

**Call to Order:**

The regular meeting of the Monroe Township Planning Board was called to order at 7:10 p.m. by Chairman Schwaiger. The Board saluted the flag. Roll call was as follows:

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

Proper notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings on January 4, 2019.

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-27-19 – App. #1751 – Morgan Development Group, LLC – Final Major Subdivision

Motion by Mr. O’Brien, seconded by Mr. Kozak to adopt resolution PB-27-19. Roll call vote: Ayes – Mr. DiLucia, Mr. Kozak, Mr. O’Brien, Mr. Scardino, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

**Site Plan Waiver:**

1. #WSP-07A-19 – Evangelos Giannakaris

Present – Evangelos Giannakaris, applicant.

The applicant is proposing a 22.5’ x 38’ patio/deck for outdoor dining space at the existing Peter’s Diner. The property is located at 1741 S. Black Horse Pike, also known as Block 10003, Lot 12 in the RG-C Zoning District.

Mr. Giannakaris was sworn in by Mr. Boraske. Mr. Giannakaris stated that he would like to construct an outside deck on the left side of the existing Peter’s Diner for outside dining. Mrs. Farrell stated the application states they will be eliminating five parking spaces to accommodate the outdoor seating area which will have approximately ten tables or forty seats. The area will be surrounded by decorative columns and stainless-steel railing to match what currently exists at the property. Access to the outdoor seating area will only be from inside the diner.

**Site Plan Waiver: (continued)**

1. #WSP-07A-19 – Evangelos Giannakaris (continued)

Mr. Crane asked if the applicant still has enough parking with losing the five spaces. It was stated that there is more than enough parking at the site. Mr. Kozak asked if any of the parking spots being eliminated are ADA spots. Mr. Giannakaris responded that they are not ADA parking spots. Mr. Kozak also asked if the patio/deck area will have a roof. Mr. Giannakaris replied they are not proposing a roof at this time. Lighting already exists on that side of the building so they will utilize the existing electric. There were some statements concerning the proposed railing and the access only being from inside the diner with the Board stating those issues will be handled by the Fire Official and the Construction Official.

Mr. Boraske reviewed the application for the Board. Motion by Mayor DiLucia, seconded by Mr. Kozak to grant the site plan waiver subject to the applicant obtaining the proper permits from the Township. Roll call vote: Ayes – Mr. Crane, Mayor DiLucia, Mr. Garbowski, Mr. Kozak, Mr. O’Brien, Mr. Scardino, Mr. Helsel, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

**Public Hearing:**

1. #392-SP – Summerfields West, LLC – Final Major Site Plan/Minor Subdivision

Present – George Matteo, applicant’s attorney, Paul Witthohn, applicant’s engineer, Hugh Temple, applicant.

The applicant is before the Board for Final Major Site Plan approval; the applicant was granted amended Preliminary Site Plan approval in February 2019 which allowed for the redesign of the layout to eliminate cul-de-sacs and add an additional 41 units as well as changing the position of the community clubhouse. In addition, the applicant was granted minor subdivision approval to adjust the property lines of existing Lot 20 and to consolidate Lots 18 and 31. The property is located on the Black Horse Pike, also known as Block 3901, Lots 17.01, 18, 31, and a portion of Lot 20, in the RG-RA Zoning District.

Mr. Crane recused himself from the Board for this application due to a conflict. Mr. Matteo introduced himself as the applicant’s attorney. Mr. Witthohn was sworn in by Mr. Boraske. Mr. Matteo explained an error in the amended plan that was approved in February by the Board. The amended plan noted that Phase I only contained 79 units when in fact the original Phase I contained 85 units and the amended plan should have stated 82 units because they did lose three units when some pad sites were reoriented. Mr. Matteo wanted to correct the record with regard to the amended preliminary to show Phase I to contain 82 units and Phase II to contain 107 units for a total number of 189 units.

