

Springfield Township Planning Board Meeting Minutes
October 16, 2018

Chair Jacques called the meeting to order at 7:30 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 10, 2018;

- 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 the Trenton Times.
- 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	Absent
Theresa Nicholson	Absent
William Bauma	Present
Stephen Makuka	Present
Richard Toone, 1 st Alternate	Present
Vacant, 2 nd Alternate	

Also present were Board Solicitor, Denis C. Germano, Esq. and Twp Planner Edward E. Fox III, AICP, PP

Minutes:

June 6, 2018

Mr. Hlubik motioned to approve minutes as typos corrected; seconded by Mr. Toone. All in favor. Motioned passed.

July 17, 2018

Mr. Hlubik motioned to approve minutes; seconded by Mr. Bauma. All in favor. Abstained: Marinello, Makuka. Motioned passed.

Review:

- Review of Redevelopment Plan for a Portion of Tilghman's Corner - Block 2107, Lot 2

Chair asked the Board if all had the opportunity to review the plan. Being all Members were ready, Mr. Ed Fox took the floor to present his credentials as a Sr. Planner from Environmental Resolution standing in for the regular Township Planner for this meeting. Mr. Germano acknowledged that Mr. Fox's credentials are sufficient as Planner. Mr. Germano swore in Mr. Fox.

Mr. Germano gave overview of redevelopment to review each property one at a time. With that being said a property owner can approach the Governing Body with an idea to redevelop a piece of land and if the Governing Body finds it would be positive for the Township, it can be approved through way of redevelopment agreement. Redevelopment gives the town more control over development. Mr. Marinello asked when it says approved or disapproved, does that include the setting of the site of to how things are laid out on it or just overall approval of the project. Mr. Germano asked Mr. Marinello if he is talking about tonight. Mr. Marinello replied as yes. Mr. Germano proceeded to explain it is the role of the Board to decide whether or not the proposal, the standards and

what is to be done on the property is generally, substantially consistent with the Master Plan. The Board is not approving anything. Mr. Marinello asked if the final plan would come back before the Governing Body. Mr. Germano agreed.

Mr. Fox indicated that this plan before the Board tonight contains an area in need of redevelopment. There are different parts of a redevelopment plan that are mandatory. First being a relationship to the local objectives which sort of says how does this compare to your existing Master Plan. Then a section that talks about proposed land uses and building requirements. That is sort of rewriting the zoning rules to make something work here and if the Board is recommending to the Governing Body that this plan is consistent with the Master Plan, the Governing Body would adopt this by ordinance which would supersede the existing zoning. When an applicant comes back to the Board, the applicant would still go through the same process. So, this is the general rules to rewrite the zoning.

Mr. Fox further indicated there is a provision for relocation pertaining to any existing housing units on that property. However, this is not an issue for this situation. Then there is a section talking about identification of properties to be acquired but in this case, there are no properties being condemned or acquired. There is another section talking about relationship to other plans such as those in adjacent towns such as Chesterfield and including State plans, County plans and relationships on the Municipal Land Use Law. There are provisions for affordable housing, although this is not an area zoned for housing.

Mr. Fox indicated he will focus on the relationship to this plan and to other plans. Through the different Master Plans and Master Plan Elements, the last area looked at was the Master Plan Element in 2005 which spoke of the land use goals and visions. The Township has not focused on Tilghman's Corner, Chamber's Corner or the 206 Corridor so there is not a lot in those plans which talk about the commercial and economic development in those areas. Instead, the Element talks about the preservation of farm land and quality of farm life.

Mr. Fox proceeded to list the land use goals and objectives as follows:

- Protect the future viability of ag as an industry
- Preserve the Township's prime soils and productive farmland
- Protect the equity of land owners
- Protect the substantial public investment made of preserved farms
- Protect the hydra duct soils and ground water and surface water and supply
- Provide suitable areas for housing construction
- Perhaps the most applicable one is to protect the community's character as an attractive, historic and rural environment

With that being said, there is nothing that applies to commercial development at Tilghman's Corner per Mr. Fox.

In the 2005 Land Use Element, there is a section that talks about Tilghman's Corner indicating it is between rural and suburban land use. Mr. Fox indicted the diner, motel and gas station are not found in a rural area. The Land Use Element talked about a farm land area to the south of Tilghman's Corner and make it a rural growth center but that may have superseded by the judgement of the TDR.

