

FREEHOLD BOROUGH PLANNING BOARD

MINUTES OF MARCH 11, 2020

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, March 11th at 7:00 p.m. in the Council Room of the Municipal Building.

Chairman Barricelli stated that this meeting was provided in accordance with the Open Public Meeting Act, by providing a copy of the agenda to the official newspaper and posting same on the official bulletin board of the Municipal Building.

ROLL CALL

PRESENT	Mr. William Barricelli
PRESENT	Mr. Paul Ceppi
ABSENT	Mr. Jose Geronimo
PRESENT	Mr. Michael McCabe
PRESENT	Mr. Michael Wildermuth
PRESENT	Mr. Garry Jackson
PRESENT	Ms. Shealyn M.S. Crombie
PRESENT	Councilwoman Margaret Rogers
PRESENT	Ms. Caridad Argote-Freyre

Mr. Barricelli read Item No. 2 on the Agenda as follows:

Application Number: PB-SP-2019-013
Applicant: House of Glam, LLC
Location: 28 E. Main Street - Block 62 Lot 9.01
Zone: FCCRDA
Request: Parking Variance and Waiver of Site Plan

Vincent E. Halleran Jr., Esq. – Mr. Chair, I'm representing the applicant, Brianne Sanfelice, House of Glam, LLC;

Ronald D. Cucchiaro, Esq. – Swear in Brianne Sanfelice

Mr. Halleran – Ms. Sanfelice please describe what your business is proposed to be or service will be offered; also explain the parking;

Ms. Sanfelice – Eyelash extension and waxing; there is one parking space in the rear of the building in the lot owned by the landlord which is for me or an employee; there will only be at most three (3) employees working at any given time, each employee only has one customer; each client will take about 2 to 3 hours depending on what they are having done;

Mr. Barricelli – who allotted your space and does it have a sign with your company name;

Ms. Sanfelice – lot owned by landlord - parking lot located directly behind building and has one space for each tenant;

Mr. Halleran – looking at the engineers report, do you propose any fencing;

Ms. Sanfelice – no

Mr. Halleran – your signage;

Ms. Sanfelice – what is proposed was approved by the Freehold Center Core and Historic Preservation; we wanted to have a sign similar to Cosmos but they had to get a variance for there sign; we did recently find out they are moving out, so the next tenant will have a sign consistent with mine;

Mr. Cucchiaro – your sign will be compliant;

Ms. Sanfelice – correct;

Mr. Wentzien – we received a picture, confirm the sign will be complaint with the Borough ordinance;

Mr. Sanfelice – the awning fabric is black, words House Of, is in color white and Glam is in light pink;

Mr. Wentzien – photographs that came in with the application, propose you want a window sign;

Ms. Sanfelice – no, I only sent so you could see what it was; not doing a window sign;

Mr. Wentzien – ok, no window sign proposed, only sign is the awning and will comply with the 2019 rehabilitation ordinance;

Mr. Wentzien – the use is permitted, awning will be compliant; so we are looking at a parking variance of eight (8) parking spaces;

Mr. Cucchiaro – dumpsters are located on site; and all refuse is able to be disposed in the dumpster; no chemicals that require special disposal;

Ms. Sanfelice – yes, right behind building; no special requirements for disposal;

Mr. Barricelli – any delivery of supplies;

Ms. Sanfelice – no – just me, I will bring them in my car;

Mr. Jackson – what are your hours of operation, do you have late evenings;

Ms. Sanfelice – closed Sunday & Monday; Tuesday – Friday 10:00am – 6:00pm – Saturday 9:00am – 5:00pm; no late evenings, we are appointment only, we do not take walk-ins;

Mr. Wildermuth – I drove by prior to coming here, I saw seven (7) cars in that parking lot currently, who else has access to private lot;

Ms. Sanfelice – Gem Optical, Cosmos, myself and tenants upstairs – residential; my car is there now, I drove over with my parents tonight; - it is one space per tenant;

Mr. Wentzien – just clarifying – you have a designated space with signage or do you have any space in the lot that is free;

Ms. Sanfelice – any space in the lot, not assigned;

