

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

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."

Chairman O'Brien announced that the public hearing for Grandview Mews has been postponed to the December 8, 2016 Planning Board meeting at 7:00 p.m. No new notice will be sent.

**Memorialization of Resolutions:**

1. PB-92-16 – App. #WSP-62-16 – Diem Vo – Site Plan Waiver Approved

Motion by Mr. Agnesino, seconded by Mr. Crane to adopt resolution PB-92-16. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Ms. Flaherty, Mr. Masterson, Mr. Cotton. Nays – Zero. Abstentions – Zero.

2. PB-93-16 – App. #WSP-63-16 – First Haitian Baptist Church – Site Plan Waiver Approved

Motion by Mr. Agnesino, seconded by Mr. Masterson to adopt resolution PB-93-16. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Ms. Flaherty, Mr. Masterson, Mr. Cotton. Nays – Zero. Abstentions – Zero.

3. PB-94-16 – App. #WSP-64-16 – John E. Torpey – Site Plan Waiver Approved

Motion by Mr. Agnesino, seconded by Mr. Crane to adopt resolution PB-94-16. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane Ms. Flaherty, Mr. Masterson, Mr. Cotton. Nays – Zero. Abstentions – Zero.

**Site Plan Waivers for Board Action:**

1. WSP-61-16 – Smith Fred Orchards, LLC

Present – John Eastlack, applicant's attorney, Steve Smith, applicant, Jeff Smith, applicant's son.

Member's packets contained: 1. A copy of the applicant's site plan waiver application. 2. Compliance letter dated September 30, 2016 prepared by Kathryn Cornforth. 3. Letter dated October 26, 2016 prepared by Rosemary Flaherty, Zoning Officer.

The applicant is before the Board for a site plan waiver for additional items and a gate that has been installed on his property. In addition the applicant was leasing space in the storage building located on the property without the proper approvals. He previously received site plan approval for his business, Peach Country Tractor, in 2014. The property is located at 1463 North Tuckahoe Road, also known as Block 14301, Lot 10 in the BP Zoning District.

**Site Plan Waivers for Board Action: (continued)**

1. #WSP-61-16 – Smith Fred Orchards (continued)

Mr. Eastlack introduced himself as the applicant's attorney. He stated that the site plan reflects the changes to the site with respect to the gate. He has had some communication with the County and Paul Esposito to get their viewpoint on where the gate is located in relation to the County right-of-way. The gate is fifty-five feet from the edge of the paved roadway. They have provided the County with information regarding the largest truck that will access the site that being a truck thirty feet in length. No tractor trailers will be accessing the site with the exception of once a year and during the day. They have not received any formal report from the County as of today.

Mr. Rocco asked what the hearing is about. Mr. Eastlack replied it's about the installation of the gate on the property. He stated Mr. Smith installed the gate for security purposes because he noticed people have been driving onto the property after hours. Mr. Smith was sworn in by Mr. Eastlack. Mr. Smith testified that he had a wire cable extended across the entrance but people drove right through it and were in the back of the property. He installed the gate to keep people from driving back on his property. The gate is a metal sliding gate and stretches across the entrance of the property and is approximately five feet high. This gate was not shown on the original approved site plan.

Ms. Cornforth reviewed the compliance report from ARH. She stated that her office did a compliance inspection at the site based on the previously approved site plan with the last revision date of September 9, 2014. The gate was not shown on the approved plan; the report does show a picture of the gate in the open position. The applicant must receive approval for the gate from the County since the property is located on a County road. The applicant is using tree trunks along a portion of the parking area; these are not on the approved plan and there is a concern with the height of the trunks and the ability for vehicles to see them when backing out of the parking stalls. The applicant was required to install landscaping between the building and concrete sidewalk; however he installed a concrete walkway. This is just mentioned because it's a deviation from the approved plan. With regard to drainage, Ms. Cornforth did walk back to the basin. There is a swale that is supposed to run from the headwall, which is contained in an easement that belongs to the County, all the way back to the basin. It appears that the swale doesn't really exist anymore and may need to be reestablished. It looks as if there have been vehicles driving over it. There are maintenance issues with regard to the basin. The photograph shows the headwall with the riprap moved around. There is vegetation growing through it and debris gathered in that area. In addition the riprap flume has either been grown over or is under water and this issue needs to be addressed. –Ms. Cornforth commented that the basin was pretty full when they did their inspection. She also noted that there is a pipe installed into the basin that wasn't on the approved plan and asked the applicant to provide testimony as to the purpose of this pipe. With regard to the lighting she commented that it is different than what was on the approved plan. There are compliance issues with regard to the landscaping noted in the following areas; the buffer to Lot 12 does not meet the intent of the landscaping plan as some of the landscaping material was not installed as per the report dated September 30, 2016. Five of the seven maple trees that were planted along Tuckahoe Road are dead and the other two are not healthy.

