

1st: Vignola  
 2nd: Lavan  
 Approved: 9/15/16

### Minutes of August 18, 2016

The Regular Meeting of the Hazlet Township **Land Use Board** scheduled for August 18, 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:** Mr. Tyler, Mr. Lavan, Mr. Vignola, Mr. Solomeno, Mr. Sanfilippo, Mr. Grossman, Mr. Moore, Mr. Glackin, Mr. Rooke, Mr. Mann

**Absent:** Mayor Aagre, Deputy Mayor Kiley, Mr. Byrne, Mrs. Keegan

**Professionals:** Mr. Vella, Esq., Mr. Otto- CME

**Motion:** To approve the minutes of regular meeting August 4, 2016

**Offered By:** Lavan                      **Seconded By:** Vignola

<b><u>ROLL CALL</u></b>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>AB</u></b>
Mr. Byrne	_____	_____	_____
Mr. Glackin	_____	_____	<u>X</u>
Mr. Lavan	<u>X</u>	_____	_____
Mr. Tyler	_____	_____	<u>X</u>
Mr. Solomeno	<u>X</u>	_____	_____
Mr. Vignola	<u>X</u>	_____	_____
Mr. Rooke	_____	_____	<u>X</u>
Deputy Mayor Kiley	_____	_____	_____
Mayor Aagre	_____	_____	_____
Alt #1 Mr. Mann	_____	_____	<u>X</u>
Alt #2 Mr. Moore	<u>X</u>	_____	_____
Alt #3 Mr. Grossman	<u>X</u>	_____	_____
Alt #4 Mr. Sanfilippo	<u>X</u>	_____	_____

**Memorialization Case #16-08L:** Hoffman, 28 Annapolis Drive- Block 188, Lot 19, R-70 zone. Applicant was granted variance relief on 7/7/16 to: 1) add a 15.5' x 31.5' rear addition, 2) convert garage into living space, 3) add a level, 4) add a 2' x 13.5' front covered entryway, 5) side entryway with roof and landing, 6) retain existing driveway, 7) retain existing concrete pad.

Offered By: Solomeno                      Seconded By: Tyler

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>	<u>AB</u>
Mr. Byrne	_____	_____	_____
Mr. Glackin	<u>X</u>	_____	_____
Mr. Lavan	<u>X</u>	_____	_____
Mr. Tyler	<u>X</u>	_____	_____
Mr. Solomeno	<u>X</u>	_____	_____
Mr. Vignola	<u>X</u>	_____	_____
Mr. Rooke	<u>X</u>	_____	_____
Deputy Mayor Kiley	_____	_____	_____
Mayor Aagre	_____	_____	_____
Alt #1 Mr.Mann	<u>X</u>	_____	_____
Alt #2 Mr. Moore	_____	_____	<u>X</u>
Alt #3 Mr. Grossman	<u>X</u>	_____	_____
Alt #4 Mr. Sanfilippo	<u>X</u>	_____	_____

**Memorialization Case # 16-03L:** Stewart, 440 Middle Rd. Block 194.04, Lot 25 and part of Lot 26, R-100 zone. Applicant was granted Minor Subdivision approval on 7/21/16 to divide property into two lots (25.01 & 25.02).

Offered By: Grossman                      Seconded By: Tyler

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>	<u>AB</u>
Mr. Byrne	_____	_____	_____
Mr. Glackin	_____	_____	<u>X</u>
Mr. Lavan	_____	_____	<u>X</u>
Mr. Tyler	<u>X</u>	_____	_____
Mr. Solomeno	_____	_____	<u>X</u>
Mr. Vignola	_____	_____	<u>X</u>
Mr. Rooke	<u>X</u>	_____	_____
Deputy Mayor Kiley	_____	_____	_____
Mayor Aagre	_____	_____	_____
Alt #1 Mr.Mann	<u>X</u>	_____	_____
Alt #2 Mr. Moore	_____	_____	<u>X</u>
Alt #3 Mr. Grossman	<u>X</u>	_____	_____
Alt #4 Mr. Sanfilippo	<u>X</u>	_____	_____

**New case # 16-07L:** Oakview Development Corp-Rolling Hill Estates, Middle Road, Block 194.04, Lot 24, R-100 zone. Applicant is seeking preliminary and final major subdivision approval to subdivide an existing 3.94 acre lot into 8 single family residential lots and one stormwater management lot. No variances sought, several design and submission waivers requested. Site is approximately 100 ft. from intersection of Middle Road and Seminole Drive, access will be provided via a newly created street.

