

**EASTAMPTON TOWNSHIP LAND USE PLANNING BOARD
SPECIAL MEETING May 25, 2007 - 7:00 PM
MINUTES**

Chairman Blair called the meeting to order at 7:00 p.m.

Requirements of the Sunshine Law. Notice of this meeting was transmitted to the Burlington County Times and Courier Post on May 18, 2007 and posted on the Municipal Building Bulletin Board.

Pledge of Allegiance. Everyone participated.

Welcome to guests.

Roll Call: Mr. Alexander, Mr. Blair, Mr. Campbell, Mr. Chieco, Mr. Nagler, Mr. Springer, Mr. Elliott, and Mr. Taylor

Absent: Mr. Hartman, Mr. Johnstone and Mr. Searfoss and Clerk Lovins

Minutes:

Motion by Mr. Elliott, seconded by Mr. Chieco to approve the April 18, 2007 Minutes. All voted in the affirmative with Mr. Nagler abstaining.

Resolutions:

MOTION BY MR. CAMPBELL, SECONDED BY MR. CHIECO TO ADOPT RESOLUTION 2007-10 PURSUANT TO N.J.S.A.40:55D-31(a) ADVISING TOWNSHIP GOVERNING BODY ON APPROPRIATENESS OF PROPOSED MODULAR BUILDING AS A RECREATIONAL AMENITY FOR THE COMMUNITY. ALL VOTED IN THE AFFIRMATIVE.

MOTION BY MR. SPRINGER, SECONDED BY MR. TAYLOR TO ADOPT RESOLUTION 2007-11 ON THE APPLICATION OF SHARBELL EASTAMPTON VILLAGE, LLC, FOR A WAIVER OF CERTAIN DEVELOPMENT STANDARDS DEALING WITH EXTERIOR TREATMENT, ROOF PITCHES, GRADING, AND FENCE HEIGHT COVERING PROPERTY IDENTIFIED AS 1399 WOODLANE ROAD AND BLOCK 600.01, LOT 1, ON THE TAX MAPS OF THE COMMUNITY . ALL VOTED IN THE AFFIRMATIVE.

Mr. Chieco noted a typo on page 2 of Resolution 2007-12

MOTION BY MR. CHIECO, SECONDED BY MR. ELLIOTT, TO ADOPT RESOLUTION 2007-12 AS REVISED ON THE APPLICATION OF DEBRA O'BROCKI FOR A USE VARIANCE TO PERMIT EXPANSION OF A HOME AT 1335 MONMOUTH ROAD AND IDENTIFIED AS BLOCK 300, LOT

30.01, ON THE TAX MAPS OF THE
COMMUNITY. ALL VOTED IN THE
AFFIRMATIVE.

Old Business:

- Stormwater Management Plan . Mr. Springer recused himself from discussion. Ms. Jamanow explained that this is back before the Board. She has explained that the county has accepted the notice for the public hearing. Chairman Blair advised that he confirmed with Tom Jaggard of the County who accepted the Notice from the May 18, 2007 meeting and realized that the board had a quorum issue . Chairman Blair further noticed the county on the special meeting via email and they have confirmed that notice is acceptable.

Chairman Blair opened to the public, there being no comments,
Chairman Blair closed to the public

Motion by Mr. Campbell, seconded by Mr.
Alexander to adopt the stormwater management
plan. Upon roll call vote, all voted in the
affirmative with Mr. Nagler and Mr. Springer
abstaining.

- Recommended changes to the zoning ordinance.
Chairman Blair explained that there are two proposed
zoning ordinances before the board this evening for
comment to Council. Chairman Blair explained that these
ordinances outline the BP zone and PO zone. Ms.
Jamanow explained the area east of Woodlane Road,
South of Monmouth Road and West of Route 206 within
Eastampton Township. This area was re-zoned to be BP,
PO and CH according to the Master Plan Re-examination
Report.

