

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:00 PM

November 1, 2018

1. Call to Order

The meeting was called to order at 7:00 PM by Mr. Krollfeifer.

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: Mrs. Gilmore, Mrs. Kelley (arrived 7:04pm), Mr. McKay, Mr. Clauss,
Mrs. Baggio, Mrs. Tyndale, Ms. Kosko, Mr. Wagner, Mr. Levinson,
Mr. Sylk, Mr. Krollfeifer

Absent: Mayor Masciocchi, Mr. Evans

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

6. Items for Business

A. Case 18-09: Donna & Chris Connor Block 44 Lot 1 310 New York Ave Bulk variance for a deck.

Mr. Krollfeifer stated that there is a letter from Donna Connor authorizing Kristy Connor (daughter) to speak on her behalf.

Mr. Kingsbury swore in Kristy Connor.

Ms. Connor explained that they would like to build a deck on the right side (when looking from the street) of their home. It would be 15' out towards the property line, which would be close to the property line. The adjacent property is a wooded lot owned

by the township. It makes sense to place the deck in that location due to their sliding glass door and kitchen are there.

Mr. Krollfeifer questioned if there were any buildings on that adjacent property.

Ms. Connor stated there is none.

Mr. Krollfeifer commented that he visited the site and seen the sliding glass door that are elevated and blocked off so you cannot use them. He asked how far off the property line they would like to go.

Mrs. Newcomb explained that they are asking to be one foot off the property line. She supplied a copy of the tax map and photos of the property (exhibit A1). The property adjacent that is township owned will probably never be developed and is heavily wooded which goes down to the creek. She spoke to our construction official about being one foot from property line, if he has any concerns. He had no concerns because no one was there.

Mr. Krollfeifer questioned if anyone could be there.

Mrs. Newcomb finds that hard to believe that anything could be done there.

Mr. McKay questioned if Elm and New York Ave are a paved connection and if the pavement ends at the diagonal line from lot 1 to lot 1.01.

Mrs. Newcomb stated the pavement ends at the property line.

Mr. McKay questioned if the engineer had any issues regarding the one foot setback.

Mrs. Newcomb explained that the engineer and planner are not involved in this case, that is why she did check with the construction official to verify there are no construction requirements since there is no building there.

Mr. McKay questioned if the property has been surveyed and stated so the line is able to be verified. He has concerns to make sure that the structure remains on their property.

Mrs. Newcomb explained there is a survey and they should be able to measure off the house. She doesn't want to put a financial burden on the home owner when she or Mr. Blair could use the structure as a guideline in measuring out.

Mr. Clauss commented that the survey is from 1982 and doesn't see a problem if they measure from the house.

A discussion occurred regarding the possibility of any encroachment and it would be the owner's responsibility to take care of it.

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

Mr. McKay motioned to approve with the condition that the right side of the property line be set with a line and stakes for accuracy.

Second: Mr. Clauss

Roll call: Mr. McKay, yes; Mr. Clauss, yes; Mrs. Gilmore, yes; Mr. Wagner, yes;
Mr. Levinson, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes; Ms. Kosko, yes;
Mr. Krollfeifer, yes

Motion carries to approve.

B. Preliminary Investigation Regarding Block 100.14 Lot 12 for consideration as Rehabilitation area designation
Re: Hainesport Township Resolution 2018-126-8: Authorizing and directing the Joint Land Use Board to cause a preliminary investigation to be made pursuant to the NJ Local Redevelopment and Housing Law, as to whether certain properties within the Township Qualify as a “Non-Condemnation Redevelopment or Rehabilitation Area” in accordance with the criteria set forth in the statute.

Mrs. Gilmore recused herself.

Mr. Krollfeifer stated that this item will be presented by Scott Taylor of Taylor Design Group.

Scott Taylor explained he was asked by the township to do a preliminary investigation on Block 100.14 Lot 12 which is located near Route 38 in the HC Zone and is behind several businesses. This property is also known as the Quaker property and has been a subject of a few applications to this Board.

