

**Call to Order:**

The meeting was called to order at 7:00 p.m. by Chairman McLaughlin 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 South Jersey Times on January 17, 2013. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk.

The Board saluted the flag.

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

**Public Hearings:**

1. #13-06 – Roy Fennimore – Use Variance

Present – Roy Fennimore, applicant.

Member's packets contained: 1. A copy of the applicant's use variance application, pictures of the property, and a copy of the tax map.

The applicant is requesting a use variance in order to be allowed to install solar panels on the roof of his existing barn to supply electric to his home. The barn is located on a different lot than the applicant's home; however the applicant is the owner of the lot. The property is located at 101 Shute Avenue, also known as Block 1501, Lot 24.01 and 24.02.

Mr. Fennimore was sworn in by Mr. Marmero. He testified that he would like to install solar panels on the roof of his existing barn since the barn sits in the right location to maximize the sun's power. The existing house is approximately 200 feet from the barn. Because the barn is not on the same lot as the home, he needs a use variance in order to get a permit for the solar panels. The trenching for the electricity will not go out into any streets or public areas but through some wooded area located on his personal property.

**Public Hearings: (continued)**

1. #13-06 – Roy Fennimore (continued)

Mr. McLaughlin asked Mrs. Farrell if the application contained the necessary information to be deemed complete. Mrs. Farrell replied that it did. Motion by Mr. Salvadori, seconded by Mr. Fritz to deem application #13-06 complete. Voice vote; all ayes, motion passed.

Mr. Marmero commented that the only reason the applicant is before the Board for a use variance is because the barn and the house are located on two different lots. Mr. Fennimore replied that that was correct and that they did not know a use variance would be necessary until the solar company applied for the permits. He also stated that the solar company actually owns the equipment and will maintain and service the equipment over a twenty year period. If the property were to be sold, those conditions would remain the same. Mr. Marmero asked if the applicant had considered consolidating the two lots. Mr. Fennimore stated that he did not because he just did a lot line adjustment which cost him approximately \$10,000.00. He did not realize he would need this variance for the solar or he may have done it all at that time. The Board felt the barn and house being on separate lots is an existing condition and does not adversely affect the property with regard to the intended use.

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

Mr. Marmero stated that the motion would be to allow a use variance for an accessory building that is on a separate lot from the principal use. Motion by Mr. Carney, seconded by Mr. Fitzgerald to grant the use variance being requested by the applicant. Roll call vote: Ayes – Mr. Carney, Mr. Fitzgerald, Mr. Fritz, Mr. Manfredi, Mr. Salvadori, Ms. Hui, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #13-07 – Cross Keys Monroe, LLC – Use Variance

Present – Anthony Guzzo, applicant, David Guzzo, applicant, Robert Mintz, applicant's attorney, Tiffany CuvIELLO, applicant's planner, William Ralston, applicant's engineer.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

- Member's packets contained: 1. Report dated March 19, 2013 prepared by Pam Pellegrini.  
2. A copy of the applicant's use variance application and site plan exhibit.

The applicant is proposing to construct 96 residential apartments on a nine acre tract recently created by a subdivision as part of an integrated mixed use development known as Cross Keys Pavilion. The lot in question was originally proposed to contain a mix of retail and office space as well as a possible daycare center, with an additional commercial pad site located along Berlin Cross Keys Road. The proposal would allow four apartment buildings with associated site improvements for parking and stormwater management. The property is located on Berlin Cross Keys Road, also known as Block 1.01, Lot 3.06.

Mr. Ralston, Ms. CuvIELLO, Mr. David Guzzo, and Mr. Anthony Guzzo were sworn in by Mr. Marmero. Mr. Marmero asked if the application could be deemed complete. Mrs. Farrell replied that the applicant was asking for waivers from providing the certified survey and the photographs. Mr. Ralston distributed reduced sized versions of a slightly different plan than the plan that was submitted with the application. The large display was marked as Exhibit A-1. The new plan depicted two covered garages proposed on the site. Mr. Marmero asked if the two submission items would be provided at a later date if the use variance is granted. Mr. Mintz stated that they are before the Board for the use variance to allow additional residential development on this site due to the economic turndown. Mr. Guzzo had hoped to develop this property commercially; however in spite of his efforts, it just has not happened. He also owns several commercial lots just down the street from this site, which he has marketed aggressively, but has not been able to develop. He is asking to add ninety-six residential units to the site similar to the 204 units already approved by the Board. The commercial pad site along Berlin Cross Keys Road will remain and Mr. Guzzo is willing to make the same agreement for that pad site as he did with the others with regard to the taxes. If the third pad site is not developed before half of the ninety-six units are constructed, Mr. Guzzo will pay the taxes as assessed for a commercial ratable. He has already been before the Board with site plan for the first commercial pad site. He brought water and sewer to the property and is making it available to the adjacent property owners for future development. With regard to recreation, the applicant is offering to make a \$1000.00 per unit contribution to the recreation fund in lieu of providing recreation on this piece of the property. The signage and buffers will remain the same and have already been approved with the overall plan for this site

