

**Call to Order:**

It is 6:31 p.m. on March 7, 2024 and this is the regular meeting of the Monroe Township Planning Board. Notice of this meeting was given as required by the Open Public Meetings Act and a copy was posted on the 2<sup>nd</sup> floor bulletin board in Town Hall and on the Township's website.

“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. Giacomucci, Mr. Helsel, Mr. Maure, Mr. O'Brien, Mr. O'Reilly, Mr. Wolfe. Also present; Mr. Campell, solicitor, Mr. Kernan, Engineer, Ms. Gallagher, secretary, Ms. Gabbianelli, transcriber. Excused; Ms. Kennedy, Mr. Laughlin, Mr. Marino, Mr. Young, Mr. Dochney.

**Memorialization of Resolution:**

1. PB-12-24 - #533-SP \_ Hedgerow NJ LLC – Minor Site Plan Amendment Approved

Motion to approve by Mr. O'Brien, seconded by Mr. O'Reilly. Voice Vote; All Ayes. Motion passed.

2. PB-13-24 - #536-SP – VIP Auto Group NJ LLC- Major Site Plan Approved

Motion to approve by Mr. Giacomucci, seconded by Mr. Brown. Voice Vote; All Ayes. Motion passed.

Motion passed to close to the public.

**Public Portion:**

1. #1828A – Philadelphia Suburban – Final Major Site Plan Amendment

The applicant is requesting an amendment to final major subdivision approval for two permanent monument signs and 8 temporary marketing and amenity signs; along with any other variances or waivers deemed necessary by the Board. The property is located at Malaga Road and Winslow Road, also known as Block 27.0301, Lot 56 and Block 27.0302, Lot 22 in the RG-MR Zoning District.

Mr. Campbell swears in Anthony DiRosa, Engineer and Paul Atlas, Ryan Homes. Also, he swears in Mr. Kernan, Engineer. The Board accepts Mr. DiRosa as a qualified engineer.

1. #1828A – Philadelphia Suburban – Final Major Site Plan Amendment (cont.)

Mr. DiRosa gives a brief overview of the application. They are proposing (2) 5' x 10' temporary marketing signs, (2) 20" X 48" monument signs, (6) 3' x 9" amenity signs. There will be five signs located along Winslow Road and five located along Malaga Road.

Waivers are required for the type and sizes of these signs. Mr. DiRosa states in section 175-135.B permitted signs in residential districts to not include permitted development identification signs. There is a detail of the monument sign which will be located at each one of the entrances, located outside of the right way and outside of the site triangles. Another waiver is section 175-135.H temporary signs advertised in the name of building contractor, finance institution, etc. shall not exceed 32 square feet. Their proposed signs are 50 square feet. Section 175-135.E.(4) is required. Temporary signs are only permitted to remain for 30 days. The applicants are seeking a waiver for this due to it will take longer to construct the project. They would like the temporary signs up until the last home is built and C.O. are granted. Lastly, section 175-135.G temporary real estate signs are only allowed to be a maximum of 12 square feet and they are proposing 50 feet.

Mr. DiRosa states each of these variances falls under NJEC40:55.D-70.C.(2) where the purposes of the MLUL and the Township Zoning Board are advanced by the deviations that they are requesting. There is no substantial detriment to the public good and in each instance the benefits of deviation out weight any detriment. He states granting these variances represents a better zoning alternative for the property and therefore the benefit for the community.

Mr. DiRosa discussed general reasons and first states the goal of the signs are to more effectively identify the sight and the location, especially the entrances to the site. By more effectively identifying the site to motorist, the proposed signs will help customers and visitors traveling along Malaga and Winslow Road on site and to their destination. Also, this will advance Purpose H of the land use law by encouraging good location and design traffic routes.

The signs will promote the location of the residential development plus advancing Purpose G of the statutes to provide sufficient space and appropriate locations for uses in order to meet the needs of NJ citizens.

Finally, the proposed signs are attractive and consistent with the color and architecture of the proposed buildings. It would be a significant and esthetic benefits, thus promoting Purpose I, desirable, visible environment.

Mr. DiRosa states considering the locations of the signs and the relative scale of the site, it is important to identify the development. Because of its different access points where, it fronts on two roads, the benefits of these deviations they are requesting substantially outweigh any detriment.

The proposed signs will not be distracting to motorist and will not be in conflict with any existing signs in the immediate area. The signs will not impact any site lines at the intersections and there will not be any lighting on the signs that would be a distraction.

1. #1828A – Philadelphia Suburban – Final Major Site Plan Amendment (cont.)

