

PLANNING BOARD REGULAR MEETING

Meeting Minutes

February 7, 2019

MEMBERS PRESENT:

Douglas Joyce
Douglas Maute, Chair
Peter Miller
Robert Musgnug
Tom Neff, Township Manager
Christopher Chesner
John Logue
Chris Locatell
Brian Donnelly
Dave Zipin
Ryan Vander Wielen

STAFF PRESENT:

Judith Murphy, AICP, PP, Planning Board Secretary
Peter Thorndike, ESQ, Board Attorney
Mackenzi Kelly, Recording Secretary

Mr. Douglas Maute called the meeting to order at 7:35 PM in the Council Chambers of Town Hall, 111 West Second Street by reading the Open Public Meeting Act statement. The Pledge of Allegiance followed a moment of silence. Roll call was listed as above.

Minutes:

December 6, 2018

Chris Chesner made a motion, seconded by Peter Miller to approve the December 6, 2018 minutes as written. The voice vote of the Board was unanimous in favor.

Adoption of Resolutions

11-2019 – A Resolution Granting a Second One Year Extension of Final Major Subdivision Approval, Bulk Variance Approval and Waiver Relief to Idyll Acres, LLC for a Period of One (1) Year from the January 19, 2019 Expiration Date of the First One Year Extension of Said Approval for a 34.51 Acre Site for Premises in the R-1 Residence District

John Logue made a motion, seconded by Peter Miller to adopt **Resolution 11-2019** with the changes discussed. The voice vote of the Board was unanimous in favor.

12-2019 – A Resolution Granting a Minor Site Plan Approval and Waiver of Formal Submission Requirements Subject to Conditions to Permit a Seasonal Exterior Removable Vestibule for Premises in the Specially Restricted Commercial District (SRC)

Chris Chesner made a motion, seconded by Brian Donnelly to adopt **Resolution 12-2019** with the changes discussed. The voice vote of the Board was unanimous in favor.

Old Business

Docket #PB-2017-20; Core Realty Inc.

Block 7000 Lot: 28; 751 Garwood Rd.

Application for Preliminary and Final Major Subdivision with Variance and Submission Waivers to create five residential building lots in the R-1 Residence District.

Mr. Damien Delduca from Delduca Lewis Law Firm represented the applicant Core Realty

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INC. There were two witnesses from Bohler Engineering: Ahmod Tamous and Greg DiBona

The attorney explained this was a continuation of the application that originally started on 11/1/18. The attorney went over the background of 751 Garwood Rd.

Exhibit A1

Shows an aerial photograph of the site. It is a uniquely shaped property located West of Hartford Road and is located in the R1 zone, and is 13.8 acres. In 2008 an ordinance was adopted for R1 zone which seeks to maximize conservation of land. Most of the houses on Garwood Rd. were not approved under this ordinance. This application was originally filed on November 22, 2017, fifteen months ago. They originally began with six lots. They had many meetings with the professionals, various issues were identified with the plan and additional environmental studies were required. They submitted revised plans which was scheduled for a meeting last summer which was postponed. The application was finally heard on 11/1/18 which presented a 6 lot plan. At that time they believed they complied with the density requirements. At the hearing they listened to the residents' concerns about the density requirements under this ordinance. The main question he took from that meeting was do they require the density requirements, which would need a variance from the zoning board. It was concluded there is an argument that they can only yield 5 lots and not 6 lots under the density requirements. The ordinance allows a maximum size of 1 acre. They reduced the plan from 6 lots to 5 lots. On 1/4/19 they submitted a new plan for this, which was reviewed by our staff and professionals. The meeting was scheduled for 1/17/19. On 1/11/19 they met with neighbors and Cathy Ward their representative to address concerns:

1. To avoid cookie cutter appearance of lots
2. To have larger lots if they could.

He explained what the ordinance would allow. They agreed to look into increasing the lot size and prepared an alternative plan. They submitted it informally to Mr. Noll, Mrs. Taylor and The Engineer from Bohler. The Professionals objections were that the plan does not comply with intent of the conservation design.

