

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD  
MINUTES**

**Time: 7:30 PM**

**Wednesday, December 7, 2016**

**1. Call to Order**

The meeting was called to order at 7:30 PM by Mr. Katz.

**2. Flag Salute**

All participated in the Flag Salute

**3. Sunshine Law**

Notice of this meeting was published in accordance with the Open Public Meetings Act By posting on the municipal bulletin board, publication in The Burlington County Times and Courier-Post Newspapers, and by filing a copy with the Municipal Clerk

**4. Announcement of “No new business after 11:00 PM”**

**5. Roll call**

Present: Mr. Krollfeifer, Mr. Clauss (left 8:30pm), Mrs. Kelley, Mr. McKay,  
Mr. Dodulik, Mr. Lynch, Mr. Selb, Mrs. Tyndale, Mrs. Baggio, Mr. Katz

Absent:

Also Present: Robert Kingsbury, Esq., Board Attorney  
Mara Wuebker, Board Planner  
Kathy Newcomb, Zoning Officer  
Paula Tiver, Board Secretary

**6. Items for Business**

**A. Case 16-12: Robert T Winzinger, Inc.**  
**Block 73 Lot 11.01**  
**2025 Marne Highway**  
**Site plan waiver and use variance**  
**Attorney: Denis Germano**

Application is continued until January 4, 2017 at 7:30pm.

Mrs. Tiver stated this is listed on the agenda as a reminder for the public that this application will be heard at the January 4, 2017 meeting.

**B. Case 16-02A: Our Lady Queen of Peace**  
**Block 91 Lot 3**  
**Southwest corner Marne Hwy & Lumberton Road**  
**Preliminary and Final Site Plan**

**Attorney: Thomas Begley, III**

Request to continue the application until January 4, 2017 at 7:30pm.

Mr. Dodulik motioned to continue the application until January 4, 2017.

Second: Mrs. Kelley

**Roll call:** Mr. Dodulik, yes; Mrs. Kelley, yes; Mr. Krollfeifer, abstain, He has a conflict with their attorney; Mr. Clauss, yes; Mr. McKay, yes; Mrs. Tyndale, yes; Mr. Lynch, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to continue the application until the January 4, 2017 meeting.

**C. Case 16-16: Dale Cicero**

**Block 68 Lots 1 & 2**

**2221 Spruce Ave**

**Bulk variance**

Proper notice was given.

Dale Cicero, was sworn in. He would like to put a new roof on his home that he owns. The home was built in 1900's and is in bad shape. An architect did the prints and an engineer did the roofing designs. He is here due to the existing setback.

Mrs. Newcomb explained that the Land Use Board approved this home as a duplex back in 1968. She denied it due to the 2.8 to 3.3 right yard setback. The home faces the creek and is located 4.4' to 5' to the creek. He would like to raise the roof from 20' to 24' from grade. The maximum height is 35'.

Mr. McKay questioned if he was changing the pitch of the roof.

Mr. Cicero answered yes.

Mr. Katz questioned if this would be a hindrance to any neighbors.

Mr. Cicero explained that he has a neighbor that is close to him. His would still be lower than his neighbor's roof. There are no windows on that side of his neighbor's home. This would not have an impact.

Mr. Clauss asked if the foot print of the home will change.

Mr. Cicero answered no change.

Mr. Krollfeifer stated he did visit the property. There is a storage shed in the front right of the yard that is close to Spruce Ave. There appears to be appliances stored out there.

Mr. Cicero explained they removed them from the house because of the total renovation. He intends to donate the appliances.

Mr. Krollfeifer believes that it is an unattractive nuisance being across from the park. In visiting the site, the home to the east of his appears to be at least 10' higher and no windows on that side. He questioned if there are any no line of sight issues.

Mr. Cicero stated there are not. His roof will still be lower and the neighbor has no windows on that side.

Mr. Katz opened public comment.

Ray Storck, 2217 Spruce Ave, was sworn in. He has known the applicant for 25 years. Things changed when he purchased the property in late July of this year. He has concerns that he destroyed vegetation and under growth on county owned and protected land behind him. A complaint was filed with the DEP.

Mr. Selb has concerns that this issue with the DEP has nothing to do with the bulk variance.

Mr. Storck stated that Mr. Cicero proceed to demolish a good portion of the building in August 2016 without the proper building permits which were obtained on August 2, 2016. He dumped all the demolition debris on the ground in violation of the Township Ordinance. He was trying to give background information.

Mr. Selb again stated that complaints with other agencies has nothing to do with the bulk variance tonight.

Mr. Katz agreed and would like to know his opinion on the raising of the roof.

Mr. Storck had complaints on some of the debris landing in his yard. The raising of the roof will have a negative impact on his property in several ways. A higher roof line will cause a life threatening back draft in his fireplace chimney, which is located on the north, northwest side. A higher roofline will also allow for more people and greater noise. He has health issues and would have a detrimental effect on him.

Mr. Storck believes raising the roof by 4' will increase the livable space by 40 to 50%. He is familiar with the property because he was interested in purchasing the property.

Mr. Selb questioned what the height of his chimney is in relationship to Mr. Cicero's roof. How close is it?

Mr. Storck stated it is about even. In raising the roof it would be above it. It is about 10' from his property.

Mr. Selb questioned if he fears a back draft down his chimney.

Mr. Storck answered that it will with a northwest or west wind.