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

The applicant is requesting that COAH be deferred until they come back for site approval if the use is granted. The applicant's may develop the site themselves; however they have had conversations with the Fieldstone/Pizzo group who are constructing the apartments on the tract across the boulevard from this site.

The issue of completeness was addressed with the applicant agreeing to provide the certified survey with the submission for site plan/subdivision if the use is granted. The photographs are being requested to be waived. Motion by Mr. Salvadori, seconded by Mr. Fitzgerald to grant the waivers and deem application #13-07 complete. Voice vote; all ayes, motion passed.

Ms. CuvIELlo stated that the applicant must meet the positive and negative criteria required for the granting of a use variance, as well as showing there will not be any substantial detriment to the public good or substantial impairment to the zone plan or master plan. They believe the site and the proposed use are suited to one another given the circumstances of the economy and where the site is located. It is located in the northeastern area of the Township where several different Townships come together; Washington Township, Winslow Township, Gloucester Township, and Monroe Township. After the expressway interchange was developed on Berlin Cross Keys Road, there was a big influx of commercial development. There are population and regional commercial centers clustered together in this area. Just down from this site there is the Shops at Cross Keys which contains higher end retailers and many different restaurants; a mile in the other direction in Washington Township there is the Home Depot, Bed, Bath, and Beyond shopping area, and within three miles of this site there are the Target and Walmart shopping centers. Further down Berlin Cross Keys Road in Gloucester Township there is another Target shopping center with Lowes and various other retailers, and in southern section of Williamstown there is another Walmart. This site, which was approved for a large commercial development originally, has had a difficult time being developed as such. It lacks frontage on the Black Horse Pike and even though there is significant traffic on Berlin Cross Keys Road, this site is fighting against the retail and food establishments located right as you come off of the expressway. Ms. CuvIELlo looked at the studies done for demographics, census, and retail sales in this area, which helps developers and retailers understand what the market is in a particular area.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

In 2013, within one mile of this site, the study anticipated that approximately 92 million dollars would be spent by consumers at the various retailers and eating establishments; that is the demand; the supply of retail and eating establishments within one mile of this site, is 767 million dollars. The study went on to indicate the supply and demand for different locations within a five mile radius of this site. Ultimately the study found that there is much more supply of retail and eating establishments in this area than there is demand for them. There are some gaps for small neighborhood type commercial establishments, but overall there is an over saturation of retail and eating establishments in the area and not enough homes to support them. There are retailer and food establishments along Berlin Cross Keys Road that have encountered hard times; some have closed; some are trying to stay afloat, but overall, a lot of the existing retail is struggling.

Due to all of these issues and concerns, this site isn't really suited for commercial development as it may have been when it was originally approved. The competition from all of the other commercial development in the area has really changed how this site is going to develop. To build more commercial on this site would be adding to the over-supply that already exists and it most likely will not be successful. They believe the best alternative for the site is to maintain the commercial along the frontage, but to include the residential, which will help support the commercial, but also because there is a growing demand for rental units. There are many empty nesters who want to downsize, there are a lot of young professionals who do not want the burden of buying a house, and there are people who cannot get a mortgage to purchase a home; all who are looking for rental units. The rental market is geared to 18 to 34 year olds and the empty nesters, which make up about thirty-six percent of Monroe Township's population. The demand for this type of housing is there and is increasing which has been shown in many studies recently conducted by different groups. All of this makes this site uniquely suited for the proposed use and promotes the general welfare of the residents. The location is central to other major highways and is close to other residential areas as well. This proposal is just a continuation of the existing approved residential and commercial development for this area. It will have the boulevard access and create a nice mixed use development. The density for the proposal is about 12 units per acre; the density on the previously approved residential site is about 15 units per acre; so overall it's about 14 units per acre.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

