STRATFORD JOINT LAND USE BOARD MINUTES
September 24, 2026

The meeting was called to order by Chairman Paul McGovern at 6:30 pm. The Chairman led the board in the pledge of allegiance and a prayer. 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.

ROLL CALL:

Present		Absent	
P. McGovern, Chairman	Class IV	S. McBride	Class I
K. Walton, Vice-Chairman	Class IV	M. Chicalo	Alternate I
B. Bove	Class III		
T. Hall	Class IV		
T. Kozeniewski	Class IV		
R. Morello	Class II		
R. St. Maur	Class IV		
M. DiGiacomo	Alternate I		

C. Petrone, Solicitor
C. Reilly, Bach Associates
C. Kanaplue, Bach Associates
K. Rauer, Secretary

APPROVAL OF MINUTES: Motioned by Mr. Bove and seconded by Mr. Walton to approve minutes from August 27, 2026 meeting. All ayes.

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OLD BUSINESS – Walt Haas, 10 Buttonwood Road, Block 100, Lot 5. Construction of 30' x 24' detached garage.

Mr. McGovern let the people in the audience know that this was a continuation application carried from the August meeting.

Mr. Petrone reminded Mr. Haas that he was already sworn in at the August meeting & that still stands.

Mr. Haas stated that he is now looking to downsize the garage to 24' x 24' & keep the shed because the shed & the new requested size is a smaller square footage than the previous requested size of 30' x 24'. Mr. Haas had displayed pictures to show the board of his backyard & also an image from online showing that a 24' x 24' garage would look like. Mr. McGovern asked if he had the specs of what he was wanting to build & Mr. Haas stated it would be 24' x 24' with 10' indoor ceilings with about a 15'

over all peak. Mr. Walton stated it will now be a 24' x 24' & not the 30' x 24' & Mr. Haas stated yes because last month's meeting he came with a 30' x 24' & decided to just downsize that. Mr. Petrone identified 3 photos that Mr. Haas showed as A-1 & renderings of proposed garage as A-2. (said photos that were marked were turned back over to Mr. Haas & in his possession). Mr. McGovern questioned the driveway that is there & goes back to the current shed is on the side of your property correct? Mr. Bove stated it is on the left side of the property. Mr. McGovern stated if you are facing the property it is on the left side of your property. Mr. Haas stated correct. Mr. McGovern commented this is how you would drive into the garage & Mr. Haas stated that is correct. Mr. Walton asked how far back the garage would be off the house. Mr. Haas stated from the front of the garage to where the back of the house would be is about 23'. Mr. Walton noted that is then behind the house which Mr. Haas agreed it was. Mr. McGovern stated it's kind of where the shed is now its just going to be bigger & a bigger footprint. Mr. Haas pointed to a photo & stated it showed where he had taped out the location of proposed garage of 24' x 24' & where he would like the garage to sit on the property. Mr. Bove asked where this is now going to be off the property line / both corners. Mr. Haas stated it would be 4' from the back & 2' from the side. Mr. Haas stated that the existing concrete line will be the other side wall which is 2' off the side fence. Mr. Walton asked if it is 4' off the back does that mean the shed will be behind it. Mr. Haas stated no that he is proposing to move the shed to the other corner of the yard. Mr. Bove questioned if Mr. Haas is going to be draining it into his yard & Mr. Haas stated yes he will have it directed into his yard. Mr. Morello asked how close would that now be to the existing pool where Mr. Haas stated about 5' from the corner of the proposed shed.

Mr. Reilly stated that Bach had issued a second letter (see attached) that he wanted to review with the Board before taking any questions. Mr. Reilly stated a review letter was completed based on the additional application document. Mr. Reilly stated they assumed the garage was going to be shorter from the rear yard, but as Mr. Haas stated it is going to be as proposed during the original application. Mr. Reilly stated the rear setback from the rear corner still stands. Mr. Haas stated he can move the garage up a little bit. Mr. Reilly stated he needs clarification so he can tell the Board the variances that are being requested. Mr. Reilly stated with the additional application materials, the variances that are being requested are for maximum occupied area, which is proposed at 31.3% where 30 is allowed. The previous application was a little higher than that, at 32.4%, so that is now less. Mr. Petrone questioned if that included the shed because the introduction of the letter indicated to replace a shed, so Mr. Petrone wanted to make sure that he 31.3% included the garage & the existing shed. Mr. Reilly stated he would double check all of that after he goes through everything else on the letter. Mr. Reilly stated the second variance would be for side yard setback for improving on an existing non-conformance where 2' is proposed & 10' is required. As clarified, the rear yard setback of 4' is proposed where 10' is required. He stated now that they have an additional application materials 15' in height is being requested where 12' is allowed. Those are the 4 variances that are required & he will verify that number. Mr. Petrone asked if Mr. Haas is allowed to have more than 1 accessory structure. Mr. Reilly stated he would need to verify that as well.

Mr. McGovern asked if the Board had any additional questions about said proposal. Mr. Walton asked Mr. Haas why this has to be set so far back on the property, why can it not be set up to be equivalent to where the house is like most residences are set up. Mr. Morello comment they are usually attached or very close up to the house & not in the backyard. Mr. Haas stated that if it is 2 car garage & he wants to pull a vehicle up & to the right side of the garage & the garage was closer to the house he would have to cut the wheel really hard, then make tight right turn then left turn as where if it is located further back in the yard he wouldn't have to make sharp turns into it. Mr. Walton asked if this was going to be a garage for the house or a garage that Mr. Haas will be working in. Mr. Haas stated it is a garage for the house. Mr. Walton stated he feels this isn't so much a 2-car garage for the house. Mr. Haas stated it would be for storage, it is not to run a business, no one will be living out of it, it is a garage for storage. Mr. Morello stated that variances are for special size properties where you can't normally get 'normal' & what fits the character of the neighborhood. Mr. Morello feels the Board would be breaking the code to make the garage fit where it just doesn't under these codes. Mr. Morello stated he feels there are no special circumstances here that Mr. Haas wants something he wants because he has a hobby. Mr. Haas stated as it was brought up at the last meeting about the other garages he has seen around town being how he wants to do his garage. Mr. Haas stated that 1 is the same size as what he wants the other one is on Meadowlark & it is a gigantic one that warps what is being proposed. Mr. Haas stated that the one he is talking about is in the backyard & up against the residents back fence & is way bigger than what he is proposing, stating it is only a block away from his residence. Mr. Haas commented that said garage does not conform to the neighborhood, which Mr. Morello commented that is correct. Mr. Haas stated that he would like his to be like the garage on Meadowlark in his back yard. Mr. Morello stated he knows of which one he is speaking about & that if he was on the Board back then & he would not have approved said structure. Mr. Haas stated he never looked on the Old Stratford side for said structures & stated he came across multiple ones in that area. Mr. Haas stated he would just like to build a 2-car garage & noted how he downsized it since the last meeting. Mr. Morello again commented to Mr. Haas what about his application is so special or extraordinary or exceptional about his application. Mr. Haas stated he is a car guy, drag races, he has restored a '64 Dodge from the ground up. He stated he has that car & all his tools to store. Mr. Haas stated he had been renting a big garage is Westville until his friend sold said place. Mr. Haas stated he is not running a business out it, he won't be out there working til 2 in the morning making noise. Mr. Haas stated he needs a place to keep his car & all his things. Mr. Haas stated he was a mechanic for years & has quite a bit of tools & tool boxes full. Mr. Walton commented to Mr. Haas that he is asking for 3 variances & the Board needs to understand why these variances are needed. Mr. Walton questioned Mr. Haas how he is going to be controlling the water since the photo doesn't show any of that. It only shows a downspout & with a gutter. There is nothing showing as to how he will place that to show the proper run off which could wind up pooling in the neighbor's yard. Mr. Walton stated that Mr. Haas is requesting a variance from 10' to 2' & that Mr. Haas needs to explain that need. Mr. Haas stated the way he wants to have the garage is to have a gable style. He said it would not be going left to right he wants it to go front to back & that will leave the front gutter to come down the