Nancy explained that the BP zone is to help maintain
control of economic development along 206 in Eastampton Township. The
second reason is to encourage large scale commercial and service facilities at
appropriate locations which minimize access points to the surrounding
highways. 10. Comments from Board Members, Solicitor, Engineer and
Secretary. The third statement of intent is to encourage such large-scale
developments on tract size which will include sufficient buffers, limitations on
signage, etc.

There were no questions from Board members on the statement of intent.

Ms. Jamanow then went over principle uses Warehousing and
distributing, light manufacturing or the assembly of products of light
manufacturing, laboratories, wholesale, etc., see attached outlines. Ms.
Jamanow stated that the principle uses is the most important to make sure that
she included all of the uses that the township anticipates wanting to have in the
BP zone.

There were no questions from Board members on the statement of principle uses.

Ms. Jamanow explained that the performance standards will not change from that which is already in the ordinance.

Ms. Jamanow discussed accessory uses. Mr. Hardt joined the meeting at this point. There were no comments from the Board on accessory uses.

Ms. Jamanow discussed restrictions. The question was asked if storage of vehicles is now permitted as it was not in a prior draft. Ms. Jamanow did not want to prohibit contractors from storing vehicles, etc. There were concerns that the board does not want any area in that zone overloaded with storage of vehicles. Storage trailers at the site used for additional warehousing materials is not permitted. Ms. Jamanow explained that this is another important area to make sure that items the board wants prohibited in the zone are listed.

Minimum tract area of 20 acres, minimum lot frontage of 500', minimum setback of front yard is 50', side yard 50' and rear yard of 100' from the PO district and 50' from any other property within the bp zone. Maximum lot coverage is 50% for building, total of building, paving and other impervious surfaces of 65% and the maximum building height will be 50'. Mr. Blair the setbacks as it relates to height. Mr. Taylor had a concern regarding roof height. Mr. Nagler commented that new automation is requiring more ceiling height. Mr. Nagler asked if the Board is limiting themselves from offering that type of building. Ms. Jamanow stated that they can always ask for a variance. Mr. Hardt suggested having an exclusion from the height limitation for any integral mechanized part of the building which may involve elevator shafts, specialized cranes, not occupied or used for storage. The Board suggested that the maximum building height be increased to up to 100' for non-occupied areas. The setback must then be a one to one ratio.

Minimum parking setbacks were discussed.

Landscape standards and requirements were discussed. Mr. Chieco recommended that if the minimum number of trees are not able to be put in due to lines, etc. the trees be placed elsewhere on the site. Mr. Chieco suggested that the minimum height of trees all be at the time of planting. Mr. Chieco suggested that the evergreen trees should say minimum height at time of planting shall be 6' to 7'. Mr. Chieco also suggested anywhere it gives one number for a height that it is that number plus a foot. Mr. Chieco suggested the same thing for caliper - a range. Mr. Chieco suggested a multi-stem tree with an 8' to 10' minimum height. Ms. Jamanow and Mr. Chieco will get together regarding basin planting.

There were no further questions from the Board regarding the proposed BP district.

Chairman Blair opened to the public. Jim Large, Darby Circle commented on people being able to see a 100' building in an area such as that. Chairman Blair stated that the township is working to increase the commercial ratables to help out the tax base.

Chairman Blair closed to the public.

Mr. Campbell asked how many warehouses would actually need a 100' of unoccupied space. Mr. Nagler spoke again regarding automation, storage and ceiling height for maximum distribution. Chairman Blair reminded the Board that they can leave the ordinance alone as it relates to height and any applicant that has a need for that can request a variance. A comment was made that if people who are looking have to apply for additional relief it may distract them from looking here. A comment was made that most warehousing establishments are going to a seven foot height for a turning radius of the forklift.

Motion by Mr. Springer, seconded by Mr. Elliott to recommend the proposed third draft of the BP District ordinance as revised May 25 and with the revisions presented tonight be recommended to council for implementation. Upon roll call vote, all voted in the affirmative with Mr. Nagler abstaining.