Councilwoman Rogers – originally you were going to have eight (8) employees, now you have six (6) or seven (7);

Ms. Sanfelice – originally I included myself and my mom; but my mom, is not an employee, she comes to hang out, not paid;

Mr. Cucchiaro – just to clarify, not based on who is receiving a W2 but to understand how many people will be there at one time;

Mr. Sanfelice – due to how long it has taken to open, some people that were going to work for me couldn't wait this long to work;

Mr. Cucchiaro – you testified earlier that you would only have three (3) employees at a time, and six (6) total working for you; is it three (3) max working at a time;

Ms. Sanfelice – correct;

Mr. Wentzien – Ms. Rogers, that is how I based the calculations;

Councilwoman Rogers – is it a possibility that in the future more employees could be there if you expand services;

Mr. Cucchiaro – she has placed testimony on the record, no more than three (3) employees maximum and that supports her request for variance relief; that will go into the resolution; she would have to come back before the Board in order to change;

Mr. Barricelli – any questions from the public for the applicant, seeing none;

Mr. Jackson made a motion to close public questions; Mr. Wildermuth seconded;

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	2	Geronimo & McCabe

Mr. Barricelli – any comments from the public for the applicant, seeing none;

Mr. Jackson made a motion to close public comments; Mr. Wildermuth seconded;

ROLL CALL

Yes	7	Barricelli, Ceppi, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	2	Geronimo & McCabe

Mr. Barricelli – any discussion from the Board;

Mr. Ceppi – good, no discussion;

Mr. Jackson – nothing additional, especially with hours of operation, I don't think it will create any additional special parking issues downtown and will vote to approve and wish good luck;

Barricelli – anyone else; does someone want to put forth a motion;

Mr. Jackson made a motion for a waiver of site plan approval with variance relief for parking; Mr. Ceppi seconded;

ROLL CALL

Yes	7	Barricelli, Ceppi, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	2	Geronimo & McCabe

Mr. Barricelli read Item No. 3 on the Agenda as follows:

Application Number: PB-SD-2020-001

Applicant: Andy Kiely

Location: 53 Institute Street, Block 93 Lots 43,44,45,46,47,48,49&58 - Zone: R-5

Request: Major Subdivision with Variances

Mr. Barricelli – let the record show Mr. Michael McCabe has now joined us at 7:18pm;

Sworn in by Ronald D. Cucchiaro, Esq.

John J. Ploskonka, P.E.P.P., President – Concept Engineering consultants, P.A., - licensed professional engineer for 50 years – Concept Engineering – Manalapan NJ, before this Board and many others;

I'm representing the applicant, Andy Kiely, owning property, Block 93 Lots 43-49 & 58, zone R-5 – 53 Institute St, dead end just past E Street, about one (1) acre of property, 41,000 square feet; site contains a house in middle of the property, facing Institute Street; wishing to create three (3) lots, each greater than 6,000 square feet which is requirement; 1 – 14,000 / 2 – 15,000 / 3 – 10,000 square feet, each larger than the required square footage, long and deep; intends to put 2 homes on new lots and put an addition on the existing home, to create three (3) five bedroom homes; across the street you have single family homes, on E Street there are single family homes, on to the East you have concrete plant and to the Southeast you have Nestle; I have an ariel – calling Exhibit A-1 , you all have a copy – resent Google Earth, last year (2019) sometime;

Applicant purchased property several months ago, cleaned up all the trash, took down several dead trees, property is about fifty percent cleared and working in front to prepare for two new houses and addition;

Plan calls for ten (10) parking spaces, 3 on East side, 3 on West side and 4 in the middle for the existing house, it has a long driveway; my client will also put a fence along the property line on both sides in the rear behind both houses; he already applied for the fence permit; we require three (3) variances on the plan; 1 - is preexisting, the existing house is 20 feet from the street, 25 is required; we are trying to save the house that is there; 1 lot is 41.3 feet in width, 50 feet is required, although it is about 10,000 square feet and requirement is 6,000 square feet; also side yard set back of existing house, 3 foot side yard to the new lot line, five foot is required; planner will testify tonight;