**Attorney Vella announce this case would be carried to the October 6, 2016 meeting without further notice.**

**New Case #16-11L:** Wells, 13 Molly Pitcher Drive; Block 194.01, Lot 56, R-100 zone. Applicant is seeking to construct a 16' x 13'4" two story side addition. Requesting a 25 ft. combined side yard setback where 35 ft. is required.

**Attorney Vella swearing in Jason Wells and Janine Valinotti, 13 Molly Pitcher Drive.**

**Mr. Vella:** Marked exhibit A-1 as application with survey and architectural plans and LUB-1 as CME report of 6/30/16.

**Mr. Tyler:** Explained that the applicants are asking to put an addition on their home.

**Mr. Otto:** Stated they are asking for a 16.5' x 13.5' side addition. One of the variance reliefs they are seeking is the combined yard setback. There are existing non-conformities which include lot area, lot width and lot frontage that are not made worse by this application. Asked Mr. Wells to describe what he wants to build, the location he wants to put it and the need for the variance relief.

**Mr. Wells:** Explained that the addition would contain two bedrooms on the right side of the house and they need the extra space. It will be even with the front of the house.

**Mr. Otto:** Asked whether any trees would have to be taken down.

**Mr. Wells:** Indicated no trees would need to be taken down.

**Mr. Otto:** Questioned whether the survey that was submitted was accurate and showed existing conditions on the property.

**Mr. Wells:** Indicated that it was.

**Mr. Otto:** Explained that the house is at the beginning of a cul-de-sac and it appears the nearest house is within 30 feet. Passed around plans showing front elevation and upper and lower floor plans that was submitted with the application.

**Mr. Vella:** Asked Mr. Wells if he was going to match the existing vinyl siding.

**Mr. Wells:** Indicated he would.

**Mr. Tyler:** Asked if any board members had any questions.

**Mr. Vella:** Confirmed that the lot is located in an R-100 zone which requires 12,500 sq. ft. and the lot is undersized at 9,200 sq. ft. The zone requires 100 ft. minimum lot width whereas the property only has 80 ft. The lot is undersized for the zone so these variances are pre-existing, non-conforming not made worse by this application.

**Mr. Tyler:** Asked for public comments. No one spoke.

**Offered By:**     Mann                          **Seconded By:**     Vignola    

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>AB</b>
Mr. Byrne	_____	_____	_____
Mr. Glackin	X	_____	_____
Mr. Lavan	X	_____	_____
Mr. Tyler	X	_____	_____
Mr. Solomeno	X	_____	_____
Mr. Vignola	X	_____	_____
Mr. Rooke	X	_____	_____
Deputy Mayor Kiley	_____	_____	_____
Mayor Aagre	_____	_____	_____
Alt #1 Mr.Mann	X	_____	_____
Alt #2 Mr. Moore	X	_____	_____
Alt #3 Mr. Grossman	X	_____	_____
Alt #4 Mr. Sanfilippo	X	_____	_____

**New Case #16-10L:** Evergreen Builders, 130 Sixth Street; Block 13, Lots 20 & 21, R-70 zone. Applicant is seeking permission to construct a single family dwelling with front covered porch and rear deck on undersized lot. Seeking variances for a 5,000 sq. ft. lot where 7,000 sq. ft. is required; 50 ft. lot width where 70 ft. is required and 50 ft. lot frontage where 70 ft. is required.

**Mr. Vella:** Marked exhibit A-1 as variance plan prepared by East Point Engineering dated 6/10/16 signed by Marc Leber, A-2 as drawings entitled "new residence of Joseph Hoffman, 6<sup>th</sup> Street, Hazlet" dated 12/18/15 and LUB-1 as CME report of 6/30/16.

**Mr. Vella introduced Paul Mirabelli, attorney for the applicant.**

**Mr. Mirabelli:** Explained the application is to construct a single family home on an undersized lot. There are no other variances requested.

