

PLUMSTED TOWNSHIP LAND USE BOARD

July 5, 2016

The regular meeting of the Plumsted Township Land Use Board was held on Tuesday, July 5, 2016 at 7:30 p.m. in the Municipal Building with the following members present:

AB Walter Bronson, Chairman
X Michael McGuire
X Wendy Galloway
X Ronald Dancer
X Douglas Hallock, Vice Chairman
X Robert Hardy
AB Vincent Lotito (Designee)
X-Late Glenn Riccardi

AB Eric Sorchik
X Jack Trotta, Mayor
X-Late Dominick Cuzzo, Alt #1
X, David Leutwyler, Alt #2
X, Robert Bowen, Alt #3
X, John Neyenhouse, Alt #4
X John Mallon, Engineer
X Gregory McGuckin, Attorney

Attorney McGuckin read the Open Public Meetings Act. Letters from Ms. Galloway and Mr. Hardy who did not attend the meeting stating that they have listened to the recording of June 21, 2016. This certifies them eligible to vote on any returning applicant from that meeting.

RESOLUTIONS: None

Old Business:

Before the returning applicant, Johnson/Shea- Dancer Farm was heard, Vice Chairman Hallock turned the meeting over to Mr. Bob Hardy to Chair this portion of the meeting as Mr. Hallock, Mr. McGuire and Mayor Trotta had recused themselves. Mr. Hardy reminded the applicant that they needed five affirmative votes to pass and that there were only 6 members presently. The applicant said time is of the essence and they wished to continue. Mr. Mallon read the revised plan review letter for site plan approval of the Johnson/Shea-Dancer Farm temporary sandcastle structure, lighting plan and portable bleachers.

Ian Borden was sworn in by Mr. McGuckin. Mr. Borden testified to points referenced in Mr. Mallon's review letter regarding the lighting, bleachers, signage, portable restrooms and the sand castle structure. Temporary signage will be up no more than 36 hours before the event and removed no later than 36 hours following the event. Mr. Leutwyler wanted to confirm that the applicant would comply with obtaining any building permits needed.

Open to the public:

Mr. Wolfe, from Bordentown was sworn in objecting to giving the applicant another chance to have their application approved saying it failed to be approved. He was reminded that at the last meeting the application did not fail to approve, but Mr. Neyenhouse had abstained pending additional information requested by the board. Mr. Hardy closed to the public.

A motion to approve the application was made by Ms. Galloway and seconded by Mr. Bowen. Mr. Dancer, Mr. Leutwyler, Mr. Neyenhouse and Mr. Hardy all voted in favor of the application.

Returning applicant: **Lennar Plumsted LLC-GDP**

Before opening the application to the public, Mr. Riccardi arrived late and the other board members that recused themselves from the prior application returned. Mr. McGuckin swore in Coleen Carpentier, resident of New Egypt, brought in a personal map drawing to be marked Carpentier-1, her personal rendition of New Egypt. Ms. Carpentier is upset about the mandatory hook-up to the proposed sewer, the increase in traffic, complaints about smells coming from the surrounding farms, etc. Chairman Hallock reminded everyone this is a farming community and everyone has the right to farm and this will be noted in the deeds.

Sabrina Brown who had spoken at the previous meeting had questions about the right to farm and those parcels being in proximity to the new community. Mr. McGuckin reiterated that such conditions are noted in the deeds to the properties being developed. Ms. Brown also asked about the septic treatment plant and if the discharged water into the creek which is considered pine water, will be cohesive to the environment and existing fish that are used to the high acidic waters and by diluting the water with that coming from the treatment plant, we are changing the entire ecosystem. Mr. McGuckin said it is subject to DEP approval of the sewer treatment plant.

Heidi Spencer has asked if the flight plan and artillery practices of the neighboring Air Force Base will be addressed and made known to the community. Mr. McGuckin asked that people not call out from the audience in case someone disagreed with the board's decision and each question needs to be addressed and put in the record. As for the question that was raised, the Board would decide at the time of preliminary approval, what type of noticing will be provided to the applicant. Such issues as the right to farm, noise and aircraft. It would not affect this portion of the application.

Daniel Wall was sworn in. Mr. Wall's personal feelings about this project going against everything that Mr. Dancer's Land Preservation policies stood for. Mr. Wall feels that by allowing this development it will bring many negative connotations such as increased traffic, congestion which leads to more accidents, traffic lights and strip malls. Rural life as we know it will disappear.

Diane Ahearn, sworn in, totally agrees with all the speakers. She feels strongly about preserving the way of life as it is now.

