

STRATFORD JOINT LAND USE BOARD
MINUTES
March 28, 2024

The meeting was called to order by Chairman Mike Mancini at 6:30 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

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

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

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

MINUTES: Motion by Mr. St. Maur and seconded by Mr. Walton to approve minutes of March 18, 2024. All Ayes. Mr. Chicalo abstained.

MEMORIALIZATION OF RESOLUTION: 2024:09 Self-Storage Facility.

Motion by Mr. Hall and seconded by Mr. Walton to approve Resolution 2024:09. Roll call vote: Mr. McGovern, yes, Mr. Hall, yes, Mr. Morello, yes, Mr. St. Maur, yes, Ms. Campbell, yes, Mr. Walton, yes, Mr. Mancini, yes

NEW BUSINESS: Canrea Capital, LLC, 10 Webster Avenue, Block 9, Lot 16, Application for a D-1 use variance

Mr. Rinaldi introduced himself. He was the attorney for the applicant. This is an application for a use variance and for a site plan waiver. The property is at 10 Webster Avenue. The property is located in the R-1 zone where multi-family dwellings are not permitted. The applicant proposes to convert what use to be a single-family dwelling with an attached dance studio into a multi-family residence. There were various applications to enlarge and enhance the property. It operated as a dance studio. When the dance studio stop operating, Canrea Capital purchased the property. Their goal, initially, to allow one studio, one four-bedroom apartment, and three two-bedroom apartments. It appears from Mr. Bach's report that the applicant is one parking spot shy. We think we can correct that by removing the shed from the back yard. That will solve two problems. It will give applicant the extra parking spot and eliminate one of the side yard variances that the shed created.

Mr. Rinaldi introduced Mr. Mollohlli and Mr. McKenna.

Mr. Mollohlli, Mr. McKenna and Mr. Bach were sworn in by Mr. Costa.

Mr. Rinaldi asked Mr. Mollohlli to explain his relationship to Canrea Capital. Mr. Mollohlli stated Canrea Properties is an entity owned by myself and my wife. Mr. Rinaldi asked what kind of business is Canrea Capital? Mr. Mollohlli stated we have rental properties in South Jersey. Mr. Rinaldi asked if Canrea Properties also manage the properties. Mr. Mollohlli stated no, we have a professional property manager. Mr. Rinaldi stated if the board was inclined to grant use variance and the property was occupied who would be responsible for the maintenance of the property? Mr. Mollohlli stated we manage all the common areas, landscaping, outside lighting, parking lighting. Mr. Rinaldi asked how long has Canrea owned the property. Mr. Mollohlli stated about a year. Mr. Rinaldi asked what type of units do you propose? Mr. Mollohlli stated when we bought the property, one side was an existing four-bedroom home. That has been rehabbed and is already rented. We want to have four units; the lower level would be two two-bedroom apartments. The upper level is a little smaller so one two-bedroom and one studio. Mr. Bach questioned the bedrooms. He stated it is different than what the application stated. Mr. Mollohlli stated yes.

Exhibit A-1 photographs of property

Mr. Rinaldi stated these are a series of photographs. He asked Mr. Mollohlli if he took the photographs. He stated yes. Mr. Rinaldi asked if the property still looks the same. Mr. Mollohlli stated yes. Mr. Rinaldi asked Mr. Mollohlli what improvements will you be doing to the exterior of the property? Mr. Mollohlli stated front landscaping, scrubs, the sidewalk stops at half the property, lights are needed for the entrance and exit of parking, some of the old windows are going to be replaced. There will be one front entrance to the building. The top unit will enter there.

