

Township of Pilesgrove Planning Board

Minutes

Held at the Pilesgrove Township Municipal Building

September 20, 2023

The Acting Chair called the meeting to order at 7:00 p.m. He announced that the South Jersey Times and the Elmer Times were notified on January 26, 2023. Notice was posted on the bulletin board outside the Municipal Building. All of the above was done in accordance with the New Jersey Sunshine Law.

Members stood for the Pledge of Allegiance.

Roll Call

Members:

Jeff String, Chair - Absent
Mark DeSiato, Vice Chair - Absent
Joe Crevino
Milton Eachus – Acting Chair
Bill Miller
Craig Lewis
Jeff Dobbs
Matthew Hitchner - Absent
Joe Blandino

Alternate #1 Ruth Peters - Absent
Alternate #2 Jeremy Chandler
Alternate #3 Mark Valente
Alternate #4 Ben Evans

The Acting Chair seated Mr. Valente for Mr. String, and Mr. Evans for Mr. DeSiato.

Board's Professionals were sworn in by Board Solicitor Joseph DiNicola, Jr.

Motion to approve August 16, 2023 Minutes: (Crevino/Dobbs) all ayes on voice vote. (Not voting: Eachus)

Resolutions Memorializing the Board's Actions:

2023-011 Patrick Layman B: 80 L: 6 – Bulk Variance

Motion to (Crevino/Blandino) all ayes on roll call. (Not voting: Eachus/Evans)

Informal Hearing:

2023-014 Dolores Nicolaisen B: 16 L: 1.01 Major Subdivision

Applicant's Engineer William Gilmore, Site Civil Engineering, who is assisting the Applicant with the potential subdivision, discussed with the Board the location of the property with potentially developing six new lots. The property consists of 24 acres, with proposed average lot size approximately 3 acres each. A Homeowner's Association would be established.

Board Planner Scheule reviewed his September 14, 2023 Planner's Report with the Board:

Development Proposal: According to Tax Map, the subject property consists of 24.0 acres and has 500 feet of frontage on Eldridges Hill Road. Tax records indicate the presence of a single-family home on 12 acres (3A-Farm Regular), and 12 acres as Farm Qualified (3B). The Concept Plan shows the location of the existing dwelling and an existing structure. The applicant proposes to subdivide the property into six new lots, including a lot with the existing home.

Board Planner's Comments:

1. The property is located adjacent to Oldmans Creek and is wooded. The plan indicates contour lines, the location of a 50' riparian line and estimated location for the FEMA flood hazard line.
2. The plan also illustrates a 40' wide cul-de-sac with 18' cartway to provide access to the new lots which is consistent with a "Rural Lane" as described in the Residential Site Improvement Standards. Applicant's intention regarding intended ownership of the proposed access road should be discussed.
3. With the exception of proposed Lot 1, the proposed lots will conform to the minimum requirements for a major residential subdivision on a collector road in the RR-CL zone.
4. The nature and disposition of the "Existing structure" which appears to be on an unidentified lot should be clarified.
5. Various sections of the Township Code seek to protect landscaping and natural features. In conjunction with any subsequent development approvals, the Planning Board may require a resource inventory and analysis, and impose appropriate measures to limit adverse impacts on environmental resources.
6. Site development will be subject to wetlands transition area buffers imposed by NJDEP. The applicant should advise the Planning Board regarding an LOI or any preliminary findings regarding the resource value of the wetlands on the property.

Public Hearing:

2023-012 Christopher & Joanna Mason B: 70 L: 3 Minor Subdivision

Board Solicitor swore in Applicants. Ms. Mason advised the Board that their Engineer, Henry Engel, was unable to attend the meeting and further advised that they were seeking to subdivide seven acres from the family's farm (Hackett Farm) to build a residential home.

The subject property is located on the west side of Alloway-Woodstown Road, CR #603. Existing Lot 3 is shown as 75.74 acres in size and is undeveloped land. The property is located within the RR Restricted Residential Zoning District. The applicant proposes to create a new Lot 3.01 at the northeast corner of the property, fronting on Alloway-Woodstown Road. The proposed lot area is 7.0 acres in size. The remainder of Lot 3 is shown as 68.74 acres in size. The application states that the purpose for the subdivision is the construction of a new single-family home on new Lot 3.01, and the location of the proposed dwelling is now shown.

