

**Call to Order:**

The regular meeting of the Monroe Township Planning Board was called to order at 7:05 p.m. by Vice Chairman Agnesino. The Board saluted the flag. Roll call was as follows:

Present – Mr. Cooper, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Sebastian, Ms. Hui, Mr. Agnesino. Absent – Mr. Gabbianelli, (excused), Mr. O’Brien, (excused), Mr. Masterson, (excused). Also present – Mr. Schwartz, Solicitor, Ms. Pellegrini, Planner, Mr. Jordan, Engineer. Mr. Heffner informed the Vice Chairman that he was on emergency call so he might have to leave the meeting if he gets called out.

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

Mr. Agnesino read the following statement: “Be advised, no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m.”.

**Memorialization of Resolutions:**

1. PB-11-13 – App. #1828 – Philadelphia Suburban Development – Lighting Waiver

Motion by Mr. Sebastian, seconded by Mr. Heffner to adopt resolution PB-11-13. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Heffner, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

2. PB-12-13–App. #1828–Philadelphia Suburban Development/Sidewalk Waiver/Morgan

Motion by Mr. Crane, seconded by Mr. Kozak to adopt resolution PB-12-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

3. PB-13-13 – App. #1828 – Philadelphia Suburban Development – Lot Frontage Variance

Motion by Mr. Sebastian, seconded by Mr. Crane to adopt resolution PB-13-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

4. PB-14-13 – App. #1828 – Philadelphia Suburban Development – Lot Area Variance

Motion by Mr. Kozak, seconded by Mr. Crane to adopt resolution PB-14-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

5. PB-15-13 – App #1828 – Philadelphia Suburban Development – Preliminary Denied

Motion by Mr. Kozak, seconded by Mr. Cooper to adopt resolution PB-15-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

6. PB-21-13 – Chapter 175-135 – Amendment to the Land Use Code “Signs”

Motion by Mr. Kozak, seconded by Mr. Crane to adopt resolution PB-21-13. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Heffner, Mr. Kozak. Nays – Zero. Abstentions – Zero.

**Reconsideration:**

Mr. Agnesino stated that the Board should address the letter from Mr. Mintz with regard to the reconsideration for application #1828/Philadelphia Suburban Development. Mr. Schwartz replied that the Board discussed the request for reconsideration by the applicant at the last meeting. He prepared a resolution in the event a Board member wanted to make a motion for reconsideration. He stated that the motion would only authorize the reconsideration it would not grant the applicant any approvals or reverse anything that was done previously. The applicant would have to come back before the Board, send proper notice, and essentially request all waivers and variances that are required.

Motion by Mr. Sebastian, seconded by Mr. Kozak to grant reconsideration to applicant #1828/Philadelphia Suburban Development and to memorialize resolution PB-22-13. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Sebastian, Mr. Agnesino. Nays – Zero. Abstentions – Zero. Motion for reconsideration passed.

**Public Hearing:**

1. #1829 – RJP Homes, LLC – Preliminary Major Subdivision/Waivers

Present – William Ziegler, applicant’s attorney, Larry Ragone, applicant’s planner, Evan Hill, applicant’s engineer, Cliff Gail, property owner.

The applicant is proposing a 38 unit townhouse development on an eight and half acre tract of land that was previously granted preliminary subdivision approval for 10 single family detached residential lots. That approval was granted in April of 2008. Under the proposed plan, the existing tract will be subdivided into 39 lots, consisting of 38 residential lots and one open space/stormwater management lot. All of the lots will front on a proposed cul-de-sac that will have access from Tuckahoe Road. The property is in the R-2 Zoning District and is located on Tuckahoe Road, north of Clayton Road, and is also known as Block 12901, Lot 18.

Mr. Jordan, Ms. Pellegrini, Mr. Ragone, and Mr. Hill were sworn in by Mr. Schwartz. Mr. Ziegler introduced himself as the applicant’s attorney. He stated some Board members may remember this parcel of land which received preliminary and final major subdivision approval back in 2007/2008. Mr. Hill placed his professional qualifications on the record and the Board accepted him as a qualified engineer.

Mr. Ragone displayed the plan marked as Exhibit RJP-1. He stated the property was granted final approval for ten single family homes; however the new applicant is proposing thirty-eight townhomes on the site. The property is located between the high school entrance and Clayton Road on Tuckahoe Road. The zone allows for single family attached units if certain criteria are met. One of the criteria is to have at least six acres; they have eight and a half acres. They also meet the density permitted under the ordinance. The open space requirement for the proposed development is sixty-five percent; they have seventy-two percent. One of the waivers being requested is for the use of a linear style roadway. Due to the configuration of the property and the proposed development, the applicant is proposing one single cul-de-sac road. (Mr. Heffner informed Mr. Agnesino that he had to leave the meeting due to an emergency call.) The application does meet all of the other design requirements. They are asking to submit the architectural plans at final. Each unit will have its own driveway and garage. The units are twenty foot wide and are designed as two stories. Every unit backs up to open space. Sidewalks are proposed along Tuckahoe Road and the interior of the development. The basin is located at the back of the property in the same location as the previous approved plan.