The most recent Master Plan talked about the Township creating a mixed use development at the southern end of town which is about ten miles from this site so it would not be in competition with this site. The BP Zone in this area consists of approximately 110 acres; this site is approximately seven acres which is less than seven percent of the zone. By developing this area residentially you are creating support for the other surrounding commercial uses including those proposed by the applicant along Berlin Cross Keys Road and future commercial development that may occur along the Black Horse Pike in Williamstown. The Master Plan was created in 2004 when the economic conditions were quite different and the potential for this area to develop commercially was very real; however it has been many years since the Master Plan was done and this area still has not developed commercially and because of the economic downturn and the over abundance of commercial development along this corridor, it is unlikely that those conditions will change any time in the near future. In addition, there will be the impact from the moratorium for sewer that was recently lifted in Winslow Township. Any commercial projects that were on hold or preapproved in this area because of that moratorium will now be able to be developed which will create additional competition for this site.

With regard to traffic in the area the proposal will generate approximately 528 trips a day as opposed to substantially more if the area were developed commercially. The boulevard access will have a controlled intersection which provides a benefit to everyone in the area with regard to traffic. The apartments are proposed as one and two bedroom units which will generate approximately sixteen children and will not substantially impact the school district. The development will be private with regard to trash, snow removal, landscaping, and overall maintenance of the property. The Township will receive revenues from the taxes generated from the property. Mr. Guzzo has made the commitment with regard to the development and the taxes for the pad sites. In summary, Ms. Cuvillo stated that this is a small portion of the BP Zone that has not developed commercially and most likely will not develop commercially due to the economic conditions and the over saturation of commercial development in the area. It will supply a need and demand for rental housing in the area and they believe the purposes of zoning are satisfied and the special reasons are advanced, and that there is no substantial detriment to the public good. The benefits from granting this application would outweigh any potential detriments to the Township.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

Ms. CuvIELlo stated that she did not say it would not have any impact because everything has an impact. The issue is whether or not it has a substantial impact compared to what is permitted. Mr. Kozak commented that the northern end of the Black Horse Pike in Monroe Township has very little or no prospects for additional commercial development. He stated that they would be putting more residential apartments in Monroe to help the commercial development in other townships. Ms. CuvIELlo stated that there is additional property in Monroe that can be developed commercially. Just past this site there is property still located in the BP Zone that can be developed commercially. Mr. Kozak commented that no one is going to develop that side because the Home Depot and other commercial development are already there in Washington Township. He commented that there isn't much commercial potential at that end of the Township and the applicant is asking to allow residential to essentially help the commercial development in other towns.

Mr. Mintz replied that the Guzzo's have owned this piece of property for almost seven years. They came in originally for a large commercial development on this site, however that market no longer exists. Mr. Kozak stated that is because it's saturated in the other towns and we are the last to get there. Mr. Mintz stated that the Township has adjusted where they are focused on developing the town commercially, which is not at the northern end but the southern end of the town with the Benderson Group. Mr. Mintz has spoken to Mr. Bryson and other members of the Economic Development Committee over the years and has indicated that Mr. Guzzo has been looking for people for the site and now for the pad sites for years. The Guzzo's believed in the development of this site and purchased a liquor license that costs them hundreds of thousands of dollars and they still couldn't bring a restaurant to this site. Mr. Kozak commented that there are too many restaurants just down the road not in Monroe Township. Ms. CuvIELlo replied that is exactly the point she is making and why this property will not be developed commercially and should be allowed to be developed residentially. Mr. Kozak commented again that they are asking Monroe Township to supply the customers for the commercial development in other towns. Mr. Mintz commented that the Township has moved their commercial center to the area around Walmart, the applicant has gone to commercial developers for this site and their commercial sites down the road in another township and have been turned down. This Township has refocused their efforts to bring commercial development to the southern end of the Township and have not directed any effort to this end of the Township. After five years of holding this liquor license, they ended up selling the liquor license to an Applebees going to be developed around the Walmart area in the southern end of town.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

