

Minutes of the Planning Board Public Meeting of Wednesday, November 5, 2014

Present are Mayor Tagliarini, Mr. Brady, Mr. Awofolaju, Mr. Hirsch, Mr. Mirabal, Mr. Vena, Mrs. Williams

Also present are Michael Leckstein, Esq., Leckstein and Leckstein, and Anthony Abbonizio, CME Associates.

Absent are Deputy Mayor Montone, Mr. Shenton and Mr. Vinci; Mrs. Sims continues on her leave of absence.

Mr. Mirabal chairs the meeting.

Mr. Hirsch moves to accept the minutes of the October 1, 2014 Public Meeting, seconded by Mr. Vena, and on voice vote all members agree.

Continued Business, **SD 14-303/HarBeau 131 County Road, Applicant: HarBeau Enterprises, LLC, Property Owner: Paraskevas Tzanos, 131 County Road, Block 161, Lots 1 and 2, Minor Subdivision** application to subdivide existing Lots 1 and 2 to create two conforming lots in the R 60 zone, remove existing home and construct a conforming single family on each proposed Lots 1.01 and 1.02. Conceptual architectural plans have been presented with this application. **This application is carried from the October 15 Public Meeting at the request of the applicant's attorney.**

Fred Kalma, Esq., attorney for the applicant, states this is to take a 20 ft. and a 100 ft. lot on the corner of County Road and Rose Street, move the lot line in a westerly direction, which would create an 80 ft. lot on the corner, and 60 ft. lot on the interior. The front yard setbacks will be provided on the corner lot as required by Ordinance for two front yards. No variances are required for either lot.

Mr. Abbonizio refers to his report dated August 14, 2014, that says the applicant should agree to or state what he does not agree with. Mr. Leckstein says there are some issues, including utilities. Mr. Kalma says he never received the report and reviews it; he believes his client will agree to all the conditions.

Mr. Abbonizio says there are currently two depressed curbs that are going to be relocated with new depressed curbs; it is going to look choppy. The curb should be replaced from proposed Lot 1.02 to Rose Street in its entirety so there is a uniform curb. Mr. Kalma says the applicant agrees to this condition.

Mr. Leckstein accepts the architectural plans as two different houses that fit within the footprint of the lots.

Mr. Hirsch moves to grant subdivision approval with conditions of the CME report and architecturals, seconded by Mr. Vena

Yes: Mayor Tagliarini, Mr. Brady, Mr. Awofolaju, Mr. Hirsch, Mr. Mirabal, Mr. Vena, Mrs. Williams

No: None

Abstain: None

Continued Business, **Addison Park U-Turn, Removal** of a Condition contained in 1987 Resolution of the Planning Board for then Garden Manor to remove the U-Turn at the Highway 35 entrance to now Addison Park, as per a ruling from the New Jersey Department of Transportation that this U-Turn is illegal.

Mr. Leckstein states this issue goes back to 1987, at which time we had a condition in our resolution that basically said the public could continue to use the turn-around on their property; the applicant accepted that condition with the exception of trucks.

When new owners, namely Addison Park, took over, they had problems with this condition. They applied to the State; apparently the State never approved the Board's resolution with the condition of the turn-around.

On behalf of the residents concern, the Township made an application to the DOT; a ruling was received saying the U-Turn should not be there, that the property owner is correct in placing signs prohibiting the turn around, but also indicating our request that emergency vehicles would be exempt from the signage and requirement.

Mr. Leckstein says we are faced tonight with a condition in a 1987 resolution that can't be complied with because the State will not allow it. We have to modify the condition; he does not think we should remove it. He recommend we modify it with the letter from the DOT to allow them to continue to prohibit turn-arounds except for emergency vehicles. While we know the problem will be inconvenienced, we have no other choice; the State has spoken. We certainly tried in every way to not have to do this; this has been hanging on for 8 or 9 months while we tried to straighten it out.

Mr. Mirabal says there is nothing we can do about this; people are still turning but that will have to stop since it is restricted.

