

The Chairman called the meeting to order and stated it was being held in compliance with the "Open Public Meetings Act" and had been duly noticed and published as required by law.

Roll Call

Present: Mr. Fanelli, Mr. Ravitz, Mr. Murray, Mr. Vandegrift, Mr. Nicini, Mayor Mignogna, Mr. DiNatale, Mr. Rashatwar, Ms. Nocito, Ms. Stroemel

Absent: Mr. Waters

Also present was Stuart Platt, Board Solicitor and Rakesh Darji, Board Engineer



MEMORIALIZATION OF RESOLUTION

Sherwood Forest Homes  
Block 48; Lot 1  
Minor Subdivision  
PC 14-019

APPROVAL OF MINUTES

Mr. Vandegrift motioned to approve the minutes dated February 25, 2015; seconded by Mr. Rashatwar. Motion carried by the assenting voice vote of all board members present, with the exception of Mayor Mignogna, Mr. Fanelli, Mr. DiNatale, Mr. Nicini, Ms. Nocito, who abstained.



NEW BUSINESS

HRISTOS KOLOVOS  
BLOCK 226.02; LOTS 18.01 & 19  
PRELIMINARY & FINAL MAJOR SUBDIVISION  
PC 14-017

Mr. Ravitz recused himself from this application.

Appearing before the board was Mr. Jeff Baron, attorney, Mr. Hristos Kolovos, applicant, Mr. John Pettit, engineer.

Mr. Baron gave a brief description of the site. He stated the property is located in the RR Zone. Mr. Kolovos stated he purchased part of the property in April 2011 and the remaining in March of 2012 from the Township of Voorhees at public auction. He stated his intention was to build a residential subdivision on the site and that it was his anticipation that the road be a dedicated road and not owned by the residents. Mr. Baron asked Mr. Kolovos if he sees any problems if road and cul de sac were required to be privately owned and maintained. He stated there has at no point been discussion of wanting a homeowners association and feels it could lead to issues such as maintenance. Mr. Baron stated that it has always been the applicant's intention that each property owner would maintain the improvements on its own property.

Mr. Baron stated that Mr. Kolovos and the Borough of Gibbsboro reached a settlement agreement regarding access and sewer to the site. Gibbsboro constructed a Bike Path on his property without his consent and they wanted to maintain the bike path in that location which was also part of the litigation. As part of the settlement Mr. Kolovos also agreed to improve Egg Harbor Road. He agreed to maintain a 50 foot buffer at the front of the property.

Mr. Platt said that the Planning Board could recommend to Township Committee that they accept the cul de sac as a public right of way. Regarding the sewer main it will be extended from Gibbsboro to the site therefore sewer connection fees and user charges should be paid to Gibbsboro. Trash collection will have to be discussed by the Governing Body.

Mr. Baron stated the application was heard before the Voorhees Township Environmental Commission and they requested that a new EIS was resubmitted and they have not heard any further comment. He also stated that the plan has been changed to reflect that the amount of clearing will be minimal.

Mr. Pettit presented a subdivision plan (A-1). Gave a brief description of the project. It shows an extension of Eastwick Drive to a cul de sac and the three proposed lots. Water and sewer will be connected in the streets and connected to each lot. The plan also depicts an extension of Old Egg Harbor Road and will be paved at a 24 foot isle. Mr. Pettit stated that because of the existing topography of the site there is approximately a 70 foot drop from the south eastern corner to the northwestern corner and as a result of that they have developed a system for the cart way and improvements in the right of way which will be collected in a stone channel and infiltrated into an underground system and infiltrated into the ground. He explained they also provided an analysis for Mr. Kolovos's property which is Lot 19 and each individual home will have an onsite underground system to manage the runoff from the proposed improvements.

Mr. Platt asks if there are any maintenance obligations that the property owners will have for the underground system? Mr. Pettit stated it is minimal. Mr. Baron stated that each individual homeowner will be responsible for the maintenance and that the applicant will include a point of sale disclosure as well as a restrictive covenant discussing the presence maintenance obligations of the system.

Mr. Pettit presents an aerial photograph of the site (A-2). He explained it depicts the three proposed lots and stated the existing conditions of the property is fully wooded. He stated that some clearing would be necessary. Mr. Baron stated the applicant agreed with the VEC to try to maintain the existing vegetation and only supplement where necessary to create buffer.

Mr. Pettit stated they are proposing a standard street light at the end of the cul de sac.

Mr. Kolovos stated he is proposing to build his home that would be 6,000 square feet and would have very high finishes. The other 2 lots would have million dollar homes also.

Mr. Murray suggests that since Gibbsboro is running the sewer line that Gibbsboro's Engineer also inspect at the same time to avoid problems down the road. Mr. Darji stated he did address that issue in his review letter and that this project would take some coordination between the two towns. He also stated that the road would have to be inspected by the Inspecting Engineer.

Mr. Platt stated that due to the inter-municipal issues that there will be a Developer's Agreement.

The applicant agrees to comply with Churchill Engineer's sewer review letter dated 2/25/15.

