

Call to Order:

The regular meeting of the Monroe Township Planning Board was called to order at 7:20 p.m. by Chairman O'Brien. The Board saluted the flag. Roll call was as follows:

Present – Mr. Agnesino, Mr. Caligiuri, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. Scardino, Mr. O'Brien. Absent – Mr. Cooper, (excused), Mr. Crane, (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 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. #1838 – Blaze Mill Development Group, LLC

Present – Richard Hoff, applicant's attorney, Rick Clemson, applicant's engineer, Ken Schatz, applicant, Don Paparone, applicant.

Member's packets contained: 1. Report dated October 27, 2014 prepared by Tim Kernan. 2. Report dated October 23, 2014 prepared by Ray Jordan. 3. A copy of the Final Judgment of Compliance Settlement Agreement issued by the Superior Court and dated July 15, 2013. 4. A copy of Ordinance No. O:15-2013 to establish a Mixed Use Zoning District per the settlement agreement. 5. Response letter dated November 12, 2014 prepared by Rick Clemson. 6. A copy of the applicant's proposed preliminary major subdivision plan.

The applicant is proposing to subdivide existing Lots 1 and 1.01 into 256 lots; 250 residential townhouse units, four open space/stormwater management lots, and one pump station lot, on 48.42 acres of a total tract of 62.21 acres. The remaining 13.12 acres is to be reserved for future commercial use. The property is located between Fries Mill Road and Route 322, also known as Block 14101, Lot 1 and Block 141.0602. Lot 1.01 in the MU-Mixed Use Zoning District.

Mr. Hoff introduced himself as the applicant's attorney. He stated that this project is the result of a court order of judgment relative to the Township's affordable housing plan. The court order provided for this project to be constructed in the manner that will be presented this evening. Two hundred and fifty townhomes with related amenities as well as a commercial component and a buffering component. The applicant will be asking for two variances; one for a lot depth issue on a couple of lots and one for the size of the commercial lot. The settlement agreement called for approximately fifteen acres of commercial area with a minimum of one hundred thousand square feet of development. At the time of the settlement it was a concept in design; when they went to hard engineering and for reasons they will discuss, the commercial lot is proposed at a little over thirteen acres; however they can still meet the one hundred thousand square feet of commercial development as Mr. Clemson will demonstrate. Mr. O'Brien stated that the applicant's witnesses should be sworn in along with the Board's professionals. Mr. Kernan, Mr. Jordan, Mr. Paparone, Mr. Schatz, and Mr. Clemson were sworn in by Mr. Schwartz. Mr. Clemson testified as to his credentials as a licensed professional engineer in the State of New Jersey.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

He displayed the plan for the Board entitled “site rendering” which was marked as Exhibit A-1. The exhibit is a color rendering depicting the residential development, roadways, sidewalks, open space, and stormwater basins. The buffering and proposed landscaping is also shown. There is a buffer all along Route 322 and the Hunter Woods development as well as along portions of Fries Mill Road and the perimeter of the commercial lot. The project encompasses two lots; Lot 1 is approximately thirty-eight acres and Lot 1.01 is approximately twenty-four acres. The twenty-four acre parcel is known to many as the sand pit. There is frontage on Route 322 and Fries Mill Road. The surrounding area is a mix of residential and commercial uses as well as vacant lands. There is also an existing church on Lot 2.

The proposed subdivision will create two hundred and fifty townhouse lots; one hundred and twenty-five lots will be twenty foot wide and one hundred and twenty-five will be twenty-four foot wide. There are four open space lots, three smaller and one primary lot. The large primary open space lot totals eighteen acres; fifteen of that eighteen is specifically associated with and designed to provide a buffer to the Hunter Woods development. There are also three stormwater basins located in the large open space lot; the two smaller basins are infiltration/retention basins and the third large basin is a wet pond that encompasses close to four acres and will include three fountains which will provide a nice aesthetic and keep the water aerated which will promote aquatic life and keep algae blooms from forming. Within the residential portion there is approximately twenty-two acres of open space which includes the fifteen acres specifically as the buffer to Hunter Woods. The open space lots and stormwater management basins will be owned and maintained by the homeowner’s association.

Sixty-one of the proposed two hundred and fifty townhouses will have two car garages and the rest will have one car garages. The plan conforms to all the bulk requirements with the exception of Lot 113 and the pump station lot. Access to the site is provided from Fries Mill Road as well as Route 322. The interior roadways have a cartway width of thirty feet which conforms to the RSIS requirements. There are several courts proposed within the development that also conform to the RSIS standards. Based on the number of townhouses proposed they are required to provide six hundred parking spaces. The plan presented provides for seven hundred and sixteen parking spaces. The RSIS also requires that guest parking spaces be provided; for this proposal the required number of guest spaces is one hundred and twenty-five. The plan provides for one hundred and twenty-one guest spaces. If the Board allows parking on both sides of the street then they can provide an additional fifty spaces; if the Board does not allow on street parking then they will add the four guest parking spaces to meet the requirement. All of the streets will have granite block curbs and sidewalks on both sides.

