

Chairman Nanson called the meeting to order and the Administrative Officer read the opening statement. This meeting was held remotely using electronic means due to the COVID 19 closure of the Municipal Building to the public.

**ROLL CALL:** The roll call showed the following members present: Matthew Hughes, Richard Mertens, James Moretti, Thomas O'Donnell, Glenn Cantor, Paul Sayah and Wendell Nanson. Matthew Gonzalez was excused and Jose Orozco was absent

Also in attendance were Board Attorney, Ronald Troppoli, Charles Cunliffe, Board Engineer, Jennifer Beahm, Board Planner, Matthew Howard, Director of Land Use and Eileen Rubano, Board Secretary

**PLEDGE OF ALLEGIANCE:**

**SWEARING IN OF BOARD PROFESSIONALS:** Charles Cunliffe, Jennifer Beahm, and Matthew Howard were sworn in by Board Attorney Troppoli.

**APPROVAL OF MINUTES:** There were no minutes to approve.

**VOUCHERS:** There were no vouchers to approve.

**CORRESPONDENCE:** There was no correspondence but the Chairman asked the Board Secretary to announce the change for the next meeting. The Board Secretary said the June 22, 2020 meeting and both July meetings would be hybrid meetings which would take place in the main meeting room in the Municipal Building at 7:30 p.m. for the Board Members, Professionals and the Applicants and their professional teams but not for the general public. Members of the public wishing to comment or ask questions about an application would have to watch the live stream on television and call in to speak when the Chairman opens the hearing up for members of the public.

**RESOLUTIONS:** There were no resolutions to memorialize.

**APPLICATIONS BEFORE THE BOARD:**

a. **Case No. BA19-11 / Kay10 Holding, LLC**

Dante Alfieri, Attorney for the Applicant, appeared and said this was a continued hearing as they testified previously before the Board and they took a lot of the comments of the members and professionals and have made some changes to the plans.

Ms. Beahm, Board Planner, stated that they completed their testimony but there was concern with the project having structures in the ARE-6 zone as the property is split zoned. Exhibit A-25 which is a sketch of their new plans, shows that they have modified the plans and now all buildings are in the SED Zone and the building has been pushed back off the road. They also added a cul-de-sac to facilitate turn around and parking has been based on 90% warehouse and 10% office space. They previously made a commitment and will deal with landscaping for the neighbor across the street at site plan. It was a balancing act but they did try to comply with most of the comments. Ms. Beahm said she has no problem

with the new plans and has no further comments on the application other than they have reduced the size of the project from 72,000 s.f. to 58,500 s.f. which is a significant reduction.

Mr. Alfieri said that unless the Board has questions, they are done with their testimony.

Several Board Members had positive comments about the new plans but they had no questions.

Mr. Cunliffe, Board Engineer, said that some walk-ways have been eliminated at the rear of the site that the applicant may want to look at prior to site plan but he sees no access issues. He also said they may have some stormwater changes at site plan.

Chairman Nanson opened the hearing up for members of the public wishing to comment or ask questions and the following called in:

Bob Carroll – 406 Oak Glen Road, who was duly sworn by the Board Attorney. Mr. Carroll asked whether they were planning a larger shoulder along the front of the site. He said he didn't notice it on the plans but he wants to make sure that trucks will not be parking along the roadway especially overnight.

Ms. Beahm commented that they will be coming back for site plan approval but right now there is no parking on Oak Glen Road and no parking in the front yard either.

Charles Cunliffe, Board Engineer, said that the applicant has agreed to shoulder widening as it is a narrow road. This will provide for easier ingress and egress. The applicant can post "no parking" signs and have the police enforce it.

Mr. Carroll said he was concerned since UNFI has trucks parked there all the time and Mr. Cunliffe said this is up to the Board's discretion and will be considered at site plan.

Since no other members of the public called in to comment, the Chairman closed the public portion of the meeting.

Mr. Alfieri asked the Board if they were in favor of the shoulder widening as they would like to know prior to site plan and the Chairman said they were. He also said that the testimony coupled with the changes in the design warrant the approval of the use variance and they will come back for site plan.

Mr. Cunliffe said the traffic report should be updated to correct the typos and reflect the smaller footprint of the site.

Mr. Sayah made a motion to approve the Use Variance for Kay10 Holding, LLC. Motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Mertens, Moretti, O'Donnell, Sayah, Cantor and Nanson voting to approve.

The Board took a short recess from 8:30 to 8: 35 p.m.

**b. BA20-103 / Robert Weir**

Rudolph Maharaj, Attorney for the Applicant, appeared and said they were seeking bulk variance approval for minimum lot size and an accessory structure in the front yard.

