

Call to Order:

The regular meeting of the Monroe Township Planning Board was called to order at 7:04 p.m. by Chairman O'Brien. The Board saluted the flag. Roll call was as follows:

Present – Mr. Agnesino, Mr. Caligiuri, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. Scardino, Mr. O'Brien. Absent – Mr. Cooper, (excused), Mr. Crane, (excused), Mr. Jordan, (excused). Also present – Mr. Schwartz, Solicitor, Mr. Kernan, Planner.

Proper notice of this meeting was given in accordance with the requirements of the Open Public Meetings Act on January 13, 2014.

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-41-14 – App. #WSP-03-14 – Michael & Patricia Lamplugh – Site Plan Waiver

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-41-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

2. PB-42-14 – Ordinance 175-135/Signs – Recommended Amendment Denied

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-42-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Public Hearing:

1. #1836 – John & Catherine Conway – Minor Subdivision

Mr. Schwartz informed the Board and the public that an issue had been raised prior to the meeting with regard to whether the applicant can run public sewer to the proposed new lots. He was advised to get that information from the MMUA before proceeding with his public hearing. Mr. Conway agreed that he was asking the Board to table his application. Mrs. Farrell informed the public present that Mr. Conway's public hearing would be tabled and continued to the September 11, 2014 regular meeting at 7:00 p.m. No new notice would be sent as they are being informed this evening of the new public hearing date. Motion by Mr. Agnesino, seconded by Mr. Kozak to table the application and continue the hearing at the September 11, 2014 regular meeting. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Discussion – for Board Action:

1. Email dated 8/6/14 from Eric Schrock – Beazer Homes/Fencing around the Basin

Mr. Schrock's email indicated that a detail for the basin fence showed privacy slats installed in the fabric of the fencing. He didn't think that was a requirement of the Board and wanted direction on how to proceed. Mr. Kernan stated that he just saw the email and indicated that he did not know where the detail for the fence came from but the Board has never required privacy slats in the fencing. The black on black detail is for vinyl clad poles, rails, mesh, etc. Mrs. Farrell stated that she would inform Mr. Schrock by email that the privacy slats are not required.

Discussion – for Board Action: (continued)

Mr. Gabbianelli asked if he could interrupt to share some information with the Board before he left the meeting. He stated that he spoke with Mr. Pizzo, the builder of the Barclay Glen Apartments behind Sam's Club with regard to the number of school aged children. Mr. Pizzo informed Mr. Gabbianelli that 105 units are currently occupied, twenty-one are affordable apartment units with only seven school aged children and the other eighty-four units have ten school aged children. Mr. Gabbianelli stated that it's a win for the town. Mr. Kernan commented that it is due to the fact that they are high end rentals. Mrs. Farrell informed Mr. Gabbianelli that the regularly scheduled second meeting in September falls on a Jewish holiday and wanted to ask the Board if the meeting can be cancelled since Mr. Schwartz could not be in attendance. Mr. Gabbianelli and the Board agreed to cancel the meeting.

2. Letter dated 7/29/14 by Mr. Schwartz – Proposed Revision to the WMP for Crystal Lakes

Motion by Mr. Agnesino, seconded by Mr. Caligiuri to approve Mr. Schwartz's letter and direct him to forward it to Mr. Spratt from Federici & Akin. Voice vote; all ayes, motion passed.

3. Vera Hilsher – Vice President/Holiday City Homeowner's Association

Ms. Hilsher stated she was before the Board concerning changing the association's by-laws and they need Planning Board approval to do so. Mr. Schwartz commented that homeowner's associations do not usually need Planning Board approval to make changes to their by-laws. Mr. Caligiuri commented that it was his understanding that a fairly large number of residents would be needed to vote on a change to the by-laws before they can bring it the Planning Board to have them changed. They would then become part of our land use laws and the town would be asked to enforce them. Mr. Schwartz replied that no homeowner's association has ever had to come before the Planning Board or the town before changing their by-laws.

Ms. Hilsher stated that they were told it is unconstitutional to not allow political signs in their development. They obtained an attorney who said that according to their by-laws, they must receive the Planning Board's approval before they can change their by-laws. Mr. Schwartz commented that if there is something in their by-laws that is unconstitutional, then they have to remove it. Ms. Hilsher replied that the association would like to limit the time the signs are permitted to be up. Mr. Schwartz stated then they would need the sixty-six and two thirds vote in order to make changes with regard to the time. She stated that that is the issue because they need the Planning Board's approval first. Mr. Kernan suggested they change their by-laws to remove the requirement to have Planning Board approval to make changes to their by-laws. Mr. Caligiuri commented that that is an issue because they need the sixty-six and two thirds majority to vote and they cannot get that number of homeowner's out to vote. Mr. Schwartz stated that they would need the sixty-six and two thirds in order to amend the by-laws; however the issue with allowing the political signs is a constitutional issue and their attorney should be advising them that they cannot prevent a homeowner from placing a political sign on their property; however if the issue is to regulate the time the signs are permitted to be up, then the majority would have to vote. After further discussion it was decided that Mr. Schwartz would review the association's by-laws with regard to the language concerning the requirement for Planning Board approval. Mrs. Farrell asked Ms. Hilsher to provide the office with a copy of the by-laws to be forwarded to Mr. Schwartz. Ms. Hilsher thanked the Board.

Approval of Minutes:

7/10/14 regular meeting.

Motion by Mr. Agnesino, seconded by Mr. Kozak to approve the minutes from the July 10, 2014 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:25 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 Orbachewski
Clerk Transcriber