

Call to Order:

The regular meeting of the Monroe Township Planning Board was called to order at 7:05 p.m. by Chairman O'Brien. The Board saluted the flag. Roll call was as follows:

Present – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Also present – Mr. Schwartz, Solicitor, Mr. Kernan, Planner, Mr. Jordan, Engineer.

Proper notice of this meeting was given as required by the Open Public Meetings Act on January 15, 2015.

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-10-15 – Recommendation to Council – Amendments to Chapter 175-135 Signs

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-10-15. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Mr. Kozak, Mr. Masterson, Mr. Scardino, Ms. Hui, Mr. O'Brien. Nays – Mr. Cooper. Abstentions - Zero.

Sidewalk Waiver – for Board Action:

1. #SW-52 – Brian Peterson

Present – Brian Peterson, applicant.

Member's packets contained: 1. A copy of the applicant's sidewalk waiver application. 2. A copy of the applicant's Pinelands Certificate of Filing. 3. A copy of the applicant's grading plan and a copy of the tax map.

Mr. Peterson was sworn in by Mr. Schwartz. He testified that he purchased a lot in Victory Lakes where he intends to build a single family home. Since there aren't any sidewalks in the area he would like to make the \$3,000.00 sidewalk donation in lieu of providing sidewalk. Motion by Mr. Caligiuri, seconded by Mr. Scardino to grant the sidewalk waiver conditioned upon the applicant paying the \$3,000.00 sidewalk contribution. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Kozak, Mr. Masterson, Mr. Scardino, Ms. Hui, Mr. O'Brien. Nays – Mr. Cooper. Abstentions – Zero.

Mr. Kernan asked Mr. Peterson if he was required to purchase a Pinelands Development Credit and if so how much it cost him, since the lot he is building on is just under the 27,500 square foot requirement. Mr. Peterson replied that he has to purchase one quarter of a Pinelands Development Credit that cost him \$9,500.00. He stated that he had a hard time finding someone from the list the Pinelands gave him to sell him the credit as most stated they were waiting for the economy to get better so they could get more money.

Final Major Subdivision – for Board Action

1. #1828 – Philadelphia Suburban Development Co. – Final Major Subdivision

Present – Robert Mintz, applicant's attorney, Rosie Wolk, applicant's engineer, Robert Nicoletti, applicant.

Final Major Subdivision: (continued)

1. #1828 – Philadelphia Suburban Development (continued)

Member's packets contained: 1. Report dated January 20, 2015 prepared by Ray Jordan. 2. Report dated January 22, 2015 prepared by Tim Kernan. 3. A copy of the applicant's final major subdivision plan.

The applicant is proposing to subdivide an existing 80.3 acre tract into 102 single-family residential lots, one pump station lot, and two stormwater management/open space lots. Preliminary approval was granted by the Planning Board on May 23, 2013. The property is located on Malaga/Winslow Road, also known as Block 2702, Lots 11, 15, 17, 40, & 41, in the RG-MR Zoning District.

Ms. Wolk, Mr. Nicoletti, Mr. Jordan, and Mr. Kernan were sworn in by Mr. Schwartz. Mr. Mintz displayed the plan for the Board. He stated that the applicant must purchase one half of a Pinelands Development Credit prior to the final plans being signed. There is a significant portion of the property located in the wetlands. The preliminary approval was for 102 residential lots, one pump station lot, and two open space/stormwater management lots. The existing buildings on the property will be demolished and any wells or septic systems will be abandoned. Mr. Mintz addressed the applicant's COAH obligation which right now stands at one and one half percent of the equalized assessed value of the residential development which will be deposited into the Housing Trust Fund. One half of the fee will be paid at the time of building permit with the remaining amount being paid prior to the issuance of the Certificate of Occupancy. Mr. Kernan added that as a result of the Blaze Mill lawsuit and settlement, the Township's Court Master has determined that the Township has a positive credit of approximately one hundred and thirty units going into the Round 3. He thought it would be appropriate to accept the development fee since the Township does not have any Round 3 obligation at this point.

