

TOWNSHIP OF PLUMSTED

LAND USE BOARD  
MEETING MINUTES  
December 7, 2021

1. FLAG SALUTE

Salute led by Chairman Doug Hallock

2. OPEN PUBLIC MEETINGS ACT STATEMENT

Statement cited by LUB Attorney, Martin Buckley.

3. ROLL CALL

PRESENT	ABSENT	
	X	Thomas Calabrese
X		Bill Fox, Vice Chairman
	X	James Hagelstein
X		Jim Garrigan
	X	Herb Marinari, Mayor
	X	Michael McGuire
X		Robert Minter
X		John Neyenhouse
	X	Glenn Riccardi
X		Eric Sorchik, Dep. Mayor
X		Doug Hallock, Chairman
X		Cynthia MacReynolds, Secretary
X		Joseph Hirsh, Engineer
X		Martin Buckley, Attorney

4. MINUTES TO BE CONSIDERED FOR APPROVAL: **None**

5. RESOLUTIONS:

- a. **2021-10 Resolution of the Township of Plumsted Joint Land Use Board Granting Minor Subdivision Approval to Sharon Knowles, Block 31, Lot 12.**

**Board Questions:**

No questions from the board.

**Public Comments:**

No public comment.

Mr. Fox made motion to approve. Mr. Sorchik second the motion.

**Roll Call:**

Approved:

Fox  
Minter  
Neyenhouse

Garrigan  
Hallock

6. OLD BUSINESS:

**No Old Business**

7. NEW BUSINESS:

**a. 2021 EME, INC., 849 Route 539, Pinehurst Rd., New Egypt, NJ, Block 20, Lot 4, Soil Removal License Renewal.**

Keith Prince was sworn in by Mr. Buckley.

Joe Hirsh read his letter to the applicant to the board with comments and requests.

Mr. Keith testified that there are no significant changes. No changes in operation. EME received an A901 Permit this year, as required by the DEP.

Mr. Hirsh testified that Item No. 3 in his letter allows the township to inspect the site at any time, which is also in the Township Ordinance.

Mr. Hirsh asked the applicant about the hours of operation. Mr. Prince testified that the hours of operation are the same, which are 7am -5pm on weekdays, 7am-12pm and 1pm-5pm on Saturdays for leaf and branch. No hours for Sunday except for emergencies. Mr. Sorchik said that there is no reason to change the Sunday hours.

Mr. Hirsh asked about the beneficial authority to operate sand and paper residuals and if that is still in operation. Mr. Prince testified that the CAO is still in place and beneficial use is still in place. They have not accepted any material from them for a couple of years. He testified that the pile was getting big enough and that they have a restriction by the DEP for the size of the pile. He said that they are using the material for soils.

Mr. Hirsh referenced the Soil Conservation District Permit that is required, and that the applicant had sent him a copy. Mr. Hirsh testified that it was extended automatically by the Permit Extension Act through DEP. He tried to complete the application, but it was not accepted due to COVID, and Ocean County Soils will notify him when they can submit a renewal application.

Mr. Hirsh referred to the resolution approval for the applicant to obtain any other permits as required. Mr. Keith agreed to the condition.

Mr. Hirsh testified that over the years he has used water treatment residuals. DEP has said that they would like to see WTRO water treatment residuals used

either in a soil blending operation or land applied. In response to that, he would like to use them through their blending operation. It is used at a 5%-10% ratio with their topsoil.

The DEP requires that they continually test and monitor those products geotechnically to ensure that the product is clean. DEP asked for language in the resolution that the township understand.

Mr. Buckley swore in Mr. Prince's first witness, Amy Crawl. Amy Crawl testified about the water residual material and its benefits. Amy Crawl is with Denali Water Solutions based in Arkansas. It is a residuals management company. She is not employed by EME.

Ms. Crawl testified that a permit was obtained from New Jersey Department of the Environment, Alan Workman is the specialist that she has worked with to obtain the permit. The DEP is requiring that the applicant conduct submissions monthly showing where every load went to. They are required to conduct metals testing, PH levels. They comply. Material always must be submitted to DEP, and they must be available for inspections.

