

**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**July 21, 2022**

1. Chairperson Liddle called the meeting to order at 5:00 p.m. with the Pledge of Allegiance. Commission Members Sigvardson, Curran, Nicholson, and Tyminski were in attendance. Planning, Zoning & Development Director Ken Cimino, Planner Jill Oliver, Town Solicitor Dennis Schrader & Veronica Faust, and Town Clerk Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue.

2. **APPROVAL OF AGENDA**

*A motion was made by Mr. Curran, seconded by Mr. Sigvardson, to approve the agenda as presented. The motion carried unanimously 5/0.*

3. **APPROVAL OF MINUTES**

*A motion was made by Mr. Sigvardson, seconded by Mr. Tyminski, to approve the minutes of May 19, 2022 @ 5:00pm. The motion carried unanimously 5/0.*

*A motion was made by Mr. Sigvardson, seconded by Mr. Curran, to approve the minutes of May 19, 2022 @ 6:00pm. The motion carried unanimously 5/0.*

*A motion was made by Mr. Sigvardson, seconded by Mr. Curran, to approve the minutes of May 19, 2022 @ 7:00pm. The motion carried unanimously 5/0.*

4. **NEW BUSINESS**

**P-341 58 Woodland Avenue and 9 Caroline Street (PIDN:106.000/094.050)**

Application P-341, a resubdivision plan submitted by Donald L. Messick, owner of 58 Woodland Avenue, with the permission of John and Kimberly Neff, owners of 9 Caroline Street, for a lot line change associated with two (2) parcels of land, both zoned R-1 (Single Family Residential District.

Mr. James Lober was present to offer his overview of the application.

- Proposed Reconfiguration of Lands of Donald L. Messick & Lot 5 of Cottages of White's Creek - as completed by Foresight Services, dated 6/6/22

Based upon our review, we have the following comments.

1. Title the plan "Resubdivision Plan".
2. Refer to lot 5 as being of "Wonderland". The subdivision was recorded as Wonderland in 1979 at Plot Book 17 Page 42 and we can find no subsequent recording of a name change.
3. Provide a site data column for each of the subject parcels as would be required for a typical subdivision plan, including postal address, tax parcel number, zoning, deed reference, utility suppliers, dimensional requirements, etc.
4. Correct the floodplain note to reference the appropriate FIRM Panel and BFE. Include the boundary of the Special Flood Hazard Area on the plan.
5. Provide owner's signature blocks for both property owners.
6. The property line between lots 7 and 8 within Wonderland does not appear to be accurate when compared to the Tax Parcel Map. Please verify.
7. Delete the note about the setbacks. The correct zoning information is a requisite element of the plan to be covered by the certification along with all of the other information provided.
8. Note that the proposed 10' drainage easements around the perimeter of each lot are to be dedicated to the Town.

9. The Messick property is the beneficiary of a permanent driveway and parking easement on lands of lot 1 of Wonderland recorded at deed book 4555 page 125. Depict the bounds of that easement on the plan and reference the recordation information.
10. Add the following note to the plan: "Lot 5 of Wonderland, T.M. #134-12.00-2057.00, is subject to the declaration of restrictions recorded at Sussex County Recorder of Deeds Deed book 1679 page 42. The additional land area being added to lot 5 by this plan shall become part and parcel thereof and be subject to those same restrictions."
11. Add the following note to the plan: "The dwelling on T.M. # 134-12.00-301.00 violates the side yard setback. This condition is considered an existing non-conformity in accordance with §140-92"
12. Add the following note to the plan: "The dwelling, deck and shed on T.M. # 134-12.00-2057.00 violate the side yard setback. This condition is considered an existing non-conformity in accordance with §140-92".
13. The plotted boundary of the lands of Messick differs from the language in the deed of reference. Provide a written narrative for the record explaining the difference between the plotted parcel and the deed language.

Mr. Donald Messick was present to answer any questions the Commissioners asked. Mr. Curran asked if Mr. Messick had responded to Mr. Lober's letter. Mr. Lober replied, "No, he only received it last week." Mr. Messick explained the reasoning behind the application, he said the Neff's wanted a larger back yard. He is willing to sell them some of his property. Mr. Messick also noted that there was no objection by the HOA.

There were no comments from the public.

**A motion was made by Mr. Curran, seconded by Mr. Sigvardson, to approve the application subject to the conditions in Mr. Lober's letter. The motion carried unanimously 5/0.**

## **6. ADJOURNMENT**

*A motion was made by Mr. Curran, seconded by Mr. Sigvardson, to adjourn the meeting at 5:14pm. The motion carried unanimously 5/0.*

Respectfully submitted,  
Donna M. Schwartz, CMC. Town Clerk