side. He stated it would be the same in the back of the garage & it would then run off into his yard. It was commented instead of an A-frame he would flip it to go long ways. Mr. Petrone spoke to Mr. Haas stating if he was standing out front of property what was to the left of his property, a single family use? Mr. Haas stated yes that on the other side of his driveway there was another house. Mr. Petrone asked approximately how far that house from his house is & if it lines up with his existing residence as far as setbacks. Mr. Haas believes yes, the houses do line up. Mr. Petrone asked if the other house's driveway closer or further from his driveway. Mr. Haas stated it is closer to his side of the driveway. Mr. Petrone questioned if the neighbor's driveway goes back along the common property line like Mr. Haas'. Mr. Haas stated it goes behind the fence just like his does. Mr. Petrone asked if the area that Mr. Haas is proposing for the garage is there any improvement located in the adjacent parcels, asking if there was anything in the backyard(s). Mr. Haas stated there are 2 sheds in the yard behind. Mr. Petrone asked if he know approximate size of those sheds & he said roughly close to same size as what he has currently. Mr. Reilly spoke stating if the applicant is requesting to leave the shed that will offer his impervious coverage on 32.6%, as opposed to the 31.3% without the shed. Mr. Bove questioned asking if the neighbor behind has 2 sheds & Mr. Haas stated yes 2 separate sheds but are next to each other. Mr. McGovern questioned Mr. Reilly about the chart that is on the review letter & asked if the rear yard set back is 5' zoned & Mr. Reilly said yes. Mr. McGovern asked Mr. Haas if he is currently looking for 4' setback. Mr. Haas stated yes if he could & stated since he shortened the length & depth of the garage since last month, he would be willing to do the 5' setback. Mr. McGovern stated to Mr. Haas that variance would not be needed for the rear yard if that was the case. Mr. Morello asked Mr. Haas if he had looked at any situations where it could be an attached garage which would contour with the rest of the neighborhood where Mr. Haas stated if it was attached it would have to be very small 1-car, stating that his neighbor has the same style house & it has an attached garage. Mr. Morello stated there wouldn't be a need for rear yard setback variance if it was attached & a double car garage towards the rear, like front to back. Mr. Haas stated he would prefer not to go that way because then it would take up the whole side of the yard if it was attached. Mr. Morello stated if he did the attached & even went with a 30' long garage it still wouldn't put Mr. Haas in the rear of the property stating it would contour with the neighborhood & much less of a change from what is allowed. Mr. Reilly stated from what he figured out Mr. Haas would need a variance for the second & not knowing where Mr. Haas wants to put the shed. Mr. Petrone stated if the Board were to see fit, approve the application as amended, then the shed would have to comply with the setbacks. Mr. Walton commented about Mr. Haas moving the garage up more to meet the setbacks & asked if it can be made a conditional. Mr. Petrone stated they can it that Mr. Haas has testified, he has amended his plan, at the hearing to provide for the 5' setback as required for an accessory structure & stated that would be incorporated into any resolution. Mr. Walton asked Mr. Haas, with that statement, if he is moving the garage up more towards the house for ascetics or if he was doing it so he would meet the 5' setback. Mr. Bove was confused as to what Mr. Walton was asking. Mr. Walton then stated that Mr. Haas stated he would move the garage up 1 foot & stated Mr. Morello commented to move it up to comply more towards what the neighborhood has as far as attached garage. Mr. Walton asked if Mr. Haas

was willing to move it up or was he just moving it up that 1 foot. Mr. Morello stated it was a thought that was brought up the last meeting to take into consideration of making this contour into the neighborhood, stating basically Mr. Haas is shrinking the garage 6' with no additional special circumstances. Mr. Hall asked Mr. Haas if he needed to go to his neighbors & he stated he went to 26 neighbors & 8 utility companies. Mr. Haas was asked what people's responses were & he stated everyone loves what he is doing, stating he had to provide the neighbors letters & also spoke to them. Mr. Petrone stated the meeting will be open to the public so if any of said neighbors wanted to speak that would be the time. Mr. Haas made mention that at last month's meeting not 1 neighbor showed up as being against it. Mr. Morello stated a lot of neighbors rely on the Board to do the right thing & follow the laws. Mr. Morello stated that he did get a couple phone calls regarding this application & Mr. Petrone stated he can't & the Board can't go off of he said / she said unless said parties are there to be questioned.

No more questions from the Board. The meeting was opened up to the public. Motioned by Mr. St. Maur & seconded by Mr. Bove. All ayes. Mr. McGovern asked the audience if anyone was there to speak for Mr. Haas' application. No one from public was in attendance. Motion to close the public portion. Motioned by Mr. Bove & seconded by Mr. Hall. All ayes.

Mr. McGovern stated that a motion to approve or not approve this application would be needed. Mr. Petrone stated he always phrases motions in a positive way so that way a yes is a yes & a no is a no. Mr. Petrone stated so there is no motion to deny someone who says no thinking they're denying it when in fact they are doing the opposite. Mr. Bove agreed on that statement & made a motion. Mr. Petrone added to said motion. Mr. Petrone stated to make a motion to approve the application as amended by the applicant for the construction of the 24' x 24' size garage structure requiring variances to permit a second accessory structure on the lot to approve a variance for a maximum occupied area of 32.6%, representing 214.5 square foot overage over the permissible occupied area, 30% on an 8,250 square foot lot, a side yard setback of 2' and with the garage complying with the rear yard setback requirement of 5' as well as a variance to permit the maximum height of the garage to be 15' subject to the shed being relocated on the property to comply with the setback requirements of the ordinance for an accessory structure, that no construction is to begin until the applicant obtains a construction permit for the same. Mr. Petrone added that variance approval does not necessarily guarantee the issuance of a zoning permit, construction permit, or something of occupancy for the proposed garage, but you're subject to all applicable codes & ordinance, statues, rules, & regulations governing construction of same. The Board will incorporate the testimony of the applicant made during both hearings, the hearing in August as well as the hearing at tonight's meeting & further subject to the review letter of September 18, 2026 by Bach Associates except there's modified hearing. Mr. St. Maur asked if it could also be added to pitch the roof front to back. Mr. St. Maur stated because if it is the other way there is potential for rain water & stated that Mr. Haas' suggestion would take care of that.

Mr. Bove made a motion as proposed & Mr. St. Maur seconded it. Roll call was taken – Mr. McGovern – yes; Mr. Walton – no; Mr. Bove – yes; Mr. Hall – no; Mr. Kozeniewski – no; Mr. Morello – no; Mr. St. Maur – yes; Mr. DiGiacomo – no.

Yes votes – 3
No votes – 5

Mr. McGovern asked Mr. Petrone as far as what happens now if he wanted to come back again? Mr. Petrone state he would have to make changes to his plans, he cannot submit the same exact application. Mr. Petrone stated once it is decided he would have to make substantial change to the application. Mr. Petrone stated there were a number of variances & the applicant could revise plans to eliminate some of the variances.

Mr. Haas questioned if he would have to go through the whole process again & come back with a substantial change and was told yes.

NEW BUSINESS –

Zaid Hernandez, 57 Winding Way, Block 82, Lot 19, Side Yard Variance for an addition.

Ms. Hernandez was sworn in by Mr. Petrone before she started to testify.

Ms. Hernandez stated when she initially purchased the property it was in total disarray & was not livable at the time of purchase. She stated she purchased it because she was close to retirement, wanted 1 floor living, and wanted space. Ms. Hernandez stated she was residing (at that time) in a townhome, which had a 2nd floor & also a basement. Ms. Hernandez didn't want to move to a 55 & older community, she felt Stratford is a very family friendly neighborhood. Ms. Hernandez stated after she moved in she started to renovate the property & realized she wanted more space. Ms. Hernandez stated at some point she has 2 individual family members who may have to move in with her which was another reason she needed more space. Ms. Hernandez stated she wanted to add a garage & again more space. Ms. Hernandez stated that on the right side of the house is where a variance would be needed. She stated it was going from 15' to property line to now 7'. There is currently a fence there (which is the neighbors) but she too would like to add her own fence. Ms. Hernandez stated she is not going any further out the front of the house nor is she going any further back. She stated essentially the house would be square in shape. A front porch is going to be added (said porch will go across the front of the house). She stated the bedroom on the left side is 5' interior to the rest of the house. She stated that the garage will not go any further than 5'. Ms. Hernandez stated the main impact will be on the right side of the property. Ms. Hernandez stated at some point later she plans on putting a patio on the back side of the house, off the family room. Ms. Hernandez stated the addition is consisting of a garage with a family room off that back & the 2 bedrooms are being enlarged. Mr. Morello asked if the garage was going to be even with the house. Ms.

Hernandez stated yes. Mr. Morello asked if the driveway that is currently there will be used to access the garage where she stated yes it will. Mr. Reilly went over the bulk variance review letter (see attached). The application is to construct an attached garage & rear 1-story addition at a residential property located on the easterly side of Winding Way Rd. between Evergreen Rd. & Bonnie Rd. The property is an 8,250 sq. ft. parcel that contains an existing 1-story dwelling, concrete driveway, concrete patio, & concrete sidewalks. The variances that will be required are for side yard setback of 7.1' be proposed where 10' is required. Aggregate side yard setback of 17.1 is being proposed where 25' is required. Maximum occupied area proposing 36.5% where 30% is required. Mr. Reilly referred to the survey while asking Ms. Hernandez about the footprint of the addition. Mr. Reilly was commenting as for the patio Ms. Hernandez spoke about & other documents that were submitted, asking if said patio was underneath on the sketch that was turned in. Ms. Hernandez stated the patio would start where the utility room & dining room is (as pointing to survey / drawing). Mr. Reilly stated all the calculations correspond to the survey that was provided & where the occupied areas will be. Mr. Reilly stated he does not have any calculations for the patio so he can't suggest to the Board what the maximum occupied areas would be. Ms. Hernandez stated it will be 30' x 15'. Mr. Reilly asked if that is on top of what was there. Mr. Reilly stated she could come back to the Board for that application, separate, or Ms. Hernandez could provide more details & he could try & add it in to the percentage that has been worked out. Mr. McGovern had a question about the materials that could be used on said patio that wouldn't affect the impervious. Mr. Reilly stated if it is covered it is considered an impervious area. Ms. Hernandez commented that she may be holding off on the patio because her main concern is getting the house completed. Mr. Reilly stated that needs to be clarified due to information & numbers changing if patio is being included. Mr. Reilly also stated in the other documents that were submitted it indicated that the walkways are being removed. Ms. Hernandez stated they were already removed because she had to have a gas line run (she converted from oil to gas). Mr. Reilly stated he just wanted to make sure that her survey was reflective of her testimony. Mr. Morello mentioned that Ms. Hernandez's property backs up to Beaver Circle & stated there is Borough space in the middle behind there. Mr. Petrone had some questions for Ms. Hernandez about her neighbor's property (Kathy, her neighbor to the right). He asked if the driveway was along the common property line & Ms. Hernandez stated yes it is right next to her driveway. Mr. Petrone asked if said neighbor's house is line / consistent with Ms. Hernandez's house where she stated it was pretty much a mirror image. Mr. Petrone asked if the length of the neighbor's driveway went the same distance back, roughly same space from property line to where her house is situated & Ms. Hernandez's stated yes it was. Mr. Reilly stated there was one more clarification he wanted to mention on the survey. He stated the driveway is widening slightly so the expansion is going towards the back on the driveway & slightly expanding the front portion, which was included in the calculations, it's just not reflected on the survey, stating that it is to be consistent with the garage.

