

Monroe Township Zoning Board Meeting Minutes

June 19, 2018 at 7:00 pm

Call to Order

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 - Excused

Mr. Salvadori, Chairman- Present

Mr. O’Reilly, Alt.#1- Present

Mr. Sebastian, Alt.#2- Present

Professionals:

Rick Coe, Solicitor- Present

Engineer, Marty Sanders - Excused

Planner, Tim Kernan - Present

Council Liaison, Ron Garbowski - Present

Community Development Director/Zoning Officer, Rosemary Flaherty - Excused

Tara Park, Secretary and Transcriber- Present

Extension Request:

T-Mobile Northeast LLC, 1835 N. BHP, Block 201 Lot 44, Resolution 11-15 and Resolution 11-16, Extension previously granted under Resolutions 11-2018 granting a one-year extension to 6/30/2017 and Extension previously granted under Resolution 12-2018 granted a one-year extension to 6/30/2018. The applicant is seeking a third year extension of approval per NJSA 40:55D-52, Permit Extension Act. The request is to grant an extension for a period of one-year.

Eric Goldberg of Stark & Stark, Attorney for the Applicant, was present in front of the Board requesting the extension and stated the reason it is needed is that they are uncertain about the Development still.

Motion to open to the public: Mr. Kozak

2nd motion to open to the public: Mr. Fritz

All in favor by voice vote.

At this time anyone wishing to address the Board about this application is able to do so, and with no one wishing to speak from the public,

Motion to close to the public: Mr. Kozak

2nd motion to close to the public: Mr. Fritz

All in favor by voice vote.

Motion to approve the extension for one year: Mr. McLaughlin

2nd motion: Mr. Kozak

Roll Call:

Mrs. Fox - Yes

Mr. Fritz- Yes

Mr. Kozak- Yes

Mr. Manfredi- Yes

Mr. McLaughlin, Vice Chairman- Yes

Mr. Salvadori, Chairman- Yes

Mr. O'Reilly, Alt.#1- Abstain

Public Hearings:

Bruce Paparone, Application ZBA #05-2018, Density and Bulk Variance, Block 15301 Lots 1-16; Block 15303 Lots 31-36, 38 and 39, Block 15402 Lots 9-13, Cross keys Road: The applicant is seeking a d5 variance approval for density, bulk and lot frontage, width, front, side and rear yard setbacks to construct a 292 Single family dwelling home subdivision.

Mr. Damien DelDuca, Attorney for the Applicant, came before the Board and gave his synopsis of the request of the applicant, and the Background of the property, Smithfield Estates, including:

- *Mr. Paparone has been the contract owner for 17 years.*
- *Planning Board Granted Major Subdivision in 2004 for 173 lots*
 - *Not Built due to change in times*
 - *Marketplace/ Economic Reality*
 - *Infrastructure costs - primarily Water & Sewer*
 - *11,000 feet of water extension required*
 - *Hovnanian would extend 8,000 ft*
 - *New Pump Station would be constructed*

Mr. DeDuca went over the newly presented plan, which showed ½ acre lots, small lot singles, and the difference from the Original.

- 40.71 acres of Open Space Previously and Now 80.33 Acres
- 2,330 Linear Street Less
- Each lot will back up to Open Space
- Reduced Impervious Coverage on each lot
 - Noted that #9 on Page 5 on Maser Report ~ Applicant is requesting 55% as opposed to the current maximum 30% is on each lot.

He also explained that they were in front of the Board for the Variance Relief, and if approved would proceed as required.

Solicitor, Mr. Coe, swore in all of the Witnesses for the Applicant testifying before the Board as well as Mr. Kernan.

Professionals Report:

Mr. Bruce Paparone, owner of Bruce Paparone, Inc. who has been in the New Home Building Industry for 35 years, his family has been in the business for over 60 years addressed the Board. He said that the proposed Models at this location would be multiple models from 2100 square feet to 3300 square feet, with possible one story home at 2100. He said that Lawn Maintenance is something they are looking at including with the development HOA, and the development would include walking trails. He said similar developments have been completed or started in towns like Bordentown and Lumberton as well as some of their competitors. Hoping that this will be attractive to those who are interested in Growth in surround and nearby towns like Glassboro, Washington Township and Mullica Hill.

