

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

Proper notice of this meeting was given in accordance with the requirements of the Open Public Meetings Act on May 28, 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-25-14 – App. #SW-50 – Ronald Straub – Sidewalk Waiver Approved

Motion by Mr. Crane, seconded by Mr. Kozak to adopt resolution PB-25-14. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Public Hearing:**

1. #1835 – The Verrichia Company – Minor Subdivision
2. #463-SP- The Verrichia Company – Preliminary & Final Major Site Plan

Present – Don Pepe, applicant's attorney, David Wisotsky, applicant's engineer, Ed Guidotti, Applebee's.

Mr. Pepe introduced himself as the applicant's attorney. He gave a brief description of where the property is located and where on the site the proposed Applebee's will be located. Mr. Kernan, Mr. Jordan, Mr. Wisotsky, and Mr. Guidotti were sworn in by Mr. Schwartz. Mr. Pepe stated that several waivers and variances are being requested mostly due to the subdivision of the lot as they must purchase the property from Walmart.

Mr. Wisotsky displayed the as-built survey of the property and pointed out the area on the Walmart site where they propose to construct an Applebee's. He also displayed the minor subdivision plan for the Board. The subdivision will create two new lots, essentially the two approved pad sites from the Walmart site plan. The first lot, proposed Lot 1.03 will contain 1.894 acres and the second lot, Lot 1.04 will contain 1.533 acres. The remainder lot, Lot 1 will contain 25.894 acres. The Applebee's restaurant is proposed to be constructed on Lot 1.03 which is on the corner of the property closest to the intersection of Malaga Road and the Black Horse Pike. Walmart had obtained site plan approval for two pad sites one for a proposed bank and another for a strip store center.

A variance is required for Lots 1.03 and 1.04 to allow no buffer between the existing Walmart property and the two new proposed lots. They do maintain the twenty-one feet to the right-of-way that was granted as part of the Walmart site plan. There will be cross access easements between all of the lots on the site.

**Public Hearing: (continued)**

1. #1835 – The Verrichia Company – Minor Subdivision (continued)
2. #463-SP- The Verrichia Company – Preliminary & Final Major Site Plan (continued)

Mr. Crane inquired about the access to the proposed Applebee's off of the Black Horse Pike. Mr. Wisotsky replied that the current ingress and egress to the Walmart site will be used for access to the Applebee's, no new access is proposed. Mr. Wisotsky displayed the proposed site plan for the Board as well as the site plan for the previously approved pad site for a proposed bank. The previously approved bank pad site plan was marked as Exhibit A-1 and the new site plan as Exhibit A-2. Mr. Gabbianelli stated that basically they are replacing the approved bank pad site with an Applebee's restaurant.

Mr. Wisotsky stated the proposed restaurant is 6300 square feet with 104 associated parking spaces. The impervious coverage is actually less than what was proposed before for the bank. The overall stormwater management system was designed to accommodate this site as well as the second pad site that is not being developed yet. All of the utilities are located underground and they will utilize those same utilities. The circulation will be the same as what was previously approved. There is a variance required for the number of parking spaces where 126 are required and they are proposing 104. There is a loading area on the southern portion of the site and the trucks will circulate the same as they do for the Walmart site with regard to ingress and egress. The front of the building will face the intersection or Malaga Road, the rear of the building will face the undeveloped lot. The west side of the building will contain the curbside to go parking spaces where patrons can park and pick up their orders to go. Mr. Kozak inquired as to the trash area. Mr. Wisotsky stated that the trash area will be screened and is located at the rear of the building. Mr. Crane asked if this building was the same size as the Applebee's in Turnersville. Mr. Guidotti replied that this building is a little larger than the one in Turnersville.

Mr. Masterson inquired as to the road or access from the Walmart property. Mr. Wisotsky stated that they will have to replace some of the existing pavement area due to grading for the site so they will tie it back into the interior roadway for cross access. Mr. Wisotsky displayed the building elevations which were marked as Exhibits A-3 and A-4. The first elevation depicted the Applebee's restaurant from the front of the building which will face Malaga Road as well as the right elevation which will face the Black Horse Pike. Both of those elevations propose signage on the building. The front of the building will have the Applebee's sign above the door and the right side will also have the Applebee's sign along with two smaller signs showing "neighborhood" "bar & grill". Mr. Gabbianelli inquired as to freestanding signs. Mr. Wisotsky replied that they are proposing a freestanding sign. Mr. Pepe stated that they originally were proposing a total of ten signs but they have reduced it to eight signs. The second exhibit showed the rear elevation and left elevation; the rear elevation will also display the Applebee's sign and the left side, the side that faces the Walmart, will have the Applebee's sign as well as the two smaller signs which are the same as on the right elevation. The freestanding sign is proposed to be located on the Black Horse Pike side adjacent to the Applebee's restaurant. The sign is proposed to be a monument sign approximately eight feet including the face of the sign and it will be backlit.

