

PLANNING BOARD MINUTES
SEPTEMBER 27, 2006
7:30 P.M.

The meeting was called to order by the Chairman, Lawrence Barrer at 7:31 P.M. The public statement was read by the Chairman, followed by the flag salute.

The substitute secretary Mr. Keenan took roll call:

Joyce Albrecht	Present	Jim Hannold	Present	John DiBartolomeo	Present
Richard Krause	Present	Robert Brown	Present	Lawrence Barrer	Present
John Lattaney	Present	John Wolf	Present	Arthur Loder	Present
Joseph Conway	Present	Nick D'Amico	Present	Chris Mecca	Absent
Sol. Michael Ward	Present	David Kreck, Eng.	Present	J. Keenan, Sub. Sec.	Present

Correspondence: The Board was given a copy of resolution 2006:150 which was from Mayor and Council requesting the Planning Board to review and report on amended Atlantic Avenue redevelopment plan. This was requested from the Board the previous month.

Approval of Minutes: Motion by R. Brown, seconded by J. DiBartolomeo to approve the August 24, 2006 minutes with all members voting aye.

New Business: William Harris, Borough COAH Planner spoke regarding the Housing Element draft report which he handed a copy to all members to review for the October Meeting. If anyone has questions prior to the next meeting they were informed to contact Mr. Harris. The October meeting would be the Public Hearing and adoption of a resolution then given to the Mayor and Council for further action.

Old Business: Steven Bach of Bach Associates and his associate Leah Furey, Planner were sworn in. Leah explained Mayor and Council adopted a resolution 2006:150 for the Planning Board to review the amended Redevelopment Plan. The amendment would allow a use of age restricted housing on the western parcel.

Leah stated the current borough code does not define age restricted housing. She stated 11% of the proposed units on the parcel would be required to be affordable units. In the amended plan there are new design standards different from the current RA residential zone.

New impervious surfaces in any future development would have to comply with the stringent DEP stormwater regulations. Some portions of this parcel are wetlands and appropriate buffers have to be maintained.

Steve Bach stated to create a new main traffic access roadway is not feasible. A roadway could be constructed for DPW and emergency vehicles, but not to be a public right-a-way.

There will be certain architectural requirements which will also be part of this plan. A concern of the 5 foot side setbacks was brought up by members of the board. It was asked that the side setbacks be consistent with the current 8 foot setbacks. There was also a question regarding the homeowners association. The homeowners association was not a part of the redevelopment plan.

The Solicitor Mr. Ward inquired if the amended plan was consistent with the 2003 master plan update. Mr. Bach stated they reviewed the 2003 master plan update when completing the amendment. Mr. Wolf questioned the 15 foot setback with the 5 foot front yard porches and he asked that the front yard setback be not any closer than 20 feet. Mr. Barrer asked if there are to be sidewalks, and that was confirmed.

Mr. Bach stated 3 acres of the site was wetlands. It was questioned if the multifamily flats are age restricted. It was confirmed all units are age restricted. There were questions of having the amended plan be specific regarding the ratio of how many townhomes, single family homes and multifamily flats. Mr. Bach stated he did not recommend such details in the amended plan.

A motion was made by J. Hannold to table the amended redevelopment plan to the October meeting, seconded by A. Loder, all members voted aye.

Application: Mark D'Onofrio, Little Rays of Sunshine Daycare, B. 7.01, L. 21

Tara D'Onofrio was sworn in. Mark D'Onofrio and his Engineer were sworn in at the prior meeting. Their attorney Mr. Senore was present. Mr. Ward stated any board members who were not present at the last board meeting and had not listened to the board tapes would not be able to vote on this application. The applicant's attorney described the daycare built as a daycare in 1965 prior to the current codes and prior to the current State requirements for a daycare. A preschool gets children ready for school. There is certain curriculum approved by the State of NJ. 35 square feet per student is required. July 1, 1989 the NJ guideline was read. Chapter 121 page 53 and 22 as evidence were submitted as A4, and 2 pages of floor plans for the daycare were submitted as A5.

The 35 square feet formula does not include bathrooms, kitchens, closets, etc. areas not used for childrens sleep or play. The first page was of the existing layout of the daycare. There was a previous approval of 48 students allowed in the facility stated Mrs. D'Onofrio. They had planned at first to have the infants in the back room, and the front be used for pretots, etc. The State stated the front room was grandfathered in and must be for infants only. Pretots etc were to be in the rear rooms. They have looked at other options of adding to the second floor, purchasing the adjacent lot and relocating. Going up to a second floor was not structurally feasible. There were no suitable vacant buildings to move. They did have a purchase agreement for the lot next to the site, but the lot went into foreclosure. The previous mortgage company was aware of his agreement with the former owner but they listed and sold the site to someone else. To purchase the site at Sheriff Sale was over \$100,000. to cover the costs due on the site. This was cost prohibitive.