**Public Hearing: (continued)**

1. #392-SP – Summerfields West, LLC – (continued)

The original approved site plan was displayed for the Board and marked as Exhibit A-1. Mr. Matteo pointed out the three units that were on the original approved plan but missed on the amended plan. He also displayed the amended preliminary plan and the compliance plan which was marked as Exhibit A-2. The compliance plan includes the three units that were mistakenly omitted from the amended preliminary plan. He pointed out that the Board's professionals actually picked up on the three units in their review of the compliance plans which is why he is before the Board explaining the error.

Mr. Matteo distributed copies of the clubhouse elevation and floor plan to the Board. That elevation plan was marked as Exhibit A-3. He stated originally there wasn't a clubhouse proposed for this site; however, since they increased the number of units in Phase II, the applicant felt it necessary to provide a clubhouse for the residents of the community. Mr. Matteo explained that the clubhouse is 5,310 square feet in size and is a private clubhouse for residents living in the development. It is very similar to the clubhouse at their other site in Friendly Village. It is not designed to be a catering hall or ballroom type space for large parties, weddings, etc. Mr. Matteo stated that they have reviewed the compliance letters from the Board's professionals and they agree to comply with any and all comments in their letters. Mr. Kozak asked when the clubhouse will be constructed. Mr. Temple was sworn in by Mr. Boraske. He testified that construction for the clubhouse will be started as soon as all approvals are in place and permits are obtained. Mr. Kozak asked if the applicant has done any marketing for the two commercial lots at the front of the site. Mr. Matteo stated that they have not done any marketing for the commercial lots as they have been focused on the residential, but the plan will be to market those lots eventually. He also stated that once the residential community gets furthered developed maybe there would be interest for someone to develop the commercial.

Mr. DeFrank reviewed his report for the Board. He stated that over the last few months, many of the issues have been addressed by the applicant. The applicant has testified as to the operation of the clubhouse which satisfies the comment in the report as it relates to the capacity of the parking lot. The applicant has replaced the mountable curb and gutter with granite block curb. The applicant should provide to the office all outside agency approvals including the MMUA final approval. With regard to the environmental comments, the applicant must provide answers to the comments in the report as a condition of approval. Mr. DeFrank asked the applicant to copy his office with regard to the Soil Conservation District. The applicant agreed to comply with all the comments in Mr. DeFrank's report.

**Public Hearing: (continued)**

1. #392-SP – Summerfields West, LLC (continued)

Mr. Kozak asked how many parking spaces there are for the clubhouse. Ms. Pellegrini replied they have approximately 65 parking spaces at the clubhouse. He also asked if the applicant must comply with COAH. Ms. Pellegrini stated that the applicant is providing onsite COAH.

Ms. Pellegrini reviewed her report for the minor subdivision. She stated the compliance plans for the minor subdivision meet all the requirements so no further action is needed by the applicant. With regard to the site plan, the applicant has addressed all of the landscaping issues as well as all of the other minor outstanding issues from the previous report. As far as the three units that were mistakenly left off of the plan, Ms. Pellegrini stated that those three units comply with all of the setbacks and do not require and waivers or variances. She agreed that the applicant must provide all outside agency approvals to the Board. With regard to the comments made at the last hearing concerning sidewalk on Corkery Lane, Ms. Pellegrini stated she did go back and check the record. The previous approval did require the applicant to provide sidewalk on a small portion of Corkery Lane from the entrance across the adjacent lot to where the entrance is to the soccer field across the street. There is also sidewalk provided along the access drive that leads out to Corkery Lane.

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

Mr. Boraske reviewed the application for the Board. Motion by Mr. O'Brien, seconded by Mr. Scardino to grant final major site plan approval subject to the applicant providing any information in the Board professional's reports and providing all outside agency approvals. Roll call vote: Ayes – Mayor DiLucia, Mr. Garbowski, Mr. Kozak, Mr. O'Brien, Mr. Scardino, Mr. Helsel, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

The Board took a brief recess.

**Discussion:**

1. #1723 – Morgan Development Group, LLC – Morgan Landing

Present – Ken Schatz, applicant.

The applicant requested an informal discussion with the Board concerning a redesign after the variances and waivers were denied for his proposed cluster residential subdivision of 82 single family dwellings. The property in question is located on Morgan Road, also known as Block 2901, Lots 3 and 3.01 in the RG-MR Zoning District.

