

**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. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Also present – Mr. Schwartz, Solicitor, Mr. Kernan, Planner, Mr. Jordan, Engineer, Mr. Teefy, Council Liaison.

Proper notice of this meeting was given in accordance with the requirements of the Open Public Meetings Act on January 11, 2013.

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.”.

**Public Hearing:**

1. #1828 – Philadelphia Suburban Development – Preliminary Major Subdivision

Present – Mark Nicoletti, applicant, Robert Mintz, applicant's attorney, Henry Haley, applicant's engineer.

Member's packets contained: 1. Report dated December 10, 2012 prepared by Ray Jordan. 2. Report dated December 12, 2013 prepared by Tim Kernan. 3. A copy of the applicant's preliminary major subdivision plan.

The applicant is proposing to subdivide an existing 80.3 acre tract into 105 lots. The proposed development will consist of 102 single family residential lots, a pump station lot, and two stormwater management/open space lots. The property is zoned RG-MR and is located on Malaga Road and Winslow Road, also known as Block 2702, Lots 11, 15, 17, 40, and 41.

Mr. Mintz introduced himself as the applicant's attorney. Mr. Kernan, Mr. Jordan, Mr. Nicoletti, and Mr. Haley were sworn in by Mr. Schwartz. Mr. Mintz stated that the area is known for the gravel pit located on the property. The applicant is seeking a cluster development which is permitted in the Pinelands areas. Cluster developments utilize internal road frontage so there aren't any proposed homes fronting on the main roadways. The property is constrained in how it can be developed due to the old gravel pit located on the property as well as environmentally sensitive wetlands and wetlands buffers. The plan complies with the ordinance with the exception of a few lots that are proposed to have drainage easements and the pump station lot which is proposed as an undersized lot. The ordinance allows for 1.25 units per acre; however the applicant could go up to 2.25 units per acre if he purchases Pinelands Development Credits. The applicant stayed close to the 1.25 units as they are proposing 102 units. The applicant will be required to purchase half a development credit due to the two extra proposed lots. Mr. Mintz asked if the Board would consider completeness for the application.

Mr. Jordan stated that there weren't any waivers required for completeness. Motion by Mr. Agnesino, seconded by Mr. Kozak to deem application #1828 complete. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Public Hearing: (continued)**

1. #1828 – Philadelphia Suburban Development (continued)

Mr. Haley gave a brief overview of the project. The development was designed with two entrances; one off of Malaga Road and one off of Winslow Road. There is a pump station and everything onsite will be flowing by gravity to the pumping station which is practically in the center between the two development areas. There will be a force main which will discharge out to Corkery Lane and the Black Horse Pike. The applicant has received Form A approval from the MMUA and they have submitted for Form B approval. The water system is located off of Winslow and Malaga Road; the project will have an internal loop system with enough capacity and water pressure for the area.

Because the property is located in the Pinelands and contains wetlands; both in the gravel pit area and the northern part of the site along Morgan Road, the applicant is required to maintain a 175 foot buffer to the wetlands in the northern section and a 110 foot buffer in the gravel pit area. With regard to the stormwater management basins; the general pattern of stormwater flow is toward the middle of the site as well as toward the northern section. They are proposing a basin at the northern end of the site, the middle of the site, and a smaller one near the access drive along Malaga Road. They all are designed to meet the Township and Pinelands requirements with regard to stormwater flow, quantity reduction, and water quality.

Lot area variances are required and being requested for Block A, Lot 56 and Block D, Lots 3, 4, 5, 6, and 9 which contain stormwater easements. The ordinance requires the lots to be 10,000 square feet and shall not include any utility easements, buffers, or open space. Lot frontage variances are required and being requested for Block A, Lots 3, 4, 5, 6, 31, 32, 33, 34, 41, 42, 43, 49, 50, and 51, Block B, Lots 14 and 15. These lots are located on the outside of curved roads and do not have the required frontage. The ordinance requires a seventy-five foot frontage. Mr. Haley stated that the setback will be met with regard to frontage and that the lots in question are generally larger than the 10,000 square foot requirement. The applicant is proposing a homeowner's association for the site and that association will be responsible for the maintenance of the stormwater management facilities and open space lots. The development does meet all the requirements of a cluster development. The homes are proposed to be two story colonial homes with three and four bedrooms. With regard to parking, there are one car garages proposed and most of the driveways will be two spaces wide so there will be capacity for four cars.

