

Call to Order:

The regular meeting of the Monroe Township Planning Board was called to order at 7:00 p.m. by Chairman O'Brien. The Board saluted the flag. Roll call was as follows:

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

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-20-15 – App. #429-SP – M3 Hotel Developers, LLC – Prelim. & Final Major Site Plan

Motion by Mr. Cooper, seconded by Mr. Masterson to adopt resolution PB-20-15. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

2. PB-21-15 – Chapter 175 – Recommended Changes to Council

Motion by Mr. Agnesino, seconded by Mr. Teefy to adopt resolution PB-21-15. Roll call vote: Ayes – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Masterson, Mr. Teefy, Ms. Hui, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Public Hearing:

1. #395-SP – Sam's Real Estate Trust – Preliminary & Final Major Site Plan

Present – Henry Kent-Smith, applicant's attorney, Glenn Philips, applicant's engineer, Dave Shropshire, applicant's traffic engineer.

Member's packets contained: 1. Report dated May 7, 2015 prepared by Ray Jordan. 2. Report dated May 11, 2015 prepared by Tim Kernan. 3. A copy of the applicant's preliminary and final major site plan.

The applicant is proposing to amend his previously approved plan from five gas fueling dispensers and a car wash to seven gas fueling dispensers without the car wash. The multiple product dispensers will allow for fourteen total fueling stations. The applicant is also proposing one monument sign and four canopy signs. The property is located on Berlin Cross Keys Road, also known as Block 101, Lot 3.01.

Mr. Kent-Smith introduced himself as the applicant's attorney. Mr. Kernan, Mr. Jordan, Mr. Philips, and Mr. Shropshire were sworn in by Mr. Rocco. Mr. Kent-Smith gave a brief overview of the project. The site is adjacent to the existing Sam's Club and had been previously approved for a car wash and gas station facility. The applicant has since revised the plan to add two additional fueling dispensers and eliminate the car wash. A variance is required for the number of signs proposed on the canopy as well as a variance for the buffer width on the northeast and southwest tract boundaries.

Public Hearing: (continued)

1. #395-SP – Sam’s Real Estate Trust (continued)

Mr. Philips displayed the proposed site plan for the Board. He commented that the previous approval had access from the Sam’s Club parking lot; however they do not have that access at this time. The access is proposed from Berlin Cross Keys Road at both Falcon Way and a right in right out at Bass Drive and from those roadways to Diane Drive. Mr. Kent-Smith explained that Sam’s is a ground lease tenant; the land owner has not granted the interconnection from Sam’s to the proposed gas station facility. He stated that there is the ability to make the interconnection when they resolve the issue with the land owner. They will come back to the Board when they obtain the rights for the interconnection. Mr. Philips stated that there will be seven dispensers, five offering gasoline and two offering diesel. There are also three twenty thousand gallon tanks. There will be a small kiosk for the employees use. The proposed monument sign meets the ordinance requirements. The basin is behind the facility and adjacent to the basin on the Barclay Glen site.

The delivery truck will access the site from Diane Drive; the truck parks directly over the tanks to drop the fuel. On average deliveries take place once a day, seven days a week. There are five lights proposed on the site that are sixteen feet high; two are single pole lights and three are dual. Twenty-four LED lights will be utilized under the canopy. With regard to the operation of the facility, it is Sam’s Gas, it will be open to the public, and it will not be a twenty-four hour facility. It is a cashless facility; only major credit cards will be accepted, except for American Express, or your Sam’s Club credit. Customers of the gas facility do not have to be a member of Sam’s Club. Five parking spaces are required and being provided. The hours of operation are proposed to be from 6:00 a.m. to 9:00 p.m. Monday through Saturday and on Sunday 9:00 a.m. to 7:00 p.m. There will be three to five attendants on site depending on operational needs.