There were no more questions from the Board so Mr. McGovern opened it to the public for this application. Motion was made by Mr. Hall & seconded by Mr. Bove. All ayes.

Dale Schmidt – resides at 61 Winding Way Rd. Mr. Petrone swore in Mr. Schmidt.

Mr. Schmidt stated that he resides 2 houses down from Ms. Hernandez & he has 2 questions for this application. Mr. Schmidt's 1st question was if there was a length of time on construction from when a permit has been approved & the construction starts, is there a length of time for said work or can it go on for extended periods of time? Mr. Schmidt's 2nd question has to do with debris & trash that escapes from a construction site. Mr. Schmidt stated that he has had to collect trash that has been blowing around. He stated there has been a dumpster in the driveway that was there for an extended period of time. He stated that trash was blowing out & going onto people properties, stating he went around & collected said trash. Mr. Schmidt felt the homeowner & construction crew would be more aware of this situation. Mr. Schmidt stated he has no objection with the work that is being completed. Ms. Hernandez stated there was a dumpster in the driveway & the construction person forgot to have said dumpster removed. Mr. McGovern asked if that is something the code official would handle where Mr. Petrone stated if construction were to stop in the middle of work that the construction official would come in to make sure that said property is secured. Mr. Petrone stated that the code official should be aware if there are any issues of trash & debris blowing off the site & making it an unsafe condition, should be advised & have the contractors correct any issues. Mr. Schmidt stated he was asking about the construction phase because it is coming up on 2 years from when the house was sold til now. Ms. Hernandez stated the sequence of events over that time has been she purchased the house, it needed new construction from the base up which took a few months to get someone in to take care of that, she stated medical reasons she was in & out of the hospital which created more delays, then now the delay with having to go to the zoning board which is where we are now. Ms. Hernandez feels maybe neighbors felt like it was again going to be an abandoned property. Mr. Schmidt stated that wasn't his worry since the house had been vacant a long time & he knew it was being worked on but then work stopped for a period of time. Mr. Schmidt stated he came to the meeting more for respect of concerned neighbors because neighbors are concerned & they did not want to come to the meeting. Mr. Schmidt stated he is not concerned about the footprint of the project just more for the mechanics of how it's being handled. Mr. Walton had a couple questions for Mr. Schmidt. Mr. Walton stated Mr. Schmidt is not opposed of this plan & asked if the issue he was having was the length of time with the outstanding permits. Mr. Schmidt stated he was not sure if there was a limit of maybe 24 months put on a plan like this, that construction on something like this needs to be accomplished in a period of time or if it stays open ended. Mr. Walton stated he believes that 1st permit would have to be closed out & then another permit gets issued. Mr. Walton stated Mr. Schmidt does have the right to call the code official if he feels the duration of said project is an issue. Mr. Walton stated that is not for this Board to handle. Mr. Schmidt stated he was possibly asking too what the contractors responsibilities were as far as debris blowing around, making sure the dumpster doesn't stay full / is emptied. Mr. Bove stated those

are more nuisance types of issues as far as debris from the dumpster & stated that he believes the length of time for the dumpster is 30 days. Mr. Morello stated there is also a new requirement that the dumpster be in the driveway, unless it can't be in the driveway, as that was put in place a couple months ago to try & keep said nuisance out of the neighborhood to try & keep the debris in the dumpsters instead of blowing all around the streets. Mr. McGovern stated to Mr. Schmidt that the code official would be the person he would have to contact for any further issues. Mr. Walton then had a 2nd question as far what Mr. Schmidt was asking about the permit. He was asking Ms. Hernandez if that permit is for the current work or for the previous work that was being done, asking if that was closed out. Ms. Hernandez stated that she believes they are not closed out, there are several open permit for the work that is being done. Ms. Hernandez had to put a stop on work that was being done inside. She stated if stuff has to be redone once the additions are done. She stated why would they be finishing a house that she didn't feel comfortable living in while they are doing the addition work. She commented that she put a stop on any other work stating the base work is there, it is gutted with the the electrical & HVAC, it is just the matter of getting this now approved so she can finish it all off. Mr. Walton commented should the Board be approving something that may be requiring additional permit(s) for an expansion if the current permit that is outstanding is not yet completed / closed out. Mr. Petrone stated there is a different forum for construction permits so she will have to pull all the permits that are required & before she gets a certificate of occupancy the improvements will have to be inspected (whether rough or finished work).

There were no other questions from the public for this application. Mr. McGovern called for a motion to close to the public. Motioned by Mr. St. Maur & seconded by Mr. Bove. All ayes.

Mr. Hall questioned Ms. Hernandez in regards to her stating she was going to be moving people in. Ms. Hernandez stated it would be family. Mr. Hall asked if it was going to be a whole entire family or just 1 person. Ms. Hernandez stated it would be 2 family members who may need to come reside with her for help.

Mr. Morello made a comment to Ms. Hernandez stating that her application made it through the process pretty quickly stating that the Borough did not hold her up at all like she had mentioned. Mr. Morello stated that he has been following the application since it came in & she was locked on, she had the application done & was set up pretty quickly for the meeting, stating it had only taken about a month.

Mr. McGovern called for a motion. Mr. Petrone stated if the Board sees fit to make a motion to approve the application for the construction of an addition at the property of Winding Way with resulting variances being required for 7.1 side yard setback on the lot 18 side of the property, the aggregate side yard setback of 17.1 with a maximum occupied area of 36.5% which is an overage of approximately 536 sq. ft. with all similar

conditions raised with respect to the last application / motion which the applicant was here to hear so they were similar conditions of approval.

Motion was made by Mr. Morello and was seconded by Mr. Walton. Roll call was taken: Mr. McGovern – yes; Mr. Walton – yes; Mr. Bove – yes; Mr. Hall – abstained; Mr. Kozeniewski – yes; Mr. Morello – yes; Mr. St. Maur – yes; Mr. DiGiacomo – yes.

Cajun Realty LLC d/b/a Church's Texas Chicken, 2 S. White Horse Pike, Block 62.01, Lot 1

Attorney Justin Calta, Saiber Lawfirm representing Church's Texas Chicken, which is at the meeting for site plan approval. Mr. Calta mentioned said property has historically been used for quick-service restaurant, drive-thru service, and they want to continue with that use. Mr. Calta stated that at the time Church's went to do their bid out, stating they not the property owner they are a tenant, they realized the property was in really bad shape, the foundation was crumbling, that trying to rehabilitate the existing improvements was not feasible. So instead of abandoning the lease they decided to move forward with a full tear down & rebuild the building & take the opportunity to rehab the site itself. As noted on the engineering review memo that since this is a tear down they are now considered a new build & there were a number of existing non-conformities at the site that had been operating at the site for years to their knowledge without any incident but they will be requesting those variances within this application. Mr. Calta stated they have 4 witnesses / speakers who will be speaking for this property.

- Johnny Carson - the applicants representative, he is in operations & management for Church's including this region in NJ
- Rusty Ridge – Architect
- Olivia LeClaire – Professional Engineer
- Gabe Baylor – Professional Planner

First to speak – Johnny Carson. Mr. Carson was asked by Mr. Petrone what his roll is with the company. Mr. Carson stated he is the market leader for developing the stores on the East Coast. Mr. Carson started explaining the business. He stated the business will be open Monday to Sunday, 7 days a week, with hours of operation being 9am-11pm. Mr. Carson stated they will have a total of 8-10 employees at the restaurant. Deliveries are 3 times a week - every Monday, Wednesday, & Friday - that is from Performance Food. Their chicken supply comes from another company but will be on the exact same days. Mr. Carson stated they have a very strict code when it comes to food safety making sure served at proper temperature & food is going out correctly. Mr. Carson spoke about the parking lot & how there will be extensive lighting, stated the restaurant is mainly drive-thru where they push for service in 4 min. 30 sec. or less when the cars come around. Mr. Carson stated they strive to have a quick turnaround so the cars are not stacked up & part way out into the street.

Mr. Calta had some questions for Mr. Carson.