Ms. Crawl testified that the applicant test for the EPA 503 Metals for pollution such as lead, arsenic, and mercury. Mr. Prince testified that the language in the resolution that the town understands that they are including water treatment residuals.

Ms. Crawl brought a sample of the material for the board to examine.

The applicant was asked if all the materials are sourced in New Jersey and does the soil stay in the state. Applicant asked that Resolution 2002-01 be amended.

### **Board Questions:**

Mr. Neyenhouse asked if the resolution can specify that it is drinking water residuals in fear that it would be misinterpreted as being wastewater. Mr. Prince and Ms. Crawl testified that the technical name of the residuals is WTR, and they will call it drinking water residuals in the resolution.

No other questions from the board.

Mr. Buckley was asked what would be in the proposed resolution by Chairman Hallock. Mr. Buckley read his list to the board.

### **Public Comments:**

No Public Comments.

Motion to approve made by Mr. Fox. Motion second by Mr. Sorchik.

Roll Call:

Approved:

Fox  
Minter  
Neyenhouse  
Sorchik  
Garrigan  
Hallock

Mr. Buckley asked if the board would agree to a temporary license for 30 days which is within the timeframe that the Township Committee will meet and will grant final approval.

Motion made by Mr. Sorchik. Motion second by Mr. Neyenhouse.

Roll Call:

Approved:

Fox  
Minter  
Neyenhouse  
Sorchik  
Garrigan  
Hallock

**b. Lennar Plumsted Urban Renewal, LLC, 81 Jacobstown Rd. & 8 Province Line Rd., Block 40, Lots 1, 10 & 18 Application for Amended Preliminary and Final Major Site Plan Approval.**

Sarah Werner of Prime and Tuvel representing the applicant, Lennar Plumsted Urban Renewal, LLC introduced herself to the board.

Ms. Werner testified that the applicant received a Preliminary and Final Site Plan and Subdivision Approval for phases 1-3 in 2017 and Final Approval was granted for the remaining six phases. As a condition for phases 1-3, Lennar agreed to receive 185 certificates of occupancy prior to the construction of the clubhouse. The reason for the request is that the residential units are selling fast, COVID has affected their ability to get supplies and materials for the clubhouse and other amenities. The applicant is seeking twenty additional Certificates of Occupancy for the units to keep up with the demand.

Robert Calabro, Vice President of Lennar was called as the witness. He was sworn in by Mr. Buckley.

Mr. Calabro was asked by his attorney to give an overview of the application. Mr. Calabro gave an updated project schedule. As of Nov 30<sup>th</sup>, Lennar closed their

80<sup>th</sup> home. The projections call for a close out of community in April 2027, which is a 12 mo. acceleration from the original schedule. Under construction and sold are 45 additional units are under construction and sold. Under construction and not sold are zero. Homes not yet started but sold are 22 units. The original approval contemplated 65 homes.

Original approval was for 165 homes. Sales have accelerated. Off schedule calls for the clubhouse to be completed by September 2022, which is a delay in the schedule. Therefore, they are asking the board for an extension.

Mr. Calabro was asked if there are 80 homes with a Certificate of Occupancy. He said, 'Yes.'

Mr. Calabro was also asked when the original projected time was for the clubhouse. Mr. Calabro testified that the original date was June 2022 causing a 3-month delay.

Mr. Calabro was asked how he produced that projection. Mr. Calabro testified that he completed a detailed construction schedule, which showed a projected completion date of the clubhouse to September 30<sup>th</sup>, 2022, and he looked at the business plans of deliveries

The applicant's presentation was complete.

### **Board Questions:**

Mr. Garrigan asked the applicant what materials are delaying the construction of the Clubhouse. Mr. Calabro testified that the clubhouse materials are custom ordered, decorated pieces and steel.

Mr. Neyenhouse asked if the applicant can have the other amenities opened sooner. The applicant replied that there are, but they need to contact the Township subcode official. Mr. Calabro testified that Lennar would be happy to open other amenities such the tennis court, pickle ball court, etc.

