

**Call to Order:**

The meeting was called to order at 7:05 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, 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 Hearing:**

1. #13-07 – Cross Keys Monroe, LLC – Reconsideration of Use Variance

Present – Robert Mintz, applicant’s attorney, Tiffany CuvIELLO, applicant’s planner, Bill Ralston, applicant’s engineer, Anthony Guzzo, applicant.

Member’s packets contained: 1. A copy of the applicant’s use variance application and conceptual site plan. 2. Report dated September 3, 2013 prepared by Pam Pellegrini.

The applicant was heard on April 2, 2013 for a use variance proposing a residential use on property located in the Business Park Zone. The voting resulted in a split vote and the applicant asked the Zoning Board of Adjustment to reconsider his application after making some changes. The applicant is proposing to construct seventy-two residential apartment units on 5.55 acres of Lot 3.06, with approximately 3.86 acres remaining for commercial use along Berlin Cross Keys Road. The conceptual proposal consists of three apartment buildings each containing twenty-four units with associated site improvements for parking and stormwater management. The revised variance plan reduces the number of apartment units from ninety-six units to seventy-two units and retains a larger area for commercial development than previously proposed. The property is located on Berlin Cross Keys Road, also known as Block 1.01, Lot 3.06.

**Public Hearing: (continued)**

1. #13-07 – Cross Keys Monroe, LLC (continued)

Mr. Mintz introduced himself as the applicant's attorney. He stated that at the last hearing for this lot the applicant and his professionals gave extensive testimony with regard to their request for a use variance. They are before the Board this evening with a change in density from that previous application due to the reduction in the number of proposed residential units. Ms. CuvIELLO, Mr. Guzzo, and Mr. Ralston were sworn in by Mr. Marmero. Mr. Ralston displayed a conceptual site plan for the Board. Mr. Mintz stated that they do not know at this time exactly where the future subdivision line will be on the site and they are not asking for a subdivision at this time.

The back portion of the lot will contain three residential apartment buildings; they have relocated the basin that was previously in the back corner. Mr. Ralston commented that Lot 3.06 is 9.41 acres and they are proposing the residential section to contain approximately 5.55 acres and the remainder of the lot along Berlin Cross Keys Road will be for commercial development. Water and sewer will be available to the site through stubs that were brought to the area from the previously approved development adjacent to this lot. There are two stormwater management basins proposed; one will be a dry infiltration basin and the other is a wet pond near the entrance. They exceed the parking space requirement by approximately seven spaces. They used the setbacks and other bulk requirements based on the requirements for the previously approved apartment complex.

Ms. CuvIELLO gave a brief overview of the planning criteria. She stated that at the previous hearing she testified to the over saturation of retail development in the area and the lack of residential uses to support all of the retail in the surrounding area. After the last hearing the Board felt the applicant did not leave enough of the Business Park Zone for commercial development so they went back and reduced the number of residential units on the site leaving more area for commercial development. Ms. CuvIELLO reviewed the numbers from the 2013 Opportunity Gap Study which indicated there is a 675 million dollar surplus of retail sales and eating facilities within one mile of Berlin Cross Keys Road and the Black Horse Pike. The rental market is very strong in the housing economy because mortgages are so hard to get in this economy. In addition people entering the housing market for the first time do not have the required down payments to obtain a mortgage on a single family home; so the rental market continues to grow. When you combine all those factors, the demand for rental, the lack of the demand for retail, and the balancing of the site, it promotes the suitability of the proposal and the general welfare of the public good.

**Public Hearing: (continued)**

1. #13-07 – Cross Keys Monroe, LLC (continued)

With regard to density, the proposal is for seventy-two units which are approximately thirteen units per acre which is less than what was approved on the adjacent site. They do not believe there is any substantial impairment to the zoning ordinance and the Master Plan. The Master Plan supports adding a variety of housing choices and the Business Park Zone in this area is over 110 acres and they are asking to change a very small portion of that zone. The goals of the Master Plan are promoted with this mixed use development. They are remaining consistent with the development that was previously approved with regard to the design and layout of the site and they will address all of the site design and bulk standards as part of the site plan and subdivision approval if the use is granted. This development of seventy-two units would generate 396 trips per day as opposed to if this site were developed as all commercial there would over 1500 trips per day. The residential area will be private and the Township will not be responsible for trash or snow removal so there is no impact on municipal services.

