

EASTAMPTON TOWNSHIP LAND USE PLANNING BOARD
MINUTES
September 19, 2007

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 and Courier Post on January 9, 2007 and posted on the Municipal Building Bulletin Board.

Pledge of Allegiance. Everyone participated.

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. Taylor

 ABSENT: Mr. Elliott

Minutes:

The July minutes were unintentionally omitted from the packet. They will be considered in October.

Resolutions:

Motion by Mr. Searfoss, seconded by Mr. Springer to adopt the following Resolution:

2007-17 RESOLUTION GRANTING MINOR SITE PLAN APPROVAL
ALONG WITH THE SIGN VARIANCES TO CVS
PHARMACIES FOR PROPERTY IDENTIFIED AS BLOCK
900.01, LOT 12.04 ON THE TAX MAPS OF THE TOWNSHIP
OF EASTAMPTON

Upon roll call vote, all voted in the affirmative.

Motion by Mr. Springer, seconded by Mr. Taylor to adopt the following Resolution:

2007-18 REVISED RESOLUTION GRANTING MINOR SUBDIVISION
APPROVAL TO THE TOWNSHIP OF EASTAMPTON SUBDIVIDE
BLOCK 600 LOTS 2, 2 .02 AND 4.

Upon roll call vote, all voted in the affirmative with Mr. Johnstone, Mr. Nagler and Mr. Hartman abstaining.

New Business

**Naulty - Application for Use Variance for Fence
Block 1000.12 Lot 31**

Mr. Nagler and Mr. Hartman took seats in the audience.

Brian Naulty, 1 Oxford Court was sworn in. Nancy Jamanow read her findings into the record. Variances are required for the location and height of the fence. Mr. Naulty would like to put up a dog-eared top fence.

Mr. Naulty stated some reasons for the variance for the fence. The roads are heavily traveled, there have been tire tracks on his property and his son has some special needs. Mr. Naulty is requesting the fence be placed where it shows on the survey because he needs it for sound and aesthetics. The vista sign shines into his bedroom.

Chairman Blair pointed out that if he were to increase the line from 10' to 15' he would be in compliance. Mr. Naulty uses that portion of the property.

Chairman Blair also pointed out that putting up a fence will not stop people from driving over the curb.

Mr. Springer asked Nancy if there was a sight triangle. Nancy said she did not think so. Mr. Naulty believes that the sign is more of an issue for the sight triangle than the fence would be.

Mr. Hardt indicated that there is no impact on the street scape by adding a fence.

Mr. Springer asked if there was a special need for the fence other than the noise. Mr. Naulty said that the noise is primary. Chairman Blair stated that when you purchase a property you buy into the hardships.

Mr. Springer stated that there were originally pine trees in the area in question and Mr. Naulty removed them. Mr. Naulty stated he did remove them because they were messy.

Mr. Taylor stated that the plan shows the fence angled. Mr. Naulty is trying to make it aesthetically nice.

Mr. Johnstone asked if there is a fence on the adjacent lot. He stated that the fence is on his side and across the back.

Mr. Naulty would be continuing off his neighbor's fence.

Mr. Naulty lives on the corner of Powell, Oxford and Knightsbridge. Chairman Blair asked if there is any landscaping planned for behind the fence on Powell. Mr. Naulty stated yes, mulch and bushes or greenery trees. Chairman Blair asked if he was planning that on Knightsbridge as well as Powell. Mr. Naulty hadn't thought about it but eventually he would.

Chairman Blair asked Mr. Chieco for his input. Mr. Chieco stated that if Mr. Naulty gets him a plan he would be happy to give feedback.

Chairman Blair is concerned about the 6' fence on a right a way. Chairman Blair would like a commitment on the landscaping. Mr. Hardt asked how soon would be reasonable for Mr. Naulty to put the landscaping in so that it may add it as a condition to the resolution.

Mr. Hardt suggested that the Land Use Planning Board add a condition that the Board will develop and maintain a committee relative to the landscaping plan for Powell Road and Knightsbridge to monitor for one year from this date.

Chairman Blair would like some landscaping recommendations from Mr. Chieco this evening.

Mr. Chieco stated that some type of landscape that is 3' or 4' high in some spots with some lower perennials Mr. Naulty was visualizing cabbage type plants along Powell with aborivities. Chairman Blair would like Mr. Chieco to get together with Mr. Naulty.

Chairman Blair stated that there were certain items built into the fence ordinance for a reason and this could allow neighbors to come back to the board for closer encroachments. Chairman Blair commented that the landscaping that was there originally was in the 20' buffer and was part of the original plan for the subdivision when it was approved.

Mr. Naulty stated that the county widened the road prior to him purchasing the property. Chairman Blair stated that the county had that in the original plan for excel and decel lanes. Chairman Blair stated that the original landscaping buffered the view of his house which was the intent.

At 7:57 p.m. Chairman Blair opened the matter to the public. No one wishing to speak, Chairman Blair closed to the public.

Motion by Mr. Taylor, seconded by Mr. Alexander to approve the Bulk Variance for placement, and use variance for height with the condition that landscaping, as approved by the committee, be in place within a year. Upon roll call vote, all voted in the affirmative with Mr. Johnstone and Mr. Blair voting no.