Mr. Rinaldi stated on page 5 of Bach's report, suggest there should be only one way in and one way out with signs, do you agree to that? Mr. Mollohlli stated yes. Mr. Rinaldi stated the parking lot needs some repairs. It needs base repair and a coating over it. Do you agree to do that? Mr. Mollohlli stated yes. Mr. Rinaldi stated there is a fence in the back of the property is in bad shape, do you agree to fence in the back property? Mr. Mollohlli stated yes and the side property. Mr. Rinaldi stated the shed creates problems, one is variance for side year and secondly will give us another parking spot. Do you have any objection to removing the shed. Mr. Mollohlli stated no. Mr. Rinaldi stated you mentioned the sidewalk earlier. Do you have any objection to completing the sidewalk. Mr. Mollohlli stated no. Mr. Rinaldi asked with regards to trash and recycling, you would be required to provide cans and recycle for each unit and have a place to keep them. Mr. Mollohlli stated yes at the back of the building.

Mr. Costa asked what was the square footage of the dance studio as compared to the house. Mr. Mollohlli stated the dance studio is approximately 2800 square feet and the house is 1300 square feet. Mr. Costa asked what were the size of the apartments? Mr. Mollohlli state the two-bedroom apartments are 700/750 square feet, the studio is 200 square feet and the four bedroom is 1300 square feet and existing. Mr. Mancini asked the home is original? Mr. Mollohlli stated yes except a few windows.

Mr. Chicalo asked if the zone is changing? Mr. Bach stated the application is for a D Use Variance. It is in a zone that does not permit multi family dwelling. Mr. Chicalo asked when the use changes do you discuss fire exits and minimum window size, etc. Mr. Bach stated that would fall under the jurisdiction of the Building Department.

Mr. Costa asked what is the number of parking spots required. Mr. McKenna stated right now you have ten. Mr. Costa asked how many do we need all together? Mr. McKenna stated your code requires two spaces per unit.

Mr. McKenna stated his qualifications. He was an engineer, surveyor, engineer and planning engineer and all his licenses are current and in good standing. Mr. Costa accepted him as an expert.

Mr. Rinaldi stated the applicant has the burden of proving negative and positive criteria. Mr. Rinaldi asked Mr. McKenna if he had familiarized himself with the property. Mr. McKenna stated he had sent an opra to see what other applications had occurred. He found that in 1957/1959 the owners asked to expand the site with an addition to have the dance studio. It provided off street parking. In 2005, requested for an expansion for a second story to dance studio that is what you see today is what was approved and accepted by the board. There are two access drives, one entrance and one exit. There are ten parking spaces and a storage shed. The relief we are seeking is the front yard setback is 30 feet where 35 is required. The other is the shed would be eliminated and this would create an additional parking space. When I looked through the code, ten parking spaces is what would be required for five units. Mr. McKenna stated that Mr. Bach suggested under RSIS, you need just over ten spaces. The elimination of the shed would give us another parking space and that space would be EV ready in the future. The other issue that came up is the impervious coverage which is currently at 70%, the building coverage is 17%. When applicant was heard in 2005 that was agreed to be an acceptable coverage. Mr. Rinaldi asked if applicant is going to have any additional coverage? Mr. McKenna stated no, just improvements to bring up to code.

Mr. Mancini asked why are you looking about coverage? Mr. McKenna stated the applicant is not changing; it is an existing non-conforming. This would be a bulk variance.

Mr. Bach asked in 2005 application was there any resolution or review letter? Mr. McKenna stated no.

Mr. Bach do you have any understanding of whether this was a dance studio and living space.

Mr. McKenna stated he was not sure. Mr. Bach stated you mentioned that there is an assumption that the Borough approved the impervious coverage but there is no record of that? Mr. McKenna stated there was no record.

Mr. McKenna stated the applicants wants to use what is there today. The variances that Mr. Bach had alluded to are the minimum front yard, an existing non-conforming, a side and rear yard for the shed and the occupied coverage. I did provide the impervious coverage per Mr. Bach's review. We are asking for five units, one four bedroom, three two bedroom and one studio. Ten parking spaces would be adequate when looking at Borough Code but RSIS requires 10.2 spaces. With the removal of the shed, there would be an additional parking space.

Mr. Walton asked you are looking to go multifamily which is the D1 variance, why a site plan?