Mrs. Newcomb explained that in the R2 zone the side yard setback is 10'. It would be the same setback if someone came in to build a new home.

Mr. Krollfeifer questioned if his property is directly to the east and how much higher above the 24' roof line would be the top of his chimney. It looks as if his roof pitch is close to 35'. His property is the one with the boat in the front and the brush build up.

Mr. Storck answered that is his property and the chimney would be below. The roof pitch is probably around 28'. The wind is offset by his roof.

Mr. Krollfeifer commented that Mr. Cicero is proposed modifications will enhance the neighborhood. How many more residents are on the street other than the park across the street?

Mr. Storck stated that there is one other resident next to him before Mr. Cicero's other property. He stressed that this is a nonconforming use in a R2 zone. This is a bulk variance and believes it also requires a use variance since you are expanding on a nonconforming use.

Mr. Krollfeifer stated that it is up and not the footprint.

Mr. Storck commented that it is expanding the livable square foot of the apartment.

Mr. Krollfeifer commented that he is suggesting that a 4' increase in the roof is going to result in an increase of population in the building by 50%.

Mr. Storck answered yes because the way the roof us to be was it had two dormers that were approximately 10'. When you raise the 3' nee walls to 8' it would result in more livable space.

Mr. Selb questioned if he has been in the building.

Mr. Storck answered yes because he was going to buy the building.

Mr. Clauss questioned if there is any other alterations other than the height.

Mrs. Newcomb stated that what she has from the architect is a letter stating he was increasing the roof line from 20' to 24', which is what she based her denial.

Mr. McKay questioned why the roof pitch is being changed.

Mr. Cicero stated they are not expanding the living space the dimensions upstairs. Every room upstairs was used for living. You would have to lean over in certain areas due to the nee walls in certain areas. It needed a new roof so he decided to make it with 8' ceilings all the way around. There was a dormer in the kitchen area and one of the bedrooms. The living room area had nee walls so that would come down and give you a low area.

Mr. Katz questioned if he planned on renting this out to other families.

Mr. Cicero stated he planned on keeping it for himself and his family. He is retired and his sons are living in his other home. They have nowhere to stay when they come up in the summer.

Mr. Selb questioned if this would then be a single family home.

Mr. Cicero commented that he is going to leave it the way it is. This will allow for when someone comes over they would have their own privacy.

Mr. Selb questioned if a site plan would be supplied.

Mr. Kingsbury explained this is a residential property and one is not required. Mr. Selb questioned if the plans submitted shows an increase in living space, would he have to come back to the board.

Mrs. Newcomb explained that would be the Boards decision. The Board needs to decide if this is a bulk variance or is there an issue with the use.

Mr. Kingsbury asked if he was making it a single family dwelling.

Mr. Cicero stated no. He is restoring the building and bringing it up to code. He does not plan on changing the use.

Mr. McKay commented that this is a duplex that is a two story house. He questioned how it is set up.

Mr. Cicero explained that it is a kitchen, bathroom, living room, with 2 bedrooms upstairs and the same downstairs.

Mr. McKay questioned how one gets upstairs.

Mr. Cicero stated there are stairs inside.

Mr. McKay commented that by raising the roof it allows for more usable space upstairs by making it with 8' ceilings. What are the aspects of the ceiling on the second floor?

Mr. Cicero explained that about 25% has 8' ceilings that go down to 3-1/2'.

Mr. Selb questioned if you are raising the roof aren't you increasing the living space?

Mr. Dodulik stated you would not, the carpet would cover the same area of the floor. The only difference is that you can stand up by the outside walls.

Mr. McKay explained that it depends on your definition of living space. It sounds like an expansion of the living space to him.

Mr. Clauss questioned what the pitch of the roof is now.

Mr. Cicero explained that the roof has been removed. He does not know what it was but the new would be a 4 x 12 pitch.

Mr. Clauss questioned if he was approved he would have to bring the entire building up to fire code.

Mrs. Newcomb answered yes. This home is own septic due to the fact that it sits below grade and would require an injection pump. If there was any increase in bedrooms, the Burlington County Health Department would have to get involved to approve any expansion.

Mr. McKay believes that this expansion involves a substantial increase in the volume of the second floor and is an expansion of a nonconforming use.

Mrs. Wuebker questioned if the upstairs was used as an apartment.

Mr. Cicero said yes.

Mrs. Wuebker questioned if he has plans and photos.

Mr. Cicero explained that he has photos of the old home and elevations for the new. The following was submitted for exhibits:

A1: Photos of the property when he purchased it and dated 7/30/2016. It shows the dorms and entrance in the back.

A2: Photos of second floor living room and bathroom.

A3: Renovation plans of the second floor.

Mr. Katz questioned if they were looking for a bulk variance.

Mr. Kingsbury explained that it is a judgement call and is up to the Board if they think this is an expansion of a nonconforming use which is a use variance. The applicant would have to advertise for that. If you believe it is not an expansion of a nonconforming use than it would be a bulk variance, which they advertised for.

Nicholas Sodano, from Mt. Holly, was sworn in. He is a friend of Mr. Storck and believes there is a solid waste issue that is not being enforced. It can be negotiated with the applicant.

Mr. Katz and Mr. Selb stated this has nothing to do with the issue regarding the bulk variance.