Mr. Fox further indicated on page 22 of the Land Use Plan Element, it talks about the Community Commercial (CC) zone which Tilghman's Corner is located. The purpose is to permit moderately sized commercial units that serve the local community. With that being said, would this be a moderately sized commercial unit to serve the community Mr. Fox prosed to the Board.

Mr. Fox further indicated the relationship to other plans such as the 2017 Chesterfield Township Re-examination report with amendment that expanded a commercial node at the other side of this area. They anticipated they would try to rezone their AG zone district into a Commercial district. Chesterfield has the TDR (Transfer Development Rights) program and some parcels are allocated different developmental credits/rights. Mr. Fox has no documentation indicating that this piece of property has any with any rights since it identifies as a

forestry/residential piece. It's a residential-commercial piece so Mr. Fox doesn't believe it's part of the TDR program. In the Chesterfield Township Ordinance 2017-17, they rezoned the property to a commercial zoning district. They allow food markets with gasoline pumps/fuel dispensing facilities. Mr. Marinello asked Mr. Fox if that was something proposed to Chesterfield as a plan for this so they're aware of what is happening here. Chair replied they are aware of what's happening here. The developer did go to Chesterfield with their proposal concept the same way they came to us.

Mr. Fox indicated in terms of Burlington County, it does not have a County Master Plan. However, the County has different regional plans and one of the regional plans part of the regional plan that Springfield is in is the same as Chesterfield; the Northern Burlington County Growth and Preservation Plan or GAP Plan. That plan identifies Tilghman's Corner as a commercial node. In terms of being specific of the County Plan, it is consistent and consistent with Chesterfield. In terms of the State and State Redevelopment Plan, in 2001, they identified this as a commercial node. There was a State draft final approval plan that identified 4 goals of mostly economic development goals. Certain areas of the State would identify with development to allow for other portions to be identified as preservation for farmland, environmental protection, etc. Mr. Fox gave further overview of the State Plan including Tactical Alignment of Government. The lining of the 2 municipalities working together along with the County will require approval of the 3 entities. There is consistency with the State Plan per Mr. Fox.

Mr. Fox indicated that page 9 of the Redevelopment Plan relates to the Municipal Land Use Law purposes of planning. A guide for appropriate development to make sure the town protects our neighbors and provide appropriate areas with uses like houses and ag. To try to promote a desirable visual environment to have created developmental techniques and this redevelopment plan is one of those creative developmental techniques.

In Mr. Fox's professional opinion, in terms of whether it is consistent with the local objectives of the municipality as much as it talks about it, Mr. Fox believes it is consistent. In terms of other plans as the Chesterfield plan, the Burlington County Growth and Preservation Plan, the State Redevelopment Plan and the Municipal Land Use Law, it is consistent with all. Also, the plan does not provide for relocation in housing nor provides for making more affordable housing.

Mr. Fox proceeded with the Proposed Land Uses and Building Requirements on page 4 of the Redevelopment Plan. The principal use for this area is the convenience store use which is permitted and a conditional use which is gasoline service station. Since the zoning ordinance only allows for one principal use and one principal building lot, the Redevelopment Plan proposes to work in modern day to have the 2 buildings on 1 lot consisting of a huge canopy for pumps and the convenience store. There is a new definition for having the convenience store with fuel pumps as the 2 operating as 1 business; the convenience store includes food and drink products, household items, newspapers, magazines, soups, sandwiches and salads. It does not include fast food like burgers. It says specifically that one can only get these uses when the 2 municipalities work together in 1 concerted developmental site plan. Mr. Fox gave the example of EP Henry. There is a list of accessory uses mostly relating to gasoline service stations with air pumps, trash enclosures and signage, etc.

On page 5, the Zoning and Bulk Standards, the standards are already written in ordinance for the Community-Commercial zone. The minimum front yard setback is the only difference. Currently, it's 50' for buildings/structures and the Redevelopment Plan has a 30' front yard setback for buildings/structures.

