

PLUMSTED TOWNSHIP LAND USE BOARD  
February 2, 2016

The regular meeting of the Plumsted Township Land Use Board was held on Tuesday, February 2, 2016 at 7:30 p.m. in the Municipal Building with the following members present:

<u>  X  </u> Walter Bronson, Chairman	<u>  AB  </u> Eric Sorchik
<u>  X  </u> Michael McGuire	<u>  X  </u> Jack Trotta, Mayor
<u>  X  </u> Wendy Galloway	<u>  Late  </u> Dominick Cuzzo, Alt #1
<u>  X  </u> Ronald Dancer	<u>  X  </u> , David Leutwyler, Alt #2
<u>  X  </u> Douglas Hallock, Vice Chairman	<u>  X  </u> , Robert Bowen, Alt #3
<u>  X  </u> Robert Hardy	<u>  X  </u> , John Neyenhouse, Alt #4
<u>  AB  </u> Vincent Lotito (Designee)	<u>  X  </u> John Mallon, Engineer
<u>  AB  </u> Glenn Riccardi	<u>  X  </u> Gregory McGuckin, Attorney

Attorney McGuckin read the Open Public Meetings Act and swore in new member Michael McGuire. No minutes were completed to be accepted and voted on. Mr. Patrick Jeffery, PE filled in for Jack Mallon, PE from T&M Associates.

**RESOLUTIONS:**

None

**Old Business:**

Chairman Bronson neglected to inform the Board at the previous meeting that the Township Committee has appointed Stan Slachetka of the company of T&M Associates as planner to the Township. Mr. Slachetka is also available to the Land Use Board to utilize as a conflict planner and will be paid out of the escrow accounts. If the Board needs assistance with larger projects, Mr. Slachetka can help with those.

**AGENDA: New Business**

**Cheney: 76/60 & 61; Accessory Building w/Variances**

For the record just as Mr. Cheney began, Mr. Cuzzo arrived at the meeting.

Mr. McGuckin swore in Mr. Cheney. Mr. Jeffrey read the review letter. Mr. Cheney's response to the review letter started with addressing the setbacks. Mr. Cheney said that there is an existing building on the premises that his father had built. Mr. Cheney said that he is trying to keep it in line with what is already in place with the rear and side yard setback and property line. Mr. Cheney plans to leave the building for now to protect what is in the existing structure and rebuild over top of this building and then disassemble the older structure. Mr. Cheney requests a height variance to allow for the storage of his camper. The final variance for accessory building to occupy no more than 30% of a required rear yard, whereas the proposed building will occupy 52.7% of the required 15 ft. rear yard. Mr. Cheney states that he is trying to keep the yard

uniform and to clean up what exists. After the new building is built over the one storage garage he will be taking down all the other existing sheds except one, 12' x 24'.

Item 2; waiver for curb and sidewalk. Mr. Cheney states that no other home in his area along Lakewood Road has a curb or sidewalk.

Item 3; The survey provided is the only one he had and that Mr. Mallon said that it was fine to use for this purpose. Mr. Cheney said that they had just finished two additions to the home. One out the front and one to the side, both away and opposite from the accessory building he is requesting.

Item 4; aerial photograph. Mr. Cheney said he is planning on cleaning up the property. The bigger building will house everything indoors so when driving by you do not see the clutter as well as keeping it all protected.

Item 5; Gutters will be installed although the plan does not show them.

Item 6; Mr. Dancer asked about the impact it would have because of the size of the proposed building. Mr. Cheney said that the grading that exists now will most likely remain. The area of the one large building would be likely the same if not less impact than what is already there and storm water runs out into the farmers' field and towards the creek on the other side of his neighbor.

Item 7; The existing driveway will be expanded to provide access to the front doors only.

Item 8; The overhead door to the rear is for ventilation and occasional access to pull the trailer in and thru.

Item 9; Mr. Cheney was advised to contact Ocean County for a letter of no interest for the file.

Chairman opened the application to the public for discussion. Seeing none, discussion was closed.

Attorney McGuckin highlighted a review of the application for a motion to include drywells for the gutters, all sheds to be eliminated with the exception of one 12' x 24', comply with whatever the County requires, and to comply with the rest of Engineer Mallon's letter. A motion granting the variances and waivers that were sought. Chairman Bronson stated they will scratch the need for drywells as long as the applicant takes down all the other structures except for the one 12' x 24'. Mr. Leutwyler made a motion as stated, Mr. Hallock seconded the motion followed by a roll call vote to accept.

