

**EASTAMPTON TOWNSHIP LAND USE PLANNING BOARD
REGULAR MEETING FEBRUARY 20, 2008 - 7:30 PM
MINUTES**

Chairman Johnstone called the meeting to order at 7:30 pm.

Requirements of the Sunshine Law. Notice of this meeting was published with the Burlington County Times and transmitted to the Courier Post on January 7, 2008 and posted on the Municipal Building Bulletin Board.

Pledge of Allegiance. Everyone participated.

Solicitor Hardt swore in the members of the Board that were not sworn in previously in were sworn in.

Chairman Johnstone welcomed the guests.

Chairman Johnstone welcomed the newest member, Mr. Shemeley, to the Board and voiced his appreciation of his willingness to volunteer.

Roll Call: Present: Mr. Nagler, Mr. Hartman, Mr. Campbell, Mr. Chieco, Mr. Searfoss, Mr. Springer, Mr. Alexander, Mr. Blair, Mr. Taylor, Mr. Shemeley, and Chairman Johnstone

Also Present: Solicitor Fred Hardt, Co-Solicitor Chris Norman, Planner Barbara Fegely and Engineer Nancy Jamanow

Absent: Clerk Lovins

Minutes:

Comments - Mr. Alexander noted that on page 4, line 7 there was actually a quorum however, the applicant preferred there be a larger number of people present to act on the application.

Resolution 2008-06, page 4, township has a typo in it.

On the Mayoral Appointments Class I should be Don Hartman and Keith Nagler should be Class III. There were people absent at the last meeting. **This change will not be made as a review of the Council Reorganization Minutes. It shows that the Mayor appointed Mr. Nagler as Class I and Mr. Hartman as Class III.** On the top of page two Dan Chieco made the nomination for Nancy Jamanow ; the minutes only state ERI. Nancy's name needs to be added.

Motion by Mr. Blair, second by Mr. Hartman to approve the January 16, 2008 minutes. All voted in the affirmative.

Resolutions:

Ms. Jamanow would like to add to Resolution 2008-07 the description that went along with the maps. Mr. Hardt agreed.

Motion by Mr. Blair, seconded by Mr. Alexander to adopt the following Resolutions:

Mr. Hartman has a change on 2008-11 to add an additional meeting. Mr. Hardt advised that if

all meetings do not occur they will be continued until the first Wednesday of the following month. Solicitor Hardt will make that amendment.

Mr. Searfoss noticed on the Agenda with regard to 2008-09 that the meeting will be continued until March 2008. However, on the Resolution itself it indicates April 2008. There is an inconsistency there. Mr. Hardt advised that April is correct and the Agenda is wrong.

- 2008-07 RESOLUTION RECOMMENDING COUNCIL'S PETITION TO THE COUNTY OF BURLINGTON TO ALTER THE STATE PLAN IN ACCORDANCE WITH A REVISED PLAN ATTACHED TO THIS RESOLUTION AND MADE A PART OF IT BY REFERENCE.
- 2008-08 ON THE APPLICATION OF BENEFICIAL SAVINGS BANK FOR A SIGN VARIANCE FOR PROPERTY AT 1191 WOODLANE ROAD AND IDENTIFIED AS BLOCK 300, LOT 14, ON THE TAX MAPS OF THE COMMUNITY.
- 2008-09 ON THE APPLICATION OF M&M LAND DEVELOPMENT, LLC FOR A MINOR SUBDIVISION INVOLVING PROPERTY AT 1427 WOODLANE ROAD AND IDENTIFIED AS BLOCK 800, LOTS 4.01 AND 4.03, ON THE TAX MAPS OF THE COMMUNITY
- 2008-10 ON THE APPLICATION OF HOMES OF HOPE, INC. FOR A VARIANCE TO ADD TWO ADDITIONAL DUPLEX HOMES ON PROPERTY ON HAMPTON AVENUE IDENTIFIED AS BLOCK 1000, LOT 2, ON THE TAX MAPS OF THE COMMUNITY
- 2008-11 RESOLUTION DESIGNATING REGULAR MEETING TIME AND PLACE FOR THE EASTAMPTON TOWNSHIP LAND USE PLANNING BOARD
- 2008-12 NOTICE OF ANNUAL SCHEDULED MEETINGS

Upon roll call vote, all voted in the affirmative with Mr. Alexander abstaining from 2008-08 and 2008-10. **Mr. Hartman and Nagler voted aye, however, they were not part of the Homes of Hope continuance as they had to step down. Mr. Shemeley voted aye but was not even on the Board in January.**

Old Business:

Beneficial Savings Bank - Sign Variance, Block 300, Lot 14

Motion by Mr. Hartman, second by Mr. Springer to permit Beneficial Savings Bank to withdraw its application. Upon roll call vote, all voted in the affirmative.