Mr. Fritz asked Mr. Paparone if he truly believes lots of this size are truly appealing to applicants, when they are buying houses of this size. Mr. Paparone said yes, which is why he is also looking at including Lot Maintenance. Mr. Fritz expressed his concern on lot coverage and every buyer needing to apply for variance to improve property.

Mr. Kozak asked who is maintaining Open Space, and Mr. Paparone said that the center Open Space is maintained by HOA and the remainder would be more of a meadow.

Mr. Sebastian asked if the original application was for 173 or if it was more and were approved less. This information was not accessible at the moment. At the time, this would have been a great market for Mr. Paparone to sell but that is no longer the case. Mr. Sebastian said that is all until impervious coverage is discussed.

Mr. Gary Civalier of 12 West Mantua Ave. Wenonah, NJ gave his qualifications to the Board and the Board agreed that he is a qualified witness. He is President of Civalier Engineer and Planning since 1994. Mr. Civalier said that he was the Engineer that started this project in 2000. He went over the proposed layout plan and noted the two entrances off Cross Keys Road. He again mentioned the amount of less roadway being 2,330 linear street feet. He also said that the original plan had 29.5 acres of impervious

coverage and the new plan has 24.4 acres. Mr. DeDuca and Mr. Civalier stated all variances being requested, which are a direct result of the increased density. Mr. Civalier explained the Offsite Water Exhibit to the Board, and Sewer. They mentioned that neighbors will be able to tie in to the utilities as well. Mr. Civalier spoke about the two access roads on Cross Keys Road, and the removal of access on 322 as well as the amount of roads being reduced and the impervious coverage being reduced as well as the impact to the neighbors reducing due to the buffer behind each lot. There would never be a crossing of the Wetlands.

Mr. Fritz expressed his concern of access of emergency vehicles, and Mr. Kozak noted and Mr. Civalier agreed that there could be access for Emergency Vehicles at York and Orchard. Mr. DeDuca noted that this could also be agreed on during later approvals if proceeding from approvals at this meeting.

Mr. Kozak expressed his concern with snow removal and where there would go. Mr. Civalier noted empty lots and cul de sacs. Mr. Kozak also noted that Meadows are not a favorable design in our town due to rodents and overgrowth. Mr. DeDuca said that the Development needs to comply with RSIS and have that when they come back for subdivision approval. He also noted that naturalized areas they suggest may need to be changed at a later time. Mr. Kozak also asked if Parking is permitted on both sides, and Mr. Civalier agreed.

Mr. Sebastian asked about flooding/water issues in Rex Avenue area, and Mr. Civalier noted grading and drainage improvements to direct water to ponds. Mr. Sebastian also asked if the Ladder Truck will make the curves, and Mr. Civalier said that they will comply with the RSIS and the diagram is at a small scale. Mr. Sebastian asked about the Emergency Access easement and what it would be made of and Mr. Civalier said that it will either be monoslabs and Quarry blend with treatment on top, not asphalt.

Cecilia Schmidt of Taylor Weissman and Taylor of Mount Laurel noted she is a Landscape Architect licensed in NJ and PA who has been practicing for 25 years, 19 of which as a licensed professional. The Board agreed that her qualifications are acceptable. She went over exhibit A-6 to show the Landscape Plan of the Development. She noted the original intention of a natural meadow state, but that can be changed. She noted the fitness trails, sidewalks on both sides of the street and in the center where the Open Space is. She stated that there will be tot lots for children who are toddlers to school age. She noted that bike racks will be throughout the neighborhood, and that recreation will mainly be in the center including a middle school sized soccer fields. Solicitor Mr. Coe asked if these areas would be maintained by the HOA and Mr. DeDuca agreed that it is. Naturalized areas along buffers are also being presented to the Board on the new plan.

Mr. Kozak asked if they are aware the tot lots are being done away with because the HOA's are not maintaining them. Mr. Coe stated that the HOA would be responsible if approved to maintain the lots.

Jim Miller - Presented his qualifications to the Board including practicing Planning for over 40 years, and qualified by Boards in over 240 Municipalities. The Board approves of his qualifications as witness before the Board. Mr. Miller reiterated variance requests along with Case law examples for Boards to review Bulk standards along with Use Variance, such as Price v. Himeji and Puleio v. North Brunswick. He said

that the plan satisfies positive criteria for the use and this would be for the reasons of Purpose A, C and E and G the Municipal Land Use Law. He states that the plan satisfies current case law with room to spare. He also believe that all Municipal Services will be able to be provided with plan provided. He went over the specifics of the Development previously discussed as far as HOA, sizes, and recreational offerings, etc. as a result of the increased density. Mr. Miller said that the County is confident that the roads will not be impacted negatively by the traffic of the community. He noted that in terms of negative criteria he noted that the increased density would not be a detriment to public welfare or impair the intent or purpose of the zoning plan. He also noted that the use is permitted, just a different format with a higher density. He also stated that the development is self contained with a buffer, and has more than adequate infrastructure capabilities.

