

TOWNSHIP OF EASTAMPTON
LAND USE PLANNING BOARD MINUTES

Wednesday February 17, 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. Shemley
	<u>X</u>	_____	Mr. Taylor
	<u>X</u>	_____	Mr. Rodriguez
	<u>X</u>	_____	Mr. Nagler
	<u>X</u>	_____	Mr. Hardt, Esq.
	<u>X</u>	_____	Ms. Jamanow, Engineer
	<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 ALLEGIANCE

4. WELCOME TO GUESTS

5. APPROVAL OF MINUTES – January 20, 2010

On the January minutes for roll call Mr. Nagler was marked present and Mr. Taylor marked absent. That should be reversed.

A motion is made to approve the minutes with the above correction.

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

Roll Call-All were in favor except Mr. Campbell, Mr. Nagler and Mr. Shemely who abstained.

APPROVAL OF RESOLUTIONS

OATHES OF OFFICE

Mr. Nagler and Mr. Blair are sworn in.

Let the record reflect that Mr. Campbell arrived at 7:31pm.

Let the record reflect that Mr. Chieco arrived at 7:33pm.

6. APPLICATIONS:

NEW BUSINESS

2010-1

**Sung Lim Church
115 Buddtown Road
Southampton, NJ**

**B 600 L 2.06
1341 Monmouth Rd
Eastampton, NJ**

The Applicant is seeking a variance for a third freestanding sign at the church, a variance to allow a sign 3’x3’ and any other variances or waivers required.

REPORTS

Survey, pictures of sign

Mr. Nagler steps down do to this being a use variance at 7:35pm. There was some discussion on whether this applicant needs an attorney present but it is not part of an LLC and it is a religious congregation not a company. Mr. Hardt states he can’t tell the applicant it’s OK to go ahead without an attorney only he (the applicant) can make that decision.

The Applicant rents the space from 1st Presbyterian Church for his congregation which is a Korean Church. They want a sign in Korean to advertise what days and times the church is open for worship. Only people who read Korean would be able to understand it. There was discussion on whether the board would just take his word that the sign would actually say what he’s telling us it would say. The applicant agreed to supply with his construction permit an English translation for Township Officials or anyone from the public if the wish for the translation.

Joseph Chung, Pastor and William Lawson, Pastor are sworn in by Fred Hardt.

The sign would be 3’x3’ and blue and white. The top of the sign

would have the church name, the middle the worship times, (Sunday 1:30pm, 12:45 for children religious education, and early morning prayer everyday at 5:30am) Other than special events those would be the only times the church would use the space. The sign will not be illuminated and will be at least 10' from the right of way.

The board had issues with this now being the 3rd sign at this location. There was discussion if the church renters want a sign up should the church come before the board not the tenants. Kathy Newcomb, the Zoning Officer, is sworn in by Mr. Hardt, Esq. Ms. Newcomb suggests that the board approves the application and that the church is notified that if more signs are wanted that they must come before the board for compliance not the tenants. Mr. Alexander asks about the temporary sign ordinance and how long they are allowed to have up a temporary sign. Ms. Newcomb states she asked the Applicant if he would be willing to only have the sign up on the weekends and he didn't want to do that so that is why he is here tonight. The Applicant wanted a more permanent sign.

The application is open to the public.

Mr. Chung states that the other tenants there took the sign when they moved out so he thought because there was a sign there he could just put another sign back. He wishes to follow all township regulations.

He willing to provided an English translation and Mr. Hardt states that can be a condition of his approval.

The application is closed to the public.

Mr. Hardt states that since this is a Use Variance that they need 5 affirmative votes. If the board is concerned about the amount of signs that can possibly go up at that property, they can address it now. the church will be notified that after this they will have to come for approval and the board can place a limit of a number of signs.

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

- The property is limited to 3 signs
- Submit an English translation
- The footings must be at least 3' deep

1st-Mr. Chieco, 2nd-mr. Campbell
Roll Call-All were in favor Except Mr. Blair who voted No.

Mr. Chung asked for approval for at risk permit so he would not have to wait until the next meeting for the resolution to be

memorialized.

A motion is made to approve an at risk permit.
1st-Mr. Alexander, 2nd-Mr. Taylor
Roll Call-All were in favor.

2010-2

Mr. Nagler returns to the board at 8:11pm.

**B 900.01 L 12.02
1240 Monmouth Rd
Eastampton, NJ**

Jeff Millinghausen
1240 Monmouth Road
Eastampton, NJ

The Applicant is seeking pre-existing, non-conforming use status for existing use. Also an expansion of a non-conforming use/site plan.

