

PLUMSTED TOWNSHIP LAND USE BOARD  
January 3, 2012

The reorganization meeting of the Plumsted Township Land Use Board was held on Tuesday, January 3, 2012 at 7:30 p.m. in the Municipal Building with the following members present:

<u>  X  </u> Chester Broccoli, Chairman	<u>  X  </u> Glenn Riccardi
<u>  X  </u> Walter Bronson	<u>  X  </u> Eric Sorchik
<u>  X  </u> James Dowd	<u>  X  </u> Wendy Galloway, Alt #1
<u>  X  </u> Miguel Garces	<u>  X  </u> Ronald Dancer, Alt #2
<u>  X  </u> Douglas Hallock, Vice-chairman	<u>  X  </u> Vince Lotito, Alt #3
<u>  X  </u> Robert Hardy	<u>  X  </u> Joan Cuba-Richardson, Alt #4
<u>  X  </u> David Leutwyler, Mayor	<u>  X  </u> John Mallon, Engineer
	<u>  X  </u> Gregory McGuckin, Attorney

Attorney McGuckin read the Open Public Meetings Act. Those members whose terms had expired were sworn in. Chester Broccoli was nominated for Chairman on motion by Mr. Dowd and seconded by Mr. Bronson. Nominations were closed. Carried by roll call vote with Mr. Broccoli abstaining. Douglas Hallock was nominated for Vice-Chairman on motion by Mr. Garces and seconded by Mr. Hardy. Nominations were closed. Carried by roll call vote with Mr. Hallock abstaining. Kelly Creighton was nominated for Secretary to the Board on motion by Mr. Riccardi and seconded by Mr. Dowd. Nominations were closed. Carried by roll call vote.

Mr. Broccoli asked for a nomination for Board attorney. Attorney Gregory McGuckin of Dasti, Murphy, McGuckin, Ulaky, Cherkos and Connors was nominated by Chairman Broccoli and seconded by Mr. Sorchik. Nominations were closed. Carried by roll call vote. Glenn Riccardi nominated John Mallon of Ernst, Ernst and Lissenden for Board Engineer, seconded by Mr. Hallock. Nominations were closed. Carried by roll call vote. A motion designating the Asbury Park Press, Messenger Press, Trenton Times, Tri Town News and the Burlington County Times as the official newspapers of the Land Use Board was made by Mr. Hallock and seconded by Mr. Bronson. Carried by roll call vote. A nomination to adopt the notice of annual scheduled meetings was made by Mr. Hallock and seconded by Mr. Sorchik. Carried by roll call vote.

**RESOLUTIONS:**

The following resolutions were read and adopted:

**2012-01** - Approval of recommendation to Township Committee for mining license renewal for 2012, EME Inc., Block 80, Lot 4, on motion by Mr. Bronson and seconded by Mr. Hardy. Carried by roll call vote.

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

ABSTAIN: Garces, Riccardi, Sorchik.

**2012-02** - Approval for variances to construct a dwelling on a lot not fronting on a public street to Andrew and Kelli Brownell, Block 47, Lot 10.02, Hopkins Road, on motion by Mr. Hallock and seconded by Mr. Hardy.

Carried by roll call vote.

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

ABSTAIN: Garces, Riccardi, Sorchik.

**AGENDA:****Application for a Minor Subdivision with Bulk Variances, Grant, Block 55, Lot 181.01.**

Board Member Glenn Riccardi recused himself from the application, making Alternate #1, Wendy Galloway, a voting member for the application. Engineer Mallon read his letter of 12/08/11. Attorney Paul Detrick represented the applicant. Attorney Detrick stated they are asking for waivers regarding the concrete sidewalks and the trees. Olive Grant was sworn in. Mrs. Grant testified that she wants to subdivide her lot in order to give a piece of land to her grandson. He is the last grandchild to be given a parcel of her land. She does not plan to further subdivide this property, but, instead, she would like to look into farmland preservation. Mrs. Grant said she would be willing to make a voluntary contribution to the curb and sidewalk fund. She also said she didn't think the size of this lot, being a little larger than most in the area, would hurt the area. Discussion followed regarding the septic and the one acre lot size. The Board asked the applicant to make the lot an acre and a half to be compliant with the ordinance. The Board also asked to see the new map before the resolution is passed.

Open to the public; no response; closed to the public.