Exhibit A4

Shows the plan from 1/4/19.

It shows five 1 acre lots with a significantly larger conservation area. The plan in November was seeking a variance because the lots were bigger than an acre. This plan reduces the lots to an acre, which adds more land to the conservation area. This shows the conservation area wraps around the lots and giving them more buffer between the adjacent residential structures. The plan by and large does comply with the ordinance. There is some relief needed. The applicant and attorney met with neighbors and came up with another plan.

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Exhibit A7

This plan, shows the Lots are deeper, and the 6th lot is the conservation lot over to the southwest. The conservation lot is about 7 acres and is in the back. This lot is constrained with wetlands and per DEP requirements it cannot be used. This plan would be developing larger lots, different shaped lots and reducing the amount of separate conservation area that is not on a private lot. This plan needs additional variance relief, if this is a plan the board is interested in evaluating. The variance relief he is aware of is there is a maximum lot size of 1 acre, some of the lots are more than one acre. In addition the amount of conservation is less than required, the ordinance requires 50%. A4 complies, however, this plan has 22% because some of the conservation is on the private lots. They would require a variance because the variance requires the conservation to be outside the buildable lot. This is a plan that the client is willing to pursue if the board accepts it. Mr. Thorndike inquired if the plan was formally submitted. Per Mr. Delduca stated it is an exhibit for tonight to see what the board thinks.

Mr. Delduca stated the plan in **Exhibit A4** was initially 6 lots now it is 5. The only variance in this exhibit is the Front yard setback of 150 feet. Subject to board approval pulling the houses back for more use of rear yards and the front yard should be consistent with the general scheme of Garwood Rd. The houses across the street are around 80 feet, some are more than that. They proposed a front yard setback variance, they can comply but feels their proposal is better because it gives more rear yard space.

Mr. Delduca stated it is really hard to get everything in the ordinance, with this application. They need a few waivers:

1. Design standards:

Views of houses from exterior roads and budding property should be minimized using topography and vegetation etc.

2. Garwood Rd. is an exterior street, they cannot build a new street. They need relief from this.

3. Houses are required to be generally accessible to exterior streets-

4. Each neighborhood has to provide one centrally located access for every 15 lots

which has to be 35 feet wide

5. Design standard:

States the ratio of the length and width has to be 4 to 1. Because of the shape of the lot, they cannot physically comply with this.

Mr. Delduca stated in Sec158 8 all subdivision plans have to follow a 4 step process:

1. Delineate the conservation area. The minimum percentage required is 50%. The Conservation land shall include primary and secondary conservation areas. The have met this requirement.

2. After the conversation area has been identified. You have to tentatively locate the house sites outside the conservation areas. They must be 50 feet from the primary conservation

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and 20 feet from secondary conservation areas.

3. Locate the Infrastructure such as:

Storm water facilities, walking trails, mow strips etc.

4. This step you draw in lot lines showing the conservation area of at least 50% and the lots being no more than one acre.

They comply with all requirements except for the front yard setback. There is also a density requirement in 180-10.2f. This states they meet density requirements in that ordinance.

In order to do this they have created a yield plan.

Exhibit A5

Shows their yield plan. It is an exercise that shows they do not have too many lots per acre under the township limits. It is not a plan they will build to, it shows how many lots you can yield from this overall tract. On the yield plan you must provide dimensional standards and have to show an acre and a half and a lot width of 200 feet. This was a problem in November. On the yield plan it was 125 ft. wide. However for density purposes they require 200 ft. In November we had 6 lots because we had a lot width of 125 feet, now we have five because we have a lot width of 200 Feet. That is the difference in the plans. There are setback requirements as well including side, rear and front yard. All is shown on the yield plan in A5. This yield plan shows we yield five lots and the professionals confirmed the ordinance permits five lots from a density standpoint. They are multiple review letters the latest from January, they have no issues in the letters.

