

STRATFORD JOINT LAND USE BOARD  
MINUTES  
January 27, 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  
K. Campbell                    Class IV  
T. Hall                         Class IV  
R. Morello                     Class II  
R. St. Maur                    Class IV

Absent

J. Keenan, Mayor               Class I  
T. Lomanno                    Class III  
T. Kozeniewski                Class IV

K. Botterbrodt, Alternate I  
M. Chicalo, Alternate II

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

Mr. Mancini welcomed Mr. Costa to the board.

MINUTES: Motion by Mr. St. Maur and seconded by Mr. Hall to approve minutes of December 8, 2021. All Ayes. Mr. McGovern abstained.

CONTINUANCE: none

REORGANIZATION:

Chairman:

Mr. Morello nominated Mr. Mancini for Chairman. Seconded by Mr. McGovern. No other nominations.

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

Vice-Chairman:

Mr. Hall nominated Mr. McGovern for Vice Chairman. Seconded by Mr. St. Maur. No other nominations.

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

Secretary:

Mr. Mancini nominated Sharon McCart for Board Secretary. Seconded by Mr. St. Maur.

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

Resolution 2022:01 2022 Meeting Dates

Motion by Mr. Hall and seconded by Mr. St. Maur to approve Resolution 2022:01. All ayes  
Resolution 2022:02 Robert's Rules of Order

Motion by Mr. McGovern and seconded by Mr. St. Maur to approve Resolution 2022:02. All ayes

Resolution 2022:03 Official Newspaper

Motion by Mr. Hall and seconded by Mr. St. Maur to approve Resolution 2022:03. All ayes.

Resolution 2022:04 Appointment of Board Solicitor

Mr. Mancini nominated Anthony Costa as the new Board Solicitor. Seconded by Mr. Morello. There were no other nominations.

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

Resolution 2022:05 Appointment of Board Engineer and Planner

Mr. Morello nominated Steven Bach of Steven Bach Associates. Seconded by Mr. Hall. There were no other nominations.

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

Resolution 2022:06 Rules of Procedure

Motion by Mr. St. Maur and seconded by Mr. Hall to approve Resolution 2022:06. All ayes.

Resolution 2022:07 Guidelines for Board Members in the Use of Electronic Communications

Motion by Mr. Hall and seconded by Mr. St. Maur. All members voting aye.

#### RESOLUTION TO BE MEMORIALIZED:

2021:23 Michael Santoro, 103 Central Avenue, Block 43, Lot 5.03, Addition, 6' x 12', Side Yard Variances

Motion by Mr. Hall and seconded by Mr. St. Maur to memorialize Resolution 2021:23.

Roll call: Mr. Hall, Mr. Morello, Ms. Campbell, Mr. St. Maur, Mr. Botterbrodt, Mr. Mancini., yes. Mr. McGovern abstained.

Mr. Costa asked Mr. Mancini if new members, Mr. Morello, Ms. Campbell and Mr. Chicalo, have already been sworn in. Mr. Mancini stated yes.

#### NEW BUSINESS:

ICP Stratford GP, LLC, SB Stratford Propco, LLC and Heartland Stratford SPE, LLC, 710 W. Laurel Road, Block 87.01, Lot 4.01 and 6.03. Amended Preliminary and Final Major Site Plan Approval

Mr. DelDuca stated he is representing the applicants, ICP Stratford GP, LLC, SB Stratford Propco, LLC and Heartland Stratford SPE, LLC, this evening.

Mr. Costa stated they are here tonight for an amended preliminary and final major site plan approval. They have already been granted a use variance in July. They have also been granted all bulk variances that were requested and all waivers that are requested. They need no waivers or variances this evening.

Mr. Bach from Bach Associates was sworn in by Mr. Costa.

Mr. DelDuca stated there are three co-applicants this evening, ICP Stratford GP, LLC, SB Stratford Propco, LLC and Heartland Stratford SPE, LLC. The property that we are here for is the former Stratford Christian Academy located at 710 W. Laurel Road. We are back this evening because we were here on July 22, 2001 and at that time this board granted Preliminary Major Site Plan Approval for a 187-unit senior living community with supportive services providing a continuum of care in age restricted housing, 62 years old and over. It is a combination of independent living units, assistant living units, and memory care units. At that time in July, this board granted Preliminary Major Site Plan Approval for this new community, which will be the first of its kind in Stratford. You also, as part of the approval, granted the

waivers and variances that we requested. There was a D1 Use Variance to permit use, a D6 variance to permit a building height of 57 feet, and three bulk variances relating to this application. None of those items have changed.

