

**HAMPTON TOWNSHIP
PLANNING BOARD**

Minutes of June 18, 2015

The minutes of this meeting have not been formally approved and are subject to change and or modification at the next regular meeting.

The meeting of the Hampton Township Planning Board was called to order as 7:30 PM by Chairman Hinkes who led us in the Flag Salute.

ROLL CALL: Mr. Roberts, Yes; Mrs. Rosko, Yes; Mr. Brucker, Yes; Mr. Yetter, Yes; Mr. Hinkes, Yes; Mr. Dooley, Absent; Mr. Goytil, Yes; Mrs. Whitesell, Yes; Attorney Morgenstern, Yes and Engineer Simmons, Yes.

STATEMENT: Chairman Hinkes advised that this meeting is being held in compliance with provisions of P.L. 1975 of the Sunshine Law. Adequate notice of this meeting has been supplied to the Official Newspaper of the Hampton Township Planning Board that being the Sunday and Daily New Jersey Herald and is posted in the usual location of posted notices.

MINUTES: A motion to approve the minutes of the April 16, 2015 was made by Mr. Yetter and 2nd by Mr. Brucker.

ROLL CALL: Mr. Roberts, Yes; Mrs. Rosko, Yes; Mr. Brucker, Yes; Mr. Hinkes, Yes; and Mrs. Whitesell, Yes.

EXTENSION OF TIME:

Home & House, Inc. – Block 2602, Lot 8.03 – Parsons Road

A motion to grant a one year extension for the work at the Parsons Road location was made by Mrs. Rosko and 2nd by Mr. Roberts

ROLL CALL: Mr. Roberts, Yes; Mrs. Rosko, Yes; Mr. Brucker, Yes; Mr. Yetter, No; Mr. Hinkes, Yes; Mr. Goytil, Abstained and Mrs. Whitesell, Yes.

APPLICATIONS:

13-02PB Lowe's – Block 3501, Lot 37 – Subdivision

A motion to carry to July 16, 2015 was made by Mr. Roberts and 2nd by Mrs. Rosko

ROLL CALL: Mr. Roberts, Yes; Mrs. Rosko, Yes; Mr. Brucker, Yes; Mr. Yetter, Yes; Mr. Goytil, Yes and Mrs. Whitesell, Yes.

14-04PB Cage Investors, LLC – Block 3501, Lot 44 – Minor Subdivision

The applicant was presented by Attorney Kevin Krystopik. Also present was Ken Nelson, Planner and Frank Matarazzo, Engineer & Surveyor. Mr. Krystopik stated that the applicant is submitting a Minor Subdivision application dividing the land in to Two Lots, One commercial and One Residential.

Mr. Morgenstern reviewed his letter of completeness dated June 9, 2015.

General Comments:

1. The Hampton Township Planning Board approved a minor subdivision application for the Applicant by Resolution dated January 17, 2013. That Resolution approved the creation of proposed lot A which fronts on County Route 519 and contained 54.664 acres. A variance for lot frontage was granted for that lot. That lot located in the r-3 Zone district had a minimum lot frontage of 250 feet. The lot had 170.16 feet on Route 519. The subdivision also created the remainder Lot 44 with area of 110.8 acres which fronted on Route 206. The majority of that lot was located in the HCRD Zone District. The Resolution was subject to conditions. It required the Applicant to grant an easement to the Township of Hampton for a road right-of way from Route 206 to Route 519. It also required a Developer's Agreement. The Applicant never signed the Developer's Agreement. The condition of approval in that Resolution were not met. Since the Subdivision Deeds were not recorded, the approval lapsed unless extended by the Permit Extension Act. The approval may not be extended because there were wetlands on site.
2. The applicant amended the subdivision map to basically propose the same subdivision that was proposed and approved by Resolution of the Board dated January 17, 2013.
3. Lot Frontage – The proposed lot A will contain 170.16 ft. of frontage on Route 519 and 250 ft. is required.
4. There is a private easement granted to the Tanis Family located 15 ft. in width on the southwest boundary of the lot running from State route 206 in a generally northwest direction along the boundary of the subject lot with the lot owned by J.R. Roof, Inc., trading a McGuire Chevrolet leading toward the rear of the tract. There is a 15 ft. wide easement on the McGuire Chevrolet property as well, which easement is recorded in the Sussex County Clerk's Office in Deed Book 1127, page 28, et. Seq.
5. A connector road on the Applicant's property is shown on the Hampton Township Master Plan between Routes 206 and 519. The subdivision map has not been amended to show a proposed right of way presumably to the Township of Hampton for a road from Rt. 206 to Rt. 519. Sometime ago the Applicant proposed to grant this easement to the Township. The Applicant submitted a

“Draft Plan Alignment”. The Township Engineer commented on the Draft Plan Alignment and proposed changes. The Applicant did not submit a proposed Draft Plan alignment with this application. Applicant’s professionals should comment on whether the Applicant is willing to grant this right of way to the Township of Hampton at this time.

6. The report by David B. Simmons of Harold E. Pellow & Associates, Township Engineers was issued September 26, 2012. Mr. Simmons request that the alignment for the proposed road right of way be amended somewhat to avoid the wetland and wetlands transition area as much as possible. The Applicant and Applicant’s Engineer should review this proposed alignment by the Township Engineer and advise if it is acceptable. The proposed alignment should make ti more feasible for the Township to obtain a permit from the NJDEP for the road if required in the future.
7. The Planning Board in its Resolution of Approval of January 17, 2013 waived the requirement that these other roads be shown on the subdivision map. The Hampton Township Master Plan shows a Town Center North. Hampton Township has also had a visionary plan prepared by Collin Cathcart, P.P. The Hampton Township Master Plan was amended pursuant to proposed road plans prepared by Colin Cathcart. The road plans on the Township Master Plan are not shown on the proposed subdivision. Applicant’s Engineer should comment. The Township Engineer should comment.
8. Mr. Morgenstern stated that it is fair and accurate to say that the negotiations between the applicant and the Planning over terms of the Developer’s Agreement apparently were at an impasse because the Develop did not want to record the easement to the Township from the Route 206 to Route 519 simultaneously with recording the easement to the Township. Applicant’s attorney should comment.

