

Planning Board Meeting 3-7-2019

**TOWNSHIP OF OCEAN
Planning Board
March 7, 2019**

7:00 P.M.

FLAG SALUTE

STATEMENT: Pursuant to the provisions of the New Jersey, Open Public Meetings Act, adequate notice of the meeting was properly provided by sending copies of the notice of meeting to the Asbury Park Press and the Press of Atlantic City. Notice was posted on the bulletin board in the Administration Building.

The meeting of the Planning Board was held on the above date and time; Chair Don Lippincott called the meeting to order.

ROLL CALL

Members Present	Robert Beck	Ken Baulderstone	Shawn Denning,
	Donald Lippincott	Paul Kavka	Ben LoParo
	John Petrosilli	Michael N. Roche	Aaron Shapiro

Members Absent: Nicholas Bonamassa, William Sneddon

Professionals Present: Steve Schreiber, T&M Associates, Steven Yost, Haines and Yost

APPROVAL OF MINUTES:

Robert Beck made a motion to approve the minutes of the regular meeting of December 6, 2018, and Ben LoParo seconded them Roll Call. (Ayes) Beck, LoParo, Lippincott, Petrosilli, Kavka, Roche, Shapiro.

Michael Roche made a motion to approve the minutes of the special meeting of December 12, 2018, and Ben LoParo seconded them. Roll Call (Ayes) Roche, LoParo, Beck, Lippincott, Petrosilli

Sean Denning made a motion to approve the minutes for the January 3, 2019 Re-Org Meeting, and Robert Beck seconded them. Roll Call. (Ayes) Denning, Beck, Baulderstone, Lippincott, Kavka. Petrosilli

APPROVAL OF BILLS:

Aaron Shapiro made a motion to approve the bills and Michael Roche seconded it.
Roll Call (Ayes) Shapiro, Roche, Boulderstone, Beck, Denning, LoParo, Petrosilli, Kavka, Lippincott.

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CORRESPONDENCE: Taylor Design Group First Buy rite resolution compliance, T & M resolution compliance for Buy Rite Liquors, and planning officials pamphlet and cards explaining what cards are for. They find it interesting to see who pulls out cards at their events.

RESOLUTION: NONE

INFORMALS:

OLD BUSINESS: NONE

NEW BUSINESS:

- a. **Docket No. 09-18-PB, Bryan Muermann of 77 Tiller Avenue Waretown, Minor Subdivision (2 lots) Block 126 Lot 3, 4 Dolphin Way**

Lippincott recused himself from this business after consulting with attorney. Reason being he received notification for owning property within 200 feet, that is the conflict. Vice-Chair, Aaron Shapiro will be the chair for this Docket.

Bryan Muermann introduced himself, and stated he wants to build a single family dwelling, ranch on the property 28' x 48' long with driveway on the side. Setbacks and lot coverage zoning requirements will be met. Steve Yost suggests Swearing him in because he is representing himself, and it will turn into testimony. He resides at 77 Tiller Drive. Sfd one story approx. 28' x 48' cement driveway on one side will meet all zoning setbacks.

Shapiro: so what you're doing is Dividing property, one house will be facing the other side of Dolphin, and one facing Tiller..

Petrosilli:, I thought application was for a subdivision, nothing to do with building a house. I believe the subdivision meets all the zoning requirements.

Yost: Perhaps we should hear from the Engineer? Swearing in Mr. Schreirer, since he was not at the January meeting.. Mr. Schreirer listed his credentials.

Yost: Are you a licensed engineer in NJ?

Schreirer: Yes, I have over 32 years experience; been in front of boards, and behind the dais. I've given testimony, reviewed plans, designed plans.

The applicant is in the process of creating two lots site existing 12,000 sf lot. has frontage on Dolphin way 100 ft north of Lighthouse Drive. Received as built survey 126 lot 3, which is the existing single lot, plot plan prepared by Bryan Muerrman prepared by Pierson of East Coast Engineering.

