

MINUTES OF THE PLANNING BOARD MEETING
Thursday, June 23, 2022

Present:

Vice Chair Jessica Pearson

Councilman Jack McEvoy

Mr. Al DeOld

Mr. Jason Hyndman

Mr. Jeremy Katzeff

Ashley Neale, Planning Board Secretary

Mayor Alex Roman

Mr. Tim Camuti

Mr. David Freschi

Mr. Jesse Lilley

Mr. Greg Mascera, Planning Board Attorney

Meeting called to order at 7:31PM by Vice Chair Pearson.

Pledge of Allegiance:

Vice Chair Pearson reads Open Public Meetings Act Statement.

Township Manager Joseph D'Arco gives the Board a brief update and introduction to the team hired by the Township to assist with their affordable housing obligations.

Public Hearing

Vice Chair Pearson asks if anyone from the public would like to address the board on topics not on this meeting's agenda. No one from the public came forward.

Approval of Minutes

Vice Chair Pearson asks for a motion to approve minutes from a Regular meeting held on May 26, 2022. Mr. Camuti makes the motion, Mr. DeOld seconds. Mr. Freschi abstains, all others present vote in favor.

Sub Committee Updates

Vice Chair Pearson notes that the Master Plan sub-committee has completed their review of the elements and the planner is finalizing the draft. She notes that the draft will be sent to the entire Board by the next week. There is discussion on having a special meeting for this review and if it should be in person or virtual. It is ultimately decided there will be a special meeting on July 21 as an in person meeting.

Hearing Application 2022-03 for 19 Parkhurst Place

Mr. Katzeff notes that he will have to recuse himself from hearing this application.

Mr. Alan Trembulak introduces himself as the attorney on behalf of the applicant, Mr. Mitchell MacGregor. Mr. Trembulak notes that the application is proposing a minor sub-division on the property that would require variances. One variance for the lot width, where 54 feet is proposed and 70 feet is required, and the other for lot size where 5,400 square feet and 8,400 is proposed. He notes there is an additional variance required for exceeding maximum permitted building coverage on the lot with the existing house where 20 percent is required and 20.2 percent is proposed. Mr. Trembulak adds that the zone boundary runs directly through the middle of the street, and that across the street the zone required 50-foot lots. He comments that the proposal is consistent with the lot sizes of the area.

Mr. Mascera notes for the record that the application has been deemed complete and the applicant could proceed. Mr. Mascera swears in Mitchell MacGregor as the applicant and contract purchaser for the property. Mr. MacGregor gives a brief background on his development portfolio for the Board.

Through questioning from Mr. Trembulak, Mr. Macgregor testifies that the lot currently holds an existing house that he intends to renovate, and intends to build a new home on the second new lot. He comments that the new house would be built to fit the area that would be approximately 2,000 square feet. He adds that his company would be responsible for the construction of the new home. He notes that he is currently constructing a house at 77 Hillside in town, which was previously approved as a minor subdivision. He adds that he has done a similar project at 448 Washington Avenue in Montclair.

Mr. Trembulak marks the following exhibits into the record.

- A1- Marketing Materials for 77 Hillside Avenue
- A2- Marketing Materials for 448 Washington Avenue in Montclair
- A3- Photographs of house build on vacant lot at 446 Washington Avenue Montclair

Mr. MacGregor continues his testimony through questions from Mr. Trembulak. He notes that he does not anticipate having to remove any trees from the property, but if necessary would comply with the Township's tree ordinance. He adds that he agrees to comply with all comments listed in the review letter from Mike DeCarlo dated March 21, 2022. Mr. MacGregor notes there is an existing driveway that encroaches on the new lot and he intends to remove that portion.

