

Offered By: Mr. Lavan  
Second: Mr. Vignola  
Date: April 3, 2014

**Minutes of March 20, 2014 Land Use Board Meeting**

**Regular Meeting** of the Hazlet Township Land Use Board scheduled for March 20, 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. Pobega, Mr. Vignola, Mr. Skowronski, Mr. Moore, Mr. Grossman, Chairman Mr. Tyler, Mr. Solomeno, Mayor DiNardo, Deputy Mayor Belasco, Mr. Lavan

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

**Absent:** Mr. Pisano, Mr. Szczuplak, Mrs. Keegan

**Approval of Minutes of the Regular Meeting of February 20, 2014**

Offered by: Mr. Pobega

2<sup>nd</sup>: Mr. Vignola

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Pobega	<input checked="" 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 (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Mr. Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola (abstain)	<input 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(abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Pisano (absent)	<input type="checkbox"/>	<input type="checkbox"/>

Mr. Vella- The mayor and council has adopted a resolution designating the entire township as an area in need to rehabilitation which is significantly different than an area in need redevelopment. We have Jennifer Beahm who is the planner for CME Associates. We have prepared the rehabilitation study area. What this discussion basically the municipal land use law permits the town to designate the whole town as an area in need of rehabilitation. The difference between rehabilitation and redevelopment is if we approve this it doesn't give the town to take property by eminent domain. The Land Use Board has the opportunity to review this and make any recommendations.

Ms. Beahm- As you all know there are certain sections of town where the traditional zoning really has not spurred economic development and growth the way the township has wanted to see it. In the past towns would have gone down the route of designating these areas in need of redevelopment basically taking any and all vacant property calling them under-utilized and then having that be designated as redevelopment. Recent case law has come down that makes that process much more stringent much more difficult and you have to prove blight not just under-utilization. That proof is extremely difficult especially when areas are not occupied by anything. Another alternative tool is this rehab designation. It is a more cut and dry assessment of an area or town in its entirety and there are three prongs and the town has to meet one of the three prongs. One of which is if there are properties that are significantly behind or in arrears on their taxes. That's difficult when you're dealing with a large property where you may have one property that has a problem with their taxes but the balance do not and that's not a prong that's utilized very often. The second is if you have substandard infrastructure which also would not be the case here. The third is whether 50% or more of your housing stock is 50 years old or older. That is the criteria that Hazlet complies with. When we prepared this document which was last year we took the documentation up through and the end of 2012 and evaluating the housing stock in town about 51% of the housing stock was 50 years old or older. At the end of 2013 62% of the housing stock in the town was 50 years old or older. There is really no wiggle room and the housing stock here meets that criteria and as such the town can then be designated in need of rehabilitation. What this does is gives us another planning tool where we can go out look at an area or multiple areas of the township prepare redevelopment plans for those specific areas to help encourage the growth and economic development that the township is looking to move forward. This initiative will allow Hazlet to have one more tool to help move it forward, promote economic development, provide opportunities for alternative types of housing, preservation of open space and environmentally sensitive resources all through this planning tool and I think as such it would be my recommendation that the Land Use Board recommend that this designation be adopted by the governing body.

Chairman Mr. Tyler- Prior process before this new process was put in place was essentially if a town thought that some company site that's been vacant for 10 years and they wanted to designate an area of redevelopment it became a targeted thing that you would put in just for that which would give you certain rights to do things. This new process is a two-step process in which if you don't meet the requirements of step 1 you can't go to step 2.

Ms. Beahm- Correct.

Chairman Mr. Tyler- What you're saying is statutorily the township meets the requirement so we can then take advantage of some of the things that are possible if we choose to do some of those other things on any particular properties in town. All we are doing is step 1.

Ms. Beahm- Correct. There are two decided differences between a designation such as this rehab designation versus redevelopment designation. The first being you have absolutely no ability to use eminent domain. Secondly redevelopment designation offers the opportunity for 30 year pilot / tax abatement. You can't enter into a 30 year tax abatement with this designation but you could enter into a 5 year tax abatement if you so choose later. If this board favorably recommends to the governing body to adopt the resolution and the governing body adopts the resolution the next step would then be to evaluate and assess different areas within the township that would be appropriate and then undertake a redevelopment planning process to identify what could potentially be there and how we would want to see it laid out but that's the next step.

Mr. Lavan- Would the township designate it to us to look at a property?

Ms. Beahm- You would still have a process. The redevelopment plan would also have a similar process where it would be introduced at the governing body and then it would come down here for everybody to evaluate, comment, recommend and then the public hearing process would take place before the governing body.

Mr. Skowronski- How long is the designation good for?

Mr. Beahm- I don't think there's an expiration.

Mr. Vella- The power is really in the township council's hands to deal with the individual property owners or developers.

Ms. Beahm- We would put a plan together for whatever the vision would be and that plan would be prepared in which there would be specific provisions which respect to coverage, setbacks, parking all those things.

Mr. Pobega- And that would be negotiated with the land owner who has that property at this time?