Jennings Black, 2505 Elm Ave, was sworn in. He has been a resident for over 30 years. In 1985, he tore down a house and built a new one. Many people have improved their homes since then. Mr. Cicero already improved the one home there and believes this property will be an improvement. The applicant should be given approval and let Ray and Dale work on solving their problems.

Mr. Katz closed public comment.

Mr. Clauss explained that his upstairs are similar with the new walls. Raising the height does not increase the usable space. He believes that is not an issue. It will also be an improvement to the property. Once he has the building permits it will give the Township access to the property. Things can be enforced.

Mrs. Newcomb stated yes for the construction department. Enforcement is only for the office and not other entities. She agrees with Mr. Black, that in the 14 years she has been here, there has been a noticeable change in the heights of the old summer homes being improved.

Mr. Clauss commented that nothing is changing in regards to the duplex.

Mr. Krollfeifer motioned to view the application as a bulk variance.

Second: Mr. Dodulik

**Roll call:** Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Clauss, yes; Mrs. Kelley, yes; Mr. McKay, no; Mrs. Tyndale, yes; Mr. Lynch, yes; Mr. Selb, yes;

Mr. Katz, yes

Motion carries.

Mr. Kingsbury stated a vote is needed whether to grant the bulk variance.

**Mr. Krollfeifer motioned to approve the bulk variance, clean up the property, remove the exterior appliances, and comply with the township ordinances.**

Mrs. Wuebker suggested that the Board give him a reasonable time frame to comply.

Mr. Cicero stated he can move the appliances tomorrow. He has already taken care of the drywall material.

Mr. McKay questioned if he would be using a dumpster when finishing the demolition.

Mr. Cicero explained that he has a construction trailer and takes it to the recycling place.

Mr. McKay stated previously the ground was the dumpster.

Mr. Cicero explained it was a staging area and then they took care of it.

Mr. Selb asked how long the staging area was there.

Mr. Cicero stated about a month and is now cleaned up.

Mr. Selb commented that you can place it on the ground and leave it there for a month.

Mr. Cicero stated it will not happen.

Mr. Krollfeifer amended his motion to include that the construction debris not be placed on the ground, should be in a dumpster, and be removed from the property within a week.

Second: Mr. Clauss

**Roll call:** Mr. Krollfeifer, yes; Mr. Clauss, yes; Mrs. Kelley, yes; Mr. McKay, no;  
Mr. Dodulik, yes; Mrs. Tyndale, yes; Mr. Lynch, yes; Mr. Selb, yes;  
Mr. Katz, yes

Motion carries to approve.

Mr. Cicero asked for a waiver to proceed prior to memorialization of the resolution.

Mr. Krollfeifer motioned to approve the waiver.

Second: Mr. Clauss

**Roll call:** Mr. Krollfeifer, yes; Mr. Clauss, yes; Mrs. Kelley, yes; Mr. McKay, yes;  
Mr. Dodulik, yes; Mrs. Tyndale, yes; Mr. Lynch, yes; Mr. Selb, yes;  
Mr. Katz, yes

Motion carries to approve the waiver.

**D. Case 16-13: Quaker Group Burlington  
Block 100.14 Lot 12**

**Southwest corner of Route 38 & Bancroft Lane**  
**Use variance for town houses**  
**Attorney: Patrick McAndrew**

Proper notice was given.

Mr. Krollfeifer and Mr. Clauss recused themselves from the use variance application.

Mr. McAndrew, applicant's attorney, explained that the application is for a use variance. The property is zoned highway commercial. They are proposing a residential townhouse use. Believe it is better fit for the site and a good transitional between Route 38 and what is behind it. The application is not for site plan. Municipal land use allows them to split the application. The plan provided is a concept plan and shows an illustration of 32 townhomes. If it is approved, they will go back and do the engineering and do additional studies in order to come back with fully engineered plans.

Mr. Kingsbury swore in the following.

Nick Casey, Quaker Group  
 Mark Malinowski, Engineering  
 James Miller, Planner

Mr. Casey stated he is the Vice President of the development by Quaker Group. The property is owned by Quaker and is located at the southwest corner on Route 38 and Bancroft Lane. It is an irregular shape 12 acre lot with minimum frontage on Route 38. The bulk of the entrance is off Bancroft Lane. This is the remainder of highway commercial property that was left from the subdivision of the Creekview subdivision. There were several interested parties that had looked at the property for commercial use over the years. There was an application that was filed and denied by Mr. Tran for the development of the property for commercial. They have been evaluating the property for potential use. Because of the limited access to the highway and the close proximity to the residential use, the commercial use did not seem the most appropriate. Due to the reactions of the residents, they began looking at alternate uses.

They began talking to the township and professionals over a year ago with the possibility of having the property rezoned for townhouse with the R1A standards that was applied to the townhouse that are a part of Creekview. They came up with sketches based on ariel plans that showed about 34 lots. They also met with the Creekview HOA Board to get a reaction to the use. They went to their annual meeting and unfortunately only about a dozen people came. The general reaction was that the townhouse use would be better received than the commercial development. It was determined that it would be better to come to this Board for a use variance than a request for rezoning.

