

STRATFORD JOINT LAND USE BOARD
MINUTES
November 11, 2024

The meeting was called to order by Vice-Chairman Paul McGovern 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 Vice-Chairman led the board in the pledge of allegiance and a prayer.

ROLL CALL:

Present

P. McGovern, Vice Chairman Class IV
K. Campbell Class IV
T. Kozeniewski Class IV
T. Hall Class IV
R. Morello Class II
R. St. Maur Class IV

Absent

J. Keenan Class I
T. Lamonno Class III

M. Chicago, 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. Chicalo to approve minutes of October 24, 2024. Roll Call: Mr. Hall, yes, Mr. Morello, yes, Ms. Campbell, yes, Mr. St. Maur, yes, Mr. McGovern, yes

NEW BUSINESS: Realty Whitehorse, LLC, 43 S. White Horse Pike, Block 52, Lot 30, Minor Site Plan Review

Mr. McGovern stated the applicant is before the board for a minor site plan review. Mr. Bach stated the two alternates will participate for the absent members. He stated on page two of the review letter dated October 22, 2024, the applicant did not request waivers but has not provided landscaping and buffering plan. He recommended a waiver for completeness only. A landscape plan shall be provided.

Motion by Mr. St. Maur and seconded by Mr. Chicalo to accept application for completeness. Roll call: Mr. Hall, yes, Mr. Kozeniewski, yes, Mr. Morello, yes, Ms. Campbell, yes, Mr. St. Maur, yes, Mr. Chicalo, yes, Mr. Walton, yes, Mr. McGovern, yes.

Mr. Kevin Diduch, the attorney representing Realty Whitehorse, stated the property is located at 43 S. White Horse Pike, Block 52, Lot 30 and in the C Zone. It is approximately 8250 square feet of vacant commercial building. The applicant seeks approval for a minor site plan for a proposed retail store as well as a conversion of a commercial space into a fine dining restaurant specializing in Indian cuisine. On your

application, there is a notation that the proposed retail space would be 5000 square feet. We are amending that to 3,250 square feet. The restaurant capacity is being amended from 75 seats to 60 seats. We do have a variance application for parking. Based on the calculation I just presented, we will need less variances. We have three listed on our notice: one is for a drive aisle width, Twenty-five feet is permitted and we propose 14.5 feet; two is the size of the parking spaces, ten by twenty is permitted and we propose nine by eighteen. The last would be the number of parking spaces. On paper it is required forty-eight parking spaces and we proposed thirty-six parking spaces.

Mr. Joseph Mancini, Tristate engineering & Surveying, and Mr. Steven Bach, Borough Engineer, were sworn in by Mr. Costa. Mr. Mancini presented his credentials. Mr. Costa accepted him as a qualified witness.

Mr. Mancini presented Exhibit A-1, Minor Site Plan. It shows an area image. There is an existing 8250 square foot building. There is access via a two-way drive out to the White Horse Pike, parking and circulation around the building. The site is in the process of being rehabilitated. It is in need of some improvements. We are proposing a restaurant for a portion of the space. It will be on the right side of the building. The retail use has not been determined. The rest of the building will be for a restaurant. Both uses are permitted in the C Zone. The project proposes circulation to be counter clockwise, one way in a circular motion around the building. This will be clarified with stripping and arrows and parking spaces. This will provide thirty-six spaces in the existing paved area. Part of that is ADA parking in the front of the site. The trash enclosure will be in the right rear corner. That will be in an enclosure. Condition of approval will be a landscaping plan which we will provide wherever that is possible on the site. I would anticipate the frontage and some screening around trash enclosure and wherever else we can provide some landscaping. We are also proposing lighting to bring up to Borough ordinance. The application got revised and will no longer need variance for parking because by reducing the number of seats to 60, will change the parking ratio to only need 34 spaces are required and we are providing 36 spaces.

Mr. Costa asked what the square footage of the restaurant. Mr. Mancini stated the 1750 square feet that we are taking away from the retail will be storage space for the restaurant. The restaurant will still be 3250 square feet. Mr. Bach asked if it would still be six employees. Mr. Mancini stated yes.