We are back tonight for Final Major Site Plan Approval and Final Amended Preliminary Major Site Plan because we made some limited changes. Mr. Bach has outlined them in his letter. As a result, we thought it would be appropriate to apply for Amended Preliminary Major Site Plan. The purpose of Final Site Plan approval is to confirm that the applicant has complied with all the various conditions. We have complied with those conditions. There were three open conditions that Mr. Bach had identified in his letter that will be addressed tonight. The purpose of Site Plan Approval itself is to confirm that the plans comply with Stratford's Site Plan Ordinance and Design Standards. We are back to show you the latest version of the plan. We did notice in our public notice an amended use variance and an amended height variance in the event it is required. We don't believe it is required, because the use is not changing, the number of beds is not changing, the building height that was approved is not changing.

Mr. Bach's review letter of January 24, 2022, confirms that we do not require any submission or design waivers, so we ask that the board deem this application complete. As to the substance of comments in Mr. Bach's letter, we have no objections. There are 14 exhibits that were submitted and are posted to the website.

Alex Tweedie was sworn in by Mr. Costa.

Exhibit A1 is an aerial photograph using google imagery. This shows the property which is 11.2 acres. It is L shaped and fronts on Laurel Road. The three building in the back are demolished and the fourth building is the Thomlinson Mansion, remains today; however, we do have a permit for demolition.

Exhibit A2 is the plan that you approved before

Exhibit A3 is a color rendering proposed Amended Preliminary Site Plan and Final Major Site Plan

Exhibit A6 is the building rendering that the board saw and approved in July. In the center of the image, you can see the reconstructed Mansion

Exhibit A9 is the amended rendering as currently proposed. The Mansion is still in the center with the main building behind it.

The law says that this proposed use is an inherently beneficial use. It is to promote the general welfare by in this case providing a first of its kind community to help our seniors age in place and get the help they need as they get older or more infirm. The law regards this as an inherently beneficial use.

The witness will be Alex Tweedie, Civil Engineer, Andrew Feranda, Traffic Engineer, Jim Miller, Planner and Mark Ellenbogen, one of the principals of application., Jeremy Fargo, Architect.

Mr. Bach stated he had no objections to the application being deemed complete. It would be appropriate to do that by a motion. Motion by Mr. St. Maur and seconded by Mr. Morello to deem application complete. All ayes.

Mr. DelDuca asked Mr. Tweedie to review his credentials.

Mr. DelDuca asked Mr. Tweedie if he prepared the preliminary site plan as well as the amended site plan. Mr. Tweedie stated he had prepared both applications.

The board accepted Mr. Tweedie as an expert in professional engineering.

Mr. DelDuca asked Mr. Tweedie if he were present during introductory comments. Mr. Tweedie stated he was. Mr. DelDuca asked if they were accurate to the best of his knowledge. Mr. Tweedie stated yes.

Exhibit A3 Mr. Tweedie gave an overview of the plan using exhibit A3. The exhibit focuses on the Northern portion of the property. There are two access points, similar to the current Academy, both on Laurel Road, one on the Northern portion of the property and one on the southern portion of the property. The building is shown in the center of the property. We have

access on north side for parking field in the north and west side of the property. In the rear, inside the shape of the building, is a court yard for the residents. Along Laurel Road frontage is parking facilities and access drives. There is green space in front of the reconstructed Thomlinson Mansion and a turn around and canopy entrance. This would be the main entrance to the facility for visitors and a small visitor and ADA parking. The southeast corner is a small parking lot employees and service, as well as a loading area, trash enclosure, which also takes access from Laurel Road. Rendering shows schematic landscaping to show the buffering along resident's properties. To the south is the creek and all the wetlands and necessary buffers.

