

## PLUMSTED TOWNSHIP LAND USE BOARD

June 21, 2016

The regular meeting of the Plumsted Township Land Use Board was held on Tuesday, June 21, 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>AB</u> Wendy Galloway	<u>AB</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>AB</u> Robert Hardy	<u>X</u> , John Neyenhouse, Alt #4
<u>AB</u> Vincent Lotito (Designee)	<u>X</u> John Mallon, Engineer
<u>X</u> Glenn Riccardi	<u>X</u> Gregory McGuckin, Attorney

Attorney McGuckin read the Open Public Meetings Act. A motion to approve and accept the meeting minutes of April 5<sup>th</sup> and May 3<sup>rd</sup>, 2016 was made by Mr. Leutwyler and seconded by Mr. Hallock, passing unanimously.

### RESOLUTIONS:

**2016-03:** Trinity Solar, 200 Longswamp. Resolution was read for granting minor site plan approval at Block 89, Lot 19. Mr. Neyenhouse made the motion to accept the Resolution, Mr. Riccardi seconded, followed by a roll call vote with Mr. Hallock abstaining and all ayes.

**2016-04:** Riccardi, Highbridge Road, Block 73 Lot 11, Minor subdivision with variances. Mr. Riccardi had recused himself off the dais, being the applicant. Mr. McGuckin read the Resolution for memorialization. Mr. Leutwyler made the first motion, with Mr. Hallock seconding. A roll call vote of all ayes was made.

**2016-05: Dismissing** application for minor site plan approval to install diesel tank and pumps for WaWa Inc., Block 77 Lot 77.01 without prejudice. Mr. McGuckin said they can reapply if they choose to. Mayor Trotta made the motion to dismiss the application without prejudice and Mr. Hallock seconded the motion. A roll call vote of all ayes followed.

### Old Business:

None

**New Business:****Johnson/Shea: Use Variance and Major Site Plan Approval, Block 75, Lot 18.01**

*The application being heard is a Use Variance, all members of township committee and Douglas Hallock recused themselves before the hearing began.*

Mr. Ray Shea, the attorney, together with Ian Borden from Professional Design Services (PDS) to represent the applicant were sworn in by Mr. McGuckin. Mr. Mallon read his review letter for a Major Site Plan Approval for Block 75, Lot 18.01, the property known as the Dancer Farm. The property is currently occupied by a Bed and Breakfast, health spa, numerous agricultural building and a race track. The property is accessed from Archertown Road. The application proposes utilizing an existing recently constructed temporary accessory structure and an existing masonry farm building for an "agritourism" event on site. The accessory structure will cover a large temporary sand castle that is to be constructed. The masonry building is a permanent structure which will be used for retail sales of art and merchandise during the event. The existing racetrack will be used for parking. A D-1 Variance is required as this is a non-permitted use in the RA-5 zone. It also appears that a D-6 Variance is required for the height of the sandcastle cover structure, being it is more than 10% than what the allowed height is. They have asked for design waivers for lighting plan, landscaping plan, and a grading plan. The applicant will provide testimony.

Mr. Dancer spoke for the record that although the application is referred to as "The Dancer Farm", the farm was previously owned by his Uncle Vernon Dancer and was subsequently sold to the applicant a number of years ago. Any member of the Dancer family, including myself have absolutely no ownership or interest in the premises as it was sold to the current owners in 1990. Mr. McGuckin stated there are no reason or basis for Mr. Dancer to recuse himself from the application. Chairman Bronson stated that because this is a D-Variance, the committee people cannot sit on the application. Mr. McGuckin confirmed this and asked those members to step down from the dais.

Mr. Raymond Shea and Mr. Randy Johnson, owners of the establishment, bought the property back in the 1990's. This is an attempt to break a Guinness Book of World Records for the largest sandcastle in the world. Artist Ed Jarrett and his fiancé Betty attended to present testimony. Mr. Borden marked two exhibits and gave testimony to address Mr. Mallon's points in his letter. A-1 being an aerial photograph taken by a private company called Near Maps taken in March 2016 which accurately reflects the current status of the property. A-2 is a graphic representation of the sandcastle structure which was prepared by PDS LLC. Mr. Borden continued his testimony referring to the property being located in the RA-5 zone, the proposed work to be completed is as previously stated. This property is adjacent to the Laurita Winery property. Mr. Borden described the enclosure for the sandcastle structure to be at a height of 48'. Which exceeds the permitted height by more than 10%. It is constructed of timber poles that will have a roof on it and fabric around simply to protect the sand from wind and weather. Adjacent to the sandcastle structure is an existing masonry building that is proposed to be used as a retail sales of art and merchandise while the sandcastle is available for viewing. The combined area that these two structures occupy less than one half acre of land. The applicant has obtained a LOI from the NJDEP for the existing wetland area, buffer and adjacent riparian lands. In speaking specifically of the Use and performance of the site the hours of the event/attraction will be the same hours and days as the Winery. Seasonally 4-5 days a week and closing about 9:30 pm. Outdoor seating is not shown on the plans but the applicant is requesting it. A small portable grandstand about 4-5 rows height will

