

March 3, 2015

Call to Order:

The meeting was called to order at 7:00 p.m. by Chairman McLaughlin who read the following statement: "Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. This notice was sent in writing to the South Jersey Times on January 12, 2015. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk. In addition, notice for this evening's public hearing was sent in writing to the South Jersey Times on February 2, 2015."

The Board saluted the flag.

Roll call: Present – Mr. Carney, Mr. Fritz, Mr. Kozak, Mr. Manfredi, Mr. Mercado, Mr. McLaughlin. Absent – Ms. Hui, (excused), Mr. Salvadori, (excused), Ms. Capate, (excused). Also present – Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Sander, Engineer, Mr. Heffner, Council Liaison.

Public Hearings:

1. #14-21 Allan & Sylvia Fuller – Lot Width/Frontage/Use Variances

Present – Allan Fuller, applicant, Sylvia Fuller, applicant.

Member's packets contained: 1. A copy of the applicant's variance application and attached letter. 2. Photographs of the property and a copy of the applicant's plot plan. 3. Report dated December 30, 2014 prepared by Pam Pellegrini.

The applicant is seeking a lot width and lot frontage variance as well as a planning variance in order to be allowed to construct two single-family homes; one on Lot 8 and one on Lot 9. Lot 9 does not have existing street frontage so the applicant is proposing an access easement through a fifty foot driveway. The applicants had previously asked the Township to grant them an easement through adjacent open space however the Township denied their request citing that they had additional land, Lot 8, on which they could access Lot 9. The property is located on Dartmoor Avenue, also known as Block 2401, Lots 8 and 9 in the R-2 Zoning District.

Mr. and Mrs. Fuller were sworn in by Mr. Marmero. Mr. McLaughlin asked Mrs. Farrell if the application could be deemed complete. Mrs. Farrell replied that it could be deemed complete. Motion by Mr. Fritz, seconded by Mr. Carney to deem application #14-21 complete. Voice vote; all ayes, motion passed.

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Public Hearings: (continued)

1. #14-21 – Allan & Sylvia Fuller (continued)

Mr. Fuller stated that they are requesting the variances for property located on Dartmoor Avenue that they have owned for forty-six years. In 2004 the Township told them they had access to the one lot through the other lot. The taxes have increased over the years and he has to use his whole social security check to pay the taxes. They would like to build two single family homes, one for themselves and one for their daughter who will retire in a few years. Mrs. Farrell commented that there are two separate lots, Lot 8 and Lot 9. They do not have street frontage on Lot 9; Lot 8 also needs a variance for lot width and lot frontage. The applicant is asking for an access easement to get to Lot 9; they had asked the Township for an easement through the open space lot adjacent to Lot 9 but the Township advised them that they could go through the variance process to obtain an easement to Lot 9 through Lot 8.

Mr. Fuller testified that when the development was constructed, Group Ten Builders was required to give frontage to those properties. He did speak with Group Ten's attorney at that time and he was under the impression that they did give him lot frontage for Lot 9 but in the end they ended up giving all the land next to his lot to the Township. Ms. Pellegrini stated that there is plenty of acreage so with the easement in place it should not be an issue; there are other similar cases throughout the town. Mr. Heffner asked how far the proposed home on Lot 9 will be from the last house on Lot 15 on Dartmoor Avenue. Ms. Pellegrini replied that it will be at least one hundred and fifty feet.

Ms. Pellegrini reviewed her report for the Board. She stated that adequate access should be shown on the plans for fire trucks and other emergency vehicles since it is a shared driveway access. There appears to be enough room for a car to k-turn but she would like the plan to address emergency access. Mr. Fritz suggested the Fire Marshall review the plans for emergency access. Mr. Sander suggested a circular driveway once it opens up in the back. Ms. Pellegrini questioned the large fifty foot easement, she thought a smaller easement might suffice. Mr. Kozak asked Mr. Fuller the proposed width of the driveway. Mr. Fuller replied that the driveway will be twenty-five feet. Mr. Kozak agreed that twenty-five feet is a good width especially since it's a shared driveway where at times there may be two cars passing each other. He suggested that the easement remain at fifty feet for that reason. After further discussion it was determined they would leave the easement at fifty feet. Mr. Kozak commented that most driveways do not have a turn-around for a fire truck or emergency vehicles and they aren't usually required. Mr. Fuller asked if he has to do the loop driveway. Ms. Pellegrini stated he did not have to do the loop driveway; however as part of the planning variance, he still does have to show that emergency vehicles can maneuver on the site.

Public Hearings: (continued)

1. #14-21 – Allan & Sylvia Fuller (continued)

Mr. Fuller stated that he would comply with whatever the Fire Marshall requires with regard to emergency access. Mr. Fritz inquired as to the percentage of impervious coverage. Ms. Pellegrini replied that they are way under the maximum lot coverage requirement.

Motion passed to open the hearing to the public.

1. Glen Atger, 988 Green Avenue, was sworn in by Mr. Marmero. Mr. Atger stated that he owns the property next to Lot 8 on Green Avenue, Lot 7. He was concerned that the driveway was going to be on his side of the property and right on the property line. However after looking at the plan in the Planning Board office they do not have any objection to the proposal.

