

STRATFORD JOINT LAND USE BOARD
MINUTES
December 8, 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

M. Mancini, Chairman Class IV
J. Keenan, Mayor Class I
T. Hall Class IV
R. Morello Class II
L. Mount Class IV
R. St. Maur Class IV

Absent

P. McGovern, Vice Chairman Class IV
T. Lomanno Class III
T. Kozeniewski Class IV

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

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

CONTINUANCE: none

RESOLUTION TO BE MEMORIZED:

Resolution 2021:21 Thomas & Heather DiPaolo, 13 Elinor Ave., Block 78, Lot 7, Side Yard Variance, Variance for Impervious Coverage

Motion by Mayor Keenan and seconded by Mr. St. Maur to approve Resolution 2021:21. Roll call vote: Mayor Keenan, yes, Mr. Hall, yes, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, yes, Mrs. Swallow, yes, Mr. Mancini, yes.

NEW BUSINESS:

Michael Santoro, 103 Central Avenue, Block 43, Lot 5.03, Addition, 6' x 12', Side Yard Variances

Mr. Santoro and Mr. DiRosa were sworn in by Mr. Wieliczko. Mr. Wieliczko asked Mr. Santoro if he had received letter from Bach Associates, dated December 3, 2021. Mr. Santoro stated he had. Mr. Wieliczko asked if he was in agreement with noted conditions including any proposed down spouts would be directed away from the adjacent properties. Mr. Santoro stated he was. Mr. Wieliczko stated you propose putting 12 feet by 6 feet, 72 square feet, addition to an existing building. Is that accurate? Mr. Santoro stated yes.

Exhibit A1: survey of existing condition

Exhibit A2: Plan of survey proposed

Mr. Wieliczko stated it appears that there are two variances that are needed, one for a side yard setback of 9.1 feet where 10 feet is required. The seconded is for an aggregate side yard set back of 19.4 feet where 25 feet is required. You have prepared notice and you published that and you have circulated that notice to property owners within 200 feet. Mr. Santoro stated yes, he had. He stated they were renovating the kitchen. There was little or not natural light in the kitchen. This would create a breakfast nook or eat in kitchen. The addition provides natural light and more room. We had about 15 feet on the side we are putting the addition. The other side is 10 feet. This would leave about equal footage on both sides of house.

Mr. Wieliczko stated do you agree that this improvement will not adversely affect any adjoining properties? Mr. Santoro stated yes.

Mr. DiRosa reviewed letter from Bach Associates dated December 3, 2021. Mr. DiRosa stated the applicant submitted a building and lot coverage worksheet. With the addition, the coverage is 28.9% which is still under the township ordinance which is 30% impervious coverage; that is why we are not asking for any storm water litigation. We are just asking that any downspouts be directed away from adjacent property owners. It should be directed towards center of yard or towards front of property.

Mr. Wieliczko asked do you anticipate putting additional downspouts up? Mr. Santoro stated we have one now and do not anticipate any additional.

There were no board questions.

Motion by Mr. Botterbrodt and seconded by Mr. Hall to open to public. All aye. Hearing none.

Motion to close by Mayor Keenan and seconded by Mr. St. Maur to close public portion.

Mr. Wieliczko stated the applicant is seeking two variances for a proposed installation of an addition on the North Easterly side of Central Avenue between Princeton and Harvard.

Motion by Mr. St. Maur and seconded by Mr. Botterbrodt to approve applicants request for an addition. Roll call: Mayor Keenan, yes, Mr. Hall, yes, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, yes, Mrs. Swallow, yes, Mr. Botterbrodt, yes, Mr. Mancini, yes. Approved 8 to 0.

Resolution 2021:22 Stratford Borough Council Resolution 2021-145 authorizing Stratford Joint Land Use Board to conduct a Redevelopment Study (Study Area Block 52, Lots 13, 13.04, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24 and 25) will be reviewed and acted on.

Mr. Wieliczko stated Resolution 2021:22 is our resolution and Borough Council referred to you by their Resolution 2021:145 and authorization to the Joint Land Use Board to conduct a study and to appoint Steven Bach and Candace Kanaplue of Bach Associates to determine whether the proposed study area, which is Block 52, Lots 13, 13.01, 13.05, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, and 25 qualifies as an area in need of Condemnation Redevelopment. Once the study and report are done, for the Land Use Board in the future to report back to Council on that issue. This resolution before you this evening is consistent with the resolution from Council authorizing you to appoint Bach and Associates to conduct this preliminary investigation of the study area.

Mr. Mancini questioned the lot inconsistency. The agenda states 13.04. Mr. Wieliczko stated 13.01 and 13.02 is accurate. Council designates the study area. Council's resolution clearly identifies the proposed study area. The agenda admittedly says 13.04. The purpose of circulating an agenda for a special meeting is to give adequate notice to the public with regards to the anticipated action to be taken to the extent known. While this was a typographical error, we have jurisdiction to consider this. This Resolution was passed by Council on November 9, 2021. This resolution is simply appointing Bach & Associates with the identification of study area. You can anticipate they will come back and report on the study. You can then come back with modification or changes or as is back to Council.

