

MOORESTOWN TOWNSHIP PLANNING BOARD

APRIL 15, 2010

MEMBERS PRESENT:

Jeffrey Harding
Greg Gallo
William Newborg
Michael Nichols
William Wesolowski
William Barker
Randy Cherkas
Judith Shaw
Cary Brown

STAFF PRESENT:

Thomas Ford
Peter Thorndike, Board Attorney
Rakesh Darji, Township Engineer
Barbara Fegley, Planning Consultant
Sharon Leinheiser, Recording Secretary

Absent: Christopher Schultz, Greg Newcomer

Mr. Nichols called the meeting to order at 7:30 PM in the William Allen Middle School Media Center by reading the Open Public Meetings Act statement. The Pledge of Allegiance followed a moment of silence. Roll Call is as listed above.

MINUTES:

- Mr. Wesolowski made a motion, seconded by Mr. Newborg, to approve the **December 11, 2008 Minutes**, as written. The voice vote of the Board was unanimous in favor.
- Mr. Newborg made a motion, seconded by Mr. Wesolowski, to approve the **November 12, 2009 Minutes**, as written. The voice vote of the Board was unanimous in favor.
- Mrs. Shaw made a motion, seconded by Mr. Harding, to approve the **January 21, 2010, Open Session Minutes**, as written. The voice vote of the Board was unanimous in favor.
- Mr. Harding made a motion, seconded by Mr. Newborg, to approve the **January 21, 2010, Closed Session Minutes**, as written. The voice vote of the Board was unanimous in favor.

RESOLUTIONS:

- Mr. Brown made a motion, seconded by Mr. Wesolowski, to adopt **Resolution #PB-2010-08, Excepting Wheelchair Ramps from Set Back Requirements**, as written. The roll call vote of eligible Board members was unanimous in favor.
- Mr. Wesolowski made a motion, seconded by Mr. Newborg, to adopt **Resolution #PB-2010-09 Public Notice of Appeals - Zoning Board of Adjustment**, as written. The roll call vote of eligible Board members was unanimous in favor.
- Mr. Newborg made a motion, seconded by Mr. Gallo, to adopt **Resolution #PB-2010-10 Revising Criteria for Minor Subdivision Classification**, as written. The roll call vote of eligible Board members was unanimous in favor.

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- Mr. Wesolowski made a motion, seconded by Mr., Gallo, to adopt **Resolution #PB-2010-11 Regulating Use of Divided Lots - Commercial & Residential**, as written. The roll call vote of eligible Board members was unanimous in favor.
- Mr. Newborg made a motion, seconded by Mr. Brown, to adopt **Resolution #PB-2010-12 Definition of Corner Lot**, as written. The roll call vote of eligible Board members was unanimous in favor.
- Mr. Gallo made a motion, seconded by Mr. Brown, to adopt **Resolution #PB-2010-13 Limiting Fence Height; Location Restrictions for Pool Fencing**, as written. The roll call vote of eligible Board members was unanimous in favor.

PUBLIC HEARING:

Docket #PB 2010-07, Flying Feather Farm Inc., Block 7000, Lot 12, 621 Garwood Road, Block 7000, Lot 13, 615 Garwood Road is an application for a subdivision with bulk variances and waivers to subdivide a 13.67-acre lot with existing dwelling into two lots and enlarge an adjacent 1-acre lot with an existing dwelling. Lots are located in the R1 Zoning District.

Scott Boyer is the attorney representing the owners of the Flying Feather Farm and the above referenced lots. Mrs. Eddie Boenitsch and Ms. Christine Vesaki were sworn in. Mr. Boyer gave a brief history of the family farm and locations. Upon the death of Mr. Boenitsch, they discovered that one lot was never subdivided and should have been. Everyone thought that each sister and the parents had separate lots. Even the tax bills were incorrect. The applicants hired John Gauntt to survey the site. Mr. Boyer explained that they are here to correct this deficiency to the map and break off a piece of farm property. They tried to incorporate in the plan all the requests from the Board Engineer. He described the residential lots where the two sisters live and the farm, food stand, and home for Ms. Boenitsch. They are seeking a Minor Subdivision to correct this long standing error.

Mr. Thorndike detailed the variances needed and discussed them with Mr. Boyer. He explained the reason that, by definition this is a Major Subdivision, and they are seeking relief of that because of the minimal nature of this change. Mr. Boyer agreed with Mr. Thorndike's statements.