Mr. Kozak replied that Mr. Mintz was out of the loop and that Applebees is gone and that the developers are trying to bring more residential to that area now. He asked why this site couldn't be developed professionally with offices instead of commercially. Mr. Mintz replied that existing professional office space is being marketed for next to nothing even in the Cherry Hill area. It just doesn't pay to build to accommodate that kind of rent; you can't even get a lender for that kind of rent. They are recognizing that this site is not going to develop commercially but it doesn't mean that the areas along the Black Horse Pike won't develop. Mr. Kozak stated that nothing will develop in the northern part; there aren't even prospects so the applicant wants Monroe to provide the residents for the other towns commercial development. Mr. Mintz indicated that there are commercial prospects for the pad sites along Berlin Cross Keys Road if they can show the density. Mr. Kozak commented that it will only be a couple of pizzerias. Mr. Mintz stated that more rooftops are needed to develop those pad sites. Mr. Kozak stated he understands rooftops, which is why nothing is being developed in Monroe Township, but these rooftops are going to help Winslow, Gloucester, and Washington Townships, not Monroe. Ms. CuvIELlo stated that the difference between this type of residential and single family residential is significant in that the Township will not be getting the huge impact from this type of residential development. Mr. Kozak replied that all we're going to get is students. Ms. CuvIELlo stated that this type of development will not generate that many students. Mr. Kozak commented that he does this for a living; he inspects the rental units so he knows how many kids they have in them.

Mr. Caligiuri stated he was a farmer from the southern part of town and there used to be a restaurant called the Monroe Country Inn that people said would never survive, but it did. Since then Peter's Diner has been built in that spot and it does very well, so he is not convinced that the studies that are done are that accurate. He stated that Monroe Township has about forty percent Pinelands so they have a limited amount of commercial space available and are trying to utilize it the best they can. They did give concession to that area to allow some residential already and the increase will bring it up to 300 units. He feels that we have a lot of rooftops in Monroe Township and that Ms. CuvIELlo's estimate or average for the number of school children per unit was incorrect. He concluded that it would cost the taxpayers in excess of \$10,000.00 per student to educate the students generated from this development. He thought it was pretty generous of the Planning Board to give them the concession for the mixed use for that property because we don't have a whole lot of commercial property to play around with.



**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

He didn't think the corridor around the old Acme would be the point center commercially since Berlin Cross Keys Road is a four lane highway with access to the Atlantic City Expressway and he believes there is a whole lot more traffic on that roadway with the greater potential to develop that as the commercial center for our town instead of in an area where there is very limited access such as where the Benderson properties are located. Mr. Caligiuri commented that he thought Ms. CuvIELLO's numbers were off and noted that she is being paid by the applicant to convince us that her numbers are true although she is a professional engineer. Ms. CuvIELLO replied that she is a professional planner not an engineer and that she would address Mr. Caligiuri's comments about her numbers with regard to school aged children. She stated that the studies done to determine the number of school children are based on the type of unit. A one bedroom apartment generates fewer children than a four bedroom single family home. Mr. Kozak asked how many of the ninety-six units will be one bedroom. Ms. CuvIELLO stated that she split it to half and half, half one bedroom, half two bedroom. Mr. Guzzo commented that it would be about half and half. Mr. Kozak asked how many two and three bedrooms were given in the other residential section. Ms. CuvIELLO replied that the only three bedroom units are the ones required by COAH otherwise they would only have one and two bedroom units. She stated that you cannot just apply an average across the board when you are dealing with one and two bedroom apartments because it doesn't work out; however common sense tells you that one and two bedroom apartments do not generate as many children as single family units. With regard to the school enrollment for Monroe Township, Dave Sullivan, Director of Plant Operations, stated the capacity in 2010 was 6242 students, the enrollment in 2011 was 5962 students. Since that time the enrollment has gone down, the Township has lost students, so the taxes needed to provide education for the estimated sixteen students from this proposed development are not what you project them to be because you do not need more teachers or classrooms since the enrollment has actually gone down from the total capacity. Ms. CuvIELLO stated that even if she is off slightly with the number of school children generated by this development, the school enrollment would still be under the capacity limit and no new taxes would be needed to educate the additional school children.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

Mr. Caligiuri stated that there are other developments in the town that have been approved and that the number he came up with, point six, was an average based on a variety of bedroom units, so he feels his number is accurate; however Ms. CuvIELLO seemed sure about the thirty-two students that would be generated by this development. Ms. CuvIELLO stated she was comfortable with her estimate of sixteen students but she was willing to up her estimate because of the concern and to show the impact. Mr. Caligiuri asked if the developer would escrow the funds to cover anything over thirty-two students. Ms. CuvIELLO responded that she didn't believe that would be a legal condition placed on the developer. Mr. Caligiuri stated he didn't think Ms. CuvIELLO's number was correct.

