

TOWNSHIP OF EASTAMPTON
LAND USE PLANNING BOARD MINUTES

Monday December 5, 2011
7:30PM

Mr. Johnstone calls the meeting to order at 7:31 pm.

1. Roll Call

ATTENDANCE:	PRESENT	ABSENT	
	<u>X</u>	<u> </u>	Mr. Rodriquez, Class I
	<u>X</u>	<u> </u>	Mr. Blair, Class II
	<u>X</u>	<u> </u>	Mr. Campbell, Class IV
	<u>X</u>	<u> </u>	Mr. Nagler, Class III
	<u>X</u>	<u> </u>	Ms. Drumm, Class IV
	<u>X</u>	<u> </u>	Mr. Johnstone, Class IV
	<u>X</u>	<u> </u>	Mr. SHEMELEY, Class IV
	<u>X</u>	<u> </u>	Mr. Chieco, Class IV
	<u>X</u>	<u> </u>	Mr. Taylor, Class IV
	<u> </u>	<u>X</u>	Mr. Jones, Alt. I
	<u>X</u>	<u> </u>	Mr. Renzulli, Alt II
	<u>X</u>	<u> </u>	Solicitor, Fred Hardt Esq
	<u>X</u>	<u> </u>	Engineer, Stacey Arcari
	<u>X</u>	<u> </u>	Secretary, Jill C. Torpey
	<u> </u>	<u> </u>	

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 19, 2011 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 January 23, 2011.

3. PLEDGE OF ALLEGIANCE

4. WELCOME TO GUESTS –Mr. Johnstone welcomes all guests to the meeting.

5. **APPROVAL OF MINUTES** – October 19, 2011

A motion is made to approve the minutes

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

Roll Call-All were in favor except Mr. Chieco, Ms. Drumm, Mr. Shemeley, Mr. Renzulli and Mr. Taylor who abstained

6. **COMMUNICATIONS**

Discussion of Redevelopment Plan from Council

Mr. Johnstone states that the board is going to discuss the redevelopment plan tonight. It is a revised plan. The report is in front of the members and they have to make a recommendation back to council. Mark Remsa from the county has worked closely with the Ad Hoc committee and this has been a great example of shared services. He would like to thank Mark and the county.

Mark Remsa is sworn in by Fred Hardt, Esq. He works for the Burlington County Bridge Commission as Director of Economic Development. He has helped with Phase II of this plan. He worked with the Ad Hoc Committee and took the recommendations to his staff and they worked on a plan. Document A1, the report, is marked into evidence. Mr. Remsa is going to review the plan for the board. He has worked closely with Eastampton and they are “the poster child” for smart growth. The area formerly known as Gregory’s is the focus of tonight, they are looking to see if it is consistent with the Master Plan and he believes it is. He will advise this goes to the governing body for them to adopt as an ordinance. There are a number of sections: the purpose, the definition of redevelopment, an outline of the plan and to identify the properties. The local objective is to encourage re-use of properties within Eastampton. This concept suggests connectivity. The document talks about locally lowering setbacks allowing for safer pedestrian areas and better floor ration area for the economy. He hopes this would contribute to other areas of the redevelopment area. This reduces the number of curb cuts to better control access to the street for motorists and pedestrians.

Mr. Hardt states that at the end of this process the board will make a recommendation to council after a public hearing and this is part of the public hearing.

Mr. Remsa states the plan talks about buying residential properties in the redevelopment area. They are not doing this but by law they have to address it. Also they have to address Affordable housing but the township is compliant with that. The plan is consistent with the county's overall concept plan, the state plan and the local Master Plan.

Mr. Taylor states that the density is about 24 but surrounding towns are 11, 12 or 13. He asks Mr. Remsa if there are any other towns in the county that are around 24. Mr. Remsa states that Burlington City and Bordentown City are consistent with our density.

Mr. Campbell states that in a traditional Town Center you have more mixing of the uses. He said it seems like either one is at one end or the other. Mr. Remsa states that financing has made things difficult. Mr. Johnstone states this is just one piece of the plan. If you put all the pieces together the way they would like to see it is a good commercial zone with residential at the ends and commercial in the center. Mr. Campbell would like to see more mixing but he understands the market forces.

Mr. Renzulli states that if you put residential at the sides and work your way in you have a good commercial district.

Mr. Blair states that the Bozzi project across the street will be mixed use. He also questions the High Density section of the plan where it states that there will be no occupancy below the first story. Does this mean if someone wants to have a living basement they would have to come for a variance? Mr. Remsa state that this is a commercial complex and the use of a basement like that would be unlikely but if so that could and would be addressed when the developer came for Site Plan. Mr. Blair also questions in the C1 Zone about zero setbacks in the front yard and he's concerned about the four foot encroachment. Mr. Remsa states there will be a little setback for green space. Mr. Blair is also worried about ADA issues with the handicap ramps. It is stated that the front should be on grade for that.

Mr. Chieco asks if the on street parking is going to be an issue with the county? Mr. Remsa states that he has worked closely with the county engineer on this and the setbacks at the

intersections are set back specifically for the safety of turning. The county engineer has seen the draft plan.