Mr. DelDuca stated that Mr. Bach has summarized the changes on page 1 of his January 24, 2022 review letter. Mr. DelDuca reviewed the changes. The building footprint got slightly smaller. Mr. DelDuca asked Mr. Tweedie if that was correct. Mr. Tweedie stated yes by 138 square feet. Mr. DelDuca stated the trash enclosure and loading area has been relocated. Mr. Tweedie stated previously both a dumpster enclosure and loading zone were in the rear of the building. That area has been converted to resident and employee parking. It is now on the southeast corner of the property. It increases the separation from the residential homes.

Mr. DelDuca stated the rear yard setback of the building has been reduced. Mr. Tweedie stated it is in the similar area where the dumpster and loading area were. The set back went from 48.56 to 38.27 feet. It is still within the codes required setbacks. Mr. DelDuca asked what the required rear set back is. Mr. Tweedie stated 25 feet. Mr. DelDuca asked what the board approved previously? Mr. Tweedie stated the closest set back was 45.58 feet. I may have put 48.56 feet in my previous testimony but that was incorrect. He had read the wrong dimension. Mr. DelDuca asked Mr. Tweedie to explain the quality of buffer in that area. Mr. Tweedie stated some of the homes are much closer to the property line. There are some existing vegetation and on our site plan there is a required and proposed eight-foot landscape buffer along that whole corridor. We have proposed fencing and proposed landscape material and the existing vegetation of residents. Mr. DelDuca stated the next item noted on Mr. Bach's letter is that the stormwater has been redesigned to eliminate discharge into the stream. Mr. Tweedie stated in July we had a pipe discharging from storm water basin into the stream corridor. In an effort to maintain that stream corridor and not have to do any construction in there, we worked with the county, Stratford Borough and the surrounding boroughs and the engineer for the stream corridor and the dam. We were able to revise our plan to discharge those storm water systems into drainage within Laurel Road and through the existing Laurel Road drainage system. Mr. DelDuca asked Mr. Tweedie if it is correct the borough of Lindenwold and the borough of Laurel Springs also reviewed this design. Mr. Tweedie stated yes. We submitted our storm water report and got a review letter that supports our proposed storm water drainage. Mr. DelDuca asked if that is a letter from Environmental Resolutions Incorporated, dated January 18, 2022? Mr. Tweedie stated it is. Mr. DelDuca stated the next change noted is the relocation of handicap parking spaces. This was already covered.

Mr. DelDuca stated next is the parking has been reduced from 101 spaces to 96. It is noted that 91 spaces are required. Mr. DelDuca asked why did the parking spaces get reduced? Mr. Tweedie stated the original application was submitted with 101 parking spaces. In July we submitted an alternate design plan, and in our testimony, we discussed about parking revisions and the actual resolution of approval approved 99 spaces. The basis of the reduction is one we reviewed the operations of the facility, as far as the employees for the facility, the bed count and the unit counts stayed the same. We got into a little more detail of the operations and necessary employee calculation so the requirement for parking reduced slightly, so we were able to reduce the proposed count and also the majority of the parking reduction is in the frontage of the building. In this plan we have separated the parking and created a green space in the center. This allowed for improve access into the canopy and entrance, but also allowed us to improve the grading of frontage of the property and improve the ADA parking location. With that reduction of paving, there is a slight reduction in parking spaces.

Mr. DelDuca asked Mr. Tweedie if he agreed that the totality of the changes constitute and improvement of what the board already approved? Mr. Tweedie stated yes.

Mr. DelDuca asked Mr. Tweedie if the application that was being presented tonight required any bulk variance or design waivers. Mr. Tweedie stated nothing new other than what was granted in July.

Mr. DelDuca asked Mr. Tweedie the waiver that was granted in July that was related to storm water pipe in the front yard, correct? Mr. Tweedie stated that is correct.

Mr. DelDuca asked Mr. Tweedie if we require any submission waivers. Mr. Tweedie stated no we do not.

Mr. DelDuca asked Mr. Tweedie the bulk variances that we obtained in July, which related to drive aisle width, parking space size, have any of those changed? Mr. Tweedie stated no. We are using the same aisle width and the same parking stall size. The third was the relation to parking in the front yard vs the side and rear. That is still in line with approval in July. The reduction of parking actual occurs in the front of the building and that improves that.

