

**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, Mr. DiLolle, Mr. R. Garbowski, Mr. Helsel, Mr. Kozak, Mr., Masterson, Mr. Scardino, Mr. Schwaiger. Excused – Mayor DiLucia, (excused), Mr. J. Garbowski, (excused), Mr. O’Brien, (excused), Ms. Pellegrini, (excused), Mr. DeFrank, (excused). Also present – Mr. Boraske, Solicitor, 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-14-19 – App. #433-SP – LRC Builders, LLC – Extension Request Approved

Motion by Mr. Crane, seconded by Mr. R. Garbowski to adopt resolution PB-14-19. Roll call vote: Ayes – Mr. Crane, Mr. Garbowski, Mr. Kozak, Mr. Scardino, Mr. Helsel, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

**Site Plan Waivers:**

1. #WSP-03-19 – Battle of the Axes NJ, LLC

Present – Seth Broder, attorney, Charles Green, applicant, Peter Frank, property owner, John Brown.

The applicant is proposing to operate an axe throwing business in a unit located in Suite 2A at 1041 Glassboro Road, also known as Block 13901, Lot 28.01 in the Business Park Zoning District.

Mr. Broder introduced himself as the applicant’s attorney. Mr. Green, Mr. Frank, and Mr. Brown were sworn in by Mr. Boraske.

**Site Plan Waivers: (continued)**

1. #WSP-03-19 – Battle of the Axes (continued)

Mr. Green testified that he is part owner of the business with a Mr. Kenneth Ford who was not present this evening. He explained that the axe throwing business is similar to a dart throwing competition. The targets are located in separated bays and usually there is a group of people who compete in one bay to see who can get the most points by throwing the axes at the target during several rounds of play. The hours of operation are between 12:00 p.m. and 12:00 a.m. with the peak times being Friday and Saturday nights between 6:00 p.m. and 10:00 p.m. Mr. Green estimated there might be around eighty people in the facility during the peak hours. He testified there will be five full time employees and fifteen to twenty part-time employees.

With regard to the build out for the unit, Mr. Green stated that they will belong to the World Axe League and they have specific sizes for the bays which will be 12' x 12' with two targets in each bay. There is a five-foot area that is restricted from anyone passing through during the axe throwing and the bays consist of chain link fencing and wood. After the build out they will receive a safety and instruction certification from the World Axe League. A manager with that certification will be onsite at all times. There will not be any changes to the exterior of the building. Mr. Green stated that they might start off with a banner sign and eventually have a lighted sign. No food will be served onsite however soda and water will be available. Mr. Cotton asked if the business allows alcohol to be consumed onsite. Mr. Green stated that they will allow BYOB which is only for beer or wine, no hard liquor. There was some question about the proposed signage. Mr. Green stated that there isn't any sign on the building right now but if he is required to put up more permanent signage, he will do that as opposed to the banner sign. Mrs. Farrell stated that the banner sign may only be allowed to be a temporary sign.

There was some discussion on the number of cars during the peak times for the business and Mr. Green testified that most people come with a group in one car since it is a group activity. Three or four people may come in one car so that maybe only about 25 or 30 cars would be parking during the peak hours. Mr. Crane asked how many parking spaces are available. Mr. Brown displayed a reduced sized copy of the site plan showing the parking which was marked as Exhibit A-1. Mr. Frank pointed out the building and unit that will be used by the applicant. He pointed out an area on the side of the 36000 square foot building which consist of gravel and can be used for additional parking. He estimated another 60 parking spaces can be provided in that gravel area. Mr. Frank stated that there are two businesses that have traditional hours from 9 to 5, Monday through Friday. There is a basketball training facility for young basketball players where the peak hours during the week are from 6:00 p.m. to about 9:00 p.m. and then the weekends. During that time they may have from fifteen to twenty cars. Mr. Frank testified that he hasn't seen any parking issues with the existing tenants in the buildings.

