

1st: Moore
 2nd: Horner
 Date: 10/17/19

Minutes of October 3, 2019

The Regular Meeting of the **Hazlet Township Land Use Board** scheduled for October 3, 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. Sanfilippo, Mr. Sachs, Mr. Glackin, Mr. Moore, Ms. Bossert, Mr. Horner, Mr. Bace, Mr. Grossman, Mr. Lencsak

Absent: Mr. Cavanagh, Mr. Fabozzi

Professionals: Mr. Vella, Esq., Mr. Mullan-T&M, Mrs. Keegan-Zoning Official

Motion: To approve the minutes of the regular meeting of September 19, 2019

Offered By: Horner **Seconded By:** Bace

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

Motion passes.

Memorialization case #19-18L: Ronko Developers; Munro Avenue, Block 39, Lot 14, R-70 zone. Board declined to hear case as it was found to be not substantially different from the previous application that had been denied.

Offered By: Moore **Seconded By:** Bossert

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	_____	_____

Mr. Sanfilippo, Vice Chairman	<u> X </u>	<u> </u>
Mr. Fabozzi	<u> </u>	<u> </u>
Ms. Bossert	<u> X </u>	<u> </u>
Mr. Horner	<u> </u>	<u> </u>
Mr. Moore	<u> X </u>	<u> </u>
Mr. Bace	<u> X </u>	<u> </u>
Mr. Glackin	<u> X </u>	<u> </u>
Mr. Sachs	<u> X </u>	<u> </u>
Alt #1 Vacant	<u> </u>	<u> </u>
Alt #2 Mr. Grossman	<u> </u>	<u> </u>
Alt #3 Mr. Lencsak	<u> </u>	<u> </u>
Alt #4 Vacant	<u> </u>	<u> </u>

Memorialization case #19-20L: Wilder; 5 Rosemary Drive, Block 197.01, Lot 34, R-70 zone. Applicant was granted a variance to retain existing paver driveway with a 0' setback where 3' is required and retain existing shed with a 1' rear yard setback where 2' is required.

Offered By: Bace **Seconded By:** Moore

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

Memorialization case # 19-04L: M&A Rentals, 2150 Florence Ave; Block 62, Lot 1, R-100 zone. Applicant was granted Use Variance and Subdivision approval to convert the existing home to a two family dwelling and construct an additional single family home on new lot.

Offered By: Bace **Seconded By:** Horner

<u>ROLL CALL</u>	<u> YES </u>	<u> NO </u>
Mr. Cavanagh, Chairman	<u> </u>	<u> </u>

Mr. Sanfilippo, Vice Chairman	<u> X </u>	<u> </u>
Mr. Fabozzi	<u> </u>	<u> </u>
Ms. Bossert	<u> </u>	<u> </u>
Mr. Horner	<u> X </u>	<u> </u>
Mr. Moore	<u> X </u>	<u> </u>
Mr. Bace	<u> X </u>	<u> </u>
Mr. Glackin	<u> </u>	<u> </u>
Mr. Sachs	<u> </u>	<u> </u>
Alt #1 Vacant	<u> </u>	<u> </u>
Alt #2 Mr. Grossman	<u> X </u>	<u> </u>
Alt #3 Mr. Lencsak	<u> </u>	<u> </u>
Alt #4 Vacant	<u> </u>	<u> </u>

Memorialization case # 19-23L: JAKR LLC/Robert Fani; 4 Beaver Street; Block 206, Lot 9, R-70 zone. Applicant received approval to construct a 12x12 rear dormer addition with variances for side yard and combined side yard setbacks.

Offered By: Bossert **Seconded By:** Bace

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

Memorialization case # 19-22L: Bailey, 391 Middle Road; Block 120, Lot 76, R-100 zone. Applicant received approval to construct a rear addition, 2 story breezeway and 2 story garage with variances for side yard setbacks.

Offered By: Horner **Seconded By:** Bossert

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u> </u>	<u> </u>
Mr. Sanfilippo, Vice Chairman	<u> </u>	<u> </u>
Mr. Fabozzi	<u> </u>	<u> </u>

Ms. Bossert	<u> X </u>	_____
Mr. Horner	<u> X </u>	_____
Mr. Moore	_____	_____
Mr. Bace	<u> X </u>	_____
Mr. Glackin	_____	_____
Mr. Sachs	_____	_____
Alt #1 Vacant	_____	_____
Alt #2 Mr. Grossman	_____	_____
Alt #3 Mr. Lencsak	<u> X </u>	_____
Alt #4 Vacant	_____	_____

For Board Discussion: Special meeting request by Costco:

No mutually agreeable date could be determined by board, case to remain on agenda for 12-5-2019.

New case #18-15L: Ventura Partners LLC; 561 Holmdel Road, Block 215, Lots 8-10 and 23-25, R-70 zone. Applicant is requesting Preliminary and Final Major Subdivision approval to construct six single family residential homes on property. Variances requested for lot area, width and frontage on Lot 8.01.

Accepted jurisdiction - carried to October 17, 2019.

Carryover case #19-03L: Palmer Beauty Supply, 549 Palmer Ave; Block 156, Lot 4, R-50 zone. Applicant is seeking Use variance and Site Plan approval to add a residential apartment to an existing non-conforming commercial use. Bulk variances required for existing non-conformities.

Board was advised the Use Variance is being withdrawn for the residential use and the application will only be for expansion of the commercial use. Architectural plans are required prior to hearing. Carried to November 7, 2019.

New case # 18-22L: Shoreline Plaza LLC; 645 Holmdel Road, Block 229, Lot 1, BN-2 zone. Applicant is seeking Preliminary and Final Site Plan and Use Variance approval to construct a mixed use development consisting of 21 two bedroom and 8 one bedroom residential units and retail space.