Mr. Platt stated that since the extension is coming from Gibbsboro and they are servicing the area that it may be appropriate that Gibbsboro receive the connection and user fee.

Mr. Darji stated that all points of his review letter dated 2/11/15 have been satisfactorily addressed by the applicant. He does however ask Mr. Baron if he is representing that the lots will be restricted such that the clearing will be exactly what is shown? Mr. Baron stated that the applicant would prepare a grid of the lots. They would indicate how many trees of 3 inches or greater in circumference and would prepare a tree compensation plan based on that. Mr. Baron asks the Board to reconsider the cost per tree due to the current state of the property. There is discussion of relief on the tree compensation. Mr. Platt suggests that one way this could be addressed is that as a condition of approval they allow one area of the backyard to be cleared and would not be compensable. Mr. Murray recommends that the Board Engineer searches out other ordinances and comes up with the plan. Mr. Platt suggested that the Board could establish for the 2 lots, not including Mr. Kolovos's home, a 25 ft area around the building footprint that would not have to be compensable. Anything outside that area being removed would have to be compensable at the rate of \$100.00 per tree. The lot that Mr. Kolovos's home is on would all be compensable. Mr. Baron agrees.

Mr. Baron agrees and consents on the record to all the other recommendations made by ERI other than what was discussed and revised this evening.

Mr. Platt reviewed the Voorhees Environmental Commission review letter dated 3/12/15. Mr. Kolovos's agrees to having 10 days to provide notice to the neighbor who owns the abandoned vehicles to remove them and they have 60 days to remove them. If the neighbor does not remove them Mr. Kolovos will then have 60 days to remove them himself. This all after the adopted resolution if application is approved.

The applicant still has to submit soil boring samples. The applicant agrees to install snow fence during the construction.

There is discussion about snow removal. Trash and snow removal will be determined by the governing bodies of both Voorhees and Gibbsboro.

Mr. Rashtwar suggests extending the sewer line further down Old Egg Harbor Road.

Mr. Fanelli opens application to the public.

Barry Rich  
58 Eastwick Drive  
Gibbsboro, NJ

Mr. Rich introduces himself as the Secretary, Treasurer of the HOA of Wynnewood and is speaking on behalf of the HOA. Mr. Rich stated the residents were not notified by the town of Gibbsboro regarding any agreements made between the applicant and Gibbsboro. He stated he appreciates the opportunity to discuss some of the concerns the residents have.

Chris Parry  
75 Eastwick Drive  
Gibbsboro, NJ

Ms. Perry stated her concern is focused on the plans for the buffer surrounding the existing bike path between Gibbsboro and Voorhees and the effects of the proposed construction on water runoff and the utilities in the Wynnewood development in Gibbsboro. She stated she had a copy of the settlement agreement between Chris Kolovos and Gibbsboro dated June 30, 2014. Paragraph 6.0 of the agreement states that Mr. Kolovos shall preserve and maintain a planted buffer 50 feet wide within the property along the entire property line at the former Old Egg Harbor Road. The agreement then reads in the same paragraph that no disturbance is permitted within the buffer except as follows: a. Eastwick Drive and driveways and b. The bituminous paved bike path. She stated Mr. Kolovos's plan indicate the entire buffer being cleared and replanted. Ms. Perry stated she received an email from the Mayor of Gibbsboro stating that the 50 ft buffer mentioned in the agreement is on the Voorhees side and the intent is that it is to be left as a natural buffer undisturbed except for the roadway into the property.

Mr. Platt stated that the planted buffer is located in Voorhees. Mr. Darji suggested the applicant make a note on the plan that the intent is the vegetation will supplement the buffer and that a condition of approval be that the inspecting engineer will meet with the developer at the site and strategically locate the proposed vegetation to fill in the buffer. Mr. Darji also stated the applicant has to submit individual lot grading plans which will specify exactly what areas need to be cleared and the applicant will stake that clearing as part of their construction process and the engineer can evaluate the proposed clearing beforehand. Mr. Baron agrees.

Ms. Parry stated another concern is the water runoff and sand erosion. She stated a swale was created at the bike path which prevents the water from running off into her back yard. Mr. Baron stated they are not removing the swale. He stated that Mr. Pettit will take a look at the drainage and any runoff towards Gibbsboro.

Ms. Parry stated concern of construction vehicles. Mr. Baron stated the construction vehicles will remain on the Voorhees side and not on Eastwick Drive.

Mr. Baron also agrees to provide notice to the Homeowner's Association of Wynnewood.

Jeff Kiesel  
49 Chippenham Dr  
Voorhees, NJ

Mr. Kiesel has some concern of the buffer and clearing limits. He does not want the property to be clear cut. There was also discussion of the Tree Compensation Ordinance.

Pam Gallus  
53 Chippenham Dr  
Voorhees, NJ

Ms. Gallus refers to exhibit A1. Her home sits behind the proposed home in lot 18.01 she is concerned about the clearing of and replacement of trees. It is explained that if someone were to clear cut the lot it would be a violation of the approval.

