mr. Cantwell reviewed the zoning requirements and said variances would be required for the affordable lots. Mr. Combs said the block and lot numbers had been updated, and a revised plan was submitted last week showing those as well as the dimensions of the street frontage, as requested by Mr. Cantwell.

Chairman Kowalik asked if the settlement agreement had been signed. Ms. Rhudy said the second addendum to the settlement agreement had not been signed by Mr. Pacilli. Mr. Van Hise said Mr. Pacilli would have to sign that agreement prior to next month. Mr. Ziegler agreed.

Mr. Cantwell said the variance request chart had errors and Mr. Combs said he would submit the list with the correct block and lot numbers for the COAH units. Mr. Cantwell suggested that the newly proposed undersized open space lot be consolidated with the residential lot in Leigh Court. Mr. Ziegler said he would attempt to discuss this with Orleans, but it could not be a condition of the approval. Mr. Cantwell said consideration could also be given to expanding the street right of way. Mr. Ziegler confirmed that the architectural style of the houses has not changed since preliminary. Mr. Cantwell said the original approval included a sidewalk along Route 322 to Route 45. Mr. Ziegler said the County does not have sufficient right of way along 322 for a sidewalk and he discussed with the County whether they can obtain the easement. Mr. Cantwell said if the County can't get the easement, the applicant can make a contribution for a future sidewalk when the Township can obtain the easement.

Mr. Cantwell discussed the road extensions to Windsor Court and to Cromwell Drive. Mr. Ziegler said the first extension to Windsor Court has been taken care of by the easement accepted by the municipality, and he said his client would build the road to the connection. Mr. Hoffman said he had received correspondence from the County indicating that as those are County requirements, they will be bonded with the County. The roads will be dedicated to the Township. Mr. Cantwell said the Zoning Board should review the design of Cromwell Drive to ensure it meets Township standards. Mr. Ziegler said it may not be designed in 30 days, and it has to be reviewed and approved by the County. He said the County will not grant final approval until that condition is satisfied.

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Mr. Cantwell said the cul-de-sac in Leigh Court should be eliminated and the property lines adjusted for the roadway extension. Mr. Ziegler said he would attempt to work that out with Orleans. Mr. Cantwell said one of the basins meets the classification of a dam and Mr. Combs agreed it would meet the state standards. Mr. Curcio agreed to the technical comments under Storm Water Management. Mr. Ziegler noted that item #17 is subject to the DCA's review. Mr. Ziegler agreed to the comments under Grading. He said a water main is being extended to the site. The comments of the Fire Commissioners were agreed to.

Mr. Cantwell asked the applicant to discuss the architectural elevations for the clubhouse and their conformance to the ordinances. Mr. Combs discussed the features and materials and said features required by ordinance are provided. The Board requested that the rear elevation be submitted and said they preferred the elevation with the stone face. Mr. Cantwell said pedestrian access easements for walkways were provided between blocks. He recommended that the pedestrian easements be removed, and the Board agreed. Mr. Ziegler agreed to the comments under Plantings. He agreed to comments under Lighting providing the County agrees. The style of lights will be as agreed at preliminary. The detail for the trash enclosure at the clubhouse will be provided. The comments under Plan of Lots were agreed to. The applicant requested a waiver from providing a gate every 500' in the fencing along Basin B. The fence will be split rail with black wire mesh backing. Mr. Ziegler said the adjoining landowner, the Grasso's, had not decided if they wish to have the farm fence. He requested a deferral on that issue until final for phase 2. Mr. Ziegler said he would provide written guidance on that issue. Mr. Combs requested a waiver from fencing along the school property as there is a stream there. He said the basin along that side is fenced.

Mr. Cantwell discussed the Environmental comments. Mr. Combs said the Flood Hazard permit has not been received. Mr. Cantwell said the Township's sewer engineer submitted a review letter dated January 18, 2010. Mr. Ziegler agreed to the comments including the bonding amounts and the fair share contribution.

Dennis Bonanni made motion to open the meeting to public comment. Fred Link seconded the motion and Chairman Kowalik opened the meeting to public comment. Hearing none, Fred Link made a motion to close the meeting to public comment. John Williams seconded the motion and Chairman Kowalik closed the meeting to public comment.

Mr. Ziegler summarized the benefits of the project. He said the amendments are for the purpose of effectuating the settlement agreement. He requested amended preliminary approval, amended preliminary and final site plan approval for the clubhouse, and final approval for phase 1 subject to the language to be noted on the plats.

Chairman Kowalik said she would be concerned with granting final approval without seeing certain items such as the restrictions, the resolution, Mr. Pacilli's signature

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on the agreement, and the County issues with Cromwell Drive.

Mr. Hoffman recommended re-approval of the density variance as may be required, as well as bulk variances and any other variances and waivers. Any outside approvals would have to be received. He suggested that preliminary approval be granted, and said he would prepare the resolution for the Board's review. The language for the plats would be developed for the Board's review. Mr. Hoffman urged the granting of preliminary approval subject to the terms and conditions set forth, and after acting upon that, if the Board chose, a motion for final approval for phase 1 could be entertained, or the Board could continue final to the next meeting, giving them time to review the restrictive language and the resolution. No additional public notice would be required. Mr. Ziegler said he had no objections.

Nancy Kowalik made a motion to grant preliminary approval as articulated by Mr. Hoffman. Fred Link seconded the motion. A Roll Call Vote was taken: Nancy Kowalik – Aye; John Williams – Aye; Dennis Bonanni – Aye; Fred Link – Aye; Paul Mattessich – Aye; Allison Lukacsy - Aye. The Board confirmed that site plan approval had also been granted.

Nancy Kowalik made a motion to table consideration of final approval to February 24, 2010 and no further notice would be required. Fred Link seconded the motion. A Roll Call Vote was taken: Nancy Kowalik – Aye; John Williams – Aye; Dennis Bonanni – Aye; Fred Link – Aye; Paul Mattessich – Aye; Allison Lukacsy - Aye.

**APPROVAL OF THE MINUTES:**

December 30, 2009 – Regular Business Meeting  
December 30, 2009 – Closed Session Meeting

Dennis Bonanni made a motion to approve both sets of minutes. Fred Link seconded the motion and the motion was adopted by a unanimous vote.

**PAYMENT OF BILLS:**

John Williams made a motion to approve payment of the bills. Dennis Bonanni seconded the motion. A Roll Call Vote was taken: Nancy Kowalik – Aye; John Williams – Aye; Dennis Bonanni – Aye; Fred Link – Aye; Paul Mattessich – Aye; Allison Lukacsy - Aye.

**PLANNING BOARD REPORT:**

Ms. Kowalik said a variance was granted for a perimeter fence at the Tesoro II project. The Board granted administrative approval for a greater clearing limit at the proposed Remington Estates project.

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**ZONING OFFICER'S REPORT:**

There was no report.

**COMPLETENESS COMMITTEE REPORT:**

There was no report.

**NEW BUSINESS:**

Chairman Kowalik reminded the Board of the training session in March.

**COMMENTS FROM THE BOARD:**

There was no report.

**COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

**COMMENTS FROM THE PROFESSIONALS:**

There were no comments from the professionals.

**ADJOURNMENT:** John Williams made a motion to adjourn the meeting. Fred Link seconded the motion and the motion was approved unanimously. The meeting was adjourned at 9:44 p.m.

Respectfully submitted,

Susanne H. Rhudy  
Zoning Board Secretary