A fifty foot buffer is provided around the perimeter of the site; the buffer between the site and the commercial lot is twenty-five feet. Half of the fifty foot buffer and half of the twenty-five foot buffer must be landscaped. They have provided landscaping which is shown on the plan however they will be meeting with Mr. Kernan to enhance the landscaping in those areas. A six foot wide asphalt walking path is being proposed that will connect to the Township’s bike path. It will wind through one open space lot where they are proposing a gazebo and then continue to connect to the commercial lot on one end and the bike path on the other end.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

The site will be serviced by public water and sewer and all utilities will be installed underground. Street lighting is proposed to be the typical cobra head lights; however they are willing to work with the Board on other lighting options. The project is proposed to be constructed in twelve phases; however they are asking to defer the submission showing the timing of the phases to final.

With regard to stormwater management, the project has been designed to provide for stormwater collection through a series of overland swales, gutter flow in the street, stormwater inlets, and storm sewer pumps. Those systems will drain into the three stormwater basins. The design of the stormwater basins meets the New Jersey stormwater management regulations. They have reduced the runoff from the existing conditions by half for a two year storm; by seventy-five percent for a ten year storm, and by eighty percent for the one hundred year storm.

Mr. Hoff asked Mr. Clemson to explain the RSIS or Residential Site Improvement Standards. Mr. Clemson stated that the RSIS is a code adopted in New Jersey that is a comprehensive set of standards regulating the aspects of the design of development for every town which makes development more consistent from town to town throughout the State. These standards impact the design of the roadways, parking, stormwater, and water distribution within a development. Mr. Hoff stated that there is an area on the plan depicted as isolated wetlands and asked Mr. Clemson to discuss that issue. Mr. Clemson explained that there is approximately one half acre of isolated wetlands on the site. Isolated means that the area has no direct feed or discharge; it is not connected to any other water course. He stated that they have an application prepared for submission to the State requesting to eliminate that wetland area or designation since it is not connected to anything. If successful, it will provide two acres for recreation such as a multi-purpose field, which will add to the usable open space. They have included that area in the total open space figures.

Mr. Hoff stated that there have been some changes to the plan since the concept shown as part of the court order and asked Mr. Clemson to discuss those changes. Mr. Clemson stated that the original concept was to provide two hundred and fifty twenty foot wide townhouses; however they wanted to show a mix of styles which is part of the mixed use zoning so they are proposing units that are twenty-four foot wide. As such they needed to utilize more space which slightly reduced the commercial lot but they also feel that the plan before the Board is a better design than the original concept. They also created courts in order to break up the housing pattern and they pushed back some units that were proposed to close to Fries Mill Road. They also incorporated more open space areas such as the one in the middle and smaller ones around the site. In addition, they have had discussions with Mr. Kernan about adding an additional walking path that would go through the open space out to the multi-purpose field and connect to the bike path in that area.

Mr. Clemson displayed a concept plan for the commercial lot which demonstrated that they could still achieve the required one hundred thousand square feet of commercial uses even though the lot went from fifteen acres to slightly over thirteen acres. The plan showed a variety of commercial uses with different square footage for each as well as the related parking for each use and a stormwater management area. He stated that they stopped at the showing the one hundred thousand square feet of commercial but the plan still shows additional undeveloped area that could contain more commercial pad sites. The concept plan was marked as Exhibit A-2. Mr. Clemson also testified that they are giving a small portion, a little more than one quarter acre, to the church that is located on Lot 2, which also accounts for some of the reduction of the commercial lot.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

Mr. Kozak asked if the parking meets the RSIS standards specifically at the bend on Road B where there are driveways and guest parking. Mr. Clemson replied that it does meet the RSIS for ninety degree parking which is allowed on a street twenty-eight foot wide; the streets on this site are thirty foot wide. Mr. Kozak stated that the reality is the residents will be backing out of their driveways on a bend where there is limited visibility. Mr. Clemson stated that the site lines for that area are actually pretty good.

Mr. Caligiuri asked if the project was going to utilize the force main on Route 322 for water. Mr. Clemson replied that they will connect to that main, loop it through their development and connect it to the water main on Fries Mill Road. Mr. Caligiuri inquired as to a Traffic Impact Study being completed. Mr. Clemson stated that another engineering firm did complete and submit a Traffic Impact Study to the Board and to the County. There is a more in depth study that was done and submitted to the NJDOT on behalf of the four corner property owners which is not part of this application. Mr. Caligiuri asked if the traffic study resulted in a responsibility of the applicant to make improvements to the infrastructure. Mr. Clemson replied that this project does not have direct control over the timing of when those improvements will be made; however he is aware that the proposed improvements were conceptually approved by the NJDOT in 2012. Mr. Caligiuri asked who is responsible for the improvements. Mr. Hoff replied that any development that has an impact on the traffic in that area will be required to make a pro rata contribution towards the cost of the improvements. Mr. Caligiuri commented that he thought the applicant would actually have to make the improvements since their development has a direct impact on the intersection. Mr. Hoff stated that they are required to provide right-of-way for the future improvements. Mr. Caligiuri asked Mr. Kernan if the ordinance was ever changed to require all of the open space to be contiguous. Mr. Kernan replied that the ordinance does not require all of the open space to be contiguous but he does address the open space requirements that are in the ordinance in his report.