For Signage in the current ordinance, allowable is 1 free standing or wall mounted sign as long as it is less than or equal to 10% of the façade square feet. In terms of the freestanding signs, the maximum number of signs is 1 per street front which is the same that currently exists in the CC zone. The maximum area of the signs is 100 sq. ft each and currently, it's 32 sq. ft. Maximum height is the same. There is a typographical error for the setback area that should indicate 20'. In terms of wall mounted signs, the plan shows for 1 per façade with an entrance. Currently is similar. The maximum area is 10% of the area of the face of the wall upon which the sign is attached. Currently 20% is allowed so it's half of what is allowed in wall size. The recommended maximum height is at or below the roofline which is the same as now. For gas station signs, there is 1 per street frontage. The current maximum area is 35 sq. ft but it's recommended for 100 sq. ft for each side of the sign. For canopy signs such

that would go over the pumps, it's recommended to have 2 spanner signs and 1 canopy sign. A spanner sign is over gas pumps; 2 of them together that displays the type of gas. It's recommended for 2 spanner signs for the site and 1 canopy sign. In terms of directional signs, it's recommended 1 entrance and 1 exit sign per driveway.

Landscaping and Buffering requirements will be maintained.

It is also recommended the Redevelopment Plan include an escape clause for the Planning Board. Most Redevelopment Plans do not allow for variances since the plan was amended/crafted specifically to make sure there were no variances. Mr. Hlubik asked if 5 pumps are going to be permitted there will be 2 spanner signs over each pump. Chair indicated that can be changed. Mr. Fox asked to proceed and to suggest afterwards. Mr. Fox proceeded with the recommended escape clause to allow to grant bulk variances.

Mr. Fox gave overview of the black and white concept plan pointing out the division line of Springfield and Chesterfield pointing out the location of pumps and underground tanks are proposed in Springfield and the building and septic are to be in Chesterfield. The bottom line is both townships need to work together or this conceptual plan cannot be done. Chesterfield may come up with something different. Mr. Marinello asked if Springfield wants something different, how would it work. Mr. Fox responded there are 2 ways. One way is we try amend the Redevelopment Plan now and if there are any other things that you have to go through the other parts of the ordinance you have to make sure you do those sorts of things. Mr. Marinello is concerned with the layout of the concept plan. Chair responded that would be like any other application, the Board would review, discuss, negotiate it and make suggestions. Mr. Germano interjected to remind the Board that when a site plan comes in where the use is permitted, the setbacks are permitted and all the design standards are obeyed, the Board can't say anything. So, if the developer comes in with a plan that conforms to all these standards, the Board cannot say no. Mr. Marinello feels the layout is the opposite of how to maintain the agricultural aesthetics so the building should be in the front and the gas pumps should be in the back. Otherwise, there would gas pumps with a lot of signs and lights so it should be reversed. Chair indicated that the Board will need to come up with a creative way to completely redo the ordinance with the setbacks to enforce it. Mr. Marinello feels all the setbacks would match but we should go with the standard we have in our land use; does that mean we can say no because we want it a certain way laid out as opposed to this way. Mr. Germano replied as no because if it complies with the Redevelopment Plan, they can lay it out anyway they would like. The plan that Mr. Fox just went through and what the Board is looking at tonight per Mr. Germano. Mr. Marinello has interpreted Mr. Fox's overview differently. Mr. Fox indicated that if the Board feels a change is consistent with the Master Plan and would like to make a recommendation to put the building in the front, it can be done with a Redevelopment Plan. Mr. Marinello responded to keep the rural nature of the town, the building would come forward and the pumps would go behind the building to hide the industrialization of the site. Chair indicated that the Board will need to redo the Redevelopment Plan and not adopt it tonight. Mr. Germano indicated the Board can say the Redevelopment Plan is consistent with the Master Plan but there is a recommendation for some changes. The Governing Body can then say, thank you for your input but they want it left as is. Mr. Marinello indicated that he doesn't want to stall the project but he wanted to share his thoughts. Mr. Fox requested the Board to go to the next page to view the existing Wawa closer to the road and imagine installing the gas pumps in the back of the store. Further discussion of the Redevelopment Plan recommendation took place. Chair suggested to either not pass it tonight or approve it with comments to the Council to consider making changes to the Redevelopment Plan to force the structure location to be in the front. Chair reminded the Board that the developer wanted to keep the current store open while construction of the new building takes place so the developer may not agree and walk away. Mr. Fox gave dimensions of how close the building can be to the road as an example to how a changed plan would look. The setback may be 80'. Mr. Marinello feels it's set back 80' now but Chair indicated its setback is closer. Further discussion took place. Chair indicated Springfield will need to work with Chesterfield. Mr. Germano may have a negative reaction to this recommendation.

