

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

Call the meeting to order. 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.

Pledge of Allegiance. Everyone participated

Chairman Blair welcomed the guests and Mayor Adams from Westampton and thanked him for joining the meeting.

PRESENT: Mr. Alexander, Mr. Blair, Mr. Campbell, Mr. Chieco, Mr. Hartman, Mr. Johnstone, Mr. Nagler, Mr. Searfoss, Mr. Springer, Mr. Elliott and Mr. Taylor

ALSO PRESENT: Township Engineer Nancy Jamanow, Planning Solicitor Fred Hardt

ABSENT: Linda Lovins

Minutes:

The minutes had some minor discrepancies as they relate to the study areas as discussed. Chairman Blair will discuss with Linda when she returns.

Mr. Hartman asked if the engineer met with Mr. Russo. Ms. Jamanow stated that she did. She also indicated that Regan Young, Architect was also present and that a letter was issued on the areas that need to have repair such as the parking lot; striping for the handicap parking space, the dumpster enclosure. There was nothing to do with the lighting and landscaping based on the areas that are there. Mr. Russo is also going to spruce up the sign on Monmouth. Chairman Blair asked if we are working to come to conclusion on those matters. Ms. Jamanow indicated that she is and she has asked to meet with Mr. Russo's contractor prior to the work beginning. The suggestion relative to all of the owners getting together to fix the parking lot was discussed. Ms. Jamanow stated that she did not think that was a condition because the Township cannot obligate others.

Motion by Mr. Hartman, seconded by Mr. Springer to approve the February 21, 2007 Minutes as amended. All voted in the affirmative with Mr. Chieco, Mr. Alexander, Mr. Johnstone, and Mr. Taylor abstaining.

Resolutions:

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

RESOLUTION #2007-05

ON THE APPLICATION OF RUSSO PIZZA & ITALIAN RESTAURANT FOR A WAIVER OF MINOR SITE PLAN APPROVAL FOR IMPROVEMENTS TO AN EXISTING PIZZERIA AT 800 WOODLANE ROAD, BLOCK 600, LOT 7.01, ON THE TAX MAPS OF THE COMMUNITY All voted in the affirmative with Mr. Chieco and Mr. Johnstone abstaining.

RESOLUTION #2007-06 - Mr. Hartman had some issues with the different maps and zoning which are included in the report. Chairman Blair explained that the motion before us is to adopt the report. Any corrections to the report should have been made during the hearing or prior to this point. Chairman Blair asked Mr. Hardt what should be done. Mr. Hardt indicated that without having another hearing and giving appropriate notice, there is nothing that can be done at this point. Ms. Jamanow suggested that the Resolution be adopted and Mr. Hartman and her can get together to make sure the items do need to be corrected or possibly an explanation given. Chairman Blair stated possibly Don was absent from those meetings that touched on those areas that he has concern with. Chairman Blair stated that the entire Board beat this thing to death over many many meetings.

Mr. Hartman agrees with Nancy and thinks this matter can be handled between him and Nancy. Most of Mr. Hartman's comments are based upon what is showing in the recommended zoning map compared with what is written up in the different study areas. Mr. Hardt indicated that matter could be handled administratively.

Motion by Mr. Nagler, seconded by Mr. Springer to adopt Resolution 2007-06
RESOLUTION APPROVING MASTER PLAN REEXAMINATION REPORT FOR
THE TOWNSHIP OF EASTAMPTON, BURLINGTON COUNTY, NEW JERSEY,
PREPARED BY BARBARA J. FEGLEY, AICP, PP, OF ENVIRONMENTAL
RESOLUTIONS, INC. All voted in the affirmative with Mr. Campbell and Mr.
Johnstone abstaining.

New Business:

Sharbell Development Corp. Mixed Use Building Height Variance and Attached Garage
Setback
BLOCK 600.01, LOT 1
1399 Woodlane Road

Chairman Blair has advised that the he has the Administrative Officer's Checklist and this matter has been deemed administratively complete.

Michael Magee, Esq. representing the applicant/owner explained that the height of the mixed use building will exceed the limits by more than 10% therefore this matter becomes a D Variance request. The reason they have come before the Board for the variance is that for them to achieve the roof pitch standards as written puts them in a situation. They are also looking for some direction or interpretation relative to set backs and garages to make sure that they can move forward with detached and attached garages and have a different interpretation of those setbacks.

Mr. Kyle and Mr. Feinberg were sworn in by Mr. Hardt.

Mr. Kyle indicated that permit applications have been submitted for two of the homes and they hope to have word on those by Thursday. You should see some structures starting to be built within the next two weeks hopefully. The sales office will be moved into the model on the right hand side and the trailer will go. Most of the infrastructure is in, the water is completely installed with the exception of the service to the houses and the sewer is being worked out.

Mr. Kyle indicated that they are seeking relief from Section 103-90.2D(1) 35' height is permitted and they are asking for 40'.

The other issue is the setbacks for the garage. The reason Mr. Kyle references Washington Town Center in the letter is that when Sharbell worked with the Township on the Ordinance for Town Center all of the material was heavily borrowed from Washington Township when

working with Tom Czerniecki to go through that process and it seemed that the Township liked the product that they had in Washington. They wanted attached garages so people did not have to go outside to get to the garage, they could go right through the breeze way. However, the way the lots are configured and the standards that are set for setbacks would force them to detach all of the garages.

Chairman Blair asked for the section that they are seeking relief from. Mr. Kyle stated 103-90.2D(1)(f).