Mr. Heffner expressed his concern with the parking on the bend especially since Road B will interconnect to the future commercial lot and then become a cut through. He asked if the commercial lot will be reduced further once the improvements for the roads are made. Mr. Clemson stated that the proposed acreage for the commercial lot takes into account the right-of-way for the improvements. Mr. Heffner inquired as to an area for trash pick-up. Mr. Clemson stated that there will be curbside trash pick-up. Mr. Agnesino asked who would be responsible for the trash pick-up. Mr. Clemson stated that the homeowner's association is responsible. Mr. Kozak asked the applicant to confirm that the homeowner's association is also responsible for snow removal. Mr. Hoff confirmed that they will also be responsible for snow removal.

Mr. Masterson asked why they just don't add the four parking spaces required for the guest parking rather than ask for the waiver. Mr. Clemson replied that it will add additional impervious coverage that isn't needed if on street parking is permitted. Mr. Caligiuri asked if the approved court order allowed for twenty or twenty-four foot units. Mr. Schwartz replied that the court order did not specify any size just the number of units and the one hundred thousand square foot of commercial space. Mr. Scardino asked if the garages were included in the calculation for the number of parking spaces. Mr. Clemson stated that they were. Mr. Heffner asked if they were proposing curbing along Route 322. Mr. Clemson stated that they are not proposing any curbing because the engineer working on the roadway improvements for the NJDOT will have curbing included on that plan as part of the road widening. Mr. Gabbianelli asked how the Board can approve this development without the road improvements being done first because of all the additional traffic that will be added to an already congested area.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

Mr. Hoff stated that the NJDOT and the County approval come after the Township approval. They are aware that they need approval from those outside agencies before they can build this development. He commented that this was just the preliminary and that they would still need to come back to the Board for final approval.

Mr. Agnesino commented on the curbside trash pick-up and stated that the trash trucks will have to back up in many areas within that development which is a safety hazard. Mr. Clemson agreed that the trash truck will have to back up in the five court areas since they are dead end roads and cul-de-sacs are not proposed. Mr. Agnesino stated that it will be a problem and even though they're going to have a homeowner's association ultimately when the developer is gone they will come to complain at the Township.

Ms. Hui stated that she did not understand why the development wasn't more integrated as a mixed use development should be; instead each component is separate, all the commercial in one area, all the residential in another, and all the open space in one area. Mr. Clemson replied that the commercial area will be accessible through the walkways they are providing but to integrate the uses would change the whole plan; they also have to maintain the buffer to the Hunter Woods development.

Mr. Jordan reviewed his report for the Board. He stated that the application can be deemed complete by the Board. Motion by Mr. Agnesino, seconded by Mr. Caligiuri to deem application #1838 complete. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Mr. Jordan continued his report and stated that he would defer the issue of identifying trees sixteen inches or greater in diameter to Mr. Kernan. The applicant did indicate that they would provide the necessary information on the plan with regard to the utilities. The streets will be dedicated to the Township which will also include any drainage facilities located in the streets. With regard to lighting, Mr. Clemson agreed to add all the existing lighting within one hundred feet of the property. The type of lighting fixtures will be discussed with the Board; however cobra head lighting is being proposed. Mr. Clemson stated that the issue was addressed in Mr. Kernan's report with regard to the type of lighting for aesthetic purposes. Mr. Kozak commented that light poles with lantern type lights was an option; Mr. Clemson agreed but added that those types of lights cost more for the developer to install and more for the Township on the monthly lighting bill. The applicant has provided four foot sidewalks; however five foot sidewalks are recommended along Route 322 and Fries Mill Road but he deferred that issue to Mr. Kernan along with the issue of signage. The applicant agreed to comply with the thickness of the proposed paving. He suggested that he and Mr. Kernan could meet with the applicant regarding the issue of parking on the bend on Road B. The RSIS does allow for cul-de-sacs at the end of the courts within the development.