The existing business and the existing buildings will be demolished. An Environmental Assessment was conducted and there are some minor issues that have to be addressed on the site as well as septic systems and wells that have to be abandoned. The applicant will do this in accordance with the requirements of the State, County, and Township. A traffic report was conducted and submitted to the County. They are still in discussion with the County concerning road widening and the location of utilities. There are sidewalks provided internally and along the frontage on Winslow Road. They are not proposing sidewalk along Malaga Road or Morgan Road.

Mr. Mintz stated that the applicant has not provided any active recreation onsite. They recognize this is a Pinelands area and they are willing to make a contribution that is proportionate and consistent with the active recreation that would be provided on the site. The applicant is proposing to make a \$2,000.00 per unit contribution to the Parks and Recreation Fund; this contribution will not apply to the COAH units that are being provided onsite.

**Public Hearing: (continued)**

1. #1828 – Philadelphia Suburban Development (continued)

Mr. Jordan reviewed his report for the Board. The applicant did submit a response letter to his and Mr. Kernan's reports. That letter was just received within the last week. The applicant requires a waiver from showing the front, side, and rear yard setbacks for the existing structures. Mr. Jordan commented that the applicant could provide those dimensions without having to ask for a waiver. Mr. Haley replied that they could but he didn't think it was necessary since those structures are being demolished. The applicant will provide all the information with regard to utilities, layouts, etc that haven't already been provided on the plan. If the project is going to be phased, the applicant indicated that he would provide the phasing plan with the submission for final. The applicant is requesting a waiver from including all the existing lighting onsite and within 100 feet of the property. The applicant will comply with the other comments in Mr. Jordan's report with regard to lighting on the site.

The plans should include the number of bedrooms proposed for the units. In addition, the applicant shall indicate if parallel parking will be permitted along the internal roadways. The proposed cartway width of thirty feet allows for two seven foot wide parking lanes and a sixteen foot travel lane. Mr. Cooper inquired as to the width of the two cul-de-sacs and if they are wide enough for the fire and trash trucks. Mr. Jordan stated that there is a letter dated February 8, 2013 from the fire official indicating that he was okay with the radius of the cul-de-sacs. With regard to curbing the applicant agreed to comply with Mr. Jordan's comment as well as agreeing to provide the sight triangles on the lots listed in Mr. Jordan's report. Review and approval of the sanitary sewer will be done by the MMUA. The owner of the pump station lot should be shown on the plan as well as the gate material proposed for the automated sliding gate. The applicant has not provided any architectural plans; however the applicant indicated that he will provide those plans with the submission for final review.

With regard to storm drainage, the plan includes maintenance notes and the applicant provided the Operations and Maintenance Manual when he submitted his response letter. The applicant has not proposed any fencing around the basins; Mr. Jordan stated that it would be up to the Board on whether or not they want fencing and what type of fencing they would prefer. Mr. Crane asked how long the water will be in the basins after a normal rainfall and how deep is the water going to be inside the basins. Mr. Haley replied that after a normal rainfall the depth will be approximately one foot to eighteen inches. The basins have to drain within seventy-two hours; however after a normal rainfall they will probably drain within twenty-four hours or less. Mr. Heffner asked the depth of the basins when they are dry. Mr. Haley stated that from the grade to the bottom they are between six to eight feet. They are very significant basins in circumference with the side slopes being three to one. The Board deferred the issue of fencing for discussion after the professional's reports. Mr. Jordan added that details of how the basins will be drained, if work is needed to be done inside of them, should be submitted and added to the Operations and Maintenance Manual. The applicant agreed to comply with the rest of the comments concerning minor stormwater management issues listed in Mr. Jordan's report. Mrs. Farrell stated that the ordinance requires the homeowner's association to maintain a fund for the annual inspection and testing program, annual maintenance and repair program, and to make annual contributions to a contingency fund for long term reconstruction.