The initial application was filed with 35 lots (exhibit A1) that would accommodate townhouse 28' wide and 60' deep. They are intended for an age targeted buyer. They have a downstairs master bedroom which is more attractive to the empty nesters. If you used the minimum lot standards of 20' x 100', you would be able to have about 48 units. They do not wish to seek development of that intensity. They were able to address some of the concerns by meeting with the board's professionals. Some of the concerns were the street scape, the long linear road, and lack of appeal that could be accommodated by revisions to the plan. There was also concerns with how close the entrance was to the diner driveway.



They came back with a revised plan (exhibit A2). They came back with 32 units that would be attractive to the age targeted buyer. Created a 150' separation between the access driveways, a curved linear pattern, broke it up so that they only have 4 unit buildings rather than the 6. They adjusted the parking for two in front of the driveways and narrowed down so you didn't have the massive concrete at the street. Introduce a number of landscape berms. It was looked into the connection with Winchester Court and wasn't received well. They also designed a cul-da-sac to meet the turning radius criteria for trash trucks and emergency vehicles. The township planner had concerns with no further clearing on the property so they will meet the criteria under the R1A standards. All that property would be under control of the homeowners association so the homeowners would not have the right to remove any of those trees. The board was given the standards in their packets and would limit the design to the 32 units proposed. Rather than allowing the risk of them coming back with a much higher density. The carriage homes at Creekview were developed with a density of 6 units per acre. This is less than 3 units per acre. There are well under the density standards used in the previous development. That concludes the overview.

Mr. McAndrew questioned if the Board were to approve the use variance and design standards then the next step would be an application for a site plan.

Mr. Casey answered yes. Quaker is no longer building. In order to get a viable buyer they need to have an appropriate use and development standards completed. They know a number of good builders who would be interested in this. They have a picture (exhibit A3) have what the units may look like. They would plan on bringing in the builder at time of site plan application. He would expect to be involved with approval process.

Mr. McAndrew stated that with the revised concept plan, A2, the density was reduced, varied the setbacks, and reduced some of the impervious to address esthetic concerns.

Mr. Casey agreed. They are well below the impervious coverage and well within the clearing limits. They are showing 25' front yard. It is contemplated that the lawn service would be provided by the homeowners association because of the life style.

Mr. McAndrew asked that he explain what age targeted is.

Mr. Casey explained that it is targeted to the older population who prefers the single story lifestyle and there are occasions when they need additional space. They are the empty nesters that the kids and families come and visit so they have room to accommodate. It doesn't have the rigid standards of an age restricted community.

Mr. McAndrew commented that the primary living space and bedroom are on the first floor and the additional bedrooms are upstairs when they come to visit.

Mr. McKay asked that they explain how the flag portion of the land behind the commercial property will be used.

Mr. Casey stated that is all wooded and would remain open space.

Mr. McKay questioned what kind of controls would be used to prevent the abuse of that area by nonresidents of the community or become a dumping ground.

Mr. Casey answered that it would be managed and maintained by a homeowners association. They are not proposing any physical barriers.

Mr. McKay questioned how deep the flag pole area is.

Mr. Malinowski stated it is about 100'.

Mr. McKay commented that he knows this is not site plan review but that it would be developed in some way to service the residents such as a walking path.

Mr. Casey stated that is something they would be open to discuss at the time of site plan.

Mr. McKay stated there is a service road that runs down the property.

Mr. Casey answered that it is the sanitary sewer easement that runs down the entire length. It is a gravel path. There is a cable across the entrance. It was a requirement from the sewage authority and it remains under their control.

Mr. Katz commented that it does have two access points.

Mr. Casey stated it would remain open space unless the Board wants to give the homeowners association the right to sell them off in conjunction with anything that may go on with the Route 38 properties.

Mr. Selb commented that there is a drainage basin on the plan. Will it be held on this site or will it be going somewhere else.

Mr. Casey stated the engineer will address that.

Mr. Selb commented that there is a board on board fence line that was installed years ago.

Mr. Casey explained that was a requirement which was part of the approval for the Creekview single family homes and townhouses. It was not part of the remaining balance of the commercial property. The fence is located on the single family and townhouse lots.

Mr. Selb stated we have an issue with the fence falling apart and no one wants to maintain it because no one wants to own it. He questioned the Board because he was not here, why the fence was put up and no one wants to maintain it.

Mr. Casey stated that the original plans did not illustrate fences. It was required that a board on board fence be installed along the back of the single family and townhouse homes.

Mr. Selb explained that it was inappropriately installed on the homeowner's property.

Mr. Casey commented that it was a requirement for the residential community. It can be discussed later and reach a resolve through the design and approval process.

Mr. Selb just wanted to raise awareness.

Mark Malinowski gave his credentials and has been before this board. He referred to a colored ariel (exhibit A4). He described the flag shape of the lot. Creekview is in the R1A zone. They started with those standards as a basis for this project and are proposing some deviations to fit the product that is being proposed. They have tried to limit the amount of disturbance, development, and impervious coverage. The minimum lot size to 2,000 sq. ft. and 3,000 sq. ft. is being proposed, front yard setback minimum of 35' proposing 25', side yard setback is 0' and end units 12.5 proposing 0', rear yard setback minimum is 35' proposing 25', minimum distance between townhome is 25' proposing 25', minimum frontage for each townhouse requires 20' proposing 28', maximum impervious coverage for each townhouse lot is 70% and proposing 70%, maximum clearing is 40% and proposing 40%.