Mr. Wisotsky also commented that a waiver is required for the lighting primarily because of the subdivision; where .25 foot candles is the maximum allowed at the property line and they have up to 2.9 foot candles at the property line. That is typical of the lighting that exist throughout the site now and what was already approved for the lot. A waiver is required for the height of the light poles which will be the same as the rest of the Walmart site. Mr. Kozak asked how the orientation of the restaurant will affect the other undeveloped lot. Mr. Gabbianelli replied that it's the same owner and they would have considered that. Mr. Pepe stated that Walmart reviewed the plans and signed off on them. He didn't think there was an issue with the orientation of the building and the undeveloped lots.

**Public Hearing: (continued)**

1. #1835 – The Verrichia Company – Minor Subdivision (continued)
2. #463-SP –The Verrichia Company – Preliminary & Final Major Site Plan (continued)

Mr. Kernan commented that they probably looked at multiple layouts before they settled on the proposed one. Mr. Wisotsky commented that there are two submission waivers required and being requested. The first is from showing all existing structures and wooded lands within the area to be subdivided and within 200 feet; the second is from showing all of the existing and proposed utility easements in the area to be subdivided. He stated that the first waiver was granted for the overall site when the Walmart was approved and on the second waiver they did not show existing or proposed utility easements because there aren't any.

Mr. Kernan reviewed his subdivision report for the Board. He did state that only the first submission waiver is needed in order to deem the application complete since there aren't any utility easements to be shown, a waiver is not required. Motion by Mr. Gabbianelli, seconded by Mr. Heffner to grant the submission waiver and deem application #1835 complete. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

The bulk requirements are met for the remainder lot, Lot 1, with the exception of the buffer at the new proposed subdivision line. The new lots, Lots 1.03 and 1.04 also meet all the bulk requirements with the exception of the buffer between the new lots and the remainder lot. Mr. Pepe stated that he has some drafts of the subdivision deeds and didn't know who he should give them to. Mrs. Farrell stated that he should submit them to the office and they will be sent to Mr. Schwartz for his review. Mr. Kernan will receive the legal descriptions for his review. Mr. Kernan stated that with the exception of the buffer the subdivision is in compliance.

Motion passed to open the hearing to the public.

1. Paul Donohue, 1894 South Black Horse Pike, was sworn in by Mr. Schwartz. Mr. Donohue commented that he lived in the house right next to the Walmart site close to the access drive off of the Black Horse Pike. He stated that he has seen some accidents and near accidents at that access drive because drivers are making a left hand turn into that drive off of the Black Horse Pike. Mr. Gabbianelli stated that the State will not allow them to put any signs there indicating that left hand turns are not allowed. Mr. Donohue inquired as to the height of the light poles and lights on the building. Mr. Wisotsky replied that the pole lights are the same height as the ones being used on the Walmart site and that there are sconces being utilized on the building which project the light downward. There are no new sidewalks or curbs being proposed on the Black Horse Pike or Malaga Road; just within the Applebee's lot. Mr. Donohue asked if in the future, curbing and sidewalk could be installed along the pike on what is now the deceleration lane in front of his house because there are many people who now walk that way to get to the Walmart. Mr. O'Brien replied that it is a State highway and they would have to approve any sidewalk or curbing. Mr. Donohue asked if bollards could be used in front of the building where the outside waiting area or benches are proposed. Mr. Wisotsky stated that he appreciated Mr. Donohue's concern for safety and that the benches will be placed behind the bollards.

Motion passed to close the hearing to the public.

Motion by Mr. Crane, seconded by Mr. Heffner to grant the buffer variance for Lots 1.03 and 1.04. Roll call vote: Ayes –Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Gabbianelli, seconded by Mr. Heffner to grant the buffer variance for Lot 1. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Public Hearing: (continued)**

1. #1835 – The Verrichia Company –Minor Subdivision (continued)
2. #463-SP –The Verrichia Company – Preliminary & Final Major Site Plan (continued)