Mr. Platt recommended that the Board could impose the following restriction on the applicant; they must notify the 3<sup>rd</sup> party purchaser through a point of sale disclosure that there is no clearing allowed without the approval of the Planning Board which is beyond that of what is shown on the final plan of lots.

Jeff Miller  
41 Old Egg Harbor Road  
Voorhees, NJ

He states that he would like the opportunity to reconcile his survey with Mr. Kolovos's survey. Mr. Platt stated that issue is between the property owners.

Leopoldo Zapada  
51 Chippenham Drive  
Voorhees, NJ

He stated he has lived in the house for 37 years and when he purchased the home he was told the property would remain green acres. He indicated the location of his home on exhibit A1 and expressed concern on clearing.

Seeing no further public comments Mr. Nicini made a motion to close public portion; seconded by Mr. Rashatwar. Motion carried by the assenting voice vote of all board members present.

Mr. DiNatale motioned to grant preliminary and final major subdivision approval to allow for the creation of three residential building lots as depicted on the plans and drawings that have been entered for the record subject to the following conditions:

1. The applicant will comply with all recommendations of the Board Engineer's review letter dated February 11, 2015 with the exception of the following:
  - a. The maintaining of the cul de sac as a private right of way. It is recommended by the Board that it be dedicated to the Township as a public right of way.
  - b. Individual lot grading plans will be provided by the applicant subject to the Board Engineer's review and approval.
2. Within the lot grading plan there will be a tree compensation formula whereby the ordinance remains intact but in addition and in light of the fact it is a heavily wooded lot the applicant will be able to clear an area 25 feet beyond the footprint of the proposed dwelling units without having to compensate for that area. Any area beyond that 25 foot limit around the footprint that is cleared of trees eligible under the ordinance would have to pay a tree compensation fee of \$100.00 per tree. These are for the two lots depicted as profiles on the plans. With respect to Mr. Kolovos's property, his tree compensation will be as per ordinance \$100.00 per tree without the 25 foot extension.
3. The applicant agrees to comply with the Township's Sewer Engineer letter dated February 25, 2015 except with respect to the payment of connection and user fees which it will recommended it be paid to Gibbsboro.
4. The applicant has already complied with most of the comments in the VEC review letter dated February 5, 2015. The applicant will be given the ability to, upon adoption of any approving resolution, 10 days to notify the neighboring property owner with respect to abandoned vehicles and other debris. The neighboring owner will have 60 days to respond. If that neighbor does not remove the abandoned vehicles and debris at that point the applicant will have an additional 60 days to remove the vehicles and debris himself.
5. The applicant will be required to provide soil borings/profile pits to determine the nature of the soils to determine if the stormwater management plan is appropriate.
6. The applicant will construct on-site underground stormwater management facilities, storm tank format, which will the responsibility of each individual property owner to maintain.

7. The applicant shall be required to provide a point of sale disclosure notice to the initial purchasers of lots as well as a deed restriction with respect to the presence and maintenance obligations of the on-site underground stormwater management systems. The point of sale disclosure and deed restriction shall be subject to the Planning Board Solicitor's review and approval.
8. The applicant will return to the Gibbsboro Planning Board for further approval and will provide normal municipal land use notice, in addition will also provide direct notice by certified mail to Wynnewood Homeowners Association.
9. There is already a shared services agreement whereby Voorhees Township provides leaf pickup.
10. Trash and snow removal have yet to be addressed and must be addressed by the governing bodies of both communities.
11. The applicant has agreed to supplement the existing 50 ft buffer that adjoins the Old Egg Harbor Road.
12. The applicant will evaluate the off-site road extension in Gibbsboro to see if any stormwater management procedures need to be instituted.
13. The applicant agrees that all construction vehicles will remain on-site only.
14. The applicant has agreed to have a point of sale disclosure that there will be no clearing without further Planning Board approval of any of the lots beyond the final approved plan of lots that appear on the filed subdivision plan. The point of sale disclosure shall be subject to the review and approval of the Planning Board Solicitor.
15. The applicant has agreed to install snow fencing during construction.

Seconded by Mr. Nicini; motion carried by the following roll call vote:

AYES: Mr. Fanelli, Mr. Murray, Mr. Vandegrift, Mr. Nicini, Mayor Mignogna, Mr. DiNatale, Mr. Rashatwar, Ms. Nocito, Ms. Stroemel

NAYS: None



MASTER PLAN ORDINANCE REFERRAL TO TOWNSHIP COMMITTEE

Mr. Platt stated the Planning Board has to review the ordinance and determine if it is consistent with the Master Plan.

The application is opened to the public; seeing none public portion is closed.

Mr. Murray motioned to recommend to the Governing Body adopt these Master Plan Implementing Ordinances with the finding that the Ordinances are consistent with the Master Plan of 2012. Seconded by Mr. Fanelli.

AYES: Mr. Fanelli, Mr. Murray, Mr. Vandegrift, Mr. Nicini, Mayor Mignogna, Mr. DiNatale, Mr. Rashatwar, Ms. Nocito, Ms. Stroemel

NAYS: None

There being no further business before the board the Chairman adjourned the meeting.

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Wendy Flite, Secretary