

PLUMSTED TOWNSHIP LAND USE BOARD
April 5, 2011

The regular meeting of the Plumsted Township Land Use Board was held on Tuesday, April 5, 2011 at 7:30 p.m. in the Municipal Building with the following members present:

<u> X </u> Chester Broccoli, Chairman	<u> X </u> Walter Bronson
<u> X </u> Ronald Dancer, Mayor	<u> X </u> Glenn Riccardi
<u> X </u> James Dowd	<u> </u> Eric Sorchik
<u> X </u> Miguel Garces	<u> X </u> Wendy Galloway
<u> X </u> Douglas Hallock, Vice-Chairman	<u> X </u> John Mallon, Engineer
<u> </u> Robert Hardy	<u> X </u> Russell Cherkos, Attorney

Attorney Cherkos read the Open Public Meetings Act. A motion to approve the minutes of the regular meeting of February 1, 2011 as mailed/e-mailed was made by Mr. Hallock and seconded by Ms. Galloway. Carried by roll call vote with Ms. Galloway, Mr. Garces and Mayor Dancer abstaining.

RESOLUTIONS: None

INFORMALS:

Roy Villipart, Block 58, Lot 2

Mr. Roy Villipart of 308 East Millstream Road inquired about changing the zoning on part of his property. All 17.76 acres of his property are currently zoned commercial. The property is located on the corner of Route 539 and East Millstream Road, directly across from the Plumsted Grill. He would like to have his house and 3 acres around it re-zoned as residential zoning. He is having a hard time getting a loan because his residence is located in a commercial zone. He would leave the rest of the property as commercial. Mayor Dancer pointed out that Mr. Villipart's home sits right next to the residential zone line on East Millstream Road and that it might be more consistent with the master plan to have Mr. Villipart's home in the residential zone and the remainder of the property to be left in the commercial zone. For years, the banks would acknowledge a letter from the town stating that the structure in the commercial zone was a residential home and that was usually acceptable. Glenn Riccardi stated that he has a form letter in the Construction office that he would send to the lending institutions. However, since the recession, the banks are no longer accepting this. The Mayor stated that spot zoning is not allowed, but it may be possible to extend the adjacent residential zone to include Mr. Villipart's home. Mr. Villipart showed the board members his property on the tax map.

Attorney Cherkos could not give any advice because he realized that he had represented Mr. Villipart in the past, but explained the process involved in changing the zoning. Engineer Mallon advised Mr. Villipart to try to give his bank a copy of Ordinance #2002-19 regarding non-conforming structures. Ms. Galloway suggested that Mr. Villipart get a list from his lender of exactly what they need from him in order to save him time and money and make the process smoother. Attorney Cherkos also suggested Mr. Villipart could make application to the Land Use Board for a certificate of non-conformity (40:55D-68), in which the Board can adopt a formal resolution stating that the structure is a pre-existing, non-conforming structure/non-conforming use. Mr. Villipart stated that he would like to get the master plan revision started. Mr. Dowd suggested that Mr. Villipart hire an attorney to protect his interest. Mr. Garces was concerned with the acreage amount required for the RA5 zone and Mr. Villipart only wanting to put 3 acres

in the new zone line. Engineer Mallon said there are other properties in the township that have split zones, but the new line should probably be at 5 acres.

AGENDA:

Ordinance Amendments – Time of Decision

Engineer Mallon reminded the Board members that May 5, 2011 is the final date to have the ordinances set. The definition for application for development was taken straight out of the Land Use Law. Mr. Mallon went over the different elements of the application. The board members agreed to change the number of days from 10 to 28 days for submitting applications prior to the meeting date. Also, it was agreed to change the wording “appropriate document” to “required document”. Engineer Mallon asked the board secretary to find out from the township clerk if the checklist had been adopted by ordinance. The secretary was asked to write a letter to the Township Committee regarding the recommendation and expressing these changes.

A motion to approve with the changes was made by Walter Bronson and seconded by Douglas Hallock. Carried by roll call vote with Mayor Dancer not voting, as he was out of the room.
YES: Bronson, Dowd, Galloway, Garces, Hallock, Riccardi, Broccoli.

DISCUSSION:

Financial Disclosure Statement

Miguel Garces reminded Board members to make sure they file their Financial Disclosure Statement or else they could be fined \$500.

There being no further business to discuss, a motion to adjourn was made and seconded. Carried by all ayes. The meeting adjourned at 8:30 pm.

Respectfully submitted,

Kelly Creighton
Secretary