

**Call to Order:**

The regular meeting of the Monroe Township Planning Board of was called to order at 6:30 p.m. by Chairman O'Brien who 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 11:00p.m'.

The Board saluted the flag.

**Roll call:**

**Present** –Mr. Avis, Mr. DiLucia, Mr. Helsel, Mr. Hodges, Ms. Kennedy, Mr. Kozak Mr. O'Brien, Mr. O'Reilly, Ms. Salvadori, Mr. Sullivan. **Absent**-Mr. Caspar, (excused), Mr. Fitzgerald, Engineer, (excused) **Also present** – Ms. Gaglione, Solicitor, Mr. Hunt, Planner, Mr. Kernan, Planner, Mr. White, Engineer, Mrs. Orbaczewski, Secretary, Mrs. Tomasello, Clerk Transcriber.

Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings on January 12, 2022. A copy was posted on the second floor bulletin board of Town Hall and posted on the Township website. In addition, notice for this evening's public hearing was sent to the newspaper on May 29, 2022.

**Memorialization of Resolutions:**

1. PB-18-22- #469- SP –Mark & Donna Hernandez- Resolution Amendment Approved

Motion by Mr. Kozak, seconded by Mr. Helsel adopt resolution PB-18-2022. Roll Call Vote; ayes Mr. Avis, Mr. Kozak, Ms. Salvadori, Ms. Kennedy, Mr. O'Brien; Nays, 0; Abstaining 0; motion passed.

**Public Hearing:**

1. #1862- Keith Mayo –Minor Subdivision

The applicant is proposing to subdivide Lot 7 into three lot. Existing Lot 7 will contain 1 acre, proposed Lot 7.01 will contain 5.682 acres, and proposed Lot 7.02 will contain 1 acre. The applicant is proposing to construct a single family dwelling on each of the proposed lots. Variances are required for lot frontage and lot width on proposed Lot 7.02. The property is located at 179 W. Malaga Road, also known as Block 10003, Lot 7, in the RG-PR Zoning District.

Mr. O'Brien asked if the application can be deemed complete. Mrs. Orbaczewski replied the application can be deemed complete. Motion by Mr. Kozak, seconded by Mr. Hodges to deem application #1862 complete. Roll call vote; Mr. Avis, Mr. DiLucia, Mr. Helsel, Mr. Kozak, Mr. O'Reilly, Ms. Salvadori, Mr. Sullivan, Mr. Hodges, Mr. O'Brien, motion passed.

**Public Hearing: (continued)**

1. #1862- Keith Mayo –Minor Subdivision (continued)

Mr. Mayo was sworn in by Ms. Gaglione. Mr. Mayo is in front of the Board proposing to do two additional houses on the lot that already has a house. He falls 11 ft. short of the frontage that he will need for the bulk requirements. He stated it allows to build on a one-acre lot with an alternative septic system but it does not allow for bulk reduction practically the frontage.

Mr. Hunt reviewed his report dated May 20, 2022. He stated the property is 7.7 acres located at 179 W. Malaga Rd. the property is mostly wooded. The applicant is proposing a minor subdivision of the Lot 7 into a total of three lots. Mr. Hunt stated that lot 7.02 requires a variance for the minimum lot width and the minimum lot frontage. He stated it also allows it to have a lot size of one acre if the applicant has an alternative septic. Mr. Hunt asked Mr. Mayo will he be proposing the septic on lot 7.02. Mr. Mayo replied yes. Mr. Hunt asked Mr. Mayo on lot 7 will he have a deed restricting of 2.2 acres for the septic purposed. Mr. Mayo replied yes, the septic is conventional. Mr. Hunt asked Mr. Mayo if he already filed with the Pinelands Commission. Mr. Mayo replied yes. Mr. Hunt asked Mr. Mayo if he believed that granting these variances have3 a benefit to the Zoning at Monroe Township. Mr. Mayo replied absolutely. Mr. O'Reilly asked Mr. Mayo why so large of an area for the septic. Mr. Mayo replied he had the same question. Mrs. Orbaczewski stated that it's a Pineland condition.

