

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. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Absent – Mr. Cooper, (excused), Mr. Heffner, (excused), Mr. Scardino, (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-44-14 – App. #1836 – John & Catherine Conway – Application Tabled

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-44-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Ms. Hui. Nays – Zero. Abstentions – Zero.

2. PB-45-14 – App. #SW-51 – Carleton & Peggy Worthy – Sidewalk Waiver

Motion by Mr. Agnesino, seconded by Mr. Gabbianelli to adopt resolution PB-45-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Ms. Hui. Nays – Zero. Abstentions – Zero.

3. PB-46-14 – App. #459-SP – Peach Country Tractor, Inc. – Amended Final Site Plan

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-46-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Ms. Hui. Nays – Zero. Abstentions – Zero.

Minor Subdivision:

1. #1836 – John & Catherine Conway – Minor Subdivision (continued from 9/11/14)

Present – John & Catherine Conway, applicants.

Member's packets contained: 1. Report dated September 29, 2014 prepared by Tim Kernan.
2. A copy of the applicant's minor subdivision plan.

The applicant is proposing to subdivide one lot into two lots; proposed Lot 41.01 will be 28,639 square feet and Lot 41 will be 123,505 square feet. A single family dwelling is proposed in the future for Lot 41.01. The property is located at 815 Winslow Road, also known as Block 2901, Lot 41 in the RG-MR Zoning District.

Mr. Conway and Mr. Kernan were sworn in by Mr. Schwartz. Mr. Conway testified that he would like to subdivide his property in order to give his daughter a lot to build a home in the future.

Minor Subdivision: (continued)

1. #1836 – John & Catherine Conway (continued)

Mr. Kernan reviewed his report for the Board. He stated that Mr. Conway amended his plan from the previous proposal to subdivide the property into three lots, it is now proposed to be two lots. The plan conforms to all of the bulk requirements. They do need a waiver from providing any existing or proposed drainage facilities for completeness; however there aren't any existing drainage facilities and there aren't any proposed.

Mr. O'Brien commented that the Board does not have to open this hearing to the public since the amended application does not require any variances; however because they told the public the hearing would be continued, they will open to the public. Motion by Mr. Agnesino, seconded by Mr. Crane to grant the waiver and deem application #1836 complete. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Mr. Kernan continued his report for the Board. He stated that the only outstanding issues are the sidewalk and COAH. He informed Mr. Conway that they would be required to pay a fee of one and one half percent as a condition of receiving a building permit. Mr. Conway understood that his daughter would have to pay the COAH fee at the time of construction.

Motion passed to open to the public.

1. Mike Jones, 845 Winslow Road, was sworn in by Mr. Schwartz. Mr. Jones' property is on the corner of Winslow Road and Kali Lane and the side of his property abuts Mr. Conway's. He stated he objected to the application because when he bought his property the property next to him was vacant and he thinks it should stay that way. He stated that he did not get the new plans nor was he notified of the meeting. The only way he knew about it was because he called the office. Mrs. Farrell stated that at the original public hearing, when the application was for three lots, it required variances and notice was required to be given. The application was tabled and the public was notified at the meeting that the application was continued to the September 11, 2014 meeting. No one from the public came to that meeting. Since that time Mr. Conway amended his plan which does not require any variances or public notice. Mr. Jones stated that he did not want to look out his bay window and see another house. Mr. Schwartz explained that the Land Use Law allows Mr. Conway to subdivide his property as long as he meets all of the requirements to do so, which he does. The Board cannot legally oppose him from subdividing. Mr. Jones stated it's not fair to him and asked if his taxes will go up and if his property value will go down. Mr. Schwartz stated that as long as the subdivision conforms and meets all the requirements, it does not matter if it's fair to him or anyone else. Mr. Gabbianelli asked what will happen when someone comes in to build across the street in the wooded lot. Mr. Kernan stated that they could have proposed a lot with much less frontage and made it a lot longer like a bowling alley lot, but they divided it so that it has a lot more frontage and width and did not extend it all the way back. Mr. Jones commented that he would just make it miserable for Mr. Conway if he is allowed to subdivide and construct a home. Mr. Jones stated the Board did not answer his question with regard to his taxes going up. Mr. O'Brien stated they could not know that, but if he wanted he will call the Tax Assessor and have him go out; however there is no way of knowing until the house is built.

Motion passed to close to the public.

