

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. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Absent – Mr. Agnesino, (excused), Mr. Masterson, (excused), Mr. Jordan, (excused). Also present – Mr. Rocco, Solicitor, Mr. Kernan, Planner.

Proper notice of this meeting was given as required by the Open Public Meetings Act on January 15, 2015.

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-14-15 – App. #1839 – Grandview Mews, LLC – Completeness Approved

Motion by Mr. Kozak, seconded by Mr. Crane to adopt resolution PB-14-15. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

2. PB-15-15 – App. #1839 – Grandview Mews, LLC – Hearing Continuance Approved

Motion by Mr. Kozak, seconded by Mr. Scardino to adopt resolution PB-15-15. Roll call vote: Ayes – Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Sidewalk Waiver - for Board Action:

1. #SW-53 – Edward Kuhn, Jr. – Sidewalk Waiver

Present – Edward Kuhn, Jr., applicant, Ernie D'Orazio, applicant's contractor.

Member's packets contained: 1. A copy of the applicant's sidewalk waiver application. 2. A copy of the applicant's approved minor subdivision plan. 3. A copy of the applicant's minor subdivision resolution.

The applicant is requesting a sidewalk waiver for his properties located at 2787 and 2795 Fries Mill Road also known as Block 14801, Lots 13.01 & 13.02. The applicant received minor subdivision approval in March of 2014.

Mr. Kuhn was sworn in by Mr. Rocco. Mr. Kuhn testified that he received minor subdivision approval last year to create three single family building lots for himself and his family. Two one acres lots front directly on Fries Mill Road and the remaining one acre lot sits behind those two. There is a driveway access easement in place to access that rear lot. In addition, the rest of the property, approximately forty three acres, will be dedicated to Farmland Preservation. During the hearing for the minor subdivision it was determined that Mr. Kuhn would have to pay \$9,000.00 in order to have the sidewalks waived. He is before the Board this evening to request waivers for the front two lots in which he is willing to make the sidewalk contribution of \$6,000.00; however he did not think he should have to pay the additional \$3,000.00 for the eighty-five foot of frontage on Fries Mill Road that is part of the farmland acreage. He stated that settlement for the preserved acreage is scheduled for March 25, 2015.

Sidewalk Waiver: (continued)

1. #SW-53 – Edward Kuhn, Jr. (continued)

Mr. Kernan reviewed Mr. Kuhn's request stating that Mr. Kuhn did not want to build the sidewalks as he had originally stated at his minor subdivision hearing. He is asking for a waiver for the sidewalks in front of the two building lots in which he will pay the fee of \$6,000.00 and a waiver of the sidewalk and fee for the frontage that is part of the farmland property. Mr. Kuhn agreed that that is his request. Motion by Mr. Teefy, seconded by Mr. Caligiuri to grant the sidewalk waivers and accept the \$6,000.00 sidewalk contribution in lieu of providing sidewalk, no sidewalk or contribution is required for the eighty-five foot frontage that is part of the farmland. Mr. Cooper had a question on the motion. He asked if there were any other sidewalks in the area on Fries Mill Road. Mr. D'Orazio was sworn in by Mr. Rocco. He stated that there is another house about three hundred feet away and there isn't any sidewalk there. There is sidewalk further down Fries Mill Road and across the street at the golf course. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Site Plan Waivers – for Board Action:

1. #WSP-02-15 – First Haitian Baptist Church of Williamstown – Site Plan Waiver

Present – Jean Celestin, applicant's attorney.

Member's packets contained: 1. A copy of the applicant's site plan waiver application and attached explanation of the use. 2. A copy of the applicant's Pinelands Certificate of Filing. 3. A copy of the applicant's sketch of the parking area and inside the building.

The applicant is requesting a site plan waiver in order to be allowed to conduct church services at the property in question. They currently lease the building and have been using it for their church services and prayer meetings; they would like to purchase the building and continue the use. The property is located at 101 Chestnut Street, also known as Block 11602, Lot 9 in the RG-TC Zoning District.