Mr. Calta – is there any on-site dining?
Mr. Carson – no it is strictly drive thru
Mr. Calta – so it is drive-thru & walk up counter service only?
Mr. Carson – yes
Mr. Calta – there are 2 shifts per day?
Mr. Carson – 2 shifts yes
Mr. Calta – employees can park in any space but you encourage them to park away from the building, correct?
Mr. Carson – typically the employees will park in the back of the site so the customers have easy access to the restaurant & for safety. At night the employees are allowed to move closer to the building
Mr. Calta – you stated you have a target of 4 min. 30 sec. average order turn around time & that is able to be held during peak demand?
Mr. Carson – yes
Mr. Calta – can you tell the Board what the peak demand times are?
Mr. Carson – the peak demand times are during lunch & dinner
Mr. Calta – you mentioned deliveries on Monday, Wednesday, Friday & you get those in 30 ft. trailers?
Mr. Carson – yes
Mr. Calta – can you walk the Board through trash pick-ups? The frequency & are you going to be using a private haul?
Mr. Carson – trash pick up's are mainly 3 times – depending on the volume of restaurant. It can be Monday, Wednesday, Friday or it can be Tuesday, Thursday, Saturday. Pick-ups are usually early in the morning before the store opens for business

Mr. Calta had no further questions for Mr. Carson.

Mr. Bove questioned Mr. Carson as far as employees asking if he had 8 employees. Mr. Carson stated that is the maximum – 8 employees. Mr. Bove asked about how many employees at a time will be at the restaurant. Mr. Carson stated when the store first opens usually between 8-15 employees as that is when they are extremely busy. Mr. Carson stated as the business tapers down then there may be average of 8 employees present. Mr. Bove questioned the number of employees due to the fact of trying to park 8-15 vehicles in the parking lot. Mr. Walton asked if that is 8 employees divided into 2 shifts such that 4 on 1 shirt & 4 on another shift? Mr. Carson said typically yes. Mr. Bove commented so that is only 4 vehicles then. Mr. Morello asked if the outdoor seating is being removed. Mr. Carson stated there will be no outdoor seating. Mr. Walton questioned how they will be able to get a 30' tractor trailer at that site. Mr. Calta stated the engineer will speak about all that when she presents. Mr. Morello questioned where the other nearest location is. Mr. Carson stated there is a location in Camden, NJ & also a location in North Philly – 2900 North Philly – it just opened in August 2024. Mr. Reilly had a question regarding a grease reclamation tank & asked to know the process of handling that on how it will be disposed up & changing

out every once in a while. Mr. Carson stated they will use the same tank that is currently there, they will come pick up the grease maybe 1x a month. Mr. Reilly asked what kind of vehicle is typically used. Mr. Carson stated it is usually a big U-Haul / big semi-truck about once a month. Mr. Calta stated that Mr. Ridge will provide additional information on that when he speaks.

Next speaker – Rusty Ridge. Mr. Ridge was sworn in by Mr. Petrone. Mr. Ridge's qualifications - licensed Architect in the State of NJ, as well as several other states. Mr. Petrone asked Mr. Ridge has previously done testimony for other Land Use Board's in the State of NJ, has he been previously recognized, and his license is in good standing. Mr. Ridge answered yes to all. Mr. Ridge will be using the booklet they submitted for key points & pointing out different things while speaking. Mr. Ridge stated they originally wanted to just rehab the existing building but when it came time to start demolition it was noticed that the walls were no longer attached to the foundation. Mr. Ridge stated that is when they had been in contact with Church's Texas Chicken stating that a new building was needed. Mr. Ridge stated they are trying to keep as many site improvements that are already existing like the grease interceptor. Mr. Ridge explained that they are putting a grease reclamation tank going on the back of the building. That is to pull old grease out of the fryers & is contained in said tank until a truck gets there to empty it out & add new grease in. Mr. Ridge asked Mr. Carson how often they put new grease into the fryers & Mr. Carson stated that they filter it daily but usually 1x a week the grease is changed out. Mr. Ridge stated the tank is to just hold the grease, it does not go down any sanitary sewer of any sort. Mr. Petrone asked if they are adding another tank or are they utilizing the existing one & Mr. Ridge stated they are going to be putting a new one since they are tearing the whole building down. Mr. Morello asked if said tank is inside or outside & Mr. Ridge stated it is located outside & will be where the existing one was. Mr. Ridge stated the building that is being constructed will be the exact footprint of what is currently there, the only difference will be there will not be 2 drive-thru canopies that were previously there. Mr. Ridge stated if that was part of a previous variance for setbacks with the drive-thru canopy that faces South, that it has been taken down & that is when they realized what was happening with the building & again is not going back up. Mr. Ridge stated they will be putting a canopy over the drive-thru, stating it was a simple overhang it will not be covering the entire drive-thru itself. Mr. Ridge stated the only square footage difference will be on the North side of the street where there was a bump out. He stated that will just be flattened out so they can better fit equipment within the footprint of the building. Mr. Ridge noted that there will be an area where customers can pick up food but they be will still maintain the drive-thru, stating that they only have 1 drive-thru there will not be 2 drive-thru's were the passenger was able to obtain food through the window. Mr. Morello asked if it will be slightly larger where Mr. Ridge stated approximately 5 square feet. Mr. Morello asked if it was a modular building. Mr. Ridge stated no it is an analyzed system where the walls will come in sections, be set on a typical foundation, the panels get set up, screwed together & then a roof is put on it. Mr. Ridge said modular usually do not allow for expansion because they are pre-done. Mr. Calta asked Mr. Ridge if he would like to speak about the signage. Mr. Ridge stated along the White Horse Pike the existing

pylon sign will be removed. Mr. Petrone made a note that Mr. Ridge was using the last 3 pages of the packet handed out as exhibits. Mr. Petrone identified said exhibits as –

A-1 – the exterior elevations
A-2 – the architectural site plan
A-3 – the site signage

Mr. Petrone also that as Mr. Ridge speaks to mention which exhibit page he is looking on.

Speaking on exhibit A-2 – Mr. Ridge stated they will be using the typical Church's signage, the placements are along White Horse that has a lettered sign along with their circular sign, on the drive-thru sign there will be a typical puck sign, there is an existing pylon sign there – the sign itself is being removed, the pylon itself is remaining – and there will be a new Church's puck on top of that, there is no digital sign below that it is a manual sign that will remain. The side that faces Laurel Rd. there is a signage mural that will be put up, looking at exhibit A-1, showing the remainder of the signage is a non-lighted branding mural. It is replacing all the directional signing on the site, they are not lighted. They will be changing the facings on them to help with directions around the site. Mr. Morello questioned what the mural says. Mr. Ridge read what is noted on said mural "Swagger, Community, Hard-Work, Huddle, Joy". Mr. Morello asked if that is on the building & Mr. Ridge stated it was & stated it's like a branding item. Mr. Petrone asked Mr. Ridge if he was able to review the September 22 Review Letter & Mr. Ridge stated yes he did. Mr. Petrone asked if the sign areas are identified in the review letter accurate because he wants to make sure that what our engineer has indicated as the size of the sign is correct. Mr. Ridge stated that all of them were correct except for 'sign C'. Mr. Ridge stated that 'sign C' is shown as 42 sq. ft. but 22 sq. ft. is correct for that sign & not 42. Mr. Ridge stated that then brings aware to lighted signs A & B to 36 sq. feet & all the rest are non-lighted signs. Mr. Petrone wanted to verify that sign A is 9 sq. ft & B is 27 sq. ft are going to be only ones lit & all other will not be lit. Mr. Ridge stated that is correct. Mr. Petrone asked if there will be any lighting on the pylon sign where Mr. Ridge stated only for the sign itself. Mr. Petrone asked about any upward facing where Mr. Ridge stated no. Mr. Walton asked if they were going to be re-landscaping the site & Mr. Ridge stated they will add landscaping back to the site. Mr. Walton asked about what is being done to the existing trees where Mr. Ridge stated they will be trimmed back & stated that was previously approved on the other permit that was done for the building. Mr. Ridge stated the building was approved for the construction when they came into the issues. Mr. Morello asked about the exit showing on Laurel Rd. & stated that cannot be there it is not an exit it's only an entrance. Mr. Ridge stated that it's an entrance & a no left turn exit onto Laurel it is only a right turn. Mr. Morello asked if the sign is going to be a regulatory traffic sign for the No Left Turn & Mr. Calta stated yes they will have their engineer address that when she speaks. Mr. Morello stated that sign was there, which Mr. Calta was not aware of but will make sure that will be put there. Mr. Reilly stated that he had nothing to add additionally regarding the signage variances as Mr. Ridge's testimony covered it. Mr. McGovern asked if the Board had any additional questions, which no one had any additional questions.

