

Present are Mayor Tagliarini, Mr. Brady, Mr. Hirsch, Mr. Mirabal, who arrives after roll call, Deputy Mayor Montone, Mr. Vena

Also present are Michael Leckstein, Esq., Leckstein & Leckstein, Tim Gillen, CME Associates, and Anthony Rodriguez, T&M Associates.

Absent are Mr. Awofolaju, Mrs. Sims, Mr. Shenton, Mr. Vinci, Mr. Drapkin

In the late arrival of the Vice Chair, the meeting is opened by Class IV member Joseph Vena.

New Business, SP 10-539/C&M County Road, LLC, Applicant and Property Owner: C&M County Road, LLC, LCpl Phillip E. Frank Way, Block 228, Lot 1. Administrative change to create a laundry/storage room in Building D, originally approved for a storage/utility room, for use solely by the affordable unit tenants.

Matthew Clemente, Principal in C&M County Road, is sworn in by Mr. Leckstein, and states there was an odd number of COAH units, leaving a vacant unit downstairs that was to be used for storage, however, he would also like to put in washer and dryers for the use by the COAH tenants. No washer and dryers will be in the COAH units, saying it was never planned.

Mr. Gillen says there was a lot of testimony about this unit; the prior planner required it be reserved for storage only for utilization by the affordable units. As a result of time progressing, the applicant is proposing to put two commercial washers and dryers, limited to the residents of the affordable only. It will reduce the storage area somewhat, but cannot be converted to residential use. From an engineering standpoint he has no issue with it. There was a lot of testimony in the past, and the Board's Chair, he and Maxine felt this should be an administrative change by the Board, so they are apprised of what is going on with this development, as previously requested in testimony.

Councilwoman Montone moves that the storage room be permitted, subject to it being set up for the COAH units only, and an access system provided for protection of the COAH residents use, and that it cannot be converted to any residential usage, seconded by Mr. Hirsch.

Yes: Mayor Tagliarini, Mr. Brady, Mr. Hirsch, Councilwoman Montone, Mr. Vena

No: None

Abstain: None

New Business, SD13-301/Philogene and Philo, LLC, Applicant and Property Owner: Sam Philogene and Philo, LLC, Bayview Avenue, Block 175, Lots 11 and 12, Concept Plan presentation to realign lot lines to create two (2) 50 ft. x 100 ft. lots from a 60 ft. x 100 ft. lot and a 40 ft. x 100 ft. lot, and to construct a single family home on each proposed lot, in the R 60 zone, where 6,000 sq. minimum lot size is required.

Fred Kalma, Esq., attorney for the applicant, says if you look at the survey from Control Layouts dated December 21, 2007, he put a red line thru the middle. If you look to the left, Lot 13 has only 4.9 ft. from the corner of the house to the lot line. Lot 10 has 8.44 ft. from the corner of the house to the lot line. It is impractical to acquire any property anywhere else. Title to Lots 9 and 10, an 80 ft. x 100 ft. lot, is deeded to Sam Philogene, who lives there with his wife. Title to Lot

12 is in the name of Sam Philogene, and it is a vacant lot. Title to Lot 11 is in the name of Philogene LLC, thus there is separation of ownership.

His applicant's proposal, rather than request a variance for a 40 ft. lot, is to come for a subdivision and realignment of lot lines to create two 50 ft. lots, giving more space to each lot.

Mr. Kalma says he is familiar with the Board's concept of looking at undersized lots and to create undersized lots. This is not like his prior situation, where he had 25 ft. available to be purchased, or the lot could have been sold to the owners of the 25 ft. lot. That situation does not exist in this case.

Mr. Kalma says because of the differentiation in ownership, he could come before the Board requesting variances for a 40 ft. lot, Lot 11.

Mr. Leckstein advises the Board this is a conceptual application.

Mr. Kalma says the intention is to put two single family homes on the proposed new lots.

Mr. Leckstein says if the Board has no problems, asks the applicant if he knows the size of the proposed homes. Mr. Philogene replies they would conform, two stories, aligned to the existing homes on the block. Mr. Leckstein advises Mr. Philogene to be sure he has plans of what the homes will look like if he returns to the Board. Mr. Kalma says they will return with an application, and his advice to Mr. Philogene that other than the bulk and frontage variances, no other variances will be required; it will meet front yard, side yard and rear yard set backs. Mr. Leckstein advises they should also deal with the house to the north that is only 5 ft. away; planning thought should be given to that, which is a larger lot.

