

**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. Kernan, (excused), Mr. Jordan, (excused). Also present – Mr. Schwartz, Solicitor, Mr. Marmero, (conflict attorney).

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-14-14 – App. #1832 – Edward Kuhn, Jr. – Completeness Approved

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-14-14. 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.

2. PB-15-14 – App. #1832 – Edward Kuhn, Jr. – Minor Subdivision Approved

Motion by Mr. Agnesino, seconded by Mr. Caligiuri to adopt resolution PB-15-14. 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.

3. PB-16-14 – App. #SW-49-14 – Michael Beeler – Sidewalk Waiver Approved

Motion by Mr. Agnesino, seconded by Mr. Kozak to adopt resolution PB-16-14. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

4. PB-55A-13 – App. #1739 – 110 Whitehall, LLC – Amendment

Mr. O'Brien stated that this resolution will be put on hold again until a future meeting when the applicant and Mr. Kernan can be present.

**Public Hearing:**

1. Open Space & Recreation Plan – Amendment

Present – Chris Rehmann, Township Engineer.

Member's packets contained: 1. Letter dated January 30, 2014 prepared by Kathryn Cornforth from Adams, Rehmann, & Heggan Associates, Inc. 2. A copy of the Open Space and Recreation Plan with supporting documents.

**Public Hearing: (continued)**

1. Open Space & Recreation Plan – Amendment

Mr. Rehmann was sworn in by Mr. Schwartz. He stated that the request before the Board was to approve the amendment to the Open Space Inventory Plan. Once a property is put into the plan it cannot be taken out of the plan. Previously the Genova property, which was purchased with Township funding as well as Green Acre funding from the County, was put into the plan with the understanding that in the future the Township would be able to construct an indoor recreational facility on the property. The Township later learned that they could not build an indoor recreational facility on property that was designated in the plan as open space. They have worked along with Mr. Rehmann's office and Green Acres to give a portion of the Petrokiryk property to the open space plan in exchange for being able to build a recreational facility on the Genova property since it is connected to Owens Field and close to Mary Mazza Duffy Park, the middle school, and the high school and would make it convenient for parents to have the location of their children's activities in close proximity.

Mr. Schwartz asked if there was property being added to the plan because the letter is indicating that lots were going to be removed that should not have been on the plan. Mrs. Farrell explained that the Township did add the Genova property to the plan last year; however Green Acres changed the format of how the plan should be submitted. When the plan was changed to that format ARH submitted the plan to the Planning Board office for signature. There were three lots listed that should not have been included on the plan. Those lots are listed in the letter provided to the Board. Mr. Rehmann stated that they have shown the State that the Township has never had title of those properties and that they were put into the plan erroneously. They are open space lots but they belong to developments and are under control of homeowner's associations. The Board will be approving the new format with the removal of these three properties.

Motion by Mr. Heffner, seconded by Mr. Gabbianelli to approve the new Open Space & Recreation Plan format with the removal of the three properties listed in the letter provided by ARH. 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.

**Site Plan Waiver:**

1. #WSP-01-14 – Ervin Green

Present – Ervin Green, applicant.

Member's packets contained: 1. A copy of the applicant's site plan waiver application and aerial photograph of the property. 2. Copies of the Pinelands Commission letters associated with Mr. Green's current and proposed farming operations. 3. A copy of Mr. Green's aquatic farming license, exemption from Soil Conservation, and a report from the U.S. Department of Agriculture regarding the water table.

The applicant is proposing to expand his current aquatic farming operation onto property he owns in Monroe Township which is connected to his properties located in Franklin Township. The property is located on Coles Mill Road, also known as Block 9301, Lots 14 and 15.

**Site Plan Waiver: (continued)**

1. WSP-01-14 – Ervin Green (continued)

Mrs. Farrell stated that Mr. Schwartz has a conflict with this applicant and Mr. Marmero would be filling in as the conflict attorney. Mr. Green was sworn in by Mr. Marmero. Mr. Green testified that he would like to expand his aquatic farm onto his property located in Monroe Township. He plans to install a fish pond/irrigation pond; the irrigation pond would be used to irrigate his crops.

