

Offered By: Mr. Vignola

Second: Vice Chairman Lavan

Date: March 19, 2015

**Minutes of February 5, 2015 Land Use Board Meeting**

**Regular Meeting** of the Hazlet Township Land Use Board scheduled for February 5, 2015 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. Nicholl, Mr. Byrne, Mr. Bace, Mr. Vignola, Mr. Moore, Chairman Tyler, Mr. Skowronski, Mayor Sachs, Vice Chairman Lavan

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

**Absent:** Mr. Solomeno, Deputy Mayor Aagre, Mr. Grossman

**Approval of Minutes of the Regular Meeting of December 18, 2014**

Offered by: Vice Chairman Lavan

2<sup>nd</sup>: Chairman Tyler

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Nicholl (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #1</b> Mr. Grossman (absent)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #2</b> Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #3</b> Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #4</b>	<input type="checkbox"/>	<input type="checkbox"/>

**Approval of the Minutes of the Organization Meeting of January 8, 2015.**

**Offered by:** Mayor Sachs

**2nd:** Chairman Tyler

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Nicholl	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #1</b> Mr. Grossman (absent)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #2</b> Mr. Moore (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #3</b> Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #4</b>	<input type="checkbox"/>	<input type="checkbox"/>

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

**Motion to Approve or Deny:**

**Offered by:** Mayor Sachs

**2nd:** Mr. Vignola

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Nicholl	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman (absent)	<input 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	<input type="checkbox"/>	<input type="checkbox"/>

**New Case # 14-14L- Keith Wright; 2015-2017 Florence Avenue; Block 64 Lots 32 & 33; R-70 Zone. Applicant is seeking permission for a minor subdivision and bulk variances for existing non-conforming conditions.**

Mr. Vella- I have pre-marked certain exhibits A-1 minor sub division plan, LUB-1 CME report dated December 5, 2014, 2 A-2 two mounted sub division plan and A-3 mounted aerial of subject property.

Mr. Lattrell- I'd like to jump right into Mr. Stockton and ask that he be recognized as an expert in civil engineering.

*Swearing in Mr. Wright*

Mr. Lattrell- Mr. Wright you're familiar with the property 2015-2017 Florence Avenue?

Mr. Wright- Yes I reside at 2017 Florence Avenue for 28 years. I am the executor of my mother's estate.

Mr. Lattrell- There is an adjoining lot 33 also known as 2015 Florence Avenue. How did you come to know that property?

Mr. Wright- That has been the home next to my parents for as long as I can remember.

Mr. Lattrell- Is it finished?

Mr. Wright- Yes.

Mr. Vella- Mr. Wright growing up did your parents always own both lots?

Mr. Wright- Yes. I believe it was purchased in 1970.

Mr. Lattrell- There is a lot 31.01 that is directly behind the lot that you grew up in and it appears to be a land locked lot.

Mr. Kittner- The shed that's located on lot 31.01 is that the shed that belonged to the existing lot 32?

Mr. Wright- If 32 is 2017 then yes my father built that.

Mr. Kittner- Just for the record you do realize that the shed is over the property line?

Mr. Wright- Yes now we do.

Mr. Vella- I tried to do a county deed search online which went back to the early 70's and it doesn't even reference lot 33.01 so I have no idea how Hazlet became ownership of that before the Wright's residence.

Mr. Kittner- The fence that encloses the pool is that encloses the existing lot 32 or does that actually wrap around lot 31.01?

Mr. Wright- It goes around 31.01 and doesn't close off 32.

Mr. Lattrell- Does it cut across and separate lot 32 from 31.01?

Mr. Wright - No

Mr. Kittner- But it does close to the dwelling?

Mr. Wright- Yes it does.

Mr. Kittner- One of my concerns was 31.01 is owned by Hazlet and to make this pool compliant fence it would have to be located within your property.

Mr. Lattrell- One thing we discussed was whether Hazlet would be interested in simply just transferring the property to Mr. Wright or if that's not the case we are fully prepared to relocate or move the shed and put a fence across and separate lot 32 from 31.01 in order to bring it into compliance.

Chairman Tyler- Things like that have probably occurred before. Obviously that would change the value on your assessment. Was the acreage on your assessment incorrect?

Mr. Lattrell- I would only assume the assessor is not evaluating and taxing them on 31.01.

Chairman Tyler- Since its land locked we really want an access easement to appease the property that you've been using. Basically they are assuming there is some way of transferring the property and there's really nothing that you are asking for as a change to the house or you're not adding anything, it is to simply clear up what you've discovered.

Mr. Lattrell- Anything that may bring it into non-compliance would only be because of what may be existing there so we're decreasing setbacks because we are putting in a dividing property line which creates deficiencies.

