

Meeting called to order by Chairman Ms. Waterbury @ 7:30 pm

All saluted the flag & the Presiding Officers Statement was read.

Roll Call:

Present: Waterbury, Martinelly, Burden, DeNofa, Derasadourian, Bell, Carroll

Absent: Teller, Eddy

Donato - Attorney

Cranmer - Engineer

Ms. Waterbury called for a change in the agenda items.

New Business:

Toll Bros:

Informal Presentation

Location: Seashore Estates

140 Ave at the Commons

Bl: 70.02, Lot: 6

Ms Waterbury explained this issue is a referral from Mayor & Council for a proposed amendment to the PSC-3 Ordinance.

Mr. Michael Bruno has forwarded correspondence with the proposed changes, dated 11/21/2011, which was distributed to board members.

Mr. Michael Bruno, Esq represents Toll Bros. He explained that the changes have been introduced at a first reading on December 5th to amend the PSC-3 Zone which currently has the Shrewsbury Meadows - 66 active adult community @ 140 Ave at the Commons, Toll Bros is currently the contract purchaser. The homes that Toll Bros want to construct do not fit on the approved lots due to certain zoning requirements.

Mr. Bruno explained that the building envelopes that were approved by this board will remain the same, so there will not be a change to the sub division. The homes that are permitted within the building envelope will not fit. Most of the customers who purchase the Toll Bro homes want first floor living, they are active senior live, some do elect a second story addition which are usually guest bedrooms. In order to accommodate the first floor living, the existing Ordinance does not permit that type of unit. **The changes that are being requested for the building units are:**

- **maximum dwelling units footprint of 2,700 sq. ft., which is the largest unit offered, where the current Ordinance allows 2,000 sq. ft.**
- **to allow a 42% building coverage where 32.5% is currently permitted (not changing the building envelope or the impervious coverage for each lot will not change, impervious coverage will remain @ 45%, the overall impervious coverage for the project will not change, will remain @ 35%)**

- **setback from the right a way line to the garage of 20'/home where the current Ordinance allows 20' to the house and 25' to the garage.**
- **Confirmation that 2 stories are permitted, where the Ordinance allows 1 ½ stories**

Mr. Bruno stated that all other setbacks will be complied with.

The second element of changes that they are seeking, which do not relate to the homes are:

- **Minimum size of the Clubhouse - Ordinance provides 3,750 sq. ft. proposed 3,300 sq. ft.**
- **Change from 2 tennis courts to only 1 - replace 1 tennis court with a bocce and putting green**

Ms. Waterbury explained that these changes are not amending the site plan at this time. This presentation was not noticed and this is just a review of the Ordinance. Mr. Bruno agreed and stated that if the changes are made they would have to appear before the Planning Board as it relates to the amenity package, as it relates to the home it is contemplated that there will be individual plot plans for each home and as long as they stay within the footprint and they don't have any variances that should be all that is required. They will be back before the board for the amenity package when the Ordinance is revised.

Mr. Anthony Rocco, Division President, Toll Bros founded in 1967, described the business. He explained the changes that they would like to propose and that the buyers that they draw they want all of the everyday living on the first floor with the option of a storage/additional bedroom/den/loft on the second floor. Their average cost of home is approximately \$500,000.00 with \$100,000.00 in options, and they need the additional square footage to accommodate the needs of their buyers. Not every home will be 2,700 sq. ft. an average home is 1,800-1,900 sq. ft. The amendments as requested will allow them to construct their homes without variances. They would like to move as quickly as possible on this project, ready for the spring market.

Mr. Bruno stated that when they were before Mayor & Council they liked the project and they had the first reading of the proposed Ordinance.

Mr. Rocco advised that when they surveyed their customers they found out that they liked the idea of a Clubhouse, but they do not need a large Clubhouse, and they have amended their Clubhouse to be 2 rooms with a divider, it would have a card room, party room, they want shuffleboard, horseshoes as well as the pool. The Homeowners Association at this time is planned to be approximately \$400.00/month and they want to keep the costs of maintenance down by reducing the square footage of the Clubhouse which needs to be maintained.

