

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

Proper notice of this meeting was given in accordance with the requirements of the Open Public Meetings Act on January 13, 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."

**Memorialization of Resolutions:**

1. PB-52-13 – App. #1739 – 110 Whitehall, LLC – Crosswalk Waiver on Interior Roads

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-52-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

2. PB-53-13 – App. #1739 – 110 Whitehall, LLC – Tree Waiver

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-53-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

3. PB-54-13 – App. #1739 – 110 Whitehall, LLC – Development Sign Waiver

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-54-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

4. PB-55-13 – App. #1739 – 110 Whitehall, LLC – Final Major Subdivision

Motion by Mr. Agnesino, seconded by Mr. Sebastian to adopt resolution PB-55-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

5. PB-56-13 – App. #1823 – Comfort Development Group, LLC – Completeness

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-56-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

6. PB-57-13 – App. #1823 – Comfort Development Group, LLC – Sign Waiver

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-57-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

7. PB-58-13 – App. #1823 – Comfort Development Group, LLC – Phase I Final

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-58-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Public Hearing:**

1. #1745 – Beazer Homes, LLC/Federal Hill – Amended Final Major Subdivision

Present – Robert Mintz, applicant’s attorney, Jeff Goodwin, Beazer Homes, Henry Haley, applicant’s engineer.

Member’s packets contained: 1. A copy of the applicant’s amended subdivision plan. 2. Report dated October 9, 2013 prepared by Ray Jordan. 3. Report dated October 28, 2013 prepared by Tim Kernan. 4. A copy of the email from Frank McLaughlin dated September 17, 2013.

The applicant proposes to amend the preliminary and final major subdivision approval granted and last approved in October 2009 for the construction of 51 single family residential lots, one sanitary sewer pump station, and three open space/stormwater management lots. The application proposes to establish the Allison Drive and Glassboro Road intersection as an emergency access only, adjust the lot grading, revise the street lights, reconfigure Lot 27 so that it fronts on Allison Drive, request front yard variances for optional front porches, and add a tot lot. This project is located between Tuckahoe Road and Glassboro Williamstown Road, formerly known as Federal Hill/Patriot Homes, and also known as Block 13101, Lots 8.01 – 8.15; Block 13102, Lots 1-11, Block 13103, Lots 1-28.

Mr. Kernan, Mr. Jordan, Mr. Goodwin, and Mr. Haley were sworn in by Mr. Schwartz. Mr. Mintz stated that this is an existing subdivision; the sample home has already been constructed. Mr. Goodwin commented that they do have six or seven homes under contract to date. The project was originally approved to have a thru street leading from Tuckahoe Road out to Glassboro Williamstown Road. This developer has concerns that this roadway would become a cut thru for traffic trying to avoid the traffic light. They are proposing to close the access drive off of Glassboro Williamstown Road and maintain it as an emergency access only. Mr. Gabbianelli commented that the Township didn’t want that access off of Glassboro Williamstown Road and tried to fight it at the time; however the NJDOT allowed the access. He stated that it was good that they are not going to use that as an access drive. Mr. O’Brien asked if the applicant will have break away bollards at the Glassboro Williamstown Road emergency access. Mr. Haley stated they will do whatever the Township wants them with regard to the bollards. The curbing will remain in place and they are proposing to fill in the paved roadway with topsoil so the road will still have the support for an emergency vehicle. They will install a storm pipe in that area to control the flow of water. Mr. Gabbianelli commented that if they fill the roadway with topsoil it will be all mud when it rains. Mr. Haley replied that they will seed the area as well; replace an existing inlet that will act as a sump, and install an under-drain that will allow the water to flow into the inlet.

Mr. Agnesino asked if they are proposing to put a pipe from one side of the road to the other side of the road. He thought this proposal would create a problem in the rear yards of the existing homes adjacent to the property on Prince Avenue. Mr. Gabbianelli stated that they have to address that situation. Mr. Agnesino asked why they don’t take that runoff and direct it toward the basin. Mr. Haley stated that the basin wasn’t sized for the additional runoff. He stated that an excessive amount of water used to runoff into the storm system before the roadway was paved. Mr. Jordan stated that their proposal will mimic the existing conditions before development. Mr. Agnesino commented again that he thought it would cause problems for the backyards of the existing homes.

