

BOROUGH OF SPOTSWOOD
77 Summerhill Road
Spotswood, New Jersey

Planning Board
October 4, 2016
7:30 PM

The regular meeting of the Planning Board of the Borough of Spotswood was called to order by Chairman, John Meyer at the Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

The notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given in the new schedule of meetings of the Spotswood Planning Board on January 4, 2016. The new schedule was transmitted to The Home News Tribune; it was filed with the Clerk of the Borough of Spotswood and posted in the Spotswood Municipal Building, 77 Summerhill Road, Spotswood, NJ.

Present were: John Meyer, Charles McCook, Business Administrator Dawn McDonald, Council President Curtis Stollen, Larry Kraemer, James Farley, James Kinneally, Esq.,

Absent were: Mayor Nicholas Polisenio, Mark Koppel, Jose Rivera, Rich Williamson, Kellen Decker, Daniel Auciello, Bruce M. Koch, P.P., P.E, C.M.E.

APPLICATIONS

Silva, Amy & Rodrigo
318 Manhattan Avenue
Block 81, Lot 5

Bulk variance; proposed 6' PVC fence exceeds 4' max height for corner lot frontage (*for privacy*); proposed solid 6' PVC fence is over 50% solid for corner lot frontage (*for privacy*)

Amy Silva and Rodrigo Silva were sworn in by Attorney Kinneally and gave testimony. Mr. & Mrs. Silva have applied for a bulk variance for a proposed 6' PVC fence, which exceeds the 4' max height for corner lot frontage (for privacy); and a proposed solid 6' PVC fence, which is over 50% solid for corner lot frontage (for privacy) to replace a fence the previous owners removed. The proposed fence would match the PVC fencing used by the neighbor on one side, and be placed on the property line where there is wooden fencing on the northern side. Mr. Silva stated that they would like to replace their existing stockade fencing, shown on the plans, with the PVC fencing (north side). They would like to install PVC fencing where the previous owners of the property removed the stockade fencing.

Mr. Stollen asks Mr. Mashanski, Zoning Officer, if the replacement of the existing fencing (internal) must also be included in this application. Mr. Mashanski states that the other fencing is not included, as it is interior and does not play a role in the variance; only the corner section along Rosedale.

Mr. Stollen made a motion to open the matter to the public, seconded by Mr. Kraemer. All present were in favor, and the public portion of the meeting was opened. There was no public comment. Mr. Stollen made a motion to close the public portion, which was seconded by Mr. Farley. All present were in favor, and the public portion of the meeting was closed. Mr. Stollen stated that because this fencing is replacing what was there previously, and it will tie into the existing fence directly behind the property, he feels the intent of the variance was to be concerned about sightline issues. With it being a corner property, and the

fence being as far back as it is, he does not feel it will be an issue. The Board was in agreement. A motion to approve the variance was made by Mr. Stollen, and seconded by Mr. Kraemer. A roll call vote was taken, and all members present agreed.

Mr. Kinneally advised Mr. and Mrs. Silva that the matter will be memorialized at the next Planning Board Meeting, and a copy of the Resolution will be mailed to them.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Meyer			X			
Mayor Polisen						X
Mr. McCook			X			
Ms. McDonald			X			
Mr. Stollen	X		X			
Mr. Koppell						X
Mr. Kraemer		X	X			
Mr. Rivera						X
Mr. Farley			X			
Mr. Williamson						X
Ms. Decker						X
Mr. Auciello						X

DeStefano, Greg
161 Wyoming Avenue
Block 78, Lot 6

Bulk variance; minimum lot area (10,000 square feet required; 8,000 square feet existing & proposed) and minimum lot width (100' required; 80' existing and proposed); for a new single family home.

Mr. Kinneally introduces the matter, and advises the Board that the matter is not here tonight to be voted on, but to show that it satisfies the requirements of Ordinance/Borough Code §120-403 *Grandfathered Vacant Lots*, which grandfathered smaller lots when the Borough went to the 10,000 square foot minimum lot size in 1996. The applicant is here tonight to provide testimony showing the lot was there in 1996, and is larger than 7,500 square feet but smaller than 10,000 square feet; therefore they are permitted to build without seeking the Board's approval.