Mr. Jordan commented that there are areas between the buildings where the grade is less than the two percent requirement; the minimum grade is one point seven percent. The applicant is asking for a further reduction of one and one half percent. The Board has never granted a waiver to allow that much of a reduction. Mr. Clemson stated that the areas affected are basically in swales between the buildings and he believes that the one and one half percent is acceptable within the swales. Mr. Jordan recommended the Board stay to the minimum of one point seven percent. Mr. Heffner asked if the units will have basements. Mr. Clemson stated that some units will be walk-outs meaning that the building will look like a two story building but the third floor is actually a walk-out. Mr. Hoff stated that they will agree to meet the one point seven percent grade in between the buildings.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

Mr. Jordan commented that temporary turnarounds shall be required during the phasing and shown on the plans. Mr. Jordan deferred the issue of the architectural plans to Mr. Kernan. With regard to stormwater management, Mr. Jordan stated that applicant has addressed how things are going to work. He did note that he would like to see the drainage flow paths on the drainage area maps. Mr. Clemson stated he would provide that information. All of the other issues regarding stormwater have been or will be addressed. The applicant has provided for a five foot chain link fence around the three basins; however the Board may wish to discuss the type of fencing. Mr. Clemson replied that they do show fencing around the three basins in the form of five foot black on black chain link fencing; however they did want to discuss with the Board the possibility of eliminating the fence around the large wet pond since it is an aesthetic feature with fountains and proposed aquatic life which would give the residents accessibility to this “lake” as a recreational feature. Mr. O’Brien asked how deep the pond/lake is going to be. Mr. Clemson stated that it will be eight feet at the deepest point but it is designed with ledges to prevent someone from just falling right in. Mr. O’Brien stated that if the pond/lake is eight foot deep the Board will not allow them to eliminate the fencing for safety reasons. Mr. Hoff stated they will put the requested five foot black on black chain link fence around the wet pond and the other two basins.

Mr. Jordan asked Mr. Clemson to provide the wet pond well detail on the grading plan. Mr. Clemson agreed to that request. A Phase I Environmental Site Assessment was completed and additional information was submitted in the last few days. That information appears to be okay but Mr. Jordan’s office will review it further. NJDOT and the County have jurisdiction over Route 322 and Fries Mill Road with regard to the Traffic Impact Study. Mr. Jordan suggested that no construction should take place before the intersection and those roadway improvements are completed. He also recommended some four way stops within the development. He concluded his report by saying the applicant must post bonding and inspection fees and obtain all outside agency approvals before the plans can be signed. Mr. Kozak asked if sidewalks will be installed in front of the church on Fries Mill Road. Mr. Jordan replied that sidewalk is shown in front of the site on Fries Mill Road to the intersection. Mr. Caligiuri asked if the RSIS requires cul-de-sacs at the end of the dead end roads. Mr. Jordan replied that they do if the streets are longer than three hundred feet; in this case the streets are not longer than three hundred feet so cul-de-sacs are optional.

Mr. Hoff commented that they are not agreeable to the comment that no construction should be allowed to begin before the intersection and roadway improvements are completed. He stated they are aware they need the NJDOT and County approvals before they can begin construction; however they are not in control over when the State and the County are going to make the intersection and roadway improvements. Mr. Caligiuri stated it was easy to stop the project because the court ordered settlement agreement stated the applicant was to provide fifteen acres of commercial area and they have not done that. Mr. Hoff responded that the court ordered settlement agreement stated that it should be “approximately” fifteen acres, however the ordinance cannot use the word approximately so it does state fifteen acres is required. But the settlement agreement reviewed and approved by the court indicates approximately fifteen acres and they were very clear about the “approximately” since the plan had not been engineered at that time. The only thing affirmative in the court ordered settlement agreement was that two hundred and fifty units be provided since each unit would generate a certain fee towards the COAH obligation agreed upon. Mr. Caligiuri commented that the commercial area proposed is not approximately fifteen acres.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

Mr. Kernan reviewed his report for the Board. The use of the townhomes is permitted in the zone as well as all of the conceptual types of commercial uses Mr. Clemson demonstrated previously. The ordinance does state the minimum non-residential area shall be fifteen acres and produce a minimum of one hundred thousand square feet of gross commercial floor area and fifteen acres shall be reserved as common open space to serve as a buffer to the Hunter Woods development. The plan does not conform as the applicant is proposing slightly over thirteen acres of non-residential development; a variance is required. He also noted that even though the open space lot between the residential section and Hunter Woods contains eighteen acres, most of that is taken up by stormwater management basins. With regard to density, Mr. Kernan stated that he originally calculated the density to be more than permitted in the ordinance; however since the commercial lot was reduced from fifteen acres to thirteen acres and if the small open space areas are removed from the large open space area calculation, the density would be less than the maximum allowed.

There is a lot depth variance required for the building on Lot 113; however the applicant indicated they would make some adjustments to that lot so the variance will not be necessary. Mr. Kernan also commented that he was concerned that lot as proposed does not have any room for future amenities such as decks, porches, or patios. Mr. Hoff stated that Mr. Jordan's letter indicates a variance is required for the pump station lot but Mr. Kernan's report states one is not required. Mr. Kernan replied that the ordinance developed under the settlement agreement is specific with regard to the bulk standards for the residential lots. Since the pump station lot is not a residential lot he did not feel a variance was required. Under the Township's typical code it would require a variance, but this ordinance created for this use only speaks to residential lot size and as such the pump station lot would not require a variance. The only bulk requirement for the commercial component is tract size which was discussed as the ordinance requires a minimum tract size of fifteen acres. Mr. Kernan asked if the settlement agreement would have to be modified. Mr. Schwartz replied that the settlement agreement did use the term "approximately" the court order did not provide a specific number, and the ordinance does require a minimum of fifteen acres. It's his opinion that the Board has the right to grant or deny the variance request. The applicant can comply with the one hundred thousand square foot of commercial either way.

