

STRATFORD JOINT LAND USE BOARD  
MINUTES  
April 28, 2022  
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.

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

**ROLL CALL:**

Present

M. Mancini, Chairman           Class IV  
P. McGovern, Vice Chairman   Class IV  
J. Keenan, Mayor                Class I  
K. Campbell                      Class IV  
T. Hall                            Class IV  
T. Kozeniewski                 Class IV  
R. Morello, Chief of Police    Class II  
R. St. Maur                      Class IV

Absent

T. Lomanno                      Class III

M. Chicalo, Alternate I

A. Costa, Solicitor  
S. Bach, Engineer, Bach Associates  
Candace Kanaplue, Bach Associates  
S. McCart, Secretary

MINUTES: Motion by Mr. St, Maur and seconded by Mr. Kozeniewski to approve minutes of February 24, 2022. All Ayes. Mr. McGovern abstained.

NEW BUSINESS: Mr. Costa stated the Mayor and Council would be ineligible to vote. Mr. Bach stated this is the public hearing on the preliminary need investigation determination of need report. It was confirmed that the public hearing was open. Mr. Bach and Ms. Kanaplue reviewed the report titled Preliminary Need Investigation Determination of Need Report, dated April 2022. The study includes Block 52, Lots 13, 13.01, 13.02, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, and 25. It is concluded in our report and our recommendation that all of the parcels meet at least one or more than one of the necessary criteria or under section 3 may be included in area in need of redevelopment for an effective redevelopment planning area. Our professional opinion that the entirety of the study area can be designated as an area in need of redevelopment. Mr. Bach asked if there were any specific comments or questions.

Mr. Mancini asked Mr. Bach to list all the lots and what they are. Mr. Bach stated Lot 25, along the White Horse Pike is the CVS, Philadelphia Provisions and United Check Cashing. At the intersection of White Horse and New Road, 13.01 is a parcel to rear of Bruce Realty that is vacant and undeveloped. Lots 13, 14 and 13.02 could all be considered the Bruce Realty Properties. Lot 13 has the remnants of a parking area, and Lots 14 and 13.02 have the principal buildings of Bruce Realty. Lot 15 is MF Motors and fronts on Berlin Road. Lots 16, 17, 18, 19, 20, 22, 23, and 24 are residential fronting on Arlington Road.

Mr. Morello asked for the criteria that was sited for lot 25. Mr. Bach stated that is the parcel that has several principal uses. The CVS is at the hard corner and also you have a reuse of masonry

building, United Check Cashing and Philadelphia Provisions. It is a reuse of a 7/11 with gas. The reason we included this in the criteria are listed in appendix 1 under the matrix. A. a generality of substandard and obsolete building; D. Areas with buildings or improvements by reason of obsolescence, dilapidation, faulty arrangement or design, excessive land cover, deleterious layout; E. lack of proper utilization; H. smart growth -located in PA-1 area. If it was on its own property that just contained the CVS, I would not be making this recommendation. If the CVS, United Cash Checking and Philadelphia Provisions were on their own properties, I would not be making this recommendation. What we have to the right of that large parcel is the former area where the gas was. There is a large parking area that is not being used, and there is a large area that is not being utilized to rear of property.

Mr. Mancini stated the folks that bought that property or are on property to do with it as they wish. If it's against an ordinance that we have to tell them they need to strip or bring up to code. If they want to expand, I struggle with the government coming in and trying to tell someone what to do with their property that is functional. They are each individually making a profit for those owners.

Mr. McGovern stated our decision is whether to include these in a plan so that if a developer came along, they would have an easier time of developing this property.

Mr. Bach stated referral by governing body to Land Use Board for a determination need under the statutory criteria because of past litigations, must be referred either with or without a condemnation designation. If it is silent, the referral is faulty. This has been referred by Governing Body to this Board for a determination in need, whether the area, meets the area in need of redevelopment per the stator requirements. This determination, in no way, is saying that these properties will be condemned or won't be condemned. That is outside of the realm of what we are doing here. However, it has been referred to us with condemnation. There are no plans for condemnation that I am aware of and there is no action that this board would take that would affect the condemnation. If parcels are included in the area under this determination of need, that is all that this would be doing this evening. No redevelopment plans are being acted on this evening. The intent of this redevelopment investigation and potential area designation of redevelopment is to enable the use of additional tools to facilitate and encourage private investment in the area. That is how it has been referred to this board. That is the intention of what we are doing this evening. The tools that are available to the Borough help incentive investment by existing owners or potential redevelopment of properties is the ability to add for tax abatements of improvements. Under a redevelopment plan the Governing Body may wish to provide for relief on phasing in of value added taxes. The base tax level that all these are assessed to and are required to pay to the borough does not change. The abatement comes in on the value added. The other thing that is affords, not mandatory, but they may set a pilot, payment in lieu of taxes. They can structure the taxes based on a program or formula that is prescribed by the governing body as a redevelopment entity.