Next speaker – Olivia LaClair. Ms. LaClair was sworn in by Mr. Petrone. Ms. LaClair's qualifications – Civil Engineer Bachelor's Degree from Georgia Tech, Professional Engineer in State of NJ, her license is currently in good standing. Mr. Petrone asked Ms. LaClair if she has been previously recognized in which she stated yes. Mr. Calta asked Ms. LaClair to go through the site plan. Ms. LaClair stated the location of said property, the block & lot, roads it is situated between & the 2 access roads, stated it is a 1 story restaurant, has a parking lot & has been inactive for a while. Ms. LaClair stated the improvements they will be doing to the site are demolishing the existing site & rebuilding in the same footprint, it is approximately a 950 sq. ft. 1 story building. Ms. LaClair stated they will be will be replacing signage. There is 1 existing ADA parking space but they will be proposing to redo the existing pavement around said space stating that it is existing & non-compliant so Church's is redoing the pavement, the curb & access ramp of the ADA spot to the front of the store & also to the side of the building to make sure it is up-to-date & complaint. She stated the lighting will be updated with 1 new light pole added & new purposed fixtures put on the existing light poles around the site, there will be new proposed wall fixtures, and landscaping will be trimmed, cleaned up & maintained. Ms. LaClair stated there will be no new striping except for the ADA space that will be made up to compliance. Ms. LaClair went over some previous items that were mentioned. The grease trap, which is located at the rear of the building & the maintenance of that was previously spoken about & stated there will be a tank that is going to be cleaned quarterly. She stated there will be no changes to the existing utility connections. They are adding additional protective bollards near the building to assist with pedestrian safety. Ms. LeClair made note from the C-300 section – site plan – they are closing off 1 of the 2 existing drive-thrus stating it will help improve the traffic circulation. She stated there will still be a bump out where the drive-thru is being closed off & there is no loading space proposed but that area will be used to where they will be loading & unloading stating they are not proposing a true loading area. Said area will be where the trucks are able to turn around. Ms. LeClair stated that she has run truck & trailer movements for said area/space & there should be no difficulties. She stated they will be able to come in off of Laurel Rd., back into said area, and come back out the same entrance onto Laurel Rd. Mr. Bove questioned if the trucks are going to be backing in the lot from Laurel Rd. Ms. LeClair stated the truck will enter off Laurel Rd., turns around & backs into that bump out space, and will then be able to drive straight back out onto Laurel Rd., stating the truck will never back in off of Laurel Rd. Mr. Bove questioned how big said truck & trailer are. Ms. LeClair stated it is a 30' trailer bed. Ms. LeClair stated she can provide exhibits to the Board to show how said trucks will handle this. Mr. McGovern asked when are deliveries are normally done. Mr. Carson spoke up stating the deliveries could be done at night for drop deliveries. Mr. Bove commented how Laurel Rd. is always busy & pulling a tractor trailer into that lot could be an issue. Ms. LeClair stated the drivers will be able to easily maneuver into the lot, back in, and maneuver back out of the site. Mr. Petrone stated that condition of any approval is going to require the submission of the turning template to demonstrate that the delivery vehicle can enter straight forward, back out a little bit to get into that area that was previously the 2nd drive-thru lane, and that they can then pull forward so they are exiting out onto Laurel Rd. Mr. Bove asked about the travel direction of the trucks when doing

deliveries because you don't want the trucks making a left into the lot & blocking all that traffic. Ms. LeClair stated there are no turn-ins allowed off Laurel Rd. in said direction to block traffic. Mr. McGovern commented they would have to come from the direction of the hospital & down Laurel Rd to turn into the parking lot. Mr. Morello also commented that they cannot make the left out of the lot either. Ms. LeClair stated that is correct. Ms. LeClair then talked to the Board about proposed parking. She stated there is no indoor seating on site & the parking code does have drive-thru restaurant uses & that code is based off indoor seating. She stated there is zero proposed, that was not included in the parking requirement calculation. The only required number of parking in the Borough is 4. It was noted earlier that maximum number 8 employees on the maximum shift. Ms. LeClair stated the code requires half the space per max employee per shift, which is 4. Ms. LeClair stated there will be 11 extra spaces per code requirement to account for pick-ups that will happen. Mr. Morello asked if there is a specific door dash window or parking. Ms. LeClair stated they are not labeled parking spaces. Mr. Petrone questioned as for the maximum shift are there going to be 4 employees or 8 employees. Ms. LeClair stated there will be 8 employees on maximum shift. Ms. LeClair stated the existing parking spaces are going to remain & they are adequately striped except the way they are striped they are under the allowable for the Borough. She stated there is 1 space that is as low as 7.7 feet wide & they are keeping that & not restriping because they want to keep as many available spots as possible. Ms. LeClair stated the ADA spot will be restriped & that is the only area because they want to make sure that meets national code standards & that will be 11 ft. wide. ADA van space. Ms. LeClair stated in terms of the building, as previously discussed, all the existing building will be demolished, rebuilding it, and requesting variances on the setbacks. She stated there were setbacks that were existing & are now proposed for the front yard & the rear yard, stating they are approximately equal to the same distance that they previously were. Ms. LeClair then spoke about the lighting, as previously discussed they want to add lighting to the site. The applicant will evaluate the existing lighting & make sure there is no glare, lighting will be face down, & shields will be added. She stated there will be 1 wall mounted light added to what the Board is currently viewing per the comments that have been received. Mr. Morello asked Mr. Carson if there is a camera system going to be in place both inside & outside. Mr. Carson stated yes there will be a DTIQ Camera system with a total of 11-13 cameras around the site. Mr. Petrone had a question stating that they had reviewed the engineer's letter & asked if there were any issues on said letter & if they intended to comply with all the comments. Ms. LeClair stated there were no issues & they will comply. Mr. Petrone commented about the existing parking spaces & they are not up to Borough's standards. Mr. Petrone asked Ms. LeClair to provide a little testimony with respect to the size of the existing parking spaces even though they are less adequate for the type of use being proposed. Ms. LeClair stated the non-compliant sized parking spaces are located in the row of 7 parking spaces. The parking space is minimally 8 ft. wide, which is in-line with general codes in other towns in NJ. Mr. Petrone stated that wider parking spaces are preferred for sites where there are constant in & out or places that have shopping carts. Ms. LeClair agreed & stated the drive isles that are provided in that area are wider than the 25 foot wide requirement of the town so there is adequate space to maneuver in & out of said spaces. Mr. Reilly had a question for

where the other drive-thru lane previously was there is an area of concrete that looks to be remaining. Mr. Reilly asked Ms. LeClair if that will be used for anything. Ms. LeClair stated that was previously outdoor seating so to minimize the site they are keeping it as it & not modify said area. Mr. Reilly asked about new curbing that was added & Ms. LeClair stated they are closing off the previously existing drive-thru which allowed access to circulate the site but it is being closed off so there will be no vehicle access. Mr. Morello asked if there is going to be a side door & Ms. LeClair stated there will be one accessible there. Mr. Petrone asked if the trash enclosure will be in the same location. Ms. LeClair stated yes it will be in the same location with mason grade walls, which will all stay the same. Mr. Reilly asked Ms. LeClair about the review of their letter & asked if there was anything as for the additional comments or information provided on the original plan. Ms. LeClair stated no & with the outside agency reviews & they identified they will submit to the County, they submitted to the DOT & are waiting to hear back that review in the next month or so. As with the SCD hey are under the threshold of 5,000 sq. ft. so there is no additional approval required from there. Ms. LeClair stated they will also coordinate with the fire official to review the plan. Mr. Reilly commented on what Mr. Morello stated about the exit driveway onto Laurel Rd. & how there is no longer a left turn out & asked Ms. LeClair if they were aware of that restriction. Ms. LeClair stated they were not aware & stated with that being a county road they will submit to the count & anticipated some further feedback. Mr. Morello recommended they also reach out to the state highway because it is tied into their jug handle. Mr. Petrone commented that the state may jurisdiction for the first “x” amount of time. Mr. Morello stated the state is the ones who plow that area. Mr. Petrone asked how far back from the state highway does the state retain jurisdiction. Mr. Reilly stated that road acts as a ramp to go around this area. Ms. LeClair stated they will make sure that no left turn sign is added back. Mr. Reilly questioned Ms. LeClair regarding the free standing sign. He stated there is a variance that is required & asked her to clarify that for the Board asking if it was because they were keeping the existing pylon & they were adding a new sign to the top which will make it higher. Ms. LeClair stated they are going to remove the “it’s a zing” / eclipse looking sign & we are proposing a circle on top & what puts us over the height limit is there is an existing menu board manual letter board that they are counting in the area of the requirement for free standing sign, so that in conjunction with the new sign going on top puts it at about 54 sq. ft. which puts it over the requirement. Mr. Reilly asked about the condition of the existing pylon is in good enough shape to handle said signage. Ms. LeClair stated yes & they will be utilizing the existing pylon sign with the same height. Mr. McGovern asked how much over in size will the new sign be asking if it is over the existing top & bottom sign or will it be in similar size. Ms. LeClair stated the bottom sign will remain completely as is & the top sign will be 1 ½ ft. taller due to it going from an eclipse shape to a full circle.