Board Engineer discussed with the Board his revised Engineer's Report dated September 19, 2023 as to revisions to his previous report dated July 17, 2023:

Checklist No. 3 – Details Required for Minor Subdivisions:

#14: Certification that the applicant is the owner of the land or his properly authorized agent or that the owner has given his consent under an option agreement. Confirmation was provided.

#26: Delineation of streams, ponds, floodplains, marshes, wetlands, and lands subject to flooding within the tract and within 100 feet thereof. The FEMA Flood Insurance Rate Map shows a Zone A flood hazard area along Nichomus Run. The plan now indicates that proposed Lot 3.01 is located within Flood Zone X, areas determined to be outside of the 0.2% annual chance floodplain. It should be noted that Nichomus Run is classified as Category 1 water which may have a 300-foot riparian zone buffer, a 300-foot buffer would encroach upon proposed Lot 3.01. The flood hazard area should be identified on the plan, along with any required buffers. A 300- foot riparian zone buffer is now shown on the plan and encroaches upon proposed Lot 3.01.

#29: Certificate from the Township Tax Collector that all taxes and assessments are paid to date. Confirmation was provided.

#37: A field survey of the...vegetation, soils, and hydrologic conditions that clearly identifies and characterizes all wetlands, wetland transition areas, and non-wetland areas... and verification of such delineation or certification in the form of a letter of interpretation (LOI) issued by the New Jersey Department of Environmental Protection (NJDEP) Wetlands delineation and NJDEP letter of interpretation. Waiver requested. The letter from Engel Land Surveying submitted with the application states that "a field inspection was performed, and no freshwater wetlands or associated transition areas were found on proposed Lot 3.01. Additionally, there are no freshwater wetlands located within the limits of proposed Lot 3.01 as shown on the NJ-GeoWeb GIS database." If the

wetlands along Nichomus Run are considered freshwater wetlands of exceptional resource value, the required transition area would be 150 feet in width, which may encroach onto proposed Lot 3.01. It is recommended that the transition area be confirmed. A wetlands transition area of 150 feet is now shown on the plan and encroaches on proposed Lot 3.01.

Checklist No. 6 – General Requirements 8. #2: Certificate that taxes are paid. Confirmation was provided. 9. #3: Affidavit of ownership. If applicant is not the owner, applicant's interest in land; e.g., tenant, contract/purchaser, lien holder, etc. Confirmation was provided.

The existing front yard setback to the dwelling on Lot 3 is 34.4 feet, and to the pole barn on Lot 3 is 61.2 feet, where 75 feet is required. The plan shows dedication of additional right-of-way along the property frontage which reduces these setbacks further. Based on the tax map the existing right-of-way is 49.5 feet wide (24.75 feet from centerline). The proposed right-of-way is 66 feet (33 feet from centerline), an additional 8.25 feet along the property frontage. As a result of the right-of-way dedication, the proposed front yard setback to the existing dwelling on Lot 3 is 26.15 feet, and to the existing pole barn on Lot 3 is 52.95 feet, where 75 feet is required. These dimensions should be added to the plan. §145-22.3

Conservation Planning District Regulations. The plan shows the conservation zone (NJDEP-mapped freshwater wetlands) and an associated 150-foot wetlands transition area; as well as a 300-foot riparian zone buffer. The riparian zone should be measured from the top of bank of Nichomus Run. 14. §145-22.3.E(1) states the following: “When conservation-zoned areas are included within a development parcel, the Planning Board shall require a deed or other document approved as to form by the Planning Board Solicitor to be recorded in the office of the Salem County Clerk containing a notice to inform all present and future owners of the development parcel that the development parcel contains or may contain wetlands and/or other environmentally sensitive areas, and that all present and future owners of the development parcel must comply with all applicable municipal, county, state, and federal laws and regulations that apply to the development parcel and any wetlands and/or other environmentally sensitive areas contained within it.” A conservation easement is recommended for the riparian zone buffer. The easement should be shown on the plan with bearings, distances, and ties to property corners. The conservation easement should be consistent with the NJDEP requirements for riparian zone buffers. §145-22.3.E(2) states the following: “All density, lot size, setback and bulk regulations for the development districts shall be satisfied without the inclusion of lands from the Conservation Zoning District. This provision will ensure that there is adequate upland for development activities and for the placement of the septic leach field. It will further ensure that open space and buffer requirements will be satisfied with usable upland rather than wetlands.” It is recommended that the side yard setback on the north side of the lot be measured from the conservation easement and that the plan be revised accordingly.