Ms. Werner said that if the board wants to add a condition of approval if the applicant can open other amenities quicker as well but are requesting a possibility of obtaining 20 more Certificates of Occupancy prior to all the amenities being open. Mr. Werner testified that the applicant wanted the other amenities because the original condition does say that the clubhouse and all other amenities must be open and at this point, the applicant cannot give an answer to opening the other amenities.

Ms. Werner testified that the applicant came before the board now if there is an issue later during the process. The applicant will try to complete the projects sooner, however, it does not look plausible at this time.

Mr. Neyenhouse asked the applicant to explain the fencing along Lot 18. Mr. Buckley advised that it is not part of the application and the applicant said that he would be happy to discuss the fence.

Ms. Werner addressed the fence and that it was presented to the Township Engineer and the Board Engineer. The issue of the fence will be addressed administratively. Pictures are going to be provided to the board.

## **Public Comments:**

Chairman Hallock advised the public that the meeting will end by 11pm and that comments are limited to the application. The limit on the comments was 10 minutes. He advised the public that they must be sworn in by the board attorney before their testimony.

Alfred Mancuso, a resident of the development was sworn in. Mr. Mancuso asked about the sewer.

Mr. Calabro responded that the development's pump station was turned on two weeks ago and that the township's pump station was turned on at the same time and that it is all going to the sewer plant and now, he does not believe that there is enough flow to fulfil the operation of the plant. He testified that there is a delay in the sewer construction, and he does not believe that there will be any issues regarding the sewer.

Mr. Mancuso stated that at the last PMUA (Plumsted Municipal Utilities Authority) meeting that he attended that the sewer plant was complete, but he does not know how the plant could be operational.

Mr. Calabro testified that because he is not on that board that he cannot answer the questions. Mr. Calabro stated that he might have information in his files.

Kurt Kalafsky of 1 Emerald Rd. New Egypt was sworn in. Mr. Kalafsky stated that he is a licensed architect in New Jersey and thirty-eight other jurisdictions.

Mr. Kalafsky believes that the testimony that was given was vague about the issues being delayed. He stated that the windows are not "special" or different than what is provided around the country. He stated that the steel is already in and asked what specifically is delayed that is not delayed in the homes.

Mr. Calabro stated that Mr. Kalafsky does not know what windows are going to be on the property.

Mr. Kalafsky stated that he is familiar with the Lennar facilities both in Plumsted and Lighthouse Station and Eastampton. He testified that Eastampton just completed their clubhouse, and he has seen their windows.

Mr. Calabro stood by his answer.

Ms. Werner testified that the homes are the same design, but the clubhouse is a custom-made design and that is the cause of the delay.

Mr. Kalafsky stated that he is not satisfied with that answer.

Rosalia Fucci, a resident of Lennar was sworn in. Ms. Fucci stated that she recalls that the clubhouse was not started until September-October (she was not sure) of 2021. Ms. Fucci asked the applicant why they did not address the issue with the clubhouse prior to their knowledge that they needed 20 more homes. She believes that the applicant should have ordered the materials earlier. She testified that if the clubhouse is delayed, that it is probable that the homes may be delayed and will delay the construction of the clubhouse.

Ms. Werner testified that applicant never stated that the construction of the houses was going to be delayed.

Ms. Fucci asked why the clubhouses would be delayed and not the homes.

Ms. Werner replied that the materials for homes are available, but the amenities were not available.

Ms. Fucci stated that the clubhouse construction was started late this year and that with the understanding that COVID-19 among other things is an issue it should have been something the applicant should have considered sooner.

Mr. Calabro testified that the permit was issued in August and that construction of the clubhouse began immediately and that it is a 12-13 month build cycle.

Ms. Werner asked Mr. Calabro if that is part of the phasing of the project. Mr. Calabro stated that that they started the clubhouse as soon as they received the permit.

Mr. Buckley announced that if a person from the public wants to speak that they must wait to be called. This announcement was made after an outburst from someone in the audience.

