

**Springfield Township Planning Board Meeting
January 20, 2015**

Chair Jacques called the meeting to order at 7:00 p.m. and led the salute to the Flag.

The Chair read the Open Public Meetings Statement. "Public notice of this meeting, pursuant to the Open Public Meetings Act, has been given by the Springfield Township Planning Board in the following manner on January 7, 2015;

- a. Posting written notice on the official bulletin board at the Municipal Building, Jobstown, N.J.
- b. Mailing written notice to the Burlington County Times and Register-News.
- c. Filing written notice with the Clerk of Springfield Township.
- d. Mailing written notice to each person who has requested copies of the regular meeting schedule and who has prepaid any charges fixed for such service.

Roll Call:

Jo Jacques, Chairperson	Present
Anthony Marinello	Present
John Hlubik	Present
Bernard Dunn	Present
Theresa Nicholson	Present
William Bauma	Present
Stephen Makuka	Present
William Pettit, 1 st Alternate	Present
Michael Welsh, 2 nd Alternate	Present

Minutes:

January 6, 2015

Chair Jacques called for approval of said minutes. Mr. Marinello motioned to approve the minutes, seconded by Mr. Bauma

All in favor: Marinello, Hlubik, Dunn, Bauma, Pettit, Makuka, Welsh, Jacques

Opposed: None

Abstain: Nicholson

Applications:

#7-14 –KJDS Ice, Inc., (Kristina Dera), Block 901.01, Lot 10

Minor Site Plan Review & Bulk Variances

Michael Ridgway, Esq. – Applicant Attorney

Kristina Dera – Applicant

Mr. Ridgway Introduced himself to the Board along with introducing Ms. Kristina Dera. Mr. Germano swore in Ms. Dera. Mr. Ridgway gave overview of the application. The building has some pre-existing bulk variances. The building was previously used as a beauty salon but it has been vacant for about 4 or 5 years. Ms. Dera proposes a Rita's Water Ice shop within this building. Ms. Dera checked with the town for permission of the use within the town ordinance and the town told her it's a permitted use. Mr. Ridgway made application and read over the definitions within the ordinance and he became concerned so he requested some past resolutions from the same Community Commercial Zone. The Dunkin Donuts and the Subway shop were approved in 2004 indicating that these uses are allowed in the zone. Mr. Ridgway interprets the ordinance to not allow fast food restaurants but other similar uses are allowed. Therefore being Rita's Water Ice is not a restaurant per say, they've come before the Board for interpretation to indicate whether or not Rita's Water Ice will fit within the description of the use as did the Dunkin Donuts and Subway. Mr. Germano indicated that the Zoning Ordinance defines restaurant, fast

food and drive thru. Fast foods and Drive- thru are not permitted. If this Board determines that Rita's Water Ice fits one or more definitions, then this use is not permitted and it would be under the Zoning Board's jurisdiction. Chair Jacques asked if candy/confectionary shop or bakery is allowed under the ordinance. Mr. Germano replied candy but not confectionary is permitted and bakery is permitted. He also indicated that it was the Planning Board that approved the Dunkin Donuts and the Subway while this ordinance was on the books. Mr. Germano further indicated to think about what those operations are and read the definitions so you ask yourself, how did the Planning Board take jurisdiction for the Dunkin Donuts and Subway. So Mr. Germano stated that what those 2 places and this place have in common is that there is no drive-thru for any of them. It's possible that is how the Planning Board looked at those places in 2004.

Mr. Germano asked Ms. Dera if tables will exist. Mr. Ridgway replied that normally tables do not exist but they can exist. Ms. Dera indicated that her Mt. Laurel store has tables inside and outside. Mr. Marinello asked if the shop will be seasonal and Ms. Dera replied that it would be open from March 1st to the 3rd Sunday in September. Chair asked if Rita's serves other food stuffs. Ms. Dera replied maybe sandwiches but she doesn't want to serve other than water ice and ice cream. Mr. Hlubik asked about set up of the window or walk inside. Ms. Dera replied that customers would walk in about 10-15' to a counter, get served and then go.