Lawrence Sachs, Esq., representing the applicant in this matter, advises if the proof provided to the Board tonight is acceptable, his client will not be seeking bulk variance relief for minimum lot area (10,000 square feet required; 8,000 square feet existing & proposed) and minimum lot width (100' required; 80' existing and proposed), as had been noticed on the application. Mr. Brent Papi Jr., P.P., P.E., C.M.E. (sworn in and accepted as an expert) briefly describes the plan, and gives testimony showing how the requirements of Ordinance/Borough Code §120-403 *Grandfathered Vacant Lots* are satisfied.

Mr. Sachs asks Mr. Papi to briefly describe the existing conditions of the lot, as submitted in the site plan. Mr. Papi refers to his exhibit, sheet 1 of 2, Wyoming Avenue Variance Plans Submitted, which references the boundaries, topographic survey and existing conditions that were prepared by Brunswick Survey. The project site, known as Block 78, Lot 6 on Wyoming Avenue, and is located in the R-10 Single Family Residential Zone; the site contains 80 linear feet of frontage along Wyoming Avenue, and has a total area of 8,000 square feet (0.18 acres). The lot is currently vacant; there are a few trees towards the rear of the property. The natural grade of the property slopes from west to east, towards Wyoming Avenue. The site

is bounded by other single-family homes on similar size lots. It is proposed to construct a new single family dwelling with two stories, 1,522 square footprint area with a two-car garage. The dwelling will also be able to accommodate four parked vehicles; two in the garage, and two in the proposed driveway. The driveway is proposed to be asphalt and there is proposed depressed curb along Wyoming Avenue. The dwelling will be served by water and sewer service laterals to the existing mains along Wyoming Avenue.

Mr. Sachs questions Mr. Papi regarding the requirements of Ordinance/Borough Code §120-403 *Grandfathered Vacant Lots*; as there are certain criteria that must be satisfied.

Mr. Sachs questions Mr. Papi if it is his understanding that the lot has been vacant for many years, prior to 1996? Mr. Papi responds yes. Mr. Sachs asks Mr. Papi if there is an existing dwelling on the property to the north of this site, on lot 5. Mr. Papi acknowledges that there is a dwelling shown on the survey. Mr. Sachs asks Mr. Papi if there is an existing dwelling on the property to the south of this site, on lot 7. Mr. Papi acknowledges that is an improved lot as well. Mr. Sachs asks Mr. Papi if there is an existing dwelling on the property to the west of this site, on lot 9. Mr. Papi states that lot 9 was merged lot 8; a swimming pool is directly behind this lot and a dwelling on lot 8. Mr. Sachs asks Mr. Papi if all three of the contiguous lots are developed with residential structures. Mr. Papi acknowledges that they are.

Mr. Sachs states that one of the other requirements of the Ordinance, is the need to satisfy the R-7.5 Zoning Standard; which he briefly reviews for the Board. Mr. Sachs reads each item, and Mr. Papi confirms that the site conforms to these requirements. The requirements are found in Ordinance/Borough Code §120-407; *R-7.5 Single-Family Residential*.

Mr. Sachs requests to read into the record the Ordinance/Borough Code §120-403 *Grandfathered Vacant Lots* his client is seeking relief under. Essentially they are seeking an administrative approval from the Board that a variance is not required at this time.

§ 120-403 **Grandfathered vacant lots and detached dwelling units.**

A. Vacant lots.

1. Any approved vacant lot in the R-10 District existing prior to January 1, 1996 between 7,500 square feet and 10,000 square feet in area, which is not contiguous to lands under the same ownership or other vacant lands and which meets the area and yard requirements governing the construction of single-family dwellings within R-7.5 District, shall be permitted to be developed with a single-family dwelling and its accessory structures in accordance with the R-7.5 District requirements, provided that all other necessary permits and approvals for the construction of a single-family detached dwelling on the lot are secured in the usual manner.

Mr. Sachs' argument to the Board is that his client does satisfy the requirements of section 120-403, and is seeking the Board's approval administratively to build this home. Mr. Sachs affirms that his client will submit all construction permits in accordance with Borough regulations. Mr. Kinneally confirms that he, Mr. Mashanski, and Mr. Koch, P.P., P.E., C.M.E. are satisfied the applicant meets all the criteria of the ordinance to be grandfathered in. Mr. Kinneally recommends the Board open the matter to the public, although not required, to see if there are any comments and then vote on whether they believe the applicant satisfied the requirements.

