

Call to Order:

The regular meeting of the Monroe Township Planning Board was called to order at 7:00 p.m. by Vice Chairman Agnesino. The Board saluted the flag. Roll call was as follows:

Present – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. Cotton. Absent – Mr. Crane, (excused), Mr. O’Brien, (excused), Ms. Hui, (excused), Mr. Jordan, (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.

Mrs. Farrell 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.”.

Sidewalk Waiver for Board Action:

1. #SW-54 – Ryan & Amber Purdy – Sidewalk Waiver Request

Present – Ryan & Amber Purdy, applicants.

Member’s packets contained: 1. A copy of the applicant’s sidewalk waiver application. 2. Photographs of the property and a copy of the sidewalk ordinance.

The applicant is requesting a sidewalk waiver for property located at 815 Winslow Road, also known as Block 2901, Lot 41.01.

Mr. Purdy was sworn in by Mr. Rocco. Mr. Purdy testified that there are telephone poles in the area where he would have to install sidewalk as well as fencing in front of his father in-laws house. His builder also informed him he would have to bring in some backfill in order to make the area level. Mr. Purdy stated that it would be very costly to have the poles moved and to bring in the fill needed in order to construct a sidewalk.

Mr. Kozak stated that he thought it was agreed when the subdivision was approved that curbing and sidewalk would be installed. Mrs. Farrell stated that it was agreed that curbing and sidewalk would be installed; however issues have been raised especially with Winslow Road being recently paved, the removal of the telephone poles, and right behind the fencing in front of Mr. Conway’s property is a sewer line. She also stated that all of the curbing and sidewalk that exists on Winslow Road was installed by developers’ not single family homeowners. She also stated with regard to the applicant having to install sidewalk in front of his lot as well as in front of his father in-laws lot, the Board usually does not require sidewalk to be installed or waived for an existing home that is part of a minor subdivision.

Mr. Kozak commented that there is a lot of sidewalk on that side of Winslow Road. There aren’t many areas on that side where there isn’t sidewalk all the way down from Malaga Road. There is one big stretch left between Orbanus and Fryers Lane where there are all private homes and after that there sporadic homes without sidewalk. Mr. Agnesino asked how much frontage the applicant has on their property. Mr. Purdy replied there is approximately one hundred and sixty feet of frontage. Mr. Agnesino asked if any children on Winslow Road walk to school. Mrs. Farrell stated that no children walk to school from Winslow Road. Mr. Kozak stated that he has seen an increase in pedestrian traffic on Winslow Road walking into town. Mr. Agnesino asked if there is sufficient room for pedestrians to walk and be off the road. Mr. Purdy stated that there is sufficient room. Mr. Agnesino stated that he does not have a problem with the waiver and accepting the three thousand dollar contribution as long as there is sufficient area for pedestrians to walk. Mrs. Farrell commented that this issue was raised at an administrative meeting so the Township is aware of the situation and the applicant was advised to proceed with a sidewalk waiver application.

Sidewalk Waiver: (continued)

The issue was raised concerning the waiver being for two lots and not just one lot based on the subdivision. Mrs. Farrell replied the Board has never made an existing home that is part of a minor subdivision come to the Board for a sidewalk waiver. They are building a new house on a new lot so they are coming before the Board. She also stated that the resolution also stated curbing however our ordinance does not require curbing. Mr. Cooper commented that the applicant should have to make a level area for pedestrian traffic. Mr. Rocco replied that the ordinance does require that if the sidewalk is waived. Mrs. Farrell stated that she included a copy of the ordinance in the Board member's packets and indicated where the ordinance talks about an undue hardship to an applicant pertaining to the construction of sidewalk.

Mr. Rocco stated that if the Board acts favorably on the application the applicant is required to pay three thousand dollars to the sidewalk fund and a ten foot wide graded area is to be provided for pedestrian safety and future sidewalk construction.

Motion by Mr. Cotton, seconded by Mr. Agnesino to grant the sidewalk waiver subject to the above stated conditions. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Cotton. Nays – Mr. Kozak, Mr. Scardino. Abstentions – Mr. Masterson. 3 ayes, 2 nays, 1 abstention, motion passed.

Minor Subdivision:

1. #1841 – Ravinder Singh – Minor Subdivision

Present – Ravinder Singh, applicant.

Member's packets contained: 1. A copy of the applicant's minor subdivision plan. 2. Report dated August 25, 2015 prepared by Tim Kernan.

