

**Call to Order:**

The meeting was called to order at 7:00 p.m. by Vice Chairman Salvadori who read the following statement: "Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. This notice was sent in writing to the Gloucester County Times on January 11, 2012. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk. In addition, this evening's public hearing was sent in writing to the Gloucester County Times by the applicant's attorney."

The Board saluted the flag.

Roll call: Present – Ms. Beltrante, Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Price, Mr. Salvadori, Mr. Fitzgerald, Mr. Kozak. Absent – Mr. McLaughlin, (excused). Also present– Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Sander, Engineer, Mr. Sebastian, Council Liaison.

**Memorialization of Resolutions:**

1. #12-12 – App. #12-08 – Walter Clark, Jr. – Lot Frontage/Width Variances Approved

Motion by Ms. Beltrante, seconded by Mr. Carney to adopt resolution #12-12. Roll call vote: Ayes – Ms. Beltrante, Mr. Carney, Mr. Fritz, Mr. Fitzgerald, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #12-13 – App. #12-09 – Cross Keys Monroe, LLC – Amended Use Variance Approved

Motion by Mr. Fritz, seconded by Ms. Beltrante to adopt resolution #12-13 as amended. Roll call vote: Ayes – Mr. Fritz, Ms. Beltrante, Mr. Carney, Mr. Fitzgerald, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

3. #12-14 – App. #444-SP – Cross Keys Monroe, LLC – Amended Prelim/Final Site Plan

Motion by Mr. Carney, seconded by Mr. Fitzgerald to adopt resolution #12-14 as amended. Roll call vote: Ayes – Mr. Carney, Mr. Fitzgerald, Ms. Beltrante, Mr. Fritz, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

4. #12-15 – App. #1796 – Cross Keys Monroe, LLC – Amended Prelim/Final Subdivision

Motion by Mr. Fritz, seconded by Ms. Beltrante to adopt resolution #12-15 as amended. Roll call vote: Ayes – Mr. Fritz, Ms. Beltrante, Mr. Carney, Mr. Fitzgerald, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

**Public Hearing:**

1. #1713 – Hovbros Stirling Glen, LLC – Conversion of Phase I to Non-Age-Restricted

Present – Peter Hovnanian, applicant, Kevin Sheehan, applicant's attorney, Bill Ralston, applicant's engineer, Michael Brown, applicant's traffic engineer, Jeff Goodwin, Director of Planning and Development, Hovbros.

Member's packets contained: 1. Report dated April 6, 2012 prepared by Marty Sander. 2. Report dated April 24, 2012 prepared by Pam Pellegrini. 3. A copy of the applicant's revised conversion plan dated March 27, 2012.

The applicant proposes to convert Phase I of the Stirling Glen project from a single-family, age-restricted development to a single-family market rate development. The conversion plan will have the same number of lots and lot sizes as previously approved. The applicant was before the Board for the conversion on September 6, 2011. There were some issues raised by the Board and the applicant has since revised the plans to address those issues. The property is located on Fries Mill Road, also known as Block 14201, Lot 1.

Mr. Marmero was asked to remind the Board of where this application stands as of the last meeting in 2011. He stated that the applicant is before the Board under the conversion law which allows applicant's who have received preliminary or final approvals to convert their approved age-restricted developments to a non-age restricted development if certain conditions are met. The last time the applicant was here, they met all of the conditions with the exception of the COAH and the recreation components of the conversion. They are here to discuss those issues tonight and under State legislation, the Board is required to grant the conversion if the conditions are met by the applicant.

Mr. Sheehan introduced himself as the applicant's attorney. He stated that both Stirling Glen I and II have received preliminary and final approval; however the conversion is only for Stirling Glen I which was approved to have 195 units. When they appeared before the Board in September of 2011, they had options available with regard to the COAH units and recreation which they presented to the Board and the public. After listening to the Board and public, they went back and revised their plan with regard to those two issues. The proposal is for 195 non-age-restricted, market rate units for Stirling Glen I with the applicant providing a contribution for off-site COAH units which is equal to forty-nine units or credits to the town. With regard to recreation, the applicant is proposing an in lieu contribution instead of providing on-site recreation.

