

QUINTON TOWNSHIP PLANNING BOARD

DECEMBER 14TH, 2010

MINUTES

The regular meeting of the Planning Board was called to order at 7:00 p.m. at the Quinton Township Municipal Building by the Vice-Chairwoman Amy Bradway.

Flag salute was held and it was determined that the meeting was posted in a public place and advertised in the two official newspapers.

ROLL CALL: Amy Bradway, Christopher Donelson, Robin Harmon, James Kates, Joanne Nacucchio, Zach Patterson, and Marjorie Sperry

Others present: Adam I. Telsey, Solicitor and Bonita Bell, Secretary

ABSENT: Donna Bradway, Margaret Maxwell-Mood, Carl Schrier and Doug Tzaden

APPROVAL OF NOVEMBER 9TH, 2010 MINUTES: Motion was made by James Kates to accept the minutes as written and Marjorie Sperry seconded the motion. All were in favor. Motion carried.

APPLICATION OF A & M RENTALS, LLC – APPLICATION # 10-11

PROPERTY: 583 SALEM-QUINTON ROAD

BLOCK 3, LOTS 17.01 AND 18

USE VARIANCE

THERE IS NOTHING TO BE DONE. THIS APPLICATION WAS WITHDRAWN BY THE APPLICANTS, AMY LAWRENCE BRADWAY AND MICHAEL BRADWAY. ROSS LEVITSKY, ESQ. ALSO SUBMITTED A LETTER DATED DECEMBER 14TH, 2010 WITHDRAWING THE APPLICATION.

Solicitor Telsey said that the Planning Board should not do anything because we have not heard anything as a Board. The letter should go into the file. Solicitor Telsey did not prepare any type of letter, but the Engineer did. This letter can go into the file to be used by the Applicant should they need to reapply. The Board should

not make any findings or do anything with regard to this because there is no application that is being presented at this time. Solicitor Telsey has had discussions with the Applicants Attorney, Ross Levitsky and it seems pretty cut and dry. It is going to be a retail establishment. Retail establishments are permitted in the zone. Solicitor Telsey does not see an issue with it.

RESOLUTION 10-15 “RESOLUTION GRANTING MINOR SUBDIVISION APPROVAL” BLOCK 2, LOTS 33 AND 43 – KEVIN AND JENNIFER LADNER – Vice-Chairwoman Amy Bradway inquired if anyone of the Planning Board had any questions. Vice-Chairwoman Amy Bradway asked for a motion to approve the Minor Subdivision Approval Resolution 10-15. James Kates asked if this was just for a minor subdivision, that is all we are going to vote on. Solicitor Telsey stated that it was for the lot line adjustment, that was all that was applied for, yes that is correct. James Kates made a motion to approve the Resolution for the minor subdivision, lot line adjustment and Joanne Nacucchio seconded the motion. Christopher Donelson abstained from voting. The rest of the members present were in favor. Motion carried.

OLD BUSINESS:

Fees – review of escrow and application fees – Vice-Chairwoman Amy Bradway stated that Chairwoman Margaret Maxwell-Mood was going to go over these fees and since she is not here tonight we want to table this matter until the next meeting. James Kates made a motion to table the fees, Marjorie Sperry seconded the motion. All were in favor. Motion carried.

NEW BUSINESS:

Correspondence dated November 17th, 2010 from Charles Munyon of the Salem County Department of Planning & Agriculture regarding Ladner.

Vice-Chairwoman Amy Bradway asked if there were any issues or questions on this letter. Motion was made by James Kates to enter the letter into the Ladner file. Marjorie Sperry seconded the motion. All approved. Motion carried.

PUBLIC SECTION:

Vice-Chairwoman Amy Bradway stated that if you have a question that you need to state your name and address for the record.