Mr. Marmero commented that the applicant is seeking a site plan waiver and can be granted if the Board determines that the use will not affect the circulation, drainage, existing buildings, landscaping, buffering, and lighting. Mr. Gabbianelli commented that technically the two lots are landlocked. Mr. Green stated that they really aren't landlocked since he owns Lots 4 and 5 off of Coles Mill Road and he can access those lots from there. Lots 14 and 15 are directly behind Lots 4 and 5; Lots 4 and 5 are located in Franklin Township, while Lots 14 and 15 are in Monroe. Mr. Gabbianelli commented that an easement should be granted to Mr. Green from himself in case he ever decided to sell the front lots located in Franklin Township. Mr. Marmero agreed that the easement could be a condition of approval. Mrs. Farrell inquired as to the size of the easement and where it would be located. Mr. Gabbianelli stated that it didn't matter as long as there is an easement for access; he could put it between Lots 4 and 5. Mr. Cooper commented that he was excusing himself from the application since he has a conflict with the applicant.

Mr. Gabbianelli commented that if the applicant is going to put the pond in the middle of the two properties then the lots should be combined. Mr. Masterson inquired as to the size of the pond. Mr. Green testified that he is thinking about just putting the pond on Lot 15. He stated that the pond will be a five acre pond. He didn't feel he needed to combine the lots since he was only going to put the pond on one of the lots and it would only be five acres. He has two ten acre lots that are separate lots right now. Mr. Gabbianelli replied that he did not see why the Board should approve the application if the applicant does not want to abide by the requirements. Mr. Green stated he was just asking a question as to why he has to combine the lots if he is only putting a five acre pond on one ten acre lot. Mr. Green stated that under the right to farm ruling he is allowed to install the pond. Mr. Gabbianelli commented that there isn't an engineer present and he didn't know if they could approve a five acre pond on a ten acre lot. Mr. Agnesino commented that he has approvals already from the Pinelands. Mr. Gabbianelli stated that he did read the letters but the Pinelands letter does state a twenty acre parcel not a ten acre parcel so the lots should be combined.

Mr. Kozak asked why the applicant did not want to combine the lots. Mr. Green stated that he understands what Mr. Gabbianelli is saying but he is only going to use one lot for a five acre pond and did not see why he is being required to combine the lots. Mr. Gabbianelli stated that he will vote yes with an easement from the front lots located in Franklin Township and the combination of the Lots 14 and 15. Mr. Green commented that he went to the Zoning Board to get a permit and Mr. Weikel told him he had to have a letter from the Pinelands stating that he could expand his aquatic farm and install a pond. He called Fred Seeber at the Pinelands and told him that Mr. Weikel wanted this letter. Mr. Seeber stated that since it was an expansion of the farming operation he didn't need to make an application to the Pinelands under the right to farm. Mr. Green stated that Mr. Weikel would not give him the permit without the letter. Mr. Seeber stated that there would be a \$200.00 charge if he had to issue that letter. Mr. Green paid the fee in order to get the letter so he could receive his permit from Monroe.

**Site Plan Waiver: (continued)**

1. #WSP-01-14 – Ervin Green (continued)

He did comment to Mr. Weikel that he has been the Zoning Officer a long time and he should know that if someone is using property for agriculture and it is permitted then they don't need an application to the Pinelands because you have the right to farm. Mr. Weikel insisted he needed the letter. After paying the fee and getting the Pinelands letter, Mr. Weikel then put on the paperwork that it is a change of use. Mr. Green asked what the change of use was since he wasn't using the property for anything. Mr. Weikel didn't give him an answer he just told him he needed to go to the Planning Board office where he was told that he could apply for a site plan waiver.

Motion by Mr. Gabbianelli made a motion to approve the site plan waiver conditioned upon the applicant providing an easement and combining Lots 14 and 15. Mr. Heffner stated that the letter from the Pinelands contradicts itself because it references Lots 14 and 15 but then refers to it as one parcel. Mr. Gabbianelli stated that is what he is saying is it should be one twenty+ acre parcel and he should combine the lots. It is also conditioned upon a maximum pond size of five acres. Mr. Agnesino seconded the motion. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Approval of Minutes:**

1. 2/27/14 regular meeting.

Motion by Mr. Crane, seconded by Mr. Heffner to approve the minutes from the February 27, 2014 regular meeting. Voice vote; all ayes, motion passed. Mr. Gabbianelli abstained.

**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