Mr. Leckstein says we should put in if the applicant wants to enforce it he should ask for Title 39 protection; they make that agreement with the Township, so if someone is turning around there, the police can be called to have them enforce it as an illegal turn. It has been illegal for 25 plus years.

Mayor Tagliarini says what transpired and brought it to light was the sale of the Garden Manor to Addison Park; the new owner asked what is going on, this is private property. As we investigated it, the shocking light was this governing body back in 1987 never filed that agreement with the State of New Jersey. The new owner, not being pleased that his private property was being used as an illegal U-turn, we petitioned the State to make it legal. We received a letter from the New Jersey Department of Transportation, which is a higher authority, who basically told us it is an illegal U-turn. The signs are now up that it is not legal; however, we made an agreement, and we will hold them to it, that if the State allows emergency vehicles could use that for emergency turns. Talking to the firemen in town, they doubt they would ever turn into Addison Park to make a U-turn to go up the avenue. They would cut across the open divider with their sirens and lights. Upon investigating this whole matter, which took months, was the fact the Planning Board back then never applied to the State of New Jersey. We petitioned, we did traffic studies at our expense, we filed a petition with the Department of Transportation for a ruling, and the ruling is what Mr. Leckstein has just said.

Mr. Leckstein says we need to do a resolution modifying that requirement of the 1987 resolution, and as requested by Mayor Tagliarini, attach the DOT letter to the resolution.

Mayor Tagliarini says this never came up when Addison Park was in negotiations to buy the Garden Manor. No deed had ever been filed. He went ahead and closed the deal and realized what was happening with cars using his property. They petitioned the State for his cause, and we petitioned, but the State ruled with him. Basically this comes down to private property.

Mr. Brady moves to approve the modification of the 1987 Resolution of the Planning Board, and make arrangements with the Township for Title 39, seconded by Mr. Hirsch.

Yes: Mayor Tagliarini, Mr. Brady, Mr. Awofolaju, Mr. Hirsch, Mr. Mirabal, Mr. Vena, Mrs. Williams

No: None

Abstain: None

New Business SD14-306/Township of Aberdeen, Applicant and Property Owner: Township of Aberdeen, Brookside Avenue, Block 347, Lots 21 and 28, Subdivision of Township owned lots in the R 50 zone.

Mr. Leckstein says he got a call from Diane Dabulas of the Township attorney's office, stating she could not make tonight's meeting. We have had this type of situation before, whereby we are subdividing a small parcel of Township owned land that is nonconforming and selling to adjoining property owners surrounding the parcel. A condition will be that they cannot create a new isolated lot.

Mr. Abbonizio says the Township is looking to subdivide two lots, Lots 21 and 28, essentially breaking them up and selling them to three property owners, two of whom front Wayside Drive and one fronting Brookside.

Mr. Leckstein says the important thing with this subdivision is they must be merged into the adjoining property owners so they are not creating a new building lot.

Mr. Brady says there is a drainage pipe that runs thru there; Mr. Abbonizio agrees, and says the easement will remain. Mr. Brady says that is not showing on the plan; Mr. Abbonizio says it is on the subdivision plan he has. Mr. Leckstein says the subdivision deeds creating the lots must make reference to the existing easement, to which Mr. Abbonizio agrees. Mr. Abbonizio says the easement essentially runs parallel to Lot 21.

Robert McCarthy is sworn in by Mr. Leckstein and states he owns the corner lot in Block 347, Lot 29. He states there is a pipe that runs thru the center of the property, put in about 12 years ago. He knows he cannot build on it. Mr. Brady says if something happens to that pipe we need to be able to access it to fix it. Mr. Mirabal says the easement will stay.

Patricia Curcurullo is sworn in by Mr. Leckstein and says she lives at 846 Brookside Avenue, Block 347, Lot 18, down the block, is interested in the square footage. She says Lot 21 rides along the back of three properties from Elm back, and then there is wetlands 2 or 300 sq. ft. Is that part of this deal? She tried to call the attorney but she did not know the square footage. She is on the corner of Elm and Brookside. Mr. Abbonizio shows her the map and she shows where she is inquiring about. Mr. Abbonizio says the Township is only subdividing to the end of the

line, the blue, orange and pink one, to the property line of Lot 24. The Township will still own the area she is concerned about.

