

Offered By: Vice Chairman Lavan

Second: Chairman Tyler

Date: February 5, 2015

Minutes of December 18, 2014 Land Use Board Meeting

Regular Meeting of the Hazlet Township Land Use Board scheduled for December 18, 2014 was called to order at 7:30PM with a Salute to the Flag followed by a moment of Silent Prayer and a Reading of the Letter of Compliance by Trish Cullen.

ROLL CALL:

Present: Mr. Bace, Mr. Vignola, Mr. Moore, Mr. Grossman, Mr. Szczuplak, Chairman Tyler, Mr. Skowronski, Mayor DiNardo, Mr. Lavan, Deputy Mayor Belasco

Professionals- Mr. Kittner, Mrs. Keegan, Mr. Vella

Absent: Mr. Pisano, Mr. Solomeno, , Mr. Pobega

Approval of Minutes of the Regular Meeting of November 6, 2014

Offered by: Mr. Vignola

2nd: Mr. Skowronski

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Pobega (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lavan (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Szczuplak	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Belasco (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor DiNardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Pisano (absent)	<input type="checkbox"/>	<input type="checkbox"/>

**New Case # 14-15L- Edward McNamee; Liberty Place; Block 146 lots 13 & 14; R-100 Zone.
Applicant is seeking permission for a minor subdivision of two lots.**

Mr. Vella- Mr. Chairman I've reviewed the notice of adjoining properties and affidavit of publication and the board has jurisdiction to hear this matter. For administrative purposes I'll make as A-1 minor subdivision plan of lots 13 & 14 block 146 Liberty Place dated June 13, 2012 last revised October 27, 2014 and the board will mark one of their own exhibits as LUB 1 which is CME's report dated December 4, 2014.

Mr. Lattrell- Mr. Santry was prepared to be here tonight who is the surveyor but he is running late. We weren't prepared to provide additional testimony unless there were any particular questions directed from Mr. Santry. We did review the letter from CME in regards to the submission waivers that it's indicating; we do ask that the board grant those however we are consenting to the additional requirements requested from CME as a condition of any approvals. One other item as a brief history of this we were before the board 2 years ago this is property that is under contract to be sold to Hazlet Township. There is a portion of the property which is being carved out is the property that is going to remain with the applicants and the remaining is under contract to be sold to Hazlet Township. Purpose of that property is to be preserved as Open Space. The money coming from the purchase of that property was a long time coming. The reason why we are back before this board is ultimately the original deal proposed my applicants donating another portion of the property or about 5 acres. When the matter did not close in time my clients lost the any benefit of the donation and therefore it didn't make sense for them to do the deal any longer and after some litigation between the 2 parties we've arrived at the settlement where as we are back in front of this board hopefully seeking approval for this application. Ultimately the net effect is a lot of property that could be developed is being preserved as Open Space even though we are asking for an additional lot.

Mr. Vella- Mr. Lattrell, please just clarify for the record that when the original application came before the board was lots 13, 14, and 14.01 and that application was from the board's perspective contemplated the transfer of the remaining lot that's one 14 and 14.01. The present deal with the township does that include lot 14.01?

Mr. Lattrell- That is correct.

Mr. Vella- Okay because the lot is not part of the application because you're not doing anything with it but I just wanted to clear the record so that you're really transferring it as part of this deal not 5.35 acres but 5.35 acres plus the acreage on 14.01 is approximately 3 or so acres I presume?

Mr. Lattrell- Correct.

Mr. Vella- While lots 13 & 14 are only subject to this application the testimony is as part of the benefits they are transferring property to the township but for the record it's very clear it's not only 5.35 but it includes lot 14.01 which makes it over to an 8 acre conveyance. It's not part of this application but part of the deal and I just want to make it clear on the record that it is both lots that's being transferred.

Mr. Lattrell- A lot of the history of the property is that it is a particularly unique piece of property part of the Waackaack Creek greenery and will be connecting a full thoroughfare of Open Space which spans from Holmdel to Raritan.

Swearing in Thomas P. Santry

Mr. Vella- For the record, Mr. Santry you're a surveyor correct?

Mr. Santry- Correct.

Mr. Lattrell- Mr. Santry, What is it that you're proposing to do in this application?

Mr. Santry- Proposing a minor subdivision, changing lot lines around and creating one new buildable lot in between 2 existing structures.

Mr. Lattrell- And those existing structures are located on lot 13.01 and 13.03?

Mr. Santry- Yes.

Mr. Lattrell- And the proposed buildable lot you're referring to is proposed lot 13.02?

Mr. Santry- Correct.

Mr. Lattrell- And the proposed remaining lot of 13.04 is the portion that will be carved out and sold to Hazlet Township?

Mr. Santry- Correct.

Mr. Lattrell- The application itself calls for an additional easement as far as access to the parcels inland specifically proposed lots 13.02 and 13.03. Is that sufficient amount to allow for ingress and egress travel?

