

STRATFORD JOINT LAND USE BOARD
MINUTES
September 27, 2018

The meeting was called to order by Chairman St. Maur at 7:00 pm and the public statement was read that the meeting was advertised in the Courier Post, Central Record and a notice was posted on the bulletin board at the Borough Hall stating the time and place.

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

ROLL CALL:

Present

R. St. Maur, Chairman
J. Keenan, Mayor
F. Hartman, Councilman
M. Mancini
J. Keenan
R. Morello
M. Goldin
P. McGovern
T. Kozeniewski, Alternate #1
T. Hall, Alternate #2
W. Roorda, Engineer
A. Olizi, Solicitor
S. McCart, Secretary

Absent

A. Santora, Vice Chairman

APPROVAL OF MINUTES Mr. Goldin stated on page 4, last paragraph, Mr. Hall could not vote and should be removed from the minutes. Motion was made by Mr. Goldin and seconded by Mr. Keenan to approve minutes from meeting held on August 23, 2018 with correction mentioned. All members voting aye. Mr. McGovern abstained.

APPROVAL OF RESOLUTIONS: Mr. Olizi stated we have resolution 10:2018 ratifying nunc pro tunc the actions taken at the July 11, 2018 Stratford JLYB meeting. This refers to the meeting held on July 11, 2018 to determine whether B.53, Lots 1-6 should be a redevelopment zone. The board took a vote and approved. Through an Opra request, the notification sent to the newspaper was requested. The notice had been faxed but the transmission sheet stated there was an error sending the fax, hence, the notice did not go through. Mr. Olizi discussed the issue with the redevelopment council. The redevelopment council prepared the document which is a resolution to correct in accordance with the open public meetings act what occurred that evening. It is a substitute resolution. It can be discussed and then vote on resolution and substitute it for last resolution.

Mr. St. Maur opened the discussion. Mr. St. Maur questioned if there had been any change in the resolution at all. Mr. Olizi stated the only difference is that it recites the fact that there was a notice problem and recites the case law pursuit to which we are acting to correct. Other than that all the testimony is the same.

Mr. Morello asked what the purpose of the advertisement was in the first place. It was stated because it was a special meeting. Mr. Olizi stated it is our position that we have to correct the defect. The defect exists in that resolution. Mr. Mancini asked if this puts us in a position for someone to have a law suit. Mr. Olizi stated people have law suits for anything. Mr. Mancini stated if this is brought as a reason for a lawsuit, are we sure this is structured correctly. Mr. Olizi stated we are confident that this is sufficient. Mr. Mancini asked how this is different than the Brandywine application. Mr. Olizi explained to the board the difference. In the Brandywine case, there were 2 notices. The notice for the first special meeting was wrong. The notice the second meeting was correct. That was defective so it was redone. Mr. Mancini asked why same type of resolution couldn't have been done. Mr. Olizi stated because that voided the

whole meeting. This resolution is to determine if you want council to investigate the Berlin Area for redevelopment. It was not the presentation for B. 53, Lots 1-6. The study has already been done.

Motion by Mr. Mancini and seconded by Mr. Hartman to approve Resolution 10:2018. Roll call vote: Mayor Keenan, yes, Mr. Hartman, yes, Mr. Morello, yes, Mr. Mancini, yes, Mr. Goldin, yes, Mr. Keenan, yes, Mr. Kozeniewski, yes, Mr. McGovern, yes, Mr. St. Maur, yes.

BOARD ACTION: Royals Learning Center, 814 North White Horse Pike, B.10, L.1. Mr. Olizi stated this is a matter that was before the board previously. It is a site plan that came before the board last year in November. The board is aware that we had some prior discussions with this applicant and with his attorney, Mr. Daniel Baker, who is with him tonight. He is here tonight to talk about some changes to the application.

Mr. Roorda stated applicant was in process of obtaining compliance. The board did grant approval with one big contingent item being off site parking. Mr. Olizi stated you did initial compliance on November 27, 2018. Mr. Roorda stated they complied with everything with the exception of a few housekeeping items and the parking agreement.

