

January 16, 2024  
121 Evergreen Rd  
New Egypt, NJ 08533

The Plumsted Township Committee Special Joint Meeting with the Land Use Board on January 16, 2024 was called to order by Mayor Cuzzo at 4 pm.

**STATEMENT:** "This meeting is being held in compliance with the Open Public Meetings Act." It was presented for publication to the Asbury Park Press and the Trenton Times and posted on the Bulletin Board.

**THOSE OFFICIALS PRESENT:**

Township Committee:

COMMITTEEMAN GRILLETTO COMMITTEEMAN HAMMERSTONE DEPUTY MAYOR MARINARI  
MAYOR CUOZZO ATTORNEY CIPRIANI ADMINISTRATOR MYHRE CLERK WITHAM

Land Use Board:

BILL FOX JAMES HAGELSTEIN BOB O'NEILL DUSTIN HOROWITZ CHRIS NEUERT SEBASTIAN D'AMICO  
SAL GRASSO VICE CHAIRMAN HANEY CHAIRMAN HALLOCK ATTORNEY MCGUCKIN  
SECRETARY MACREYNOLDS

Committeeman Bowen and Wendy Galloway were excused. MUA: Executive Director Brach, Kimmick and Ruppel were in the audience.

Everyone stood for the flag salute.

ON MOTION OF DEPUTY MAYOR MARINARI, SECONDED BY COMMITTEEMAN GRILLETTO, RESOLUTION NO. 2024-112 RESOLUTION OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CONVENING OF AN EXECUTIVE SESSION IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT WAS APPROVED. ROLL CALL VOTE: ALL AYES.

The mayor asked that the public excuse themselves from the room as we will have executive session in the court room due to the number of attendees. The workshop session resumed at 8:30 pm.

Mayor Cuzzo explained that it's a joint meeting between with Township Committee and Land Use Board with a couple of members from the MUA in the audience as well.

The first topic of discussion is the Master Plan and zoning. Cuzzo had questions for counsel. McGuckin said that by statute, the LUB is required to develop, adopt and amend the Master Plan. Once the Master Plan is adopted, the governing body may choose to adopt ordinances in accordance with the Master Plan. The Master Plan is a roadmap of what the development plan should look like going forward. The Redevelopment Plan is site specific, adopted by the governing body. It takes precedence over the Master Plan. The Redevelopment Plan goes to the LUB to determine if it is in accordance with the Master Plan.

Vice Chair Haney confirmed who adopts the Master Plan vs the Redevelopment Plan. We are a bedroom community so a vast majority of the money that is raised to function all levels of government is coming from our homeowners. We are a big enough town that we really need to look at where in the town we can develop but maintain our rural character. Rt 539 is a commercial corridor. A Master Plan should be a plan of what you want the town to be.

Hagelstein explained what the LUB subcommittee has been working on with regards to the Master Plan. They would like to take warehouse out of the permitted use under the commercial zones for the time being while they work to further define what a warehouse is. It will provide a clear path as to what may be built in these commercial zones. The recommendation to remove warehouses in all zones as a permitted use was provided to the township

committee. There is also a line item that notes proposed properties as long as they are serviced by both water and sewer, they can be subdivided. It would allow properties to be subdivided, Section 15-5. Another thing they have worked on is the definition of what rural character is. They are also looking to address height limitations since there have been some issues with that. They would like to further define building height in our current ordinances, as well as lot coverage. Cuzzo said there is a dual purpose for these ordinances. One is for environmental reasons but also the rural nature.

Haney said that we don't currently have this but we do have the right to create architectural standards for every zone we have. So if we want to remain a rural feel, this is one avenue.

Hallock said that the permit fees for putting up pole barns was changed because they were not affordable. But you may want to include some exclusions for pole barns when talking about height restrictions or temporary structures like some greenhouses with plastic.

Hagelstein asked if Hallock thought it would be better to exclude them so that they would have to go to the LUB for a variance or give them their own ordinance. There was further discussion about this and Right to Farm among several members. There was also discussion about a build-out analysis and those that came before the board but then they never built. They would have to look at the applications/approvals and if they haven't been built, would have to look and see if they would need an extension and if they would have to follow new ordinances when they eventually build. They have to follow provisions of the MLUL.

Cuzzo spoke next about professionals. There are three: attorney, engineer and planner. He said that the township put RFPs out for all three. We didn't receive any proposals for planner and only received the incumbent for attorney. We did receive additional proposals for engineer. What were the findings of the subcommittee on these proposals? The township went out for another RFP for all three professionals that is due the end of January.

