

STRATFORD JOINT LAND USE BOARD
MINUTES
August 26, 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. Catalano 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:

<u>Present</u>	<u>Absent</u>
M. Mancini, Chairman	Class IV
P. McGovern, Vice Chairman	Class IV
T. Hall	Class IV
J. Keenan, Mayor	Class I
T. Kozeniewski	Class IV
T. Lomanno	Class III
R. Morello	Class II
L. Mount	Class IV
R. St. Maur	Class IV

K. Swallow Alternate 1

K. Botterbrodt Alternate II

M. Wieliczko, Solicitor, Zeller & Wieliczko

Jeff Catalano, Solicitor, Zeller & Wieliczko

S. Bach, Engineer

S. McCart, Secretary

MINUTES: Motion by Mr. St. Maur and seconded by Mr. McGovern to approve minutes of July 22, 2021. Mrs. Lomanno, abstained, all other ayes.

RESOLUTION TO BE MEMORIZED: Resolution 2021:18 ICP Stratford GP, LLC, Stratford Senior Living Facility, 710 W. Laure Road, Block 87.01, Lots 4.01 & 6.03

There are several changes to the resolution that was passed to members of the board.

Applicant and Owner: Changed to ICP Stratford GP, LLC, SB Stratford Propco, LLC and Heartland Stratford SPE, LLC

Paragraph 24: Mr. Ellenbogen testified that applicant has confirmed with the NJ Department of Health and, once applied for, a certificate of need will be issued for this project

Paragraph 33: Mr. Martin testified that bricks and millwork will be made from the existing materials of the Mansion and augmented with new materials as required to replicate the mansion.

Paragraph 49: Mr. Ellenbogen testified that he had no knowledge that the previous owner of the property approved or participated in the application to the state and federal agencies.

Motion by Mr. Hall and seconded by Mr. St. Maur to approve Resolution 2021:18. Roll Call vote: Mr. McGovern, yes, Mr. Hall, yes, Mr. Morello, yes, Mr. St. Maur, yes Mrs. Swallow, yes, Mr. Mancini, yes

CONTINUANCE: none

NEW BUSINESS:

Stratford Borough Ordinance 2021-16

Mr. Catalano stated the ordinance is to amend chapter 17.48 in the R-1 single family detached residential district. The amendment is to add the maximum height to 35 feet.

Mr. Bach stated the ordinance change calls out a max height of 35 feet for residential homes. It was in the ordinance at some point and dropped out. It is appropriate to put back in and is in accordance with Masterplan.

There were no questions from the board.

Motion was made by Mr. McGovern and Mr. St. Maur to open to the public. All ayes. Hearing none. Motion was made by Mr. St. Maur and seconded by Mr. Hall to close public portion. All ayes.

Motion by Mr. Morello and seconded by Mr. Hall to approved. Roll Call vote: Mr. McGovern, yes, Mayor Keenan, yes, Mr. Hall, yes, Mr. Kozeniewski, yes, Mrs. Lomanno, abstain, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, abstain, Mr. Mancini, yes.

Mr. Catalano stated we will memorialize the resolution at the next meeting.

Mr. Catalano stated we need to do some reconstituting as a board before starting our next application. There are individuals that have made it known that they would like to recuse themselves from this next matter. They are Mr. Mancini, Mr. Hall, Mr. Morello, Mr. Mount, and Mr. St. Maur. They will step down from the dais. There was a question about Mrs. Lomanno, Class III, representative. It has been determined after extensive research that she can participate. The individuals that will be participating will be Mr. McGovern, Mayor Keenan, Mr. Kozeniewski, Mrs. Lomanno, Mrs. Swallow and Mr. Botterbrodt.

Laurel Mills, LLC, 102 Warwick Road, Block 116, Lots 14 & 14.04 Amended Preliminary and Final Major Subdivision approval and Amended Preliminary and Final Major Site Plan approval

Mr. DelDuca introduced himself. He was representing the applicant, Laurel Mills, LLC. He had with him David Kreck, Civil Engineer and Mani Sethi, Laurel Mills, LLC. The property is the Laurel Mills shopping center located at 102 Warwick Road. It is a vacant shopping center that is about seven and half acres. On September 9, 2019 this board granted various approvals to permit my client to demolish all existing improvements on the property and construction 80 dwellings units on 70 lots as well as a 14,000 square feet commercial space along Warwick Road. It was memorialized in Resolution 2019:06 on October 24, 2019.