Mr. Olizi asked Mr. Baker if notices went out to everyone and proof was obtained. Mr. Olizi stated it appears to be a completed application. Does the board accept that it is a completed application? Mr. St. Maur stated yes. Mr. Olizi stated the only thing left to discuss is the issue of parking spaces that were under the original approval. Mr. Baker stated the prior issue with off site parking was based upon the number of students that would be attending. That number was approved at 65. As a result of parking issues and the inability for obtaining an agreement with a third party for off site parking, the applicant has agreed to reduce the number of students to forty (40) which would reduce the necessity of additional parking.

Mr. Olizi stated this is only an amendment to prior site plan approval. Mr. Baker stated that is correct. The only change is the number of students. Mr. Olizi stated in the notice that was issued it mentioned you are seeking a variance. Mr. Olizi asked if you were seeking a variance. Mr. Baker stated not at this time. We put that in for protective measures. Mr. Olizi stated so the variance was there in the event that you were going to retain students you would asked for a hardship variance. Mr. Baker stated that is correct but we are just asking to reduce the number of students and on site parking only.

Mr. Ernest Tetteh-Obuobi was sworn in by Mr. Olizi. Mr. Baker stated you have already given testimony so unless people request it I am not going to comment on any other issues. The reason we are here is because of the change in the number of students. Mr. Obuobi stated that is correct. Mr. Baker asked how he intended to enforce that. Mr. Obuobi stated at last meeting the civil engineer for the board said 40 would be the number of students that would be okay. Mr. Baker stated how do you intend to police that. Mr. Obuobi stated that is what it is approved for and that is what we would have to keep it at. Mr. Olizi stated when you say if approved for 40 by this board, has anything changed in State approval? Mr. Obuobi stated the State, when I spoke to them, they said no, but they cannot do anything. What they do is what the town allows us. Mr. Olizi asked if the State monitors the number. Mr. Obuobi stated yes. Mr. Keenan asked if you are approved for 40 the State, as a condition of our approval, will provide a letter? Mr. Obuobi stated he did not know. Mr. Keenan stated we are going to need something confirming. Mr. Olizi stated that would be helpful and solve a lot of problems if we received a letter stating the max number of students would be 40. The letter would be one of the conditions of approval. Mr. Mancini questioned how will we know if student amount will be kept at 40. Mr. Baker stated it would be a requirement that they cannot exceed 40. If he had desire to go higher he would have to come back before the board. Mr. Keenan stated if neighbors or parents reported seeing a high number of students, we would call state office and voice our concern. Enforcement would check. Mr. Baker stated the business keeps records. Mr. Mancini voiced his concern about number of students. From initial testimony you indicated that you could make your numbers at anything lower than 65. Mr. Obuobi stated staff will be different and prices will be slightly higher. Mr. St. Maur asked for a letter from the state reducing the student number to 40. Mr. Hartman stated he didn't think the State would reduce to 40. Mr. Baker stated I think we will get from the

State whatever they will give us. Assuming whatever Mr. Obuobi said is accurate; they are going to follow lead of the municipality.

Mr. Keenan stated Mr. Obuobi writes letter to State, confirm certified mail, return receipt, stating we are at 40 and will never exceed 40. We have confirmation that not only when Mr. Obuobi has daycare but anyone after him the student amount will never exceed 40. Mr. Baker stated they have no problem doing that. Mr. Olizi stated his one concern is how to monitor that number. There are privacy issues. Mr. Baker stated Mr. Obuobi is under oath and subject to site plan. Anything different would be in violation. Mr. Keenan stated the Business License should say 40.

Mr. Olizi questioned which code they used to determine the number of parking spaces. Mr. Roorda stated they used the general business, 17:68.020, sub section 18. It was one space for ever 250 sq ft. Mr. Olizi stated we are only knocking off parking that is off site. Anything on site is fine and that is sufficient. Mr. McGovern asked how many teacher/directors will there be. Mr. Obuobi stated 4. Mr. Roorda stated the original plan was approved for 18 spaces, 12 on site and 6 off. With reduction of staff, it was determine that 12 would be sufficient. Mr. Roorda stated 12 are what are on plan now. Mr. Keenan stated 15 is what is required based on square footage. There is a bulk variance required to reduce parking from 15 to 12. There is a drop off lane and a through lane.

