

Planning Department Review Memo

To: Wayne Township Planning Board: Chair and Board Members

From: Christopher J Kok, PP, AICP
Township Planner

Date: October 29, 2019

Subject: **Planning Board Case # PB-2019-026**
169 Parish Drive, Block 911, Lot 14
Annemarie Appleton
Modification of Condition of Approval – Minor Subdivision

The purpose of this memo is to provide the Board with guidance in its review of application PB-2019-026 submitted by Annemarie Appleton, requesting a modification of a condition imposed through Resolution PB-32-2017 granting minor subdivision approval. In particular, resolution condition #4.A(5) memorializes a comment from the Engineering Department's report of October 23, 2017, which specify that there is a fence extending onto the neighboring Lot 13. Through discussion at the Hearing on November 13, 2017, the Applicant agreed to remove the fences. Applicant is now requesting that the Board amend condition #4.A(5) and allow a fence extending onto Lot 13 to remain.

Reviewed Documents

Application packet dated September 4, 2019, signed by Annemarie Appleton.

Cover letter dated September 4, 2019, signed by Michael J. Sweeney and Annemarie Appleton.

Planning Board resolution PB-32-2017 dated January 8, 2018

Clip of drawing showing location of fence in question, however, no labels are provided identifying the drawing.

Letter from Orhan Akil dated February 6, 2019

Four photos of fence in question.

Neighborhood Context:

The subject property is located at the intersection of Parish Drive and Dey Road, on the inside curve of Parish Drive as it curves from an east-west orientation to a north-south orientation. There are industrial properties to the south of Parish Drive, however, the subject property is part of a larger single-family district between Parish Drive/Dey Road and Alps Road.

Zoning:

R-15

Prior Approval:

The Board heard the minor subdivision application on November 13, 2017 and adopted the memorializing resolution on January 8, 2018. Applicant was granted approval to subdivide an existing nonconforming property with two residential dwellings on one property into two single-family properties.

The Engineering Department's memo dated October 23, 2017 noted in Item 2.b that there is a fence that extends across the property line onto the neighboring Lot 13. The Engineering Department requested that the ownership of the fence be identified and should the fence be owned by the Applicant, that the Applicant be required to obtain written approval from the neighboring property owner to permit the encroachment of the fence.

During the hearing the Applicant requested a waiver from the recommendations of the Engineering Department. The Board expressed concerns that allowing the fence to remain could pose a potential conflict between property owners resulting in complaints to the Board. While there was consideration of the Applicant obtaining a letter permitting the fence to remain on the neighbor's property, the Board's concern was that conflicts may arise from future owners of the properties who were not present at the time of any fence agreement. Applicant conferred with Applicant's attorney and engineer and decided to remove the fence prior to filling of the subdivision deed.

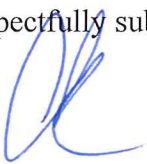
Proposal:

Applicant requests that the Board revise the approving resolution to delete condition #4.A(5), which requires the Applicant to remove the fence from the boundary of Lot 14.01 and Lot 13. As such, should the Board act favorably on this application, the Applicant would be permitted to leave the fence on-site. In support of this application to amend a condition of the approving resolution, the Applicant has submitted a letter from the owner of Lot 13 stating that "we have no objection and consent to the continued location of that fence as it presently exists."

Planning Comments & Questions:

1. The concern expressed by the Board included the potential for future owners of the subject property and the neighboring Lot 13 to object to the presence of the fence. Applicant shall provide testimony as to means that would ensure that all potential future parties are aware of the approval status of the fence and testimony as to provisions that would allow for future owners to request or require the removal of said fence.

Respectfully submitted,



Christopher J. Kok, P.P., A.I.C.P.
Township Planner