

TOWNSHIP OF EASTAMPTON
LAND USE PLANNING BOARD MINUTES

Wednesday May 19, 2010
7:30PM

1. Roll Call

ATTENDANCE:	PRESENT	ABSENT	
	<u>X</u>	_____	Mr. Alexander
	<u>X</u>	_____	Mr. Blair
	<u>X</u>	_____	Mr. Campbell
	<u>X</u>	_____	Mr. Chieco
	<u>X</u>	_____	Mr. Johnstone
	<u>X</u>	_____	Mr. Searfoss
	_____	<u>X</u>	Mr. Springer
	<u>X</u>	_____	Mr. SHEMELEY
	<u>X</u>	_____	Mr. Taylor
	_____	<u>X</u>	Mr. Rodriguez
	_____	<u>X</u>	Mr. Nagler
	<u>X</u>	_____	Solicitor-Fred Hardt
	<u>X</u>	_____	Eng. Nancy Jamanow
	<u>X</u>	_____	Secretary-Jill Torpey

2. OPEN PUBLIC MEETINGS ANNOUNCEMENT BY SECRETARY

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in the annual notice which was adopted by Eastampton Township Land Use Planning Board on January 20, 2010 and the resolution was transmitted to the Burlington County Times and the Courier Post, filed with the Township Clerk and posted on the official bulletin board at the Township’s Municipal Building, filed with members of this body and mailed to each person who has requested copies of the regular meeting schedule and who has pre-paid any charges fixed for such services. All mailings, postings and filings have been accomplished on February 1, 2010.

3. PLEDGE OF ALLEGIENCE

4. WELCOME TO GUESTS-Chairman Johnstone welcome all the guests to the meeting.

5. APPROVAL OF MINUTES- April 21, 2010 regular meeting

A motion is made to approve the minutes.

1st-Mr. Blair, 2nd-Mr. Campbell

Roll Call-All were in favor except Mr. Chieco, Mr. Johnstone and Mr. Taylor who abstained.

6. APPROVAL OF RESOLUTIONS

Resolution No. 2010-3 Sung Lim Church-variance for a 3'x3' sign

A motion is made to approve the resolution.

1st-Mr. Searfoss, 2nd-Mr. Alexander

Roll Call-All were in favor

Resolution No. 2010-4 Jeff Millinghausen-continue application until May 19, 2010 meeting.

A motion is made to approve the resolution.

1st-Mr. Blair, 2nd-Mr. Alexander

Roll Call-All were in favor.

7. COMMUNICATIONS

Letter from Charles D. Petrone, Esq., Attorney for Mustapha Okusal/1369 Monmouth Rd.

Mr. Petrone and his applicant would like to discuss the timing conditions from the 9-16-09 meeting put on the above property.

At about 7:40 Mr. Petrone nor Mr. Okusal had not arrived yet. The board postponed this until the end of the meeting to see if they would arrive later.

At the end of the meeting, Mr. Petrone nor Mr. Okusal still had not arrived. A letter would be sent stating that the prior approval had lapsed and they must show to the June meeting or they will be in violation. Ms. Newcomb states that she and Ms. Torpey have been in contact with Mr. Petrone about the need to attend this meeting because they were supposed to be before the board in April. Ms. Newcomb had given them a 4 week extension.

The board needs to discuss establishing escrow fees for applications that are for an Appeal from the Zoning Official and for an Interpretation of Ordinance or Map.

The application states that people can come to the board for an Appeal from the Zoning Officer and for an Interpretation of Ordinance or Map but there are no escrow fees set up for these two items. There would be some professional involvement into these. There was debate on how much the fees should be for two reasons. If they were too low people would maybe appeal the Zoning Officers decision on a regular basis and the board does not want to see that. Also they were concerned with then too high because it is a lot of money. Ms. Torpey stated that after everything is said and done and all professionals were paid an applicant can get any remaining escrow fees returned to them by requesting it in writing. However, application fees were non-refundable. It was determined that application fees would be \$500 and escrow fees \$1500.

A motion is made to make application fees for an application for to appeal the Zoning Officers decision and Interpretation of Ordinance or Map \$500 and escrow fees \$1500.

1st-Mr. Blair, 2nd-Mr. Searfoss

Roll Call-All were in favor.

8. APPLICATIONS

OLD BUSINESS

**Jeff Millinghausen
1240 Monmouth Road
Eastampton, New Jersey**

The Applicant is seeking minor site plan approval, use variance, and bulk variances.

Reports

Plan of Survey, Plan of Topography, Site Plan

Gary Cavelle, licensed P.E. and Jeff Millinghausen are sworn in by Fred Hardt. Mark Molz is the attorney for the Applicant. Mr. Cavelle is qualified and accepted by the board as an expert witness.

Mr. Molz states that Mr. Cavelle met with Ms. Jamanow and Mr. Hardt to resolve their issues. Mr. Cavelle states that there is about 1 1/2+- acres of land with existing structures. There are small additions and 2 structures attached to the existing building. There is also a separate free standing building. The existing carports are to be relocated to the rear of the property to conform as much as possible. They will be slightly less than 20 feet in one corner. The expansion is a non-conforming use and was a non-conforming use to begin with. The property is tucked behind buildings. The business has been operating there many years and is viable to the community. The lot shape is unique because it is more triangular in shape and harder to meet setbacks. There will be no change in traffic patterns entering or exiting.

Ms. Jamanow asks what the uses are and Mr. Millinghausen states that there is a mechanic garage (not auto body work)-**J & T Auto**, a bicycle shop-**Chip N Dale Bikes**, a upholstery shop-**Al's Custom Upholstery** and a shop where they work in boats-**Marine Unlimited**. The boats are worked on down in the back of the property and the workers take them there.

