

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 – Mr. Conte, Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Helsel, Mr. Kozak, Mr. Laughlin, Mr. O’Brien, Mr. Scardino, Mr. Schwaiger. Absent – Mr. Crane, (excused). Also present – Mr. Boraske, Solicitor, Mr. DeFrank, Engineer, Ms. Pellegrini, Planner, Mrs. Farrell, Secretary, Mrs. Orbaczewski, 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-36-19 – App.#WSP-08-19 – Monroe Car Parts, LLC – Site Plan Waiver Approved

Motion by Mr. R. Garbowski, seconded by Mr. Scardino to adopt resolution PB-36-19. Roll call vote: Ayes – Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O’Brien, Mr. Scardino, Mr. Conte, Mr. Helsel. Nays – Zero. Abstentions – Zero.

2. PB-37-19 – App.#WSP-09-19 – Hearing Aid Center – Site Plan Waiver Approved

Motion by Mr. R. Garbowski, seconded by Mr. Helsel to adopt resolution PB-37-19. Roll call vote: Ayes – Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O’Brien, Mr. Scardino, Mr. Conte, Mr. Helsel. Nays – Zero. Abstentions – Zero.

3. PB-38-19 – App. #WSP10-19 – Jamael Leal – Site Plan Waiver Approved

Motion by Mr. R. Garbowski, seconded by Mr. Kozak to adopt resolution PB-38-19. Roll call vote: Ayes – Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O’Brien, Mr. Scardino, Mr. Conte, Mr. Helsel. Nays – Zero. Abstentions – Zero.

Public Hearing:

1. #1723 – Morgan Development Group, LLC – Prelim. Major Subdivision/Waivers/Variations

Present – Ken Schatz, applicant, Rick Hoff, applicant’s attorney, James Miller, applicant’s planner, Erik Littlehales, applicant’s engineer.

Public Hearing: (continued)

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

The applicant is proposing to amend his previous approval to construct a residential cluster development consisting of 82 single-family residential lots, one open space lot containing two stormwater management basins, and one pump station lot. The property is located on Morgan Road, also known as Block 2901, Lots 3 & 3.01 in the RG-MR Zoning District.

Mr. Hoff introduced himself as the applicant's attorney. The original approved plan was displayed for the Board and marked as Exhibit A-1. The plan depicted the subdivision approved for the construction of 82 single-family homes from 2010. Subsequently, the applicant has been back before the Board several times with different versions of the cluster development he would like to construct and he was denied the variances. Exhibit A-2 was displayed for the Board which depicted one of the revisions showing the minimum lot frontages at 75 feet. Notice for this revised plan was sent to the property owners within 200 feet and published in the newspaper. However, a different revision was submitted, and notice to the public was sent again and published in the newspaper. Exhibit A-3 was displayed for the Board which depicted the same 82 single-family residential lots with a minimum frontage of 66 feet. This plan is what is technically before the Board for approval this evening. The minimum lot size in the zone is 10,000 square feet and the smallest lot size proposed is 8,580 square feet. A lot coverage variance is also being requested from the permitted 30% to 35%, as well as the front yard setback variance where 40 feet is required and they are requesting 30 feet. There is a variance for open space concerning how it is calculated.

Mr. Schatz, Mr. Miller, Mr. Littlehales, Ms. Pellegrini, and Mr. DeFrank were sworn in by Mr. Boraske. Mr. DeFrank reviewed his completeness report for the Board. He stated that his office finds the application to be incomplete; however, it was intended that way by the applicant as there are many technical items that must be submitted for completeness and basically what has been submitted is a concept. Before completing the technical aspects, the applicant wanted to get the Board's approval on the proposed amendments and variances required. His report details all the completeness waivers needed, at least temporarily, in order to deem the application complete. The Board will have to grant all the waivers, at least temporarily, in order to deem the application complete and move forward. Mr. Hoff replied that they know they can meet the requirements because they have already done it with the original approval and as a condition of any approval tonight, the applicant intends to provide all of the necessary documents at the time of final approval. Mr. DeFrank stated that he does not see any red flags that would cause him to advise the Board not to grant the waivers temporarily until final submission. Motion by Mr. O'Brien, seconded by Mr. Kozak to grant the completeness waivers and deem application #1723 complete. Roll call vote: Ayes – Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O'Brien, Mr. Scardino, Mr. Helsel, Mr. Conte, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

Public Hearing: (continued)

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

Mr. Miller introduced himself as the applicant's planner and testified as to his credentials as such. The Board accepted Mr. Miller as an expert in his field. Mr. Miller stated that the property is approximately forty acres and the surrounding uses are mostly residential with some small agricultural uses, and a nonresidential auto parts/junkyard facility which extends along the western property line. The applicant is proposing 82 residential lots with a set aside of fifteen acres for open space. The area shaded dark green on the plan will be preserved open space and part of the individual residential lots. The applicant has offered to pay a recreation fee of \$4000.00 per building lot.

