

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:00 PM

Wednesday, March 1, 2017

1. Call to Order

The meeting was called to order at 7:00 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. 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
Mara Wuebker, Board Planner
Martin Miller, Board Engineer
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**

Request to continue the application until the May 3, 2017 by letter dated February 22, 2017. Re-notice and re-advertising will be required.

Mr. Dodulik motioned to approve.

Second: Mr. Clauss

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

Motion approved to continue to May 3, 2017 with re-notice and re-advertising.

B. Case 15-05B: Diamantis Children's Trust

Block 100 Lot 8.01

1368 Route 38

Amended site plan and bulk variance

Attorney: Igor Sturm

Proper notice was given.

Mr. Sturm, applicant's attorney, stated they are here for Diamantis Children's Trust and would like to turn the floor over to Mr. Gravlin.

Mr. Jack Gravlin, engineer, was sworn in.

Mr. Gravlin prepared the original site plan and it is for 1386 Route 38 which is located in the highway commercial district. The Board approved the site plan last year for the Pep Boys with attached retail center. They are requesting an amended site plan. The construction is nearly completed. It was recently discovered that the tire storage structure could not be constructed as it was approved. It was originally placed adjacent to the trash enclosure. Fire code requires that they be a distance from the building. In discussions with the fire official the only satisfactory location would be on the opposite side of the loading area. He pointed out on the map the new location. It will function well there and there is access for the truck to remove the tires as necessary. The proposed location provides the maximum distance from both the building and property line. The fire official has approved the location. It does require a variance for the front yard setback of 81' where 90' is required off Bancroft Lane. The wall of the tire enclosure will be 8' long and parallel to Bancroft. All the used tires from Pep Boys will be kept in this enclosure. The enclosure is masonry on three sides with a privacy gate on the front. They are proposing buffer plants around the perimeter of the enclosure and agree with the planners recommendations. Based on sales, a single unit truck will pick up the tires and dispose of them to an approved site. He agrees with the planner's letter. He asked for the Board's approval on the amended site plan with the setback variance.

Mr. Dodulik stated the circle that goes around the enclosure. The right side of the enclosure kind of lines up with the end of the building. Is there a reason why the enclosure couldn't be more to the left so that the left side of the enclosure lined up with the building?

Mr. Gravlin explained there is an existing light structure at that location. You will not see it with the landscaping area.

Mr. Krollfeifer commented that there is a 25' driveway there.

Mrs. Tyndale has concerns with where the dumpster is now and believes it to be ugly.

Mr. Dodulik commented that they are probably hand loaded.

Mr. Gravlin explained that they are hand loaded. He placed a bollard in the center so dumpster cannot be placed within the enclosure. You will never notice this structure once landscaping is in place. If there is a dumpster there now, it's a construction dumpster.

Mrs. Wuebker commented that he has addressed her concerns and has no objections to the change.

Mr. Miller questioned the size of the truck.

Mr. Gravlin stated it is a single unit box truck. He will revise the detail.

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

Mr. McKay motioned to approve.

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. Kingsbury explained that he created the resolution at the attorney's request.

Mr. Dodulik motioned to approve

Resolution 2017-07: Granting bulk variance and amended final site plan approval for automobile service and tire center on Block 100 lot 8.01

Second: Mr. Clauss

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

Motion carries to approve.

C. Case 17-02: Craw's Racing, Inc.

Block 69.01 Lot 8

1307 Maine Ave.

Use Variance

Attorney: John Shields

Proper notice was given.

Porto and Gilmore recused themselves from the use variance.

Mr. John Shields, applicant's attorney, stated he has Fred Craw, owner, and James Miller, planner.

Mr. Kingsbury swore in Mr. Craw and Mr. Miller.

Mr. Shields explained that the property is located at 1307 Maine Ave. The street runs parallel to Route 38. The railroad tracks and Pulaski is behind it.

Mr. Krollfeifer commented that it is across the street from Crossroads Driving School.

Mr. Shields stated that it is an existing masonry structure and they are proposing no changes to the structure or adjacent areas.

Mr. Shields asked Mr. Craw what his business is.

