

PLUMSTED TOWNSHIP LAND USE BOARD
December 6, 2011

The regular meeting of the Plumsted Township Land Use Board was held on Tuesday, December 6, 2011 at 7:30 p.m. in the Municipal Building with the following members present:

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

Attorney McGuckin read the Open Public Meetings Act. A motion to approve the minutes of the regular meeting of November 15, 2011 as mailed/e-mailed was made by Mr. Hallock and seconded by Mr. Hardy. Carried by roll call vote with Mayor Dancer abstaining.

RESOLUTIONS:

The following resolution was read and adopted:

2011-07 - Approval for preliminary and final site plan height and use variances, WYRS Broadcasting, Block 77, Lot 2.05, on motion by Mr. Bronson and seconded by Ms. Galloway. Carried by roll call vote.

YES: Bronson, Dowd, Galloway, Hallock, Hardy, Broccoli.

ABSTAIN: Dancer.

AGENDA:

Application for Variances to Construct a Dwelling on a Lot not Fronting on a Public Street. Andrew and Kelli Brownell, Block 47, Lot 10.02.

Engineer Mallon read his letter of 11/21/11. Andrew Brownell was sworn in. Engineer Mallon explained that the Brownells had to give an easement in order to maintain the roadway in trying to save the trees that are along Lot 10.01. Mr. Brownell stated he has no plans to build on the property at the present time, but wants to get things in order for when he is ready to build. Mr. Brownell stated that he was aware of and had no problems with any of the conditions that Engineer Mallon stated in his letter. Discussion followed regarding the shared road maintenance.

Open to the public. Joseph M. Paulillo, owner of 92 Hopkins Road, Block 47 Lot 10.03, was sworn in. He testified that he not only lives on and actively farms his land right next to the applicant's lot, but he also paid for all of the initial roadway, engineering and legal costs, so he has a financial interest in this. Mr. Paulillo was satisfied with most of the conditions in the Brownell's application. He wanted to request that the Board consider making the applicant mark the conservation easement. He also asked the Board to consider limiting the traffic on the roadway by restricting the applicant to only using his own driveway and not going beyond that point on the roadway. Mr. Paulillo stated that he was looking for clarification now in order to prevent possible future conflicts. Mr. Paulillo also asked the Board to make a condition prohibiting any future subdivisions of this property. The Board and applicant agreed to no future subdivision of this property.

The Board asked for the applicant to set makers now. They will allow Mr. Brownell 12 months to complete this. The applicant may apply for an extension if he needs it. Closed to the public.

Attorney McGuckin summarized. A motion to approve was made by Mr. Bronson and seconded by Mr. Hallock. Carried by roll call vote.

YES: Bronson, Dowd, Galloway, Hallock, Hardy, Dancer, Broccoli.

Mining License Renewal for 2012, EME INC, Block 80, Lot 4.

Engineer Mallon read his letter of November 17, 2011. Keith Prince of EME was sworn in. Mr. Prince stated that the only real excavation that happened within the year was done in the depths of the lake. They stockpiled some clay that was brought in. They are currently importing, blending and exporting materials right now. Mining has almost all but ceased on the site; only very minor mining currently. Mr. Prince stated that there has also been no change in the buffer zones. They are not bringing in any dredge material imports, and don't expect to in the future. Mr. Prince asked for a waiver of the survey because of this.

Open to the public. Denis Charles Krowicki of 862 Route 539 was sworn in. He complained that the road "from the entrance all the way down to who knows where in both directions" is miserable from a trail of soil. He feels that EME should have to keep the road clean. He also feels that EME should be required to put in a tire wash station. Mr. Prince stated that he sweeps his entire asphalt area to the bottom of the hill and the pit, all the way out to the road, then the road. He agreed that there are some tracking issues because it has been so rainy, but they have been sweeping.

Sandra Chesler of 889 Route 539 was sworn in. She has lived here for 24 years and has never seen the tracking so bad as in the past three months. She stated that Alice at Ocean County told her they sent out a road supervisor. Mr. Prince disagreed and said he was never contacted by Ocean County. Ms. Chesler disagreed that the tracking was due to wet weather. Mr. Prince said he thinks the tracking must be due to the clay that was imported. He said that sand doesn't stick to the tires, but clay can. Mr. Prince said the job involving the clay is finished now. Ms. Chesler was given Engineer Mallon as her point of contact if she needs to report an issue.

Attorney McGuckin summarized.

John Marchese of Longswamp Road was sworn in. He asked for clarification about dredge material being taken to brown fields. Mr. Prince explained that situation. Mr. Marchese agreed that EME needs to do a better job of cleaning the road. Also, he thinks they should have to do an aerial photo every year. It was explained that Engineer Mallon goes over the entire site quarterly. Mr. Krowicki suggested going on-line for the aerial photo. However, since that can't show topography, it is not a good solution. Closed to the public.

A motion to approve with the stipulations stated was made by Mr. Hardy and seconded by Ms. Galloway. Carried by roll call vote.

YES: Bronson, Dowd, Galloway, Hallock, Hardy, Dancer, Broccoli.

DISCUSSION:**Escrow Agreements as Part of Application**

Discussion regarding making an escrow agreement part of the application. This would ensure the professionals getting paid if the applicant walks away from the project without paying. It would make the property owner responsible in that case. It would be the last resort after going through all of the channels presently in place. Engineer Mallon will amend the application to include this.

INFORMALS:**Ruggiero, Block 79. Lot 11.**

John DeVincens of DeVincens and Associates of Toms River was present on behalf of Mr. and Mrs. Robert Ruggiero. Mr. DeVincens introduced Bruce Jacobs of Gravatt Consulting, who showed the Board two different conceptual plans for a proposed subdivision. Engineer Mallon stated that Pinelands is reviewing the Township's ordinance. Mayor Dancer and Engineer Mallon explained the lot size increment formula. Mr. DeVincens is aware his clients need a certificate of filing from the Pinelands Commission.

There being no further business to discuss, a motion to adjourn was made and seconded. Carried by all ayes. The meeting adjourned at 9:40 pm.

Respectfully submitted,

Kelly Creighton,
Secretary