

ALLOWAY TOWNSHIP PLANNING BOARD

Township Municipal Building, Auditorium
49 South Greenwich Street
Alloway, New Jersey 08001

MINUTES FOR REGULAR MEETING – June 9, 2010

Meeting called to order at 7:08 P.M.

Statement of adequate notice of meeting was read and the flag salute performed.

Present: Alexis Coleman, Karl Ott, Ed Masker, Jack Cianfrani (arrived at 7:22 P.M.), Allen English, Walter Leslie, Cheryl Lowe (arrived at 7:14 P.M.), Craig Kane, Betsy Burden (Alternate No. 1; arrived at 7:18 P.M.), and George Reeves (Alternate No. 2)

Absent: Joe Fedora

Also present: Michael Albano, Solicitor; Charles Chelotti, Engineer

Swearing in of new members, Craig Kane, and Alternate No. 2, George Reeves.

A Motion was made by English, seconded by Ott, to approve the minutes from the May 12, 2010 meeting. Unanimous voice vote.

Solicitor Albano advises HKS Holdings, LLC (Block 87, Lot 6) will be continued to July 14, 2010 meeting.

Chairman Coleman opens the meeting to the public for comment on matters not on the agenda.

Solicitor Albano questioned whether anyone was taping the meeting. A negative response was received.

Public Comment:

Matt Blake of the American Littoral Society in Millville addressed the Board regarding the Township's current Clustering Ordinance and provided a letter with recommended changes thereto.

Public Comment:

Francis Ponti questioned whether HKS will have their final hearing on July 14 and, if so, what will be reviewed at that time.

Public Comment:

Curtis Hurff questioned if informational meeting with HKS professionals was recorded. Solicitor Albano advised the informal meeting was held on June 8, 2010 and said meetings are not recorded. Mr. Hurff also questioned regarding the stagnation of the lake due to the proposed HKS development.

Resolutions: None.

Business: 1. Minor subdivision application, Gregory and Sherri Garton – Block 64, Lot 10. Applicant's son, Matthew W. Garton, was sworn in. Solicitor swears in the Board Engineer. A Proof of Publication and receipts for properly noticing adjoining property owners of the application were received and reviewed. Mr. Garton discussed the required variance (1.41 acre lot vs. required 2.0) and advised it was the only feasible shape due to

the configuration of the property. An additional line adjustment would create additional variances. The joint driveway was also discussed. Mr. Chelotti briefly re-reviewed his May 5, 2010 letter and agreed with Mr. Garton's ideas regarding lot configuration; confirmed that the required easement and two (2) deeds will be filed at the same time. Mr. Leslie questioned the shared driveway, as well as Mr. Reeves. Messrs. Ott and Cianfrani requested the positive/negative criteria for lot size requirement. Solicitor Albano advised same was considered a soft "C" or "B" variance. C1 is what was asked for, as well as advising positive/negative criteria are not considered for a bulk variance. He additionally discussed different ways for placement of homes. Further discussion was had regarding deed restricting a portion of the parental lot of .6 acre to avoid future development. The Board then discussed going to back the original new lot size of 1.27 acres, then deed restricting .73 of an acre elsewhere (again, to hinder further development). Lastly, Mr. Chelotti reviewed the requirement to have received the Letter of Interpretation (LOI) from the NJDEP prior to issuing a building permit, as well as including the Right-to-farm language in the deeds. No public comment either for or against the application. A motion was made by Mr. Cianfrani, seconded by Ms. Burden. Roll call vote: 7-0 in favor; Kane and Leslie abstain.

2. Minor subdivision application, Bruce Smith – Block 106, Lot 6. Applicant was sworn in. A Proof of Publication and receipts for properly noticing adjoining property owners of the application were received and reviewed. Solicitor Albano again advised Applicant of the self-created hardship (flag lot). The Applicant advised seven of the twelve greenhouses have been removed and others are to be removed in the near future (as this would have necessitated a variance due to the greenhouses traversing the newly created property line). The bulk pre-existing condition, i.e. front yard setback of home being 14.5' off the road, was discussed. Solicitor Albano again discussed the Kohl v. Council of Fairlawn case regarding noticing of a proposed change to the lot of the pre-existing condition. Mr. Chelotti, the Board's Engineer, again requested all deeds contain the "Right-to-Farm" language and briefly discussed the waiver with regard to lot width versus depth. No public comment either for or against the application. A motion was made by Mr. Cianfrani, seconded by Mr. English. Roll call vote: 7-0 in favor; Kane abstain.

Public Comment:

Curtis Hurff questioned the letter to Solicitor Telsey regarding engineering fees charged to HKS, as well as acknowledging his approval of the Zoning Board being absorbed into the Planning Board.

Public Comment:

Anne Sullivan commented on the HKS letter to Solicitor Telsey. Solicitor Albano advised HKS must first pay the engineering fees, then the Township Committee will review the accuracy of the fees charged. If a discrepancy is found, HKS may file with the Construction Board of Appeals.

Public Comment:

Sharon Coleman questioned why Solicitor Albano inquired if anyone in the audience was taping the meeting. He advised there is a case, i.e., Pine Hill v. Tarus regarding same. The Township can, but currently does not, have a policy regarding taping. If there is no policy in place, a municipality can require the identity of the person, their address, and other contact information and may request a copy of the tape. A brief discussion was had regarding the advantages/disadvantages of informal tapings. There was additionally a brief discussion whether the Planning Board was acting on behalf of the Zoning Board at the within meeting. No further comment.

A brief mention, as noted above in the Public Comments, was had regarding the HKS letter to the Township Solicitor.

No comment to the Upper Pittsgrove Notice regarding a solar application provided as correspondence for review by the Board.

Notice was provided that the PIG Grant will be discussed at the July 14 Planning Board meeting, as well as Randy Sheule's attendance to lead a discussion regarding wind/solar/biomass ordinance formulation.

A motion was made to go into Closed Session by Ott, seconded by Masker. Unanimous voice vote.

Closed Session - approximately one hour.

On motion by Lowe, seconded by Burden, the meeting is adjourned at 9:25 PM. Unanimous voice vote.

Respectfully submitted,

Suzanne D. Pierce
Planning Board Secretary