Cuzzo asked if the planner is based on the recommendation by the LUB but will be appointed by the township committee. Cipriani stated if it is a township planner, it is the township committee's decision. If it is a LUB planner, then the LUB may appoint. There could be a planner for the LUB and another for the township. Sometimes the LUB engineer has services of a planner as well. Witham stated that the RFP due at the end of January is for Township Planner, not LUB Planner. Cuzzo said that no matter how much we like McGuckin, it is preferable to have more than one submission for professionals. Hagelstein spoke about their review of LUB engineer proposals.

Since a LUB attorney was already appointed on January 2<sup>nd</sup>, where does that take us with a new RFP? McGuckin said it's up to the board. Cuzzo said that if the board finds cause to take up another vote, then it's up to the board. There would have to be a motion. By taking a vote, we entered into a contract and see if they are amenable to that. They may not want to do that. Cuzzo said it's worth it to refine the process.

Cuzzo opened up to the board any questions. He first congratulated Chief Meroney on being president of the Ocean County Chief's Association. He then introduced the new Administrator Greg Myhre; he is thankful to have him; his prior town has received awards. It's a third connection to the state as he is an Assemblyman.

Hagelstein said that he is currently making the recommendation from the subcommittee on the removal of warehouses from the commercial zones. He would like to remove warehouses from the light industrial zone as well until further defined. Cuzzo is ok with that. Hagelstein asked if we could do a vote to push the ordinances to the township committee for review. Cipriani said this is a recommendation in this meeting. February 1<sup>st</sup> is the next township committee meeting. Witham will send the ordinance to Cipriani in Word and it will be added to the next meeting agenda.

Hagelstein thanked John O'Callaghan, John Neyenhouse and Bob O'Neill for coming together as the subcommittee and Mike and Sebastian for reviewing it.

Grilletto asked a question about traffic experts that present on behalf of the applicant. Can we have them put money in escrow and we hire a neutral traffic expert? McGuckin said that the board could hire a traffic engineer to review a traffic study and charge an escrow fee for that assuming they created that position. But we cannot hire a

traffic engineer to design it or review the applicant's plan and present comments. It would be included in the checklist for the applicant. McGuckin said that the current escrow ordinance would have to be looked out.

Cuozzo asked if any of the MUA members had any comments. He said they are thinking of revising the application process to include a review by the MUA at the beginning and end of a LUB application. MacReynolds said all of the applications are sent to the MUA; it's part of the checklist. McGuckin said that you cannot add requirements to an application if they are not requirements under the MLUL.

MacReynolds spoke about fees for the applications and professional reviews; they need to be clarified in the ordinance. The checklist and fees have to be adopted by ordinance. Cipriani suggests that the LUB provide their suggestions to the governing body for consideration in amending the ordinance. There was further discussion about the application process.

Brian Brach, Interim Executive Director of the MUA. The application process is being overhauled. Their rules and regs say it's a \$100 fee if they get an application. They need to establish an escrow account and have a professional look at it and review it. Being an outside agency, they have to collaborate. The first question is if the property is in the sewer service area. Then the fact whether or not it can be serviced. The MUA is working on a better application process. Haney asked what the advantage is to sending applications that don't affect them. Brach doesn't need to see anything that isn't going to be provided sewer service. They would rather have a digital copy of the application as well. Brach said that they are in the process of changing things for the better and are working well with the township administration.

There was discussion about digital copies. There are people that look for paper copies so until the technology is upgraded, they have to offer paper copies as well. Hagelstein asked if a portion of the website could have the LUB application that are immediately available to the public and LUB? McGuckin said that there is a significant cost to that as far as personnel so the governing body would have to agree to it. It would require more personnel. Witham said that PDFs can be posted on the LUB page. Haney will share some data about how it's done elsewhere to see if it's something the township can do. Plans have to be in 10 days prior to a meeting and the meeting has to be advertised 48 hours prior.