Mr. Fritz stated he wasn't sure what the Board was actually considering as far as all the questions and comments with regard to the use variance. He asked if this hearing was basically for the use variance. Ms. Pellegrini replied that yes, this hearing is for the use variance to allow residential in the BP Zone. He commented that they already allowed part of the BP Zone in this area to change to residential and he didn't think giving up more of our commercial/professional zone to residential was good. He believes the economy will change eventually and this area can be developed commercially. He thought the applicant just wanted to put residential there so he could sell that quicker which was great for him but not for the town. He asked why the applicant couldn't put offices in that area since the hospitals in the area are growing and with Obamacare more office will be needed. He commented that the applicant should have moved his engineer to a building in Monroe and not on his other pad site out of our town. Mr. Mintz replied that the focus of offices is medical and while there are other professional type offices, the main focus these days is in medical offices and not a lot of construction of just regular office buildings. With that, most of the medical offices are centered closer to where the hospitals are located and even some of those that are built are not filled. However, if someone wanted to open an office medical or otherwise on one of the pad sites, the applicant would gladly welcome that type of use. Mr. Fritz stated that there isn't a demand for it now, but there might be in the future. Mr. Mintz stated that there is a significant amount of BP Zone left in the area right next to Mr. Guzzo's property, with frontage on the Black Horse Pike that can be developed commercially in the future. Mr. Guzzo stated he has been in the business a long time and can say that it would be at least ten years before the property in question might get developed commercially.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

Mr. Guzzo stated that he was very confident that if they have the residential support on this site, the pad sites will be developed quickly. Right now they have a verbal agreement for one of the pad sites for IHOP because the owners were excited that there is going to be residential and possibly even more residential to support their business. He can go to Winslow Township or Gloucester Township, where he can get tax abatement, but he is very interested in coming to this site because of the residential support where the residents can walk to his business from the apartments. Mr. Guzzo stated that it's only because of the proposed rooftops that he is able to draw some business to the pad sites, and obviously he doesn't want to lose this opportunity for the IHOP, which will benefit the Township.

Mr. Mintz restated that there is significant acreage with frontage on Berlin Cross Keys Road and the Black Horse Pike that can still be developed commercially. Mr. Salvadori commented that he sees both sides of the issue and inquired as to the taxes and whether the apartment buildings were taxed commercially or as residential uses. Ms. CuvIELLO stated that she believes the apartment buildings are taxed based on their revenues and that they are taxed in a different category than regular residential. Mr. Mintz stated again that Mr. Guzzo has been marketing this piece of property for commercial/professional/retail use for seven years and it is only very recently because of the other approved residential use that he is getting some interest in the pad sites along Berlin Cross Keys Road. If nothing gets developed here, there isn't any ratable at all. Ms. CuvIELLO commented that if this application were approved along with what was already approved, it would still leave about ninety acres in the BP Zone with frontage on both Berlin Cross Keys Road and the Black Horse Pike. Ms. Pellegrini questioned what the developable ability would be for the back portion of the BP Zone if you have to drive down that boulevard to get to businesses behind the proposed residential section. Ms. CuvIELLO stated that the property behind this one has frontage on the Black Horse Pike as well; however there will be commercial along the frontage of the Berlin Cross Keys Road with signage available to advertise any commercial on the site. Even the property in question for this application will have and is having a difficult time being developed commercially because of the lack of frontage so yes, any development in this zone will have a challenge being developed. But the other property does have some frontage on the Black Horse Pike which makes it more viable since the Sam's Club access is there which will help draw people to the site. Ms. Pellegrini stated that there was a connection with some commercial still proposed on the piece of property in question and that the Board has to look out for the long term benefit for the Township and the impact of allowing more residential in the BP Zone.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

Mr. Mintz stated in response to Ms. Pellegrini's comment about the roadway that they had designed the roadway or boulevard with nothing really visible except for the ponds so that aesthetically it looks nice. He asked Ms. Pellegrini if it would be a fair conclusion in her view that the assistance of additional residential uses would help to promote more commercial development in the area. Ms. Pellegrini stated that residential will assist with that but at what cost; she thought it might end up that they would get some strip commercial along the corridor but the rest might become all residential which is not the vision the Township has. She admitted that it is a tough call, she does follow the logic of what the applicant is saying, but she felt while this approval would help Mr. Guzzo's pad sites, they are minimal in the bigger picture. She also thought this approval would have a minimal impact on the development of the BP Zone east and south of the site because it has taken this long to get interest in one pad site.

