

January 21, 2016

AGENDA

1st offered: Vignola

**Minutes of January 21, 2016
Land Use Board Meeting**

*2nd by: Tyler
Date: 2/18/16*

The meeting of the Hazlet Township Land Use Board scheduled for January 21, 2016 was called to order at 7:30 PM with a Salute to the Flag followed by a Moment of Silent Prayer and a Reading of the Letter of Compliance.

ROLL CALL

PRESENT

ABSENT

Mr. Byrne	_____	_____
Mr. Bace	_____X_____	_____
Mr. Lavan	_____X_____	_____
Mr. Tyler	_____X_____	_____
Mr. Solomeno	_____X_____	_____
Mr. Vignola	_____X_____	_____
Deputy Mayor Kiley	_____X_____	_____
Mayor Aagre	_____X_____	_____
Dave Rooke, Class II	_____X_____	_____
Alt #1 Mr. Mann	_____X_____	_____
Alt #2 Mr. Moore	_____X_____	_____
Alt #3 Mr. Grossman	_____X_____	_____
Alt #4 Mr. Sanfilippo	_____X_____	_____
Professionals:		
Mr. Vella, Esq.	_____X_____	_____
Mr. Kittner, CME Associates	_____X_____	_____
Mrs. Keegan	_____X_____	_____

MOTION: To approve the minutes of the Re-Organization Meeting of January 7, 2016

Offered By: Mr. Vignola

Seconded By: Mr. Lavan

ROLL CALL

PRESENT

ABSENT

Mr. Byrne	_____	_____X_____
Mr. Bace	_____X_____	_____
Mr. Lavan	_____X_____	_____
Mr. Tyler	_____X_____	_____
Mr. Solomeno	_____X_____	_____
Mr. Vignola	_____X_____	_____
Deputy Mayor Kiley	_____X_____	_____
Mayor Aagre	_____X_____	_____
Dave Rooke, Class II	_____Abstain_____	_____
Alt #1 Mr. Mann	_____	_____
Alt #2 Mr. Moore	_____	_____
Alt #3 Mr. Grossman	_____	_____
Alt #4 Mr. Sanfilippo	_____	_____

Memorial Resolution # 15-18L – 2C Properties, LLC; 10 Brown Avenue; Block 30 Lot 18; R-70 Zone. Applicant obtained variance relief to demolish an existing dwelling and foundation and construct a new single family dwelling

Attorney Vella- Mr. Chairman and members of the board that resolution came out earlier this week and was reviewed by our engineer and our zoning officer with certain modifications which have been amended and if there is no further comment we need a motion to approve and second.

Chairman Tyler- When this appeared before the board on what date?

Attorney Vella- The December 17, 2015.

Motion to approve:

Offered By: Mr. Vignola

Seconded By: Mayor Aagre

<u>ROLL CALL</u>	<u>PRESENT</u>	<u>ABSENT</u>
Mr. Byrne	_____	___X___
Mr. Bace	___X___	_____
Mr. Lavan	___X___	_____
Mr. Tyler	___X___	_____
Mr. Solomeno	___X___	_____
Mr. Vignola	___X___	_____
Deputy Mayor Kiley	___X___	_____
Mayor Aagre	___X___	_____
Dave Rooke, Class II	<u>Abstain</u>	_____
Alt #1 Mr. Mann	_____	_____
Alt #2 Mr. Moore	_____	_____
Alt #3 Mr. Grossman	_____	_____
Alt #4 Mr. Sanfilippo	_____	_____

New Case: 15-20L Macco, 17 Johnson Terrace, Block 64.01 Lot 4, R-70 Zone. Applicant is seeking permission to retain a 14ft x 15ft wooden deck/porch and a 26.5 ft x 15.5 ft concrete patio.

- **8.8 foot side yard setback where 10 foot is required for existing wooden deck/porch**
- **5 foot side yard setback where 10 foot is required for existing concrete patio**
- **44% lot coverage where 40% is maximum**

Attorney Vella- For the record I renoticed of any property owners and Affidavit of Publication and the board has jurisdiction to hear this matter. We Premark certain exhibits will be marked as A1, survey prepared by Thomas Finnegan dated November 11, 2015 for Block 64.01 Lot 4, we also have A2- 5 photos of the subject property. Swearing in Diane Macco.

Chairman Tyler- The process here is you just sort of informally give us the once over on what you are looking at doing for this application.

Mrs. Macco- I bought the house in October as a foreclosure and I was not aware that there was not any variance problems and I got the list of violations and started on them and at the bottom it said there was were zoning and variance issues so I applied for the zoning which was denied and they said I could try to apply for a variance. What I would like to do is I would like to keep the deck and concrete patio. The

deck itself comes off the kitchen with a sliding glass door and that is obviously used for outside entertaining and a patio set. I am not going to be living in this home it is going to be a rental home I already have a house in Hazlet. I think a deck and nice patio area for outside entertaining or for the kids to play basketball on the patio would be advantageous to a prospective tenant.