All other conditions of Mr. Bach's letter we are in agreement to comply with as a condition of approval.

Section 17.68.10 addresses the size of parking spaces. We are proposing nine by eighteen where ten by twenty is required. The drive aisle width at the smallest we have fourteen and half feet where twenty-five feet is required. The loading zone encroaches in the twenty-five feet but we are providing stripping.

We determined we meet the C2 criteria. As it relates to the existing conditions of the restraints of the site. The benefits will out way the detriment, and the detriment would promote the purpose of zoning. The variance can be issued without a detriment. The applicant putting the site to better use is a benefit to Stratford. Specific to the nine by eighteen spaces that is a typical size of a parking space. It has the benefit of allowing us to maximize the parking. Twenty-five feet is common for a two-way drive aisle but not

particularly for one way. By allowing us to reduce the drive aisle it allows us to keep the parking spaces and maximize the parking spaces. We could use the parking spaces closest to trash enclosure for employee parking. Mr. Bach asked how many spaces? Mr. Mancini stated we have six employees on maximum shift. Mr. Bach asked would it be at least three? Mr. Mancini stated yes. Mr. Bach stated and that is the area where it is the greatest pinch point. Mr. Mancini agreed.

Mr. Mancini stated we believe it is an efficient use of land. There will be improvements to the site specifically the trash enclosure and the landscaping and the lighting. With a C2 variance we also have to demonstrate that there is substantial detriment to the residents and the site. The site does not impact any residential lots. The restaurant is a permitted use. The retail is a permitted use. It complies with all the standard for the C zone. It is appropriate for the site. The board is able to look at the totality of the project, not just the deviation, but what comes with the entire project, and see that the benefits outweigh the detriments.

Mr. Bach stated the applicant has already agreed to all of the conditions outlined in the review letter of October 25, 2024. The applicant is now only seeking the 9 x18 parking variance and also the one-way drive way of 14.5 feet where twenty-five is required. Mr. Bach stated the restriction there is a concrete pad. He asked is that type of loading necessary and can the concrete pad be removed and allow for better circulation?

Mr. Malav Patel was sworn in by Mr. Costa.

Mr. Bach asked in the back of the building where the fourteen foot is not restricted by the building but a raised loading area. Is that necessary for your operation? Mr. Patel stated it is not. Mr. Bach stated there is a ramp adjacent to it, could they be reconfigured and have it approximately four feet from the building and go sideways ramps? Mr. Patel stated yes, they could do that. Mr. Bach stated that would approximately eliminate at least three feet of the relief for the drive aisle. The Variance will be 19.5 feet where 25 feet is required. The reason I bring up to the board and the applicant is the 25 required in our ordinance is a little excessive for pulling out a vehicle. I do not feel it would be necessary to have the employee parking spaces. It would function as a one-way drive aisle eighteen-foot wide all the way through. In terms of the encroachment of the loading area, that the whole rear of the area be stripped so that no one parks there. That will be whatever loading area is needed. I have not object for the design waiver for the encroachment into the twenty-five-foot drive aisle requirement. It may be a little of wedge shape but when driving around the building, it will all be nineteen feet. Mr. Bach stated item 11 on the review letter recommends that the restaurant utilize an air treatment system with odor absorbing ventilation and exhaust systems. Applicant agrees to that.

Mr. McGovern asked if there were any questions from the board. Mr. Morello asked for the trash enclosure to be pointed out and asked how large. Mr. Mancini stated it is in the right corner and the enclosure will be ten feet by ten feet with stripping out to eighteen feet. Mr. Mancini asked what the enclosure was on the left side. Mr. Patel stated it was existing from a previous owner.