Mr. DelDuca asked Mr. Tweedie if the building is still 57 feet. Mr. Tweedie stated that is correct.

Mr. DelDuca stated the Resolution 2021:18 contained various conditions of approvals. In Mr. Bach's letter on page 6, identifies three conditions of approval that need to be addressed. The first one is relating to a fence. Mr. Tweedie stated during testimony and from public comments, there were some questions about the condition of the fence for the Christian Academy. The current condition along the perimeter is in disrepair and overgrown with weeds and shrubs. It should be noted that some of the individual residents have put up their own fence for their property. There was discussion about the fate of that fencing. The applicant is proposing to remove the old chain link fence and any overgrowth brush, clean up the area completely and put new fencing in that location. We agreed to work with owners that have existing fencing. There is no need to duplicate fencing back-to-back. The northern western portion of the property where we show the proposed landscape buffering will also include fencing.

Mr. DelDuca stated the second items relates to traffic signal which we will have Mr. Feranda address.

Mr. DelDuca stated the third item asked us to obtain the review and approval from the Stratford Fire Marshal. He asked Mr. Tweedie if that was complete. Mr. Tweedie stated there were two main concerns with the Fire Marshall. One was providing a fire hydrant in the rear of the property. That is still maintains and proposed. And with the change in circulation and with the separation of the drive aisle in the front, we presented this plan to Fire Marshall with turning templates as far as access for his vehicles and we received an email from him confirming that he has adequate access to the property and access to the building through this design.

Mr. DelDuca stated is it correct that we will comply with all the remaining comments set forth in Mr. Bach's January 24, 2022 letter. Mr. Tweedie stated yes.

Mr. Morello asked how far off of Laurel Road is the new trash enclosure? Mr. Tweedie stated approximately 80 to 90 feet off of Laurel Road.

Mr. Mancini asked are you proposing that you could possibly have different fencing? Mr. Tweedie stated we would work with the residents. If we want to keep continuous fencing across and if their material doesn't match what we are proposing, then there is the opportunity to just install our fencing continuous. If it is consistent and would tie in visual then there is no sense not to keep it.

Mr. Mancini stated the Northern most part of the building is a lot further set back than the southern part. What is that distance? Mr. Tweedie stated it was just over 100 feet. Mr. Mancini asked if he recalled the distance of the old buildings. Mr. Tweedie stated they were a couple feet.

Mr. DelDuca stated in the right rear corner it was 17.5 feet. The second building over was 24.7 feet. There was a brick building to the south that was about 54 feet off of the rear property line.

Mr. Mancini asked the 57 feet height is not the entire building? Mr. Tweedie stated it is the towers of the building. The majority of the building is below the 57 feet.

Mr. Mancini stated is it fair to say that the sight line has increased tremendously? Mr. Tweedie stated yes. Along Laurel Road some of the parking was pulled away from the road. So, they have some street trees to create a better street scape, so not only is there scrubs but will now have some upright street trees. In the rear the lower roof is what will be visible to the residents. Mr. Morello asked what material will the structure of trash enclosure be? Mr. Tweedie stated not formerly designed. It will be gated on front but have not gotten into the details of that material. Mr. Bach stated a masonry trash enclosure with gated front and the front gate will be opaque. That detail will be subject to our review. Is that agreeable? Mr. Tweedie stated yes. Mr. Bach followed up on the fence question. Our office is going to be charged as the borough engineer for inspection of this project once we get to that point. The mechanism on how to demonstrate compliance with fencing matching up to home owners that want to retain fence. If he could suggest that for the purposes of this application, have new fencing installed on both entire property lines and then if the applicant can provide a written acknowledgement from individual adjacent residents, on the one or two occurrences, where existing fence may remain, I think that would be a cleaner process.

Andrew Feranda was sworn in by Mr. Costa. He reviewed his credentials and was accepted as an expert traffic engineer.

