

**EASTAMPTON TOWNSHIP LAND USE PLANNING BOARD
REGULAR MEETING OCTOBER 17, 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.

Roll Call: Present: Mr. Alexander, Mr. Blair, Mr. Campbell, Mr. Chieco, Mr. Hartman, **Mr. Johnstone**, Mr. Nagler, Mr. Searfoss, Mr. Springer, and Mr. Elliott

Also Present: Solicitor Fred Hardt, Engineer Nancy Jamanow, Clerk Linda Lovins

Absent: Mr. Taylor

Minutes:

Motion by Mr. Campbell, seconded by Mr. Alexander to approve the July 18, 2007 Minutes. Mr. Nagler and Mr. Hartman abstaining.

Motion by Mr. Chieco, seconded by Mr. Alexander to approve the September 19, 2007 Minutes with changes. All voted in the affirmative.

Mr. Chieco asked that on page 4, Mr. Radium needs to be filled in.

Mr. Johnstone joined the meeting at 7:34 p.m.

Resolutions:

Motion by Mr. Searfoss, seconded by Mr. Campbell to approve the following resolution with changes:

2007-19 ON THE APPLICATION OF DOMINIC AND CINDY KASERKIE FOR A BULK A VARIANCE TO PERMIT AN EXISTING FENCE LINING THE ON WILLOWBROOK WAY TO POINT 15 FEET FROM THE SIDEWALK.

In the section pertaining to the RM Zoning District take H out of Eastampton. Fred will make the revision.

All voted in the affirmative.

Motion by Mr. Springer, seconded by Mr. Johnstone to approve the following Resolution:

2007-20 ON THE APPLICATION OF BRIAN NAULTY FOR VARIANCES TO

PERMIT INSTALLATION OF THE 6 FOOT HIGH FENCE IN VARIOUS YARDS OF HIS RESIDENCE AT 1 OXFORD COURT ALSO KNOWN AS BLOCK 1000 .12, LOT 31 WITHIN THE TOWNSHIP OF EASTAMPTON.

Mr. Hardt "convolution" will be changed to "intersection". A point not "appoint" on second line on second page. Rear yard on the first line is side yard. Page 3 line 5 fence is needed "to". There is also a double period two lines above page 3 line 5.

The following resolution will be considered for adoption on December 3, 2007:

2007-21 ON THE APPLICATION OF SHARBELL DEVELOPMENT CORP. FOR SITE PLAN APPROVAL, AN AMENDED MAJOR SUBDIVISION APPROVAL ALONG WITH VARIOUS VARIANCES FOR ITS SALES MODEL AREA TO BE LOCATED ON BLOCK 600. 01 LOTS 2, 3, & 4.

Motion by Mr. Campbell, seconded by Mr. Chieco to approve the following resolution with changes:

2007-22 ON THE MASTER-PLANNED RE-EXAMINATION REPORT FOR THE TOWNSHIP OF EASTAMPTON BURLINGTON COUNTY NEW JERSEY.

Change "Planned" in title to "Plan".

Motion by Mr. Johnstone, seconded by Mr. Searfoss to continue the following applications upon consideration of the applicants' requests to continue the matters until December 3, 2007:

Homes of Hope, Inc. - Requested adjournment until December 3, 2007
Block 1000, Lot 2
Variance to add an additional two duplex homes on the property
M & M Land Development, LLC - Requested further adjournment until December 3, 2007 meeting
Block 800, Lots 4.01 and 4.03
Minor Subdivision

All voted in the affirmative.

New Business:

Walter Silcox
Block 401, Lot 7.05
Variance

Walter Silcox and Mrs. Silcox were sworn in by Mr. Hardt. They would like to put up a pole barn and then eventually build on to the existing house and move there. The Silcoxs currently reside in Hamilton. The residential unit is occupied by Mr. Silcox's son. The use of the pole barn will be for working on and storing classic cars. He will not run any type of a business out of the barn. Classic cars are his hobby. He would like to be able to fit five cars in the barn and be able to work on them. The lot is 2.387 acres. The survey reflects the pole barn 35' from rear and 165' from side yard. Mr. Silcox had nothing further to add.

Chairman Blair requested the Board go over the Engineer's report. Ms. Jamanow read her report into the record.

Nancy requested a condition of approval be that no cars will be stored outside of the barn. Mr. Silcox is proposing a mean height of 22' which means he will also need a height variance. Mr. Silcox brought a brochure. He does not have his own blue prints.