Mr. Mancini asked what lots do these represent? Mr. Wieliczko stated he was not prepared to identify what is on the lots. It is identified as an area in question at or along Berlin Road.

Mr. Mancini stated it was important to him to know what is on those lots.

Mr. Wieliczko stated you are not approving any type of actual report. You are just authorizing them to do the study.

Mr. Mancini stated his authorization to do a study with tax payers' money, it is important for me to know what is on those lots.

Mr. DiRosa stated Lot 13 is listed as 62 Berlin Road. It is an office building. From there it goes East to Coolidge and along Arlington to White Horse Pike.

Mr. Mancini stated there are a lot of businesses and homes. He wants to understand which ones are included.

Mr. Wieliczko stated the study area makes a determination if those lots may benefit from tools available to municipalities in efforts to encourage private development with existing owners or increase employment or housing opportunities, tax rates, and other benefits which communities generally derive from redevelopment areas.

Mr. Mancini asked if business and residents had been notified to even ask if they would be amenable to a sale?

Mr. Wieliczko stated for purpose for tonight there is no requirement that you hear from these individuals before you authorize the study to be done. The purpose of the study is to examine the area, examine the properties, detail for you what the current uses are, detail for you how the identified tools with regard to encouraging private development may assist the owners in the study or report of that area. You would then take, at one point in the future, all of these questions. I think you would have answers to some of the questions once you have the report. So once the report is done, you can anticipate that the report would identify what business exist on each of those blocks and lots.

Mr. Mancini stated the issue I have is spending tax payers' money on a project, that personally reading the resolution, I am not comfortable with. It falls into what I would consider some of the points of the master plans specifically related to the economic section where we are supposed to be promoting current businesses and looking out for current business owners and residence. And understanding what the impact will be on housing. I'm not comfortable on spending money on lawyers and engineering fees.

Mr. Wieliczko stated this particular resolution doesn't talk about paying for lawyer or engineer. It is just to appoint Bach Associates to do a study of area.

Mr. Mancini asked other board members how they felt. He asked do you want to put this to a vote or do you want to table until there is further information?

Mr. Hall stated he would like additional information.

Mr. Morello asked once the study is completed and it comes back to the board, the board has the ability to approve in full or in part it can be modified?

Mr. Wieliczko stated the studies come back to you. You get to ask questions about the study, you would refer that study back to Council with any of your own comments and suggestions.

Mr. Botterbrodt stated this is routine. We are throwing up road blocks for something that will get postponed for 2 months. It is a study. I would rather vote this evening.

Rich St. Maur stated he liked the idea that our Chair is conscious and aware of spending tax payers' money. Mr. Botterbrodt has good points as well. I am guessing Mayor and Council have approved a budget for this study. The reason that is important that we know that is that when we are spending tax payers' money, are we spending \$10,000 or \$100,000? If we are spending big bucks, I would have to push the vote off.

Mr. Wieliczko stated he does not know what budget or what if any budget has been approved for this study.

Mr. St. Maur stated he was going to side with chair on this issue.

Mr. Keenan stated the resolution has the lot numbers correct. Mr. Wieliczko stated he had reviewed that with board.

Mr. Wieliczko stated the two pieces of information that we do not have answers to are what business currently exist on each of these lots and has there been an appropriation in the budget currently for this study and if so, how much. Those questions have given the board members pause and may be so inclined to have it carried.

Mr. John Keenan Jr., Acting Borough Administrator, was sworn in by Mr. Wieliczko.

Mr. Keenan stated Lots 13, 13.01, 13.02 and 14, on the corner of New Road and Berlin Road, are owned and occupied by the former bank building which is now Bruce Associates, which is a real estate appraisal firm. Lot 15 was the Verizon Bell Tell truck station garage, which is privately owned now and is operating a repair shop. Lot 20 is a daycare facility which was originally built as an office building. Lot 25 is a larger parcel on the White Horse Pike and that consist of CVS, Cash Checking Facility and a retail food facility, the Philly Provisions. Lots 16, 17, 18, 19, 22, 23, 24 are all residential homes.

The funding for the proposed study comes out of engineering line and the cares act funding that had housing part of it is being used for a lot of our redevelopment expenses at this time. They are not local tax payer funds but federal tax payer funds.

Mr. Mancini stated the big difference is the number of flourishing business and we have residents. And we are talking about spending money for a study for our local government to come in and put a condemnation in and take away, possibly forcibly.

Mr. Hall asked if the Bruce building an open building, is someone running it or is it closed down?

Mr. Keenan stated it is open but building and the car repair shop next door are listed for sale by Bruce Associates.

Mr. Morello stated to postpone, we get no further.

Mr. St. Maur stated based on the additional information, I have no problem with moving the resolution along.

Mr. Mancini stated so you have no problems, no concerns authorizing a study for the forcible removal properties from businesses and residents?

Mr. Hall stated he would like to table.

Mr. Mancini asked do we get more information or is this all the information we are going to get? If this is all the information we are going to get, it makes sense to vote on this tonight.

Mr. Wieliczko stated this is all the information you will get. Everyone can vote their conscious on this issue.