Further Board Discussion of whether or not the applicant shall be heard by this Board.

Chair Jacques called for vote of that this Board does have jurisdiction and it doesn't come within these definitions because there is no drive-thru. Mr. Hlubik motioned to accept, seconded by Mr. Marinello

All in favor: Marinello, Hlubik, Dunn, Nicholson, Bauma, Pettit, Makuka, Welsh, Jacques

Opposed: None

Mr. Germano indicated that Mr. Ridgway advertised for the many variances and the last time this building was approved, it was approved for a beauty salon. Mr. Germano further indicated the variance goes with the land and previous variances were needed because of the constraints of the lot. The prior applicant had purchased an easement from his neighbor, owner of the Liquor Loft. Mr. Ridgway indicated that neighbor who owns the Liquor Loft, is present this evening and he now owns this lot which he purchased at the end of the 2014. Mr. Sanjiv Chandel was sworn in by Mr. Germano.

Mr. Ridgway proceeded with testimony from Mr. Chandel regarding the easement.

Mr. Richter read his January 13, 2015 review letter in full. Under Completeness Review, item #8, Mr. Richter requested testimony concerning any proposed changes. Mr. Ridgway indicated that there will be no exterior changes but they will have a sign less than 32 sq. ft. out front. It was determined that only a building permit would be needed. Only internal changes are the addition of counters.

Mr. Richter read further along to the Zoning section. Mr. Ridgway provided photos listed as Exhibit A1; a 2 page sketch; the facade of the building; and an aerial. As per the plans Ms. Dera and Mr. Ridgway addressed the testimony for item #3 such as loading zone and garbage pickup location. As for the loading zone, a delivery truck will come once a week depending on the season. There will be no backing out onto Route 206; instead, the truck will leave around back through the Liquor Loft to Route 206. Trash pickup will be shared with the Liquor Loft. Item #7 speaks to signage which is displayed in Exhibits A2 through A5.

In the Site Plan section, Ms. Dera addressed the following: Hours of operation will be 12noon to 9pm throughout the spring and 12noon to 10pm from Memorial Day to Labor Day. The busiest hours are between 7pm to 9pm after dinner. The daytime hours are very quiet. They'll be open from March 1st to mid-September, the 3rd Sunday. Three employees will be working evening hours. Mr. Makuka asked about the volume of customers between 7pm to 9pm. Ms. Dera responded that it depends on the weather and it's hard to say. She feels they will park, come in for service and leave. Mr. Makuka also asked if she feels anyone would park on the shoulder lane. Ms. Dera doesn't anticipate the customers to park on the road shoulder. Chair feels it never happened previously so it won't most likely happen. Mr. Richter completed the reading of his review letter. Mr. Hlubik suggested a "No Parking"

sign from the State for the curb. Mr. Germano said the State may get an Engineer to review it. Mr. Ridgway will follow up with a letter for a "No Parking sign". The volume of customers was asked by Mr. Makuka. Ms. Dera replied that it depends on the weather; it's hard to say.

Chair Jacques asked the Board for any other questions. Being no other questions, Chair opened the floor to public comment. Being no public comment, Mr. Bauma motioned to close, seconded by Mr. Dunn.

All in favor: Marinello, Hlubik, Dunn, Nicholson, Bauma, Pettit, Makuka, Welsh, Jacques

Opposed: None

Chair Jacques asked the Board for a motion to approve the application. Mr. Marinello motioned to approve, seconded by Mr. Pettit

Roll Call:

All in favor: Marinello, Hlubik, Dunn, Nicholson, Bauma, Pettit, Makuka, Welsh, Jacques