Mr. Celestin was sworn in by Mr. Rocco. Mr. Celestin stated that they intend to purchase the building and continue to use it as a house of worship. They have occupied the building for the last seven years and they currently have about twenty-five Haitian families and their children, most of whom are immigrants who lost their homes in the deadly earthquake. Mr. Kozak commented that the building in question is the old ambulance building on Chestnut Street. Mr. Celestin commented that they do have enough parking for their use. Mrs. Farrell stated that the sketch shows ninety-six seats which requires twenty-four parking spaces. Mr. Celestin commented that in addition to the perimeter parking they intend to use the parking in the building where the ambulances used to park, which gives them additional parking. He also added that in the future, if they grow, they may purchase a couple buses so that they can transport their members so parking should not be an issue. Mrs. Farrell also informed Mr. Celestin that there may be an issue with the number of seats proposed with regard to the fire code and the capacity of the building. Since the square footage of the building was not provided with the application, they will have to address that issue with the construction office and the Fire Marshall. In addition the applicant is required to provide architectural plans to the construction office. Mr. Celestin stated that they are willing to comply with whatever the Township requires. Mr. Kernan commented that they are only one parking space shy of the required twenty-four spaces without using the interior spaces where the ambulances used to park. Mr. Kozak asked if the applicant has any plans to improve the façade of the building.

Site Plan Waivers: (continued)

1. #WSP-02-15 – First Haitian Baptist Church (continued)

Mr. Celestin replied that they will make improvements to the building in the future; however right now their budget is very limited as many of the members of the church are victims of the earthquake that devastated Haiti and they do not have much. He also stated that they are asking for the ninety-six seats in anticipation of growth but at the present time they do not have that many members. Mr. Kozak asked how many times the building is used for services during the week. Mr. Celestin replied that they use the church for Sunday services and maybe one or two nights during the week for prayer meetings however not all the members attend the prayer meetings. It was determined that there is parking permitted on one side of the street also.

Mrs. Farrell also stated that the applicant has requested a waiver of the filing fee since they are a non-profit organization. Mr. Crane asked if the Board has waived the fee in the past. Mrs. Farrell stated that they have waived the filing fee for non-profit organizations but they cannot waive the escrow fees. Mr. Celestin replied that they are operating on very limited funds at this time. Mr. Kernan inquired as to the lighting outside the building. Mr. Celestin stated that there is lighting in the parking area in the back. Motion by Mr. Crane, seconded by Mr. Teefy to waive the filing fee. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero. Motion by Mr. Scardino, seconded by Mr. Teefy to grant the site plan waiver. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Ms. Hui, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero. Mr. Celestin thanked the Board.

2. #WSP-03-15 – Larry Lui – Site Plan Waiver

Present – Nilkanth Shah, owner, Eric Lui, applicant's son.

Member's packets contained: 1. A copy of the applicant's site plan waiver application and explanation of the use. 2. A copy of the owner's previous site plan for the existing building.

The applicant is requesting a change of use for an existing building located at 1144 South Main Street, also known as Block 3304, Lot 1 in the RG-CC Zoning District. He proposes to change the former ice cream stand building to a massage parlor.

Mr. Shah and Eric Lui were sworn in by Mr. Rocco. Mr. Shah explained that Mr. Lui was ill and could not be present however he is the owner of the building and Mr. Lui's son is present to answer questions as well. Mr. Lui explained that they would like to convert the existing ice cream parlor building to a massage parlor. They are not making any changes to the exterior of the building and they would like to utilize the existing parking spaces and signage. Mr. Crane questioned why the application is before the Board if it's a change of use that is permitted in an existing building. Mrs. Farrell replied that Mr. Weikel would not sign the zoning permit until he received a site plan waiver from the Board. She stated that it is a permitted use, exempt from the Pinelands since it is a commercial business to a commercial business, the parking is sufficient for the use, so why Mr. Weikel wouldn't sign the permit she did not know but the applicant is here. Mr. Crane replied that the Board cannot deny the site plan waiver since it is a permitted use.