Attorney McGuckin summarized. A motion to approve with the conditions recommended by the Board Attorney and Engineer was made by Mr. Hardy and seconded by Mr. Hallock. Carried by roll call vote with all ayes.

YES: Bronson, Dowd, Garces, Hallock, Hardy, Leutwyler, Sorchik, Galloway, Broccoli.

**Application for Preliminary and Final Site Plan, 55 Main New Egypt, LLC, Block 19, Lot 28.**

Board Member Glenn Riccardi re-joined the Board. Engineer Mallon read his letter of December 22, 2011. The attorney for the applicant was Raymond Shea, Jr. of Levin, Shea & Pfeffer, P.A. Ian Borden, Bill Stevens, and John O'Connor were sworn in. Mr. Borden explained the architectural drawings, labeled A-1 and A-2. The project will be to construct a Subway sandwich shop on the site which was formerly the Exxon station on Main Street. They propose to rebuild the parking in the front with 11 spaces, using the western-most existing driveway to access the site. The applicant is proposing to inter-connect the site with the Great Value market with a pedestrian walkway. There will also be an outside seating area. They said they plan to do significant landscaping.

The applicant proposes to be open seven days a week from 7am to 9pm. There will be 3 or 4 employees. The existing septic is intended to remain for use by the sandwich shop. The gas station became inactive in 2008. Exxon Mobile utilizes an environmental consultant to assess and remediate the site. All of the tanks, pumps, piping, hydraulic lifts and waste oil tanks were removed from the site in 2010. Exxon Mobil remains responsible to complete the site remediation. There are six groundwater monitoring wells on the property which continue to be monitored by GES. They are preparing a remedial action plan which will be submitted to the State. This site is not on well water, but on public water which will be treated. Discussion followed regarding parking. No propane will be sold on this site, as the Exxon had been allowed to do. Engineer Mallon stated approval on this current application will negate all previous approvals. Discussion followed regarding signage and lighting and the architectural design of the building. The applicant will need to present the design to the Main Street Committee.

Open to the public. Luisa Erich-Carr of 12 Holmes Road was sworn in. She asked how many handicap parking spaces were planned. The response was one space, based on the percentage of total number of spaces planned. Ms. Erich-Carr asked what the size of the restaurant will be and how many tables there will be. She was given a copy of the floor plan.

Michael Wysong of 3 Holly Hill Drive was sworn in. He asked if a market analysis was done to see if the shop was going to get the traffic needed to succeed. John O'Connor said Subway did an evaluation of the site and they were happy with their findings. Mr. O'Connor has already purchased the franchise so he is confident that it will be successful. Mr. Wysong asked if there would be landscaping between the sidewalk and the curb. Mr. Borden described where the landscaping will be. Mr. Wysong also asked how many seats there would be. Mr. Borden replied there are about 33 seats inside and about another 20 seats outside.

Sam Lenoble of 8 Alton Street was sworn in. He said he fails to see how this building fits into the Main Street plan. He feels that this building is more modern than the rest of Main Street. Mr. Borden said this is a one story, flat roof, brick faced building like many of the others on Main St. Mr. Lenoble asked about the sign and was reminded that the Main Street Committee is going to address that issue. He also feels that the parking stalls are too small for a larger vehicle. The applicant agreed to make the parking spaces wider.  
Closed to the public.

Attorney McGuckin Summarized. A motion to approve was made by Mr. Hardy and seconded by Mr. Sorchik. Carried by roll call vote.

YES: Bronson, Dowd, Garces, Hallock, Hardy, Leutwyler, Riccardi, Sorchik, Broccoli.

**INFORMALS:** None.

**DISCUSSION:**

**Medical Marijuana Facility and Township Ordinance**

Ron Dancer informed the Board that the Township Committee, at their December meeting, adopted an ordinance which basically reads that any application before a planning or land use board would not be approved if it was in violation of a federal law. Mr. Dancer asked for members who would like to participate in a sub-committee to discuss planning a possible appropriate zone in the event that the courts ordered the Board to approve either a medical marijuana cultivation or dispensary site. Ms. Galloway, Ms. Cuba-Richardson and Chairman Broccoli volunteered to be involved in the sub-committee.

There being no further business to discuss, a motion to adjourn was made and seconded. Carried by all ayes. The meeting adjourned at 10:35 pm.

Respectfully submitted,

Kelly Creighton  
Secretary