

## HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:00 PM

Wednesday, February 1, 2017

### 1. Call to Order

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

### 2. 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. Swearing in of New Appointees

Mr. Kingsbury administered the Oath of Office to Anthony Porto and Leila Gilmore

### 6. Roll Call

Present: Mrs. Gilmore, Mayor Porto, Mrs. Kelley, Mr. McKay, Mr. Dodulik, Mr. Lynch, Mr. Clauss, Mrs. Tyndale, Mrs. Baggio, Mr. Krollfeifer

Absent:

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

### 7. 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**

Request to continue the application until the March 1, 2017 by letter dated January 24, 2017.

Mr. Clauss motioned to continue until March 1, 2017.

Second: Mr. Dodulik

**Roll call:** Mr. Clauss, yes; Mr. Dodulik, yes; Mayor Porto, abstain; Mrs. Gilmore, yes; Mrs. Kelley, yes; Mr. McKay, yes; Mr. Lynch, yes; Mrs. Tyndale, yes; Mr. Krollfeifer, yes

Motion carries to continue.

**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**

Case 16-02A will not be heard. New public notice is required. Letter dated January 25, 2017 from Thomas Begley.

Mr. Krollfeifer explained that a motion is needed to continue the application until the April 5, 2017 and the applicant is required to re-notice.

Mr. McKay motioned to approve.

Second: Mrs. Kelley

**Roll call:** Mr. McKay, yes; Mrs. Kelley, yes; Mayor Porto, yes; Mrs. Gilmore, yes;  
 Mr. Dodulik, yes; Mr. Clauss, yes; Mr. Lynch, yes; Mrs. Tyndale, yes;  
 Mr. Krollfeifer, yes

Motion carries.

**C. Case 17-01: Krystle & Christopher Sanchez**  
**Block 8 Lot 1.15**  
**1505 Deacon Road**  
**Appeal**

Mr. Kingsbury swore in Christopher Sanchez, Krystle Sanchez, and Paula Tiver.

Mr. Kingsbury explained that this is an unusual application. This is not the classic variance. The land use law states that if you are going to build a house you have to be on a public street. There is a provision in the land use ordinance that give the Board the power to grant a variance from that condition. He read, "The enforcement of the street requirement will entail practical difficulty or undue hardship or where the circumstances of the case do not require the building or structure be related to a street, the Board may upon application or appeal grant a variance from the direct issuance of a permit subject to the conditions that would provide adequate access for firefighting equipment, ambulances, and other emergency vehicles necessary for the protection of health and safety that would affect any future street layout shown on the official map".

You are being asked tonight to grant a variance from the requirement that any house abut a street.

Mr. Sanchez explained he and his wife have been married a little over a year and their current home in Hainesport is a little small. They would like to have children and need the extra space. In doing their research in the surrounding towns, they would like to stay in Hainesport. They do have a lot in Hainesport that does not abut a street. The Board's approval is needed. Also a utility easement is needed and they want to make sure not to disturb anyone. His brother in law lives in the home directly in front of this property and wish to have a utility easement through his property.

Mr. Clauss questioned that if the 30' ROW was a road, they would not have to be here. Mr. Kingsbury stated if it were a public street, they would not have to be before the Board.

Mrs. Newcomb explained that the lot is 20,000 sq. ft. where 15,000 is required. There are no impervious coverage issues and all the setbacks will be met.

Mr. McKay questioned if there were homes on the surrounding lots.

Mrs. Tiver stated across the street from Deacon is the State Park, lot 1.22 is a vacant lot, and homes are on the other lots.

Mr. McKay asked if the picture shows a couple of those houses.

Mr. Krollfeifer stated he did visit the property twice. The picture shows the back of 1511 Deacon Road.

Mrs. Tiver stated the other home is Mr. Steib.

Mr. McKay asked for clarification that in the photo from Deacon Road has a house in the back.

Mrs. Tiver explained that was Mrs. Street's house.

Mr. McKay questioned if this was a public ROW.