Rakesh Darji was sworn in and questioned when the plan was revised. Mr. Boyer responded that the revision was delivered by Mr. Gauntt and had been done in March, 2010. Mr. Darji advised that no one has seen the revised plan and they have not reviewed it. The only plan he had for review was dated 10-5-2009.

Mr. Thorndike detailed the letters from Nancy Jamanow and advised that Mr. Boyer will have to address them line by line because the applicant has not read them. He discussed the Engineer's recommendations with the ladies who answered his questions.

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Barbara Fegley was sworn in and asked about the waiver for soil testing. Mr. Boyer stated that there will be no new development on this site. Ms. Fegley asked that it be shown on the plan.

PUBLIC QUESTION/COMMENT: None.

Mr. Boyer summed up his case by saying that they are just correcting an error that was made in the late 1970's. This will allow each sister to have their own home and property. There is no one opposing this action and it is a logical move. He requested that they record this by platt rather than by deed. Mr. Thorndike stated that it is more expensive that way; this is not that difficult and can be done by deed. Mr. Boyer felt it was more practical to record by platt. Mr. Thorndike agreed but if they decide to record by deed, they will submit it to Mr. Thorndike for review.

BOARD DELIBERATIONS:

Mr. Harding stated that it was a different world when the girls were given their lots. He feels that it makes perfect sense to follow their father's wishes. Mr. Harding made a motion, seconded by Mr. Gallo, to approve this application with Conditions as amended. Mr. Thorndike detailed the variances, waivers and conditions. The roll call vote was as follows: AYES: Jeffrey Harding, Greg Gallo, William Newborg, Michael Nichols, William Wesolowski, William Barker, Randy Cherkas, Judith Shaw, Cary Brown. NAYES: None. Absent: Christopher Schultz, Greg Newcomer. Mr. Thorndike advised the applicant of the procedure following this approval.

DISCUSSION:

Preliminary investigation to determine whether certain real properties identified as Block 1301, Lots 36 through 42, located on Camden Ave. are in need of redevelopment.

Barbara Fegley detailed the process and the status of the investigation into redevelopment. She described the safety hazards, health issues, and the crime in the area. She added that there are properties in the area with taxes in arrears. She stated that this is in the gathering stage and some documentation has been difficult to obtain. When the reports given, public notice has to be given and public hearings must take place. She expects to give the Board a report in June. She wants to have all the information available for review and everyone be advised and educated. Mr. Ford clarified that the Township is not attempting to acquire sites, just make it easier for someone to make renovations and fix the issues on the properties.

Mr. Cherkas questioned why they are including the 7-11 store in the study. Mr. Gallo explained that Council was looking for a solution for the Oaks. They determined that it might be a greater idea for redevelopment if more land was addressed so they chose a broader flexibility for that area. Mr. Ford added that the Township was already looking at the Oaks so they are only expanding the criteria area. Mr. Cherkas felt that the 7-11 property does not fit the criteria and is not dilapidated and expressed concern about possible litigation. Mr. Gallo agreed and added that the building next door has been

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restored and is a nice property. They are not trying to put functioning properties in jeopardy; they just want to create the opportunity for that area to be rejuvenated. Mrs. Fegley stated that there is no harm in conducting the study and including an extended area into it, even if some of the properties do not fit the criteria. These properties can later be excluded from the redevelopment if the Township so determines and discussed the possibilities with the Board.

Ed Strainquist, 9 North Lenola Road, stated that he owns several properties in the area and two that are included in this redevelopment study. His only suggestion is that, even though the resolution limits the study location, another resolution can be passed to expand the area to look at the other side of the street. He felt that these are mirrored images on both sides and they should look at both sides for redevelopment. The Board has good intentions but anything can happen with a new Board or a new Council. He welcomes and supports the redevelopment study. Mr. Gallo advised that Council had considered that but did not follow through; he will do so now with Council.

Mr. Cherkas stated that this is the first time this is being done in the Township and he suggests that they tread lightly this time and look at the remainder later. Even though the Oaks were the catalyst to this study, the increased costs might not be worth it.

Mrs. Shaw stated that it takes the Community time to adjust to changes. She felt that the Township should do an outreach in the Lenola area to educate residents. The Community wants to see the Oaks site addressed.

Mr. Harding made a motion, seconded by Mr. Gallo, to adjourn the meeting. The voice vote of the Board was unanimous in favor. The meeting was adjourned at 8:50 PM. The next meeting is scheduled for May 6, 2010.