

Minutes February 7, 2013

Offered: Kevin Lavan  
Second: Jeff Tyler  
Approved  
March 7, 2013

The Regular Meeting of the Hazlet Township Planning Board of Adjustment scheduled for February 7, 2013 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. Glackin, Mr. Vignola, Mr. DeMatteo, Mr. Bace, Mr. Tyler, Deputy Mayor DiNardo, Mr. Lavan, Mr. Solomeno

**Absent:** Mr. Pobega, Mr. Mann, Mayor Belasco

**Professionals:** Mr. Kittner Jr. PE, Mr. Vella, Esq in attendance.

**MOTION: To approve the Minutes of the Re-Organization Meeting of January 17, 2013.**

**Offered by:** Mr. Vignola      **Seconded by:** Mr. Bace

Yes: Mr. Glackin, Mr. Vignola, Mr. DeMatteo, Mr. Bace, Mr. Tyler, Deputy Mayor DiNardo, Mr. Lavan, Mr. Solomeno.

**Carry over Case #12-03P Elegant Properties, LLC, PO box 3031, Sea Bright, NJ**

**Property Location: 780 Poole Ave, Block 66 Lot 1.02**

Applicant is requesting Preliminary & Final Major Site Plan approval with bulk variances and design waivers to construct forty-eight (48) stacked multi-family dwelling units.

John Wiley, Attorney for the applicant addressed new Board members.

Mr. Vella, Board Attorney advised that transcripts of previous meetings were supplied to new Board members.

Introduced William Lane, PE for the applicant, was sworn in @ the previous meeting.

Mr. Wiley discussed T&M's fourth engineering review dated 1/7/13. Mr. Vella confirmed this was the last and most recent review.

Mr. Wiley stated that there was no longer a need for a height variance. They would be seeking a fence variance. Where the fence needed to be 6 feet and the plans proposed an 8' board on board fence. Also, needed bulk variance for parking in the "front yard" or location of parking relief. The size of parking and sign variances have been removed.

Chairman Tyler asked if design waiver #1.3 had been addressed?

Mr. Wiley said the Zoning Officer advised variances were not required for inconsistency in space size.

Mr. Vella advised Hazlet's parking ordinance regarding spaces contradicts with ADA requirements so because the ordinance violate the ADA, they have to violate the ordinance in order to comply with ADA. The Board cannot enforce Hazlet's ordinance because it violates ADA. The size of parking is acceptable.

Mr. Glackin questioned the height variance requirements.

Mr. Wiley stated the ordinance does not regulate.

Discussed further.

Mr. Vella asked the Board Engineer: "How does our ordinance define the height of a building?"

Mr. Kittner- read the definition of building height for the BRZ zone.

Mr. Vella asked the applicant how much fill would be brought in and why.

Mr. Lane said 5 to 6 feet. Reason for raising the elevation -(response could not be heard- did not speak near microphone)

Flooding problem was brought up by one of the Members.

Chairman Tyler addressed the retaining wall along the perimeter of the property. Was that for the water to flow toward Poole Ave?

Mr. Lane- the buffer makes water flow to the retention basin.

Chairman; the unit closest to the culdesac on the left, what is the difference in elevation from current?

The unit closest to the culdesac on the left, what is the difference in elevation from the current?

Mr. Lane: 5' to 6'. Average increase from current grade to finished grade. 5 – 6'.

Mr. Kittner: What is the average height of the retaining wall and what is the max. height?

Mr. Lane: to the rear about 6 to 6 ½' and 4' in the front.

Mr. Kittner: is there a safety fence adjacent to the wall?

Mr. Lane: Yes.

Mr. Kittner: "you are proposing modular block wall, correct?"

Mr. Lane: Yes

Mr. Wiley: Design waiver- limitation measurement to 150'. 15 Unit building is 183.5' in length, needs a design waiver for 52.8' where the max spacing is 40' is permitted.

Mr. Lane: BRZ Zone allows for 250'

Chairman Tyler asked Mr. Kittner PE to clarify or explain about building length.

Mr. Kittner: The length does not require any relief from the BRZ zone. The ordinance has a stipulation – Section 181 502C- need jogs in the building, however, you can't have a façade greater than 40' due to their architectural proposed 52.8' length, exceeds the ordinance requirement. Potentially if the footprint could be reduced the plan would be able to comply.

Mr. Wiley: feels theres a contradiction in Hazlets ordinance and the BRZ of 250'

Mr. Vella: reading the ordinance maximum single access length of 250'. The question is the design waiver for 52.8' where 40' is permitted. Plans need to comply.