The first witness is, Ahmad Tamous he is the project engineer for this application and he stated all comments in the opening statements were factual. He gave an overview of the revised plan A4. The main difference are the lot areas and they eliminated one lot and expanded the conservatory area. The storm water management remains in the same location. They provided an impervious pavement for a driveway. They also provided access points to the north and south of the property. The original plan showed only one. This plan has two. The total acreage of the conservation area is 9.37 acres. The plan is for five lots each being one acre and complies with the ordinance. By expanding the conservation area we were able to enlarge the conservation areas on the north and south sides. This will provide access to the conservation area and it provides more space between the proposed homes and existing homes.

Mr. Thorndike inquired about the acreage. Mr. Delduca stated the bulk requirements on A4 shows 8.84 acres. Mr. Tamous stated the zoning schedule on Exhibit A4 is correct, it is not 9.37 acres. Ordinance requires 50% which is roughly 6.9 acres. Mr. Tamous agreed they exceed the minimum.

Mr. Delduca stated Ordiance 10.2F relates to density and yield plan. Mr. Tamous is familiar with this. He prepared Exhibit A5. The area component of the yield plan deals with the lot area and the ordinance requires that we exclude flood hazard areas which they have done

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this. The flood hazard area is 4.7 acres. This is the total area excluded out to come up with the yield plan. The net lot area is 9.37 acres to calculate the yield plan density. Mr. Delduca stated this is how they come up with the 5 lots. This Yield plan shows lot width of 200 feet and a lot minimum of 1.5 acres and shows the yard setback requirements. This yield plan shows the front yard 150 ft requirement from a major thoroughfare or scenic roadway. There is a provision in the ordinance in the yield plan which requires 150 ft in the rear yard setback. They plan here shows a 25 ft. setback due to that requirement and is only applicable when you have a reversed frontage. From a density perspective they can have 5 buildable lots based on the area components. The permitted density is 6.31 and they are proposing 5 because they do not meet the dimensional component that requires the 200 lot width.

Exhibit A4-one acre lot plan

Per Mr. Tamous this plan meets all requirements and all setback requirements other than the front yard setback under the R1 ordinance. Mr. Tamous stated they are asking for a front yard variance of 80 feet, which will provide useable yards and reduces impervious coverage of the lots. Reduces the impervious coverage of the lots they are compliant with 25%. One of the Residents' concerns is to have more flexibility in the orientation and staggering the units. If the board is amendable to this suggestion they board will need to approve a variance for maximum impervious for the lots going from 25% to 30% maximum coverage. He is not aware of any other variances. He agreed to Mr. Delduca that one of the reasons we are proposing the front yard setback relief relates to soil quality and locating room for the septic systems in the back. They have done a lot of testing. The location in the back allows more flexibility for the septic and also the location of the house. Test results on soil information has been provided to the engineers.

Waiver relief:

1. Views from exterior roads, they will provide landscaping in front of the houses.
2. Houses accessible from exterior streets
3. One centrally access area and the 4-1 length to width requirement. The 4 to 1 requirement are the maximum requirements the Township intends to limit narrow conservation. Mr. Thorndike stated the ratio is supposed to be not less than 4 to 1, Michelle Taylor's letter states more than 4 to 1.

Michelle stated the real issue is on the left side of the plan there is access space the ord does not accept any portions of the easement from that 4-1 ratio. Mr. Thorndike stated that is less than the 75 feet in width. Mrs. Taylors said yes that area is very technical and there is no flexibility Per Mrs. Taylor.

Mr. Delduca stated, the area we need relief is the wrap around conservation area on the left. Per Mr. Tamous yes that is correct. Mr. Tamous stated the length is less than 4 to 1 ratio compared to the width of the conservation area, so they are asking for relief. It is all due to the shape of the lot. They had a discussion about the length of the conservation

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area. Mr. Tamous stated it is approximately 500 feet in length Garwood Dr to the rear, but the width is only about 50 feet. In general the requirement is the houses have access to an exterior street. Per Mr. Delduca in order to meet requirements they would have to build an access road. Mr. Tamous stated this road would encroach into environmentally sensitive areas and more importantly by providing that road it would make the rear of the houses face Garwood Rd. They opted to leaving the access and the frontage along Garwood.