Mrs. Farrell stated that the plan in the packets is from when the ice cream use was approved. Nothing is going to change on the exterior of the site. The applicant is proposing to use the existing sign. Mr. Kernan inquired as to the parking area. Mr. Shah testified that the parking area is all one with the old Point Cleaners site. Mr. Kernan stated there is enough parking for the use. Mr. Cotton asked if the applicant has any other massage parlors. Mr. Lui replied that they have one in Vineland. Motion by Mr. Scardino, seconded by Mr. Crane to grant the site plan waiver. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Scardino, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero. Mr. Kozak asked if the two parking spaces right on the point should be removed. Mr. Shah stated they would remove the wheel stops in front of those spaces so they would not be used.

Discussion – for Board Action:

1. Mr. Kernan's memo dated 2/25/15 – Revision to Chapter 175 RG-TC Zone

Member's packets contained: 1. Memo dated 2/25/15 prepared by Mr. Kernan. 2. A copy of Ordinance PB-16-15 recommending changes to the code to Town Council.

Mr. Kernan stated that the amendment to the ordinance was just to allow mixed use in the RG-TC Zone along Main Street in the downtown area. This will allow lots to have more than one principal permitted use. The schedule of permitted use was changed to allow manufacturing in the zone as well due to the potential for a microbrewery of which there is some very interested parties. It was pointed out that there may be others interested in a particular building as well for manufacturing uses such as fencing and/or storage. The amendment to the ordinance also corrects/eliminates the section that only allows professional offices as conditional uses in the zone when they should be principal permitted uses in the RG-TC Zone in the downtown area. Mr. Kernan commented that the entire Chapter 175 is in disarray but these proposed changes will help to fix this particular section.

Mr. Kernan informed the Board that he received a message from Sue Grogan of the Pinelands with regard to the proposed ordinance changes and the proposed changes to the Acme Redevelopment Plan. She commented that she was under the impression after her meeting with the town that drafts would be sent to the Pinelands for their comments before any actual changes were brought to Council for first reading. Mr. Kernan stated he thought they were going to do that but in this case the town wanted to move this particular change along faster and they did plan to send the proposed changes to the Pinelands for their comments before second reading. He also commented that with the new protocol being established with the Pinelands he did not know if he was authorized by the town to just send drafts to the Pinelands on his own.

Mr. Teefy commented that his impression after meeting with Sue Grogan was that they were fine with the proposed changes in the downtown area in the RG-TC Zone. Mr. Kernan commented that it's possible they have an issue with manufacturing being a principal permitted use. He stated that he would email Sue Grogan in the morning and let her know it was not their intention to leave her out of the process as discussed but the town was anxious to move forward with the change to this ordinance after their meeting. Mr. Kernan stated that Ms. Grogan may also be able to help craft the ordinance to be more in sync with what the intentions of the town are regarding the downtown area. Mr. Teefy commented that the State is requiring the interested party to show that manufacturing is a permitted use in the zone where they are going to operate a microbrewery with the option for retail.

Mr. Kozak commented that he was in favor of the microbrewery but the town had to be careful with what they will permit because one person could come in for a certain use and then sell it to someone else that will have a totally different manufacturing use that the town might not want. There was further discussion on previous uses in the vacant buildings located on Main Street. Mr. Caligiuri inquired if a variance could be sought to allow the microbrewery if manufacturing isn't a permitted use in the zone. Mr. Kernan replied that the Zoning Board would hear an application for a use variance and they could grant a variance. Mr. Caligiuri commented that the town does want to be selective as to what type of business opens on Main Street as they would like it to compliment the area and be something that attracts people to the town. Mr. Kernan stated it may be that it will come down to an applicant having to get a use variance. The Board discussed what uses might be grandfathered since previous uses might not be considered as abandoned. Mr. Kernan stated again that he would reach out to Sue Grogan for her thoughts and help with crafting the ordinance to what the town would like to have in the downtown area. Mr. Rocco was asked to check on the requirements of the State with regard to the zoning and licensing for a microbrewery. It was also decided that the town would hold off on moving forward with the amendments to the ordinance for now.