**Site Plan Waivers: (continued)**

1. #WSP-03-19 – Battle of the Axes (continued)

He pointed out other areas on the site that can also be used for parking if necessary. There are currently 40 parking spaces that service the existing businesses in the building in question with another 60 spaces able to be provided in the gravel area on the side. The other building which houses the gymnastics studio has 60 parking spaces. Mr. Masterson commented that the facility gets very crowded now and that the extra 60 parking spaces will be needed. Mr. Schwaiger asked the total square footage of the buildings. Mr. Frank replied it's a total of 60000 square feet. Mr. Schwaiger stated that the site would require 600 parking spaces. There was further discussion on the issue of available parking spaces. Mr. Frank testified that he does intend to increase the number of spaces by using the gravel area. He stated he cannot pave that side area due to the amount of impervious coverage allowed on the site but he will grade the gravel area. On the issue of signage, Mr. Frank stated that he does allow the tenants to have signage as long as they inform him first and obtain the proper approvals from the Township. It was determined that there are 120 existing parking spaces on the site and Mr. Frank must add the additional 60 spots in the gravel area. Mr. Kozak asked what the time frame is to grade and provide those parking spaces. Mr. Frank stated that he will have it done within 30 days of the applicant signing the lease. Mr. Helsel asked if Mr. Frank will provide parking bumpers to define the parking spaces. Mr. Frank stated he will consult with his engineer on that issue.

Mr. Kozak commented on the issues that should be addressed which are the signage, parking space striping if it's worn out as determined by the Zoning Officer, handicapped parking if not already provided, the gravel parking, and landscaping if in need of replacement. Mr. Frank stated that he has already taken care of and replaced some of the landscaping. Mr. Kozak asked if any additional lighting will be provided in the gravel area if needed. Mrs. Farrell commented that the grading plan might have to be provided and approved before the zoning permit is approved. Mr. Frank replied that he understood.

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

Mr. Boraske reviewed the site plan waiver request for the Board. The two conditions of approval are for the signage to comply with the Township code and the grading and addition of 60 parking spaces in the gravel area within 30 days of the applicant signing the lease as discussed. Mr. Kozak asked if the other conditions should be added to the resolution such as the striping of the parking lot if necessary, the handicapped spaces if necessary, and lighting. Mr. Schwaiger stated that there appears to be a bigger issue since the site is not in compliance with the required number of parking spaces. He stated he is confused as to how it came to be that way and asked how the Board can handle that issue. Mr. Boraske replied that a site plan would be required so the engineer can look at the parking issue.

**Site Plan Waivers: (continued)**

1. #WSP-03-19 – Battle of Axes (continued)

Mr. Schwaiger stated that the requirement might not be 600 spaces but it's probably more than 180 spaces. Mrs. Farrell commented that when a new business occupies an existing building in town, before they get a CO the construction official looks at the ADA requirements. Mr. Kozak stated that the owner is here this evening and while he is before them they can hold him responsible for the issues such as the striping, handicapped spaces, etc. There was back and forth discussion on why the resolution would not require the owner to provide for the additional things stated by Mr. Kozak. Mrs. Farrell replied that the applicant is here for a site plan waiver to have his business located in this existing complex. All the other issues being raised really would require the owner to come in with a new site plan but that is not what is before the Board. The grading and additional parking should be part of this approval and the ADA requirements will be looked at by the construction official. The applicant has agreed to do the sign in compliance with ordinance. She asked the property owner to submit his parking plan in the gravel area to the Board office when it's completed. The property owner agreed to submit the plan.

Motion by Mr. R. Garbowski, seconded by Mr. Scardino to grant the site plan waiver with the conditions stated on the record and agreed to by the applicant. Roll call vote: Ayes – Mr. Crane, Mr. DiLolle, Mr. R. Garbowski, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Helsel, Mr. Cotton, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

2. #WSP-04-19 – Shawn P. Applewhite

Present – Shawn P. Applewhite Sr., Patreese Applewhite, applicant's spouse, Nilkanth Shah, property owner.

The applicant is proposing to utilize an existing commercial building for a non-denominational church. The property is located at 1144 S. Main Street, also known as Block 3304, Lot 1 in the RG-C Zoning District.