Mr. McCook questions if Mr. Kinneally has seen proof, or if any proof has been provided that the lot as it exists currently, existed prior to the enactment. Mr. Kinneally advises that Mr. Koch's office investigated

it and is satisfied that the lot existed prior to 1996. Mr. McCook advises that he did not hear it clearly stated as part of the presentation, and wanted to make sure there is no dispute that the lot existed at the time.

Mr. Meyer made a motion to open the matter to the public, seconded by Mr. McCook. All present were in favor, and the public portion of the meeting was opened. There was no public comment. Mr. Meyer made a motion to close the public portion, which was seconded by Mr. McCook. All present were in favor, and the public portion of the meeting was closed. Mr. Stollen questions Mr. Kinneally regarding the specific driveway aprons on Wyoming Avenue; is there a requirement after the paving is done? Mr. Kinneally states the Construction Office would be responsible, not the Planning Board. Mr. Sachs states for the record they will check with the Construction Office for compliance.

A motion to approve the application was made by Mr. Stollen, and seconded by Ms. McDonald. A roll call vote was taken, and all members present agreed. Mr. Kinneally advised that a resolution will be prepared indicating the requirements of the ordinance have been satisfied.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Meyer			X			
Mayor Polisenio						X
Mr. McCook			X			
Ms. McDonald		X	X			
Mr. Stollen	X		X			
Mr. Koppell						X
Mr. Kraemer			X			
Mr. Rivera						X
Mr. Farley			X			
Mr. Williamson						X
Ms. Decker						X
Mr. Auciello						X

MINUTES – September 6, 2016

The minutes of September 6, 2016 were submitted to the Board for acceptance and/or amendment. Mr. McCook moved that the minutes be approved as submitted. Ms. McDonald seconded the motion. A roll call vote was taken. Mr. Stollen abstained, as he was absent from the September 6, 2016 meeting, and the above minutes from September 6, 2016 were approved.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Meyer			X			
Mayor Polisenio						X
Mr. McCook	X		X			
Ms. McDonald		X	X			
Mr. Stollen					X	
Mr. Koppell						X
Mr. Kraemer			X			
Mr. Rivera						X
Mr. Farley			X			
Mr. Williamson						X
Ms. Decker						X
Mr. Auciello						X

PAYMENT OF VOUCHERS

Vouchers were circulated to the Board. Ms. McDonald moved that the vouchers be approved for payment. Mr. McCook seconded the motion. All present were in favor, and the vouchers were approved for payment.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Meyer			X			
Mayor Poliseno						X
Mr. McCook		X	X			
Ms. McDonald	X		X			
Mr. Stollen			X			
Mr. Koppell						X
Mr. Kraemer			X			
Mr. Rivera						X
Mr. Farley			X			
Mr. Williamson						X
Ms. Decker						X
Mr. Auciello						X

MEMORIALIZATION

Safwat Youssef
17 Adirondack Road
Block 65, Lots 13, 14 & 15

The above resolution was circulated and a motion to approve was made by Mr. Kraemer, seconded by Mr. Meyer, and agreed to by all eligible members.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Meyer		X	X			
Mayor Poliseno						X
Mr. McCook			X			
Ms. McDonald			X			
Mr. Stollen					X	
Mr. Koppell						X
Mr. Kraemer	X		X			
Mr. Rivera						X
Mr. Farley			X			
Mr. Williamson						X
Ms. Decker						X
Mr. Auciello						X

ADJOURNMENT

As there was no other business before the Board, Mr. Stollen moved that this meeting be adjourned. Mr. McCook seconded the motion. All present were in favor, and the meeting was adjourned at 7:50 PM.

NEXT SCHEDULED MEETING

October 18, 2016 at 7:30 P.M.

Location: Court Room, 77 Summerhill Road, Spotswood, NJ

Respectfully submitted,

Kimm Zielinski

Kimm Zielinski
Board Secretary

Approved at meeting held on:

November 1, 2016