Mr. DelDuca stated your office prepared a traffic report dated May 19, 2021 from which you testified at the July meeting. At the July hearing one of the conditions of approval was to evaluate the traffic signal located to the north at the intersection of Laurel and Saratoga for the purpose of determining if this proposed community will require a time modification to that signal. Is that correct? Mr. Feranda stated yes. Mr. DelDuca asked if that evaluation had been done. Mr. Feranda stated yes. Mr. DelDuca asked what was done to evaluate? Mr. Feranda asked to have Exhibit 1, which is the aerial view with Saratoga Road. Saratoga Road is north of the site about 200 feet. We were asked to evaluate the signal timing to see if there is warrant for adjusting the timing to improve the function of the intersection. To do so we did traffic counts at the intersection. We did them at both morning and afternoon peaks. The contractor's driveway directly across from Saratoga is also signalized. There are four approaches to the intersection, Laurel Road, north and south, Saratoga east bound or exit from residential community, and the contractor's driveway. We observed the turning signals at the intersection and they were recorded. We also observed the signal timing and function at the intersection. The intersection rest in green for Laurel Road. They get all the green time unless there is a call to the side streets. There is video detection on Saratoga or the contractor driveway, the signal allows them green time. We observed the side street traffic and accounted for that in traffic analysis under existing conditions and then we added traffic from the site. Traffic that was discussed extensively previous testimony. We found very little change to the operation, the function, the delay of the movement at this intersection. The intersection operates at an overall service level of A, under both existing and future conditions. The left turn signal operates at an acceptable level of C. That means that they have about 25 to 30 seconds of delay. That is because it takes time for the signal to slow down the Laurel Road traffic and allow side street onto the county road traffic. One item to note, because of the driveway across from Saratoga, it is offset from Saratoga Road and the driveway has to go separately. It is a longer wait if both are detected from video. Our conclusion is that no signal timing adjustments are warranted. The signal video heads could be check as part of the maintenance just to make sure there are no trees or branches or other visual impacts to the video detection.

Mr. DelDuca asked did you, before the July hearing, evaluate the adequacy of the parking on the site. Exhibit 3A was put up. Mr. Feranda stated yes, we did. Mr. DelDuca stated we reduced the number of parking spaces from 99 to 96. Does that change the conclusion to which you testified? Mr. Feranda stated no, my testimony remains the same. We meet the ordinance requirements.

For the parking demand, this is typically a low demand site. There is a memory care portion, which tends to be very low in vehicle use. Yes, this is adequate parking for this facility. Mr. DelDuca asked in your opinion is the proposed site access and on-site circulation safe, efficient, and in compliance with industry standards? Mr. Feranda stated yes. Mr. Morello asked if the yellow signal at the traffic light would benefit to have a longer yellow north and south? Mr. Feranda stated the yellow is timed based on speed on the road. I would not suggest it. Mr. Morello asked would it increase safety. Mr. Feranda stated certainly adding that additional second could add more warning time. Mr. Morello stated his concern is the folks coming out of the Academy would have the extra second or second and half could be added. Mr. Feranda stated a second, potentially two seconds, it would have to be discussed with the County. Mr. DelDuca stated we could make the county aware of the request of the Borough of extending the yellow time. We have no objections to passing that along. Mr. Bach asked if the request is granted, would the applicant effectuate that change in timing? His experience is that the County won't do it. Would the applicant be willing to do it? Mr. DelDuca stated he would have Mr. Feranda discuss with his client and get back to you on that.

Mr. James Miller, Professional Planner, was sworn in by Mr. Costa. He reviewed his qualifications and was accepted as an expert planner. Mr. DelDuca asked Mr. Miller if he had been present for the entire application this evening. Mr. Miller stated yes. Mr. DelDuca asked do you agree no new variances are required? Mr. Miller stated yes. Mr. DelDuca asked and no design waivers? Mr. Miller stated yes. Mr. DelDuca asked if the use was changing. Mr. Miller stated no. Mr. DelDuca asked if Mr. Miller were familiar with the changes that were proposed to the plan. Mr. Miller stated yes, he has listened to Mr. Tweedie testimony and he had also reviewed the plans and participated in some preparation meetings. Mr. DelDuca stated the building height that the board approved is still 57 feet? Mr. Miller stated yes. Mr. DelDuca asked if there were any adverse impacts on surrounding neighborhood or result in any increase negative impact to the neighbors. Mr. Miller stated they do not. He thought that there is a decrease in the impervious surface, the moving of the trash enclosure is in a better location, and overall, the changes represent enhancements to the design. Mr. DelDuca stated we are moving the building in the southwest corner about seven feet closer to the property line. Is that correct? Mr. Miller stated that is correct. Mr. DelDuca asked if that would have a material adverse impact on the neighbors? Mr. Miller stated it will not. The key factor is that the setback remains more extensive than the twenty-five-foot requirement. Mr. DelDuca stated the height is still 57 feet but we are changing the grade; will actual building appear lower? Mr. Miller stated yes. Mr. DelDuca will the proposed changes have any type of detriment to the public good or impair the purpose and intent of zone plan and zoning ordinance? Mr. Miller stated no the plans continue to satisfy the negative criteria and overall are less impactful than the original plans. Mr. DelDuca stated this is an inherently beneficial use under the law. Mr. Miller stated yes, it is. Mr. DelDuca stated you have to balance benefits against any negative impacts associated with the requested relief. Mr. Miller stated you have a plan which is stronger and less impactful than the original plan, so all the changes are on the side of equation where overall benefit is increased and the detriment is less.