M & M Land Development, LLC Block 800, Lots 4.01 and 4.03, Minor Subdivision. This matter has already been continued until the April meeting.

New Business:

PATRICE TODD - request for continuation until March 2008.

Motion by Mr. Nagler, seconded by Mr. Blair to continue this matter until March 2008. Upon roll call vote, all voted in the affirmative.

Mr. Hardt advised at this point that Homes of Hope and Metro PCS will take up the rest of the evening and Mr. Singer, on behalf of ERN/JON, requests to continue until March 2008 meeting.

ERN/JON-
Block 1300, Lot 75
Use and Bulk Variance

Mr. Hardt asked to grant a continuation without further notice.

Motion by Mr. Hartman, seconded by Mr. Nagler to continue the ERN/JON application until the March meeting. Upon roll call vote, all voted in the affirmative.

Old Business:

Homes of Hope, Inc., Block 1000, Lot 2. Variance to add two additional duplex homes on the property.

Mr. Hardt advised that the Mayor and Councilman must join the audience at this point. Chris Norman stepped in as substitute Land Use Council at this point. It was determined that there were eight voting members present to hear this application. Mr. Alexander asked to be excused for this application due to a conflict.

Chairman Johnstone introduced special counsel Chris Norman. Homes of Hope is here tonight to request a density variance and related alterations to construct two duplex buildings on the same lot. This would be on an existing non-conforming apartment building at 1011 Hampton Road. Mr. McAndrew is here tonight for the applicant.

Patrick McAndrew is bifurcating the application between site plan and variances, which they are allowed to do by law. The variances are density variances to add a total of four affordable units to the site. The two new buildings which will be duplexes, plus the apartment building will be deed restricted if this is approved, so that all eight units will be affordable as a matter of law and by deed restriction.

The variances are relating to density, a front yard variance for 20' and a parking variance because they are supposed to have 16 and they have 12. They are looking for three variances (1) density (2) setback and (3) number of parking spaces.

There will be four witnesses that should be sworn in. Kent Pipes, Chris Auth, Sonya Stack-Pole and John Rahenkamp their planner. Solicitor Norman swore in the witnesses and the Township professionals.

Kent Pipes will go through background as Executive Director of the Company. Chris Auth will go through project-specifics. Sonny Stackball will go through how they manage this type of affordable housing. John Rahenkamp will testify about the planning reasons and background for these variances.

Kent Pipes, started the organization, which is part of the Affordable Homes Group, in 1981. They manage and own 70 housing units in Bordentown, Florence, Eastampton, Mount Holly, Pemberton, Evesham, Willingboro, Edgewater Park and Delanco. They have grown somewhat in the last few years and are looking to continue to add units as they find available land.

Mr. McAndrew asked Mr. Pipes to talk about the need for affordable housing in general as it relates to the County and the State. Mr. Pipes discussed affordable housing and each

municipality's fair share. The numbers are under review and they believe that the number will be greater than was anticipated a year or two ago. The initiative, he believes, falls back on local government, non-profit organizations and community-based groups like theirs and for-profit developers to do what they can to meet this critical and growing need. Their proposal tonight is to help meet the state mandate from the governor which was adopted by Governor Corzine, as well as the federal mandate to develop a program in every County and every jurisdiction to end homelessness in ten years. They believe these additional four units will help this County meet that need and address its critical housing shortage of affordable housing.

Mr. McAndrew asked if it was Mr. Pipes understanding that there is a statewide goal and need for affordable housing and also a countywide need. Mr. Pipes stated that there is an unmet need in Burlington County for over 400 people who are not housed in any reasonable accommodations even tonight.

Mr. Pipes further expanded on the background of the organization and its units. Mr. Pipes elaborated on all of the renovations that have been made to the property

Deed restriction was discussed. Mr. Johnson said the proposal is to deed restrict all.

Chris Auth, Director of Real Estate Development with the Affordable Homes Group stated he has been developing affordable housing in New Jersey and Connecticut for the last ten years.

Mr. Auth said we are proposing to develop two twins on the existing lot. These will be factory built modular homes, set on concrete basements. Each of the four units will have three bedrooms, two and a half baths, full basement and be about 1600 s.f. These will be affordable rental units. The rental criteria and funding sources were described.

Ms. Stack – Pole, Property Manager for Affordable Homes Group outlined the application process. All information submitted is scrutinized. Screening policies are done for all new applicants.

Mr. Johnson asked about eviction. A residential lease is required. The lease outlines what the expectations are. In New Jersey there is a Tenants' Rights book. Eviction would have to be within those boundaries. The landlord/tenant process was explained in detail.

The property manager is on call 24/7. All of the residents have the cell number for maintenance or property issues. The maintenance staff is also on call 24/7.

