

Monroe Township Zoning Board Meeting Minutes
October 2, 2018 at 7:00 pm

Call to Order

Chairman Brent 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 - Excused
Mr. McLaughlin, Vice Chairman - Present
Mr. Mercado - Present
Mr. Salvadori, Chairman - Present
Mr. O’Reilly, Alt. #1 - Excused
Mr. Sebastian, Alt. #2 - Present

Professionals:

Rick Coe, Solicitor - Present
Engineer, Marty Sanders - Present
Planner, Pam Pellegrini - Excused
Council Liaison, Ron Garbowski - Present
Community Development Director/Zoning Officer, Rosemary Flaherty - Present
Tara Park, Secretary and Transcriber - Present

Extensions Requested/Interpretation:

Resolution #17-32, Application 17-10 and 471-SP EKE Hutch LLC, 220 Lake Avenue, Block 1603

Lot 3 - The applicant EKE Hutch LLC proposed a use variance to use the property for inventory storage of recreational vehicles and trailers in support of its adjacent business known as White Horse RV Center. The Zoning Board granted the D2 Variance on Block 1603 Lot 3 to allow inventory of storage of recreational vehicles and trailers in support of the applicant’s adjacent business with the following conditions:

- The applicant must return to the Zoning Board of a Major Site Plan Approval.
- The property Block 1603 Lot 3 must be consolidated with the properties on which the Applicant conducts its recreational vehicle and trailer business which are Block 1603 Lots 1 and 2.

- The applicant must secure all necessary County and Township Permits including Construction Permits that may be necessary.
- The applicant shall maintain its escrow account and satisfy any outstanding escrow obligations.

The applicant is requesting an interpretation whether the life of the use variance will expire or an extension of approval to submit a Site Plan per the condition.

At this time, the Attorney for the Applicant Bob Mintz approached the Board and went over the applicant's request. Mr. Mintz noted that the applicant has had a transition of Engineers within CES, but the time frames thankfully are better than previously anticipated. The applicant is hoping to not have to make application to the NJDEP as well, but if that is required that could be costly and lengthy for the applicant. Mr. Mintz noted the concerns of the neighbor Mr. DiMauro and noted that they have concepts for landscaping and design to close the driveways along Lake Avenue, in addition to wanting to meet with him. The applicant has also met with the other neighbor who expressed concern at the last meeting and that they have since met with her and completed that landscaping on her property. Mr. Mintz said that he hopes that Mr. Rogers can help the Board Engineers decline the need for NJDEP, with the addition of drainage solutions and piping underground. Mr. Mintz requested the Board to consider a 30 days to meet with professionals of the Board, and an additional three months to apply for the Site Plan, with the exception of a one year extension if the NJDEP is required. Mr. Mintz noted that the closure of driveways on Lake Avenue will result in 70-75% of the vehicles being of weight class for Lake Avenue. They are hoping help minimize that but will go to Council for consideration if they can not meet regulations for weight requirements.

Mr. Coe asked the applicant what the status of Lot 3 was, and Mr. Mintz stated that there is inventory on the lot. Mr. Mintz noted that there is a permit that was obtained by the applicant in 2007 for clearing. Mr. Coe stated that the Applicant is in fact using the Use Variance without the Site Plan. Mr. Coe noted it is in the purview of the Board to establish such a timeline.

Mr. Fritz asked if it's practical to request all activities be ceased at the property that is part of the Use Variance. Mr. Coe replied that the violation of the Use Variance is using lot 3, and the Zoning Officer Ms. Flaherty said that she will look into the 2007 clearing permit that the owner referenced.

Mr. Sebastian asked if there is access to the back lot from the front lot, and the applicant agreed that is possible. Mr. Sebastian said that as long as this is possible, then Lake Avenue and the weight limit issue is a mute point. Mr. Sebastian asked if the Engineer is able to get a Major Site Plan together in 90 days, and the applicant's Engineer agreed as well as the Board Engineer that is a feasible request. Mr. Sebastian asked if it is correct to say that since the applicant continues to appear before the Board, the Use can continue and Mr. Coe said that is not true since the use was conditioned upon the application of a Site Plan approval which has not been met yet.

At this point, the Applicant's attorney, the Board Professionals and the Board discussed the conditions of the timeline requests at length. The Board members went over the process of the applicant's submission

of new plans with the Board Engineer. The Applicant will be supplying a plan for review and the Engineer for the Board will review the plan and he will give his opinion whether NJDEP is required, but ultimately NJDEP determines if it is required to have an application to their entity.

Mr. Kozak asked the applicant when the Engineer left the firm, and the Engineer said approximately six months ago.

Mr. Fritz asked if the lots have since been consolidated, and Mr. Mintz said that has not been completed yet as that is separately financed.

