

**EASTAMPTON TOWNSHIP LAND USE PLANNING BOARD
REGULAR MEETING July 19, 2006 - 7:30 PM
MINUTES**

Chairman Blair called the meeting to order at 7:30 p.m.

Requirements of the Sunshine Law were met.

Pledge of Allegiance. Everyone participated.

Chairman Blair welcomed the guests.

Present: Mr. Alexander, Mr. Blair, Mr. Campbell, Mr. Chieco, Mr. Hartman, Mr. Johnstone, Mr. Kingston, Mr. Knighten, Mr. Renzulli, Mr. Searfoss, and Mr. Springer

Also Present: Land Use Administrator Linda Peryer and Land Use Solicitor Bruce Sattin.

Motion by Mr. Alexander, seconded by Mr. Springer to approve the Minutes of May 17, 2006. All voted in the affirmative with Mr. Knighten and Mr. Johnstone abstaining.

Motion by Mr. Hartman, seconded by Mr. Knighten to approve the Bill Lists of May and June 2006. All voted in the affirmative.

Resolutions:

2006-15 A RESOLUTION TO MEMORIALIZE ACTION ON THE APPLICATION OF SHARBELL DEVELOPMENT CORP. AT WOODLANE AND SMITHVILLE ROADS, BLOCK 600, LOT 5 FOR FINAL SITE PLAN APPROVAL FOR MIXED-USE BUILDING WITH CONDITIONS.

Mr. Sattin explained that this is the final piece for the Sharbell Development. There were a few issues that were left open and were incorporated into the final approval.

Mr. Chieco questioned item 6 on page 2 relative to the grade elevation and asked if it was accurate. Mr. Sattin explained that it was. The transition of the four foot difference between the front and back of the building were discussed.

Mr. Searfoss questioned the fencing requirement on page 4 item b. Side yard and common property lines were discussed. Mr. Sattin was asked to change language to include 5' solid and 1' lattice for all of the yards. Mr. Blair explained that was the Board's intent and the Resolution should be modified to reflect the Board's intent. The word "picket" will be replaced with the word "lattice" and 5' solid with a 1' lattice fence will be required for all fences along all property lines and common yards.

Chairman Blair also noted that change needs to be made on page 3, paragraph 10.

Motion by Mr. Campbell, seconded by Mr. Springer to adopt Resolution 2005-15 as

amended. All voted in the affirmative.

New Business

- The referral from Township Council to conduct a preliminary investigation as to whether areas are in need of rehabilitation or redevelopment was tabled. Mr. Renzulli so noted that the lots and block were not contained in the Resolution.

Motion by Mr. Johnstone, seconded by Mr. Alexander to table the preliminary investigation until complete information is received from Township Council. All voted in the affirmative.

- The referral from Township Council to review and comment on a proposed zoning amendment to Block 700, Lots 1-7 from R-A to BP/LD was discussed. Mr. Sattin explained that this is the lot that the elementary building is located on as well as a couple of other lots that are individually owned. He further explained that an R-A zone requires a 15 acre minimum building lot. The school district is looking for different types of purchasers that they can entertain without having them come to the Land Use Planning Board for variances.

The proposal is to change these lots to the BP/LD zone. There is also a request from the school to continue to allow the use of the property as a school. Council sent this matter down without the recommendation to keep the use as a school. Mr. Renzulli clarified.

Mr. Sattin explained that the school sent this down requesting that a school be continued to be a use in the BP/LD district.

The consideration before the Board tonight is for the property to be rezoned from R-A to BP/LD.

Mr. Renzulli clarified that the school wanted the continued use as a school be considered. The Township Council sent the recommendation to the Board that it be rezoned BP/LD with no allowance for a school in a BP/LD zone. He explained that this Board can recommend to Council that it stay an R-A, be rezoned to BP/LD, with a change in the zone to allow schools or rezone it something else.