Carried to November 7, 2019.

Carryover case # 19-19L: Clark; 64 Nevada Drive, Block 110, Lot 4, R-70 zone. Applicant is seeking variance approval to retain an existing wood deck with gazebo and paver patio purchased with the home. Variances requested for side and rear yard setbacks and lot coverage.

Lisa Clark, 64 Nevada Drive sworn in.

Exhibit A-1 marked as Survey dated 4-9-2019 and Exhibit LUB-1 marked as T&M's report dated 7-15-2019.

Ms. Clark: Explained that they had purchased the home with the deck, gazebo and patio existing. The sellers disclosed to them that a variance would be required to retain the items in their current location. There is a 6' fence between her yard and the neighbor's yard as well as a shed on the neighbor's side that buffers the view of the gazebo. She stated that the neighbors do not have an issue with it. There have been no water or drainage issues on the property.

Exhibit A-2 marked as Picture of gazebo.

Mr. Mullan: Explained that the deck with gazebo required side and rear yard setback variances while the patio required a side yard setback variance. A lot coverage variance was also required. All necessary building permits would be a condition of approval.

Public comments. No one spoke.

Motion: To approve with conditions.

Offered By: Sachs **Seconded By:** Moore

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u> </u>	<u> </u>
Mr. Sanfilippo, Vice Chairman	<u> X </u>	<u> </u>
Mr. Fabozzi	<u> </u>	<u> </u>
Ms. Bossert	<u> X </u>	<u> </u>
Mr. Horner	<u> X </u>	<u> </u>
Mr. Moore	<u> X </u>	<u> </u>
Mr. Bace	<u> X </u>	<u> </u>
Mr. Glackin	<u> X </u>	<u> </u>
Mr. Sachs	<u> X </u>	<u> </u>
Alt #1 Vacant	<u> </u>	<u> </u>
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Alt #3 Mr. Lencsak	<u> </u>	<u> </u>
Alt #4 Vacant	<u> </u>	<u> </u>

Carryover case #19-09L: Kmart Redevelopment II/OASG LLC; 3010 Highway 35; Block 239, Lots 1 & 1.01, BH zone. Applicant is seeking Preliminary and Final Site Plan approval to construct a Wawa convenience store with gas, Panera Bread restaurant and additional free standing restaurant as part of Hazlet Town Center Redevelopment.

Edward Liston, attorney came forward to continue cross examination.

Mr. Nathan Mosley, traffic engineer advised he was still under oath.

Mr. Mosley: Stated that he had done traffic report scenarios including and not including a Wawa and found that the impact was minimal. There were new trips generated during peak hours but the levels of service on the roadway remain the same. He used the shopping center industry standard numbers to do his analysis. These numbers take into account the outlying uses such as restaurants, banks etc. The traffic counts were done in 2017 and growth factors were applied. Summer traffic counts were done in 2019. The driveways along Bethany Road (Bethany Commons, Ashleigh Drive) were accounted for. An application is pending with NJDOT for approval.

Matthew Flath, Onyx Equities (previously sworn).

Mr. Flath: Stated he is a representative of the owner, Onyx Equities. He is responsible for finding tenants for the center. He was contacted by Wawa to express their interest in developing this site.

Public comments:

Justin Dempsey, 12 Boyd Road sworn in.

Mr. Dempsey: Expressed his concern about air quality from the underground fuel storage tanks for the gas station with a restaurant right next to it.

Matthew Rutt, engineer (previously sworn).

Mr. Rutt: Stated it is not unusual for a gas station to be next to a restaurant and he has worked on many applications with this situation. All state standards must be met and air quality is strictly regulated.

Laura Pavlichek, 7 Brailley Lane sworn in.

Ms. Pavlichek: Discussed limits on the number of gas stations permitted in a certain distance.

Public portion closed.

Bahman Izadmehr, engineer sworn in.

Mr. Izadmehr: Discussed the intensity of the uses on the site- Restaurants, stores, gas station. He does not feel that the gas station belongs in the shopping center and the use is too intense for the site.

Andy Thomas, professional planner sworn in.

Mr. Thomas: Expressed his concern regarding the traffic circulation around the site of the Wawa. There is no available parking for vehicles with trailers such as landscaping trucks and he feels it could create parking and traffic issues.

Carried to October 30, 2019 (special meeting).

Executive Session: To discuss pending litigation Re: Devino & Jackiewicz ads HLUB and adoption of Settlement Resolution.

Offered By: Glackin **Seconded By:** Sanfilippo

Close Executive Session:

Offered By: Glackin **Seconded By:** Sanfilippo

Settlement Resolution Devino & Jackiewicz ads HLUB:

Motion: To approve settlement

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

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u> </u>	<u> </u>
Mr. Sanfilippo, Vice Chairman	<u> X </u>	<u> </u>
Mr. Fabozzi	<u> </u>	<u> </u>
Ms. Bossert	<u> X </u>	<u> </u>
Mr. Horner	<u> X </u>	<u> </u>
Mr. Moore	<u> X </u>	<u> </u>
Mr. Bace	<u> X </u>	<u> </u>
Mr. Glackin	<u> X </u>	<u> </u>
Mr. Sachs	<u> X </u>	<u> </u>
Alt #1 Vacant	<u> </u>	<u> </u>
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Alt #3 Mr. Lencsak	<u> </u>	<u> </u>
Alt #4 Vacant	<u> </u>	<u> </u>

Citizen Hearing: No one spoke.

Motion to close citizen hearing:

Offered By: Moore **Seconded By:** Bossert

VOICE VOTE: Yes

Motion to Adjourn:

Offered By: Moore **Seconded By:** Bossert

VOICE VOTE: Yes

Respectfully submitted:
Laura McPeck