**Public Hearing: (continued)**

1. #1829 – RJP Homes (continued)

The ordinance requires the applicant to show that they can fit fifty units on the site. Mr. Ragone indicated they could reconfigure the development to fit fifty homes, but they did not want to have fifty units so they are requesting a waiver from this requirement. A waiver is being requested from providing a tree protection plan as the applicant is proposing to preserve as much of the existing vegetation as possible. Much of the proposed open space area will not be disturbed; the disturbed area is the same amount of area that was previously approved under the old plan. The applicant did agree to visit the site with someone from Mr. Kernan's office to identify any specimen trees that should be saved if possible. A note will also be added to the plans indicating that all trees will be preserved to the greatest extent possible.

Another requirement in the ordinance for this development is that the streets have to be privately owned. The applicant is requesting the street be a public street since the lots are fee simple lots. They are proposing a homeowner's association that will be responsible for maintaining the basin and the open space areas as well as snow removal; however they feel it would be prudent for the Township to have control over the street. They also are asking that the Township handle trash pick-up. A waiver is also being requested from providing a Fiscal Impact Statement. Mr. Ragone stated that the Township zoned this area to allow for residential uses so they must have anticipated future development. The last waiver being requested concerns pipe velocity which Mr. Hill will address.

Mr. Crane asked Mr. Ragone if the applicant was proposing a public street due to the cost of maintenance. Mr. Ragone replied that the homeowner's association will be small and they were looking to the future and thought it would be best if the Township has control of the street. He stated that the Town would have to reimburse the association for trash removal anyway. Mr. Cooper asked where they would put the snow in this development. Mr. Agnesino commented that there isn't even room to park a third car in the street unless they block their driveway. He stated that this type of development is a nightmare for trash pick-up and suggested the applicant provide dumpsters and private trash collection. Mr. Agnesino stated if there could be a designated day where the residents were not allowed to have any cars in the street so the trash and recyclable trucks could come in and do their job it would be okay, but he wasn't sure if it would work. He also expressed his concern with keeping the street private due to the size of the association and their ability to maintain the open space, basins, the roadway, trash pick-up, and snow removal.

There was also concern with cars parking in the cul-de-sac and any type of trucks, fire trucks, trash trucks, etc from being able to turn around. Mr. Ragone replied that they would agree to have "no parking" signs in the cul-de-sac. There was discussion on enforcement of the "no parking" if the street remains private. Mr. Ziegler indicated that the applicant would ask the Township to enforce under Title 39.

Mr. Jordan commented on the waiver request concerning the pipe velocity. If the velocity is not met then the pipes will have to be flushed periodically. He wanted to be sure this would be the association's responsibility and not the Townships since the pipes are located in the street. Mr. Hill replied that there is an underground stormwater management system consisting of pipes/inlets in the roadway which conveys the stormwater to the basin.

**Public Hearing: (continued)**

1. #1829 – RJP Homes (continued)

Most of the pipe velocities are greater than two feet per second; however in certain instances, because of the size and shallow slope of the pipe, and the fact that there isn't a lot of flow through it, it results in the velocity being less than two feet per second. He stated he was confident that they could work something out with Mr. Jordan such as switching the pipe to perforated pipe; however if it can't be worked out, then the association would take responsibility for flushing the pipes.

Mr. Jordan reviewed his report for the Board. Mr. Ziegler commented that the applicant has agreed to comply with all of Mr. Jordan's comments in his report. Mr. Jordan stated he wanted to review a couple of items for the Board. Mr. Schwartz reviewed the submission waivers being requested and required in order to deem the application complete. The waivers needed are from providing a Fiscal Impact Statement, from showing the existing lighting within 100 feet of the site, from showing the names of the nearest streets within 500 feet, from showing the property owners within 200 feet of the site, and from providing a tree survey. Motion by Mr. Crane, seconded by Mr. Sebastian to grant the waivers and deem application #1829 complete. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Ms. Hui, Mr. Sebastian, Mr. Agnesino. Nays – Zero. Abstentions – Zero.

Mr. Jordan stated that applicant is requesting the waiver from having fifty units and a waiver for the parking spaces not being located within 100 feet of the door. He felt the waiver was required for the off-street parking areas. Ms. Pellegrini commented that there is a separate distance in the ordinance for off-street parking areas. Ms. Pellegrini commented that a waiver was not necessary.