Mr. Craw explained that he was a stay at home day and started as a hobby building engines. He has been running it out of his house for 17 years. It is getting bigger and needs a bigger place.

Mr. Shields stated that he brought the type of engine for the Board to see the size that he works on.

Mr. Krollfeifer commented that his business is located in Mt. Laurel.

Mr. Shields questioned if he planned on keeping his facility in Mt. Laurel and expand to Hainesport.

Mr. Craw agreed.

Mr. Shields questioned the number of employees and the hours of operation.

Mr. Craw stated 3 employees plus himself. The hours will be 9am to 5pm, Monday thru Friday.

Mr. Shields questioned if he store any parts or product for onsite retail.

Mr. Craw explained he does his business online with some parts in stock on site. He has an area about 10' x 6' stock on site. Most of his products are dropped shipped to the customer.

Mr. Shields questioned if he ever has customers come to the site.

Mr. Craw stated maybe one a month, he tries to keep them out.

Mr. Shields questioned if he would have any advertising signs outside.

Mr. Craw stated no signs.

Mr. Shields stated people usually find him through the racing community and his website.

Mr. Craw agreed.

Mr. Shields asked if he planned on doing any engine testing at the Hainesport site.

Mr. Craw plans to do that at his Mt. Laurel location.

Mr. Shield questioned if he has any deliveries.

Mr. Craw stated that UPS comes every day.

Mr. Shields questioned what kind of vehicles come to pick up cars or deliver them.

Mr. Craw explained mostly a pickup truck or small trailer. There are no overnight vehicles outside the building. They mostly ship out.

Mr. Shields questioned if there are any flammables or chemicals on site.

Mr. Craw explained that Safety Kleen comes in to do their tank. It is kept in storage area. They are responsible for the delivery and the removal.

Mr. Shields questioned how used parts and materials are disposed.

Mr. Craw stated they have little scrap and the rest is a little trash. Used motor oil is picked up by Safety Kleen. They do not deal with tires.

Mr. Shields questioned if there are any outside activities to be conducted on the site.

Mr. Craw answered no.

Mr. Shields questioned if he planned to keep the two overhead doors opened or closed.

Mr. Craw stated mostly closed. It would be mostly used to get things in and out.

Mr. Shields questioned where you will keep trash. Is a dumpster needed?

Mr. Craw stated there is very little trash and a dumpster is not needed.

Mr. Shields requested a waiver for trash enclosure. All waste is kept inside the building. His currently location, which he intends to keep, is located at his home and he will conduct the engine testing there.

Mr. Craw agreed.

Mrs. Wuebker questioned how you plan to dispose of the trash.

Mr. Craw states he puts it out at the curb.

Mrs. Wuebker explained commercial is responsible to dispose of their trash.

Mr. Shields questioned if he agrees to privately remove the trash and if he knows there is a requirement to recycle.

Mr. Craw agreed.

Mr. McKay questioned out much trash does the business generate. There must be package material.

Mr. Craw stated their lucky if they fill up a trash can. They recycle and reuse packing and boxes.

Mrs. Wuebker questioned where the trash will be kept.

Mr. Shields stated are you willing to keep the trash inside until you dispose of it and it will not cause a health issue.

Mr. Crew agreed.

Mr. Krollfeifer questioned how you would remove it.

Mr. Crew explained he would have to hire someone to do it.

Mr. McKay stated that it is agreed that there will be no outside trash containers proposed. They can keep it in a couple trash cans inside and then dispose of it. The town will not pick it up.

Mr. Shields stated that is acceptable.

Mrs. Wuebker questioned if they would have more customers coming since your adding a location.

Mr. Craw stated he wants to run it the same way. Customers slow production.

Mrs. Wuebker questioned since you are building the engine will you be assembling the entire thing.

Mr. Craw stated some, not many. That is when you'll get the occasional customer. Mostly it comes in within a box and leaves in a box.

Mr. Lynch questioned if he did modifications.

Mr. Craw answered yes. They are like a lawn mower for kids 5 to 17 years old.

Mr. McKay stated the business is like a machine shop. What is the horsepower?