Ms. Gaglione reviewed the Minor Subdivision request for the Board. Ms. Gaglione stated that there are two variances for the lot width and the lot frontage, on one lot from 150 ft. required to 139.35 ft. is proposed for both lot width and lot frontage. This will also be a condition that Lot 7.01 is going to be deed restricted for the alternative septic.

Motion by Mr. Kozak, seconded by Mr. Helsel to approve the Minor Subdivision with Variances. Roll call vote Ayes: Mr. Avis, Mr. DiLucia, Mr. Helsel, Mr. Kozak, Mr. O'Reilly, Ms. Salvadori, Mr. Sullivan, Mr. Hodges, Mr. O'Brien. Nays: Zero. Abstentions – Zero.

**Final Major Subdivision for Board Action:**

1. #1839- Grandview Mews, LLC- Final Major Subdivision

Present: Leonard Schwartz, applicant's attorney, Jay Sims, applicant's engineer, Ken Schatz, applicant.

The applicant is requesting final major subdivision approval for a residential subdivision consisting of 76 single family units; 75 single family attached dwellings and one detached single family dwelling on property located on Grandview Avenue and North Main Street, also known as Block 2701, Lots 7,8,10,11,14, and 15.0 in the R-2 Zoning District. The applicant was granted preliminary major subdivision approval on December 8, 2016 by resolution PB-100-16.

**Final Major Subdivision for Board Action: (continued)**

1. #1839- Grandview Mews, LLC- Final Major Subdivision (continued)

Mr. Kernan, Mr. White, Mr. Simms, and Mr. Schatz were sworn in by Ms. Gaglione. Mr. Schwartz introduced himself as the applicant's attorney. He stated that the application is for the Final Major Subdivision approval for the property located on Grandview and Main Street. This is consolidating 6 existing lots and subdividing the site with 79 lots consisting of one single family lot that fronts Main Street, 75 attached lots single family and three open space lots. Mr. Schwartz advised that there is a traffic report that has been updated and will be handed to Mrs. Orbaczewski.

Mrs. Orbaczewski asked if the application can be deemed complete. Mr. White replied the application can be deemed complete. Motion by Mr. Kozak, seconded by Mr. Helsel to deem application #1839 complete. Roll call vote; Mr. Avis, Mr. DiLucia, Mr. Helsel, Mr. Kozak, Mr. O'Reilly, Ms. Salvadori, Mr. Sullivan, Mr. Hodges, Mr. O'Brien, motion passed.

Mr. Simms received preliminary approval back in 2016 and have had extensions based on the municipal land use law as well as it was part of the recent permit extension act, it is still a valid approval for preliminary. He stated 75 detached dwellings coming off of Grandview Ave, there will also be a single family home with frontage to Main Street which is a county road. Mr. Simms stated that plans were revised for the Preliminary Approval and are the same as what was approved with the exception of the proposed development sign on the Blvd. entrance as well as two temporary signs for sales. Mr. Kozak asked the applicant if the only entrance will be on Grandview. Mr. Simms replied correct on Grandview there is an emergency entrance that comes out to Main Street. Mr. Kozak stated that he was reviewing the previous hearing, he then asked the applicant where would the basin be located and if it will have a fence around. Mr. Simms replied that the resolution stated that there will be no fence, but if there are any concerns a fence can be added. The Board members were speaking in regards to the fence around the basin and there concerns. Mr. Simms stated there is always arguments for the fence as well as against the fence because it creates a challenge for a child to climb the fence as well as it impedes for any emergency vehicles to get in. Mr. Kozak replied there should be a gate for the emergency vehicles to come in as well as to mow the lawn around. Mr. Schwartz stated that under the preliminary approval as part of the approval were it indicates to the extent to the proposed storm water basin does not function properly at any time within the first two years after installation the applicant shall install a fence around said basin upon the request of the Township.