With regard to the lighting, the applicant indicated the light design would be done by Atlantic City Electric; Mr. Jordan commented that the design must comply with the Township ordinance. The applicant must coordinate the street name with the Office of Emergency Management. The applicant agreed to address all of the comments with regard to the environmental section in the report. Mr. Jordan stated that the applicant must post bonding and inspection fees prior to the plans being signed.

Ms. Pellegrini reviewed her report for the Board. The applicant does meet the density requirements for the zone. They do not meet the requirements of the ordinance with regard to the content of the thirty foot buffer. The applicant agreed to work with Mr. Kernan's office concerning the type of landscaping/screening required. The applicant is requesting to defer this issue to final. Mr. Sebastian stated that fences will not be permitted in the buffer areas. Ms. Pellegrini replied that the buffer is in the common open space and not part of the back yards so it shouldn't be an issue. Mr. Kozak asked if the Board wanted a vinyl split rail fence around the basin or the black chain link fence. Mr. Agnesino commented that the proposed fencing has the mesh around it and he didn't think it mattered since the homeowner's association will be responsible. Mr. Sebastian commented that for developments of less than 100 units, having a homeowner's association is at the discretion of the Board. He questioned whether thirty-eight homes are enough homes to sustain a homeowner's association. Mr. Agnesino replied that the Board should discuss that issue further with regard to how much responsibility they should have; they will definitely have the open space and the basin as well as snow removal.

**Public Hearing: (continued)**

1. #1829 – RJP Homes (continued)

Mr. Sebastian stated that there have been issues in other developments where the association could not maintain their basins and then it becomes the Township's issue. He stated that if there isn't an association, there should be a calculation for basin maintenance that the developer would have to provide. Mr. Agnesino stated that it's hard to figure out with regard to how the maintenance is done; if it's the homeowner's responsibility then they have to deal with it, not the Township. Mr. Cooper asked about the car headlights when exiting the street and impact on the houses across the street. Ms. Pellegrini stated there is a buffer required and she addresses that later in her report.

The landscaped buffer between the right-of-way and the developed area does not meet the requirements for content. The applicant agreed to meet with Mr. Kernan's office with regard to this issue before final. Each unit is required to have 400 cubic feet of storage space; the applicant will address this issue at the time of final. With regard to parking, the applicant meets the requirements for the number of parking spaces provided. The waiver to allow the street to be a public street is still under review by the Board. There is landscaping required around the off-street parking areas as well as throughout the development, specifically foundation plantings. These items should be addressed on the plan in detail at final. The applicant agreed to comply. The applicant is asking for a waiver with regard to the tree survey. They have agreed to provide more detail of the existing vegetation on the plan. Supplemental landscaping must be provided where necessary and the applicant has agreed to comply.

Ms. Pellegrini stated that COAH should be addressed at final pending any new regulations. The applicant must enter into a developer's agreement with the Township. The use of a homeowner's association is still being reviewed by the Board. The applicant must contact the County Tax Assessor's office with regard to the lot numbers and they must obtain all other outside agency approvals as listed in the professional's reports and that otherwise may be required.

Mr. Kozak inquired as to recreation fees and why the Board cannot stipulate now that they want COAH to be provided on-site. Ms. Pellegrini stated that the Board could place on the record their preference to have on-site COAH units but she thought it was premature to discuss a number since the rules can change. Mr. Ziegler commented that the twenty percent set aside is what is being challenged and is now pending at the Supreme Court. The round three rules have been deemed invalid so there really isn't a twenty percent requirement. With regard to the recreation fees, Ms. Pellegrini stated that they can also be addressed at final. Mrs. Farrell commented that any contribution would be voluntary and that the applicant had agreed to provide recreation fees at the prior approval. Mr. Ziegler stated the ordinance does not require on-site recreation under this zone for this development. He didn't know what the original recreation contribution was but the law states in cannot be required. He stated he would prefer to defer the issue to final.

There was further discussion on whether the street should be public or private. Mr. Agnesino commented he thought they would have to have dumpsters because there is no way the street will be clear of cars in order for the Township to pick up the trash. Mr. Kozak suggested the four units on the cul-de-sac be eliminated which would allow that area to be used for snow or the dumpsters; it would also eliminate cars being parked in the cul-de-sac.

**Public Hearing:**

1. #1829 – RJP Homes (continued)

Mr. Agnesino stated the applicant has room on the site to place the dumpsters without them being in the open space areas. He stated again that it would be nice if they could get the cars off the street one day week so the Township could pick up the trash. Unfortunately the residents will only park one car in the driveway because they will not use the garage for a car, so they'll have to park one in the street and with three bedroom homes there could be at least three cars per household.

Mr. Cooper inquired as to the headlights coming out of the street and the impact on the houses across the street. Mr. Hill stated that based on the aerial photograph he didn't think there was a house directly across from the proposed street. Mr. Ragone stated that they would agree to look at that situation.