Mr. DeDuca asked Mr. Miller what is the purpose of density restriction and he said that it is for density controls. They noted that this site can handle the density increase proposed. Mr. Miller noted that there are developments with similar if not more dense developments including 6 and 7 lots to an acre in Camden County. Mr. DeDuca asked if the Open Space is usually this size when the density is increased, and Mr. Miller noted that this is not usually the case. The members had no questions.

Solicitor Mr. Coe noted that there was no mention of traffic and fiscal impact, and Mr. DeDuca stated that Mr. Goodwin and Mr. Clvalier can both provide testimony, and the Board agreed that they would like to hear it. Mr. Coe also asked about the HOA and what exactly will they be responsible for, and what will they restrict the residents to do on their lots.

Mr. Sebastian asked if the Streets will be dedicated and Mr. Coe said that they will be.

***Jeff Goodwin**, Land Development Manager, was sworn in by Mr. Coe. Memorialized conversations with Ted Bandford (GCPB Secretary and Chairman of County Land Development Review Committee) and Dave Lubelski (Assistant County Engineer) who first said that a traffic report will be needed assuming the Board grants the approval. Cross Keys Road and Fries Mill Road will continue to be an improvement with intended bike path. He also noted that they said that there could be improvements made to the intersection at 322 and Fries Mill Road. They also stated that there was no intended improvements at Cross Keys Road and Pitman Downer Rd.*

Mr. Coe asked if there was a formal traffic study and Mr. Goodwin said that there was not, they felt it was too premature.

Mr. Kozak asked if it would still be just a stop sign exiting the development, and Mr. Goodwin said that is correct.

Mr. Goodwin said that the HOA encompasses all of the amenities that it will offer, and have talked to their management company about HOA fees with the amenities and making sure that it will not be too much for the buyers. He also noted that the plan is to target the Millennials to buy there. He also noted a fiscal impact study will be submitted for subdivision if approved.

Mr. Tim Kernan, Planner, went over Pam Pellegrini's report and gave Zoning History of the property to the Board and noted that clustering would permit 183 units.

Mr. Kozak asked Mr. Kernan how this would benefit our Downtown area in Monroe Township, and Mr. Kernan talked about what Glassboro and Washington Township both offer in that area, which is where most of the shopping is with the exception of Cross Keys Road.

Public Portion of the Application:

Motion to open to the public: Mr. Fritz

2nd motion to open to the public: Mr. McLaughlin

All in favor by voice vote.

At this time anyone wishing to address the Board about this application was able to do so.

Joseph Coco of 1849 Orchard Drive was sworn in by Mr. Coe. Mr. Coco mentioned a previous plan of a storm drain being connected to his pond down Orchard Drive. He expressed his concern in the Developers doing so with pollutants to his pond, as well water (flooding) issues that were previously experienced by neighbors. No members had any questions. The applicant stated that they are reducing impervious coverage and will comply with all Storm Water regulations. Mr. Civalier stated that the plan is to put Storm Water drains put along Orchard Dr and falling into his pond. Mr. Kozak expressed his concern with them being allowed to drain the water into the residents pond. Mr. Kernan said as long as that is the natural flow, that is permitted. Mr. Coco expressed his concern to have the Builder to have funds set aside in case there is contamination to his pond, and that there was piping put into his pond already without his permission by the Township.

Larry Field of 1770 Rex Avenue, was sworn in by Mr. Coe. Wanted to be on record that he is opposed to all proposals being presented at the meeting. He is not against progress, and has accepted the project that was approved. He noted that he lived on Orchard Drive and then Rex Avenue through the years, and loves the infrastructure in Monroe. Mr. Field also talks about the growth that he has seen through the years. Mr. Kozak asked if he will take advantage of water and sewer and he said if he has a choice and he said no.