Mr. Wiley: Design waiver 1.7 needs to be addressed by the architect.  
Design waiver 1.8 – comply. No longer needs waiver.  
Design waiver 1.10 to permit a 24' wide, 2 way driveway where max. length of 22' is permitted.

Mr. Vella asked if it complies with RSIS?

Mr. Lane: Yes

Mr. Vella explained RSIS was created for roads. Must comply with RSIS which is statewide standards. Not seeking waiver from RSIS. Advised the Board to consider- applicant is requesting a variance for parking in the "front yard". Cannot park in the street. A design of the road could afford the homeowners an option to park in front of their lots. Removes the necessity for a variance.

Member asked: No curbs?

Mr. Lane: No

Chairman Tyler: To be clear, the driveway is the road? The driveway in front of the unit is 24' wide?

Mr. Lane: The roadway is 24' wide, the driveway is 20' wide. The proposed parking lot in front is 22' wide.

Chairman: its "roomier than required?"

Mr. Lane: Correct

Mr. Wiley: Waiver 1.11 required no foundation plantings in the area of the garages or walkways.

Mr Lane: the foundation plantings were supplied. Cannot plant in some areas because its concrete or blacktop.

Mr. Kittner- to make clear, foundation plantings along the sides and rears were provided. Architecture standard of common entrances in that location is all concrete. Basically, is a sidewalk which leads to the entrance of the building. Also, have sidewalks on the sides of the buildings so foundation plantings were not supplied. The ordinance does NOT require plantings along the frontage of the street so they comply with that part.

Mr. Vella: Do sidewalks run right up to the house? There's no separation between sidewalk and the house?

Mr. Lane: Between the units, yes.

Mr. Wiley: Section 1.2 regarding trees, design waiver for no landscaping islands proposed in the interior of the parking area.

Mr. Lane: In the BRZ zone, it's spelled out parking areas to have one tree for 6 spaces adjacent to the parking area.

Mr. Wiley: Reference to 1.13 a design waiver is required for 10 -11 parking spaces proposed in a row within the parking island in an effort to reduce on street parking. (T&M recommendation).

Mr. Wiley: Re 1.14 design waiver required for the minimum lighting uniformity standard

Mr. Lane: Re- deficiency is down the center in front of the buildings. Exceeded need in parking area. Trying to avoid being deficient in the minimum.

Mr. DeMatteo: Cramming too much into the space so you can't meet minimums. Not configured appropriately.

Mr. Wiley: we could if we had more space.

Mr. DeMatteo: Reduce the number of units.

Mr. Wiley: The number of units is pursuant to a consent order. Assuming the Board and applicant can agree on some change, and the township and the judge have to agree.

Mr. Lavan: we were down to 26 Units at one time.

Mr. Vella: the order provides for 48 units

Mr. Lavan: If all parties agreed then the judge would agree.

Mr. Wiley: The judge could disagree if he thinks it doesn't meet the overall plan.

Mr. Vella: discussed the COAH lawsuit. Court order states 48 units.

Ordinance reads pursuant to the court order dated "blank" (sometime in November 2010/2011), total number of units shall be 48 units with 10 restricted as to resale price or rental units consistent with regulation of COAH at the time of the site plan approval...

Addressed the Board: You cannot change the ordinance. It is what it is.

Cannot deny the application

DeMatteo: the requirements make the project undesirable.

Chairman Tyler: hypothetically speaking, what happens if after another year they cannot agree on a plan on how to get 48 units there?

Mr. Vella: The Board is allowed to give waivers and variances. If you can say from a practical engineering stand point, or safety standpoint you cant put in 48 units.

Chairman Tyler: But the variances that made it impossible to approve because we wouldn't approve it for anybody.

Mr. Vella: Then the Board would deny the application, go to court, the court would make a determination whether the denial was justified. Based on the project, the court may agree with the Board. The applicant *WANTS* 48 units.

Mr. Lavan: discussed height requirements and water flow problems. Expressed that the Board wants to work with the applicant but does not appreciate the constant threat of the court order .

Mr. Wiley moved onto design waiver 1.15 proposed parking. As previously discussed, will be addressed later. 1.16 comply with ADA.

1.17 Requires decorative lamp post 10 – 12' high, spaces 40- 60' front & center along street lines, driveways, and walkways.

Mr. Lane: locations – can comply. Need to be more decorative.

Mr. Glackin asked for a detail of what is being proposed.

Mr. Kittner asked Mr. Lane if the fixture allowed for directing of the light.

Mr Lane: yes. willing to find something more desirable for the board.

Mr. Vella: Must comply with proposed location

Mr. Wiley: 1.18 shade trees. To comply with set back & right of way

Mr. Lane: Only 2' widths between driveways.

