

**Call to Order:**

The meeting was called to order at 7:00 p.m. by Vice Chairman Salvadori 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 8, 2014. 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. Fritz, Mr. Manfredi, Ms. Hui, Mr. Kozak, Mr. Salvadori. Absent – Mr. Fitzgerald, (excused), Mr. Price, (excused), Mr. McLaughlin, (excused). Also present – Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Sander, Engineer, Mr. Sebastian, Council Liaison.

**Memorialization of Resolutions:**

1. #14-11 – App. #462-SP/#1834 – Cross Keys Monroe, LLC – Waivers/Completeness

Motion by Mr. Carney, seconded by Mr. Fritz to adopt resolution #14-11. Roll call vote: Ayes – Mr. Carney, Mr. Fritz, Ms. Hui, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

**Public Hearings:**

1. #1834 – Cross Keys Monroe, LLC – Minor Subdivision
2. #462-SP – Cross Keys Monroe, LLC – Preliminary/Final Major Site Plan

Present – Anthony Guzzo, applicant, Robert Mintz, applicant’s attorney, William Ralston, applicant’s engineer, Tiffany CuvIELLO, applicant’s planner, Kenneth Pizzo, Jr., Pizzo & Pizzo.

Member’s packets contained: 1. Report dated March 17, 2014 prepared by Martin Sander. 2. Report dated March 26, 2014 prepared by Pam Pellegrini. 3. Response letter dated April 4, 2014 prepared by John Witthohn, CES. 4. A copy of the applicant’s minor subdivision plan and site plan.

**Public Hearings: (continued)**

1. #1834/#462-SP – Cross Keys Monroe, LLC (continued)

Mr. Guzzo, Ms. CuvIELlo, and Mr. Ralston were sworn in by Mr. Marmero. Mr. Mintz stated that part of the application is a minor subdivision in which the applicant is proposing to subdivide Lot 3.06 into three lots. Lot 3.07 is proposed as a commercial lot which sits right behind Lot 3.06; proposed Lot 3.08 is approximately 5.55 acres and will be the residential lot. The Board previously granted the applicant a use variance to allow seventy-two apartment units to be constructed on this site. Lot 3.06 will be approximately 1.98 acres and Lot 3.07 will be approximately 1.88 acres.

The residential lot will consist of three buildings containing twenty-four units each. They will be similar to the buildings being constructed across the boulevard by Pizzo and Pizzo. In conjunction with the residential component for Lot 3; the applicant agreed to construct the commercial ratable consistent with the residential. Mr. Guzzo has constructed one seventy-five hundred square foot commercial building and approvals have been granted to the second commercial building for an IHOP restaurant.

Mr. Ralston gave an overview of the proposal. With regard to the site plan, there will be three buildings of twenty-four units each. The access drive is located directly across from the existing drive on Lot 3 which will make ingress and egress easier. The interior parking areas meet the RSIS standards for two bedroom units which are proposed for all seventy-two units. The water and sewer will be brought to the site through an easement from the existing water and sewer lines in the area. There are two onsite stormwater management basins proposed; both meet the RSIS and the Township's stormwater management code. They will retain and infiltrate all storms up to and including the hundred year storm. One emergency spillway will bring water out to a temporary basin and into the County system which is where most of the drainage from the site flows now. There is a buffer along the entire perimeter of the tract and a recreation path that is proposed to be connected to the recreation path in the residential apartment complex across the boulevard. Mr. Mintz commented that the proposed apartment buildings are slightly larger than the ones currently being constructed on Lot 3 because the units are a little larger. Building A which is adjacent to the proposed commercial Lot 3.07, is only fourteen feet from the property line as opposed to the twenty foot requirement. They originally were going to ask for the variance however after talking with Mr. Kernan and Ms. Pellegrini, they are willing to move the property line six feet in order to meet the setback and buffer requirements.