The lot is approximately 12 acres but it is a little under 7 acres that is being proposed to develop. The design is based on the RSIS standards. They have met with the board's professionals to tweak the plan. They separated the diner driveway and the proposed development access by 150' as recommended by board's engineer. A split entrance way with a landscape island is provided to the development. The cartway was kept to a minimum of 22'. The right of way is 50', this allows for about 8' between the curb line and the 5' sidewalk. Each will have two car garages and parking for two cars. They are proposing 16, 90 degree on street parking. An outside 60' radius cul-da-sac is proposed. The property will have public water and public sewer. They need to control the stormwater runoff as a result of the new impervious coverage. There are state standards that they must comply with and will design them if the board approves. The concept plan does show a potential stormwater management area that would be on the south end which would be behind the single family residence along Lenox. These are things that would need to be worked out during the site design process.

Mr. McAndrew questioned how the soils are and does he anticipate any issues.

Mr. Malinowski explained the soils are very good and are sandy soils. His office did do a permeability test and soil borings. They found it to be 6 to 8 inches an hour. He believes they will be able to control on the site.

Mrs. Kelley commented that she read that the stormwater would not affect the lake. When the commercial came to the board they planned on bringing in a lot of sand, which you will have no idea how that sand is. You will need to be careful. A pipe for overflow was put in and she believes it went to Bancroft. One way or another you will affect the creek. Be careful on what you are putting in there. She does not like the basin behind already existing homes and understands that it is the lowest part of the property.

Mr. Malinowski explained there are options for these stormwater control areas. There may be several locations to break it up. It will have to be worked out. This facility in this location won't impact the existing residents.

Mrs. Kelley questioned if there is parking on the road.

Mr. Malinowski answered that they are providing off street parking and not proposing on the road.

Mrs. Kelley questioned if they have contacted any of the businesses in that area to see if they could increase their commercial area.

Mr. Casey stated they had contact several of the business and none of them were interested.

A discussion occurred regarding the different possibilities the land didn't develop as once thought.

Mrs. Kelley had concerns that all the open space in the flag pole area and not where the townhomes will be located. She also sees no opportunity for recreation.

Mr. Malinowski stated they are not.

Mrs. Kelley questioned if they are proposing any low income housing.

Mr. Casey answered no.

Mr. McKay asked the market price.

Mr. Lucas stated \$279,000 to \$299,000.

Mr. McKay asked the square footage.

Mr. Casey stated 2,000 sq. ft.

Jeffrey Lucas was sworn in. He is from Rose Real Estate and has been hired to help create a plan that fits on the site, that the market would support, and government will approve. The age group they are targeting is 50 to 70 years.

Mrs. Kelley questioned how many bedrooms and bathrooms.

Mr. Lucas stated it would be a master bedroom on the first floor and two to three on the second floor. There would be one full bath up, one full bath and powder room down.

A discussion occurred regarding a similar development in Moorestown.

Mr. McKay questioned how the two middle units fair with only front and back windows.

Mr. Lucas explained that you can do sky lights and other things. It works, you see townhouses with 6 to 8 units. The middle units receive the benefit of the insulation with a lower utility bill.

Mr. James Miller, applicant's planner, gave his credentials. The properties directly north of the site are in the highway commercial zone and the properties to the west and south are in the R1A zone. Most of the site is located in the highway commercial zone with a small section on the western edge of the tract is in the R1A zone. The existing commercial uses are small older uses that are stable.

There are three purposes that this application would advance in the positive criteria. He read the different land use criterial. They have in conjunction with the Board's staff developed a good design for this property. There are no bulk standards in the highway commercial that are appropriate for a townhouse development. He read case law and there is less planning testimony because you cover it at one time. There are several

factors that make this property suitable for the proposed use. This property has proven over several years that it is not appropriate for the HC zone. It was originally zoned this way to allow for additional depth and development along Route 38. This property has not been developed for those uses. It is restrained by the development patterns because there are many stable land uses along Route 38. This property does not have good access to Route 38. The main frontage is cut off by the jug handle on Route 38, which gives limited visual of the property. It is hard to have a long term business without the visual aspect. These factors make it difficult to develop the property as zoned. The use is suitable due to the character of the adjoining uses. This property is an offset that protrudes into another residential area. This would give a clean transition between the residential uses and commercial uses. He believes that it is a better design alternative. The townhouse has a lot of flexibility in layout and design which ties in with the targeted buyer. These are households that don't have the same open space requirements that a single family homeowner would have. He referred to exhibit A2, it frees up a lot for buffers and open space which buffers it from the surrounding community. The transition between less intensive to more intensive uses are consistent with the master plan. He believes the site is particularly suited for the use.

For the negative criteria, they need to show that there will be no substantial detriment to the public good and not impair the intent and the purpose of the zone plan. This site is particularly suited for the use proposed and believes it would be a significant and beneficial contribution to the housing stock. They are public benefits. This is more compatible with the surrounding uses. You have the ability to buffer it and the units will be self-contained. This use will have less impact on the communities to the west and south. It has the ability to match the community's objectives in terms of impervious surface and land clearance. It also will not generate the amount of traffic that a commercial use would have. All the factors make it an ideal use of the property. The master plan does contemplate transitional uses of this character. He believes it would contribute to the stability and the vitality of the R1A district. The project would satisfy the negative criteria.

Mr. McKay questioned the depth of the highway commercial at Bancroft.

Mrs. Wuebker stated it is 750'.