Mr. Mintz stated that there are four pad sites along Berlin Cross Keys Road for commercial development. The Board has approved two of those pad sites already; one being for an IHOP and the other is being developed by Mr. Guzzo at his own risk and he is still looking for tenants. Mr. Guzzo commented that he believes the commercial interest will increase due to the residential development being built right on the site. He stated the site work has been started on one of the commercial lots.

Ms. Pellegrini reviewed her report for the Board. The development as proposed will require a minor subdivision which will create a lot that does not abut a public roadway, so a variance will be required at that time. The plan proposes a twenty foot buffer along the new proposed lots perimeter where twenty-five feet would be required and a variance will be required when they come in for site plan. In addition a height variance for the buildings will be required for the proposed apartment buildings which have a height of 38.5 feet where 35 feet is the permitted maximum. They have had an opportunity to substantiate Ms. CuvIELLO's numbers with regard to the over saturation of retail sales and eating establishments in the area and the need for more residential uses to support that retail. Given those numbers and the fact that this Business Park Zone has been very slow to develop they are inclined to support the proposal. The Township is currently reviewing this Business Park Zone and the fact that it has been stagnant for many years. The applicant has reduced the number of proposed residential units and increased the commercial area which is a better plan.

**Public Hearing: (continued)**

1. #13-07 – Cross Keys Monroe, LLC (continued)

Ms. Pellegrini asked the applicant to address the proposed pool with regard to who will have access to the pool and will it be available to the adjacent 204 unit complex and if so how will parking be addressed. Mr. Mintz commented that they will look at that issue at the time of subdivision and site plan. If it is removed they will look to provide the town with a recreation fee. She commented that the applicant should address one of the aisles behind a portion of parking spaces which doesn't meet RSIS standards at the time of site plan.

Motion passed to open the hearing to the public.

1. Frank Nolan, 2307 Hartford Drive, Glendora, NJ, was sworn in by Mr. Marmero. Mr. Nolan stated that the was before the Board speaking with concerns for Mrs. Nardone who is the owner of Lot 7 which is next to this proposed development. He inquired as to the basin that has been moved from the back corner of the property and expressed his concern with the stormwater and environmental impact to Mrs. Nardone's property. Mr. McLaughlin replied that those issues will be addressed at the time of site plan. The plan shown is really conceptual. Mr. Nolan asked if the town was looking out for the benefit of Mrs. Nardone's property with regard to the potential adverse financial impact this will have on her property. He thought the value of her property was in jeopardy since they were proposing residential next to her lot. Mr. Marmero replied that the Board cannot take in to account any financial impacts to the surrounding properties; they do look at other impacts to the surrounding properties but not for financial reasons. Mr. Mintz commented that Mrs. Nardone's property is zoned for commercial use. He stated that it was this applicant that brought water and sewer to the area which can only be a benefit and have a positive impact on her property. In addition, the residential component is the basis for generating more commercial use in the area. The residential use on this site only abuts a small portion in the rear of Mrs. Nardone's lot as most of her lot will abut the commercial portion of the site.

Motion passed to close the hearing to the public.

Mr. Kozak asked if Mr. Nolan's concerns with regard to the stormwater and environmental issues will be addressed. Mr. Marmero stated that they will be addressed at site plan. Mrs. Nardone will be noticed again when the applicant returns for site plan approval.

**Public Hearing: (continued)**

1. #13-07 – Cross Keys Monroe, LLC (continued)

Motion by Mr. Carney, seconded by Mr. Salvadori to grant the use variance to allow seventy-two residential units in the Business Park Zone. Roll call vote: Ayes – Mr. Carney, Mr. Salvadori, Mr. Fitzgerald, Mr. Manfredi, Mr. McLaughlin. Nays – Mr. Fritz, Ms. Hui. 5 ayes, 2 nays, motion passed.

**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. 9/03/13 regular meeting.

Motion by Mr. Salvadori, seconded by Mr. Fitzgerald to approve the minutes from the September 3, 2013 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 7:40 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