

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. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Absent – Mr. Cooper, (excused), Ms. Hui, (excused), Mr. Jordan, (excused). Also present – Mr. Schwartz, Solicitor, Mr. Kernan, Planner.

Proper notice of this meeting was given in accordance with the requirements of the Open Public Meetings Act on January 13, 2014.

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. #1831- Joseph Smart, Executor/Estate of Hudson B. Johnson – Minor Subdivision

Present – Joseph Smart, applicant, Michael Lamplugh, applicant's surveyor.

Member's packets contained: 1. Report dated December 27, 2013 prepared by Tim Kernan. 2. A copy of the applicant's minor subdivision plan.

The applicant is proposing to subdivide four lots into two lots; lots 22 and 23 will be eliminated and consolidated with proposed lot 16. Lot 21 will be eliminated and consolidated with proposed lot 16.01. Proposed lot 16 will contain approximately 48 acres and proposed lot 16.01 will contain approximately 50 acres. The property is located at the end of Sykes Lane through an existing ingress/egress easement and is known as 1309 Sykes Lane; Block 14001, Lots 16, 21, 21, and 23.

Mr. Kernan, Mr. Lamplugh, and Mr. Smart were sworn in by Mr. Schwartz. Mr. Gabbianelli informed Mr. O'Brien that he was excusing himself from participating in this application since he has worked with Mr. Smart. Mr. Smart displayed his subdivision for the Board. He explained that he would like to take the four lots and make them into two individual lots. Most of the property is farmland and will remain that way.

Mr. Kernan reviewed his report for the Board. He stated that the property is located at the end of Sykes Lane and is accessed through an easement because Sykes Lane ends a short distance from the property. There is a recorded easement for access. The applicant is proposing to split the property almost in half. There are a couple of submission waivers that have to be granted in order to deem the application complete. The first is from providing contours on the subdivision plan; however there is a key map that has contours on it. The second waiver is from providing the location and size of all bridges, culverts, streams, etc within 200 feet of the area to be subdivided. There are some of those features located on the property; to the south there is the Swope Branch that cuts through the property and there is another creek that runs through the property; however with no new development planned the waiver can be supported. Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the submission waivers and deem application #1831 complete. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Public Hearing: (continued)

1. #1831 – Joseph Smart (continued)

Mr. Kernan continued his report. With regard to the bulk requirements both lots meet the requirements with the exception of lot frontage/width, where fifty feet is required and neither lot has road frontage; a variance is required. The existing front yard setback for the existing dwelling exceeds the maximum requirements due to the fact that this property is located in the Residential Age Restricted zone which typically has a small house on small lots and the setback is minimal; however this is a pre-existing non-conforming condition. Mr. Kernan commented that the ordinance does not permit any building or structure to be constructed unless it abuts a street; a waiver would be required if a home or structure is proposed to be built in the future on proposed Lot 16.01. He asked the applicant if he wanted to amend his application and ask for that waiver now in case he ever wanted to build on the lot. Mr. Smart stated that he did want to amend the application and ask for that waiver.

With regard to COAH, if a home is built on the new lot, the applicant would be required to pay a development fee of one and one-half percent of the equalized assessed value of the home. The lot numbers must be approved by the Tax Assessor's office and any outstanding escrow accounts must be settled. Mrs. Farrell pointed out to the Board that there is a recorded easement which allows access from the end of Sykes Lane across Lot 24 to the applicant's property. Mr. Schwartz asked that the November 1999 deed be marked as Exhibit A-1 and Exhibit A-2 is the legal description for access to the lots.

Motion passed to open the hearing to the public.

1. Len Fritz, 1712 North Tuckahoe Road, was sworn in by Mr. Schwartz. Mr. Fritz stated that he is a member of the Open Space Committee and they are looking at possible connections of the existing bike path from Route 322 over to Scotland Run Park. Mr. Smart's property is one of the properties that would be in the way of making that connection. He asked Mr. Smart if he would be willing to consider an easement through his property sometime in the future if they can get the other property owners to agree as well. Mr. Smart stated that he would be willing to look at their proposal at that time.

Motion passed to close the hearing to the public.

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the waiver to allow the construction of a home or structure on a lot that does not have street frontage. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant the lot frontage variance for both lots where fifty feet is required and there is zero lot frontage proposed. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Agnesino, seconded by Mr. Kozak to grant minor subdivision approval subject to any comments listed in the Mr. Kernan's report and referencing the two exhibits. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Ordinance – for Board Action:

1. COAH Development Fee

Member's packets contained: 1. Memo dated January 16, 2014 prepared by Mr. Kernan.

Mr. Kernan stated that COAH wants two sections of the Township's development fee ordinance changed. The ordinance was adopted in 2009; however it was right around that time the Township left COAH and entered the courts to handle two builders remedy lawsuits. As part of the settlement agreement, the Township had a number of days to submit an ordinance for approval by the Court Master and COAH. COAH responded by asking for the two changes in the wording in the section of the ordinance titled "residential development fees" under imposed fees. The Board was in agreement with the changes. Mr. Kernan stated that the ordinance has to be sent to the Council for their approval.

Motion by Mr. Agnesino, seconded by Mr. Heffner to recommend the ordinance with the changes to Council. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Approval of Minutes:

1. 1/9/14 reorganization meeting.

Motion by Mr. Agnesino, seconded by Mr. Crane to approve the minutes from the January 9, 2014 reorganization meeting. Voice vote; all ayes, motion passed. Mr. Caligiuri abstained.

Public Portion:

1. Mr. Fritz addressed the Board as a member of the Open Space Committee. He asked if any of the Board members would consider being the Planning Board liaison to the Open Space Committee as they are trying to get liaisons from other Township committees and boards. The Open Space Committee meets the first Monday of the month.

Adjournment:

The meeting was adjourned at 7:25 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