Exhibit A1 site plan, sheet 3

Exhibit A2 grading, sheet 4

Exhibit A3 utility plan, sheet 5

Exhibit A4 landscaping and lighting, sheet 7

Exhibit A5 final plan of lots, dated June 14, 2019

Exhibit A6 Architect elevations, 7 pages

The reason we are back tonight is because the applicant wants to make some very minor changes to the plans which require amended approvals. On Exhibit A1, sheet 3 of site plan set, there are 70 lots that are twenty feet wide. They previously were to be twenty-one feet wide. This is a more traditional townhouse width. It creates some better efficiencies. There are some other

changes that are associated with it, which Mr. Kreck will summarize in his review and Mr. Bach has done in his review letter, dated August 20, 2021. As a result, we seek amended preliminary and final major subdivision and amended major site plan. The applicant does propose to build the community which is a combination of residential and commercial. We are going to phase it and do the residential first, followed by the commercial. We will likely be provided a phasing plan on our revised plans that we will be submitting for resolution compliance. The common private areas will be maintained by homeowners' association and condominium association. The 80 units that we proposed, 64 will be market rate townhomes and 16 will be affordable housing. They affordable units will be in buildings in a condominium form of ownership. The borough amended its redevelopment plan by ordinance 2021-03 recently to permit the changes that we propose this evening. As a result of that, this application meets all of the applicable redevelopment plan requirements and ordinance requirements. It is in an area deemed in need of redevelopment. It is in the Laurel Mills Redevelopment Area and there is a redevelopment plan that was passed years ago. The application requires no variances or design waivers. It does require two submission waivers. The purpose of a planning board's role in reviewing a site plan or subdivision application is first to determine if applicant complies with site plan review and subdivision review as stated in the ordinances and redevelopment plan. If we comply, and Mr. DelDuca believes they do, then the application must be granted. We have received Mr. Bach's review dated August 20, 2019. We have no objections to any of the comments and agree to comply with all recommendation set forth with one exception. That is on page 9, paragraph 3 in the section titled Utilities. The second sentence that talks about the sanitary sewer connection and a downstream analysis. This was discussed with Mr. Bach. Mr. Bach's office did an analysis investigation, which the applicant did pay for, my understanding is that the analysis shows that there were no improvements necessary.

Mr. Catalano stated the notice is sufficient for this evening. There is also some commentary in the review letter regarding the completeness review.

Mr. Bach was sworn in by Mr. Catalano. Mr. Bach stated there are two items that are contained in the August 20, 2021 review. They regard completeness. On page 5, first item is existing and proposed spot elevations based on USGS datum. We have no objections to that waiver. The second is the location of trees. We have no objections to that waiver. Mr. Bach recommended to the board that the board deem the application complete. There were no questions from the board. Motion by Mrs. Lomanno and seconded by Mr. Botterbrodt to deem the application complete. Roll call vote Mayor Keenan, yes, Mr. Kozeniewski, yes, Mrs. Lomanno, yes, Mrs. Swallow, yes, Mr. Botterbrodt, yes, Mr. McGovern, yes.

David Kreck and Maninder Sethi were sworn in by Mr. Catalano.

Mr. Kreck reviewed his background and credentials. Mr. Kreck was accepted by board as an expert in Civil Engineering.

Mr. DelDuca asked Mr. Kreck if he was present for his review of the application and was it factually accurate. Mr. Kreck stated yes. Mr. Kreck was asked if he had prepared the site plan. Mr. Kreck stated yes. Mr. DelDuca asked Mr. Kreck to give a detail summary of plan changes. Mr. Kreck reviewed page 4 of 11 of Mr. Bach's review letter. In item #3 it stated the drive is 18 feet, it is actually 20 feet building to sidewalk. The building offset is a recessed front porch. It does have an overhang and the overhang is taken into consideration when doing impervious calculations. The affordable units, which are located behind the commercial, have a physical four-foot stagger between units. The building Steps and Landing are actually 5 ½ feet by 4 feet. Mr. DelDuca asked what type of trash enclosure will the affordable units have? Mr. Kreck stated masonry trash enclosure. Right now, we have an enclosure that hold four full size trash cans but that may have to be expanded.

