

**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. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Absent – Mr. Heffner, (excused). 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."

**Subdivision for Board Action:**

1. #1739 – 110 Whitehall, LLC – Final Major Subdivision

Present – Joe Bennie, applicant's attorney, Rick Clemson, applicant's engineer, Ken Schatz, applicant, Don Paparone, applicant, Randy Unangst, Paparone Homes.

Member's packets contained: 1. Report dated June 6, 2013 prepared by Ray Jordan. 2. Report dated June 5, 2013 prepared by Tim Kernan. 3. A copy of the applicant's final major subdivision plans.

The applicant is proposing to construct 192 single-family homes on a 110 acre parcel. The applicant was previously granted approval from an age-restricted to a non-age restricted development under the Conversion Bill on June 23, 2011 and received preliminary major subdivision approval on July 28, 2011. Access to the development will be provided at two locations along Whitehall Road. In addition, ten open space or stormwater management lots are proposed. The plans indicate the project will be developed in twelve phases. The property is located on Whitehall Road also known as Block 8001, Lot 28.

Mr. Bennie introduced himself as the applicant's attorney. He stated his client was before the Board for final major subdivision approval. He indicated that Mr. Clemson has met with Mr. Kernan and Mr. Jordan with regard to their reports and many of the issues should have been resolved. Mr. Clemson, Mr. Schatz, Mr. Paparone, Mr. Unangst, Mr. Kernan, and Mr. Jordan were sworn in by Mr. Schwartz. Mr. Bennie indicated that the homeowner's documents were sent to Mr. Schwartz for his approval; there were some minor corrections which have been completed. Mr. Schwartz commented that the homeowner's documents are okay; there was a question with regard to the PDC's with regard to how many have been purchased by the applicant. To date 11.25 PDC's have been purchased, .75 are under contract to be purchased; any approval would be conditioned upon proof that the .75 PDC's have been purchased by the applicant.

Mr. Gabbianelli commented that after the most recent storm a tree fell across the road in the lakes area and people could not utilize the road to get out. He stated they were driving over the dams to get out. He asked if it was possible to have an easement for emergency access through this developments open space. There was further discussion on the matter with the applicant being agreeable to granting an easement; however the Township would have to obtain some approvals from other property owners as well. The actual location of the easement would be in Phase 9 of the overall project and they can make the adjustment at that time.

**Subdivision: (continued)**

1. #1739 - 110 Whitehall, LLC (continued)

Mr. Clemson gave a brief overview of the final plan. He stated the applicant did receive a no call up letter from the Pinelands back in March. The property does not have any fresh water wetlands; there was a threatened and endangered species habitat assessment completed and there were no issues on this site. They are working with the MMUA with regard to water and sewer; they have County approval and Soil Conservation approval. The property is heavily wooded with a mix of pine and oak trees. The proposal is for 192 single family homes, ten open space lots; five of those lots will contain stormwater management basins. Basins D and E were originally underground stormwater management recharge trenches; however after working with Mr. Jordan, they redesigned those and created above ground stormwater management systems. They also moved them further away from the building setback by fifty feet and tried to limit the clearing points from the street so there will be a natural buffer between the road and the two basins. The open space lots and the basins will be maintained by the homeowner's association. Approximately fifty-two acres of the property is open space out of the one hundred and ten acres. The project is proposed to be developed in twelve phases. The applicant is proposing a six foot bituminous path along the frontage of Whitehall Road.

Mr. Sebastian asked where the construction traffic will enter the site. Mr. Clemson replied that after Phase I and Phase II are complete and the utilities are looped around, the construction traffic will enter the site from the other proposed access drive.

Mr. Jordan reviewed his report for the Board. He indicated that the application could be deemed complete by the Board. Motion by Mr. Agnesino, seconded by Mr. Sebastian to deem application #1739 complete. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Mr. Jordan noted that the applicant has addressed most of the concerns; however there are a few items that should be discussed. The applicant has corrected some of the issues concerning the lot lines; however some of the information is still missing from the plans. Mr. Clemson replied that there are some drafting issues that will be corrected. There were two lots with lot frontage issues and the plans have been corrected. A waiver is being requested from showing the location of significant individual trees. The applicant must show the location of all proposed utilities with dimensions, on the plans. Mr. Clemson stated that they did go over this issue with Mr. Jordan's office and that information will be added to the roadway section with a note that indicates all of the public utilities will be installed within the right-of-way. The applicant did not include crosswalks for the interior roadway intersections, roadway centerline offsets for the proposed inlets and manholes have not been included on the plans, and the six foot crosswalk detail appears to be incomplete. Mr. Clemson replied that they have added crosswalks at the two major intersections along Whitehall Road; within the development they have not included crosswalks; however they have included the handicap ramps and stop bars at every intersection within the development. The applicant is asking for a waiver from providing crosswalks within the development. With regard to the centerline offsets, Mr. Clemson stated he reviewed this issue with someone from Mr. Jordan's office and they have provided the note on the plan. The applicant will address the issue of the six foot wide crosswalk detail on the plans.