John Rahenkamp, a registered planner in the state of New Jersey gave a summary of his background.

*Exhibits A-1 through PB-2 were admitted and touched upon

(A-1) site plan of the proposed additions to the property. The need for a front yard variance was noted.

(A-2) a view of the neighborhood .

(A-3) a view narrowing down the site and showing the various houses on the site .

Parking was discussed. Mr. Blair's concern was that this view shows six parking places before the improvements and relief is being sought for that. Mr. Rahenkamp is seeking 1 1/2 spaces per unit, or 12 versus the ordinance requirement of 16.

A-4 shows Monmouth shooting down toward the existing building.

A-5 shows the building gravel parking lot.

A-6 shows the building and the vegetative buffer between the units facing on Monmouth Road.

A-7 shows the existing building and landscaping

A-8 Looking down from Carol Court.
A-9 Front elevation
A-10 Application Form for Variance
A-11 Report by Planning Board Planner/Engineer
PB1 Legal memorandum
PB2 Report of Council

Mr. Rahencamp spoke on parking, water, sewer service and population, as well as the need for affordable housing. He continued giving his feelings of why his proposal should be approved.

Mr. Rahencamp talked about how this project adhered to the Municipal Land Use Law.

Mr. Rahencamp's memo was marked Exhibit B-1 regarding COAH regulations.

Density was discussed.

The site plan will be addressed at a future date.

Ms. Fegley said, per her October 10th memo, that only one principal building is permitted on the lot and this application proposes three on the single lot. The way the lot is situated it could not be subdivided to have it conforming so that it would be three principle buildings on one lot. The existing apartment building is a pre-existing non-conforming use in an RN, single family district and the proposed duplex multi-family dwelling requires a use variance. The addition of the duplex dwellings also constitutes an expansion of the existing non-conforming multi-family use. All the surrounding buildings and dwellings are single family and the expansion of multi-family building condition would not be consistent with the adjoining uses. Minimum front yards, they need a variance for that – 40 feet. Set back is required and 20 feet is proposed. Maximum density is three units per acre in this zone and they are proposing three times that. You talked about the trees on the right side with a 50 foot buffer and there is concern how the building could even be constructed because you would be building right on the wetlands line, but that would be a site plan issue. The 12 parking spaces, not in compliance, 16 spaces would be required. That the applicant is proposing a parking lot with 12 spaces directly on Hampton Avenue and the last item in the memo about the site plan issues.

Ms. Fegley said the existing use is out of character with the neighborhood and proposed use is even more intense. The planner did not look at the master plan. In our master plan we say that we should provide adequate housing at reasonable costs. Eastampton has provided its fair share with the 100 unit Pennrose development and the Township addressed its 70 unit share with excess units. Our housing element and fair share plan shows an excess of 30 plus units, but COAH's May 10th 2006 review of our third round report shows a potential surplus of 21 units. The last master plan, which was revised and approved on September 2007, designates this area for TCR – Town Centre Single Family Residential Development. The current zoning is RM for single family development. The existing development is therefore inconsistent with the master plan and the zoning ordinance and the proposed use is even more intense and would be further inconsistent. Lower income housing was found by the courts to promote the general welfare and the purpose of the zoning. However, it was also found, in some cases, that inherently beneficial uses may not be inherently beneficial. That is inherently beneficial uses can be limited in certain municipalities or regions. In other words, and we talked about this a little bit, where the need of the proposed need is already met and satisfied may no longer be necessary to consider it inherently beneficial. The legislation also made it clear that inherently beneficial use, like all others, had to meet the negative criteria, that is they have to prove that they would not create a substantial detriment to the public good or substantial impairment and intent and purpose of the zoning plan and zoning ordinance. Thus, by restoring to the municipality the ability to engage in a specific analysis, municipalities are able to evaluate the proposal on a particular site

to insure that it does not have a negative impact on the overall zoning plan of the community. So while a municipality may not focus on this site in determining whether inherently beneficial use meets the positive criteria, you can risk consider it in regard to the negative criteria. In this regard the negative criteria is that no relief may ever be granted unless it can be done without substantial detriment to the public good and without substantial impairment to the intent and purposes of the zoning ordinance and the zoning plan. The zoning ordinance and the zone plan specifically plan for single family uses in this area. The surrounding areas are single family and the proposed project is inconsistent with our master plan, the zoning ordinance and the zoned plan and will cause a substantial impairment to the master plan and is a detriment to the public good because the density far exceeds what is permitted or planned in this area.

Lack of affordable house with regard to loss of job was discussed as well as density.

Ms. Jamanow stated she did not feel the site is particularly suited for this use. The east side of the site is all wetlands with the buffer showing up to the building line. That would be one thing, then development of a building that would be right adjacent to the buffer line and the wetlands, another is on the left hand side regarding yard variances.

