



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

PLANNING & ZONING
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**AUGUST 14, 2024
PLANNING BOARD
MEETING MINUTES**

The meeting was called to order by Bob Preston at 6:50 p.m.

Flag Salute

Notification of Meeting

ROLL CALL

PRESENT: Aleli, Gersh, Parker, Reilly, Howell, Tiberio, Preston

ABSENT: Horton, Kirk, Thompson, Strugala

OLD BUSINESS:

VOTE: Minutes of March 27, 2024 meeting

Motion to approve – Deb Reilly – Christine Parker

All were in favor.

NEW BUSINESS:

Appl. #1- 2024 – Martin & Holly Sokalski – owners of 4th Avenue – Block 24 – Lot 5.03 – for Preliminary Major Subdivision Approval with variances and design waiver relief

Tara Vargo, attorney for applicant appeared on behalf of the owner - this is a two-lot subdivision on Fourth Street. The northerly line of the property is Galloway Township. This does not require any bulk variances, but the central issue and the need to come before the board is the need for improvements along the right of way of Fourth Avenue.

Two witnesses to be called were Jason (Jay) Sciuillo, engineer and Martin Sokalski, owner

Jay – went over Exhibit A1 – site plan rendering with today's date. He went over the subdivision and how the properties would be divided. It is a typical subdivision with most likely 4-bedroom homes with garages and a single driveway and the road extension of Fourth St. Two pump stations will be built to serve each of the parcels and will be like the ones on Howlett Lane and they will be maintained by the homeowners. No variance relief is being requested. He pointed out the wet lands lines on the

property and the buffer lines. There will be underground utility services. The city is proposing a drainage improvement project on Fourth Street and it has not been developed in detail yet. He has spoken to the City Engineer as well as the Board Engineer and they propose to pick up drainage along Fourth Avenue which will be conveyed to the end of Fourth St. to the North. An easement will be provided for that work. Everything graded on these properties will drain towards Fourth St. and go back up to a ditch that he showed on the map. There is yard area that will drain into the wet lands and not towards any neighboring properties. This will be coordinated with the city's work that they propose on Fourth St. Street trees and shrubs will be shown on the final plans submittal and they agreed to extend the roadway improvements passed the northern driveway. We are seeking some design waiver relief for the waiver of sidewalks along Fourth Street, but for curb, the board engineer recommended we install flush curb.

Bob – clarified the clearing that is shown on the plan. He did speak to the city engineer and he was planning on coming tonight, but unfortunately, he got sick and his assistant got sick as well. He is having conversations with you and he plans on coming to the meeting for final approval.

Jay – referred to Andy's letter of July 22, 2024 and addressed his comments. On page 3, he recommended an extension of 80 ft. of Fourth Avenue improvements, but we asked that it be 50 ft.; there is also a waiver request of the cartway width from the required 30 ft., to 20 ft. to conform to what it is there now. The city standard for roadway grade is 4.75%, but we show 4.5%; he is asking for the flush curb on the roadway edges; we are outside a flood hazard area, but we will provide a statement to address it; a drainage easement will be provided at the end of Fourth going into the wetlands after the city decides where the out fall will be; a conservation easement was also mentioned by Andy, but most likely this won't be able to be developed, but we don't want to hinder anything to be done in the future. We do not want to be saddled with it, if the law does not require it. Item 10 is the additional roadway recommendation of 80 ft., but we will do 50 ft. Item 12A2, deals with water treatment works and it is not recommended, since it is only two lots. He provided the DEP rules showing that. We agree to provide a landscape plan for final approval. There may be a waiver required for use of a pavement section for standards from the RSIS that differ from the City's. Sidewalks are being asked to be waived. The sanitary sewer system was suggested that there may be a need to have a deed restriction to say they will not be maintained by the City, but by the land owners.

Andy – he feels there should be written agreement and it will be complicated because we might not know if the owner is selling the lots or not. Someone needs to be responsible to build the pumpstations and maintain them. There needs to be a mechanism to ensure that once the improvements are constructed, that there will be a maintenance of those improvements. It needs to be part of the approval that you receive. The best way is to have a deed requirement in addition to filing the plat and the Board Solicitor review it for language.

Jay – no storm water management plan is proposed since we are exempt from the standards for what we are proposing and Andy agreed it was not needed. A waiver for a full EIS is being requested since the impact is minimal.