Mr. Philips stated that they will have to raise the elevation of the site by bringing in fill. The site will then be graded towards the basin area for proper drainage. They are also providing catch basins and underground piping so there will not be much sheet flow across the site. With regard to the underground storage tanks, they are all double walled fiberglass tanks with electronic monitoring. There are sensors in the tanks that signal dispatch when the tank gets low. Mr. Philips displayed the truck turning template for the delivery trucks. The truck is proposed to come in to Diane Drive and access the site and drop fuel directly over the tanks which takes approximately twenty or twenty-five minutes. There will not be any interference with the operation of the pumping area. Mr. Kozak expressed his concern about the trucks and cars trying to make a left into the right turn in right turn out on Bass Drive as they do at the Walmart site rather than utilizing the signaled intersection at Falcon Way. Mr. Philips replied that the access at Bass Drive is very well designed as to make it difficult to make a left turn in either direction. Mr. Agnesino inquired whether the internal roadways are Township roads or private roads. Mr. Kent-Smith replied that they are private roadways but they have cross access easements in place for sharing Diane Drive, Falcon Way, and Bass Drive. He stated that the association owns the roads and they will have to contribute to the association for maintenance. Mrs. Farrell asked the applicant to provide a copy of the access agreement. Mr. Philips commented that they have designed the site to for proper access; however they did retain the services of a traffic engineer who did review the plan and asked that some things be tweaked to improve the circulation and access. Those changes were made and Mr. Philips is satisfied that access and circulation on the site will work properly. The survey was displayed and the access easements were shown on Bass Drive, Diane Drive, and Falcon Way. It also showed the utilities within Diane Drive. There will be a bathroom facility in the kiosk for the employees; however there are no sales of any type at the facility other than purchasing fuel.

Public Hearing: (continued)

1. #395-SP – Sam’s Real Estate Trust (continued)

Mr. Masterson asked if the basin was designed to hold the additional runoff from the future access from Sam’s Club. Mr. Philips replied that the design included that additional coverage. Sam’s is purchasing the land for the gas facility; it is not a ground lease as is Sam’s Club. Motion by Mr. Agnesino, seconded by Mr. Kozak to deem application #395-SP complete. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Mr. Jordan reviewed his report for the Board. Mr. Jordan commented that the plans do reflect changes from comments in his and Mr. Kernan’s previous reports. The applicant is requesting a waiver from extending the contours two hundred feet beyond the site as well as a waiver from showing the location of existing lighting within one hundred feet of the property. Mr. Jordan was in favor of both waiver requests. The applicant will connect to the existing utilities and has agreed to provide the written instruments from each serving utility to the Board before the final plans are signed. With regard to the lighting the levels under the canopy are greater than the maximum allowed. The applicant is showing some grading on adjacent properties and Mr. Jordan recommended the applicant provide permission from the property owner to the Board before construction. Mr. Kent-Smith agreed to provide the necessary approval. There is also a small portion of the sanitary sewer pipe that is located outside the easement on an adjacent property. The applicant must address this issue. Mr. Jordan commented on the delivery trucks having to cut across the traffic instead of going all the way around to access the tanks. He stated that they have the ability to control the traffic on the site and due to the expected volume of traffic he did not think it should be an issue. With regard to the stormwater management, the applicant has addressed or has agreed to address all the comments in Mr. Jordan’s report. With regard to the fencing around the basin, the applicant had previously received a waiver to provide a four foot high split rail white vinyl fence. Mr. Kozak stated that the Board has been requiring a five foot black on black vinyl fence around all basins. The applicant agreed to provide that type of fencing. Mr. Jordan commented that the basin is a detention basin and should drain within seventy-two hours. The applicant must provide a performance bond and inspection escrow as well as providing approval from all outside agencies.

Mr. Philips stated that they have agreed to comply with the comments in Mr. Jordan’s report. He commented on the intensity of the lighting under the canopy as being an industry standard for safety reasons. They are providing flush mounted LED lighting that will be minimized during the closed hours. Mr. Shropshire addressed the comments in Mr. Jordan’s report concerning the traffic. He stated that they did make an error with regard to the approach to Falcon Way and the traffic volumes; however the build volumes are accurate and he has corrected the error. The report was structured to account for traffic volumes for the type of use by any vehicle already on the roadway and passing by the site, not just Sam’s Club members. There is a question with regard to the two southern most bays and accessibility. Mr. Shropshire stated that the access to those bays is adequate; however if there are three cars stacked up in those fuel lanes then there isn’t room to maneuver; however if there are three cars stacked in those bays the customer will most likely choose to use another bay. Everything else circulates on the site in a clockwise manner and meets or exceeds traffic engineering standards.

