

**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. In addition, notice for this evening’s public hearing was sent in writing to the South Jersey Times by the applicant’s attorney.”

The Board saluted the flag.

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

**Memorialization of Resolutions:**

1. #13-19 – App. #13-02 – Harold Paul Kanady – Certificate of Non-Conformity Approved

Motion by Mr. Fritz, seconded by Mr. McLaughlin to adopt resolution #13-19. Roll call vote: Ayes – Mr. Fritz, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

2. #13-22 – App. 13-11 – James Naughton – Rear Yard Variance Approved

Motion by Mr. Carney, seconded by Mr. Fitzgerald to adopt resolution #13-22. Roll call vote: Ayes – Mr. Carney, Mr. Fitzgerald, Mr. Fritz, Ms. Hui, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**Public Hearing:**

1. #444-SP PS-2 – Cross Keys Monroe, LLC – Preliminary & Final Site Plan Approval

Present – Robert Mintz, applicant’s attorney, Anthony Guzzo, applicant, William Ralston, applicant’s engineer, Mark Blasch, applicant’s architect, Emad, Elgeddawy, principle with IHOP.

**Public Hearing: (continued)**

1. #444-SP PS-2 – Cross Keys Monroe, LLC (continued)

Member's packets contained: 1. Report dated May 8, 2013 prepared by Marty Sander. 2. Report dated May 21, 2013 prepared by Pam Pellegrini. 3. A copy of the applicant's proposed site plan.

The applicant is proposing to construct a 4,900 square foot commercial restaurant, (IHop) on a 1.466 acre commercial pad site located along the frontage of Berlin Cross Keys Road. The parcel is vacant and located in the BP zoning district and is also known as Block 101, Lot 3.03.

Mr. Mintz introduced himself as the applicant's attorney. Mr. Ralston and Mr. Guzzo were sworn in by Mr. Marmero. Mr. Mintz displayed the site plan for the Board. He reviewed the previous approvals for the apartments and the one commercial pad site. The applicant has received County approval for this pad site. There isn't a contract signed with the principle's from IHOP; however the applicant is comfortable to proceed with the approval at his own risk. The development of this pad site will satisfy the applicant's obligation with regard to the agreement concerning construction of the apartments and the taxes for the commercial pad sites.

The IHOP will not require a drive thru window. The restaurant will hold forty-two tables with the majority of business being conducted in the morning and early afternoon hours. They are asking for a waiver from the required number of parking spaces. The requirement for this size building is ninety-eight spaces and the applicant is proposing sixty-eight spaces. This type of restaurant will not require the required number of parking spaces since there is only forty-two tables and the peak business hours are in the morning hours and not the dinner hour. The peak hours for the IHOP generally are Saturday and Sunday, from 9:00 a.m. to 12:00 p.m. and from 8:00 a.m. to 9:00 a.m. during the week. At the peak hours it is possible they would have the maximum number of employees on site which is twenty-eight employees. Mr. Ralston indicated that the loading and unloading area will be accessed from Bass Drive. The restaurant does not use the typical eighteen wheeler tractor trailer for deliveries; they use a smaller sized truck. Mr. Ralston displayed the building elevation for the Board which was marked as Exhibit A-1. The building meets the height requirements. The hours of operation for an IHOP are typically 7:00 a.m. to 10 p.m. Monday through Thursday, and 7:00 a.m. to 12:00 a.m. on Friday and Saturday.

**Public Hearing: (continued)**

1. #444-SP PS-2 – Cross Keys Monroe, LLC (continued)

Trash collection is handled privately and the applicant is proposing a typical trash enclosure with a gate and some screening around it so it is not so visible to anyone passing by. The lighting will not spill over onto the adjacent properties and the lighting standards will be similar to what is being used in the apartment complex behind the pad site. Mr. Ralston distributed photographs depicting an IHOP building in order to show the façade signage; they were marked as Exhibit A-2 and A-3. The applicant is proposing two façade signs; one on the front of the building and one on the rear of the building which faces the apartment complex. Both signs meet the requirements for size and illumination. The drainage is part of the overall development of the apartment complex and the commercial pad sites. Ms. Pellegrini asked if the applicant had the rear elevation of the building. Mr. Ralston displayed the rear elevation for the Board which marked as Exhibit A-4.

