



## MINUTES

### MERCHANTVILLE JOINT LAND USE BOARD

Borough Hall Council Chambers

1 West Maple Avenue, Merchantville, NJ 08109

Tuesday, January 8, 2019, 7:30pm

1. **CALL TO ORDER.** The Chairman called the meeting to order at 7:31pm.
2. **OPEN PUBLIC MEETINGS ACT.** The Chairman announced that notice of the meeting has been provided in accordance with Open Public Meetings Act.
3. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE.** The Chairman led the pledge of allegiance and moment of silence.
4. **ROLL CALL.** The following Board members were present: Eric Benjamin, Patrick Brennan, Scott DiSimone, Sean Fitzgerald, Bill Lammey, James Uricchio, and Mara Wuebker. Jessica Stewart arrived to the meeting at 7:42 pm. Matthew Madden, the Board Solicitor, and Jeff Hanson, the Board Engineer were also present. Raymond Woods, a new Board appointee, was also present. The following members were not present: Louis Fiume and Daniel Licata.
5. **REORGANIZATION**
  - Swearing-in of new member(s). Mr. Madden passed out oaths for all new or reappointed Board members and were collectively sworn in. Mr. Woods was sworn in as a new member, while Mr. Uricchio, Mr. Fitzgerald, and Ms. Wuebker were sworn in as reappointed members of the Board.
  - Election of Officers A motion was made by Mr. Lammey and seconded by Mr. Uricchio to elect Mr. Brennan as the Chairman; all members present voted in favor. A motion was made by Mr. Uricchio to elect Mr. Lammey as the Vice-Chairman, which was seconded by Mr. Brennan; all members present voted in favor. A motion was made by Mr. Brennan and seconded by Mr. Uricchio to elect Ms. Wuebker as the secretary; all members present voted in favor.
  - Professional Appointments. Mr. Lammey made a motion to appoint Mr. Madden of Madden and Madden as the Board Solicitor, and to appoint Mr. Hanson of Environmental Resolutions Inc., as the Board Engineer, which was seconded by Mr. Uricchio; all members present voted in favor.
  - 2019 meeting dates. The board discussed the 2019 meeting dates that were available for viewing on the chrome book. The Chairman discussed that there are second meetings of the month built into the schedule in the event there are busy months, or if there is inclement weather. A motion was made by Mr. Lammey to approve the meeting dates, which was seconded by Mr. Uricchio. All members present voted in favor.

## 6. OLD BUSINESS

- Approval of August 14, 2018 Meeting Minutes - There was a discussion that the Board hadn't met the past few months. Mr. Lammey made a motion to approve the meeting minutes, which was seconded by Mr. Benjamin. The following members voted in favor: Chairman Brennan, Mr. Lammey, Mr. Uricchio, Ms. Stewart, and Mr. Benjamin. Mr. DeSimone and Mr. Woods abstained, as they were not present for the August meeting.

## 7. NEW BUSINESS

- Proposed 'Joint Land Use Board Application' Packet – The chairman summarized the need for the new application and application package; Ms. Wuebker worked with Mr. Hanson on amending the document and the Chairman feels it is a good document. There is a desire to clarify items in the packet, make it more user-friendly, and also to include needed zoning topics that are currently not asked in the application, while removing some zoning questions that are not pertinent to our zoning ordinance. Mr. Madden explained that changes to the application and checklist need to occur via a Zoning Ordinance amendment. He is willing to put it in ordinance form, if Mr. Higgins, the Council Solicitor, desires him to assist in this manner.

Mr. Lammey asked whether the fees are on par with other communities. Mr. Madden indicated that the fees were already adopted by Council a few months ago. Ms. Wuebker explained that the application packet reflects the recent change to Chapter 25 fees that were made to various department fees. Ms. Wuebker further explained that escrow fees were increased as a result of the challenges the Borough has in trying to chase after escrow fees from applicants for the Board's professionals review because the escrows were not replenished. The initial escrow amount was too low. There are also other situations where fees were actually reduced if it was not anticipated that there would be involvement of the Board Engineer – such as change of permitted uses, where there are no exterior changes or site plan review. This will be more business-friendly. Mr. Brennan indicated that our fees are similar to other surrounding communities, like Haddonfield and Collingswood. While we want to make the process user-friendly, we also need to make sure we are doing our job.