Cuozzo opened up the floor for public comment. John Lombardo, 6 Gulfstream, came forward. His issue has been for a year and a half now and it has to do with the MUA. He worked 27 years as a rate analyst for the BPU setting water and sewer rates. The sewer rates being charged are higher than other towns. The township charges a flat rate with no justification how the rate is put together. The billing system is awful. There are no tariffs on file which basically every municipality has. There is no breakdown between residential, commercial and industrial. It's a way outdated system that needs a bunch of improvements and it's not fair to small customers that live in town. For those in Lennar, they pay two rates. One in their HOA and one to the township. This, of course, is getting senior citizens on fixed incomes. The township committee needs to look at this issue and needs to have the right people behind it to understand the concerns of how we feel we are being treated unfairly because he also took records of the usage in the Lennar development and it's very little going into the sanitary sewer system. So they all feel like they are being charged an unfair rate based on the little usage that goes into the system. We don't use water for watering lawns because of the ponds and very few people water their cars. There are many mechanisms to try and make this fair but the MUA keeps avoiding trying to look at it or look at other townships or other mayors in other towns how they develop their billing system and accurately put together their system for everyone based on customer class, based on fixed and volumetric rate. The fixed rate should be equal for everyone but he disagrees with the volumetric portion. Think about it. The person living in a smaller home with one or two bedrooms is paying the same rate where someone has six bedrooms or using water in a field in the farm. We should pay for what we use and not the flat rate that does any benefit here. He is begging you to stay on top of that and look at it. There should be a tariff on file both here and at the website explaining the breakdown of the cost and how it's developed. They need to see more information and it should be broken down by customer class. People who have commercial or industrial business should be paying more than those in residential units, it's a known fact. The system is outdated and it needs to be corrected. That's all he has to say.

John O'Callaghan, 53 Oak La spoke. He had three items. He obviously wasn't able to give input to the committee on the bids. One thing they were looking at was the services they provided and Grilletto mentioned the traffic engineer

and other things. ERI specifically had traffic engineers on staff to consult on the bigger things so depending on how you pick your engineering firm and planning firm, they may have in-staff folks so you don't have to put escrow in. That's one thing to consider. They looked at Morgan and Avila and they had less services and maybe some hidden fees. He is happy to give more detail not being on the board anymore but he is happy to provide any input there.

The second is with the checklist. His previous town in NJ did have a checklist that said you were required to give paper but put it on the applicant to give all of the electronic copies. There was a system and it would be beneficial for the public to have those materials available for when they show up for public comment.

The last thing is that when you are doing the Master Plan, you don't have to but you can have members of the community come in and contribute. In a town that seems polarized and broken, it seems like it would be a good thing to bring people together and also it would be a good idea to had different members of the community<sup>8</sup> contribute to the process given that only small adjustments have been made since 1996 and the town has changed so much and there are so many different pressures. It's a different world out there and if you consider vision meetings to the community it would be good.

Stacy Reed, 791 Monmouth Rd, she thinks it's great that the LUB, township committee and MUA are all sitting down hashing out a lot of this stuff. She thinks unfortunately she has had conversations with three separate individuals that have come into town to possibly look into doing business in the town and were abruptly stopped at our construction department. She thinks the construction department needs to be looked at. She thinks they should be included a little bit more. From what she sees, the planning that's going on here and the future is great and sounds great but if people are being turned away at the door, the ultimate plan for what everybody wants to do doesn't go anywhere. She doesn't know how it works with the construction department, who has say, who doesn't but we definitely need a discussion on being a little more friendly to people coming in and asking questions. We want business downtown so when you get shut down when you walk in the door, it is not a good look for us. We are doing all of this great planning but if we cannot get them in the door to continue our plans then we really aren't accomplishing anything. Her very good friend works in the construction department so this is hard but when you hear it on the street and they want to know why they can't get answers they need or even get a return phone call because they have questions about a property on Main Street, it's a concern and she thinks it's something that should be looked into.

Karen Lamphere, 6 Hyacinth Ct, she hears a lot of discussion about 539 and development. The warehouse scares her greatly. She is off of Millstream Rd and we have heard it before. She has already seen an uptick in traffic because of Dollar General. Not just in private vehicles but commercial vehicles. Her concern about East Millstream and warehouse is when are we going to limit tonnage on East Millstream? No vehicles over 'x' amount of tons. She is already living the dream with dump trucks up and down at 6 am. The last thing she wants are tractor trailers going to a warehouse at 6 am. She request that when we look at these applications, we consider impact on feeder streets, like E Millstream and Evergreen, try to work with the county to limit the types of vehicles allowed on that street. Again, if someone is coming in on 539 and E Millstream, if we aren't going to do that, then we need a traffic light. The only reason people are going down E Millstream is because there is no traffic light. This is for any business, not just warehouses. Any kind of development on 539 is going to affect E Millstream Rd. Cuozzo said there is commercially zoned property on 539 and there's not much that can be done. There has been no discussion about rezoning 539 tonight.

