

- A-4 Minor subdivision development plan prepared by Joseph J. Kociuba, KBA Engineering Services dated 3/20/19 revised 4/19/19
- A-5 Architectural plan of Lot 19.01 dated 4/23/2019 prepared by Paul Grabowski
- A-6 Architectural plan of Lot 19.02 dated 4/23/2019 prepared by Paul Grabowski
- B-1 Minor subdivision plan completeness review letter #1 dated 4/12/19 prepared by B. Papi
- B-2 Minor subdivision plan engineering review letter #1 dated 5/30/19 prepared by B. Papi
- B-3 Planning review letter 6/13/19 prepared by Jennifer Beahm

Brent Papi; Christine Bell; William Connellan and Joseph Kociuba of KB Engineering Services, Manasquan, New Jersey sworn by Mr. Leckstein

Mr. Connellan stated that Osprey Martin is a parent company of the contract purchase owner of the property, 535 Old Mill LLC. Mr. Connellan described his prior experience in development of 7 homes in Spring Lake Heights. Mr. Connellan stated that the proposed homes on Old Mill Road would be similar to the development he had done on Sussex Avenue. Mr. Connellan described the building materials for the roof and house and added that they will meet the Energy Star Program. Mr. Connellan added that they will meet drainage requirements. Mr. Connellan stated that they would be removing some dead trees in the back, taking down some dogwood trees and that they will be replacing any trees taken down. Mr. Connellan stated the buffer that currently exists in the rear of the property will remain.

Mr. Leckstein asked if the architectural plans reflect what will be built. Mr. Rubino stated that yes but that applicant does not want to be held to the exact houses; it is a minor subdivision; the houses will be put up for speculation. Mr. Rubino added that these are oversized lots; the houses do not take up building or impervious coverage. If someone wants to make some changes to their house, they would like to be able to accommodate that. Mr. Leckstein stated for the record that what is seen on the plan is not necessarily the house that will be built. Mr. Leckstein added that the houses do not have to be shown for the subdivision. Mr. Rubino stated the chances are they will be similar. Mr. Connellan stated any house that is built will meet borough requirements. Mr. Leckstein added if not, they will be back for any necessary variance.

Mr. Connellan stated that they plan on beginning the project after closing in September. Mr. Connellan stated that there is no intention of putting fencing up, although there is a split-rail fence on the south side of the property next to borough property that they would like to leave. Mr. Connellan stated that the water, sewer and gas is on the west side of the road. Mr. Connellan added that any road opening permit, police detail and permitting process will be followed. Chair Eilenberger asked if the existing house and shed will be taken down. Mr. Connellan said yes. Mr. Manger asked if Mr. Grabowski had designed the homes on Sussex Avenue. Mr. Connellan said yes. Mr. Manger asked why the garages were placed in the front of the house. Mr. Connellan stated cost and leaving the yards open for a possible pool. Mr. Manger asked if the curbing would be redone in the front of the house. Mr. Connellan stated that whatever is required, they will do; sidewalks will go in and any damaged curb will be replaced. Chair Eilenberger stated that the garage cannot be forward of the house. Chair Eilenberger also stated that front porches have to remain open and cannot be enclosed; there can be screening for summer, but they cannot be winterized. Mr. Rubino asked if the ordinance states that. Ms. Hayduk said yes. Mr. Connellan stated borough requirements will be met. Ms. Hayduk referred to the drawing and stated that garages are not allowed out further than the house even if it meets all other requirements. Mr. Rubino stated that they will do what the ordinance states. Ms. Hayduk added that the homes Mr. Connellan has been involved in are beautiful. Ms. Hayduk added she will be checking on the silt fencing.

Chair Eilenberger asked Mr. Papi if he had anything to add. Mr. Papi stated to note the stormwater drainage system and review the grading.

Chair Eilenberger asked if there were any questions of Mr. Connellan.

Mr. Leckstein asked if the public had any questions.

Mr. Rubino stated the applicant's intent to perfect the subdivision by deed and that they would supply a copy of the deed to the board attorney and engineer for review.

Joseph Kociuba reviewed his academic and professional credentials as a licensed planner and licensed engineer. Mr. Leckstein accepted Mr. Kociuba's credentials based on the board having no questions on Mr. Kociuba's credentials.

Mr. Kociuba stated that the existing home on the property is in a R3 zone on an oversized 150 by 150 lot. Mr. Kociuba added that the property bordering Wall Township on the west is public open space. Mr. Kociuba stated that the structure and shed and fences will be removed. Mr. Kociuba added that a fence on the south side of the property, which is borough owned will remain. Mr. Kociuba stated that two 75 by 150-foot oversized lots with two residential dwellings with driveways and garages that comply with the borough ordinance is proposed. Mr. Kociuba stated sidewalks will be put in and damaged curbing will be replaced. Mr. Kociuba stated some trees will be moved. Mr. Kociuba stated that some new trees will be planted. Mr. Kociuba stated building height and lot coverage will comply and will be shown correctly on the plan. Mr. Kociuba stated that drainage will continue to drain in its current condition, and that there are currently no problems with drainage. Mr. Kociuba stated he spoke to the board engineer regarding size and placement of drywells and there are no objections to the engineer's comments. Mr. Kociuba added that when the actual homes are built, any proposed drywells will comply with any new ordinance. Mr. Kociuba stated there is no impact to the neighborhood, the aesthetics are being improved and no variances are requested.