Looking at the engineers report, we will do whatever is required from Mr. Wentzien; we have made changes to the plan, since the original submission and will provide the information; we are curbing and sidewalk, shade trees, current lot lines removed, creating three new lots; plans are now Major Subdivision; there is a dog cage on the plans, which has been moved the neighbors lot, who it belongs; did borings on the site, no water encountered at nine (9) feet, that is why basements are proposed; there are exiting basement in existing house and has not had a water issue; there is a hydrant at end of street, city water and sewer; the current house has a permit from the Manasquan

River Sewer Authority for a pump line, to pump to a man hole; we plan to extend the line to the three houses and make sure to provide pumps to utilize the same line and will provide the documentation to the Borough Engineer; not much impervious surface, build homes, drive ways and leaves about 5,000 square feet; doesn't require storm management plan, per DEP regulations;

Mr. Wentzien – referring to the changes of plans, my original engineer report is dated February 12, 2020, which I amended, dated February 25, 2020, maintain the original report and bolding the changes made within the amended report dated February 25, 2020; helpful going through extra changes, this is three lots, major subdivision and how it was reviewed; generally comply with all in my review; most technical item, need follow up on particulars to the design regarding sanitary sewer; these houses, nearest existing gravity system, these will be injector pump systems; according to code and information from building department, it is required that each sanitary sewer service be a separate sanitary sewer service; details, you will be required to alter the plans, to show each house to have their own separate force main to the gravity man hole; that is the biggest technical matter to follow up on and review; all other items straight forward; one follow up, fencing, I noted the fencing across the back, it appears it is one long fence, it would be okay with one property owner; this will no longer be owned by one person, each new owner will need to know to what point they own the fence; there needs to be an understanding to each new owner, they have a piece of fence that touches other owners fence;

Mr. Ploskonka – we will take care of;

Mr. Cucchiaro – Mr. Ploskonka, reviewing the plans, it has been treated in the application and reviewed as one existing lot but there are several; it looks like many of the lots would have merged as a matter of law, they are undersized and lack proper frontage; is that correct;

Mr. Ploskonka – it is possible; we are going to vacate the lot lines; my plans call for them to be removed;

Mr. Wentzien – in that regard, as a major subdivision, lots will be created and recorded as such, and required to be done on a final plat and filed with the County; my report will make sure it complies with the filing plat law of New Jersey and the particulars for any lot lines coming out and new lot lines being created;

Mr. Ploskonka – we conquer;

Mr. Barricelli – how do you get lot coverage; lot 47 - 18.7%, lot 48 - 30% & lot 49 - 22%, if existing is at 19% coverage adding two house;

Mr. Ploskonka - 19% is entire with house on it; whereas lot 47 is 14,000 sq ft, 18.7% will have house and driveway, lot 48, 30% concrete patio, driveway and house, lot 49, 22% new house with driveway;

Mr. Wentzien – I think I understand your question; when the existing is calculated, you take the house against area of all three lots; but when you take same house and not lot 48, add more impervious for extension, now parentage against smaller area of new lot; the area is smaller than existing;

Mr. Barricelli – will two new houses be different;

Mr. Ploskonka – yes, all houses will have five (5) bedrooms;

Mr. Cucchiaro – does that change the RSI, are you compliant to all;

Mr. Ploskonka – to clarify, you require three (3) parking spaces for five (5) bedrooms and we have ten (10) spaces for the three (3) lots; yes, we comply and will comply with all aspects;

Mr. Wildermuth – lot 48, why go three (3) feet on the sides, it is not a lot of room on the side;

Mr. Ploskonka – the existing home, next to lot 49, to achieve the widest possible lot, 50 is required, giving it 41.5, if I give it five feet and still meet the code, lot width then goes to 39.5, trying to make as wide as possible because the variance required for 41 feet; you want to preserve the house;

Ms. Argote-Freyre – how many feet between each house;

Mr. Ploskonka – house to the west as a five (5) feet side yard, distance between that house and existing house is 40 feet, proposed lot 47 to 48; and distance between 2 home is eight (8) feet;

Ms. Argote-Freyre – forty (40) between first (proposed) house and existing and existing and 2nd proposed house is eight (8) feet; why?