Next speaker – Gabe Baylor. Mr. Petrone swore in Mr. Baylor. Mr. Baylor’s qualifications are Licensed Professional Planner in NJ since 2007, member of American Certified Planners since 2007, testified across Boards throughout NJ, been accepted as a Professional Planner in planning & his license is currently in good standing. Mr. Baylor stated he is here at the meeting because there are variances associated with this new food restaurant. Mr. Baylor stated there are 6 variances for this proposed new

restaurant. As previously testified the building is in bad condition & will be knocked down & rebuilt stating it will be in the same location as the previous building was situated. Mr. Baylor stated there is a front yard setback variance which is required, it is 50', what is existing is a non-conformant of the building, was 22.8' & what is being proposed is 22.9'. Mr. Baylor stated there is also a rear yard setback variance, which requires 25', which pre-existing non-conforming condition of 22.3' & what is being proposed is 22.4'. Mr. Baylor stated there is a variance related to the number of façade signs where the maximum permitted is 1 & they are proposing 6 façade signs. He stated there is a variance for free standing signs where the maximum permitted, based on the dimensions of the building, is 3 sq. ft. & what is being proposed is 54 sq. ft. Mr. Baylor stated that as the Engineer, Ms. LaClair, testified the reason for that is related to the existing menu board that has been there & that is 18 sq. ft. & what is being proposed the signage is 36 sq. ft. Mr. Baylor stated there is also a variance related to the parking stall size which requires 10' x 20' where the existing is 9' x 18'. He stated there is also a variance related to the loading area stating that 1 loading area space is required & none are existing, in terms of standards to the Borough, but there is an area that will be utilized for loading it just does not meet the dimensions. Mr. Baylor stated in terms of the variance criteria there is a C-1, which has to do with hardship. He stated that the hardship criteria is in exceptional narrowness, shallowness, or shape of specific piece of property. There is also the C-2 criteria where the purpose of the zoning would be out, would be advance, and the benefits of variance would outweigh any detriments. Mr. Baylor stated he would still have to show the negative criteria where the variances would be granted without substantial detriment to the public good & will not impair the intent of purpose of the zoning plan. Mr. Baylor commented about the terms of the setbacks, in his opinion, that these are a C-1 hardship related to the unique size & shape of the property, is a circular shape, and because of the setbacks & the location that the existing parking, the ingress & egress, the location of the building has to be in the same location as it was previously, stating it is improving by only 0.1 foot but this is due to the unique shape, size, & dimensions of the property & also the location. He stated there was no detriment previously related to front yard setback variances. He stated there is also practical difficulty to comply with the 50' setback because of the altering sites established location, layout, & functionality of the proposed building. Mr. Baylor states based on the location & shapeness of the property he feels, in his opinion that the front yard setback is a C-1 hardship. Mr. Baylor also stated with the rear yard setback, which requires 25' & the proposed is 22.4', this is the same condition in terms of the unique shape of the property & functionality. He stated previously there was 22.3' setback & there was no detriment related to this existing condition & there is practical difficulty to comply with that setback based on the location, the size, the dimension of the property. Mr. Baylor stated in terms of the rear yard setback on the turnaround lane there is no impact of the surrounding properties & this is necessary to the functionality of the building. Mr. Baylor stated in terms of the other variances, in his opinion, they fall under the C-2 criteria. The first one being for the façade signs as what is permitted is 1 & what is being proposed is 6 façade signs. He stated as previously testified due to the unique location, due to it being a corner lot & frontage being on the White Horse Pike & also on Laurel Rd. Having all the frontage & sides & areas provides the necessary signage to support this business & also to be able to identify the location. Mr. Baylor

stated in terms of the signage it is not the same thing that is currently there. He stated there is going to be branding signage & logo signage so signs won't be repeated on the property stating they all complement the building & the site itself. Mr. Baylor stated the signs will be the appropriate size they will not exceed the maximum of the façade sign area. Mr. Baylor stated that even though it exceeds the number of signs, the maximum permitted sign area is 185 sq. ft. & they are proposing 121 sq. ft., so they are under the maximum permitted sign area of façade signs. Mr. Baylor stated in terms of the free standing signs, the maximum permitted area is 33 sq. ft., which is based on the size of the building, and what is being proposed is 54 sq. ft. & the actual logo going on top of free standing sign is 36 sq. ft. & the message board is 18 sq. ft. so the total is 54 sq. ft. Mr. Baylor stated that in his opinion it is necessary to provide the appropriate signage. Mr. Baylor spoke about the parking space size, where 10' x 20' is recommended the current existing spots are 9' x 18'. Mr. Baylor stated this is an existing condition & there is no detriment to this smaller space size, noting that the Engineer testified that the drive isles exceed the 24' & the 9' x 18' is acceptable under the RSIS standards. Mr. Baylor spoke about the loading area, which 1 is required, what is proposed is to not have one but there is a dedicated area for the loading. Mr. Baylor stated if they did have to have a dedicated loading area they would lose some of the parking spaces, which are needed for functionality of the property since those spaces will be for employees & customers. Mr. Baylor stated some positive criterial is he feels this application will help encourage Borough municipal action to guide the appropriate use of development in the manor to promote the public health & safety. Mr. Baylor stated this property is a unique shape, has a good location in terms of visibility & has always functioned as a fast-food restaurant with a drive-thru, so this will be an appropriate use for the property. Mr. Baylor feels making this a new building will also help with the look of the Borough since it has been vacant for a few years now. Mr. Baylor spoke about negative criteria stating there is no substantial detriment to the public, has a history of being a fast-food restaurant, it's a permitted use for a drive-thru, does not impact the surrounding area & there is no substantial detriment for the purpose of the zone plan & the zoning ordinance. Mr. Baylor feels in his opinion the positives outweigh the detriments for a new restaurant that is going to be occupied in a visible location in the Borough for a property that has been vacant for over 2 years, there will be a new building of good design & visual improvements & will hopefully be a successful business in the Borough of Stratford.

Mr. Calta stated they had no further witnesses.

Mr. McGovern opened the meeting to the public. Motion by Mr. Walton & seconded by M. Bove. All ayes.

There was no one from the public to speak on this application.

Mr. McGovern closed the meeting to the public. Motion by Mr. Bove & seconded by Mr. St. Maur. All ayes.

Mr. McGovern asked the Board if they had any additional questions. Mr. Hall had a question regarding the front entrance & making a left turn onto the White Horse Pike. Mr. Morello stated the driveway closest to Laurel Rd. you can't make a left out of. Mr. Morello stated that there are 2 driveways out onto the White Horse Pike you can make the left out of the 2nd driveway, stating it was the one closest to Echelon Ford. Mr. Morello asked how many cars could be stacked in the drive-thru. Mr. Carson stated there can typically be 3-5. Mr. Morello asked what the capacity could possibly be & Mr. Carson stated maybe 10-12 & Ms. LeClair stated there could be 7 before it opened up into the lot. Ms. LeClair stated it would be about 10-12 before it ended up out on the road. Mr. Morello asked about the 4 parking spots that are adjacent to the building asking if they will still be able to go out through the loading area. Mr. Ridge stated there are actually 5 parking spots there & there is an existing island so it is all curbed off. Mr. Morello stated if that was assessable it would be easier for cars to maneuver out they wouldn't have to back out into the drive-thru. Ms. LeClair stated the drive-thru isn't expected to que that far out.

There were no other questions from the Board. Mr. Reilly stated that all their comments had been addressed by the applicant & the professionals.

Mr. Petrone spoke stating the motion to approve the application for preliminary & final site plan approval for the demo of the existing building, the reconstruction for a Church's Texas Chicken operation of variances to permit front yard & rear yard setback not in compliance of current standards. Also variances for the number of façade signs proposed, the area of the free standing sign copy, parking stall size of 9' x 18' from the standard of 10' x 20' & no designated loading area. Incorporating all of the testimony provided by the applicant's representatives & professional witnesses with conditions that the applicant receives approval from all other agencies having jurisdiction, with respect to the property, including NJDOT, Camden County Planning Board, and Camden County Soils District. All information pertaining to those other approvals to be property submitted to the towns Land Use Coordinator. Subject submissions of the revised plans complying with the Boards professionals & this approval, if required. Subject to the applicant posting all required inspection fees & performance maintenance guarantees that are required by the Municipal Land Use Law of the State of NJ for the construction & development as improved. Subject to the escrow account for the review of this application being current. Failure to the escrow account to be current may result in a non-issuance of zoning permits, construction permits, &/or the certificate of occupancy. Subject to the applicant applying for & receiving all permits that are required prior to the commencement of construction this approval does not guarantee the applicant the issuance of zoning permit, construction permit, or a certificate of occupancy, as the applicant advised in subject to all existing rules, regulations, codes, governing construction of the project. Subject can review comments from the Board of Engineers contained in the September 22 review letter from Bach Associates. Subject to the applicant providing us with the turning templet demonstrating that the delivery truck turns can be made without the necessity of the truck having to back out onto Laurel Rd. Subject to the applicant adding a 'no left turn' out onto Laurel Rd signage. Subject to the applicant complying with the Boroughs Affordable Housing Development

be the requirements if applicable for the development for the site. Subject to the applicant arranging for additional trash pick-ups if the 3x a week pick up proves to be insufficient. Also being added in too the other agencies requirements as County Board of Health approval as a food operation & compliance with the County requirements for disposal of the cooking oil.

Motion was made by Mr. Bove & seconded by Mr. Walton. Roll call was taken:
Mr. McGovern – yes; Mr. Walton – yes; Mr. Bove – yes; Mr. Hall – yes; Mr. Kozeniewski – yes; Mr. Morello – yes; Mr. St. Maur – yes; Mr. DiGiacomo – yes

BOARD ACTION – Master Plan Re-examination review.

