

**Merchantville Joint Land Use Board Meeting
Tuesday, January 8, 2013**

The regular meeting of the Joint Land Use Board of the Borough of Merchantville took place at Borough Hall on Tuesday evening, January 8, 2013 at 7:30 p.m. In attendance were the following: Chairman Patrick Brennan, Vice-Chairman William Lammey, Mayor Frank North, Councilperson Steven Volkert, Steven Selverian, James Kelly, William Watson, Joseph Miraglia, James Uricchio, Marvin Gaskill, Nick DiMatteo and Robert Hannah.

The first order of business was the reorganization of the Board. Upon motions duly made and seconded, the Board appointed the following individuals to the following positions:

Chairman:	Patrick Brennan
Vice Chairman:	William Lammey
Board Secretary:	Steven Selverian
Board Solicitor:	Matthew Madden, Esquire—Madden & Madden, P.A.
Board Engineer:	Robert Hunter, P.E.—Environmental Resolutions, Inc.

Following the above appointments, the oaths of office were given by Solicitor Madden to the above noted individuals in addition to Councilman Volkert (1 year term), William Watson (1 year term) and Alternate Member Robert Hannah (4 year term).

The second order of business was the application of Westfield Avenue Associates, LLC d/b/a NovaCare Rehabilitation for change of use approval for the property located at 20 West Maple Avenue and designated on the municipal tax map as Block 26, Lot 2.01. Appearing on behalf of the applicant were Donna Waller the proposed operator and Nick Tyson, the Applicant's Registered Architect.

The representatives of the applicant testified that they seek change of use approval and site plan waiver approval permitting the renovation of the property to convert same to contain offices and examination rooms for NovaCare Rehabilitation, a physical therapy center. NovaCare currently has over nine hundred (900) outpatient facilities. The Property was previously the offices for the Merchantville Pennsauken Water Commission. The proposal results in a conversion from a business use to a professional use. The Applicant does not propose any exterior modifications with the exception of signage with the Applicant acknowledging that any sign application would have to go before the Borough of Merchantville Historic Preservation Commission. The Applicant proposes interior renovations in order to install offices and examination rooms. The hours of operation will be between 8:00 AM and 7:00 PM, Monday through Friday with no weekend hours proposed except in cases of emergency. The Applicant does not anticipate any alterations to the parking lot.

The hearing was then opened to the public for questions or comments and no members of the public appeared to testify or question the applicant.

Mr. Lammey then made a motion to approve the application based upon the applicant's testimony which motion was seconded and unanimously passed.

The next order of business was a presentation by Mara Wuebker, P.P., A.I.C.P. of Ragan Design Group Planning, LLC ("Ragan") with respect to an amendment to the Town Center East Redevelopment Plan which was proposed by Fieldstone Associates, LP. Also in attendance were James Maley, Esquire, special redevelopment counsel appointed by the Borough.

Mr. Maley introduced Ms. Wuebker and summarized the matter noting that Borough Council adopted a resolution in July of 2011 requesting that the Joint Land Use Board review the proposed amendment and provide recommendations to Borough Council regarding same. Ragan was then charged with the task of reviewing the proposed amendment to determine if same was consistent with the Borough Master Plan. Thereafter, Ragan issued a report dated January 3, 2013.

Ms. Wuebker then reviewed the findings of her January 3, 2013 report. Ms. Wuebker testified that it was her professional opinion that the proposed amendment was inconsistent with the Master Plan in various respects. Specifically, Ms. Wuebker testified that the inconsistencies with the Master Plan are the results of the proposed changes to the permitted uses in the redevelopment area, the alterations to allowable building heights and the proposed alterations to parking requirements.

Ms. Wuebker testified that the proposed alterations to the permitted uses were inconsistent in that same allowed residential uses to be the primary permitted uses noting that residential uses should be ancillary to commercial uses which should be located on the first floors of any proposed development. Ms. Wuebker noted that the redevelopment plan envisions a mix of uses, non-residential uses on the ground level and residential uses on upper floors and that the proposed amendment was inconsistent with that vision. Further, Ms. Wuebker testified that the proposed amendment was similarly inconsistent with the Master Plan for identical reasons as the inconsistencies with the redevelopment plan.

With respect to her analysis of the consistency of the proposed amendment with respect to alterations to building height, Ms. Wuebker testified that such proposal was inconsistent with the Master Plan in that the blanket 48' maximum was contrary to the design guidelines in the Land Use Plan element of the Master Plan.

With respect to her analysis of the consistency of the proposed amendment with respect to alterations to parking requirements, Ms. Wuebker testified that such proposal was inconsistent with the redevelopment plan in that it has the potential to thwart one of the underlying goals of the redevelopment plan, namely, to provide expanded off street parking opportunities. Ms. Wuebker testified that the proposed amendment has the potential to usurp a large portion of public off-street parking that services commercial storefronts on Center Street for private parking and to diminish parking opportunities rather than expanding parking opportunities in the redevelopment area and is therefore inconsistent with the redevelopment plan. Ms. Wuebker further testified that such proposal was inconsistent with the Master Plan in that Land Use Plan element of the Master Plan recognizes that the provision of adequate parking in the downtown is linked to downtown

revitalization. Ms. Wuebker testified that a minimum amount of convenient off street parking is essential to the economic viability and success of the retail business on Center Street and that the proposed amendment was contrary to the vision of the Master Plan.

The Board Solicitor then instructed the Board on the task with which the Board was charged, namely, the review of the proposed amendment to the redevelopment and provision of recommendations to the Governing Body. The Board Solicitor further instructed the Board that the Board was acting in an advisory capacity to the Governing Body and that the review to be conducted included a review of whether the proposed amendment was consistent with the Master Plan including any other matters deemed appropriate by the Board.

The Board then conducted a vote with respect to providing the Board recommendation to the Borough Council pursuant to N.J.S.A. 40A:12A-7(e) and a motion was made by William Lammey and Seconded by Joseph Miraglia to adopts the findings of the Ragan Report in their entirety, specifically noting that the proposed amendments to the redevelopment plan were inconsistent with the Master Plan, the Redevelopment Plan and the Parking Study. Said motion was approved unanimously with Mayor Frank North and Councilman Steven Volkert recusing themselves from consideration of and voting on recommendations concerning the proposed amendment to the redevelopment plan.

There being no further business to be brought before the Board, the meeting was thereafter adjourned.

Matthew P. Madden, Solicitor