**Monroe Township Zoning Board Meeting Minutes**

**January 16, 2018 at 7:00 pm**

**Call to Order**

Chairman, Mr. Salvadori read, “Proper notice of this meeting was given as required in the Open Public Meetings Act on January 5, 2018 and a copy was posted on the first floor bulletin board and a copy was given to the Township Clerk. Be advised, no new business or item of discussion will be started after 10:30 pm and the meeting shall terminate no later than 11:00 pm”.

**Pledge of Allegiance**

**Roll Call:**

**Members:**

Mrs. Fox - Present

Mr. Fritz - Present

Mr. Kozak – Present

Mr. Manfredi – Present

Mr. McLaughlin, Vice Chairman - Present

Mr. Mercado - Present

Mr. Salvadori, Chairman - Present

Mr. O’Reilly, Alt. #1 - Excused

Mr. Sebastian, Alt. #2 - Excused

**Professionals:**

Engineer, Marty Sanders – Present

Planner, Pam Pellegrini - Present

Secretary and Transcriber, Tara Park - Present

Council Liaison, Ron Garbowski - Present

Director/Zoning Officer – Rosemary Flaherty - Present

Prior to the meeting Mr. Fritz was sworn in by Mr. Coe as a Class IV Member for a 4 Year Term 1/1/2018 – 12/31/2021.

**Public Hearing:**

**Application #SP-0475, Beiler, Marsha Avenue, Block 1703 Lot 6**

Prior to the hearing of the application, Zoning Board Solicitor Mr. Coe stated that there appears to be a threshold issue with the application, and that it may be a Major Site Plan and not a Minor Site Plan. Attorney for the applicant, Len Schwartz, stated that there would be increased run off and the only ground disturbance would be to level the ground for the pads for the sheds. Mr. Schwartz did acknowledge that if the Major Site Plan was required there would be notification to neighboring properties required which was not required for the Minor Site Plan. Mr. Coe reiterated what Mr. Schwartz stated about the notifications to neighboring owners and said that not doing so could put them in jeopardy later not doing so. He also said that with the change of the Site Plan, the applicant is able to request waivers on the new checklist that are not relative to the project, property or application. At this time the Board requested the Professionals give their reports and reasons why they believe it should be a Major Site Plan instead of a Minor Site Plan.

 The Zoning Board Planner, Pam Pelligrini, gave her report:

The applicant seeks minor site plan approval to display and sell custom storage structures, gazebos, swing/play sets and other similar items. The proposed site is located on the 2.65 acre, vacant lot across Marsha Avenue from the existing Williamstown Amish Farmers Market. No improvements are currently on the property. The applicant proposes to construct two (2) pole barns, six (6) display sheds, and one (1) pavilion and gravel display area onsite. They previously indicated there will be only two employees and the proposed business hours are Monday, Tuesday and Thursday from 9:00am-5:00pm, Friday from 9:00am-8:00pm and Saturday from 8:00am-4:00pm. The applicant was granted use variance (D1) approval on April 18, 2017 (Resolution No. 17-20).

*Note: The applicant should reaffirm the proposed number of employees and hours of operation.*

**1.2 Existing Conditions**

The 2.65 acre parcel fronts on Marsha Avenue and is currently vacant. The property is zoned R-1, Residential District and is one block from the Black Horse Pike. The site is not currently served by public water and sewer.

### 1.3 Surrounding Land Uses

The area is within a transitional residential/commercial area. The lot’s street frontage is along Marsha Avenue, and is located opposite a farmers market and parking lot located on the western side of Marsha Avenue. The site is bordered to the east by a medium-density residential development, and to the south by low-density single-family residences. A laundromat is located north of the property at the corner of the Black Horse Pike and Marsha Avenue. Despite its proximity to the farmers market and the Pike, the site is located within an R-1 Residential Zoning District. The laundromat and farmers market are both located in the C Commercial District, which is bounded by the centerline of Marsha Avenue and the rear property line of Block 1703 Lots 7 and 8.