Mr. Kernan stated that he is more concerned with getting the layout right for the residential component as well as the buffer to the Hunter Woods development. He felt the layout could be improved. Mr. Caligiuri agreed and stated that the applicant can find a way to get the fifteen acres of non-residential development and fit the two hundred and fifty townhouses on the site. Mr. Schatz addressed Mr. Caligiuri's comment and stated that they do have a plan that shows the fifteen acres of commercial and the two hundred and fifty townhouses which was reviewed by the Board's professionals. Mr. Kernan wanted to see more open space in the middle and a mix of housing types. So they moved some buildings and made some units larger which will generate higher taxes. They also configured some units so they weren't all in a long straight line. They feel the plan presented is a better plan than the original one with the fifteen acres of commercial; however if the Board wants the fifteen acres of commercial and isn't willing to grant the variance, they will go back to the original plan. Mr. Kozak asked Mr. Kernan's opinion. Mr. Kernan replied that this plan is a big improvement from the original plan showing the fifteen acres of non-residential development. He didn't think this was the best plan and that they could make some more improvements but it is better than the other plan. He is concerned with getting the two hundred and fifty units laid out properly and getting the required buffer to the Hunter Woods development; he was not very concerned about the reduction in the non-residential development acreage since the applicant can still provide the required commercial floor space.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

Mr. Caligiuri stated that in this plan the trash trucks have to back up down the street in order to turn around, snow removal will be a mess, etc. Mr. Kernan agreed and stated that those are different issues than the issue of the size of the commercial acreage. Mr. Schwartz asked if the applicant did put in cul-de-sacs would the commercial acreage be reduced more. Mr. Caligiuri commented that maybe the applicant can't fit two hundred and fifty townhouses on the site and make them pretty and sellable. Mr. Hoff stated that the number of units is the part under the settlement agreement that really can't be changed since that number is the number needed to generate the COAH requirement. He stated that the Board is well aware of that fact. Mr. Caligiuri replied that they have a lot of acreage and that they should figure it out. Mr. Hoff stated that they have figured it out and the plan presented complies with the RSIS for the streets.

The Board took a brief recess.

Mr. Hoff stated that they have heard the concerns with regard to the building located on Lot 113 on the bend at Road B. As a condition of approval, they are willing to eliminate that building. That will drop the number of units to two hundred and forty-four. After conferring with Mr. Schwartz, they agree they can raise the COAH fee on each of the remaining units to make up the difference. However, it will be subject to the approval of the court master.

Mr. Kernan continued his report for the Board. He stated the Board should discuss whether or not they are going to allow on-street parking other than the guest parking areas. Mr. Agnesino commented that there really isn't room for on-street parking with a twenty foot lot. Mr. Gabbianelli commented that with a twenty foot lot there isn't room for a car to park in front of the unit; the driveway apron is about twelve foot wide, there is a mailbox that shouldn't be blocked, and you need room for the trash containers. Mr. Clemson replied that his calculation for parking spaces were not for spaces directly in front of the units as there are many areas along the streets where there aren't any units and where parking is available. Mr. Agnesino stated that there can't be areas where on-street parking is allowed and areas where it is not because it's hard to police. The real issue will be for the people picking up trash and removing the snow. Mr. Kernan suggested the Board could leave that issue open for the time being. The elimination of the one building reduces the number of required guest parking spaces by three spaces so they only need to find space for one more guest parking space. Mr. Kernan stated that the guest parking areas are in the street right-of-way that is proposed to be dedicated to the Township. He asked if the Board wanted the right-of-way to narrow down to fifty feet straight through on all the streets or allow it as it is where it extends out to encompass the guest parking areas. He stated that it is unusual for the right-of-way to extend out as is proposed. Mr. O'Brien stated the Board will look at that issue.

With regard to sidewalk and Mr. Jordan's comment about five foot sidewalks being deferred to Mr. Kernan, Mr. Kernan stated that the NJDOT requires five foot sidewalk along their frontage anyway. The plan conforms to the buffer requirements except along sections of the fifty foot buffer where there are plantings of less than twenty-five feet and trees being cleared for stormwater swales. He stated after the wetlands issue is resolved the applicant will be able to move things a bit to meet the buffer requirements. Mr. Clemson stated that they would do that. The open space requirement of a minimum of twenty percent of upland open space within the residential component is met; however the large open space tract contains more than fifty percent of wetlands, wetlands buffer, and stormwater management basins. Mr. Kernan stated when they receive permission to fill that wetland area that buffer will be eliminated and they should get closer to being in conformance.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

Mr. Clemson stated that he thought they would exceed the requirement for upland open space; he asked to withdraw that waiver and agreed to provide the calculations. Mr. Kernan stated the open space area is still largely taken up by basins. He asked Mr. Clemson if he wanted to discuss the stormwater management. Mr. Gabbianelli asked Mr. Kernan if he was done with his report since he keeps going back and forth with Mr. Clemson on issues. Mr. Kernan stated he was not done with his report and he would keep going without Mr. Clemson talking about that issue. Waivers are required for allowing open space Lots 251 and 254 to be less than two acres and having a dimension less than one hundred and fifty feet measured perpendicular to any lot line for a parallel distance of greater than three hundred feet.