Planned Office District- Ms. Jamanow stated that this is proposed to be along Smithville Road and along a portion of Woodlane Road. This district will provide a transition zone between the town center district on the west side of Smithville Road, the AG district on the southern side of Woodlane Road and the BP zone which permits large scale businesses and warehousing. The intent is to create a linear main street style development. Ms Jamanow went over the uses and what is not included. Mr. Nagler stated that by allowing banks and restaurants it is not gearing that area towards retail and he would like to see both of those removed.

Prohibited uses are retail, restaurants, banks and residential.

Area yard requirements - no comments. The height is two and a half stories to 35' .

Parking setbacks were discussed.

There is also a bicycle and pedestrian path requirement along the right-of-way. Mr. Nagler asked about the tree line along the street and whether there will be issues with the county since that is a county road.

Chairman Blair opened to the public. There being no comments, Chairman Blair closed to the public.

Motion by Mr. Chieco, seconded by Mr. Springer to recommend the proposed third draft of the PO District ordinance as revised May 25 and with the revisions presented tonight be recommended to council for implementation. Upon roll call vote, all voted in the affirmative with Mr. Nagler abstaining.

Motion by Mr. Campbell, seconded by Mr. Alexander authorizing the Chairman and Secretary to sign the resolutions memorializing action on the PO and BP Ordinances. All voted in the affirmative with Mr. Nagler abstaining.

Sharbell Development

Mr. Hardt stated that this is a continuation of the April 18 meeting and the witness were sworn in at that time.

Mr. Troy stated that there is a mock of two wall samples which have different materials on them in the parking lot for visual aid. Mr. Hardt explained to the board that there shall be no discussion outside as to what they see. When the board reconvenes it will be put on the record.

Motion Mr. Chieco, seconded by Mr. Elliott to take a fifteen minute recess at 8:03 p.m. to look at the mock. All voted in the affirmative.

The Board reconvened at 8:10 p.m. Mr. Hardt explained that the Board witnessed two sides of a mock-up of two sides of a wall in which there was a window and different sidings. One of the issues that Sharbell wishes the Board to review and the Board has had an opportunity to view that mock-up and will take it into consideration in rendering a decision tonight.

Chairman Blair asked for comments with respect to the mock-up that was viewed.

A board member asked about the front facade that was referenced outside and whether the material was manufactured to color spec or if it was going to be painted.

The front material siding is what they call fiber cement. It comes woodgrain or smooth with a factory primer and can be painted any color. They have been able to match paint colors with siding colors so that there is virtually no distinction between the siding and the paint. It does hold color for as long as vinyl siding does but even vinyl siding fades over 10 or 15 years depending on exposure and quality of material. They have used this material for about seven years and is just now starting to show the need for painting. It does require more regular maintenance than does vinyl siding.

The material handles like wood. You cut it like wood, you nail it like wood and caulk it like wood. It is a little more forgiving for construction activities because it doesn't ding and dent. Mr. Chieco asked if it had a certain amount of resistance. Mr. Troy answered it has significant impact resistance.

Chairman Blair noticed that the vinyl product is not as woodgrain textured as the fiber cement. Mr. Troy stated that they can get the siding with a heavier woodgrain on it. The vinyl siding comes in smooth and woodgrain as well.

Chairman Blair commented about the effect of the shadow line on the vinyl being the heavier shadow line based on the thickness of the material. Mr. Troy said that he would be willing to look to come up with something that would address Mr. Blair's concern.

Tom Troy stated that they would offer it woodgrain and woodgrain or smooth and smooth not half and half. Chairman Blair is concerned from Steve's position due to the exposure of right-away.

Mr. Troy stated that he can give the Board a map which shows which facade goes on which location. Mr. Troy agrees to put that on any plot plan that is submitted to the Construction Official so that he knows.

