

March 28, 2013

Call to Order:

The regular meeting of the Monroe Township Planning Board was called to order at 7:00 p.m. by Chairman O'Brien. The Board saluted the flag. Roll call was as follows:

Present – Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Absent – Mr. Agnesino, (excused), Mr. Masterson, Mr. Jordan, Engineer, (excused), Mr. Teefy, Council Liaison, (excused). Also present – Mr. Schwartz, Solicitor, Mr. Kernan, Planner.

Proper notice of this meeting was given in accordance with the requirements of the Open Public Meetings Act on January 11, 2013.

Chairman O'Brien read the following statement: "Be advised, no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m."

Public Hearing:

1. #1830 – James Smart (Estate of Anna Smart) – Minor Subdivision

Present – Bernadette Wescott, applicant, James Smart, applicant.

Mr. Sebastian asked to be excused from this hearing due to a conflict of interest. Member's packets contained: 1. A copy of the applicant's minor subdivision plan. 2. Report dated March 25, 2013 prepared by Tim Kernan.

The applicant is proposing to eliminate Lot 43 and adjust the lot line between Lots 42 and 44. The property is located at 1735 Smart Avenue, also known as Block 401, Lots 42, 43, and 44.

Mr. Kernan, Ms. Wescott, and Mr. Smart were sworn in by Mr. Schwartz. Mr. Smart stated that they would like to divide existing Lot 43 between existing Lots 42 and 44 thus eliminating Lot 43. His sister Bernadette owns Lot 42 and would get 11,250 square feet of Lot 43 and his parents estate owns Lot 44 and would get the remaining 11,250 square feet.

Mr. Kernan reviewed his report for the Board. He stated that the application can be deemed complete as there aren't any submission waivers required by the applicant. Motion by Mr. Kozak, seconded by Mr. Cooper to deem application #1830 complete. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Heffner, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero. Mr. Gabbianelli also excused himself from this application due to a conflict.

Mr. Kernan stated that the elimination of Lot 43 and adding a portion to the other two lots allows those lots to become more conforming to the ordinance. They are still pre-existing non-conforming because they still do not meet the minimum one acre lot size, but the additional property gets them closer to conforming than before. Variances are required for lot area for both lots and a front yard setback variance is required for Lot 44 where sixty feet is required and the existing dwelling is setback approximately forty-six feet. Smart Lane is really an easement that was granted many years ago and the properties really don't have any lot frontage on a public roadway; however that is a pre-existing condition. Mr. Kernan felt that this subdivision cleans the properties up a bit and makes it less likely that any more homes can be built back in that area. The legal descriptions are accurate and can be attached to the new deeds except for one description he believes is still needed. The description for the portion of the lot going to the back lot, Lot 44, was not included and has to be submitted since four deeds will be required with four legal descriptions.

Public Hearing: (continued)

1. #1830 – James Smart (continued)

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

Motion by Mr. Kozak, seconded by Mr. Crane to grant the front yard setback variance to Lot 44 and the lot area variances to Lots 42 and 44. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Heffner, Mr. Kozak, Ms. Hui, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Kozak, seconded by Mr. Crane to grant minor subdivision approval eliminating Lot 43 and adding portions of that lot to Lots 42 and 44. The applicant is required to submit an additional legal description for the portion of Lot 43 being added to Lot 44. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Heffner, Mr. Kozak, Ms. Hui, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Discussion – for Board Action:

1. Vacating of Maple Avenue

Present – Franklin Colburn, applicant, Lakeisha Colburn, applicant’s daughter.

Member’s packets contained: 1. A copy of the applicant’s petition and consent to vacate application. 2. Copies of the letters sent to the adjoining property owners, Mr. and Mrs. Dodson and Ms. Bayard. 3. A copy of the plan of survey and a copy of the tax map.

Mr. Schwartz stated that according to the statute, the Planning Board shouldn’t really get involved in vacating streets unless it involves a subdivision or site plan application before the Planning Board. Council is the governing body that approves the vacating of a street. They would pass an ordinance and also notify the property owners affected by the vacation. In this case, the Planning Board will give a recommendation since the application came before the Board. Motion by Mr. Gabbianelli, seconded by Mr. Cooper to open the discussion to the public. Voice vote; all ayes, motion passed. Mrs. Farrell stated that the son of Rebecca Bayard called the office and left a message indicating that the family is not opposed to Maple Avenue being vacated. No one from the family was able to attend the meeting.

1. Ed Dodson, P.O. Box 966, Williamstown, NJ, stated that he was opposed to vacating Maple Avenue. Mr. Dodson stated that the MMUA ran the water lines down Maple Avenue across the parking area where the garage is located and then onto his property. Mr. Gabbianelli stated that they would have to check with the MMUA, but it didn’t matter because an easement can be obtained. Mr. Dodson stated that he has been using that road to access the back of his property for twenty-eight years. He has three trailers that he uses for his business. He cannot back his trailers in from the front of the property because they jackknife easily. Mr. Dodson does have access to his lots from Filbert Street.