Anthony Luccahese of 4 Emerald Rd. was sworn in. Mr. Luccahese addressed the board and testified that he bought his home last February, the concrete was poured in December and the home was completed in June. He asked why nothing was ordered to complete the clubhouse. He also asked if there is any compensation to residence. Mr. Luccahese stated that the windows to the clubhouse are not "special."

Ms. Werner asked the board to not consider the monetary credit due to it not being a part of the application. Mr. Buckley asked the public to keep the comments to the application and any mention of compensation or credits would be between the public and the developer.

Ms. Werner stated that the public is asking the same question but rephrasing the question. She reiterated that the permits were issued in August and construction began in September and the developer would not get materials prior to receiving permission to build and that the developer is working in a timely manner as they can.

Kevin Fowler of 10 Emerald Rd., New Egypt was sworn in. Mr. Fowler asked if the developer was building the clubhouse or another private contractor. Mr. Calabro stated that a general contractor is building the clubhouse. Mr. Fowler asked if there was a delay in receiving the permit and why would the developer wait until August to apply. Mr. Calabro stated that the application was submitted in early spring and due to the size of the clubhouse and that Plumsted does not typically issue permits for clubhouses that it took the developer to go through the process.

Mr. Fowler asked Mr. Calabro if the design of the clubhouse the same as the other clubhouses in the area. Ms. Werner stated that there is a lot of testimony from the public about the clubhouse being like other clubhouses. She first remarked that

the other clubhouses are not a part of this application, and she does not think that they should be considered, and they are not in the jurisdiction. She also stated that while the materials in their clubhouse may be like other clubhouses, they are not the same materials as the residences.

Mr. Fowler clarified that he believed that the clubhouse would be identical to the clubhouse in Eastampton. Ms. Werner reiterated that comparing the clubhouses does not solve the problem that the materials for the clubhouse are available.

Mr. Fowler asked what other materials are need besides the windows. Mr. Calabro stated that it was not in his expertise to answer the question. Mr. Calabro was asked if he had a schedule for the clubhouse that would have that information. Mr. Calabro stated that the schedule does not have a list of the materials needed for the clubhouse. Ms. Werner stated that the schedule is for the timing and not for the materials needed and that the materials for the commercial design are backordered. She stated that it is the desire of the applicant to finish the clubhouse.

Mr. Fowler asked if there is a schedule timeline for the clubhouse such as plumbing and electric and can the schedule be provided to the residents. Mr. Calabro stated that he will give a copy of the schedule to the Homeowners Association.

Mr. Fowler asked about the amenities. Ms. Werner replied that the pool is included in the clubhouse and that the clubhouse would need to be finished before the pool can be opened. Mr. Calabro stated that the developer would have to work with the subcode official to determine what can be safely open to the residents and that they would absolutely do that the developer will report to the HOA what they produce.

Mr. Fowler asked if the developer would be open to discuss compensation. Ms. Werner responded that the question is not for this application. She stated that he would have to reach out to the HOA and that it cannot be put on the record for a public hearing.

Lois Freiwald of 45 Churchill Blvd. New Egypt was sworn in. Ms. Freiwald that the residents are trying to understand that if the developer completed a permit with a list of the materials are supposed to be used and if the developer did not have the materials, could the developer modify the plans for the clubhouse. Mr. Calabro stated that it could, but the residents would not be happy with the look of the clubhouse. Ms. Freiwald asked again that if the applicant knew beforehand when they applied for the permit what materials were available and that the applicant should guarantee that the materials would be there. Ms. Werner replied that the materials do not have to obtained now of the application and that the applicant must guarantee that those are the materials that they are using, keeping in mind that modifying the plans and buying other materials would not speed up the process and it would be appealing. She stated that applying for an amended permit would take more time and that if the applicant received the approval that there is no guarantee that those materials would be backordered. And if they are not backordered, it will be completed at the same time as projected.

Ms. Fowler asked if the other clubhouses in the community have had this problem. Mr. Calabro stated that it is not true and that Mr. Luccahese's testimony

stating that the clubhouses are the same. He stated that none of the clubhouses are the same. This is the first one that is like Eastampton.

