

**EASTAMPTON TOWNSHIP LAND USE PLANNING BOARD
REGULAR MEETING FEBRUARY 21, 2007 - 7:30 PM
MINUTES**

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

Requirements of the Sunshine Law. Notice of this meeting was transmitted to the Burlington County Times on January 9, 2007 and posted on the Municipal Building Bulletin Board.

Everyone participated in the Pledge of Allegiance.

Chairman Blair welcomed the guests.

PRESENT: Mr. Alexander, Mr. Blair, Mr. Hartman, Mr. Knighten, Mr. Nagler, Mr. Searfoss, Mr. Springer and Mr. Elliott

ABSENT: Mr. Campbell, Mr. Chieco and Mr. Johnstone.

Motion by Mr. Hartman, seconded by Mr. Searfoss to approve the January 17, 2007 meeting minutes. All voted in the affirmative.

Resolutions:

Motion by Mr. Hartman, seconded by Mr. Alexander to adopt the following Resolution

RESOLUTION #2007-04 ON THE APPLICATION OF NEIL AND MARSHA AXLER FOR A BULK VARIANCE TO PERMIT CONSTRUCTION OF AN ADDITION TO PROPERTY AT 4 WESTOVER COURT, BLOCK 901.02, LOT 5 ON THE TAX MAPS OF THE COMMUNITY

All voted in the affirmative.

Master Plan Re-Examination by Barbara Fegley

Ms. Fegley explained that the Township needs to review the Master Plan every six years.

Ms. Fegley touched on some key points:

- Completed preservation of open space, conservation and farmland which is 33% of township.
- Smithville Road Business Park 206 Town Center and Landfill on Route 38.
- The Township has adequate facilities and services. This is an ongoing update with the Township.
- The Township has provided adequate low income housing.
- Encourages re-development in the Town Center.

Ms. Fegley then went over the recommended zoning changes which can be found in the report.

A brief synopsis follows:

- Study area A includes preservation of land by instituting a 15 acre minimum with lots to be zoned RA CNS and RL in the northern portion of the Township.
- Study area B includes Town Center retail residential recreational uses office area mixed use.
- Study area C which is the northeastern area of the Township and includes the elementary school R-A and BP/Ld changed to BP zoning and PO which is planned office. and to replace the RA zoning with the BP.
- Study area D which is the C-3 area and BP-LD and Powell Road. No significant changes other than remove the LD off the BP.
- Study Area E which includes the R-M area and also includes R-A single family houses and administrative offices and the middle school is suggested to be changed from RA to RUL .
- Study Area F which is the southern most part of the Township and consists mostly of farmland preserved and the Court, Public Works, Railroad Avenue and Rancocas Creek. The suggestion is made that the Historic designation be modified . Historic Review committee to provide for this.
- Landfill be redeveloped in conjunction with Mount Holly and Lumberton.

Mr. Alexander asked about the BP district which Barbara pointed out that there was no change.

Mr. Hartman asked if it was noted that there was a request to dissolve the Historic Preservation Committee. Barbara Fegley stated that those areas would have design standards that would have to be reviewed by that Committee for those particular properties that fronted on Smithville Road. Chairman Blair explained that this matter was previously discussed and Mr. Campbell voiced opposition.

Mr. Hartman asked for the actual number of open space acres that have been preserved. Ms. Fegley said her chart states 1,231 acres.

Chairman Blair opened to the public at 7:51 p.m. Mr. Hardt states that once that chair has opened to the public, the public can comment on the document at hand. He explained that once the public portion has been closed there will be no other opportunity to comment.

No one wished to speak.

Mr. Blair closed to the public at 7:53 p.m.

Approved with amendments in place elimination of paragraph 2 and such other modifications .

Motion by Mr. Springer, seconded by Mr. Alexander to approve the Re-Examination Report with amendments and the elimination of paragraph 2 and to recommend to council. Upon roll call vote, all voted in the affirmative with Mr. Hartman, Mr. Nagler, Mr. Alexander and Mr. Elliott abstaining.

Mr. Hartman touched base on the 206 corridor study. There is a workshop which is being sponsored by the County this week.

Chairman Blair thanked Ms. Fegley

New Business:

Mr. Campbell joined us at this point in the meeting at 7:57 p.m.

Russo's Pizza & Italian Restaurant - Minor Site Plan Application - Block 600, Lots 7.01

Chairman Blair commented that the following has been received by the Administrative Officer:

Administrator Checklist
Police Chief Report
Fire Prevention Report
Comments from Dan Chieco

Mr. Hardt stated that Mr. Chieco's comments cannot be made part of the record as he is not in attendance this evening.

Timothy Hiskey represented Russo's Restaurant. Mr. Regan Young and Mr. Hiskey were sworn in by Mr. Hardt. Mr. Hardt stated that Mr. Young is an expert in the area of architectural.

Mr. Russo was then sworn in.

Mr. Russo was asked where the property was located and if he owned it. He was asked how long it has been a restaurant. Mr. Russo replied that it has been a restaurant for 20 years and he has been the owner. It is in a strip mall located at the corner of Woodlane and Monmouth Roads and the parking is shared.