Mr. Sebastian asked if he was able to vote since a regular member and the first alternate both were absent, and Mr. Coe said that is correct. Mr. Sebastian made a motion to approve an extension of six months, with an additional six month extension if NJDEP is required.

Mr. Kozak noted that he would like to see the timeline as previously discussed, with built in time penalties: 30 days to meet with Professionals, after 90 more days there shall be a Major Site Plan application or remove everything off the lot within 30 days. Mr. Coe said that as things stand, there shall be nothing on the lot and that enforcement falls under the Zoning Officer or Township Solicitor.

Mr. Sebastian noted that he believed in 2007 the owner obtained approval for lot 3, and Mr. Sanders corrected that understanding saying that the original two lots were approved, not this lot. Mr. Coe also noted that the Board can not put any constraints on enforcement issues, just time frames for applications and processes with the Board.

Chairman Salvadori stated that there was only a few members that were there when it was originally in front of the Board, and let the applicant know that they will get no more chances from the Board and agrees with Mr. Sebastian's suggested timeline.

Motion to approve an extension of six months, with an additional six month extension if NJDEP is required, conditioned upon meeting with the Professionals within 30 days from today and making application for Major Site Plan within 120 days from today, or the extension expires: Mr. Sebastian
2nd motion to approve: Mr. McLaughlin

Mrs. Fox - Yes

Mr. Fritz - Yes

Mr. Kozak - Yes

Mr. McLaughlin, Vice Chairman - Yes

Mr. Mercado - Yes

Mr. Salvadori, Chairman - Yes

Mr. Sebastian, Alt. #2 - Yes

Resolution #16-40, Application #1843, Redgil LLC and Fraternal Properties LLC, 254 Berlin Cross keys Road, Block 101 Lot 2 and Block 101 Lot 53, Amended Minor Subdivision in connection with

Preliminary and Final Site Plan Approval, Resolution #14-33 Application 14-13 Use Variance Approval

The applicant Redgil LLC and Fraternal Properties LLC received a use variance approval in 2014 under Resolution #14-33, Application 14-13, and the Final Approval under Resolution #16-40, Application #1843. The applicant is requesting a one-year extension through December 12, 2019.

Mr. Mintz, Attorney for the Applicant approached the Board and described the Applicant's request, noting that the Developer who was under contract exercised the escape clause that the owner never thought would be. The applicant is requesting the extra time to market the property, in response to Mr. Mercado's question, and Mr. Mintz also noted that the Township has recognized this as part of an area in need recently as well for Redevelopment which may help with marketing. Mr. Sanders asked if MMUA approval has been obtained but Mr. Mintz was not sure if that is correct or not.

Chairman Salvadori asked if Mrs. Fox would be able to vote since she did not hear the original application and Mr. Coe said she would.

Motion approve a one year extension through December 12, 2019: Mr. McLaughlin

2nd Motion: Mr. Fritz

Mrs. Fox - Yes

Mr. Fritz - Yes

Mr. Kozak - Yes

Mr. McLaughlin, Vice Chairman - Yes

Mr. Mercado - Yes

Mr. Salvadori, Chairman - Yes

Mr. Sebastian, Alt. #2 - Yes

Public Portion

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 is able to do so, and with no one wishing to speak from the public,

Motion to close to the public: Mr. Fritz

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

All in favor by voice vote.

Minutes Approval 8/21/2018

Motion to approve: Mr. McLaughlin

2nd motion to approve: Mrs. Fox

All in favor by voice vote.

Reports:

There was an Overview of Rules and Procedures presented by Rick Coe, the Zoning Board of Adjustment Solicitor, as combined with Monroe Township Ordinance Requirements. Mr. Coe asked to have the Rules & Procedures available to the Public and possibly posted on the website. Mr. Coe and Ms. Flaherty agreed that the next item would be the applications for the Board.

Communication:

Mr. Sanders and the Board discussed with Ms. Flaherty the Well Monitoring Report Resolution that Wawa was looking for, and Mr. Sanders noted that the approval of the receiving the report from Wawa will be in their annual report to Mr. Sanders and at this point there shouldn't be diesel on the report.

Ms. Flaherty noted that Email Addresses have been assigned and sent to each board member, and asked if anyone had issues to let her know. Mr. Sebastian noted that he does not access Outlook, because it was giving him problems. Ms. Flaherty announced that any member can come in the office at any time to view the documents.

Ms. Flaherty noted that anyone who has not had required training should contact her so it can be set up.

Adjournment:

Motion to adjourn: Mr. Fritz

2nd Motion to adjourn: Mr. McLaughlin

All in favor by voice vote.

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

Respectfully submitted, Tara Ann Park ~ Transcriber