Mr. Birva Shah was sworn in by Mr. Costa. Mr. Shah stated the concrete base was already there so we just put fencing around it. Mr. Bach stated that is not the location that is being proposed currently. The Northeast corner is where the new trash enclosure will be. The enclosure will be at least a solid six-foot fence. Mr. Morello asked if the

one that is there being removed? Mr. Shah stated yes. Mr. Bach asked Mr. Mancini to put on the record what the trash enclosure will be. Mr. Mancini stated we will leave it up to the board's preference. He suggested a wood fence to be sturdier than a PVC fence. We would comply with whatever the board suggested. Mr. Bach stated it would be a solid six-foot fence. Mr. Mancini it would be six foot high with a lock. Mr. McGovern asked if it was wood, would it be pressure treated? Mr. Mancini stated yes. Mr. Hall asked if one dumpster was enough for two stores. Mr. Mancini stated it can hold two cans. With most types of these businesses, it will be enough. Mr. Chicalo asked what was being done with the growth between the TD Bank and the stores. Mr. Mancini stated we are not going to touch it. The drive aisle is clear there. Other than trimming trees, there is really nothing that has to be done with that. That could be part of landscape plan if board feels it need to be. Mr. Chicalo asked if it could be trimmed back some. Mr. Mancini stated the drive aisle here is ample. Mr. Bach stated you will be providing a landscape plan. It does look like it needs some trimming along that area. Do you agree to do that as part of any landscaping plan? Mr. Mancini agreed. Mr. Chicalo asked what is the divider between the property? Mr. Mancini stated there is no physical barrier. Mr. Chicalo asked if there is a fence there or has it just been surveyed and marked? Mr. Mancini stated there is a fence along the back.

Mr. Morello asked about the parking buffer. Mr. Mancini stated all spaces will have parking bumpers. Mr. Morello stated there is no outdoor storage on the plan. Mr. Mancini stated no. Mr. Chicalo asked whose vegetation, is it? Does it belong to TDBank? Mr. Bach stated it appears to be right on the property line. I don't think we can compel them to remove the vegetation.

Mr. Morello asked what kind of retail would be going in the other space. Will there be overnight business? After hours? Mr. Mancini stated nothing like that.

Mr. Hall asked what the timing of truck deliveries will be? Mr. Patel stated the delivery times would be in the morning between ten and eleven. Most deliveries will be in a box truck. Mr. Costa asked the hours of operations. Mr. Patel stated it would be 11:30 am to 10:00 on seven days a week.

Mr. Mancini wanted to review what the changes were. Mr. Diduch stated we are seeking minor site plan approval. The relief we are asking for is for the one-way drive aisle width, nineteen and half feet where twenty-five feet is needed. We are asking for nine by eighteen parking spaces where ten by twenty is required. We are amending the application to change the seating to sixty seats and limit the square footage of the retail space to 3250 feet, 1750 feet would be storage for the restaurant and 3250 would be the restaurant space. This changes the parking demand to 36 parking spaces the ordinance is further reduced by two spaces by providing ada parking. That takes us to 34 spaces which we are providing thirty-four spaces. Mr. Hall asked if there would be restricted on turning onto the White Horse Pike? Mr. Mancini stated there is no restriction now and that is not changing. Mr. Morello asked about snow removal. Mr. Mancini stated the best they can do is push snow in areas where drive aisle is twenty-three feet and some would have to go in parking spaces. Mr. Morello stated cannot push onto the pike. There is a drainage problem in the back. Mr. Mancini stated we can make sure those are clean and cleared out. We are not adding any impervious. Mr. Bach suggested would be to plow onto the western drive aisle along property line so that you are not creating any sort of back up or changing any drainage patterns.

Motion by Mr. St. Maur and seconded by Mr. Walton to open to the public. All ayes.
Mr. Stuart Platt was sworn in by Mr. Costa.