Mr. Blair stated that based on the information before the Board and everyone having had a chance to review the matter, the professionals having recommended that it would give it a better range of sales and marketability in a BP/LD zone. Mr. Blair further explained that the Board has correspondence from the Harry Renwick, Assessor, wherein he addressed his opinion on the negative effect on taxes if the Board were to expand it to include schools. The Township Planner also recommended against adding schools for various reasons.

Mr. Renzulli stated that we do not have to zone it to BP/LD but we can also make it a BP/LD with allowing a school. Mr. Sattin clarified that would be amending the master plan and creating a whole new zone. Mr. Renzulli reminded everyone that there are three options, the

third option may be considered spot zoning.

Nancy Jamanow stated that from a planning perspective the RA zone always stuck out and it would have made more sense to be included as a BP/LD from the beginning. She made the recommendation of changing the properties in question to a BP/LD without any other considerations.

Mr. Chieco asked what could be included in a BP/LD and Mr. Sattin read off the list. Mr. Campbell stated that commercial is restricted in that type of zone. Mr. Renzulli stated that the plan for that area was never to be retail. It was planned to be offices and warehouses. The plan was to have all of the retail centralized in Village Center insofar as the Township was not competing against ourselves.

Mr. Sattin reminded the Board that they are only to make a recommendation to Council and Council will make the determination.

Ms. Jamanow stated that BP/LD is a business park setting not a commercial strip. Ms. Jamanow stated that an office park environment was what she had in mind for her recommendation.

The words “institutional use” were discussed as it pertains to the BP/LD District and the intent was recreational use for an institution. The language should be modified so as to reflect the original intent.

Chairman Blair reiterated the three different options:

- There are seven lots in question to change from R-A to BP/LD with a possible modification of the language as it pertains to institutional use.
- Add another principal use to the BP/LD zone as the school board has requested with a school being a permitted use. Chairman Blair cautioned the Board that entire quadrant would be opened up to that permitted use.
- Change the zone altogether.

Chairman Blair asked for any suggestions from the Board or Professionals. Mr. Johnstone suggested BP/LD across the whole zone. It goes in the direction that the Township is heading and with the master plan stating – it gives the Township consistency. Mr. Campbell agreed.

Mr. Chieco agreed BP/LD for that whole area. Mr. Chieco questioned the use of warehousing. Mr. Renzulli stated that the re-examination report addresses that. There is nothing but offices allowed within so many feet from the main road. Mr. Sattin asked why the Township doesn't wait until the re-examination is complete to finalize this matter. Mr. Renzulli stated that the school cannot wait to market the property.

Mr. Sattin stated that if the properties were re-zoned BP/LD a school could still come in as a non-conforming use. Mr. Sattin stated that a school is not permitted to be built or re-built because it is an undersized lot at this point. Mr. Sattin read off the uses for an R-A zone.

Chairman Blair stated that the school was looking for a higher dollar tenant which they would attract in a BP/LD zone.

It was explained that the School Board can come before this Board for a prior non-conforming use which would be transferrable to another owner. They would also need an expansion for a D variance.

Mr. Renzulli stated that the school is required by law to sell to the highest bidder. He explained that as the property is zone right now it is only marketable for a developer that can put one house on the lot or a school. By leaving it R-A it eliminates a lot of buyers. Changing these properties to a BP/LD encourages a high-dollar taxpayer to come to that site.

Mr. Sattin clarified that there need not be a stipulation to include a school because this property owner doesn't need that.

Mr. Renzulli stated that the School Board has an opinion and Township Council has an opinion. Mr. Renzulli asked for this Board's opinion.

Mr. Johnstone reminded everyone that we need to look at it in a planning perspective.

Mr. Campbell stated if the Board decides to recommend the change to BP/LD, then there should be no exceptions.

The Board was reminded that one house on a 15 acre lot with a school that already exists is a negative value. The school wants to be able to market the property. Mr. Springer agreed.

Chairman Blair opened to the Public at 8:18 p.m.