Mr. McKenna stated we are suggesting to do any site improvements. Any site improvements that we do would be in response to Mr. Bach's review, namely the parking space, the extension of the sidewalk along the front, fencing or any kind of landscaping that would be needed to increase the buffers. Mr. Waltons asked are you adding site lighting around the building. Mr. McKenna stated there are a couple of light poles that are existing. I am not sure if they are operating.

Mr. Bach asked Mr. Rinaldi we have a review for D1 variance and you suggest if approved you would come back for a minor sight plan. Are you still planning to do that? Mr. Rinaldi stated I would like to seek the site plan waivers because we are making no expansion of the structure. I will have Mr. McKenna testify about the site lighting. The site lighting will not affect the neighbors. Mr. Bach stated so any lighting would be residential solely to the structure and no pole mounted. Mr. Bach stated we are right below the threshold for requiring a site plan. If they were successful for the Use variance and a site plan waiver, the site plan would be conditioned upon addressing all the comments in our review and that would be perfected by a record plan. Mr. Walton stated it is a Multi-dwelling unit with a parking lot around the building. I don't think residential lighting is going to be sufficient. Mr. McKenna stated they would work with the Board Engineer to get sufficient lighting. Mr. Bach stated that could be a condition where they could provide sufficient illumination for pedestrian's safety and safety for the drive.

Mr. Costa stated the main issue tonight is the Use Variance.

Mr. McKenna reviewed the Municipal Land Use Law 44:55D-2. The idea is to provide additional use of property, to utilize existing site, reduce, reuse recycle. The applicant wants to reuse this site in its entirety and all the remodeling would be inside the existing building. There are two existing driveways, one way in and one way out. Mr. Mancini stated when he drove by the driveway out was blocked. Mr. McKenna stated applicant would provide signage that would promote that type of circulation. Mr. McKenna stated the applicant wanted to be creative and use the property in a more efficient way. The lot is only about three houses away from the White Horse Pike Corridor. Residents may be more inclined to use public transportation.

Mr. McKenna stated we also looked at your master plan. The past problems and objectives that were listed and may apply to this site, complex development issues, balancing development with environmental integrity, promoting business, providing affordable housing opportunities and maintain the unique physical attributes that contribute to the quality way of life, one of the proposed goals and objective was to maintain a balance of land uses. Here we have an existing site that has been there for better than fifty years, these improvements that you see today have been there for a better part of twenty years. Applicants doesn't want to reinvent the wheel with a lot of construction activity, felt this was a good reuse of the property. It is a residential unit with a business entity in the middle of R1 zone. Since it's already there, to conform to a r1 zone, a lot of demolition would have to occur. He felt that a rental unit was more appropriate.

When looking at RSIS you are looking at about 7 trips per day per unit. When looking at data of the property, upwards fo 200 students, at least fifty trips per day. The parking area would appease some on street parking. He surmized that being a five-unit apartment, there would be no more on street parking.

We looked at the housing plan. One of the goals is to provide a variety of housing. Over 70% is basically single-family detached housing. You have very limited variety of other housing. This is a way to try to provide additional variety in an already existing developed site. One of the goals of your land use element was to preserve and protect of established residential neighborhoods. Future growth compliments the overall growth of the community. Being as this is an apartment, the ratable would be increased.

It meets the goal of rehabilitation of existing building to be more in line with a residential type of environment. It is another variety of housing.

One of the reason this site is particularly suited for this application it is a remnant from a prior development. Applicant would just be rehabbing the existing foot print. Any development will have an impact on the community. This will have less impact than prior unit even though we will have more than a single-family home.

We are requiring a bulk variance for the front yard which is an existing non-conforming. We hope to eliminate the other ones which would include the parking the rear and side set back on the shed.