Exhibit A7

Mr. Delduca stated this shows the alternative plan, which was prepared by Mr. Tamous as a result from discussions with neighbors. This exhibit shows five lots but does not meet the conservation area requirements because the easement is in the lots. This plan meets the density requirement for the five lots, however it does not comply with the conservation requirements. It is more flexible with the location and provides larger lots as well as the orientation of lots. The area is still conserved. The areas in the flood hazard area will be deed restricted and not buildable. This plan is more consistent with other houses in the neighborhood. Mr. Tamous confirmed all of Mr. Delduca's questions regarding variances needed. This plan would require a variance for maximum lot size and average lot area. He stated it is almost half of what is required because the only conservation area is Lot 6. This is a secondary conservation area that has the basin and a portion of the flood hazard area. It is to the left and wraps around to the left of the side of the track. Mr. Tamous stated the basin and the driveways in this plan would function similar to the plan submitted to the engineers and with similar waivers as well.

Mr. Logue wanted to explore A7 further. He inquired what the setbacks are.

Mr. Tamous stated that Lot 1 and 2 from the left would require a variance. It is shown on A7 as 140 foot setback because the lot is too narrow. He said the other 3 comply with the 150 feet setback.

Mr. Delduca stated they met with 3 neighbors and a lawyer and heard their concerns on increasing the lot size and varying the layout of the lots, and this is what they came up with. They did not discuss the plan with them, he sent the plan to Mrs. Ward earlier in the week.

Mr. Logue inquired if the applicant would need give new notice. Per Mr. Delduca they would need to give notice. Mr. Delduca stated his client is willing to explore this plan (A7) if the board is willing to as well. They would re notice. He said if it's not a plan the Board likes then they seek approval for the plan they submitted.

Brian Donnelly inquired about who owns the conservation area. Mr. Delduca said it would be on a separate lot under a Homeowners association, like on exhibit A4.

Mr. Vander Wielen inquired why it is in the neighbor's interest to have large lot sites. Per Mr. Delduca the lots across the street are larger and they are trying to avoid a cookie

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clutter appearance. They would like to see it mixed up.

Mr. Logue asked if were true that there are two property owners which sit further back from the street. Mr. Delduca stated in Exhibit A1 does not show a setback on the house to the east but it appears to be consistent to what is proposed. The one across the street is 80 feet and appears to be similar. To the right of the lot it is 80 feet from the road and the one to left it is set back further, about 100 feet.

Exhibit A6

This exhibit was prepared by Mr. Tamous. It shows a compliant 150 foot setback, same lot layout as A4. The houses all the way to the rear and it has eliminated the swimming pools and it provides the septic in the front. The rear would not be useable. Mr. Delduca stated having smaller rear yards creates zoning board applications. It is the same plan as Exhibit A4, but without the front yard variance. The septic systems will be mounded. Most of the houses and the septic will be raised above the ground, it will allow separation from the septic and seasonal high and will not be that visible. Mr. Donnelly asked if the septic's could be in the front. Per Mr. Tamous, they have done testing and the area is not suitable.

Mr. Maute inquired about the neighbors' concerns about cookie cutter appearance. Per attorney there will be a combination. They have talked about staggering lots so that there are not straight across.

Peter Miller inquired about keeping all houses with a 150ft setback and if there has there been any thoughts since the conservation dips into lot 3 on A7. He inquired if it is possible to have the conservation area coming through that lot and then moving the other lots to the side. He stated there would still be 5 lots at the 150 feet setback, with the middle lot being the conservation lot. Per Mr. Tamous it is a possibility; however by shifting the lots it will trigger the septic systems to be outside of the lot lines and the potential to lose a lot.

Mr. Maute asked if there was any consideration on exhibit A7, for lot 1 being as wide as it is would allow for a more useable rear yard. Mr. Tamous stated that is where the storm water management basin is. Mr. Maute inquired that if on exhibit A4 you take lots 1 and 5 and make them wider to allow the neighbors to have a larger setback which would give relief to the cookie cutter concerns. Mr. Tamous stated the rear lot line cannot move forward because of the minimum requirement between the septic and the lot line and also you are then encroaching into the conservation lot.

