

Call to Order:

The Monroe Township Planning Board meeting was called to order at 6:30 p.m. by Chairman O'Brien who read the following statement; "Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings on January 20, 2023. A copy was posted on the 2nd floor bulletin board in Town Hall and on the Township's website. In addition, notice of this public hearing was published on April 28, 2023. 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."

The Board saluted the flag.

Roll Call:

Present: Mr. Brown, Mr. Casper, Ms. Fox, Mr. Giacomucci, Mr. Helsel, Ms. Kennedy, Mr. Laughlin, Mr. Marino, Mr. McMahan, Mr. O'Brien, Mr. Wolfe. Also present: Ms. Orbaczewski, Secretary, Ms. Galella, Solicitor, Mr. Kernan, Engineer. Excused; Mr. Dochney, Planner.

Public Hearing:

1. #1869 – Ralph Manfredi, III – Minor Subdivision

The applicant is requesting a minor subdivision of Block 8001, Lot 16, in the RD-RR Zoning District. This property was granted minor subdivision approval in 1996/1997 along with variances; however, the deeds and/or plat was never filed. The applicant has slightly modified the originally approved lot lines and as such the variances must be granted to reflect the new distances. Proposed Lot 16 will be 3.2 acres in size and contains an existing single-family home and masonry garage. The variances required for Lot 16 are front yard setback, lot width, and lot frontage. The property is located at 1267 Coles Mill Road, also known as Block 8001, Lot 16 in the RD-RR Zoning District.

Present was Ralph Manfredi, the applicant, and Andy Schwaiger, and both were sworn in by Ms. Galella. Mr. Schwaiger gave a brief history on the application and what is being requested this evening. Mr. Kernan stated there are two items to go over regarding completeness. He stated that the existing properties and wooded lands that are existing and within 200'. He stated that the 200' is not completely met, but there is enough information to decide on reapproving the application or not. Mr. Kernan stated the plan does not include the owner and sub divider information. Ms. Orbaczewski stated that the office did receive an updated plan with that information. Mr. Kernan was satisfied with that, and he supports a waiver for the other item.

Ms. Galella reviewed completeness. Motion to deem the application completed by Mr. Helsel, seconded by Mr. Giacomucci. Roll call vote; Ayes- Mr. Helsel, Mr. Giacomucci, Mr. Casper, Ms. Fox, Mr. Laughlin, Mr. Marino, Mr. McMahan, Mr. O'Brien, Mr. Wolfe. Nays- Zero. Abstentions- Zero.

Public Hearing: (continued)

Mr. Kernan reviewed his report for the Board. He stated that the previous approval 25+ years ago was for width and frontage variances for both lots. He stated that only the remainder lot will have those variances now, there is also an existing non-conformity with the front yard setback. Mr. Kernan stated that the current plan, that was revised in 2018, shows an existing driveway that comes on to Lot 16.01 and crosses over onto Lot 16. He stated that should be removed or needs a cross easement. Mr. Schwaiger stated that is just an access road, once the applicant develops Lot 16.01 that access road will go away and there will be two separate driveways. Mr. Kernan stated that maybe removal of that stone driveway could be a condition of approval. Mr. Kernan stated that he recommends waiving the sidewalk.

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

Ms. Galella asked for testimony on the lot width and lot frontage. Mr. Schwaiger replied yes on Lot 16. Ms. Galella asked if that was the lot where the house sits. Mr. Schwaiger replied yes. Ms. Galella asked if it would be a hardship, or why were they asking for those variances. Mr. Schwaiger stated it would be a challenge because of the existing structures. Mr. Kernan stated that part of the hardship is that the shape of the lot is unusual to subdivide as they are requesting.

Ms. Galella reviewed the application for the Board. She stated the subdivision request is for two lots, one has an existing home and the other lot they intend on building a home. Ms. Galella stated that two variances are for lot width and lot frontage on Lot 16. She stated that the front yard setback is a preexisting nonconforming condition. Ms. Galella stated that an easement is requested. Mr. Kernan stated that the easement is no longer necessary because the applicant agreed to get rid of the stone driveway and each lot will have its own access. Ms. Galella stated that a sidewalk waiver was also requested and supported by Mr. Kernan. Mr. Marino asked if there were sidewalks out there now. Mr. Schwaiger replied no. Ms. Orbaczewski added that it's a County road and they did not require the applicant to install a sidewalk.

Motion to approve by Ms. Fox, seconded by Mr. Helsel. Roll call vote; Ayes- Ms. Fox, Mr. Helsel, Mr. Casper, Mr. Giacomucci, Mr. Laughlin, Mr. Marino, Mr. McMahon, Mr. O'Brien, Mr. Wolfe. Nays- Zero. Abstentions- Zero.

Mr. Wolfe excused himself from the remainder of the meeting as he had another obligation this evening.