Mr. Bach referred to his letter of January 24, 2022. He clarified that on page 2, the revision date should be 12/10/2021. On page 5, number two we indicated a D(5) variance required. It should be a D(6) which is a typo.

On the top of page 6, we specifically asked for testimony for the condition of the prior fencing. The details of the existing fencing have been provided adequately via testimony. Number 2, we are still waiting to hear back from Mr. Feranda and the applicant. Number 3 we did receive email from Stratford Fire Marshall indicating that they have no objections the bifurcated entrance.

They have also indicated that they will comply with all comments in our review.

Mr. DelDuca asked Mr. Feranda to address number 2. Mr. Feranda stated they would discuss with the county and if they approval the signal timing adjustments, the developer will effectuate the change.

There were no further Board questions.

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

Adin Mickle, Somerdale, NJ, was sworn in by Mr. Costa.

Mr. Mickle stated on January 17, a public notice stated the maps and documents would be available for review at least 10 days prior to meeting. It gives a website. That link on the 17<sup>th</sup> did not work. Upon inspection of the 2022 agenda, there weren't any plans available. The 17<sup>th</sup> was Martin Luther King Day which meant that the Borough Hall was closed, so it was impossible to get access to documents until nine days before the meeting. I also submitted exhibits to Stratford Borough showing the defective link and the email exchange with Land Use Board Secretary and also a copy of the public notice. The board has not met the ten days needed for the public to examine these documents.

Mr. DelDuca asked Mr. Mickle if he had access plans and application materials nine days prior to the hearing. Mr. Mickle stated yes nine days. Mr. Mickle stated doesn't this agenda item have to be table because the public did not have adequate time to examine these documents?

Mr. DelDuca stated I have not seen what you submitted. We are required to put notice in the paper ten days in advance. We did put the notice in the paper ten days in advance. The board can answer as far as accessibility. I know they were available for review in person and on the website. The 17<sup>th</sup> was a holiday. Under the law, if it is a holiday it goes to the next day. But the notice in the paper was on time.

Mr. Costa stated he agreed with Mr. DelDuca. The holiday was a holiday and you would count it as the next day.

Mr. Mickle stated the previous floor plan had broken down the rooms into independent living and assistant living. The new floor plans labeling this as IL/AL. Are we to assume that these rooms are flexible and can be either? Has this been factored into how parking may be affected? Is it the prerogative of the site owner to rent all these rooms out as independent living?

Mr. Mickle asked Mr. Miller is historic preservation part of urban planning? As a planner, in your opinion, do historic buildings bring value to a community? Would demolishing a building on the national register have an adverse effect on the neighborhood? Mr. Miller stated in general there are benefits in maintaining historic structures. In this particular instance where we are dealing with an inherently beneficial use with very significant societal benefits, and also a building which dilapidated and may not necessarily be feasible to restore, I believe that this application meets all the requirements that it needs to meet. I don't believe there is any issue related to the historic character of the prior structure that would influence the decision in any respect.

Mr. DelDuca stated that aspect of the application has not changed at all and was all presented and approved at a prior meeting.