Mr. McKay the majority of the entire flag is in the HC zone. Over the years this parcel has sat undeveloped, have there been any interaction with the small parcel owners on Route 38 coming to them.

Mr. Casey explained that there was one property owner that they tried to work out a land swap. They tried to be accommodating but the owner never pursued it. That is the only one that came to them. They did try and contact all of the property owners along there to see about selling off and received no responses.

Mrs. Wuebker addressed her letter. She gave some back ground and the intent of the master plan. The master plan does recommend that townhouse and apartments should be closer to Route 38. She describe some commercial properties such as office that would work as a transition. In today's market they is no market for office.

Mrs. Wuebker stated they met with the applicant and expressed some of their concerns. They did listen and made some good changes. One major concern is they want to make

sure they guarantee that they have 2 car garages and two spaces in the driveway. This works great with their concept but if another developer comes in the future and proposes something different, would we then have a sea of concrete in the front yards. She would recommend we stay silent on and let the RSIS govern the minimum parking requirements.

Mr. McKay questioned if we have to decide that tonight.

Mrs. Wuebker answered that it is part of their application. They are proposing development standards with their use variance. When the application comes in during the future, she doesn't want them to think that is what the Board is requiring. They are on Board with it for the concept they are proposing now. They have gone through a lot of effort with them to make sure there is more green space in the front yard. The other standards are fine. Everything else they were ok with. They asked for reduction in parking spaces which is a non-issue. She had some suggestions to clarify the language, such as the impervious coverage is for each residential lot and not the entire lot.

Mr. McAndrew stated that they are ok with the comments.

Mr. Casey has no issues with the clarification the language on the impervious coverage and the parking requirements pursuant to the RSIS. When they looked closer at the target market, they felt that the two car garages were important. They tried to minimize the concerns of the extent of the concrete or asphalt in front of it which was to limit the width to 10 to 12 foot at the curb line.

Mrs. Wuebker stated there were some slight differences from what is in the R1A but they are fine with it. Some of them were her suggestions. She questioned if the Board approved the use variance tonight would these standards be a condition of their approval.

Mr. Kingsbury stated the Board can make them a condition of their approval.

Mrs. Wuebker suggested that they do because a lot of time was spent on this.

Mr. McKay asked what we should call them, the design standards as proposed by the applicant in addition to the RSIS for parking.

Mr. Rick Ragan answered yes.

Mrs. Wuebker explained they would have to come back to the board if they want to alter it. They will be coming back for site plan and you would be able to see the design at that time.

Mr. Ragan explained that you the standards are not in place, someone could come back with a different plan.

Mr. Katz opened public comment.

Aleah Bucs, 53 Lenox Drive, was sworn in. She lives on the corner of Lenox and Bancroft. Her and her neighbors on Lenox Drive were told there is a 75' buffer when they purchased their homes. There was a 25' buffer on their property and a 50' buffer on the adjacent property. It is her understanding that the 50' buffer is because it is zoned as

highway commercial. She would like the 50' buffer be maintained if it was granted. She has concerns with the stormwater basin and possible running into the lake. A major portion of their HOA fees are used to maintain the lake. She would like to see a stormwater management plan to see where that water goes and how it ties into their sewer system.

Mr. McKay questioned what the present concept is for where the stormwater is going.

Mr. Malinowski explained it would perk and would be a good engineering design to have an overflow. The overflow would best tie into Bancroft's system. He has not conducted any studies but would image that it goes to the lake. They would have to comply with the state regulations.

Ms. Bucs wants it to be considered any increase in cost to the HOA for the maintenance of the lake. There has been concerns regarding the fence. It is located on her property by 8 to 10 inches. It has always been a questioned on who owns the fence. She was unaware of the fence being erected and had to install a retaining wall in one section because where the fence was installed. It is a 13 year old fence that is not in the best of condition. The question has been who owns the fence and who should be maintaining it. It needs to be address.

Mr. Selb stated he has researched it and described the confusion regarding the intent of the fence. He believes it was to create a barrier between the residents and HC zone. They have been trying to come up with a resolution for the issue by working with the HOA and the Board's attorney. He would like it resolved with this development.

Ms. Bucs would like to know if it is her fence or someone else's and would like a fence to remain there. A new fence is needed.

Mr. Selb explained he has concerns with the people that live along there and don't want to pay for the fence to be replaced.

Ms. Bucs is in support of the townhomes verses the commercial development. She does not know how this property was ever zoned highway commercial without access to Route 38. If it is approved as R1A, that it be developed responsibly. Our ordinance requires that any tree that is 8" or more in diameter that is taken down be replaced with a try that is at least 3' in diameter and 6' above the ground. She would like the study to include the number of larger trees being taken down. Is there any low to moderate income housing?

Mr. Selb stated that would be COAH and the applicant stated there would be none in this development.

Mr. Ragan answered that the applicant is proposing to provide a fee in lieu of. This money is to allow for more housing somewhere else in town.

Jaime Brooks was sworn in. She explained that she owns a townhouse that goes along the flag portion and is also on the HOA board for Creekview. A top priority with Mr. Casey in meeting with him was that they come to an agreement regarding the fence. They want a new fence included in this project.

Mr. McKay had some questions. The fence is wanted so whose land will it be on. Who will own and be responsible for it? Does the association want it?

Ms. Brooks explained that she cannot answer that tonight but it needs to be addressed. The fence is in terrible shape and looks bad.

