

STRATFORD JOINT LAND USE BOARD
MINUTES
April 22, 2021
Via Zoom

The meeting was called to order by Chairman Mike Mancini at 7:00 pm and the public statement was read that the meeting was advertised in the Courier Post, the Collingswood Retrospect and a notice was posted on the bulletin board at the Borough Hall stating the time and place.

Mr. Wieliczko stated that notice of this meeting was also provided consistent with the New Jersey Department of Community Guild lines for remote public meetings.

The Chairman led the board in the pledge of allegiance and a prayer.

ROLL CALL:

Present

Absent

M. Mancini, Chairman Class IV
P. McGovern, Vice Chairman Class IV
J. Keenan, Mayor Class I
T. Hall Class IV
T. Kozeniewski Class IV (Late)
T. Lomanno Class III
R. Morello Class II
L. Mount Class IV
R. St. Maur Class IV

K. Swallow, Alternate I
K. Botterbrodt, Alternate II

M. Wieliczko, Solicitor, Zeller & Wieliczko
A. DiRosa, Engineer
S. McCart, Secretary

NEW BUSINESS: Appointment of Conflict Attorney, Larry Luongo

Mr. Mancini stated the board needs to appoint a new conflict attorney for the Bradlees site to replace Mr. Costa. The recommendation is Larry Luongo. Mr. Luongo was present at the meeting. Mr. Luongo reviewed his credentials. He stated he agreed with previous council and his initial position would be to continue those position until the applicant proves otherwise. Mr. Wieliczko stated the county has resubmitted an application for courtesy review and has asked to be placed on the May agenda. Mr. Luongo stated the term courtesy review in most instants refers to county, state, their land use projects are not governed by Municipal land use law. Motion by Mr. St. Maur and seconded by Mr. Morello to appoint Mr. Luongo as the new conflict attorney.

Roll call: Mr. McGovern, yes, Mayor Keenan, yes, Mr. Hall, yes, Mrs. Lomanno, yes, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, yes, Mrs. Swallow, yes, Mr. Mancini, yes.

Joel Lyons, 22 W. Vassar Avenue, Block 26, Lot 6. Pole Barn to be erected 5' from property line where 10' is required and has a height of 25' to roof and 31' to cupola where 12 feet is permitted. Joel Lyons Jr. and Joel Lyons Sr. were both sworn in. Anthony DiRosa was sworn in. Mr. Wieliczko stated the barn would be built on the southeast section of property which is behind the house on the school side of the property. Mr. Lyons Jr. stated that is correct. Mr. Wieliczko

asked if the primary use would continue to be residential. Mr. Lyons stated yes. Mr. Wieliczko asked Mr. Lyons if he had received a copy of letter from Bach Associates office dated March 24, 2021. Mr. Lyons stated he had. Mr. Wieliczko stated in the review letter any proposed down spouts must be directed away from the adjacent lot of Block 22, Lot 2 so as not to adversely effect the drainage on that lot. Would you agree to that? Mr. Lyons stated yes. Mr. Wieliczko if any improvements that you make on the property would not adversely affect the conditions on your property or the adjacent properties including but not limited to drainage. Mr. Lyons stated yes. Mr. Wieliczko stated do you agree that in the garage no resident would live in the garage. There will be no bedrooms, no kitchen and no bathrooms in garage. Mr. Lyons stated that is correct. Mr. Wieliczko stated would you also agree as condition of approval provide construction details on construction of garage and provide those to our Engineers in a manner acceptable to our Board Engineer. Mr. Lyons stated yes. Mr. Wieliczko stated there was no survey submitted with application. Mr. Wieliczko asked Mr. DiRosa with regard to post construction conditions and improvements, is that something you would want to see. Mr. DiRosa stated we would be looking for is that everything drains away the garage and there are no adverse impacts to the surrounding properties. They would need a post construction survey as condition of approval. Mr. Lyons Jr. stated the property is located a 22 W. Vassar. It is a R1 residential property, single family detached home which was grandfathered in to be a duplex. The property is 1.36 acres. I am seeking a variance to construction a 40'x60' pole barn. It is not a detriment to zoning code since 22 West Vassar is categorized as an R1 with no residential neighbors adjacent to the property. We compared the height of our proposed garage with the surrounding buildings. St Luke's school building has a height of approximately 16' and the auditorium is 32'. Yellin School has a snack stand that is approximately 23'. The swim club roof peak height is approximately 24'. Our house is 26' and the proposed garage is 25'. To keep the garage from looking industrial the ornamental cupolas were added. We are also requesting a 5' set back on one side of the structure. This is to maximize the remainder of the property. The previous garage before demo, was touching the fence along St. Luke's. We are trying to match the same vision that we have already done to the property. So far, we have pulled all permits and stayed compliant with all request from Stratford.

Mr. Wieliczko asked what the primary purpose will be for the garage? Mr. Lyons a to hold vehicles. Mr. Wieliczko asked how many cars? Mr. Lyons stated two cars and tools.