The public does not have access and there is a No Trespassing sign posted but he has no objection to posting a No Public Access sign also. There were some questions on whether client's park in the back and Mr. Millinghausen states that they do not. Mr. Millinghausen states that 8 total employees work at the site. 3 park in the back that work back there and 5 park up front. There were questions on where customers park, but Mr. Millinghausen states that other than people coming in to the bicycle shop, for the other 2 businesses, people drop off their boats or cars and leave. Then this brought up the issue of how many cars and/or boats are left to be worked on at a time and Mr. Millinghausen stated that these are scheduled appointments and for the boats not much if any boat work is done in the winter time.

The businesses are open Monday through Friday 8am to 5pm and 99% of the work is done inside and only the bike shop is open on Saturday. The gates are closed when they are not there. The boats are brought under the carport to be worked on. Mr. Blair asked to clarify what is considered a boat. Mr. Millinghausen states that they work on high end/performance boats; cigarette boats, power/racing boats. It was asked why the carports couldn't be moved so they wouldn't need to bulk variance for them and after a little discussion, they agreed to do that. Mr. Johnstone asked if they backed to wetlands and Ms. Jamanow states no that behind the carports is a ditch so it doesn't look like what you think it looks like on the site plan. They have no drainage issues as there is a drainage ditch behind CVS. Nothing is disturbed. Mr. Blair stated that he has passed the site a number of times and he is hard-pressed to see it from the street.

Ms. Jamanow asks about landscaping the sides of the property from the residences. There is a fence and there were some trees that had to be moved because it was difficult seeing getting in and out of the driveway. Mr. Millinghausen says they have a good relationship with the neighbors. He will get together with Ms. Jamanow and make sure the proper amount of landscaping is done. The dumpsters are upfront on a concrete pad and the truck comes in and out to empty them. Since the carports will be moved, the variance for the carports is not needed.

Ms. Jamanow explains her approach in this application. She viewed it as an existing non-conforming use in the Town Center zone. She said it is a tough one because that zone is not complete. She said they were expanding the non-

conforming use and needed bulk variances and minor site plan. She looked at that as the best place to start. Anything else they would want to do the property, they would have to come back for site plan. As for paving, she states that paving would not be permitted.

Kathy Newcomb, Zoning Officer, is sworn in by Mr. Hardt when she asks if all watercraft includes wave runners.

The application is open to the public. No one from the public wishes to be heard. The public portion is closed.

A motion is made to approve the application with the following conditions:

*A No Public Access sign will be posted at the gate

*Use variance, site plan and bulk variance for pole barn granted

*Parking lot will not be paved

The following waivers will be granted:

*#'s 14, 15, 16, 18, 19, 23, 24, 25, 26 from Ms Jamanow's letter

1st-Mr. Taylor, 2nd-Mr. Campbell

Roll Call-All were in favor

The Applicant asks for an At Risk permit.

1st-Mr. Alexander, 2nd-Mr. Chieco

Roll Call-All were in favor.

Mr. Johnstone states on behalf of the board that he appreciates the businesses in town and doesn't want to drive businesses away but next time they need to come back before the board before they do work like everybody else. He was none to pleased that this was done under the radar.

NEW BUSINESS

9. MATTERS TO BE PRESENTED BY THE PUBLIC

Andrew Watson and James Chew President of the Boilermakers Local 78 are here. Ms. Newcomb states that they are looking to purchase the old Aquatic building and met with herself, Ms. Torpey and Mr. Blair last Thursday to go over the application process. Mr. Watson is the attorney and they are here in good faith because they are under contract to purchase the property. However with the title search, it came back the taxes are not paid and the Planning Board application requires that taxes be paid. They would like to know how this issue can be handled so they can come before the board next month. Mr. Blair states typically they do not hear applications unless

taxes are paid but the building is vacant and he recommends that they hear the application and make it part of the resolution that that the taxes must be paid at closing. Mr. Hardt states the law does allow leniency when issues come up with receiverships/bankruptcy.

Ms. Newcomb states presently their headquarters are in Bayonne, NJ but they want to move the headquarters to this building here in Eastampton. They could have gone anywhere but they chose here. Mr. Chew states they have outgrown their current building. They were located there for 70 years. The Boilermakers can submit their application and can have the taxes paid at closing part of the resolution. No action needs to be taken tonight. Mr. Watson states they just wanted to be forthright because the application required the taxes paid.

10. MATTERS TO BE PRESENTED BY THE BOARD

Mr. Johnstone wanted to know what the status was on the board reviewing the professionals' bills before they were submitted to be paid. He said that used to be the practice for years. He will follow up with Scott, the Township Manager.

11. MATTERS TO BE PRESENTED BY THE SOLICITOR

12. MATTERS TO BE PRESENTED BY THE ENGINEER

13. EXECUTIVE SESSION-Resolution #2010-5

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

A motion is made to enter into Executive Session at 8:50pm.

1st-Mr. Alexander, 2nd-Mr. Searfoss

Roll Call-All were in favor.

A motion is made at 9:10pm to re-enter Regular Session.

1st-Mr. Chieco, 2nd-Mr. Searfoss

Roll Call-All were in favor

14. ADJOURNMENT

A motion was made to adjourn the meeting.

1st-Mr. Blair, 2nd-Mr. Searfoss

Roll Call-All were in favor.

Jill C. Torpey _____
Secretary to the Land Use Planning Board

Please call Jill if you are unable to attend this meeting at 609-267-6633 or 609-267-5723 x203. Please for your e-mail address to planning@eastampton.com

