

TOWNSHIP OF PLUMSTED

LAND USE BOARD
MEETING MINUTES

February 1, 2022

1. FLAG SALUTE

2. OPEN PUBLIC MEETING ACTS STATEMENT

3. ROLL CALL

PRESENT	ABSENT	
_____	<u> X </u> _____	Bill Fox
_____	_____	Jim Garrigan
<u> X </u> _____	_____	James Hagelstein
<u> X </u> _____	_____	John Neyenhouse
<u> X </u> _____	_____	Bernard Haney
<u> X </u> _____	_____	John O'Callaghan
<u> X </u> _____	_____	Robert O'Neill
_____	<u> X </u> _____	Kenneth Carson
<u> X </u> _____	_____	Thomas Calabrese
<u> X </u> _____	_____	Mayor Bob Bowen
<u> X </u> _____	_____	Douglas Hallock
<u> X </u> _____	_____	Cynthia MacReynolds, Secretary
<u> X </u> _____	_____	Joseph Hirsch, Engineer
<u> X </u> _____	_____	Gregory McGuckin, Attorney

4. MINUTES TO BE CONSIDERED FOR APPROVAL: 11/9/21, 12/7/21, 1/4/22.

- a. Motion to adopt 11/9/21 minutes without corrections made by Mr. Neyenhouse.
Motion 2nd by Mr. Calabrese.

Roll Call:

Approved:

Garrigan
Hagelstein
Neyenhouse
Calabrese
Hallock

- b. Motion to adopt 12/7/21 minutes without corrections made by Mr. Neyenhouse.
Motion 2nd by Chairman Hallock.

Roll Call:

Approved:

Garrigan

Neyenhouse
Hallock

- c. Motion to adopt 1/4/22 minutes with corrections made by Mr. Haney. Motion 2nd by Mr. Hagelstein.

Roll Call:

Approved:

Hagelstein
Neyenhouse
Haney
O'Callaghan
O'Neill
Calabrese
Bowen
Hallock

5. RESOLUTIONS:

- a. **2022-01 RESOLUTION RECOMMENDING THE APPROVAL OF APPLICANT'S SOIL REMOVAL LICENSE FOR E.M.E. INC., 849 PINEHURST RD., NEW EGYPT, BLOCK 80, LOT 4 FOR CALENDAR YEAR 2022.**

Motion to memorialize made by Mr. Haney. Motion 2nd by Mr. Hagelstein.

Roll Call:

Approved:

Hagelstein
Neyenhouse
Haney
O'Callaghan
O'Neill
Calabrese
Bowen
Hallock

- b. **2022-02 RESOLUTION OF THE PLUMSTED TOWNSHIP JOINT LAND USE BOARD, GRANTING APPROVAL TO REMOVE AND MODIFY PRIOR CONDITIONS OF APPROVAL IMPOSED IN CONNECTION WITH THE BOARD'S RESOLUTION NO. 2017-04 FOR BLOCK 40, LOTS 1, 10 & 18, VENUE AT CROSSWICKS CREEK**

Motion to memorialize made by Mayor Bowen. Motion second by Mr. O'Neill.

Roll Call:

Approved:

Garrigan
Hagelstein
Neyenhouse
Haney
O'Callaghan
O'Neill
Calabrese
Bowen
Hallock

c. 2022-03 RESOLUTION APPOINTING GREGORY P. MCGUCKIN, ESQUIRE, AS ATTORNEY FOR THE PLUMSTED TOWNSHIP JOINT LAND USE BOARD FOR 2022

Motion to memorialize made by Mr. Neyenhouse. Motion second by Mr. Haney.

Roll Call:

Approved:

Garrigan
Hagelstein
Neyenhouse
Haney
O'Callaghan
O'Neill
Calabrese
Bowen
Hallock

b. 2022-04 RESOLUTION APPOINTING JOSEPH HIRSCH AS ENGINEER FOR THE PLUMSTED TOWNSHIP JOINT LAND USE BOARD FOR 2022

Motion to memorialize made by Mayor Bowen. Motion second by Mr. O'Neill.

Roll Call:

Approved:

Garrigan
Hagelstein
Neyenhouse

Haney
O'Callaghan
O'Neill
Calabrese
Bowen
Hallock

6. OLD BUSINESS:

- a. No Old Business.

7. NEW BUSINESS:

**a. MDR DEVELOPERS, 19 HILL LANE, CREAM RIDGE, NJ 08514,
BLOCK 43, LOT 67, R-40 ZONE, BULK VARIANCE APPLICATION**

Introduction made by Jan Wouters, a partner of the law firm of Bathgate, Wegner and Wolf from Lakewood, NJ. Mr. Wouters represents the applicant, MDR Developers.