**Public Hearing: (continued)**

1. #1828 – Philadelphia Suburban Development (continued)

The Environmental Assessment was completed by the applicant. Mr. Jordan indicated that there is a conflict with regard to deed information for Lots 15 and 17 that should be addressed. The septic dilution deed restriction should be lifted as noted in the applicant's Certificate of Filing and documentation should be provided to the Board. The existing septic systems and wells on the site should be properly abandoned and documentation should be provided to the Board. The approvals from the Pinelands with regard to the wetlands and the buffers should also be provided to the Board. The applicant agreed to comply with these conditions and the other minor comments concerning the Environmental Assessment listed in Mr. Jordan's report.

The Traffic Study was done in an acceptable manner. A left hand turn lane will be provided from Malaga Road into the property; a left turn lane was not warranted on Winslow Road. The results of the study revealed no significant impacts to traffic operating conditions. The applicant is required to post a bond for the site improvements and escrow for the site inspection. All approvals are subject to the approval of all outside agencies listed in Mr. Jordan's report. Mr. Mintz indicated that they would like to post the bonding consistent with the phasing of the plan which will be submitted with final.

Mr. Kernan reviewed his report for the Board. The use is permitted in the Regional Growth area. The applicant has testified as to the requirements for a cluster development in this zone. He will have to show proof that he purchased one half of a Pinelands Development Credit for the two homes above the 100 homes permitted at the density of 1.25 homes allowed in the zone. Some of the lots do not meet the minimum 10,000 square foot lot size exclusive of the drainage easements proposed. He asked Mr. Haley about the location of those easements. Mr. Haley stated that on most of the lots in question, the easement runs across the rear of the lots; however there are a couple of lots where it runs in between lots. Mrs. Farrell commented that the easements create issues when the homeowners want to put in fences, sheds, and pools and they can't use a portion of their backyards. Fences in the easement area are usually okay, but the sheds and pools are an issue. There are a couple of easements shown between lots where the lots do exceed the 10,000 square foot requirement exclusive of the easement. Mr. Kernan indicated that he would touch on that issue later in his report. All of the general requirements for a cluster development have been met including the economy of the design and water and sewer facilities being available. The traffic study was submitted and the open space must be suitable for active and passive recreation. The applicant is not providing active recreation but is proposing a fee in lieu of. The open space exceeds the requirements even if you factor out the stormwater management basins which are calculated into the overall open space area. The applicant's plan is consistent with the Pinelands Comprehensive Management Plan.

Mr. Haley testified that they can move the lot line over so that Lots 3, 4, 5, and 6 in Block D will exceed the 10,000 square foot requirement with the drainage easement. The only lots needing the variance will be Lot 56 in Block A and the pump station lot. Mrs. Farrell inquired as to Lot 9 listed in Mr. Kernan's report. Mr. Haley stated that the storm drainage easements can be rearranged so that all the lots in Block D including Lot 9 will meet the lot area requirement including the drainage easements. Mr. Kozak asked if the grading can be done in that small area so that the issue of sheds, fences, and pools does not become a problem. He said that leaving the area as a natural swale for drainage is where the problems arise because people put things in that area and block the flow of water.

**Public Hearing: (continued)**

1. #1828 – Philadelphia Suburban Development (continued)

Mr. Haley explained that they are putting piping in the drainage easements to meet the grading requirements. If you grade so that you have two percent slopes it causes the area to become very steep in the back and to grade that way will require an excessive amount of fill. Mr. Haley stated that they are not just putting in a swale for drainage; they are putting inlets in those rear yard easements. Mr. Agnesino commented that as long as any proposed fencing is high enough in that area so that it does not impede the flow of water there aren't any issues. Mr. Kernan stated that the next variance required is for lot frontage. The lots that are located on the curves will have less than seventy-five feet of frontage along the right-of-way line; they will have about fifty-seven feet of frontage. Mr. Agnesino inquired as to the width of the driveways. Mr. Haley stated that they are twenty-foot wide driveways with a forty foot depth. Mr. Agnesino commented that there is some concern because the more cars that are parked on the street, the harder it is for trash pick-up. He stated that these driveways should be able to accommodate four cars.