**2.0 Materials Reviewed**

We have reviewed the referenced submission, encoded by the Zoning Board as #475-SP, received on November 6, 2017, consisting of the following:

|  |  |  |
| --- | --- | --- |
| **Sheet** | **Title** | **Date** |
| --- | Application | October 23, 2017 |
| --- | Site Photographs | October 5, 2017 |
| 1 of 1 | Site Layout Plan | October 9, 2017 |
| 2 of 2 | Site Improvement Plan | October 9, 2017 |

The plan is signed and sealed by Andrew Hogg, P.E. of Land Dimensions Engineering.

**3.0** **Zoning Requirements**

## **3.1 Use**

In accordance with § 175-162B (attachment 5), commercial is not listed as a permitted use in the R-1, Residential zoning districts. A use variance was granted by the Zoning Board on April 18, 2017 to permit the display and sale of storage sheds, gazebos and play sets at the property.

## **3.2 Bulk Requirements**

As a non-permitted use there are no bulk standards for commercial in the R-1, Residential zoning district. As such, Community Commercial standards have been applied.

**Community Commercial Standards**

1. **Lot Area:** The minimum required lot size is 20,000 s.f. The plan conforms to these requirements, having an overall lot area of 25,867 acres.
2. **Minimum Front Yard/Building Setback:** The minimum required front yard/building setback is 30 feet. The plan conforms to these requirements.
3. **Maximum Front Yard/Building Setback:** The maximum permitted front yard/building setback is 60 feet. All setbacks should be measured from any proposed right-of-way for all public streets as shown on any adopted State, County or Township Master Plan and/or Official Map. The plan conforms to these requirements.
4. **Lot Frontage/Width:** The minimum required lot frontage/lot width is 115 feet. The plan conforms to this requirement.
5. **Side Yard Setback:** The minimum required side yard setback is 5 feet, except that corner lots shall have a side yard of 30 feet adjacent to the non-fronting street. The plan conforms to these requirements.
6. **Rear Yard Setback:** The minimum required rear yard setback is 35 feet. The plan conforms to these requirements.
7. **Lot Coverage:** The maximum permitted lot coverage is 75%. The plan conforms to this requirement.
8. **Side Yard Buffer with Landscaping:** The minimum required side yard with landscaping setback is 5 feet. The plan does not fully conform to this requirement. Refer to Section 6.1 for further comment.
9. **Front Yard Buffer with Landscaping:** The minimum required front yard with landscaping setback is 10 feet. The plan does not conform to this requirement. Refer to Section 6.1 for further comment.
10. **Rear Yard Buffer with Landscaping:** The minimum required rear yard with landscaping setback is 25 feet. The plan does not conform to this requirement. Refer to Section 6.1 for further comment.
11. **Minimum Buffer Adjacent to Residential Zones:** The minimum required buffer next to residential zone is 25 feet. The plan does not conform to this requirement. Refer to Section 6.1 for further comment.
12. **Building Height:** The maximum permitted building height is 40 feet. Proposed structure heights have not been provided on the plan. Prior use variance testimony indicted a maximum height of 16’. Testimony required to confirm plan compliance.

**4.0 Conformance with Use Variance Approval**

The use variance approval in April 2017 was based on specific testimony and several conditions of approval appear to have changed with this application.

* 1. Testimony was provided that there would be a 40’ buffer to the residence and a 35’ buffer to the apartment complex property. Buffer widths are not specifically labeled on the plan and setback of the pole barn does not allow a buffer of 40’.
	2. Testimony was provided that there would be no permanent building construction on the site except for concrete that would be placed for the displays and gravel that would be placed on other display areas of the property. The plan does not clearly note the uses and intent of the site function. It is suggested that all display sheds, display barns, etc. be labeled as such on the plan. The purpose of the Pavilion should also be noted.
	3. Testimony was also provided that all parking would continue to be at the farmers market. The plan should provide a note that patron parking will be provided across the street at the Amish market and that there is “no parking” onsite. The applicant should provide further testimony regarding how they will manage customers that may drive through the site which could be problematic with random displays onsite. Will a clear drive thru area be marked? Will the entrance and exit drives be closed with gates? Will there be one-way circulation?

Several additional plan clarifications, labeling and notes should be added to indicate the proposed plan conforms with the applicant’s intended use and previous use variance testimony.