Mr. Hirsch says the other properties appear to be larger than 50 ft. frontage; what effect will that have on the community if we start planning smaller lots. Mr. Kalma responds he will have a presentation on the number of undersized lots or lack there of within at least a 200 ft. radius of these lots. Mr. Leckstein says they have to show us; we don't know if this will be too small or this is common.

Mr. Leckstein advised the Board they cannot be prejudice on this issue. Mr. Leckstein says even though they kept the lots in separate ownership, the same entities really own them.

Note that Mr. Mirabal has arrived at the meeting.

Mr. Kalma says Philogene, LLC is owned by Mrs. Philogene, and Lots 9, 10 and 12 are owned by Mr. Philogene. Mr. Leckstein says one hand has to cooperate with the other hand. Mr. Kalma says they could sell the 40 ft. lot to an independent. Mr. Leckstein says that would be a self created hardship. Mr. Leckstein says the Board is concerned about what the surrounding area looks like.

Mr. Gillen says for the Board's consideration, they have always required a higher fence around the railroad right of way for any property adjoining the railroad tracks; that would be a condition requested in any subdivision application.

Mr. Leckstein says the Board is not bound by any of this nor is the applicant; we are airing our concerns.

New Business, Redevelopment Study and Preliminary Investigation Report, Northbound Side of Route 34, Block 114, Lots 6, 7.01, 13 and 13 Q-Farm, Presentation by T&M Associates, Planning Board Planner.

Anthony Rodriquez, T&M Associates, Planning Board Planner, says on March 19 the Township Council recommended the Planning Board undertake a study of tract of 28 acres on Route 34, northbound side, as shown in Figure 2A of his exhibit.

The 28 acre tract is located near the Township border with Marlboro, consists of four tax lots. The existing study area is developed with an auto and truck repair garage in the building to the north, and the building to the south is a landscaping business where they conduct a warehouse with their landscaping equipment and do repairs on their landscaping equipment.

The study area consists of Block 114, Lot 6, Block 114, Lot 7.01, and for assessment purposes two tax lots, shown on the tax map as one lot, Block 114, Lot 13 and 13 QFarm.

The site as it exists now is industrial in nature in addition to the existing business on the site, they have storage of materials, equipment and refuse. The site operates as a defacto junkyard with a lot of materials and refuse that do not appear to have anything to do with the existing businesses.

The next figure depicts NJDEP land use land cover as of 2007. DEP classifies most of the study area as open space and forest, however, the developed portion is classified as industrial uses, consistent to what we see on the site.

Surrounding uses to the north and northeast are single family residential, to the east is mostly open space, to the south additional open space and a water tower, and to the west is commercial and multifamily residential. The blue area on his exhibit is shown as transitional, but because the exhibit is dated, it is now developed with a pair of day care centers across from the study area.

The Township tax records for assessment purposes show Block 114, Lots 13 and 13QFarm, which is the red circled area and green surrounding it on his exhibit. It is classified partially as qualified farm land in addition to Lot 7.01 is also for assessment purposes classified as qualified farm land. However, there are no agricultural uses that take place on the site. The areas are mostly vacant.

Commercial and services uses associated with the existing development, and then Lot 6 is considered vacant, but there is a driveway improvement that provides access to Lots 13 and 13Q Farm.

Referring to his exhibit, the figure represents environmental constraints in the study area; there is an existing wetland area in the center of the site that is mostly associated with a significant steep slope in the eastern area of the study, and he thinks water drains down and creates a wetland area by default. The wetland area was identified by a site visit on May 23, 2013.

In addition to the mapped environmental constraints, there was a Phase I Environmental Site Assessment prepared for the site in October, 2012. The Environmental Site Assessment revealed 17 recognized environmental areas of concern, including solid waste disposal areas, hazardous substance discharge and lead based paint and asbestos. This is all associated with present and past uses of the site. Present use is truck and automobile repairs and landscaping and landscaping

equipment repairs, and warehousing. There is debris scattered throughout the site, and prior to these uses the property was used as an extraction for the production of asphalt.

Referring to another figure in the exhibit depicting site typography, the yellow contour lines are 10 ft. intervals, and black lines are 2 ft. intervals. The eastern portion, especially Lot 7.01 and to the eastern portion of Lot 13 are significant steep slopes present.

With regard to the Master Plan and the Zoning Ordinance, the property is located in the Highway Commercial zone. The principal uses include mostly retail, restaurants and commercial uses. The purpose of the zone according to the Master Plan and the Zoning Ordinance is to provide uses serving regional and local functions. Existing uses are not permitted, but they are preexisting nonconforming.

