

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
August 24, 2011**

The meeting was called to order by Chairman Lawrence Barrar at 7:32 PM. The public statement was read by the Chairman, followed by the flag salute. The location of the meeting is being held at the Community Center.

ROLL CALL - CH-Chairman, VC-Vice Chairwoman, C-Council, MD-Mayors Designee, A-Alternate

Lawrence Barrar	CH	Present	Mary Martz	C	Present
Joyce Albrecht	VC	Present	Steven Previtera		Present
Robert Brown		Absent	Edward Hoban	A1	Absent
Brian Carson		Present	Michael Moore	A2	Present
John DiBartolomeo		Present	Robert Mastalski	A3	Present
Joseph Dymond		Present	VACANT	A4	
Richard Krause	MD	Absent			

ALSO

David Kreck	Engineer	Present	Michael Ward	Solicitor	Present
Dan Wassenar	Zoning Off.	Present	John Keenan	Acting Secretary	Present

ALTERNATE REPLACEMENT

A2 Michael Moore for Robert Brown

A3 Robert Mastalski for Richard Krause

APPROVAL OF MINUTES

Motions were made to approve the June 22, 2011 minutes with corrections. AIF-motions approved.

OLD BUSINESS

Resolutions

Motions were made to approve resolution #2011-06. AIF-motions approved by roll call vote.

Amended Preliminary Site Plan, Amended Preliminary Subdivision & Conversion to Non-Age Restricted Housing Units

D'Anastasio Corp.

Chairman Barrar stated that we have completed all testimony from the applicant and have completed the public participation, and we are at the point of any questions or comments from the board members, followed by which a motion can be put forward and voted upon. The board had questions regarding the width of the access road. Mr. Ward asked Mr. Tedesco if Mr. Rahenkamp could provide the board documentation to support his statement at the last meeting regarding the numbers of anticipated school age children on the property for the purpose of the completeness of the record. Mr. Rahenkamp reviewed the following three (3) data sources; (1) Center for Urban Policy Research report based on 2000 census for the South Jersey region town homes and total school age children; (2) Center for Urban Policy Research provided a credit for students which go to non-public schools and various private schools and (3) his own update that reflects the change in demographics in the South Jersey region from the 2000 census to the data available from 2009. Mr. Rahenkamp confirmed that this information was available prior to the last meeting.

Mr. Ward also recapped for the record the application process that started with the Borough seven or eight years ago to build a residential community and to fill a need for age-restricted housing. The governing body crafted and adopted an ordinance and a redevelopment plan and the plan that was submitted in 2007 and approved in 2008 was a beautiful plan and something the community could be proud of. When he learned that the board was going to be presented with a conversion application, which made sense due to the condition of the residential real estate market as it is today; he did not understand why the project had been so radically changed and why certain fundamental public health, safety and welfare concerns had not been addressed.

Mr. Ward had Mr. Tedesco post the original plan so he could refer to it and compare it to the current conversion plan. Mr. Ward confirmed with Mr. Tedesco that the plan that was approved in 2008 reflected the zone plan for the residential part of the redevelopment plan and reflected the minimum standards in that plan. Mr. Ward discussed at length with Mr. Rahenkamp the smaller lot width, the smaller unit width and the increase in the number of bedrooms with the new plan.

**BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES**

August 24, 2011

Page 2

Mr. Ward referred to and read the following from the statute; in the case of an age-restricted development which is being changed to a converted development the layout of the subdivision or site plan approved pursuant to the Municipal Land Use Law, may be reasonably revised to accommodate additional parking, different recreation improvements and other amenities, infrastructure enhancements and even reduction in the number of units, height requirements, revisions to dwelling footprints that **do not** modify square footage of the development or the individual dwellings. Mr. Ward stated; we have a modification to the individual dwellings, the square footage. Mr. Ward further read Chapter 82 from the conversion statute, and suggested that the proposal not only imposes substantial detriment upon the municipality's redevelopment plan, it wipes it out.

Mr. Rahenkamp, Mr. D'Anastasio and Mr. Ward had a lengthy conversation regarding the reasons for the changes to the conversion application plan from the approved 2008 plan. Mr. Tedesco stated; they are only seeking to obtain preliminary approval only and all other details will be addressed at the final site plan.

Mr. Ward further stated; one of the reasons why this site was chosen for age-restricted housing was due to the fact that it was so far away from the Borough's schools. Any high school students will need to take a bus and will there be accommodations for the students while they wait.