**Subdivision: (continued)**

1. #1739 – 110 Whitehall, LLC (continued)

Mr. Jordan asked for a copy of the Pinelands letter concerning the Habitat Report for the site. Mr. Clemson agreed to provide a copy to Mr. Jordan and the Board. Mr. Cooper inquired as to the seasonal high water table and whether the applicant is proposing basements. Mr. Clemson replied that they are not sure if the homes will have basements; however they did soil testing throughout the entire site and found that the seasonal high water table was greater than ten feet everywhere. They compared those results with all of the lots and they are confident they can have a basement on every lot on the site. Mr. Sebastian asked if the applicant will have a deed restriction on the homes proposed with basements since they are not permitted to increase the number of bedrooms under the conversion law. The applicant agreed to provide the deed restriction or covenant. Mr. Jordan commented that there are two known existing foundations on the property and that the Phase I indicated there may have been timber operations on the site. Mr. Clemson replied that there aren't any hazardous materials around the two existing foundations. One of the foundations will be removed and the other will remain. With regard to timber operations on the site, Mr. Clemson stated he did not think there was conclusive evidence and if there was it was some time ago. Mr. Jordan commented that bonding must be provided by the applicant based on construction cost estimates as well as escrow for inspection fees.

Mr. Kernan reviewed his report for the Board. He stated that the lot areas for two of the lots have been corrected, as have the lot frontages for two of the lots. Mr. Kernan also noted that there are lots that contain portions of storm sewer easements which are unnecessary since they are adjacent to open space and the piping can be shifted. The applicant's engineer agreed and the pipes have been shifted into the open space and the plans have been revised. There are many lots where the side yard is taken up entirely by a storm sewer easement. Mr. Clemson and Mr. Kernan discussed this issue and Mr. Clemson suggested shifting the building setback lines to one side or the other so that the setback for the home would not be right up against the easement. The easements are required to be twenty feet and they straddle the common lot line; so ten feet on each side yard. His concern was that the foundations would be right up against an underground pipe. There were also concerns with homeowners wanting to put up fences. Mr. Clemson stated that the easements are all drainage easements and the piping is small and pretty shallow. He did not see any concern with regard to the foundations.

Additional street trees should be provided and the applicant agreed to revise the plan accordingly. The applicant agreed to widen the bituminous path along Whitehall Road from four feet to six feet. With regard to signage, the applicant is proposing two development identification signs at the entrances; a waiver is being requested for the proposed signage. Mr. Clemson agreed to clean up the sign detail so Mr. Kernan can see the details with regard to size. Mr. Unangst stated that the proposed sign is very similar to the sign at the Carriage Glen entrance. Mr. Kernan noted that swales have been added or extended along many of the rear lot lines; he is concerned about the placement of some inlets, the need for additional inlets, as well as the location of some of the easements and the lack of easements in some locations. Mr. Clemson and Mr. Kernan discussed this issue with Mr. Clemson indicating that they will be adding inlets in the areas of concern. He stated Mr. Kernan also pointed out some swales that were running along the rear property lines and they have pushed them out into the open space a little further so that the property owner can have full use of their backyards.

**Subdivision: (continued)**

1. #1739 – 110 Whitehall, LLC (continued)

The applicant has added quite a bit of landscaping between the building lots and the basins. He does support the waiver from locating all the significant trees on the property. He did question where the fencing should be placed for the basins in relationship to the back property lines that abut the basins, as well as where the landscaping should be placed. His thought was that if a chain link fence is being constructed around the basins, then it should be on the property line or six inches off into the open space and then the landscaping behind that. This is different from what is shown on the plans. Mr. Clemson stated that what is shown now is the fence is approximately ten or fifteen feet away from the rear property line with the landscaping between the property line and the fence. Mr. Kernan pointed out that if the homeowners put up their own fence then there will be landscaping between their fencing and the basin fencing that is inaccessible. The Board thought the applicant should leave it the way it's shown. Mr. Clemson asked to discuss the type of fencing. The Board agreed that the fencing should be five foot high chain link in black vinyl. The applicant agreed to the Board's recommendation.

The applicant agreed to enter into a Developer's Agreement as well as recording a deed restriction with the County Clerk precluding development on the forty-five acre portion of the site proposed to remain undeveloped in order to meet the low impact design standards of the Pinelands. The applicant has agreed to comply with the PDC requirements set forth by the Pinelands Commission. With regard to the recreation contribution, it was noted at the preliminary approval that the applicant should provide \$1,500.00 per unit for a total contribution of not less than \$288,000.00. Mr. Gabbianelli noted that the last applicant agreed to a contribution of \$2,500.00 per unit. Mr. Schatz stated that they have ample places to put onsite recreation. The other outstanding issue is COAH. The Board and the Township do not want the development fee. Mr. Kernan stated that the on-site proposal of a low income apartment building in the middle of the development was not amenable to the Board or the residents in the area. He noted that there should be some thought to working with Catholic Charities on bringing a senior affordable project to town. He stated that Catholic Charities has expressed an interest in doing a project in the town so if there is a way to tie the obligations from this development and others to a viable affordable project such as Catholic Charities then the town should pursue that avenue. In addition, it will defend the town's housing trust fund and the State would not be able take the money away if the town knows what it's going to do with the funds.