Mr. Kernan stated that active and passive recreation facilities area lacking as most of the open space areas are narrow or interrupted by basins; a waiver may be required; however if the wetlands area is filled in that will allow another two acres of upland open space. The payment in lieu of providing recreation is set at one thousand forty dollars per unit and paid as per the terms in the settlement agreement. The six foot wide pedestrian access to the bike path is provided as well. The open space area where they propose the gazebo is a big slope so the applicant agreed to reposition the gazebo and the walkway path. The ordinance requires shade/street trees should be a maximum distance of fifty feet apart; the plan does not conform, as the majority of the trees over one hundred and fifty feet apart. Mr. Kernan asked the applicant to revise the plan to conform to the ordinance as much as possible. The applicant agreed to revise the plan to the best of their ability with regard to that issue. The applicant is also proposing a second path that will connect to the bike path. The architectural plans have not been submitted. Mr. Kernan stated there should be an architectural theme that includes the buildings, lighting, signage, landscaping, etc. He stated that the applicant is proposing to use Belgian block as well as considering using different light standards if the Board and the Township are agreeable. Mr. Hoff asked that those issues be deferred to final as they may be two years away from any construction and they want to give the town the most current type of product. Mr. Kernan stated he was comfortable with deferring those issues to final. Mr. O'Brien agreed. Mr. Kernan reiterated to the Board that the guest parking areas are in the Township right-of-way and the Board should discuss that issue at some point.

The development should contain a mix of housing styles; Mr. Clemson did explain that the buildings are not all the same and that there are a different number of units in each building, they have jogs, and are not in a straight line across. Mr. Kernan stated that a waiver is still required form using only two foot offsets instead of two and four foot offsets required by the ordinance. Mr. Masterson stated that they can use four foot offsets as it has been done in other developments and that Mr. Clemson should work it out. Mr. Kernan commented that there is one building that is more than four hundred feet from the visitor parking area. Mr. Clemson stated he would revise the plan to conform. Mr. Kernan made some general recommendations with regard to the open space being consumed by the basins; he asked if the stormwater management plan could be designed better in order to reduce the impact on the open space. Mr. Clemson stated they would look at that issue. Information was submitted with regard to the remediation of the sand pit and Mr. Jordan's office is reviewing that information. Per the settlement agreement, a total of \$1,540,000.00 will be placed in the Township's affordable housing trust fund when the residential component is completed.

Mr. Heffner inquired if the units between Road A and Road D that are back to back will have enough space between them for fences. Mr. Clemson stated that there is twenty feet of open space in between for access.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

Motion passed to open the hearing to the public.

1. Anthony Fratterelli, 1241 Whispering Woods Drive was sworn in by Mr. Schwartz. Mr. Fratterelli asked if the large wet pond was strictly for stormwater. He stated it was too large of a wet pond to not have any other function. With regard to the fencing around it, he commented that kids can climb fences and he didn't understand how a basin could be considered as open space. Mr. Kernan explained that the law allows the stormwater management to be fifty percent of the required open space. He stated Mr. Clemson was going to provide the exact calculation of the open space once the issue with the wetlands designation is resolved. Mr. Fratterelli commented that there are too many open issues with the application and asked how the Board can give preliminary approval when those issues aren't resolved. He expressed his concern with the safety of the roadways and wanted the proposed development done the right way. Mr. O'Brien replied that the development was forced on the town through the court and that the Board will do the best they can with requiring the developer to change certain things. Mr. Fratterelli commented that he thought the developer could provide more usable open space and not have an over three acre wet pond. Mr. Caligiuri commented that the developer has to comply with RSIS which allows them to count the basins as open space so unfortunately the Board's hands are tied to a certain extent. He stated that the stormwater management is dictated by the amount of impervious coverage and the amount of runoff. He stated that the Board cannot hold them to higher standards than what is required. Mr. Masterson also commented that the Planning Board approval will be conditioned upon all other outside agency approvals such as the NJDOT and the County. Mr. Schwartz also explained that the original lawsuit brought against the town proposed a plan for six hundred and sixty-eight residential units. The result of the court hearings and the settlement agreement is the plan for two hundred and fifty units which was negotiated by Council. It also had to be approved by the affordable housing master to meet the requirements of COAH. He wanted the public to understand that the Council did negotiate on a lot of issues they felt would benefit the town and protect the residents of Hunter Woods; he did not want the public to think the town and the Planning Board just sat back and let the developer dictate everything they wanted; it was a long negotiation process.