Exhibit A2 storm sewers. Mr. Kreck stated that storm sewers were added in the rear yards of townhouse lots 14.56 to 14.79.

Mr. Kreck explained that there was a loss of four trees due to the fact that the lot size was reduce a foot.

Mr. DelDuca asked due to the changes does this proposed plan meet all ordinance and redevelopment requirements? Mr. Kreck stated yes.

Mr. DelDuca stated one of the comments in Mr. Back's letter was whether we would consider restricting the location of trash cans to be in the townhouse units to be in the garage. Mr. Kreck stated he did see that comment.

Mr. DelDuca stated the review letter also mentions a restriction on fences on 20-foot-wide townhouse lots. We had a discussion with applicant and he agreed to that. Mr. DelDuca asked if that was correct. Mr. Kreck stated yes. We do have perimeter fencing around the entire subdivision and always did.

Mr. DelDuca stated the prior approval of 2019 contains conditions of approvals. Mr. Kreck agreed. Mr. DelDuca asked Mr. Kreck if it was his understanding and the applicant agrees that it will continue to comply with any conditions set forth in the prior resolution unless not applicable because of the changes. Mr. Kreck stated that is my understanding.

Mr. Kreck stated there were a few items that that required testimony and am not sure I hit all of them. One was about not having concrete landings. We are proposing wood decks but we did reserve, in the impervious calculation, 56 square feet of impervious area that is still available. That is to open up the option for individual residents to put in a concrete patio.

Board Member Questions:

Mr. McGovern asked the affordable units appear to have staggered faces to the units, the market rates units do not. Mr. Kreck stated the other units have an internal stagger. Garage is in front of the building and the porch is set back four feet. Mr. Bach stated the gable garage are out approximately four feet and the porch roof comes out to the garage. There were no other questions from the board.

Mr. Catalano summarized, the applicant agrees as a condition of approval to all conditions and comments listed in Mr. Bach's review letter outside of those made irrelevant due to the proposed changes. Mr. DelDuca stated yes but does not include the comment from earlier about the downstream conveyance analysis. Mr. Catalano stated as a condition of approval the applicant agrees not only to comply with the previous conditions but also agrees to comply with the redevelopment agreement with the borough. Mr. DelDuca stated that is correct. There will be a redevelopment agreement between the applicant and the borough that has not been executed. We would be a party to that agreement, therefore, bound by that agreement.

Mr. Bach stated Perimeter fencing was not included or intended in comment on review letter. The second comment of 56 square foot of impervious per lot asked Mr. Kreck if that was on the market rate units? Mr. Kreck stated yes. Mr. Bach asked are you looking to be vested in that additional 56 square feet of impervious. Mr. Kreck stated all we are asking for is to comply with the ordinance. Mr., Bach stated is the 56 square feet included in drainage calculations? Mr. Kreck stated I believe it is. If it is not, we will make sure that it is.

Mr. Bach stated to Mr. Catalano that Mr. Kreck provide an exhibit to his plans indicating and noting that 56 square feet where it comes from and providing confirmation in his drainage report. Mr. Bach in one of the comments we ask for typical townhouse layout. I would like to phrase as a better representation of actual foot print of market rate units. Mr. DelDuca should they be the footprint at grade. Mr. Bach stated yes and that's not how it is represented right now.

Mr. Bach stated the last item as mention in Mr. DelDuca's opening remarks regarding phasing. He was not aware of any phasing plans or any discussion of phasing of prior approval. Mr. DelDuca stated there had been discussion with borough about what would come first. Where we are with the borough is that there is no requirement that the commercial is built first. We want the residential to be built first because that will help drive the market for the commercial. Mr.