The individual properties generally conform to the bulk requirements of the "HC: zone, with the exception of Block 114, Lots 13 and Lot 13 QFarm, which have no frontage, zero lot frontage.

The Master Plan sets forth objectives for commercial and industrial uses, citing the phasing out of scattered commercial and industrial uses throughout the town, and elimination of visual incompatibilities between industrial development and adjoining residential areas.

The first property in the study area, Block 114, Lot 6, is a partially improved lot with an access driveway to Lot 13 and Lot 13QFarm, but has no building on it. He refers to his picture exhibit, which depicts the driveway looking west, Route 34, two buildings, one to the left and one to the right, both day care centers. The aerial view was taken from big maps of the property. The area is cleared up to about the parking area expansion and down, and you can see the access driveway with no development on the site.

To sum of Block 114, Lot 6, even though there is no building on the site, the site is integral to the operation of the site because it provides access to the interior, with critical frontage on Route 34 for existing business and development. It does not meet the criteria for an area in need of redevelopment, according to the law, but we have a property that is crucial to the redevelopment of the study area. If the Planning Board were to determine this is an area in need of redevelopment, his recommendation is to include this area.

Block 114, Lot 7.01 to the bottom left hand side is the existing development, as shown in his exhibit, moves south and jogs up, again showing on his exhibit. The lot is vacant, heavily wooded, ground cover, trees, and steep slopes at the rear of the property. The on the ground photo shows the significant ground cover and where the land starts to slope up.

In addition to the site being predominately wooded, there is a small part used for equipment storage and staging in conjunction with the landscaping business. There was refuse and trailers observed on the May 23 site visit, as depicted in the picture.

This property is held in common ownership with the other areas in the study, but has never been developed. Steep slopes at the rear limit development of the property especially with regard to the costs that would be associated with grading and earth work associated with any development. Without having to do the earth work, variances would probably be required for development of this property.

The property has never been developed, and looking at historical photos, it was an orchard in the 50's. It has been vacant in excess of 10 years, and exhibits limited developability due to the topographic conditions on site, so it could potentially have a case made that it does meet the "C" criteria that there are exceptional site conditions that preclude development, it has been vacant for ten years, and is unlikely to be developed thru private capital, which he thinks is the case here.

The final properties are Block 114, Lot 13 and Lot13QFarm, the only developed property in the study area. They are two separate tax lots for assessment purposes, but operate as one site. They considered it one property for evaluation of the study area. There are two buildings on the site, one known as 1343 Highway 34, the southern building shown in the exhibit, containing the existing landscape business with equipment, maintenance and storage uses. Viewing the rear of the property, the building is in a state of deterioration, broken and boarded up windows, window frames require replacement, and the roof has missing rake edges, shown as the white area in the exhibit. Most of it is gone and reveals the wood structure. The exterior has weathered and deteriorating, finishes; you can see how things are stored on the site, trailers, traffic cone and other debris.

The northern wall of the same building looking south, from the exhibit you can see most of the building facade is gone and plywood is in a state of deterioration. You can also see the bottom right part the foundation is eroded away and is in pretty rough shape.

The same building, the exhibit shows the roof, there is cracking, the rake edges are detaching, and gutter are coming apart from the building.

Additional photos show the rake edges falling off the side of the building

More photos show the rake edges falling off the side of the building, and in one picture you can see the deterioration of the building, the rusted window frames and the fascia requires maintenance and repairs.

They were able to gain access to the interior of the building. The outside is in a significant state of disrepair while the interior is generally well maintained, but the building is showing its age. Concrete floor is showing cracks, and activities inside show chemicals being used, and the floor shows chemical stains. There is haphazard storage areas where they maintain and work on their equipment.

The northern building is 1341 Highway 34, on Lot 13, but they were unable to get inside to conduct an interior inspection. From the pictures you can see the building is deteriorating and lacks maintenance.. Above the garage door is patch work, possibly from cracks in the cinder block. There are missing bricks and building fascia is deteriorating, and there is overall weathering of the building.

Looking at pictures, the view of the western and southern walls, with the western wall facing Route 34, you can see is deteriorating. views of the building facing the southern most wall predominately. You can see existing storage of auto parts, stored vehicles, some of which are inoperable, cracking pavement. .

Again with the 1341 Highway 34 building, photos show missing bricks, general disrepair of the building that would require a significant amount of work to render it to better shape. The existing garage frame shows it is starting to bow, which indicates structural issues may be starting; they did not have a structural engineer examine the building to deem its safety. .