Ms. Flaherty reviewed her report for the Board. She stated that applicant has used the approved storage building to sublease to other landscapers and businesses. This was not part of the original approval and if the applicant intends to continue this use each business will have to submit a site plan waiver application and receive approval from the Board. The applicant agreed to all the conditions of his original approval and listed in the Developer's Agreement which was signed by the applicant. There have been complaints by the neighbors with regard to noise at the site. The applicant must adhere to the Township Construction Work Hours. The applicant has recently installed a gate in the front of the property and Ms. Flaherty recommended that the gate be removed and installed behind the first building to enclose the operation. The truck being used to advertise the business is not permitted and must be removed.

**Site Plan Waivers for Board Action: (continued)**

1. #WSP-61-16 – Smith Fred Orchards (continued)

The applicant is reminded that they must submit their Stormwater Management Maintenance Manual to the Planning Board on an annual basis. Mr. Eastlack addressed the comments by Ms. Cornforth and Mrs. Flaherty. He asked Mr. Smith to explain the purpose of the concrete blocks on the site. Mr. Smith stated that they are forty feet off the road and they were installed to keep people from driving onto his property and taking materials. Mr. Agnesino commented that there really isn't a problem with the blocks being installed, the issue is because they weren't on the approved plan. Mr. Eastlack asked if the applicant's engineer revises the plans to include the changes will the Board be acceptable to those changes. Jeff Smith was sworn in by Mr. Eastlack. Mr. Smith testified that there are three concrete blocks; one on each side of the gate and one on the far side. They are used to keep people from driving around the gate or hitting the gate. Mr. Crane stated that he did not have any problems with the gate or where it's located. He did not agree with Ms. Flaherty that it should be moved back to the first building.

There was discussion regarding the tree trunks being used on the site. Mr. Smith stated that the tree trunks are located next to the grass area and are there to keep people from driving across the property. Mr. Eastlack asked if the Board had any issue with the tree trunks being in that location. Ms. Flaherty stated that she wanted to be sure the bottom of the trunks are flat on the ground so that they don't roll especially if someone hits them with a vehicle but she thought it was a neat detail due to the nature of the business. The applicant agreed to secure the tree trunks with metal spikes. The applicant agreed to show on the revised plan the additional concrete sidewalk that extends the entire width of the parking area in lieu of landscaping in that area. There was discussion concerning the swale with Mr. Smith testifying that the swale is there and it works. The water drains back to the basin as it should. Ms. Cornforth commented that the swale is part of a County easement to convey the stormwater for the County. Mr. Smith agreed and stated that it is there and it works. He stated that there have been some significant storms in the last two years and there haven't been any problems. Ms. Cornforth commented that it appears to be a maintenance issue. Mr. Eastlack stated they will address the issue with the County and copy the Board on the correspondence. He stated that they will clean up the issues with the rip rap and rip rap flume. Mr. Eastlack also stated that they will submit the annual stormwater maintenance log to the Township before December 31<sup>st</sup>. Mr. Smith stated that the pipe to the stormwater basin is there to drain the irrigation line for the winter that services the farm in the rear of the property. Mr. Smith also stated that he can pull water from the basin for the farm as well. Mr. Eastlack stated that the lighting used on the site will be depicted on the revised plans.

With regard to the landscaping, Mr. Smith asked Mr. Connell, who is the owner of Lot 12, about the landscaping to buffer his property. Mr. Connell wanted some additional plantings on that side. Mr. Eastlack stated that if there are dead trees then the applicant understands he must replace them. He also addressed the issue of businesses subleasing the storage building and stated that there aren't any businesses leasing space on the site anymore. Ms. Flaherty commented that they are permitted to be there but Mr. Smith would have to amend his original approval first. Mr. Eastlack stated that Mr. Smith is not requesting the amendment this evening. The applicant will adhere to the noise ordinance with regard to the hours of operation. Ms. Flaherty stated that the truck advertising the business must be removed. Mr. Smith stated that the truck is registered and tagged and allowed to be on his property. He expressed his concern with all of the issues being raised and stated that he is just trying to run his business and the town is not being very business friendly. Mr. O'Brien explained that the plans just need to be revised in accordance to what is on the site now. Mr. Smith stated that he does not believe there is a law with regard to the truck. He had the same issue in another town and the truck is still there because it's out of the sight triangle and the right-of-way. Ms. Flaherty stated that she will provide case law in front of the Zoning Board to show that the truck is used for advertisement. If Mr. Smith requires more advertisement for his business then he can meet with her and she will work with him but she will issue a violation if the truck is not removed or he can go before the Zoning Board for an appeal.

