

THE REGULAR MEETING OF THE JOINT LAND USE BOARD FOR THURSDAY, AUGUST 27, 2020 WAS CALLED TO ORDER AT 6:00 P.M. AT THE LINDENWOLD BOROUGH HALL. THIS MEETING WAS BY PHONE CONFERENCE DUE TO THE CORONA VIRUS.

SUNSHINE ANNOUNCEMENT

FLAG SALUTE

PRESENT:

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

MEMBERS PRESENT:

MAYOR RICH ROACH  
COUNCILWOMAN LINDA HESS  
MR. CRAIG WELLS  
MR. JOE VANDERGRIFT  
MS. JOY JACKSON  
MS. KATHY FITZPATRICK  
MS. PAT STRIPPOLI  
MR. HOWARD DAWSON  
MS. NANCY DIDOMENICO  
MR. WALT LENKOWSKI

MEMBERS ABSENT:

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO APPROVE MINUTES FROM JULY 23, 2020. MS. STRIPPOLI MADE THE MOTION TO APPROVE, MOTION SECONDED BY MR. WELLS. MOTION WAS UNANIMOUS WITH THE EXCEPTION OF MS. JACKSON AND MR. DAWSON WHO ABSTAINED. MOTION CARRIED.

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO APPROVE RESOLUTION JLUB-20-5, GIFFIN/ALL OCCASIONS TRANSPORT, BLOCK 168, LOTS 6 & 6.01. MR. WELLS MADE THE MOTION TO APPROVE, MOTION SECONDED BY MS. FITZPATRICK. ROLL CALL WAS UNANIMOUS WITH THE EXCEPTION OF MAYOR ROACH, COUNCILWOMAN HESS, MS. JACKSON AND MR. DAWSON WHO ABSTAINED. MOTION CARRIED.

MR. LENKOWSKI OPENED THE MEETING TO THE PUBLIC AND NO ONE SPOKE

MAYOR ROACH STATING WE HAVE A REQUEST FROM ONE OF OUR BUSINESSES THAT HASN'T HAD A CHANCE TO HAVE HIS SITE PLAN SUBMITTED AND APPROVED BECAUSE OF THE CORONA VIRUS. HE GOT THE USE VARIANCE FROM US. THE OLD BUCK'S PRODUCE.

SECRETARY STATING DAVE IS ON THE LINE, HE GOT THE USE VARIANCE TO DO THE GARDEN CENTER/NURSERY AND OFFICE FOR SUNSATIONAL LANDSCAPING DUE TO THE CORONA VIRUS HE HASN'T APPLIED FOR THE SITE PLAN. HE HASN'T BEEN WORKING AS STEADILY AS HE WAS IN THE PAST. HE WOULD LIKE SPECIAL PERMISSION TO SELL PUMPKINS, CORN STALKS AT HALLOWEEN AND THANKSGIVING, CHRISTMAS TREES AT CHRISTMAS TIME. I SPOKE TO OUR SOLICITOR AND FROM A

LEGAL STANDPOINT WE SHOULDN'T BECAUSE THE SITE PLAN HAS NOT BEEN SUBMITTED, BUT DUE TO THE CORONA VIRUS, THE MAYOR AND COUNCILWOMAN HESS WOULD LIKE TO GRANT HIM THE PERMISSION TO DO THAT. AND IN SPEAKING TO DAVE (APPLICANT) HE KNOWS THE LIMITATIONS AND HE WOULD HAVE TO SUBMIT A SKETCH PLAN AND WE WOULD HAVE DEREK LEARY OUR CONSTRUCTION OFFICIAL GO OUT TO INSPECT. AS SOON AS HIS BUSINESS IS BACK IN FULL SWING DUE TO THIS VIRUS WHICH IS AFFECTING MANY PEOPLE, HE WOULD COME IN FOR THAT SITE PLAN. THE MAYOR AND COUNCILWOMAN HESS WOULD LIKE TO KNOW YOUR THOUGHTS ON THIS. IF EACH ONE OF YOU WOULD LIKE TO GIVE YOUR THOUGHTS, WE WILL GO RIGHT DOWN THE LIST.