Chairman Blair asked about him adding on to the home and if he was going to move the house or build on. Chairman Blair stated that if he is not 100% sure he is going to build a new home do not commit to that at this point.

Chairman Blair re-capped the variances sought:

- lot area
- principal rear yard setback
- accessory front
- accessory rear
- accessory building coverage
- accessory building height.

Chairman Blair asked to move the building 41' to the rear yard, which takes away the rear yard setback variance. Mr. Silcox agreed.

Chairman Blair opened to the public at 8:01 p.m.

David Parkarson, 1104 Smithville Road was sworn in by Mr. Hardt. Mr. Parkarson thinks it is a large building for him to be looking at. Mr. Parkarson believes that 40' x 60' is warehouse size and it is too close to his property. He feels his property value will be deteriorated due to a pole barn in his back yard. If there is a commitment on the table for building a new house he would not have a problem with the application.

James Fitzgerald, 1108 Smithville Road. He knows Mr. Silcox. He knows the vehicles that he works on and believes that the building he is requesting to build is an adequate size. He has no problem and believes Mr. Silcox will eventually move to the Township.

Chairman Blair closed to public at 8:05 p.m.

Mr. Campbell asked if there was any buffering of the lots now. Mr. Silcox stated that there are trees. Mr. Parkarson stated that his house sits up and there is no way that you could buffer the building. There are trees all the way around the whole property. Mr. Chieco asked if they were mature trees. Mr. Silcox stated that they are and he plans to add on to the house.

Chairman Blair stated that the satellite view he is looking at shows that this site is heavily wooded. Chairman Blair asked what the height is of the trees. Wouldn't the applicant be required to replace so many trees? Nancy Jamanow is looking it up in the Code Book.

Mr. Johnstone asked about the lot to the rear and what the closest structure is. Mr. Silcox stated close to 200' to the line there is a house and barn. Chairman Blair concurred it was 208'.

Ms. Jamanow said she sees where there is replacement for shade trees, but not trees in general in the Township Code.

Mr. Springer asked about the doors. Mr. Silcox stated that there are two overhead doors, one on the side, and one on the end. Chairman Blair asked about the color. Mr. Silcox stated that he will try to blend it with the trees such as a light brown or a green.

Chairman Blair asked about turning the building so that the neighbor is looking at the 40' side rather than the 60' side. Mr. Silcox would do that if the Board so desired.

Chairman Blair stated that a letter of interpretation will be required by the Construction Official. Mr. Hardt advised Mr. Silcox that he will have to get this letter before the Construction Official can issue a permit.

Chairman Blair stated that the wetlands are very close to his property according to the 2005 overlay.

Chairman Blair asked if he is interested in turning the building so that the 40' is facing the rear

At this point it was determined that Nancy was looking at the wrong zoning district when she issued her report, it was noted that this is located in the R-L district on the zoning map adopted with the Master Plan Re-Examination Report.

Mr. Springer asked if it was going to be a concrete floor. Mr. Silcox stated concrete with portable lifts to work on the cars. Tools and cars will be the only things stored in the barn.

Chairman Blair would like the doors to be away from the neighbors to stop the noise for the neighbors.

Mr. Hardt asked if the neighbor would have a problem with Mr. Silcox paying for and installing trees on the neighbor's property for a buffer. The neighbor agreed to installation of the trees.

Mr. Johnstone suggested leaving the building positioned the way it shows on the plan because looking at the roof line would be better than the end.

Chairman Blair suggested an evergreen color. Mr. Nagler pointed out that the chart has a reflectivity level on it. Hartford Green was the color that was chosen.

Mr. Chieco asked for low-lying greenery along the 60' dimension of the pole barn.

Motion by Mr. Campbell, seconded by Mr. Johnstone to approve Walter Silcox Application for the following variances:

- X pre-existing lot area variance
- X accessory front yard setback encroachment
- X accessory coverage of 2.31%
- X building height at 22'

And with the following conditions:

- X roof and main structure being hartford green
- X the structure having two overhead doors plus entrance door
- X plantings surrounding the foundation are subject to the approval of the Engineer's Office
- X building will be moved forward to 41' from the rear yard structure
- X neighbor will put additional landscaping on his lot for a buffer
- X there is to be no commercial use of the property
- X all environmental standards are to be met
- X no heavy engine work and no gasoline or oil may be stored there.

All voted in the affirmative.