With regard to buffers, Mr. Kernan stated that the reverse frontage buffer along Malaga Road is insufficient. The applicant agreed to revise the plans to add additional landscaping. The applicant agreed to the two other landscaping comments in Mr. Kernan's report. Mr. Heffner inquired as to the amount of buffer between the proposed homes and the existing homes on Lots 12, 13, and 14. Mr. Haley responded that there is a twenty-five foot buffer and then there is at least another twenty-five feet to the house. The applicant is proposing to make a contribution in lieu of providing active recreation. Sidewalks are being proposed within the development and along the frontage of Winslow Road. Mr. Kernan calculated the cost of the sidewalk fee in lieu of the applicant providing sidewalk along Malaga and Morgan Roads. He stated that the applicant indicated he would be willing to pay the fee for Malaga Road but would like to have the fee waived for the frontage along Morgan Road since the area is environmentally sensitive area and they are not proposing any homes on that portion of the property. Mr. Gabbianelli commented that the applicant could tie into the existing sidewalk on Winslow Road in lieu of sidewalk or the fee along Morgan Road. Mr. Agnesino commented that he would like to see the sidewalk and curb along Malaga Road because of the school children that this development will generate. There was some discussion about the applicant tying into the existing sidewalk in front of the Marissa Estates development. Mr. Kernan stated that any approval is also subject to the applicant entering into a Developer's Agreement, any sidewalk and recreation fees, the creation of a homeowner's association, outside agency approvals, and the other comments agreed to and listed in his report.

The Board took a brief recess.

Mr. Heffner commented that the Township just finished paving Winslow Road and asked who will be responsible for repaving the road once the utilities for this development are installed and connected. Mr. Gabbianelli replied that the builder will be responsible for repaving the road, not just patching, but from curb to curb. Mr. Heffner also inquired as to the headlights shining into the existing home directly across from the access drive on Malaga Road. Mr. O'Brien stated that the County will look at that issue. Mr. Haley indicated that the outbound lane seems to be offset from being directly across from the house. Mr. Heffner stated that it appears that way if you're going straight, but the cars will have to turn.

Motion passed to open the hearing to the public.

**Public Hearing: (continued)**

1. #1828 – Philadelphia Suburban Development (continued)

1. Elizabeth Jackson Lawrence, 746 & 750 E. Malaga Road, was sworn in by Mr. Schwartz. Ms. Lawrence asked if any of her property will be taken as part of the road widening on Malaga Road. Mr. Haley replied that they are not taking any right-of-way on that side of Malaga Road. She also stated that the County supervisor told her she had to cut down fifteen of her trees. Mr. O'Brien stated that the development is on the opposite side of the road and when the County comes back out they will look at that. Ms. Lawrence also commented about the traffic on Malaga Road with regard to the light at the intersection with Winslow Road. Mr. O'Brien stated that the County will look into the timing of the light. In addition, the applicant is providing a left hand turn lane into the development off of Malaga Road. She also asked if the speed limit will be reduced on Malaga Road. Mr. O'Brien stated that the speed limit will most likely not change. She asked if she could attend the meeting at the County; Mr. Nicoletti stated that he doesn't know when they are scheduled at the County but if she gives him her information, he will let her know when the County places them on their agenda. Ms. Lawrence stated that she was told by a Councilman that they would be able to tie into water and sewer. Mr. Gabbianelli stated that the Pinelands will not allow public water and sewer on that side of Malaga Road.

2. Dorothy Brown, 808 E. Malaga Road, was sworn in by Mr. Schwartz. Ms. Brown commented that she thought the headlights would be shining onto her property from the access drive on Malaga Road. The Board explained that her property was Lot 13 and was not across the street from the access drive on Malaga Road.