Mr. Rinaldi asked Mr. McKenna what the special reason would be for the D Variance? Mr. McKenna stated the special reason would be that this is specifically suited for this type of development giving the fact that is already has the site improvements, all the pervious, all the parking. A lot of the infrastructure is already in place to accommodate this type of development. Mr. Rinaldi asked Mr. McKenna there is nothing that is being done to the property that causes these bulk variances, they are already existing. Mr. McKenna stated yes.

Mr. Bach asked but that is for the single-family dance studio? You are proposing a use variance so we need to be vested in the bulk variances. Mr. Rinaldi stated we are still asking for them. I am just saying we are not doing anything to change the character or shape of the property. Mr. Bach stated the dance studio was operated by the same person who lived there. You indicated several times about 200 dance students. In any of the information that you were provided, did they say that was per day or all together. Mr. McKenna summarized the letter from 1959 stating that they had 200 student and were anticipating a 10% increase but it does not say per day or total.

Mr. Bach stated on page 2, zoning, the property is located in the R-1 zoning district. Principle uses would be single family swelling, accessory uses incidental or subordinate to a single detached one-family dwelling. Multi family is not permitted that is why the applicant has made his application and the associated bulk variances. In terms of the bulk standard for the R-1 zone, they are listed on the bottom of page 2. They have modified the relief for the site would be two bulk variances, impervious coverage and front yard setback.

Mr. Bach stated the use variance is being requested. He asked Mr. McKenna you indicated that this would assist the borough in terms of affordable housing or coah requirements. Are you familiar with our affordable housing plan. Mr. McKenna stated no he could not get a copy of it. Mr. Bach stated we have a court approved affordable housing element and plan. This property is not within inclusionary of affordable housing. We have several areas. This property would be subject to our affordable housing ordinance. This is not a specifically included area. Further in my review it asks that the applicant would be agreeable to any affordable housing fees. Mr. Rinaldi has confirmed that.

Mr. Bach stated the 2016 master plan examination was prepared Candance Kanaplum eludes a lot to the 2006 master plan. In the 2006 master plan under land use goals preserve the character of established residential neighborhoods ensuring that future growth compliments and enhances the character of the overall community. It goes on to say encourages economic growth in designated areas. The R-1 zone is not in a designated area.

Mr. Bach stated the housing goal provide a variety of housing types that meet a housing need and desires of the community. This is all talking about single family and does require the analysis of our decisions here. This proposed development would not contribute any qualifying use in our affordable housing plan.

Mr. Bach stated under proposed land uses, the residential areas of the borough should remain consistent with existing land uses.

Mr. Bach stated in the 2016 Master plan, under the problems is a restatement of the problems in 2006. These were not the problems identified in 2016. It goes on to state how those problems have been addressed.

One of those items on how problems have been addressed to the extent of passed problems, Mr. McKenna indicated that the balancing development with the environment, the next part of that is Stratford tight knit community and neighborhoods are cherished, these items are well guarded by the Borough Planning Board and Town Leadership.

Mr. Bach stated under the housing plan under the 2016 follow the state law and also provide affordable housing under an affordable housing adopted third round plan. It speaks to affordable housing obligations.

Mr. Bach stated property is three houses from the White Horse Pike Corridor, it is noted that all of the surrounding properties are in the R-1 zone. This whole section of the town follows said characteristics, one property in on White Horse Pike is commercial.

Mr. Bach stated we talked about bulk variance but if successful would have to comply with residential site improvement standards. Mr. Bach asked would applicant be agreeable to all review comments. We heard testimony that they could comply with parking. We also heard testimony that they would agree to all our review comments.

It is the applicant's obligation to present to the board the positive and negative criteria to justify the use variance. The applicant must present to the satisfaction of the board that there are special reasons why the use variance should be granted. They have to demonstrate to the board that the site is particularly suited for the proposed use and the proposal would advance the purpose of municipal land use law, the township's master plan, and the zoning law ordinances. The applicant must prove the variance can be granted without substantial detriment to the public good and the variance will not substantially impair the intent and purpose of the zone plan and the zoning ordinance.