Mr. White stated that the design of the basin has changed since the preliminary approval, at that time it had a positive outlet that would go up through the MMUA lot and the design now there is no positive outlook it's all infiltration without a positive outlet all will be deposited into the ground. Mr. Kozak asked the applicant for the snow removal who will removing the snow. Mr. Schwartz replied for his understanding the applicant will be responsible for all snow removal, he also stated that was his recollection for the approval.

**Final Major Subdivision for Board Action: (continued)**

1. #1839- Grandview Mews, LLC- Final Major Subdivision (continued)

Mrs. Orbaczewski stated to Mr. Schwartz that it was said on the prior hearing that the HOA would be responsible for the snow removal as well as the trash. Mr. Schatz stated that the public streets the Township will be taking care of the snow. He stated that parking lots would be a problem they can take care of it but will need the reimbursement for whether the association does it but the township does plow public streets. He stated that in regards to the basin the largest one in town doesn't have a fence and its Scotland Run. He also stated he has never been in favor of the fencing around the basins but it's our town and if the Board agrees he will do what they would like. Mr. Kozak stated to the applicant if they will do 4 ft. black chain link fence. Mr. Schatz stated if that is what the Board recommended then that is what he will do. Mr. O'Reilly stated that looking at the layout will the trucks be able to even go in. Mrs. Orbaczewski stated that Mr. Ziegler was the attorney then, when Mr. Calvello brought up the fact about the parking lot, snow plowing, and the Township snow plowing roads and the conflict it will have because when the Township plows it will go to the parking lot and then the applicant will plow and push it back out there was a statement by Mr. Ziegler saying that the HOA would do all of the snow plowing streets and parking areas. Mr. Schwartz stated that the HOA will be responsible for doing all of that as far as the public area, the street itself will be going back and looking for the reimbursement of the Township. Mr. Kozak asked the applicant about recreation on site. Mr. Schwartz replied there is no spot on site for recreation. Mr. Kozak asked the applicant where would the school buses pick up the children. Mr. Schwartz replied that the bus stop would be in the entrance of Grandview. Ms. Gaglione asked the applicant if there is anything in writing by the school board. Mr. Schwartz replied not that he is aware of. Mrs. Orbaczewski stated that the Board just needs confirmation if the bus will be able to go in the development. Mr. Kozak asked the applicant where will the dumpsters be located. Mr. Schatz stated that they are individual trash cans. Ms. Kennedy asked the applicant will the home owners bring their trash to the dumpsters. Mr. Schatz replied no. Mr. O'Reilly asked the applicant basin A which is the main basin is on this lot, there is some free open space why can't it be used for recreation. Mr. Simms stated in the space Mr. O'Reilly is speaking about will be natural trees. Mr. O'Reilly stated that on the previous resolution stated a recreation. Mr. Orbaczewski stated that they can't require recreation. Mr. Kozak asked the applicant if there will be trash cans where will the owners keep them. Mr. Schatz replied in their garages.

Mayor DiLucia stated he wanted to clean up a couple of practical that are happening now ultimately it falls on the Township. He stated in terms of the trash cans he would want to make sure when people buy these properties they should be aware of that rule because they are never told that they have to put trash cans inside their garage and he is getting major problems with people that don't want to put them in the garage. He states that under the HOA rules there is no other place to put it.