**Public Hearing: (continued)**

1. #1745 – Beazer Homes, LLC (continued)

Mr. Goodwin stated that when they bought the project, they had a meeting with the Mayor, ARH, and Mr. Kernan where they were asked to try to restore that area to its pre-development condition which had a swale that went through that area. Part of their proposal is to mimic the conditions that existed before the access road was constructed. Installing the proposed piping will achieve that goal. Mr. Agnesino commented that there was a bright side to the roadway being installed because it would have eliminated some of the water going out to Prince Avenue. Mr. Heffner asked why they wanted to eliminate the access out to Glassboro Williamstown Road. Mr. Gabbianelli stated that it was a safety issue as well as eliminating a cut-thru. Mr. Heffner replied that pretty much every development or street is a cut-thru. Mr. Gabbianelli stated that Prince Avenue is less than three hundred feet away. Mr. Heffner stated that they are creating a safety issue out on Tuckahoe Road because the traffic will back up at the light during school hours and people will not be able to get in or out of this development. Ms. Hui suggested they install speed bumps rather than eliminate the access drive. Mr. Goodwin stated that the traffic does back up when school lets out but generally their traffic will be in the mornings.

Mr. Haley displayed a plan showing the previously approved project and the new proposal with regard to Lot 27. The plan was marked as Exhibit A-1. He stated that Lot 27 is proposed to front on Allison Drive instead of Kristin Lane. The home will be angled a little bit and be more in line with the other homes. Mr. Jordan stated that the applicant will need a waiver for the distance of the driveway being only twenty-eight feet from the intersection where fifty feet is required. Mr. Haley stated that they would also like to add a small tot lot near the front of the development in the small open space area to the left of Kristin Lane. The tot lot will also be maintained by the homeowners association. Mr. Haley distributed photographs depicting three different elevations of homes. The photograph was marked as Exhibit A-2. Mr. Mintz stated that the elevation on the bottom right would not be constructed on this site as it has a very flat front. One of the other elevations shows the home with a bay window and the other elevation shows the home with a front porch. Both the bay window and the porch will encroach into the front yard setback. The applicant is requesting a variance for this issue. Mr. Haley stated that the rear yards would be affected if the applicant shifts the home to comply with the front yard setback; and some of the rear yards are narrow as it is already.

Mr. Goodwin distributed photographs that depicted the pump station lot and other areas of the project with regard to the landscaping; the photographs were marked as Exhibit A-3. He asked that they be allowed to exchange the landscaping required along the wooded area and place it in the front of the development and onto the pump station lot. Mr. Kernan stated that there are approximately sixty trees and fifty-eight shrubs that will not be planted along the wooded area. They will not be able to use that many trees and shrubs to enhance the front of the development and the pump station lot. He suggested that the developer make a contribution to the town for the unused trees and shrubs. Mr. Gabbianelli stated that they could donate the trees and shrubs to be planted in other parks in the town. Mr. Goodwin also commented that they can place the tot lot in an area of open space where they will not have to remove any of the trees. Mr. Agnesino asked why the developer wanted to install a tot lot. Mr. Goodwin replied that their marketing department determined that it would be beneficial to the residents of the development.

**Public Hearing: (continued)**

1. #1745 – Beazer Home, LLC (continued)

Mr. Goodwin stated that they are asking to change the street lights to be more consistent with the street lights in other developments in the town. The illumination levels and the height will be the same. Mr. Goodwin stated that there were three street lights proposed along the access drive they are closing. Mr. Gabbianelli commented that they should leave the one at the corner along Glassboro Williamstown Road. Mr. Crane suggested that the lights remain there since people might want to walk through there to get to the convenience store. Mr. Gabbianelli thought they should be eliminated so they do not encourage people to walk that way.

Mr. Haley stated that they have included a revised grading plan. It was revised because the rear yards in the proposed lots along Railroad Avenue are too flat to meet all of the drainage requirements of the ordinance. They are proposing to install rear yard drains that would tie into the existing storm sewer in the roadway. Each individual homeowner will be responsible to maintain those drains; those requirements will be noted in their deeds and be part of the homeowner's documents. Mr. Goodwin stated that the grading plans that were approved were not up to the Township's grading standards without adding additional drainage.