Mr. Bach stated this is not a permitted use in that zone. This is not a similar use to what might have previously existed. The site may have site improvements but that doesn't mean that the site is particularly suited for a proposed use. Mr. McKenna indicated in his testimony several of the goals and objectives of the municipal land use laws were special reasons for his use variance. Item number K plan unit development; how this application is consistent with the plan unit development. Mr. McKenna stated the way he looked at it, it was an existing site, already developed with parking, with that type of scenario, the plan that we are proposing would be able to utilize an existing building with very minimum impact to the site improvements. You do not need to rebuild. We are not trying to rebuild new site improvements; we are trying to utilize what is already there which tries to meet some of the elements that the state plan would want to utilize. Mr. Bach stated I did hear traffic trips which we do not have the basis for in and out at the same time. But this is a dance studio that was not open twenty-four hours a day, where these four additional units are going to have different impacts and different hours. Mr. McKenna stated in 1959 they had 200 students with only one floor. In 2005 when they added the second floor, that says to me that they increased business or they were trying to offer additional services beyond what they had before. I would say that they may not have had 200 students at the same time. Ms. Campbell asked what was on the seconded floor. Mr. McKenna stated it was another dance studio. Ms. Campbell stated the kids would have been in school until 3:00 o'clock so there would be no traffic until then.

Mr. Bach stated under the housing master plan a variety of varying uses; No where in our master plan or in the reexamination report does it say variety of varying uses in any individual zone, it says in designated zones. In terms of particularly suited for the site, across the street is a lot 120' x 130-foot lot. Directly across the street is also an existing 120' x 130' lot with a single-family dwelling of significant size. On Block six, lot two which is across the street, separately by one single family home, is a 180' x 130' single family home, separated by ally and commercial zone on the White Horse Pike. Mr. McKenna stated when you look at the other lots the are generally about 60' wide where the zone is 70' lots.

Mr. Bach stated you have to look at the surrounding areas. The surrounding areas are existing R-1. You need to look if this property is particularly suited for a D1 variance.

Mr. Mancini asked if someone were to come in and make that a single-family dwelling, would they have to come in and change the dance studio? Mr. Bach stated they would only have to come in for building permits.

Mr. Morello asked how is it particularly suited for an apartment complex in a single-family neighborhood other than the fit? Mr. McKenna stated I feel it was particularly suited because of all the improvements and infrastructure would be suited. Mr. Morello asked what were the special reasons? Mr. McKenna stated the special reason is it is particularly suited.

Mr. Bach stated the standard of proof for the D Variance is it is the applicant's obligation to present the positive and negative criteria to justify the D Variance. Must prove to the satisfaction of the board that there are special reasons for the board to exercise its jurisdictions to grant the requested relief. Special reasons are in essence what Mr. McKenna put on record. The positive criteria is demonstrating that the site is particularly suited to the proposed use and that the proposal would advance the purpose of the Municipal Land Use Law and the Master Plan and the Zoning Ordinances. On the negative criteria they must demonstrate that the variance can be granted to your satisfaction, without substantial detriment to the public good and the variance would not substantially impair the intent and purpose of the zone.

Mr. Rinaldi stated we are here to ask permission to do something that is not permitted. In the R-1 zone it is permitted to have schools, special needs homes, (they are not required to come before the board because they are exempt) They would not need a variance. They would only be required to present site plans. Mr. Rinaldi stated what is not listed in Mr. Bach's letter is group homes, special needs homes, physically challenged, psychotically challenged, they are not required to come before the board. They are exempt. When the board and community are considering what else this property could be used for, we are proposing to keep it residential. Where the studio is a shell of a home. Anyone buying that home would have to put an extraordinary amount of money to rehab. Ask yourself is the site really best suited for what the applicant is proposing compared to what could be there. When you compare what could be there, we believe the applicant's proposal is best suited there. Mr. Bach stated the site would have to meet all the other development requirements or site development or parking. In terms of group homes, I agree with Mr. Rinaldi. A group home is a home of specialty needs, operate as a homes not individual apartment unit. They have to adhere to home living unit described in the state statute.