2. Kristine Flory, 1004 Dartmoor Avenue, was sworn in by Mr. Marmero. Ms. Flory stated her objection to the proposal. She stated that she lives on Lot 14 and when she purchased the property she was told no one could build anything on the vacant property behind her. She commented that she does not want to look over to the left of her property and see another house as she already can see the flag markers as to where the house will be located. She also commented on the wildlife that will be affected if homes are built. Mr. Sander replied that there will not be anything directly behind their lot. Ms. Flory stated that she understands that but if they look over to the left they will be able to see another house. She stated that the application sounds like it's a done deal. Mr. Kozak replied that nothing is a done deal but the Board is just trying to look at the plan and address some of the concerns. He stated that there are a lot of trees on the property, he thought maybe the applicant could put some plantings along their property line so they wouldn't see the house. Ms. Flory commented that she did not think anything would grow there since the existing trees are so tall and would shade the area. Mrs. Farrell pointed out that there is a wetlands buffer that cannot be disturbed and nothing can be built in the wetlands. Mr. Fritz commented that the proposed home will be at least three hundred feet from their property line and that the flags maybe the markers for the wetlands line.

3. Michael Flory, 1004 Dartmoor Avenue, was sworn in by Mr. Marmero. Mr. Flory stated that the flags are on the property line and he has a problem with the applicant asking for so many variances so they can build wherever they like. Ms. Pellegrini replied that the variances they are requesting are due to existing conditions when the lots were created. The properties have enough upland area to build homes and the variances are not being created by the request to build two houses.

Motion passed to close the hearing to the public.

Public Hearings: (continued)

1. #14-21 – Allan & Sylvia Fuller (continued)

Mr. Fuller replied that the flags that are present on the property are flags from deer hunters and are markers back to deer stands and are not representative of where the property line is or where the houses will be built.

Mr. Marmero reviewed the variances for the Board. The applicant requires a planning variance since Lot 9 has no lot frontage. There are also lot frontage and lot width variances required. The applicant must show adequate emergency access, grading plan approval, and comply with all comments in Ms. Pellegrini's report. Mr. Kozak asked if the applicant was going to be required to provide plantings along the property line. Mr. Fuller replied that there are a lot of trees on the property now and the only trees that will be removed will be to make room for the houses and the driveway. After further discussion, the applicant agreed to supplement the plantings if the existing trees are not adequate to buffer along a portion of the property line approximately one hundred feet. Ms. Pellegrini stated that the plan should indicate that supplemental plantings will be provided if necessary along the property line in the hundred foot from the split in the driveway to the rear portion of the lot. Mr. Fuller replied that someone should go out and walk the property before making this determination. Mrs. Fuller stated that it may be several years before they start building. Mrs. Farrell stated that the applicant's professional can add the buffer area on the plan and he or she should be able to determine what currently exists on the property and any supplemental plantings needed. Then Ms. Pellegrini can review the revised plans and comment on whether the buffer and/or supplemental plantings are adequate. The applicant agreed to show the buffer area on the plans.

Motion by Mr. Fritz, seconded by Mr. Mercado to grant the planning variance and the lot frontage and width variances per the conditions stated above and in Ms. Pellegrini's report. Roll call vote: Ayes – Mr. Fritz, Mr. Mercado, Mr. Carney, Mr. Kozak, Mr. Manfredi, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

The Board took a brief recess.

2. #14-08 and #464-SP – A & R Used Cars – Use Variance/Minor Site Plan

Mr. McLaughlin stated that Mr. Mercado did listen to the tape of the previous hearing; however there are still only six members present. He asked the applicant their intention on moving forward with their hearing.

Public Hearings: (continued)

2. \$14-08 & #464-SP – A & R Used Cars (continued)

Mr. Dibsie, the applicant's attorney replied they would like to continue the application to the March 24, 2015 regular meeting. Mrs. Farrell apologized for the inconvenience. Mr. Marmero stated that the applicant did waive the time running on the application; the application will be continued to the March 24, 2015 regular meeting and no new notice will be sent. Motion by Mr. Carney, seconded by Mr. Fritz to continue the application to the March 24, 2015 regular meeting. Voice vote; all ayes, motion passed.

Public Portion:

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

Reports:

1. Resolution #15-11 – Authorizing Executive Session/ Harold Paul Kanady

Mr. McLaughlin stated he needed a motion for the Board to adjourn to executive session. Motion by Mr. Fritz, seconded by Mr. Carney to adjourn to executive session. Voice vote; all ayes, motion passed.

2. Mr. McLaughlin stated that he was contacted by Mr. Fazzio who is scheduled on the next meeting for an extension. He wanted to know if he had to appear that evening. Mr. McLaughlin told him he would ask the Board. Mr. Marmero advised that the applicant should be present at the meeting as it is a public hearing for his use variance extension. Mr. McLaughlin stated that he would advise Mr. Fazzio.

Approval of Minutes:

1. 2/3/15 regular meeting.

Motion by Mr. Fritz, seconded by Mr. Carney to approve the minutes from the February 3, 2015 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 8:14 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings. The tape of the meeting is stored in the office of the Board. Ninette Orbaczewski, Clerk Transcriber.