The applicant is proposing a flag lot subdivision in order to subdivide one 3+ acre lot into two lots. Proposed Lot A will be approximately 2.31 acres and proposed Lot B will be approximately 1.50 acres. The lots will be serviced by municipal water and on-site septic. Single family dwellings are proposed for each lot. The property is located at 451 Tuckahoe Road, also known as Block 12901, Lot 12.

Mr. Singh was sworn in by Mr. Rocco. He stated that he would like to subdivide the property into two lots. Mr. Kernan reviewed his report for the Board. He stated Mr. Singh had been before the Board previously for a two lot subdivision for two duplex dwellings which required a number of variances; however this application proposes a flag lot subdivision and two single family dwellings. Flags lots are permitted in the R-2 zoning district. The only waiver he is requesting is for sidewalk. Mr. Singh stated that he is in agreement that he would have to pay three thousand dollars per lot for a total of six thousand dollars if the Board waives the sidewalk. Mr. Kernan stated that there are other conditions of approval such as the COAH fee and grading plans; however other than the sidewalk waiver request, the application is in full compliance with the zoning ordinance. There aren't any sidewalks in the area of the subdivision. Mr. Agnesino stated that the application should be deemed complete.

Motion by Mr. Masterson, seconded by Mr. Kozak to deem application #1841 complete. Voice vote; all ayes, motion passed.

There was some discussion with regard to the sidewalk. Mr. Kernan mentioned that as a condition of approval the ruins from the old dwelling should be cleaned up. Motion by Mr. Masterson, seconded by Mr. Cotton to grant the sidewalk waiver conditioned upon the applicant paying six thousand dollars to the sidewalk fund. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Cotton. Nays – Zero. Abstentions – Zero.

Minor Subdivision: (continued)

1. #1841 – Ravinder Singh (continued)

Mr. Rocco reviewed the conditions of approval. Motion by Mr. Cotton, seconded by Mr. Scardino to grant the minor subdivision approval. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Cotton. Nays – Zero. Abstentions – Zero.

Discussion:

1. Chapter 175-97 E (3) (B) – Solar Energy Systems – Review by Board Planner

Mrs. Farrell explained that the ordinance requires the Board Planner's review for ground mount solar arrays; however when the ordinance was done it didn't provide a mechanism for the Planner's review. The issue was discussed and it is recommended that the fee schedule and ordinance should be revised to allow the collection of \$250.00 for the Planner's review and a \$100.00 fee for re-review. The review would insure there is adequate buffering and landscaping to shield the solar array from any surrounding neighbors. If the ground array does not require any variance, the Zoning Officer will collect the fee and send the plan to the Planner, if variances are required then the Zoning Board of Adjustment office will collect the fee as part of the application process and send the plan to the Planner for his review. The Board voted in favor and it was determined that Mr. Rocco would address the Ordinance Committee by letter on this issue.

2. Chapter 175 – RG-TC Zone Revisions

Mr. Kernan stated that the Board worked on the ordinance to establish craft breweries as a permitted use in certain zoning districts within the town including in the RG-TC Zone. They also wanted to allow for mixed use in the RG-TC Zone such as apartments above, offices, retail, etc. The proposed ordinance was sent to the Pinelands and they had some comments and suggestions which were incorporated into the ordinance; however the attachments, the Schedules of Limitations, etc. that were sent to the Pinelands with the revised ordinance were not the updated attachments and the ordinance was adopted by Council. The ordinance must be revised to incorporate the updated attachments. Mrs. Farrell stated that she would notify Mrs. Wright in the Clerk's office so they can schedule this matter on the October meeting.

Mr. Caligiuri commented that part of the area being looked at for development on Main Street, to the rear of some properties, is in the RG-40 Zoning District. He asked if a redevelopment overlay could be applied to that those areas which would override the current zoning. Mr. Kernan stated they would have to look at which lots should be included in a redevelopment zone for that area. Mr. Teefy stated that there is an interested party who would like to develop the property behind Dr. Briller's office who would like to have parking and access off of Church Street. That property would be tied into the property in the RG-TC Zone. Mrs. Farrell stated that she wasn't sure if the area would qualify as a redevelopment zone and it would have to go through and be approved by Pinelands. Mr. Kernan agreed and stated that there is a strict criteria to declare an area a redevelopment area but they can look into it and determine if it's possible. Mr. Kernan stated that the ordinance still has to be changed to incorporate the revised attachments regardless of the possibility of a redevelopment zone being established since the ordinance applies to other areas of the Township as well not just Main Street.

