

**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. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. Scardino, Mr. O'Brien. Absent – Mr. Jordan, Engineer, (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."

**Memorialization of Resolutions:**

1. PB-09-14 – App. #1831 – Joseph Smart (Estate of HBJ) – Waivers/Completeness

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-09-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

2. PB-10-14 – App. #1831 – Joseph Smart (Estate of HBJ) – Lot Frontage/Width Variance

Motion by Mr. Agnesino, seconded by Mr. Crane to adopt resolution PB-10-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

3. PB-11-14 – App. #1831 – Joseph Smart (Estate of HBJ) – Lot Abutting Public Street

Motion by Mr. Agnesino, seconded by Mr. Heffner to adopt resolution PB-11-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

4. PB-12-14 – App. #1831 – Joseph Smart (Estate of HBJ) – Minor Subdivision Approved

Motion by Mr. Agnesino, seconded by Mr. Heffner to adopt resolution PB-12-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

5. PB-13-14 – Chapter 175.89.1 – Recommendation of Amendment/COAH Fees

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-13-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Minor Subdivision:**

1. #1832 - Edward F. Kuhn, Jr. – Minor Subdivision

Present – Edward F. Kuhn, Jr., applicant.

Member's packets contained: 1. Report dated January 9, 2014 prepared by Tim Kernan.  
2. A copy of the applicant's proposed minor subdivision plan.

The applicant is proposing to subdivide one lot into three lots. Proposed Lots 13.01 and 13.02 will measure one acre each with a single family dwelling to be constructed on each lot in the future. The remainder lot, Lot 13 will measure 43.38 acres, all of which will be under farmland preservation, with one acre of the lot being allowed to be developed for the future construction of one single family dwelling. The property is located on Fries Mill Road, also known as Block 14801, Lot 13.

Mr. Kernan and Mr. Kuhn were sworn in by Mr. Schwartz. Mr. Kuhn testified that he owns a forty-four acre lot on Fries Mill Road. He is in the process of preserving the property under the State's Farmland Preservation Act; however he proposing to subdivide the property to take out two one acre lots for his family before the remainder of the property is preserved. Under farmland preservation, he is allowed to develop what is called a non-severable lot of one acre within the preserved area; which he can use for his own home.

Mr. Kernan reviewed his report for the Board. He stated that the application can be deemed complete. Motion by Mr. Caligiuri, seconded by Mr. Cooper to deem application #1832 complete. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

The application meets all of the bulk requirements and the proposed subdivision complies with the ordinance. The only issue is the issue of sidewalk. Mr. Agnesino asked if the building of three homes will affect the runoff to the rear of those proposed lots. Mr. Kernan stated the development of these three lots will not affect those adjacent lots as there is twelve to thirteen hundred feet between the proposed lots and those existing lots to the rear. Mr. Crane inquired as to the easement between the two proposed one acre lots and the rear lot. Mr. Kuhn testified that he will own the twenty foot wide access drive back to his lot and will grant the other two lots an easement which they will use for their driveways. There is still eighty-five feet of frontage along Fries Mill Road that will provide access to the farmland preserved area.

There was discussion concerning the sidewalk waiver with the requirement being \$3,000.00 per residential lot for granting the waiver. Mr. Kuhn was advised that the sidewalk fee would be a \$9,000.00 contribution. He decided that he would install the sidewalks along the frontage of Fries Mill Road. There was further discussion on the matter of sidewalk and curbing and whether the County would require curbing. Mr. Kuhn was given the option to make the contribution or install the sidewalk and possibly curbing if it is required by the County. Mr. Kuhn opted to install the sidewalk. He was also advised that he would incur a COAH fee when he applies for zoning to build the three proposed homes. He indicated he was aware of the COAH fee.

**Subdivision: (continued)**

1. #1832 – Edward Kuhn (continued)

Motion by Mr. Cooper, seconded by Mr. Heffner to grant the minor subdivision conditioned upon the farmland preservation limitation, installation of sidewalk and curbing if required by the County, compliance with COAH, and any other comments in Mr. Kernan's letter. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Sidewalk Waiver:**

1. #SW-49-14 – Michael Beeler – Sidewalk Waiver

Present – Sarah Hiller, applicant's representative.