Mr. Platt stated he is the owner of Spritle Real Estate. His property is on Berlin Road and backs up to applicant's property. He pointed to his fence and basin and his parking lot. He stated he has a number of concerns. He had photographs that were passed out to the board, exhibit P1. He was concerned about the process that the application got to the board and the second is the substance of the application. The process which the application got here is a concern because everything in Stratford deserves the best. My concerns are, if you see the photographs, that the signage is already erected, both a free standing and a building sign. If you look into the window, the alterations are already being done for a fit out. There is equipment, shelves and other things already in the building. There have been trucks in hauling things in and out. He wanted to make sure we were here with an applicant that is not just seeking forgiveness but are getting permission. It seems like to a member of the public that it is already a done deal. I get the sense by the questions already asked, that you are taking a careful look at the application. Secondly, he did not think that the application is ready for approval. Why? Number one we have the trash enclosure leaving up to Mr. Bach. Mr. Bach is one of the best professional engineer, planner but it takes the jurisdiction away from the board. Second is the landscaping issue. We don't even know where the landscaping is. There is no landscaping plan. When you come before the board, you should have lighting, landscaping, signage, stormwater issues resolved. The storm water concern that he had was the storm basin. In heavy rain the basin gets filled. The basin was sized for his property. Another issue was debris that comes from the restaurant and retail. He has a board-on-board fence. Trash gets interlocked in the board-on-board fence. He stated there needs to be some other fence that will block some of the debris. The applicant testified that they don't know what the intensity of the retail use will be. How do we know how many parking spaces they will need? Mr. Bach stated as testified this evening and amending the application, they do not need a parking variance. Mr. Platt stated his other issue is outside events. Is there going to be music, outside sales, dining, retail displays? Do we know the hours of operation for the retail? There is lighting on the rear of the building. He thought that was the only positive thing out of this restaurant.
Motion by Mr. St. Maur and seconded by Mr. Chicalo to close the public portion. All ayes.

Mr. Diduch stated a lot of time and attention was put into this application. We have gone through a number of the issues that Mr. Platt has brought up. We think some of the issues that have been raised have either been already addressed prior to Mr. Platt's arrival or they were addressed in the application in conjunction with Mr. Bach prior to this evening.

Mr. Mancini stated the testimony was clear. We are talking about a ten-by-ten solid wood fence with locking gate for the trash enclosure in the Northeast corner of property. Regarding the landscaping plan, we will be providing one of those to Mr. Bach. There are not a lot of spaces. We spoke to providing shrubbery to prevent headlight views, screening the back enclosure and providing any other landscaping that enhances the site. Mr. McGovern questioned the signage. Is the free-standing sign on the White Horse Pike. Mr. Mancini confirmed. It is the exact same size of the existing sign that was there. Mr. Walton questioned the internal construction. Mr. Mancini stated nothing was

done without permits. Mr. Walton asked how permits were issued without the hearing. Mr. Mancini stated I don't think applicant thought that it would be needed because it is a permitted use. A change in use does not always require a site plan application; in this case it did because it triggered a different parking requirement.

Mr. McGovern asked Mr. Costa when someone owns a piece of property and they change the interior, is that our concern? Mr. Costa stated not really. As Mr. Mancini stated a lot of towns do not require a site plan for a permitted use. Stratford adopted an ordinance about twenty/twenty-five years ago that a change in use does require a site plan. Mr. McGovern stated but the site plan is an exterior site plan. Mr. Costa stated yes. I think a couple of things that Mr. Platt mentioned should be addressed. Number one is what is the retail space. Mr. Mancini stated any space built for retail has the same unknown. The parking ordinance is used for general services uses. It is common in a multi-use building that you don't always have all the tenants. Mr. Costa also expressed his concern for snow and water. Mr. Mancini stated they were using all existing conditions on the exterior. They were not changing the impervious. Mr. Bach asked what the standards were? Mr. Mancini stated that triggered a storm water requirement is increase in one quarter acre of impervious coverage or overall, one acre of disturbance.

Mr. Morello asked if rear parking spots were on the existing site plan. Mr. Mancini stated the parking plan is proposed. We do not have previous site plan. Mr. Morello stated that Mr. Platt suggested an additional fencing along existing fence. Mr. Bach stated that Mr. Platt has fencing along the entire rear of his property. Mr. Diduch stated applicant is willing to put up fence. Mr. Bach stated a chain link, six foot black coated with pvc slots. Mr. Shah stated we would do a proper six-foot white solid pvc fence along the back.