Ms. Fowler reiterated the process of the applying for the permits. Mr. Calabro stated that the homes have a 26-week backorder on windows. The clubhouse windows are difficult to order depending on the permit.

Ms. Fowler asked who the point of contact is. Mr. Calabro stated that the residents may contact him.

Kurt Kalafsky stated that the materials clubhouse is the same as the homes. Ms. Werner clarified that commercial is defined as custom made and that clubhouse has special order materials and that they are backordered.

Mr. Laccahase asked if the developer can discuss compensation. Mr. Calabro stated that the meeting is not the forum for that question. Ms. Werner replied that the applicant cannot discuss compensation because it is not a part of the application. Mr. Buckley reiterated that compensation is not something that the board can consider. He also asked that all public comment be limited to the purview of the board and that getting compensation is not something that the board can consider. He requested that the public keep the testimony to the application.

Mr. Laccahase asked what the forum is to discuss the lack of amenities that were supposed to be included in the purchase agreement to his home. Ms. Werner said that this is a private matter between the purchaser and the developer, and the forum is for the buyer to discuss this directly with the seller of the home. Mr. Calabro is employed with the seller and has said that he would be happy to talk to the residents and that this is a private transaction, not a public transaction that the township has nothing to do with. Mr. Laccahase feels that the township needs to know what is happening. Ms. Werner again explained the position of the Land Use Board and that they have jurisdiction over approving the development projects and not approving what those developments have sold. Mr. Buckley again advised Mr. Laccahase that the board cannot hear testimony regarding compensation. Mr. Laccahase asked if he is entitled to an answer as to when did they (Lennar) apply and was it intentionally delayed. Mr. Calabro asked Mr. Laccahase to specify what permits he is inquiring about. Mr. Laccahase replied that he was inquiring about the start of the clubhouse and other amenities. Mr. Calabro said that he does not have the exact dates, but he would get that information to Mr. Laccahase. Mr. Laccahase had asked him if he was entitled to an answer to the question about the permits. Mr. Calabro advised that the project had phasing, and the permit would not be applied for until a certain point in the phasing of the project.

Paula White of the Plumsted Lennar Development was sworn it by Mr. Buckley.

Ms. White asked Mr. Calabro when he was notified that the windows were going to be delayed. Mr. Calabro replied that that he was notified when the windows were ordered. Ms. White asked again when Mr. Calabro was told when the windows would be ready. Mr. Calabro stated that he did not have an answer to that question. Ms. White asked how Mr. Calabro know that the windows were going to be delayed. Mr. Calabro stated that he is not projecting anymore delays on his schedule and that he gave a schedule of the start date to his completion date. Ms. White stated that the applicant is asking for an extension for the clubhouse

being delayed because he does not have windows. Mr. Calabro stated that he used windows as an example and it might not be windows. Ms. White if the applicant was aware that there was going to be a delay in supply. Mr. Calabro stated that he is aware that the clubhouse will be completed in September of 2022. Ms. White testified that when the residents purchased their homes from Lennar that they were given a due date/projected closing date and that it was accurate and if the buyer is not ready to close, then they will not be able to buy the house. She testified that the buyer does not have any recourse and that there is no clause for life circumstances. She then told Mr. Calabro to finish the project.

Helien Pensavalle of 50 Churchill was sworn in. Ms. Pensavalle testified that the residents of the Lennar development are upset about the three-month delay and that during the delay, the residents continue to pay HOA fees for something that they promised. She also feels that Lennar should have been prepared. She testified that they were not prepared to answer the questions that the residents have. Ms. Pensavalle feels that the presentation from the applicant was “subpar.” Ms. Pensavalle stated that the applicant did not give the residents a complete answer as to why the clubhouse was not prepared. She testified that the clubhouse in the Plumsted Lennar development was supposed to be identical to the clubhouse in Smithville.