Member's packets contained: 1. A copy of the applicant's sidewalk waiver application. 2. A copy of the applicant's Certificate of Filing and survey.

The applicant is requesting a sidewalk waiver on property located on Whitehall Road, also known as Block 8101, Lot 63, where he is constructing a single-family dwelling. There are currently no sidewalks along that portion of Whitehall Road.

Ms. Hiller was sworn in by Mr. Schwartz. She testified that she is requesting a sidewalk waiver along Whitehall Road since there aren't any other sidewalks in the area. She also commented that she would like the sidewalk fee to be waived as well. The property is located about a half mile from Coles Mill Road. Mr. Crane stated that he did not think the fee should be waived. Mr. Caligiuri commented that if she installed the sidewalk it would be the only piece of sidewalk in the area. Ms. Beeler stated that if she had to install the sidewalk she would have to go through the Pinelands again. Mr. Agnesino questioned whether the Pinelands would allow sidewalk in that area and why we would charge a fee if she isn't allowed to put sidewalk there. Mr. Gabbianelli replied that she didn't say the Pinelands wouldn't allow sidewalk, just that she had to go through another process with them if she installs sidewalk. He commented that it would probably be cheaper and worth it to pay the fee than deal with the Pinelands. Mr. Caligiuri commented that she should agree to put the sidewalks in and then apply to the Pinelands and wait to get turned down for sidewalk in the area; since it is an outside agency approval, and if they don't approve then she don't have to install the sidewalk. Mr. Gabbianelli replied that is if they don't allow the sidewalk but she doesn't know that and it's going to cost her to apply to the Pinelands. Ms. Hiller responded that it's the cost and the time of going back to the Pinelands as she would like to get started on the house as soon as possible. The Board agreed that they should not waive fee as they have not done that in the past.

Motion by Mr. Agnesino, seconded by Mr. Heffner to grant the sidewalk waiver subject to the applicant paying the \$3,000.00 sidewalk fee. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Mr. Crane, Mr. Gabbianelli. 7 ayes, 2 abstentions, motion passed.

**Approval of Minutes:**

1. 1/23/14 regular meeting.

Motion by Mr. Agnesino, seconded by Mr. Kozak to approve the minutes from the January 23, 2014 regular meeting. Voice vote; all ayes, motion passed.

**Reports:**

1. Mr. O'Brien informed the Board that the March 13, 2014 meeting will be cancelled; the next meeting is scheduled for March 27, 2014.

2. Mrs. Farrell stated that she has two pieces of correspondence that might or might not have to be addressed at this time. The first concerns the piping and the change to the ordinance. Mr. Gabbianelli replied that he has asked the Ordinance Committee Chairman, Mr. Sebastian, about this matter numerous times and again just the other night and supposedly they are going to act as far as doing an ordinance. He commented that they have viewed through a camera several of the plastic pipes in developments such as Marissa Estates and the Preserves and they have gas lines going through them. The Township is going to have to fix the one at the Preserves at the cost of the taxpayers. Mr. Schwartz indicated that the plastic piping is allowed under RSIS and didn't know how the Township could pass an ordinance. Mr. Gabbianelli replied that they can upgrade what they want. Mr. Kernan suggested the town might want to ask permission from the DCA under a special area standard within the RSIS. Mr. Gabbianelli stated that if a builder wants to use the plastic pipe then they should never be allowed to come off of bond. Mr. Agnesino stated that Mr. Rehmann's letter addresses the matter and the steps needed to be taken if plastic piping is used in any future projects.

3. Mrs. Farrell stated she has a memo from the Ordinance Committee asking the Planning Board to review the Business Park and Age-Restricted Zones with regard to need, location, and area because these zones are not being utilized the way the Township intended them to be utilized. The Board indicated that they want to wait to a future meeting to discuss this matter.

**Adjournment:**

The meeting was adjourned at 7:30 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