It was further decided that Mr. Chieco will be the committee.

**Kaserkie - Application for Variance for Fence
Block 1100.04, Lot 17**

Cindy Kaserkie was sworn in at 8:01 p.m.

It was advised that there was no engineer's report for this instance.

Ms. Kaserkie is proposing to install a 5' cedar picket fence which is 30' from sidewalk on Willowbrook Way and Cypress. She has two small children under the age of five. She would like to expand the fence for better use of her back yard for her dog and children. If she installed a 5' picket people can see through it. The only neighbor it would affect is here tonight. The neighbor's house sits higher on the ground.

Chairman Blair asked about the landscaping proposed. Ms. Kaserkie stated that they would like to extend the landscaping that is there with lower-lying bushes and evergreens with low-lying perennials.

A witness for the applicant, Mary Teresa DeLoche, who is the neighbor whose house it would affect stated that she has no problem with this application.

Mr. Johnstone asked if the house would extend past the neighbor's front door. Ms. Kaserkie stated it would extend 15' beyond Mrs. DeLoche's front yard.

Mr. Campbell asked if the fence will abut her neighbor's fence. Ms. Kaserkie stated that it would.

Mr. Johnstone stated that this is a common example of why council put the fence ordinance in place to begin with - so that the fences do not jet out. Mr. Johnstone stated that he doesn't want to set the precedence. Ms. Kaserkie stated that the precedence has already been set.

Chairman Blair asked about a 36" fence in the front. Ms. Kaserkie stated should would not consider that due to the safety of her children. Someone could potentially walk by and reach over to pick up her child.

Chairman Blair opened to the public at 8:09 p.m. There being no one wishing to speak, Chairman Blair closed to the public.

Mr. Hardt advised that this an application for a use variance due to the height of the fence in the front yard.

Chairman Blair asked what the minimum front yard setback was in that zone when it was originally approved. Ms. Jamanow stated that now it is 40'. Ms. Jamanow and Mr. Hardt believe it was 35' at the time the ordinance was put in place .

Mr. Hardt advised that this would be a use variance as well as a C-1 variance.

Motion by Mr. Johnstone to deny the application, seconded by Mr. Campbell, All voted in the affirmative with Mr. Chieco and Mr. Taylor voting against the motion.

Continue consideration on M & M application with no further publication.

Mr. Nagler and Mr. Hartman rejoined the Board.

**Sharbell Development, LLC Application for Minor Site Plan
Block 600.01 Lots 2, 3 and 4**

Mr. Canulli. and Mr. Radiu were sworn in.

Mr. Canulli advised that the sales unit was always intended to be moved. Sharbell would like to move it from lot 2 to lot 3. The purpose is to accommodate a handicap ramp.

Lot 2 is a decorated sales model. All sales activity would be out of the unit on lot 3.

Mr. Hardt asked what is going to happen to those sites once all lots are sold. Mr. Canulli stated that all those temporary buildings would be removed and they would fully develop lot 4.

Mr. Hardt asked when they would be removed. Mr. Canulli stated when the permit is issued for lot 4.

Chairman Blair asked why the parking next to the sales trailer cannot be used in lieu of lot 4. Mr. Canulli advised that Sharbell would prefer having the parking next to their sales area. He further advised that it is a sales technique. Chairman Blair commented that they are contiguous lots.

Mr. Canulli is asking for a variance for a deck to be within 10' of the side property line. The way it is shown on the plan it is approximately 7.5 feet to the sideline.

Chairman Blair commented that there is no parking in any front yard and parking to be at least 10' from any side property line.

Sharbell is proposing to use dense aggregate gravel in the temporary parking area rather than

putting in blacktop that would have to be taken out later.

Chairman Blair asked about the fence. Mr. Canulli pointed out the temporary location of the fence and advised it will be used to enclose the buyer's in the sales area or sales trap to keep them in the model area. Chairman Blair asked why Sharbell is not staying with the original plan of brick pillars. Ms. Jamanow stated that there is a fence that is supposed to go there. Mr. Canulli agreed that the fence should go in as approved.

Mr. Johnstone asked why the handicap space is where it is. Mr. Canulli stated it has to be in a paved space. Chairman Blair sees no need to have parking in the front yard.

The decking on the sales unit is not an available option and the Board would like a sign placed on the deck advising.

Chairman Blair stated that the ordinance is designed for a purposes. There are minimum standards for a parking area. He feels that if there is going to be a parking area it should be paved and stripped and there should be no parking in the front yard.

Mr. Hartman asked why they just don't move the delivery point. Mr. Canulli stated that they could.

Mr. Hartman agrees with Chairman Blair.

Mr. Canulli agreed to move handicap ramp closest to the handicap space and to pave the thorough fair and keeping an area of gravel with wheel stops in place as a temporary fix until the last building permit is issued.

Chairman Blair stated that the fence will stay with original plan.

There will be no variance granted for parking in front area.

Chairman Blair opened to the public at 9:02 p.m. There being no one wishing to speak, Chairman Blair closed to the public.