SECRETARY CALLING EACH BOARD MEMBER:

CRAIG WELLS – WILL THIS HAVE A TERM LIMIT

SECRETARY STATING IT WILL BE TEMPORARY

JOE VANDERGRIFF – YES

JOY JACKSON – NO PROBLEM

KATHY FITZPATRICK – NO PROBLEM

HOWARD DAWSON – SURE

PAT STRIPPOLI – YES

WALT LENKOWSKI – YES

SECRETARY STATING TO SOLICITOR FROM A LEGAL STANDPOINT ARE WE ALLOWED TO DO THIS. WE ARE TRYING TO HELP THIS GENTLEMAN OUT, HE'S A GOOD GUY AND WILL BRING GOOD TO THE COMMUNITY.

BOARD SOLICITOR STATING I DID GIVE A LEGAL ANALYSIS ON THIS. THE USE VARIANCE WAS GRANTED ON THE CONDITION THAT THE APPLICANT GETS FINAL SITE PLAN APPROVAL FOR THIS LANDSCAPING CENTER. HOWEVER, IN LIGHT OF COVID-19 WHICH HAS DISRUPTED A LOT OF THINGS. TO THE EXTENT THAT IT'S A MITIGATING FACTOR AND THE BOARD FEELS THAT WITH THE RESTRICTIONS THAT THEY HAVE PUT IN PLACE. THE SITE PLAN APPROVAL IS THERE TO MAKE SURE THAT THE IMPACT ON THE SURROUNDING AREAS, TRAFFIC CONDITIONS ARE ADDRESSED. SO AS LONG AS WE HAVE THE CONSTRUCTION OFFICIAL GO OUT AND MAKE SURE THOSE CONCERNS ARE ADDRESSED ON A TEMPORARY BASIS GIVING THE MITIGATING CIRCUMSTANCES THAT EVERYONE IS CONFRONTING WITH THE VIRUS. I THINK WE CAN DO THAT. WE WILL NEED ANOTHER RESOLUTION AND CRAIG'S POINT IS WELL TAKEN WE DO NEED A TIME LIMITATION ON THIS BECAUSE WAITING FOR MONEY, A LOT OF TIMES IT TAKES LONGER THAN ANYONE ANTICIPATES. SO I THINK CHRISTMAS TREES ARE PART OF THE PRODUCT THAT HE'S PLANNING ON SELLING. I THINK OF TAKING THIS TEMPORARY C/O TO THE END OF THE YEAR, WE COULD DO.

SECRETARY STATING TO DAVE (APPLICANT) HOW QUICK COULD YOU GIVE ME A SKETCH OF HOW EVERYTHING WOULD BE PLACED?

DAVE STATING I CAN WORK ON IT THIS WEEKEND

SECRETARY STATING YOU CAN PUT IT IN THE DROPBOX OR EMAIL IT TO ME

APPLICANT IS GOING TO EMAIL AND PLACE HARDCOPY IN DROPBOX.

BOARD SOLICITOR STATING WITH THE SKETCH, NOTE WHAT YOU ARE PLANNING TO SELL DURING THIS TEMPORARY PERIOD.

SECRETARY STATING WHEN WOULD YOU LIKE TO START, IT WOULD END AT THE END OF THE YEAR.

DAVE (APPLICANT) STATING SEPTEMBER 15<sup>TH</sup>.

BOARD SOLICITOR STATING I WILL DO A RESOLUTION FOR SEPTEMBER'S MEETING MEMORIALIZING THIS ARRANGEMENT.

SECRETARY STATING THE SEPTEMBER MEETING IS THE 24<sup>TH</sup> AND HE WANTS TO START ON THE 15<sup>TH</sup>, IS THAT GOING TO BE A PROBLEM.

BOARD SOLICITOR STATING WE HAVE APPROVED IT, WE JUST HAVEN'T MEMORIALIZED IT YET.

MR. LENKOWSKI STATING HOW CAN WE MEMORIALIZED IT TONIGHT?