Mr. Cranmer asked Mr. Bruno if he is requesting a setback of 20' from the right of way line to the garage, what is the physical convention between the face of the garage and the back of the sidewalk to ensure that the car will not hang over? Mr. Rocco said that all of

their projects have 20' setback, and they have not had any instance with the car overhangs the sidewalk. If anything if you had a 25' to the house he feels people would try to inch the car up to the garage and encourage people to jam another car in the driveway. The garage is only 20' deep so if the car fits into the garage it will fit on the driveway. Mr. Bruno said that it is really 22-23'.

Mr. Burden asked if the grading of the driveway will be level or sloped down? Mr. Rocco said that it will be at a 10% pitch maximum.

Mr. Carroll asked if they are increasing the footprint of the house, how does that not increase the amount of impervious coverage? Mr. Bruno said that the building envelope that is on the approved plan, everything will stay within that building envelope, which includes the garage, and not being expanded, and the impervious coverage for each lot of 45% will not be violated.

Mr. Rocco said that people want to live in their backyard with a patio. When the garage is moved forward you pick up the ability to do more impervious on the rear of the home and it will be occupied by an addition or by patio or covered porch. Mr. Bell said that the home will be increased by 600+ sq. ft. how doesn't it increase your impervious coverage? Mr. Rocco said that it does increase it, but that was never the problem, they are not going to exceed 45% impervious, the issue is the allowable building coverage of 32.5% they are proposing 42%.

Mr. Bell asked if they have to go back to the State under the old Stormwater Regulations? Mr. Cranmer said that is correct. Mr. Bell said that it is his concern that the plan was approved under the old guidelines and how much of change they can make can we allow before they have to go back to the State. Ms. Donato said that is something that the applicant has to decide. She explained that they are not changing the total impervious is the same, they are just making a bigger building, but they are not increasing the total. Mr. Bruno said that they have looked at that, and the way CAFRA approved this is the building envelopes that they have show, which they are not changing, as long as they stay there and do not violate the impervious coverage that is permitted per lot, which is 45% per lot, they will stay within the CAFRA approval.

Mr. Brian Leff, Engineer, KZA Engineering, stated that he is familiar project and the original CAFRA approval. Mr. Leff stated that the things that CAFRA looks at in their approval is the density, or how many units will be on the lot, and what is the overall impervious coverage? That is the key when it comes to Stormwater management, which they do not want to change since this project is approved under the old regulations. They are not looking to change the 45% it will not impact the Stormwater management system, at all, nor will it impact any of the conditions that are set forth in the CAFRA approval. There will be no change to the conditions that CAFRA has already approval, no need for a new approval from CAFRA.

Ms. Donato asked if the applicant will be building a 2 ½ story home where 1 ½ stories was approved? After a discussion between Ms. Donato & applicant it was clarified that the applicant is constructing a 2 story home with living area on the second floor and the area that is above the 2nd floor is not habitable space and would not be considered another story. Mr. Cranmer agreed that it is a 2 story. Mr. Bruno said that it is 2 stories the Ordinance is very generous. Ms. Donato said that there isn't a formal ½ story, the design makes it look like it is. Ms. Donato asked if the driveway length will still be in compliance with R.S.I.S. Mr. Cranmer said yes, and the Master Plan is silent on this issue.

Mr. Bell asked if the clubhouse will be 3,300 sq. ft. or 3,500 sq. ft.? Mr. Bruno said 3,300 sq. ft. Mr. Bruno reviewed the amended ordinance with the board.

Mr. Leff said that the board doesn't have the expectation that every lot will be maxed out. The average home will be approximately 2,200 sq ft. Ms. Waterbury asked if the covered porch is included in the building coverage already? Mr. Leff said yes.