Mr. DiRosa is satisfied that the waivers being granted are without a substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zone ordinance of this Township.

As seen on the plan there will be monument entry sign on the right-hand side of each entrance. There will be one temporary marketing sign on the left side of each entrance. Then along each roadway there will be three amendment signs which will show what the proposed development will include.

Mr. Kernan reviews his letter and Douglas White's letter because would could not attend the meeting.

Mr. Kernan believes 175-135.B and 175-135.H cover all of the signs. He states B is the section in the sign code book for residential districts and it just does not include permanent development identification sign as a permitted type of sign. Mr. Kernan says they are updating the zoning and signage codes.

Mr. Kernan states section H speaks about temporary signs with the maximum square footage of 32 square feet. The applicant's temporary or aka amenity signs fall under that size. They are 27 square feet. But the marketing signs (one at each entrance) will be 50 square feet, so over the 32 square feet. Mr. Kernan viewed this as needing relief from the two code sections. He believes this should be a waiver and not a bulk variance because it is in our design and performance standard section of the code.

Mr. Campbell asks Mr. Kernan if he agrees with the applicant's engineer testimony if the signs allow the foot traffic to identify the site with enough time to drive in if they want to and he replies yes.

Mr. Campbell asks the applicant what type of material will the two marketing signs be made of. Mr. Atlas replies wood and reiterates there will not be any lighting on the signs and there will be landscaping around them.

Mr. Campbell asks about the six amenity signs and wants to know what type of material they will be made of. Mr. Atlas responds they will most likely be wood but he has seen one community use tanner metal. Mr. Atlas states none of the signs will be lit or up lit and nothing will be blowing in the wind, so no flyers.

Mr. Campbell asks if there is remnant of existing sign on the site. Mr. Atlas replies yes and he believes it is located near the entrance off of Winslow road. Mr. Campbell asks if they know the history of that sign for the record. Mr. Atlas does not know and the sign has been painted white. Mr. Campbell states the area of the sign seems to be significantly larger than any of the proposed signs and Mr. Atlas agrees. Asked if the sign will be removed and the applicants agree they will remove the sign. Also, they agree it will not be repurposed for their development.

1. #1828A – Philadelphia Suburban – Final Major Site Plan Amendment (cont.)

Mr. Campbell asks how long the anticipated build out will be and Mr. Atlas replies 2.5 to 3.5 years. He questions the applicant for wanting the Board to grant a temporary sign that will be 2.5 to 3.5 years. It sounds like a long temporary sign and suggest the Board not to grant it for that length of time. The applicant could come back in a shorter amount of time to make sure the signs are being well maintained and look esthetically pleasing.

The Board motions to vote for 18 months if approved and then the applicants would come back to let them know how everything is going.

Motion to approve by Mr. Brown, seconded by Mr. Giacomucci. Roll Call; Ayes- Mr. Brown, Mr. Giacomucci, Mr. Helsel, Mr. Maure, Mr. O'Brien, Mr. O'Reilly, Mr. Wolf. Nays-Zero.

2. Hexa – Redevelopment Investigation

Prestation by Board Engineer, Tim Kernan, to recommend a condemnation redevelopment designation. The property in question is located at 3043 South Black Horse Pike, also known as Block 8401, Lots 8, 9 and 10.

Mr. Campbell addresses some items to add to the record. First is the Board's Exhibit 1 which is the Council's resolution from October 2023. This is Resolution R: 265-2023 which the Council directed the Planning Board to undertake.

The second Board Exhibit would be Planning Board Resolution 27-2023. This was adopted on October 26, 2023. In this Resolution the plan was to investigate the property for the purpose of redevelopment.

The third matter for the record would be the Notice of Publication in the newspaper. The fourth Exhibit would be the evidence of certified mail to the effected properties. Mr. Campbell states they should receive the certified mail from Emily Givens who was present at the meeting. Ms. Givens represents the properties that are subject of this investigation.

Mr. Campbell notes Exhibit 6 would be Mr. Kernan's curriculum vitae and Exhibit 7 would be Mr. Kernan's report which the Board members have in their presence.

Mr. Kernan begins with his report which is dated January 16<sup>th</sup>, 2024.

The targeted study area encompasses 3 parcels located on the south side of the Black Horse Pike (Route 322). These parcels collectively encompass approximately 162 acres.

This report is the culmination of information collected from site visits, analyses of historical aerial images, tax maps, zoning maps and ordinances, Google Maps, Google Earth, and Google Street View. Nearnmap aerial imagery, environmental reports, and other available historical and official

## 2 Hexa – Redevelopment Investigation (cont.)

documents and maps. Other information was obtained through state records, including the DEP Data Miner, and GIS datasets managed by the State of New Jersey. Unless otherwise mentioned, all photos were taken during a site visit on December 21, 2023. Mr. Kernan reminds the Board there is a more detail on page 14 of his report under Study Approach.