Mr. Wouters testified that his client is seeking to develop property located on Hill Lane, Block 43, and Lot 67 and is in the R-40 Zone.

Mr. Wouters testified that the property has been improved by removing the dilapidated dwelling and wishes to construct a 2-story single family dwelling.

Mr. Wouters stated that the applicant is applying for a variance for the lot width. The current width is 138ft. The applicant is requesting to change that lot width to 150ft. Mr. Wouters called his witness, William Stevens of PDS to testify about the details of the application.

Mr. Stevens was sworn in by Mr. McGuckin. Mr. Stevens presented his qualifications. Chairman Hallock accepted them on behalf of the board.

Mr. Stevens testified reiterated Mr. Wouters introduction. Mr. Stevens presented the board with an aerial photo of the site, labeled Exhibit A-1. Mr. Stevens testified as to the location of the site and previous uses and structures on the site. He stated that the applicant is proposing to construct a new single-family home which will be relocated further back from where the previous home was located. The previous home was in the area where the applicant is proposing to place the septic system. The new home will be constructed further back (about 96 ft. away from the road). The lot has 1 acre of property is approximately 43560 sq. ft. where 40,000 sq. feet is required. The property needs a variance for lot width where 150 ft. is required, and the applicant is providing 132 ft. The property has 143 ft. of frontage on Hill Lane, however, the township ordinance requires that the lot width be measured perpendicular to the side lot lines.

The applicant is proposing to construct the home along with the driveway out to Hill Lane, with a new well, septic system.

The board engineer, Joe Hirsch asked if there is available property to increase the lot width.

Mr. Stevens testified that the parcel around the lot is owned by Ocean County and is an open space preservation, therefore making it impossible for the applicant to obtain additional property.

Mr. Hirsch asked if there are any environmental issues. Mr. Stevens testified that there are no environmental issues that he is aware of. Mr. Stevens stated that an oil cap was discovered beyond the existing home. The applicant had a tank sweep of the oil cap and found nothing around the existing home. The applicant will continue to investigate the oil cap and will obtain the necessary permits to have the tank removed if they need to.

Mr. Neyenhouse asked Mr. Stevens if there is an existing septic that needs to be remediated first. Mr. Stevens testified that there is an existing septic system and it will be abandoned according the Ocean County Health Department. The applicant will obtain the necessary abandoned septic permits as well as the permits to construct a new septic system.

Mr. McGuckin asked if the applicant has any architectural plans. Mr. Stevens then presented Exhibit A-2 (Plot Plan) and A-3 (Architectural Plans).

Mr. Stevens testified that the A-3 is showing the architectural plans of the home that the applicant plans to build. The home will be approximately 2000 sq. ft. It will be 2 stories with a side entry garage as well as a basement, 4 bedrooms and 3 full baths.

Mr. Garrigan asked what the overall height of the structure will be. Mr. Stevens testified that the overall structure would meet what is required by ordinance. Currently, the height from finished floor would be 18 ft. to the eaves. The total height is estimated to be 20ft. and does comply with the R-40 zone.

Mr. McGuckin asked if the shed is going to be removed. Mr. Stevens testified that he believes that it will.

Mr. O'Callaghan asked if the applicant is concerned about the water table. Mr. Stevens stated that the seasonal water table is at 136 and the basement is at 138 and it is the intent of the applicant to construct the home 2 ft. above the water table as required.

Mr. O'Callaghan asked if there is any concern about the house being close to the oil cap. Mr. Stevens said they are not because it will be a case well that will go into an aquifer.

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Mr. O'Callaghan asked if more test pits are needed. Mr. Stevens stated that he does not believe that there will be any more test pits and that they have enough

for the Ocean County Health Department to approve the application. He believes that they have enough soils information.

Mr. Garrigan asked if the applicant is seeking a dimensional variance. Mr. Stevens testified that the application is for lot width.

Mr. Hagelstein if all the setbacks are in the R-40 zone. Mr. Stevens testified that all the setbacks are in the R-40 zone.

Mr. Hagelstein asked if the applicant has investigated turning the dwelling to increase the lot width. Mr. Stevens stated that it could be done, but it will not change the dimensions of the lot.

Mr. Garrigan asked what the basement height will be. Mr. Stevens testified the height will be 9 ft. from the basement floor to the finished floor, which give them an 8 ft. basement height.

Chairman Hallock asked if there were any comments from the public. No comments were made by the public.

Motion was made by Mr. Garrigan to approve the application. Motion second by Mr. Hagelstein.