Mr. Olizi asked if there was any other place you would be able to find parking. Mr. Baker stated there was a great deal of effort with neighboring properties so answer is no. Mr. Olizi asked if Mr. Obuobi was ok using the General Business standard which would give you a requirement of 15 parking spaces and you are not asking for 12. Mr. Obuobi stated yes. Mr. Olizi asked if there was a need for a day care in the area. Mr. Obuobi stated yes. Mr. Olizi asked how you come to that conclusion. Mr. Obuobi stated based on population of Stratford and neighboring towns. There is a lack of daycares. Mr. Olizi asked where are you putting the daycare. Mr. Obuobi stated it is the White Horse Pike. Mr. Olizi asked if it was commercial area and Mr. Obuobi stated yes. Mr. Goldin asked if there would be any other reason people would have to park. Mr. Obuobi stated all other services would be done in the evening when the daycare was closed. Mr. Olizi stated it is a commercial area and it is a permitted use.

Open to the public: none

Motion was made by Mr. Hartman and seconded by Mr. St. Maur to amend site plan with a bulk variance to pursuant to code 17.68.020, sub section 18 with regards to parking only on site with a limit amount of 12. Roll call vote: Mayor Keenan, yes, Mr. Morello, yes, Mr. Mancini, no, Mr. Goldin, yes, Mr. Keenan, yes, Mr. Kozeniewski, no, Mr. McGovern, yes, Mr. St. Maur, yes.

Mr. Keenan reminded Mr. Obuobi that all improvements have to follow the site plan. The car site manager is not following the site plan. They are not allowed to park on the lawn or on the hash lines.

PUBLIC PORTION: none

CORRESPONDENCE: none

OLD BUSINESS: none

NEW BUSINESS: Eblast: Mr. Mancini would like to conform to the council's eblast. Transparency is a big thing in this town. He felt we could do a better job of it. There are people out there that do like to know what is going on. Especially with big developments that are going on. Mr. St. Maur agreed but wanted Mr. Olizi's advice on it. Mr. Olizi stated there could be draw backs. Once you start doing this and then a situation arises and you don't, you could get complaints. Mr. Mancini stated a simple eblast. Mr. Keenan stated once it is an eblast it becomes part of the website. Mr. Olizi stated we could state at the reorg meeting that we are going to eblast our agendas as a courtesy to the public. It is not mandatory. We are not required and we will not be responsible in the event that we miss one. Mr. McGovern would like to see the agendas be a little more descriptive. Mr. Olizi stated you have to be careful. The more descriptive you are the chances are you are not going to follow the description.

Mr. Hartman stated he would like to start a no comment information page on face book. Mr. Keenan asked who would monitor the information. Mr. Hartman stated it would get the proper information out to the public. It would have to go through Frank and it would be for information only. He will bring up at the agenda meeting. Mr. St. Maur stated we could try on a trial basis. Mr. Olizi stated he thought we should start at the beginning of the year and stop at anytime.

Mr. Morello stated he would like to have more information before the meeting. For instance it was only 3 days before the last meeting. He didn't feel the board was getting information timely. He wanted to come into the meeting informed. Mr. Olizi stated he normally sends information to Mr. St. Maur and Sharon and ask that any questions be address to him. Mr. Mancini stated we need more communication. He would like to have a review step at secretary level. A preparer cannot be sending something out without review. We need a process in place. Mr. Olizi stated Sharon would send to him and he would look it over. Mr. Mancini stated can we state "we must" not "we can". Mr. Olizi stated not really my job but I will do it. Mr. Mancini asked if at a general meeting do you have to say what meeting is for. Mr. Keenan stated no the applicant has to advertise.

Mr. St. Maur stated his company is a member of the Southern New Jersey Development Council. In an event that was held last week a presentation was by the NJ Economic Authority. There are now 165 opportunity zones in the state of New Jersey. Stratford and Laurel Springs are on list.

ADJOURNMENT: Motion was made by Mayor Keenan, seconded by Mr. Keenan to adjourn the meeting with all members voting aye.