Vice Chair Pearson asks if there are any questions from the Board for Mr. MacGregor. Mr. Hyndman asks if there was any consideration for keeping the existing driveway and making it shared. Mr. MacGregor responds that he would have to see if it would work aesthetically from the house they want to build. Ms. Pearson questions the existing width of the driveway and how removing part of it would work. Mr. Trembulak notes the encroachment is between 3 to 5 feet, leaving the driveway about 13 to 14 feet after removing the encroachment. Vice Chair Pearson asks about drainage on the site. Mr. MacGregor notes that he will comply with all regulations and that the property is flat, limiting run off. Mayor Roman ask why he is proposing two houses instead of building 1 that would be conforming to the zone requirements. Mr. Trembulak notes that zoning would allow for a much larger house that they feel would be out of character for the neighborhood. Mr. Camuti also questions the width of the current driveway. Mr. Trembulak notes that the next witness will be able to clarify.

Vice Chair Pearson asks if anyone from the public has any questions for Mr. MacGregor. Rich Watts from 18 Sunnyside Place asks Mr. MacGregor if he planned to reside at either home. Mr. MacGregor notes he has no plans to live at either house.

Vice Chair Pearson marks the following exhibits into the record.

- B1- dated March 21, 2022- Zoning Letter from Michael DeCarlo
- B2- dated April 18, 2022- Memo from the Environmental Commission

Mr. Trembulak calls Richard Keller as his next witness. Mr. Keller gives a brief background on his education and experience for the Board. The Board accepts Mr. Keller as an expert witness in planning and engineering.

Mr. Keller begins by describing the subject property and its current zone. He notes that many properties to the west of Parkhurst that are 50 feet wide. Mr. Keller marks Exhibit A4 into the record- Arial Photo of Subject property- dated February 2022. He describes the lots surrounding the subject property, noting the variety of lot sizes. He comments that larger houses on bigger lots typically have more accessory structures like pools or sports courts, which would result in the same amount of impervious coverage. Mr. Keller marks Exhibit A5- Photo Board #1 dated 6/23/22 and A6- Photo Board #dated 6/23/22. He notes that he took all the photos in these exhibits. He continues describing the surrounding area listing all the houses on the street near the subject property. He adds that the new dwelling would be fully compliant with all side and rear yard setbacks.

He notes that if the property were to be subdivided the lot with the existing house would be over in coverage by 0.2 percent, which is equivalent to 10 square feet. He also notes that there are existing non-conformities on the current lot and those would remain unchanged. He comments that the variance relief being requested is for the lot coverage being 20.2 percent where 20 percent is required, the proposed lot size of 5,407 square feet where 8,400 is required and the lot width being and the lot width of 54.07 where 70 feet is required. He adds that this would fall under a C2 variance, where the benefits would outweigh the detriments. Mr. Keller comments that the neighbor is eclectic in terms of lot size and architecture and therefore renovating the existing home and buildings similar home on the new lot would only benefit the neighborhood. He testifies that the project is consistent with the states Master Plan, and one of the state goals is for infill development and use existing utilities, instead of developing rural areas, and this project complies. He states that they do not think there is any detriment to the public good, as there would not no negative impact to the air, light and open spaces on the properties surrounding this one. He reiterates that all setbacks would be adhered to and that the new house would be built to match the character of the neighborhood. He comments the existing driveway is about 18.5 feet wide and it encroaches onto the proposed new lot by about 3.2 feet at the back and just under 5 feet at the street. He comments that the site slopes at about 4.5 percent and they would comply to submitting a grading and drainage plan per the Engineers comments. He adds it would require an approximately 1,000 square feet seepage pit to make sure there was no increase to the rate or volume of runoff. He notes that soil testing would be done and used to determine which type of storm-water management system would be best used. He reiterates that his feeling is there would be no negative impact on the area and that they would be advancing at least 4 purposes of the 2009 Master Plan.

Vice Chair Pearson calls for a break at 8:54 PM. The meeting is called back to order at 9:00 PM.