The variances being sought are outlined in the planner's report and include relief from the required front yard setback, lot size, lot frontage, lot coverage, and the open space. The variances are all bulk variances. Mr. Miller listed the purposes supported in the land use law with regard to the requested variances. The cluster design allows for a very significant buffer between the proposed residential uses and the junkyard to the west as well as to the existing residential uses to the south. This will also preserve many of the established trees which are present on the site. Under the new design, there will be approximately eight more acres of trees that will be preserved as opposed to the approved original design. Mr. Miller stated he believes this cluster design is a better zoning alternative where the benefits outweigh the detriments. This proposed design is a better fit with the neighborhood, a better environmental alternative, and one that will create a more attractive development. There are no significant detriments from the requested relief. The impacts will not change from the design that was already approved with regard to the number of new residents, traffic, and schools. There is a variance required for the basin driveways for lot frontage as the driveways are thirty feet. These driveways are needed for access to the basins for maintenance.

With regard to the negative criteria, the applicant must show that there is no substantial detriment to the public good or that the relief will substantially impair the intent of the zone plan or zoning code. Mr. Miller testified that there isn't any detriment to the public good because the relief requested lessens the impact on the surrounding neighborhood. The proposed design does not impair the zone plan as it protects a significant number of trees and provides for more open space and promotes a better environmental alternative to the prior plan. Mr. Miller stated that there is no detriment to the public good or impairment to the zone plan because the proposed cluster design enhances the aesthetics of the development and provides for a better overall plan and also that the relief sought satisfies both the negative and positive criteria and would merit the Boards approval.

Public Hearing: (continued)

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

Mr. Garbowski asked if there was public access to the open space. Mr. Hoff replied there is not a public access. Mr. Schatz stated that with the cluster design it provides for more of a buffer to the surrounding uses as opposed to the design originally approved which is a positive for the neighbors. There is one home at 1095 Morgan Road that does not have the same buffer so Mr. Schatz agreed to give them a strip of property, along the side, and thirty-five feet along the rear, which is shown on the plans, as well as a stockade fence. Mr. Kozak asked who is responsible for taking care of the open space. Mr. Hoff stated that the dark green areas shown on the plan are proposed as a conservation easement and will be part of the individual lots and the responsibility of the property owners. He also asked if the lots will be able to accommodate sheds, pools, and decks that most homeowners want in the backyard without them having to go to the Zoning Board for variances. Mr. Hoff replied that is the reason they are requesting the increase in lot coverage from thirty percent to thirty-five percent.

Ms. Pellegrini reviewed her report for the Board. She stated that there are two small pieces of Lot 3 that will be subdivided off as Mr. Schatz just spoke about; .1523 acres will be conveyed to Lot 1 to be retained as a utility easement and .1049 acres to be conveyed to Lot 2. The applicant has approval for a conventional development; however, when applying the cluster provisions to the plan, it requires the variances that are before the Board this evening. The applicant will be required to purchase Pinelands Development Credits and proof of those development credits must be provided to the Board office. The smallest lot proposed is 8,580 square feet where 10,000 square feet is required. The bulk requirements and variances were previously testified to and consist of lot area which is 8,580 square foot, front yard setback is proposed at 30 feet where 40 feet is required, lot width is proposed at 66 feet where 75 feet is required, and lot frontage which is proposed at 66 feet where 75 feet is required, and lot coverage proposed at thirty-five percent where thirty percent is the maximum. Ms. Pellegrini commented that there are lots that do not meet the 66-foot lot frontage and those are the lots that are around the curve of the roads; these lots do meet the lot width. Those lots are listed in her report and marked as such on the plan and will need additional variance relief. The side and rear yard setbacks are conforming to the cluster requirements.

With regard to the buffers, the plan shows a twenty-five-foot wide landscape buffer with it being wider where the conservation easements are proposed. The composition of the buffer should be addressed since no detail is provided with the plan at final. Under the cluster requirements the plan has more than the required minimum of open space; it's just the way it's provided since it's not common open space but it is through conservation easements which is really a waiver under the cluster design standards.