Mr. Troy touched on fencing and stated that they needed to determine whether the Board wanted the five foot with the slightly open top between property lines or whether the board wanted them the full length between property lines and the

issue of six foot vs. five foot. Mr. Troy stated that Sharbell has no preference. Mr. Chieco asked Mr. Troy if he has had feedback on which type of fence is preferred from other developments. Mr. Troy felt that privacy is a premium for folks when they are buying a lot in a more urban type of environment. Therefore, Sharbell would like to encourage that where they, can without compromising on the aesthetics, put up the solid six foot fence.

Sharbell is proposing the solid six foot fence between two common property lines for privacy and the five foot with one foot open on the top for the fence you would see from the street.

Ms. Jamanow asked about the rear yard fencing. Mr. Troy stated every home gets a fence.

Mr. Kyle asked what the current resolution stated. Ms. Jamanow stated it was five foot with a one foot picket above it so overall six.

Ms. Jamanow asked for clarification once again that what you would see from the street is five foot solid with a one foot picket, then along the other three sides would be a solid six foot high fence.

Mr. Troy stated that was correct.

Mr. Nagler stated he believes the street fencing and alley fencing should be consistent.

Mr. Chieco felt it was too much detail. Front and back and sides should be solid that is what he recommends. He felt alleys and fronts picket and between the lots solid.

The question was raised about the gates. Mr. Troy stated that the gates would have the picket also.

Mr. Hardt stated six foot solid privacy between lots, five foot with the last foot being picket on alleys and street frontages. That requires a motion to modify the approval.

Motion by Mr. Nagler, seconded by Mr. Campbell to modify the approval to all six foot solid privacy fences between lots, five foot with the last foot being picket on alleys and street frontages. All voted in the affirmative.

Mr. Hardt asked if they wanted to try to resolve the issue regarding the vinyl at this point.

The alleys are supposed to be vinyl. Vinyl can be used on sides which do not front on streets and public areas. There will be an approved map on file showing where the one would be and where the other would be.

Mr. Troy will also reflect the specifics to any lot on their respective plot plan with that lot so it will be on record on the map. Mr. Hardt asked to authorize that solution.

Motion by Mr. Chieco seconded by Mr. Elliott to accept the above solution. All voted in the affirmative.

At the last meeting the Chairman asked for a more detailed view from the entrance of Woodlane Road. This is the site plan of the project. Mr. Troy pointed out Woodlane and Smithville and the mixed-use building marked A-15. Mr. Troy presented visuals of that view.

Mr. Nagler asked about the breeze way garage facing Woodlane and what type of material would be used on that. Mr. Troy stated that there would be a privacy fence that would start somewhere along that facade. So the garage would be set inside of the fence line. Mr. Troy again showed the board a visual.

Chairman Blair asked about the relationship of the adjoining houses on either side of that as it related to elevations. Mr. Troy stated that they have not pre-determined every lot in the project yet. Some of them are going to be subject to the specifics of the home buyer.

Mr. Blair stated that he is kind of curious about stopping the wrap-around porch in the middle of the side elevation. Mr. Troy stated there is a seven foot jog in the architecture and it stops right up against the wall.

Mr. Hardt stated that they have had an examination of A15, A5 and A3.

It was determined that no formal action needed to be taken. Chairman Blair asked that they have some type of documentation to forward to the Construction Official. Ms. Jamanow suggested a reduced color version of the exhibits.

Mr. Hardt asked for a reduced photograph which could be attached to the Resolution so that there is no question.

Motion by Mr. Taylor, seconded by Mr. Springer approving the elevations submitted as to the locations indicated. All voted in the affirmative.

Mr. Troy showed the board comparative examples of every unit that they are proposing to show both what their proposal is and what the ordinance requirements are as it relates to the height issue. Mr. Troy stated that they have no preference.

Mr. Troy presented A14 roof pitch to add extra height. Mr. Troy stated that there may be some that the Board likes with the higher roof he will leave it completely up to the board.