**Discussion: (continued)**

1. #1723 – Morgan Development Group, LLC (continued)

Mr. Schatz stated that they do have an approved subdivision for 82 single family homes on this site. With regard to density, they can actually have 92 single family homes on the site but they chose to only have 82 homes. They came back to the Board to amend that approval last year with a cluster design; still the same number of single-family homes, but only 60-foot lots, which allowed them to keep a lot of the wooded area behind the lots and reduce the size of the roads. He then reapplied with the lots being a 65-foot minimum which still require a variance for lot width and lot area since lot area is required to be 10,000 square feet. Mr. Schatz stated he thinks it is better planning to change the plan to the cluster rather than go with the approved plan which does not save any of the wooded land and really doesn't buffer the development from the junkyard located on Morgan Road. He displayed a plan that showed the 65-foot lot width and one where they modified it to show 75 foot lot width, which does comply with the ordinance for a cluster, however, they still need the variance for lot area as some of the lots are just under the 10,000 foot lot area requirement. The modified plan also loses approximately three and half acres of wooded lands. He stated the whole reason for reducing the lot sizes for width and area was so they could keep the buffer around the perimeter of the site which buffered the existing residential homes as well as the junkyard.

Mr. Crane asked how many lots are under the 10,000 square foot requirement on the new plan with the 75-foot width lots. Mr. Schatz replied there are 40 under and 42 over. The ones that are under average 9,375 square feet, so they are just under the 10,000 square foot requirement. Mr. Schatz commented that the town is used to larger lots but the trend is not to have the larger lots these days so they are more affordable and have less maintenance. He also commented that the town has to continue to grow in order to get business. They have developments being constructed in other towns with the 60-foot lot width and 40-foot homes and they are selling very well. He said the homes in Monroe Pointe that are being constructed now in town are 40-foot homes; the lots are larger but it just means you have wider side yard. It doesn't give you any more space in the rear or the front; just more lawn to cut on the sides of the house. In all of the proposals before the Board, the rear yards meet the requirements of the ordinance, they only have reduced the side yards. Mr. Schwaiger commented on the rural nature of Morgan Road and how he doesn't see these smaller lots fitting in with the rest of the area. Mr. Schatz stated it's about affordability. Mr. Schwaiger asked for the requirements of a cluster development. Ms. Pellegrini replied that the minimum lot size is 10,000 square feet, the minimum lot width is 75 feet, the minimum front yard is 40 feet, the minimum rear yard is 25 feet, and the minimum side yard is 10 feet. There was further discussion concerning he differences between the plan with the 60-foot lot width and the 65-foot lot width. Ms. Pellegrini commented that there isn't much difference in the look of the development between the two plans.

**Discussion: (continued)**

1. #1723 – Morgan Development Group, LLC (continued)

Mrs. Farrell asked how many homes can be built on the site if they built the development to meet the ordinance for a cluster development. Mr. Schatz replied that they can build 92 homes, but they have an approved plan for 82 homes. Mr. Schatz stated that the original approval is for a cluster development as well. Ms. Pellegrini replied that a cluster development takes the same density and puts it in a smaller footprint in order to preserve more woods and environmental areas. Mr. Schatz replied that the approved plan from 2003 is a cluster development plan with 10,000 square foot lots. They also bought the PDC's so they could reduce the size of the lots. Mr. Schatz stated that if they go with the original approved plan you lose about nine acres of wooded lands. Ms. Pellegrini stated that the shape of the whole parcel is limiting the ability to develop the lot to meet the requirements and preserve the wooded areas.

Mr. Helsel asked why the applicant doesn't eliminate some of the homes to meet the requirements of the ordinance. Mr. Schatz replied that it would only increase the prices of the homes and because they purchased the PDC's to allow them to have the number of homes proposed. Mr. Schatz commented that the same type of home and lot sizes were approved at Holly Oak off of Tuckahoe Road. Mr. Kozak replied it is a different section of town. Mr. Schatz stated that they should look at the housing stock. The bigger lots for more money are not selling in this town because they are not affordable. They are doing the bigger lots in Tuck Woods and they're not selling. So when they looked at this site and the Holly Oaks site, they amended the plans and lot sizes to make the homes more affordable.