Mr. Sander reviewed his report for the Board. He stated that there are submission waivers that must be granted in order to deem the application complete. The first is from providing a topographic map that extends two hundred feet beyond the site; the second is from providing a Fiscal Impact Statement; the third is from providing an Environmental Site Assessment, which was given as part of the overall site approval; the fourth is from providing an agreement of sale; and the fifth is from providing a written description of the proposed operations; the applicant agreed to provide this at a future date. Motion by Mr. Fritz, seconded by Mr. Carney to grant the waivers and deem application #444-SP PS-2 complete. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Mr. Fitzgerald, Ms. Hui, Mr. Kozak, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Mr. Sander continued his report for the Board. He stated that the applicant is requesting a waiver for the site drive entrance to be one half of the site frontage. He suggested that the applicant revise the plan to show one way traffic by entering the site from the entrance next to Lot 3.04 and exiting the entrance on Diane Drive. The applicant was reluctant to revise the plans to show one way traffic on the site because it would be difficult for drivers to see the exit only sign when turning off of Bass Drive thinking they can access the site there as well as the delivery trucks having to traverse the entire parking lot in order to get in and out. After some discussion, the Board determined that one way traffic on the site was not necessary. Mr. Sander stated that applicant is also requesting waivers for using granite curb instead of concrete curb, for following the ADA requirements for handicapped spaces and not the Township Code requirements, and for the number of parking spaces on the site where ninety-eight spaces are required and the applicant is proposing sixty-eight spaces.

**Public Hearing: (continued)**

1. #444-SP PS-2 – Cross Keys Monroe, LLC (continued)

Mr. Sander stated that the applicant has provided an adequate explanation as to the number of parking spaces needed for an IHOP; however if the waiver is granted for the number of parking spaces, it should be with the condition that it is only granted for an IHOP restaurant, not a different restaurant that might require more parking. The applicant agreed with this condition.

Ms. Pellegrini reviewed her report for the Board. She stated that the site meets all of the bulk requirements; however she wanted to point out that while the rear yard setback complies because it includes Diane Drive, the actual building setback from the face of curb is only twenty-seven feet. The buffers were approved for the overall development. With regard to the size of the parking spaces; some of the spaces meet the required 10' x 20' size, but more than half are proposed to be 9' x 20'; a waiver will be required. The applicant is proposing a parking setback of 9.37 feet on the right side of the building where ten feet is required; a waiver is being requested. She stated that landscaping will be finalized with the applicant's engineer after this evening's hearing. The plan should include the lighting for the building and the loading area and circulation arrows should be provided for the loading area. With regard to sidewalk, the applicant is requesting a waiver from the sidewalk being at least four feet from the curblin in the area in front of the building. The applicant agreed to provide sidewalk access off Berlin Cross Keys Road at Bass Drive. Ms. Pellegrini stated that she did not agree with the applicant's decision to remove the sidewalk across the back of the site because it disrupts pedestrian circulation. She suggested a modification to the layout so that the sidewalk could be continued around the entire site.

Mr. Sander suggested the entire building be shifted closer to Berlin Cross Keys Road. Ms. Pellegrini stated that there is room to move the building forward without encroaching on any setback requirements. She also suggested that the parking depths could be dropped down from twenty feet to eighteen feet across the front of the site. Mr. Mintz stated that if it is agreeable to the Board they are willing revise the plan. Ms. Pellegrini stated the applicant could submit a sketch to Mr. Sander and herself before the plans are revised so they can look at it and make sure it works. The applicant agreed to work with Ms. Pellegrini and Mr. Sander on the suggested revisions.

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

**Public Hearing: (continued)**

1. #444-SP PS-2 – Cross Keys Monroe, LLC (continued)

Motion by Mr. Kozak, seconded by Mr. Carney to grant the requested waivers and preliminary and final site plan approval subject to the waiver for the number of parking spaces being limited to the IHOP restaurant, the sidewalk connection on Berlin Cross Keys Road at Bass Drive, the sidewalk being provided in the rear along Diane Drive, the revised plans approved by the Board's professionals and agreed to by the applicant. Roll call vote: Ayes – Mr. Kozak, Mr. Carney, Mr. Fitzgerald, Mr. Fritz, Ms. Hui, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Mr. Mintz informed the Board that the COAH fee of two and half percent will be reinstated at the beginning of July unless the State continues the moratorium. The applicant will have his preliminary approval in place before that time so he will not have to pay that fee; however he asked Mr. Marmero if he could prepare the resolution in advance so that it could be memorialized before the end of the month. Mr. Marmero stated that he did prepare a generic resolution that included the comments in Mr. Sander's and Ms. Pellegrini's reports. He will follow up after this meeting and add the three conditions discussed this evening. Motion by Mr. Carney, seconded by Mr. Fitzgerald to adopt resolution #13-23. Roll call vote: Ayes – Mr. Carney, Mr. Fitzgerald, Mr. Fritz, Mr. Kozak, Ms. Hui, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

**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. 05/21/13 regular meeting.

Motion by Mr. Fitzgerald, seconded by Ms. Hui to approve the minutes from the May 21, 2013 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:00 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 the Board.

Ninette Orbaczewski  
Clerk Transcriber