Mr. Santry- In my opinion yes.

Mr. Lattrell- There is an existing driveway that is in connecting with lot 13.03, is the purpose of that to allow continue to allow vehicles in to enter and turn around?

Mr. Santry- Yes.

Mr. Lattrell- You were involved with this property for a number of years with the McNamee's correct?

Mr. Santry- Yes.

Mr. Lattrell- Did you ever have an occasion to evaluate this property for additional development specifically subdividing it into 5 lots with a cul-de-sac running off of Scott Drive?

Mr. Santry- We have over the years thought out many different applications. There's a large amount of wetlands that prevent most of those developments.

Mr. Lattrell- But effectively in the proposal of adding it, isn't it correct there would be a possibility of getting at least 2 additional building lots if the entire property was (inaudible)?

Mr. Santry- Yes we did have a 5 lot subdivision.

Mr. Lattrell- With respect to this particular portion here of carving it out, that would no longer be possible correct?

Mr. Santry- Correct.

Mr. Vella- Before the board makes any comments I think we will go to the engineer to over the report.

Mr. Kittner- You're in receipt of our December 4th letter?

Mr. Santry- Yes.

Mr. Kittner- On page 2 there are some variances that are listed in our letter, can you read through those variances so we can hear some testimony on those variances in accordance to the Municipal Land Use Law.

Mr. Santry- The minimum side yard setback in the subject zone is 15 feet where the side setback of 4.6ft is proposed for new lot 13.03. This is an existing condition measuring to the existing property line.

Mr. Kittner- So this application is not making that worse correct?

Mr. Santry- Correct. The maximum permitted impervious coverage in this subject zone is 20% whereas 29.4% is proposed for new lot 13.01. This represents an overage of approximately 300ft of impervious coverage above the permitted maximum in the R-100 zone which is 20%. Again this is an existing non-conformity. In addition to the above it appears there is a variance relief required for bulk regulations in an R-100 zone for 13.04 and it's something that can't be corrected. Frontage on an improved street required in accordance with the applicable Township standards or who which such improvement has been cured by the performance guarantee in accordance with the ordinance. Again, this is something that cannot be avoided with this application.

Mr. Vella- So it's not an improved street. How wide is the driveway?

Mr. Santry- 20ft.

Mr. Vella- I know the fire department has already approved the application so based on providing a 20ft driveway and the fire department approving it, is it you're testimony that even though the houses are not on an approved street it provides appropriate access for fire and emergency vehicles to get to those houses?

Mr. Santry- In an emergency yes.

Mr. Vella- For the record I'll mark as LUB2 which would be the fire departments report.

Mr. Kittner- Mr. Santry, I believe you testified it was 20ft wide but I'm looking at a dimension on your plan and it's actually 18ft that's shown.

Mr. Santry- Yes the proposed driveway is 18ft wide.

Mr. Kittner- Is there an easement or conveyance that allows access to the lots through the common driveway?

Mr. Santry- We haven't created that yet but yes it will require an easement.

Mr. Lattrell- We are offering to provide that in order to guarantee access.

Mr. Kittner- What would be the dimensions on the easement?

Mr. Lattrell- 20ft.

Mr. Vella- The easement 20ft and the driveway?

Mr. Lattrell- The way the application is submitted is its 18 feet directly from the property line.

Chairman Tyler- It's currently a lane. Are there any plans to change the configuration of that lane to make it wider?

Mr. Lattrell- So the existing lane is a dirt road but the idea is to make it uniform that wouldn't necessarily look like a street but not like tobacco road. It will be a paved driveway 18ft in width running the length of at least the property lines all the way down to where it makes an L shape into lot 13.03 that way the intended idea is vehicles have the chance to travel to and fro at the same time and also giving those vehicles an opportunity to turn around.

Mr. Lavan- Are there trees that are going to be removed?

Mr. Lattrell- We are not proposing to remove any trees.

Mr. Kittner- Council brought up a good point and that is the ordinance requires a 3ft separation from property line to your driveway. If the driveway is 18ft that brings you to 21ft and with jogs and maintenance issues I would recommend a 25ft easement measured from the side property line. That would allow sufficient area for cars to go around and proper maintenance of that driveway.

Mr. Lattrell- We would consent to that.

Mr. Kittner- In addition to the variances listed that Mr. Santry just read, Mr. Santry proposed lot 13.01 that is measured at 11000 feet on your plans is that correct?

Mr. Lattrell- Yes

Mr. Kittner- Now the ordinance requires 12,500 sq. ft. would you agree that a variance is required for that as well?

Mr. Santry- Yes.

Mr. Kittner- Your property line runs to the center line of Liberty Place for that lot and you have listed on your cover sheet that the front yard setback is 24.1ft to the existing house is that correct?

Mr. Santry- Yes.