Professionals

Michelle Taylor and Christopher Noll

Mr. Musgnung inquired about how far is the rear lot line on Lot 3 and 4. At the closed point on lot 3 and 4 it is practically right on it per Mrs. Taylor. Mr. Noll stated it is about 170 feet,

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and should be 125 feet. Mr. Tamous said it is about 170 feet and closer to the flood hazard area. Mr. Noll stated that is the wetland line but to the buffer it would be about another 150 feet off of that. Per Mr. Tamous yes that is correct. Mr. Tamous stated it is 50 feet for the primary conservation area and 25 feet from secondary conservation area. The flood hazard area is a primary conservation area per Mrs. Taylor.

Mrs. Taylor stated the ordinance says house sites so she says when she looks at that language she says the house site is at the setback so it could get pushed back further because the setback line will still create that demarcation in certain instances. Mrs. Taylor read an excerpt from the Master plan regarding conservation lands. The problem with putting things in flood hazard areas are they may be impediments which creates flooding in other areas. She said that in a nutshell is one aspect, the other issue is that the option 2 subdivision requirements are different from option 1 and this plan does not conform to that. It does not meet the density minimums and lot minimums. The Applicant has accepted most they talked about in her letter. Perhaps a requirement could be that 20-40% of each building is at 80ft and the remainder is behind that space to get some variation in the façade. The applicant was clear when they said this is engineer plan and not an architecture plan. She said they do want people to use their back yards it improves the community. It is important they have that space. It helps people to be more invested in where they are. Peter Miller reiterated his idea about putting access in the middle, removing the cookie cutter appearance. Mrs. Taylor said she does suppose it is an option. If the pattern is a circle then you will take a walk around the neighborhood. Either one is fine, it is the board's decision. She does not think it would give a bigger back yard. You would still have the fixed storm water basin on the left side. Per Mr. Tamous the septic would not comply if you slide the lot because of the distance between the septic and the property line. Mr. Donnelly said if you eliminate it entirely, you would have to do a new soil test. Mr. Tamous said yea it could be a possibility. Michelle Taylor said the public last time was concerned on the layout, part of the determination of placing the conservation areas at the ledges sort of mitigated that concern. If you push the houses back you would not be able to have all the mow paths. There would be no access to the secondary areas. Her recommendation is consistent with the Master Plan. She said when the board evaluates these projects there is not a 500 acre parcel that is square and perfect. All of the sites have issues, in this particular case there is on where to put an interior road in. To be efficient you have to deal with it this way to conserve the space from encroachment from human. To put the conservation area into private hands is a mistake. Mrs. Taylor said she believes A 4 is the best plan. She thinks if 20-40% of façade can be at 80 and the remainder to be setback at 10-20 or 5 to 10 feet back, she feels will solve some of the problems. She inquired what the plan for the houses are, Mr. Delduca does not have an answer on who is building the houses. Mrs. Taylor said you could say it can be anywhere from 80-100 foot back and are only looking for variation. Because of the conservation area and septic fields, the 150 foot setback creates a problem.

Mr. Logue inquired if the professionals have seen A7. Mrs. Taylor said they have seen it

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and has sent an email in response. She said there are requirements such as the density is 5 acres per dwelling unit and the lot width 300 ft. The ordinance is confusing. Mr. Delduca if the board preferred A7 they would still use the yield plan. They do not want to go to the Zoning Board. Mr. Thorndike stated if they preceded under A7 the matter would still be here. If they pursue A7 under option 1 they comply with the density requirement they would need additional bulk relief which the board has the right to grant.

Mr. Noll stated the permeable pavement for the driveway for test pits. He also stated there is no public water is available at this time. He said from an engineering standpoint he does not recommend A7 either. It never a good idea to have an environmentally constrained property on an individual lot. It is best to avoid if possible. Mr. Logue can this be controlled by deed restrictions, per Mr. Noll theoretically yes.