The Township Committee adopted Resolution 2018-126-8 authorizing the Joint Land Use Board to investigation to determine whether or not this subject property meets the legal criteria to be considered as an area in need of redevelopment or an area in need of rehabilitation. There is a process that must be followed. The Township Committee further identified the need to encourage and facilitate private redevelopment and rehabilitation of underutilized and challenged properties and to transform such properties in a manner that is responsive to market demands, raises the standard for design, and increases community value.

In looking at this property, subsequent to the resolution, Quaker Group withdrew their request for redevelopment designation and requested this move forward as a rehabilitation designation.

This is the first step, to determine if this area is in need of rehabilitation. If the governing body determines it to be, the second step would be an adoption of a redevelopment plan. That redevelopment plan allows the municipality to modify the uses that are permitted on that property, bulk and design standards, open space, improvements, and a number of other elements.

Mr. Krollfeifer questioned why he stated redevelopment plan instead of rehabilitation. Mr. Taylor explained that the statute does not have a term other than redevelopment plan for the rehabilitation. Rehabilitation will have a redevelopment plan written for it. If the governing body decides to move forward and develop that plan, that plan like any ordinance will be referred back to the Joint Land Use Board for Master Plan consistency hearing before final adoption. Any modification would have to be submitted back to this board for application approval.

Mrs. Baggio question if this means that the prior approved Quaker application is now not moving forward.

Mr. Taylor referred to page 2 and 3 of the report. The property is parallel to Route 38 with a few stems that reach out to Route 38. This Board denied an application in 2009 for a shopping center. In 2016 this Board granted a use variance approve to develop 32 townhouse units. Subsequent to that approval, Quaker Group approached the township with the desire to modify that proposal from 32 townhouses to 24 single family units. The township thought that was good planning to keep with the residential community of Creekview. Through those discussions it was thought that this property was already declared an area in need of redevelopment. In 2003 the Township Committee asked this Board to undertake these studies on multiple parcels throughout the community. Several had been done and a few were not completed. Between 2003 and 2011 the zoning map had been inadvertently been updated to show all of the lots as being included in the redevelopment areas, even in the areas that the study had not yet been performed. It was a clerical error on the part of the planner and Mr. Gillespie has sent a memo to the Governing Body. We are trying to move forward in the most efficient way. That is when it was discussed whether to do a redevelopment plan or rehabilitation plan.

There was an early discussion on the long narrow stem of the property that the land owners sell it to the businesses along that area. There were some discussions and the belief that it would not be sound planning. Several of the businesses are not using the rear of their properties in the most conducive way and they existing nonconforming uses. They have noted that there is several small encroachment issues which Quaker has served notice to all the adjacent property owners. One exception is that the Quakers survey shows a significant encroachment by the old Heidelberg Press building onto their property. The Heidelberg Press survey shows that they are entirely on their own property. This will need to be resolved in conjunction with any redevelopment plan. The town has had some discussion with open space preservation, walkways, etc. The disposition of that stem will be addressed and solved during the redevelopment plan stage.

Page 4 of the report lists the statutory criteria for rehabilitation area determination. Page 5 of the report indicates that he believes that the study area does qualify as an area in need of rehabilitation. It meets the third criteria, which there is a pattern of vacancy, abandonment or underutilization of properties in the area. It can be expected that rehabilitation area designation will assist in preventing the area from further deterioration and promote the overall development of the community. Better planning would be the conversion of 32 townhouses to single family units. Also the dilapidated and obsolete structures, the municipality could require that those structures be removed, relocated, or dedicated lands to resolve that issue. That would be handled separately. It does the municipality some flexibility with the stem.

The township in early discussions with Quaker requested that the Quaker Group post an escrow that would cover the cost of the preparation of studies and other documentation required for these changes so these cost are not on the municipality.

Mr. Krollfeifer questioned if Quaker or Paparone had any issues with building homes on this site with A&L Septic there.

Mr. Taylor explained they presented a concept plan which contains a considerable amount of buffering and berming to provide some separation.

Mr. McKay questioned if Mr. Taylor has seen a proposed plan for the single family homes. He believes Quaker has never submitted one to the Board. Where do they plan to build on this odd shaped lot?

Mr. Taylor has seen a concept plan and they plan to build in that large rectangle. The stem would remain undeveloped. It is generally in the footprint of the townhouse approval.