Mr. McKay questioned would it be better without the fence.

Ms. Brooks stated that fence is important to the people in the townhouses because it blocks some of the commercial properties along there that are not to beautiful. She has witnessed people walking through the property and kicking the boards to get through. It is needed.

Mrs. Baggio explained that she was president of the HOA in the Glen for 10 years. You must make it clear that the fence is on HOA property and not the individual's property. It has to be on one or the other.

Debra Plaia, 50 Bancroft Lane, was sworn in. She has concerns with the negative and positive criteria. No where did they state that there was a shortage in housing or they marketed the property to other commercial besides the Tran group. Maybe there are other commercial uses that would be appropriate for this location. There is not much commercial property available in Hainesport. Her property is adjacent to the property that was rezoned to over 55 housing behind the diner. We lost that commercial property and are going to lose another. Residential property around this property is not enough special reason to grant a use variance. She has concerns with redirecting the stormwater runoff to the lake. That lake is private property and they pay thousands of dollars a year to maintain it. This is going to be effected by the additional housing by Quaker. She spoke about the flooding that occurred in 2004 with the breaking of the dams. She's concerned that the lake could be overburdened and create a major issue if they have anything like this occur. Nothing has been stated about the care of the stormwater management maintenance. Kids do play and them and do drown. A brief description was provided for the impact of traffic. She also looked at the traffic study prepared for Pep Boys and had concerns with how they came up with their numbers. There has also been concerns with adding speed bumps to Bancroft Lane due to the traffic. She would like her concerns to be considered.

Mr. McKay asked if she wanted it to stay highway commercial.

Mrs. Plaia stated if you can address the traffic issues.

Mr. McKay asked for clarification that if the traffic issues can be addressed then she is ok with the zoning change and if the traffic cannot be address it should stay highway commercial.

Mrs. Plaia answered yes.

Ms. Catherine McNelis, 407 Biscoff Ave, was sworn in. Twenty years ago Quaker came in to build Creekview which resulting in them taking 510' of our commercial property. We had to add to our school and had problems with our taxes. She believes there is going to be an issue with parking. If someone has a party, where are they all going to park?



Mr. McKay stated that is why they put in the extra parking spaces.

Ms. McNelis stated that would be taken up by the kids. She believes the traffic would be a big problem.

Mr. McKay questioned if she thinks it should be highway commercial.

Ms. McNelis stated that the development would be fine if it was half the size or it should remain highway commercial.

Mr. Katz closed public comment.

Mrs. Kelley wanted to remind the Board that one of the reasons that Tran was not approved was because they had many outstanding issues. The traffic that they complained about the most was because they wanted to put in a daycare. The internal traffic was just as bad as or not worse than the external traffic. The internal traffic with the amount of townhouses in there is over kill. That is what Tran had done to his development. If they want to come in with townhouses, they need to come in with what will address the entire situation. Stormwater is a problem. When you change the sands around and bring in fill you change the permeability.

Mr. Ragan would like to address some of the publics concerns. When one looks at the zoning ordinance regarding the positive criteria. It is to maintain the character of the area. The character of this particular parcel is more symbolic to townhouse situation than to highway commercial use at this point in time. In 1996 when the master plan was done, there was hope that a highway commercial would be there. The property was marketed by Quaker, by the economy, and uses are quite broad. One could have done a number of things if the market was there. It has not been there for the last 20 years and it is now time to reevaluate that use. The residents have concerns with the traffic. With Tran's application the traffic would have been 200 in the peak. He is sure the residents don't want to look at an apartment scenario that would provide a lot more traffic and activity on that site. Quaker has come to the staff to see what use would be reasonable and different. An age targeted group provides less than normal occupancy with seniors. There is less impact at this age targeted use than if it was normal townhouses. They stated under normal townhouses they could provide up to 48. Then density is reduced. Given all those factors this is the least impact and highest quality character that we are going to have for this parcel. The ordinance states that if you have highway commercial, you must have a 50' buffer. A 25' buffer is required between single family and townhouses. He recommends that we take advantage of the proposed minimum buffers presented which is a minimum of 35' to the adjacent residential areas be adopted as one of the standards. The buffers are reasonable for the use.

He agrees with the Board and residents that there should be a minimum amount of runoff coming off the property. We do know the soils are terrific and a perk test has shown that. We are going to look to the applicant to try and minimize any discharge to see if they can get as close to zero as possible with only the potential of an overflow. They need to look where else that could go. It can be a condition that the applicant attempt to do that. There are a lot of residents that like having a fence there and would like not to ever pay for it again. There has to be a meeting of the HOA meeting and have a decision from the residents. Do they want the fence on their own property and pay for their own fence, fix it up and take charge of it? If that answer is no, then the Board should decide whether

they want a fence on their property or the back side of the commercial property. The applicant has agreed to leave those 100' natural and leave it alone. He would be in favor, if Mr. Casey is, of allowing if the parcels that face onto Route 38. There is no reason for a HOA to own them. He suggest that those parcels be sold off and the money go to the HOA.

Mr. Casey explained that the fence issue came up when they started talking to the Township. He has heard different comments tonight but no solutions. He is willing to work out the fence issue as they go through the design stage.

Mr. Selb stated he is not looking for an answer tonight, he would just like a condition that the fence issue be solved.