### 5.0 Minor Site Plan

The applicant has submitted a minor site plan. In accordance with § 175-11, a minor site plan is one that does not involve construction or any addition to a structure or building which results in the building coverage of a property to be in excess of 5,000 s.f. or does not require disturbance of more than 10,000 s.f. of land area. As the use variance required a site plan, and the plan involves the construction of 5,000 s.f. of new roof area and proposes greater than 10,000 s.f. of site disturbance, a major site plan approval is recommended.

### 6.0 Design, Performance and Evaluation Standards

**6.1 Buffers and Landscaping**

Community commercial uses specifically require buffers as listed under Section 3.2, Bulk Requirements, subject to the requirements of § 175-93.

1. In accordance with § 175-93, buffer areas shall be developed in an aesthetic manner for the primary purposes of screening views and reducing noise perception beyond the lot. Buffer widths shall be as specified in Article XIV of this chapter and shall be measured horizontally and perpendicularly to lot and street lines. The plan partially conforms to this requirement. The applicant has implied the existing vegetation will be retained along the sides and rear of the subject property; however, the required width of the dedicated buffer is not shown nor is the integrity or width of the existing vegetation to be retained stated on the plan. Additional information is required to determine compliance.
2. As stipulated for community commercial uses, the 10’ front buffer must be landscaped. The plan does not address this requirement, nor does it provide for street trees.

**6.2 Off-Street Parking and Loading**

1. In accordance with § 175-123A, drives shall be limited to a maximum of two to any street, except when the frontage of a property along any one street exceeds 500 feet, the number of drives to that street may be based on one drive for each 250 feet of property frontage. Each drive shall be at least 50 feet or 1/2 the lot frontage, whichever is greater, but need not exceed 300 feet from the street line of any intersecting street, and be at least 10 feet from any property line. The width of the curb cut shall be determined by the type of traffic. The plan does not appear to comply with this requirement. Two (2) main concrete drive aprons of 16 feet wide (each) are shown in addition to eight (8), 10-foot-wide aprons to individual display sheds onsite. The purpose of these aprons or the oversized gravel areas to these individual display sheds is not clear and vehicle traffic should not be encouraged. Pedestrian access only should be provided. These displays are separated from the other gravel display area and connectivity and pedestrian circulation should be further considered for a cohesive sales area. Customer connectivity to the outlying display areas/structures should be further provided.
2. In accordance with § 175-96 concrete curbs shall be provided along all street frontages. As proposed, a waiver is required. Concrete curbing is recommended where sidewalks are required.

## **6.3 Sidewalk**

The subject property falls within Sidewalk Area 1 as defined by § 175-133. Sidewalk Area 1 includes “portions of the Township where the highest pedestrian traffic is anticipated”. It is noted that no sidewalk system is existing on either side of Marsha Avenue until the development that begins at Maxine Avenue. Thereafter it exists along the west side along the public library frontage and connection to the existing residential development further south. There is also no sidewalk along the eastbound lane of the Black Horse Pike in the vicinity of the subject property. New sidewalk is proposed along a portion of the property frontage; however, it has not been proposed along the entire frontage of the property in question. As proposed, a partial waiver of sidewalk is required.

### 7.0 Fees, Contributions, and Obligations

### 7.1 COAH Requirement

In accordance with the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1-8.7), the applicant is required to make payment of a development fee of 2.5% of the equalized assessed value of the non-residential construction into a Housing Trust Fund established by Monroe Township Council. A condition of receiving a building permit is the payment of approximately ½ of this fee, the balance being calculated and paid at the time of the request for a certificate of occupancy.

**7.2 Escrow**

The applicant must contact the Township’s Finance Office to settle any outstanding review escrow accounts prior to any approval taking effect.

### 8.0 General Comments / Recommendations

**8.1** The plan should be revised to include the following:

1. Note the correct zoning district as R-1, Residential, not MU-Mixed Use. Also note the use variance approval.
2. Clearly denote the buffer widths being proposed as well as the landscaping widths, types and planting details being proposed.
3. Note the proposed structure heights.
4. Note the proposed number of employees and hours of business.
5. Label the surface treatment proposed in front of the proposed pole barn on the south end of the lot.
6. Provide the correct dimensions of the south end pole barn and the proposed pavilion. The cited dimensions do not match the drawn dimensions.
7. Indicate proposed driveway/vehicle site circulation.
8. Note that structures will be placed on concrete slabs.
9. Note the current adjacent uses.
10. Label all structures intended for, as “display”.