Roy Fennimore, 101 Shute Avenue was sworn in by Mr. Coe. Mr. Fennimore gave his background within the Monroe Township School system, and voiced his concern with placement of kids that will be in this development, especially with the current situation within our school district and Holly Glen closed. The members had no questions.

Charles Richard Homeyer, 1650 Glassboro Road was sworn in by Mr. Coe. Mr. Homeyer asked if the 292 homes would have no restrictions on the lots, and Mr. Kernan said that they would have different restrictions than other lots. He asked if this would set a precedence and Mr. Kernan said not necessarily. Mr. Homeyer asked if there will be enough water in Monroe Township to supply the development since they are getting water from Glassboro, and he was told yes. Mr. Homeyer expressed his concern about the amount of vehicles coming out onto Cross-Keys Rd.

Joan Adams, Attorney for the Muth Family that neighbors the lot spoke to the Board. She noted that there is a request for 109 more than the cluster option, and praised Mr. Kernan for giving the Zoning History of the project. Ms. Adams spoke about the process of obtaining a variance and the reason for obtaining one, and stating the economy, costs, market, increased patrons to Township businesses, etc are not reasons to grant a density variance. She noted that there will be no benefit to the public, and that it isn't a safety issue and that this development will increase all municipal services. Ms. Adams reiterated what Mr. Fritz stated about homeowners needing a variance in the future for all projects because they all, already have maximum lot coverage. She spoke briefly about the negative impact of this development, and that her clients want them to consider that if this shall be built, it would be a substantial detriment to the individuals who live there and the neighbors in the community and that the Board deny the application.

She also mentioned after the approvals of 2004, the owner deep soil rototilled the property and pulled the clay up and performed a "Deep Soil Destruction". At this time, Mr. Coe requested Mr. Muth speak as a witness about this situation.

Ms. Adams mentioned, in response to Mr. Sebastian saying the Board only votes on what they are permitted to, that if the Board does not find that the special reasons have been met to give a variance, and votes in favor of the variance just because it sounds like a good idea, it is considered improper zoning by the Board and would be overturned by the Court.

Bob Muth of 51 East Woodland Avenue, Pitman, NJ was sworn in by Mr. Coe. Mr. Muth gave his educational background at Cook College, Clemson University, University of Delaware majoring in and educating in Agriculture. Mr. Muth described pesticide testing and remediating of orchards to the Board Members. Dilution is the Solution to Pollution, is what he said was taught in college but which causes drainage issues. Mr. Muth said that he spoke to the Board about putting in Basins first, and that it was done backwards. No questions from the members.

William Young of 1081 York Avenue was sworn in by Mr. Coe. Mr. Young asked about changes to York and Orchard and Mr. DelDuca said that there is not any changes proposed.

Charles Etschman of 1720 Rex Ave was sworn in by Mr. Coe. Mr. Etschman said that he has lived at the property since 1975, and says that flooding is already a huge issues, and have asked the Smiths to do something with drainage but nothing has been done, except cut grass on the property. Mr. Kozak asked if he would take advantage of water and sewer and he said he would, but encourage storm drains.

Tinara Wolfe of 1898 Pitman Downer Road was sworn in by Mr. Coe. Ms. Wolfe asked about the traffic study and if the County said the intersection at Pitman Downer and Cross Keys Rd was at a level of significant impact at this point, and Mr. DelDuca said there has not been a formal study at this point.

Mary Ellen Muth of 1492 Winslow Road was sworn in by Mr. Coe. Ms. Muth requested clarification of the rear yard setback, and it was clarified by Mr. DelDuca at 25 ft. She stated her concern and that the

residents will be pushing their sheds back on the properties into the open space, as this currently happens in her neighborhood.

She also spoke about her concern of the meadows in the Open Space, and requested the developer use Native Species for pollinators. She stated that she isn't opposed to the development because farmers need clients, but she is opposed to the meadow and the density.

Joseph Abbatelli of 1875 Pitman Downer Road and also owner of vacant lot on Orchard was sworn in by Mr. Coe. Mr. Abbatelli asked if water and sewer connection would be required, and he was told that unless they don't front the property he will not be required to connect. The Applicant showed Mr. Abbatelli where the proposed pumping station would be located.

George Moore of 1907 Pitman Downer Road was sworn in by Mr. Coe. Mr. Moore asked the Board how they can entertain the application, and voiced his frustration with the applicant and applicants and for the Board to put themselves in the neighbors shoes. Mr. Coe noted that the Applicant has the burden of proof and the Board will vote accordingly and everything that is said weighs heavy on them.