Mr. Kernan shows the aerial imagery on page 8 (he has a color copy and the Board has black and white). Lot 8 is a long rectangular lot that is furthest west on the Pike. Lot 9 has a flag shape with a skinny pole between lot 8 and lot 10. Then it opens up to a unique shape in the rear and there is a high-tension line that cuts right through lot 9. Lot 10 is the largest of the three and it has been historically farmed. All three properties equal about 162 acres of land.

Mr. Kernan touches on the redevelopment process. He states the LRHL empowers a local government to declare an area in need of redevelopment, if after investigation, notice and hearing, it is determined that certain delineated conditions exist within the study area. These standards have been clarified by the courts and changed in part through legislative action over the years, and are listed on the following pages.

There are 8 criteria stated in his letter A-H. (A) “Deterioration” and they found that on at least one, if not more of the three lots in the study area. (B) “Vacant and Abandoned Commercial and Industrial Buildings” they did not site. (C) “Public and Vacant Land” sited and is one of the conditions. (D) “Obsolete Layout and Design” they found appropriate. (E) “Property Ownership and Title Issues” they did not find that this reflects these lots. (F) is “Fire and Natural Disasters” they did not find. (G) “Urban Enterprise Zones” these properties are not in this zone. (H) “Smart Growth Consistency” they found that all three lots fall under this.

Mr. Kernan talks about the description of the study areas and existing land use. As noted in the previous section, tax assessment records identify that Lot 8 is used for residential purposes, while Lots 9 and 10 are vacant. Aerial imagery from February 2023 suggest however that all three lots are predominantly vacant and wooded. This imagery appears to suggest that Lot 10 is being maintained as a farm for field crops, however, the specifics of which could not be identified. A colorized tax map of the study aerial also illustrates that the southern boundary generally follows the Hospitality Branch, a tributary of the Great Egg Harbor River. A 120-foot-wide utility easement, identified in the tax map, bisects the rear half of Lot 9. A detailed description of the land use of each parcel in the study area can be found in the following chapter.

Mr. Kernan shows the Board the tax map that depicts the three different lots and their color trail. All of Lot 8 is in the RG- MU. Lot 9 is split so the front half is in the RG-MU and the back is a RD-RR. All of Lot 10 is in the RG-MU. Also, they are all apart of the Hexa Builders Redevelopment, which was adopted by the Govern Body and recommended by the Board last year.

2 Hexa – Redevelopment Investigation (cont.)

Mr. Kernan briefly speaks on the historic aerial imageries and how this amazing software called Nearmap can get them images dating back to the 1930s.

He studied site constraints and looked at floodplains. The Hospitality Branch runs through the rear of the parcels which is in the AE flood zone. Also, there are Wetlands located in that rear area along the Hospitality Branch. There is a 300 ft buffer that the Pinelands consigs to.

For the Species Habitat and different type of ranked species habitat were found on of the parcels.

He reviewed the DEP's Know Contaminate Sites list did not identify any sites within the study area. However, there is a ground area contamination area identified on a portion of the Black Horse Pike and extends into the northern portions of Lots 10 and 9. This data has been reproduced in Figure 13. NJ Geoweb indicates that this contamination area contains both mercury and tetrachloroethene.

Mr. Kernan looks at the Relationship to the Master Plans. He looks at the 2022 Master Plan and the Gloucester County Plan; whom have a couple plans and a state plan. The Township's Master Plan, under the Land Use section, he discovered there are five goals that classify or redeem this area a need of redevelopment. Listed in these goals there are many objectives and they site all of them on pages 24/25.

The Green Building and Environmental Sustainability the found three goals that are positively related to this study and future qualifications. He found one Community Facilities goal and six Stormwater Management Plan elements that were advanced by this study and future declaration by the governing body.

The Site Evaluation. Mr. Kernan begins with Lot 8, which is the most western lot, it discusses the street address, the apron, the zone, the land use, year constructed (if available). This lot had a resident on it but now there is just remains of a garage. Tax appeal (if available), building permits, code violations, police calls, environmental constraints, observations- in this case a cesspool. He discovered the cesspool cover removed. The garage does not appear to be used for its designed purpose. In the photographs you can tell that the garage is abandoned. In front of the garage was an acetylene tank on its side near the front door. One of the garage doors appears to have collapsed, and it is in a semi-upright position.