As far as our comments: .0288 acre into two equal lots R-HH residential zone. Currently sfd with driveway, deck, and stairs. Proposing a similar structure on lot 3.02. We have reviewed the submission, and it either meets or exceeds requirements of that zone. The applicant must provide proof of approval from the tax assessor for the proposed block and lot. We recommend monuments be set prior to map being filed. The applicant must provide testimony about parking for both lots as well as adequacy of same. The applicant should provide testimony on any future grading 3.01 and impact on properties. We recommend all roof leaders be discharged towards Dolphin way. frontage of plot 3.01 and a grading plan be submitted for review

As per 410-168, a tax map maintenance fee of \$600 will be required. The applicant shall confirm all utilities available, ocean county planning approval, and Applicant should provide photos of the existing site for the board's review.

Any questions:

Petrosilli: Looking at the property. Did you look at the property at all?

Schreier: I looked at the plans.

Petrosilli: It's loaded with water. Is there any issues with wetlands?.

Schreier: According to the plan, it is not in a flood zone. There is no wetlands there.

Petrosilli: How about a grading plan, it appears as though the one on the east is higher than the one on the west. Where will that water go?

Muermann:I plan on directing it to the street. Dolphin Way. - If I put a house there it will still go down to the neighbors where it already goes

Petrosilli: You can't allow all the water to flow into the neighbor's yard. We have to protect the neighbor. Each lot drops down. You can't just let water run into the properties.

Boulderstone: we do have complaints from residents in that side of town Mr. Petrosilli raises good issues

Muermann: I already talked to the neighbor and he understands how we are going to shed the water - he owns the house on the lower side

Schreier: As part of our review, they have to submit the grading plan. We do have complaints from residents in that part of town regarding the water problem. Mr. Petrosilli is correct in being concerned for the neighbors.

Muermann: I have already spoken to the neighbor

Denning: is it appropriate to have him supply a water mitigation plan - the lot does hold a lot of water - maybe piping away or diverting it of that nature

In addition to a grading plan, how about a water mitigation plan? Maybe piping water away from the street to keep the water out of the neighbor's yard. We are adding a lot of impervious coverage there. I know in other parts of town they were required to install drywell, etc. to manage their water.

Schreirer: I assume you will have an engineer prepare a grading plan

Loparo: we are here to approve a subdivision. Is the water run-off something the board should be considering tonight? Or do we just give permission to divide? Or is it a construction department

Yost: I think it's appropriate for the board to consider it tonight. The board can require a grading plan and a water run off plan and require that they be approved by the board's engineers as a condition of approval. We can approve the subdivision tonight contingent upon those things.

Denning: - I would like to make sure we don't put ourselves into a situation where we are rubber stamping things and then we have a neighbor coming in six months, a year to angry, and complain and we're trying to mitigate a problem that was preventable. -I would personally like to see the grading plan with an adequate draining plan

Schreirer: - you may want to suggest a test pit to see where the water table is because that's going to dictate what he can do with regard to piping

Petrosilli: the applicant has to get an engineer to do that and present it to our engineer. The applicant needs to get an engineer and present it to the town engineer.

Yost: You can do it either way. If the board thinks there's a real problem here, you can ask the applicant to carry the application and provide the additional information. If you are comfortable with him handling it with review, you can say the approval is contingent upon the Board Engineer.

Denning: Motion to approve the application

Shapiro: We need to ask for testimony
Any public comment?

LoParo: If we approve this Contingent upon a grading plan, is this a possibility for you.

Muermann: that's not a problem

LoParo: just want to make sure it's acceptable to you.

Shcreirer: Looks like the finished floor is high so the grade around the house is close to the existing grade. Depending on where the water table is.

I think it's incumbent on the applicant to ensure that property owners on either side is protected.

Petrosilli : There's a lot of contingencies the board has to consider I understand that the neighbor says he doesn't mind, but if he sells the house, the new owner might not want that water in his house.

Lippincott: anymore comments for the owner

Motion to open to the public

All in favor, Aye

Yost: Dennis Shirm we will swear you in. 6 Dolphin Way

Shirm: I Also own the house on Lighthouse drive. Bryan has lot between both houses I own. I am not here to oppose what he has proposed. I am worried about the water runoff. I came for two reasons to find out where the water runoff would go, and if the whole plan was going to be copacetic. I have two interests because I have property on both sides of where he is building..