Chairman asked about location of trees.

Sheet 6 – landscape plan.

Mr. Solomeno asked about grass

Mr. Lane: around trees. Most will be river rock because maintaining it would be impossible.

Chairman asked where the light-post would go, where the trees are? Why not put the light posts on the 2' strip?

Mr. Lane: that's where they will go.

Mr. Wiley: Off track improvements: installing a new curb & sidewalk along the entire property frontage, replace Poole Ave, Franciscan way disturbance – repair due to sewer line replacement.

Chairman Tyler: question about 2.2- what is the grade at the curb? Are you changing the grade at the curb line?

Mr. Lane: Relatively what it is, no big cuts- from the center line over (Poole Ave)

Mr. Kittner: it is common for applicants to improve their front along their half. He confirmed it was the dashed line on their geometric plan. Asked about pavement improvement plan. 2" Mill. Advised if they change their grade to have it shown on the plan.

Mr. Solomeno asked about impact on residents regarding road grading and drainage.

Mr. Kittner explained- when you develop a site, its often necessary to import fill, change the grades, curbing in the street helps channel storm water run off. Applicant is proposing Wet basin, a manufactured treatment devise for water quality. The combination they are proposing, they are meeting the requirements in storm water management & water quality. They have to reduce the water going off site. The neighboring property should see less storm water run off.

Mr. Vella: Board members are concerned with so much going on the property. Brought up the COAH issue. (Payment trust fund.) At the discretion of the applicant. Can reduce the number of units –

Mr. Wiley: Economic analysis, will bring it up to his client.  
Moving onto traffic & circulation: deviate from RSIS standard 5%, proposing 6%. T&M feels that the condition would be appropriate.

Mr. Kittner asked for the reason for the deviation.  
The 6% would comply.

Mr. Glackin asked about Right turn in/out.

Poole Avenue traffic was discussed.

Mr. Wiley: Site triangle easements. Site distance evaluated?

Mr. Kittner asked about trees near the site triangle. Trees do not effect site triangle.

Mr. Vella – fire issues. Applicant to comply with the need of a fire hydrant at entrance and other fire marshal requirements. Advised to contact fire marshal for further information (regarding yellow striping). Suggestions: No parking sign/ fire lane/ yellow curbing. Board not in favor of yellow striping down roadway.

Mr. Wiley: 3.7 enter into developers agreement to ensure compliance with NJ395a-1 \*(right to enforce parking on private street).  
With regards to trash & recycling...

Mr. Lane: area of 6 sq ft in each unit.

Mr. DiNardo: where would the containers be stored? Garage? Mechanical room?

Chairman Tyler: since it's a private street, they will not be able to store their garbage cans in the street.

Mr. Vella: each unit will get 2 big containers. 90 gallon pails.

Mr. Lane: suggested stack up pails on sidewalk instead of end of driveway for pick up

Mr. Kittner: Does everyone have a garage?

Mr. Lane: All but 2 units have garages. 1 bedroom units do not have garages.

Mr. Wiley: Architect will address @ next meeting.

Mr. DiNardo & Chairman Tyler: not sure how you can fit a car & store containers.

Mr. Wiley: 3.9- detail of curb alignment with guard rail. Info can be supplied to Board.

Mr. Wiley: 4.1- Comply to water quality treatment & water quality reduction.

Mr. Kittner: BMP- meet standards for water management approach

Mr. Lane: described water flow and run off in detail

Mr. Kittner: fence around basin?

Mr. Vella: post & rail fence with gate for access.

Mr. Kittner: safety measures- graded with safety ledges? As added measure to keep children out of basin.

Lane: No problem complying with added safety measure as they have done that in the past with other developments with basins.

Mr. Vella: Proposing wet basin- how do you keep it from getting stagnant? Are you proposing a fountain.

Mr. Lane: Yes

Mr. Glackin- surrounding properties would be effected? Wetlands being effected?

Mr. Lane assured the Board wetlands would not be effected.

Mr. DeMatteo: How far off the creek are these structures?

Mr. Lane: 80'

Mr. Solomeno: Ordinance is 125' – need a variance.

Mr. Kittner: If the applicant received D.E.P. approval (environmental impact)

Mr Lane: Yes

Mr. Vella: @ the original 12 lot sub-division there was a wet basin expert that testified @ previous application.

Mr. Kittner: What DEP permits were required for wetlands for this site.

Mr. Lane: fill permit (done), and buffer averaging

Mr. Kittner: this plan was DEP reviewed and they deemed these permits appropriate

Mr. Lane: Yes

Chairman Tyler: expected depth of water in wet basin?