Mr. Guzzo stated that a lot of the existing commercial development in this area is losing tenants and if you get a tenant it is usually at half of the previous rent. What is happening here is that this economy is putting a heavy strain on commercial owners which puts a strain on the townships because the commercial owners cannot pay the taxes without tenants. To develop more commercial in an area where there is an over saturation already and where they are losing tenants is suicide for a developer let alone a bank lender. In theory it's a great idea for this area behind the front pad sites to be commercial but in reality it just isn't going to happen. Ms. Pellegrini commented that this little bit of proposed additional residential in reality might only help one of the pad sites. Mr. Guzzo stated he knows it will help the pad sites because he has been talking with people to try to get them interested. He didn't think he would get the IHOP without the additional residential and stated that a lot of sites that are being developed are being developed with a mix of uses to help support the commercial. Ms. Pellegrini stated that it was approved as a mix but it is slowly losing the mix; you have highway commercial and then residential. She understands the testimony and the validity of what is being presented and it is a tough call because it can set up how the rest of the BP Zone gets developed. Mr. Guzzo stated that this property could take ten years to develop commercially. He stated that he has helped with the potential to bring more commercial to the area because he brought the water and sewer to the property as well as the traffic signal, and the town has been great, but he knows if this gets approved, this property can be fully developed in a year with the revenue coming to the Township versus if it takes ten years to get it developed as all commercial and continues to be farmland assessed in the mean time.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

Mr. Kozak thought the rest of the BP Zone would lose its commercial value if they allow this seven acre piece to be converted to residential. Mr. Sander asked what the name of the large shopping center is just past the expressway entrance on Berlin Cross Keys Road. Mr. Mintz stated the shopping center is called the Shops at Cross Keys. Mr. Guzzo added that that shopping center is only five years old and they went bankrupt; the bank owns that shopping center now. Mr. Sander commented that if they couldn't stay in business, then this site is not going to attract any kind of commercial. Ms. Pellegrini stated that it is a catch twenty-two. Mr. Mintz commented that once the bank takes it over and has to sell it at a short sale, the rents also get greatly reduced because the value of the property has gone down. Mr. Mintz also commented that there is an approved shopping center in Winslow Township that was approved back in 2005 or 2006 that is trying to do what is being proposed here with smaller pad sites and residential uses. In addition, the Shops at Cross Keys also had a residential component to it that has not been built yet but is the next phase of that project.

Mr. Kozak commented that according to our engineer, if the Board approves this, then we will be helping that shopping center in Gloucester Township because it's failing. Mr. Sander replied that he stated that if they are failing there then you cannot expect any commercial development to come to this site. Mr. Kozak replied that if we approve more apartments in Monroe then we'll help the other townships. Ms. Cuvillo stated that the apartments will also help Monroe and that you cannot look at it as helping other townships because this area isn't going to be commercial for a very, very long time if at all, when you have over 600 million dollars in surplus commercial within one mile already. That is going to take a very long time to recover from. In the mean time you can use this residential to support the pad sites and the commercial already in the area and to provide additional revenue to the Township because this type of residential is a plus to the Township since it is not a single family residential development. Ms. Cuvillo stated that the Township planned this BP Zone before the Atlantic City Expressway interchange came in, and it didn't get developed when it wasn't competing with commercial right off of the expressway, now that there is that competition right off the expressway, the game changed and the economy changed. Thinking that approving this is going to take away what can happen to the rest of the property is wrong, what can happen to the rest of the property has already been impacted by the economy. If commercial development was interested in coming to this area it would have come here already and the applicant wouldn't have had to come in and change the original approval.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

Ms. Pellegrini stated that she understands it; it makes sense because the economy may not come back for a really long time. Ms. CuvIELLO stated that it won't come back to the way it was especially with what is already around this area. Mr. Salvadori stated that he also sees both sides of the issue and that it's a very hard decision.

The Board took a brief recess.