Mr. Schwaiger asked how the town benefits from the proposed development. Mr. Schatz replied that the town would get growth which is needed. The other way the town and the existing residents benefit is the preservation of the woods. He stated that the town has been stagnant for the last ten years and it needs growth but not the big lots and the four hundred thousand dollar houses. Mr. Schwaiger commented that the development does provide for deed restricted lots and he asked if the deed restricted portion of the lots are taxed differently because it's unusable ground for the resident and is the Township losing tax dollars for the buffer area. Mr. Schatz replied that the lot is taxed as a buildable lot no matter the size. Mr. Kozak commented that the residents who purchase the lots then complain that they cannot use that portion of the lot. Mr. Kozak and Mr. Schwaiger commented on the area around Morgan Road and how this development would be a big change to that rural area of the town.

Mr. Crane commented that he is in favor of the plan with the 75-foot lots. Even if you lose some of the woods, it still maintains most of the wooded land and buffer. Mr. Schwaiger asked how many buildable lots they are willing to give up to meet the requirements.

**Discussion: (continued)**

1. #1723 – Morgan Development Group, LLC (continued)

Mr. Schatz asked if the Board would be satisfied with meeting in the middle at 70-foot lots. Mr. Schwaiger stated that they are past the 60 and 65-foot lot plans. Ms. Pellegrini stated that the plan showing the 75-foot lots, which comply to lot width but not lot area, as some of the lots are only 9,375 feet in lot area, so they do not meet the 10,000-foot minimum, and that applies only to the lots shown in brown on the plan. The rest of the lots are over the 10,000 square foot minimum. She read from the plan displayed which again indicated the 75-foot width and the minimum lot size of 9,375. A variance would also be required for the front yard where 30-feet is proposed and 40-feet is required. The side and rear yard setbacks comply. The lots shown in brown are the ones that are 9,375 square feet. A lot coverage variance would also be required from 30% to 35%.

There was some discussion on the side yard area and how the side yards can be split depending on the size of the house. Ms. Pellegrini stated that if the Board insists on the wider 75-foot lot, then the house can be as wide as 55 feet because the requirement is only 10 feet. If you go with the smaller lot width, like the 65-foot plan, then the houses would only be 40 feet wide and it would leave you more side yard or space between the houses, like fifteen on one side and ten on the other. The benefit of the wider lot is the house would not have to be so deep, because it can be wider, so there is more room in the rear yard. Mr. Kozak asked if pools and sheds can be put in the rear yards of the homes with the smaller lot size. Ms. Pellegrini replied that they can put those things in the yard without any variances. Mr. Scardino commented on the lot frontage and space for parking cars. There will not be space in the driveway for more than one car due to the reduction in the front yard from 40 feet to 30 feet which will result in more on-street parking. Mr. Kozak stated that the applicant can build the plan that is already approved. Mr. Schwaiger stated that it's financially better for the applicant to build the other plan with the smaller lot sizes. He also stated that the applicant should come back with a plan that proposes less homes. Mr. Schatz stated that he will not reduce the number; he is proposing 82 lots, which he purchased PDC's to have, so he will talk about lot sizes but not reducing the number.

Mr. Schatz asked if they think he should come back with the plan with the 75-foot lots. Mr. Schwaiger replied he did not know. There was some discussion on the growth of the town over the years and how the town has not really gained any real commercial growth. Mr. Schatz stated that he is going to propose commercial in a couple of weeks for a development on Cross Keys Road and there is also one on Fries Mill Road that they will propose after the intersection is improved. Mr. O'Brien suggested that Mr. Schatz put his plan together and come back to the Board and the Board will decide at that time whether they like it or not.

**Public Portion:**

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

**Reports:**

No reports.

**Approval of Minutes:**

1. 6/13/19 regular meeting.

Motion by Mr. O'Brien, seconded by Mr. Scardino to approve the minutes from the June 13, 2019 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 9:15 p.m.

These minutes are an extract 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