Kevin Fowler came back to the podium and asked Mr. Buckley if the board voted “Nay” on the application, what the process will be at that point in time. Mr. Buckley advised that the applicant must follow the conditions of the original resolution. Mr. Fowler addressed the board and asked that they vote “no” on the application due to the feelings of the residents of Lennar. He reiterated that the residents are extremely disappointed in the applicant’s presentation and that the presentation was not as effective and detailed as they were hoping for.

No comments were made by the participants on Zoom.

Public Comments were closed.

Ms. Werner thanked the board for their time and that the applicant understand the frustration of the residents and that the applicant has made it clear that Mr. Calabro would be happy to speak with them about their concerns. She reiterated that even if the application is not approved by the Land Use Board, that the clubhouse will not be ready by June due to the lack of materials and the projected completion date is September 2022. She stated that the only difference is whether the applicant uses the additional three months to construct twenty more homes in the development. She stated that if the board decides not to amend the resolution, then the applicant will not be able to continue to build more homes thus delaying the process for three more months. Ms. Werner reiterated that they do not have the materials to complete the clubhouse and that the general contractor projects September 2022, and that the applicant is hopeful that it will be completed. The applicant is asking for the amendment so they may continue to build the homes and continue with the overall development. Ms. Werner then thanked the board, the professionals and the public that came to voice their concerns.

#### **Comments from the Board:**

Mr. Neyenhouse stated that his concern is the number of homes and the timing. Mr. Neyenhouse stated that he estimates that 20 homes are being built every

three months based on the applicant's testimony and based on the testimony of the applicant, Mr. Neyenhouse stated that the applicant has 80 homes closed and sold, 45 homes under construction and sold, 22 that are sold, but not yet started, which puts the applicant at 147 homes that are already underway and sold. As for the original 165 homes, he stated that twenty homes that can be started and the applicant could achieve the original limit. Mr. Neyenhouse stated that even if the applicant started today on the 22 that are sold, but not yet constructed and added the additional 20 homes that are requested, the applicant is still building at a rate of 6 months of construction based on the timing that the applicant provided. He further stated that he understood the reason for the delay, but he is unsure that he agrees with the applicant basing his estimation on the number of homes that are closed and if there are delays, or further delays it will still delay the homes. Mr. Neyenhouse stated that although the applicant does not have the clubhouse built and the estimated time is in September, there would not be a deadline for the clubhouse to be built with the understanding that it is not up to what the applicant is doing, but he feels that if there are further delays that the applicant's efforts should not be in building new homes and that the applicant is basing their numbers on closing, but they are at a 3-month cycle, the applicant could be started on more homes before the construction of the clubhouse. Mr. Neyenhouse proposed that the applicant cannot close on another home past a certain date and that the applicant may not close on another home until the clubhouse is completed. Mr. Neyenhouse asked Mr. Buckley if it is in the power of the board to add that condition. Mr. Buckley advised that he is hesitant to allow the board to delay the sale of the homes.

Ms. Werner stated that the September date is based on the construction schedule and that the original condition of the resolution was that 165 Certificates of Occupancy before, and then the developer would have to wait for the CO for the clubhouse. The original date of the completion of the clubhouse was originally projected for June 2022, and that she is hesitant to affirm that the construction of the clubhouse should be done by September 2022. She reiterated that the modification that the developer is seeking is to obtain the additional 20 CO. She stated that if the applicant were to build more homes that the developer cannot go past the limit of 185 homes until they obtain the CO for the clubhouse. She also stated that the developer cannot forego building the clubhouse and that the applicant is asking to increase the limit of homes to twenty more.

Mr. Garrigan asked if the developer is ahead of schedule based on the 165 homes from what was originally projected. Mr. Calabro testified that the developer is behind schedule from the original schedule, but the pace has increased so the end date has been accelerated. Mr. Calabro stated that he understood why Mr. Neyenhouse is hesitant, but he agrees with the solicitor that the finite number is a better control than to give a date. Ms. Werner reiterated that the applicant is requesting to raise the number of homes by 20. Mr. Neyenhouse stated that it is not a fiscal issue to build the 165 homes, but it is a timing issue. Mr. Neyenhouse further stated that he does understand the concerns of the residents and that when the board originally approved the community, they felt that there were a number of amenities that were needed for the residents. He stated that if the board allows the additional homes to be built, he would not like that.