Mr. Jordan reviewed his report for the Board. He recommended that the application be deemed complete. Motion by Mr. Agnesino, seconded by Mr. Kozak to deem application #1828 complete. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. O'Brien. Nays – Zero. Abstentions – Zero. The homeowner's association documents must be submitted and reviewed by Mr. Schwartz before the final plans are signed. Mr. Mintz agreed that they would comply. The applicant has separated the project into four phases. He requested that a narrative be provided on the plans for each phase. Ms. Wolk agreed to comply. The applicant has requested that the unit type, anticipated sales price for each type of unit, and the number of each type of unit be provided subsequent to final approval. Mr. Jordan indicated that the Board must agree to that request.

With regard to lighting, Mr. Jordan commented that the layout was provided by Atlantic Electric who historically provide a lot of lights throughout the development. He is recommending that the number of lights can be reduced to save the Township money. If the Board agrees than he will discuss the lighting with the applicant. Mr. Agnesino asked if they will still meet the standard with the reduction. Mr. Jordan replied they wouldn't totally but it's been done before in other developments. Mr. Agnesino replied that he does not recall the Board ever doing that in another development. Mr. Masterson stated that if a reduction in the number of lights can be made that still meets the standard than it's okay, but he didn't feel they should reduce the number below the standard. Mr. Jordan replied that he would look at the issue.

The applicant indicated that a developer has not been identified to date and that the bedroom mix will be provided subsequent to final approval. Mr. Mintz replied that they maximized the design so that there wouldn't be a need for a developer to have to come back to the Board for any bulk variances.

Final Major Subdivision: (continued)

1. #1828 – Philadelphia Suburban Development (continued)

Mr. Kozak inquired as to the sidewalk comment in Mr. Jordan's report. Mr. Jordan replied that the applicant addressed the issue and provided the sidewalk from Winslow Road to Marissa Court on the plans. Mr. Kozak commented that the applicant should be providing curb as well. After some discussion, it was affirmed that sidewalk and curb would be provided along Winslow Road to Marissa Court as long as it can be placed within the right-of-way. With regard to the architectural plans, the applicant has requested they be provided subsequent to final approval. Mr. Mintz commented that because they do not yet have a builder for the project, they will have to defer submission of the architectural plans to a later date. They will be submitted to the Board office and the Board's professionals prior to the final plans being signed. There was discussion on the matter and it was determined that after the architectural plans are submitted they will be brought to the Board as a discussion item.

The applicant has agreed to provide documentation that the ground tank has been properly removed from the site prior to construction. The applicant has provided the location of all existing septic systems on the plans and has agreed to properly abandon those systems and provide the documentation prior to construction. The same has been agreed to with regard to any existing wells located on the site. With regard to the existing structures on the site, the applicant agreed to remove those structures and to properly dispose of any asbestos or lead based paint found during the demolition. The applicant must post a performance bond and inspection fees prior to the final plans being signed. Final approval is also conditioned upon the applicant receiving all outside agency approvals. Ms. Wolk reviewed all the outside agency approvals already received by the applicant and agreed that they will submit the other approvals and documentation prior to the final plans being signed.

Mr. Kozak asked if any fencing will be provided around the pit. Mr. Mintz stated that the applicant is not providing any fencing around the pit. Mr. Agnesino commented on his concern with regard to the steep slopes around the pit.