Board members had concerns regarding density, trees, wetlands the benefit to the community, site plan issues and what the master plan calls for.

Open to the public.

Lucinda Cradey - 1020 Monmouth Road was sworn in. She made the Board aware of many of the problems that exist at the site in question. Constant police calls, trucks leaving the site very early in the morning creating noise, grass not being maintained, parking and the wetlands issue.

The resident residing at 1010 Hampton was sworn in but no name was given. She continued with her testimony which was much the same as the prior testimony.

Glenn Lindabury of 1000 Carol Court was sworn in and questioned the applicants regarding the septic system. He spoke on the parking and density issues.

Taxes were discussed with Mr. Pipes stating that all of their properties are exempt.

Close to the Public.

Mr. Norman advised - This application has need for a density variance along with bulk variances, front set back and the parking requirements. You can make a motion to either approve, approve it with conditions or you can vote denying the application.

Motion was made by Jay Springer that we deny the application, second by Gene Blair.

Yes vote is for denial.

Mr. Springer - aye, Mr. Blair - aye, Mr. Nagler - abstain, Mr. Hartman - abstain, Mr. Campbell - aye, Mr. Chieco - aye, Mr. Searfoss - aye, Mr. Taylor - aye. Chairman Johnstone - aye.

Request for Continuation for Patrice Todd

Mr. Hardt said there should be a request for continuance by the applicant's representative, since

the applicant could not be present.

New Business:

METRO PCS PENNSYLVANIA, LLC -
Block 600, Lot 2.04
Site Plan Approval for a Wireless Communication Tower

The Board was advised of the various notices.

Mr. Goldberg is representing the applicant.

Those giving testimony were sworn in en masse.

Frank Puchino – Vice President for Acquisition Services

Damian Ameen – Responsible for Property Acquisition

James Miller – Professional Planner

James Kruse- Professional Engineer

Ms. Jamanow said that at the time the antenna was erected the Zoning Board required that that antenna be put up in such a manner that it could be used for co-location. They also made it a condition of the approval that no further use variances were required for the antenna because their requirement was that the juncture be made such that it would be accessible for co-location and that the only thing that any future carrier would have to come in for was the site plan approval. That is the background for the Board. This application is here really for site plan approval only.

Eric Goldberg, attorney for Metro PCS made his presentation for minor site plan approval and several bulk variances which are height, rear yard setback as well adding space to the existing compound. One hundred and sixty s.f. is being added to the 10 x16 pad which the equipment will be placed on.

Mounting was discussed. Three antennas are sufficient at the present time, but should more antennas be required later, the applicant will return to the Board.

Mr. Ameen gave testimony regarding FCC licenses. The applicant has a Letter of Authorization to proceed. A lease is pending with Nextel/Sprint.

Frank Puchino - RF Engineer, employed by Metro PCS. Exhibits were described by Mr. Puchino. Coverage was addressed. One hundred and thirty-three feet in height is required to provide needed coverage. Maintenance would be about once a month. The site complies with all applicable New Jersey, as well as Federal, laws pertaining to electro magnetic frequency transmission. There are no health impacts.

Mr. Kruse – The site plan was described. There are arrays at the heights of 150, 140, 120, 110 and 100 on the pole presently. Metro PCS is requesting the 130 spot. All comments from the Engineers report of November 21st were agreed upon.

James Miller – This application is consistent in every respect with the previous approval. There are some bulk variances that are existing conditions. There would be no impairment to the general purpose of the zone.

Chairman Johnstone said this exact type of application was anticipated, that is why we created the single monopole with the ability to increase the height to allow additional carriers to co-locate with the intent and purpose that we would minimize the impact overall on the township by providing one feasible location as opposed to multi-poles.

Open to the Public – No public in attendance

Close to the Public

Variety of relief: Variances for the height, site approval, flush mounted antenna as opposed to an array as originally proposed, that is a condition of approval.

Dan Chieco made a motion for issues itemized by the solicitor with second by Jeff Alexander.

Roll Call: Mr. Chieco – aye, Mr. Alexander – aye, Mr. Nagler – aye, Mr. Hartman – aye, Mr. Campbell – aye, Mr. Searfoss – aye, Mr. Springer – aye, Mr. Blair – aye, Mr. Taylor – aye, Mr. Shemeley – aye, Chairman Johnstone – aye.

Comments from Board Members, Solicitor, Engineer and Secretary

Mr. Blair requested that Board members hold on to all the information they have been given.

Ms. Jamanow informed the Board that information regarding the PA4 – PA2 Zone (Resolution 2008-07) was forwarded to the Office of Smart Growth for their consideration.

The meeting was adjourned on motion by Mr. Nagler with second by Mr. Hartman.

Respectfully submitted



S. Carolyn Farrow