Mr. Calabro addressed Mr. Neyenhouse and stated that if the application is not approved that it will still not change the projected date of the construction of the clubhouse.

Several residents spoke out of turn. Mr. Hallock and Ms. Werner reminded the public that the public portion of the hearing is closed.

Mr. Sorchik reiterated to the public that the clubhouse will be completed, and that the developer is changing their number of homes to 185 from 165 homes that were permitted in the original condition of the original resolution. Mr. Sorchik reminded the public of the supply crisis in America. Mr. Calabro stated that he will make sure that the clubhouse is built by September.

Mr. Garrigan asked the applicant if the clubhouse will receive their CO by September. Mr. Calabro stated that it will.

Mr. Fox stated that there was a faux pas in the process by not receiving the permits earlier to have the clubhouse built and that the clubhouse is under construction and that the residents were assured that it would be completed by September. He further stated that to ask Lennar to wait on the construction of the 20 additional homes is counterproductive and it does not meet the early completion of the clubhouse. He is hopeful that Lennar and the residents would produce a resolution to the construction of the clubhouse and that the board cannot be a part of it.

Due to another outburst from the audience, Chairman Hallock reminded the residents that the public portion was closed.

Chairman Hallock reminded the public that most supplies are back ordered. Chairman Hallock stated that he understands the position of the applicant due to his inability to also get supplies. He stated that if the developer changes the dimensions of the clubhouse due to a change of the window that it would change the look of the building. Chairman Hallock asked the applicant when in September they project the completion of the clubhouse. Mr. Calabro testified that according to the schedule that the clubhouse will be completed with all documentation, including the CO by September 30, 2022.

Mr. Fox stated that there is nothing that can be done to accelerate the final completion of clubhouse and to ask the applicant to delay the construction and closing on the 20 additional homes would not change the circumstances.

Mr. Neyenhouse stated that having a deadline from the board to have the clubhouse built before the additional homes would accelerate the process and give the developer a sense of urgency to complete the clubhouse.

Mr. Calabro stated that if the board wishes that he will agree to both limits of 185 homes and to the September 30<sup>th</sup> deadline.

Chairman Hallock stated that the clubhouse will be completed, along with the amenities by September 30<sup>th</sup>. Ms. Werner concurred that the clubhouse, including the CO and the amenities will be completed by September 30<sup>th</sup>, 2022, and if that changes, the applicant will have to come back to the board.

Mr. Garrigan asked the applicant about the timeframe of the construction of the other clubhouses in the other Lennar developments. Mr. Calabro stated that the build schedule is like the Lennar Smithville development, but the start date of the Plumsted development is impaired due to the lack of materials. Mr. Calabro

affirmed that the Plumsted clubhouse will be finished by the projected September date.

Chairman Hallock stated that he drove by the development, saw the construction of the clubhouse, and stated that in 2 weeks' time that the clubhouse will be "closed in". He stated that the site indicated that the clubhouse will be fully constructed.

No other comments from the board.

Mr. Buckley stated as follows, that the motion before the board was to amend the original condition from 165 Certificate of Occupancies to 185 Certificates of Occupancy from the original Final and Major site plan approval, which was Condition No. 2 where they are adding a condition of a condition that if able, the developer will work with appropriate township officials to open any other amenities that can be open prior to the clubhouse being opened and there is going to be a commitment to obtaining the CO for the clubhouse by September 30, 2022 and if either of those conditions cannot be met, they will have to come back to the board to seek another amendment to approve a Final Site plan.

Chairman Hallock asked the board engineer if he agrees with the proposed motion, and if he has any issues at which Mr. Hirsh stated that he sees no issues and he concurs with Mr. Buckley.

Mr. Fox made motion. Motion second by Mr. Sorchik.