Mr. Germano indicated the Redevelopment Plan is consistent with the Master Plan but recommend that the concept plan be amended to require the structure location to be in front of the gas station. Chair indicated it would be up to the Council of what they would like to do.

Chair opened the floor for public comment. Being no public to comment, Mr. Hlubik motioned to close public comment; seconded by Mr. Toone. All in favor. Motion passed.

Mr. Marinello motioned to accept Redevelopment Plan as indicated by Mr. Germano, seconded by Mr. Toone. Mr. Makuka asked if the Council can accept the plan as is or modify the plan, can the applicant do what they want. Chair indicated the Planning Board makes recommendations on Land Use matters. The Council always passes the ordinance; the Council always has final say. So, if Council chooses to not make changes to the ordinance to force the location on the building, then that's Council's decision and Council is going against the Board's recommendation. Therefore, the applicant can do whatever Council has allowed or not. Council has the final say unless the Board says no, then they can do their own Redevelopment Plan. Mr. Germano gave example of Council overruling in a case in MLUL.

Roll Call:

Aye: Marinello, Hlubik, Bauma, Makuka, Toone & Jacques

Nay: None

Abstain: None

Resolution:

Resolution 2018-28 – Recommending the Adoption of a Redevelopment for a Portion of an Area in Need of Redevelopment – Tilghman's Corner, Block 2108, Lot 2

The resolution was not passed due to the recommendation of the Board for amendment.

Correspondence:

- Burlington County Farmland Preservation Program Acquisition Targeting List (ATL)

Chair indicated the ATL is the same as it ever was unless the Board has any recommendations for changes, deletions or additions to the County. Chair asked the Board for any changes. No changes.

Chair indicated that the Council has asked the Board to look at any noncontiguous density transfers that the Board had proposed in a Master Plan amendment a number of years ago. Since there has been changes to the law, the Council is directing the Board to review it. Chair will get copies of that discussion and that portion of the Master Plan for the Board to review.

Public Comment:

Chair opened the floor to public comment.

- Mr. Fox stepped forward to indicate that he worked with North Hanover Township on the TDR program and he found that TDR works for those who like to live in McMansions out in the country but it doesn't work really doesn't work that much for folks who are so far out from Philadelphia, Newark and Princeton. So, when it's designed properly, it can work to preserve those things that you wish to preserve. You get to preserve more land as an option because TDR really doesn't work as well as it could.
- Mayor McDaniel of Heritage Drive approached the Board. Regarding the noncontiguous density transfer, at the same time the Council adopted that, the Council also adopted the 10-acre zoning in most of the town and the town was sued. The court said the town can do the 10-acre zoning but the town cannot do the noncontiguous density transfer. The developer put themselves in a hole because it helped retain the land value to the land owner at the old 3-acre zoning value. A multi-year grace period was given for the land owners to do that. For those who didn't do it, they lost that value when the court kicked out that noncontiguous density transfer. This brings back value to those land owners with minimal risk of rampid development like we saw in Chesterfield which is not something we want to do. If the Planning Board

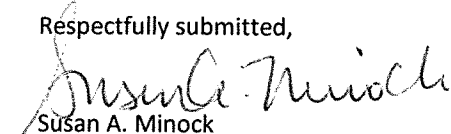
needs a budget for this study/work for 2019, the budget work begins in November. So, if a budget request can be made to the Township Manager and Mayor and Council, it will be reviewed.

Being there was no Public Comment, Mr. Toone motioned to close, seconded by Mr. Makuka. All in favor. Motion passed.

Adjournment:

Chair called for motion to adjourn. Mr. Toone motioned to adjourn, seconded by Mr. Makuka. Motion carried unanimously. Meeting adjourned at 8:39 pm.

Respectfully submitted,



Susan A. Minock
Planning Board Secretary