Mr. McKay questioned if it was the tentative plan to dedicate the stem to open space.

Mr. Taylor explained that may not be Quakers initial intent.

Mr. McKay questioned what the Township Committees thought that the open space land be privately or publicly held.

Mr. Taylor believes the final determination has not been made. It could be a benefit to the Township for future development. It would be a discussion for the redevelopment plan and the design standards which the Township Committee will develop and create a draft. The initial plan will be referred back to this Board.

Mrs. Baggio questioned the time frame for this to occur.

Mr. Taylor believes February would be the latest, and then the applicant would have to develop engineer plans and reapply to this Board for preliminary and final major subdivision approval.

Mr. McKay believes it to be wise for the Township to have control and ownership of the stem because it gives great flexibility of the redevelopment of those Route 38 properties.

Ms. Kosko believes that the Heidelberg Press property and the homeowner's property near the jug handle are both for sale.

Mrs. Newcomb questioned if the 25' sewer easement may affect the future development of the stem.

Mr. Taylor explained that it does affect it. Agreements would have to be in place. Most likely there will never be a structure on it.

Mr. McKay stated in short term use of the stem. If title was to transfer to the town, and it was part of Quaker site plan approval be obligated to create park land in that area. It could remain that way until circumstances change. You can take portions of it or get rid of it entirely.

Mr. Taylor stated they have talked internally with cleaning it up as open space.

Mr. McKay does not want it to become a dumping ground. It may be currently in that condition.

Mr. Taylor stated that Quaker is currently working on having those owners along that area remove the abandon items there. It becomes very easy to dump there due to the lack of access and eyes. It will not be as much of an issue when the new 24 homes are built because those new owners will call the township.

Mr. Levinson questioned where the access would be to the stem.

Mr. Taylor explained that there are two access points that have frontage to Route 38. Pedestrian and maintenance access will be addressed at the redevelopment phase. This is viewed as more of a residential park area and not a destination one.

Mr. McKay questioned if the depth of the stem is 100'.

Mr. Taylor believes that is correct.

Ms. Reinalda stated it is approximately 100' x 1,500'.

Mr. McKay questioned if Quaker ever made an attempt to acquire other properties along Route 38 to enlarge this property.

Mr. Kingsbury believes they did. During the commercial application, Tran, there were discussions with the businesses and no one wanted to sell.

Mr. Krollfeifer stated the Board is being asked to pass a resolution to go back to the Township Committee that this property is an area in need of rehabilitation.

Mr. Taylor explained that the Township Committee would have to adopt an Ordinance that this area in need of rehabilitation. Then we would develop a redevelopment plan which is zoning and design. After that is introduced by Township Committee it is sent back to this Board for Master Plan consistency.

Mr. McKay questioned if there are any other recommendations for this site before this Board votes.

Mr. Taylor answered no. This is the first step in the process.

Mr. McKay stated that this would be a recommendation that this site as a rehabilitation area.

Mr. Krollfeifer referred to the resolution under item 8 of the agenda. The Board is being asked if they believe this area is in need of rehabilitation. We are not determining site issues at this time.

Mr. Taylor explained because it meets the third criteria for rehabilitation as designated in the statue, "there is a pattern of vacancy, abandonment or underutilization of properties in the area".

Mrs. Tyndale questioned what the advantage is for a rehabilitation plan verses a redevelopment plan.

There was a discussion regarding the difference and why.

Mr. McKay commented that if the subdivision is created, he believes it would leave the stem as a nonconforming lot.

Mr. Taylor explained if it was approved as part of the subdivision and dedicated as open space, it is not uncommon for open space lots to have a narrow configuration.

Mr. McKay stated that either Quaker keeps it as dedicated open space or it becomes public property in some way or other.

Mr. Taylor answered yes.

Mrs. Baggio stated that it could be part of their homeowners association which could maintain that open space.

Mr. Taylor stated that is correct. If it is not dedicated to the town than the 24 units would have that space as their open space.

Mr. Taylor explained that the redevelopment plan will resolve a lot of those issues as the township moves through this process.

Mr. McKay commented that the stem reminds him of a pocket park which would serve the immediate area and also give good flexibility for the commercial lots on Route 38. It also serves as a great buffer to Creekview, depending on what happens.