Bernard Bahnam, 370 E Millstream Rd, there is a 4-ton sign on E Millstream Rd. At the end of E Millstream by Plumsted Grill, to separate the two lanes. Leaving it to go across to W Millstream, there is no direction; both lanes go there. If there is a car in both lanes and they are both going straight, they are going into a single lane. He doesn't know if this has been looked at since he mentioned it months ago. Just to comment like Karen, every single truck on E Millstream is over 4 tons and it happens all day every day. When you go down Millstream, there are a few smaller bridges over the streams. There are no sidewalks. A lot of time when these weight limits are put on roads, it is to stop the road from pushing out. That's what the weight is doing, it is going to demolish E Millstream before we know it. If anything can be done, whether it's enforce it or call the county and put a sign at the end of E Millstream, that would be good. It would help prevent accidents. And quickly, he knows there are a lot of things going on today and it may seem like he's at everyone's throat but he wants to take a little bit of a turn. He had a conversation with Mayor Cuozzo earlier today and he wants to thank him because it was really nice to see someone take concerns from



the public and see how much it meant to them and in an instant, call on everyone else right then and there. It hasn't happened yet so that was really good. He also wants to thank Mr. Hagelstein, and he's sure it wasn't easy, but those two changes are huge for this town and he recognizes how big it is. He thanks him for the time he puts in. And the ladies up here are phenomenal and Jean too. To everyone else, thank you for agreeing and finding the time and day so quickly to move on such important issues. That's where he wanted to end. Thank you.

Cuozzo told Bernard the other day he contacted the county and told them our concerns. When it comes to the construction department, how independent can they be or how much can we say. Cipriani said that in terms of customer service that was brought up and the philosophy on how things are dealt with, those are within the township's purview. As far as the UCC, the construction official answers to DCA on that.

John Neyenhouse, 22 Lakeview Drive. First off, he thanks the committees for this joint meeting. He requests for future meetings to have the consideration to invite the environmental committee as well. They play a critical role in the land use process of the town. He knows there has been talk about potentially disbanding the environmental committee or at least rumors going around town about that or shifting it as a role as a subcommittee of the LUB. He would like to caution against that. The LUB has to follow MLUL and has to only be able to consider what's been given by the applicants into their reviews of different applications. Where the environmental committee gives us a spot in the town where they can take other input or other input of experience and the ability to look at other sources of information to get the true story of what's going on with the property to help determine if that makes sense for the town to move forward with the application. They can provide feedback from the environmental committee to the LUB that is not necessarily provided by the applicant's engineers and experts as Committeeman Grilletto had said. It gives another voice to what's actually happening in the town and something that makes sense to develop based on other things the LUB may not consider such as the environmental impact or potential flooding or stormwater. There are a number of other roles the environmental committee plays as well with the town in providing outreach and education helping to manage our stormwater requirements from the state, helping to keep those MS4 points going for our stormwater management and over the last years with all of the required ordinances, with moving from Tier B to Tier A community in stormwater guidance, there are even stricter requirements and additional things that are required. The environmental committee has been critical in helping to provide to the town over the last couple of years in meeting those requirements for the stormwater guidance from the DEP. He would like to at least see that taken into account by the township committee going forward as it is another board that would have been helpful to have at this joint meeting as well.

The other thing to touch on that was said previously, one of the things that seems to be lacking is just enforcement in the town. We need to do a better job with the enforcement requirements. There are a number of items that get approved from the LUB that there are requirements that are put into the ordinances or resolutions for these developments such as say limiting the number of metal carts that are allowed next to a dumpster in one of the commercial establishments that is built or if a gas station were to put in diesel gas pumps to require a second air pump to be put in that was agreed to by the applicant as part of the application but wasn't necessarily put in as part of that. Those kind of enforcement things are critical from the town from zoning and enforcement from the town's side. That could help solve a lot of the issues and that's caused a number of issues in the town over the years. There are people feeling like they can get away with things because it's not necessarily going to be reinforced in the future.

