

The regular meeting of the Waterford Township Planning Board was called to order by Chairman Giangiulio followed by the salute to the flag.

Chairman Giangiulio read the notice to the public.

Roll call was taken and the following members were present: Mayor William Richardson, Al Campbell, Roe Iles, Ralph Condo, Lynn Ferguson, Tom Giangiulio, and Jon Becker. Also present were Ed Toussaint Zoning Official, and Rich Wells, Board Solicitor. Those absent were Mike Achey, Rich Jacoby, and Brian Kraus. All board professionals were sworn in at this time.

Motions for adjournments of cases or other motions:

Donna Christy, Block: 2001 Lot: 81 & 82, 509 White Horse Pike, Dual Use.

(Table application for further review)

Appearing on behalf of the applicant is Mark Rinaldi Esq. Mr. Rinaldi requested that the application be tabled until December 21st, due to the Courier Post publication. It was scheduled to be in the paper on November 27th, however Black Friday publications get pushed back, so we need to request to table this application, and not be required to re-notice or publish. Mayor Richardson made a motion to table, and Mr. Condo seconded the motion. On roll call vote:

W. Richardson	Yes	R. Beswick	Yes
A. Campbell	Yes	R. Iles	Yes
R. Condo	Yes	L. Ferguson	Yes
T. Giangiulio	Yes	J. Becker	Yes

New Business:

None

Old Business:

Jeff Baron to discuss an update for the DAS application. Appearing before the board is Jeff Baron Esq. This is a 9 lot subdivision that has been granted by the board and the County has issued a conditional approval. In the center of the approved plan, it is one of the subdivided lots, they have put in new septic, and renovated the existing home, and would like to sell it. If they sell it in it's current form, they would sell the entire subdivision. The applicant is requesting that the bonds and escrow be posted only for that single lot, and they agree that they will not be able to file the subdivision plat until the remainder bond and escrow is posted. The father is ill and his daughter Rita is moving forward. No building permits will be issued until that is addressed as well. The builder will be the one posting escrow and bonds for the project.

Mr. Toussaint stated he checked with the County, and if the house was sold with septic, is it a standard gravity system, and the current lot is 1.9 acres. If the house was new it would need to be 3.2 acres, and since the house was existing, the repair will not require Pinelands approval. The existing septic system was replaced, not repaired and should have met the design standards for the current size lot which it does not. Mr. Toussaint checked with the County and Pinelands, no one has an answer for him. Mr. Baron stated the Pinelands do not enforce that. Mr. Baron stated the applicant applied to the County for the new system, however they did not apply to the Pinelands, due to the fact that the house was existing. If any of the other units are built, they will need to connect to water and sewer. Mr. Baron agreed to speak to Chuck Horner to get correspondence from him as long as there are no other lots developed that they are ok with the system. Mr. Toussaint stated he thinks they gave the approval based on the entire parcel, not the proposed subdivided lot. Mr. Condo asked if the County gave the approval knowing the lot was going to be subdivided. Mr. Baron stated yes, the County Plan was at the Planning Board when the septic application was in. Whether the inspector knew it or not Mr. Baron does not know. Mr. Toussaint stated they are 2 separate County entities. Chairman Giangiulio asked how the Pinelands doesn't have jurisdiction when we have to abide by their standards. How does the County issue a septic permit without checking with Pinelands? Mr. Condo explained this is a standalone lot, 7 acres, existing house, Pinelands does not have jurisdiction. Mr. Baron interjected stating that we meet the requirements of the 3.2 acres, and the use is continued. The County came out, looked at the system, and approved it. Mr. Baron stated the remainder of the lots will never be developed unit water and sewer is installed. Mr. Condo added at this point, is the request due to the septic system? Mr. Baron stated we cannot get a permit until all lots are connected to water and sewer, and the request is not due to the septic system. Mr. Toussaint added that a property cannot be sold with a cesspool, and the project was at a standstill until the cesspool was removed since the house cannot be sold with a cesspool. Mr. Toussaint also informed the board that there is another subdivision that is sitting vacant on Jackson Road until sewer and water are hooked up. Chairman Giangiulio commented that his concern is that a 1.9 acre lot is anticipated for this lot, and will not be conforming when the subdivision is finalized. Chairman Giangiulio addressed the original approval and discussions of sidewalks, curbs, and various other things at that time. Mr. Baron commented that the County inflicted improvements that were unknown at the time of application. Chairman Giangiulio stated we would be approving a variance for an undersized lot. Mr. Wells agreed with Chairman Giangiulio, and stated that water and sewer can't happen until the subdivision is approved. Mr. Baron stated the applicant cannot get developers, or even spot lot builders without the water and sewer put in. Mr. Wells stated we have 3 options, we can completely deny the application, we can honor a request for an amended application to include a variance for this, and the third option is to have the board reach out to County and Pinelands, and pending the outcome of their approvals, will assist in our decision. Chairman Giangiulio stated he is simply concerned with the size of the lot based on the ordinance. Mr. Condo asked if the applicant had anyone working with them, or advising them, and are they looking for the board to fix their situation, as they created the problem. Mr. Baron informed the board this was a very financially viable project, and once the county put all the requirements on the applicant, it is now financially difficult. Mr. Condo suggesting making that house lot a conforming lot. Mr. Baron looked at the plan, and stated they would lose 3 lots, and the project would not be financially viable.