Naomi McCullough, 113 Wayside Drive, Block 347, Lot 30, is sworn in by Mr. Leckstein. Mr. Abbonizio says she is getting a piece of the parcel. She wants to know if the Township is going to come out to the properties to show property owners where their new lines are, so they don't infringe on each other. Mr. Abbonizio says they will, but the resolution of approval has to be published in the newspaper, the map has to be filed with the County; after that it will probably be set. Mr. Abbonizio says he does not know if the Township ever envisioned remarking out the subdivision. Once it gets subdivided it would be up to the homeowner to essentially establish the property lines.

Responding to Mr. Brady, Mr. Abbonizio says the Township does not put in markers after doing their own subdivision; he says it has not been done in the past to his knowledge.

Mr. McCarthy says he was told he has to use his own surveyor.

Mrs. McCullough says she thought the fees they already paid would go into the subdivision. Mr. Abbonizio responds they get a copy of the subdivision plan, they do not get the markers.

Mr. Abbonizio says the subdivision map was created and certified by CME; the buyers will get a copy of the map, but not markers.

Mrs. McCullough asks how long after the subdivision goes thru before another property owner has to move their stuff on the newly subdivided area. There is a trailer and other stuff back there. Mr. Leckstein says that is not an issue for the Board; they are merely approving the subdivision. Mayor Tagliarini asks the three property owners if the items belong to any of them; William Dalton states it is his trailer and he has been waiting for someone to come and take it.

Mayor Tagliarini asks the time frame before these items will really become an issue; Mr. Abbonizio says usually 45 days after memorialization of the resolution and it is published.

William John Dalton, 862 Brookside Avenue, Block 347, Lot 27, is sworn in by Mr. Leckstein. Mr. Dalton says his sister lives directly behind him at 114 Elm Place. His father purchased the 862 property back in the 20's. He then purchased 114 Elm Place. It is his understanding that when he purchased the property he crossed over the easement to the Wayside property line. He says Naomi owns a small section and his sister owns to the fence. When they built the development they covered up the markers. He is trying to figure out this tiny little spot that he could care less about. But is there going to be a fence put across it by the trailer.

Mr. Leckstein says whoever owns the property can do whatever they want, like any other piece of property.

Mr. Dalton says he and his family have been utilizing that piece of property for over...he is going to be 50 years old and his father owned the property during his first marriage. They have maintained the property, kept it clean and free of mosquitoes. Mr. Dalton says it was just brought to his attention he needs for off street parking spots since he owns a two family house at 862 Brookside. He is trying to figure if there will be enough room for four parking spots on that property. Mr. Leckstein says he is not going to give Mr. Dalton any advice.

Mr. Abbonizio together with Mr. Dalton point on the map to his sister's property and where her property ends.

Mr. Leckstein says this is a vacant piece of land we are subdividing, confirmed by Mr. Abbonizio. Mr. Leckstein says all we are doing is taking a vacant piece of land and adding it to three other lots.

Mr. McCarthy says his property runs length wise and Mr. Dalton's is on the corner (pointing to where on the map). The property is between Mr. McCarthy's backyard and Mr. Dalton's side yard. Mr. Dalton has a 25 ft. lot, the easement goes 45 ft. into his backyard, so the 45 ft. has to be split in half. Mr. McCarthy is asking if Mr. Dalton will have enough room to put four cars on it. Mr. Leckstein replies that is not up to the Board.

Mr. Abbonizio says even with the original subdivision that property was always separate from the two "orange" lots. It was originally Lot 43 but changed to Lot 21. The "green" sliver is left.

Patricia Cucurullo, previously sworn, states at 28 on the street is a fire hydrant, and it is the only fire hydrant on the whole block. Mr. Mirabal asks if it is going to stay. Answering Mr. Leckstein's inquiry as to how this fire hydrant affects the subdivision, Ms. Cucurullo says she believes it is in the middle of the division. Mr. Dalton is yelling away from the mic and cannot be understood. Mrs. Curcurullo says she believes you have to stay a certain number of feet away from the fire hydrant and keep it clear. Mr. Leckstein says it will stay where it is.