Mr. Mintz stated that they are sure that the economy cannot support any commercial without the residential. They are very aware of the taxes for the Township; the first pad site is being developed on spec because the applicant wants to show good faith toward the Township. They believe the second pad site will be developed in a reasonable timeline and if the residential is approved on this portion of the site, the third pad site will get developed rather quickly because of the residential support. At any rate, the applicant did agree to pay the taxes on the pad site as if it were assessed for a commercial ratable if it is not developed within a certain time frame. Mr. Mintz stated that they did look at only asking for one apartment building on the site and leaving one area for an office building, but there isn't a market for office buildings. The applicant did bring the potential for future commercial development to the rest of the BP Zone by constructing a roadway that will allow a connection between the properties and utilize a traffic light on the highway as well as bringing the water and sewer to the site. Mr. Mintz added that the residents across the highway in Washington Township would also support the pad sites in Monroe. Mr. Kozak stated he didn't think they would; he stated that Washington Township residents don't come to Monroe, Monroe residents go to Washington Township.

Mr. Mintz stated that basically the support for commercial development is not in this area but in the area where it already exists down Berlin Cross Keys Road and they are unfortunately in an area where four different towns merge so there will be spillover of support from one town to another. They have done the marketing and they are not able to develop offices medical or otherwise for this site; but if an office opportunity were to become available, the pad sites are available for that use. He asked the Board to consider the fact that they are in a tough situation in hard economic times and they need some relief to develop this property.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

Mr. Caligiuri asked what the net remaining commercial area is if this application were to be approved. Mr. Mintz stated that the total area for the pad sites is approximately 30,000 square feet of commercial area along Berlin Cross Keys Road. In addition, there is a pad site behind the Sam's Club where Mr. Guzzo has an integrated driveway, that is under contract to be developed commercially and would not have been able to be developed without the road access or utilities that Mr. Guzzo brought to the site. Mr. Caligiuri commented that there is a significant amount of commercial area left for development on Mr. Guzzo's property.

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

Ms. Pellegrini stated that the Board can grant the variance based on any conditions they see fit and that the applicant addressed the issues regarding the use variance. If granted, there are other issues that will be addressed at site plan. Mr. Sander commented that he was not in favor of the covered garages and would like to see that changed if the use is approved. He asked the applicant if this application is approved, would the other apartments be completed before these apartments are constructed. Mr. Guzzo replied that at least eighty to ninety percent of the other apartments would be completed before they started this proposal. Mr. Mintz agreed that they would eliminate the covered garages.

Mr. Marmero stated that a motion would be to grant the use variance to allow residential in the BP Zone and for the signage as well as the condition that the apartments would only be one or two bedrooms exclusive of any COAH requirements. Motion by Mr. Salvadori to approve the use variance. There wasn't a second on Mr. Salvadori's motion. Mr. McLaughlin asked if there were any other motions. Mr. Fritz made a motion to deny the application. There was some discussion on how the motion should be made and if there will be a second on Mr. Salvadori's motion. Mrs. Farrell commented that the motion should be made in the positive and if someone wants to deny it they just vote nay. Mr. Marmero agreed but said it can legally be done either way. Mr. McLaughlin asked for a second on Mr. Salvadori's motion. Mr. Kozak stated that it should be made clear to the Board. Mr. Marmero stated he thought it was clear and that a second is needed on Mr. Salvadori's motion. Again, no one seconded Mr. Salvadori's motion.

**Public Hearings: (continued)**

2. #13-07 – Cross Keys Monroe, LLC (continued)

Mr. Marmero stated that Mr. McLaughlin should ask for another motion. Motion by Mr. Fritz, seconded by Mr. Manfredi to deny the application for a use variance. Roll call vote: Ayes – Mr. Fritz, Mr. Manfredi, Mr. Carney. Nays – Mr. Salvadori, Ms. Hui, Mr. McLaughlin. Abstentions – Mr. Fitzgerald. 3 Ayes, 3 Nays, 1 Abstention.

After the vote, there was some confusion as to whether the use variance was denied since the motion didn't receive a majority and was made in the negative.

**Public Portion:**

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

**Reports:**

No reports.

**Approval of Minutes:**

1. 03/19/13 regular meeting.

Motion by Mr. Carney, seconded by Mr. Fritz to approve the minutes from the March 19, 2013 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 9:00 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 Board. Ninette Orbaczewski, Clerk Transcriber.