Mrs. Judy Frammer Angelus stood up and advised the Board that she is the owner of the adjoining property to the property that the Ladners purchased. She has previous surveys and she has the corresponding deeds, she has all of her lines marked. Mrs. Angelus stated that Mr. Ladner's new lot line adjustment encroaches on her property. Mrs. Angelus was never notified of any lot line adjustment. None of the neighbors were notified of the lot line adjustment. Mrs. Angelus said she was notified of a wetlands delineation for a driveway. How can Mr. Ladner move property lines and get a new deed when it is not a legal description of what he bought. The previous owner, Mr. Jackson, who sold Mr. Ladner the property is here tonight. The Jackson's know where the line is. They recognize where the line is. Mr. Taylor is here who owns the property in the corner. His property and Mrs. Angelus' property come together. If everything we have lines up how can they come up with a new survey and present it to the Board and the Board passes this and all of a sudden Mr. Ladner has a new piece of property with space for a driveway. Mrs. Angelus stated her trees are marked to log them out and cut them. When Mr. Ladner was questioned when he was on the property people were basically told it was none of their business. Mr. Ladner can come to the Planning Board and do this and basically, I don't know if it is perpetrating a fraud because you guys are approving it, but it is abating and abetting a fraud. That property has been in our family since 1941. The Jacksons have owned the adjoining property since 1947 and I have every deed in this file. Mrs. Angelus also stated she wanted to know how this is flying because it really stinks.

Solicitor Telsey stated that first of all the Planning Board received a survey from James Clancy who is a professional engineer and professional surveyor of Land Engineering, LLC. The Planning Board has the obligation to rely upon a survey that has been submitted to it based upon a professional land surveyor. This land surveyor has delineated the property lines and it has shown where the property lines are. The Planning Board has the right and obligation to rely upon the information that was submitted to it. First of all you received a letter regarding a wetlands delineation. That has nothing to do with what was presented to the Planning Board. When they go for wetlands delineation that is something they go through with DEP. They are required to notify all the surrounding property owners. This was an application before the Planning Board for a minor subdivision. When you apply for a minor subdivision there is no obligation to notify the neighbors to advertise it in the newspaper which is why you received no notice. You are not required to do that. That is why you never received any information on this. The application has been heard. It has been voted on and it's been approved. I understand that you have a dispute with regard to what the actual property line is and there is clearly a boundary line dispute here. However that is not an issue that the Planning Board is going to get involved in. We do not survey. We do not go through and make sure that the survey presented to us is correct, especially in this situation because we are talking multiple acres of land here. Quite frankly if there is a

property line dispute that is not a Planning Board issue, it is a legal issue that you would need to bring in the form of some sort of quiet title action. I know you have an attorney and I know he will advise you accordingly.

Mrs. Angelus stated that she filed a lawsuit that morning.

Mr. Telsey said that his advice to the Planning Board is there is really nothing to be done here. We have heard the Application. We voted on the Application.

Mrs. Angelus asked if Mr. Ladner had a full legal description of that property with the survey when he submitted it? Mrs. Angelus stated that she had to have hers when she subdivided her property.

Mr. Telsey said that he does not know what the Engineer reviewed and that he does not remember seeing a full legal description however he does need to provide a legal description.

Mrs. Angelus stated that she spoke to Mr. DiVietro and he stated to her that the Ladner paperwork was incomplete.

Solicitor Telsey stated that the Engineer, Lawrence DiVietro, is not here to answer. Solicitor Telsey said that Mr. Ladner is going to have to prepare legal descriptions as part of perfecting the subdivision. Solicitor Telsey does not believe it has been done yet, he does not know if they have been presented since this Application or not. If you filed a lawsuit you have the right to do that obviously and you can pursue it in that manner but as far as the Planning Board is concerned there is really nothing we can or should do at this point.

Mrs. Angelus stated that she is surprised that the Board does not track what you do as you go in the Township because she had her lines submitted in 2003, the Jacksons submitted in 2005 – she guesses obviously nothing has been kept up to date so you guys can backtrack on anything or check on anything.

Solicitor Telsey said it is not our obligation to make sure that all of the property lines are correct. Those are private matters between the property owners.

Mrs. Angelus stated that she is getting a tax bill. The Township sends out a tax bill. Mrs. Angelus' family has been getting a tax bill on this property since 1941. Are we going to get a refund from the Township?

Solicitor Telsey stated that if that was incorrect what you are being taxed on then maybe there is something that can be done there, but he does not know.

Mrs. Angelus stated that they were never wrong before. They all knew where the line was.

James Kates stated to Mrs. Angelus that she should have a copy of the Resolution because the Resolution has 9 items that the Ladners have to meet.