Mrs. Taylor stated Option 2 is for country properties and the ordinance says that a country property is 5 acres or greater and the tract density is 5 acres per dwelling unit. The minimum lot size is 5 acres with width of 300 feet. She said in the body of the ordinance it states area and yard requirements that Lots and tracks for option 1 shall conform to R1 regulations. The area would not have common area open space. She stated if the proposal was only 2 lots, then option 2 could be approved. It is more than two lots which violates the statute. Mr. Delduca in A7 there is some open space and conservation on private lots, which they would need relief. This does not make them go under option 2. His client is fine with A4, they promised they would explore alternatives to the neighbors. Per Mr. Joyce it was the applicant's choice to choose option 1 or Option 2, so the discussion of option 2 it is irrelevant. Yes, per Mr. Delduca.

Mr. Joyce inquired about how the right of way in the front of the property relates to the setback. Per Mr. Noll said in his letter there is a right of way dedication of 8.25 feet. The ultimate right away is a 66 feet requirement for Garwood Rd. This moves the property line 8.25 feet, so they are talking basically will be 88.25 compared to 80 feet there is no right of way dedication. Everything is shifted back 8.25 feet, it is increasing the setback. They are keeping the front yard at 80 ft. but basically is 8.25 feet more.

Public Comments

Joan Ponessa of 215 Locust St. and is a Member from MEAC. She reviewed A4 dated 1/4/19. She stated her concerns were not really aimed at what they were discussing at the meeting. She was concerned about the drain tiles, seasonal water table, soil testing, and the elevation of proposed septic systems and the possibility of contamination of the basin. Mr. Tamous they do not need variance as they meet the standards for the septic fields and they are agreeable to the letter regarding environmental issues. He stated the septic vacuum trucks come 4 times a year. Mr. Logue inquired if there are field drain piles in that field. Mr. Tamous said there are DEP regulations on that and they agreed to comply to remove them. That is why the septic system is higher. Mr. Noll talked about this at the first hearing and they would be removed if they are there. They have not checked yet but

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they will be removed.

Kathy Wood is the Attorney neighbors on Garwood Rd.

She feels the ordinance is unclear. She stated there are homeowners on Garwood Rd. with large lots with conservation areas. They do not understand the concern that people do not take care of their conservation areas. She stated Garwood Rd is a bad road with two 10 acre parcels for sale. The issue is not going away. Need to know if board takes into account of what works on that Road. She feels the 80 foot setback is a safety issue, there is no shoulder, steep drop off, drainage is horrible or deceleration lane. One of the neighbors lot is long and narrow and will have 5 driveways facing her home. She does not feel the 2 options give much of a choice. She thanks the attorney and developers for their time. She represents Mr. and Mrs. Toscani, Mr. and Mrs. Lawson and Mr. and Mrs. Duval.

778 Garwood Rd. Susan Kennedy

Her property is across the street and stated that all 5 driveways will face her. The road is narrow, she is worried about backing out. She has a circular driveway and there is no street parking. There are ruts on her front lawn and it is saturated. She has a drainage swale. She is concerned with the safety of backing out and onto her property. She would like curbs put in. Her property is built high up for septic. The retention pond is owned by the Township and is maintained by the Township which empties on the corner of her property. Per Mr. Noll her house is set back 52 feet. She stated Garwood is dangerous and narrow. She said two cars can barely fit, it is dangerous in the dark, and there is no lighting. Mr. Noll stated that Garwood Rd. is going to have worked done, the plans are about ready. She is worried about drainage as well

Farrukh Kazmi from 749 Garwood Rd.

He state the Planner keeps references his house. He stated the 150 setback does not work his back yard is still small. He feels he has a large backyard. The Septic is in the front. He has two corners on his land he cannot use. He feels the pictures are inaccurate and disagrees with the setback. His stated his house was built to code with the 150 setback and the 80 foot setback ruins his view and lowers his house value. He also feels it ruins the ambiance of the street. He will be looking at cookie cutter view. He agrees with A7. Mr. Noll stated his lot is 50% bigger than the others. Mr. Delduca stated his lot was not laid out under the conservation designs and is the exception. The increased conservation area on his side and the added trees will add a buffer to address this.

