

Thursday, December 17, 2020  
Minutes of Combined Land Use Meeting  
Chairman Eric Hafer Presiding  
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OPEN MEETING – Chairman Hafer announced that adequate notice of this meeting was given by emailing the Courier Post and The Retrospect on January 7, 2020 and posting on the Bulletin Board in the Borough Hall.

FLAG SALUTE – Chairman Hafer lead the meeting in the Pledge of Allegiance and flag salute.

ROLL CALL – recorded as present were Mr. Hafer, Mr. Kane, Mrs. Ierley, Ms. Nasuti, Mr. Ierley, Mayor Barbera, and Councilman Redstreak; Mr. Weidler and Mr. O’Keefe arrived at 7:04 pm; Mr. Lippincott and Mr. Weiss, were absent; Land Use Board Solicitor Matt Rooney attended via Cell Phone due to COVID quarantine concerns.

#### NEW BUSINESS

401 Laurel Road – emailed late this afternoon was a layout from Charlie Patel of Dunkin Donuts. He wants to informally discuss use and permissions. He would like to be informed of who should come besides his engineer and he the property owner. There was discussion of the work of the Ordinance Review Committee as well as rezoning Laurel Road, keeping it as an overlay. There was discussion of Chapter 270, the Zoning Code, which speaks of the conversion of any lot to commercial with no expansion and the residential character being maintained. Differing opinions were expressed of what to do with regard to rezoning, and opportunities and difficulties with the balance of the residential properties on Laurel Road and what would be required. The Dunkin’ Donuts group wants a hearing and the Board thought it okay to hear them Informally. There was discussion of other past development on the White Horse Pike and neighbors’ concerns. It was pointed out that the Zoning on the White Horse Pike would be correct to the desired development. Laurel Road and the existing balance of residential and pre-existing commercial was further discussed noting there is one property that needs to be demolished. There was discussion of County Roads and that traffic patterns may not get County approval. The conversation segued into the State DOT turning down projects on the White Horse Pike and the role of the Board to say aye or nay, but rather whether it works for the town. There was discussion again with traffic pattern and how many people will make a left in or out. There was more discussion of design and more concern about left turns. There was discussion of them having to eventually notify nearby property owners which was confirmed in the eventuality of site plan approval. The board concurred that an informal would be okay, and that the presenter should make sure they bring their engineers because of the concerns about traffic patterning. The Board is open to the idea but concerned about the traffic patterns, but that they should be listened to, and to allow the engineer to be listened to.

#### OLD BUSINESS

- Dream Tile, Tariq Mazhar and Mohammed Kahn One White Horse Pike – Minor Site Plan – Councilman Redstreak reminded that this matter was started via the Mercantile License approval process. Mr. Mazhar was granted a temporary Mercantile License and additionally granted an extension. All of these have now expired. Prior to it expiring it remained temporary pending a site Plan. Accordingly, they are now not permitted to conduct any type of business, no operation, and no storage in the building. It was noted that they were here appearing, and asked if there was an application, to which it was explained that there was Zoning Permit Application as part of the Mercantile license approval process, and it was not approved. There was discussion of submission of a partial site survey, but there are no site details such as lighting identified. There was discussion of their role as a kitchen cabinet store, and the parking requirement for the store. There was discussion of the parking that was there for the bank and the lights that are already there being