Mr. Baron informed the board that at the County level things changed, the new Engineer tries to get all the improvements that they can. Mr. Condo stated he is aware of the current Engineer, and she follows protocol. Mr. Baron added that by having to create a larger lot, losing 3 lots, and still having to put in all of the required improvements, it would not make sense to do this project. Chairman Giangiulio stated he is not comfortable with possibly leaving 7 lots undeveloped. Mr. Baron stated at this point they are stuck. Mr. Becker added that this will create a chain effect. Mr. Condo questioned the information that was on the County application for the septic, did it reflect 7 acres, or a lot that was 1.9 acres? Mr. Baron stated the applicant Mr. Das completed and filed that application he did not see it. Mr. Baron stated he will go back to the Das family to either sell the lot as it is, with 7 acres, with the house and septic, or you cannot get 2 lots to get the 3.2 acres, or they would both be on septic and come back and do a 2 lot subdivision, or you keep what you have, and you must do the water and sewer first.

New Business

Fair Share Housing Plan

Mr. Toussaint introduced Barbara Fegley, Planner from ERI. At this time Ms. Fegley was sworn in. Ms. Fegley placed her credentials on the record, and informed the board that she prepared the 2008/2009 plan. 2008/2009 Plan was submitted to COAH, and the municipalities that participated filed a declaratory judgement with the court. The judge gave Waterford until December 14th to file their plan and other towns in other counties had to be in by December 4th. This is an element of the Master Plan what's presented is the housing element updating the census data. The fair share obligation on page 21 of the packet, the obligation was 268 at the time, and contracted with Brushell report, numbers were less than the Kinsey report in July of 2015. The Kinsey report showed need was 0, prior obligation was 102, and third round from 1999 to 2025 is 292. For this plan we submitted what was available in 2014. At that time you had to project a growth share for residential and nonresidential development. The rehab was 43, prior round was 102, and the projected growth share was 106. A new report Econsult by December 16th, we have no idea what those numbers will be. Chairman Giangiulio asked which report is legally binding. Mayor Richardson stated whichever report the judge decides. Ms. Fegley stated what we did, was take all the credits that we knew, and we put block 601, lots 44, and 45 were put into the plan. We think we can get 117 with the pinelands development credit. Mr. Beswick questioned the credits listed for the existing units. Chairman Giangiulio stated yes we get credit for the existing units. To meet our Fair Share Housing Mayor Richardson explained that we have an additional 106/107 units that have to be built, which includes what is already there. The groups going to the courts are stating those numbers plus 292, and numbers will fall in-between, and we don't decide, the judge does. Ms. Ferguson asked how does the fact that we are predominantly Pinelands, and State forest count. Ms. Fegley stated we are back into the second round and you had vacant property adjustment. We looked at that, but there are large areas in the growth area, highway business that could accommodate a lot of units. Mrs. Ferguson stated they don't care if your town needs commercial development or not. Ms. Fegley stated what may happen is they appoint a court master that is more familiar with all the ins and outs, and COAH regulations. Mayor Richardson stated due to Legislature not doing anything with it, the courts took it over. Ms. Fegley informed the board that they left the disabled veterans in there, even though it won't count for credits, but at this point we don't know what will happen with the new report. Mayor Richardson added that there are several towns that are currently in the midst of a Builders

remedy lawsuit. With nothing further, Chairman Giangiulio opened this portion of the meeting to the public. Mr. Condo made a motion to recommend the adoption of the plan, and Ms. Ferguson seconded. On roll call vote:

W. Richardson	Yes	R. Beswick	Yes
A. Campbell	Yes	R. Iles	Yes
R. Condo	Yes	L. Ferguson	Yes
T. Giangiulio	Yes	J. Becker	Yes

Mr. Condo made a motion to adopt the resolution 2015-16, and Mrs. Ferguson seconded the motion. On roll call vote:

W. Richardson	Yes	R. Beswick	Yes
A. Campbell	Yes	R. Iles	Yes
R. Condo	Yes	L. Ferguson	Yes
T. Giangiulio	Yes	J. Becker	Yes

Communications / Discussions:

Mr. Toussaint addressed a letter that was in everyone's packets regarding Tuckahoe Turf Farm. As part of the approvals from Waterford and Hammonton, they are required to submit a zoning application including the schedule and times of events. Hammonton received one, and we need to copy the Pinelands and there are some discrepancies. There is a restriction on play time of 192 total hours not including practices according to Hammonton's agreement. The application that was received exceeded that. Also, part of our approval we did not set a time limit. Mr. Condo recalls that our approval stated to include all of terms and conditions in accordance with Hammonton's approval. Chairman Giangiulio asked what qualifies this as a low intensity use. Mr. Toussaint stated we don't have to do anything, however Tuckahoe Turf Farm has to come up with a total amount of time, and Pinelands determines the amount of time being a low intensity use. Mr. Toussaint will need to deny their Zoning application. Tuckahoe Turf came up with the hours, and that has to be specified in their application with Hammonton and with Waterford. They will need to come back to amend their application to include playing time of 192 hours, or go back to Pinelands to request more hours.

Resolutions:

None

Minutes:

None

Reports:

None

Public:

None

Board Comments and Questions:

None

Adjournment:

Mr. Becker made a motion to adjourn the meeting, and Mayor Richardson seconded the motion. All in favor, meeting adjourned.

Respectfully Submitted,

Ed Toussaint, Planning Board Secretary