Scott Duval of 782 Garwood Rd

His house is located across the street. His issue is with the application of the ordinance and wants the A7 plan. He stated that in November none of them knew about an ordinance. He feels that exhibit A7 is in line with Garwood Rd. He has 2 acres and is only able to use one, since the other is conserved. He does not want to have clusters of houses on Garwood Rd. Mr. Joyce inquired about what he likes about Exhibit A7. Mr. Duval stated he likes the

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overall layout and the 150 setback feels it will create an option of variability of the lots. He just saw exhibit A6 today. He stated two things:

1. If you press homes against property line you create a less marketable home and a smaller back yard.
2. The houses are still be crammed together.

He would like the project done in the character of Garwood Rd.

Mrs. Taylor requested Mr. Tamous discuss plan A7. Per Mr. Tamous the Lot widths on A7 for Lots 5,4 3, are narrower than on A4 and Lots 1,2 are wider. Lot 1 and 2 are 237.6 feet wide and lots 3,4,5 are 150 feet wide according to A7.

Howard Katz 693 Garwood

He would like houses that fits the character of the Road. Garwood Rd has lots that are anywhere from 2 to 10 acres. He feels the maximum of 1 acre lots is not consistent with the character of the street.

Cynthia Lucarini 695 Garwood Rd.

She is concerned about how narrow the road is and putting in more houses. There will be more cars and feels traffic will be a problem. Her house is near the creek and they have wetlands. When her house was built, the builder wanted the house built on an angle, because of the wetlands. They could not have a driveway and they do not have a back yard. Her main concern is setback due to parking.

Andrea Lawson

She is one of the neighbors that worked with Core Realty and the attorney and engineers to come up with an alternative. She feels lots should be greater than 1 acre. She stated the 1.5 acres is important due to a Septic Code. The Moorestown has an ordinance with the health department and feels Moorestown has the authority to say these lots should be 1.5 acres and plan A7 accommodates this. She has an issue regarding the reservation of the conservation. She feels the same goal is achieved whether it's private or owned by the homeowner's associate. The space is open to all homeowners on Garwood Rd. She is happy with her house and feels it is not a fair assessment to make on the neighbors on what is appropriate or not. The school bus on Garwood Rd is a country bus, she does not feel it is proper location to put 1 acres houses there. She said she called public works and there are no improvements for the roads. Mr. Neff stated there are plans to reconstruct the road and in the next month or so there will be plans. He stated they are under design and will be done soon. He is happy to share with the residents, the project will be funded by the state.

Tina Toscani 711 Garwood Rd.

Mrs. Toscani said her house is ground zero with runoff from the storm. She stated the retention basin from the other development now runs into her backyard. There is serious water run off problems and feels with the addition of these properties it will make it worse.

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Mr. Noll said the state has requirements that need to be followed. Mr. Noll stated the houses are downstream from her property and will be happy to come out to take a look. She feels they will look like townhomes compared to the houses already there.

Pamela Richards 304 Colonial Ave

She does not feel conservation areas should be private. She thinks the problem is too many people are buying properties that have no clue about the ordinances. She stated the Board has made decisions on properties that has caused flooding. It blows her mind that on Garwood Rd that there is an ordinance with maximum of 1 acre. The water on the road is incredible. She feels we need to look at these building codes and zoning ordinances to make sure they are still consistent with life as it is today.

Janet Paplie Realtor

Mrs. Paplie has sold properties on Garwood and she loves Moorestown. It is considered prime real estate. She feels people like Garwood because of the privacy. She feels putting more housing in, takes away from the privacy. The street is not wide. She said there are a lot of constrictions on a property, and it is a flag lot yet making exceptions for others.

Chris Chesner stated the majority of people like A7, he suggested if we took A7 and drew a line across it, making the conservation area not privately owned. Per Mrs. Taylor you would have the original plan. Per the attorney there is room on A4 to make the lots bigger if you grant a variance for maximum lot size. Mrs. Taylor stated she is not sure why the acre lots are a thing, she does not see a massive difference. The layouts are the same, there is still a huge lot behind. She stated the board can discuss the setbacks and decide.