Public Hearing: (continued)

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

The conservation easements make up over sixty percent of the open space requirement and the basins make up much of the rest. The applicant proposes to dedicate the basins to the Township since there isn't a homeowner's association proposed. A basin maintenance fee in accordance with the Township code will be required. The residents who own the lots containing the conservation easements will be responsible for maintenance of those easements. An additional waiver is required for the open space as the open space is supposed to front on a public right-of-way; the conservation easements as proposed indirectly front on a public right-of-way by way of the lot frontages they are part of; however, a waiver of strict compliance is required. The plan does not contain actual tree locations and it appears that extensive clearing is required to accommodate the lot development, although not to the extent of the original proposal, and stormwater management basins; as proposed, a tree protection waiver is required. All trees five inches or greater should be indicated on the plan and trees greater than twenty-five inches in diameter shall be considered specimen trees and preserved based on the conditions in the code. As proposed, the plan does not conform and a waiver is required.

There are some minor clean up issues noted on the plan and pointed out in Ms. Pellegrini's report. She stated an overall landscaping plan should be submitted with final. The applicant is required to pay the development fee with regard to COAH and the agreed to recreation fee of \$4,000.00 per residential lot. The applicant must also enter into a developer's agreement with the Township. The applicant is also required to provide proof of all outside agency approvals. Mr. Kozak asked Ms. Pellegrini if she thought this plan was a better overall plan than the original approved plan. Ms. Pellegrini replied that even though the conservation easements are proposed rather than common open space, she believes it's a better plan to go with a cluster development. There isn't a lot of difference between a conforming cluster development plan and the one proposed as shown on Exhibit's A-2 and A-3. Mr. Schwaiger inquired as to the cleared easements shown on the plan. Mr. Littlehales replied that the one easement is for the sanitary sewer connection and the other easement is the off-site water connection. Both easements will be maintained by the MMUA. The Township will be responsible for maintenance of the basins and the access drives.

Mr. Schwaiger asked if the tree protection plan could be submitted as part of final instead of giving a waiver. Ms. Pellegrini asked the applicant if they received a waiver for the tree protection plan with the original approval. Mr. Hoff replied that the original approval did because no trees were going to be preserved. Mrs. Farrell asked if the applicant was willing to clean up the areas where the trees are being preserved by taking out any dead trees. Mr. Schatz replied the homeowner's will be responsible and they will be able to clean out any dead trees and brush; they just cannot clear the land. Mr. Schatz stated prior to selling the lots, he believes the dead trees should be removed by the builder.

Public Hearing: (continued)

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

Ms. Pellegrini stated that if there are specimen trees on some of the lots, she would like the developer to save them if at all possible. Mr. Schwaiger asked if there is a mechanism to enforce that request. Ms. Pellegrini stated that is the purpose of the tree protection plan and usually those trees are identified on the survey. The applicant will have to indicate which ones are able to be saved on the plan. Ms. Pellegrini stated that with the cluster plan that is proposed, there are a substantial amount of wooded areas being retained, so the impact is much less than if they were clearing the entire site per the original approval. Mr. Schwaiger asked if the tree protection plan is necessary. Ms. Pellegrini replied that at this point, with this plan, no it is not necessary.

Motion passed to open the hearing to the public.

1. Cazie Perry, 1105 Morgan Road, was sworn in by Mr. Boraske. Mr. Perry stated he received a citation for an overgrown bush that grew on its own and it cost him \$140.00 to have the bush removed. He indicated where his property was on the plan and asked if there was going to be some kind of barrier between his property and the applicant's property to keep people and children from the new development trespassing on his property. Mr. Perry stated the property behind his is currently wooded; however, the applicant is going to clear the trees. He wanted to know what protection he has from people trespassing on his property. Ms. Pellegrini commented that the buffering and landscaping issues will be addressed when the applicant submits for final approval. The composition of the buffers and perhaps putting a fence between properties will all be addressed at that time. Mr. Schwaiger stated that maybe the applicant will make a commitment to provide an adequate buffer with the final subdivision submission. Mr. Perry stated that he has lived on the property for forty years and he hasn't heard anyone concerned about protecting his investment. Mr. Schatz indicated to Mr. Perry that he should call him and they would work something out; he provided Mr. Perry with his business card. Mr. Hoff stated that typically notice is not provided for final subdivision approval; however, they will agree to provide notice to the residents when they are coming before the Board with final subdivision plans. Mr. Schwaiger thanked the applicant on behalf of the Board.