Motion passed to open the hearing to the public.

1. Shawn Rutter, 378 N. Tuckahoe Road, was sworn in by Mr. Schwartz. Mr. Rutter stated that there is a house across the street and that there isn't any existing vegetation to block the headlights. He commented that he thought the ordinance was pretty specific with regard to the Fiscal Impact Statement for this type of development. He didn't think the Board should grant the waiver. He also questioned the water supply and the developments impact on the water pressure in the area. Mr. Agnesino replied that the MMUA has to give approvals for the water and sewer on the site. He asked about the discrepancies with regard to the stormwater calculations. Mr. Jordan stated that there are some mathematical corrections and some other minor issues that will be corrected before the applicant comes back in for final. Mr. Rutter also expressed his concern with the speed limit on Tuckahoe Road and asked if the Board thought another development would be enough for the speed limit to be lowered. The Board replied that they did not have jurisdiction over the speed limit and didn't know what the criteria are to have the speed limit lowered.

2. Jim Allen, 401 N. Tuckahoe Road, was sworn in by Mr. Schwartz. Mr. Allen stated that his property is next to the proposed basin. He was concerned with the lack of buffer at the rear portion of the basin along his property line. He commented that all of the trees in the basin area will have to be eliminated in order for the applicant to construct the basin and that he has enjoyed his privacy there for twenty-nine years. He asked if the applicant was going to put a fence along the property line since he knows that the development will have children that will want to play in the basin/open space area and realize there is a house back there. Mr. Hill replied that the basin is approximately fifteen feet from Mr. Allen's property line and that they will supplement the area along his property line where the trees will be removed. After some discussion, the applicant agreed to construct a six foot high black on black chain link fence along the property line. The split rail fencing proposed around the basin on that side will be eliminated but will still be constructed on the other side of the basin. Cliff Gail, owner of the property being developed, was sworn in by Mr. Schwartz. Mr. Gail agreed to the fencing along Mr. Allen's property line. The homeowner's association will own and be responsible for the fence.

Motion passed to close the hearing to the public.

Mr. Schwartz reviewed the waivers for the Board. Motion by Mr. Sebastian, seconded by Mr. Hui to grant the waiver to allow the linear roadway. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Sebastian, Mr. Hui, Mr. Agnesino. Nays – Zero. Abstentions – Zero.

**Public Hearing: (continued)**

1. #1829 – RJP Homes (continued)

Motion by Mr. Crane, seconded by Mr. Sebastian to grant the waiver for showing less than 50 units on the site. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Sebastian, Mr. Hui, Mr. Agnesino. Nays – Zero. Abstentions – Zero.

Mr. Schwartz stated that the Board has to make a decision on whether the street is going to be public or private. A waiver would be required if the street is going to be public. Mr. Agnesino stated that he felt the Board should discuss the issue further. There was discussion on whether an association can maintain the responsibilities of the entire development. Mr. Ziegler commented that if the association does not fulfill its obligation the town can place a special assessment on them and the association can do the same for any members that do not pay their association fees. Mr. Agnesino stated that he thought the Township could take responsibility of the street with the homeowner's association taking responsibility for the open space, the basin, trash and snow removal.

Mr. Crane asked who would be responsible for the pipes in the street. Mr. Agnesino stated that the Township will be responsible for anything within the cartway; the curb and sidewalk is the responsibility of the association. After further discussion, the Board decided that the street would be public, but the homeowner's association would be responsible for the open space, the basin, trash removal, and snow removal.

Motion by Mr. Cooper, seconded by Mr. Crane to grant the waiver and allow the street to be a public street. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Sebastian, Ms. Hui, Mr. Agnesino. Nays – Zero. Abstentions – Zero.

Motion by Mr. Sebastian, seconded by Mr. Cooper to grant preliminary major subdivision approval subject to the comments in the professional's reports and agreed to on the record, the applicant submitting the architectural plans at final, the applicant meeting with Mr. Kernan's office with regard to the buffer content and landscaping around the development, the applicant constructing the fencing along the property line with Mr. Allen's property, the homeowner's association being responsible for the basin, open space, trash removal, snow removal, the fencing around the basin, homeowner's documents to be submitted to Mr. Schwartz, posting of bonding and inspection money, the developer's agreement, and the recreation fees and COAH to be reviewed at final. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Sebastian, Ms. Hui, Mr. Agnesino. Nays – Zero. Abstentions – Zero. The applicant agreed to submit revised preliminary plans to the Board office.

**Approval of Minutes:**

1. 4/11/13 regular meeting.

Motion by Mr. Cooper, seconded by Mr. Sebastian to approve the minutes from the April 11, 2013 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:50

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.