

**LAND USE BOARD**

MINUTES

April 16, 2018

The April 16, 2018 Joint Land Use Board meeting of the Township of Waterford, called to order at 7:00 pm by Chairman Ralph Condo

In accordance with Chapter 231, Public Law, 1975, *Open Public Meeting Act*, notice of time, date and place for this meeting was sent as part of the annual notice to the Courier Post and Record Breeze, and is posted in the Municipal Building.

Salute to the flag.

**Notice:**

The Planning Board reserves the right to change the order of the published agenda. All changes will be announced at the start of each meeting.

It is the intent of the Board to not begin a new application after 10:30 PM and take no testimony after 11:00 PM.

For those of you in attendance with a cell phone, please turn it off or put in on silent mode. Also, if it is necessary to have a conversation with the professionals involved with your application please do so outside the meeting room.

**ROLL CALL:** The following Board members answered present to the roll call vote: Mr. Achey, Mr. Becker, Ms. Ferguson, Committeeman Giangiulio, Mr. Howarth, Mr. Russomanno, Mayor Richardson, Chairman Condo, and Alternate #1 Mr. Hanna. Mr. Mauriello was absent.

**SWEARING IN OF PROFESSIONALS:** Mr. Boraske swore in Mr. Hanson, Joint Land Use Board Engineer.

**MOTIONS OF ADJOURNMENTS OR OTHER MOTIONS:** Chairman Condo noted that the Agenda should be amended to add one topic: New Business – Discussion of Waterford Township Ordinance 2018-10.

**OLD BUSINESS:** No Old Business

**NEW BUSINESS:**

1. Thomas & Sharon Brown, 2482 Ellwood Ave, Block 2802 Lot 1, Variance for Impervious Coverage of a lot.

Melanie Levan, legal counsel for the Browns, introduced Mark Malinowski (a representative of Stout and Caldwell Engineers) and Steve Chepurny (a representative of Beachwood Landscaping). Solicitor Boraske swore in Mr. Malanaski, Mr. Chepurny, Thomas Brown, and Sharon Brown.

Ms. Levan gave a brief overview of the history of 2482 Ellwood Avenue, noting that the Browns purchased the home over 40 years ago and that they are looking for a bulk variance to increase the impervious coverage of the lot. She listed the various improvements made to the home. Ms. Levan pointed out that the Browns received

permits for work completed as per Township statutes. Ms. Levan then presented the Board with "Exhibit A," which included pictures of the driveway and sidewalk which are both beginning to deteriorate.

Mr. Chepurny presented a plan to the Board with new stone and sidewalks. He noted that they would be pulling the driveway out and slightly enlarging the driveway. Mr. Chepurny presented "Exhibit B" to the Board which detailed the driveway configuration. There are currently two entrances to the driveway, but they intend to close off the entrance on Richards.

Mr. Malinowski noted his professional qualification for the Board. He then explained that the site currently drains from the rear of the property to the front of the property. They intend to improve the drainage on the property by installing a yard drain and accommodate for an increase in run off.

Township Engineer Jeff Hanson explained that the property is bound by residential except for the Old Nelson Food Market. The lot is approximately .5 acres. The homeowners are looking to increase the square footage by 950 square feet. The impervious coverage is currently 39.6% and they would like to bring it to 44%. Mr. Hanson noted that the existing sump pump will be removed and that the new drainage would not impact neighbors. He noted that in order to ensure that the neighbors aren't affected, the Browns should consider berming their mulch beds.

Director of Community Development Toussaint clarified for the Board that the Browns did receive permits, but there were some items that they completed that permits weren't necessary. He also pointed out that there are structures within the utility easement and that the Township would require the right to get into the ground if necessary.

Discussion ensued regarding placement of the drains, keeping silt out of the drains, types of soil usage, and the ability to access the drain pipes. Mr. Malinowski ensured the Board that the drains would be large enough to handle the water run-off. Township Engineer Hanson suggested requiring a maintenance plan to ensure the new drainage system does not fail.

Chairman Condo opened the meeting to the public for comments. There being no public comment, Chairman Condo closed the meeting to the public for comments.