Kevin Klaus Windham Drive was at the School Board meeting where this matter was discussed. Mr. Klaus doesn't think that it is in the best interest of the taxpayer to leave it in an R-A zone. It should be marketed for what works and be in the best interest of the taxpayers' pocketbook.

Mr. Blair stated that it is a pre-existing non-conforming use and if the owner has no intent to leave that use, the School can market it as such.

Mr. Blair stated that it would also hurt his pocket as well as many others, but if it is marketed as a school the Land Use Board has no control over it. Council has no control of that but can only hope that it is marketed as something different. By changing this zone the Township is enabling others to come in and bid. If a school comes in with a bid price the same as a business we have no say. Mr. Blair stated that the type of school has to be a like-use very similar as the use now.

Chris Votta, Juniper Street. Mr. Votta stated that since the building is being abandoned by Eastampton School because the School Board determined it is off code, does that have any effect on a prospective purchaser. Mr. Blair stated that statement is not true. The building meets code. The expansion of the middle school and the concept of the new school is for benefit of our children. Mr. Votta stated he would ask that the Board to consider recommending changing the zone to a BP/LD.

Chairman Blair closed to the public at 8:26 p.m.

Mr. Kingston asked if there was an impact on the residents that are there now. Chairman Blair stated that the zone is so restrictive now that it would not impact them either way. The homes there will be a prior non-conforming use regardless of what the Township does. They are entitled to continue that use until the owner abandons that use. Mr. Chieco noted that the property located in a BP/LD zone would become more valuable to the property owners.

Mr. Alexander asked if anyone from the School Board sits on the Township's Economic Development Committee. Mr. Renzulli stated that they were asked but they chose not to put anyone on that committee. Mr. Alexander stated that committee was trying to market the property. Mr. Renzulli stated that the Committee is no longer trying to market the property because it was taken off their agenda by the School Board. The School Board stated it was their property and they would market it.

Chairman Blair stated that he has heard all positive comments and no negatives.

Motion by Mr. Campbell, seconded by Mr. Kingston to make a recommendation to Township Council to change the zoning of Block 700 Lots 1-7 from an R-A zone to BP/LD zone with no considerations of adding a permitted use of a school to that zone and an editorial change to subsection to BP/LD zone to further clarify and not suggest that schools are an institutional recreational use.

Mr. Hartman and Mr. Renzulli abstained as they will vote on it as Councilman at the next meeting. Mr. Sattin stated the statute does not preclude them from voting, however, they wish to abstain. Mr. Sattin will put that into the form of a letter of recommendation. Mr. Renzulli asked for Eileen to be copied on that letter and for her to change the block number to 700.

Mr. Renzulli stated that there should be a subcommittee meeting so that the committee can finalize the re-examination report and pass it along to the Planning Board. He reminded everyone that ordinances need to be acted upon by November because the Township cannot go into the new year with ordinances in progress.

Correspondence:

Chairman Blair stated that there is seminar information if anyone is interested.

Letter from Steve Murray regarding Knapsack height variance. Chairman Blair asked Ms. Peryer to relay to Steve that the Board appreciates him keeping them up to speed dealing with recommendations and referrals.

Notice regarding the classes the Board took - Chairman Blair asked everyone to keep this as proof and reminded anyone that did not take the class to get together with Linda, otherwise you will not be eligible to be a member of this Board.

Comments:

Kevin Klaus addressed the Board relative to a three acre lot in an R-A zone. He explained it is a flag lot and a resident wants to sell off two acres. Mr. Klaus asked if the Board would be opposed to that. Mr. Blair stated that this Board is does not give information recommendations.

Mr. Votta stated that he is here to see how the local government works.

Mr. Hartman congratulated everyone on the course passed.

Motion by Mr. Hartman, seconded by Mr. Springer to adjourn at 9:15 p.m. All voted in the affirmative.

Respectfully submitted,

Linda M. Peryer
Township Clerk