Judy Field of 1770 Rex Avenue was sworn in by Mr. Coe. Mrs. Field noted her concerns with traffic and that there will only be a stop sign, and the amount of accidents that already take place. She also asked about Rex Avenue being closed. Mr. DeDuca said that the approved plan does have Rex Avenue closed but the new plan does not.

Motion to close to the public: Mrs. Fox

2nd motion to close to the public: Mr. Fritz

All in favor by voice vote.

Applicant's Attorney response:

Mr. DeDuca asked if the applicants have justified or satisfied the requirements for approving the density variance:

- Mr. DeDuca claims that they satisfied the burden of the bulk variance, contrary to Ms. Adams testimony of a more stringent use variance.
- They showed how they accommodated the increase in density
- They showed that they reduced impervious coverage
- They showed that they increased the buffers
- They have to show that they will reduce the stormwater runoff

Mr. DeDuca said he has never seen an application like this in his 30 years practicing, and that the approved plan isn't as beneficial. He also stated that Market conditions is why it hasn't been built, not why they are asking for a variance. He also noted that the 55% of impervious coverage includes more than just the house. Mr. DeDuca said that the Master Plan envisions growth and that they are trying to help add roofs, and that the Board looks at if the site is appropriate to handle this density. Mr. DeDuca thanked the Board for their consideration.

Mr. Coe recapped for the Board Members what they would be voting on, and reiterated that the d5 Variance Standard is more relaxed than a Use Variance Standard, and what items they need to look at when making their decisions.

Positive Criteria:

1. Does it advance purposes of the Municipal Land Use Law?
2. Can the increased density be accommodated at the site?
3. Is the deviation justified?

Negative Criteria:

1. Is there substantial detriment to public welfare?
2. Is there substantial impairment of the zone plan and zone ordinance?

Mr. Coe reminded members to state whether the applicant sustained the burden of proof with the application when voting.

Motion to approve the application: Mr. McLaughlin

2nd motion: Mr. Kozak

Roll Call:

Mrs. Fox - No - for the reason that they didn't sustain the burden of proof, not consistent with the goals of master plan.

Mr. Fritz- No

Mr. Kozak- No -for the reason that they didn't sustain the burden of proof, not consistent with the goals of master plan.

Mr. Manfredi- No

Mr. McLaughlin, Vice Chairman- No - for the reason that they didn't sustain the burden of proof, not consistent with the goals of master plan.

Mr. Salvadori, Chairman- No - Too Many Issues

Mr. O'Reilly, Alt.#1- No

At this time the d5 variance was denied.

Memorialization of Resolution:

Resolution ZBA-21-2018, WSP-17-18 John and Patricia Lasch, 313 Lake Avenue, Block 1001 Lot 22.01:

The applicant has been approved for a use variance to operate his business at this location and park commercial trucks. The condition of that use variance approval was to seek a site plan or site plan waiver approval. The applicant was approved for the site plan waiver.

Motion to approve the Resolution: Mr. Kozak

2nd motion: Mr. Manfredi

Roll Call:

Mrs. Fox - Yes

Mr. Fritz- Yes

Mr. Kozak- Yes
Mr. Manfredi- Yes
Mr. Salvadori, Chairman- Yes
Mr. O'Reilly, Alt.#1- Yes

Resolution ZBA-22-2018, WSP-17-18 John and Patricia Lasch, 313 Lake Avenue, Block 1001 Lot 22.01:

The applicant was approved for a waiver of sidewalk installation at this location.

Motion to approve the Resolution: Mr. Kozak
2nd motion: Mrs. Fox

Roll Call:

Mrs. Fox - Yes
Mr. Fritz- Yes
Mr. Kozak- Yes
Mr. Manfredi- Yes
Mr. Salvadori, Chairman- Yes
Mr. O'Reilly, Alt.#1- Yes

Minutes Approval: 5/15/2018

Motion to approve the Resolution: Mr. Kozak
2nd motion: Mrs. Fox
All in favor by Voice Vote.

Reports: None

Motion to adjourn: Mr. McLaughlin
2nd motion: Mr. Kozak
All were in favor, and meeting was adjourned.

These minutes are a brief summary of the proceedings and should not be taken as verbatim testimony

Respectfully submitted,

Tara Ann Park