Amendment for Board Action:

1. #1793 – Amendment of Resolution PB-98-07 – COAH Requirement

Mr. Smith, who represents Charles Street Developers, is requesting an amendment to resolution PB-98-07 with regard to the required COAH contribution, which states any developer of Lot 5 must pay \$20,000.00 in a developer fee. He is requesting the amendment to reflect the ordinance, which requires a 1.5% fee based on the equalized addressed value of the construction. The property is located on Sunnyhill Avenue, also known as Block 9010, Lot 5 in the RG-MR Zoning District.

Amendment for Board Action: (continued)

1. #1793 (continued)

Mr. Smith gave a brief history on this issue. He stated there was a subdivision back in 2007. At that time, one of the requirements included a \$20,000 developer's fee for 2 of the 3 lots. Mr. Smith is asking to extinguish the \$20,000 fee that was imposed due to there has been a change in the laws in the Township. He stated this change specified that the analysis was based on the Master Plan in 2017. Mr. Smith argued that the value of the lot at the time in 2007 and has greatly changed since then. He stated that the current law states the developer's fee now is 1.5% and he believes that is equitable.

Ms. Galella stated that the Township's residential development fees are governed by the COAH regulations. She explained that the maximum the town can charge is 1.5%. She stated that the \$20,000 fee is not in compliance with the current regulations. Ms. Galella asked what is currently on the property not. Mr. Smith stated that there is an older house that was never demolished that straddles Lot 5.01 and Lot 5.02 from the old subdivision. He stated that Lot 5 is vacant. Ms. Galella asked if they plan to build on Lot 5. Mr. Smith replied yes. Ms. Kennedy asked if they are going to have 3 lots and they were only planning build one house. Mr. Smith replied that this application is only regarding Lot 5.

Ms. Galella reviewed the application request for the Board. She stated that it would be to rescind a provision in PB-98-07 that stated the development fee of 1% plus \$20,000.00 be paid. This would be rescinded and replaced with the current fee of 1.5% per COAH regulations. Ms. Orbaczewski clarified that this would rescind the \$20,000 only for 2 lots because the third lot was ordered to pay 1% which was the COAH at the time. Ms. Galella stated that the approval of amendment should be that the fee should be 1.5% on each of the 3 lots, since that is the current COAH law.

Motion to approve by Mr. Marino, seconded by Mr. Helsel. . Roll call vote; Ayes- Mr. Marino, Mr. Helsel, Mr. Casper, Ms. Fox, Mr. Giacomucci, Mr. Laughlin, Mr. McMahon, Mr. O'Brien, Mr. Brown.

Ordinance Amendment for Board Action:

1. O:22-2023 – Chapter 175-163.4 – Cannabis – Master Plan Consistency

The above ordinance has been amended and referred to the Planning Board for Master Plan consistency.

Mr. Kernan stated that this ordinance is not inconsistent with the Master Plan. He stated that the ordinance has been on the books but this is a clean-up. Ms. Galella stated that the ordinance allows for all types of cannabis businesses and includes fees for licensing. Mr. Kernan stated that there is currently only one operating cannabis business in town, but there are about a half dozen that have come before the Board or have expressed interest in coming to our town. Mr. McMahon asked that the ordinance was going to allow a limit of 8 for the Class 5 retail businesses. Mr. Kernan stated yes, that was correct.

Ordinance Amendment for Board Action: (continued)

1. O:22-2023 – Chapter 175-163.4 – Cannabis – Master Plan Consistency (continued)

Mr. McMahon asked to clarify that there was no limit placed on the cultivating and processing. Mr. Kernan and Ms. Galella both agreed that was correct. Mr. McMahon stated his concern for that many cannabis retail locations and the traffic it could bring to the town. Ms. Orbaczewski stated that there has been a lot of interest but no one has come forward with their state licenses. Ms. Kennedy added that now that cannabis is legal, it's no different than having a liquor store on every corner. Mr. Brown stated that the businesses would bring in tax revenue. Mr. Marino added that he doesn't believe there will be any more than 3 or 4 that actually come to the town. He also added that most of the cannabis interest that has shown interest in our town only have a conditional license and that they are required to have a real specific business plan. Ms. Orbaczewski stated that the letters of support are just the Township saying they are okay with them coming to the town.

Motion to approve by Mr. Helsel, seconded by Ms. Fox. Roll call vote. Ayes- Mr. Helsel, Ms. Fox, Mr. Casper, Mr. Giacomucci, Mr. Laughlin, Mr. Marino, Mr. McMahon, Mr. O'Brien, Mr. Brown. Nays- Zero. Abstentions- Zero.

Public Portion:

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

Reports:

Ms. Orbaczewski stated that the next meeting will include the resolutions from this evening, and an amendment for an existing development for signage.

Approval of Minutes:

Motion passed to approve the minutes from the meeting on April 27, 2023.

Adjournment:

The meeting was adjourned at 7:23 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: Amy Gallagher, Clerk Transcriber