Mr. Ploskonka – the requirement, minimum is ten (10) feet, if we make last lot 39.5, we could then have ten (10) feet; we tried to make the lot bigger but depending what Board thinks we can adjust;

Mr. Wildermuth – clarify, lot 50 is wooded correct;

Mr. Ploskonka – all lots are wood correct;

Mr. Ceppi – what is set back;

Mr. Ploskonka – five (5) feet;

Mr. Barricelli – Board any further questions; open questions for the engineer to the public; seeing none;

Mr. Jackson – made a motion to close public portion of questions to the applicants engineer; Councilwoman Rogers seconded the motion;

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

Sworn in by Ronald D. Cucchiaro, Esq.

Allison Coffin, PP, AICP – James W. Higgins Associates - licensed State of NJ and certified by American Institute of Certified Planners; appeared here many times;

Variances requesting tonight, Bulk or C variances; two tests for this type of variance;

First is C-1 Standard, commonly called Hardship variance, this is a unique shaped lot, typographic conditions, or pre-existing legal structure creates a situation where strict application of ordinance results in hardship;

Second is C-2 Standard, when purposes of the MLUL are advanced by requested variances and benefits of deviations substantially out weigh the detriments;

It is my opinion, these three variances we are looking at tonight can be granted under the C-1 or C-2 standard; the width and set back variances and front yard set back variance can be granted under

hardship standard; need for variances, driven directly by location of existing structure on site; front yard set back, lot 48, measured to existing structure, existing non-conforming and not going to change; proposed width, property has 160 feet of frontage, if subdivided equally would create lots with widths of 53.3 feet each, indicates this site as sufficient width to accommodate the proposed number of lots; however conforming subdivision would run directly through existing home, applicant wishing to preserve, preservation requires the lot line between proposed lots 48 and 49 be shifted ten feet to the east, resulting in a non-conforming lot width for lot 49; so what drives that variance is the legal preexisting structure on the property; the side yard set back, proposed results from existing homes location; it would be possible to shift lot line, two feet more east, this is an unnecessary reduction in width for proposed lot 49; variances also advance purposes of MLUL which would allow the Board to grant this under C-2 Standard;

The variances advance the purposes to promote the establishment of appropriate population density and concentrations that would contribute to the well being, persons, neighborhoods, community and regions and preservation of the environment; this is Purpose E, of the MLUL; one lot proposed, requires variance for width; site has sufficient frontage for three (3) conforming lots, lots themselves exceed minimum lot area of 6,000 sq. ft.; lot 47 has area of 14,663 sq. ft; lot 48 has an area of 15,825 sq. ft. and lot 49 has an area of 10,521 sq. ft., which requires the width relief; the population density proposed with lots extremely oversize is appropriate for the zone; if we divided the lot area, of site, currently with minimum lot area required we would be allowed the density of six (6) houses on the property; the three (3) proposed are well below what the ordinance anticipates;

Another purpose we advance is to provide sufficient space in appropriate location for variety of agricultural, residential, recreational, commercial and industrial uses in open space, both public and private according to the environmental requirements in order to meet the needs of all New Jersey citizens, Purpose G, of the MLUL; the subdivision, allows for appropriate space for residential uses;

The benefits of the variances requested substantially out weight the detriments; primary benefits the applicant is requesting is to allow for the subdivision of the site, into three (3) significantly oversize lots, preserving the existing dwelling; no detriment resulting from the variances, no negative impact to the area, lots proposed are still significantly oversized, the front yard set back proposed does not change from existing condition and side yard set back, although non-conforming does allow for enough clearance along side for proper maintenance of the structure; with existing set back and new home proposed, the combined distance between structures will be sufficient to preserve privacy between the two (2) residences; it is my opinion there is no detriment to that variance; no detriment to the neighbors or the public good created by the variances for lot width and set back; benefits out weigh the detriments; approval of the variances would not be a substantial impairment to your master plan and zoning ordinance; the use is permitted and appropriate, the density is well below the ordinance anticipates; therefore, we need some relief, to accommodate preservation of the existing house, it does not rise to the level of impairing g the master plan;