He then addressed Chris's comments: the street width waiver, a waiver of full pavement of the property is requested, since they feel it would be less for the city to maintain and there will be nothing past this house, so we would like to pave up to the driveway of the house. Chris suggested two shade trees on each lot and we will comply and show it on the final plan. He asked for footprints of the buildings, but we do not have drawings yet. The parking will comply and have a minimum of 3 spaces on each lot. The lot numbers given by the Tax Assessor will be 6.02 and 6.03.

Betty – asked if the road extension would go to the second property

Jay – yes, but not the whole front width of it

Bob – does the lot have entrance along the front of Howlett Lane

Jay – there is nothing to restrict access

Andy – the lots on Sooy Lane had that condition since they had dual frontage

Motion to open to the public was made by Betty Howell – second – Deb Reilly

All were in favor.

Roy Talley – 100 Howlett Lane – he is not happy about the flooding issue since the three new homes have been constructed because they have made things worse. The cost to correct the drainage problems outweigh the taxes we get from the three new homes. He does not want to see the same mistake happen or this to exacerbate our problem that we have now. He would hate to see elevation changes in these new properties flowing towards his property. Ground water levels have increased behind his house. His basement pumps have run all winter. There are a lot of stumps buried there and is raised because of that. It says three story houses are proposed. He hopes they do not tower over his. With the roadway width, the 20 ft. is okay and he agrees sidewalks are not necessary. He believes Fourth Street should be extended and improved even more than up to their driveway. City vehicles, trash trucks, snow plows and fire trucks need to get back down there if needed. Why should the taxpayers pay for the extension of the street if it ends up being needed. There are many things that live back there: deer, fox, turtles, tree frogs, hawks, owls and occasionally an eagle will come and a blue heron once was there. Somewhere back on the property, there is a grave. He produced a page from the book “Along Absecon Creek” and the person's name is Absalim Steelman from 1807. Mr. Howlett had told him about it, but he has never seen it. A neighbor can confirm it. What happens if we find that? An effort should be made so it is not affected by the development.

Tara – this gentlemen's comments contained here say that cannot be proved.

Joe – with this type of hearing, it is allowed, but he cautioned the board

Nick Brown – 8 E. Curran Drive – his rear property backs up to Fourth Street and the three new homes have added to the flood waters that we are seeing lately. The addition of these homes and the removal of trees and the road construction, would be a detriment to the character of the community. These homes will be modern and proposed 3 stories that will not fit in and they will destroy a significant amount of forested area. Property values are higher now since they back up to wetlands and they will be lowered if homes are now built. We need to consider the flooding impact of these homes and he and the neighbors would like a full environment impact study done due to all the changes being made.

Kirk Heiland – 102 Howlett Lane – has lived on the block for 25 years now and he is also concerned with the flooding and affected by the new homes recently built. He feels the road should go all the way down to Fourth Avenue. God forbid there is a fire back there. If the homes are constructed higher, the water is going to run somewhere and most likely our way. We have an abundance of animals and living creatures. Who has the DEP letter that was mentioned? What is happening with the rest of the property? They could come back in the future and possibly develop it. He knows that there are stumps in the ground and has also heard about a grave being back there. Sorry to hear that the city engineer is not able to be here.

Bob – he unfortunately got sick, as well as his back up, but they will be here for final approval to explain the proposed City's drainage project. You will be noticed for that meeting as well.

Kirk – all he received was the letter and no plans. He then questioned the notice he received. He wanted the board to reject the application.

Joe – normally applications like this would receive preliminary and final approval on the same night. Out of an abundance of caution, we decided only to review for preliminary and require additional information before final approval. He hears all the concerns, but this board can only do what the statute allows them to do. There are no variances with this application. The concerns about the height and setbacks deal with ordinances that are passed by Council.

Betty – she has known about the drainage problem for years and asked if it has gotten worse since the three new homes were built.

Bob – explained that the 3 homes curbing was put on hold at the advice of the city engineer. He feels it should be done after the plan that the city is working on is completed. He hopes the drawings for the plan will be completed in 30-45 days. We will get a letter from the city engineer saying that he reviewed the applicant's plans and that they are approved by him.

Jay – explained how the drainage would flow from these two properties

Andy – asked Jay to really look at the drainage and the impact it will have from these two properties. He feels there are ways to mitigate it and even allow none to flow onto the Heiland property.

Kate Brown – 8 E. Curran Drive – asked why there is no storm water management plan
Jay Sciuillo – it is not needed with this application

Motion to close public portion – Nick Tiberio – second – Betty Howell
All were in favor.