Motion by Mr. Hartman, seconded by Mr. Taylor to approve the Site Plan Application to grant variance except for those that are no longer needed with the condition that all improvements to be removed with last building permit. Upon roll call vote all voted in the affirmative.

Mr. Naulty asked at this point to proceed at risk.

Motion by Mr. Johnstone, seconded by Mr. Campbell to authorize Mr. Naulty to proceed at risk. All voted in the affirmative.

Master Plan Re-Examination Revision and Public Hearing. Barbara Fegley briefly reviewed the changes to the Re-Examination Report regarding CCRC which is a large scale facility for 62 years of age and over and independent living arrangement and go throughout their life with different levels of care as the need arises. There will be regular living, assisted living, and a skilled nursing facility. There will be a lot of accessory uses such as, churches, gift shops, restaurants, hair salons, etc.

She spoke of trends, and what that type of facility would add to the population as far as the original master plan. It would change the population from 7245 to 8975. There would be no burden on the schools.

Mr. Johnstone commented on having people being captivated in this community and not going outside.

Ms. Jamanow stated that most of this is independent living and these people are living.

Ms. Fegley stated that there would be 1,500 independent living residents and 230 assisted and skilled nursing residents combined. These are the numbers that were given to Barbara.

Mr. Campbell asked if there would be a nursing facility on site. Ms. Fegely stated that there is. Mr. Johnstone cautioned the Board that they now have to be careful about what would be put next to this village. For an example, the Township wouldn't want to put a warehouse next to the CCRC.

Mr. Taylor stated that it was mentioned that this was a minimum of 100 acres but no where does it state a maximum.

Mr. Johnstone asked if there are any building standards. He thinks it would be nice to use the same standards as VCD so that you wouldn't be able to tell difference.

Mayor Nagler stated that the footprints are very unique because all of the buildings are connected for ease in traveling through the community. ERI did not think that has been discussed yet.

Ms. Jamanow thinks that keeping the design standards with the VCD is a great idea. Mr. Hardt stated that the Board may decide to develop design standards and keep it broad.

Mr. Campbell is worried about how tall the buildings are and how much space this is taking up. Ms. Jamanow does not want to limit the Township.

Chairman Blair agrees with Mr. Johnstone's idea to incorporate the design standards from the VCD.

Mr. Chieco had heard that communities like these are now tax-exempt. Mr. Hardt stated that this is a for-profit company. Mr. Chieco was speaking of the Quakers, that is non-profit.

Mr. Johnstone told the board to keep in mind the increase in population and traffic studies that may be involved. Ms. Fegley stated that there are plans for all of that and the board will be able to comment on every aspect as this project moves along.

Chairman Blair opened to the public at 9:31 p.m. There being no public in attendance at this point, Chairman Blair closed to the public.

Mr. Hardt gave a synopsis of the situation and advised that the Board is specifically being asked to add a use and not to set a standard at this point.

Motion by Mr. Johnstone, seconded by Mr. Taylor to adopt the amendments to master plan re-examination report. Upon roll call vote, all voted in the affirmative with Mr. Alexander, Mr. Hartman, and Mr. Nagler abstaining.

Old Business

Revision of BP and PO Ordinance to include continued care retirement community as an allowed use –Mr. Hardt advised that the Board can recommend that Council adopt an ordinance implementing the use.

Mr. Johnstone is really not comfortable with all of this tonight. Chairman Blair asked to request a field visit.

Mr. Hardt suggested that the board report back to council that the use be allowed subject to certain design standards and then the meeting can be set up for a site visit.

Chairman Blair shared his thought that the Township is looking to cut taxes and cut overhead that the community might aid by not needing township services like plowing, etc.

Mr. Johnstone suggested that they not only take a site visit but also talk to the township and the schools, etc. Chairman Blair asked Mr. Hardt to arrange the tour.

Motion by Mr. Chieco, seconded by Mr. Searfoss to make a recommendation from the Board to Council to add CCRC as an allowed use to the BP and PO Ordinances subject to land use board review. Upon roll call vote, all voted in the affirmative with Mr. Nagler and Mr. Hartman abstaining.

The board briefly discussed meeting with local contacts, competitors, etc. of the CCRC group, after the presentation. The board would like to take a tour by the next meeting and then invite them to the next meeting. Nancy and Fred will get the information and coordinate.

Comments from Board Members, Solicitor, Engineer and Secretary.

Mr. Johnstone noted that the Kaserkie application that was denied is not something he likes to do but upholding the code is number one and part of the job is to enforce the ordinances. Mr. Alexander agreed. Chairman Blair stated that the purpose of the board is to deviate from that code.

Chairman Blair reminded everyone that every application is reviewed on a case-by-case basis.

Mr. Alexander asked about the status of the recreation building. Ms. Jamanow stated that it will be installed the first or second week in October.

It was agreed to combine the November 21 and December 19 meeting and hold one meeting on December 3.

Motion by Mr. Hartman, seconded by Mr. Campbell to adjourn at 10:15 p.m. All voted in the affirmative.

Respectfully submitted,

Linda M. Lovins
Land Use Administrator