

Call to Order:

The regular meeting of the Monroe Township Planning Board was called to order at 7:04 p.m. by Chairman O'Brien. The Board saluted the flag. Roll call was as follows:

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

Proper notice of this meeting was given as required by the Open Public Meetings Act on January 8, 2016.

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-16-16 - #WSP-05-16 – Williamstown Association/Rd Mgmt. – Site Plan Waiver

Motion by Mr. Masterson, seconded by Mr. Cooper to adopt resolution PB-16-16. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Ms. Flaherty, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

2. PB-17-16 - #WSP-06-16 – M&E Association Partnership/Eric Becker – Site Plan Waiver

Motion by Mr. Scardino, seconded by Mr. Caligiuri to adopt resolution PB-17-16. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Ms. Flaherty, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

3. PB-18-16 - #WSP-07-16 – Anthony DeAngelo/Penske – Site Plan Waiver

Motion by Mr. Cooper, seconded by Mr. Masterson to adopt resolution PB-18-16. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Ms. Flaherty, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

4. PB-19-16 - #WSP-07-16 – Anthony DeAngelo/Penske – Sidewalk Waiver

Motion by Mr. Scardino, seconded by Mr. Masterson to adopt resolution PB-19-16. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Ms. Flaherty, Mr. Masterson, Mr. Scardino, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Site Plan Waivers:

1. #WSP-08-16 – Harvinder's Gas, LLC

Present – Sukhinder Singh, applicant, Mark Iaconelli, applicant's attorney.

Member's packets contained: 1. A copy of the applicant's site plan waiver application. 2. Photographs of the property and a certified survey. 3. Letter dated February 10, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant was required to submit a site plan waiver application in order to be allowed to add a 1000 gallon propane filling station at his current gas station business located at 2944 Fries Mill Road, also known as Block 14701, Lot 1 in the Commercial Zoning District.

Site Plan Waivers: (continued)

1. #WSP-08-16 – Harvinder’s Gas (continued)

Mr. Singh was sworn in by Mr. Rocco. He testified that he would like to install a propane filling station on his existing gas station site so they can refill propane tanks for their customers. Mr. Rocco asked if the applicant and his attorney had a chance to review the Zoning Officer’s letter concerning the site plan waiver application. Mr. Singh stated that he did review the letter. Mr. Iaconelli stated that his client was agreeable to the comments in the Zoning Officer’s letter. He stated that they will comply with Title 5 as per the State regulations for propane filling stations. They will also comply with the requirement that there will be a certified employee who dispenses the propane. The applicant is in agreement to clean out the trash enclosure and make the repairs noted in the letter. With regard to the blue barrels, the applicant has removed those barrels. The tank will be marked with the appropriate signage and the filling station will be appropriately fenced according to the State regulations. The applicant does have a landscaping company that maintains the landscaping around the site and that maintenance will resume in the spring. The applicant will also be addressing the registration and inspection of the two clothing bins located on the site. With regard to signage, the applicant was made aware that the small lawn signs are illegal and he should discontinue their use. The applicant agreed to this condition.

Ms. Flaherty stated that she would revisit the site to insure the applicant is in compliance with the type of fencing around the propane filling station as well as the labeling. She asked the applicant to forward a copy of any permit issued to them by the State to the Zoning Office. Mr. Iaconelli asked if the Board office could provide them with a letter if the site plan waiver is approved so they can provide that to the State. Mr. Rocco indicated that he would provide the applicant with a letter if the site plan waiver is approved by the Board.

Mr. Rocco reviewed the conditions of approval listed in Ms. Flaherty’s letter and agreed to by the applicant. Motion by Mr. Cooper, seconded by Mr. Caligiuri to grant the site plan waiver subject to the conditions listed in Ms. Flaherty’s letter and discussed on the record. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Ms. Flaherty, Mr. Masterson, Mr. Scardino, Mr. Cotton, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

2. #WSP-09-16 – Dauntless Design Collaborative

Present – Richard Sanford, applicant, Richard Kaser, applicant’s attorney.

Member’s packets contained: 1. A copy of the applicant’s site plan waiver application, written description of the proposed business, and a site plan depicting the layout of the property. 2. Letter dated February 10, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is requesting a site plan waiver in order to be allowed to occupy part of the first floor of an existing building that fronts on Main Street for his business. The property is located at 354 S. Main Street, also known as Block 3205, Lot 10 in the RG-TC Zoning District.

Mr. Kaser introduced himself as the applicant’s attorney. Mr. Sanford was sworn in by Mr. Rocco. Mr. Sanford stated that he is an architect and would like to open up an architecture services office. He will not have any employees but himself right now but hopes to have from two to five employees in the near future. Mr. Kaser stated that the building used to be his law office and he still uses the front portion of the building for storage of his files; however he hopes to remove those files and rent out the front portion as well. He addressed the comments in Ms. Flaherty’s letter. With regard to the side of the building needing repair he stated that he is in agreement and had planned on making the repairs earlier but he is having windows installed on that side so he did not want to make those repairs until the window installation is complete.

Site Plan Waivers: (continued)

2. #WSP-09-16 – Dauntless Design Collaborative (continued)

The handrail on the rear steps is pressure treated wood. He didn't want to put in a permanent handrail because it makes it difficult to get materials in the building for renovations; however before he gets a Certificate of Occupancy he will have to have a permanent handrail installed. The cracks in the parking lot have been seal coated so there isn't any water infiltration. Ms. Flaherty commented that there is a new ordinance for the RG-TC Zone which would require Mr. Kaser to only use the front and bottom portion of the building for commercial use. Mr. Kaser stated he is aware of that requirement.