BOARD SOLICITOR STATING WE ARE MEMORIALIZING IT BY SAYING THAT THE BOARD HAS UNANIMOUSLY APPROVED AN AMENDMENT TO THE RESOLUTION IN WHICH WE ARE ALLOWING THE APPLICANT TO OPERATE AT THE SITE ON A TEMPORARY BASIS FROM SEPTEMBER 15<sup>TH</sup> TO DECEMBER 31<sup>ST</sup> 2020 FOR THE PURPOSES OF THE SALE OF LANDSCAPING ITEMS NOTED IN HIS TESTIMONY WHICH WAS PUMPKINS, CORNSTALKS, FALL PLANTINGS AND CHRISTMAS TREES. THIS PERMISSION IS SUBJECT TO THE APPLICANT SUBMITTING A SKETCH SHOWING THE LOCATION OF THE STAND, PLANTS, WHERE PARKING IS GOING TO BE. THAT PLAN WILL BE SUBMITTED TO THE CONSTRUCTION OFFICIAL, HE WILL INSPECT THE SITE. THE APPLICANT HAS AGREED TO MAKE REVISIONS BASED ON THE RECOMMENDATIONS OF THE CONSTRUCTION OFFICIAL. THIS PERMISSION WILL BE NULL AND VOID AT THE CONCLUSION OF THE TERM, WHICH IS DECEMBER 31<sup>ST</sup> AT WHICH TIME THERE WILL BE NO FURTHER AUTHORIZATION TO OPERATE ON THE SITE WITHOUT FINAL SITE PLAN APPROVAL. THAT IS THE VERBAL MEMORIALIZATION OF ALL THE TERMS AND CONDITIONS OF THIS APPROVAL.

MR. VANDERGRIFT STATING TO BOARD SOLICITOR DO WE HAVE TO REFERENCE THAT IT'S BECAUSE OF THE COVID-19 SITUATION OR OTHERWISE IN THE FUTURE, THIS COULD HAPPEN TO US.

BOARD SOLICITOR STATING YES, I WILL PUT THAT IN. THIS CONSENT FOR A TEMPORARY C/O FOR THE OPERATION OF THIS LANDSCAPING BUSINESS IS DONE BASED ON THE MITIGATING CIRCUMSTANCES PRESENTED. THE MITIGATING CIRCUMSTANCES POSED ON THE APPLICANT BY THE COVID-19 PANDEMIC AND IN ADDITION THE OPERATION OF THIS FACILITY WILL BE A BENEFIT TO THE COMMUNITY. THE BOARD IS DESIROUS OF ASSISTING THE APPLICANT IN STARTING HIS OPERATION AS SOON AS POSSIBLE.

MAYOR ROACH STATING THE REASON WE ARE DOING THIS IS BECAUSE OF THE CORONA VIRUS AND THAT DEREK'S INSPECTION IS BASED ON THE SAME BASIC FUNCTIONS AS WHAT THE OUTDOOR DINING IS AND WHAT THE GOVERNOR HAS STATED ABOUT HAVING OUTDOOR SALES.

BOARD SOLICITOR STATING I WILL REFERENCE IN THE MEMORIALIZATION A LOT OF TIME LIMITATIONS, CONDITIONS HAVE BEEN RELAXED BY VIRTUE OF THE GOVERNORS EXECUTIVE ORDER ON ALL FACETS OF THE LAND USE PROCESS. THAT AUTHORIZATION THAT WE HAVE GRANTED THIS TEMPORARY LICENSE TO OPERATE SEPTEMBER 15<sup>TH</sup> THROUGH DECEMBER 31, 2020.

BOARD MEMBERS HAD NO QUESTIONS

BOARD SOLICITOR STATING WE HAVE JUST BEEN PRESENTED WITH A VERBAL MEMORIZATION OF YOUR APPROVAL THAT YOU GRANTED. LET'S VOTE ON WHAT I JUST RECITED.

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO APPROVE AND BOARD SOLICITOR STATING THE VERBAL MEMORIZATION OF THE AMENDMENT TO THE RESOLUTION JLUB-20-4 THAT WAS APPROVED THIS EVENING INCORPORATING THESE NEW TERMS AND CONDITIONS AND THE AUTHORIZATION OF A TEMPORARY LICENSE TO OPERATE AT THE FACILITY SEPTEMBER 15<sup>TH</sup> THROUGH DECEMBER 31, 2020. VERBAL MEMORIALIZATION OF YOUR APPROVAL.

MAYOR ROACH MADE THE MOTION TO APPROVE, MOTION SECONDED BY COUNCILWOMAN HESS.  
ROLL CALL WAS UNANIMOUS WITH THE EXCEPTION OF MS. FITZPATRICK WHO DID NOT RESPOND  
WHEN NAME CALLED. MOTION CARRIED.

MEETING ADJOURNED

NANCY DIDOMENICO  
BOARD SECRETARY