Mr. Vella- One of the issues you have is the Wright's have owned both lots at the same time, the question is whether this is a proper conversion of a garage, shed, whatsoever into a single family home thus (inaudible) the ordinances. Sharon's notes and research reflect that in 1974 the Wright's came to the Zoning Board and asked for approval to convert the existing building into a single family residence. The Zoning Board in 1974 said yes so what that means is that Hazlet Township Zoning Board has granted

previous approval for that to be a single family home rather than a garage converted home. So all the board is really dealing with is creating a line that was erased by the doctrine of merger. Technically is it was one lot at one point with two single family homes and they came in with a subdivision they would be legally entitled to a subdivision because each home is entitled to be on its own lot. From a legal perspective there are no issues with respect to the minor subdivision. I will indicate that the pool and shed issue most likely would be resolved as condition of approval that the applicant be required to ask the Township within 60 days of approval whether the Township wants to sell the property to the Wright's. If they are unable to buy the property from the town the applicant will be required within a certain amount of time frame to fence in their property and move the shed into the township property into his property. If he buys the property from the Township he won't have to move the fence or the shed because they would own both lots.

Deputy Mayor Aagre- What is the size of the piece that the town owns?

Mr. Kittner- It's 80ft x 117.5ft. In the event that the applicant was not successful acquiring the parcel the board should consider as a condition of approval that they provide some type of access easement to the township.

Mr. Lattrell- We have no problem with either of those and same thing with dealing with the engineers concerns if they are not able to acquire the land locked property from the township we would have no problem providing some type of access easement as condition of approval. The only thing we would ask is that it is from lot 32 which seems to be the most reasonable one that's directly behind it.

Mr. Kittner- I would agree. My recommendation would be it should be a minimum of 15ft is wide measured from the property line and extend throughout the entire parcel until it hits lots 31.01.

Mr. Lattrell- We would have no problem with that. I would like to move into Mr. Stockton if nobody has any further questions for Mr. Wright.

*Swearing in Andrew Stockton*

Mr. Stockton- In looking at the entire project my plan listed the variances that are created by the fact that we are here for subdivision approval, those are also in the CME review letter. In addition to the variances that we are requesting or required to obtain can all be granted without substantial detriment to the public good.

Mr. Kittner- Mr. Stockton, obviously prior to the doctrine merger these lots were essentially the same as shown on your proposed map?

Mr. Stockton- Yes.

Mr. Kittner- The two dwellings functioned in the neighborhood for quite a few years prior to that?

Mr. Stockton- It goes back to at least the mid 1970's.

Mr. Kittner- by placing the line where you have proposed there would be no detriment to the neighborhood correct?

Mr. Stockton- We are trying to recreate that existing lot line.

Mr. Kittner- Are you filing the subdivision by deed or by map?

Mr. Stockton- I think this one would be perfected by deed.

Mr. Kittner- Does the property experience any flooding?

Mr. Stockton- No. I looked at the FEMA map and it is not subject to flooding. If you look at exhibit A-3 there are no streams or ditches.

Mrs. Keegan- I have the tax cards and they aren't being assessed for that back property. They are being assessed for 80x150 and 40x270.

Chairman Tyler- Looks to me as though the development behind is newer. SO what this application will do is we'll we can figure it out if you don't buy it you got to do this and if you do buy it you don't have to do any of that.

Mr. Skowronski- Where would the road be if he doesn't buy the property?

Mr. Vella- It would be an easement for the township to eventually put a driveway back there which would be 15ft wide.

Mr. Stockton- Measuring to the south the side yard setback from existing lot 32 or new lot 32.01 that's only 15.6ft there. Measuring the side yard setback from lot 33 it's 10.3ft.

Mr. Vella- On the larger lot to the other lot side that is it there?

Mr. Stockton- That's 18.1ft.

Mrs. Keegan- I think it would make sense to go along the existing driveway.

Mr. Vella- And you can work that out with the engineer if you don't work out a deal with the township.

Mr. Moore- Just for clarification, if Mr. Wright can come to terms with the town then there will be a merger of 32.01 and 31.01?

Mr. Vella- It would be a merger.

Chairman Tyler- If the property is transferred to Mr. Wright would he have to come in again?

Mr. Vella- No it would just by operational law the town would work out a deal with Mr. Wright assuming they pass a resolution transferring the property would authorized the Mayor to sign deed.

Mrs. Keegan- I have a question the two lots on Rothbard Road but the 2 lots that back up to the 2 lots that are the Township's does the property have to be offered to those 2 properties?