Solicitor Boraske reviewed the application and reminded the Board that the applicant was requesting C1 bulk variance relief. The bulk variance is for relief from Township Code which limits impervious coverage to 30% (is currently at 39.6% and applicant is proposing 44.4%). Mr. Boraske noted the condition of approval of a maintenance plan to ensure the drainage system on the property is functioning properly.

*Moved by Committeeman Giangiulio, 2nd by Mr. Howarth to approve the Bulk Variance as requested for 2482 Ellwood Avenue, Block 2802 Lot 1*

<b>ROLL CALL VOTE:</b> Achey - Yes	Giangiulio - Yes	Richardson - Yes
Becker - Yes	Hanna - Yes	Russomanno - Yes
Ferguson- Yes	Howarth - Yes	Condo - Yes

9 - 0 Motion Carried

## 2. Memorandum regarding Waterford Township Ordinance 2018-10.

Solicitor Boraske explained that in January 2018, the Municipal Land Use Law was amended. It changed the way that that escrows and performance/maintenance guarantees are calculated. Mr. Boraske explained that this Ordinance was introduced and will be up for second reading at the next Committee meeting. This will modify the Land Use Code, which is why it must be brought to the Board for review. Mr. Boraske noted that this Ordinance is necessary because of the change in the Municipal Land Use Law and it will bring our code into conformance with the state.

Chairman Condo expressed the desire to receive these Ordinances prior to the day of the Land Use Board Meeting to give Board Members the opportunity to thoroughly review the material.

Moved by Mr. Achey, 2nd by Mr. Becker to send a letter in support of the adoption of Ordinance 2018-10.

**VOICE VOTE:** All in Favor. No Objections. Motion Carried

**COMMUNICATIONS / DISCUSSIONS:**

1. Letter from the Pinelands Commission in reference to Board approval of the Palladino 6<sup>th</sup> Street Subdivision

Mr. Toussaint explained that there was a delay on the part of Mr. Palladino in getting the proper documentation to the Pinelands in regards to the subdivision on 6<sup>th</sup> Street. The Pinelands is now requiring Mr. Palladino to purchase a PDC (Pinelands Development Credit). Discussion ensued regarding PDCs and what the money from purchases goes towards. Mr. Toussaint reminded the Board that they agreed to this process with the Pinelands and that any lot subdivision would require the purchase of PDCs.

**RESOLUTIONS:**

No Resolutions

**MINUTES:**

1. March 19, 2018 meeting minutes

Moved by Mayor Richardson, 2nd by Mr. Becker to adopt the March 19, 2018 Meeting Minutes as presented

**VOICE VOTE:** All in Favor. No Objections. Motion Carried.

**OPEN TO THE PUBLIC:**

Chairman Condo Opened the Meeting to the Public for Comments.

There Being no Public Comment, Chairman Condo Closed the Meeting to the Public for Comments.

**BOARD COMMENTS AND QUESTIONS:**

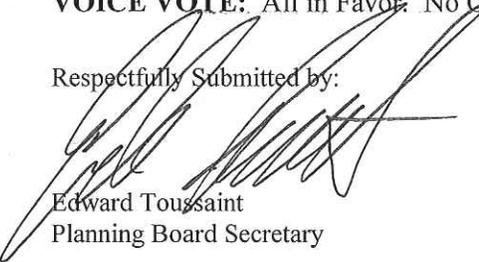
Mr. Russomanno expressed concern regarding storm water being pumped onto the streets. Mr. Toussaint noted that on certain streets within the Township there is nowhere for the water to go other than the streets. Committeeman Giangliulo commented that Township Engineer Rehmann understands the concerns but notes that issues must be addressed on a case by case basis. Discussion ensued regarding various streets that have drainage issues.

**ADJOURNMENT:**

Moved by Committeeman Giangliulo, 2nd by Mr. Becker to adjourn the meeting at 8:06 PM.

**VOICE VOTE:** All in Favor. No Objections. Motion Passed.

Respectfully Submitted by:

  
Edward Toussaint  
Planning Board Secretary

Approval Date: 5/7/18