Mr. Lane: minimum of 4'

Mr. Kittner: Is there a stream that exists?

Mr. Lane: In reviewing survey, just wetlands

Mr. DiNardo: we were told there is a stream. Engineer needs to do a site visit to determine location of stream

Board member asked Mr. Vella if he could locate testimony of expert regarding wet basin. Mr. Vella to research conditions of old resolution.

Mr. Wiley: 4.2 regarding: Peak run off reduced  
4.3 regards: manufactured treatment devise  
4.4 regards: permanent pool elevation with ground water,, supplemental well for the wet pond. Need information : details of manufacturing regarding proposed well  
4.5 regards: Retaining wall. Proposed 4' – 6.9'. Engineering – structural integrity.  
Proposed guard rail.  
5.1 – show what trees would be removed and will show that on the tree removal permit application.  
5.2- Irrigation: will provide details prior to construction  
6.1- conditional approval. Will agree to provide minimum lighting between units.  
6.2- location of building mounted lights. Will comply  
7.1- Refers to environmental impact report  
7.2- NJDEP- fresh water wetlands authorization and KAFRA approval submitted to Board.  
7.3- ground water mounding analysis  
8.1- removal of sewer line on Franciscan Way & replacement with new. 4 proposed common laterals to be reviewed by the plumbing official.  
8.2- Meets and Bounds of sewer easement- will comply  
8.5- Make application to Hazlet township sewerage authority and Bayshore Regional sewerage authority. Will comply.  
8" water main – proposed new hydrant. Apply to Shorelands Water.  
Requesting no roof mounted equipment (ie satellite dishes) – will incorporate this in the master deed review by Planning Board attorney.  
9.2- Exterior Building conditions: will have architect address this issue.  
Board Request playground area safety surface be pour in surface – will comply.

Mr. Glackin asked about play area.

Mr. Bace asked about access from parking area to play area.

Mr. Lane addressed play area concerns.

Mr. Kittner: BRZ Zone- Required to have a play area for pre-school children and a sitting area for supervising parents. Minimum 1,200 sq ft required.

Mr. Vella: (reading)- pre-school recreation area, site also shall contain a separate area for outdoor gathering.

Mr. Solomeno asked about access to these areas

Mr. Lane explained that the entire property is to be fenced. No access from outside of property.

Mr. Wiley: 9.8- Homeowners association, more likely this will be a condo association. A draft of the by-laws will be submitted to the Board with the master deed.

\*comply with restricted covenant to architect controls and restrictions for patios and balconies.

Section 10 refers to permits required. Comply with all.

Mr. Vella: Will engineer testify to the necessity for the variances?

Mr. Wiley: #1: using 8' board on board fence vs. solid fence.  
Up to the board whether it should be 8' or 6' fence

Mr. Vella asked Mr. Lane to show the location of the fence so the Board could make an decision as to the height.

Mr. Lane showed location, style, and height of fence.

Mr. Vella: ordinance does provide for an 8' fence.

Mr. Lavan- Its in a commercial area (Walgreens). The 8' fence would cut down on the noise of trucks coming in & out.

Mr. Kittner: Retaining wall. 4' is minimum for safety. Proposed 6'- 8' fence.

Mr. Vella: 8' fence suggested near Walgreens but reduced size in rear.

Chairman and Board discussed safety and location of play area.  
Fence around the improved property. Addressed adjoining properties. Wetlands are not accessible due to retaining wall and fence.

Mr. Lane: 11 parking spaces. Excess parking. Need 112, proposing 122. No need for buffer.

Board addressed extra parking for homeowners during holidays.

Mr. Vella: advised the Board to make suggestions to the applicant.

Chairman Tyler opened the public portion

Mr. Steven Sanfilippo was sworn in. Concerned about the retention pond creating flooding to his property and the noise coming from the fountain.

Mr. Lane addressed the concern stating the pump, motor would not be loud. The applicant already addressed flooding issues to adjoining properties. Timer on the fountain would also help with noise and times.

Mr. Shewan, 28 Mason Drive was sworn in. Has questions about retaining wall.

Mr. Vella: suggested due to the late hour, hold off the questions and give full set of plans to Mr. Shewan to prepare his questions for the next meeting.

Chairman agreed with Mr. Vella's suggestion and Mr. Shewan will wait until the next meeting.

Mr. Vella left the public portion of the meeting opened until the next meeting.

**MOTION:** To Adjourn offered by Mr. Lavan. Seconded by Mr. Bace  
Voice vote: Unanimous

**Next meeting: February 21, 2013**