Mr. Vella- There is a statute regarding to vacant properties and offering it to adjacent property owners that you could either sell it to public auction which this wouldn't be the case but they may have to be asked but they may not be contingent because they are only fronted a small portion. I don't think the town would have a problem selling it to Mr. Wright. Conditions that the applicant shall request the Township to purchase the property from the Township within 30days of adoption of resolution but I would suggest Mr. Wright bring a copy of these plans and schedule an appointment with the Township Administrator. It might be smart to order a title search because I could not find anything. If there is no agreement the applicant will then agree to provide a fence around the subject property, move the shed onto their property and provide an access easement to the Township subject to approval by the Land Use Board attorney and engineer through lot 32. The subdivision deed shall be subject to approval of the Land Use board engineer and attorney and we won't do that until you resolve the issue with the town. Before we do the subdivision deed we need to at the same time do the easement.

Mr. Kittner- Council the easement would be going through new lot 32.01.

**Motion to Approve or Deny:**

**Offered by:** Mayor Sachs

**2nd:** Mr. Vignola

**ROLL CALL**

	<u>Yes</u>	<u>No</u>
Mr. Nicholl	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #1</b> Mr. Grossman (absent)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alt #2</b> Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #3</b> Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alt #4</b>	<input type="checkbox"/>	<input type="checkbox"/>

## **Administrative Discussion:**

### **Devino and Jackiewicz LLC- Seeking administration change for previous approval and site plan #09-12P.**

- 1) Balcony
- 2) Fencing
- 3) 2ft garage extension

Mr. Kalma- There is basically 3 administrative changes. The resolution itself says no fences however the plans that were submitted says no fences around the perimeter but there are fences between the patios in the rear yard and around the detention basin. Those were in the plans that were approved by the board when the final approval was mentioned.

Mr. Vella- The issue was is that this is all the property behind these units is common area. The condition was the master deed shall prohibit unit owners from installing any fences in the common area or enclosing in with a fence. What we discussed during the application you guys were building patios for all the ground units so where the concerns were technically that patio is common area. The concern then was if you allow them to enclose the area around the patio was an issue because then you're enclosing the common area. So what are you proposing that's different?

Mr. Devino- Nothing.

Chairman Tyler- Everyone is okay with it.

Mrs. Keegan- Tonight is really just clarification so that everyone is on the same page.

Mr. Kalma- The second one extending the garage 2ft but it does not encroach on any of the setback areas and that would be on each and every one of the units.

Mr. Devino- The garage on the plan was a little bit undersized so we increased it by 2ft.

Mr. Kittner- Looking at the approved plans, some of the units are at the minimum setbacks that are required which are 50ft so the rear of the buildings are at the setbacks so just to be clear you are going forward with the garages.

Mr. Devino- Yes.

Mr. Kittner- From an engineering perspective I don't object to the extension of the garage the only concern I would have is the driveways would have to meet the minimum standards under the residential site improvement standards so would all the driveways be a min of 18ft in length?

Mr. Devino- Yes.

Mr. Kalma-The proposal is instead of making that corridor into a window is to make it an outside balcony but not to increase over the kitchen so it will be flush and foot print remains the same.

Chairman Tyler- I would like to ask the Zoning Officer if there are any issues from zoning perspective.

Mrs. Keegan- No I would just suggest that they are all uniform and no grills, clothing, make it esthetically pleasing.

Mr. Byrne- Would they be able to put in a retractable awning?

Chairman Tyler- They would have to get approval for that which is almost physically impossible. My opinion is the balcony is a very nice addition to this and doesn't really impact the setbacks or anything like that. What are the details and that's something from the side driving along the ride you're going to be looking at them so the architectural details would have to be good.

Chairman Tyler- On the first floor there won't be a vertical separation?

Mr. Devino- No. We can put a 6ft divider for the balconies. We have stone and vinyl impressions on the buildings.

Chairman Tyler- So it would be one of these in keeping with the architectural details.

Mr. Vella- What we've discussed is the applicant wants to increase the garage 2ft forward with the condition that the driveways be a minimum of RSI standards, that he will revise plans making a second story deck, uniform divider between decks no higher than 6ft blending with same materials and revised master deed to forbid propane, charcoal, electric drills, any heating or cooking device or hanging of clothing on balconies.

**Motion to Approve or Deny:**

**Offered by:** Chairman Tyler

**2<sup>nd</sup>:** Mr. Lavan

**ROLL CALL**

	<u>Yes</u>	<u>No</u>
Mr. Nicholl	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman (absent)	<input 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	<input type="checkbox"/>	<input type="checkbox"/>

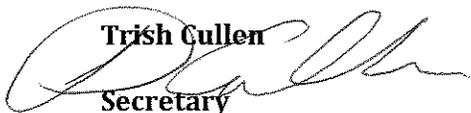
**VOICE VOTE: YES**

**Motion to Adjourn: Sole Offer**

**Next Meeting: February 19, 2015**

**Trish Cullen**

**Secretary**

A handwritten signature in black ink, appearing to read 'Trish Cullen', is written over the printed name. The signature is fluid and cursive, with a large initial 'T'.