Mr. Kernan reviewed his report for the Board. Mr. Kernan stated that the use is permitted in the Business Park Zone. All of the bulk requirements have been met with the exception of buffers. The zone requires a twenty-five foot buffer around the exterior boundaries and the proposed plan has less than twenty-five foot of buffer on the northeast and southwest tract boundaries; a variance is required. A waiver is required for the buffer on the northeast side as the proposed landscaping does not meet the intent of the ordinance for having a minimum of ten feet where the applicant is proposing five feet of planted/landscaped area.

Public Hearing: (continued)

1. #395-SP – Sam’s Real Estate Trust (continued)

Mr. Kernan stated he would support the variance and the waiver; however he would like the applicant to locate the existing tree line around the common property line with Sam’s Club. He stated that due to the fill and grading that is proposed for the site they are clearing most of the tree row and he didn’t know if all the trees will be removed or if any will remain. He wanted the applicant to locate any remaining trees after grading so that he can determine if there are enough remaining or if the buffer must be supplemented. On the northeast side, adjacent to the TCBY, they are proposing to remove the existing trees but once the site is filled and graded they are going to replant the trees. Mr. Kernan felt that area may also need to be supplemented with some lower type shrubs or bushes since the trees are taller and that will provide a better separation of the two uses as well as being better aesthetically. Mr. Kent-Smith agreed that they will identify what trees will remain after grading and then supplement where necessary. Mr. Kernan also asked that they identify the species, calibers, and condition of the trees that will remain. With regard to signage the monument sign meets the requirements of the ordinance. A waiver is required for the façade signs to allow four façade signs and for exceeding ten percent of the façade area on the two short ends of the canopy where they take up thirteen percent of the façade area. The signs meet the ten percent requirement on the two long ends of the canopy. The applicant must meet the COAH requirements of two and one half percent of the equalized assess value of the construction.

Mr. Crane inquired as to the need for the façade sign that faces the basin and the apartment complex. Mr. Kent-Smith stated that they really don’t need that sign and it will be eliminated. Mr. Kent-Smith reiterated that they would locate the trees that will remain after the grading is completed and supplement where necessary. Mr. Kozak commented that the access drive Fawn Drive is also proposed as an access to the possible future development behind the Barclay Glen development. Mrs. Farrell stated that that application has only received a use variance at this time and no application has been submitted. Mr. Shropshire stated that the County did take into consideration all the proposed uses along Berlin Cross Keys Road including the gas facility since it was previously approved, when they approved the current access roads into and out of the existing development. There isn’t direct access to the gas station from Fawn Drive.

Motion passed to open the hearing to the public.

1. Bob Heffner, 3681 Old Black Horse Pike, was sworn in by Mr. Rocco. Mr. Heffner inquired as to the hours of operation. Mr. Kent-Smith replied that they previously testified that the hours of operation will be 6:00 a.m. to 9:00 p.m. Monday through Saturday and Sunday from 9:00 a.m. to 7:00 p.m. He also inquired as to any trash dumpster or cans. Mr. Kent-Smith stated that they will have trash cans under the canopy. They did not plan on having a dumpster since you cannot buy anything at the gas station but fuel and trash will be minimal. He stated that trash will be removed by the employees and disposed of in the Sam’s Club dumpster. Mr. Heffner expressed his concern with the removal of the very large trees. Mr. Kent-Smith stated that they will not be removing the very large trees which are located on the Sam’s Club property. He asked the applicant to supplement the buffer between the apartment complex and the gas facility. Mr. Kent-Smith agreed that they would reach out to the apartment complex owner on that issue.

Motion passed to close the hearing to the public.

Mr. Teefy asked if the facility will have a charging station for electric cars. Mr. Kent-Smith stated that it will not at this time. Ms. Hui inquired as to solar panels on the canopy of the gas facility. Mr. Kent-Smith replied that they will not have solar panels because they don’t work due to structural issues.

Public Hearing: (continued)

1. #395-SP – Sam’s Real Estate Trust (continued)

After further discussion on the issue of trash and the facility not having a dumpster, Mr. Kent-Smith stated that he will reach out to the property owner of Lot 3.02 with regard to using their existing dumpster as there will be very little trash generated at the gas facility.