3. Shirley Davis, 919 E. Malaga Road, was sworn in by Mr. Schwartz. Ms. Davis asked if any portion of her property will be taken for the road widening since her property is on the same side of the proposed development. Mr. Haley stated that they are not touching that part of Malaga Road at all. He stated that they are going maybe fifty feet beyond their frontage and that is only a minor change. Ms. Davis inquired as to whether there will be a house right next to her on the empty lot. The Board replied that there is not a house proposed on the lot next to her. She also stated her concern on the speed limit on Malaga Road and how people do not do the forty-five speed limit; they do more like sixty-or so along Malaga Road. Mr. Gabbianelli stated that since it's a County road the Township cannot do anything about the speed limit, but they can enforce the speed limit. He stated that he will call in morning and make sure there is a police presence enforcing the speed limit on Malaga Road.

4. David Fambro, 745 E. Malaga Road, was sworn in by Mr. Schwartz. Mr. Fambro asked about the widening of the road in front of his home. Mr. Haley stated that the County is making the applicant widen the road in that area as they would like to see a twenty-foot cartway; however they are in discussion with the County because there is a small gas facility, a metering station, that they will have to work around. Mr. Gabbianelli asked Mr. Fambro if he had to sign paperwork for the County giving up right-of-way when he built his home. Mr. Fambro stated that he did. Mr. Haley stated that they will be staying within the County right-of-way.

**Public Hearing: (continued)**

1. #1828 – Philadelphia Suburban Development (continued)

5. Madeline Devine, 1355 Morgan Road, was sworn in by Mr. Schwartz. Ms. Devine stated she had a concern about the basin located on the property closest to Morgan Road. She asked about the thin penciled in area on the side of the basin. Mr. Haley explained that that area is a small depression or seepage pit area which will allow them to achieve additional infiltration value from there into the basin. The basin then flows into a stream corridor that flows away from the site. Ms. Devine stated that there is a very high water table in that area. Mr. Haley stated that the large design of the basin is because there is a high water table in that area. Ms. Devine asked if there will be a fence around the basin. Mr. Haley stated that they do not show fencing, but it will be up to the Board if they want to see fencing around the basins. Ms. Devine also expressed her concern at the additional traffic on Malaga Road and wondered if the applicant had any plans to have an access onto Morgan Road. Mr. Haley stated that they do not and cannot because there are wetlands through that portion of the property.

6. Mark Jones, 636 Josie Court, was sworn in by Mr. Schwartz. Mr. Jones expressed his concern with the headlights shining onto his property from the access drive on Winslow Road. Mr. Gabbianelli stated that it may have to be addressed with some shrubbery or landscaping to screen his property from cars exiting from the proposed development. Mr. Mintz stated that they will look at that issue before they return for final approval.

7. Ryan Esposito, 631 Josie Court, was sworn in by Mr. Schwartz. Mr. Esposito commented that there may also be some affect on his property from shining headlights. He also inquired as to the construction hours. The Board replied that the ordinance allows construction to start at 7:00 a.m., 8:00 a.m. on the weekends, until 5:00 p.m., Monday through Saturday.

8. Brian Vance, 778 E. Malaga Road, was sworn in by Mr. Schwartz. Mr. Vance stated that when he and his wife built their house a couple of years ago, the Pinelands told them Malaga Road was a scenic corridor and they had to set their home at least two hundred feet back off the road. He asked how the developer was allowed to have a seventy-five foot frontage. The Board stated that the Pinelands already approved the developers design. In addition, Mr. Vance's property is located in the RDA zone which has different requirements.

9. George Strand, 715 Winslow Road, was sworn in by Mr. Schwartz. Mr. Strand asked if this development will cause his taxes to go up. He stated that he is on a fixed income and is being taxed out of his house. Mr. Gabbianelli stated that even though this development would put more children in the schools, he didn't know if the actual school enrollment has decreased since there hasn't been any real new development in town but he thought that the enrollment has to be down from what it was. He stated that has been the case in other townships. There are other factors too such as COAH and COAH units usually generate more children. He commented that he did not know how this development would affect taxes.

