



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING

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**JANUARY 22, 2020
PLANNING BOARD
MEETING MINUTES**

The meeting was called to order at 7:00 p.m. by Chairman, Bob Preston

**FLAG SALUTE
NOTIFICATION OF MEETING**

ROLL CALL

Present: Aleli, Horton, Howell, Kirk, Reilly, Seher, Tiberio, Gersh, Ciccone, Preston
Absent: Strugala

OLD BUSINESS:

Vote: Approval of Minutes of January 8, 2020 meeting

Motion to approve: John Aleli – second – Greg Seher

ROLL CALL: Aleli, yes; Horton, yes; Howell, yes; Kirk, yes; Reilly, abstain; Seher, yes; Tiberio, yes; Gersh, yes; Ciccone, yes; Preston, yes

**Bob had to step down from the meeting at this time.
Jeff Ciccone took over.**

**Appl. # 5-2019 for EMD Real Estate Holdings - 506 Sooy Lane – Block 21 Lot 32 for Minor
Subdivision Approval**

Paul Busco, attorney for applicant – he briefly described they are back before the board for approval for a by rite subdivision. The applicant has met with Andy to discuss concerns of the storm water runoff and retention schedule. The plan they came up with will address these issues now.

Deborah Wahl, engineer for applicant – she described the 3 lot subdivision and the size of the lots and how they meet all the city's ordinance requirements for a subdivision. The plan they have come up with working with Andy will address the concerns from the last meeting. This was marked into evidence as Ex. A1. All board members were emailed all the documents as well. She then explained how the systems on each of the lots would work and be maintained. All the bulk requirements are met as well.

Joe McGroarty – asked the board if they had any questions

John – asked why the two year storm was chosen. Are there standards?

Deb – there are no true standards or requirements in the ordinance. For this type of development, the two year storm seems fine. Anything else would be too much. This system is adequate.

Andy – he reviewed the submission from Ms. Wahl and he finds it to be reasonable, especially given that they are not required to do anything. You are not required to store any onsite storm water runoff. They took into consideration the concerns that were heard and they will now store the difference between what runs off today and what they would generate from development on the three lots. The two year storm is reasonable and the fact they are proposing to do anything is a plus. Today everything runs off the site. He suggested we develop a criteria that the homeowner would have to follow and include it in our resolution that would require at the time of applying for a building permit, the applicant would prepare a plan based on this criteria. It would then be submitted to the City Engineer for review and approval. Again this is not required. They are volunteering to do this and he thinks it's a reasonable compromise to address the concerns. He then described what Howlett Lane looks like and how the water is distributed. He feels this development's runoff would not affect Howlett Lane.

Jeff – asked Andy if the installation of curbs would make it worse

Andy – it would not really affect this development. It would help channel the runoff from the whole area. He then referred to the original subdivision plan from Howlett Lane that shows the topography and he explained it. He has spoken to the City Engineer and he has looked into this. It's not a Planning Board issue. The issue is Howlett Lane is a private lane and not a public municipal street. They city is not responsible for it. That makes the whole thing complicated. He feels what they are proposing is a plus to this development.

Joe – agrees with Andy in its entirety. It's a minor by rite subdivision. They have met all their criteria and that neighborhood problem can't be made the responsibility of this owner. If they even did nothing with the storm water, this board could not impose it upon them. They have made an offer in good faith and most importantly he believes that if the board does not move forward that there is a significant likelihood that the applicant would move forward with an appeal and would most likely win. That needs to be considered by the board as we move forward.

Andy – you can put standards in our resolution on anybody who buys these lots would have to address it at the time of applying for a building permit. He gave Joe a list of standards that should be incorporated into the resolution. He has shared these with the applicant as well.

Motion to open the meeting to the public – John Aleli – second – Nick Tiberio
All were in favor.

Roy Talley – 100 Howlett Lane - his statements contradicted Andy's. He feels the new homes will put more water onto the street with the driveways being installed. He maintains his swale; however water crosses the street at his house on 4th & Howlett Lane. It was surveyed and the road goes uphill at that point. So the water turns and goes down Howlett Lane. He also feels if curbs and sidewalks are installed and if cars park in the street, there will be no room for vehicles to go down the street or emergency vehicles if needed.

Paul – we have to meet the improvement standards for the parking requirements and it will be reviewed by the city when permits are applied for.

Andy – there is the requirement to build sidewalks and curbs when you build a house. You could put something in the resolution, to encourage that these properties not be required to do this, but it still has to go to Council for this waiver. This board can't waive that condition.

Deb – she read the RSIS standards and what is required when building a home.