Mrs. Swallow stated she would like to hear what the public has to say.

Motion my Mr. Hall and seconded by Mr. St. Maur to open to the public. All ayes.

John Gentless, 111 Union Avenue, was sworn in by Mr. Wieliczko. Mr. Gentless stated Mr. Mancini is correct. Mr. Gentless asked if residents were notified? I asked Council this question when they voted on it. They said no. How can we vote on this tonight when the residents that live on Arlington Avenue aren't even aware of this process? He felt that town should be transparent and notify the residents and businesses that are in this proposed redevelopment area and ask for their comments.

Mr. Wieliczko stated there is no legal requirement for this board to ensure that notice was provided to all property owners in a proposed study area before authorizing a study to be conducted.

Mr. Gentless stated he thinks the residents should be notified first. The board should walk the area and get a better flavor of what it is. If you live on Arlington Avenue and were under the threat of eminent domain, wouldn't you be concerned?

Mr. Wieliczko stated it is not legally requirement for members to go out and walk area before they can vote.

Mr. Gentless stated the public legal notice omits lot 13.02. It was mentioned tonight but it is not in the Courier Post.

Mr. Wieliczko stated he was aware of the exchange that Mr. Gentless had with our Borough Clerk on that issue. I have read the emails back and forth. This was an agenda that was published for a special meeting. The typographical error of that lot number does not preclude this board from having jurisdiction over the referral. The underlying resolution from council specifically and correctly identifies the Block and Lots.

Mr. Wieliczko stated this is public comment. You know the answers to the questions because you have asked the questions starting with an email exchange on December 2. They continue through December 5 and December 6 onto 3 or 4 different ones and you specifically identified and called out this issue. I have no issue with you identifying it again in the meeting but the question has been answered.

Mr. Gentless stated I thought you might have an amended agenda. Mr. Gentless asked if Mr. Keenan were still on. He asked him how did this particular redevelopment start? Mr. Keenan stated he does not have to comment.

Mr. Wieliczko stated it came from Council and the referring resolution gives the details and the bases for requesting the study.

Mr. Gentless stated his concern is the other redevelopment on Berlin Road. They are looking to purchase the Stratford Tire and Bruce Realty. But he doesn't want to pay the \$1.9 million and my concern is if this goes eminent domain that he would get it at a somewhat fair market value. He thinks that can be the start of all of this.

Mr. Wieliczko stated this board does not have any of that in front of them. We have a resolution to authorize the study.

Mr. Gentless stated he thinks we should have a little sympathy for the residents that live in town who are tax payers not some future developer.

Mr. Wieliczko stated the suggestion that this board and the board members do not have sympathy or empathy for any of the tax payers is insulting. The idea that somehow these volunteers that have been assigned to sit here this evening to do their diligence under their sworn oath, you somehow think that they are not participating in that in good faith and don't have sympathy and empathy for the tax payers is offensive.

Motion by Mr. St. Maur and seconded by Mr. Mount to close the public portion. All ayes.

Mr. Wieliczko asked are you asking for a motion to approve or deny this resolution? Mr. Mancini stated yes, it sounds like the board would like to vote.

Motion by Mr. Morello and seconded by Mr. Botterbrodt to approve Resolution. Roll Call vote: Mr. Mancini, no, Mr. Hall, no, Mayor Keenan, yes, Mr. Morello, yes, Mr. Mount, yes, Mr. St. Maur, yes, Mrs. Swallow, yes, Mr. Botterbrodt, yes.

Six yes and two no. The resolution is approved authorizing Bach & Associates to conduct study.

PUBLIC COMMENT:

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

Hearing none

Motion was made by Mr. Mount and seconded by Mr. Hall to close the public portion. All Ayes.

BOARD COMMENT:

Mr. Mancini stated he had a real concern with becoming a municipality that would forceable, even look into forceable, removing businesses and forcing residents out of their home without even first asking them. It is discouraging that this even got to our table to look into.

Mr. Botterbrodt stated he felt Mr. Mancini was making a lot of assumptions about the study. You are trying to throw egg on people's faces.

Mr. Mancini state he took offense to that.

Mr. St. Maur asked will we be able to review the study?

Mr. Wieliczko stated the study comes back to you. They conduct the study and then you could ask your planners to come back and give you a preliminary report. Eventually it gets to the point where it is finalized and you are given the study in a written format. You then have the opportunity to review it before the anticipated meeting. Then the Council has asked for you to report back to Council with comments. It would then be a Resolution from this Board that passes the study back up to Council with your own comments.

COMMUNICATION/ORGANIZATION:

The next schedule meeting, which will also be the reorganization meeting, January 27, 2022.

Mr. Wieliczko stated he had sent a letter to Mr. Mancini and all other Board Members and he wanted to thank everybody for the opportunity to be able to serve for the last three years. Because of conflicts he would not be able to reapply or stay on. He was very pleased with the success that this board has had with various developments in the right way and in the right process.

Mr. Mancini thanked Mr. Wieliczko. He appreciated his guidance and all the education he had given us.

MINUTES: Motion by Mr. St. Hall and seconded by Mr. St. Maur to approve minutes of October 28, 2021. All Ayes.

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