

**Call to Order:**

The regular meeting of the Monroe Township Planning Board was called to order at 7:05 p.m. by Chairman Schwaiger. The Board saluted the flag. Roll call was as follows:

Present – Mr. Cotton, Mr. Crane, Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Helsel, Mr. Kozak, Mr. O’Brien, Mr. Scardino, Mr. Schwaiger. Absent – Mr. Masterson, (excused), Mr. DeFrank/Mr. Stettler, Engineers, (excused). Also present – Mr. Boraske, Solicitor, Ms. Pellegrini, Planner, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings.

Chairman Schwaiger 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-13-19 -#392-SP & #1850 –Summerfields West, LL –Subdivision & Prelim. SP Approved

Mr. Boraske informed the Board that the resolution was revised, specifically paragraph 13B with regard to the proposed maintenance building. Language was added to that paragraph which states that any proposed use must be a commercial use which is consistent with the applicant’s prior representations to the Board. Mr. Boraske stated he looked at the transcripts from the applicant’s prior approval and the applicant stated that the commercial portion of the property would be reserved for commercial use. Motion by Mr. R. Garbowski, seconded by Mr. O’Brien to adopt resolution PB-13-19. Roll call vote: Ayes – Mayor. DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O’Brien, Mr. Helsel. Nays – Zero. Abstentions – Zero.

**Extension Request:**

1. #433-SP – LRC Builders, LLC – Preliminary & Final Major Site Plan – 3<sup>rd</sup> Extension

Present – Brian Duffield, applicant’s attorney, Chris Young, applicant.

Mr. Duffield stated that the original preliminary and final site plan was approved in 2010 and the permit extension act allowed them to rely on that approval through June 30, 2016. They have utilized two of their extensions previously and this extension, if granted, will take them to June 30<sup>th</sup> of this year. There have been outside agency approval delays such as they just received their NJDOT approval in December of 2018 which they submitted to the office.

**Extension Request: (continued)**

1. #433-SP – LRC Builders, LLC (continued)

Mr. Duffield stated his client is under contract right now with Dollar General who is doing their due diligence at this time but they are interested in the site because the approvals are already in place. Mr. Crane asked if this is the applicant's last extension and what will happen if they do not get an interested party in time and their approvals become invalid. Mr. Duffield replied that they are hoping the zoning will not change. Mr. Boraske commented that the applicant's approval does not expire even after the final extension but any zoning protection will expire so they are asking for the extension so they are protected against any changes in the zoning.

Mr. Boraske reviewed the request for the Board. Motion by Mr. Crane, seconded by Mr. R. Garbowski to grant the extension which is good through June 30, 2019. Roll call vote: Ayes – Mr. Crane, Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O'Brien, Mr. Scardino, Mr. Helsel, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

**Minor Subdivision:**

1. #1851 – Glassboro Road Associates, LLC – Minor Subdivision

Present – James Burns, applicant's attorney, Dave Ragone, applicant.

The applicant proposes to subdivide one lot into two lots. Proposed Lot A will contain 3.08 acres and proposed Lot B will contain 6.22 acres. The applicant was granted preliminary and final major site plan approval in January for a Wawa convenience store and fueling station. The property is located at Route 322 and Tuckahoe Road, also known as Block 13901, Lot 1 in the Commercial Zoning District.

Mr. Burns introduced himself as the applicant's attorney. He stated that the subdivision will create two conforming lots so no variances are required. Unfortunately, when they were before the Board in January the subdivision line had not be delineated or they would have presented the minor subdivision along with the site plan. The purpose of the subdivision is to divide the Wawa property and the remainder of the property be retained by the current owners. They are in receipt of Ms. Pellegrini's report and they can comply with her comments. There are a few waivers being requested by the applicant. Mr. Ragone was sworn in by Mr. Boraske.

Ms. Pellegrini reviewed her report for the Board. She stated that the application is incomplete unless the following submission waivers are granted: from showing the setback distances of the existing structures per the survey from within 200 feet; the applicant agreed to provide those on the plans as a condition of approval; not providing the existing contours, the applicant agreed to show the contours on the minor subdivision plan; the location and size of all existing culverts, streams, brooks, ponds swales and ditches within 200 feet of the area to be subdivided.

**Minor Subdivision: (continued)**

1. #1851 – Glassboro Road Associates, LLC (continued)

Ms. Pellegrini commented that there is an existing culvert pipe that is under Route 322 which is within the property limits. She asked that it be added to the subdivision plan as well as the riparian zone, the wetlands line, and the flood hazard line which is required by the NJDEP to be on all plans associated with the property. Mr. Burns replied that they will show that on site and in the surrounding roadway with the culvert; they are just asking for the waiver within the 200 hundred feet. There are also waivers required from showing all existing and proposed utility easements; and the signature of the person who prepared the plan. Ms. Pellegrini commented that there are easements that affect the property and the notes should be shown on the plan. With regard to the signature, the applicant agreed to comply with the signature on the plans.

The minor subdivision plan does meet all the bulk requirements and it does not create any variances. Ms. Pellegrini asked if the plan will be filed by deed or plat. Mr. Burns replied that it will be filed by deed which he submitted to the Planning office; however, he will revise the deeds since they do have the lot and block numbers now and resubmit them to the Planning office. Sidewalks and COAH was addressed as part of the site plan approval and the only outside agency approval will be from the County. Mr. Burns replied that they have submitted the plans to the County and they are waiting for their approval. Ms. Pellegrini commented that the applicant should be sure their application to the NJDOT includes the minor subdivision. Mr. Burns stated that they will be sure of that.