Mr. Mickle stated in the previous meeting there was some questions about how the application was handled. He has exhibits that he presented that prove without a doubt that this property was reviewed by experts in the state and the federal government. That there is a review process on the

governmental level. This property was nominated by Rutgers Camden University. He wanted any mischaracterization about how the property was listed on the national register to be updated in the public record.

Mr. DelDuca stated he had not seen what you submitted. He asked Mr. Costa that those exhibits be marked as exhibits and submitted for the boards consideration so that Mr. Mickle has his opportunity to present what he wants. He continued that the historic aspects of this application are not relevant to why we are here tonight. We are here for final site plan approval for a plan that was approved in July 2021. None of the changes relate to the historic aspect. The mansion was being taken down in July and that has not changed. Mr. DelDuca stated he had no objection to the board considering what Mr. Mickle has raised.

Mr. Costa stated the application tonight is for Amended Preliminary Site Plan and Final Site Plan approval. I have reviewed minutes of the July meeting, the resolution as it was prepared, this issue was brought up at that July meeting. As Mr. DelDuca said that really has no relevance to the meeting this evening. This evening's meeting is for technical changes that have been submitted. It has nothing to do with the Use. The Use was approved in July. We will certainly mark your exhibits.

They will be marked as Mickle 1 and however many there are.

Mr. Mancini thanked Mr. Mickle for his comments.

Joe Wyland, 75 Winding Way, was sworn in by Mr. Costa. He wanted to know the tax impact? Are we going to increase our tax base with this structure? Mr. Costa stated tax issues are not relevant to the zoning meetings.

Rich St. Maur asked is this a nonprofit or for profit?

Mr. Ellenbogen stated yes this is a for profit, private pay facility.

Mr. DelDuca stated I have a copy of the exhibits that Mr. Mickle submitted to the borough. Exhibit 1 which is a 99-page petition which was summarized at the July meeting. Exhibit 2 is 2 pages of emails from individuals.

Mr. DelDuca read them into the record.

Patty Smith, 315 Lake Blvd.

Shellock, 8 Bryn Maur Ave.

Mr. DelDuca stated for the record our plan has not changed as it relates to the mansion. We told the board in July we were going to deconstruct it and try to reconstruct portions of it. And also use some of the interior contents on the inside in that portion of the building and that has not changed.

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

Mr. Costa stated I don't think it is necessary for Amended Use Variance, but because of the changes, we can make the Amended Use D1 and D6 Variance and also the Amended Preliminary Site Plan and also Final Site Plan. As a condition that the applicant agrees to the content of Mr. Bach's review letter. The applicant also agrees to Mr. Bach's suggestion about fencing. The traffic light on Laurel Road will be submitted to the county to see if they will change the yellow light timing. If they will allow that, the applicant will pay for all cost involved. Mr. Bach added a condition would also be that the trash enclosure be masonry with opaque gate.

Motion by Mr. Hall and seconded by Ms. Swallow to approve the application. Roll call vote: Mr. McGovern, yes, Mr. Hall, yes, Mr. Morello, yes, Ms. Campbell, yes, Mr. St. Maur, yes, Mr. Botterbrodt, yes, Mr. Mancini, yes.

PUBLIC COMMENT:

Motion by Mr. Morello and seconded by Mr. St. Maur to open public portion. All ayes.

Mr. Mickle, Somerdale, NJ. He stated he had several documents that were not mentioned by Mr. DelDuca. He listed several other documents that related to the Thomlinson Mansion. Mr. Costa stated it is inappropriate. The hearing is over and the applicant has left. Motion by Mr. St. Maur and seconded by Mr. Hall to close public portion. All ayes.

**BOARD COMMENT:**

Karl Botterbrodt stated on the discussion we had at the last meeting in regards to Resolution 2021:22, he was unhappy with the way that the Chairman conducted himself at that meeting during that Resolution. He felt it was unprofessional as a position of Chairman. You have a right to your opinion on the Resolution, the board should be able to cast their own vote. The conjecture that was expressed tended to paint the intention of the other board member's vote. It was based on his own understanding and opinion of the resolution. His opinion should not be used to paint the intention of the other board members. Ms. Campbell stated she did not get that impression. Mr. Morello agreed with Ms. Campbell. Mr. Morello stated he did not get that impression.

**COMMUNICATION/ORGANIZATION:**

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