In Lot 9 Mr. Kernan went through the same process, but focused more on the environmental constraints and observations. This lot is oddly shaped and trash is strewed along the Black Horse Pike.

In Lot 10, also called the agriculture lot, he went through the same analysis. For the environmental constraints, the rear-most portion of the property has the AE Flood Zone. Also, contains the

2 Hexa – Redevelopment Investigation (cont.)

Wetlands in the buffer. The entirety of the property's Black Horse Pike frontage is located within the groundwater contamination area. Most of the areas of the site previously under cultivation has been identified as Rank 1 "Habitat Specific Requirements," while the northern wooded area has been identified as Rank 3 Species Habitat-State Threatened, and Hospitality Branch corridor along the rear portion of the property has been identified as containing Rank 4 Habitat for State Endangered Species.

Observations: the property appears to be used as a dumping ground for a variety of materials. Such as palettes, wooden construction debris, plastic drum, cinder blocks, refuse pile, fences, boards, etc. He observed mounding near the Hospitality Branch corridor and a recycled rubber pile near the Hospitality Branch.

Tilling patterns and soil erosion. Mr. Kernan states this is one of the main things they observed on Lot 10 and it is still ongoing. The site exhibited numerous areas of significant soil erosion. Erosion appears to have been exacerbated through till patterns running perpendicular to the contours, creating easy channels for water, soil, and potentially contaminants to flow. The erosion has been large enough in several areas to have cut sizable channels through the site, including all the way to the Hospitality Branch. Noting Figures 36-44, as the property contained some notable topographic changes, water appears, in many cases, to have followed tire ruts from farming operations. In one relatively flat area, water appears to have pooled in these ruts following a heavy rain event earlier in the week. Referencing Figures 40 and 41- aerial imagery from February 2023 helps to further illustrate this condition. (Figure 46) Zooming into that imagery (Figure 47), it is clear that the erosion is making its way to the Hospitality Branch. Another image, taken in February 2021, helps to illustrate some of the more significant erosion identified on the site, where the ground appears to have been re-contoured where several small waterways were formed during a rain event (Figure 48). Mr. Kernan says you can see the soil cutting and migrating through the property towards the Hospitality Branch. With the Nearmap imageries from 2023 the plumes of soil are migrating down into the Hospitality Branch.

Conclusions and recommendations- he applied what he discovered starting with the "a-h" criterion.

Criterion "a" Dilapidation which applies to Lot 8, the garage structure.

Criterion "c" Vacant property apply to Lots 9 and 10 because of the remoteness of Lot 9 and the access to utilities for Lots 9 and 10. Mr. Kernan believes that because these properties are farther away from water and sewer line is there reason they have not been developed over the years.

Criterion "d" Obsolete Layout and Design applies to Lots 8 and 10. Lot 8 because the buildings and improvements are located close to the Pike, which could be an invitation for criminal activity. This is further shown through the unsafe disposal of volatile gas cylinders in front of the garage

2 Hexa – Redevelopment Investigation (cont.)

and the cesspool cover has been partially removed. This can create not only a slip, trip, and fall hazard, but also create an attractive nuisance. The aerial imagery shows that Lot 10 has been under agricultural production since at least the 1930s, nearly a century ago. Mr. Kernan states that back in the Tilling practices, where they're tilling not parallel but perpendicular to the contours in the ground. This is inviting erosion into the Hospitality Branch. This cultural layout/design is obsolete and is not preferred.

Criterion "h" Smart Growth applies to all three Lots and Mr. Kernan says it would be smart for this property to be redeveloped.

In conclusion Block 8401, Lot 8: Criteria "a", "d" and "h", Block 8401, Lot 9: Criteria "c" and "h" and Block 8401, Lot 10: Criteria "c", "d" and "h". He recommends to the governing body that they declare this area a need for redevelopment.

Mr. Campbell states for the record the Council's resolution to the Board directing this process and directing the site. This resolution authorized the investigation for the purpose of a redevelopment area with condemnation. This is significant because that would give the government power to condemn eminent domain to take private party properties for the purpose of redevelopment.

Mr. Campbell asks Mr. Kernan, weighing in all the factors and with his investigation, are the type of elements of the potential redevelopment present that would typically required in the domain or condemnation property consistence. Mr. Kernan responds no.

Mr. Campbell understands there have been informal discussion with the owners of the properties involved and there is no indication they are hostile to trying to redevelop this property. Mr. Kernan agrees. Mr. Campbell states if there was that kind of hostility from a property owner then the right eminent domain in the municipality's possession would be an important tool. But since there is no indication the property owners are resistant to this and they are cooperative. Mr. Campbell agrees to Mr. Kernan's comment that he would recommend this to Council, that is why he was asked to investigate, for the redevelopment but for not the power of eminent domain and not for the non-condemnation.