2. Glenn Eberhardt, 1739 Bluestem Drive was sworn in by Mr. Schwartz. Mr. Eberhardt asked if there were ordinances regulating the size of the commercial buildings and the distance from the residential uses. Mr. Schwartz stated the commercial uses shown by Mr. Clemson were conceptual in nature and not what was actually proposed; however there are setback requirements and buffer requirements they would have to meet. Mr. Eberhardt inquired as to the price point for the proposed townhouses and commented on the many foreclosures and empty homes already in the Township as well as the many homes for sale that just aren't selling. He didn't think two hundred and fifty townhouses will sell and expressed his concern with the homeowner's association dues and how the associations have problems with collecting dues that are delinquent from the members. Mr. Hoff explained that they are before the Board asking for preliminary approval only which can technically be extended for three years and then final approval can be extended for two years so it can take up to five years before they have to start building and they are just in the beginning stages of the process. Mr. Eberhardt asked about the responsibility of the property owners with regard to the road improvements. Mr. Hoff explained that they still have to get approval from the NJDOT for a road access permit which will be subject to certain conditions. He does not know what those conditions will be but they do understand they need their approval as well as County approval.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

3. Mary Cote, 1710 Biden Lane was sworn in by Mr. Schwartz. Ms. Cote asked how long the developer will be maintaining the property, such as at the entrances with any signage and lighting of the signs after the development is built out. Mr. Hoff replied that the developer is only responsible until the release of the performance bond. Ms. Cote asked who will maintain the lighting and the signage at the entrances to the development. Mr. Hoff stated that those areas will have easements that will be the responsibility of the homeowner's association. Ms. Cote inquired about handicapped accessible parking. Mr. Clemson replied that they are not proposing any handicapped accessible units so handicapped parking is not required. She commented on the number of accidents at the intersection over the last seven years and supported the comment that the development should not be built until the intersection and roadway improvements are completed. Ms. Cote asked if the Traffic Impact Study took into consideration the over two hundred homes the Hovnanian project was going to bring to the area. Mr. Clemson stated that the report took into account all of the future development on the four corners but it did not account for the Hovnanian project. Mr. O'Brien commented that the Mayor has been working on getting that intersection done for many years but it is up to the State and the County. Ms. Cote asked if she could have a copy of the Traffic Study and the Environmental Report and inquired as to the remediation of the site. Mr. Clemson replied that the Remediation Report and the Phase I Environmental Report was done by another firm that is licensed by the State and that they oversee remediation projects. The report did show lead was present on the site but the site has since been cleaned up. Ms. Cote commented that there are four hundred and sixty-eight homes for sale in the Township with many of them being in foreclosure or being short sales. She also stated there are many empty stores in the strip malls and a lot of empty commercial buildings. She asked if Mr. Paparone was going to build the development. Mr. Paparone replied that he was going to be the builder.

4. Edward Knorr, 1053 North Tuckahoe Road was sworn in by Mr. Schwartz. Mr. Knorr commented that the judge made an incompetent move to allow this development and commended the Board for working, fighting, and going to court on behalf of the people of the town. He stated that the big concern was the games that are played and compared the presentation to magic shows he watched as a child. He expressed his concern with the intersection. Mr. Gabbianelli replied that he went to Trenton about the intersection eight years ago; Corzine gave them a two million dollar grant which is still there but he's has been out of office for six years and still nothing has been done because they are short of money; the County hasn't put up anything. As a matter of fact the County paved Fries Mill Road and skipped over the intersection. Mr. Knorr stated that the Traffic Studies are a joke and that the projection for anticipated traffic at the intersection has to look ahead at least to 2018. Unfortunately the State will not do anything until a certain number of people are killed at the intersection. Mr. Knorr asked the developer if any outside soil will be brought to the site. Mr. Clemson replied that they do not anticipate having to bring in any soil. Mr. Knorr stated that there are twenty-three existing homes that will be impacted by construction pollution. The dust and debris in the air contains silica which is like having asbestos in the air. Mr. Knorr did not understand how the basins can be considered open space and stated that there are contaminants that go into the stormwater basins along with the runoff that eventually end up in the ground. He also stated that New Jersey has a lot of autistic children and that autistic children are attracted to water so he was happy that the Board insisted on the fencing around the wet pond. He added that this development will put an increased burden on the Township services. Mr. Caligiuri replied that Mr. Knorr had a lot of common sense concerns that unfortunately the Board cannot legally control or consider because the law allows the developers to do certain things.

Public Hearing: (continued)

1. #1838 – Blaze Mill Development Group, LLC (continued)

Mr. O'Brien asked for a motion to allow the hearing to continue past 11:00 pm. since it was already 10:30 and there was still more testimony to be heard. Motion by Mr. Agnesino, seconded by Mr. Caligiuri to continue the hearing past 11:00 p.m. Voice vote; all ayes, motion passed.