**Final Major Subdivision for Board Action: (continued)**

1. #1839- Grandview Mews, LLC- Final Major Subdivision (continued)

Mayor DiLucia stated the other problem is a 20 ft. width home and it's minimum is 18 ft. he wants to make sure the disclosure when people buy these houses they know they can't put an above ground pool in there because our ordinance requires fencing around pools and at least 10 ft. from the edge of the back and side of the house. He stated nobody tells the people these things and then when they buy them it's a big problem. He states the trash cans are a big problem people do not want to put their garbage in their garage. Mayor DiLucia stated the third thing is trash disposal when the HOA sign up for trash disposal, he stated the Township is arguing now with companies that are charging the Township with very high fuel charges, which under the law they have a right to. He stated these are things that affect the Township with the developments. Mr. Schatz stated that the first two items that Mr. DiLucia mentioned the trash cans and the pools in the yard can be addressed in the disclosures and agreement he doesn't know how to address the fuel. Mr. DiLucia stated that those things have caused major problems to the Township and can't override the HOA. Ms. Gaglione stated to Mayor DiLucia that it can be made a condition for final that the disclosure statement has to be provided to the solicitor. Mr. DiLucia stated that a lot of these HOA don't allow trucks in the driveway, but people need to know when they are buying these properties. Ms. Gaglione stated in regards to the contract her only concern is if the Township has a part in it to view the contract or would it have to go through the open bidding process. Mr. O'Reilly asked if there is some sort of ability in a typical resale does the HOA have to consent the purchase or repurchase on a resale. Ms. Gaglione replied no typically if the dues are paid and normally have the current owner sign off on it that they are giving the new owner the by law as part of it.

Mr. White stated he has a letter dated June 1<sup>st</sup>, 2022 on the final submission. He stated he has technical review and comments, the first one is about the temporary sale sign on the Main Street lot. He stated that the lot is part of a subdivision it is not part of the multifamily development it is basically a standalone lot. He stated whomever will own that lot needs to know they will have a temporary sale sign on their lot. Mr. Schatz stated they will provide an easement for that home. Mr. Kozak asked Mr. Schatz if someone will maintain the lawn while the sign is up. Mr. Schatz replied yes. Mr. Schwartz stated there is no fencing permitted, HOA will maintain the lawns, sidewalk and snow plows. The third item should address the maintenance of the parking courts not to be maintained by the Township. Mrs. Orbaczewski stated that the maintenance would be on the 30 ft. road and not the other two. Mr. Schwartz stated that the resolution does indicate the roads, streets, property will be dedicated to the Township. Mr. White stated that the point of sale disclosure is missing. Mr. Orbaczewski stated that it can be a condition before plans are signed and approved. Ms. Gaglione stated her concern is that there has been a lot of issues raised and if the Board would want to see them prior to. Mr. Schatz stated that what he is understanding is that they will need to bring revised documents for the Boards review and add something. Ms. Gaglione stated the Board would like for them to come back.

**Final Major Subdivision for Board Action: (continued)**

1. #1839- Grandview Mews, LLC- Final Major Subdivision (continued)

Mr. Kernan stated he had asked for architectural plans. He stated that it would be good if Mr. Armenia will be in the next meeting. Mr. Kernan stated the applicant when they submit HOA documents they should also ask for some elevation so they can have the architectural. He stated that the plan is identical to the preliminary there is a lot more landscaping that was added. He also stated there is some changes to the basin. Mr. Kernan stated the signs will require a waiver and he is good with it.

Mrs. Orbaczewski stated the next meeting will be on July 28. She stated if they have everything that is being requested she can schedule them for that day.

Motion by Mr. Kozak, seconded by Mr. O'Reilly to approve to table the application. Roll call vote Ayes: Mr. Avis, Mr. DiLucia, Mr. Helsel, Mr. Kozak, Mr. O'Reilly, Ms. Salvadori, Mr. Sullivan, Mr. Hodges, Mr. O'Brien. Nays: Zero. Abstentions – Zero.

**Public Portion:**

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

**Reports:**

1. Mrs. Orbaczewski informed the Board that the next meeting will be on July 28, 2022.

**Approval of Minutes:**

1. 05/26/2022 regular meeting

Motion by Ms. Kennedy, seconded by Mr. Avis to approve the minutes from May 26, 2022 regular meeting. Voice vote; all ayes, motion passed.

**Adjournment:**

The meeting was adjourned at 7:43: 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: Iris Tomasello, Clerk Transcriber.