Discussion: (continued)

2. Mr. Teefy informed the Board that he is meeting with Grandview Mews in the morning to hopefully discuss a new access road to their proposed development. He also commented on COAH and questioned if the town has any leverage to negotiate with developers as to whether they want on-site COAH or the development fee. Mr. Kernan replied that it is very tricky right now since the Round 3 rules COAH introduced several times have been tossed out by the courts over and over again. He had a discussion with Mary Beth Lonergan concerning the Fair Share Housing Center hiring their own consultant to calculate what the State wide need is for affordable housing. It was somewhere in the range of 175,000 units; however Monroe Township does not have any obligation at this point because we are an Urban Aid community. He didn't think the town could be in danger of any challenges. He did comment that things could change in time if COAH moves out of the courts and back to the State and they go back to assigning a fair share number, then the town might have an obligation. In the meantime, right now, he doesn't know what mechanism the town has to require a developer to put COAH on-site. He does believe they can still collect the fee since that was certified in the code. Mr. Kernan commented that the way Mary Beth Lonergan wrote the town's Judgement of Repose or immunity was that it was good up until a time COAH came out with new rules or the courts came out with new rules. Well the courts have ruled and she is saying Monroe does not have any obligation; however she suggested that the town submit a Declaratory Judgement to the court. Mr. Rocco agreed and stated that since the town has complied with their obligation they should submit that Declaratory Judgement to the courts within ninety days. Mr. Kernan suggested he, Mr. Teefy, and Mr. Fiore have a phone conference with Mary Beth Lonergan since she is the town's Court Master to discuss the town's next move as well as how they should handle new applications for development with regard to COAH.

Mr. Kernan stated that he received a letter from COAH concerning the documented and undocumented affordable units in the town. The list has many more undocumented units than documented. He explained that he is more in favor of affordable housing projects like Justin Commons and a Catholic Charities project than spreading units here and there throughout the town because it becomes more cumbersome and expensive to manage and to keep track and monitor the status over the life of these units. Many of the listed undocumented units are under the Gloucester County Housing Authority and he has asked his secretary to look into how to get the Housing Authority to document those units. Mr. Kozak commented that he still believes the town should require developers to provide on-site COAH units even if it means the town will be sued. He thought the town should take a stand and let the developers take us to court if that's what they want to do. There was further discussion on previous approvals that have a COAH obligation either on or off site and whether they are still obligated to abide by those COAH requirements. Mr. Kernan believed that any development with a COAH requirement as part of their approvals is still required to provide those units.

Mr. Kernan commented that his message from Sue Grogan also mentioned the Acme Redevelopment Plan and he inquired as to the status of the proposed ordinance to remove the plan from the redevelopment area. He was informed that the ordinance already had a second reading. He commented that he got the impression from what Sue Grogan stated that the plan that was removed was the old plan and not the most current plan that included the extended area down the Black Horse Pike which was the plan that was supposed to be removed. He stated that he would look into the matter. He asked Mr. Teefy when he thought they should be sending the draft copies of ordinance changes to the Pinelands for their comment either before first reading or before Planning Board. Mr. Teefy replied that he thought it should be sent after the Planning Board review and before first reading.

Approval of Minutes:

1. 2/26/15 regular meeting.

Motion by Mr. Cooper, seconded by Mr. Scardino to approve the minutes from the February 26, 2015 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 8:30 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 Orbachewski
Clerk Transcriber