**8.2** The applicant should address provisions for pedestrian crossing and vehicle-pedestrian conflicts on Marsha Avenue resulting from the parking for the site being located on another lot.

**8.3** Testimony should be provided regarding how materials for the shed/display structures will be brought to the site and if the proposed access/circulation will accommodate these deliveries.

The above comments and/or recommendations are submitted for your review and consideration. Should you have any questions with regard to this matter or require additional information, please do not hesitate to contact our office at (609) 390-1927.

 Pamela J. Pellegrini, P.E., P.P., C.M.E.

 Project Manager

 At this time, Marty Sanders read his report:

As requested, we have reviewed the following documentation submitted by the applicant for the above referenced application:

l. MTZBA Site Plan Application;

2. Site Layout Plan, Block 1703, Lot 6, prepared by Land Dimensions

Engineering, dated l0-9- l 7; Site Improvement Plan, Block 1703, Lot 6, prepared by Land Dimensions Engineering, dated 10-9-17; Hydrological Report for James Beiler, Plate 17, Block l703, Lot 6, Marsha Avenue, Township of Monroe, Gloucester County, New Jersey, prepared by Land Dimensions Engineering, dated October 4, 2017; Site Photographs for James Beiler, plate 17, Block 1703, tot 6, Marsha Avenue, Township of Monroe, Gloucester County, New Jersey, prepared by Land Dimensions Engineering, dated October 5, 2017;

The applicant is requesting minor site plan approval to display and sell custom storage

structures, playsets, gazebos and similar items on a currently undeveloped property

fronting on Marsha Avenue.

C. This office has reviewed the minor site plan application for completeness and finds

the application to be "incomplete" due to a failure to demonstrate compliance with

storrnwater rules and the Township Code in relation to storm water runoff quality and

quantity. Although the proposed site plan requests approval of a project which seems to

be of little consequence, the project proposes the disturbance of more than an acre of land

And, consequently, is deemed a major project and subject to the Stormwater Management

Rules of the State and the Township.

At this time, the Board Members asked for a chance to go over some concerns with the applicant so they can be aware of some things they will be looking at it. These concerns consisted of Parking on the lot, or vehicles backing out of lot onto Marsha, curbing and sidewalk, a fence with openings to help with traffic flow across to the Farmer’s Market Parking Lot, placement of additional storage units and how many they can fit there. The applicant did state that they would be reconfiguring the driveways and entrances. Amos Stotlzfus, representing his father the owner of the Williamstown Farmer’s Market, stated that they would also be willing to help with traffic flow across the street and add a fence on their side. The Professionals did advise him that this would need to be placed in the easement or he would lose parking spaces because there is no other area to allow it. Mr. Stoltzfus said that he would relay that information to his father.

At this time, there was a motion to deem the application **incomplete, and to require the applicant to apply for a Major Site Plan**:

Motion: Mr. Fritz

2nd: Mr. Mercado

Roll Call Vote:

Mrs. Fox - Yes

Mr. Fritz - Yes

Mr. Kozak – Yes

Mr. Manfredi – Yes

Mr. McLaughlin, Vice Chairman - Yes

Mr. Mercado - Yes

Mr. Salvadori, Chairman – Yes

**Public Portion:**

Motion to Open: Mr. McLaughlin

2nd: Mr. Fritz

All were in favor, and no one from the public was present wishing to speak.

Motion to Close: Mr. McLaughlin

2nd: Mr. Fritz

**Correspondences/Discussion:**

There was nothing to be discussed.

**Minutes Approval:**

**12/5/2017**

Motion to approve Mr. Fritz

2nd: Mr. Kozak

All in favor by voice vote, none opposed.

**1/9/2018 (Mr. Fritz deferred from voting due to his absence at this meeting.)**

Motion to approve Mr. McLaughlin

2nd: Mr. Mercado

All in favor by voice vote, none opposed

**Adjourn:**

Motion to adjourn: Mr. Mercado

2nd: Mr. Fritz

All in favor by voice vote, and the meeting was adjourned.

These minutes are not to be construed as a verbatim account of the meeting held on the

Date above and only a summary of the proceedings.

Tara Park, Transcriber