Chairman Tyler- The existing conditions haven't been altered by you at all?

Ms. Macco- No.

Chairman Tyler- Our attorney is taking a look at that and if you have had a chance to look at letter I will ask Mr. Kittner to go through it with any points and questions he has.

Mr. Kittner, CME- Ms. Macco are you in receipt of our January 12, 2016 letter?

Ms. Macco- Yes I am.

Mr. Kittner, CME- Just for the record there are variances that are requested by the applicant as part of this application and one is the wood deck 10 feet is required by ordinance for the side yard set back where is 8 feet is provided and also for the concrete patio 10 feet is required and approximately 5 feet is provided to the side property line. In addition to those bulk variances the applicant is requested lot coverage variance 40% is the maximum allowed in that zone and this application provides 44% so there is a 4% exceedance. This is based on the impervious lot coverages that Ms. Keegan came up with and the council came up with so this is based on the latest and greatest. In addition to those bulk variances there is also so existing non-conformities and these are variances that are existing they are not made worse with this application so there is a lot area variance, in the R-70 Zone 7,000 square feet is required her lot is 54 feet by 100 feet so it is 5,400 square feet it is undersized. Also lot width and lot frontage 70 feet is required and her lot is 54 feet in width so there are variances for lot width and frontage and also a 10 foot side yard setback is required for the principle structure 10 feet is required but 8.8 feet is provided to the existing building. In addition to that it appears that a net floor area variance is required the minimum square footage for the footprint of the building is 900 square feet and the existing dwelling appears to provide 875 square feet. We also noted some questions for the applicant to address. Specifically we questioned whether or not the wood deck and concrete patio were legally permitted by the prior owner if the applicant had any evidence to this affect and should this board act favorably on this application one of our recommendations would be that the applicant submit for permits through the township construction code official to verify code compliance.

Chairman Tyler- Thank you Mr. Kittner. In looking at the plan the house is in a neighborhood where the lots are undersized and the house is fairly close to the property line which having been in that neighborhood many times it is pretty normal for those conditions to exist. 44% doesn't assume the wooden deck is in pervious but it does include the driveway and the patio and then there is a walkway on the side?

Mr. Kittner- Yes it includes all the impervious surfaces.

Mayor Aagre- The deck is included.

Chairman Tyler- The deck is included as impervious. Any questions or comments from the board? This seems very straight forward to me this is nothing out of the ordinary for the neighborhood. It appears that the deck is maybe 24-28 inches off the ground.

Ms. Macco- Yes it is about 3 feet.

Alt #1 Mr. Mann
Alt #2 Mr. Moore
Alt #3 Mr. Grossman
Alt #4 Mr. Sanfilippo

Carry Over Case – 15-22L First Hartford Realty Corp./ CVS; Highway 36 and Laurel Avenue; Block 134 Lot(s) 1, 15, 15.01 & 16, BH and R-70 Zone. Applicant is seeking Preliminary and Final Site Plan & Subdivision approval, Use Variance approval and several bulk variances to construct a new CVS.

Attorney Vella – This case will be carried until February 18, 2016 at 7:30 PM. The applicant was trying to get on an earlier date but was not going to have his plans 10 days prior to that meeting so we told them they could not be heard. They are rescheduled for February 18, 2016 @ 7:30 PM there will be no further notice.

Carry over Case 15-17L – M&S Disposal Waste; 10 Seventh Street; Block 24 Lot(s) 3 & 5; R-70 Zone. Applicant seeking to Bifurcate their application to obtain USE Variance approval for an expansion of a non-conforming use.

Attorney Vella- This case will be carried to March 3, 2016 @ 7:30 PM. Paul is that for more engineering?

Mr. Kittner, CME- Yes they were going to continue with their testimony and I actually performed a site visit to assess the operations and the noise generated by the vehicles and I am going to perform one more site visit and they will conclude their testimony.

Attorney Vella- You will do the site visit prior to that?

Mr. Kittner, CME- Absolutely.

Attorney Vella- This is going to be heard March 3, 2016 @ 7:30PM.

Chairman Tyler- Before you come for the meeting I suggest you look at the Hazlet website to make sure it is not being carried again.

Citizen Hearing:

No one spoke at hearing:

Offered By: Deputy Mayor Kiley

Seconded By: Mr. Lavan

VOICE VOTE: Yes

Motion to Adjourn:

Offered By: Deputy Mayor Kiley

Seconded By: Mr. Lavan

VOICE VOTE: Yes

Next Meeting: February 4, 2016

Respectfully submitted: Sharon A. Keegan