Mr. Costa asked how did you come up with five units. Mr. Mollahlli stated because of how the market is. Mr. Costa stated a duplex would satisfy all the requirements that Mr. McKenna went through. Mr. McKenna stated whether it is two or five, it is still considered multi-unit and would require a use variance.

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

John Price, 12 Webster, was sworn in by Mr. Costa. Mr. Price stated he had lived in home for 33 years. He had good repour with both dance studio owners. The letter dated 1959 was way over inflated to say they had over 200 students. The first owners were opened five days a week, no classes on Saturday or Sunday. When they added the second floor, there were no classes on Sunday. Traffic was not an issue. My porch faces the exit driveway. Mr. Price was against a multi-family home. He did not move in next to apartments. He wants a single-family home. The added people would add traffic 24/7. I don't think it's a good fit.

Robert Baumann, 108 Webster, was sworn in by Mr. Costa. He has lived in his home since 1978. A couple thing I don't agree with. Saying rateables will have a positive effect, I disagree 100%. I am against. Are there any performance or maintenance bonds required on this type of application that protect the neighborhood? I believe it is not in our best interest.

Alexis Kay Stiles, 14 Webster, was sworn in by Mr. Costa. She has lived at her residence for 43 years. She purchased from her parents. There were never 200 students. My mother taught there and she would be able to confirm that. The second level was used for music lessons. In the 43 years that we already have triplex on Webster, we have had nothing but problems. There is constantly police activity there.

Mr. Bach stated 18 Webster is a triplex. It was an existing triplex before there was zoning in the Borough. That was a preexisting non-conforming before there were zoning laws.

Michelle White, 13 Webster, was sworn in by Mr. Costa. Ms. White agreed with everyone's opinion. There are still signs that state do not park between signs. People that don't know still park beyond signs. When the dance studio was there, they would direct traffic. They have asked the borough to take those signs down. There is always trouble with triplex and she does not want to see another one.

Helen Baumann, 108 Webster, was sworn in by Mr. Costa. She stated she hoped you did not approve and set a precedent. Mr. Costa explained that it would not set a precedent. Each case is set on individual merit.

Justine Filigno, 6 Webster, was sworn in by Mr. Costa. He stated his main concerns were for the kids in the area. There are a lot of young kids. He wants to raise his kids in a single-family neighborhood that is why he purchased here.

Alexis Stiles, 14 Webster, was sworn in by Mr. Costa. His concern was the sewer issues. They would be adding kitchens and bathrooms. There are already sewerage problems on the street.

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

Motion by Mr. St. Maur to approve the application for a D1 Variance for a multi-unit apartment for 10 Webster. There was no second.

Motion by Mr. Morello and seconded by Mr. Hall to deny the application. It lacks the proof that it advances the municipal land use law, it lacks proof that the variance would not impair the intent and purpose of our current zoning ordinances, lacks proof that the variance that it can be granted without detriment to the public, lacks proof that there is any special reason. The proposed application is not particularly suited for this location.

Roll call vote: Mr. McGovern, yes, Agree with Ron. Do not think it is suitable for neighborhood, Mr. Hall, yes, Mr. Morello, yes, Ms. Campbell, yes, Mr. St. Maur, no, Mr. Chicalo, yes, Mr. Mancini, yes. Does not protect our established single family home neighborhood.

Motion by Mr. St. Maur and seconded by Mr. Hall to open to public for general comment. Hearing none. Motion by Mr. St. Maur and seconded by Mr. McGovern to close the public all ayes.

Motion by St, Maur and seconded Mr. McGovern to adjourn.

Next meeting will be April 25, 2024

BOARD COMMENT: None

PUBLIC COMMENT:

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COMMUNICATION/ORGANIZATION: Next meeting will be April 25, 2014 @ 6:30 pm

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