Mr. Russo explained that he is trying to create a European Café type atmosphere with the new non-smoking law. He is removing a wall and replacing it with glass doors which will go onto a patio for seating. It will be a cosmetic improvement. Mr. Hardt asked if there will be tables out there. Mr. Russo replied yes.

Chairman Blair stated that there is currently a series of booths that are being removed and glass doors are going to be placed in their stead. Chairman Blair asked how many booths are there now. Mr. Russo stated there is five. Chairman Blair asked how many tables he is requesting to put on the patio. Mr. Russo stated that it would be the same quantity of seating. Mr. Russo stated that he is going to be seating 20 people. Mr. Chairman asked if it was going to be five tables for four people. Mr. Russo stated it is going to be able to seat 20 people but does not know at this point how many tables or their size. Mr. Russo stated that the booths can hold 30 people. Mr. Russo testified that the plan will include a maximum outdoor seating of 20 people. Mr. Russo asked the Board to consider a maximum of 30 people.

Timothy Hiskey asked for a distinction between seating occupancy and standard. Timothy Hiskey stated that people could be standing out there smoking not dining.

Ms. Jamanow did not review this plan based on tables being outside. People standing around does count toward the occupancy level surrounding as it relates to the neighbors and noise, etc.

Mr. Hiskey stated that they are replacing the existing tables. Mr. Hardt stated that Mr. Russo is the best person to testify on this matter. Mr. Hiskey stated that Mr. Hardt could go back to Mr. Russo.

Mr. Young, the Architect, stated the existing wall is being moved out. The seating is staying in the same place the wall is moving on the other side. There is no net increase in area or seating.

Mr. Hardt asked if there is an expansion of building wall. Mr. Young again stated that the wall is being moved. Mr. Hardt asked how it is being enclosed. This is an architectural accommodation in terms of the new smoking law. Mr. Young stated that it is not an expansion or an improvement it is a response to the new state law.

Mr. Hiskey asked Mr. Young if there was any change in the drainage. Mr. Young stated there is not.

Mr. Hiskey asked Mr. Young if there was going to be any change in the parking or the parking lot. Mr. Young replied "no".

Ms. Jamanow went through her letter and stated that she believes her comments were addressed. Ms. Jamanow asked if the roof is existing and if there was going to be any expansion to the existing roof. Mr. Young stated that there was not going to be any expansion in the roof.

Ms. Jamanow suggested improvements to the location or condition of the dumpsters and parking lot. Ms. Jamanow also indicated the need for an updated handicap parking space. Mr. Russo stated that he will put the sign up for handicap. Mr. Blair stated that it is hard to determine where that parking spot is. Ms. Jamanow asked to see how many seats the restaurant has all together to see if one handicap spot is sufficient. Mr. Young stated that there is one handicap to the left of the building next to the building. He currently has 20 spaces and one is handicap.

Mr. Blair stated what he is hearing is that the applicant is willing to stripe the handicapped parking area, sign the area and provide a space in compliance with today's standards.

Ms. Jamanow stated the parking lot needs to be updated. Mr. Russo testified that there are three owners that own the complex and the parking lot is shared.

Ms. Jamanow asked if he was going to fix the parking lot. Mr. Russo doesn't know what is wrong with it. Ms. Jamanow suggested that Mr. Russo get with the two other owners and the area overall be stripped, handicap parking designated and signage placed. Mr. Russo stated that he will do his part but he cannot tell others what to do. Ms. Jamanow asked if he could contact them. He stated that they would not agree and are not easy to work with.

Ms. Jamanow asked about the dumpster. Mr. Russo stated that the dumpster is no problem. Mr. Russo does not own the parking lot he only has rights through an easement. Mr. Russo does own 20 parking spaces to the right and left of his building.

Mr. Young explained that they are going to remove and replace the half wall.

Chairman Blair asked why the handicap spot is on the left side instead of the right side by the ramp.

Chairman Blair would like to suggest that the handicap parking space be moved to the right side of the building.

Mr. Blair asked Ms. Jamanow how much of the parking lot problem can we ask him to fix if he does not own it. Ms. Jamanow stated that she would like to see the parking fixed on that portion that he owns. Mr. Hiskey stated they are willing to fill the potholes on Mr. Russo's property.

It was determined that the area that is the worst is the area that fronts Woodlane Road and that is not owned by Mr. Russo.

Mr. Russo will fix up the trash dumpster and enclose it.

Mr. Hardt suggested that Ms. Jamanow and Mr. Russo meet in the field and work together with regard to that matter.

Mr. Young stated that nothing about this building is in compliance with Section 88:55 9c of the Code. Mr. Blair suggested a waiver from this section.

Mr. Nagler stated he would like to see facade to bring that area up to par and maybe other owners will follow suit. Mr. Hartman disagrees it is a unique building and thinks it should remain as is.

