

Monroe Township Zoning Board Meeting Minutes
August 7, 2018 at 7:05 pm

Call to Order

Chairman Brent Salvadori read the following, “Proper notice of this meeting was given as required in the Open Public Meetings Act on January 5, 2018 and a copy was posted on the first floor bulletin board and a copy was given to the Township Clerk. Be advised, no new business or item of discussion will be started after 10:30 pm and the meeting shall terminate no later than 11:00 pm”.

Pledge of Allegiance

Roll Call:

Members:

Mrs. Fox - Present
Mr. Fritz - Present
Mr. Kozak - Present
Mr. Manfredi - Present
Mr. McLaughlin, Vice Chairman - Present
Mr. Mercado - Present
Mr. Salvadori, Chairman - Present
Mr. O’Reilly, Alt. #1 - Present
Mr. Sebastian, Alt. #2 - Present

Professionals:

Rick Coe, Solicitor - Present
Engineer, Marty Sanders - Present
Planner, Pam Pellegrini - Present
Council Liaison, Ron Garbowski - Present
Community Development Director/Zoning Officer, Rosemary Flaherty - Present
Tara Park, Secretary and Transcriber - Present

Public Hearing:

Application ZBA-07-18, WBA Arbours Jr. Use Variance, Bluebell Road, Block 110.0301 Lot 21

The Applicant is seeking a (d) 5 density variance to permit construction of a cluster development of 16 SFD’s in the RG-PR Regional Growth Planned Residential District. The property is a vacant 8.595 acre parcel surrounded by residential uses developed in accordance with the standards for a cluster development of approximately 10,000 square foot lots, The property has “by-right” zoning to permit single-family homes on 27,500 square foot lots, yielding a total of (8) compliant building lots. The Land Development Ordinance permits cluster developments of a minimum of 20 single family units on 10,000 square foot lots when 25% of the total parcel is reserved for open space. The applicant seeks a variance to permit a cluster development of less than 20 units with the exact amount to be determined based on input from the Board and its professionals.

Attorney for the Applicant, Mr. Hoff, approached the Board and gave the Board a brief summary of what the Applicant is asking for, and that a (d)5 density variance is more relaxed standard to consider for approval stating that the Applicant's burden of proof is to show that the development is particularly suitable for the proposed use" thus serving the general welfare. They must also address the negative criteria which means that the variance can be granted without causing substantial detriment to the public good and won't substantially impair the intent and purpose of the municipal zoning ordinance and municipal master plan. Mr. Coe, the Board Solicitor did second that this is a more relaxed standard for the same reasons. He also said that he has reviewed the form of the public notice and the mailing and that they are both found to be acceptable.

Mr. Hoff noted that the owner will purchase the required PDC's if approved.

The Chairman asked if the application can be deemed complete, and the Secretary said that it could be.

Motion to deem application complete: Mr. McLaughlin

2nd:Mr. Kozak and all members were in favor by a voice vote.

Mr. Coe swore in the Planner for the Applicant, Leah Furey Bruder. Ms. Bruder currently serves as the City Planner for Evesham Township and has been a planner for 16 years. She has appeared in front of 40+ Boards in the Southern New Jersey area. All members agreed that she is a qualified professional.

Mrs. Bruder approached the Board with an overview photo of the area showing where the development would fall in relation to surrounding developments, and stated that this is a unique situation on an infill lot. She stated that the requirement for the development to receive approval without the variance is 8.88 and the area of the development is 8.595 acres. She noted that the lot size is similar to surrounding lots, and noted that there are no ½ acre lots in the developments that surround this. She also noted that the dead end of Mulberry Lane shows where the intended extension was supposed to be for this planned development in the past. It was said that Lafayette Estates was built on the same premise, 19 homes on 100 x 100 ft lots. She noted that the Arbours are about 20 ft deeper but their rear yards are equal. She noted that the front yard variance is to help have a larger rear year yard.

Mrs. Bruder spoke briefly about the Open Space stating that it will be consisting of the basin in the area of the development where it will lay adjacent to the two other basins for the other developments, as well as the buffers around the development, not inclusive of the area along Blue Bell Road. With hesitation presented by the Board, Mrs. Bruder noted that they would be willing to work with the Township Professionals to include the area off Blue Bell Road, which would also help them meet gross acreage requirement.