Mr. DiRosa stated our review letter is dated March 24. We heard testimony about the variances and the letter outlines the variances. The only comment would be that the down spouts be directed away from the adjacent lot and run off should go to the center of the homeowner's lot. The only concern was putting additional runoff onto adjacent properties. The applicant has already agreed to that.

Mr. Mancini asked why it needs to be so high? Mr. Lyons Sr. stated to match the house and property. With the high roof, it looks like a barn and really matches. The pole barns with lower roof looked industrial.

There were no other questions from board members.

Motion was made by Mayor Keenan and seconded by Mrs. Lomanno to open to the public. All members voting aye. There were no public comments.

Motion was made by Mr. McGovern and second by Mr. Hall to close the public portion. All ayes.

Motion by Mr. McGovern and seconded by Mr. St. Maur to approve the application with regard to the two requested variance and agreed upon conditions of approval as articulated by the applicant including but not limited to the down spouts being directed away from adjacent lot 22/2. There will be no residential use such as a bathroom, kitchen, bedrooms. Construction details and plans will be provided in the manner acceptable to our board engineer and survey to be provided

post construction with a noted improvement detailing the drainage pattern, the heights and the spot elevation and distance of garage off of the side property line.

Roll call vote: Mr. McGovern, yes, Mayor Keenan, yes, Mr. Hall, yes, Mr. Kozeniewski, yes, Mrs. Lomanno, yes, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, yes, Mr. Mancini, yes.

Mr. Wieliczko stated we have the Affordable Housing Professional, Leah Furey Bruder. She will provide testimony this evening with regard to items on the agenda. There are two matters that have been referred to the Land Use Board for comment and recommendation. The first recommendation on 2021:07 amending Chapter 17.21, the R-4 affordable housing residential district and in addition ordinance 2021:08 amending Chapter 17.05, affordable housing, to replace section 17.05.010 "Uniform Affordable Housing Productions Based on Growth Share" in its entirety with a new section 17.05.010 entitled "Affordable housing requirements" and to update section 17.05.020 entitled "Affordable housing development fees".

Ms Furey Bruder was sworn in. Ms Furey Bruder provided her credentials to the board. In 2020 I was engaged by the borough to assist you in implementing and finishing out the compliance of your affordable housing planning efforts. In 2016 the borough entered into a settlement agreement with Fair Share Housing Center. She was hired to get the borough to final compliance. What is before you is not anything new. It has been in the plan since 2016/2017 but what we are doing now is ensuring that the work is done to implement the plan so that the borough is not susceptible to any affordable housing challenges. There is a whole package that was prepared that is all the compliance documents but only the ones that are ordinances need to be referred to Land Use Board. What we have is Ordinance 2021:07, amends the R4 zoning district. The zoning needed to be modified. The district has been rewritten to allow for multifamily development at a density of 16 units per acre with a 15% affordable housing set aside mixed in. The ordinance provides set back and standards. The second ordinance 2021:08 amends Chapter 17.05 which is the affordable housing ordinance. This ordinance will basically replace a section of the current code and just updates all the affordable housing regulations. Within that same section we also have the ordinance mandatory affordable housing fees. This is being updated to address alterations. Your job, as the planning board, is a review under the Municipal Land Use Law, section 26 which is to determine whether the ordinance that is proposed and has been introduced by borough council are consistent with the housing element and master plan. They are specifically designed to implement the housing element of the master plan.

Mr. Mancini asked why this is being required now prior to the owner coming in for an application? Second as Mr. Mancini understood we had a general 20% agreement? Miss Furey Bruder stated that 20% is for sale and 15% is for rental development. Since this would be a rental development the 15% applies. The obligation of the borough is to put the zoning in place to create an opportunity for these affordable housing units to make sure it is a realistic opportunity.

Mr. St. Maur asked what now is the moderate combined income for this area? Ms. Furey Bruder stated moderate income is for those making between 50% and 80% of median household income \$50-\$60,000. Low income is 30% to 50% of median household income \$35,000 or less. Very Low is under 30% or under \$20,000.

Mr. St. Maur asked if this includes section 8 housing. Ms. Furey Bruder stated section 8 is now a federal voucher system that goes to the individual, not the building.

Mr. Wieliczko stated the corresponding Resolutions on the agenda are Resolutions 2021:11 and 2021:12. They are the proposed recommendations and the findings of this Land Use Board on these proposed Ordinances and recommend that they be adopted consistent with testimony you heard this evening.

Motion by Mr. St. Maur to open to the public and seconded by Mr. Hall. All ayes. John Keenan clarified that the parcel size is 8.43 acres. The way the Section 8 voucher system work is that

amount is based on the size of the home, one-, two- or three-bedroom home. It may be below the amount of rent that the landlord is looking for so some landlord may not want to accept it. Motion by Mr. St. Maur and seconded by Mr. Lomanno to close the public portion. All members aye.

