

CITY OF ESTELL MANOR  
Planning Board Meeting Minutes  
June 10, 2014

The Estell Manor Planning Board Meeting was held on the above date at 7:00 p.m. in the Municipal Building, 148 Cumberland Avenue, Estell Manor, New Jersey.

Chair Lea called the meeting to order at 7:00pm. The Open Public Meetings Notice was read. The flag salute was recited in unison.

Roll call was taken.

Roll Call Present: Mayor Teasenfitz  
Mrs. Givens  
Chair Lea  
Mr. Goodman  
Mrs. Giercyk  
Mr. Miller  
Mr. Anderson

Absent: Mr. Kellner  
Mr. Taggart  
Mrs. Martyn  
Mr. Holt  
Mr. Carmen  
Mr. Owens

Also Present: Mr. Schroeder, Solicitor  
Ms. Heller, Engineer  
Mr. Caregnato, Zoning Officer  
Mrs. Kent, Secretary

---

Mr. Kellner, Mr. Holt & Mr. Carmen gave prior notice of their absence.

**Approval of Minutes**

Motion made by Chair Lea and seconded by Mr. Anderson to approve the minutes for April 01, 2014. All in favor called. Motion carried.

**Zoning Officer's Report**

Motion to approve zoning officer's reports for March, April & May 2014 made by Chair Lea and seconded by Mr. Anderson. All in favor called. Motion carried.

Wayne Caregnato gave update on Tharpe matter. Tharp received a \$2,000 fine, but there is still no compliance. Judge advised the zoning officer that he can get a court order to be allowed on the property.

### **Correspondence**

Letter dated April 15, 2014 from the Pinelands Commission regarding Peter Costantino, Block 42 lot 17 states septic approvals and permits are void.

Motion to accept correspondence made by Mr. Goodman and seconded by Mr. Anderson. All in favor. Motion carried.

### **New Business**

Matthew Smaniotto – Block 5, Lot 9.01 – Direct Issuance of a permit for a lot lacking street frontage.

Attorney Carl Tripician spoke on behalf of the applicant. Explained the previous application filed for a hardship variance was incorrect and relief under NJ 40:55D-35 was being sought. He confirmed that all neighbors were properly noticed and taxes paid through February.

Jen Heller, engineer requested that items 14, 17, 18, 19, 20, 21 & 28 listed under Completeness Review on the Engineer's Report be addressed.

Jim Schroeder, solicitor, explained that the applicant was not seeking permission to build house at this time.

Motion to deem application complete granting waivers to items 14, 17, 18, 19, 20, 21 & 28 listed under Completeness Review on the Engineer's Report made by Chair Lea and seconded by Mr. Goodman. All in favor. Motion carried.

Mr. Tripician, attorney, explained that Mr. Smaniotto was looking to build a house on a property that was subdivided from two lots into three conforming lots in April 2003. Two of the new lots were built on and the third was left undeveloped. The third lot does not have street frontage but there is an easement in place that was approved by the Board in 2003.

Mr. Smaniotto & Mr. Palermo were sworn in by Jim Schroeder, solicitor.

Mr. Smaniotto showed the Board the location of Lot 9.01 and the easement on the City Tax Map. He also gave testimony that he intends to install underground utilities and will build the driveway to engineer's specs to allow emergency vehicle access. He also explained that the mailbox will be located on the opposite side of the street and that he himself plans to reside on the property.

Mr. Tripician explained that the negative impact to development of the road is that it could lead to more traffic. Wayne Caregnato, zoning officer advised that the road did not need to go all the way through, only to end of property with culdesac.

Wayne Caregnato, zoning officer agreed that it would be a hardship to have to improve road. Jim Schroeder, solicitor stated he could barely get his suburban through the current dirt road.

When asked if the applicant had pursued any application with Pinelands and/or Council to see what would be required Mr. Smaniotto replied no.

Jim Schroeder, solicitor, explained NJ 40:55D-35& 36 where the enforcement of 35 would entail practical difficulty or unnecessary hardship the Board may vary the application under section 36.

Jen Heller, engineer, requested that the general review comments located on the engineer's report be made part of the approval. She also clarified that 7<sup>th</sup> Avenue is considered the frontage.

Motion to open meeting the public made by Chair Lea and seconded by Mr. Goodman. All in favor. Motion carried.

Bernard Bernales – Is trying to sell house and feels if this approved it will make it harder to sell.

Motion to close meeting to the public made by Chair Lea and seconded by Mr. Goodman. All in favor. Motion carried.

Motion to approve use of easement for frontage with inclusion of requirements listed under general review comments on the engineer's report made by Chair Lea and seconded by Mayor Teasenfitz. Roll call vote taken.

Mrs. Gieryck	yes
Ms. Givens	no
Mr. Goodman	yes
Mr. Miller	yes
Mr. Anderson	no
Mayor Teasenfitz	yes - not convinced hardship
Chair Lea	no – Does not believe it's a hardship

Four ayes, three nays. Motion carried.

### **Old Business**

Chair Lea explained that Mr. Anderson had improved upon the sample Fire Ordinance that was presented in the packets. Mr. Anderson briefly reviewed the changes he had made. Mr. Anderson will email revised copy to Board Secretary for dissemination to rest of members.

Mayor Teasenfitz reminded the Board that they are required to move forward with the Clustering Ordinance, many towns already have theirs in place. Wayne Caregnato, zoning officer, agreed that the City no longer has right to turn down a developer.

Motion to open meeting the public made by Chair Lea and seconded by Mayor Teasenfitz. All in favor. Motion carried.

No one spoke.

Motion to close meeting to the public made by Chair Lea and seconded by Mr. Miller. All in favor. Motion carried.

Motion to adjourn meeting made by Chair Lea and seconded by Mr. Anderson. All in favor. Motion carried.

Meeting adjourned at 8:34pm.

Respectfully submitted,

Linda L. Kent  
Planning Board Secretary