The last issue concerns the basin fencing. The applicant would like to install a four foot fence instead of a six foot fence. Mr. Sebastian asked if they would install a black on black four foot high chain link fence. The applicant agreed to Mr. Sebastian's suggestion. Mrs. Farrell asked what the applicant is proposing to do about the name of the development since they cannot use The Enclave. Mr. Goodwin stated that the marketing department wants to market the development as the The Enclave. There aren't any permanent signs indicating the name as that but that is how they want to market it. Mrs. Farrell stated that people will think that is the name of the development they are moving into. She stated that the Office of Emergency Management did tell them that the name is a problem since there is a development in town known as the The Enclave. Mr. Goodwin stated that he thought the street names would be the important issue in an emergency not the name of the development. Mr. Gabbianelli commented that he used to be a police officer and that is how he learned by development names not street names. Mr. Goodwin stated that they weren't aware that the development name would need approval. Mrs. Farrell stated that she told Mr. Goodwin about this issue when he first came into the Planning Board office way back in July. In addition, the email from Mr. McLaughlin was sent in September indicating that the duplicate name would be a problem. Mr. Kozak commented that they've known about this issue for many months and did not give any thought to changing the name. The copy of the email sent in September was marked as Exhibit A-5. Mr. Schwartz commented that any approvals to the proposed changes to the plan will be subject to the development name being approved by the Office of Emergency Management. Mr. O'Brien commented that the applicant should have made the change before he came into the Board since he knew about the conflict months ago. Mr. Jordan commented that his office has already approved several plot plans and asked if he should hold up until the name is changed. Mr. Gabbianelli asked if they should allow them to obtain building permits up to a certain amount before the name change is approved. Mrs. Farrell stated that there hasn't been any report from the County with regard to the proposed changes; in addition she has to send the proposed changes to the Pinelands for a no call up letter. She indicated that she did want things to get overlooked and the project be completely built. It was decided that no Certificate of Occupancies would be issued until the name is approved by O.E.M.

**Public Hearing: (continued)**

1. #1745 – Beazer Homes, LLC (continued)

Mr. Jordan stated that his report indicates that the proposed front porches are enclosed when in fact they are not enclosed porches. All of the other issues have been addressed. Mr. Kernan stated that he does have a couple of issues listed in his report. He stated that the applicant has received building permits and asked if they were aware that they must pay \$3,500.00 per unit toward recreation. Mrs. Farrell indicated that they have been making the payments in five unit increments. Mr. Kernan stated he thought the lots involved with the proposed infiltration trench system should have easements in favor of the homeowner's association. After some discussion it was determined that it will be part of the homeowner's association documents. He also indicated that there is a fifteen inch storm pipe that goes into the cul-de-sac out to Railroad Avenue that cuts across the rear yard of Lot 19. If that homeowner wanted to install a pool he wouldn't be able to; in addition there isn't an easement proposed for that pipe either. The pipe cuts right through the middle of the yard. Mr. Kernan suggested that they move the pipe to the edge of the property line. Mr. Haley agreed to look at that issue and make the adjustment.

Mr. Agnesino stated his concern with the applicant putting six inches of topsoil over the paved access road off of Glassboro Williamstown Road. He commented that the grass will die and if there is a heavy rain, there isn't any place for that water; it will just lay there and the area will be nothing but mud. Mr. Agnesino stated that they either have to remove the macadam or put holes in it so the water will perk. Mr. Goodwin stated that they if they have to they can put some drainage along the curblin to pick up the runoff. He stated that having the macadam underneath will make it more stable for emergency vehicles. Mr. Kernan agreed there should be some perforations in the macadam. He also stated that the access drive off of Glassboro Williamstown Road is still going to look like an entrance and will look inviting for someone to enter. Mr. Goodwin stated that they will put signage on the bollards that indicate it is only an emergency access or no access. Mr. Heffner stated that the road should be removed; Mr. O'Brien agreed. Mr. Kernan suggested milling the base paving and then putting the topsoil on top, so it will still have a good base for emergency vehicles and it will still have good drainage; the curbing will remain in place. The Board was in agreement with Mr. Kernan's suggestion.