Solicitor Telsey said that the conditions do not usually get met until the subdivision is perfected so they are probably not met as of now, but they will be if he wants to perfect the subdivision.

Mr. Kevin Ladner, 63 Money Island Road stood up and said that he has the old surveys, the survey from 2005 and the recent one now. The one from 2005 was actually redlined over. As far as the lot line adjustment Mrs. Angelus is mistaken. There are two conflicting surveys, that is true. He was going off of the survey prepared for him by Land Engineering. Mr. Ladner wanted to put in a little roadway where he could go back and get wood. He did markup trees based on the survey. The survey peg was there. Mr. Ladner said that when he talked to Mrs. Angelus he told her that since there is a dispute – until she is satisfied he is not going to touch anything. He wants her to be satisfied. He does not want bad neighbors. He will say that the tax map is not a survey.

Mrs. Angelus stated that she has a survey. She was not going off of a tax map.

Mr. Ladner said that he has both surveys. He has 2005 survey for Mrs. Jackson, Mrs. Smith overlaid the survey that Land Engineering provided and he will say that just to examine it if you go by this one in 2005 Vernon Taylor's house belongs to him according to the survey. Obviously, we know that is not the case but the survey is very wrong. If anyone would like to see it he has it right here. The line that she is talking about is on Cross Road. The lot line adjustment is on Hogate Boulevard.

Solicitor Telsey said that the Planning Board is not going to get involved in that. If you want to discuss it with her or anybody else wants to look at it he encourages you to look at it after the meeting takes place. Just for the Planning Board – obviously there has been some sort of lawsuit filed – if a Judge determines that the property survey that we received is incorrect or that there is a problem the Court will enjoin and stop the

subdivision. It is Solicitor Telsey's opinion at this point the Board has done what it needs to do and if there is a Court that needs to get involved let them get involved and let them direct the Board accordingly.

Vice-Chairwoman Bradway inquired if there was anyone else that wanted to speak from the Public.

Carol Morris, the daughter to Vernon Taylor, lot 45 and 46 – we've never ever had any trouble with the land lines before and you made the comment that his property belongs to you. That is incorrect.

Mr. Ladner said no, he is not saying that at all.

Ms. Morris asked Solicitor Telsey if that would make him available to go with us and mark the property?

Solicitor Telsey said you clearly have two conflicting surveys.

Ms. Morris asked Solicitor Telsey – so you are saying that you have absolutely nothing to do with this at all?

We made a decision based on upon the survey that was presented to us last month and if there is a conflicting survey then they will have to deal with that through their legal rights. We are not going to get involved in that, we had a hearing, we made a decision last month, there was no objections at that time. I understand that there were no notices that went out, but we made a decision last month. It was finalized last month. We are just memorializing that decision tonight. If there is something wrong with that survey then they should seek legal remedies that might be available to them. Get a Judge to overturn what the Planning Board did tonight.

Ms. Morris asked what was the next step for the Planning Board?

Solicitor Telsey stated that the Board is done.

Ms. Morris said you absolutely finished.

Solicitor Telsey said that we will just follow what the Resolution says as far as allowing the Applicant to meet those conditions and once the conditions are met the subdivision will be perfected. That means it will be filed, recorded and done unless during the process a Judge or Court tells us to stop.

Ms. Morris inquired as to what time period is that, how much time does that take?

Solicitor Telsey stated that as far as the conditions are concerned the Applicant has 190 days to file the subdivision deeds. As far as a Court is concerned he does not know. Solicitor Telsey does not know what is being done in Court.

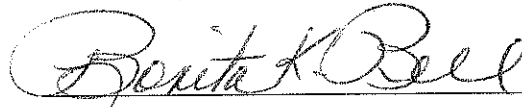
Vice-Chairwoman Bradway asked the public for any other comments? There were no other comments.

Anything else from the Planning Board members? No comments.

The RFP's will be opened after the meeting is concluded.

Vice-Chairwoman Bradway asked for a motion to adjourn. Motion to adjourn was made by James Kates and seconded by Margery Sperry. All were in favor and the meeting was concluded at 7:19 p.m.

Submitted by:



Bonita K. Bell, Secretary

Approved: January 11th, 2011