Bach stated he was not concerned about residential and commercial. His concern was about phasing of the residential. Mr. DelDuca stated there was no discussion along those line and I don't believe that to be part of our request. Mr. Catalano stated paragraph 40 of previous resolution, that a phasing plan had not been proposed at this time. At that time all site plan for commercial property will be completed at one time. As far as residential units, as they sell, more will be built. Mr. DelDuca stated we are not planning to phase the residential at this time but if we elect to phase the residential in the future, we will have to work with the borough to get all requisite approvals to do that. Mr. Catalano clarified for the board. You are not seeking to do a phasing of residential. You are seeking a phasing to do the residential and then all the commercial. Mr. DelDuca stated that is my understanding.

Mr. Sethi stated you cannot build sixty-four townhouses at one time. Mr. DelDuca stated the significance of the phasing relates to site work. There is nothing that says you have to build the building all at one time.

Mr. Bach acknowledged that the phasing of the affordable housing units is prescribed by the boroughs affordable housing. Very specifically as to when units would have to come on line based on construction of residential units. Mr. DelDuca stated he is aware that there is a settlement agreement with Fair Share Housing Center and the Borough. His understanding is that the redevelopment agreement will likely require us to comply with that or seek relief from that. Mr. Catalano asked Mr. Bach would you recommend as part of approval a phasing plan? Mr. Bach stated if it is a phasing of only commercial versus residential. Mr. DelDuca stated we do want to submit a phasing plan to have only residential versus commercial. Mr. Catalano stated we will make that a condition of approval, only commercial in its entirety and residential in its entirety.

Mr. McGovern asked if there was a time line being established given that this was approved two years ago. Mr. DelDuca stated this is a significant project. It takes a long time to get the shovel in the ground. The applicant's intention is to move forward as soon as they have all the approvals, and permits including the demo permit and building permit. There were no other board questions.

Motion by Mrs. Lomanno and seconded by Mr. Botterbrodt to open to public for comment on this application. All ayes.

Mike Mancini, 3 Winding Way Road. Mr. Wieliczko stated to Mr. Mancini since you recused yourself, he recommended to Mr. Mancini that he make no comment. Mr. Mancini stated he wanted to make a comment as part of the public. Mr. Mancini was sworn in by Mr. Catalano. Mr. Mancini asked It has been a couple of years. What is the hold up with the demo? Mr. Mancini asked Mr. Sethi to address that.

Mr. Sethi stated in order to demo and complete site work at one time, we need all approvals and do both at same time. We hope to get off the ground by January or February.

Steve Gagliardi, 13 College Circle, was sworn in. He stated you keep pointing to 6 units for affordable housing. Does that comply with the 20% of affordable housing and if so where is it on the site plans? Mr. DelDuca stated it requires no more that 16 units. It complies. All 16 units are within the 6 buildings. They are 2 and 3 story units.

It's been two years since came in. What happens if resident moves from two years ago and receives notice addressed to old resident? Mr. DelDuca stated there is a rule in municipal land use law that says we are obligated to get a list within 200 feet based on tax maps. As long as we follow list and send letter via certified mail, the board has jurisdiction to hear application and as long as we publish in the paper.

Jennifer Tully, 4 Winding Way Road, was sworn in. Ms. Tully asked why downstream water flow analysis was dropped? Mr. DelDuca stated it was not dropped. It was already done. She asked when was it done? Mr. DelDuca stated I believe in February of this year. Mr. Bach stated

we already did downstream water sewer analysis and had already provided our findings to the borough. It was completed under the prior approval. Based on their submission changes now, does not change our findings.

Ms. Tully stated she notice that all market rate units are all put together. I thought affordable units were suppose to be mixed in. Mr. DelDuca stated it is my understanding that the plan is compliant. Ms. Tully stated the affordable units seem segregated. Mr. DelDuca stated some affordable are flats as opposed to town houses so they are different product. Ms. Tully stated does that fall under the HOA? Mr. DelDuca stated there is an HOA for all units for all common areas in the entire community and the affordable units will also be part of condominium association.

Ms. Tully asked if the residents that live within 200 feet be notified will the project starts? Mr. DelDuca stated the law does not require that.