Mr. Taylor explained if that stem was ever used in the future that an evergreen buffer be provided.

Mr. Krollfeifer suggested that they go to item #8 Resolutions to vote before item #7.

7. Minutes

A. Regular Meeting Minutes of September 5, 2018

Motion to approve: Mrs. Kelley

Second: Mr. McKay

Roll call: Mrs. Kelley, yes; Mr. McKay, yes; Mrs. Gilmore, yes; Mrs. Baggio, yes; Ms. Kosko, yes; Mr. Wagner, yes; Mr. Levinson, yes; Mr. Krollfeifer, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2018-13: Recommending that the Governing Body Declare Certain Property identified as Block 100.14 Lot 12 as an "Area in Need of Rehabilitation"

Mr. McKay motioned to approve based on the testimony given that the statutory criteria #3 for the rehabilitation area has been met as set forth in the Taylor Design report dated October 22, 2018.

Second: Mrs. Baggio

Roll call: Mr. McKay, yes; Mrs. Baggio, yes; Mr. Levinson, yes; Mrs. Kelley, yes;
Mr. Wagner, yes; Mr. Clauss, yes; Mrs. Tyndale, yes; Ms. Kosko, yes;
Mr. Krollfeifer, yes

Motion carries to approve.

9. Correspondence

- A. Letter dated August 31, 2018 from Taylor Design Group to Joint Land Use Board
Re: Case 17-11 Hainesport Enterprises – Block 61.01 Lot 4 1460 Route 38 Resolution Compliance Review #1
- B. Letter dated August 31, 2018 from NJ DEP
Re: Our Lady Queen of Peace Block 91 Lot 3 Correction letter.
- C. Certification dated September 4, 2018 from Burlington Co. Soils to Gene Blair
Re: Block 91 Lot 3, Our Lady Queen of Peace
- D. Letter da-ted September 11, 2018 from MUA to Joint Land Use Board
Re: Case 18-09 Christopher & Donna Connor Block 44 Lot 1 310 New York Ave
- E. Letter dated September 11, 2018 from Taylor Design Group to Joint Land Use Board
Re: Case 16-11A & 16-11B Hirshland & Company Block 96 Lots 1.01, 1.04
Compliance Review #1
- F. Letter dated September 27, 2018 from Alaimo Assoc. to Mr. Krollfeifer
Re: Case 16-02A Our Lady Queen of Peace Block 91 Lot 3
- G. Letter dated October 12, 2018 from Alaimo Assoc. to Mr. Smith (Gallo Wine)
Re: G3 Enterprises, Inc. (Gallo Warehouse) Block 104 Lot 33 Bond Release Request

Mrs. Kelley questioned where the landscaping trees will be located for Hainesport Enterprises. Would it be right across the front?

Ms. Reinalda stated that the landscaping would be provided per the ordinance and the planners suggestions. They heard from the applicant this morning and they were working on supplying a low hedge, not to block site triangle, and any trees would be limited to 6 ½ to 7 feet above.

Mrs. Kelley commented that she has always had a problem with the ordinance regarding landscaping along Route 38. It is a heavily traveled road with a speed limit of 50mph. She believes that no trees should be along that area due to the trucks pulling in and out.

Ms. Reinalda explained that there would be a maintenance plan to make sure that it is clear. She would be happy to look at the properties and do a landscape inspection and make sure that there are no maintenance issues causing safety issues.

Mr. McKay questioned if it is known when Our Lady Queen of Peace will break ground on the building the Board approved.

Ms. Reinalda received revised plans this morning. Hopefully they will get a sign off if everything complies. It should be a week if everything is good.

Motion to accept and file: Mr. McKay

Second: Mrs. Kelley

Roll call: All in favor

10. Professional Comments - None

11. Board Comments

Mrs. Tyndale commented that the bushes in the ShopRite plaza cause an issue with the site triangle during the spring and summer months.

Mrs. Newcomb explained that she would just need to send her an email and she will speak to DDRM.

12. Public Comments - None

13. Adjournment

Mr. Clauss motioned to adjourn at 8:20pm.

Second: Mrs. Tyndale

Roll call: All in favor

Paula L. Tiver, Secretary