Candace Kanaplue of Bach Associates was present to speak. Ms. Kanaplue handed out a draft copy of the Master Plan Re-Examination report to all Board members to review. Ms. Kanaplue stated she will be going over the main points & looking for any feedback. She stated she will go over some of the specifics in particular the specific changes that were recommended, she will talk about the recommendations, and when concluded she will take any comments / feedback the Board may have. Ms. Kanaplue stated if everyone is satisfied with the plan she will go over the next steps to adoption of the Re-Examination Report. The report starts with the introduction & the planning background. This was discussed when the introduction of this process & it happens every 10 years. In said intro, there is some Stratford Borough information like the population & age ranges of the population. Said information was taken from the 2020 Census. She stated sections A & B (on page 5 of 17 of packet) were discussed at last month's meeting. She summarized stating that the recommendation from the 2016 Master Plan Re-Examination were still valid. Under section C (on page 9 of 17 of the packet) this reviews the extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the Master Plan or development regulations as last revised. Ms. Kanaplue stated they first go through & list changes in local conditions, there is a list that she believes the Board was previously given maybe not as detailed though, but this list is for zoning related ordinance amendments or new ordinances that have been adopted over the last 10 years. She pointed out #8 on said list (on page 10 of 17 of packet) because this specifically came up at the workshop at the last meeting, regarding kennels. She stated there was an Ordinance 24-13 which amended the kennel requirements in the C commercial district & it limited the maximum number of dogs to 77, the building housing the kennel could be no closer than 100' to a residential structure, they cannot run at large, and there can only be 1 license per kennel. There was demographic information regarding the population & housing changes since 1930 thru 2020. Also listed were some changes in county & regional conditions & some regulations that happened on a State level that effect the Borough. Ms. Kanaplue pointed out (on page 13 of 17 of packet) there was a list of some changes of the Municipal Land Use Law that are applicable to the Borough & the re-examination. She noted there had been changes to the stormwater regulations, cannabis regulations, there has been a stated wide energy Master Plan that has given some guidance to Municipalities. In the packet, letter D (on page 15 of 17 of

packet) these are the specific changes for the Master Plan. Number 1, which was previously talked about, is to update the online zoning ordinance – Municode. Number 2 is the data centers, the Board may wish to add data centers as a prohibited use in all districts. She stated it is not specifically permitted, it is prohibited by that fact but it does provide a little stronger regulation if the Borough would like to prohibit data centers. Number 3, Ordinance 24-13, regarding kennels. She stated it indicates kennels are permitted in the C Commercial District Chapter 17.24 but the kennels are not specifically a permitted use in that zoning district. She stated they are prohibited accordingly, however, the Board may wish to decide they should be prohibited use or the Board can also recommend to Council to amend the location parameters. Mr. Morello stated like in the Industrial zone stating that is where they were always allowed to be set up this way it's not barking in someone's neighborhood. Ms. Kanaplue stated that may be a more appropriate location. She stated it could be recommending into a different zone or prohibiting it in a specific commercial district in the Borough & that is something that can be discussed & considered & then recommended to Council. Mr. McGovern commented he thought the Board had already did that & asked if the Board can do that now to make that decision / recommendation. Ms. Kanaplue stated it can specifically be put into recommendation in this comment & say prohibit it & then Council would know the Boards stance on it or leaving it opened ended says there could be a discussion & recommend it. Mr. Morello stated this kennel ordinance superseded a 50 year old ordinance where it was only allowed in an industrial zone & was limited to approximated 24 dogs. Mr. Morello stated it was broadly expanded by an ordinance but it did not change the zoning. Mr. Petrone asked if the ordinance came to the Board for Master Plan consistency review where Mr. Morello & Mr. McGovern both stated no. Mr. Petrone stated that is a land development ordinance & asked how it did not come to the Board. Ms. Kanaplue stated it is this ordinance is actually not in the land development code. Mr. Petrone stated there is some confusion because it is permitted in the commercial district. Ms. Kanaplue stated yes that is a bit confusing because it is actually not a permitted use when she looked into it. Mr. Morello felt they knew how to bypass the Board & went & changed that law. Mr. Petrone stated so they have the kennel in other sections of the code. Ms. Kanaplue stated they have the requirements as far as if they will be licensed & what they have to do. Mr. Petrone stated there is an inconsistency between other sections of the code & the zoning ordinance. Mr. Petrone stated they are still proposing a use that would not be permitted. Mr. Petrone stated even though the governing body says they have given the requirements for a kennel operation they still have to apply for a zoning permit & the zoning officer would have to say it is not permitted because our zoning ordinance for where you want to put it so it would still have to come to the Board for a use variance. Mr. Bove stated this was done to entice a kennel operation where they were looking at different places & they thought it would be sort of out of the way. Mr. Morello stated they were putting it where it was not allowed. Mr. McGovern stated it was a completely misguided adventure by Council. Mr. Petrone stated this has happened frequently where under the police powers they adopt an ordinance that does not come to this Board & that it is not taken into consideration that what the Board did does not alter the zoning ordinance. Therefore the property owner or property user is still subject to the zoning board. Mr. Morello feels this should just go & be repealed to make it consistent. Mr. Petrone or the

recommendation is to make the ordinances consistent. Mr. Morello stated it is not consistent because one ordinance says 24 dogs & the other says 77 dogs. Ms. Kanaplue stated this would supersede what the other ordinance was stating this was the most recent. Mr. Morello stated except for the zoning aspect. Ms. Kanaplue stated the zoning aspect has nothing; there is no zoning. Mr. Petrone stated as of right now it is not permitted. Ms. Kanaplue stated correct it is not permitted in your code. She stated this alludes that is permitted in the commercial district but it is not. Mr. Petrone stated if the proper steps are taken someone who wants to operate a kennel in accordance with that section of the municipal code eventually finds its way to the zoning officer, then the zoning officer would have to deny a permit for that use because it does not comply with the requirements for the properties in the commercial district for the commercial district. Ms. Kanaplue stated they would still have to comply with whatever the Borough guidelines were as far as parameters but they would need a use variance. Mr. McGovern asked how the Board can just say NO to get the kennel stuff out of here. Ms. Kanaplue stated you don't want the kennels, period. Ms. Kanaplue stated you can recommend the Borough Council specifically prohibits kennels in the Borough & that can be added to the ordinance as a prohibited use. Mr. Petrone stated in the zoning ordinance. Ms. Kanaplue stated yes but they would have to repeal this ordinance. Mr. Petrone stated it is still a prohibited use & they would still have to come to this Board for a use variance to operate a kennel. Mr. Morello stated unless the zoning officer just signs off on it. Mr. McGovern stated that is where we get into someone coming in stating well 'the ordinance says this & that I am allowed to have it' & then it just gets signed off on & next thing ya know there is a kennel. Ms. Kanaplue stated if they come for a use variance & the Master Plan states it is recommended for it to be prohibited then 1 of the proofs is they cannot conflict with the Master Plan so that's grounds for denying the use variance. Mr. Walton stated so we would want to say we want it prohibited. Mr. Morello stated the old ordinance was not bad it was doable. Mr. Petrone stated right now it is not permitted. He agrees that when something is not identified as a permitted use is 1 thing & when something is defined as a prohibited us creates a little more burden on an applicant. Mr. Petrone stated the Board can make a recommendation but regardless of what happens at the governing body level, if they do not want to amend the zoning ordinance to say kennels are prohibited, you still have to have a requirement that they have to obtain a use variance for the kennel. Ms. Kanaplue stated then you have a little extra there to deny them. Mr. Bove stated we should make it where we change the ordinance. Mr. Petrone stated we can make the recommendation that kennels are prohibited uses, period. He stated or if you want to identify it has to be in the industrial zone or in some other area. Mr. Morello stated the industrial zone isn't a worry as that only area is the old Bradlees. Mr. McGovern asked if everyone is good with having it permitted in the industrial zone like it previously was. Ms. Kanaplue stated we can have it say to specifically prohibit in the commercial zone & recommend it to be permitted in the industrial zone. Mr. Morello asked with the old limitations? Ms. Kanaplue stated unless you would want to do a draft ordinance for the Borough Council, which you are kind of limited on the details. Mr. Morello stated that the prior code you were able to have the pet shop & they had about 10-12 dogs in there. Ms. Kanaplue asked if someone could get her that old code so she can review it. Mr. Petrone stated what has happened with police power ordinances & zoning ordinances is

