

1st: Horner  
 2nd: Cavanagh  
 Date: 2/21/19

**Minutes of January 17, 2019**

The Regular Meeting of the Hazlet Township **Land Use Board** scheduled for January 17, 2019 was called to order at 7:00 PM with a Salute to the Flag followed by a Moment of Silent Prayer and a Reading of the Letter of Compliance.

**ROLL CALL:**

**Present:** Mr. Cavanagh, Mr. Sanfilippo, Mayor Aagre, Mr. Fabozzi, Mr. Moore, Mr. Horner, Ms. Bossert, Mr. Grossman, Mr. Belasco

**Absent:** Mr. Sachs, Mr. Glackin, Mr. Lencsak

**Professionals:** Mr. Vella, Esq., Ms. Heard-T&M, Mrs. Keegan-Zoning official

**Motion:** To approve the minutes of the Regular meeting of December 27, 2018.

**Offered By:** Moore                      **Seconded By:** Horner

<u>ROLL CALL</u>	<u>YES</u>	<u>ABSTAIN</u>
Mr. Sachs	_____	_____
Mr. Cavanagh, Chairman	<u>X</u>	_____
Mr. Fabozzi	_____	<u>X</u>
Mr. Bossert	_____	_____
Mr. Horner	<u>X</u>	_____
Mr. Sanfilippo, Vice Chairman	_____	<u>X</u>
Mr. Moore	<u>X</u>	_____
Mr. Glackin	_____	_____
Mayor Aagre	_____	<u>X</u>
Alt #1 Mr. Belasco	<u>X</u>	_____
Alt #2 Mr. Grossman	<u>X</u>	_____
Alt #3 Mr. Lencsak	_____	_____
Alt #4	_____	_____

**Motion passes.**

**Motion:** To approve the minutes of the Executive Session of December 27, 2018.

**Offered By:** Cavanagh                      **Seconded By:** Horner

<u>ROLL CALL</u>	<u>YES</u>	<u>ABSTAIN</u>
Mr. Sachs	_____	_____
Mr. Cavanagh, Chairman	<u>X</u>	_____
Mr. Fabozzi	_____	<u>X</u>
Mr. Bossert	_____	_____
Mr. Horner	<u>X</u>	_____
Mr. Sanfilippo, Vice Chairman	_____	<u>X</u>
Mr. Moore	<u>X</u>	_____
Mr. Glackin	_____	_____
Mayor Aagre	_____	<u>X</u>
Alt #1 Mr. Belasco	<u>X</u>	_____
Alt #2 Mr. Grossman	<u>X</u>	_____
Alt #3 Mr. Lencsak	_____	_____
Alt #4	_____	_____

**Motion passes.**

**Motion: To approve the minutes of the Re-Organization Meeting of January 3, 2019.**

**Offered By:** Sanfilippo                      **Seconded By:** Moore

<u>ROLL CALL</u>	<u>YES</u>	<u>ABSTAIN</u>
Mr. Sachs	_____	_____
Mr. Cavanagh, Chairman	<u>X</u>	_____
Mr. Fabozzi	_____	<u>X</u>
Mr. Bossert	<u>X</u>	_____
Mr. Horner	_____	<u>X</u>
Mr. Sanfilippo, Vice Chairman	<u>X</u>	_____
Mr. Moore	<u>X</u>	_____
Mr. Glackin	_____	_____
Mayor Aagre	<u>X</u>	_____
Alt #1 Mr. Belasco	_____	<u>X</u>
Alt #2 Mr. Grossman	<u>X</u>	_____
Alt #3 Mr. Lencsak	_____	_____
Alt #4	_____	_____

**Motion passes.**

**Memorialization Case #18-20L: Papagiannakis, 16 Stanford Drive; Block 191, Lot 46, R-70 zone. Applicant was granted permission to construct a level above garage, add a 2<sup>nd</sup> story addition and a front covered porch with variances for front, side and rear yard setbacks.**

**Offered By:**     Aagre     **Seconded By:**     Horner    

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Sachs	<u>          </u>	<u>          </u>
Mr. Cavanagh, Chairman	<u>    X    </u>	<u>          </u>
Mr. Fabozzi	<u>          </u>	<u>          </u>
Mr. Bossert	<u>          </u>	<u>          </u>
Mr. Horner	<u>    X    </u>	<u>          </u>
Mr. Sanfilippo, Vice Chairman	<u>          </u>	<u>          </u>
Mr. Moore	<u>    X    </u>	<u>          </u>
Mr. Glackin	<u>          </u>	<u>          </u>
Mayor Aagre	<u>          </u>	<u>          </u>
Alt #1 Mr. Belasco	<u>    X    </u>	<u>          </u>
Alt #2 Mr. Grossman	<u>    X    </u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4	<u>          </u>	<u>          </u>

**Memorialization Case #18-21L:** Schreiner, 29 Mountain Avenue; Block 79, Lot 10, R-70 zone. Applicant received permission to construct a 1 story rear addition, 21' above ground pool, 8'x16' shed and retain existing 16' x 23' deck with side and rear yard setback variances.