**Attorney Vella swearing in Marc Leber, engineer.**

**Mr. Vella:** Questioned whether adjoining property owners were noticed about possibly purchasing the property or selling a portion to create a conforming lot.

**Mr. Mirabelli:** Indicated there were two letters sent, one to the owners of 135 7<sup>th</sup> Street that came back unclaimed and one to owners on the other side who have no interest in selling or buying any property.

**Attorney Vella marked exhibit A-3 as letters to adjoining property owners with certified mail receipts.**

**Mr. Leber:** Introduced exhibit A-4- mounted colored site plan, A-5- architectural elevation and A-6 as two pictures of subject property. Explained that the vacant lot has frontages on both Sixth and Seventh Streets. There is one tree in the center of the property that would have to be removed to accommodate the house. The trees along the side of the property will be pruned, not removed. The proposed size of the house is 24'x34'. The driveway would be on Seventh Street with no access from Sixth Street. There is an existing fence that would remain with the exception of the side facing Seventh Street.

**Mr. Tyler:** Asked whether the driveway access was consistent with the neighborhood.

**Mr. Leber:** Indicated that it was consistent, some of the homes have varying frontages on either Sixth or Seventh. The house will be raised one story to comply with flood elevations. There are no negative drainage impacts due to the addition of the house. The majority of the lots in the neighborhood are 50x100 and some are 25x100. The lot size is in character with the surrounding area.

**Mr. Vella:** Indicated the fence on Sixth was in the right of way and would have to be relocated to the property line.

**Mr. Leber:** Indicated the applicant would not have an issue with that.

**Mr. Mirabelli:** Explained that the applicant bought the property from the estate of Bennett and it does not appear that they ever owned any adjacent lots.

**Mr. Leber:** The site is located in a flood zone and this part of town receives flooding already so there is no negative impact. The applicant will comply with all flood zone requirements.

**Mr. Mirabelli:** Indicated the applicant will comply with the lot consolidation requirement.

**Mr. Vella:** Questioned whether or not there had ever been a house on the lot.

**Mr. Leber:** Indicated that through aerial photographs, there had been a house on the property between 2006 and 2007 that was gone by 2009. Estimated the house was removed 10 years ago.

**Mr. Glackin:** Asked if there were any demo permits issued.

**Mr. Vella:** Indicated he did not know. Explained the doctrine of merger to make sure none of the adjoining homeowners had owned this property.

**Mr. Otto:** Questioned whether the minimum number of off street parking spaces would be provided.

**Mr. Leber:** Indicated there were two parking spaces required which would be provided by one garage space and one driveway space.

**Mr. Vella:** Indicated that whether the home had 2 or 3 bedrooms, 2 parking spaces would comply.

**Mr. Tyler:** Pointed out that the surrounding homes were of similar size to what is proposed.

**Mr. Vella:** Explained that this is an undersized lot and there are no other variances sought other than the existing lot conditions.

**Chairman Tyler asked for public comments. No one spoke.**

**Mr. Vella:** Stated if approved, the conditions would be to remove the existing fence on Seventh Street side, no access to property from Sixth Street, removal of the chain link fence in the right of way on Sixth Street, tree removal permit or letter of no interest, consolidation of the lots by deed subject to review and approval and obtaining all outside agency approvals.

**Offered By:** Solomeno

**Seconded By:** Lavan

**ROLL CALL**

	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>AB</u></b>
Mr. Byrne	_____	_____	_____
Mr. Glackin	_____X_____	_____	_____
Mr. Lavan	_____X_____	_____	_____
Mr. Tyler	_____X_____	_____	_____
Mr. Solomeno	_____X_____	_____	_____
Mr. Vignola	_____X_____	_____	_____
Mr. Rooke	_____X_____	_____	_____
Deputy Mayor Kiley	_____	_____	_____
Mayor Aagre	_____	_____	_____
Alt #1 Mr.Mann	_____X_____	_____	_____
Alt #2 Mr. Moore	_____X_____	_____	_____
Alt #3 Mr. Grossman	_____X_____	_____	_____
Alt #4 Mr. Sanfilippo	_____X_____	_____	_____

**New case # 16-12L:** Naples, 40 Fleetwood Drive; Block 192.02, Lot 7, R-70 zone. Applicant is seeking permission to construct a 6' x 20' front covered porch. Seeking a 20.7 ft. front yard setback where 25 ft. is required.