Ms. Beahm- I would say you don't have to but it's probably best to do that. I would suggest trying to work with the current land owners in specific areas. You could take the corridor and come up with a vision for the corridor too. It depends on the direction that the governing body chooses to take. It would come back to the board for their review and recommendation similar to this process. Any development application that would come in consistent with that plan would come before this board for approval.

Mr. Vella- The better part is dealing with the property owner or contractor because there is a better chance of getting moving and developed. What will happen is they will create a plan and then they'll come back before this board.

Mr. Solomeno- So will the township committee have the ability to rezone properties?

Ms. Beahm- Yes what a redevelopment plan is it really is zoning. The governing body can choose to have that plan supersede the zoning meaning take the place of the underlying zoning and then a plan would be prepared consistent with the redevelopment plan to come here for an application.

Mr. Vella- It's the legal way to spot zone.

Ms. Beahm- It also gives you more control over the zoning.

Mr. Solomeno- What happens if the board disagrees with the governing body about rezoning a property?

Ms. Beahm- Then you should go to the governing body at a public hearing and express your displeasure.

Mr. Vella- We can make recommendations before they adopt a plan for that piece of property.

Chairman Mr. Tyler- Does this replace the area in need of redevelopment process that the township could do?

Ms. Beahm- They still can do that.

Chairman Mr. Tyler- This is a new process. It's a simpler process and it's not as drastic as something that could be done at any time.

Ms. Beahm- The township council can rezone property now if they wanted to. This doesn't give them any additional ability to do that they have the right to zone but when an individual plan is prepared it will come here for any comments are recommendations.

Chairman Mr. Tyler- It also provides incentives for the town such as property tax relief. They can do less drastic things and with doing so they can control development.

Mr. Vella- The idea of it is to create development and give more tools and bullets in the chambers to get things done.

Mr. Pobega- Jennifer there were two other documents that I think are important the 2030 visioning and the Bayshore Strategic Plan that was done and I believe that both of those documents would be helpful.

Ms. Beahm- This is consistent with those initiatives to open up opportunities for economic development.

Mr. Solomeno- Given the current zones as they exist if there is thought of a development that's not necessarily desirable or consistent with our Master Plan would the governing body be able to preamp that by saying no we want this specific type here. So in a way that avoids some of the headaches that we faced.

Mr. Kittner- If a developer came before the township and had similar vision that the township was interested in and this gives the township and the developer the tools to really make a section of development work for the town.

Ms. Beahm- Yes.

Chairman Mr. Tyler- Just to point out on page 6 of your rehabilitation study area determination of need it reads the 2008 Master Plan Re-exam delineated 4 focus areas that should be considered for redevelopment. That's in fact not the case. The four areas were designated as areas that we wanted to study two of them are sensitive environmental areas that we wanted to prevent development. It also says on page 6 the township as a whole rather than focusing on specific areas is really the intent of what we're talking about tonight. We have a very urgent need to improve the look of our highway areas and get more businesses in there at the same time. Part of the vision plan had visual aspects of developments that might require more investment in terms of signage, road frontage, possibly plantings and things like that. We have another housing plan (affordable housing) but we have some alignment that has to occur with our COAH requirement as also we have a lot of opportunities in town so that's a significant factor here. We have a lot of transit in town and we have the opportunity in certain areas to pay attention to and perhaps there's some things coming out of that. Lastly, traffic and road improvements but linked with a good bicycle route around town are hopefully things that we will be seeing actual applications come in.

Mr. Lavan- I'll make a motion to do it with a comment that the township committee comes forth with a plan like this because we need this very badly in town.

**Open up public portion**

Mr. Shewan- I think it's a good move to go ahead with something like this. I do have a few questions reviewing this. You did mention that the vision plan would be the same weight as the master plan-

Mr. Vella- (inaudible) the Township Council.

Mr. Shewan- I know that when the board sits it has equal weight so why wouldn't the township have the same weight?

Chairman Mr. Tyler- The vision plan is not to the level where it is actual ordinances or rules and regulations. It is a guide line.

Mr. Shewan- With regarding to these delineated areas I would assume there is going to be subsets that will be designed. Are those subsets based on areas or a specific property?

Mr. Vella- There are no subsets this is kind of like a blanket over the town so the town can then go at these individual properties and deal with them individually.

**Offered by:** Mr. Lavan

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

**ROLL CALL**

	<u>Yes</u>	<u>No</u>
Mr. Pobega	<input checked="" 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"/>

**New Case # 14-03L- 3 Scott Drive; Kenneth and Christine Maiers; Block 146.08 lot 3; R-100 Zone. Applicant is seeking to obtain permission to install an 18x36 in ground pool with a concrete patio.**

- 3ft side yard setback where 10ft is required for concrete only.
- 7.4ft rear yard setback where 10ft is required for concrete only.
- 30% lot coverage where 20% is max.

*Swearing in Kenneth and Christine Maiers*

Mr. Vella- For the record I'll mark as A-1 survey of pool grading plan prepared by the Cannon Group dated 12/30/2013.

Mr. Maiers- We are requesting a variance for the pool to be safely away from our house and also we are requesting it to be safely away from the retaining wall on the other side.

Mr. Kittner- Do you have our letter dated March 10, 2014?