Motion by Mr. Crane, seconded by Mr. Heffner to grant the parking setback variance for Lot 1. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Heffner, seconded by Mr. Masterson to grant minor subdivision approval subject to site plan approval, the cross access easements and parking between the lots, the Certificate of Filing from the Pinelands, the deed review. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Mr. Jordan reviewed his report concerning the site plan for the Board. He stated that the applicant is requesting submission waivers from providing the drainage calculations and the Environmental Assessment since those items were provided as part of the overall site for the Walmart. Motion by Mr. Gabbianelli, seconded by Mr. Heffner to grant the submission waivers and deem application #463-SP complete. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Mr. Jordan commented that the waiver was granted for the drainage calculations since drainage for the entire site was provided by Walmart; however the pipe alignment has changed and he requested the pipe calculations for the Applebee’s site be provided. Mr. Wisotsky agreed to provide that information. A waiver is required for the height of the light poles. Mr. Jordan stated that the owners and applicants have not signed the plans. Mrs. Farrell commented that signatures will be obtained before the plans are signed by herself and the Chairman. The applicant should provide testimony that all public services will be connected to an approved utility system. Mr. Wisotsky testified that they will and they will provide written documentation from all the applicable utilities. Mr. Jordan stated that testimony should be given with regard to the hours of operation, the number of employees, expected truck traffic, etc. Mr. Pepe stated that the Board should be aware of the type of operation Applebee’s is but if there are any questions with regard to the general operation of the restaurant Mr. Guidotti is available to answer those questions. Mr. Kozak commented that Walmart is open 24 hours. There were no questions with regard to the operation of the Applebee’s. Mr. Jordan asked that notes be placed on the plans with regard to their rodent control plan. Mr. Wisotsky agreed to provide that information. With regard to the traffic assessment, Mr. Jordan asked that if the County or State require any additional information he would like a copy. The same request was made with regard to the Environmental Site Assessment if there are any changes. The applicant is required to post bonding and inspection fees and approval from any outside agencies.

Mr. Kernan reviewed his site plan report for the Board. There is a variance required for the parking within ten feet of the property line to the Walmart. He stated that he supported that variance. The monument sign does comply with the Township code; the signs on the facade do conform with regard to size; however only one sign is permitted and a variance is required and supported for the additional signage. There is a requirement of two and one half percent for the COAH fee; however there is a bill pending before the State Legislature to put that fee on hold. Mr. Gabbianelli commented that since the COAH fee may be repealed he would allow the applicant to wait on making any COAH payment until they are ready to get their Certificate of Occupancy. If there is still a requirement for a fee they will pay it then and if it’s repealed then they do not have to pay the fee. This way if it gets repealed before they obtain a Certificate of Occupancy, the Township would not have to reimburse the applicant.

**Public Hearing: (continued)**

1. #1835 – The Verrichia Company – Minor Subdivision (continued)
2. #463-SP – The Verrichia Company – Preliminary & Final Major Site Plan (continued)

Mr. Kernan agreed that it would be better to wait until CO since when the fee was repealed before the Township had to reimburse some developers. Mr. Crane asked when the applicant is expecting to start construction. Mr. Pepe stated that they would like to start as soon as the appeal period is over from the time the resolutions get memorialized. They would like to be open before the end of the year. Mrs. Farrell suggested making any revisions to the plans as soon as possible. The applicant will also have to enter into a Developers Agreement with the town.

Motion by Mr. Heffner, seconded by Mr. Gabbianelli to grant the waiver for the parking setback for Lot 1.03. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Heffner, seconded by Mr. Crane to grant the waiver for the minimum rear yard setback. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Heffner, seconded by Mr. Masterson to grant the variance to allow 104 parking spaces where 126 are required. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Heffner, seconded by Mr. Gabbianelli to grant the variance to allow eight façade signs where one is permitted. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Heffner, seconded by Mr. Crane to grant the variance to allow the parking spaces less than 20 feet from the building. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Heffner, seconded by Mr. Crane to grant the waiver for the height of the light poles where 16 feet is the maximum and 30 feet is proposed. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Heffner, seconded by Mr. Crane to grant the waiver for the maximum number of foot candles at the property line of 0.9 foot candles. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Motion by Mr. Heffner, seconded by Mr. Crane to grant preliminary and final major site plan approval conditioned upon the applicant posting bonding and inspection, the Certificate of Filing from the Pinelands for the minor subdivision, the Developer's Agreement, the COAH fee if required, all outside agency approvals. Roll call vote: Ayes – Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero. With regard to the Developer's Agreement Mr. Pepe agreed to amend the Walmart Developer's Agreement and enter into a new one for Applebee's with the town.

**Approval of Minutes:**

1. 5/22/14 regular meeting.

Motion by Mr. Heffner, seconded by Mr. Kozak to approve the minutes from the May 22, 2014 regular meeting. Voice vote; all ayes, motion passed.

**Discussion:**

1. Letter dated 6/13/14 from Mark Vittese – Minor Subdivision Escrow Fee

Mr. Vittese's letter is requesting the required escrow fee be reduced for his client, Marie Chambers who is attempting to subdivide the rear portion of her property. She is an elderly woman on a fixed income and she cannot afford the required \$5,000.00 escrow fee. Mr. Gabbianelli asked how much the costs usually run for the review of a simple minor subdivision. Mrs. Farrell stated they run around \$2,500.00. Motion by Mr. Crane, seconded by Mr. Gabbianelli to allow Mrs. Chambers to post a \$2,500.00 escrow fee instead of the required \$5,000.00 fee. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 8:07 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