**Mr. Vella:** Marked exhibit A-1 as application with survey, A-2 as seven pictures of subject property and neighbor's property and LUB-1 as CME report of August 8, 2016.

**Attorney Vella swearing in Matthew and Kerri Naples, 40 Fleetwood Drive.**

**Mr. Tyler:** Asked for a brief description of the work proposed.

**Mr. Naples:** Explained they would like to mimic their neighbor's house on the corner of Duke Lane and Fleetwood by adding a front porch 20' across the front of their home and 6' wide.

**Mr. Otto:** Explained that the ordinance requires a 25' setback, the applicant is requesting a 20.7' setback from the front property line. Questioned whether the porch will be even with the front door.

**Mr. Naples:** Indicated that it was and the steps going down would be beyond that.

**Mr. Vella:** Indicated that the steps would not be covered and setback area runs from the covered area to the property line.

**Mr. Otto:** Clarified that the porch would be covered but not enclosed.

**Mr. Naples:** Confirmed it would only be covered.

**Mr. Otto:** Questioned whether any trees would have to be removed.

**Mr. Naples:** Indicated no trees would be removed.

**Mr. Vella:** Distributed pictures of the neighbor's house with a similar porch. Noted that the applicant is prohibited from enclosing the porch and making it a four season room.

**Mr. Naples:** Agreed that was not a problem.

**Chairman Tyler asked for public comments. No one spoke.**

**Offered By:** Moore **Seconded By:** Vignola

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>	<u>AB</u>
Mr. Byrne	_____	_____	_____
Mr. Glackin	<u>X</u>	_____	_____
Mr. Lavan	<u>X</u>	_____	_____
Mr. Tyler	<u>X</u>	_____	_____
Mr. Solomeno	<u>X</u>	_____	_____
Mr. Vignola	<u>X</u>	_____	_____
Mr. Rooke	<u>X</u>	_____	_____
Deputy Mayor Kiley	_____	_____	_____
Mayor Aagre	_____	_____	_____
Alt #1 Mr.Mann	<u>X</u>	_____	_____
Alt #2 Mr. Moore	<u>X</u>	_____	_____
Alt #3 Mr. Grossman	<u>X</u>	_____	_____
Alt #4 Mr. Sanfilippo	<u>X</u>	_____	_____

**New case #16-01L:** Saker Shop Rites, Inc., 3120 State Highway 35, Block 233, Lot 1, BH zone. Applicant proposes parking lot improvements consisting of: widening driveway and sidewalks, adding curbs and relocating several curb islands, handicap and regular parking spaces as well as adding handicap crosswalks. Applicant is seeking a waiver from site plan requirements.

**Mr. Vella:** Explained that no noticing was required for this application because there was a site plan waiver. The board can impose reasonable conditions.

**Mr. John Giunco of Giordano, Halleran & Ciesla introduced as attorney for applicant.**

**Mr. Giunco:** Explained that Mr. Patrick Lynam, the project engineer had submitted a set of engineered drawings for the work proposed.

**Mr. Vella:** Marked Drawings entitled "Site plan exempt plans for Bayshore Plaza" as Exhibit A-1, Circulation plan as Exhibit A-2, CME report of 3/10/16 as LUB-1 and CME report of 8/11/16 as LUB-2.

**Attorney Vella swearing in Patrick Lynam, civil engineer.**

**Mr. Giunco:** Asked Mr. Lynam to describe the exhibit on the board so it can be marked.

**Mr. Lynam:** Explained the exhibit was titled "Front Drive Aisle Photos" and entered as Exhibit A-3. Confirmed that he had taken the photos and that they accurately depict the conditions in front of the Hazlet Shop Rite.

**Mr. Vella:** Marked "Mounted colored front drive photos" as Exhibit A-3.

**Mr. Lynam:** Explained this was a major shopping center with Staples, McDonald's, STS Tire and Party City. The applicant proposes to extend the sidewalk further out from the covered walk that is currently there. This would increase the sight lines and visibility between customers and vehicles in the drive aisle. It would be widened to 20.9 feet. The parking islands would be pushed back to accommodate the improvements and striped employee parking put behind Staples and Shop Rite. The drive aisle will be widened to 30 feet.