Mr. Wolfe states the property owners are more than happy to develop the property and it is extremely important to them and the Township.

Mr. Campbell says when municipalities uses eminent domain as often where the concentration is a problem property. Where they are holding out for unreasonable amounts of money or any number of criteria that would seem to speak to that as a tool for the municipality to redevelop the property. This does not seem to be the case.

Mr. Campbell asks about criteria (d) Obsolete Layout and Design and points out that Lot 9 is a very unusual design/configuration of the property. Is the reason that property is not also subject to

2 Hexa – Redevelopment Investigation (cont.)

criteria (d) because that focuses on buildings or could Lot 9 fall under criteria (d). Mr. Kernan reads criterion “d” areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangements of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community. Mr. Kernan thinks it is specific to buildings and or improvements. There are not any buildings on Lot 9 and no improvements.

Asked about the obsolete layout and Mr. Kernan responds that he has read the statute and understands it is for buildings and improvements. Location/placement of buildings and improvements for a building such as a parking area or parking lot. Also, how you access the property and circulation. Mr. Kernan stats Lot 9 is just a vacant wooded lot. He does believe there are some improvements such as the high-tension line that cuts through the back of lot 9, so it could be qualified for those improvements. Mr. Kernan does mention it is in a strange spot and it is under developed anyways for other reason; environmental restraints, Wetlands, flood hazard areas, buffers, etc. Mr. Campbell agrees.

Motion passed to open to the public.

Ms. Givens whom represents the property owner approaches the Board. She says they have met with the Mayor, his business administrator, Mr. Kernan, and the development Council. The owners of the property are actively looking to develop and work in conjunction with the Township moving forward. She states that the point about condemnation or non-condemnation, the process has been and will continue to be very collaborative. She thanks the Board for their time.

Motion passed to close to the public.

Mr. Campbell states the Board could make a motion to adopt or confirm Mr. Kernan’s report and recommend to Council that the area studied in this report to be determine need of redevelopment as a non-condemnation redevelopment area.

Mr. Campbell read Mr. Kernan’s report and Ms. Gallagher circulated a draft resolution. First step would to make a motion as Mr. Campbell so outlined and then proceed to adopting a resolution this evening. But if the Board needed more time to look at it, they could save it for the next meeting.

Mayor Wolfe motion to approve Mr. Kernan’s report and noted non-condemnation, seconded by Mr. O’Reilly. Roll call; Ayes- Mr. Wolfe, Mr. O’Reilly, Mr. Brown, Mr. Giacomucci, Mr. Helsel, Mr. Maure. Nays-Zero.

Mr. Campbell states the Board could adopt a resolution affirming the decision that was just made. It was drafted as Resolution 14-24. He is aware that the Board usually does not adopt resolutions the same evening, but if it were to be up to their pleasure to adopt this resolution tonight.

2 Hexa – Redevelopment Investigation (cont.)

The Resolution outlines most of this evening’s discussions. The governing body directing to conduct this investigation, Mr. Kernan’s investigation, that we noticed this hearing and that this hearing took place. The area studied, 3043 South Black Horse Pike study area and Mr. Kernan titled his report 3043 South Black Horse Pike determination of need study. They find Mr. Kernan’s testimony to be creditable and Block 8 qualifies under criteria “a”, Lot 9 and 10 qualify under criteria “c”, Lots 8 and 10 qualify under criteria “d” and Lot 8, 9, and 10 qualify under criteria “h”. And we ask the Council to determine that the area is need of redevelopment as a non-condemnation redevelopment.

Motion to adapt resolution PB-14-24.

Mr. Brown motions to approve, seconded by Mayor Wolfe. Roll call; Ayes- Mr. Brown, Mayor Wolfe, Mr. Giacomucci, Mr. Helsel, Mr. O’Reilly, Mr. Maure. Nays- Zero.

Approval of Minutes:

1. February 15, 2024

Motion of minutes approved. Voice vote- All Ayes. Nays- Zero.

Reports:

Lidl Update. Ms. Gallagher explains the Lidl appeal is finally completed. The applicant? Had until March 5<sup>th</sup> to appeal to the Supreme Court and she has not heard from Marla that he has done so. The appeals court upheld the Planning Board’s decision, so Lidl can move forward if they choose to do so.

Adjournment: The meeting was adjourned at 7:22p.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: Scottie Gabbianelli, Clerk Transcriber