Mr. Kittner- The R-100 requires a 25ft setback, now I'm going to suggest this to the board one thing that I would recommend in the interest of the township Liberty Place is still a right of way, has that been vacated to your knowledge Mr. Santry?

Mr. Santry- Not to my knowledge.

Mr. Kittner- Based on the aerial mapping it appears that Liberty Place is unimproved along a certain portion of that lot would you agree?

Mr. Santry- Yes.

Mr. Kittner- At some point the township may want to extend the road or a pathway for pedestrian so may recommendation for the board to ask for a right of way dedication for this parcel. When you perform right of way dedication it does 2 things it measures the setbacks from the dwelling to the right of way and he would be reducing the lot area even further so that lot area variance that he's requesting might be less area than what's required and proposed at 1100 sq. ft. The problem is the house is 24.1ft from the center line. The township would normally ask for a 25ft dedication but that would put the right of way inside of the house so to compromise a recommendation I would have is a 15ft right of way be dedicated and a 10ft easement for the purposes of road way improvements and that easement would overlap the house a foot but you can jog that easement around the house. I would recommend the board grant that variance for the resulting area and also the setbacks.

Mr. Lattrell- The access that's on Liberty Place is a sidewalk which allows for foot traffic. The street itself I don't think would have any particular benefit connecting Scott Drive with Liberty. I have some reservations about being able to offer that at this particular time.

Mayor DiNardo- The whole intention with this property was to preserve it and if there's going to be any access through it; it will be in conjunction with the baykeeper and be taken off the Lady Sipper tract in Holmdel.

Mr. Vella- So this is not intended to park your car, walk or bike path through this?

Mayor DiNardo- Nothing like that.

Mr. Lattrell- The point the engineer brings up is a very good point but I ask that if it's not something that the board members feel that is required I ask that we may not be compelled to do it.

Mr. Vella- The people who are going to buy the new houses when they come down Liberty, are they driving on pavement when they make the left onto the long driveway?

Mr. Lattrell- There is some frontage directly in front of proposed lot 13.01 on Liberty Place.

Mr. Santry- Yes it is approximately 18 or 20 feet.

Mr. Vella- So you're saying that lot 13.01 has 20ft of frontage that is paved?

Mr. Lattrell- Approximately.

Mr. Vella- The pavement ends at the south side of the driveway so you're going to have people making a hard left into the driveway and snow is going to come down with plows should you have at least some area that's improved passed that? At least an area for some turn around or a k-turn.

Mr. Kittner- I think a turnaround area of 5-10 feet would be sufficient for a vehicle to back up or turn around. I think if someone made a right onto Liberty Place and wanted to turn around if you had 10ft I think it would be enough to provide that turn around area.

Mr. Lattrell- That would be fine.

Mr. Kittner- There are a number of waivers that are being requested on page 3 of number 8.

Mr. Lattrell- We are ok with the request for amendments to the final map.

Mr. Kittner- I think we've covered the access or no access to the improved roads so section B is the monumentation you're willing to provide that?

Mr. Lattrell- Yes.

Mr. Kittner- Section C and D is dealing with lot access to a public street.

Mr. Lattrell- Proposed lot 13.03 has Scott Drive running up to a portion of it.

Mr. Kittner- What is the frontage on Scott Drive for 13.04?

Mr. Santry- About 40 feet.

Mr. Kittner- How are you extending utilities into the subdivision?

Mr. Santry- It should be just laterals.

Mr. Kittner- The applicant is requesting a number of submission waivers and our office doesn't object to those waivers being requested or granted. There are some items of discussion on page 7 item C and D. There is an existing easement on the plan can you explain what it is?

Mr. Santry- It's an existing sanity sewer easement.

Mr. Kittner- Your plan is to provide individual grading plans for each of the proposed lots?

Mr. Santry- Yes.

Mr. Kittner- The existing house on lot 13.03 is located in a wetland transition area?

Mr. Santry- Yes.

Mr. Kittner- It's understood that any improvements to that would require a DEP permit?

Mr. Santry- Yes.

Motion to approve:

Offered by: Mr. Lavan

2nd: Mayor DiNardo

ROLL CALL

	<u>Yes</u>	<u>No</u>
Mr. Pobega (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Szczuplak	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Belasco	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor DiNardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Pisano (absent)	<input type="checkbox"/>	<input type="checkbox"/>

Administrative Matters:

- Applicant Defined Alliance requests an administrative change to the resolution, providing that all parking stalls within the project will be 18ft. in length instead of 20ft.

Motion to approve:

Offered by: Mr. Moore

2nd: Mr. Lavan

ROLL CALL

	<u>Yes</u>	<u>No</u>
Mr. Pobega (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Alt #4 Mr. Pisano (absent)	<input type="checkbox"/>	<input type="checkbox"/>

VOICE VOTE: YES

Motion to Adjourn: Sole Offer

Next Meeting: January 8, 2015

Trish Cullen

Secretary

