

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. Kozak, Mr. Masterson, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Absent – Mr. Caligiuri, (excused). Also present – Mr. Rocco, Solicitor, Mr. Kernan, Planner.

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-16-15 – App. #SW-53 – Edward F. Kuhn, Jr. – Sidewalk Waiver Approved

Motion by Mr. Kozak, seconded by Mr. Crane to adopt resolution PB-16-15. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

2. PB-17-15 – App. #WSP-02-15 – First Haitian Baptist Church – Site Plan Waiver Approved

Motion by Mr. Kozak, seconded by Mr. Scardino to adopt resolution PB-17-15. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

3. PB-18-15 – App. #WSP-03-15 – Larry Lui – Site Waiver Approved

Motion by Mr. Scardino, seconded by Ms. Hui to adopt resolution PB-18-15. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Approval of Minutes:

1. 3/12/15 regular meeting

Motion by Mr. Cooper, seconded by Mr. Scardino to approve the minutes from the March 12, 2015 regular meeting. Voice vote; all ayes, motion passed.

Discussion:

Mr. Rocco informed the Board that he spoke with the Alcohol Beverage Control Board concerning the issue that was raised with the zoning requirements for a microbrewery. He was informed that there isn't any mandate for them to be in a zone that permits manufacturing. They stated that it doesn't matter to them how someone receives approval only that they have an approval and a Certificate of Occupancy. With regard to the Grandview Mews application and all the discussion and traffic concerns, Mr. Rocco stated that he interviewed a couple of traffic engineers and would recommend the firm of Maser Consulting to do an independent traffic study for the Board concerning that application rather than the Board relying on the applicant's traffic study. Some of the Board members agreed that at least with their own study they would know if the applicant's traffic study is accurate and if it is worth it for the Board to have their own study done for future applications. Mr. Agnesino asked if the Board could legally deny an application due to the traffic. Mr. Rocco replied that there is case law and yes the Board can deny for traffic concerns because they are mandated to consider the general welfare and safety for all the residents in the town.

Discussion: (continued)

Mr. Teefy informed the Board that the applicants for Grandview Mews did attend a Mayor's meeting to discuss an alternative access road. The applicants are not interested in having a road out to the Black Horse Pike but they are willing to pursue the option of an access road out to Main Street across from the approved Hamilton Greene subdivision. They did ask for the town's help in working with the County to achieve that end. Mr. Masterson asked if the engineer from Maser Consulting will look at just the proposed access off of Grandview Avenue or will he look at one off of Main Street and off of both roadways. Mr. Kernan replied that he should consider all three options in his report. He commented that the applicant created their own hardship in agreeing to build a home on Main Street for one of the property owners selling them ground. Mr. Agnesino commented that if the only access ends up being Grandview Avenue, then the resolution should state the developer must repave Grandview Avenue because the construction traffic will tear up that road. He also commented that the developer was not giving anything to the existing residents on Grandview Avenue as they would have led you to believe because tying into public sewer will be impossible unless someone puts a pump station on Grandview Avenue.

Motion by Mr. Agnesino, seconded by Mr. Masterson to authorize the engineer from Maser Consulting to conduct a traffic study for the Grandview Mews application. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Kozak, Ms. Hui, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Mr. Kernan stated that he spoke with Sue Grogan from the Pineland Commission concerning the changes to the RG-TC Zone. She sent Mr. Kernan a sample ordinance from another town that addresses microbreweries and suggested the town add a similar definition to their ordinance as well as adding them to the schedule of limitations under the RG-TC Zone. Mr. Kernan asked the Board if they were open to including distilleries and wineries as well. The Board was in agreement that all three should be added. Mr. Kozak questioned whether the ABC Board would allow more than one use in a building housing a microbrewery, such as an apartment above. Mr. Rocco replied that he did not believe a residential use would be prohibited by the ABC Board. Mr. Teefy asked about an added restaurant. Mr. Rocco stated that they did not discuss a restaurant. There was some discussion on whether serving food was permitted in a microbrewery since there are some in the State that do serve food. It was learned that there are different types of licenses for different types of microbreweries. Mr. Kernan stated that he and Mr. Rocco would work on the ordinance changes to allow the three uses in the RG-TC Zone along with the issue of serving food or having a tasting room in the case of a winery. Mr. Teefy also commented that there is currently legislation at the State that would allow restaurant owners to serve alcohol to their customers who are dining but they are not permitted to have a bar inside the restaurant.

