

**TOWNSHIP OF MONROE
ZONING BOARD MINUTES
MINUTES OF REGULAR MEETING**

May 25, 2021

Meeting called to order at 6:30 P.M. by Chairman Vincent LaFata (via zoom Web-meeting access information <https://us02web.zoom.us/j/87023657042>, Phone #1-312-626-6799 or 1-929-205-6099 Meeting ID 870 2365 7042) who led the salute to the Flag.

Chairman Vincent LaFata read the Sunshine Law as follows: In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided by the following:

Posted on January 1, 2021 on the Bulletin Board of the Office of the Township Clerk, Municipal Complex, 1 Municipal Plaza, and remains on file at that location for public inspection;

Posted on the Bulletin Board of the Office of the Township Clerk;

Posted on the Bulletin Boards within the Municipal Complex;

Printed in the Home News Tribune and Cranbury Press on January 1, 2021;

Posted on the Monroe Township website; and

Sent to those individuals who have requested personal notice.

MEMBERS PRESENT: Chairman Vincent LaFata, Vice Chairwoman Carol Damiani, Mr. Marino Lupo, Mr. Louis Masters, Ms. Rajani Karuturi, Mr. Donato Tanzi, Alternate #1 Mr. Richard Lans, Alternate #2 Mr. Arnold Jaffe, Alternate #3 Mr. Nicholas Morolda and Alternate #4 Mr. George Gunkelman. Also present for the Board were Attorney Peter Vignuolo, Planner Mika Apte, Engineer Mark Rasimowicz and Director of Planning & Zoning Mr. Joe Stroin.

MEMBERS ABSENT: Mr. Busman.

A motion to approve the **April 27, 2021 Minutes** made with correction by Vice Chairwoman Carol Damiani and seconded by Mr. Marino Lupo Tanzi and passed unanimously by all members present.

BA-5201-20

**KANA Retail Investments, LLC; Request for Final Site Plan;
Block 81, Lot 1; Located on Cranbury South River Road, In the
R-30 Zone**

Represented by Walter Toto, Good evening, Mr. Chairman and members of the board and professionals, good to see everyone. On behalf of KANA Retail Investments, LLC does the board accept jurisdiction of the matter. I have submitted an affidavit of service and publication to board attorney and board secretary.

Peter Vignuolo: I have reviewed the submission Mr. Chairman, and everything is an order the board does have jurisdiction to hear this matter.

Walter Toto: Thank you, Peter.

Walter Toto: The subject property is a vacant lot at the corner of Docks Corner and Cranbury South River Road. It's, also known as block 81, lot 1. My client purchased it in August of 2019. The Board might remember the application as Next Generation who were represented by Ken Pape and they sold the property to my client again 2019 so the board granted has already granted use variance. Back in November of 2017 and then granted preliminary site plan approval in January of 2019. Tonight we're here for final site plan approval. Bulk variance relief was previously granted at preliminary site plan approval. But due to the roadway improvements with which I'm sure many of you are familiar, due to the traffic signal and intersection improvements that are dedicated and improved in that area of town, the bulk variances have become somewhat intensified really to a de minimis nature, but still requiring us to come before you for a formal stamp of approval. This was approved as a commercial retail building or strip mall of 9656 square feet and that's the background. The Board has vetted this application and the property and the proposal again through the use variance process and the site plan process in fact in since 2012. The prior owner was granted an approval for a gas station, but that approval was abandoned to permit this approval to move forward. Mr. Chairman and members of the board, we are prepared to address Mr. Russo's or Mika's report from May 12, 2021 and Mr. Rasimowicz' s engineering review letter from November 2, 2020. We can address all of their concerns and agree with all the conditions. I'd like to call my only witness, which is Sharif Ali our project engineer.