Ms. Wuebker explained that the Board also needs to consider whether the application is consistent with Master Plan, as required for all proposed land use ordinance amendments. It is her opinion that the application package is consistent with the master plan – because it helps implement it, and that there isn't anything in the package that is contrary to the Master Plan. Ms. Wuebker says that while she was reviewing the packet today, she saw some minor tweaks that are needed, but the Board can still move forward tonight if it desires. Mr. Madden indicated that he prepared a resolution. The Chairman asked whether the Board wanted to entertain a motion. Mr. Lammey made a motion to recommend Council incorporate the new application and checklist into the ordinance, which was seconded by Ms. Stewart. All members present voted in favor.

8. **PUBLIC COMMENTS.** No members of the public were present.

## 9. PROFESSIONAL COMMENTS

NJPO Training for new member(s) – Ms. Wuebker sent Mr. Woods info on upcoming NJPO Training classes. Mr. DeSimone indicated that he also needs training. She will send him the information.

Storm water training – the Chairman would like to do it at the February meeting. He feels it is very helpful training and will be especially useful when reviewing upcoming development. Mr. Hanson indicated he will not be available at the February meeting. The group will watch the video on the big screen, follow along on the chrome books, and then take the quiz at the end individually on the chrome books.

Municipal Excess Liability JIF Board Training – On the same evening in February, Mr. Madden will provide the JIF Training to the Board.

Annual Zoning Board Report to Council – Mr. Madden has prepared an annual zoning board report to council, summarizing the various matters the Board heard in 2018, which is a statutory requirement. The Chairman explained that the report lets Council know what matters the Board has reviewed and their outcome. Mr. Madden said while it's a good time to reflect on the matters the Board has heard and to make any recommendations to Council on needed Zoning Ordinance changes, the Board is not restricted to doing it just at this time. It can make recommendations to Council at any time.

Ms. Wuebker indicated that the two most frequent matters she sees are the maximum 4' fence regulation and signage. Some residents are becoming crafty in trying to skirt around the 4' max requirement by buying Walmart-type of pools that are up for a few months in the summer and taken down in the winter in order to get a higher fence height. Mr. Madden stated that one solution is to eliminate the requirement of a 5' min – 6' maximum height fence for a pool at all. A board member questioned whether the construction code requires the 5' minimum height, but Ms. Wuebker indicated that it does not. The 5'-6' is a local preference. She believes the UCC has a 4' requirement, but requires a higher height for the latch of the gate, etc. With regard to the sign ordinance, it needs some clarification, some tweaking, and elimination of inconsistencies.

She also mentioned that the Board professionals have internally deliberated whether a shed is considered a building. Mr. Lamme says a shed is definitely a building. Ms. Wuebker stated that a building permit is not needed for a shed that is 200 SF or less under the UCC and that the focus should not really be whether a shed is a building, but rather what are we trying to achieve with the maximum requirements. She indicated there are 3 categories: maximum building coverage, maximum accessory structure coverage, and maximum improvement coverage. Sheds are currently counted in all 3 categories. Should they be? Presumably, maximum building coverage is to prevent McMansions. Maximum accessory structure is to prevent cluttering of yards, and maximum improvement coverage is mostly concerned about impervious coverage. Should sheds continue to be counted towards building coverage, or is the maximum accessory structure coverage sufficient to address that concern?

Board members and the Board Engineer discussed impervious coverage. Some communities do not include decks in impervious coverage calculations because there are spaces in between the decking that allow water to penetrate into the soil. Mr. Hanson indicated that Merchantville's ordinance considers any change to the natural condition of the land (stones, decks, etc) to be included.

Ms. Wuebker explained that over the past year, she has compiled a list of changes that are needed in the Zoning Ordinance – some are clearing up inconsistencies, some are corrections, and others are tweaks. She intends to recommend various amendments to the Zoning Ordinance that she will discuss with the Board in upcoming months. The Chairman

says that it's not just Ms. Wuebker's responsibility but also the Board's responsibility. He wants to ensure that our zoning ordinance still continues to protect the aesthetics of neighborhoods, property values, and promote good neighborly relations.

A Board member indicated that the size of accessory structures has also been a frequent matter the Board sees. Mr. Madden indicated that he was surprised that the Board allowed one of the applicants this year to double the area that was allowed for a shed. Ms. Wuebker said that the Board should evaluate whether 100' SF max is the appropriate sizes for sheds.

These types of matters will be discussed in upcoming meetings.

**10. BOARD COMMENTS**

- 11. ADJOURNMENT.** A motion was made by Mr. Brennan and seconded by Mr. Uricchio to adjourn the meeting at approximately 8:20pm.