Tom Speer, 8 College Circle, was sworn in. He stated early on in process there was concern about rodent population. Will that be taken care of before demo? My other concern which the Vice Chairman already brought up, is the timeliness of start of project. In the original plan, 7 section 3.c.2 item M speaks to the commercial being done first. There was a revision made 2017 that I do believe it remained the same. I do not know if there were other revision to the master plan or not but I believe that it might still be in the plan. If its not, is it unheard of to have some type of performance consideration so that it is done in a timely fashion. Mr. DelDuca stated as for rodents there is a condition in the prior resolution specifically in paragraph 3 that addresses that and we are not proposing to change that. As for the phasing there was an amendment to the redevelopment plan that eliminated the section that you referenced. Mr. Speer questioned the performance consideration. Mr. DelDuca stated with respect to the board, I don't think they have the authority to impose that as a condition. In the Land Use Laws there are limitations on approvals so there are some controls built into that.

Jennifer Tully asked Mr. Bach you requested that the fencing be removed from the units. Mr. Bach stated the fencing I prohibited is for the individual townhouse. That would impede the drainage flow. The perimeter fence will not change.

Ms. Tully asked what was the capacity of the sewer per the study? Mr. Bach stated he did not have with him but it is on file with the borough and you can get a copy of it.

Motion by Mrs. Lomanno and seconded by Mr., Botterbrodt to close the public comment. All ayes.

Mr. Catalano stated before you is an application for an amended preliminary and final site plan and an amended preliminary and final subdivision. It was before the board about two years ago. Two years ago, Resolution 2019-06 there were previous approvals that were made. The applicant has made some changes to those approvals. The changes, as detailed and discussed, are on Bach review letter, page 4 of 11, dated August 20,2021. All prior resolution and approvals are agreed to with the exception of any previous conditions of approval that would be render irrelevant by the changes that the applicant made. They have also agreed to comply with any redevelopment agreement. The applicant has agreed to all of the comments and conditions on Bach's review letter with the exception of Utility comment #3, sentence 2 regarding sanitary sewer which is already done. Conditions of approval include rights of way with the borough, submission of HOA documents, dedication of HOA regarding trash and recycling, restrictions not to permit individual fencing. You have a condition of approval to submit covenants, easements, and restrictions in a manner acceptable to the board professionals. New floor plan submissions will be needed. A phasing plan that the applicant wants to provide regarding the building of residential as one set and commercial as one set. Another condition of approval is the 56 square

feet of impervious that was discussed during testimony. The applicant agrees to work with Mr. Bach regarding the 56 square feet. Trash and recycle cans would be inside the garages and would be part of HOA.

Tim Hall had a question. It was noted that we are now out of public comment. Mr. Wieliczko stated you had recused yourself and to insulate the process I would recommend you make no further comment.

Mr. Hall asked Mr. Wieliczko if he were allowed to ask the owner a question about what he is going to do about the current conditions of the property. Mr. Wieliczko stated this board is not an enforcement entity.

Motion by Mr. Botterbrodt and seconded by Mr. Lomanno to approve application. Roll call vote: Mayor Keenan, yes, Mr. Kozeniewski, yes, Mr. Lomanno, yes, Mrs. Swallow, yes, Mr. Botterbrodt, yes, Mr. McGovern, yes. Motion is approved 6-0

PUBLIC COMMENT:

Motion is made by Mr. McGovern and second by Mr. Hall to open to the public for general public comment not related to the application. All Ayes.

Steve Gagliardi, 13 College Circle, asked if seven members are needed to make a quorum? Mr. Wieliczko stated this is a board of nine. Five are need for a quorum. Vote is valid

Jennifer Tully, 4 Winding Way, stated if I understood what I just heard, the owner doesn't have any complaints or issues under the code enforcer right now. Mr. Catalano stated this is JLUB not code enforcement. We hear applications regarding land uses and we have to follow the Municipal Land Use Laws. Ms. Tully stated but it is part of the property and this is the application for the property. Mr. Catalano state the application is currently closed. These are comments for non-application matters. There may be actions that may have been made regarding code but that is not the jurisdiction of this board.

Motion by Mr. McGovern and seconded by Mr. Lomanno to close public comment. All ayes

BOARD COMMENT: none

Next meeting is scheduled for September 23, 2021

ADJOURNMENT: Motion by Mr. Hall and seconded by Mr. St. Maur to adjourn. All ayes.