A previous subdivision plan for that area was displayed for the Board which depicted where the zones split behind the Pfeiffer Center and Dr. Briller's office and where the interested party would like to acquire more property behind Dr. Briller's office. Mr. Kernan stated that the problem could be resolved through redevelopment if the areas in question qualify or maybe just through rezoning through the Pinelands. Mr. Caligiuri commented on what might be easier. Mrs. Farrell stated either way it has to go through the Pinelands and they are aware of the town's plans for Main Street so hopefully they would work with us. Mr. Kernan commented that the Pfeiffer Community building isn't even in the RG-TC Zone but in the RG-40 Zone. He believes the whole area should be in the RG-TC Zone.

Discussion: (continued)

2. Chapter 175 – RG-TC Zone Revisions (continued)

He stated that the Pinelands did give the town an extension with regard to this ordinance until October 31, 2015 but if it doesn't make it through the Ordinance Committee process in time they could always ask for a thirty day extension.

3. COAH

Mr. Kernan informed the Board that the town did file a Declaratory Judgement in July. Mr. Fiore was recently in court concerning COAH and the town was granted temporary immunity from builder's remedy lawsuits for five months which takes us to December 8th. That means the town has to have an adopted housing element and fair share plan by December 8th. A public hearing would have to be held by November 12th and the plan would have to be in the Planning Board office by October 23rd.

With regard to COAH and the new number issued to the town from Fair Share Housing, the Board previously discussed the possibility of joining other towns in opposing the numbers issued by the courts. Mr. Kernan stated that he and Mr. Rocco did look into that issue and other towns did band together and they hired a doctor from Rutgers working through an attorney who is representing these other towns. The doctor from Rutgers did a draft study on the State wide need for affordable housing looking back sixteen years and ahead ten years to 2025. Unfortunately the doctor suffered a massive stroke several weeks ago and is incapacitated. The attorney approached the League of Municipalities and they have now gone to a company in Pennsylvania called Econsult. They are going to do their own study however their results will not be available until sometime in November. There is a \$2000.00 fee to join which goes into a fund to pay this company as the town's expert. Mr. Kernan thought it would be a good idea to sign on. Mr. Cooper asked how the town can make a plan when they don't know what the numbers are. Mr. Kernan replied that the numbers have gone from four hundred to zero, up to nine hundred and seventy-four, then back to zero, so we really don't know. He stated that while there isn't a rule book for doing the plan they are going to model the plan based on COAH's Round 2 rules.

Mr. Teefy asked what the Township would gain from Econsult's report. Mr. Rocco stated the town would have an expert to help dispute the number from Fair Share Housing. Those numbers will be out before the plan gets filed but maybe not before the public hearing or before the plan is completed in October. He stated that Mr. Fiore may be able to make an argument that the plan is subject to revisions based on Econsult's findings. Mr. Kernan stated the judges are not consistent with their ruling as to when the five months started; some are saying the five months is from when the number is agreed upon and some are saying the five months is from the date of filing the Declaratory Judgement. He also stated that the draft report that came out from Rutgers in August put the town back to zero based on the town being classified as an Urban Aid municipality. The town is listed as an Urban Aid municipality on the DCA's website as well.

Mr. Kernan felt the town should plan for a much smaller number than the nine hundred and seventy-four, but maybe not plan for zero either. Mr. Masterson asked if the town's plan puts in a number, say four hundred, would we then be locked into that number even if Econsult's number is lower or zero. Mr. Rocco replied the town would be locked into the number in the plan they submit. He stated that the town should join in with the other towns in hiring Econsult because the deadline date of December 8th could change and Mr. Fiore could also make the argument before the court on waiting for the experts numbers. In addition to that, the number that was given to the town by Fair Share Housing of nine hundred and seventy-four was zero just two months prior which was done by the same group. He wrote their attorney and asked why the number changed so drastically in two months. In the attorney's response letter of explanations he stated twice that there were mistakes made.

Discussion: (continued)

3. COAH (continued)

Mr. Masterson asked who would determine if the number we submit is wrong or right. Mr. Rocco replied the courts will decide. There was some discussion on the criteria of being classified as an Urban Aid municipality and Mr. Kernan stated it's based on demographics such as median income, a certain number of students receiving reduced or free lunches in the schools, etc. Mr. Rocco commented that there is some confusion on whether Monroe is an Urban Aid municipality which is why we first received the zero number and then the nine hundred and seventy-four number.