**Roll Call:**

Approved:

Fox  
Minter  
Sorchik  
Garrigan  
Hallock

**8. ADMINISTRATIVE ITEM:**

Ms. Werner testified that as a part of the original approval that there was an eight' fence against the existing adjoining residential property that had been proposed and that the fence could not withstand certain weather conditions and it was replaced by a temporary fence. Ms. Werner testified that the developer is in the process of placing a more permanent fence. The applicant has submitted this for administrative review with the township officials and they have approved it and the developer asks that the board review this an administrative review, and this is not a formal request. Pictures of the proposed fence were distributed to the board. Page 1 is the rendering. Ms. Werner gave Mr. Calabro the floor to describe the proposed fencing.

Mr. Calabro testified that the original agreement before the board was to place an 8' solid fencing along the neighboring properties around their entrance way and the winds destroyed the fence. The proposed fence is 6' with small openings for air to pass through that the contractor stated that it should withstand the wind and give

solid screening. This is the best solution the developer was able to find. Mr. Calabro stated that due to the material delays in this type of fencing, and the applicant wanted to ensure that he ordered the proper fence. Before the developer placed the order, the township engineer instructed them to get clearance from the Land Use Board on the change of fencing.

Mr. Sorchik stated that the original fence was supposed to be tall enough so the residents will not disturb the animals of the adjacent property, which is why the board wanted an 8' fence along the property. Mr. Sorchik asked if the 6' fence will accomplish that. Mr. Calabro testified that position of the fence and the neighboring fence is significantly far apart and that he is willing to go to the site with the board to show that the fence is adequate. He stated that he is unsure if that model of fencing is available as an 8' fence, but he will verify if it is or not. Mr. Sorchik reminded the applicant that as per his testimony regarding the fencing that it was supposed to be a barrier so that the horse farm is not impacted.

Mr. Neyenhouse stated that a concession was made to the adjacent property owners that the existing horse farms that there would not be several homes built along their property line and that the intent of the fence was to prevent the horses from fearing the construction. Mr. Neyenhouse stated that the other concern of the board was that the roadway was elevated and that placing a 6' fence is not providing enough screening for the animals and that the fencing was supposed to be in place prior to construction and that any further delays could be detrimental to the horses on the adjacent property.

Chairman Hallock stated that when the roadway was elevated that it made the 6' fence into a 3' fence. He further stated that the chain link fence is now in a hole and that it is not on the berm. Mr. Calabro suggested that if the board desires for the developer to relocate the fence, then he will agree to it.

Mr. Neyenhouse asked if Mr. Calabro has met with the adjacent property owners to discuss the fence. Mr. Calabro stated that he has reached out several times and that the property owner changed from one of the horse farms. The owner's biggest concern was that the residents would try to pet the horses. Mr. Calabro stated that he is willing to move the fence away from the hole.

Mr. Neyenhouse wants to ensure that the adjacent property owners agree to the 6' fencing to keep the residents of the development from touching or feeding the horses.

Vice Chairman Fox stated that the original fence was a "cheap" fence. Vice Chairman Fox gave an example of a fence at BJ's in Howell that has withstood the elements. He stated that the neighbors were not pleased with the original fencing. He suggested that the developer make an application for a variance or a site plan approval to allow the neighbors to speak publicly about the fence.

Ms. Werner stated that the administrative meeting was to get the input of the board and the developer will meet with the township officials and if an agreement is not made that satisfy the prior approval that they will come back to the board.

Vice Chairman Fox suggested that Mr. Hirsh is involved that he should lead the administrative approval.

Mr. Garrigan asked about the timeline for the completion of the administrative approval process.

Chairman Hallock stated that the township ordinance states that a chain link fence must be placed around a construction area to keep children from going to the site.

Chairman Hallock asked if the applicant is using the basins as irrigation and if the developer intends to install a filtration system to stir the water.

Ms. Werner thanked the board for their time and offered to answer any other questions that they might have.

Mr. Neyenhouse stated that the developer needs to have a “sense of urgency” about the fence.

9. MATTERS FROM THE PUBLIC

No public comments.

10. MATTERS FROM THE BOARD

No matters from the board.

11. ADJOURNMENT

Minutes were prepared by Land Use Board Secretary, Cynthia MacReynolds