Mr. Applewhite, Mrs. Applewhite, and Mr. Shah were sworn in by Mr. Boraske. Mrs. Applewhite stated that they are proposing to lease a building from Mr. Shah for a church ministry. The name of the church is Spirit-Filled Temple Deliverance which is a new ministry. They currently have an online membership and a few members that attend services in their home.

**Site Plan Waivers: (continued)**

2. #WSP-04-19 – Shawn P. Applewhite Sr. (continued)

The proposed hours of operation are on Sundays for approximately two hours. They may be there some Saturdays depending on different events they may have for about an hour or two. Tuesdays or Wednesdays they will have bible study in the evening for a couple of hours. They will not have any employees and they currently have five members of the church. Some of their members participate online. With regard to parking, there is approximately twelve parking spaces available with three spaces designated for handicapped parking. Mrs. Applewhite commented that she understood parking may be viewed as a problem so she received an approval from a neighboring business which states they may use their parking lot for auxiliary parking, if necessary, on Sundays. This business is the accounting office which is located a few properties away and it has twenty parking spaces. They are proposing banners for signage on the building since the previous use also used banners. Mrs. Applewhite submitted the letter from the accounting business to the Board. She also submitted new paperwork showing the parking plan. Mrs. Farrell read the letter from Mr. Volpe that indicates they have given permission for the church to use their parking lot on Sundays if necessary.

There was some question from the Board as to where the accounting business is in relation to the proposed church location. Mrs. Applewhite stated that the accounting business is next to the car wash located on Main Street. Mr. Scardino commented that the building they are proposing to lease is for sale and he asked what will happen with the church if it is sold. Mr. Shah testified that the building is for sale but they will have language in their lease with regard to the sale of the building and they will receive notice of three to six months; however the new owner may want to continue the lease. Mr. Masterson commented that the previous tenant had a banner sign but they were approved for a regular sign as well. He stated they weren't in the building for long so they never installed the permanent sign but if approved the church would have to have an actual sign not a banner. Mrs. Applewhite stated they will comply with the sign requirements. Mr. Masterson questioned the off-site parking and asked what the modified parking plan shows. Mrs. Applewhite stated that there are two concrete slabs on the other side of the building on the traffic light side that she thought could be used for parking but later realized they cannot be used. Mrs. Farrell stated that as part of a previous approval those three parking spots on that side of the building were eliminated. Mrs. Applewhite adjusted her parking plan to eliminate those parking spaces. They will have to share some parking with the massage parlor business which is located on the same lot. Mrs. Applewhite stated that the massage parlor is not open on Sundays so it should not be an issue. Mr. Masterson commented that the building with the massage parlor business can change its occupancy and be a business that is open seven days a week so then parking would become an issue. He pointed out that there are only ten total parking spaces for both uses on the property.

**Site Plan Waivers: (continued)**

2. #WSP-04-19 – Shawn P. Applewhite Sr. (continued)

Mrs. Applewhite also commented that people who attend the church will most likely come in groups of at least two or three people which will reduce the number of vehicles that need parking. She also stated that within their first year they hope to purchase a passenger van which will eliminate some of the drivers as well. Mr. DiLolle stated that he doesn't think the sidewalk on Main Street extends from the accounting business to the property in question so the pedestrians would have to walk on the shoulder of the road in order to get to the church. There was some discussion on the ordinance requirements for parking for a church based on the number of seats provided in the church with one parking space being required for every four seats. Mrs. Applewhite stated that they only have five members at this time but they will have about twenty to thirty chairs. Mr. Boraske stated that the Board can, if they choose, consider the off-site parking spaces when figuring the number of parking spaces required for the use and the number of seats. Mrs. Applewhite commented that they can provide a shuttle service from the off-site parking area to the church so no one will have to walk down the street.

There was further discussion on the capacity of the building as it relates to the parking and Mr. Boraske stated that the Board can condition the applicant to come back to the Board if their capacity exceeds the number of parking spaces they can provide. There was some question on how that will be enforced and what the maximum number will be.