Reports

Plan of Survey, Plan of Topography

There was discussion on whether the secretary received proof of notice in the newspaper and proof of notice sent to property owners within 200 feet in the required time frame. It was determined that the Applicant's attorney had mailed the information to the Zoning Officer not the Planning Board Secretary, but that they had been delivered in time.

There was some confusion on what the Applicant was coming to the board for approval for. Nancy Jamanow, Board Engineer, spoke with the Applicant and stated they needed major site plan approval. Nothing additional was submitted to indicate they were asking for that tonight.

Mark Molz, Esq., attorney for the Applicant stated that when additional copies of the topography plan was requested by the secretary, he thought that was amended for major site plan at the time. He also states that the can ask for a waiver for the major site plan approval.

Kathy Newcomb, Zoning Officer, is sworn in. She states that on 11/3/08 she issued the original violation. This was brought to her and Gene Blair's (Construction Official) by someone else. They had to establish how long the buildings were there. Mr. Blair hands out ariel photos with some of the buildings' numbered. Mr. Blair states he believes, buildings #1, 2 and 3 were constructed without site plan approval or construction permits. They do not know when these buildings were put here.

Jeff Millinghausen of 1240 Monmouth Rd. Eastampton, NJ is sworn in by Mr. Hardt. He states that building #1 is a plastic tent structure that has not been there that long and building #3 is a

metal carport at the end of the property that has no sides just a metal roof. Mr. Blair states that the survey and topography plan show 2 carports. The Applicant states the carports were moved to the rear.

Mr. Blair asks why the work continued at the property when there was never any site plan approval or construction permits even after Ms. Jamanow informed them they needed site plan approval. Mr. Millinghausen states he thought everything was taken care of. Ms. Jamanow what like to know what the uses for the buildings are and that they need to come back for major site plan approval. Mr. Hardt agrees. The Applicant can also re-apply for a waiver to the site plan approval but she informs them that she is not inclined to approve that. It will be left up to the Applicant and his attorney if they want to take that chance.

It is also suggested that Ms. Jamanow and the Applicant's engineer meet so they can discuss exactly what kind approval they need to ask the board for.

Mr. Blair states that this issue has been going on since November of 2008 but that this is a good business and they have been around for a number of years. He doesn't want to chase the business out of town. He would like to work with them.

It is agreed that Ms. Jamanow will meet with the Applicant's engineer to discuss the situation and the Applicant has 90 days to come back and seek the approvals that are the result of that meeting.

A motion is made to approve the applicant's engineer will meet with Ms. Jamanow and have 90 days to come back to the board.
1st-Mr. Searfoss, 2nd-Mr. Blair
Roll Call-All were in favor except Mr. Nagler who abstained.

1. **ANY OTHER BUSINESS**-None
2. **MATTERS TO BE PRESENTED BY THE PUBLIC**-None
3. **MATTERS TO BE PRESENTED BY THE ENGINEER**-None
4. **MATTERS TO BE PRESENTED BY THE SOLICITOR**

Mr. Hardt states that in Glouster County there were two cases where the engineer/planner overcharged on the escrow fees. The township when paying these did not notice this. As a result the Township NOT the engineer/planner had to refund \$200,000 and \$400,000, respectively. The board does not want this to happen here and want to come up with a way so it will not happen. They

would like to review all invoices before they are submitted for payment. Mr. Hardt states that a letter can be drafted to council asking that they review all invoices before they are submitted for payment to ensure what happened in Glouster County doesn't happen here.

A motion is made to have Mr. Hardt draft a letter to council.
1st-Mr. Blair, 2nd-Mr. Johnstone
Roll Call-All were in favor.

Mr. Nagler asks the secretary to remind the board that Financial Disclosure Statements are due by April 1.

5. MATTERS TO BE PRESENTED BY THE BOARD-None

6. EXECUTIVE SESSION

Resolution No. 2010-2, 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 at 8:46pm to enter into Executive Session

1st-Mr. Nagler 2nd-Mr. Blair
Roll Call-All were in favor.

A motion is made at 9:06pm to leave Executive Session and re-enter Regular Session.

1st-Mr. Nagler 2nd-Mr. Chicco
Roll Call-All were in favor.

7. ADJOURNMENT

A motion is made to adjourn the meeting.

1st-Mr. Nagler 2nd-Mr. Blair
Roll Call-All were in favor.

**Jill C.
Torpey_____**
Secretary to Land Use Board

Please call Jill C. Torpey if you are unable to attend this meeting at 267-6633 or 267-5723 x203.

**Please forward your email address to
planning@eastampton.com**