She acknowledged the positive criteria as being the following from 40:55D-2 :

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

- p. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites.

Mrs. Bruder noted that there would be no detriment to public good or the surrounding areas as this is an extension of the existing development.

Mrs. Bruder went over the goals and objectives of the Township Master Plan and stated that the application advances the following:

- Provide for a variety of residential, commercial, industrial, agricultural, institutional, recreational and conservation uses.
- Guide future development and community facilities to meet the needs of the residents of the Township, while ensuring that new development is compatible with existing development without degrading the Township's cultural and natural resources.
- Encourage a pattern of compact and contiguous growth within appropriate areas of the Township.
- Direct growth to areas where infrastructure capacity is currently available or committed to be available in the future.

At this time, the following Board members had questions for Mrs. Bruder:

Mr. Mercado asked about the access to the easement and Mrs. Bruder noted that there will be a public right of way which will be designed after the approval is granted. He also asked if the sidewalk on Blue Bell will connect with the other two developments and she stated that this will be done as shown on the plan.

Mr. Kozak asked about the buffer area along Blue Bell Road and who will take care of it, Mrs. Bruder and Mr. Hoff stated potentially a HOA, and Mr. Kozak and other Board members did bring to their attention that the Township will have to care for it if there is not an HOA, in which members of the public openly stated as asked by the Board that there is no HOA in the neighboring developments. Mr. Kozak also asked if there will be two car garages and that was confirmed by the applicant.

Mr. Sebastian asked if this is a bifurcated application, or if after hearing of how this is an extension of the other developments this application should not be necessary. Ms. Pellegrini, Planner for the Board, noted that there is a Note in her report on page 3 that says "Taking all of "The Arbours" into consideration, the plan would conform to the minimum dwelling unit requirement for cluster development." Yet, since there was no formal application made previously for this development this needs to be a stand alone application.

Mr. Fritz noted that he did not believe the lot sizes are conducive.

Mr. Hoff at this time called up William Brenner, a representative of the Owner to present history of the property. Mr Brenner was sworn in by the Solicitor, Mr. Coe and gave his qualifications of being

involved with the development since its initial application. Mr. Brenner described how with the initial development the layout of the Townhouses were different and this land needed to be purchased to provide a decell lane into the Arbours. He also noted that they left access to the new property on Mulberry Lane with intentions to build but the economy forced that to be delayed. Mr. Brenner also noted that the basins will all be adjacent and can be connected if necessary but will not be initially in plan.

With no further questions from the Board, at this time the Planner for the Board, Pam Pellegrini gave her report:

1.1 Applicant's Proposal

The applicant seeks a (d)5 density variance to construct a residential, cluster subdivision. Under the proposed concept plan the parcel will be subdivided into 16 single-family lots and 1 open space lot. The lots will be serviced by public sewer and water.

1.2 Existing Conditions

The subject property consists of approximately 8.595 acres (net) in total located east of Blue Bell Road (C.R. #633). The property is undeveloped and wooded. The property is zoned RG-PR, Regional Growth-Planned Residential and is located in the Pinelands.

1.3 Surrounding Land Uses

The area is residential in nature on the east side of Blue Bell Road and agricultural on the west side. The surrounding area to the north, east and south are also zoned (RG-PR) Regional Growth Planned Residential, but the area across Blue Bell Road to the west is zoned (AG) Agricultural Production. Access to the proposed subdivision from Blue Bell Road (County Route 633) will be provided by the existing "Glen Eyre at the Arbours" development to the north via Mulberry Lane. The existing residential subdivision to the south is "Lafayette Estates." Both adjacent developments consist of single-family detached dwellings.

3.0 Zoning Requirements

3.1 Use

1. In accordance with § 175-161B, Attachment 4:1, single-family residential development is permitted as a principal permitted use in the RG-PR, Regional Growth-Planned Residential zoning district as either conventional or clustered development, subject to the requirements of § 175-161C.

3.2 Additional Standards for Permitted Uses

1. In accordance with §175-161C(1), conventional single-family development shall be permitted at a density of 1.25 units per acre with a minimum lot size of 27,500 s.f. as on the Schedule of Limitations, with a permitted increase to 2.25 units per acre with the use of PDC's with the bulk requirements for cluster development in the Schedule of Limitations.