Mr. Rubino added that he agrees to a minor subdivision plan filed by deed and will meet other requirements if necessary. Mr. Rubino added that the final grading plan will be filed at the time of building permits being obtained. Mr. Kociuba stated he agrees. Mr. Rubino asked if the applicant can meet all town and state drainage requirements. Mr. Kociuba said definitely. Mr. Kociuba added that they will obtain a no interest letter from Freehold Soil prior to construction. Mr. Rubino asked about police and fire officials. Mr. Papi stated applicant should email them as well as Public Works.

Mr. Rubino stated he will have the architect change the layout of the garage so it will comply with the ordinance. Mr. Kociuba stated they will comply with garage requirements for the approval process. Mr. Papi said that he has spoken with the applicant's engineer and that he is satisfied with everything testified to. Mr. Papi added that it is important that the resolution indicates that drywells will be resized accordingly with the house plans. Mr. Kociuba stated a bigger house, bigger drywell.

Ms. Hayduk stated her concerns with water run-off, the driveway and drainage. Mr. Kociuba stated he understands and that they are providing drywells where there currently is none.

Mr. Rubino added that applicant is willing to mark trees that will come down if the engineer wants to look at which ones are to come down. Mr. Rubino added applicant will leave the 10-foot buffer in the backyard but they do not want future owners prohibited from removing trees that they may want removed. Mr. Leckstein said not to have it in the resolution then. Mr. Rubino said to put it into the resolution for the applicant's purposes but that future owners have the right to tree removal. Mr. Leckstein clarified it is a 10-foot buffer that is in the rear. Mr. Rubino said yes.

Chair Eilenberger asked Mr. Leckstein to go over the conditions of the resolution. Mr. Leckstein stated the conditions for the resolution would be to perfect by deed and that the deed will be reviewed; in addition, applicant will comply with all notes by the professionals. Mr. Manger asked if leaving the 10-foot buffer will be a condition in the resolution. Mr. Leckstein stated that is not a condition; it is a representation by the applicant that they will leave a 10-foot buffer, but it is meaningless for the next owner who may want to get a tree clearance permit and not have a 10-foot buffer. Mr. Papi added that it is important to note in the resolution that if the board approves the application, that the drywells will be sized according to the building size. Mr. Leckstein confirmed that drywell size has to comply with building size. Mr. Papi said yes. Chair Eilenberger asked if there was anything else.

A motion was made by Mr. Manger to approve Application 2019-02 to subdivide Block 24 Lot 19 into two 75 by 150 lots with stipulations as noted and the size of the drywell to comply with the size of the house, seconded by Mayor O'Brien.

Roll call taken as follows:

AYES: Ms. Hayduk; Councilman Willms; Mr. Manger; Mayor O'Brien; Ms. Stader; Chair Eilenberger
NAYS: None
ABSTAIN: None

Mr. Papi and Ms. Bell left the meeting at 7:27 p.m.

Discussion: Planning Board Rules and Procedures

Chair Eilenberger stated under the Rules and Regulations, Chapter 1, Section 1-1 she would like to change the organization meeting from the 3rd Wednesday in January each year to to be done by the end of January. Mr. Leckstein stated that is a good idea. Mr. Leckstein asked who will draft the new rules. Ms. Hayduk and Chair Eilenberger confirmed Mr. Leckstein will not be drafting the new rules.

Chair Eilenberger stated in Chapter 1 Section 3-5 the voice of the public is under Order of Business, K. Mr. Leckstein explained why it is preferable to remove the voice of the public from planning board agendas. Mayor O'Brien confirmed that there would be a voice of the public on applications. Mr. Leckstein said yes.

Chair Eilenberger asked about completeness, under Part II, 2-1, Procedures. Administration of Applications, Completeness. Chair Eilenberger stated that in the board procedures it states the board or its designee determines completeness, but under Land Use Ordinance Section 22-405 Filing Procedures the board is the approving authority. Chair Eilenberger read the ordinance. Mr. Leckstein said typically smaller towns do delegate to the zoning officer or their engineer to deem applications complete, but the board does have the jurisdiction to deem applications complete. Chair Eilenberger asked if they should designate someone else or pass the authority over. Ms. Hayduk stated she likes the language in the board's procedures. Ms. Hayduk added that Brent has been doing a great job with the completeness reviews and that the engineer is more knowledgeable. Mr. Leckstein stated that it is logical to do it that way; that way applicant does not come to meetings to be deemed complete and have to come to another meeting. Ms. Hayduk stated that the board can ask council to put to "planning board or designee" in the Master Plan. Mr. Leckstein stated that the ordinance does not need to be changed. Chair Eilenberger stated that the board regulations state "in accordance with the Land Use Ordinance" and that the Ordinance just says the board is the authority. Mr. Leckstein stated that the board is the authority and has the right to delegate that authority.

Ms. Stader asked about hearing notices and stated that a notice can be date stamped in an office on a machine with a date that is not the actual mailing date. Mr. Leckstein explained the notice procedure. Ms. Hayduk stated the date requirement is statutory and cannot be changed.

Chair Eilenberger asked if there were any master plan comments or anything else to discuss.

Voice of the Public – Open

Voice of the Public – Close

Adjourn: On a motion by Mayor O'Brien and seconded by Ms. Hayduk, the meeting was adjourned without objection at 7:53 p.m.

Approved by the following vote:

All in favor
None opposed
No abstentions

Respectfully submitted and approved:



Date: July 17, 2019

Mary Ellen Karamus
Board Secretary