Mr. Craw stated yes. It would be up to 50.

Mr. Clauss commented that the product comes in a box, its machine, etc., and then put back in the same box.

Mr. Craw stated that is correct.

Mr. Clauss asked if they just bolt their product into someone's frame, it is not rebuilding the dragster.

Mr. Craw stated they do not build the dragster, they add a motor or rebuild their motor.

Mr. McKay questioned what the last known use of this building was.

Mr. Shield is unsure and believes it had to do with metal. There was a fire there and the owner had refurbished the front. The rear portion of the building is rented to Jordan Automotive Machine, which he believes builds engine for full size race cars. There is a small sign for him. He was told they had been there for 25 to 30 years, prior to the ordinance.

Mr. Shield explained that the far back of the property is used by the owner, Ray Baxter. Jordan leases the middle of the building, Mr. Craw wishes to rent the front portion.

Mr. McKay questioned if they are proposing any signage.

Mr. Shield stated no.

Mrs. Wuebker explained she had asked for a field card from the tax assessor to see what was there and the only one available is dated August 13, 2012. In the front of the building was a company called Alcon. She tried looking them up and all she could find was an architectural company.

Mrs. Newcomb explained that the company that was there had been there for 20+ years. They did some form of fabrication of aluminum. They had stored trailers outside and there was a horrible fire inside. The front section has been vacant for at least 2 to 3 years.

Mr. McKay questioned if the fire damage has been completely repaired. The building looks tidy.

Mrs. Newcomb stated it had been repaired.

Mr. McKay questioned if they will be renting it.

Mr. Shields has a lease to rent it for a minimum of 4 years.

Mrs. Wuebker questioned what type of tools he uses because she is trying to figure the type of sound.

Mr. Craw explained that he uses some pneumatic nothing major, about 90% are hand tools.

Mrs. Wuebker stated that the applicant must present the positive and negative criteria for a use variance. Their planner is here to address that. If the Board chooses to approve the application, she has a few recommendations as conditions.

Mr. Shield agrees to all the conditions in Mrs. Wuebker's letter with the exception that they not be required to build a trash enclosure. They have no need for a dumpster. He cannot speak regarding the paper street issue. There is ample room on the side of the building for his client if that were blocked off.

Mrs. Wuebker explained that there is a requirement that there be a buffer between residential and commercial/industrial uses with landscape and fencing. Normally she would recommend that but from a practical stand point any one driving by it would look as if it was sitting in the middle of a parking lot. She would recommend if the paper street is ever vacated, they should be responsible for it.

Mr. Dodulik believes that would be the owner of the property's responsibility, it has no bearing on the applicant.

Mr. Shield stated it's his understanding that the owner owns most of the residential property back there.

Mrs. Wuebker explained that normally you would require it at this stage.

Mr. Dodulik commented that the new construction in that area is from someone who grew up in that area and is accepting of it being a commercial area.

Mr. Kingsbury explained it would be the owner unless it's in the lease.

Mr. James Miller, applicant's planner, was sworn in.

Mr. J. Miller marked Exhibit A1 which are photos of the existing use in Mt. Laurel. Mrs. Wuebker letter and photo's give an excellent report of the conditions on site. This use is able to show the exact character with the photos. This is located in a single family home located in a walk out basement. He described the small area inside that also contains a small closet for storage.

Mr. J. Miller explained that the location in Hainesport is in the SRC zone. It supports purpose a and g which refers to the appropriateness of the location. It is suited to the area due to it is identical to the auto repair use which is otherwise permitted in the area. This is much less intense activity. The engines are not as large or complicated, no overhead garages, lifts, or outside storage. The building is suited for the use, there is a similar use already in the building. The building also allows it to be entirely enclosed. No exterior impacts. It is suited for this site and does satisfy the positive criteria.

Mr. J. Miller continued with the negative criteria. They have to show that it will not be a substantial detriment to the public good and will not impair the intent of the zone plan. The use is suited to the building and the location. He believes it was not included in the zone plan because it is a specialized use and it is identical to the uses that are permitted, basically auto repair. There is already similar use in the building and when you look at the neighborhood there are no signs that the use has been detrimental to the area. The proof to that is that there are two new homes going up on the adjacent lots. He believes it meets the negative and positive criteria.