The applicant agreed to obtain PDC's upon approval

2. Additionally, in accordance with §175-161C(2), all cluster residential developments in any regional growth area zoning district shall comply with both the general requirements for cluster development in §175-94 of this chapter and with the following specific provisions. a. Cluster developments shall include only single-family detached or two family/twin dwellings and shall be allowed only where the facilities of public sanitary sewers are or can be made available to service the project. The plan conforms to this requirement.

b. Cluster developments shall be comprised of, at a minimum, 20 single-family detached or two-family/twin dwelling units. The plan does not conform to this requirement, proposing 16 single-family detached dwelling units (exact amount to be determined based on input from the Board and its Professionals). As a singular development, this minimum threshold requirement for a cluster development is not met. As such, the density increase allowed using the cluster criteria is not permitted and a maximum density of 1.25 units per acre must be followed. As proposed, with 16 units at a density of 1.86 units per acre, a d(5) variance will be required.

Note: Taking all of “The Arbours” into consideration, the plan would conform to the minimum dwelling unit requirement for cluster development.

Should the d(5) variance be approved permitting development in accordance with cluster standards, the following additional standards are relevant:

c. The maximum number of dwelling units and/or building lots which can be built in a cluster development shall be calculated by multiplying the gross area of the project site times 1.25 as permitted with a conventional development approach. The maximum number of dwelling units or building lots or total dwelling unit yield may be increased up to 2.25 units per acre, provided that the applicant and/or developer can submit to the Board proof of the acquisition of the required amount of Pinelands development credits by the applicant/developer to account for such increases. The plan proposes 16 dwelling units on 8.595 acres for a density of 1.86 units per acre. As such, proof of the acquisition of the requisite amount of Pinelands development credits must be provided.

d. The minimum lot size for cluster developments shall be at least 10,000 square feet for detached units, and all other provisions of Subsection E of this section for yard, setback and other related requirements of cluster developments will apply. As proposed, the plan would conform to these requirements for lot size for cluster developments. Compliance with the other provisions of Subsection E will be summarized below in

e. A minimum of 25% of the total gross acreage of the project site shall be preserved as open space and shall comply with the requirements for open space areas as set forth in § 175-94 of this chapter. The plan does not conform to this requirement, proposing 1.8 acres of open space (Basin lot 21) where 2.21 (2.15 acres based on net acreage excluding ROW) acres is required. As proposed, the plan would require a variance.

Note: Taking all of “The Arbours” into consideration, it appears the plan may conform to this requirement. Testimony should be provided regarding same.

3.3 Bulk Requirements (per Cluster Development standards)

1. Lot Area: The minimum required lot area is 10,000 square feet. The plan conforms to this requirement.

2. Front Yard Setback: The minimum required front yard/building setback is 40 feet. The plan does not conform to this requirement, proposing a front yard setback of 25 feet for all residential lots. As proposed, a variance would be required.

Ms. Pellegrini noted that all surrounding neighborhoods are the same

3. Lot Width: The minimum required lot width is 75 feet. The plan conforms to this requirement.

4. Lot Frontage: The minimum required lot frontage is 75 feet. The plan conforms to this requirement.

5. Side Yard Setback: The minimum required side yard setback is 10 feet except for corner lots for the side yard adjacent to a non-fronting street which is minimum 20 feet. The plan conforms to this requirement.

6. Rear Yard Setback: The minimum required rear yard setback is 25 feet. The plan conforms to this requirement.

7. Lot Coverage: The maximum permitted lot coverage is 30 percent. The plan indicates that the lots will conform to this requirement.

8. Building Height: In accordance with § 175-109, no structure, other than a farm building, shall exceed 35 feet in height. The plan indicates that the lots will conform to this requirement.

4.0 Design Performance & Evaluation Standards (for reference)

4.1 General Requirements - Cluster Developments

1. In accordance with §175-94B(5), only the rear lot lines of any proposed building lot, whether for residential or other purposes, shall about the lot lines of the parcel originally proposed for development, except that no proposed building lot shall about the right-of-way of an existing street bounding the parcel originally proposed for development. Instead, the rights-of-way of all existing streets, bounding the parcel originally proposed for development, shall be separated from cluster developments by open space of sufficient width as prescribed in § 175- 125. The plan does not conform to this requirement. A 75' foot buffer is proposed along the right-of-way (ROW) of Blue Bell Road; however, the buffer has been made part of the individual lot areas such that the building lot abuts the ROW. As proposed, a waiver would be required.