Ms. Argote-Freyre – not sure if appropriate, how long does construction take;

Mr. Cucchiaro – that is not something to consider when deciding if this should be granted or not;

Mr. Jackson – distance between lots 48 and 49, 8 feet; do you have comparison on the rest of the neighborhood, or R-5 zoning;

Ms. Coffin – I did not do comparison in the area; but can tell you it is sufficient to allow for proper maintenance to the structures and adequate privacy;

Mr. Wildermuth – aesthetics and looking character of existing neighborhood; any places in the Borough, or R-5 or any R zones that allow structures to be built so close together;

Mr. Jackson – if the variance was granted, the buildings would have to meet the construction and building codes and fire codes;

Mr. Wildermuth – I see two story, five bedroom homes, rather large only being separated by 8 feet; I don't see it looking as the neighbors would want it to look; that is my concern; not sure if it could be shifted further to the east;

Mr. Cucchiaro – there is another items associated with that, the hardship variance, it is a hardship because you want three lots; if you had two lots, and you didn't have lot 49, lot 48 and 49 were merged, you could eliminate that variance with just two lots;

Ms. Coffin – yes, but the applicant is asking to do, refer to the Lang Case, one standard for the hardship is what we are asking to do is reasonable;

Mr. Cucchiaro – that was a pool;

Ms. Coffin – in the Lang Case, the Board found did they need a pool or not but was it reasonable;

Mr. Cucchiaro – it was a pool, an accessory structure not a subdivision case;

Ms. Coffin – but it would still carry over, we are asking is reasonable;

Mr. Cucchiaro – I don't think the Lang Case is on all fours with this application; when you take a conforming lot, subdivide to a lot that creates additional variances that is not Lang was saying; Lang was saying you have an existing permitted structure, house, and you wanted to put an improvement, in ground swimming pool, which was common; it didn't say take the lot and dice it up, to have non-conforming lots;

Mr. Coffin – the standard the court applied in Lang was whether or not they were asking to do was reasonable with the context of the neighborhood;

Mr. Ploskonka – the last lot, 41 ½ foot, could be slid back about 50 to 60 feet, lots are very deep, so it wouldn't be adjoining to be away from existing house; keeping same set back but set back, if the Board is interested; if you look at A-1, houses on E Street seem to be close;

Mr. Jackson – can lot 49 be moved over or is it to close to the line already;

Mr. Ploskonka – it is five (5) feet from wood line to the right, it could be moved to make a three foot variance, and this side could be five (5) feet,

Mr. Wentzien – he is saying if you want ten (10) feet between houses, move the lot line, reduce width of lot 49 and side yard set back transferred to the woods line side;

Mr. Ploskonka – move house lot line to lot 50 with side yard variance on lot 48;

Mr. Wentzien – variance on 48, and between the two you create ten (10) feet, with two side yard set back variances;

Mr. Jackson – I'm looking for more distance between two buildings;

Mr. Wildermuth – on E Street, those are bungalow style homes; we just looked on Google maps to confirm; these are two story structures, this is weighing on us;

Mr. Barricelli – what I don't like is creating a non-conforming lot; we are taking a conforming piece of property, subdividing and in the process, creating a non-conforming lot because we are going to

save the house in the middle, is what was testified; to save the house, it requires a non-conforming lot, not matter what is done with the other two lots;

Mr. Ploskonka – correct; as Ms. Coffin testified, we could do six lots, going into the woods here; but we are preserving that land, and have nice deep lots that are 250 feet deep; low density development, considering what is permitted;

Mr. Barricelli – Board any further questions; open questions for the planner to the public;

Brian Conover – Jackson - not a resident;

Mr. Cucchiaro – what is your relationship to the property if you don't live here;

Mr. Conover – I know a lady who lives across the street;

Mr. Ploskonka – you know a lady across the street; where does she live;

Mr. Conover – don't have her address;

Mr. Cucchiaro – Mr. Chair, you can listen but under the MLUL this member is not an interested party entitled to participate; it is up to your discretion;

