

Belvidere Planning Board Minutes
Town of Belvidere
Warren County, New Jersey
April 5, 2022

David Dech called the meeting to order and read the following statement:

In accordance with Chapter 231 of the Public Laws of 1975, notice of the meeting was given by way of notice filed with the Star Gazette and/or Express-Times, filed in the Municipal Clerk's Office and posted in Belvidere Town Hall, 691 Water Street, Belvidere New Jersey. This meeting was also advertised in accordance with the law as a virtual ZOOM meeting with instructions to the public for attendance and comment.

Roll Call:

Present - David Dech, Andreas Eisenberger, Lawrence Gregan, Robert Haupin, Claudia Howard, Joseph Kennedy, Patricia MacCallum, Glen Matlock, Sarah Piwoski

Absent - Harold Halvorsen,

Adoption of Minutes:

A **motion** was made by Patricia MacCallum, seconded by Claudia Howard and carried to adopt the March 1, 2022 minutes of the Belvidere Planning Board.

New Business:

Paul Sterbenz reviewed the lot line adjustment/bulk variance application for block1 lots 50 and 51, 25 Water Street. The application was amended to modify the side line. There are deficiencies in the application which the attorney for the applicant has accepted. The applicant will come back before the Board with plan revisions. Mr. Sterbenz recommended that the application be deemed incomplete.

A **motion** was made by Patricia MacCallum and seconded by Andreas Eisenberger to deem the application for block1, lots 50 and 51, 25 Water Street incomplete.

Roll call:

Ayes - David Dech, Andreas Eisenberger, Lawrence Gregan, Robert Haupin, Claudia Howard, Joseph Kennedy, Patricia MacCallum, Glen Matlock, Sarah Piwoski

Nays - None

Abstentions - None

Recusal - None

Absent - Harold Halvorsen

Previous Business:

A **motion** was made by Joseph Kennedy and seconded by Andreas Eisenberger to adopt Resolution No. PBR2022x01.

Findings of Fact:

1. Applicant, **ROBERT A. BLUM**, has applied for approval for a minor subdivision. The Property is Block 31, Lot 7 and is situated on the east side of Pequest Road, just south of Race

Street and has an area of 12.9527± acres with 103.35 feet of frontage on Pequest Road. The Property is situated in the Town's R-100 (Single-Family) District where detached single-family dwellings are permitted on minimum 20,000 square foot lots. The Property is partially developed with a detached single-family residential dwelling located in the easterly portion of the tract near the White Township municipal boundary. A gravel driveway provides access to the existing dwelling from Pequest Road. Most of the Property is being cultivated at this time.

2. The applicant is seeking a Minor Subdivision Plan approval to subdivide the Property to create a new building lot known as Lot 7.03 in Block 31. Lot 7.03 in Block 31 is proposed to have an area of 7.035± acres with 51.68 feet of frontage on Pequest Road. Proposed Lot 7 in Block 31, which shall contain the existing detached single-family dwelling, is proposed to have an area of 5.917± acres with 51.68 feet of frontage on Pequest Road. A joint access driveway for both lots is proposed and shall be contained within a proposed Common Driveway Easement.

3. The applicant seeks/requires the following relief:

A. Minor Subdivision Approval

B. A variance pursuant to N.J.S.A. 40:55D-70(c) to permit a lot width of 51.68 feet with respect to proposed Lot 7.03 where 100 feet is required as outlined in Section 160-26 of the Zoning Ordinance.

C. A variance pursuant to N.J.S.A. 40:55D-70(c) to permit a lot width of 51.68 feet with respect to remainder Lot 7 where 100 feet is required as outlined in Section 160-26 of the Zoning Ordinance.

4. On December 5, 2021, the applicant appeared before the Board for purposes of completeness. The applicant was not represented by counsel. A motion was made by Robert Haupin and seconded by Patricia MacCallum to deem the application complete.

5. On March 1, 2022, the applicant appeared before the Board for public hearing. It was noted that appropriate proof of service and publication of the Notice of Hearing had been supplied and that the Board had jurisdiction to proceed. The following individuals presented testimony before the Board: Laura J. Brill, PLS and P.P., and an interested party, Robert Shelton. The following exhibits were entered into evidence:

Exhibit A-1 Proposed subdivision map

6. Sworn testimony under oath was received from Laura J. Brill, PLS and P.P. Ms. Brill gave here credentials as both a Surveyor and Planner in the State of New Jersey and was accepted by the Board as an expert in her fields. Ms. Brill asserted that the subdivision was fully conforming to Belvidere's Land Use Ordinance with respect to bulk standards with the exception of lot width. The existing lot is only approximately 103.35 feet in lot width. Due to the irregular shape and narrowness of the lot, a minor subdivision of the lot created a situation where the lot

width for both the subdivided lot and remainder lot are less than the 100 foot lot width requirement. Nevertheless, an effort was made to make the lots uniform in width and the lot width for both lots will be approximately 51.68 feet.

7. The lots will be served by a Common Driveway at the entrance to Pequest Road and then will separate onto each lot. The applicant agreed to provide Deeds and a Common Driveway Easement to the satisfaction of the Board's professionals as a condition of approval.