Mr. McGovern stated we don't want to be setting people up to be pushed out of their businesses that are successful and people are patronizing them. But it gives them an opportunity if they wanted to do something to make it more financially feasible.

Mr. Bach stated that is my intention in my conclusion of the report. I was really concentrating on the area that is the former filling station and vacant area in rear. They could enjoy some of those benefits under the redevelopment statute.

Mr. Mancini asked why put all lots into one big pot if the main priority is the incentivize current business owners to expand? Why are we including this in one giant study where we have to designate the whole area as an area of redevelopment. It gives the opportunity for an investor to take the whole parcel and build whatever. That's where I get the concern. An existing business that is profitable would not expand business because of incentives.

Mr. Bach stated this is the statutory criteria and that what we look at for the individual properties. This is what was referred by the governing body. This board may make their findings and may

include or exclude any of these areas. This is not an all or nothing. You may wish to send this back to the Governing Body with specific Blocks and Lots.

Mr. Chicalo asked if we lock in these lots tonight and say they are a single entity, are they locked eternity or look at individually going forward. Is there an opportunity to change that as a redevelopment plan is offered?

Mr. Costa stated after the hearing in this matter is completed, the planning board shall recommend that the delineated area, or any part there of, be determined, or not be determined, from the municipal governing body be a redevelopment area. After receiving the recommendation of the board, the municipal governing body may adopt a resolution determining that the delineated area, or any part there of, is a redevelopment area. You can accept the entire report and recommend favorably. You can reject the entire report or you can make a favorable recommendation as part of it.

Mr. Bach stated to Mr. Chicalo it is not locked as an entirety. Just because an area consist of many parcels is determined in need of redevelopment, step two, after it is referred back to the governing body, is governing body must accept the recommendation. The individual parcels are determined to have the determination of need of redevelopment. Many redevelopment areas are separated into parts in terms of redevelopment planning.

Mr. Mancini stated if we are looking at the redevelopment zone for incentives, we have that today for residents. Is there another way via ordinance to provide that incentive for businesses?

Mr. Bach asked Mr. Keenan if the five-year abatement on residential property as part of a town wide rehabilitation designation?

Mr. Keenan stated yes, houses that are more than ten years old, who do improvements up to \$25,000, can have the \$25,000 abated, clear abated, for five years. It is not phased in like the redevelopment area. The only way to give a break to the nonresidential parcels is through redevelopment.

Mr. Mancini stated he was struggling with how and why we decided to move over the commercial line into the residential line. Residents are just as well kept and as well groomed. They have nothing that can't be fixed cosmetically. For those reason I have a problem with throwing residential into a redevelopment study, especially with condemnation and eminent domain. He asked Mr. Bach why he had to move over into the residential area.

Mr. Bach stated the study area is prescribed by the governing body to this board. The board authorized us to do the study. He reviewed the zoning map that was part of the appendix. It is interesting that on the residential use properties that 16, 17, 18 and 19 are R-1 zone. Lot 20 in the center of the residential properties is actually zoned commercial. Lots 22, 23, and 24 are back to the R-1 zone. We bring attention to 16, 17, 18, and 19 are the same depth as the Berlin Road Corridor properties that are already zoned industrial and commercial. It would not be inappropriate if those properties were used in a land use planning. The goals and objectives are already in your master plan for the Berlin Road Corridor for commercial and industrial use. That's why they were included as an affective planning area. The same can be said for the other side of Lot 20. We believe because of those adjacencies and its relationship to the White Horse Pike and Berlin Road that it would be appropriate if you wanted to include those properties.

Mr. Mancini stated by us excluding them, we can expand Stratford business but we also ensure that we take care of our residents.

Ms. Kanaplue stated that Lot 20 is the Learning Center.

Mr. Kozeniewski stated he had no interest in including residential in redevelopment area.

Mr. Hall agreed.

Mr. Chicalo stated he was reluctant to include residential properties. I think we need to measure what impact this is going to have on those residents and Lot 25.

Mr. McGovern asked if it was all or nothing for lot 25.

Mr. Bach stated yes, it is all one parcel. We cannot designate a portion of a parcel.

Motion by Mr. McGovern and seconded by Mr. Kozeniewski to open to the public. All ayes.

John Gentless, 111 Union Ave, was sworn in. He asked what is lot 27 and 28? He said Lot 27 was CVS. Ms. Kanaplue stated that is an old tax map. Mr. Bach stated Lot 28 is New Road. That is owned by Delaware River Port Authority. Lot 13 and 13.01 front on New Road. Lot 13.01 is the wooded lot in the rear of Philadelphia Provisions.

Mr. Gentless stated I agree with Chairman and I agree with the board 's comments about carving out the homes on Arlington Avenue. There are two homes on Berlin Road that should be taken into consideration. He was disappointed that the actual study was not displayed to the public. He questions whether this is a true public portion of the meeting. We cannot look at the study.