**Offered By:**     Cavanagh     **Seconded By:**     Moore    

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Sachs	<u>          </u>	<u>          </u>
Mr. Cavanagh, Chairman	<u>    X    </u>	<u>          </u>
Mr. Fabozzi	<u>          </u>	<u>          </u>
Mr. Bossert	<u>          </u>	<u>          </u>
Mr. Horner	<u>    X    </u>	<u>          </u>
Mr. Sanfilippo, Vice Chairman	<u>          </u>	<u>          </u>
Mr. Moore	<u>    X    </u>	<u>          </u>
Mr. Glackin	<u>          </u>	<u>          </u>
Mayor Aagre	<u>          </u>	<u>          </u>
Alt #1 Mr. Belasco	<u>    X    </u>	<u>          </u>
Alt #2 Mr. Grossman	<u>    X    </u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4	<u>          </u>	<u>          </u>

**Carryover case #18-12L:** Point Comfort Marina, 61 N. Park Avenue; Block 2, Lot 2, I-M zone. Applicant is seeking a use variance to convert the existing 1<sup>st</sup> floor restaurant into a 2 bedroom apartment.

**Attorney Vella carried case to 2/21/2019 with no new noticing required.**

**Carryover case #04-05P:** BG Builders; 66 Third Street; Block 10, Lot 3.01, R-70 zone. Applicant is seeking relief of condition of resolution restricting property to a maximum of 3 bedrooms where 4 bedrooms is proposed.

**Chairman Cavanagh announced that this application was being withdrawn without prejudice.**

**Motion:** To accept withdrawal.

**Offered By:** Aagre **Seconded By:** Fabozzi

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Sachs	_____	_____
Mr. Cavanagh, Chairman	<u>X</u>	_____
Mr. Fabozzi	<u>X</u>	_____
Mr. Bossert	<u>X</u>	_____
Mr. Horner	<u>X</u>	_____
Mr. Sanfilippo, Vice Chairman	<u>X</u>	_____
Mr. Moore	<u>X</u>	_____
Mr. Glackin	_____	_____
Mayor Aagre	<u>X</u>	_____
Alt #1 Mr. Belasco	<u>X</u>	_____
Alt #2 Mr. Grossman	<u>X</u>	_____
Alt #3 Mr. Lencsak	_____	_____
Alt #4	_____	_____

**Motion passes.**

**New case #18-23L:** Donatelli, 8 Oregon Avenue; Block 118, Lot 11, R-70 zone. Applicant is seeking permission to install a 14'x30' in ground pool with concrete patio. Side and rear yard setback variances requested.

**Attorney Vella swearing in Dominick Donatelli, 8 Oregon Avenue.**

**Mr. Vella:** Marked Exhibit A-1 as Application with grading plan and LUB-1 as T&M's engineering report dated 1/16/19.

**Mr. Donatelli:** Explained that his lot is small so he needs to be within the setbacks in order to fit the pool in his yard. His house is set back 32' from the front, giving him less space in the rear. His yard is surrounded by a 6' vinyl fence. The pool filter will meet the 10' setback from the property line.

**Ms. Heard:** Stated that the grading plan and infiltration trench details would need to be submitted for review. All necessary building permits would be required.

**Mr. Donatelli:** Agreed.

**Chairman Cavanagh asked for public comments. No one spoke.**

**Motion:** To approve.

**Offered By:** Moore **Seconded By:** Sanfilippo

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Sachs	<u>          </u>	<u>          </u>
Mr. Cavanagh, Chairman	<u>  X  </u>	<u>          </u>
Mr. Fabozzi	<u>  X  </u>	<u>          </u>
Mr. Bossert	<u>  X  </u>	<u>          </u>
Mr. Horner	<u>  X  </u>	<u>          </u>
Mr. Sanfilippo, Vice Chairman	<u>  X  </u>	<u>          </u>
Mr. Moore	<u>  X  </u>	<u>          </u>
Mr. Glackin	<u>          </u>	<u>          </u>
Mayor Aagre	<u>  X  </u>	<u>          </u>
Alt #1 Mr. Belasco	<u>  X  </u>	<u>          </u>
Alt #2 Mr. Grossman	<u>  X  </u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4	<u>          </u>	<u>          </u>

**Carryover case # 18-16L:** Hazlet Services LLC, 3328 Highway 35; Block 215.01, Lot 1, BH zone. Applicant is appealing zoning official's decision to issue a zoning permit for façade renovations at Kmart Plaza.

**Attorney Stephen Nehmad came forward to represent OASG Hazlet LLC, owners of Kmart Plaza.**

**Mr. Vella:** Marked the Notice of Appeal with attachments as Exhibit A-1 and Correspondence from Mr. Nehmad as Exhibit P-1. He explained the appeal is of the zoning official's determination that a zoning permit could be issued without the need for site plan approval.