Chairman Blair explained to Mr. Silcox that he can ask the Board to proceed at risk. He explained that the resolution would not be memorialized until the next meeting but that an at-risk approval would allow him to have the permit issued immediately, understanding that the conditions that are imposed must be adhered to and if what he does is not in keeping with the adopted resolution, he will be required to adhere.

Motion by Mr. Johnstone, seconded by Mr. Alexander to allow Mr. Silcox to proceed at risk. All voted in the affirmative.

Review of bulk criteria and other standards per Solicitor Fahey's email attached.

Ms. Fegley pointed out the two changes to the ordinance from the last time that the Board reviewed the ordinance. Chairman Blair questioned who defines "substantial" as it relates to being compatible with Article XI.

Ms. Fegley pointed out that the Board can determine what is substantial. Chairman Blair would like it to say "shall comply". Mr. Hardt believes the Board will then be getting a lot of waivers. Mr. Johnstone believes if there isn't clarity then the next step is superior court.

Mr. Hardt stated that the wording will be changed to say "shall comply".

Mr. Campbell asked how many acres are being proposed with 1,600 parking spaces. Mr. Johnstone asked what that does for impervious coverage. Ms. Jamanow stated the number comes from her experience with this type of facility and not having enough parking. Mr. Hardt recommended erring on the high side.

Mr. Johnstone asked if the Board is locked into anything. Mr. Hardt stated that the Board is not locked into anything.

Ms. Jamanow stated that there is a density requirement as it pertains to Mr. Campbell's question regarding parking. Ms. Fegley gave the parking numbers for other communities and stated that this ordinance is close. Mr. Chieco felt that providing additional landscaping in the area would help.

Mr. Nagler advised the Board that on November 17 there will be a bus here at 9:30 a.m. in the morning for a tour of the Ann's Choice Facility in Pennsylvania. He asked all Board members and professionals to attend. Mr. Nagler will handle all communications regarding the tour including those with the professionals. Mr. Nagler stated that at that point all questions can be answered.

Chairman Blair, as a resident, would like to know what the overhead will be for the Township. Mr. Hardt advised that there is a community impact and fiscal impact statement.

Ms. Jamanow has advised that the Erickson staff has hired an attorney and an engineer. She advised that they are starting Phase I at this point. Ms. Jamanow advised that this is real. Nancy believes that this community will be on the west side of Powell Run. The east side will still be available for development.

Chairman Blair stated that there were a lot of players at the table for this property and now the Township is considering another type of use. Nancy stated that these people have an offer on the land.

Mr. Alexander advised that the Township should be aware that situations such as a Catholic

church and Baptist Church teaming together to get free state funding to build a not-for-profit community; thus eliminating a potential Township revenue source. Mr. Hardt stated the Township could not stop that, if that were to happen. Ms. Jamanow stated that this ordinance is only adding a use.

Mr. Hardt stated that the Township is dealing with a specific use and user. He further advised that if the Board buys into the concept, the land is no longer available for any other use. Is it a conceptual use?

Chairman Blair asked what the Township is looking for in income. Mr. Nagler believes it is about \$2,000,000.

Mr. Campbell asked about costs associated with such a community. Mr. Nagler stated that there was a little increase in police activity. Mr. Nagler advised that based on other communities such as this, they would have their own polling place, and have the largest voting number of residents voting yes for school votes.

Mr. Hardt stated that seniors have a lot of time and they are at every single meeting because they have a lot of time. Ms. Jamanow stated that they also volunteer for a lot of things.

Mr. Campbell believes that it will drastically change Eastampton Township.

Mr. Nagler asked everyone to meet at 9:30 a.m. on November 17, 2007 at the Manor House. Chairman Blair asked if everyone is with us. One member will have to drive themselves and all other members will have to check their schedules.

There was no objection to introduction of the ordinance pending the field trip and possible comments on ordinance.

Motion by Mr. Campbell, seconded by Mr. Johnstone to recommend introduction of the CCRC pending possible comments from the Land Use Planning Board after the visit on November 17, 2007. All voted in the affirmative.

Comments from Board Members, Solicitor, Engineer and Secretary.

Chairman Blair asked the Board Members to email Linda regarding their ability to attend the meeting with the County that will take place in Southampton regarding acquisition of property along the creek.

Reminder that the next meeting will be on Monday December 3.

Motion by Mr. Hartman, seconded by Mr. Alexander to adjourn at 9:30 p.m. All voted in the affirmative.

Respectfully submitted,

Linda M. Lovins, RMC
Township Clerk