Mr. Costa asked for the landscaping to be explained in a little more detail. Mr. Mancini stated there is limited space. Mr. Bah stated the White Horse Pike has some green space. Mr. Bach stated the bushes are not to exceed thirty inches for clear site distances. There is limited space along fence. I can see that you could have limited evergreens and some lower plantings. The applicant agreed. On TD side evergreen and low-lying landscaping to keep drive aisle clear. Mr. Bach asked will there be a new concrete pad draining towards applicants' property not the other properties? Mr. Mancini stated yes.

Mr. Morello asked the applicant what his time line was? Mr. Patel stated we will work very quickly for our benefit as well as for the borough. Our hope is to open by December 1. Whenever it is approved, we will try to get it done within two weeks including the improvements.

Mr. Bach stated the memorialization of the resolution would not be until the next meeting. Plus, you have the appeal process which is forty-five days from memorialization. Mr. Bach stated if you are approved, you have to meet all the conditions of the approval, performance guarantees, Camden County Planning Board waiver or approval and all site improvements before a CO can be issued. Mr. Costa stated it will not be December 1.

Mr. Bach asked grease traps will be internal to the building and there will be no outside storage of grease or any other materials not even in the trash enclosure. Mr. Mancini stated that is correct. Mr. Hall asked if a service trash contract before opening? Mr. Shah stated the Health Department requires us to have a contract before opening. Mr. Platt stated the trash must remain in trash enclosure except when being dump.

Motion by Mr. St. Maur and seconded by Mr. Chicalo to approve the minor site plan for Realty Whitehorse, LLC. It would be for the parking spaces to be nine by eighteen, one way drive aisle of nineteen and half feet, and all other conditions that were mentioned specifically the landscaping plan, snow would be placed on the western drive aisle, there would be an opaque fence along the rear of the property and landscaped, the width of the loading area would be less than twelve feet in width, and all other conditions in the review letter.

Ms. Campbell asked once they get a tenant for the retail space, do they have to come back. Mr. Costa stated no unless it is something unusual.

Roll call vote: Mr. Hall, yes, Mr. Kozeniewski, yes, Ms. Campbell, yes, Mr. St. Maur, yes, Mr. Chicalo, yes, Mr. Walton, yes, Mr. Morello, no, Mr. McGovern, yes. Motion passes seven to one.

Mr. Costa stated this is the last meeting of the year. The next meeting will be January 23, 2025. The law say that the Resolution should be memorializing within forty-five days of approval. That won't happen before our next meeting. The law does provide that for compelling reasons, the board can draft a temporary resolution this evening approving the application with condition that another resolution will be prepared and adopted at the next meeting. The advantage or disadvantage is that the appeal starts when it is published. If we wait it wouldn't start until end of January and forty-five days from then would be March 15.

It was discussed and agreed to hold another meeting on December 16, 2024 at 6:30 pm at the Justice Facility.

MEMORIALIZATION OF RESOLUTION: Resolution 2024:14 Ron & Shirley Charlton, 234 Winding Way Road, Block 109, Lot 60

Motion by Mr. Walton and seconded by Mr. Kozeniewski to approved Resolution 2024:14. Roll call: Mr. Hall, yes, Mr. Morello, yes, Mr. St. Maur, yes, Ms. Campbell, yes, Mr. Chicalo, yes, Mr. Walton, yes, Mr. McGovern, Yes

BOARD COMMENT: None

PUBLIC COMMENT: Motion by Mr. Morello and seconded by Mr. Walton to open to public. Hearing none. Motion by Mr. Walton and seconded by Mr. Chicalo to close public session.

COMMUNICATION/ORGANIZATION: The reorganization Meeting is scheduled for January 23, 2025 at the Public Safety Building at 6:30 pm

ADJOURNMENT: Motion by Mr. St. Maur and seconded by Mr. Walton to adjourn. Meeting adjourned at 8:14 pm. All ayes