He asked if there was a 45-day appeal period. Mr. Costa stated yes.

Mr. Bach responded to the requirement for graphic displays as part of a public hearing. The statutory requirement was followed to the letter. The plan was prepared. The notices reference the plan. The plan was on file for public review. This is not a site plan application.

Mr. Jawad at 43 Arlington Avenue, was sworn in. My understanding is that this is just a need for redevelopment. It does not say if it commercial or residential.

Mr. Bach stated that is correct.

Mr. Jawad asked would we have an option to develop it as commercial if this is approved. Or do we have to give it up to a developer.

Mr. Bach stated you would have the right to be the redeveloper of your own property. There are no designated redevelopers on any of this study are. There is actually no redevelopment plan.

Mr. Jawad asked if he was to eventually to go ahead and develop, would he be eligible for the tax abatement?

Mr. Bach stated it is possible but there is no plan in place. That would be the next step in the process.

Mr. Gentless asked Mr. Bach if you have to have condemnation, eminent domain to get to value added assessment?

Mr. Bach stated if you are talking about added value assessment regarding tax abatements, that is allowed in a redevelopment designation on an area with condemnation or without condemnation. It is available to both.

Mr. Gentless stated he did not think it was right to do condemnation.

Mr. Perezelli, 62 Berlin Road, was sworn in. He stated the only reason lot 13.01 was never developed was Patco would not let you have and new egress & ingress.

Mr. Bach stated New Road is under the jurisdiction of Delaware River Port Authority. They have the final say on who can and cannot get access. It is possible to get access to New Road but DRPA has to sign off on it.

Motion by Mr. Hall and seconded by Mr. Morello to close public portion. All ayes.

Mr. Mancini asked if any board member would like to propose a revision to exclude residential lots and Lot 25.

Mr. Morello stated he listened to Bach's testimony and read the report. He is familiar with the area. He agrees with facts and law that Mr. Bach is presenting but based on all the factors would like to amend the proposed redevelopment area.

Motion by Ms. Campbell and seconded by Mr. Hall to recommend the redevelopment plan as a whole. Roll call vote: Mr. McGovern, no, Mr. Hall, no, Mr. Morello, no, Mr. Kozeniewski, no, Ms. Campbell, no, Mr. St. Maur, no, Mr. Chicalo, no, Mr. Mancini, no.

Motion was made by Mr. Morello and seconded by Mr. Mancini that a favorable recommendation for Block 52, Lot 13, 13.01, 13.02, 14, and 15 be included in the redevelopment zone without condemnation. Specifically excluding Block 52, Lots 16, 17, 18, 19, 20, 22, 23, 24, and 25 from redevelopment zone.

Roll call vote: Mr. McGovern, yes, Mr. Hall, yes, Mr. Kozeniewski, yes, Mr. Morello, yes, Ms. Campbell, yes, Mr. St. Maur, yes, Mr. Chicalo, yes, Mr. Mancini, yes. Motion carries.

RESOLUTION TO BE MEMORIALIZED: Resolution 2022:11

Motion by Mr. St. Maur and seconded by Mr. Mancini recommending designation of Block 52, Lots 13, 13.01, 13.02, 14, 15, as an area in need of redevelopment without condemnation. Lots 16, 17, 18, 19, 20, 22, 23, 24, and 25 are excluded from the redevelopment area.

Roll call vote: Mr. McGovern, yes, Mr. Hall, yes, Mr. Kozeniewski, yes, Mr. Morello, yes, Ms. Campbell, yes, Mr. St. Maur, yes, Mr. Chicalo, yes, Mr. Mancini, yes.

PUBLIC COMMENT:

Motion by Mr. McGovern and seconded by Mr. Kozeniewski to open public portion for anything not on the agenda. All ayes.

John Gentless, 111 Union Avenue, stated the vote that was taken that's only a recommendation. Council can go off on their own and do the whole study. Is that correct?

Mr. Costa stated the statute does not say what council can do. It just says that this board can accept, reject or modify. The statute on the plan has completely different wording. On that statute it says after planning board reviews it and makes their recommendation back to council, council can override by majority vote of full council.

Mr. Bach state he has never had in the redevelopment planning that allows the governing body to make the determination in need. In his opinion the Governing Body cannot add properties into an area in need of redevelopment.

Mr. Mancini stated we finished our job. We need to let council do their job with the direction of Mr. Platt, Borough Solicitor.

Motion by Mr. St. Hall and seconded by Mr. Kozeniewski to close public portion. All ayes.

BOARD COMMENT: none

COMMUNICATION/ORGANIZATION: Next meeting May 26, 2022

Mr. Mancini thanked Mr. Bach and Ms. Kanaplue for their report. Mr. Bach asked if there was any talk about going back in person? Mr. Mancini stated until the Governor lifts his distancing restriction, we are limited to number of people who can attend.

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