10. Adoree Devine, 1355 Morgan Road, was sworn in by Mr. Schwartz. Ms. Devine asked when construction will start on this development and how much the homes will sell for. Mr. Mintz stated that they do not have a definite timetable as they still have to come back for final approval. They do not have a price point for the homes and the home design has not been determined at this time. They will have that information for final approval.

**Public Hearing: (continued)**

1. #1828 – Philadelphia Suburban Development (continued)

11. Mark Jones, 636 Josie Court, was previously sworn in by Mr. Schwartz. Mr. Jones asked if the design of the homes will be consistent with the existing homes in the area. Mr. Mintz replied that they are planning a two-story Colonial type home.

12. Elizabeth Jackson Lawrence, 746 E. Malaga Road, was previously sworn in by Mr. Schwartz. Ms. Lawrence stated that the buffer along Malaga and Winslow calls for oak trees; she wanted to know if a different kind of tree could be planted so that she doesn't get all the leaves blowing on her property. Mr. O'Brien stated that Mr. Kernan will work with the developer on the types of trees planted in the buffer.

13. Dorothy Brown, 808 E. Malaga Road, was previously sworn in by Mr. Schwartz. Ms. Brown asked about the protection for the new residents since there will be an open street. She thought the residents were going to have to walk through there. The Board explained that a roadway was being constructed and that the residents would be driving in and out of the development from that roadway.

14. Shirley Davis, 919 Malaga Road, was previously sworn in by Mr. Schwartz. Ms. Davis commented that since the developer is going to remove trees and proposes to plant oak trees, she would like to see trees planted that are good for the environment such as evergreen trees that also protect the ground from flooding. She asked if there will be construction work done on Sunday. The Board replied that there would not be work done on Sunday.

Motion passed to close the hearing to the public.

The Board raised the question of sidewalks and curbing along Malaga Road. Mr. Agnesino stated that he would like to see sidewalk and curb on Malaga Road. The applicant agreed to extend the sidewalk along Winslow Road to tie into the sidewalk at the Marissa Estates development, this will be done in lieu of providing sidewalk or the fee for the Morgan Road frontage. The applicant also agreed to install sidewalks and curbing along the frontage of their property on Malaga Road. Mr. Schwartz asked if sidewalks will be constructed in front of the existing homes on Malaga Road. Mr. Haley commented that there might be an issue because of the gas metering station. Mr. O'Brien stated that the County will look at that situation. Mr. Gabbianelli questioned who would maintain the sidewalk on Malaga Road. He stated that a school bus might stop out on Malaga Road to pick up the kids from this development but he thought the bus would stop in the development. There really aren't any other sidewalks on Malaga Road except for a little section across Winslow Road up to Mills Lane. He felt that the Township would get stuck maintaining the sidewalk in that area. Mr. Agnesino disagreed and felt that the sidewalk and curbing would make the development look finished. He suggested that the homeowner's association could be responsible for the sidewalk. Mr. Kozak stated that people do not usually walk down Malaga Road. Mr. Mintz stated that they would provide the ten foot graded walking area if the Board decides they do not want sidewalk on Malaga Road. He commented that people should not be encouraged to walk down Malaga Road. After further discussion, it was decided that the Board wanted the sidewalk on Malaga Road. Mr. Agnesino stated that the Board doesn't know what development might happen in the future so there should be sidewalk to tie into.



**Public Hearing: (continued)**

1. #1828 – Philadelphia Suburban Development (continued)

There was discussion concerning the recreation fee. The developer had offered to make a contribution of \$2,000.00 per unit for the market rate units and not the COAH units. Mr. Kozak commented that the calculation in Mr. Kernan's report, which is based on the Township's ordinance, states that the contribution should be \$5,900.00 per unit. He stated that the Board should not take less than what the ordinance requires. Mr. Mintz replied that there is a New Jersey case that has been decided that states that recreation fees and open space/fees are not within the scope of what an ordinance should say. There is a nuance in the case where an argument can be made that certain consideration within the Pinelands areas has not been decided by the court yet. Mr. Mintz questioned the amount in the ordinance because while the ordinance distinguishes between the different types of onsite recreation based on the number of units in the development, the amount of money per unit in lieu of providing the required recreation is the same. The ordinance just says every development, whether it's three houses or a hundred and two houses. He felt that there wasn't a rational nexus for the amount stated in the ordinance.