Mrs. Wuebker commented that the applicant has addressed the noise concern. She believes that would have been the impact on the neighborhood.

Mrs. Newcomb explained that over the past 3 years she has many different uses inquire about this property. This use is one of least impact on the site and neighborhood.

Mr. Krollfeifer opened public comment. None. Closed.

Mr. Krollfeifer referred to the last page of the Ragan Design letter under conclusion letter (d) no loading or parking spaces will be located on the paper street. We are aware that they are going to use the doors on the side and the paper street is for access and egress for material.

Mr. Shields explained they do not have a need for that. As the planner has indicated that the front portion of the paper street is paved so it is hard to find where the property line begins or ends. If a fence was installed there is still adequate room for the delivery truck to get in and out. He believes it is 30' from the edge of the building to the property line.

Mrs. Wuebker stated there is about 24' between the loading dock and property line. It is feasible that they could be using that paper street because it will make it easier to turn.

Mr. Krollfeifer commented that UPS will probably come to the front of the building.

Mr. Shields stated that the way the property is configured the front parking area is level with the front of the building it gradually slopes back as you walk behind it. The loading dock is about waist high. For what he has delivered the front most overhead door is the most likely to be used. It is big enough to bring in most of what UPS will bring in. The loading dock may get some use but very little.

Mr. Krollfeifer questioned if there is a fire official.

Mrs. Wuebker stated that any approval should be subject to approval from the fire official.

Mr. Krollfeifer confirmed that we are not dealing with problems with lights, noise, trash, and parking. It will be subject to the fire official's approval.

Mr. McKay motioned to approve, subject to Ragan Design letter as discussed and the fire official approval.

Second: Mrs. Kelley.

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

Motion carries to approve.

Mrs. Wuebker stated the Board needs to vote on a site plan waiver.

Mr. McKay motioned to amend the motion to include a waiver from site plan.
All in favor.

7. Minutes

A. Regular Meeting Minutes of February 1, 2017

Mr. Dodulik motioned to approve.

Second: Mr. Lynch

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

Motion carries to approve.

8. Resolutions

A. Resolution 2017-06: Granting variance to permit construction of a residential dwelling which does not abut a public street on Block 8 Lot 1.15.

Mr. Lynch motioned to approve.

Second: Mr. Dodulik

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

Motion carries to approve

B. Resolution 2017-07: Diamantis Children's Trust

Resolution was approved above.

9. Correspondence

- A. Letter dated January 26, 2017 from Burlington Co. Planning Board to Mr. Blair
Re: Our Lady Queen of Peace Parish Center Block 91 Lot 3
- B. Letter dated January 27, 2017 from Burlington Co. Planning Board to Mr. Blair
Re: WaWa, Inc. Store #347 Block 101.04 Lot 1
- C. Letter dated February 1, 2017 from Robert Kingsbury to Mrs. Tiver
Re: Hainesport Enterprises Case 14-11, Block 58.01 Lot 1-6, Block 62.01 Lot 1
- D. Letter dated February 1, 2017 from Robert Kingsbury to Mr. Heinold
Re: The Bradford Case 16-04 Block 97 Lots 1 and 1.01
- E. Letter dated February 3, 2017 from Mr. Myers, Fire Official to Association of
Bosniaks
Re: Association of Bosniaks Block 104 Lot 1.05

Mr. Lynch motioned to accept and file.

Second: Mr. Clauss

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

Motion carries.

10. Professional Comments

Mrs. Wuebker suggested that sometime in the future the Board may wish to recommend that the Township Committee look at the SRC Zone.

11. Board Comments

Mrs. Kelley questioned if affordable housing can be done in lieu of funds for the townhouses.

Mrs. Wuebker believes it was for funds and it would be a legal issue if you wish to change it.

12. Public Comments - None

13. Adjournment

Mr. Clauss motioned to adjourn at 8:05

Second: Mr. Dodulik

Roll call: All in favor.

Paula L. Tiver, Secretary