Based on the planned right-of-way of Alloway-Woodstown Road, CR #603 (66 feet) it appears additional right of way will be required. However, this road is under the jurisdiction of Salem County. The proposed right-of-way is 66 feet (33 feet from centerline), an additional 8.25 feet along the property frontage.

There was a question about prior subdivisions of the subject property. A note has been added to the plan stating that this is the first subdivision of Block 70, Lot 3. The flood zones A and X should be shown on the plan based on the FEMA map. The applicant should be aware of and comply with any requirements of the New Jersey Inland Flood Protection rule which was adopted July 17, 2023. Applicant to apply for a NJDEP footprint of disturbance LOI to confirm no wetlands or transition areas will be disturbed.

Board Engineer McKelvie advised that when all issues are addressed to the satisfaction of the Board, approval of this application should be conditioned upon: Approval of all agencies with jurisdiction, which may include, but shall not be limited to the following: ▪ Pilesgrove Township Tax Assessor ▪ Salem County Planning Board ▪ Salem County Health Department; Submission of a certification from the applicant's engineer that all required approvals have been obtained. Copies of approvals should be submitted to our office; Submission of ten (10) copies of a subdivision plan, revised in accordance with all conditions of approval established by the Board; Review and approval of the lot numbers, legal descriptions, and deeds; Payment of all fees and posting of all required bonds and escrows.

Board Member Eachus questioned the township "tree ordinance" – eight trees per acre. Crevino asked applicant if there were going to farm the lot, which applicant confirmed yes, it was then suggested to waive the tree ordinance since the applicant will be farming the property.

Solicitor DiNicola recommended to the Board to waive the tree ordinance subject to applicant working with the Board Engineer.

Motion to Open to the Public: Crevino/Lewis, all ayes on voice vote.

No comments from the public.

Motion to Close to the Public: Crevino/Lewis, all ayes on voice vote.

Motion to approve the minor subdivision, creating a 7- acre lot with a variance for front lot setbacks with existing dwelling and pole barn, condition that a riparian grant, conservation easement be placed on Lot 3.01, submitting a grading plan and waiver of tree ordinance, and subject to working with Board's Engineer. (Crevino/Blandino), all ayes on roll call.

Public Hearing (Continued):

2023-013 Michael Italiano B: 30 L: 10.04 – Bulk Variance (Pole Barn)

**Acting Chair Eachus stepped down, Board Solicitor appointed Board Member Mr. Lewis as Temporary Acting Chair; Board Member Mr. Blandino stepped down; Mr. Chandler seated for Mr. Hitchner.*

Board Solicitor swore in Applicants, Michael and Carey Italiano. Applicants are proposing a 40' x 60' (2,400 SF), 23.5-foot high pole building for personal use and storage for approximately seven vehicles/trucks, with a new driveway for access from Kings Highway. Board Solicitor confirmed that Applicant was deemed “complete” at the last meeting, however during the Public Hearing there were questions regarding the restrictions for access from Kings Highway that was placed on the plans.

Applicant Carey Italiano discussed with the Board information that she obtained with researching the Township and County Resolutions and is requesting that the Board grant an easement to be recorded at the County Clerk's Office to pass along with their Deed in order to have access to Kings Highway for a driveway to a proposed pole barn.

Acting Chair Lewis noted that there was an email sent from the County to the Planning Board and to Board Engineer McKelvie (received on day of meeting-September 20, 2023), from Jon Sever, Salem County Engineer's Office, Director of Engineering, as follows: “The permit has been temporarily rescinded by copy of this email. Further research by the County Planning staff has been requested by the applicant and is ongoing”.