Mr. Sharif Aly, applicant's Engineer, (sworn in and accepted as a professional witness) stated nothing has changed except, that the traffic light at the intersection is fully operational and as a result of that traffic light, if you recall, at the time of the use variance back in 2016 and then preliminary site plan into 2017 we gave right of way that was just an estimate, based on the County requirement and Monroe Township Master Plan. Well when the traffic light took place and was fully designed and in operation, the county as well as the design engineer for the traffic light requested of the applicant and this site application additional right of ways to be accommodated. In particular, to the right, at the intersection where all the equipment is for the traffic light has now resulted in some deviation from the original approval by this Board. Therefore, some bulk variances are now re-opened. The Right of Way dedication got increased and therefore some of the numbers got changed slightly. Explained the increase and decrease along all frontages. The building is still in the same place, the number of parking spaces still the same landscaping still the same. That little tiny wall along the front is still the same that retention basin is still the same. Zero impact on the site plan it's just a slight change of numbers got

decrease here and there, but also as a result of that, because we reduced the demand for the right of way. So it jumped up from 71.1 where you're really granted 75%.

Walter Toto: Are you sure that the increase is due to the reduction in the size of the property, not to any additional adding of impervious coverage on the site correct.

Sharif Aly: The layout is still the same as I indicated, I agree with you, yes, the answer your question.

Walter Toto: Yes.

Sharif Aly: Everything is still the same. Nothing changed. One variance that was already granted under preliminary and the variance got to do with parking spaces, it could be some parking spaces in this area here so eliminating the parking spaces, we eliminated the variance. The layout is still the same still a tenant commitment of what time what type of the use and the limitations of tenants, as was dictated by the board. So it really is the same site plan there was just the demand for the additional right of way. As requested by the design engineer for the traffic light, as well as a county as well as Center State, meaning the town and the public for the public goods, that is the reason for some of the numbers got Reduced. That's pretty much it the as far as the application. We will definitely eliminate that variance for street trees. We will do a linear barrier along the sidewalk but will consult with your arborist so eliminate that variance, we are not seeking that variance anymore.

Walter Toto: last question shaped as the final plat conform with the conditions of the preliminary approval.

Sharif Aly: Absolutely, yes.

Public:

Michael Rubino: 25 Woodcrest Circle. Okay, so as I look at this site plan of this building is there going to be any backdoor traffic, if you know how does loading and unloading come in, I know it's not a warehouse but if it's like a coffee shop or something like that or are all deliveries through the front door.

Sharif Aly: There is no back door traffic, the only traffic in the back door is the foot traffic, the loading area is right about here. And a truck and we have demonstrated that before at a time of the use variance and preliminary approval, the trucks will be coming in this area here and loading and unloading will be by foot coming through the back area of the of the retail.

Vinny LaFata : Thank you for your time. : anyone else in the public wishing to be heard, please raise your hand, so you can be recognized and we'll bring in the room. Nothing, there's no one else in the public wishing to comment. I have a motion to close the public portion regarding this application.

Motion to close the public portion made by Mr. Marino Lupo and seconded by Mr. Richard Lans and passed unanimously by all members of the Board present.

Mr. Mark Rasimowicz, Board Engineer, has no objections subject to applicant's compliance with report dated March 12, 2021.

Mr. Mika Apte, Board Planner's Associate, has no objections subject to applicant's compliance with report dated May 12, 2021.

Motion to approve made by Mr. Marino Lupo and seconded by Mr. Richard Lans and passed unanimously by all members of the Board present.

BA-5206-21 **BSREP III Monroe, LLC; Request for Amended Preliminary and Final Site Plan with Bulk Variances; Block 82, Lot 3.01; Located on Cranbury South River Road, In the R-30 Zone**

See attached transcript.

MEMORIALIZATION

BA-5193-19 **New Cingular Wireless PCS**, a motion to approve made by Vice Chairwoman Carol Damiani and seconded by Mr. Donato Tanzi and passed with Mr. Louis Masters abstaining.

BA-5171-19 **Chabad Lubavitch Jewish Center**, a motion to approve made by Vice Chairwoman Carol Damiani (with the correction on page 11, #59) and seconded by Mr. Louis Masters and passed unanimously by all members of the Board present.