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

Mr. Boraske reviewed he site plan waiver request for the Board. The condition of approval will be that the applicant must return to the Board if their congregation expands beyond sixteen members due to the parking issue. Motion to vote by Mr. Scardino, seconded by Mr. Helsel. Roll call vote: Ayes – Mr. Cotton, Mr. Schwaiger. Nays – Mr. Crane, Mr. DiLolle, Mr. R. Garbowski, Mr. Kozak, Mr. Masterson, Mr. Scardino, Mr. Helsel. Abstentions – Zero. 2 ayes, 7 nays; the application failed.

**Discussion for Board Action:**

1. #1823 – JJCC Longport, LLC (Hamilton Greene)

Present – Al Marmero, applicant's attorney, Carl Senseman, project manager.

Mr. Marmero introduced himself as the applicant's attorney. He stated that he represents JJCC Longport, LLC which is owned by Chester Ottinger, Jr. who also owns the Scotland Run Golf Course. Mr. Ottinger recently purchased the Hamilton Greene project and Mr. Senseman is the project manager.

**Discussion for Board Action: (continued)**

1. #1823 – JJCC Longport, LLC (continued)

Mr. Marmero stated that the discussion concerns the Developer's Agreement for the Hamilton Greene project. He has been in touch with the Township Solicitor with regard to municipal services provided in the Developer's Agreement. They are before the Board in order to have the Developer's Agreement amended with regard to the condition that the HOA will provide trash removal and snow removal and will not be reimbursed from the Township for the snow removal. He stated that this is in violation of the Municipal Services Act. He read the definition of a qualified private community which essentially states that the development must have streets that are paid for and maintained by the owners of the development; however in this case the HOA will not own the streets; the streets are to be dedicated to the Township. Since the streets in this development are not private streets the Township does not have the option to reimburse for services provided by the HOA but must actually provide the services. In preparing the HOA documents for the development it was determined that the amended Developer's Agreement was not enough and that the resolution of approval will also have to be amended.

Mr. Schwaiger read from the meeting minutes from the preliminary approval for the development where the owner at the time, Mr. Schatz, agreed that if the Township will accept the streets as public streets, the HOA will do the trash removal with a reimbursement from the Township and the HOA will do snow removal without any reimbursement. Mr. Marmero replied that Mr. Schatz might not have been legally allowed to agree to the stipulations. Mr. Schwaiger replied that the only reason the town was willing to accept the streets as public is because of the agreement that the HOA will do the trash and snow removal. There was further discussion on the matter and the Board decided that it should defer to their attorney to look into the matter further and advise the Board on his findings with regard to this issue. Mr. Boraske stated that he will reach out to the Township attorney and get an understanding of their interpretation and then report back to the Board. Mrs. Farrell commented that the applicant will probably have to come back to the Board once a decision is made so that a record can be created and a new resolution can be done. Mr. Senseman stated that the issue becomes a legal one that could subject not only his company but the Township to litigation from homeowners who move into the development and aren't getting the same services as other taxpayers. Mr. Kozak asked if the development was approved based on this agreement between Mr. Schatz and the Board, and now they don't want to adhere to that agreement, wouldn't the entire plan have to be reviewed again and come back to the Board for approval?

Mr. Schwaiger stated that there is a history in the minutes and resolution and he does not want the Board to address the issue since it's a legal matter. He also stated that his interpretation of the meeting minutes is that the Township was never interested in taking on these roads as public roads which is why the agreement was made in order to get the approval. He stated that it is a legal issue the Board will not decide tonight. Mr. Boraske will get a legal opinion for the Board.

**Public Portion:**

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

**Reports:**

1. Mrs. Farrell reminded everyone the next meeting on April 25<sup>th</sup> is a joint meeting to discuss certain ordinances. She will send out the information before the meeting.

2. Mrs. Farrell distributed Financial Disclosure Statements to the Board members and informed them that they must be completed by April 30<sup>th</sup>.

**Approval of Minutes:**

1. 3/14/19 regular meeting.

Motion by Mr. Scardino, seconded by Mr. R. Garbowski to approve the minutes from the March 14, 2019 regular meeting. Voice vote; all ayes, motion passed. Mr. DiLolle abstained.

**Adjournment:**

The meeting was adjourned at 8:47 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