Motion by Mr. Caligiuri, seconded by Mr. Teefy to grant preliminary and final major site plan approval along with the waivers from extending the contours, showing the lighting one hundred feet beyond the tract, for the increase in the lighting levels under the canopy, the applicant will provide a copy of the cross access easements to the Board, they will provide a five foot high black on black vinyl chain link fence around the basin, they will come back to the Board if and when they obtain the interconnection from the Sam’s Club parking lot, they will comply with all comments in Mr. Jordan’s report, the variance from providing a twenty-five foot buffer around the perimeter of the tract as discussed, a waiver from only providing a five foot planted buffer on the northeast corner, waivers to allow three façade signs and one that exceeds the ten percent requirement, they will locate all the remaining trees after grading and supplement where necessary, they will obtain permission from the Barclay Glen owner to supplement plantings along the property line, they will seek approval from the adjacent property owner with regard to using their dumpster for trash, Title 39, and they will comply with all other comments in Mr. Kernan’s report. Roll call vote: Ayes – Mr. Agnesino, Mr. Caligiuri, Mr. Cooper, Mr. Crane, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. O’Brien. Nays – Mr. Kozak. Abstentions – Zero.

Approval of Minutes:

1. 4/23/15 regular meeting.

Motion by Mr. Agnesino, seconded by Mr. Masterson to approve the minutes from the April 23, 2015 regular meeting. Voice vote; all ayes, motion passed.

Reports:

1. Mrs. Farrell distributed the traffic report prepared by Maser Engineering concerning the proposed Grandview Mews development. She stated that the Board members should review the report. She also stated that Mr. Jordan is not able to attend the June 11th meeting and asked if the Board wanted to cancel the meeting. The applicant for Grandview Mews has given an extension to June 11; however she can ask them if they are willing to extend the time another thirty days. They have not submitted anything regarding an alternate access for that development and an email was sent to them by Mrs. Farrell asking them if they wanted to meet at a Mayor’s meeting on May 22nd to discuss the project. After further discussion it was decided that Mrs. Farrell would reach out to them regarding an extension and if they grant the extension the Board will cancel the June 11th meeting. The next regular meeting is scheduled for May 28, 2015.

2. Mr. Kozak inquired about the COAH units at the Barclay Glen development and whether someone is being directed to insure that the other twenty COAH units are available. Mr. Teefy replied that Council discussed the issue and they are firm that they want the forty-one affordable units as per the approval. Mr. Kernan stated that their attorney, Rick Hoff, called him and Mr. Marmero asking what Council’s decision was from Monday night’s meeting. He stated that he would reach out to Mr. Hoff and confirm that Council wants the agreed to number of affordable units. Mr. Kernan stated that his office has been trying for a couple years now to identify the affordable units in the complex and the owner has only identified the twenty-one units that are currently rented. While his office has been trying to get the other twenty units identified in numerous emails and phone conversations, Mr. Hoff has been trying to get the number reduced from forty-one units to the twenty-one units. Mr. Kernan stated that Mr. Fiore should send a letter asking the owner to identify the remaining twenty units because his office has asked many times and they will not give them the information. Mr. Teefy asked that Mr. Fiore be notified that he should contact the owner of Barclay Glen regarding this issue.

Reports: (continued)

3. Mr. Teefy informed the Board that he met with the four corner property owners at Route 322 and Fries Mill Road. The meeting was a productive one and they are hoping by the end of the year to have all the agreements and the value for the assessment for each property done so they can move forward.

4. Mr. Kernan informed the Board that he is selling his company to Maser Engineering and he will be heading up their office in Marmora. He is very excited about the merger with Maser and announced to the Board that he and Pam Pellegrini will still be the planner's for the Board's but they will have a lot more resources at their disposal.

5. Mr. Agnesino inquired as to the demolition of the Quality Furniture building. Mr. Teefy stated that the owner is supposed to get back to him at the beginning of June. The building does have asbestos inside so things will take a little longer than they thought initially. Mr. Kernan stated that they do want to do a mixed use on the site. Mr. Teefy stated that they are looking to do a partnership with someone for the residential portion. He also commented that he met with people from Catholic Charities on Friday and they are interested in moving forward with a five story building perhaps on the property behind St. Mary's that would have access out to Blue Bell Road. They are currently working with St. Mary's to purchase the property.

Adjournment:

The meeting was adjourned at 8:50 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