**Public Hearing: (continued)**

1. #1713 – Hovbros Stirling Glen, LLC (continued)

The original approval included a clubhouse on Stirling Glen I to service both Stirling Glen I and II as recreation for the age-restricted developments. The clubhouse has been eliminated; however the Board wanted the applicant to submit information as to what the recreation will be now for Stirling Glen II which remains an age-restricted development. Mr. Sheehan stated that applicant is proposing to convert one of the units into a small community center with some meeting rooms.

Mr. Ralston and Mr. Goodwin were sworn in by Mr. Marmero. Mr. Goodwin testified that the project had received preliminary and final approval prior to the State statute coming into effect for the conversion. He also testified that the developer is not holding any deposits for any of the units nor has the developer conveyed any of the approved units. The developer has agreed to provide a twenty percent set aside of the units, in this case off-site, in accordance with the requirements of the statute. Mr. Ralston testified that the project meets the RSIS standards for the conversion of the development under requirements of the statute. The water and sewer systems are adequate to meet the needs of the converted development and the recreation component has been satisfied in accordance with the statute. Additional parking is not needed for this development and there will not be an increase in the impervious coverage for this proposal.

Mr. Ralston displayed the plan for the Board. He gave a brief overview of the conversion plan. There are two access boulevard driveways located on Fries Mill Road and all the roadways are looped. He pointed out the unit in Stirling Glen II that will be converted to a clubhouse; that building will resemble all of the other units on the site. The conversion plan was marked as Exhibit A-1 and the revised plan for Stirling Glen II was marked as Exhibit A-2. Mr. Sheehan explained that they were before the Board for preliminary approval for the conversion only but wanted to address the recreational component for Stirling Glen II. They understand, if the conversion is approved, they will be required to submit for an amended preliminary and final for Stirling Glen II.

Mr. Sheehan stated that one of the requirements in the statute is that there is not an increase in the number of bedrooms. Mr. Goodwin testified that the units will not have more than three bedrooms which are shown on the floor plans submitted with the original approval. In addition, the units will not exceed 2400 square feet.

**Public Hearing: (continued)**

1. #1713 – Hovbros Stirling Glen (continued)

Mr. Kozak inquired as to the recreation and when the recreation would be completed for Phase II. Mr. Sheehan stated that there are two different components to the recreation. Mr. Goodwin calculated the cost of the recreation originally proposed for the conversion plan which came to approximately \$190,000.00; that is approximately \$980.00 per unit. The applicant is proposing a payment of \$1500.00 per unit, which will be made at Certificate of Occupancy, as the units are built. With regard to Stirling Glen II, the community center will be built when that phase is built and is a separate recreational facility to service only the age-restricted development. Mr. Kozak inquired as to the proposed forty-nine off-site credits for COAH. Ms. Pellegrini replied that, as a condition of final approval, there will be an agreement with the town and the applicant as to the fee which must be enough to generate forty-nine units off-site. The fee cannot be determined at this time but will be set at final approval; the determination of the fee will be approved by the Court Master since the town is in litigation concerning COAH with another developer.

Mrs. Farrell asked the applicant if the roadway layout and entrance drives have changed since the original approval. Mr. Ralston stated they have not changed; they are the same as the original approval with the exception of the driveway that led to the clubhouse, which has been eliminated. Mr. Sheehan stated that the applicant had to provide an updated traffic study to the County. The County did not require any additional changes; however they do have an increase in applicant's fair share contribution to the County for future road improvements.

Ms. Pellegrini commented that the applicant has addressed the issues that were outstanding with regard to meeting the criteria for the conversion, which were the COAH and the recreation. The standard items are the developer's agreement, submission of the homeowner's association documents, and all outside agency approvals. Mr. Marmero agreed that the applicant has satisfied the conditions of the conversion by addressing the two outstanding issues of recreation and COAH.

Mr. Sander asked the applicant if they were in agreement with the comments in his report with regard to providing a revised grading plan and submission of amended final subdivision for Stirling Glen I and amended preliminary and final subdivision/site plan for Stirling Glen II. The applicant was in agreement with those comments.

**Public Hearing: (continued)**

1. #1713 – Hovbros Stirling Glen (continued)

Motion passed to open the hearing to the public.