Mr. Barricelli – your comment, briefly;

Mr. Conover – the lots discussed, all the trees, removed from the environment, are they getting replaced;

Mr. Ploskonka – the property was in disrepair, with trash, bottles and dead trees; when cleaning out he removed the garbage and dead trees to allow the healthy trees to grow better; this is being preserved, almost half acre of property of natural wood lands; we are planting trees along the frontage, requirements of the town, six (6) shade trees;

Mr. Conover – thank you

Mr. Barricelli – no other questions form the public;

Mr. Jackson – made a motion to close public portion of questions to the applicant's planner; Mr. McCabe seconded the motion;

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

Mr. Ploskonka – we summarized everything, we are willing to adjust the plan to the boards conditions and will move the house further to the east to make it two side yard variances and make it ten (10) feet between the homes;

Mr. Cucchiaro – Mr. Chair, if I may as a legal matter, I am not speaking to the C-1 existing non compliant condition with the house or C-2 variance proofs; the facts of the Lang Case, it was an existing lot, there was an existing home, existing in ground swimming pool, the applicant was seeking to replace the existing in ground swimming pool; the Court said when you have a lawful

structure on that existing lot, that lawful existing structure can create a hardship; it didn't say, that when you have an existing lawful structure you can carve up the lot, and that becomes a hardship that allows you to seek variance relief; while the C-2 proofs are certainly appropriate for the two (2) new variances, I do not think the Lang Case supports the C-1 variance as a matter of law; it doesn't talk to you about creating new lots, it talks about existing lots with existing structures; not make the lot smaller or creating new lots; with regard to the hardship associated to the two new variances, should be not be based upon Lang but C-2, flexible C, promoting goals of zoning is on the table for the Board to consider;

Mr. Ploskonka – I think we have made a common sense plan, saving the house; taking a lot, that could be a lot more homes, doing three (3) lots; I think the variance request is a common sense and making the adjustment with houses ten feet apart;

Mr. Barricelli – any comments from the audience;

Mr. Jackson – make motion to close public comments; Mr. Wildermuth seconded;

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

Mr. Barricelli – would you review one more your latest proposal to move the house on lot 49, so we are clear;

Mr. Ploskonka – keep lot 47 same, lot 48 same with side yard variance, lot 49 same size and same shape but propose the home will be moved to the east so it will be 3 feet from the property line to allow for ten (10) feet between the two (2) homes;

Mr. Barricelli – are you setting it back as you mentioned earlier;

Mr. Ploskonka – if the Board wishes, we can move the house back 100 feet;

Mr. Barricelli – but you are only suggesting to move it more to the east, correct;

Mr. Ploskonka – correct;

Mr. Jackson – if we agreed, are we creating a problem for the owner of lot 50 for future development, the wooded lots;

Mr. Cucchiaro – no matter what, those bounds are not changing; their set back requirements are not changing; you are looking at the distance between houses as determining if variance relief should be granted from set back requirements; but requirement is from the set back; so the set back from the wooded lot will always be the same;

Mr. Wentzien – zoning to East, at least for three (3) more lots continues in the R zone that he is in now, R-5;

Mr. Ploskonka – the neighboring lots are owned by Nestle;

Mr. Jackson – that might be why the lots are land lock, if they are owned by Nestle;

Mr. Ceppi – do we have a rendering of the new homes;

Mr. Cucchiaro – from zoning, we do not require any particular architecture;

Mr. Ploskonka – there is a look a like ordinance and they will be consistent with the neighborhood;

Mr. Cucchiaro – then place that on the record;

Mr. Ceppi – no other five (5) bedroom homes in the neighborhood;

Ms. Argote-Freyre - on Orchard Street there are some larger homes with three to four bedrooms;

Mr. Ploskonka – they will be colonial type, colonial look down Institute Street; I think it will be well accepted by the neighbors;

Mr. Barricelli – looking at lot 47, are we looking at 40 x 36, is that the foot print;

Mr. Ploskonka – 40 x 40

Mr. Jackson – are the two new structures the same, lots 47 and 49;