Board Engineer McKelvie advised that the County Engineer's Department did research and the restriction on the property for having driveway access to Kings Highway was dictated by the Salem County Land Development Standards. The 1988 standards were in effect at the time. McKelvie further explained when there is a main road, and have a new development off that main road, the access for each home should be to the secondary street, not the county road. This determines reverse frontage as opposed to having a lot of driveways fronting on the main roads. The County Land Development Standards require reverse frontage, meaning access to the secondary road, not the main road.

McKelvie further stated that Section 5.2D, on page 39 of the 1988 Land Development Standards reads “when a major subdivision results in lots abutting county roads which are classified as a County Arterial one of the following shall be required: 1. A marginal service road where a subdivision has more than one thousand (1000) feet of frontage on one side of a county road. 2. The frontage shall be reversed so that the lots contiguous to such Primary Arterial will front on an internal street with no direct access to the county road. It appears that was the reason at the County level why that restriction was in place and on Phase One. The plan was approved by the Salem County Planning Board, and it has that same restriction on both applicant's property and Block 30, Lot 10.07, wherein there is no access from Kings Highway.

Dobbs and Valente brought up concerns as to the size of the Pole Barn to be constructed. Miller voiced concerns regarding the runoff water with the size of the building applicant is seeking to construct.

Board Solicitor suggested to the Board that they can decide on the variances and vote on that aspect now with having it conditioned upon approval from the County regarding access from Kings Highway for a driveway.

After discussions with the Applicants from the Board and Professionals, Applicant agreed to reduce the size of the proposed pole barn to be constructed to 1920 SF. Board Solicitor advised if Applicant reduced the size, the variances would be: side yard setback and rear yard setback and conditioned upon applicant coming back to the Board as to the driveway issue from Kings Highway.

Motion to Open to public comments: (Dobbs/Miller) all ayes on voice vote.

Board Member Eachus asked to speak (as an unseated member) – to point out that across the Applicants property are two farm silos.

Motion to Close to public comments: (Crevino/Miller) all ayes on voice vote.

Motion to construct a pole barn with width and length at the discretion of the Applicant but not to exceed 1920 sf, variance in square footage, variance for minimum rear yard setback, grading plans submitted to the Board prior to construction and condition that the Applicant address the ingress/egress proposed on Kings Highway. Approval will only be valid if the ingress/egress is approved by the County. (Crevino/Valente). Roll call vote: Lewis (yes), Crevino (yes), Miller (no), Dobbs (no), Valente (yes), Chandler (yes). Motion passes.

8:48 pm - Board had a brief recess.

8:55 pm - Board reconvened.

The Acting Chair Eachus handed the meeting over to Board Member Lewis due to departing the meeting.

Discussion:

2021-015 James Parente B: 7 L: 4

Board Solicitor addressed the Board to briefly give a background to this Application for minor subdivision which was approved in 2021 (Resolution #2021-034). The Board was not aware, nor could the Board have known about it, but in 1962 the Lot was subdivided out with a private restriction placed on it so that it could not be further subdivided. Mr. Parente's neighbor, along with his attorney, brought it to the Board's Solicitor's attention months after the minor subdivision was approved, and asked Solicitor DiNicola's opinion to which Solicitor advised that it was a private matter between the parties to be worked out. After no resolution between the parties, the issue proceeded to

Court, with both Mr. Parente and his neighbor being represented by their respective counsel. After litigation, etc., the Judge ruled that the subdivision was invalid, and Mr. Parente would not be able to subdivide the lot.

Mr. Parente wanted the Board to be aware of the restrictions that were placed back in 1962. Mr. Parente stated that he actually had a buyer for the property, but the buyer backed out once they were informed that the subdivision had been invalidated. Mr. Parente was appreciative of the Board's time during the proceedings back in 2021, and also listening to his concerns now as to the restrictions placed back in 1962.

Public Comment

Motion to Open to public comments: (Dobbs/Crevino) all ayes on voice vote.

With no comments from the public,

Motion to Close to public comments: (Crevino/Dobbs) all ayes on voice vote.

New Business

None

Old Business

None

Correspondence

None

Motion to adjourn (Crevino/Miller), all ayes on voice vote.

*Meeting adjourned at 8:59 p.m. Minutes submitted by Planning Board Secretary:
Brenda Sharp*