Mr. Hartman asked if there is a way to make the other owners to comply. Mr. Hardt stated that if the Township adopted a commercial maintenance code there would be. Mr. Hardt stated that if the parking lot is not safe there could be recourse.

Mr. Campbell stated that the improvement should be in keeping with the architecture of the existing building.

The appearance of glass against the log cabin was discussed.

Mr. Blair asked Mr. Young about the balance of the building. Mr. Young stated that it is actually logs. Mr. Young stated that they will be painting the three new logs to match the existing building.

Ms. Jamanow asked if the glass doors will be opened. Mr. Young stated no. Mr. Russo stated he is looking for a European look and he will have the doors opened.

Mr. Blair asked if there will be any speakers on the patio. Mr. Russo stated no speakers. But if he did have speakers it would be soft music.

Ms. Jamanow explained the Chief of Police's concern regarding the noise decibel.

Ms. Jamanow commented regarding revising the signage in accordance with Village Center District.

Ms. Jamanow asked if Mr. Russo owned the property that the sign was on Monmouth Road. He said yes.

Lighting was discussed. Mr. Hartman asked if that was something the Engineer and Mr. Russo can work out.

Mr. Alexander asked if the comments addressed the signage on the building. Mr. Russo stated that there is signage on the front of the building.

Mr. Hartman asked if the address could be changed from Mount Holly to Eastampton on the Plans. Mr. Young will comply.

Mr. Nagler and Ms. Jamanow concurred that a waiver with conditions be imposed.
Conditions:

1. Updating of handicap accessible parking space on the right side of building facing building.
2. State Statute signage, repaving and striping for the handicap space.
3. Upgrading dumpster location with enclosure.
4. On-site meeting with the Township Engineer to determine what extent or extreme to go to with the maintenance of the parking lot.
5. Landscape and lighting - Township Engineer to meet with applicant to make effort to bring the facade up to a little better appearance. Chairman Blair stated that indirect lighting should be looked at as well.
6. A Waiver of 88:55 ©.
7. Signage on Monmouth Road to be updated in compliance with the VCD Zone.

Chairman Blair opened to the public at 9:03 p.m. There being no comments, Chairman Blair closed to the public at 9:03 p.m.

Mr. Hiskey asked for a dollar amount that his client could not exceed.

Mr. Hardt stated that the public interest cannot have a monetary amount attached to it.

With respect to the Waiver for Site plan with respect to improvements. The applicant has agreed to the above seven conditions. There will be no increase of occupancy. There will be no speakers in the outside area in compliance with the Chief's decibel standards which is a matter of state law.

Mr. Alexander asked what the maintenance agreement for the signage on Monmouth entail. Chairman Blair stated that he will defer that to Ms. Jamanow.

Mr. Russo stated that he is also on a budget. Mr. Blair stated that if he doesn't comply with the conditions the application will become null and void. Chairman Blair stated that there are minimum requirements that they have to enforce.

Mr. Young stated that the sign will be looked at for maintenance with respect to the current standards.

Motion by Mr. Campbell, seconded by Mr. Alexander to grant waiver application subject to the condition. Upon roll call vote all voted in the affirmative with Mr. Elliott and Mr. Knighten abstaining.

Motion by Mr. Searfoss, seconded by Mr. Springer to grant at-risk authorization to proceed providing that an agreement between Ms. Jamanow and Mr. Russo is met in the field relative to those items. All voted in the affirmative.

Chairman Blair asked what the time line is. Ms. Jamanow stated that the resolution of the issues need to be determined.

Ms. Jamanow asked who should be contacted regarding the on-site meeting. Mr. Young indicated that he will be there.

New Business:

- Sign – Old World Bakery. The original resolution stated that the applicant must come back to the Board for sign approval, however the applicant is constructing a sign within the intent of the code.

Motion by Mr. Hartman, seconded by Mr. Springer to waive the condition that Old World Bakery come back to the Board for a site plan for a sign plan when they are meeting the intent of the ordinance. All voted in the affirmative.

Comments from Board Members, Solicitor, Engineer and Secretary.

Mr. Alexander would like to get involved in the 206 Study.

Chairman Blair again opened the meeting to the public for comments.

Ada Rodregriez, 1317 Monmouth Road. Ms. Rodregriez asked what was going to be going into Town Center. Mr Hartman gave a brief background. Mr. Chairman suggested that she contact the Township Manager. She then asked how many Hispanics are in Eastampton. Mr. Blair stated that he does not have that information.

Mr. Hartman stated that a letter of resignation was received from our most notable board member after 28 or 29 years of working with the planning board.

Mr. Knighten stated his pleasure having served and read his letter of resignation.

Motion by Mr. Searfoss, seconded by Mr. Springer to enter into closed session at 9:32 p.m. for attorney-client privilege. All voted in the affirmative.

Motion by Mr. Hartman, seconded by Mr. Springer to reconvene regular session at 9:37 p.m. All voted in the affirmative.

Motion by Mr. Hartman, seconded by Mr. Nagler to adjourn at 9:38 p.m . All voted in the affirmative.

Respectfully submitted,

Linda M. Lovins
Township Clerk