**Mr. Giunco:** Asked Mr. Lynam to explain the circulation plan.

**Mr. Lynam:** Explained that none of the improvements will affect the current circulation on site and operation of the store will remain the same.

**Mr. Giunco:** Questioned whether there was any loading done in front of the store.

**Mr. Lynam:** Explained there are seasonal items under the covered walk so there is some loading done early in the morning with small trucks of flowers, firewood and small goods. The receiving area is on the east side of the building which is where all the large trailers will unload.

**Mr. Vella:** Confirmed that tractor trailers are prohibited from delivering to the front.

**Mr. Giunco:** Agreed.

**Mr. Lynam:** Explained that parking spaces in front of the islands will be restriped and more handicap spaces are being added because customers have requested them. There

are no variances created by this application, only pre-existing non-conformities. The number of parking spaces will be increased and he feels there is sufficient parking available. There are no design waivers proposed, the relocated islands will be the same as what is existing but closer together.

**Mr. Giunco:** Questioned whether Mr. Lynam had reviewed Mr. Otto's report of 8/11/16 and if there were any other issues to be addressed.

**Mr. Lynam:** Indicated that he had and there had been a question about performance standards in the ordinance. He stated that the performance standards were not affected by this project.

**Mr. Solomeno:** Questioned whether the applicant would consider adding combat wounded parking spaces for veterans wounded in combat. The signs are free from organizations such as Wounded Warriors. They are usually adjacent to handicapped spaces.

**Mr. Giunco:** Agreed that they would be willing to do that.

**Mr. Otto:** Questioned whether there was any new impervious coverage caused by this design and if existing drainage patterns would remain the same.

**Mr. Lynam:** Indicated there was no change to impervious coverage and drainage patterns would not be changed.

**Mr. Otto:** Questioned whether the size of the parking spaces would remain 9x19, which is an existing non-conformity.

**Mr. Lynam:** Responded that they would continue the same size.

**Mr. Otto:** Stated he did not think that would impact the area for combat wounded parking.

**Mr. Giunco:** Questioned whether the spots would be exclusively for combat wounded.

**Mr. Solomeno:** Explained that the spots are for Purple Heart recipients and those wounded in combat. Typically, it is one spot per parking lot.

**Mr. Vella:** Stated it is similar to the spaces for expectant mothers. The condition will be added for one combat wounded space to be provided near the handicapped spaces.

**Mr. Tyler:** Questioned whether the new design would ease the traffic.

**Mr. Lynam:** Responded that the turn in the curb would force people to slow down.

**Chairman Tyler asked for public comments. No one spoke.**

**Mr. Vella:** Explained that the applicant will still be required to get a building permit. The conditions are no tractor trailer deliveries in front of the building, handicapped spaces subject to review and approval by construction department, compliance with all technical comments in CME reports and adding a combat wounded parking space near the handicapped spaces.

**Mr. Otto:** Stated he and Mr. Lynam had some minor details to work out and he had no objection to the submission waivers requested or the site plan waiver.

**Offered By:** Glackin **Seconded By:** Moore

<b>ROLL CALL</b>	<b>YES</b>	<b>NO</b>	<b>AB</b>
Mr. Byrne			
Mr. Glackin	X		
Mr. Lavan	X		
Mr. Tyler	X		
Mr. Solomeno	X		
Mr. Vignola	X		
Mr. Rooke	X		
Deputy Mayor Kiley			
Mayor Aagre			
Alt #1 Mr. Mann	X		
Alt #2 Mr. Moore	X		
Alt #3 Mr. Grossman	X		
Alt #4 Mr. Sanfilippo	X		

**Citizen Hearing:**

**Offered By:** Lavan **Seconded By:** Tyler

**No one spoke.**

**Motion to Adjourn:**

**Offered By:** Lavan **Seconded By:** Tyler

**VOICE VOTE:** Yes

**Next Meeting: September 1, 2016**  
**Respectfully submitted: Laura McPeck**