be used for viewing. The site is located between the existing parking lot and the Winery hoping to draw the interest of those passing through for the Winery events. This activity will not have a demand for any additional parking. There are portable restrooms provided throughout the properties. Temporary signage will be proposed out on Archertown Road at the main entrance to the parking area. Signage will be reviewed with the engineer. Mr. Ed Jarrett was sworn in to verify the purpose of the structure and how they will incorporate using volunteers such as school age children. Once the structure is over 6' the children must be kept outside the main ring for safety. This is a 15'-20' buffer away from the sandcastle. Anything over 10', anyone over 18 years of age and older will wear safety equipment, and sign a waiver to be allowed to participate in attempting a world record. Mr. Jarrett stated that he holds 4 world records in 4 different states and has not had any accidents. Mr. Jarrett stated last year they had the same structure built on the Winery grounds, all they have done is move it to this location of the property. After the completion of the world record it is hoped that Mr. Jarrett will remain and possibly conduct art classes for children at the site. The sand (Sharp sand) is able to stay together and stick together to avoid some of the dangers of collapse as addressed earlier.

Mr. Borden summarized both D variances; one being the height of the structure of 48' feet, where 35' is required as well as the use variance for the agri-tourism event related to the sandcastle. Mr. Mallon brought up the change in request. The applicant stated it will leave the sandcastle there and use it for classes which is quite a bit different than what they asked for originally. The applicant clarified they wish to encourage children to create artistic images with sculpturing and other types of art. Mr. Neyenhouse asked if there was a possibility that if anything were to fall through with the artist Mr. Jarrett deciding to leave, would it be guaranteed that the sand be removed from the site and the area be returned to its original condition. The applicant put on the record that if Mr. Jarrett leaves the project then so would the sand. It was asked how the structure itself was installed and what it consists of. Mr. Jarrett stated that because this structure is higher than others, the wind shears had to be considered. The material used to wrap the poles to protect the carving is an 8ml plastic boat wrap. The material is designed to shear if the break point is reached so that the poles and metal roof is not compromised. The telephone poles are sunk 10' feet into the ground and the portion of pole above ground are approximately 50' with a cover on top of that. Mr. Riccardi asked if the structure was a tested assembly, or is it engineered with proper sealed plans? Mr. Jarret stated that he had engineers that were working on the design for the Queen Mary truss with a certified welder who constructed it. Mr. Mallon agreed with Mr. Riccardi that the applicant would need sealed, engineered plans and approvals.

The applicant stated it is a temporary structure to be removed, sand and all, if ever Mr. Jarrett leaves the project. Mr. McGuckin clarified per the testimony from the applicant that although the structure is deemed "temporary" it could still remain for a substantial amount of time.

Public Comment by Mr. Bill Wolfe regarding ethical legal standards were made. No one else from the public had comment. The discussion was closed to the public.

Mr. Chairman asked if any members from the Board had questions. Mr. Bowen wanted to follow up on the lighting. Chairman encouraged the applicant to work with T&M Associates for the lighting plan from the Winery to the parking area. In response to Mr. Wolfe's comments, Mr. Dancer wanted to point out that he conferred with counsel prior to hearing the application. Mr.

McGucking repeated Mr. Dancer's testimony of no interest in the property preceding the hearing, therefore showing no conflict of interest based on the facts and statements of Mr. Dancer.

A motion to approve the Variance for the Sandcastle structure was made by Mr. Leutwyler, seconded by Mr. Bowen. Mr. Dancer, Mr. Leutwyler, Mr. Bowen, and Chairman Bronson voted yes, Mr. Riccardi voted No and Mr. Neyenhouse abstained. The motion failed to carry, needing five affirmative votes to approve a Use Variance.

A motion to carry the Johnson/Shea use variance to the July 5<sup>th</sup> meeting was made by Mr. Neyenhouse and seconded by Mr. Bowen. Mr. Dancer, Mr. Leutwyler, Mr. Bowen, Mr. Neyenhouse and Chairman Bronson voted yes to carry. Mr. Riccardi voted No. No additional notice is needed, the hearing was adjourned to July 5<sup>th</sup>.

**Lennar Plumsted LLC, GDP Greenbriar at Crosswicks-Major subdivision,  
Block 40/Lots 10 & 18:**

Jason Tuvel, attorney for the applicant, Lennar Plumsted LLC gave a brief overview of the GDP. A general development plan, statute 40:55D-45.1 under the Municipal land Use Law is a conceptual layout of a large tract of land, usually over 100 acres. The proposed age restricted community of approximately 454 homes; 263 SFD, 80 duplex and 111 triplex units are proposed with a clubhouse. Mr. Tuvel introduced his professionals whom have worked on the project and sworn them in prior to them giving testimony about their part in the project.