The proposed new layout would allow 12 preK, 12 Preschool, 10 toddlers, 6 pre toddlers, and 16 infants, but the owners stated they would concede to 12 infants as a condition of approval. The total would be 52. Mrs. D'Onofrio stated she had 18 years experience in the daycare field. The increase of 2 spaces for the increased area was not needed since the number of students is not increasing.

Mr. DiBartolomeo inquired to why the infants were in the front. Mrs. D'Onofrio spoke of the cribs and all the furnishings needed, and how little room is in the rear rooms, and the 36 inch access to the exterior was in the front room. D. Kreck inquired to the number of students allowed in current conditions with not allowed with 40 students. Mrs. D'Onofrio explained how there were different State inspectors in the past, and the student count differed with the inspectors. It was noted the classrooms are the only area being expanded.

Motion made by J. DiBartolomeo, seconded by R. Brown to open the meeting to the public. All members voted aye.

Joyce Albrecht, 513 W. Evesham Avenue stated she was to the east side of the building. She was sworn in. She spoke of the kids, trash and cigarette butts. She stated the noise of doors slamming, snow removal has damaged her bushes and grass, and the noise was the worst issue. She said the noise was tearful at time. There was screaming of the students and the teachers. She stated she was a teacher for 40 years and has a high tolerance. She stated she could not take phone calls at her home during the day due to the noise. She stated she obtained a copy of the license for 30 students from the State this was submitted as J1 in the record. She had a copy of one complaint for too many students in room #3. No other complaint or references to overcrowding. This was submitted as document #J2.

A State copy of the school layout was labeled as J3. A letter of October 6, 2004 from Little Rays requiring the license be reduced from 40 to 30 was labeled as J4.

Joyce Albrecht read information regarding the positive and negative criteria of an application for a variance. She stated she obtained the State info from an OPRA request.

There was a question on how long she lived next to the daycare. She stated since 1990.

Richard D'Onofrio, uncle of the applicant from 900 San Jose Drive in Glendora stated he had gone through the daycare before they bought it and was shocked at the condition of the inside with graffiti, drug paraphernalia. He stated he worked in the Philadelphia Dept. of Parks and Recreation and never saw this in the drug gangs. He stated there was a need for daycare in this area. He spoke of the owners having to make a profit, but with taxes, mortgage, labor, insurance makes it hard. The attorney stated the condition of the property when Joyce Albrecht bought her home. Mrs. D'Onofrio stated Joyce bought her home with the dilapidated conditions prior and the current conditions would only make it better, not worse.

Motion made by John DiBartolomeo, seconded by J. Hannold to close the public portion. All members voted aye. There was discussion of building out the rear rather than the side. The rear setback variance was discussed. The Engineer for the applicant stated the rear was not looked at since it required a variance, and the side was thought to be grandfathered in and not require a variance. It was stated that if going out the rear, the water run off should be not worse, since the rear is layered in rubber playground mulch. It was agreed to have the applicant to redesign the proposed addition to the rear of the building and to submit back to the board. It would require renotifying the residents and the paper. Motion by J. DiBartolomeo, seconded by R. Brown to continue the application at the next meeting. All members voted aye.

Mr. Avi Levy, Avi Auto Sales, 430 White Horse Pike. Mr. Levy was sworn in. Also his son Daniel Levy was present. Mr. Avi Levy stated he had received approval previously for a 15 foot garage and now wanted to extend the proposed garage to 17 feet. The board engineer stated the conditions of the previous approval were not all completed. Mr. Levy stated he had approval since 1983 for sales and service, and since 1986 for body shop repair. Motion by J. DiBartolomeo, seconded by R. Brown to continue this application to the October meeting pending the completion of the Engineer's letter. All members voted aye.

The meeting was opened to the public by motion of J. DiBartolomeo, seconded by R. Brown, with all members voting aye. No public spoke. Motion made by J. Hannold, seconded by J. DiBartolomeo to close the public session, with all members voting aye.

Time restrictions for applications were discussed. Motion was made by J. DiBartololeo, seconded by J. Wolf to have no new application after 10:30 P.M., and no further testimony after 11:00 P.M. All members voting aye.

Motion made by J. DiBartolomeo, seconded by J. Hannold to adjourn the meeting. All members voted aye.

Official copies should be requested through the Borough Clerks Office by completing an Open Public Record Act Request Form. Contact us at (856)783-1520 for additional information.