**Public Hearing: (continued)**

1. #1834 & #462-SP – Cross Keys Monroe, LLC (continued)

If the Board wants the applicant to move the property line the six feet into Lot 3.07; then they would request a variance to not have a buffer on the commercial lot since it will be the basin area anyway and have the buffer solely on Lot 3.08. In this way the community association would then be responsible for maintaining that buffer area. Mr. Mintz displayed the architectural elevations which are consistent with the elevations of the existing apartment buildings on Lot 3. The applicant is requesting a variance for the height of the buildings to be a height of 38.499 feet where 35 feet is the maximum. The parking spaces are proposed at 9x18 the same size as in the complex across the boulevard.

Mr. Ralston commented on the lighting and trash enclosure. He stated that the lighting will be consistent with the lighting approved and currently being installed at the apartment complex across the boulevard. The trash enclosure is located at the front of the site near the first basin area. They have agreed to add additional landscaping around the basins. They are providing sidewalk adjacent to the parking area that is proposed to be six feet wide instead of four feet wide; a waiver may be required.

Mr. Mintz stated that the applicant is willing to guarantee an additional commercial lot before the issuance of a Certificate of Occupancy for unit forty-nine or he will pay taxes as if a commercial ratable were present on one of the remaining commercial lots. That will allow them to construct two residential buildings or twenty-four units. The applicant is very close to an agreement for a commercial building on Lot 3.06.

Ms. Cuvillo reviewed the variances requested by the applicant. One variance is required because two of the lots, Lot 3.07 and Lot 3.08 do not front on a public street. They do front on a street but not a public street. A variance is required for the side yard setback of Building A unless the Board is in agreement that they should move the proposed property line back six feet. They are requesting consideration and verification that a twenty foot perimeter buffer is allowed as proposed on the original approvals for Lot 3. A variance is required for the building height as previously mentioned. A variance is being requested for the building setback for Building C which is setback thirty-seven and one half feet from the property line to the rear Business Park Zone where fifty feet is required. There are some variances being requested for the signage; they did not know if they would carry from the original approval. In the original approval the applicant proposed a single monument sign or pylon sign along Berlin Cross Keys Road for the various uses within the development.

**Public Hearing: (continued)**

1. #1829 & #462-SP – Cross Keys Monroe, LLC (continued)

They want to reduce the size of the sign and be able to use area on the sign for identification of the uses off of Lot 3.06; technically it would be an off premise sign. In addition, the commercial lot, Lot 3.07 and the residential lot, Lot 3.08 will have identification signs at their entrances. Ms. CuvIELlo stated that the variances being requested are not substantial variances and are directly related to the implementation of the mixed use development.

Ms. CuvIELlo commented that they believe the purposes of zoning are continued to be advanced through the development plan. The development promotes the appropriate population density and continues to provide and encourage planned unit development. The development does not create a substantial detriment to the Master Plan or zoning ordinance. They did provide a twenty percent low income housing set aside in the apartment complex that is being constructed across the boulevard; however COAH has not come up with new rules as of yet. They do believe they can coordinate the twenty percent set aside with the new seventy-two units which averages out to be a fifteen percent set aside. The fifteen percent is consistent with generally accepted set asides for affordable housing; twenty percent is the high end and twelve percent is the low end, so it falls within the range of what they can expect the courts to require. The courts actually thought the twenty percent was too high of a requirement. With regard to recreation, the applicant is willing to donate \$500.00 per unit toward the town's recreation fund, and the residents in the seventy-two units would share the use of the recreational facilities provided on the site across the boulevard. They are also providing walkways, picnic tables, and grills throughout the development. Ms. CuvIELlo stated that she believes the benefits of granting the requested variances outweigh the detriments and the consistent and compatible development plan as related to how the properties work together promote the purposes of zoning and provide an alternative to the town.

Mr. Mintz commented on the issue of COAH and the fact that the Round 3 rules have not been established as of yet. The town is in compliance with Round 2 and actually has exceeded the requirements by approximately 150 units and that is without including the forty-one COAH units being provided in the currently being constructed apartment complex. So the town has approximately 191 units to go towards the Round 3 requirements. If the Board allows the seventy-two units to tie into the two hundred and four being constructed now, which would be a fifteen percent set aside for COAH, then the seventy-two units will all be two bedroom units; there will not be any three bedroom units.