Mrs. Curcurullo says, nothing to do with the subdivision, but they are the part of Aberdeen that does not have curbs. Mr. Mirabal responds the only thing being done tonight is establishing the boundaries for the properties buying a piece of land from the Township. Mayor Tagliarini says the area off of Route 516 does not have curbs, the Freneau and Woodfield sections of Aberdeen. Mr. McCarthy asks if Mrs. Curcurullo could go around to the residents with a petition to sign requesting curbs. Mr. Brady responds that during road reconstruction curbs would be put in; this is not the right forum to be discussing curbs. Rather, a Township Council meeting would be the better forum. However, when a road is reconstructed in the area, they do put in curbs and drainage.

Mayor Tagliarini asks if everyone is ok with this subdivision. He does not want someone in three months calling and saying someone is parking here and the trailer is still here, etc. He wants it hashed out now being everyone is here, they are all neighbors, but he has to really be assured that this is what is wanted, or the Council will definitely pull this. The reason for the subdivision is a little more elbow room. Mr. Dalton says they have all been utilizing this property anyway. Mayor Tagliarini says he wants to feel confident, or perhaps the Township Council made a mistake forging ahead with this subdivision. He would like to hear from everyone that this is going to work out, everyone knows their boundaries, everyone is going to know their new plot size, and this is cool with everybody.

Mr. Dalton says everything seems to be perfectly fine. He asks Mr. Dalton if he can foresee a problem; Mr. Dalton says "not really." He has to move his fence 3 ft. to make it straight, Rob has to move the back side of his fence in a little bit to make it the way they want, and they have been utilizing this property for 18 years. The town came in and filled in the pipe, even though the State told them they couldn't do it. He didn't care. The manager at the time called both him and Rob saying they could use the property. He has a shed, driveway, that he had permission for and had

permission from the Township to utilize the property. Rob has a fence on it and Mr. Dalton doesn't see any problems.

Mr. McCarthy says he has no problems with it. He is the one who brought this forth. They offered the land to them 12 years ago; they had the same problem across the street. There was an easement, kids hanging in there, broken glass, so when they filled the pipe in, they went to Jim Lauro, and made a gentlemen's agreement. He had four young kids, Mr. Dalton had a dog, he is putting a fence up. Mr. Lauro said the town would put a fence up around the whole easement, but they didn't have the money to do it. He put a fence up, so Mr. Dalton had the front half for his shed and driveway and other stuff, and Mr. McCarthy had the back area. Everything is fine. They had a fire two years ago. The footprint where the fence burned, about 8 sections, Mr. McCarthy put it back up. Someone made a call, still unknown. He went to Maxine, got the permit, and came to Council meetings to ask if he could buy the property, or split it or whatever they had to do to make it right. It has taken about a year to get here.

Mrs. McCullough says for the most part they are all in agreement. The fact Mr. Dalton's sister at one point felt she owned all the way to her fence, which caused a conflict, but nothing was said after the fact, and for the record, they do not own up to her fence. She feels good about that. She has the smallest face, so she has no issues.

Mr. Leckstein says there are no objectors present. Mayor Tagliarini thanks the three property owners for their input.

Mr. Vena clarifies who gets the piece in the back, the piece on the left and on the right. Everyone is talking and not into the mic, so I cannot determine who is saying what. Everyone is looking at the map and talking at one time. Since no one knows who is saying what, Mr. Leckstein calls for a motion.

Mr. Awofolaju moves to grant the subdivision, seconded by Mr. Hirsch.

Yes: Mayor Tagliarini, Mr. Brady, Mr. Awofolaju, Mr. Hirsch, Mr. Mirabal, Mr. Shenton, Mr. Vena, Mrs. Williams

No: None

Abstain: None

Mr. Leckstein says it is noted there is to be no resubdivision of this property.

Meeting adjourned.