Mr. Bell asked how will the Deed Restrictions and limitations be conveyed to the homeowners? Mr. Bruno said that each homeowner will receive a survey with the limits of the building footprint. The development will also be governed by the D.C.A. and they will advise them as to what they can and cannot do, with the building envelope. He also stated that any of the homeowners could go before the board and apply for variances. Ms. Donato said that this project is no different than purchasing a single family home. Mr. DeNofa said that it will be controlled when the individual homeowner applies to the Zoning Officer.

Mr. Rocco indicated that the homeowners are advised that the only options that can be added by the homeowners are the options that are offered by the builder.

Mr. Bruno explained that if the amendments to the Ordinance is approved and the plot plan is submitted with a conforming home on it, there wouldn't be any reason to return to the board for the subdivision, the building envelopes will be the same, the roads are the same, the size of the homes will be fully conforming. They will be returning for the amendments to the Clubhouse.

Mr. Cranmer reminded Mr. Bruno that they only have Final Approval on Phase I, they will have to return for finals on Phase II & Phase III. Mr. Cranmer asked if the G.D.P. will remain the same, because it has a time frame attached to it? Mr. Bruno said there is no reason to change anything.

Mr. Cranmer said that there is a provision in the Ordinance for the transfer of development rights from one developer to another. Mr. Bruno said that they will comply with that, it requires an application to Mr. Seaman after closing.

Mr. Bruno said that when they return to Phase II & Phase III finals it will reflect the new homes as well as the changes that are being proposed.

A motion was made by Mr. Burden, seconded by Mr. DeNofa to open the meeting to the public. All approved.

No public in attendance

A motion was made by Mr. Bell, seconded by Mr. Burden to close the meeting to the public. All approved.

Mr. Cranmer pointed out on Page 2 Section #5: recommends the following:

5. "Minimum front yard setback from the property line to the dwelling 20' or 20' from the face of the garage".

A motion was made by Mr. Bell, seconded by Mr. Carroll, to forward the board's comments to Mayor & Council for proposed amendments to the PSC-3 Ordinance with the amendment to page 2 paragraph #5.

Roll Call:

Affirmative: Waterbury, Martinelly, Burden, DeNofa, Derasadourian, Bell, Carroll

Negative: none

Ms. Donato will forward a letter to Mayor & Council with the board's recommendations

A motion was made by Mr. DeNofa, seconded by Mr. Bell to authorize **Ms. Donato to prepare a letter and forward to Council** advising of the board's recommendations on the proposed amendments to the PSC-3. All approved.

Mr. Bell asked if the developer has to provide a Certificate of Financial Ability for the project, which is then forwarded to Council? Ms. Donato said that she will check on that issue. Mr. Bruno said that if necessary they will provide it.

Unfinished Business:

Cutwins LLC:

Adoption of Resolution - carried to 1/18/2011

Reexamination/Master Plan:

Ms. Waterbury stated that a full Master Plan will be done next year; we have a Master Plan/Re examination Report which is based on the Ordinance changes.

Mr. Cranmer reviewed the document, with questions & answers between Mr. Cranmer & board members

A motion was made by Ms. Derasadourian, seconded by Mr. Carroll to adopt the Master Plan-Reexamination Report as submitted subject to the State Development & Redevelopment Plan 2011 to be included.

Roll Call:

Affirmative: Waterbury, Martinelly, Burden, DeNofa, Derasadourian, Bell, Carroll

Negative: None

Minutes:

A motion was made by Mr. Bell, seconded by Mr. Burden to adopt & memorialize the minutes from the November 10, 2011 minutes as submitted. All approved.

No public in attendance

Fair & Open process vs Non Fair & Open

Determination to be made at the January meeting, both Ms. Donato & Mr. Cranmer advised that they have not made any contributions, which process the board chooses to use a resolution will be adopted at the January meeting.

General Business:

- Mr. Bell gave a hand out which indicates the determination dates
- NJPO will have a new board members & leadership seminar on February 11, 2012 - New members must attend....

Correspondence: none

A motion was made by Mr. Bell, seconded by Ms. Derasadourian to adjourn the meeting @ 9:30 pm. All approved.