Grilletto asked Neyenhouse to clarify what he said about him. Neyenhouse referred to when Grilletto talked about requiring to trust the traffic expert for the application or trust applicant professionals, that is one of the things that falls in line with the LUB. The environmental committee doesn't have to trust those engineers or paid professionals by the applicant, they can look at other sources of information to help determine if it is a practical application or something the town should move forward with. They can provide guidance and recommendations to the LUB based on other sources of information, not just what's provided by the applicant to the board. Grilletto thanked him as he didn't hear him. Neyenhouse said that one of the benefits is that the environmental committee doesn't cost the town any money, it is a group of volunteers so we don't need to set up additional escrow or funding from the town to pay for the committee. It's a group of passionate volunteers that are concerned about the environment and the future of the town.

Stacy Reed wanted to make another comment. Cuozzo asked if anyone else had a comment before she came up a second time. There were no other comments. Reed said that she doesn't like to point fingers but she thinks that

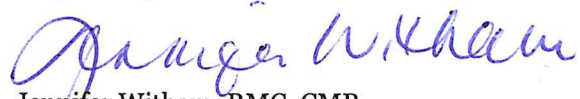
New Egypt is very peculiar, we have a lot of nooks and crannies and have a lot of different things to take into consideration. When he made the comment about the construction department and possibly being a little more onboard with what's going on there. This is just an example, there is a property in town that has been a residence since 1978 or 1979 but there is actually an ordinance that it could be a funeral home and that was set up for previous owners at the time in this town. Well when it came time to see the property, they said it has to be a commercial property downstairs and residential upstairs. That's what she is saying. When people are dealing with the construction department, there has to be a little give and take. There are things that have been set forth in this town years prior and not everyone is aware of them. The town is unique and has unique situations. We have a very unique C4 zone downtown. We want commercial property downtown with residential upstairs. It's not always black and white, that's the reason she made her comment. There have to be ways to work around some of the issues that we are having and get some of this commercial business downtown and still have residential upstairs and still have a fully functional C4 zone.

Neyenhouse came forward again as he remembered what the other comment was. He was a member of the subcommittee as he is sure everyone knows he was vice chair of the LUB up until about two weeks ago and he was a member of the subcommittee that reviewed the applications for the professionals. He wanted to make a recommendation as a concerned citizen of the town that there are benefits to sticking with the professionals that do understand what the applications are and have been a part of applications heard. Anytime someone new comes into the board, you have to go back and listen to the tapes and get brought up to speed on any previous applications. That's part of the reason why the Maple Ave couldn't be heard at last months' meeting just because the new members had to listen to the tapes of all of the hours of the meetings; one was five hours long by itself. But as said earlier by Mr. O'Callaghan, Mr. McGuckin's firm was the only applicant on the attorney side. They did receive three applications for and he keeps saying we because he had been a part of the board for ten years and hard to break that habit, but on the engineer's side, there were three applications received as was stated. Two of them weren't really complete. One hadn't submitted their political contribution declaration form and there was a concern about one of the other ones. They were the current engineer for the Maple Ave development. It was concerning that the first application we would have had to bring in a substitute engineer and both of those firms are much smaller than what ERI was able to offer. But ERI also has the experience of a number of the applications. They have been involved with the board for a number of years and has the prior history of what's going on. That is an invaluable thing to have Mr. McGuckin's knowledge of things that have gone back to when he was 5 years old in 1970-something on the board here. And what ERI knows from their experience of the applications and everything else. It is something to consider. As a prior member of the board and as a resident, he would keep the members of the board the same and next year maybe revamp the application style and make sure there are better bid forms going out as Mr. Hagelstein said just to be able to get more qualified bids and bids that make sense. He is sorry he wasn't part of the board at the time of the decision to share that information with them but they did have a plan to share all of the information before the vote that was held. Unfortunately he found out on the 1<sup>st</sup> that he was not going to be part of the board and be present at that 2<sup>nd</sup> meeting.

Cuozzo asked for a motion to adjourn since there was no further public comment.

ON MOTION OF COMMITTEEMAN GRILLETTO, SECONDED BY COMMITTEEMAN HAMMERSTONE, THE JANUARY 16, 2024 MEETING WAS ADJOURNED. ROLL CALL VOTE: ALL AYES.

Respectfully Submitted,



Jennifer Witham, RMC, CMR  
Municipal Clerk

*\*Please be advised that these minutes are adopted pursuant to the Open Public Meetings Act N.J.S.A. 10:4-14. They are not intended to be a verbatim record of the meeting. There is a verbatim recording of the meeting a copy of which may be requested through the Plumsted Township Municipal Clerk's Office.*