Mr. Kernan suggested the town sign on with Econsult so they will have an expert to help defend the town. The town still has to file a plan and he stated that they could have a more defensible plan if a vacant land assessment is done. The reason is that the consultants do a three thousand foot study which basically counts lands that shouldn't be counted as developable land; this is how Fair Share Housing comes up with their numbers as well. If the town did a vacant land assessment and updated the demographics it gives a more accurate picture of just how much developable land there is in the town. In our case there are developments already on the books with approvals but not built and they would look at those developments and what their COAH obligations are based on their approvals. This type of plan would bolster the town's housing plan and it should refute the nine hundred and seventy-four number. Mr. Kozak commented that doing such an extensive study would be expensive. Mr. Kernan replied that it's not as difficult as it sounds to do since its all GIS based. There is a lot of data already out there and based on the number of developments already approved and the fact that two thirds of the town is in the Pinelands were there are many constraints with regard to development, we already have a sense of how much developable land is left in the town. He believes a vacant land assessment and updated demographics will support a much lower number than the nine hundred and seventy-four number given by Fair Share Housing. Mr. Cooper commented that there are vacant lots in town that are not developable lots.

Mr. Rocco stated that the motion would be for the Board to recommend to Council that the town join in with other towns to hire Econsult as an expert concerning the town's affordable housing plan as well as authorizing a vacant land assessment and a demographics update. Motion by Mr. Caligiuri, seconded by Mr. Masterson to send the recommendations to Council. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. Cotton. Nays – Zero. Abstentions – Zero.

4. Master Plan

Mr. Kernan stated that he submitted a proposal to the Mayor to redo the Master Plan since it has been ten years since it was done. Currently the Township Engineer is working through a grant from the DVRPC on a study for the town, which they can work on together, on the Transportation Improvement District initiative. Mr. Kernan stated that if the town has a Transportation Improvement District they would be able to assess fees to developers for major infrastructure improvements. Mr. Teefy stated that he very much liked the Master Plan proposal, the layout, and key items that Mr. Kernan submitted. He anticipates the Master Plan redo to be a 2016 budget item. Mr. Kernan commented that the Master Plan process can be spread out over a five year period. Mr. Teefy replied he would like to start the process next year in some key areas and then spread the rest of the plan out over several years.

5. Williamstown Square

Mr. Kernan stated that the owner of the property for the Williamstown Square Redevelopment Plan has been to a Mayor's meeting with plans to change the current plan which was all retail to a mixed use plan that incorporates some residential townhouses, retail up front, with a courtyard and fountain and maybe an outdoor dining area.

Discussion: (continued)

5. Williamstown Square (continued)

In total approximately thirty to forty thousand square feet of retail/restaurant and office use and three to four hundred residential units. Mr. Kernan stated he calculated the residential units that could they fit on the site and only came up with about two hundred and sixty. Mr. Caligiuri commented that the town doesn't have much commercial property left and didn't understand why we would give some away here to residential uses. Mr. Teefy replied that the Acme Redevelopment Plan on the other side of the pike had residential uses and they were removed from the plan; however the Pinelands would not approve the plan because the residential was removed. If they put the residential on this side of the pike, in this plan, then the Pinelands should be okay with both plans. Mr. Kernan stated that the clock on both plans has been running for a couple of years so if they move the residential to the Williamstown Square plan, the Pinelands will hopefully endorse the Acme plan without a residential component. Mr. Kozak asked how someone driving east on the Black Horse Pike would get to the Williamstown Square site. Mr. Kernan replied that there will be a traffic light installed at Charm Road which will be the responsibility of the developer. He stated that he will revise the Williamstown Square Redevelopment Plan with a mix of residential types and a maximum number of residential units, two to three hundred only and they will put in a required minimum for the retail portion. It will have to go through the approval process, adopted by the Board, and then sent to the Pinelands. Motion by Mr. Caligiuri, seconded by Mr. Cooper to revise the Williamstown Square Redevelopment Plan. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. Cotton. Nays – Zero. Abstentions – Zero.

Approval of Minutes:

1. 8/13/15 regular meeting.

Motion by Mr. Caligiuri, seconded by Mr. Masterson to approve the minutes from the August 13, 2015 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 8:30 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