Minor Subdivision: (continued)

1. #1836 – John & Catherine Conway (continued)

With regard to the issue of sidewalk, Mr. Kozak commented that there is sidewalk in all but a few areas along Winslow Road on the same side as Mr. Conway's property. He stated that if Mr. Conway installs the sidewalk, maybe the town can complete the sidewalk at some point and there would be continuous sidewalk all the way down Winslow Road. Mr. Agnesino and Mr. Gabbianelli agreed that the sidewalk should be installed. Mr. Schwartz stated that the sidewalk and curb would be required to be installed along the frontage of both properties, Lot 41 and Lot 41.01 when the new home is constructed. This issue was explained to Mr. Conway.

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the minor subdivision with curb and sidewalk to be installed along both lots when the new home is constructed as well as the payment of the COAH fee. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero. Mr. Gabbianelli suggested that Mr. Conway call the Township Engineer to stake out the area for the sidewalk before they do the construction.

Discussion – for Board Action:

1. #1723 – Morgan Development Group, LLC (Morgan Landing) – 1 yr. Extension

Mr. Schwartz stated that the reason for the request is that the Permit Extension Act will be coming to an end in June of 2015. Mr. Crane asked if the applicant would be required to go by any new ordinances if an extension is granted, specifically any new COAH regulations. Mr. Schwartz stated that the original approval stays the same, it does not change. Mrs. Farrell replied the Morgan Landing received final but Pin Oak has only received preliminary approval. Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the applicant a one year extension. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

2. #1751 – Morgan Development Group, LLC (Pin Oak) – 1 yr. Extension

Mr. Schwartz stated that since this application only has preliminary, they are entitled to two one year extensions; if the applicant has received final approval they are entitled to three one year extensions. If they are asking for an extension, they are only getting what they are entitled to under the law. Motion by Mr. Gabbianelli, seconded by Mr. Agnesino to grant the applicant a one year extension. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Correspondence:

1. Mr. Schwartz's letter dated 9/19/14 – Covenants & Restrictions for Holiday City

The letter indicated that the Planning Board should not have to be consulted when the Holiday City residents want to change their by-laws. Mr. Caligiuri stated that he had an issue with the last sentence in Mr. Schwartz's letter which stated that "even if the change (to the by-laws) violates the law, the Planning Board does not have jurisdiction. Mr. Caligiuri stated that the land use law takes precedence over their by-laws. Mr. Schwartz stated that that is correct but the Planning Board still doesn't have jurisdiction because it does not enforce the law, so if they violate the law, the enforcement office would have jurisdiction. If it is a violation of the land use law, the Zoning Officer would have jurisdiction, if it is a violation of another type of law then the police or whomever would have jurisdiction, not the Planning Board.

Correspondence: (continued)

1. Mr. Schwartz's letter (continued)

Mr. Caligiuri stated that the sentence implies if they make a change to their by-laws that violates the land use law, the Planning Board does not have jurisdiction. Mrs. Farrell stated that in all the years she has been working for the Planning Board, the Board has never been involved in the changes to a homeowner's association's by-laws. After further discussion, it was decided that Mr. Schwartz would amend the letter.

2. Mr. Spratt's letter dated 9/30/14 – Lake Avenue Sanitary Sewer Extension

Mrs. Farrell stated that this letter is just for the Board's information with regard to the sanitary sewer extension on Lake Avenue.

Approval of Minutes:

1. 9/11/14 regular meeting

Motion by Mr. Agnesino, seconded by Mr. Crane to approve the minutes from the September 11, 2014 regular meeting. Voice vote; all ayes, motion passed.

Reports:

1. Mrs. Farrell asked Mr. Agnesino if he remembered if the individual property owners were responsible for the development identification signs in Hunter Woods. She stated that someone is asking for a letter stating that since the sign is on their property they can do what they want with the sign. The Board did not think the Board should issue the letter. Mr. Schwartz stated that the potential buyer of the property should consult an attorney. Mrs. Farrell stated that the Civic Association will not give him an answer with regard to the sign and whether he is required to keep the sign on the property. Mr. Caligiuri asked if the sign was on the potential homeowner's property. Mrs. Farrell replied that it is and that there isn't an easement. The Board was in agreement that the homeowner should have the right to take the sign down but should consult with an attorney.

2. Mrs. Farrell stated that she received an inquiry with regard to a possible minor subdivision for property located on Herbert Boulevard and the property owner would like the Board's input. At this time three quarters of an acre is required; however the property is just under an acre and he would like to create two lots. The Board commented that a subdivision would create two non-conforming lots and would require too many variances and they would not be in favor.

Adjournment:

The meeting was adjourned at 7:47 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