Mr. Kernan reviewed his report for the Board. He noted that the applicant must purchase one half of a Pinelands Development Credit before the final plans are signed. All the lots are conforming to the bulk requirements with the exception of the pump station lot for which they already received a variance. With the change in the location of the force main from Malaga Road to Winslow Road some plant material had to be removed from the reverse frontage buffer. He spoke with Ms. Wolk and they have found areas where they can add some additional plantings. Mrs. Farrell asked why the force main was relocated. Ms. Wolk replied that the MMUA wanted the applicant to use a different pump station; they are now going all the way down to the Kimberly West pump station. With regard to COAH, he recommends the applicant pay the development fee. Mr. Mintz had indicated if there is a change in the future that would be a lesser fee they would like the Board to consider reducing their obligation; however Mr. Kernan commented that the one and one half percent is probably the lowest obligation on behalf of a developer and he didn't think they should change that percentage. He stated that the town will need the money for the market to affordable program that came out of the Blaze Mill settlement which requires the town to purchase and rehab fifty-four houses scattered throughout the Township which will then be resold at an affordable price.

With regard to the recreation fee, the applicant is required to pay \$3,000.00 per unit per phase; the fee will be collected for the total number of units in each phase prior to receiving a building permit for that phase. Mr. Kozak asked if the reverse frontage buffer will be left in a natural state. Mr. Kernan replied that the developer will berm some areas and in other places it actually drops down and some of the stormwater collection system encroaches into the buffer. The buffer is part of the overall open space and must be maintained by the homeowner's association.

Final Major Subdivision: (continued)

1. #1828 – Philadelphia Suburban Development (continued)

Mr. Agnesino asked why the applicant didn't make a basin out of the pit. Ms. Wolk replied that they are not permitted to touch the pit because it's considered part of the wetlands. Mr. Kozak commented that the pit will turn into a recreation area for the kids in the development.

Mr. Teefy inquired as to the COAH obligation for this development under the old COAH rules. Mr. Kernan replied that the set aside would have been eleven percent, then it went to twenty percent; however both times those percentages were thrown out by the court because they said it was considered "growth share" and the Mount Laurel decision was for "fair share". Mr. Teefy expressed his fear that the town would be playing catch up again. Mr. Mintz stated that there really isn't a number to go by right now and that is the problem. Mr. Kernan replied that in a development like this one there is also the social aspect to consider because the housing prices are increasing again and you could potentially have a four hundred thousand dollar home next to a hundred thousand dollar home; he did not think those homes will coincide with each other.

Ms. Hui asked if the basin will have landscaping. Mr. Kernan replied that they will as well as having some natural vegetation areas. Mr. Cotton asked if there are a list of plants that will be used on the site and if they are native to the area. Mr. Kernan stated that the list of plants is on the landscaping plan and that the Pinelands pretty much dictates what can be used. Mr. Agnesino asked the width of the driveways and if four cars can be parked in the driveway. He expressed his concern with on-street parking if the lots are not wide enough and the driveways are not adequate. Mr. Kernan stated that there are forty foot frontages and double wide driveways; these houses are laid out just like the first section in the Arbours so there should be plenty of room.

Mr. O'Brien stated that the application is not a public hearing; however Mrs. Lawrence, who was present at the preliminary hearing, is present as well as Mr. Heffner and they have some questions and or comments.

1. Elizabeth Lawrence, 746 East Malaga Road, commented that the landscaping trees across the street from her property are proposed to be sugar maples. She asked if a sugar maple tree has a lot of leaves because she has to rake the leaves when they blow across the street onto her property. She asked if the trees can be changed to evergreen trees so she will not have to deal with the leaves. Mr. Kernan stated that he will work with Ms. Wolk on the landscaping in that area and see what they can work out. Ms. Lawrence also inquired if the speed limit would be changed from forty-five miles an hour to thirty-five miles an hour. The Board stated that Malaga Road is a County road and the Township does not have jurisdiction with regard to the speed limit. Mr. Teefy stated that they can ask Officer Burton to go out and take a look at the situation.

2. Bob Heffner expressed his concern with the steepness of the slopes around the pit and asked if there are any plans to knock the grade down. Mr. Mintz stated that it wasn't a requirement as part of preliminary but they will take a look at that issue. Mr. Heffner also commented on the ordinance with regard to ATV's and motorcycles and those being an issue in the open space areas of this development. He stated that since it will be privately owned by the homeowner's association he wanted to make sure they will enforce the ordinance for the residents within the development so that the Township doesn't have to send out police officers. Ms. Wolk replied that most of the areas with the steep slopes are located in the wetlands and they would not be allowed to grade into those areas.