John Blaskovich he bought a house on Garwood because of the country feel and the different sizes of the lots. They are considered a country by the school. He has hunted the open land for years. This property backs up to Delran, which builds more townhouses than anyone. There is not a lot open space for the township to take care of regardless.

Frank Lawson 781 Garwood

He stated the setback of 150 has been enforced for years and he has been held to it when he wanted an addition. He feels Exhibit A7 keeps in character with Garwood Rd. He stated it seems like 80 foot does not work and the 150 feet is more consistent. He said that private owners have taken care of the open space and does not see people abusing the open space. He stated he has also seen some land that was conserved turn into ball parks or parks. He supports Exhibit A7 or some variation of it. He would like it to stay consistent with the character of the street.

Mrs. Taylor stated the minimum tract size is 5 acres. The Homeowners take care of the open space on the acre lots and it is deed restricted.

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Barbara Rich 23 E central

She stated at the last testimony she asked about testing the soil for acid soil. Mr. Tamous said they are not aware based on the investigation they have done, there is no acid soil. Mrs. Rich said the Burlington County soils survey they are classified as Woodstown which is acidic. He said they obtained a DEP permit which did not require it. Mrs. Rich said in the landscape recommendation you have to deal with acid soil. Mr. Tamous will have to review the survey.

Mrs. Rich stated that Moorestown does require low impact development requirements. She would like them to correct this. She stated that in the proposal swales are proposed which need to be deed restricted. She said there are other approaches that could be taken. The pavers require certain conditions. Mr. Tamous stated they are for water quality an only lots 1 and 2 have the water quality components. The others are collected in storm water inlets. Mr. Tamous, said the whole site is elevated and they have to comply with the conditions, which also include a soil test. She inquired if this application was for preliminary or final. Mr. Thorndike stated this is for preliminary and final approval.

Shawn Bunting of 790 Garwood Rd.

He lives at the far end of the street. He feels this is a dangerous street and feels traffic would be a hazard. He feels the proposal will be a safety issue for everyone by putting in five more houses. He feels A7 improves the safety issues.

Barbara Rich 23 E central

She stated that in regards to the septics, they are permitted. However the property line was moved forward which means the storm water management piping is off the proposed subdivision. She stated it would need a variance for the septic system because they require a 25 feet setback from property line.

Discussion

Mr. Logue proposed the applicant to modify the application to take proposal A7. It may need tweaking and modification due to conservation area. He suggests they withdrawal A4 and submit A7.

Michelle Taylor stated that there is a requirement under option 1 that 50% of the tract is reserved as open space and is not part of individual lots. She feels it is a major deviation from the option one bulk requirements and the attorneys need to discuss this.

Mr. Thorndike does not impress him as a density variance or a trigger for any type of variance under section D. Mrs. Taylor stated it is a major deviation from the 50%. Mr. Thorndike it can be subject to bulk variance relief. The applicant would have to make new notice, reserve and identify any additional variances that are required. Mr. Delduca stated he understands and thinks they are asking him to formally resubmit it or something like A7 to the board so the professionals can review it and adjourn the application to the next

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meeting. If additional variances are required they will provide additional notice. They do not agree to waive or withdraw request approval of A4. They agreed to explore an alternative with discussions from the neighbors. He feels that it is imperative they resolve this at the next meeting. It would be helpful to them if it is something the board supports.

The board had some discussion and Mr. Throrndike stated that plan A7 be reviewed by professionals and any variances necessary be identified. Mr. Delduca was willing to consent to motion the application to next meeting.

The meeting was adjourned to April 4th.

ADJOURNMENT

Mr. Douglas Maute stated the next meeting would be 4/4/2019. A motion to adjourn was made by John Logue and seconded by Peter Miller. The meeting was adjourned at 11:00 pm.

Next Meeting: 4/4/19 at 7:30 pm

APPROVED 07/11/2019