Referral from Mayor and Council to review Ordinance 2021:07 Ordinance amending Chapter 17.21, the R-4 affordable housing residential district in its entirety.
Mr. Mancini stated this refers to the area in front of Woodmere.

Referral from Mayor and Council to review Ordinance 2021:08 Ordinance amending Chapter 17.05, affordable housing, to replace section 17.05.010 “Uniform Affordable Housing Productions Based on Growth Share” in its entirety with a new section 17.05.010 entitled “Affordable housing requirements” and to update section 17.05.020 entitled “Affordable housing development fees”.

Referral from Mayor and Council to review Ordinance 2021:09 Ordinance amending the code of the Borough of Stratford to establish Chapter 8.14 and to amend Chapter 17, to prohibit the operation of any class of cannabis businesses within its geographical boundaries.

RESOLUTION TO BE MEMORIZED:

2021:11 - Report, Recommendations and Findings on Ordinance 2021:07 Involving Land Use and Zoning – The R-4 Affordable Housing Residential District in its Entirety (Block 62, Lot 8, 504 S. White Horse Pike)

This resolution is board’s recommendation on the proposed ordinance 2021:07 as it relates to the R4 Zoning.

Motion by Mrs. Lomanno and seconded by Mr. St. Maur to approved Resolution 2021:11.

Roll Call: Mr. McGovern, yes, Mayor Keenan, yes. Mr. Hall, Abstain, Mr. Kozeniewski, yes, Mrs. Lomanno, yes, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, yes, Mr. Mancini, yes

2021:12 - Report, Recommendations and Findings on Ordinance 2021:08 Involving Land Use and Zoning – Amending Chapter 17.05, Affordable Housing to Replace Section 17.05.010 in its Entirety with a New Section 17.05.010 Entitled “Affordable Housing Requirements” and to Update Section 17.05.020 Entitled “Affordable Housing Development Fees”

This Resolution is your recommendation on Ordinance 2021:08.

Motion by Mr. St. Maur and seconded by Mr. McGovern to approve Resolution 2021:12.

Roll Call: Mr. McGovern, yes, Mayor Keenan, yes, Mr. Hall, Abstain, Mr. Kozeniewski, yes, Mrs. Lomanno, yes, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, yes, Mr. Mancini, yes.

Mr. Wieliczko made a clarification made at the March meeting that discussed the legislation about cannabis as being able to opt all in or opt all out. It is not all or nothing. You can go one or the other. Council has considered and have now given back to you to include all classes.

Mr. Mancini stated he wanted to make sure everyone was aware incase members may have voted a different way.

There are two resolutions. The one resolution memorializes the vote that you took in March. The other resolution relates to your recommendation on the ordinance that council has now given you. That is the one we should act on first. That is Resolution 2021:13. If on Resolution 2021:10, if someone wants to change their vote because they felt they would have recommended not to opt out of all, you can do that also.

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Mr. Mancini asked if there were any board question. There were none.

Motion was made by Mr. McGovern and seconded by Mr. St. Maur to open to public. Motion was made by Mr. Hall and seconded by Mr. St. Maur to close public portion.

2021:13 - Report, Recommendations and Findings on Ordinance 2021:09 Involving Land Use and Zoning – To Prohibit the Operation of any Class of Cannabis Business Within Borough of Stratford

Motion was made by Mr. Morello and seconded by Mr. St. Maur to approve resolution 2021:13.

Roll call vote: Mr. McGovern, yes, Mayor Keenan, yes, Mr. Hall yes, Mr. Kozeniewski, yes, Mrs. Lomanno, yes, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, yes, Mr. Mancini, yes

2021:10 – Review, Recommendations and Findings Per Referral from Mayor and Council to Review New Cannabis Legislation and Make Recommendations to the Governing Body

Matt asked members who had voted on Res2021:10 at last meeting wanted to change their vote.

Mr. Kozeniewski stated he would be a nay.

Motion by Mr. St. Maur and seconded by Mr. McGovern to Memorialize resolution 2021:10

Roll call vote: Mr. McGovern, yes, Mayor Keenan, yes, Mr. Hall, yes, Mr. Kozeniewski, abstain, Mrs. Lomanno, yes, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, yes, Mr. Mancini, yes

PUBLIC PORTION: Motion by Mr. McGovern and seconded by Mr. St. Maur to open to the public. There was no public comment. Motion by Mr. Hall and seconded by Mrs. Lomanno to close public portion.

MINUTES: Motion by Mr. Hall and seconded by Mrs. Lomanno to approve minutes of March 25, 2021. All members voting aye.

PUBLIC COMMENT: Motion by Mr. Mc Govern and seconded by Mr. St. Maur to open for public comment. Hearing none. Motion by Mr. Hall and seconded by Mrs. Lomanno to close the public portion.

BOARD COMMENT: none

ADJOURNMENT: Motion by Mr. St. Maur and seconded by Mayor Keenan to adjourn. All members voting aye. Meeting adjourned at 8:08 pm