

THE REGULAR MEETING OF THE JOINT LAND USE BOARD FOR THURSDAY, JULY 22, 2021 WAS CALLED TO ORDER AT 6:00 P.M. AT THE LINDENWOLD BOROUGH HALL.

SUNSHINE ANNOUNCEMENT

FLAG SALUTE

PRESENT:

KATHLEEN MCGILL GASKILL, ESQ. – BOARD SOLICITOR
JEFF HANSON, PE, CME, - BOARD ENGINEER

MEMBERS PRESENT:

MAYOR RICH ROACH
MR. CRAIG WELLS
MS. JOY JACKSON
MR. HOWARD DAWSON
MS. NANCY DIDOMENICO
MS. HEATHER PROTICH
MR. WALT LENKOWSKI

MEMBERS ABSENT:

COUNCILWOMAN LINDA HESS
MR. JOE VANDERGRIFT
MS. PAT STRIPPOLI

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO APPROVE THE MINUTES FROM JUNE 24, 2021. MAYOR ROACH MADE THE MOTION TO APPROVE, MOTION SECONDED BY MR. WELLS. ROLL CALL WAS UNANIMOUS WITH THE EXCEPTION OF MS. DIDOMENICO AND MR. LENKOWSKI WHO ABSTAINED. MOTION CARRIED.

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO APPROVE RESOLUTION JLUB-21-3, E. TAYLOR D/B/A AIO ENTERTAINMENT, BLOCK 268, LOT 1. MAYOR ROACH MADE THE MOTION TO APPROVE, MOTION SECONDED BY MS. JACKSON. ROLL CALL WAS UNANIMOUS WITH THE EXCEPTION OF MR. WELLS AND MR. LENKOWSKI WHO ABSTAINED. MOTION CARRIED.

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO APPROVE RESOLUTION JLUB-21-4, WOODLAND VILLAGE, BLOCK 243, LOTS 7.05 & 7.07. MAYOR ROACH MADE THE MOTION TO APPROVE, MOTION SECONDED BY MR. WELLS. ROLL CALL WAS UNANIMOUS WITH THE EXCEPTION OF MR. LENKOWSKI WHO ABSTAINED. MOTION CARRIED.

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO APPROVE RESOLUTION JLUB-21-5, JAMES MAYFIELD, BLOCK 238, LOT 1.03. MR. WELLS MADE THE MOTION TO APPROVE, MOTION SECONDED BY MR. DAWSON. ROLL CALL WAS UNANIMOUS WITH THE EXCEPTION OF MAYOR ROACH AND MR. LENKOWSKI WHO ABSTAINED. MOTION CARRIED.

NEW BUSINESS

APPLICATION JLUB-21-6
PRODIGY GAMES
110 N. WHITE HORSE PIKE
BLOCK 122, LOT 9
CHANGE IN USE
EMPTY BUILDING TO STORE

SECRETARY STATING THEY HAVE REQUESTED A POSTPONEMENT TO AUGUST

APPLICATION JLUB-21-7
UNITED PAVING
BANGOR AVENUE
BLOCK 257, LOT 1
USE VARIANCE

BOARD SOLICITOR STATING I AM GOING TO EXPLAIN TO THE PEOPLE IN ATTENDANCE ABOUT AN USE VARIANCE. A USE VARIANCE IS A MORE DIFFICULT ZONING RELIEF YOU CAN GET. IT REQUIRES THE POSITIVE AFFIRMATIVE VOTE OF (5) MEMBERS ON THE BOARD. WHEN WE HAVE AN USE VARIANCE THE MAYOR AND COUNCILWOMAN HESS HAVE TO RECLUSE THEMSELVES. THE REASON BEING IS THAT IF THE APPLICANT IS DENIED THE USE VARIANCE, HE CAN APPEAL IT TO TOWN COUNCIL. SO THOSE (2) MEMBERS CANNOT BE PART OF THE DECISION MAKING. THAT LEAVES THE BOARD WITH (7) MEMBERS. OUT OF THE (7) MEMBERS THAT CAN ACT, TO GRANT THE USE VARIANCE YOU HAVE TO HAVE (5) POSITIVE AFFIRMATIVE VOTES. TONIGHT WE ONLY HAVE (5) MEMBERS OF THE BOARD. SO I DO HAVE TO SPEAK TO MR. MCANDREWS ABOUT THAT. TYPICALLY IT WOULD BE (5) AFFIRMATIVE VOTES OUT OF (7) MEMBERS. THE APPLICANT DOES HAVE THE CHOICE TO POSTPONE TILL HE GETS A FULL BOARD, WHICH WOULD BE (7) MEMBERS.

WE DO HAVE (2) ALTERNATES, NANCY WILL BE ACTING AS OUR FIFTH MEMBER. HEATHER IS INVOLVED WITH THE FIRE ORGANIZATION SHE IS RECUSING HERSELF FROM THIS APPLICATION.

MR. MCANDREW'S – ATTORNEY FOR APPLICANT

BOARD SOLICITOR STATING TO MR. MCANDREW'S THAT WE DO NOT HAVE A FULL BOARD TONIGHT, WITH THE ONE ALTERNATE WE HAVE (5) MEMBERS. DO YOU WISH TO PROCEED TONIGHT?