Lakeisha Colburn commented that their side of the Maple Avenue is paved and it is easier for the trucks to get through; however what Mr. Dodson is calling Maple Avenue is really the driveway to their property that her grandfather paved since her grandfather’s house was built in Maple Avenue. There really is only about four feet of Maple Avenue left; the rest is their driveway.

Discussion – for Board Action: (continued)

1. Vacating of Maple Avenue (continued)

Mr. Schwartz asked if there is a problem with Mr. Dodson continuing to use that access. Ms. Colburn stated that the trucks are heavy trucks and are breaking up the paving. She wants to repave the driveway since she is going to take ownership of the house. Mr. Schwartz commented that legally Maple Avenue is an unpaved street that Mr. Colburn built his house on and then paved as a driveway. He stated that the “driveway” could have an easement which would allow Mr. Dodson to continue to use it and assume some responsibility with regard to maintenance.

Ms. Colburn stated that she is not paving Maple Avenue; she is paving her driveway in front of the garage which is located on Lot 7 and is the portion that Mr. Dodson uses to access the back of his property. Mr. Dodson owns Lots 5 and 6 and does have access from Filbert Street. After further discussion, Mr. Gabbianelli suggested that Ms. Colburn, Mr. Dodson, and the Bayards get together and work out an agreement and then present it to Council. Mr. Kernan stated that if the road is vacated, half will go to Lot 8, the Bayards, half will go to the Colburns, and half will go to the Dodsons. The driveway from Winslow Road back to the Colburn’s house and garage would not belong to the Colburns but the Bayards. The Colburns would have to arrange an easement or build another driveway on their side of the property. Mr. Kozak commented that he rode back there and that Mr. Dodson will have a difficult time getting his equipment back there without using Maple Avenue. There was some debate as to whether Mr. Dodson’s equipment is on the Colburn’s property. Mr. Gabbianelli stated that all the property owners have to get together and decide on the easements that will be needed for access to the properties. After they do that and prepare a survey, Council will have to decide if they will vacate the road at all.

Motion passed to close the discussion to the public.

Approval of Minutes:

1. 03/14/13 regular meeting.

Motion by Mr. Kozak, seconded by Mr. Sebastian to approve the minutes from the March 14, 2013 regular meeting. Voice vote; all ayes, motion passed.

Reports:

1. Mr. Kernan informed the Board that he received an email from the Pinelands concerning the Acme Redevelopment Plan. The Pinelands took issue with the elimination of any residential potential in the plan. Mr. Kernan pointed out to them that any potential for residential development would occur on the opposite side, the Williamstown Square side, of the redevelopment plan, which has a lot of wetlands, floodplains, and buffers. The Pinelands responded by saying that side of the Black Horse Pike, being in the RG-PR zone, could support up to 185 residential units. They did not address the issue of wetlands, etc. They would not support the redevelopment plan because the plan does not include enough residential units. Mr. Gabbianelli stated that the owner of the property on the Acme side of the pike from Avery Drive down along Main Street to the shopping center wants to develop apartments in that area.

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Reports: (continued)

Mr. Kernan stated that the Pinelands email also included language concerning PDC money, so their concern seems to be all about the money, because if you remove residential you remove the PDC opportunity and the money. Mr. Gabbianelli suggested the Township sue the Pinelands since they only care about the PDC money and not about what is right for the Township or preserving property. Mr. Kernan added that they said they would negotiate moving it somewhere else. Mr. Gabbianelli stated that they have looked at so many plans for the Acme side; residential on top of the commercial and major changes to the intersection at the end of Main Street. He suggested again that the Planning Board send a recommendation to Council for the Township to sue the Pinelands since they seem to be more worried about PDC's than preserving land and doing what is right for the Township. Motion by Mr. Gabbianelli, seconded by Mr. Kozak to send the recommendation to Council. Voice vote; all ayes, motion passed.

Mr. Kernan read the email he received from the Pinelands for the Board which contained the language that they would not certify the Township's plan because it so greatly reduced the opportunity for residential units and consequently PDC use in the redevelopment plan. Mr. Schwartz will contact Mr. Fiore with regard to the Board's recommendation.

Mrs. Farrell informed the Board that the sign ordinance will be discussed at the April 11, 2013 meeting. Mr. Gabbianelli stated that the signs have been changed to five seconds which he believes is long enough. Mr. Kozak stated that the Township should stand by the eight seconds recommended in Mr. Kernan's model ordinance since that time was taken from the State's Sign Council and took into consideration the safety aspect of the timing.

Adjournment:

The meeting was adjourned at 7:51 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