Kirk Heiland – 102 Howlett Lane – he disagreed with Andy's comments. He commented on all the subdivisions that were done by the Howletts over the years and there not be any storm water conditions looked at. There are about 25 homes that dump water with no storm water management.

Andy – went over the filed subdivision and the requirement to have a swale maintained on those properties to handle the water. That maintenance is on the property owners. He's been down there and the land slopes from the private lane to the back of the property. What's impeding water from getting off the street is something that occurs in areas where there are no curbs. The grass area adjacent to the concrete roadway has built up over time and it's higher than the road, so water builds up and it can't get over the lip of the grass area and into the swale area. The complication is that it's a private roadway and they need to maintain it. He spoke to the city engineer and the city solicitor who has addressed this in a letter, but the issue is to who will maintain this private roadway and who is to maintain the edges/swale to insure what was required previously be done. He feels it's up to the homeowners to do this.

Kirk – he understands the Howlett Lane problem, but what about the water coming down 4th Street? There is a problem with the water that runs down to Sooy and down to our street. There is no water system for it. He feels this board has passed the buck over the years.

Joe – this is something that this board can't address and it's not fair to put this applicant through it. The board has enough information to weigh in on this application tonight and what you're talking about is another issue. You should not be any worse off since the applicant has agreed to address their storm water.

Greg – this applicant has gone above what they had to do and we can't put anything more on them. He thinks we need to move on approving this application.

Kim – addressed Mr. Heiland and said that this has been dealt with Council and what was to be done.

Bob Preston – 6-1 Sooy Lane – he lives diagonally across from this property. He has curb around his property and on the corner there is a storm water inlet, so he is lucky. There are no sidewalks in the neighborhood and sidewalks might not enhance it, but he suggested that the property would have curb at least so at least two properties on that intersection have it. It would be an enhancement for storm water drainage and for vehicular traffic.

Motion to close public – Betty Howell – second – Deb Reilly
All were in favor.

Betty – thanked the applicant and she knows she put the project on hold. She talked to the city engineer and he spoke about the swales and said they would help out a lot and showed her where they should be. She sees no problem with passing this at this time.

Joe – conditions are laid out in Andy's handout and he read them of. It's basically the system that has been agreed to by the applicant. It will be included in the Resolution.

Motion to approve minor subdivision with conditions set forth – Greg Seher – second – Deb Reilly
ROLL CALL: Aleli, yes; Horton, yes; Howell, yes; Kirk, yes; Reilly, yes; Seher, yes & thanked the applicant for their hard work and patience with the board and this process and going above and beyond; Tiberio, yes; Ciccone, yes

Bob returned to the dias.

NEW BUSINESS:

Discussion of Sign Ordinance Regulations

Bob – it was suggested that we look at the sign ordinance and he made copies of the sign ordinance to everyone for review. There are some local businesses that have received violations due to signs that they have up.

Betty – after last week where we said we want to be more business friendly, she was notified by two businesses who received violations. One has had it there for years and the other not long. The businesses are Rifici's, Hi Point and Range 129. She feels we should look at our ordinance and see if we can make some changes.

Kim – has had discussions with Mike and our ordinance is almost 25 years old and there have been enhancements in signs over the years, so maybe we should take a look at it. Mike has to use the ordinance that is adopted to enforce the rules. We should make recommendations to council and hopefully they will adopt them.

Rob – thinks he can help with this and he wants to let the board know what the ordinance allows and then decide what the board wants to change. One example is: larger buildings should be allowed more signage and we only allow 110 sq. ft. of signage for commercial buildings no matter what size the building is.

There was then discussion of properties all around town and different signs that are up.

Rob gave Mike O'Hagan the sign ordinance that grandfathers some signs from a certain date. He has a complete inventory of those signs and will check the properties that have received violations to see if they're on it. We know that billboards and roof signs are not permitted anywhere in town and that should possibly be addressed. Suggestions were being thrown out, so it was decided to have the Site Plan Waiver committee meet with Rob on Wednesday, Feb. 5th at 6:00 p.m. to discuss it and bring it back to the board.

Bob – read a letter that was sent to the Mayor and Council expressing concerns of neighbors regarding the flooding on 4th, Sooy Lane and Howlett Lane during the application we just heard and for Council to consider.

Erik Resnick – 603 4th Street – it's the first time he's attended a meeting and suggested the Master Plan be put on our website. He feels there is a lack of public knowledge on the development on the WHP.

ADJOURNMENT

Motion to adjourn meeting – Greg Seher – second – Nick Tiberio
All were in favor.

Respectfully submitted,


Tina Lawler, Secretary

Approved: 3-11-2020