MR. MCANDREW'S STATING WE TALKED ABOUT IT AND CAN WE WAIT TO SEE IF THE (6TH) WILL SHOW.

BOARD SOLICITOR STATING WE DID PUT A PHONE CALL IN AND WE WEREN'T ABLE TO REACH HIM. HE USUALLY IS SOMEONE WHO ATTENDS. CAN WE REACH OUT TO HIM ONE MORE TIME?

BOARD SOLICITOR STATING TO HEATHER, WERE YOU ABLE TO REACH HIM?
HEATHER STATING NO I WAS NOT.

MR. MCANDREW'S STATING IF WE ONLY (5), WE WOULD LIKE TO BE CONTINUED TO NEXT MEETING.

BOARD SOLICITOR STATING THIS MATTER YOU WANT IT TO BE OFFICIALLY POSTPONED TO THE AUGUST MEETING.

MR. MCANDREW'S STATING YES

BOARD SOLICITOR STATING TO THE PUBLIC, WHEN WE COME BACK IN AUGUST, THE PROCESS WILL BE, THE APPLICANT WILL PUT HIS CASE ON WITH HIS PROFESSIONALS. YOU WILL BE ABLE TO COME FORWARD AND CROSS EXAMINE THE PROFESSIONALS, YOU WILL BE UNDER OATH. THE APPLICANTS ATTORNEY CAN CROSS EXAMINE YOU, IF YOU SAY SOMETHING THAT THEY WANT TO CHALLENGE. AUGUST 26TH IS THE NEXT MEETING AND THEY DO NOT NEED TO NOTICE.

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO CONTINUE THIS APPLICATION. MR. DAWSON MADE THE MOTION TO CONTINUE, MOTION SECONDED BY MR. WELLS. ROLL CALL WAS UNANIMOUS. MOTION CARRIED.

MR. LENKOWSKI OPENED THE MEETING TO THE PUBLIC AND THE FOLLOWING STEPPED FORWARD:

FRANK DELUCCA – ASKING ABOUT AMOUNT OF POSTPONEMENTS APPLICANT CAN HAVE
BOARD SOLICITOR EXPLAINING THE FIRST WAS DUE TO THE STATE ORDERS OF COVID, SO THIS ONE IS THE FIRST. TO ANSWER YOUR QUESTION, NO THERE ISN'T ANY DEFINITIVE, WHAT AN APPLICANT IS ENTITLED TO IS A FULL BOARD TO BE HEARD BY.

MR. DELUCCA – ASKING WHEN WAS THE LAST MASTER PLAN REVIEWED
SEVERAL PEOPLE TALKING AT SAME TIME (MASTER PLAN COMPONENTS - REVIEWED/UPDATED 2017 - 2019)

MR. DELUCCA ASKING IF THE APPLICANT HAS TO SHOW A HARDSHIP
BOARD SOLICITOR STATING THE APPLICANT HAS TO SHOW "POSITIVE AND NEGATIVE" CRITERIA, HE HAS TO CARRY THE BURDEN OF PROVING THIS.

STEVEN RISLEY – IF I CAN'T BE HERE ON AUGUST 26TH CAN I WRITE A LETTER OF MY OPPOSITION THAT SOMEONE ELSE CAN READ?

BOARD SOLICITOR STATING NO, THE REASON BEING IS YOU HAVE THE RIGHT TO CROSS EXAMINE THE APPLICANTS WITNESSES AND BY THE SAME TOKEN, THEY HAVE THE RIGHT TO CROSS EXAMINE THE PEOPLE IN THE PUBLIC WHO COME UP WITH STATEMENTS THAT THEY MAY WANT TO CHALLENGE. SO A LETTER WITHOUT YOU BEING HERE DEPRIVES THEM OF THE RIGHT OF CROSS EXAMINATION.

DEBBIE CANN (?) – CAN WE GET A COPY OF THIS TRANSCRIPT FROM TODAY

BOARD SECRETARY STATING THE MINUTES WILL BE ON THE WEBSITE ONCE COMPLETED AND APPROVED BY THE BOARD

FRANK MUSSERO – CAN YOU REPEAT THE FIRST TWO HARDSHIPS

BOARD SOLICITOR STATING THEY HAVE TO SHOW SPECIAL REASON. ONE OF THE SPECIAL REASONS WOULD BE A HARDSHIP, A USE THAT PROMOTES THE GOAL OF ZONING AND THAT THIS PROPERTY IS SUITED FOR THAT.

BOARD ENGINEER STATING THE MASTER PLAN LIST SEVERAL SPECIFIC GOALS, I BELIEVE (9) POSITIVE CRITERIA FOR THEM TO PROVE THAT WHAT HE WANTS TO DO WITH THE PROPERTY, PROMOTES ONE OF THE GOALS OF THE MASTER PLAN.

BOARD SOLICITOR STATING ALL THOSE GOALS ARE STATED IN THE MUNICIPAL LAND USE LAW.

MEETING ADJOURNED

NANCY DIDOMENICO, BOARD SECRETARY