#### **MVN Homes, Hawkin Rd.-Time Extension of Preliminary Approval request**

An initial request for extension was received by the Planning Board Secretary on November 25, 2015 and posted \$500.00 application fee and \$50.00 education fee for preliminary approval extension. Mr. Kahn was advised to send this letter to Mr. Mallon and Attorney McGuckin.

A letter dated January 11, 2016 was sent to Mr. Kahn and a Mr. Hellernan, Esq. by Attorney McGuckin advising him that an extension of time was not an automatic process and that he would need to attend a Planning Board Meeting and to have his counsel contact the Board Secretary.

Chairman Bronson opened the discussion of this request noting that the applicant was not present, nor have they contacted the secretary, Engineer or Attorney. Chairman Bronson asked if it's been found out if the preliminary approval has expired yet. Mr. Jeffrey summarized that the applicant first received preliminary approval in 2003. Per the Municipal Land Use law that approval has a three year time period, which is also eligible by request, to have up to two year extension. In 2007 the State came out with the Permit Extension Act which extended most regulatory approvals with an effective date of January 1, 2007. That act extended all permits through December of last year (2015) and provided provisions to extend them six months into this year thru June of 2016. Mr. McGuckin said if this approval was in July 2003, the three year time period had expired July 30, 2006 which makes that five months prior to the permit extension act. With those facts only it appears that this application expired July of 2006 and was not in effect on January 1, 2007. Therefore it would not be subject to the permit extension act.

Mr. McGuckin also stated that the conditions of the Preliminary Approvals were never complied with. Mr. Jeffery said the conditions were never met or deemed complete. Since the Preliminary conditions were not met, the Final Application is deemed incomplete and no final approvals were given.

In response to the November letter and the applicant's failure to appear tonight, the Board chose to take a vote on the request to extend the Preliminary approval. Mr. Dancer reiterated Mr. Mallon's review letter of September 22, 2006, that this Final application will not be scheduled as MVN did not comply with the Preliminary as they did not submit the woodlands preservation plan, nor the soil pesticide testing. The Preliminary conditions were not met back in 2003. Mr. Jeffrey stated the filing of the Final application does not end the Preliminary time period, you actually have to get approval of the Final application for it to end your Preliminary. So in review the Preliminary is what expired in 2006 and the extension should have been sought at that time.

Mr. Dancer made a motion to deny the request for extension, Ms. Galloway seconded the motion. Mr. McGuckin added an amendment to the motion that MVN Homes will receive a letter indicating that the Preliminary expired back in 2006 and that this request is denied. Both motions were amended by Dancer and Galloway. A roll call vote of all ayes followed.

#### New Business continued:

Jack Mallon's proposal to update the fee schedule, highlighted escrow and application fees that have not been updated since 2004. The action of this Board is to determine the need of an increase and to make recommendations to the Township Committee to do so. Chairman would like to wait to make a decision until Jack Mallon returns at next month's meeting to go over the projected increases.

Chairman raised a point that we do not have an Ordinance requiring an applicant to have a current survey for the applications being presented. Most boards require a survey to be dated within 2 years. Thompson Land, a major subdivision was working with a 15yr old survey. Chairman understands that it would put an added expense for the applications but suggested that the Board could choose to waive this requirement if they requested it. He asked Mr. Jeffrey to see if Jack could put something together on that. Mr. Neyenhouse suggested requiring the applicant obtain current aerial photographs or satellite imagery.

Mr. and Mrs. Heller were in attendance and have asked about the Township acquiring some of their land for the proposed sewer treatment plant. Chairman Bronson directed them to speak with Peter Ylvisaker.

Mr. Dancer read from the Ocean County Planning Board minutes of December 2, 2015, approving the WaWa application to add Diesel to their site at the intersection of route 539 and route 528. The minutes said the application states that no improvements are proposed along route 539 and route 528. On a motion by Mr. Reed and Seconded by Mr. Bertram, this site plan was given Final approval contingent upon the developer to indicate the right of way, half width of route 539 and route 528 on the plans. The motion was unanimously carried. It seems they received their final approval with no contingency back to the local planning board. They are still pending before the local planning board. Mr. Dancer says, ultimately all County roads and facilities are up to the County, but can this Board make recommendations to go back to the County Planning Board. Mr. McGuckin said the Board could require they return to the County Planning Board with our recommendations as a condition of their approval. It's up to the County if they want to take another look at the application. Chairman Bronson said we'd request them to do any significant work that would affect the right of way or entrance way into their site, they would have to go back to the County planning board for that approval. Wawa will be returning for further discussion of this application at the April meeting.

No further discussion

Chairman Bronson asked if there was any further business to be brought before the board. Being none, a motion to adjourn was made and seconded. Carried by all ayes.

Respectfully Submitted,

Joan Gruca