Variance:

This application still requires one variance because of the frontage on Route 519 which is 170.16 ft. and 250 ft. is required.

General Check list

Several adjacent properties on the map are not complete. The building on McGuire’s Property is not shown, adjacent lots less than 5 acres are required to be shown with the setbacks of the buildings (Lots 45, 45.03, 45.02 & 47), wells and septic systems on adjacent properties are not shown. Application to the Sussex County Planning Board is required. Applicant should submit an Affidavit of Publication and Affidavit of Service.

Mr. Simmons reviewed his letter on completeness dated June 8, 2015

A lot of this report was discussed in Mr. Morgenstern's report on completeness. Items not discussed was the wetlands and transition areas. Letter of Interpretation from the NJDEP was noted as No. 1910-07-0004 and was dated January 26, 2010. Applicant should provide confirmation that the LOI is still valid.

Mr. Simmons has concerns about the future development plans of each of the two proposed lots and how the overall development plans integrate the site.

In particular, if the proposed subdivision is granted and the two new lots were sold off to separate entities and it was later determined that modification/easement/revisions were required on some of the lots in order to make a future site plan/resubdivision functional and without variances or waivers, if the adjacent lot owners were not willing to cooperate with each other, various design flexibility could be compromised. Attorney Morgenstern agreed.

The various Township official maps show a connection road between Sussex county route 519 and US route 206/94, and some other possible future roadways running through the subject property. The minor subdivision plan before the Board does not show the connection roadway and has no reserved any right of way and easements to allow for its future construction as per section 91-14c.

Section 108-27G – Sidewalks are required along street frontage in the HC-MFG and HC-RD Zone. The plans do not reflect sidewalks, which would require a variance.

Stormwater Management – the storm drainage plans for the previously submitted preliminary major subdivision on the subject property were not completed. However, there are existing discharge point from the proposed basin shown that discharge towards the wetland area on remainder Lot 44. Appropriate easement should be reserved to allow for the future storm drainage needs.

The applicant didn't furnish the affidavit of publication and affidavit of service.

A motion to deem application incomplete and carry to July 16, 2015 was made by Jr. Goytil and 2nd by Mr. Roberts.

ROLL CALL: Mr. Roberts, Yes; Mrs. Rosko, Yes; Mr. Brucker, Yes; Mr. Yetter, Yes; Mr. Hinkes, Yes; Mr. Goytil, Yes; and Mrs. Whitesell, Yes.

BILLS:

Harold E. Pellow & Assoc. – Lowe's	1,125.00
Harold E. Pellow & Assoc. – Augusta Solar Farm	343.50
Harold E. Pellow & Assoc. – McDonald, USA	93.75

Dolan & Dolan – General	161.00
Dolan & Dolan - Lowe's	241.50
Harold E. Pellow & Assoc. – General	1,171.25
Harold E. Pellow & Assoc. - Home & House	31.25
Harold E. Pellow & Assoc. – Lowe's	93.75
Harold E. Pellow & Assoc. – McDonald's USA	62.50
Dolan & Dolan – Home & House	40.25
Dolan & Dolan – Lowe's	40.25
Dolan & Dolan – General	80.50
Dolan & Dolan – Augusta Solar Farm	120.75

A motion to pay the bills as presented was made by Mr. Yetter and 2nd by Mr. Brucker

ROLL CALL: Mr. Roberts, Yes; Mrs. Rosko, Yes; Mr. Brucker, Yes; Mr. Yetter, Yes; Mr. Hinkes, Yes; Mr. Goytil, Yes; and Mrs. Whitesell, Yes.

A motion to go into Executive Session at 8:35 PM was made by Mr. Hinkes and 2nd Brucker.

ROLL CALL: Mr. Roberts, Yes; Mrs. Rosko, Yes; Mr. Brucker, Yes; Mr. Yetter, Yes; Mr. Hinkes, Yes; Mr. Goytil, Yes; and Mrs. Whitesell, Yes.

EXECUTIVE SESSION

BE IT RESOLVED BY THE HAMPTON TOWNSHIP PLANNING BOARD

To go into executive Session pursuant to the following exception of the Open Public Meeting act: N.J.S.A. 10:14-12 for the purpose of discussing litigation.

The matters discussing may be made public a the appropriate time.

I hereby certify that the forgoing Resolution was adopted by the Hampton Township Planning Board at its meeting June 18, 2015

Mary Whitesell, Secretary

A motion to go out of Executive Session at 8:40 PM was made by Mr. Goytil and 2nd by Mr. Roberts.

ROLL CALL: Mr. Roberts, Yes; Mrs. Rosko, Yes; Mr. Brucker, Yes; Mr. Yetter, Yes; Mr. Hinkes, Yes; Mr. Goytil, Yes; and Mrs. Whitesell, Yes.

ADJOURNMENT

A motion to adjourn at 8:50 PM was made by Mr. Yetter and 2nd by Mr. Brucker with all members present in Favor and None Opposed.

Respectfully submitted;

Mary Whitesell

Mary Whitesell, Secretary