Mr. Sanford will utilize the existing sign bracket that extends out from the second story; the sign on the side of the building will be refurbished and indicate where the parking is located. Mr. Sanford did not have a design for a sign at this time. Mr. Masterson commented that Mr. Kaser indicated he would make the repairs to the outside of the building in the spring but how will the Board know if the repairs are made. Mr. Rocco stated that he will reference that issue in the resolution. Mr. Kaser stated that the construction application does show the repairs to the building. Mr. Rocco inquired about the issue of the shopping carts. Mr. Kaser stated that shopping carts do show up every now and then; he will call Shop Rite to have them picked up.

Motion by Mr. Masterson, seconded by Mr. Scardino to grant the site plan waiver subject to the comments in Ms. Flaherty's letter and agreed to on the record. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Ms. Flaherty, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

Discussion – for Board Action:

1. Chapter 175-54 – Site Plans & Chapter 175-33 – Sidewalks

Mr. Rocco stated the town is considering adopting amendments to the ordinance with regard to site plans and more specifically site plan waiver review. The amendment will give more control to the Planning Board with regard to those reviews. The current ordinance only triggers a site plan review when the change of use will result in an increase in the number of parking spaces. Once site plan review is triggered the ordinance gives the ability to the Planning Board to also waive site plan as long as there aren't any material modifications and there is a change of use or change of occupancy. Mr. Rocco modified the ordinance to allow the Board to consider issues that are typically site plan issues such as lighting, landscaping, aesthetics, etc at site plan waiver review. The Board can comment on those issues and the applicant can either agree with the Board's comments or if he disagrees, then they will be required to submit a full blown site plan.

The second part of the ordinance change concerns sidewalks with regard to existing development. The ordinance will now state the Board can require the installation of sidewalk, typically during a site plan waiver review where there isn't sidewalk, or the Board can waive the sidewalk which will require a sidewalk contribution of up to \$5.00 a linear foot. These changes to those ordinances will give the Board more control specifically for site plan waiver applications.

Motion by Mr. Teefy, seconded by Ms. Flaherty to approve the ordinance changes and recommend those changes to the Ordinance Committee. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Ms. Flaherty, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

2. "Active Adult Community" Ordinance

Present: Elaine Corbi – Director of Sales and Marketing for JS Hovnanian

Member's packets contained: 1. A copy of email correspondence between Ms. Corbi and Mr. Marmero, Zoning Board Solicitor.

Discussion- for Board Action: (continued)

2. “Active Adult Community” Ordinance (continued)

Mrs. Farrell stated that this issue was raised at an administrative meeting so she requested Ms. Corbi to attend the Planning Board meeting to explain her request. Ms. Corbi stated that there is twenty percent rule for active adult communities which is a federal rule; however each municipality has their own interpretation of the “active adult community”. Some townships allow the sales of homes in an active adult community under the twenty percent rule to persons aged 48 to 55 years old. That is what they are requesting from Monroe Township; is to allow the Sterling Glen active adult community to be allowed to sell up to twenty percent of the homes to persons between the ages of 48 and 55. Currently the Township ordinance requires that at least on person must be 55 years old or older and no resident can be under the age of 18.

Mr. Rocco reviewed the request by Ms. Corbi for the Board which is to modify the current ordinance regarding active adult communities to allow twenty percent of the homes in an active adult community to be sold to persons age 48 or older. Mr. Masterson asked how the age restriction is monitored. Ms. Corbi stated that they keep track of it now with regard to the home sales but after the community is built out the homeowner’s association will monitor any home sales or resales for the age restriction. Mr. Cooper inquired as to who monitors whether or not the buyers have school age children. Ms. Corbi stated that she does not have any knowledge of their age restricted communities having school age children; she has seen grandchildren visiting but not school age children living in the communities. Ms. Flaherty asked if there are any school age children in the other age restricted communities they’ve built. Ms. Corbi stated that she believes they all have to be eighteen but it could be age sixteen too she isn’t sure; however they get their rules from the town’s where they are located.

Motion passed to open the discussion to the public.

1. Mr. Heffner commented that there are already over 1000 rental units on the books that are marketing to the same age demographic and asked if there is a market for that many units in this area. Ms. Corbi stated that people are coming in from all over neighboring towns and the empty nesters are looking to stay close to their families and their grandchildren. Mr. Heffner commented that if we start dropping the age in the age restricted communities than they are drawing clientele away from the high end rentals which will cause the rents to drop so they can fill their units and that will result in a different element being brought into those developments.

Motion passed to close the discussion to the public.

Mr. Rocco stated that the motion would be to send a recommendation to Council to change the ordinance to reflect that 55 and over age restricted communities will be allowed to have twenty percent of the community at age 48 years or older. Motion by Mr. Teefy, seconded by Mr. Caligiuri to recommend the ordinance change to Council. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. Cotton, Mr. O’Brien. Nays – Ms. Flaherty. Abstentions – Zero. 7 ayes, 1 nay, motion passed.

Extension Request – for Board Action:

1. #405-SP – St. Matthew’s Baptist Church

Mr. Rocco stated that the current extension is in place until June 30, 2016 and the applicant is asking for a one year extension to June 30, 2017. Motion by Mr. Caligiuri, seconded by Ms. Flaherty to grant the one year extension. Roll call vote: Ayes – Mr. Caligiuri, Mr. Cooper, Ms. Flaherty, Mr. Masterson, Mr. Scardino, Mr. Teefy, Mr. Cotton, Mr. O’Brien. Nays – Zero. Abstentions – Zero.

Approval of Minutes:

1. 1/28/16 regular meeting

Motion by Mr. Cooper, seconded by Mr. Masterson to approve the minutes from the January 28, 2016 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 7:55 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