that it is common & does happen frequently unfortunately. Ms. Kanaplue mentioned item #4 (page 15 of 17 in packet) which is Climate Change-Related Hazard Vulnerability Assessment. This is one of the updates that was added to the requirements of the Land Use Plan Element in the last 10 years. She stated this is an element that will be drafted & have an appendix or part of this Master Plan examination. She stated there is guidance through the government to choose from & next month if everyone is ok with having the public hearing than we will have that in time for the Board to review. Mr. McGovern had a question as far as how things are written stating 'the Board may do this'. He thought this was the time that we were making those decisions or is that at the next meeting. Ms. Kanaplue stated that if you want things to be stronger & you want to decide right now to prohibit data centers then we would take out the 'may' & say that the Board recommends the ordinance be amended to have data centers as a prohibited use in the Borough or allow it in a certain zone. She stated that can be talked about now or it can be left open ended so that it can be discussed at a later date. Mr. McGovern stated we are running out of time so it should be discussed & asked the Board their thoughts. Mr. Morello stated he would say no & there would be a process if anyone wanted to apply. Mr. Walton feels the data centers should be prohibited, period. Mr. Morello stated if someone wanted to come in with a variance they could apply. Ms. Kanaplue stated that right now they would still need to come for a use variance as it is not a permitted use. She stated if you specifically prohibited it & add the definition, which a lot of the municipalities are doing, that gives more to deny. Ms. Kanaplue stated the language for that will be made stronger. Mr. Morello stated there are a lot of big pieces that could open up on Laurel Rd. that could be available. Ms. Kanaplue went on to item #5 (page 16 of 17 in packet) electrical vehicle charging stations. She stated this was another update that the State is requiring municipalities to do. They are requiring providing EV charging requirements, as they adopted the statue, making sure all the municipalities enforce EV charging stations be added to commercial uses as well as possibly Borough sponsored electric vehicle charging stations. She stated this one she left open ended because if you say you'll consider it, you'll consider it, but you don't have to decide now if it will be somewhere but you already abide by the regulations. She stated anyone who comes in for an application, if it's for commercial use, there already by statue required to put an EV station in their parking lot. Mr. Morello asked when they were required to do that. Ms. Kanaplue stated when they come in for commercial use. Mr. Petrone asked if there was an adopted model ordinance. Ms. Kanaplue stated she does not believe it was adopted but now that the State has guidelines, they usually defer to the State guidelines to require it. Mr. Morello asked if it was for new commercial use because he does not remember it ever coming up before. Ms. Kanaplue stated yes, you can't go back. Mr. Bove asked if it was the Borough who had to put in the charging stations & asked what the restrictions were as far as the charging stations. Ms. Kanaplue stated there are requirements from the State so when the Engineer reviews an application they look at the State requirements & then comment & require them to provide that many. Mr. Petrone stated usually based on the number of parking spaces there is a certain percentage that have to be identified EV spaces or make-ready spaces. Mr. Petrone stated its also, which a lot of municipalities do not know & it may come as a surprise, that if you put in 6 EV spaces in your parking area that it counts as 12 parking spaces. Under the model ordinance that the State has

sent out to the municipalities, which they are not permitted to change EV from that credit to parking spaces. He stated that in areas where there is insufficient parking & tight parking spaces the developer may add the extra EV spaces so they don't have to obtain a variance for a number of parking spaces. It was commented that they are expensive to install. Ms. Kanaplue went on to letter E (page 16 of 17 in the packet) talks about the local redevelopment & housing law, which is redevelopment plans. She stated the Borough has done a lot, as noted there have been 8 redevelopment plans / redevelopment investigations over the last 10 years. Ms. Kanaplue stated there is also a map (map #4 in back of the packet) shows the areas of the redevelopment areas & the locations of said areas. Ms. Kanaplue stated at this time there are no specific additional areas that need to be studied as areas in need of redevelopment but this too leaves the door open for the Borough supports, redevelopment supports, economic development, and therefore should something come up, there is still potential to have a redevelopment study or have a new redevelopment plan conducted. Ms. Kanaplue stated one thing that is recommended is that the Borough consider the adoption of Borough-wide Rehabilitation Area. This is a State statute that sets forth the guidelines for areas in need of rehabilitation & that can be done for the entire municipality. She stated certain criteria has to be met, similar to preliminary investigation, which would be an area of redevelopment but the area in need of rehabilitation affords some incentives, but not as strict as an area that is in need of redevelopment. She stated what it does is it attempts to prevent further deterioration & promote overall development if 1 of the 6 conditions exist (item #1 page 17 of 17 in packet). Ms. Kanaplue stated it just needs to meet 1.) significant portion of structures are deteriorated or substandard condition, 2.) more than half of the housing stock in the delineated area is at least 50 years old, 3.) there is a pattern of vacancy, abandonment or underutilization of properties in the area, 4.) there is a persistent arrearage of property tax payments on properties in the area, 5.) environmental contamination is discouraging improvements & investment in properties in the area, or 6.) a majority of the water & sewer infrastructure in the delineated area is at least 50 years old & is in need of repair or substantial maintenance. Ms. Kanaplue stated the Borough would qualify under the statute & the benefits would be that you have all the power of redevelopment designation except for the power of eminent domain & the ability to offer long-term PILOT agreements. You can offer tax exemptions or abatements for up to 5 years, so there are short term tax incentives. She stated these can be customized by the municipality based on the type of improvements. There is also eligibility for tax exemptions or abatements that can be differentiated among the various neighborhoods, zones, areas or portions of the area in need of rehabilitation with respect to eligibility. She stated if there is an area that specifically needs to be upgraded or there is some aging homes that incentives can be offered to homeowners to be able to upgrade their homes. She stated it is a good tool that a lot of municipalities are taking advantage of. It was also noted that it is town-wide. Ms. Kanaplue stated even for existing owners of a property to upgrade their property. Mr. Morello stated there could be ways that people would think their neighborhood is being taken away from them & repeating things that are not true. Ms. Kanaplue stated at times redevelopment can be scary but once it is realized that this could be a helpful tool & eminent domain is never an option with rehabilitation under the law. She stated there are a lot more strict requirements that do come into play. Ms. Walton asked how that

would come into play with the 8 items that are already being redeveloped. He stated an example, Laurel Mills, would this now incentivize him to do something different so he could now come for a 5 year abatement. Mr. Morello stated he is in a redevelopment zone. Ms. Kanaplue stated they could do either or. She stated it's an overlay zone just like the redevelopment areas is an overlay zone so if they wanted to do what the underlining zoning is they could do that or they could take advantage of the rehabilitation area. Mr. Walton questioned who is they, where Ms. Kanaplue stated it is the redeveloper of the property. Mr. Morello stated they could go make a pitch to houses, saying if the first 3 houses on Winding Way were deteriorating & they are over 50 years old & he wanted to make the condo prices go up even more prices, that's what he can do. Mr. Walton asked that as of right now he has to develop that property & if this rehabilitation is adopted can he come back & say he doesn't want to do redevelopment he wants a 'better bite' stating that since the mortgage interest just went up now he says he needs this 5 year tax abatement to build this property. Ms. Kanaplue stated that she does not believe he can do that, he cannot stack them, that it is either or. She stated if he improves it with the redevelopment plan area & its improved than it is no longer a redevelopment area, it would just be a rehabilitation, but he would have to qualify under the requirements that the Borough would put for areas in need of rehabilitation. She stated that limits can be put on what's utilized. Mr. Morello feels that these should be a case by case basis. Ms. Kanaplue stated that is fine & it can be taken out if the Board is not comfortable with it. Ms. Kanaplue stated it can still be done at any time even if it is not in the plan. It can still be put in the Master Plan to have a goal of redevelopment & increasing economic & overall condition of the town. She stated it has never been in Stratford before & has never been in the re-examination before. Ms. Kanaplue stated again it can be taken out if the Board is not comfortable with it. Mr. Petrone stated it does not prevent it happening in the future. Mr. Petrone stated you can have someone come to the Borough & start talking about different project & instead of it being a redevelopment referral it can be a rehab study that the Board would then undertake. Mr. McGovern stated he would rather it go that way. Ms. Kanaplue asked about taking a quick poll on this topic & it was agreed to be taken out. Ms. Kanaplue went over the last section F (page 17 of 17 in the packet) which goes back to the public electric vehicle infrastructure. The recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to commercial districts, areas proximate to public transportation & transit facilities & transportation corridors, & public rest stops. The Borough currently does not have public electric vehicle charging stations that are open for public use at the time of drafting this report no specific locations have been selected however this report recommends the Borough to assess potential locations that may be suitable for public EV charging stations. As required by law, commercial developments will be required to install on-site EV charging stations. Mr. Bove stated something like this would only really be appropriate would be on the pike stating that most of Stratford is residential. Ms. Kanaplue stated if there was a public parking lot. Mr. McGovern noted that we do not have a big parking area where people would just be able to pull in & park. Ms. Kanaplue stated since there are no specifics it would just be left open ended. Mr. Bove brought up the property on Laurel Road if that would be a potential if nothing else happens there. Mr. Petrone asked if that was property that was going to

be redeveloped. Mr. Morello commented it is State property, it is Rowan. Mr. Bove stated he was talking about the old Tomlinson Mansion. Mr. Morello stated Rowan wants to move everything down to Gloucester County. It was asked where the town was on the Tomlinson property & Mr. Bove stated he knew there was a finance issue & the original permits & all have since expired. Mr. Kozeniewski asked if anyone knew any status of Laurel Mills property. Mr. McGovern had just signed plans for said property prior to the meeting. Mr. Morello stated it was for footings & foundations. Mr. Reilly stated the plans were the last things that they needed to submit for the pre-construction meeting. He stated they have in place bonds & escrows. Mr. Reilly stated all that was submitted in the middle of August & they were waiting on the plans to have a pre-construction meeting for that project.

Ms. Kanaplue stated in conclusion this is a process that must be completed every 10 years but it can also happen anytime with in that time period if anything does come up. She stated the next step would be to make revisions & if the Board is alright with that then there will be a public hearing for the adoption in October. She stated the final draft of the Master Plan will be sent to the Board members before that meeting. There are notice requirements to be completed & sent out.

MEMORIALIZATION OF RESOLUTIONS – none

CORRESPONDENCE - none

PUBLIC PORTION – there was no one for the public portion

ADJOURNMENT – Motioned by Mr. Bove and seconded by Mr. Kozeniewski. All ayes.

Meeting closed at 9:04pm