Final Major Subdivision: (continued)

1. #1828 – Philadelphia Suburban Development (continued)

Mr. Schwartz reviewed the conditions of approval; the proof of purchase of the Pinelands Development Credit has to be submitted, additional plant material in the buffer as well as working out the plantings in the buffer across from Mrs. Lawrence's property, all existing structures to be removed, the COAH fee of one and one half percent, the recreation fee of \$3,000.00 per unit per phase, the sidewalk contribution of \$23,520.00 to be paid before the final plans are signed, homeowner's association documents submitted and approved prior to the final plans being signed, the conservation restriction, all the variances and waivers previously granted, the comments in Mr. Jordan's report and Mr. Kernan's report, the architectural plans being submitted and reviewed prior to the final plans being signed, documentation being submitted with regard to the wells and septic systems, posting of bonding and inspection fees, the developers agreement, the homeowner's association documents containing the language in the ordinance for ATV's and motorcycles. Motion by Mr. Agnesino, Mr. Caligiuri clarified that the sidewalk waiver was only for sidewalk on Malaga Road and Morgan Road, the applicant agreed, the motion was seconded by Mr. Caligiuri. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Approval of Minutes:

1. 1/22/15 regular meeting.

Motion by Mr. Cooper, seconded by Mr. Agnesino to approve the minutes from the January 22, 2015 regular meeting. Voice vote; all ayes, motion passed. Mr. Caligiuri abstained.

Reports:

1. Mr. Teefy informed the Board that he would be meeting with Mr. Chheda from the Best Western concerning amending his approval for expansion. He would like to expand up rather than out as was previously approved. He is also going to expand his parking and will submit to the NJDOT for another access drive. He is also meeting with Mr. Paparone concerning the Fries Mill Road and Route 322 intersection improvements.

He also met with the Pinelands and they did discuss sending the Pinelands any proposed changes to ordinances prior to actually changing the ordinances so they can give the Township their feedback first, as well as discussing future planning proposals. They were agreeable to the concept of allowing mixed uses along Main Street. They also came out with a new list of exemptions that will allow Mr. Weikel to make a decision without having to get Pinelands approval. Mrs. Farrell asked if the issue of Pinelands Development Credits came up in the conversation regarding mixed uses on Main Street and reducing some residential uses. The issue of Pinelands credits did not come up with regard to mixed uses on Main Street; however Mr. Kernan stated that they have to change the ordinance and send a draft to the Pinelands so they can comment on the proposed changes. They may require credits but the town is not going to offer that or discuss that issue unless they bring it up in their comments. They also discussed the Redevelopment Zones and they were okay with moving the residential uses to the Williamstown Square side.

Mr. Teefy also met with Mr. Wainberg who is supposed to come back with a concept for the Williamstown Square Redevelopment Zone. He also met with Inspira Health Systems; they are looking to bring Urgent Care facilities to Gloucester County and he showed them photographs of the Redevelopment areas which they liked. It is a non-profit organization, but it may spur some other ratables to come to the area.

Reports: (continued)

Mr. Teefy questioned the final approval just granted for Philadelphia Suburban and how the application could be deemed complete and approval given when they still have to submit so many items. Mrs. Farrell stated that the outstanding items are conditions of approval and most are typical. When the Board gives approval subject to certain conditions, they rely on their professionals to review the outstanding items and any plan changes and if they see that something is not right they will bring it back to the Board. Mr. Schwartz replied that the Board also relies on the office staff to make sure the outstanding items are submitted and reviewed before Mrs. Farrell and the Chairman sign the plans.

Adjournment:

The meeting was adjourned at 8:20 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