Councilman McEvoy asks Mr. Keller if he knew the existing coverage of the existing property and the existing square footage of the dwelling. Mr. Keller states according to the survey it states 30.1 for coverage and the square footage is approximately 1,090 square feet. Mayor Roman asks Mr. Keller if there was a reason two smaller homes would be more preferable than having one larger home with accessory structures. Mr. Keller notes that if you have one house with accessory structures covering 35 percent of a lot or two smaller houses at 35 percent, it is the same coverage. He adds that the larger house would be less in character with this neighborhood. Vice Chair Pearson questions how a 1,000-gallon seepage pit would work on the property and stresses that the preference is for green infrastructure. Mr. Keller notes that the Township's ordinance that requires they provide proper storm-water management. Vice Chair Pearson questions how the driveway for the new house would work with the tree on the property. Mr. Keller notes that they do not want to have to remove any trees but if it was necessary they would have to comply with the towns' tree removal ordinance, but their goal is to preserve the trees. Councilman McEvoy asks Mr. Keller's opinion on why an R70 zone is directly in the center of two R50 zone. Mr. Keller notes that it probably made the most sense for the whole neighborhood, which is made of up a few different lot widths. Councilman McEvoy asks if the applicant would consider agreeing to the condition that the new lot would be .2 percent less in coverage, to make up for the current lot being over. Mr. Keller notes the subdivision line could also be moved slightly to account for the extra 10 square feet, but they would agree to whichever the Board preferred. Mr. Hyndman asks Mr. Keller about the change in grade at the rear lot line and if there are retaining walls. Mr. Keller responds that there are retaining walls and he believes there is a couple foot drop in the rear of the property. Mayor Roman asks which scenario would have more storm water, the no build or the subdivision built with a management system. Mr. Keller notes that the built house with the storm-water management system would not increase runoff because the town's ordinance protects against it.

Vice Chair Pearson asks if anyone from the public has any questions for Mr. Keller. Vice Chair Pearson asks if any members of the public have comments regarding this project. Rich Watts from 18 Sunnyside Place notes his concern for the grading on the property and notes there is significant pooling in the back of the property, which concerns him for the future if this lot is developed.

Mr. Trembulak gives a brief summary of all testimony given by the applicants two witnesses. He specifically notes that they would comply with all comments in Mr. DeCarlo's memo and they would be agreeable to a condition stating only 1 tree would be removed.

Vice Chair Pearson asks the Board to deliberate. Mayor Roman notes his concern for the major difference is square footage, noting 8,400 is required and only 5,400 is proposed and that the zone is intended for larger lots. Mr. Hyndman

comments he sees the major issue with this application is the storm water, and is concerned with the neighboring properties. He notes this is an opportunity to make improvements through conditions to improve the situation. Mr. Freschi notes he feels this is a significant variance request and does not see a compelling reason to make a conforming lot into two non-conforming lots. Mr. Camuti comments it is a plus they are intending to restore instead of knock down. He also notes concern for the smaller road and traffic, and notes that he appreciates them being agreeable to only taking down one tree. Mr. McEvoy questions why this was zoned R70 instead of R50, considering the surrounding areas are R50 and voices concern for the runoff expressed by the neighbor. Mr. Lilley notes his concern that most of the lots on the street are compliant to the zone and is unsure if making more non-conforming lots would benefit the neighborhood. Mr. DeOld notes that the current house is in need of renovation and he does not think it would hurt the neighborhood to add an additional house.

Mr. DeOld makes the motion to approve application 2022-03 for 19 Parkhurst Place with the following conditions. Mr. Hyndman makes the motion.

1. The lot with the new dwelling would only have 19.8 percent coverage.
2. Only one tree may be removed from the property.
3. If more trees need to be removed for any reason, replacement trees must be replanted on site
4. Must comply with all comments in Mr. DeCarlo's engineering review letter
5. Design stormwater management measures so that the post-construction peak runoff rates for the two-, 10-, and 100-year storm events are 50, 75, and 80 percent, respectively, of the pre-construction peak runoff rates.

Roll Call is taken. Mr. Lilley, Mr. Hyndman, Mr. Camuti, Mr. DeOld and Councilman McEvoy vote in favor. Mr. Freschi, Mayor Roman and Vice Chair Pearson vote against. The application is approve 5 to 3.

Adjourn

After a motion made by Mayor Roman and seconded by Councilman McEvoy, there was a unanimous vote to adjourn at 10:36 PM.

Respectfully submitted,


Ashley Neale
Planning Board Secretary

PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-4777.