2. Bill Buerklin, 425 Fryers Lane, was sworn in by Mr. Boraske. Mr. Buerklin wanted confirmation that the conservation easement buffer will be the responsibility of the property owners. He stated that behind some of the houses on Fryers Lane there was open space provided in the Deanna Estates development but that area has become littered with trash and fallen trees and no one knows who is responsible for that area. He didn't want to see the same thing happened in this development. Ms. Pellegrini stated that the development Deanna Estates has a homeowner's association and they would be responsible for maintenance of the open space. In this proposed development, the homeowners will be responsible for the maintenance of the open space as it is part of their property.

Public Hearing: (continued)

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

Mr. Schwaiger commented that people typically only worry about the portion of their property that they can see and use and asked how the Board can address the issue of the property owners making sure the entire property is maintained back to Fryers Lane. Mr. Hoff replied the conservation easements that become part of the individual lots will be the responsibility of the property owner. If there are complaints then the Zoning Officer will be able to go out and assess the issue and cite the property owner if there is a maintenance problem.

Motion passed to close the hearing to the public.

Ms. Pellegrini asked if she could clarify a concern with regard to the tree protection plan. She stated that Mr. DeFrank's report indicates the applicant has requested a waiver from providing existing tree locations until final submission. She asked if that is the applicant's intent. Mr. Schwaiger commented that it was stated the tree protection plan is not needed but the applicant should clarify if they intend to provide it. Mr. Boraske commented that the waiver was granted but the applicant is required to provide the tree protection plan at final submission unless otherwise waived. Mr. Hoff replied that based on the conversation this evening, it is not the applicant's intention to provide the tree protection plan. He asked if the applicant should renew the request for the waiver at final. After some discussion, it was determined that the issue would be deferred to final submission. Ms. Pellegrini commented that the applicant's engineer will have time to assess whether or not there are specimen trees in the area that would need to be cleared and if any of them could be saved. They can decide if they are going to ask for the waiver at final or provide the tree protection plan.

Mr. Boraske inquired as to the payment of the recreation fee and the previous waiver request for the basin maintenance fee. Mr. Hoff replied the applicant is going to pay \$4,000.00 per lot and the applicant is still requesting a waiver from providing the basin maintenance fee. Mr. Boraske reviewed the preliminary major subdivision as well as the variances and waivers being requested and listed in Ms. Pellegrini's review letter. The first vote will be for the variances and waivers listed in Ms. Pellegrini's report and discussed this evening, with the following conditions: compliance with the comments in the professional review letters, submission and approval of all outstanding completeness items for which temporary waivers were granted and listed in the professional's review letters, a tree protection plan or waiver request, the applicant has agreed to provide notice to property owners for final approval, the plans will be revised to accommodate the Toner family. Motion by Mr. R. Garbowski, seconded by Mr. O'Brien to grant the waivers and variances as listed in Ms. Pellegrini's report and Mr. DeFrank's report with the conditions stated. Roll call vote: Ayes – Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O'Brien, Mr. Scardino, Mr. Conte, Mr. Helsel, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

Public Hearing: (continued)

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

Mr. Boraske stated the preliminary major subdivision vote will be subject to the same conditions as previously stated. Motion by Mr. R. Garbowski, seconded by Mr. O'Brien to grant preliminary major subdivision approval subject to all the conditions previously stated and agreed to by the applicant. Roll call vote: Ayes – Mayor DiLucia, Mr. J. Garbowski, Mr. R. Garbowski, Mr. Kozak, Mr. O'Brien, Mr. Scardino, Mr. Conte, Mr. Helsel, Mr. Schwaiger. Nays – Zero. Abstentions – Zero.

Public Portion:

Motion passed to open the meeting to the public.

1. Mr. Buerklin inquired as to the utility easement to the development just approved by the Board. He asked if the residents on Fryer's Lane will be required to connect to the public water since it is going down Fryer's Lane to the development. Mr. J. Garbowski responded that it is his understanding that the residents do not have to connect to the public water unless there is something wrong with their well. He didn't believe the County would allow the residents to drill new wells if something went wrong with the existing ones; at that time, they would have to connect to the public water.

Motion passed to close the meeting to the public.

Reports:

No reports.

Approval of Minutes:

10/24/19 regular meeting.

Motion by Mr. O'Brien, seconded by Mr. R. Garbowski to approve the minutes from the October 24, 2019 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 8:39 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 meeting.

Respectfully submitted by: Ninette Orbaczewski, Clerk Transcriber.