Chairman Barrar asked the board members and the professionals if there are any further questions or comments, or do we have a motion? One board member had a concern regarding the walkway to Otterbranch Drive; Mr. Kreck had concerns regarding the garage being calculated as a parking space and the owner using it for storage.

Chairman Barrar read from Chapter 82 the following sentence which most directly concerns this board; "If the approving board determines that requirements of Public Law 2009 c82 have been satisfied, and the conversion can be granted without substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance, the application for conversion shall be approved." The key words are "substantial detriment" and that is something that each board member has to consider before they vote on this application.

We also should consider that the D'Anastasio Corporation already has approval for an age-restricted development. Mr. Ward stated if they receive approval for the conversion they have the ability to go forward and build the new plan of conversion, it is a different plan, so he does not have the ability any longer to go back to the original plan unless he comes back to the board with a new application and a new set of plans. They can come back before the board and amend a subdivision application; so long as the board finds that the amendments and changes are consistent with the zoning ordinances and the zone plan.

Chairman Barrar gave one last opportunity for questions and comments from the board members; seeing none, we are open to a motion to approve or to disapprove the application which is an amended preliminary site plan, an amended preliminary subdivision and a conversion to non-age-restricted housing units, which includes the two variances for lot width and lot size. A motion was made and seconded to approve the amended preliminary site plan, the amended subdivision and the variances for the lot width and lot size. Chairman Barrar stated the vote officially was one in favor and eight denying, so the motion failed, the application is denied.

Mr. D'Anastasio thanked the board members and the members of the public for all the time and energy they had given. Mr. Ward thanked Mr. D'Anastasio and his professionals for the excellent presentation they gave the board. Chairman Barrar thanked the public for their excellent effort in presenting their opinions.

NEW BUSINESS

Completeness Review

7-Eleven, Inc. – Mr. Kreck reviewed his letter dated August 18, 2011. After some conversation with the board members, the applicants' attorney and engineer, Mr. Kreck recommended that the board deem the application complete. Motions were made to deem the application complete. AIF motion approved.

BOROUGH OF MAGNOLIA
PLANNING BOARD MINUTES
August 24, 2011
Page 3

Minor Site Plan

7-Eleven, Inc. – The applicant was represented by their attorney Mr. Filippo. The applicant previously this year obtained a Site Plan waiver from the board; however, certain physical site design changes required a Minor Site Plan approval. Mr. Freud of InSite Engineering reviewed the application which included; changes to the parking lot, new curbing, new concrete pad, trash enclosure changes, install handicapped accessibility, some additional signage and improvements to lighting and landscaping. After a lengthy conversation with the board members and the professionals, motions were made to open the meeting to the public. AIF-motion approved.

BettyAnn Cowling-Carson – Magnolia: She had concerns regarding the number of times a week for trash pick up and who will pick up the trash; concerned about people trying to make a left turn; and will deliveries be at night?

Motions were made to close the meeting to the public. AIF-motion approved.

Motions were made to approve the Minor Site Plan application. AIF-motion approved.

OPEN PUBLIC

Motions were made to open the meeting to the public. AIF-motion approved.

Mr. Anconetani – 501 N. Warwick Road: He inquired about lot consolidation and taxes for said property. It was suggested he contact the Tax Assessor and Council, not a matter for the board.

Motions were made to close the meeting to the public. AIF-motion approved.

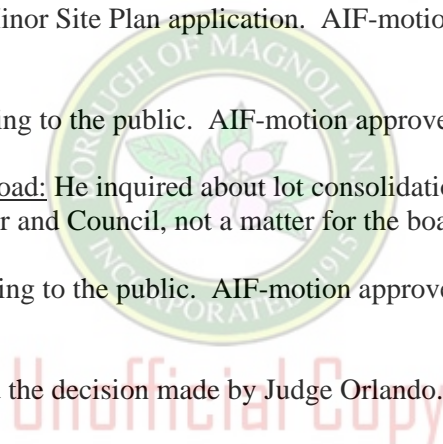
COMMENTS/DISCUSSION

Mr. Ward discussed the litigation and the decision made by Judge Orlando.

ADJOURNMENT

Being no further discussion, motions were made to adjourn the meeting. AIF-Motions approved.

*AIF – All in Favor



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at (856)783-1520 for additional information.