Mr. Rodriguez asks is there is going to be on street parking to the east of the plan (by Sharbell) and Mr. Remsa is not sure because he wasn't focused on that. Both believe that is a question for the county engineer.

Ms. Drumm has concerns about traffic going in and out and not being able to make left turns. Mr. Remsa states that safety comes first. Ms. Drumm states that she feels that if you can't see the business and can't get in easily that is not conducive to keeping businesses in town. Mr. Remsa states when the developer comes in for site plan the board that allows for flexibility and they can speak specifically about that then. Mr. Remsa states that the redevelopment plan is set in place for guidance. Mr. Johnstone states that they don't want this to be the "typical strip mall, they want it to be a walkable area that's why there is not a lot of ways in and out. Ms. Drumm also had an issue with outdoor eating but that could be looked at in Site Plan. The board agrees that they really won't know what uses they will be until later.

Kathy Newcomb, Zoning Officer, states that as a shopper if she goes somewhere and finds it hard to get into someplace she may never go back to that store/area again. She said for her accessibility is an issue

There as an issue if drive thrus would be allowed in the C2 plan because somehow two different drafts of this plan went out. Some board members had the draft that allowed them and some had the draft that didn't. It was verified that drive thrus would be allowed in the C2 Zone and this would be clarified when going back to council.

Mr. Chieco states for the board a point that doesn't necessarily apply to this he just wants to comment on it. He was working a project in another town and the developer had to move power wires because the building was so close to the street and this is a great expense.

The application is open to the public.

Louise Campbell of 28 Manchester Road is sworn in by Fred Hardt, Esq. She states that she is from a town in Bergen County and it was a destination town. Her family also lived in Bordentown City and they loved it. You could walk all over the place. She is familiar with the concepts in the other towns in the county and she thinks they are wonderful. She stated the Gregory's used to be a destination and it has gone downhill. She like this redevelopment plan.

The public portion is closed.

Mr. Hardt states that he will draft a cover letter clarifying the drive thru issue in the C2 Zone.

A motion is made to recommend the redevelopment plan to council with the addition of the cover letter clarifying the drive thru issue in the C2 Zone.

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

Roll Call-All were in favor except Mr. Nagler and Mr. Rodriguez who abstained and Ms. Drumm who voted Nay.

7. APPLICATIONS:

OLD BUSINESS

2011-6

**Hollow Tree,LLC
6 Lina Lane
Eastampton, NJ 08060**

**6 Lina lane
Eastampton, NJ
BP Zone**

The Applicant is applying for Use variance, site related “c” variances and signage variance

The Applicant wishes to withdraw the application. Mr. Hardt reached out to counsel for the Applicant to appear before the board to discuss this applicaiton. Letter of withdrawal dated September 23, 2011.

Mr. Hardt state that he has spoken to the Applicant and their attorney and he doesn't think they will appear tonight. He recommends dismissing the application with prejudice and siting them for their zoning violations. He says it doesn't appear they want to comply. He will come back to the board if he has to go to court and get an injunction, which he thinks most likely will happen. He then asks Ms. Newcomb if she wants him to go ahead with the injunction. Ms. Newcomb states that the judge likes to see that the township has given the applicant the opportunity to comply. She usually gives 30 days to comply. Again Mr. Hardt recommends dismissing with prejudice and then he and Ms. Newcomb will get together on what they are in violation of. Mr. Hardt also recommends not returning escrow fees at this time. Ms. Newcomb states that the Applicant lied under oath about the solar panels not being able to go on the roof and then they came in to the Construction Office for solar panels on the roof.

A motion is made to dismiss the application with prejudice and start enforcement procedures.

1st-Mr. Campbell, 2nd-Ms. Drumm
Roll Call-All were in favor except Mr. Nagler and Mr. Rodriguez 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-
None
5. MATTERS TO BE PRESENTED BY THE BOARD

Mr. Johnstone asked if maybe we should have workshops to help the property owners understand to zoning laws. It is discussed that most of the time people don't take an interest if it doesn't directly affect them. There can be a subcommittee and charge a nominal fee but the problem is the professional fees are usually greater than that. Also it takes a lot of commitment and time from the board members/professionals involved. It was also discussed to have something on the website of FAQ's but there are too many variables that can come up. It is a good idea but just not feasible at this time for the township when are agendas are full.

Ms. Newcomb states that Mr. Okusal has been in court and is supposed to file something with the board before his next court date in January.

Ms. Arcari asks if the board wants her to work on something concerning solar panels since there are more of them coming up. The board is OK with that.

Mr. Hardt would like to thank the board for the appointment for the past year and to wish everyone a Merry Christmas and Happy New Year. Ms. Arcari states the same.

6. **ADJOURNMENT**

A motion is made to adjourn the meeting.

1st-Mr. Renzulli, 2nd-Mr. Shemeley

Roll Call-All were in favor.

Jill C. Torpey

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Secretary to Land Use Board