Mr. Bob (Robert) Calabro, employed by Lennar for 25 years, project manager and director of land for the tristate area was sworn in. Mr. Calabro proceeded to mark the exhibits A-1 thru A-8.

A-1 is an aerial layout by "Maser Consulting" showing the 55+ gated adult community of approximately 454 homes.

A-2 is a rendering of the proposed clubhouse prepared by Holiday Architect Lennar LLC

A-3 picture of the Hamilton model of the single family home.

A-4 Multigenerational plan/layout.

A-5 Triplex exhibit

A-6 Duplex exhibit

A-7 Phasing plan

A-8 existing conditions- aerial exhibit

The proposed 55+ development complies with the age restriction under the Redevelopment Plan. Phasing of the project: Break ground within a year with the first homes becoming available in 2018. Construct spine road to begin the infrastructure of water, sewer and drainage. Each phase being 50/60/70 homes per phase. 9 phases proposed. A homeowners association will be

established per the DCA. The duties and responsibilities of the HOA will be maintenance and operation of the clubhouse and any amenities on site, budget and manage snow removal, and all landscaping needs within the community both on individual lots and the open space.

Age restriction- no one under the age of 19 may live on the property. Set up documents to have ultimate control over the age restriction. Visitation is allowed, cannot enter school and visitation is limited up to 30 days. One person has to be at least 55 yrs of age at time of purchase.

Ms. Julia Algeo, Professional Planner/Engineer was sworn in. Ms. Algeo described A-8, existing aerial conditions and history of the property's uses. The tract of land has limited frontage of 114' on New Egypt-Jacobstown Road and limited frontage of 300' on Provinceline Road. NE-Jacobstown Road is under Ocean County jurisdiction. Provinceline Road is the municipal and county boundary between North Hanover Township, Burlington County and Plumsted Township, Ocean County.

Ms. Algeo described the proposed development with a Boulevard entrance off of Provinceline Road, stating a detailed landscaping plan will be provided. On Route 528 a standard residential access street will be in place because of environmental and regulatory constraints associated with the stream tributary. That street will be a public right of way until you pass through the riparian zone with a proposed security gate at both locations. The homeowners association will be responsible for the public right of way. A discussion with Ocean County engineers regarding left turn slots at both of the entrances and the feasibility of providing that will be investigated and incorporated into the plan if feasible.

The community will consist of 111 triplex units, 80 duplex units and 263 single family homes. The minimum size of the SFD lots will be 6,050 sq. ft. The corner lots will be approximately 7,300 sq. ft. The duplex lots will be 4,400 sq. ft. with the corners being a little larger at 6,500 sq. ft. and the triplex lots will be 3,300 sq. ft. for the interior homes and 4,100 sq. ft. for the end units. The lot sizes and setbacks of the proposed homes comply with the redevelopment plan. More details were given full details and reports would be submitted at the time of the preliminary and final site plan application.

The next professional called and sworn in was Geoffrey Fiore from Maser Consulting to discuss the traffic study. He discussed the analysis of the surrounding roadway network.( Exhibit A-8.) Mr. Fiore's finding was, based on the traffic counts turning lanes are not warranted. A feasibility report for left turning lanes at each of the access locations has not been completed at this time. It was decided that left turn lanes will be installed.

A determination of 120 days from approval of the GDP, the applicant will submit for the preliminary major subdivision and site plan approval.

Open to the public:

Resident Pat Ahearn , 8 Lawrence Drive, questioned about how the homes would be provided water baring any impact on existing wells. The applicant is planning on having public water. Mr. Ahearn also asked about the woodlands which are existing and will remain. His other concern was regarding the traffic study and the volume of vehicles from 900+ people being added to the roadways. He also wanted to know the construction schedule while building the community. The Ordinance allows 7am-7pm Monday through Friday with reduced hours on the weekends.

## PUBLIC COMMENT CONTINUED:

Mr. Bill Wolfe of Bordentown also spoke in great length, in opposition of the GDP approval.

Neighbor to the proposed entrance on Provinceline Road, James Serbes, was sworn in and spoke also on the behalf of the opposite neighbor of 10 Provinceline Road, Maria Klein. Mr. Serbes concern was for his and Maria's horses that live on either side of the Boulevard entrance. The noise from the large construction vehicles and other activities that could potentially frighten the horses enough to run through the fencing. Mr. Serbes would like the applicant to take this into consideration when planning and building begins.

Sabrina Brown of 16 Provinceline Road was sworn and brought up the PRRC, added traffic, street lights and Boulevard. She is saddened by the loss of farmland that will accommodate this new community.

Public comment was being left open for the next meeting as time was running late. The hearing will continue at the next meeting, July 5<sup>th</sup>.

A motion to carry the application to July 5<sup>th</sup> and to adjourn the meeting was made by Mr. Neyenhouse and seconded by Mr. Hallock. All in favor was unanimous.

Respectfully Submitted,

Joan Gruca