Mrs. Tiver stated that it is an access for the properties that are there and was confirmed in court April of 2001.

Mr. Kingsbury explained that a ROW means public access. He believes it is an easement that they are calling a ROW.

Mr. McKay questioned which property gave the easement.

Mr. Kingsbury stated that it was given by someone who owned the property at one time.

Mr. McKay questioned if the land in the back is state park.

Mrs. Tiver stated that lot 1 belongs to Mrs. Street.

Mr. Krollfeifer asked that Mrs. Tiver explain why she is involved in this.

Mrs. Tiver stated that she and her son own the property and will be deeding the property over to her daughter and husband. She explained that the property had belonged to her family and how she inquired it.

Mr. Krollfeifer stated that they can come out through Tasker because there are other homes there.

Mrs. Tiver gave the Board a copy of the tax map pages 2 and 2.02.

Mr. Kingsbury asked if the Board had Ragan Design letter which states her recommendation that it be subject to the Engineer for review that the driving surface be improved to support the weight of a firetruck.

Mrs. Tiver explained that she did some research and a firetruck would not go down the ROW to service the home. It would park on Deacon Road run a hose from the hydrant at Tasker Ave and run a hose down the ROW. Mr. Boettcher is present this evening if the Board would like testimony.

Mr. Porto stated that there is similar access off of Woolman Lane and is marked on the tax map.

Mr. Krollfeifer opened public comment.

Mrs. Denise Street-Kiehn was sworn in. She owns the property that has the ingress and egress access. The property owners are entitled to travel it to get to their properties. If this was a road, then some of these things would not be an issue. She suggested that the Township inquire the ROW to give everyone access for public utility easements, the ability to get trash and mail. The original lot was block 8 lot 1 and the smaller lots were created with the easement. She was hoping it could be done and that there is still one lot.

Mr. Krollfeifer questioned if she must take her trash out to Deacon Road and if her mail box was also out there.

Mrs. Street-Kiehn answered yes. There is a small strip of land where her mail box is that she believes they would have to share for a mail box. They probably can put the trash at her brothers but if he sells, hopefully they would get the same courtesy. She believes that it would be nice for it to be paved up to that second lot. She questioned how they would have sewer.

Mrs. Tiver stated it will be served by all public utilities.

Mrs. Street-Kiehn stated she is unsure if there are other streets in the township the same as this. She knows that streets like Pine Alley were improved over the years. Just improved for everyday travel. She has concerns that a firetruck would not come down for them, what about her home.

Mr. Krollfeifer explained that she is a different situation that there is a large turn around. They would not park a firetruck in front of the Sanchez's home because they would be surrounded by woods and be potentially in the middle of a fire.

Mrs. Street-Kiehn asked if there was a potential of acquiring the ROW up to the second lot.

Mr. Krollfeifer stated that is up to the Township Committee.

Ron Zeitz and Tim Devlin were sworn in. Mr. Zeitz explained that he was the original lot owner that Mr. Devlin lives there with his family. This lot abuts this lot and Tim had no idea that a house could be built there. If there is a home there, how close would it be to their home?

Mrs. Newcomb stated a 20' setback is required.

Mr. Krollfeifer asked for clarification on which home he owns.

Mr. Devlin stated 1221 Tasker Ave. His back yard would abut up against theirs. They lived in the home for 9 years and moved back there to be in the woods. He had concerns with the woods being taken away. They did not foresee that happening.

Mr. McKay explained that is progress.

Mrs. Newcomb explained that the home where he lived was taken down and a new two story home was constructed.

Mr. Zeitz stated that when they built the home they did not need a variance, which is progress. This is different.

Mrs. Newcomb explained that you cannot land lock anyone from their property. She sent them to the Board to seek relief.

Mr. Devlin explained he is not trying to say he opposes it, he is trying to get some information. Where is the house going to be? He has concerns that it may be 10' from his door.

Mr. Zeitz asked what type home they are building.

Mrs. Tiver stated it is a Bromley model which is two stories. The home will face the ROW and will be approximately 31' back. It will meet the requirements. The lot is 200' deep.