Mr. Casey explained that their intent is have the new HOA maintain all the open space, provide lawn service to residents, taking care of the parking spaces and islands along the street, maintenance of the basin, and the street would be dedicated to the township. Under the stormwater management regulations, they have to reduce the rate of discharge from the site. They also have to prepare a stormwater management basin maintenance plan that is subject to annual inspections. There is a criteria on how it is to be designed, maintained, and enforcement link as well. Perk tests have been done and they already know there is excellent perk. If they can create some other basins to perk in other areas to redirect some of the other stormwater, they will do it. They agree to minimize the runoff from the site.

Mr. Ragan stated that is the direction we are all going. Any other development of the property would increase the runoff and the option of redirecting it would go away. Nature would take it down to the creek and lake. We want to figure out how to make this property work so that it is in character with the community and preserving the land.

Mr. Kingsbury explained that the motion would be to grant a use variance. The conditions of the use variance would be contingent on site plan approval, a maximum of 32 units but 32 is not guaranteed, the fence will be resolved as part of site plan review, the applicant's development standards will apply, RSIS will be applied, and particular attention will be paid to the drainage issue by either eliminating or reducing to maximum possible or redirecting runoff from the site.

Mr. Selb motioned to approve with the conditions as stated by Mr. Kingsbury.

Second: Mrs. Tyndale

**Roll call:** Mr. Selb, yes; Mrs. Tyndale, yes; Mrs. Kelley, no, she is conflicted on the way that Quaker has approached the commercial, she agrees with what Mr. Lucas stated about the economy, she also agrees with the resident that stated do we really need more housing, age target does sound good, but you still could have a lot of children; Mr. McKay, yes; Mr. Dodulik, yes; Mr. Lynch, yes; Mr. Katz, yes, He would like to see commercial but believes he understands the Market and the lot.

Motion carries to approve.

## 7. Minutes

### A. Regular Meeting Minutes of November 2, 2016

Motion to approve: Mrs. Kelley

Second: Mr. McKay

**Roll call:** Mrs. Kelley, yes; Mr. McKay, yes; Mr. Lynch, yes; Mr. Selb, yes;  
Mrs. Tyndale, yes; Mrs. Baggio, yes; Mr. Katz, yes

Motion carries to approve.

## 8. Resolutions

### A. Resolution 2016-20: Our Lady Queen of Peace

**Granting submission waivers, parking space variance and preliminary site plan approval for parish center and associated parking lot on Block 91 Lot 3**

Motion to approve: Mrs. Kelley

Second: Mr. McKay

**Roll call:** Mrs. Kelley, yes; Mr. McKay, yes; Mrs. Tyndale, yes; Mr. Lynch, yes;  
Mr. Selb, yes; Mrs. Baggio, yes; Mr. Katz, yes

## 9. Correspondence

- A. Letter dated October 3, 2016 from Ragan Design to Board Members  
Re: Wawa Inc. Trash Enclosure, Minor Site Plan, Resolution Compliance  
1301 Route 38 Block 101.04 Lot 1 Case #16-03
- B. Letter dated October 20, 2016 from Ragan Design to Mrs. Tiver  
Re: Nolyn Real Estate, LLC, Sonic of Hainesport  
1498 Route 38 Block 96 Lot 1.10  
Amended Final Major Site Plan, Solar Arrays, Conformance Submission
- C. Letter dated October 26, 2016 from Alaimo Assoc. to Mr. Katz  
Re: Sonic of Hainesport, Block 96 Lot 1.10 Compliance Plan Review  
Case: 16-05
- D. Certification dated October 28, 2016 from Burlington Co. Soil to Mr. Blair  
Re: The Bradford, Block 97 Lots 1 & 1.01 Site Plan Application – New Pavilion
- E. Letter dated October 31, 2016 from Ragan Design to Mr. Nicholson  
Re: Easton Bible Church – Compliance Review Letter, Block 114, Lots 3 & 4  
Case 16-10 Amended Site Plan 2407 Fostertown Road
- F. Letter dated November 16, 2016 from Alaimo Assoc. to Dynamic Engineering  
Re: Case 16-03: Wawa Trash Enclosure Plan Review
- G. Letter dated November 21, 2015 from Alaimo Assoc. to Mr. Selb  
Re: Case 15-05A – Pep Boys, Diamantis, Amended Utility Plan & Lighting  
Distribution
- H. Letter dated November 22, 2016 from NJ Department of Transportation  
Re: Block 100.14 Lot 12 – Quaker Group Townhouses
- I. Letter dated November 22, 2016 from Burlington Co. Planning Board

Re: The Bradford Wedding Pavilion, Block 97 Lots 1 & 1.01

Motion to accept and file: Mr. Lynch

Second: Mrs. Kelley

**Roll call:** Mr. Lynch, yes; Mrs. Kelley, yes; Mr. Krollfeifer, yes; Mr. McKay, yes;  
Mr. Dodulik, yes; Mr. Selb, yes; Mrs. Tyndale, yes; Mr. Katz, yes

Motion carries to approve.

**10. Professional Comments - None**

**11. Board Comments - None**

**12. Public Comments**

Mr. Katz opened public comment. None. Closed public comment.

**13. Adjournment**

Mr. Katz motioned to adjourn at 10:30pm

Second: Mr. Selb

**Roll call:** All in favor

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Paula L. Tiver, Board Secretary