Roll Call:

Approved:

Garrigan
Hagelstein
Neyenhouse
Haney
O'Callaghan
O'Neill
Calabrese
Bowen
Hallock

b. YEUN KINCHEUNG, 65 MAIN STREET, NEW EGYPT, NJ 08533, BLOCK 19, LOT 22, C-4 ZONE, INFORMAL APPLICATION.

Mr. KinCheung introduced himself to the board as the resident of 65 Main St. He was not required to swear in.

Mr. KinCheung desires to remodel his home. He wants to have an addition on the back of the home and new siding.

Mr. Hallock asked Mr. Hirsch if a variance is needed. Mr. Hirsch asked Mr. KinCheung where he parks his vehicle. Mr. KinCheung stated that he also owns 67 Main Street. Mr. Hirsch stated that Mr. KinCheung has come before the board to ask if he needed a variance for an entrance onto Main St. Mr. Hirsch recommends that they conduct a property survey of 65 & 67 Main St. and that 67

should create an access easement so there is perpetual permission for access to the lot in the instance that he or the new owner do not own both lots.

Chairman Hallock asked Mr. Hirsch if the applicant needs to ensure that he has an easement to go to the addition of the property. Mr. Hirsch stated that the applicant will need construction permits for the construction of the addition.

Chairman Hallock asked if the applicant would need a variance for the easement and Mr. McGuckin replied that he did.

Mr. Neyenhouse asked that if there is 25 ft. in front of the house, is there enough room for parking in front of the structure. Mr. KinCheung replied that he could if he removes the tree in front of the house and that he would consider placing a parking area in front of the house.

Chairman Hallock asked Mr. Hirsch if it is better for the applicant to park in the back to stay off the street. Mr. Hirsch's recommendation is to leave the parking behind the building.

There was a question about the historical value of the tree. Mr. Neyenhouse does not believe that there is a restriction to removing the tree unless it has historical value and he believes that it does not.

Mr. Hirsch suggested that the applicant should establish the easement. Mr. KinCheung would need to apply for a variance for an easement with a survey to include the lot descriptions and easement descriptions. He was also advised to file the easement with the county to protect the driveway in the instance that the residential lot will always have access to the driveway. It would also meet the requirement to modify the house.

Mr. Neyenhouse asked Mr. KinCheung if he was changing the footprint of the structure. (Inaudible)

Mr. Neyenhouse noted that the footprint of the house was changing. It was determined that Mr. KinCheung was removing some of the existing structure from the back of the house and then adding the addition.

The final determination was that Mr. KinCheung was to apply for the variance for the easement and come back to the board for a hearing.

8. MATTERS FROM THE PUBLIC

- a. Ted Kucowski of East Colliers Mills Rd. Mr. Kucowski began to inquire about the New Egypt Speedway application. Mr. McGuckin stopped the testimony to advise Mr. Kucowski that the board cannot hear anything related to a pending application and that any testimony at this moment might taint the decision of the board.

Mr. Kucowski continued to speak about the speedway. Mr. McGuckin again reminded Mr. Kucowski to not speak about the speedway.

He was eventually advised that he could speak to the township committee meeting and the code enforcement and zoning officer.

No other public comments.

9. MATTERS FROM THE BOARD

- a. Mr. McGuckin advised the board members to refrain from independently inspecting or conducting their own research on a site from a pending application and the board is to only review what has been presented to them by the applicant and the board has every right to question the applicant.

He further advised the board to not discuss an application with their neighbors or fellow board members and that any discussion on an application must be in front of the board and on the record to prevent any litigation or an applicant contesting the decision of the board.

- b. Mrs. MacReynolds responded to a question from several board members regarding training and CEUs. Mrs. MacReynolds spoke to the New Jersey Planning Officials and was advised that CEUs are not required. She was also advised that any member of the board that received their certification before 2006 or have not taken the courses must register and complete the course.
- c. Mr. Kucowski asked to speak again. He asked if something is run illegally and if the zoning enforcement is not doing their job, does he need to go before the township committee meeting to address the issue. He was advised that if other efforts are exhausted that he could go to the township committee.

Jennifer Kucowski then approached the podium. She said that the application for a certain business has continuously been postponed and that the business continuously violates the codes.

Mr. McGuckin advised her that she should go to the zoning and code enforcement officers and if she is not satisfied with the answers that she could go before the governing body to present her complaint.

Mr. Neyenhouse advised that there is a township committee meeting on Thursday.

No other comments from the board.

10. ADJOURNMENT

Motion to adjourn was made by Mr. Neyenhouse. Motion second by Mr. Hagelstein.

Roll Call:

Approved:

Garrigan

Hagelstein
Neyenhouse
Haney
O'Callaghan
O'Neill
Calabrese
Bowen
Hallock

Minutes were prepared by Land Use Board Secretary, Cynthia MacReynolds