5. Dan DelRosso, 1815 Cornice Court was sworn in by Mr. Schwartz. Mr. DelRosso inquired about the existing fifty foot buffer on the Hunter Woods side of the bike path. Mr. Gabbianelli stated that the developer does not own that property and they cannot take down any of the trees. He inquired as to the landscaping details for the buffer along the bike path. Mr. Kernan replied that they are proposing to remove some of the trees but he asked Mr. Clemson to relook at that issue. Mr. DelRosso asked when the issue will be addressed and if the public will be made aware of any changes to the buffer. Mr. Kernan responded that it will be addressed between now and final but the applicant is not required to notice the public for final approval. Mr. Schwartz replied that the public can ask for a copy of the final plans.

6. Sherie Jenkins, 1808 Cornice Court was sworn in by Mr. Schwartz. Ms. Jenkins commented that the presentation should be done as a power point so that everyone in the room could see the plan clearly. She expressed her concern with regard to the intersection and commended the Mayor for going to the NJDOT; however she thought the Board should go to Trenton and talk to the Governor or the Legislature; Fred Madden or Steve Sweeney. Mr. Gabbianelli stated that Mr. Sweeney was with him when he went to the NJDOT. She made the Board aware that there was an armed robbery many years ago of a pizza delivery person by the bike path where the applicant is proposing to connect a "road" that goes from the commercial area to the bike path. She commented that she did not want the "road" to connect to the bike path. Mr. Gabbianelli stated that it is not a "road" but a waking path. Ms. Jenkins stated she did not want the connection to go through to Hunter Woods. She also expressed her concern about the increase of mosquitoes and suggested the water in the wet pond be able to move. Mr. Caligiuri replied that the pond will be aerated with three fountains as testified to by Mr. Clemson. Ms. Jenkins commended Mr. Caligiuri for his comments and concerns with regard to the safety of the residents and the intersection.

7. Michael Maslowski, 1128 Nightshade Drive was sworn in by Mr. Schwartz. He asked the Board not to approve the development for final approval until the intersection improvements are completed.

Motion passed to close the hearing to the public.

Mr. Caligiuri recommended that the applicant withdraw his application and rework the plan to address the concerns of the Planning Board. He thought they understood what the Board was asking for and did not want to see the requested waivers and variances denied. Mr. Schwartz replied that the applicant did not have to withdraw his application in order to make changes to the plan. He suggested the applicant could ask to postpone or table the application and come back to the Board. Mr. Hoff stated that they are willing to table the application and asked the Board to announce a date specific for the next hearing. Mrs. Farrell stated she was going to ask the Board to change the December 11th meeting to December 4th and asked the applicant if that was enough time to rework the plans. After some discussion, it was decided the meeting would be held on December 18th at 7:00 p.m. in the courtroom. Mrs. Farrell stated that no new notice would be sent to the public. Motion by Mr. Agnesino, seconded by Mr. Caligiuri to table the application and continue the hearing to the December 18th meeting. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Ms. Hui, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Approval of Minutes:

1. 10/23/14 regular meeting.

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

Discussion:

1. Signs – Ordinance 0:17-2014

Mrs. Farrell stated that Council asked that the Planning Board discuss the sign ordinance again. She asked Mr. Caligiuri and Mr. Kernan to explain the issue to the Board. Mr. Kernan stated that Council brought up the sign ordinance that the Mayor vetoed at their Ordinance Committee meeting last night. They would like to get the ordinance back on for first reading. He commented that it was getting late and didn't think the issue had to be discussed before the first reading and it could be discussed later and before the second reading. Mr. Schwartz stated that he didn't hear the details of why the ordinance was vetoed. Mr. Gabbianelli replied that he vetoed it because the Planning Board rejected the ordinance. Mr. Schwartz stated he didn't understand why the Council would send the ordinance back to the Planning Board again when the Planning Board rejected it and Council has the ability to override the Planning Board and approve the ordinance. He asked if there were any changes made to the ordinance. Mr. Kernan stated that the provision in the ordinance concerning the removal of existing signs has been in the ordinance for quite some time. He commented that he spoke with Sue Grogan from the Pinelands on the matter and she stated that the Pinelands does not have any enforcement power. Mr. Gabbianelli stated that the town should not have to worry about it then and give in to the Pinelands. Mr. Kernan stated that if the town does not make the changes recommended by the Pinelands then LED signs will not be permitted anywhere in the town even in areas outside the Pinelands since they have not certified the ordinance that was done previously. Mr. Schwartz thought the reason for the veto was because the LED signs were not allowed in the Pinelands areas not because of the existing signs not being grandfathered. Mr. Kernan asked what the Board's recollection is of why they rejected the ordinance. Mr. Caligiuri responded that it was because it did not allow existing signs to be grandfathered. He asked if the issue could be discussed at a future meeting since it was getting late.

Mrs. Farrell commented that the next Board meeting was scheduled for December 18th at 7:00 p.m. in the courtroom.

Adjournment:

The meeting was adjourned at 10:58 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