With regard to the COAH units, they should be exempt from the recreation fee because they cannot increase the cost of those units. They have proposed a reasonable contribution of \$165,000.00 based on what it would cost to build the required recreation onsite. He thought they proposed an amount they believe is fair. Mr. Cooper commented that there is a strain on the Township's recreational facilities because of the number of children in the Township and that this development will be adding more children. Mr. Nicoletti stated that they have been given an option to write a check for \$600,000.00 or install a tot lot, two tennis courts, and a basketball court on site. Mr. Haley has estimated that installing those recreational components onsite would cost a little over \$100,000.00. He stated that he could install the recreational facilities or he could write a check to the Township for the \$165,000.00. Mr. Kozak commented that if they choose to install the recreation, they would probably lose a few building lots because they cannot build in the wetlands. Mr. Masterson commented that the estimate of \$100,000.00 for the recreational facilities is a little low. Mr. Mintz stated that they didn't come to the number offered cavalierly. There is a very strong chance that no town in New Jersey is permitted to have open space and recreation fees. There is a very small window that the Board's professionals picked up on. The first offer was for a \$1000.00 per unit, but they were told that wasn't going to be a reasonable offer. They do know what the expense is to install the recreation on site, but they also realize it's of no benefit to the town to do that. They believe that their offer is reasonable in relation to the expense to provide the onsite recreation.

Mr. O'Brien suggested that the contribution should be raised to \$2,500.00 for an even \$200,000.00. Mr. Crane agreed that that was a reasonable amount. There was further discussion by the Board. Mr. Heffner commented that the sidewalk along Malaga Road would cost at least \$75,000.00 to install. He suggested that the Board waive the sidewalk and the fee on Malaga Road and have the developer contribute the money he would have spent installing the sidewalk there, and add it to the recreation contribution. He didn't think the sidewalk was necessary along Malaga Road for the few people that might use it, where that money could benefit thousands of children in the Township. Some Board members felt that if the sidewalk was waived the fee in lieu could not be used for recreation; however the Board has the option to waive the sidewalk fee as well. Mr. Kozak commented again that no one will maintain that sidewalk and any grassy area if it is installed on Malaga Road.

**Public Hearing: (continued)**

1. #1828 – Philadelphia Suburban Development (continued)

Mr. Mintz stated that his client would like to take some time to consider the situation and asked that the issue be tabled to final. The Board did not agree it should wait to final approval but that it should be negotiated now. Mr. Kernan commented that if the hearing were tabled, Mr. Jordan could look at what the cost would be if the required recreation was built onsite. He stated that he believes it will come out to be closer to the figure he calculated from the ordinance. Mr. Schwartz suggested that the hearing be tabled to the next meeting. Mr. Mintz and the Board agreed that the hearing would be tabled to February 28, 2013. Motion by Mr. Gabbianelli, seconded by Mr. Crane to table the hearing to the February 28, 2013 regular meeting. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Mr. O’Brien. Nays – Zero. Abstentions – Zero. The public was informed that there would not be any further notice sent and that the meeting would be continued on February 28, 2013 at 7:00 p.m.

**Discussion:**

1. Blaze Mill – Ordinance

Mr. Schwartz stated that as part of the settlement agreement with Blaze Mill, the Board has to give authorization to Mr. Kernan to develop the ordinance that has been put together already, but needs to be developed further for this case. Motion by Mr. Sebastian, seconded by Mr. Masterson to authorize Mr. Kernan to develop the ordinance for the Blaze Mill development. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

**Adjournment:**

The meeting was adjourned at 10:00 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