**Public Hearing: (continued)**

1. #1834 & #462-SP – Cross Keys Monroe, LLC (continued)

Mr. Pizzo was sworn in by Mr. Marmero. Mr. Pizzo discussed the adequacy of the recreation building to accommodate the additional seventy-two apartment units. There is an outdoor pool and additional outdoor amenities. The recreation building is over 4800 square feet. In Woolwich Township, they have a property with 488 units and the clubhouse is about 1000 square feet smaller and is more than adequate for the residents. This is the largest clubhouse they have built for the least amount of units.

With regard to the signage, the Board allowed each individual user to have an independent sign as well as the larger sign at the roadway that would have panels for advertising the various uses that are not visible from Berlin Cross Keys Road. The applicant would like to keep the approval the Board granted for the pylon sign; however they will not build the same size sign, they will make it a smaller sign. They would still like to have the option to put panels on that sign for any uses not visible from Berlin Cross Keys Road.

Mr. Sebastian asked if the applicant would address their plan if the seventy-two apartment units do not become part of the Pizzo & Pizzo development across the boulevard. Mr. Mintz stated that they are very confident that they will become part of the Pizzo & Pizzo development under construction; but they are aware that if it does not they will not have access to the clubhouse and other recreational amenities. In that case they will make a \$1,000.00 per market rate unit donation to the recreation fund. With regard to COAH they would make the necessary COAH contribution or if the Board decided they want the units on site, they would convert some units to three bedroom units. Mr. Sebastian also commented that he was in favor of moving the property line back to meet the setback for Building A. Mrs. Farrell asked if the applicant intends to put both sign details on the plans so that the Township engineer knows that there is an alternative sign that was approved. The applicant agreed that both sign details would be on the plans.

Mr. Sander reviewed his report for the Board. He stated that he received a response letter from Mr. Ralston indicating that they are in agreement with all of the comments in his report. He asked the applicant to explain his intention again for the retail lots, Lots 3.06 and 3.07. Mr. Mintz stated that the applicant has agreed that before the forty-ninth unit receives a Certificate of Occupancy, one other commercial pad site will be approved for development, or he will pay the taxes as if a ratable exists on the site.

**Public Hearing: (continued)**

1. #1834 & #462-SP – Cross Keys Monroe, LLC (continued)

Ms. Pellegrini reviewed her report for the Board. She stated that her report indicates a twenty-five foot perimeter buffer is required; however the Board did grant a twenty-foot perimeter buffer on the overall tract for Lot 3. She agreed that both sign details should be included on the plans and that no variances or waivers would be necessary since they received approval on the previous sign. They have agreed to comply with additional landscaping including moving some shade trees and more plantings around the basins as well as supplementing some existing vegetation in the buffer. They agreed to place benches intermittently along the walking path. They are making a connection to the other side of the boulevard with regard to sidewalk; however when the boulevard is extended at some point in the future, there should be a sidewalk constructed on this side of the boulevard. Mr. Mintz agreed with that comment.

Mr. Kozak inquired as to the proposal for COAH. Ms. Pellegrini explained that since Pizzo & Pizzo is going to be the developer for both apartment complexes, they are combining the COAH obligation so that the overall ends up being a net fifteen percent set aside. Should the deal with Mr. Pizzo fall through, then the applicant would be required to provide an eleven percent set aside on the seventy-two units. The same for recreation, if they share the clubhouse and other recreational facilities, then the applicant will make a \$500.00 per unit contribution to the recreation fund. If they are not sharing, then they will make a \$1,000.00 per market rate unit contribution to the recreation fund. Mr. Kozak asked why there isn't a twenty percent set aside for COAH. Ms. Pellegrini replied that there isn't a twenty percent set aside requirement for COAH right now, so the set aside was negotiated. Ms. Pellegrini stated that there aren't any third round rules yet and that the applicant did meet with Mr. Kernan and they negotiated for the fifteen percent set aside overall. Mr. Mintz commented that it was determined by the court that the town is in compliance with their COAH and that they have an excess of COAH units going into whatever the rules may be for round three. That was determined before Pizzo & Pizzo started construction where a twenty percent set aside is being given; they did not come back and ask for relief from that once the order of repose was given.