Mr. Ploskonka – no; lot 49 is 30 x 40 (1,200 sq ft) and lot 47 is 38 x 40 (1,600 sq ft)

Mr. Jackson – why are you not getting rid of the existing house;

Mr. Ploskonka – we are trying to save the house; my understanding of the MLUL is to try and save existing; Ms. Coffin spoke about, and how it suggests that; we are trying to save and still be sensible; if you run a road on the left you cut lots off, then you could have five or six lots; this is more reasonable plan and keeping half acre of woods not being built on; using first half of property for three houses;

Mr. Cucchiaro – is that a representation that the wooded area will not be built on; no trees taken down, no improvements put up; is that what I just heard;

Mr. Ploskonka – we would make that representation;

Mr. Cucchiaro – you would have a conservation easement on the property, that would be recorded;

Mr. Ploskonka – we would do that, yes;

Mr. Jackson – that would be the deep back yard;

Mr. Ploskonka – you need some back yard to play, you don't need 200 feet, or 150 feet; we have some clearing but we could preserve most of the woodland you see back there;

Mr. Cucchiaro – we need to be more precise;

Mr. Ploskonka – from Institute Street right a way line to the wood line is approximately 120 feet; then another 120 feet to the back line; the last 100 feet of this property could be preserved in proprietary if the Board was interested in doing that; allowing 20 feet for play area;

Mr. Cucchiaro – is that each lot;

Mr. Barricelli – how to we do we accomplish;

Mr. Cucchiaro – that is through a conservation easement, they would draft a conservation easement, reference this resolution, they would have a legal description and would be recorded in the County Clerks office; if there was a sale of the property and there is a title search it comes up in the title search; which would be a condition of the resolution;

Mr. Jackson – ten years from now, someone wants to put a pool in the back yard they wouldn't be able to do that, correct;

Mr. Cucchiaro – correct or seem proper legal remedy to amend the conservation easement; there is a case that goes to the Chancery Division because conservation easements have to do with the public good and the Chancery Division approve; they would either come to a municipal body or go to court;

Mr. Ploskonka – it is very difficult to do, I have had to do and it took about five (5) years with the DEP and State of NJ;

Mr. Jackson – you are ok with;

Mr. Ploskonka – we are ok with leaving the last 100 feet of all three (3) lots in a conservation easement because we think this is a good plan and it would be more icing on the cake;

Mr. Wildermuth – there would be adequate space if someone wanted to put in a pool, with only the last 100 feet being in the conservation easement;

Mr. Wentzien – lot 47 it will leave about 75 feet to the house; lot 48 it will leave about 65 feet; and lot 49 it will leave about 70 feet;

Mr. Jackson – still leaving substantial back yards;

Mr. Wildermuth – I would support the subdivision with the 100 foot conservation easement and also think the structure on lot 49 should be shift tot the east, to give ten (10) feet between the buildings; with those two conditions we preserve a lot of woods, makes since with existing situation and would support with those stipulations;

Mr. Cucchiaro – along with the ancillary relief; set backs; and all conditions placed upon the record;

Mr. Wentzien – also meeting the items in my report of February 12, 2020 and amended March 10, 2020.

Mr. Barricelli – does anyone want to make motion;

Mr. Wildermuth – made a motion as stated above; Mr. McCabe seconded the motion;

ROLL CALL

Yes	8	Barricelli, Ceppi, McCabe, Wildermuth, Jackson, Crombie, Councilwoman Rogers & Argot-Freyre
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Geronimo

Mr. Barricelli – Councilwoman Rogers any thing for the board tonight;

Ms. Rogers – nothing to report at this time;

Mr. Barricelli – Dominica what is coming up;

Ms. Napolitano – next meeting we will have the presentation from Pennoni regarding the Preliminary Investigation of 26 Court and 2, 4 & 6 Broad Street;

Mr. Barricelli – thank you all for coming; motion to adjourn;

Ms. Argot-Freyre – made a motion to adjourn; seconded by Ms. Crombie;

All in favor; Aye (all) – Nay (none)

Meeting adjourned at 8.25 PM.

Respectfully submitted,

Dominica R. Napolitano