Mrs. Newcomb stated that the rear setback is 20' and the sides are 10' setback.

Mr. Zeitz asked where they would be in the back.

Mrs. Tiver believes the home is about 39' deep.

Mr. Zeitz stated so you would be about 130' away. That's good to know.

Mrs. Newcomb explained that they do have the right to build up to the 20'. In her experience no one ever goes back that far on a lot of this size. This lot is much bigger than what is required in that zone.

William Boettcher was sworn in. He is part of the fire department. There wouldn't be any fire equipment going down there. The fire truck is expensive. The biggest that would go is the size of a pickup truck. They send brush trucks and stretch a lot of hose around. There are streets down there that you can barely get a car in such as Breezy Ridge. If you go down to the old boy scout's camp, you would have to back out.

Mr. Krollfeifer closed public comment.

Mr. McKay motioned to grant the variance but in regards to the suggested condition of the road be determined to be satisfactory to accept fire trucks.

Mr. Kingsbury stated that was a condition if you were going to have fire trucks go down there.

Mr. McKay motioned to approve the variance to allow the construction on this ROW without any conditions.

Mr. McKay motioned to approve with no conditions.

Second: Mr. Lynch

**Roll call:** Mr. McKay, yes; Mr. Lynch, yes; Mayor Porto, yes; Mrs. Gilmore, yes; Mrs. Kelley, yes; Mr. Dodulik, yes; Mr. Clauss, yes; Mrs. Tyndale, yes; Mr. Krollfeifer, yes

Motion carries to approve.

Mr. and Mrs. Sanchez thanked the Board.

## 8. Minutes

### A. Reorganization Meeting Minutes of January 4, 2017

Mr. Clauss motioned to approve

Second: Mr. Dodulik

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

Motion carries to approve.

### B. Regular Meeting Minutes of January 4, 2017

Mr. Lynch motioned to approve.

Second: Mr. Dodulik

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

Motion carries to approve.

## 9. Resolutions

### A. Resolution 2017-05: Granting submission waivers, use variance/conditional use variance, bulk variances and amended site plan approval for basketball court and expansions of a combined cultural organization/social club on Block 104 Lot 1.05

Mrs. Kelley motioned to approve

Second: Mr. Clauss

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

Motion carries to approve.

## 10. Correspondence

- A. Hainesport Township Resolution 2016-177-12: Approving a performance bond for Wawa, Inc. (Store #347)
- B. Letter dated December 22, 2016 from Mr. Nicholson Assoc. to NJDEP  
Re: Application for Freshwater Wetland Delineation Letter of Interpretation (LOI)  
Block 91 Lot 3
- C. Letter dated January 3, 2017 from Ragan Design to Mr. Heinold  
Re: Bradford Estate @ Hainesport Board Approval Compliance, 1910 Marne Highway, Block 97 Lot 1, Case 16-04
- D. Letter dated January 19, 2017 from Burlington Co Planning Board to Mr. Nicholson  
Re: Our Lady Queen of Peace Parish Center Block 91 Lot 3
- E. Letter dated January 17, 2017 from Burlington Co Planning Board to Mr. Dittmar  
Re: Metro Self Storage Mt. Laurel Township Block 309 Lots 1 & 1.01

Motion to accept and file: Mrs. Kelley

Second: Mrs. Tyndale

**Roll call:** Mrs. Kelley, yes; Mrs. Tyndale, yes; Mayor Porto, yes; Mrs. Gilmore, yes;  
Mr. McKay, yes; Mr. Dodulik, yes; Mr. Clauss, yes; Mr. Lynch, yes;  
Mr. Krollfeifer, yes

Motion carries.

#### **11. Professional Comments - None**

#### **12. Board Comments - None**

#### **13. Public Comments**

Mr. Krollfeifer opened public comment. None. Closed public.

Mr. Clauss motioned to adjourn at 7:33 pm.

Second: Mr. Dodulik

**Roll call:** All in favor.

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Paula L Tiver, Secretary