

Call to Order:

The meeting was called to order at 7:00 p.m. by Chairman McLaughlin who read the following statement: "Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. The notice was sent in writing to the Gloucester County Times on January 11, 2012. A copy was posted on the second floor bulletin board of Town Hall and a copy was given to the Township Clerk. In addition, notice for this evening's public hearing was sent in writing to the Gloucester County Times on May 1, 2012."

The Board saluted the flag.

Roll call: Present – Ms. Beltrante, Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Price, Mr. Salvadori, Mr. Fitzgerald, Mr. Kozak, Mr. McLaughlin. Absent – Mr. Sander, (excused). Also present – Mr. Marmero, Solicitor, Ms. Pellegrini, Planner, Mr. Sebastian, Council Liaison.

Memorialization of Resolutions:

1. #12-16 – App. #1713 – Hovbros Stirling Glen, LLC – Preliminary Conversion

Motion by Mr. Salvadori, seconded by Ms. Beltrante to adopt resolution #12-16. Roll call vote: Ayes – Mr. Salvadori, Ms. Beltrante, Mr. Carney, Mr. Fritz, Mr. Price, Mr. Fitzgerald. Nays – Zero. Abstentions – Zero.

Public Hearing:

1. #12-10 – William & Melissa Aletich – Encroachment into Open Space/Buffer

Present – William & Melissa Aletich, applicants.

Member's packets contained: 1. A copy of the applicant's variance application, deed, survey, and photographs of the property.

The applicant is requesting a variance to be allowed to encroach into the open space area that is part of their lot in order to install an in-ground swimming pool. The property is located at 818 Rosetree Drive, also known as Block 120.0301, Lot 10.

Public Hearing: (continued)

1. #12-10 – William & Melissa Aletich (continued)

Mrs. Aletich was sworn in by Mr. Marmero. Mr. McLaughlin asked Mrs. Farrell if the application contained the necessary information to be deemed complete. Mrs. Farrell replied that it did. Motion by Mr. Salvadori, seconded by Ms. Beltrante to deem application #12-10 complete. Voice vote; all ayes, motion passed.

Mrs. Aletich testified that they were before the Board because they would like to install an in-ground pool on their property in the area that is considered open space but belongs to them and is part of their lot. She stated that she and her husband plan to make this their lifelong home and would like to have the pool for their family's enjoyment. In addition, there are photographs provided that show how other homeowner's in the development constructed fences in the open space/buffer area. There are also property owners in the development who have pools.

Mr. Marmero commented that the ordinance does reference buffers; however this is really an open space issue with a deed restriction put in place by the Planning Board at the time of this development's approval. It goes on to state that no structures, fences, sheds, etc. are permitted in the open space deed restricted area of these individual lots. He wasn't sure if the Board had the ability to grant relief from the deed restriction because it is not part of the zoning code but something put in place by the Planning Board. Mrs. Farrell displayed the final plat for the Rosetree development. She stated that the Planning Board at that time allowed the developer to spread the open space into each individual lot rather than having one open space lot within the development. The open space area in each lot was to be deed restricted but owned by the individual homeowners. Some of the properties have a large amount of open space as part of their back yards and they are not permitted to place any structures in that area; however they do pay taxes on the entire lot. Mrs. Farrell stated that she rode out that way and noticed that all of the lots along Ames Road have fences that encompass the deed restricted open space so the purpose has been defeated. She did not know if the homeowners of those lots received permits to construct their fences; but nevertheless they are there. She also stated there are lots with pools and sheds as well. Mrs. Farrell stated that she was aware that Mr. Marmero was uncertain the Zoning Board had jurisdiction or whether it should go to the Planning Board. She contacted the Planning Board attorney and explained the situation and he felt the Zoning Board could hear the matter since the applicant was asking for relief from the restriction. Mr. Marmero stated that it appears that a lot of the lots have violated the restriction already.

Public Hearing: (continued)

1. #12-10 – William & Melissa Aletich (continued)

Mr. Salvadori inquired as to how far the pool would encroach into the deed restricted area. Mrs. Farrell indicated on the plan where the pool would be located; it appeared it would encroach approximately twenty feet into the deed restricted open space area. Ms. Pellegrini commented that the in-ground pool would not have the same visual impact that a structure like a shed or a fence would have. Mr. Kozak commented that the in-ground pool is not considered as impervious coverage since the run-off will go into the pool. Mrs. Farrell also commented that under a new law, developers are no longer required to provide open space in their proposed developments. Mr. Sebastian commented that the open space in this case was not required due to the density of the development but only as a requirement in the subdivision ordinance and that this open space is not public open space but private open space owned by the homeowners who are paying taxes on the property.

There was some question as to any future ramifications if the Zoning Board granted the relief but didn't have jurisdiction to do so. It was pointed out that the property owners within 200 feet were notified and that no one from the public was present to object; however Mr. Marmero pointed out that if someone did appeal the Board's decision they would sue the Zoning Board not the homeowner. Mr. Fritz stated that the proposed pool meets all the other bulk requirements with the exception of encroachment; he felt that since many of the lots in the development already violated the restriction granting the relief requested shouldn't be an issue.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Motion by Mr. Salvadori, seconded by Ms. Beltrante to grant the relief requested and allow the applicant to encroach into the deed restricted open space in order to install an in-ground pool. Roll call vote: Ayes – Mr. Salvadori, Ms. Beltrante, Mr. Carney, Mr. Fritz, Mr. Manfredi, Mr. Price, Mr. McLaughlin. Nays – Zero. Abstentions – Zero.