BA-5195-20 **Rajesh Tailor**, a motion to approve made by Mr. Richard Lans and seconded by Mr. Donato Tanzi and passed unanimously by all members of the Board present.

PUBLIC PORTION

Kevin Fernandes: Sir, my name is Kevin Fernandez, I live at 24 Cassandra court, I recently became aware through people wandering through my property that the wooded area adjacent to my property was recently zoned and planned for residential development. I was taken aback by this, I was unaware, and specifically, I wanted to just go on record to challenge and object to the residential or commercial development and immediately adjacent. What I was told when moved in was unbuildable land and I have looked throughout the planning and zoning minutes to see if anything has been documented and I have not found anything so I thought I would come here just to go on record for it and I'll follow up with the zoning and planning office for more details, but I didn't know what my next step of action could be.

Vinny LaFata : Well, Mr. Fernandez, we do appreciate you coming here, however, unless there's an application made that's come before this board this board has no jurisdiction with someone who's could potentially build somewhere, because if it meets all the requirements we may never see them here. My suggestion would be to potentially reach out to the township engineer or the township planner to see if they're familiar, or they know something that's taking place, or you may even need to attend the Council meeting. But this board has no jurisdiction with regards to your comments, however, you know we are more than happy to listen to anything any resident says.

Mark Rasimowicz: Mr. Chairman, if I can jump in please. As the township engineer, there has been no rezoning I know Mr. Fernandez, you said that was rezoned, there was no rezoning of the area that you're referring to that's been an R-60 zone for as long as I can remember it. Since before your development was built for sure. There is no applications before this board, I know, there was a property owner who was looking at that land and pursuing it through his engineer. Whether they come to a board, whether they go for a building permit I do not know at this time, but there's been nothing submitted to the township, but there is someone looking at the land in that area. As you said, but it was not rezoned by the township.

Kevin Fernandes: that is great to know, thank you for the confirmation.

Michele Arminio: I choose not to be on video thank you. 9 Nathaniel Street. I have a generic questions regarding our current zoning ordinances and when and really not specific to an applicant, but in general, do we still have enough local rule to be able to make our ordinances, even if they are more stringent than the average building regulations.

Vinny LaFata : I'm not sure I understand your question so I'm going to send that over to our Attorney.

Michele Arminio: Not to talk about an application that's here but let's go to when a applicants attorney starts to make comments about Monroe's ordinances being too stringent in terms of, for example, parking spaces, how many parking spaces are required and comparing us. I mean doesn't Monroe have Home Rule enough to decide those things. To say that we're in a public comment section and discussions about whether or not the municipality has the ability to have more stringent standards than another municipality.

Peter Vignuolo: You know if the board wants me to start, providing that type of analysis I conceivably can but it's really not the province of this board, I mean you don't make ordinances you enforce ordinances.

Michele Arminio: Right, so why would we have to listen to someone criticizing our ordinances and saying we should change them.

Peter Vignuolo: I don't know that anybody said, we should change them, they just merely indicated that an adjoining municipality had a standard that was different than this townships and indicated that. The industry standard is similarly situated to the adjoining municipality, it's an argument that they made. I mean the board so inclined to accept it or not accept it.

Michele Arminio: Okay, I mean we're moving Monroe rapidly into an urban community when it was a nice farm and suburban community, so I would ask that the zoning board be cognizant of that kind of language pushing us into, and I think one of the applicants talked about urbanization or urban you know. I think we need to really be careful of how Monroe is moving into the future that's all thank you.

Motion to close the public portion made by Mr. Marino Lupo and seconded by Mr. Louis Masters and passed unanimously by all members of the Board present.

A motion to adjourn at 8:00 p.m. made by Mr. Marino Lupo and seconded by Mr. Louis Masters and passed unanimously by all members of the Board present.

Respectfully submitted,

**LAURA ZALEWSKI
ZONING BOARD SECRETARY**