**Site Plan Waivers for Board Action: (continued)**

1. #WSP-61-16 – Smith Fred Orchards (continued)

Mr. Eastlack stated that they will seek Zoning Board approval for the truck. Ms. Flaherty replied that she is not talking about a truck that might be out there for a day but when it's out there day after day in the same spot and doesn't move then that's advertisement.

Motion passed to open the application to the public.

1. Glenn Groves, 1464 N. Tuckahoe Road, was sworn in by Mr. Rocco. Mr. Groves stated that he lives directly across the street from Peach Country Tractor. They have been living there for approximately eighteen months and they want to see the business continue and be successful. He stated they have been to meetings for other developments in the area and the Board is always concerned with aesthetics. His main concern is safety and aesthetics and this site is being referred to as the dump. It's a landscaping business with seven dead trees and a dump truck at the front of the site. Mr. Groves expressed his concern with the applicant saying he will submit a new site plan showing the existing conditions and the Board will rubber stamp it. The original site plan was approved by the Board; however Mr. Smith has proceeded to do whatever he wants. Back in 2012 the Board waived the maintenance and performance guarantee and therefore forfeited a way to enforce the approval that was given. Mr. Smith has been in serious and open violation of the resolution. Mr. Groves questioned the location and aesthetics of the gate; asking why the gate has to be a chain link gate instead of a black enamel gate that wouldn't be as visible. There is concern with future maintenance at this site as well. The concrete blocks and tree trunks are not aesthetically pleasing. It can be rustic but he could have put up a rail fence instead of tree trunks and concrete blocks. Mr. Groves took exception to Ms. Flaherty's comment about site plan waivers to allow other tenants on the site and the fact that the Board would allow that without even discussing how many tenants would be permitted. Had the issue of multiple tenants been discussed at the original hearing for the site they would have objected then. They are objecting now moving forward to multiple tenancy of any sort on this site.

Ms. Flaherty commented that Mr. Smith subleased space to other businesses without consent from the Township however he has discontinued doing that or the Board would have addressed that issue this evening. Requiring a site plan waiver for each tenant is to insure the safety and aesthetics are addressed for each tenant. Mr. Groves stated that it may be that way for the time being but past performance tells a different story. He stated he saw two dump trucks enter the site around 7:00 p.m. on Tuesday night. They went through the gate and only one came out about ten minutes later. He respectfully asked the Board to enforce the original resolution of approval, the original approved site plan, and the engineers report. He feels the business will negatively impact their property value as it has already impacted their quality of life. He also expressed concern with the traffic and the fact that their driveway is directly across from Peach Country's driveway essentially creating a hazardous intersection. It was determined that a traffic study was completed for the County. Mr. O'Brien stated that the County approved the traffic report. Mr. Groves commented that the traffic report was approved by the County based on single occupancy so if you're going to allow other tenants then the report should be redone. He is relieved to know they are not renting to other businesses anymore and objects to the site plan waiver process that does not require public notice. He stated that they want to be notified for any meetings, hearings, or site plan waivers concerning this site. Ms. Flaherty stated that it's not a legal thing they can do but every agenda is posted on the website for every Board. Mr. Eastlack commented that he will agree to notify Mr. Groves if they come back to the Board for any reason. Ms. Flaherty stated that if they are going to send notice then it should be for everyone within 200 feet not just Mr. Groves. Mr. Eastlack agreed. Mr. Cotton referred to the landscaping report and asked why so much of the plant material wasn't planted as approved. Mr. Smith stated that some of that landscaping was supposed to be in front of the store which is now a concrete walkway. Mr. Groves replied that the seven trees that were planted are dead. The Board can make it a condition of approval that all the landscaping that was supposed to be planted must be planted now.

**Site Plan Waiver for Board Action: (continued)**

1. #WSP-61-16 – Smith Fred Orchards (continued)

Ms. Cornforth stated that most of the plants that are listed as not being planted were supposed to be planted in the front of the building where there is now concrete. There is some landscaping gaps on the right hand side of the site. There are also comments that pertain to the buffering changes along the property line to Lot 12. She stated that the neighbor appears to be okay with the buffering change so the comment on that would just be to beef up some areas that look a little light. The Board can require the landscaping that was supposed to be planted in front of the building to be planted somewhere else on the site or the Board can say it is okay the way it is.