Shapiro: We would probably make any approval contingent upon grading.

Shirm: I'm not here to object or oppose, just don't want to make a hardship for myself.

Denning: So you own both houses

Shirm: Yes

Denning: When it rains where does the water go?

Shirm: I have water collecting on my property now – it's just the way the horseshoe is designed - it has nothing to do with what he is proposing to build - the ground has nowhere to go. That's why I was curious about this meeting tonight

That whole portion the inside of the horseshoe drains onto Lighthouse Drive. All that water collected in middle of circle comes that way.

Denning: Do you see any water runoff on dolphin way.

Shirm :The horseshoe of Dolphin way goes towards Lighthouse drive. The water collects on my property and runs onto the property the applicant is proposing to develop. The groundwater has nowhere to go. The water collects on my property. It's just the way it was designed.

Motion to close public comment.

All in favor.

Beck: Question for engineer: wouldn't it be preferable to have drainage calculations prior to this meeting? Nobody knows what's going to be done, now.

Schreirer: It kind of works hand in hand

Grading first, draining second? Loparo

Shcreirer: You can see if the high water table has something to do with the water collecting on these lots.

LoParo: And we can approve based upon these contingencies?

Pet: whats the favor of the Board

Denning: Make motion to approve application with a contingency that they provide a grading and drainage plan that is adequate to mitigate site water.

Second: LoParo.

Roll call

Denning, Loparo, Boulderstone, Beck, Roche, Petrosilli : abstain, Kavka, Shaprio,

Shapiro: Motion is approved for the development subject to the drainage and grading being looked into.

Lippincott takes back Chair.

OPEN TO PUBLIC

Robert Lange, Shore Drive, Waretown

Yost: swears in

I'm on the other side of fence been on planning and zoning. Whole town has problem with drainage, and you are here tonight to approve a subdivision

There are worse problems east of there. I actually drove around with Jason, the town engineer, and Matt from DPW. What happens is there is a little creek that goes under the street and then the county takes it down out to the bay. The problem is the county is not maintaining that outlet. Matt is looking into the situation. I'm going to call it a catch basin, but that's not what it is. Right now it's clogged, because it hasn't been cleaned out.

This year has been the worst ever. And now the new project by shoprite is pushing all the water out of that pond into the properties. The town put a drainage and instead of the water going down its going up from east to west. The town has to let the water out somewhere. The DEP doesn't want the water going into the bay. Main thing is we have to get that drainage taken care of It's the whole town that this is the problem

LoParo: county won't let us tie our drainage into their drainage. We're trying to set up a meeting because we have to use their drains we can't use our own. We can pipe everything and let it go into county drain we would be better off. We are trying to work it out.

Lange: if the county won't clean out their basin and keep it from clogging up, we have these issues. The subdivision has nothing to do with the major problem the town is having. These retention basins are causing problems. People building one house, it's not changing anything.

Lippincott: that is a real issue if you take a walk after a rain, the catch basins are an issue, they get stuffed up and the water backs up. Matt's working on it.

Shirm: if I might add, after a rain these properties are lakefront because it doesn't drain. The county told me that the homeowner is supposed to take care of the drainage, even though it's their drainage.

Beck: with regard to the resolution: are we going to conditions of the approval procedurally will we have the engineer review before we memorialize, or after.

Yost: he'll get his resolution, but resolution will have what is required. Then it will go to board engineer and he's gong have to approve the plan but the map can't be filed until this is done.

CLOSED TO PUBLIC

WORKSHOP

Discussion of the July meeting date because it falls on the fourth of July.

Clune: I would like to get the notice into the newspaper.

LoParo: Tuesday or Wednesday, whatever works.

Clune: Tuesday the second?

Lippincott: sounds good.

Clune: July 2nd I will notice for the July meeting.

Chair asked for a motion for adjournment. Aaron Shapiro made the motion to adjourn and Ben LoParo seconded it. Roll Call (Ayes) Shapiro, LoParo, Beck, Edwards, Lippincott, Petrosilli

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Meeting Adjourned at 7:37 P.M.

Respectfully Submitted;

Laurie Clune
Recording Secretary
LC/lid