8. In addition to the variance relief, the applicant requires Design Waiver Relief Section 107-13D of the Town Code which requires the construction of curbs and sidewalks unless waived by the Planning Board. The Board reviewed the area and noted no existing curbing or sidewalks were in the area and particularly on the adjacent lots. Given the limited lot width of the existing lot, the Board agreed that design waiver relief from the curbing and sidewalk standards was warranted and to place these items on the lot would be out of character to the neighborhood

9. Board members raised questions as to existing structures on the plans. The applicant agreed that the remains of the concrete bunker along the driveway were to be removed. The existing shed, which is a pre-existing non-conforming structure that violates the side yard setback will remain, however no variance relief is required.

10. The matter was opened to the public for comment and questions. Robert Shelton raised questions of the witness as to the location of septic systems and provided sworn testimony to the Board regarding curbing and sidewalks in the area. He raised no objection to the minor subdivision as proposed.

11. No further testimony was received by the Board and the public hearing was closed to the public.

12. A motion to approve the minor subdivision with variance and design waiver relief subject to conditions was made by Joseph Kennedy, seconded by Sarah Piwoski. **Roll call: Ayes -** Eisenberger, Gregan, Halvorsen, Howard, Kennedy, MacCallum, Matlock, Piwoski **Nays - None Abstentions -** Dech **Recusal -** None **Absent -** Haupin

Conclusions:

1. The Board finds that the applicant has established the necessary "positive" and negative" criteria for the granting of the requested variances from the provisions of the ordinance pursuant to N.J.S.A. 40:55D-70(c)(1). The Board finds that the applicants would suffer an undue hardship if strict adherence to the ordinance was enforced given the unique size, shape and configuration of the lot and particularly the unique narrowness of the lot. The granting of the variances requested is due to the unique circumstances affecting this particular property.

2. The applicant has also established that the variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Both remaining lots are in excess of the minimum lot area standard and in keeping with the neighborhood scheme.

3. The applicant has also met its burden with respect to the request for waivers from the design standards that would require curbing and sidewalk since given the width of the lot, and the absence of curbing or sidewalks in the area, a requirement of curbing and sidewalk would exact undue practical difficulties to the applicant.

4. The Board finds under the unique circumstances presented in this matter that the application for minor subdivision approval with relief granted above is otherwise fully conforming with the Belvidere Town Land Use Ordinances.

Resolution:

PBR2022x01

Belvidere Planning Board

Warren County, New Jersey

RESOLVED, that the Applicant is granted minor subdivision approval and the relief as set forth above subject to the following conditions:

A. The terms of this approval are to be strictly in accordance with the plans, testimony, and representations presented at the public hearings, and the same are incorporated into this resolution by reference. Applicant shall perform the work in accordance with the plans submitted in connection with the application and as to be revised subject to the Board's professional's approval as set forth above and in the review correspondence.

B. The Applicant shall comply in all respects with the December 3, 2021 correspondence of the Board's Engineer/Planner which was marked as Exhibit B-1 as clarified during the testimony.

C. Applicant shall submit deeds for the lots and associated easements in forms satisfactory to the Board Attorney and Board Engineer. No deeds shall be recorded until such time as the deeds are approved by the Board Attorney and Board Engineer and the signatures of the Board Chairman and Board Secretary are affixed to the deeds

D. Applicant shall remove the remains of the concrete bunker and provide revised plans to the satisfaction of the Board Engineer.

E. Applicant shall obtain any and all other necessary governmental including, but not limited to, Warren County Planning Board approval and Warren County Soil Conservation District approval.

F. Applicant shall submit a plot and grading plan to the Town Engineer for review and approval concurrent with the submission of a request to the Construction Office for building permits. No building permits shall be issued until such time as the Town Engineer approves the

plot and grading plan

G. Applicant shall maintain a sufficient balance in the escrow account pursuant to ordinance to permit the continued review of the application by the Board's professionals.

Roll call:

Ayes - David Dech, Andreas Eisenberger, Lawrence Gregan, Robert Haupin, Claudia Howard, Joseph Kennedy, Patricia MacCallum, Glen Matlock, Sarah Piwoski

Nays - None

Abstentions - None

Recusal - None

Absent - Harold Halvorsen

Steven Gruenberg advised that the public hearing regarding the Area in Need of Redevelopment Report has been adjourned to the May 3, 2022 meeting of the Belvidere Planning Board. There will be no further notice.

Public Comment:

Linda Stettler - why has hearing been adjourned? Steve Gruenberg - notice was posted on the municipal website but the report was not.

Kurt Schulze - what are the plans? Steve Gruenberg - no plans at this time, just a study requested by the governing body to determine the feasibility of a redevelopment zone. Very early in the process.

Nancy Mason - will there be a pilot program? Steve Gruenberg - that is decision of the Town Council.

Walter Castletow - particular properties need to be addressed at the public hearing.

Linda Stettler - questioned noncondemnation. Steve Gruenberg advised that this redevelopment study is for a noncondemnation area.

Joseph Roth - gave an update on NPP. Team has had remarkable success. Two businesses have signed up for the SCORE program. Four have qualified for facade refurbishment grants.

Seeking a management agreement with the State for the river front lots.

Nancy Mason - consider energy efficiency

Linda Stettler - appropriate vinyl siding should not be an exclusion.

A motion was made by Patricia MacCallum to adjourn the meeting of the Belvidere Planning Board at 7:37 PM.

Respectfully submitted,

Teresa A. Yeisley, Board Secretary