Mr. Kernan stated that he did inform Sue Grogan that the town was removing the Acme Redevelopment Plan and that they were working with the property owner on the opposite side, the Williamstown Square side, to put a residential component in that plan. Ms. Grogan was amenable to that idea and suggested the town send a letter to the Pinelands asking for a six month extension to submit a new plan showing a residential component. Mr. Kernan did send the letter and the town does have an extension until September 30, 2015. He commented that the six months will go by very quickly and asked Mr. Teefy to keep the Redevelopment Committee moving forward perhaps with someone reaching out to Mr. Wainberg.

With regard to COAH, Mr. Kernan stated the Board is aware that the Supreme Court mandated that trial courts handle affordable housing in every town for the foreseeable future. There is a ninety day period that ends in June where towns are protected from lawsuits and then from June to a date in July, towns can submit a Declaratory Judgement. Monroe Township has been given a zero obligation since it is an Urban Aid community. He stated that he and Mr. Rocco will work with Mr. Fiore to put a Declaratory Judgement together for submission in June.

Discussion: (continued)

Mr. Teefy informed the Board that the owner of the Barclay Glen development approached Council at Monday night's meeting to adopt a Developer's Agreement that would reduce his agreed upon COAH obligation of forty-one units to the twenty-one that are currently rented. Council was adamantly opposed to reducing the number of COAH units. Mr. Teefy commented that even though the town does not have any further COAH obligation at this time that could change and he wants to stay ahead of the game. Mr. Kernan added that the Barclay Glen development has a density that is about fifteen units to the acre which is very high. He believes the Zoning Board approval with regard to the number of COAH units in relation to the density is very close to the way COAH used to be calculated. He also felt that the developer was given a huge benefit with regard to the density as well as being given a use variance since the property is zoned for commercial use.

Mr. Kernan stated he believes the town will have a difficult time getting a developer to agree to on-site COAH units without giving them an increase in density, especially now that the town does not have any COAH obligation. Mr. Kozak asked why this town seems to be so attractive to developers and questioned whether it is because we still have a lot of open land. Mr. Kernan stated that Monroe Township was voted the number one community to live in based on a study that was done a couple of years ago. Mr. Teefy commented that other towns are built out already. Mr. Heffner commented that our ordinances are being used against us right now and asked when that will be addressed. Mr. Kernan replied that the townhouse ordinance does need to be addressed and that it has been in the code that way for many, many years. When the Master Plan and ordinance changes were done back in 2004, during the housing boom, no one was building townhouses, so that ordinance was never addressed; but townhouses have always had the ability to be developed in the R-2 Zone. Mr. Rocco stated that the Township's code is one of the most poorly written he's ever seen and he believes the time is now to redo the code. Mr. Kernan commented on the Schedule of Limitations in the code and how frustrating they can be to understand. He mentioned that he asked Sue Grogan if most other towns did theirs the same way and she replied that they did not. Mr. Masterson stated that the Master Plan and ordinances should be redone at the same time. Mr. Kozak added that when all is said and done, the town does need more houses in order to bring more businesses. Mr. Teefy agreed but stated that they should be done correctly.

Mr. Kernan stated the town is allowed to spread the cost of redoing the Master Plan over a period of five years. He commented on the current trend being toward townhouses but advised that the Board should look much further into the future when redoing the Master Plan and not just look at the next few years. Mr. Teefy asked Mr. Kernan to put together the numbers for the cost of redoing the Master Plan. Mr. Kernan stated that he and Mr. Rocco would also work on the cost of addressing the code as well.

Mrs. Farrell inquired as to the list of documented and undocumented COAH units. Mr. Kernan stated that even though COAH is essentially disbanded right now it was important to keep the list updated in case COAH comes back. He has asked his secretary to look into how they go about getting the County Housing Authority to document the units in this town. Mr. O'Brien commented that there is a lot of work ahead for the Board and the professionals to get things done.

Mr. Teefy stated that he went to the "30 Mayors Meet 30 Developers" affair last week where he met some developers and made some good contacts. He stated that he was able to show off the town with a power point and brochure that showed what Monroe Township has to offer. He also commented that he had a conference call earlier in the day with the County engineers and Mr. Rehmann to discuss the intersection at Fries Mill Road and Route 322. He stated that Mr. Rehmann had good ideas about how to get the project moving forward. Mr. Teefy felt the discussion was a positive one on moving forward with that project.

Discussion: (continued)

Mr. Rocco informed the Board that the Planning Board was removed from the litigation concerning Mr. Kanady. The litigation does still include the town and the Zoning Board.

Ms. Hui asked if there has been any news regarding the old landfill on Sicklerville Road. Mr. Kernan replied that the gentlemen the town entered into an agreement with to do an investigation on what the town's options are is no longer with that company. Mr. Teefy stated that Mr. Rehmann is currently working on that matter.

Adjournment:

The meeting was adjourned at 8:14 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