Mrs. Maiers- Yes.

Mr. Kittner- We outlined three variances I think you've touched on them but the first one is side yard setback from the patio but the ordinance requires 10ft and your plans are approximately 3ft from the side property line. The second variance is a rear yard setback where 10ft is required and you only have 7.5 and the third is the impervious coverage limit in which the ordinance requires 25% and you are showing 30% with your design. You need to demonstrate that this is a good thing

and that it substantially out weights the detriment. So what's your hardship? What is preventing you from sliding the pool far enough to meet the ordinance?

Chairman Mr. Tyler- I just wanted to point out that your pool guy did not include the concrete and the total lot coverage does include the concrete around the pool and that's why it is 30% and not 19%.

Mr. Maiers- If we slide the pool over it would be even closer to the retaining wall.

Mr. Kittner- And just for the record that retaining wall is existing right?

Mr. Maiers- Yes.

Mr. Vella- I will mark as A-2 picture of existing retaining wall. Where on the survey is the tree you showed me? Is that in the retaining wall area?

Mr. Maiers-Yes.

Mr. Vella- We will mark as A-3 picture of tree in retaining wall area.

Mr. Maiers- The retaining wall is not decorative it was actually built when the house was in 1985 and it supports the two houses above us that's in back of our house.

Mr. Kittner- So it's not something that you could eliminate because you'd essentially have no rear yard if you tried grading that out. You need the wall.

Mr. Maiers- Exactly.

Mr. Kittner- And the wall is in good shape?

Mr. Maiers- Yes.

Mr. Tyler- Is it possible to get a smaller pool?

Mr. Maiers- The pool company recommended that size since we are getting a diving board.

Mr. Vella- How wide is your apron around the pool?

Mrs. Maiers- 4ft. and then around the diving board it's larger because they said that's standard.

Chairman Mr. Tyler- If there was something you could do about the pool size and eliminate the diving board because it makes the pool too big for your yard, creates variances, and pushes well over the allowed lot coverage. Maybe it's just too big to be in your yard.

Mr. Maiers- We have a 6x6 on the other side but we can see about getting removed and that would help with the variance because that's really not used.

Mr. Kittner- Could you orient the steps towards the house more so that the 8ft of concrete could get turned into 4ft and that allows you some room to maybe slide the pool away from the side property

line and bring it a little closer to the house. You're short by 2.5 feet on the back variance. I'm fairly certain you pull the pool closer to the house by 2.5 feet and eliminate that variance.

Mrs. Maiers- We did not want to have the pool that close to the house. Right now we have a patio that's 15x22 so we were just looking at it as extending the patio by a foot. What if we did 3ft around the pool instead of 4ft?

Chairman Mr. Tyler- If you moved the diving board to the opposite end you could then reduce your apron on that side as well.

Mr. Maiers- We are a little uncomfortable because that would make that side the deep end and we felt it was going to encourage the kids more.

Mr. Kittner- Maybe a safety fence would keep the kids off the wall.

Mr. Maiers- I think that a safety fence would still have to go on the other side so they could still go on the lip of the rail road tie.

Mr. Kittner- The surrounding neighbors that do have pools do you know how close they are to the property lines?

Mr. Maiers- No.

Mrs. Maiers- So if we reduce the concrete around the pool to 3ft then we would only be about 1.5ft from our back wall. Would that be acceptable?

Chairman Mr. Tyler- I think we'd have to see what that plan would look like.

Mr. Kittner- If you took a foot off the circumference you'd probably saving 100 square feet. Shaving off the one foot of the concrete is going to bring it a little over 29% impervious coverage. I thought if it was possible to swing the stairs that lead into the pool and orient that closer to the house you don't need that 8ft of concrete on the left hand side of the pool it could get reduced to 4ft. That would enable them to move the pool a little closer to the house and closer to the existing wall that would eliminate the rear yard variance and reduce the side yard. I think they could have an 8ft of clearance from the side property line if they are willing to bring the pool closer to the house and the wall and also by switching the steps.

Mrs. Maiers- We feel like if we move it closer we would walk out and the pool would be right there.

Mr. Kittner- I think we are only sliding it 3ft closer to the house though.

Mr. Vella- We will mark as A-3 picture of existing patio

Chairman Mr. Tyler- I believe that you're asking for something that's just too much. I suggest that you talk to your pool guy. You have got to improve on the setbacks and the impervious coverage.

Mr. Vella- You need look at a plan that you can live with and present to the board knowing the board's concern is reducing the rear and side yard setbacks and reducing the impervious coverage.

Mr. Vella- We will carry this case to April 16, 2014. You do not have to notice again but you will have to get new copies of the revised plans by April 6, 2014.

**Executive Session- Settlement Proposal for Ronko Developers Inc. case #13-10Z.**

**Citizen Hearing:**

**VOICE VOTE: YES**

**Motion to Adjourn:**

**Sole Offer**

**VOICE VOTE: Yes**

**Next Meeting: April 3, 2014**

**Patricia Cullen**

**Secretary**

A handwritten signature in cursive script, appearing to read 'Patricia Cullen', is written over the printed name and title.