Mr. Fritz commented that he did not agree the property line should be moved because it would still create a variance request on Lot 3.07. He thought the building could be shifted to comply with the setback requirement. Mr. Sander replied that there may not be a variance needed for Lot 3.07 because they don't know what is going to be constructed there at this time.

**Public Hearing: (continued)**

1. #1834 & #462-SP – Cross Keys Monroe, LLC (continued)

The applicant is asking if the property line is moved that the buffer be located on the residential side so that it can be maintained by the residential association. A basin would be proposed on Lot 3.07 near that property line so that would act as the buffer on the commercial lot. Mr. Fritz commented that he did not want to move the property line because they have given up enough of the commercial area for residential. Ms. CuvIELLO replied that it is only six feet and the reason is so that they can provide the twenty foot perimeter buffer on the residential side; basically it would be the same if they didn't move the line and received the variance because there would have to be a planted buffer on the commercial lot which would still reduce the buildable area. By moving the line the buffer would get planted now and be maintained by the residential where as they do not know when Lot 3.07 will be developed and be able to provide the buffer on that side.

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 Board would be making a motion for preliminary and final site plan approval along with minor subdivision approval. There are variances associated with the site plan such as the height of the buildings to be 38.499 feet where 35 feet is the maximum. The Board will reaffirm the twenty foot perimeter buffer variance that was granted as part of the overall tract. A variance to allow Lots 3.07 and 3.08 to not front on a public roadway. And the variance for Building C which has a setback of 37.5 feet where 50 feet is required as well as any conditions discussed for COAH and the recreation fees. The sidewalk will be provided when the boulevard is extended. The sign details being provided on the plans. The agreement with regard to a ratable being approved for one of the commercial sites before the forty-ninth Certificate of Occupancy or the applicant will pay the taxes on the commercial lot as a ratable. Ms. Pellegrini indicated that there are waivers required; one for the sidewalk along the frontage of the future boulevard connection, one for the interior sidewalk to abut the curb line, a waiver to allow the 9x18 parking spaces, a waiver regarding the identification of existing trees on the plans, a waiver regarding some of the pathway that encroaches into the buffer. Mrs. Farrell asked Mr. Marmero to separate the minor subdivision approval from the site plan approval. Mr. Marmero agreed to separate the two applications.

**Public Hearing: (continued)**

1. #1834 & #462-SP – Cross Keys Monroe, LLC (continued)

A motion would be needed for the minor subdivision first and then a motion for the site plan with all the waivers, variances, and conditions. Mr. Sander commented that the minor subdivision approval should be conditioned upon the six foot relocation of the lot line on the plans. Motion by Mr. Carney, seconded by Mr. Manfredi to grant the minor subdivision approval conditioned upon the applicant submitting revised plans relocating the lot line. Roll call vote: Ayes – Mr. Carney, Mr. Manfredi, Mr. Fritz, Ms. Hui, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Motion by Mr. Fritz, seconded by Mr. Carney to grant preliminary and final major site plan approval subject to all the variances, waivers, and conditions in the professional's reports and discussed and agreed to on the record. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Mr. Manfredi, Ms. Hui, Mr. Kozak, Mr. Salvadori. 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:**

1. #461-SP – Black Horse Pike & Washington, LLC – Groundwater Report

Mr. Sander informed the Board that the applicant has submitted the data he asked them for with regard to the remediation of the site. He asked the Board to negate the requirement for the applicant to submit a revised Phase I Environmental Report. Mr. Marmero commented that he would prepare a resolution to modify the previous approval if the Board was in agreement with Mr. Sander's suggestion. Motion by Mr. Fritz, seconded by Mr. Carney to waive the submission of the revised Phase I Environmental Report. Roll call vote: Ayes – Mr. Fritz, Mr. Carney, Mr. Manfredi, Ms Hui, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

**Approval of Minutes:**

1. 4/1/2014 regular meeting.

Motion by Ms. Hui, seconded by Mr. Fritz to approve the minutes from the April 1, 2014 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:12 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