Opposed: None

#8-14 –Columbus Farmers Market, LLC, Block 801, Lot 4.01

Site Plan Waiver

Barbara E. Riefberg, Esq. – Applicant Attorney

John Ackerman - Applicant

Charles Pratt – Applicant

Ms. Riefberg introduced herself to the Board along with introducing Mr. Ackerman and Mr. Pratt. Mr. Germano swore in Mr. Ackerman and Mr. Pratt. Mr. Pratt gave overview of the application. Mr. Pratt indicated that they have always had problems in the green building in the walkway past the Chinese restaurant, behind the old wicker place where the hallway ended. Their thought was to run the hallway straight back through the building and have additional square footage on the other side of there so the hallway didn't just come to a dead end. The additional area of the building will have a mixed use of vendors and hopefully some food vendors back in there. The additional square footage for parking will be about 9 to 10 parking spots which need to be done if the entire market was redone. Being there are no signed leases as of yet, they don't know what they are renting so it's hard to tell the parking space that will be required. Ms. Riefberg interjected that there is not a shortage of parking by any means. Mr. Ackerman indicated that they have a shared agreement with the Burlington County Farm Fair where they use the Market's parking and if need be, the Market could use their parking but he doesn't foresee it happening and they've never ran out of parking spaces.

Mr. Ackerman indicated that they met with the 9 of the 10 tenants that they lost due to the fire; all mom and pop operations. These vendors have been there for many, many years. Out of the original 10 vendors, 7 will come back. Mr. Ackerman thanked everyone at the local municipality for their cooperation and help. Mr. Pratt said the building department has been wonderful with getting the permits to keep things moving.

Mr. Richter summarized his January 14, 2015 review letter. Mr. Germano indicated that when looking at a site plan waiver request, the question is "What will the site plan effect?" If there's no effect on parking; circulation; drainage; lighting and landscaping, then a waiver could be granted. These are the principals of what to look at when considering granting a site plan waiver.

Chair Jacques asked the Board for any other questions. Being no other questions, Chair opened the floor to public comment. Being no public comment, Mr. Pettit motioned to close, seconded by Mr. Dunn.

All in favor: Marinello, Hlubik, Dunn, Nicholson, Bauma, Pettit, Makuka, Welsh, Jacques

Opposed: None

Chair Jacques asked the Board for a motion to approve the site plan waiver. Mr. Pettit motioned to approve, seconded by Mr. Marinello

Roll Call:

All in favor: Marinello, Hlubik, Dunn, Nicholson, Bauma, Pettit, Makuka, Welsh, Jacques

Opposed: None

Ms. Riefberg filed notice and Mr. Germano indicated that the town ordinance doesn't require notice for a site plan waiver. Ms. Neifbert indicated that she felt better safe than sorry. Mr. Germano asked for Ms. Riefberg to email the notice to him and he'll forward it to the Board Secretary.

Resolution:

#5-14 –Moose Run Development, LLC, Block 2106, Lot 2.01

Final Major Subdivision

Chair Jacques called for approval of said resolution. Mrs. Nicholson motioned to adopt said resolution, seconded by Mr. Bauma

All in favor: Marinello, Hlubik, Nicholson, Bauma, Makuka, Jacques

Opposed: None

Correspondence:

- Robert Kingsbury re: Block, Lot 1.02, Lippincott
- Denis Germano in response to Mr. Kingsbury

Mr. Germano indicated that Mr. Kingsbury asked for a 90 day extension on the subdivision deeds for his client, Mr. Lippincott, to file the deeds. Although, the Permit Extension Act expired on December 31, 2014, the Act provides that an approval period of any approval in existence while the Act was in effect was suspended until that date. Mr. Lippincott's 190 days to file his deeds began to run on January 1, 2015 and the Act indicates that the filing cannot run past 6 months; then Mr. Lippincott now has to June 30, 2015 to file his subdivision deeds. The Board Secretary and Chair may sign the deeds.

Other Business:

None

Public Comment:

Chair Jacques opened the floor to public comment. Being no public comment, Mr. Marinello motioned to close, seconded by Mr. Hlubik

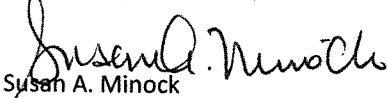
All in favor: Marinello, Hlubik, Dunn, Bauma, Makuka, Pettit, Welsh, Jacques

Opposed: None

Adjournment:

Mrs. Nicholson motioned to adjourn, seconded by Mr. Dunn Motion carried unanimously. Meeting adjourned at 8:42 pm.

Respectfully submitted,



Susan A. Minock
Planning Board Secretary