Chris Dochney – this application requires no variance, just the waiver for the street width and sidewalks. All bulk variances are met. All his comments have been addressed.

Bob – there was mention of the RSIS and those standards being less than what the city requires.
Jay – RSIS addresses the maximum allowable standards. He briefly explained how it came about in the late 1970's.

Andy – his report is dated 7/22/24. He has known about the drainage issues for awhile and wanted them to wait until the city proposed their plan, so they could see what the city was planning to do. The applicant wanted to proceed so he reviewed this plan, but personally he thinks they should both be developed simultaneously. They also proposed two sewer force mains to a pump station and Mr. Dennis' plan will have a storm water system with pipes. You should coordinate so there are no conflicts. Most of his comments were addressed and he agreed to change or add what is requested. He asked that the roadway be extended because it is not good practice to do that. He suggested it be extended 80 ft. to intersect the driveway on Lot 5.04 and that the driveway would come in at a 90-degree angle. Mr. Sciuillo said they would extend it 50 ft. in his testimony. If they do that and have the driveway intersect the road at a 90-degree angle and not be a 10 ft. roadway, that will be fine. He highlighted the sections of the code that need a design waiver to make it easier. They plan on doing flush curbs and the plan should be revised to show that. The new flood maps will impact the construction of the structures themselves. An easement will be needed, so that should be made a condition of approval. Some soil borings should be done because you do not know what the subgrade is and he wants testing done in areas that are shown in his report. There needs to be an agreement with whomever owns the home that they are responsible for the maintenance of the sewer pump system.

John – can this be done by a deed or covenant that runs with the land?

Andy – yes. Landscaping issues will be addressed and he wanted a response from the fire department for their comments. The water distribution system should be either a fire hydrant at the end of the street or another kind of blowoff at the end so the water does not get stagnate. He wanted to try and increase the cross slope since the road is flat and you do not want it flat in the middle because water will accumulate. There should be some type of turning area to allow emergency vehicles and trash trucks to turn around. The driveways can be used, but they need to be able to make an easy three-point turn. Grading of Lot 5.03 should all go toward the north to eliminate flow of water towards the homes on Howlett Lane. The board needs to decide if they want to grant a waiver for the EIS statement. He feels they should address the flood plain management issue that is required. We should get the DEP approval letter and plan that shows where the wetlands lines are and where the lines are plotted.

Bob – if the city is planning on doing improvements on the existing Fourth Street and they are going to extend it, how will it get done? Do they put money up to the city?

Andy – that is why it needs to be coordinated with the city. The city would not approve these improvements to be done and then they do theirs. It would be a waste of money. A permit probably would not be issued.

John – asked if the conservation easement is a definite requirement, as well as an EIS?

Andy – the board can require it. They testified that it can not be built on, so it could be done. As to the EIS, they need to look at our ordinance regarding flood mitigation and if they can satisfy the requirements in 224-10, then he is okay with it.

Bob – what about the grave site that was mentioned? Would that be a historical element that would be picked up on a full-blown EIS?

Chris – depends on the records that are out there. If it is discovered while building, they will have to take appropriate measures. Someone should try to find it first.

John – this is a difficult one. We need to follow the law and we are looking at preliminary approval for now, so he is okay with it.

Joe – suggested a motion be made to approve preliminary major subdivision approval with the conditions laid out in Andy's and Chris's report, particularly the design waivers that have been agreed upon. One was changed from 80 ft. to 50 ft. They will be listed individually in the Resolution.

Motion was made by Nick Tiberio – second – Holly Gersh

ROLL CALL: Aleli, yes; Gersh, yes; Parker, yes; Reilly, yes; Howell, yes; Tiberio, yes; Preston, yes

APPROVAL OF BILLS

Joe McGroarty - \$637.00 and \$468.00 for ATNV Realty - \$104.00 for Sokalski

Andy Previti - \$619.95; \$445.50 and \$1,193.45 for ATNV Realty & \$2,508.65 for Sokalski

Motion to approve – Betty Howell – second – Deb Reilly

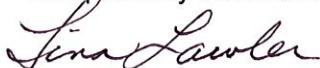
All were in favor

ADJOURNMENT

Motion to adjourn – Betty Howell – second – Deb Reilly

All were in favor.

Respectfully submitted,



Tina Lawler, Secretary

Approved: 9/25/24