Mr. Tuvel objected to hearing Mr. Wolfe since he is not a resident of the town, he doesn't fit the definition of interested party under the statute to be allowed participation in the proceedings. Mr. Wolfe was allowed to speak at length at the prior meeting, no new evidence has been presented to the Board so again Mr. Tuvel reinstates his objection to allowing him to speak. Mr. McGuckin clarified that in the statute, Mr. Wolfe is defined as an interested party. It is up to the Board to allow him to continue and address the Board. Before voting to allow Mr. Wolfe to speak again on the application, Mr. McGuckin advised the Board to consider two issues. #1. Do you wish to allow Mr. Wolfe to speak again on this application as opposed to asking questions since thus far he has been testifying about state law and statutes. Mr. Leutwyler interjected with a motion to

allow Mr. Wolfe to ask questions about the application, as was also afforded to township residents who spoke at the previous meeting. Mr. Cuzzo seconded the motion. A roll call vote was taken on the motion for Mr. Wolfe to ask questions, and not to testify further on the application. All members voted yes, with Mr. Neyenhouse abstaining. Chairman Hallock cautioned Mr. Wolfe to only ask questions. The first question was, does the Township have a storm water ordinance that meets the DEP requirements to recharge the groundwater. The question was referred to Mr. Mallon who stated that the Storm water ordinance was approved by DEP and complies with all the regulations. Mr. Mallon said that R.S.I.S. overrides Township in some instances and we must comply with them also. Mr. Wolfe asked according to N.J.S.A. statute, is one of the contents of a GDP plan application a fiscal report. The applicant said that a fiscal report has been submitted. Mr. Hardy offered his copy of the fiscal report to Mr. Wolfe to review for clarification on questions he had about the report. Mr. Wolfe had numerous questions for the Board that Mr. McGuckin pointed out the questions are asking the Board to make legal opinions. Mr. Wolfe moved on and continued to testify.

Jean Kobath, of Upper Freehold, was sworn in and spoke for the first time. Her concern was about Crosswicks Creek going to be able to handle the additional discharge from the sewage plant. Mr. Leutwyler clarified that the DEP approved the amount of homes including the downtown. The discharge estimate is 300,000 gallon per day. The discharge permit would not be issued unless the DEP approved it.

Patricia Caruso, Provinceline Road in Upper Freehold, was sworn in. She just found out about this application through her responsible pipeline group. Stated it is very disturbing to find out about another development is being proposed in her area and with the pipeline going in, along with this development, it will become very difficult to get to her home on Provinceline Road. Her concern is on the negative impact on the waterways and neighboring communities.

Kathleen Sucharski, residing at 991 Route 537, New Egypt, was sworn in. My main concern is, will it be written somewhere in the agreement to state that the age restriction cannot and will not ever be lifted. Mr. Tuvel said that it is the redevelopment plan that governs this area/zone where the property is located. And the redevelopment plan requires age restricted living. So if anyone wanted to change the use they would have to come in front of the Board for a use variance.

Closed to the public.

Mr. Hallock asked if we approve the GDP tonight, does this mean the project is approved. Mr. McGuckin said the applicant would still need to come back for site plan and subdivision approvals. This concept plan looks at the broad scope of the project, locks in the number of units and time frame the concept plan is good for. When the applicant returns a more detailed plan will be submitted. Mr. Neyenhouse wanted to add to the concept plan that notes protection for the neighboring farms that border the entrance off Provinceline Road. Mayor Trotta wants to revisit the pedestrian link to the downtown, it's important and should not be abandoned. Mayor is concerned about the parking on the streets within the community. He suggested the clubhouse be built much sooner than phase 4 or phase 5 as noted in the GDP. Mr. McGuire is concerned about the traffic and the added 900+ cars to the area. Mr. McGuire requested doing another traffic study somewhere about half way thru building the community. Because of the concern to the homes being built along the Boulevard off Provinceline Road, it was suggested to grant the GDP for 440 units without using that portion of the property. They can come back at Preliminary and prove

that there is an adequate buffer and sufficient room to build it would allow the board to consider those homes in that area again.

Mr. Don Reed, from the Ocean County Planning Board was present and spoke procedurally it is customary for all the improvements must be in place before the Certificate of Occupancy is issued on the first house. He stated that it does not include sewage, but it does include roadways. His recommendation was to have the sewers in place before the roadways go in. Mr. Neyenhouse brought up that it appears to be clarified in Mr. Mallon's response letter, number 18 on page six, if there is an unforeseen delay in the sanitary sewer, the construction of the neighborhood can utilize a temporary outside storage facility which would need to be established prior to issuing any CO.

Figuring out a motion to grant the GDP, minus the recreation time frame, sidewalk issue, phasing and layout, parking, and buffer to be decided at Preliminary Approval. Farming, military flight plan and the racetrack will be noted in the language for Deed of Conveyance, contracts of sale. Another traffic study should be done in September/October. Mr. Tuvell clarified that the GDP provides for zoning protection for the applicant to invest in the infrastructure and to put the money into the project. That's why they are asking for a 20 year option. The redevelopment Ordinance and plan has already contemplated the cost for the sewer system to the town and the tax payers. Ten years is the absolute minimum option the developer is willing to accept. Mr. Riccardi made a motion to accept the GDP, with exception of lot 18 and the list of conditions to revisit when the applicant comes back to the Board for subdivision approval, with the term of 20 years zoning protection. Ms. Galloway recommended to meet the developer half way to change the motion to 15years. Mr. Leutwyler seconded the motion. Roll call votes of ayes were given with the exception of nays from Chairman. Hallock, Mr. Hardy and Mr. Neyenhouse.

A motion to adjourn the meeting was made by Ms. Galloway, seconded by Mr. Riccardi. All in favor.

Respectfully Submitted,

Joan Gruca