Mr. O'Brien asked what the development fee is for this development. Mr. Kernan stated that no one really knows what the fee is going to be; however right now if the applicant paid the development fee of one and half percent, assuming the homes sold for a couple of hundred thousand, the fee would be \$3,000.00 a unit, or around \$600,000.00 would come to the town over time against a forty-eight unit obligation. A forty-eight unit project would cost approximately four million dollars to build. Mr. O'Brien stated that the Board has to decide what they want to do. Mr. Kozak commented that Mr. Kernan's point was that the \$600,000.00 is not enough to fund the forty-eight units. After some further discussion some of the Board members thought the applicant should build the affordable units onsite because the town is not in the construction business. There was discussion concerning Catholic Charities with Mr. Kernan stating that their funding from State or Federal resources has dried up; however they are looking for other funding, such as from the town's housing trust fund, but there has to be enough in the fund to develop a viable project. Mr. Kernan stated that if there is financing for one part and this project can fill the gap for the other part, then the applicant's obligation would be fulfilled.

**Subdivision: (continued)**

1. #1739 – 110 Whitehall, LLC (continued)

Mr. Kernan stated there is also an in lieu fee that is set by COAH and it is over \$100,000.00 per affordable unit, which would be over 4.8 million dollars, so the numbers are all over the place. Mr. Schatz asked if there was a contribution from the Township for Justin Commons. Mr. Kernan stated that there was not a contribution from the town. Mr. O'Brien stated that the Board can vote that the applicant has to build the affordable units onsite with the option for them to come back to the Board and discuss the issue at a later date. Mr. Kozak commented that the applicant will not come back to discuss the issue, they will put the affordable units onsite in that building they originally proposed.

Mr. Gabbianelli made a motion that the affordable units be build onsite. His motion was seconded by Mr. Agnesino. Mr. Schatz asked if the forty-eight units were the adult units. The Board indicated they wanted them to be like the market rate units. Mr. Schwartz suggested that instead of the Board voting on just this one part, if all are in agreement that they want the affordable units built onsite and to be similar to the market rate units, then that can be part of the overall condition of approval. Mr. Gabbianelli stated that the applicant can come back if they find a charity or someplace else to put the affordable units but he made the motion that they build them onsite at this time. Mr. Schatz asked the Board to clarify the motion. The Board explained that they wanted forty-eight of the proposed one hundred and ninety-two units to be affordable units within the development. Mr. Schatz indicated that they would not do that. He stated that the original plan was to have a separate building for the affordable units. Mrs. Farrell stated that the public did not want that affordable unit apartment building. Mr. Schwartz stated that if the Board votes to have the affordable units onsite, then the application should be tabled until the applicant comes back with a plan showing the forty-eight affordable units. There was some discussion about whether the public would have to be notified again. Mr. O'Brien commented that he thought the applicant should come back with the revised plan and that the public should be notified.

Mr. Schwartz clarified the motion on the table. The motion being for forty-eight additional affordable units, similar to the market rate units, to be constructed onsite. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Mr. Schwartz stated that the next motion would be to table the application since this plan does not show the forty-eight units. The applicant must provide the extension of time as well and notify the public. Mr. Schwartz stated that it still gives the applicant the option to come back with a different proposal for the affordable units offsite. Mrs. Farrell stated that the time expires on September 9, 2013; the Board is asking for a ninety-five day extension in order to table that application. Mr. O'Brien asked if the applicant was willing to give the extension or not. Mr. Schatz agreed to give the ninety-five day extension. He commented that they did show a plan with the affordable units onsite but because the public did not want them there, the Board agreed they should be offsite. The Board commented that the public did not want that big, apartment like building with all the affordable units right in the middle of the development. Motion by Mr. Sebastian, seconded by Mr. Agnesino to postpone the application to the next available meeting after the applicant can submit revised plans or they meet with the Board's professionals to work out a plan for offsite affordable units. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Discussion:**

1. Pineland Development Credits

Mr. Kernan stated that the Pinelands have been meeting with builders, municipalities, and planners in round table meetings in order to come with ways to increase the use of Pinelands Development Credits. The result is that PDC's would be needed in every development and not just if a developer wants to increase the density because there has not been enough use of PDC's. The Pinelands says they have a thirty percent over supply of PDC's. They have a rule proposal that they're going to put forward through the New Jersey Register, like a real proposal. The rule proposal is based on a sliding scale based on density. For example if you have up to .99 units per acre in your development, then sixty percent of the units would need PDC's. If your density goes up, from like one unit per acre to six units per acre, the PDC requirement goes down from sixty percent to only five percent. The end result is it benefits the builders to push the municipalities for more density. There was also discussion on having PDC requirements for commercial development.

**Approval of Minutes:**

1. 7/11/13 regular meeting.

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

**Adjournment:**

The meeting was adjourned at 8:43 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