Public Portion:

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

Discussion:

1. Use Variance Fees

Ms. Pellegrini stated that it was brought to her attention that the Board was concerned that the cost of the use variance reviews have been going over the minimal fees set by the Township. She explained that she did a sample analysis of surrounding townships as to what their policies were as well as giving the Board an overview of what the average is and some of the reasons why some of them might go over the minimal fees. Greenwich Township requires a \$500.00 application fee and \$1500.00 escrow fee with an additional escrow fee required if a site plan is needed as well as additional application fees. A conditional use variance in Greenwich requires a \$300.00 application fee and a \$2500.00 escrow. Harrison Township requires a \$300.00 application fee and a \$3000.00 escrow fee with additional fees required for site plan. Mantua Township requires a \$300.00 application fee and a \$3000.00 escrow fee. She gave the fees for several other townships and concluded that the majority of the surrounding townships have minimum use variance fees that exceed Monroe Township's fees. She also looked at the fees that have been charged in Monroe for use variances over the last several years. She asked the Board if they wanted her to include the Google mapping in her reviews which might eliminate some of the charge; however she feels it's important in most cases since that information is not part of the applicant's submission requirements. She doesn't always do site visits; that also depends on the type of use being requested and whether she feels it's necessary to assess what is on the property and if she cannot get a good feel for the surrounding uses from the mapping. She does her reviews with the Board's protection in mind and stated that the average use variance costs range from around \$400.00 to \$1500.00.

Mr. Kozak asked what the Township's current fees are for a use variance. Mrs. Farrell replied that a commercial use variance is a \$200.00 filing fee and a \$1000.00 escrow fee; for a residential use variance the charge is a \$200.00 filing fee and a \$75.00 per dwelling unit with a minimum of \$1000.00. The Township does charge additional fees with an application if a site plan or subdivision plan is required once the use is granted. It was pointed out that the issue has not involved the major use variances but the minor ones such as with the electronic signs. Mr. Kozak stated that he felt Ms. Pellegrini should include a site visit if necessary as part of her review. Mr. Manfredi asked how many people have complained. Mrs. Farrell stated that there have been a few; but the issue is that we only ask for a \$1000.00 escrow and when it goes over by more than a couple hundred dollars, it's a little bit of a shock to the applicants. In addition, if the use is denied, the Township has had an issue with getting the additional fees.

Discussion: (continued)

1. Use Variance Fees (continued)

Mr. Fritz asked how much the costs were going over the minimum fees. Mrs. Farrell replied that some have gone over \$2000.00 and some have not. Ms. Pellegrini also commented that the average costs she quoted the Board only included her fees not Mr. Marmero's fees, so there is that additional costs as well. Mrs. Farrell stated that she was okay with leaving the filing fee at \$200.00 since those costs are for administrative costs. Mr. Salvadori suggested leaving the filing fee the same and raising the escrow to \$2000.00. He stated that should cover the costs. Mrs. Farrell stated that it should be enough for the minor use variances that do not require any follow up with a site plan or subdivision plan. Mr. Sebastian pointed out that the applicant gets any escrow money that is not used returned to them. Mr. Kozak asked how long the filing fee has been \$200.00. He felt it was time to raise the filing fee since it's been the same for many years. He commented that the filing fee should be raised to \$300.00 which is the filing fee charged by many of the other townships.

Ms. Pellegrini asked if the Board wanted her to include the maps in her reports which usually take a technical staff person a couple of hours. The charge for that would be a couple of hundred dollars. Most Board members felt they wanted her to keep the mapping in the reports because they use all the information she provides when reviewing the applications. They also felt that they wanted Ms. Pellegrini to visit the sites when she feels it's necessary. The Board determined that they wanted to change the filing fee for both commercial and residential use variances to \$300.00; the residential use variance escrow would stay the same at \$75.00 per dwelling unit but the minimum would change to be a minimum of \$2000.00 and the non-residential use variance escrow would increase to \$2000.00. Mrs. Farrell inquired as to the bulk variance fees. She stated that right now the fees are a \$200.00 filing fee and a \$200.00 escrow fee. The fees are for Mr. Marmero to review the application, attend the meeting and do a resolution; however the meeting attendance and file review usually come out of the Township funds and have been exceeding the \$200.00. After some discussion the Board agreed that the filing fee should be raised to \$300.00 and the escrow fee should be raised to \$300.00. Motion by Mr. Salvadori, seconded by Ms. Beltrante to approve the use and bulk variance fee changes and send the recommendation to the Planning Board. Voice vote; all ayes, motion passed.

Reports:

1. Ms. Beltrante asked when a development is constructed and there is supposed to be a buffer, does anyone go out and make sure the buffer remains there and is not taken out or if the buffer should be supplemented with additional trees. Ms. Beltrante was referred to the Township Engineer who does the inspections on the development sites and makes sure the development is being constructed according to what was approved. Ms. Pellegrini stated that a lot of times they will say it's a natural buffer; however it should be evaluated for supplemental plantings which may have been in the report or plans and the Township Engineer should look at that issue. He can indicate the natural buffer is not adequate and if the developer does not provide supplemental plantings then the Township can hold the bond.

Approval of Minutes:

1. 5/01/12 regular meeting.

Motion by Mr. Price, seconded by Ms. Beltrante to approve the minutes from the May 1, 2012 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:55 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