Mr. Groves addressed the issue of the concrete blocks and the tree trunks again and stated other materials can be used to make the site look more respectable. Mr. Smith commented that they were put there temporarily and that they do plan to make the site look nicer as they go along. They are planning to do a proper fence and work toward making the site much nicer but they are trying to get through this process so they can get a Certificate of Occupancy. He understands that making the site look nice brings in more customers. Mr. Groves stated that they heard that at the first meeting and that nothing will change. He asked that the Board have this promise in writing and asked how long it will be for them to make the site look nice. He also wanted clarification on the business hours because he has received two different notifications. Originally it was 7:00 a. m. to 7:00 p.m. Monday through Friday, 7:00 a. m. to noon on Saturday, and closed on Sunday. Now tonight we're hearing 8:00 a. m. to 5:00 p.m. and sometimes 7:30 a. m. to 5:30 p.m. depending on the season and closed on Sunday. Mr. Groves asked that the hours of operation be more specific. Ms. Flaherty stated that those times were taken from the minutes and Mr. Smith's testimony. She is also recommending to the Board that they require the landscaping to be installed within sixty days from the memorialization of the resolution. Mr. Groves read from the ordinance with regard to site design. He stated that at the very least Peach Country should be required to comply with the conditions required in the ordinance and the original resolution. Mr. Groves thanked Mr. Eastlack for sending notice to them for the meeting. Mr. Eastlack confirmed that the applicant will utilize the plantings that were supposed to be in front the building in another location on the site and he will replace any landscaping that has died.

Mr. O'Brien commented that the applicant will be made to revise his plans and include all the changes he made to the site from the original plan. He also commented that the County approved his business to be located there and the applicant has every right to have his trucks going in and out of the site. If Mr. Smith does not comply with what is discussed and agreed to tonight then the Zoning Officer will follow up on that. Mr. Groves stated that it's exactly what he said at the beginning; Mr. Smith will just add what he's done to the plans and the Board will rubber stamp them. He asked why the Board is not making him comply with the original resolution of approval. Mr. Groves stated that he hopes the Board will not waive maintenance bonds in the future because they lost leverage to actually get anything done with this site.

2. Jim Connell, 1451 N Tuckahoe Road, was sworn in by Mr. Rocco. Mr. Connell stated that he agrees with much of what Mr. Groves stated. With regard to the swale he stated that there is an easement but the swale and the drainage is working. He also commented on the basin and stated that he has been back there many times and he hasn't seen any issues with the basin. The traffic is a big problem along with the smell and the noise but he understands it's the nature of the business. He stated that he tries to be a good neighbor and he is relatively satisfied with the way the business is being run.

Motion passed to close the application to the public.

**Site Plan Waivers for Board Action: (continued)**

1. #WSP-61-16 – Smith Fred Orchards (continued)

Mr. Rocco stated that the Board has several options; they can make a motion to approve the application as presented with the conditions or they can deny the site plan waiver as it may be more appropriate as an amended site plan approval since he is not in compliance with the original approval. He reviewed the conditions agreed to by the applicant; the Board is okay with the gate and the concrete blocks remaining on the site but they have to be shown on the plan, the tree trunks must be secured so they do not move, the concrete sidewalk in front of the building must be shown on the plans, Mr. Eastlack added that the applicant will agree to landscape in other locations on the site with the plantings that were supposed to be in front of the building, the applicant agreed to get a letter from the County with regard to the swale and the easement, the applicant agreed to clean up the rip rap and the rip rap flume and keep it clean, the pipe that is going into the basin from the farm must be shown on the plans, and the lighting that wasn't on the original plans must be shown on the revised plans. With regard to the landscaping letter the applicant has agreed to install the approved plantings that weren't installed on the site within sixty days, the applicant will replace any dead landscaping within sixty days, the applicant will not have any other tenants leasing space on the site unless he comes back to the Board, the applicant will adhere to the Township ordinance with regard to the noise and hours of operation, the applicant will either remove the truck being used for advertisement or apply to the Zoning Board for a variance, the applicant will submit the stormwater management maintenance log to the Board annually and this year before December 31st, and the applicant's attorney agreed that if they have to return for any reason to any Board he will send notifications to all property owners within 200 hundred feet.

Motion by Mr. Agnesino, seconded by Ms. Flaherty to approve the site plan waiver with the conditions stated and agreed to on the record. Roll call vote: Ayes – Mr. Agnesino, Mr. Crane, Ms. Flaherty, Mr. Masterson, Mr. Scardino, Mr. Cotton, Mr. O'Brien. Nays – Zero. Abstentions – Zero.

**Discussion:**

1. Gloucester County Veterans Cemetery – New Columbarium's

Ms. Flaherty stated that the County would like to construct three 5' x 24' columbaria at the Veterans Cemetery. They are not required to come in and make a formal application to the Board but she asked the Township Engineer to do a courtesy grading review. She wanted to bring it to the Board and get their feeling on whether they want someone from the County to make a presentation before the Board. Ms. Cornforth added that they did take a look at the plan and it appears that the site will still drain towards the existing stormwater inlets. The Board did not have any issue with the County moving forward without making a presentation.

**Public Portion:**

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

**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