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

Mrs. Farrell asked the applicant to put the new development name on the revised plans. Mr. O'Brien asked the applicant if they had put trees in front of the property directly across the street from the entrance on Tuckahoe Road since the access road would allow headlights to shine right into that property owner's home. Mr. Goodwin stated that they did not put landscaping across the property across the street.

Mr. Schwartz reviewed the variances and waivers for the Board. Motion by Mr. Agnesino, seconded by Mr. Sebastian to grant the waiver for the driveway distance for Lot 27 being twenty-eight feet from the intersection. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Public Hearing: (continued)**

1. #1745 – Beazer Home, LLC (continued)

Motion by Mr. Agnesino, seconded by Mr. Crane to grant the front yard variances of six feet to allow for the front porches and bay windows. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Agnesino, seconded by Mr. Sebastian to approve the amendments to the Preliminary and Final Major Subdivision to allow the applicant to install a tot lot, to change the light standards, to eliminate the landscaping along the wooded area and use some of the trees and shrubs at the front of the development and on the pump station lot, as well as donating the rest of the trees and shrubs to the Township or making a donation in lieu, eliminating the access off of Glassboro Williamstown Road, milling the macadam on the access drive off of Glassboro Williamstown Road, installing the inlets and piping, covering the roadway with topsoil, placing break away bollards for emergency access, rear yard storm drains on the lots in Block 13103, Lots 4-17, four foot high black on black chain link fence around the basin, approval of the development name by the Office of Emergency Management, no Certificates of Occupancies until the name is approved, the revised plans indicating the new name. Mr. Kernan commented that there should still be an easement for the fifteen inch pipe that will run across the back of Lot 19 since it will tie into the township storm sewer. Mr. Schwartz stated that the homeowner’s association will be responsible to maintain the pipe. It was determined that no easement will be necessary. Mr. Gabbianelli added that the curb cut on Glassboro Williamstown Road must be removed and just a depressed curb installed with the bollards. Mr. Haley asked to add that they would agree as long as it meets NJDOT approval. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

**Approval of Minutes:**

1. 10/24/13 regular meeting.

Motion by Mr. Agnesino, seconded by Mr. Sebastian to approve the minutes from the October 24, 2013 regular meeting. Voice vote; all ayes, motion passed.

**Discussion for Board Action:**

1. #460 SP – Francis Schultz, Jr.

Present – Gerald Sinclair, applicant’s attorney, Francis Schultz, Jr., applicant.

Member’s packets contained: 1. Letter dated October 29, 2013 prepared by Gerald Sinclair. 2. Proposed Deed of Easement prepared by Gerald Sinclair.

The applicant is requesting a review and clarification of several conditions placed upon his approval that was granted on September 12, 2013. The property is located at 1155 Black Horse Pike, also known as Block 11301, Lot 2.01/the old Jamesway building.

**Discussion: (continued)**

1. #460-SP – Francis Schultz, Jr. (continued)

Mr. Sebastian commented that he would not be voting on any issues regarding this application since he wasn't present at the applicant's last hearing. Mr. Sinclair stated that they were before the Board on September 12, 2013 for approval and he does have some questions regarding some of the conditions. One of the conditions stated in the resolution was that the applicant had to completely mill the parking lot and repave it. Mr. Jordan commented that there isn't any alligator cracking on the parking lot. They do have to box out the bad areas and repave those; they have to blow out the cracks in the seal and reseal those, and then reseal the whole parking lot. The Board was in agreement that the applicant did not have to mill the whole parking lot.

The restriction of no towing of vehicles does not apply to a customer whose vehicle may break down in the parking lot. The storage of vehicles is not permitted outside the building. The hours the auto parts store is open to the public are from 8:00 a.m. to 6:00 p.m. Mr. Sinclair stated that he proposed a Deed of Easement for review. The applicant agreed that if the Main Street extension comes to fruition, he will allow the flexible right-of-way easement dedicated to the Township for future use; the property owner will be responsible to pay for all costs of improvements in front of his property, including curbs and sidewalks. The Deed of Easement agreement will be filed and accepted in lieu of a bond guarantee. Motion by Mr. Agnesino, seconded by Mr. Gabbianelli to approve the requested changes to the approval and the resolution. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Adjournment:**

The meeting was adjourned at 8:30 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