Continuing with pictures, you can see the rear of the building where there is general deterioration, cinder block walls coming apart adjacent to the rusted out door, general storage of refuse and debris and old auto parts, tires, and an above ground storage tank rusted out. The photos depict the general condition of the site.

Pictures of the east side of 1341 shows old auto parts, interior furniture, and another above ground storage tank. The left photo shows chemicals standing on pervious, not a paved, surface, so it is likely chemicals are leaching into the soils and ground water that would require further investigation.

There is debris all over the place in the rear; construction debris and other debris. The top photo shows 1341 and the other three photos are the back of the site, where you see old drums, landscape debris, above ground storage tank off to the side. The site really needs to be cleaned up.

Toward the rear of the property, the debris has come from off site; we really do not know what is in there, but it needs to be sorted thru and disposed of properly. To the left is asphalt and to the right is fill, construction materials and concrete. The photo on the right looks like a go kart that has the front axle in the soil, it has been there so long. The photo on the left shows old ride on mowers and tractors that look stored and neglected there.

To sum up, Block 114, Lot 13 and Lot 13Q Farm can be classified in need of redevelopment pursuant to both "a" and "c" criteria. You have a building that is relatively unsafe, unsanitary, and in a dilapidated condition. There are damaged, missing and boarded up windows, rust, cracked and deteriorating roof elements, issues with the fascia, and the pavement has not been resurfaced in some time and is in pretty rough shape. There is a faulty layout and design with haphazard storage throughout the site. Old car parts, construction waste, and other conditions make it seem it is operating as a de facto junkyard. There is no direct frontage on Route 34, and from a private capital standpoint it is potentially difficult to clean up and redevelop a site if there is no access to highway.

Block 114, Lot 7.02 can be deemed an area in need relative to the "c" criteria; it is not developed and has never been developed, there is extensive topographical slopes to the rear, and it would be costly to do grading and earth work. Since it has never been developed, there is little potential to be developed thru private capital in the future. That is a main sticking point in the "c" criteria.

Block 114, Lot 6 is undeveloped and does not meet the criteria local Redevelopment Housing Law. You have a lot that provides access to the rear of the site and thus is essential for the effective redevelopment of the study area, if the Planning Board deems this an area in need of redevelopment.

Mr. Hirsch asks if it should be commercial, residential or a mixed use development; Mr. Rodriguez replies that cannot be determined yet. The first step is to conduct a study to determine if it is an area in need of redevelopment, and then the Planning Board, if authorized by the

authorized by Township Council would prepare a redevelopment plan for the study area, and that would dictate the types of uses that could be on the site.

Mr. Leckstein says first it has to be dedicated as a redevelopment area; then you would have certain powers to redevelop the property, which plan would eventually be adopted by the town.

Mr. Rodriguez says basically from a planning perspective you have an isolated industrial site surrounded by residential and commercial sites. It really doesn't work anymore, but when developed in the 1960's it worked because there was nothing around it. When this part of town started to be developed, this site became incompatible with the land uses surrounding it.

There is no problem comment on the presentation.

Mr. Leckstein advises the Board it is up to them to determine if they find this as an area in need of redevelopment. If there are code violations, the town can go in and tell them to fix it up; but to actually do something about the building is something the redeveloper would have to come in with a plan saying they are going to demolish this or that, do an environmental study, things a code enforcement officer cannot make determinations on.

Mayor Tagliarini says for a multitude of reasons this entrance to Aberdeen is not the most ideal, and it should be declared a redevelopment area. But it has basically been a site that is out of sight out of mind, but obviously something has to be done with the property, which could potentially become a beautiful Gateway to Aberdeen Township.

Mr. Vena says it seems like this land is a perfect candidate for some sort of redevelopment as the uses right now are not that great.

Mr. Rodriguez, answering Mr. Mirabal, says in evaluating the study area against the criteria for redevelopment and the Redevelopment Housing Law, the site meets one or more of the criteria; he says in his opinion it is an area in need of redevelopment. You have the existing industrial area and the area to the south that is not developed. As the Mayor mentioned, this is the gateway to Aberdeen, and since there is an extensive buffer around the site it doesn't bother anyone. But what if the existing uses were to take up more of the site.

Answering Mr. Leckstein, Mr. Rodriguez says some of the area should be retained, the steep slopes; he believes a certain percentage of the tract should be preserved as open space.

Mr. Hirsch moves to declare the area as an area in need of redevelopment, seconded by Mr. Vena.

Yes: Mayor Tagliarini, Mr. Brady, Mr. Hirsch, Mr. Mirabal, Deputy Mayor Montone, Mrs. Sims

No: None

Abstain: None

Meeting adjourned.