Note: If a waiver is considered, it is recommended that the required buffer area, at a minimum, remain wooded and reserved with a conservation easement.

4.2 Open Space, Common Areas and Recreation areas

1. In accordance with §175-125A, open space shall be provided in every major residential subdivision. The open space shall be easily accessible from all parts of the development. Stormwater basins may not be counted for more than 50 percent of the required open space. The plan does not conform to this requirement, proposing a stormwater basin for all of the open space and with no proposed access. As proposed, waivers would be required.

*** It was noted that the proposed OS is 1.8 and it is required to be 2.15***

2. In accordance with §175-125G(2), open space shall be an integral part of the development and shall be located to best suit the purpose(s) for which they are intended. All open space parcels shall front on a public right-of-way. The plan does not conform to this requirement. As proposed, a waiver would be required.

3. In accordance with §175-125G(3), where feasible, the common open space shall connect into existing Township park, recreation or conservation lands or connect into an adjacent planned development's common open space. Public pedestrian and/or bicycle paths shall be included in the open space whenever feasible and shall be designed to connect into a larger scale Township system if applicable or feasible. The plan does not conform to this requirement. As proposed, a waiver would be required.

4. In accordance with § 175-125G(4), there shall be a close visual and physical relationship between the open space and as many dwelling units as is reasonably possible. Open space areas should weave between dwelling units, generally respecting a minimum width of 50 feet and periodically widening out into significant and usable recreation areas. The plan does not conform to this requirement. As proposed, a waiver would be required.

5.0 Master Plan Consistency

The proposal is generally consistent with the goals and objectives of the Master Plan's intent to encourage cluster development; however, as a singular project, does not meet the minimum yield requirements. The proposed cluster development is located between several other existing clustered developments and will also be accessed through one of these existing developments. As such, the minimum project yield does not have the same impact as a singular project and the negative impacts of allowing the density variance should be minimized and the intensity of use would be consistent with the surrounding area. However, should the d(5) density use variance be granted, site improvements and any physical impacts of the density increase need to be addressed and mitigated.

6.0 General Comments/Recommendations

1. In accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-76b), the applicant may elect to submit an application requesting approval of the use or ‘d’ variance and a subsequent application for the approval of a site plan and/or major subdivision, if required, provided that the approval of the variance is conditioned upon the applicant obtaining all required subsequent approvals from the Zoning Board. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance. Consequently, any variance granted permitting the proposed density increase must be conditioned upon the applicant obtaining the necessary site plan approval and/or subdivision approvals, if deemed required, from the Zoning Board.

2. The applicant must demonstrate sufficient “special reasons” why the proposed density increase carries out a purpose of zoning. In addition, the applicant must demonstrate that the requested d’5’ variance would not cause substantial detriment to the public good and would not impair the intent and purpose of the zone plan and zoning ordinance. Applicant’s proofs must demonstrate that the site will accommodate problems associated with the proposed use at a greater density than permitted by ordinance. As to the positive criteria, the applicant’s proofs must show that despite the proposed increase in density above the zones restrictions, and thus the increased intensity of the use of the site, the project nonetheless serves one or more purposes of zoning and was consistent with the overall goals of the MLUL. As to the negative criteria, the applicant must show that the increased density would not have a more detrimental effect on the neighborhood than construction of the project in the manner consistent with the zone restrictions.

7.0 Fees, Contributions and Obligations

7.1 Escrow

The applicant must contact the Township’s Finance Office to settle any outstanding review escrow accounts prior to any approval taking effect.

Motion to open to the public: Mr. Fritz

2nd motion to open to the public: Mr. Mercado

All in favor by voice vote.

At this time anyone wishing to address the Board about this application is able to do so.