Mr. Hardt stated that if the Board is going to waive the 9 and 12 requirement from the representation then it has to pass a resolution waiving it because you are achieving a better aesthetic appeal. Then, the aesthetic appeal that they are achieving should be reduced to a plan and those plans should be attached to the Resolution so that two years from now when someone says why did those idiots do it, there is at least some reference as to what the board did.

Mr. Troy agreed.

Mr. Hardt noted that they have been shown A14, A3 and A10 to show different elevations. Mr. Kyle stated that they will reduce the exhibits and send them.

Ms. Jamanow asked if those were all the models of every house that they are offering. Mr. Troy stated the answer was yes.

Chairman Blair suggested that the revisiting of the definition itself would solve all of these issues without having to have exhibits for each model and each lot. Chairman Blair agrees that the lower elevation looks better on the models. Chairman Blair thinks that they need a tool to allow Sharbell to go there.

Chairman Blair believes that the definition of “mean height” is that tool.

Mr. Hardt stated that an ordinance amendment is needed to change the roof pitch. Two years from now you don't want someone to say whatever happened to that ordinance.

Mr. Hardt would prefer adopting an exception granting necessary relief and making up the booklet so that as to a long term solution under the ordinance so I think the amendment is in order because it will drive us nuts.

Ms. Jamanow asked if the proposal was that they were asking the Board to approve a resolution based on this memorandum to Tom Troy and Bill Feinberg dated May 14, 2007 for the roof pitch comparison per model at this pitch as shown on this memorandum.

Mr. Troy stated that is correct.

Mr. Hardt still thinks the public is better served by making the ordinance amendment in addition to this proposal.

Mr. Troy stated that they have a number of models that actually meet the ordinance.

Chairman Blair opened to the public. There were no public comments.

Motion by Mr. Elliott, seconded by Mr. Alexander on the roof pitch comparison recommendations be revised as shown in a memo dated May 14, 2007 to Tom Troy and Bill Feinberg as presented with elevations attached and the chart incorporated. Upon roll call vote, all voted in the affirmative.

There was also a question about the fire access road off of Woodlane. Ms. Jamanow stated it was lowered slightly actually what is there is basically what was approved and we believe that once all of the improvements are in it will be less visible. Mr. Kyle stated that they dropped the slope down to less than 10%.

Mr. Blair suggested that they go to the Fire Marshall and that a report is provided back to the Board.

PUBLIC COMMENTS

Chairman Blair opened to the public.

Jim Large, Darby Circle. Mr. Large was at a Township Council meeting and tried to get some answers regarding the building in the park. Although a sign went up in November, until they started tearing down the fence the Large's had no clue that a building was going to arrive right next to their homes. He stated he has some questions about why they were not personally informed rather than just a basic cover your but and put it in the newspaper that you are going to hold these meetings. Now there are concerns about the aesthetics. They don't still to this day they do not know what is going there, where it is going, how it is going to

affect them from a security standpoint, from a view standpoint. Are there any plans for the change in the view that they are going to have. They are four weeks into this and the residents still do not have any answers. If Mr. Large had not called, the common fence that they had a variance to attach to would have been torn down that day. Every family has dogs. The dogs would have been let out.

Chairman Blair stated that the plan that Mr. Large is speaking of came before the Board at their last meeting. As a cursory review, it was not a mandatory formal site plan that has to come before this body. Mr. Blair does not believe formal notice is required. That is not to say it is right or wrong. Chairman Blair is trying to explain the process. Chairman Blair asked Ms. Jamanow what the notice process was for the committee involved. Ms. Jamanow asked the Township to notify the residents.

Mr. Hardt asked it that was to occur in the future. Ms. Jamanow stated no.

Mr. Hardt asked if there was a plan approved. Ms. Jamanow stated yes.

Mr. Hardt asked if Nancy had access to the plans. Ms. Jamanow stated that she was sorry. She was never contacted to let her know that Mr. Large had any concerns. She would have been happy to share the plans with him. Ms. Jamanow was never notified.