Mr. Troppoli, Board Attorney, asked if the applicant sent buy/sell letters to justify their request and Mr. Maharaj said to his knowledge they did not.

Anthony Maltese, PE, PP, PLS, was duly sworn, gave his credentials to the Board and was accepted as an expert witness. Mr. Maltese testified that he prepared the plans and

provided the location of the property saying it is currently vacant land. He provided testimony that there was a prior approval for this lot to construct a single family dwelling with a condition that it be constructed within twelve months. He also testified that the applicant did look to purchase additional land.

Mr. Maltese further testified that this is a nonconforming lot as it is undersized at .713 acres and there are several lots in the area with the same deficiencies. They are proposing a septic system which will be a mounted gravity flow system or a pump system. They are proposing a 2 bedroom house with a septic sized for a 4 bedroom house, a 20' wide driveway for parking spaces and one garage. There is currently a shed on the property that is being removed. He stated that the residential use is permitted and there are no detriments to neighboring properties. They will also be putting dry wells on the structure. Mr. Maltese testified that he has no issue meeting the requirements in the Board Engineer's technical review letter.

The Chairman raised an issue with water run off which led to some discussion especially about the drainage easement in the rear of the property. They were concerned with the septic on the neighbor's property and Mr. Maltese said the property is being designed with a swale towards the rear of the property so the neighbor will not be affected and he is bringing the grading on the site down significantly.

Charles Cunliffe, Board Engineer, said the center of the site is at elevation of 98 and the dwelling is 104 which means they need 6 feet of fill which is a significant amount and he has concerns about this. He also said that the mounted septic system will cause 3 feet of unusable fill to be removed and you can't reuse it on the site. This will compound the issue.

Mr. Maltese agreed that the fill from the septic will need to be removed off site as it can't be reused.

Mr. Cunliffe said they will need to certify incoming fill on the property and the Board may want to make it a condition of approval that any soil has to be removed from the site.

Mr. Maltese also noted that the prior resolution shows that the applicant tried to buy/sell property to make the lot more conforming and it did not work. The Board still feels that the applicant should send out buy/sell letters as the ownership of the adjoining lots may have changed.

Ms. Beahm, Board Planner, said the buy/sell letters are required by law and it is incumbent that we have those especially with the significant amount of time that has passed.

Mr. Troppoli, Board Attorney, agreed with Ms. Beahm and said there are a number of concerns that indicate that we should not move on this application tonight, especially with the concerns of the Board Professionals.

Ms. Beahm said that a mounted septic system in the front yard on Georgia Tavern Road is not aesthetically appealing and they need to do something with the frontage with landscaping or something to screen the property.

Chairman Nanson noted that they have site triangle issues and Ms. Beahm said they need to show the site triangle on their plans and she thinks Mr. Cunliffe asked for that in his review letter. The Chairman also said they need to know where the neighbors' well and

septics are located and exactly what the easement is for. Ms. Beahm said the distances for the well and septic must be shown and the proper separation of 100' must be met.

Mr. Cunliffe said the applicant should reach out to the Monmouth County Board of Health for their comments on the septic system. He said it is also unclear whether or not the Right-of-Way deed has been done or will be done. He cannot locate a filed map with the 8.5' right-of-way. There is a deed recorded in Deed Book 5672, page 828 with reference to one acre with reduction of 0.17 acres for an 8.5 wide strip for right-of-way and the plan already show that. He asked that the applicant provide a copy of the right-of-way deed.

Mr. Cunliffe also commented that there are several trees on site that are significant in size and they should be located and shown on the plans with notations such as "to be removed" or "to remain". He also requested that additional grades be shown on the plans so they can see where the run off flows. He said a conceptual grading plan may help but they may want to meet with him first. They testified that dry wells are proposed so they should be shown on the plans along with final lot grading, cut fill analysis and construction details for the driveway to be sure they are acceptable. Mr. Cunliffe also noted that an export/import fill permit may be required and since the lot area is greater than 5,000 s.f. they will need Freehold Soils approval as well. He recommended that they file the application with Freehold Soils before they come back to the board.

Chairman Nanson carried the application of Robert Weir to the Board's July 27<sup>th</sup> hearing with no further notice.

Mr. Maltese said the applicant is the buyer of the property and asked whether he can do the buy/sell letters and Mr. Troppoli said he could and they need to be sent certified.

Mr. Cantor made a motion to adjourn the meeting. Motion was seconded by Mr. Hughes and carried. Meeting adjourned at 9:18 p.m.

Respectfully submitted,  
Eileen Rubano, Recording Secretary

NOTE: A CD or DVD of this meeting is available on request.