used. There was discussion of Emergency Exit lighting, construction permits, and upgraded system report. It was noted that it is a two-story building and questions about the number of apartments and what the plans are for renting. Mr. Hafer asked if there are plans for the show room, storage, occupancy, and parking, and how many parking spots are requiring and the amount of space and number. There was detailed discussion of square feet and the number of occupants and the different ways to calculate this. Mr. Kahn said there would be 5 to 6 visitors every day. It was pointed out that the survey submitted did not list parking stalls that are up to specification, handicapped spaces that are curbed, on foot of candlelight not on. How does the Borough know that the lighting will be proper and the length of the handrails? Will accessibility be handled safely? Is the Federal Energy Code for lighting being met for the municipal requiring the conversion to LED lighting? The place for unloading deliveries and trash storage should be marked. Mr. Lippincott explaining that Mr. Hafer is an architect and that these gentlemen should speak to their own architect and that it would be helpful to them. Mr. Hafer said that usually the work is done by a civil engineer, to which Mr. Lippincott reiterated what is included in a site plan and gave examples of previous site plans that were approved. Councilman Redstreak reiterate that they need a site plan and go to civil engineer and they need to make notification to property owners within 200 feet. Mayor Barbera reiterated that they need to show a professionally rendered plan as this is just a simple survey. He further explained that the town can be held liable and cannot accept an inadequate submission. He also reiterated that no business could take place at the location until these issues are resolved. Councilman Redstreak said that material is being stored in the structure, so it is being used as a warehouse, and it needs to be made right, saying our firemen are important to the town, and this needs to be made right. Mr. Kahn said it is still set up like a bank, and that there would be no operation just a few boxes, and they will be moved. Councilman Redstreak suggested that they explain to their engineer what is going on in building so the proper public access is designed. Mr. Hafer reiterated they should contact a civil engineer and discuss what is required and notify property owners within 200 feet and must be represented by an attorney as a corporate entity. Ms. Nasuti said that an engineer will know what needs to be included in the site plan, and Mayor Barbera said that it is better to not specify what they need and to let their engineer do that. Mr. Mazhar said he was confused about applying for a variance, to which Mr. Hafer said he is applying for a mercantile license which changes the use of the property and for which a site plan is needed with all the required items completed and which shows that the site is adequate for the new use and agreed to by the Borough's Engineer. Mayor Barbera also reminded that for certain business structures applicants must be represented by attorney.

- Approval of Minutes – October 15, 2020 – the motion by Mr. Redstreak, was seconded by Mr. Kane with Mr. Hafer, Mr. Kane, Mr. Weidler, Mr. O'Keefe, Mrs. Lerley, Ms. Nasuti, Mr. Lerley, Councilman Redstreak and Mayor Barbera in favor, none opposed and Mr. Lippincott abstaining.
- 118 Broadway – Mr. Hafer asked about memorializing the resolution within 120 days and discussed contingencies and conditions then being submitted and given to the Borough Engineer to approve. Planning Solicitor Rooney said he would confer with Solicitor Greg DeMichele and discuss the time frames for approval.
- Ordinance Review of Zoning – Councilman Redstreak said the review is complete and needs to be submitted to Borough Solicitor Botcheos and then to the Zoning Board.
- Mayoral Update – Mayor Barbera gave an update on legislation and State level activity regarding Cannabis, Police Department Body Cameras, and the funding and OPRA aspect thereof, 5G nodules on phone poles and the geographic distribution. There is some thought that towns may receive \$200 per pole, but permissions must be gotten. There was further conversation about the Ordinance Review Committee on the Zoning Code and an upcoming meeting with Ed Fox of ERI for re-examination of the Master Plan and discussion of site Plan Chapter 213 of the Code of the Borough of Laurel Springs, which does not define a minor site plan.

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The Planning Board can only waive the requirement to submit a site plan, especially in the case of a change in use which the Borough is doing to protect itself. Councilman Redstreak said it is the right thing to do to make sure a site plan is submitted to be sure that everyone is playing by the rules.

CORRESPONDENCE – none

PUBLIC PORTION – Chairman Kane opened the meeting to the public for questions or comment, hearing none he closed the meeting to the public.

ANNOUNCEMENT - The next meeting of the Laurel Springs Combined Land Use Board is scheduled for Thursday, January 21, 2021 at 7:00 p.m. in the Laurel Springs Recreation Center.

ADJOURNMENT – Mr. Lippincott moved to adjourn at 8:24 pm.

Respectfully submitted,

Dawn T. Amadio, Secretary