1. Warren Wolf, attorney representing Dave Paster, who owns the property next to 2781 Fries Mill Road. Mr. Wolf stated that the statute has seven criteria and the conversion can only be approved without substantial detriment to the public good. The prior application was for 195 age-restricted units; with this conversion, it will add a tremendous amount of kids to the school system which is already overcrowded. In addition, the traffic impact study shows a one hundred and fifty percent increase in traffic. He wanted the applicant to provide copies of the approval from the MMUA for available water and sewer adequacy and inquired as to how additional parking is not warranted for the conversion. The traffic impact study did not include the intersection of Route 322 and Fries Mill Road, an intersection that is already a major problem in the area and at which this converted development will have a negative impact.

2. Russell Cipolla, 2781 Fries Mill Road, was sworn in by Mr. Marmero. Mr. Cipolla stated that he is a licensed professional engineer in New Jersey and six other states. He is familiar with County traffic studies and what should be looked at and things that are overlooked. Mr. Cipolla asked the engineer how the traffic study can show such an increase in traffic but not be considered. Mr. Brown was sworn in by Mr. Marmero. Mr. Brown prepared the traffic impact study for the applicant. He stated that there is a one hundred and fifty percent increase in traffic that will be generated from this project compared to the age-restricted; however the comment from the County was that there would not be a substantial impact from that increase on the surrounding roadways to warrant any further study. They did increase the fair share contribution for the additional traffic generated by the site. Mr. Cipolla stated that the traffic study did not address the real problem at Route 322 which is the State highway. The County is not going to look at the State road; however it is the Township's responsibility to look at the impact on all of the roads. Mr. Cipolla submitted photographs depicting the traffic along Route 655 and Fries Mill Road from the CVS to below Pitman Downer Road. The traffic was backed up past his property which is directly across from the applicant's property. The photographs were marked as Exhibit P-1 and distributed for the Board and the applicant to review.

**Public Hearing: (continued)**

1. #1713 – Hovbros Stirling Glen (continued)

Mr. Cipolla stated that the increase in traffic with the school children will cause a major problem on the roadways in that area. He testified that he took the photographs on the same day and at the same time. Mr. Sebastian commented that the Township is well aware of the traffic issue at Route 322 and Fries Mill Road. The four corner property owners have contributed money towards having a design study done for improvements to that area. They are County and State roadways, not Municipal roadways; however the Township is concerned because of the traffic and accidents that have occurred in that area. At this point the application is before the State and due to litigation with the Township and one of the corner property owners, Mr. Sebastian could not speak further on that issue. He wanted the residents to know the Township is aware and is trying to work with the State and the County to resolve the issue. Mr. Cipolla inquired as to the width of the internal roadways pre and post conversion. Mr. Brown stated that they meet the RSIS standards. Mr. Sander agreed with Mr. Brown's testimony. Mr. Cipolla stated that as a resident he does not want to see this development started and not completed since there are other developments in the town that have not been completed.

Mr. Wolf stated that they would like to see a traffic impact study addressing the intersection at Route 322 and Fries Mill Road. If the Board is inclined to approve the conversion, maybe they can require fewer units to reduce the impact.

3. Robert Stapleton, 1832 Serenity Court, was sworn in by Mr. Marmero. Mr. Stapleton stated that he is approximately a mile from that intersection. He has been in line to go through the intersection where he has counted at least thirteen light changes before he was able to get through the intersection. Mr. Stapleton also commented that it has been four years and his development still hasn't been completed.

4. Mary Cote, 1710 Biden Lane, was sworn in by Mr. Marmero. Ms. Cote is a member of the Fries Mill Civic Association and the Site Council at the high school. Ms. Cote listed several of the developments in town that have not been completed as well as stating that there are many homes for sale and in foreclosure. She didn't understand how we could add another 195 homes without impact to the water, the schools, and the roadways.

**Public Hearing: (continued)**

1. #1713 – Hovbros Stirling Glen (continued)

5. Meghan Paster, owns the lot next to 2781 Fries Mill Road, was sworn in by Mr. Marmero. Ms. Paster stated that she works in public transportation for the schools which provides public and special needs transportation to Monroe Township schools as well as others. She expressed her concern with the financial impact of adding additional school children the school system. Additional transportation will be needed in addition to support staff and teachers with the added school children. She wanted the Board to take those issues into consideration.

6. Rita Cipolla, 2781 Fries Mill Road, was sworn in by Mr. Marmero. Ms. Cipolla stated that she moved from Washington Township and would hate to see Monroe Township turned into another Washington Township with regard to the traffic.