**Mr. Nehmad:** Stated that this application was filed only to threaten, impede and delay the development at the plaza because the applicant does not want the competition of a Wawa gas station. He feels the zoning decision was appropriate. The applicant lacks the legal standing to file this appeal that the right to use his property is affected by this decision.

**Attorney Edward Liston came forward to represent the applicant, Hazlet Services LLC.**

**Mr. Liston:** He represents Hazlet Services LLC which is owned by Zafar Ahmed, Naushin Ahmed and Tariq Usmani. They own the Exxon gas station 1/2 mile up on Route 35. He stated that their interest is affected by this application. Their property will be impacted by increased traffic. They are not presenting testimony regarding this. The Wawa was included in the plans first and then was withdrawn. If there is no Wawa, then they are not a competitor. The Redevelopment Plan states that all development must be approved by the Land Use Board through the normal site plan and subdivision procedures. They are appealing the granting of the zoning permit for the Kmart Plaza without the submission of a site plan. The issue of standing was only raised today and he would like to adjourn to allow time to respond.

**Mr. Vella:** Stated that the appeal was filed in October and that standing could have been considered.

**Mr. Nehmad:** Stated that legal standing is insufficient based solely on the fact that they own property nearby. This permit only states that the zoning was appropriate to replace the façade. He feels that the appeal should be dismissed because there is no legal standing. He suggested deciding on the merits of the appeal as well as the standing issue.

**Chairman Cavanagh asked for public comments. No one spoke.**

**Motion:** Applicant does not have standing.

**Offered By:** Moore                      **Seconded By:** Cavanagh

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Sachs	_____	_____
Mr. Cavanagh, Chairman	<u>X</u>	_____
Mr. Fabozzi	<u>X</u>	_____
Mr. Bossert	<u>X</u>	_____
Mr. Horner	<u>X</u>	_____
Mr. Sanfilippo, Vice Chairman	<u>X</u>	_____
Mr. Moore	<u>X</u>	_____
Mr. Glackin	_____	_____
Mayor Aagre	<u>X</u>	_____
Alt #1 Mr. Belasco	<u>X</u>	_____
Alt #2 Mr. Grossman	<u>X</u>	_____
Alt #3 Mr. Lencsak	_____	_____
Alt #4	_____	_____

**Motion passes.**

**Mr. Liston:** He stated that all construction should require site plan approval. He feels this work is more than façade changes as it is a \$500,000 project. The redevelopment plan supercedes all other ordinances and it says all development must be approved with site plan review. Development under MLUL includes reconstruction/rebuilding. He is not presenting any expert testimony.

**Mr. Nehmad:** Stated that there were no changes to parking, use, bulk or design standards so the work is site plan exempt which is also stated in the Redevelopment Plan. It states that any topics not addressed in the plan are subject to the standards of the township's Land development board. This is the type of minor work that is exempt from site plan review. He feels that the zoning permit was properly issued. He is not presenting any witnesses.

**Attorney Vella swearing in Sharon Keegan, zoning official.**

**Ms. Keegan:** Stated that she has been the zoning official in Hazlet for 17 years. The zoning permit application was to renovate the façade on either side of the new Aldi store. She reviewed the plans and the Development Review Ordinance in making her decision. In her opinion, the work is site plan exempt because it is for façade changes only.

**Mr. Liston:** Stated that the town found that this property was blighted and in need of redevelopment and since the plan says all development must be site plan approved, that takes it out of the exceptions. He feels that the site plan should have been required.

**Mr. Nehmad:** Stated that Ms. Heard had done a review of the site plan and looked at the ordinances and redevelopment plan. He explained they had to be looked at together.

**Chairman Cavanagh asked for public comments. No one spoke.**

**Attorney Vella swearing in Bonnie Heard, T&M Associates.**

**Ms. Heard:** Confirmed that she used the Development Review Ordinance and the Redevelopment plan as the standard when she reviewed the application.

**Motion:** To affirm zoning official's determination.

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**Offered By:** Fabozzi

**Seconded By:** Moore

ROLL CALL

	<u>YES</u>	<u>NO</u>
Mr. Sachs	_____	_____
Mr. Cavanagh, Chairman	<u>X</u>	_____
Mr. Fabozzi	<u>X</u>	_____
Mr. Bossert	<u>X</u>	_____
Mr. Horner	<u>X</u>	_____
Mr. Sanfilippo, Vice Chairman	<u>X</u>	_____
Mr. Moore	<u>X</u>	_____
Mr. Glackin	_____	_____
Mayor Aagre	<u>X</u>	_____
Alt #1 Mr. Belasco	<u>X</u>	_____
Alt #2 Mr. Grossman	<u>X</u>	_____
Alt #3 Mr. Lencsak	_____	_____
Alt #4	_____	_____

**Citizen Hearing: No one spoke.**

**Motion to close citizen hearing:**

**Offered By:** Aagre **Seconded By:** Horner

**VOICE VOTE:** Yes

**Motion to Adjourn:**

**Offered By:** Aagre **Seconded By:** Horner

**VOICE VOTE:** Yes

**Respectfully submitted:**

**Laura McPeek**