Chairman Blair suggested that he get his neighbors together and anybody that this is going to directly affect down the property line.

Mr. Large stated that there is only three. Chairman Blair asked that Ms. Jamanow give him her business card and they could have an opportunity to meet and to find an appropriate time for all of the residents or if it is necessary independently. Ms. Jamanow stated that the problem is that they started the process.

Mr. Nagler stated that the residents had a variance to attach to the existing fence. Ms. Jamanow asked if there was a resolution of approval.

Ms. Jamanow got a frantic phone call the day they were out there to remove that fence because the Larges have a fence along the rear property line and then it jugs out to attach to the fence that was along the tennis courts. The next property next to them totally goes back to the tennis courts and then the third property has again like a smaller portion like the Larges do that attaches before it goes back to their property. Essentially, especially the middle house has gained approximately ten feet in land that was township owned land because they just used the fence that was there for the tennis court that was eight feet high as their fence on the property. Sharbell, as part of their agreement, was to remove the fence around the tennis court and remove the tennis courts in order to put in this building and they were out there removing it. The fence was left in place for that portion.

Mr. Hardt asked to go through some steps. A member of the board asked if the concept of the building going there would have generated a 200' list. Mr. Hardt answered no. Mr. Hardt stated that something needs to be done first being communication. Mr. Hardt stated that the ultimate authority resides with the governing body. The first step on this is to organize the neighborhood and to avoid piece-mealing this.

The variance may give you a vested right to connect, but if the fence is not there, there is nothing to connect to. There would be some title issues that have to be looked into that are really beyond the scope of what this board can do.

Apparently there is a chunk of land that you do not own which is incorporated within the fence and as long as the situation was there no one really cared. What, if anything, the governing body is willing to do covering that subject is something that Mr. Hardt cannot comment on.

As to your right to find out what is going on - Mr. Hardt believes that is every citizens right and the more that we can do to help communicate what is going on, what it is going to look like, what you are going to end up with if the plan is executed and then what your rights are. Mr. Hardt will make himself available.

Chairman Blair asked about the fence that is the homeowners rear yard. Ms. Jamanow stated that the plan has the fence being removed.

Chairman Blair does not disagree with Mr. Large. Chairman Blair stated that unfortunately this board does not control or have any handle on how the site plan took place.

Mr. Nagler stated that he was not involved with that building it was done at the recreation committee. Mr. Nagler has just learned of this building as well.

Mr. Hardt suggested moving forward. He can arrange for them to get the information as to what is proposed. As to leaving the fence in place that has to be referred to the township solicitor. Mr. Hardt then gave Mr. Large advice however he was speaking very softly. This matter regarding being licensed that would have the same affect and if handled properly there is a solution that protects your rights. Other than offering an apology or not getting back to you, there is nothing we can do going backwards. There are a lot of things that can be done going forward with this board because Nancy is willing to meet with you.

Mr. Hardt stated that if the Larges want to get the decision changed they have to go to the recreation committee. Ms. Jamanow stated that this is part of the Developers Agreement. Ms. Jamanow stated that this is not changeable, it is part of the Developers Agreement.

Mr. Hardt stated then in that case there may not be much that they can do.

Mr. Hardt stated that a law suit can be filed in the Superior Court, Law Division. The action is called challenging governmental action. Mr. Hardt suggested that they first find out what is going on before that happens.

Mr. Hardt stated that the Larges are going to need a lawyer. Ms. Jamanow apologized again.

A member stated that this process was between town council and Sharbell. Ms. Jamanow stated that it was a Developers Agreement between town council and Sharbell. Mr. Hardt stated that this is the normal way in which it is done. The problem with the process is third parties are left out.

The Board made comment that it was also presented to the them as a cursory review. Mr. Hardt believes that the recreation committee could have handled it better.

Motion by Mr. Elliott, seconded by Mr. Johnstone to adjourn at
9:30 p.m.

Respectfully submitted,

Linda M. Lovins