- *Meril Paylow, 1101 Lafayette Street*
 - *She spoke to the Board with concerns about noise from the building of the development, and with wishes that there was a park or a dog park for the residents around it instead of incoming development. She also spoke to the Board of concern of placement of trees on her property to be planted by the Building as stated in a conversation with a representative of the builder. She also noted a water flow issue that has flooded many homes in the development.*
- *Jerry Marino, 1865 Forest Drive*

- *Mr. Marino spoke about his past on the Zoning Board, and applications that were in front of them at the time, like the Amberleigh Townhouse and Condo complex which later presented many issues with their roads and parking. He concluded with more information on the history of the development since approval, and asked the Board to vote appropriately.*
- *Dolores McClave, 1128 Tamarind Place*
 - *She said that she is a resident and a realtor. She recently removed her home from the market because she could not sell it. There are 52 homes as of today listed from 275,000-325,000 and would hope the Township wouldn't permit more homes to be built to be sold in that price range. She also expressed concerns about traffic increase due to the new homes and the already increased taxes and bringing more children into the town.*
- *Alicia Whipple, 1129 Lafayette Street*
 - *Made Board aware that an employee in the Zoning Office told her this hearing was postponed till 8/23 and that she is also concerned about the noise.*
- *Trevor Booker, 1124 Tamarind Place*
 - *He spoke to the Board about his concerns with the notification issue, although he received his and would hope the Board would allow a postponement for other residents to be able to hear the application as well.*
- *James Baker, 1121 Lafayette Street*
 - *Expressed his concern about the certified letters and why the people within the required footage did not get their notification. **The Board Solicitor, Mr. Coe, reiterated that the proper protocol was followed and he found it acceptable.***
- *Bruce Prichard, 1132 Tamarind Place*
 - *Spoke about his concern of increased flooding as his basement has flooded, the retention pond is not working and he believes a perk test will not pass.*
- *Joe Scherbenco, 1137 Lafayette Street*
 - *Concerned about the already listed houses for sale, noting he has found over 500 in Monroe Township. He also is concerned with the increase in taxes recently and not wanted them to increase again. He said that Leah stated that there would be no negative impact but they would have to trade a wooded setting to homes. They would also have to worry about wild animals who live on this ground.*
- *Denise Ciavardone, 1109 Lafayette Street*
 - *Spoke about her concerns about Construction and what it will bring to the area.*
- *Donald Krsnak, 1125 Lafayette Street*
 - *Concerned about the impact on the neighborhood and decrease in property value.*
- *Donald Biggerstaff, 1113 Lafayette Street*
 - *Concerned with buffers ***Ms. Pellegrini said that the tree line is depicted and there are no buffer requirements.*** He also said that he is concerned with the perk test results.*

With no one wishing to speak from the public any further,

Motion to close to the public: Mr. McLaughlin

2nd motion to close to the public: Mr. Mercado

All in favor by voice vote.

Mr. Hoff reiterated to the Board that they do have approval for the 8 units, but they are looking to build 16 and only 16 houses. Once the PDC's are obtained they would be able to build 19 homes, which is the same as Lafayette Estates. He stated that there is no Wetlands in this area but will clarify upon approval and the Basin will be developed at Subdivision.

At this time Mr. Coe went over the application and stated that the conditions for the vote would be as follows, and Mr. Coe also noted that this will need five affirmative votes to pass since it is a d5 variance:

1. PDC's purchased upon approval
2. Subdivision and Site plan approval
3. Maintain all escrows

Motion to approve: Mr. McLaughlin

2nd motion to approve: Mr. Kozak

Roll Call:

Mrs. Fox - No

Mr. Fritz - No

Mr. Kozak - Yes

Mr. Manfredi - No

Mr. McLaughlin, Vice Chairman - Yes

Mr. Mercado - No

Mr. Salvadori, Chairman - Yes

Minutes:

Minutes Approval 7/24/2018

Motion to approve: Mr. McLaughlin

2nd motion to approve: Mr. Kozak

All in favor by voice vote.

Reports:

Quotes for Board Issued IPADs - The board member reviewed and asked why there is 16, Ms. Flaherty noted because they are for the Planning Board as well. Mr. Mercado asked if there would be more quotes and Ms. Flaherty stated that this is the Township's state contracted company to purchase from.

Mr. Coe said that he would have the Rules for the next meeting.

Adjourn:

Motion to adjourn: Mr. McLaughlin

2nd Motion to adjourn: Mr. Kozak

All in favor by voice vote.

These minutes are a brief summary of the proceedings and should not be taken as verbatim testimony
Respectfully submitted, Tara Ann Park ~ Transcriber