Motion passed to close the hearing to the public.

Mr. Sheehan asked to address some of the comments and concerns from the public. He asked Mr. Brown if the intersection of Route 322 and Fries Mill Road was included in the original traffic study for the age-restricted development. Mr. Brown stated that the intersection is under the jurisdiction of the NJDOT and was not identified to be included in the traffic study for this project. In addition, a spokesperson from the County indicated that there is development planned for a couple of the corners of the intersection and if and when they submit for preliminary site plan approval, those applicants will be required to pay for the improvements to that intersection. This developer will be making a fair share contribution towards roadway improvements as well. Mr. Sheehan added that there isn't anything in the statute that requires the applicant to address the traffic impact. The State had to be aware of the traffic impact from an age-restricted development to a non-age restricted development when they passed the conversion law. The same issue applies to the impact from school children with the conversion law. The statute does require the reduction in the number of units due to any of these impacts.

Mr. Marmero commented that the statute does have seven criteria that must be met by the applicant and must be considered by the Board. It does not address the impact from increased traffic or school children. From a legal standpoint, the applicant has met the criteria under the conversion law which compels the Board to grant them the approval.

**Public Hearing: (continued)**

1. #1713 – Hovbros Stirling Glen (continued)

Mr. Sebastian commented that the municipality had numerous meetings with regard to the conversion law with the attorneys and professionals from the Planning Board and the Zoning Board to discuss what they can and cannot consider. The law does handcuff the municipality but also requires the applicant to meet certain conditions and does not allow them to change the plan with regard to the number of units, the roadway layout, the number of bedrooms and the size of the lots/square footage of the units. The Township spent a lot of time reviewing this law and it's very explicit as to what the Township can and cannot do. The two main issues were in regard to the availability of water and sewer and the recreation to accommodate the converted development. The applicant has addressed those issues under the law and the Board cannot consider traffic impacts or any other fiscal impacts.

Mr. Carney asked when the COAH units were removed from the development. Ms. Pellegrini replied that with the original age-restricted development approval, there was an agreed upon fee in lieu of on-site COAH units. When the applicant first appeared before the Board for the conversion, they were proposing to have the COAH units in an apartment style building at the front of the site. The public and Board expressed their concern with an affordable housing apartment building. In light of the comments made at that time, the applicant has addressed the issue with off-site credits to the town.

Mr. Marmero stated that there were no other questions or comments, so the Board should entertain a motion. The motion would be to approve the conversion and grant the applicant preliminary major subdivision and site plan approval for Stirling Glen I. Motion by Mr. Fitzgerald, seconded by Mr. Salvadori to approve the conversion and grant preliminary subdivision and site plan approval. Roll call vote: Ayes – Mr. Fitzgerald, Mr. Salvadori, Ms. Beltrante, Mr. Carney, Mr. Fritz, Mr. Price. Nays – Mr. Manfredi. Abstentions – Zero. It was noted that several of the Board members voiced their frustration in having to approve the conversion because of the State law.

The Board took a brief recess.

**Public Portion:**

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

**Reports:**

1. Mr. Carney asked a question concerning who is control of the COAH money contributed by developers. Mr. Carney was informed that Mr. Kozak was just appointed to oversee COAH. Mr. Carney asked if there was money in the account. Mr. Kozak replied that there is money in the account in the bank. Mr. Carney asked where he could find out how much money is in the account; he commented that the Township has probably used some of the money.

2. Ms. Pellegrini wanted to explain to the Board the issue concerning the traffic and how the County looks at the issue. She stated that the age-restricted development would have added x number of cars to a roadway that already has over one thousand cars on it, and the converted development will add more, but in the scope of the entire road and the amount of traffic already using it, this does not have a major impact. She stated that is how the County looks at it. Mr. Manfredi commented that it's not the real world and that the traffic is a mess out there.

3. Mrs. Farrell stated that there is an application scheduled for the May 15, 2012 meeting. Ms. Pellegrini was asked to attend that meeting to discuss the use variance fees.

**Approval of Minutes:**

1. 04/17/12 regular meeting.

Motion by Ms. Beltrante, seconded by Mr. Fitzgerald to approve the minutes from the April 17, 2012 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:12 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings. The tape of the meeting is stored in the office of the Board.

Ninette Orbaczewski  
Clerk Transcriber