Mr. Feinberg explained that when they came to the Board with the conceptual sketches they had worked through many changes to the plans and elevations to accommodate the ordinance. As they started work and started to produce the documentation for the construction documents they started to go through and look at the roof pitches and look at how that significantly affects the front elevations, especially the front and side elevation relative to the main entrance into the development. As noted in the architectural design standards that buildings on corner lots under Section 88-55(b)(4)(5) and (6) shall be considered significant structures and therefore shall be designed with additional height and architectural features to emphasize the building and its prominent location. The main front elevation at a 35' height in this case 35' in height, two stories were less than a 9 on 12 roof pitch which is required under Section 88-55(b)(6). Mr. Feinberg presented two drawings one with the 35' height with less than a 9 on 12 roof pitch and another with a 39.6' height with a 9 on 12 roof pitch.

The question was asked of Mr. Feinberg if they were looking to add any square footage or floors. Mr. Feinberg stated they are not.

Ms. Jamanow asked if 39.5' was the average height for the building. Mr. Feinberg stated from the finished floor that is correct. Ms. Jamanow asked about the tower. Mr. Feinberg stated that the tower would be 48.6' which was represented to the board at the original hearings. It was determined that the tower is exempt from the height limitation.

Chairman Blair advised that the Township ordinance as it relates to building height is a little unusual compared to other township ordinances and Moskowitz in that typically refers to a mean height which is 50% of that roof height. So you could have a 40' or 45' building and the overall height of that structure based on mean height is still only 35'.

Mr. Hardt indicated that the purpose of height restrictions is for aesthetics and the ability to fight a fire.

Mr. Hartman made a suggestion that this information be shared with the Fire Chief and Inspector and Mr. Hardt concurred.

Mr. Johnstone asked how the roof pitches compare with Plainsboro. It was stated that Plainsboro's are much higher.

Chairman Blair asked for clarification of the statement that Mr. Feinberg made relative to the average height of 39' from the finished floor. Mr. Feinberg stated yes because the grade does change from the front of the building to the back of the building. The grade of the front of the building is 68" and the rear is 71".

Chairman Blair asked if there was anything further that the applicant wished to add. They had nothing further. Chairman Blair asked if there were any further questions from the board members.

It was agreed that the raised roof does it more justice.

Chairman Blair opened to the public. There being no comments from the public, Chairman Blair closed to the public. Chairman Blair asked Mr. Hardt where the board stood on this issue.

Motion to approve or reject and tie it into the renderings to avoid calculation issues.

Motion by Mr. Johnstone, seconded by Mr. Searfoss to grant relief of Subsection 103-90.2D(1)(f) height variance for a 5' increase in height. Upon roll call vote, all voted in the affirmative with Mr. Hartman and Mr. Nagler abstaining.

Mr. Hardt explained the second part of this matter raises the question if garages by being attached to the building become part of the building and thus must be included within the building envelope to meet the setback requirements or should meet the separate standard for garages even though they are no longer free standing garages.

Mr. Kyle explained that with the setbacks in place what is going to happen is there are going to be no attached garages except for the ones that have already been mandated to have attached garages.

Mr. Kyle explained that there is a point where the garage attaches to a breeze way. He said that they can agree that the breeze way will not be at a point outside of that rear yard setback.

Mr. Kyle explained that anywhere there is a lot that is only 120' deep there is going to be an issue.

Mr. Hardt stated that the determination has to be made as to whether attaching the structure to the main building makes it part of the main building.

Mr. Johnstone gave his opinion that a garage is a garage. If you connect the garage to the house, it is still a garage and believes the intent is to provide a place to house your automobile.

Chairman Blair explained that typically under MLUL Standards once you connect an accessory structure to the principal it becomes part of it.

Ms. Jamanow stated that the reason she asked for samples of the houses is she wanted to know what they considered to be a breeze way. Mr. Kyle explained that it has walls a roof is heated and narrow.

Mr. Campbell agreed with Mr. Johnstone and does not know why it is okay to have a detached garage but not an attached garage within the setbacks.

Ms. Jamanow stated that with a detached garage you do not need the 35' setback because you have more yard.

Ms. Jamanow stated that a variance can be requested. Mr. Hardt stated the alternative would be an ordinance clarification. Ms. Jamanow stated that she didn't know that the Township would want to do that for everywhere.

Ms. Jamanow asked Mr. Kyle if all situations wherein there is an attached garage if they are accessed through a rear alley. Mr. Kyle stated that there are no front load garages in this development.

Ms. Jamanow suggested ordinance clarification for the T-3 zoning and for attached garages that are accessed through an alley.

Ms. Jamanow will write up a report as recommended by the Land Use Board and submit it to Council for action. Mr. Hardt clarified that it would be an amendment to the T-3 Ordinance to allow for the connection of garages for houses being serviced by an alley.

Chairman Blair suggested that Mr. Kyle get his computer fixed and get those examples to Nancy.

Motion by Mr. Johnstone seconded by Mr. Chieco to have Ms. Jamanow put together a proposal to forward quickly to Council regarding an amendment to the ordinance to address the garage issue. Upon roll call vote all voted in the affirmative with Mr. Nagler and Mr. Hartman abstaining.

Old Business:
None.

Comments from Board Members, Solicitor, Engineer and Secretary.

Mr. Hardt swore in Mr. Campbell and Mr. Taylor.

Motion by Mr. Nagler, seconded by Mr. Hartman to adjourn at 8:30 p.m.

Respectfully submitted,

Linda M. Lovins,
Administrative Officer