Mr. Crane asked if the applicant is installing sidewalks. Ms. Pellegrini replied that sidewalks are required unless there is an objection from the NJDOT. Mr. Kozak asked the location of the remainder lot. Ms. Pellegrini stated it's the parcel next to the proposed Wawa. She stated her report does note that the parcel that is being retained by the seller will have accessibility issues. The seller is aware that that parcel will not be able to be developed unless they received an access easement from an adjacent property or permits from the State or even if they combine with an adjacent lot. The reason for the restriction is due to the entire frontage of the remainder parcel being in the wetlands and wetlands buffer. Mr. Kozak inquired if the waiver of the 200 feet beyond the property line is a cost factor for applicants. Ms. Pellegrini replied that it's more about trespassing on another person's property. The town may want to look at that requirement since it's a waiver that comes up all the time.

Mr. Boraske reviewed the waivers for the Board for completeness. A waiver from the requirement to provide all existing structures and wooded lands which will be shown on the plans but not within 200 feet. A waiver from depicting the culverts, streams, brooks, ponds, swales and ditches in the area to be subdivided and within 200 feet. The applicant agreed to comply with the other submission requirements.

**Minor Subdivision: (continued)**

1. #1851 – Glassboro Road Associates, LLC (continued)

Motion by Mr. Kozak, seconded by Mr. Crane to grant the submission waivers and deem application #1851 complete. Roll call vote: Ayes – Mr. Crane, Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O’Brien, Mr. Scardino, Mr. Helsel, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

Motion by Mr. O’Brien, seconded by Mr. J. Garbowski to grant minor subdivision approval subject to the comments and conditions stated on the record and the submission of revised plans. Roll call vote: Ayes – Mr. Crane, Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O’Brien, Mr. Scardino, Mr. Helsel, Mr., Schwaiger. Nays – Zero. Abstentions – Zero.

**Reports:**

1. Mrs. Farrell stated that the Board received an application for a major subdivision that has been around for quite some time. They have since amended their plan and submitted those amendments several times. The last time they submitted to the Board was in December. The plans were sent to Maser in December but not to ARH who was the Board engineer at the time. She asked the Board if it would be okay to have Ray Jordan from ARH do the review since he knows the history of the application from the beginning as well as all the amendments from last year. It would only be for the preliminary review and then the final can be reviewed by T & M. Mr. Schwaiger asked how long it will take the engineer to do a review. Ms. Pellegrini asked if a review has already been done. Mrs. Farrell stated that the applicant came for a hearing in November but the Board expressed concern with the plan so they had to revise the plan. The applicant revised the plan and resubmitted in December; however, the plans were not sent to ARH. Mr. O’Brien stated that he thought ARH should do the review. Mr. Crane commented that they were the Board’s engineer at the time the application and plans were submitted. Mr. Garbowski stated that if there is a major modification to the plans then it doesn’t make any sense to send them back to ARH. Mrs. Farrell commented that Mr. Jordan does know the complete history of the application. If the Board wants the current engineer to do the review she will have to provide the history to them including any and all supporting documentation. Ms. Pellegrini also commented that if new reports were not submitted by the applicant just a plan revision then the new engineer would have rereview those reports after ARH already reviewed them. Mr. Schwaiger commented that if a written report was done by ARH then T & M can just review that report. Ms. Pellegrini replied that it’s only a written report not the actual stormwater report per say so T & M would have to review the whole report to make sure they were in agreement to what ARH wrote in their report. Mr. Schwaiger stated he thought T & M should do the review. Mrs. Farrell asked if the Township will pay for them to review the previous submissions and then the applicant will pay for the new submission because the applicant should not have to pay for a new engineer to get caught up on the application.

**Reports: (continued)**

There was further discussion by the Board on the issue. Mr. Schwaiger stated that the financial matters will have to be decided by the Mayor. Mr. Garbowski stated that either the application continues with ARH all the way through to final or it gets turned over now to T & M. Mrs. Farrell replied that since it 's only preliminary, if the applicant comes in and gets preliminary approval there will be a resolution and an approved preliminary plan so when T & M takes over the final they will have a resolution and approved plan to go by and they will not have to rereview the preliminary and it will be an easier process. Mayor DiLucia commented that T & M is the Board engineer and they should be the firm to do the review. Mr. Crane commented that it was his opinion that ARH should do the review since they were the engineer when the application was submitted. There was a vote by the Board with the majority deciding that the application should be sent to T & M.

2. Mr. Boraske informed the Board that the applicant for Glassboro Road Associates had asked if a resolution could be prepared ahead pending approval of the minor subdivision so they can move forward. He stated that this process is acceptable under the MLUL as long as the application is not complicated or with variances. He prepared a resolution in advance which is PB-15-19 for the minor subdivision. Motion by Mr. R. Garbowski, seconded by Scardino to adopt resolution PB-15-19. Roll call vote: Ayes – Mr. Crane, Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O'Brien, Mr. Scardino, Mr. Helsel, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

3. Mr. Schwaiger apologized to the Board and the professionals for his confusion concerning the last hearing with Summerfields. He stated that now that he has the IPAD, he will be in better contact with the professionals and the Board office on certain matters so he is more familiar.

**Approval of Minutes:**

1. 2/28/19 regular meeting.

Motion by Mr. R. Garbowski, seconded by Mr. Crane to approve the minutes from the February 28, 2019 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 7:49 p.m.

These minutes are an abstract 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.

Respectfully submitted by: Ninette Orbaczewski, Clerk Transcriber.