

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:00 PM

July 9, 2020

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: Mayor MacLachlan, Mrs. Kelley, Mr. McKay, Mrs. Baggio, Mrs. Tyndale,
Ms. Kosko, Mr. Sylk, Mr. Tricocci, Mr. Krollfeifer

Absent: Ms. Schneider, Mr. Wagner, Mr. Levinson,

Also Present: Robert Kingsbury, Esq., Board Attorney
Scott Taylor, Board Planner
Paula Tiver, Board Secretary

6. Items for Business

A. Preliminary Investigation, Non-Condemnation Area in Need of Redevelopment Or Rehabilitation Investigation

Block 103.01 Lots 1, 2, 2.01, 8, 9, 10, 10.01

Block 103.02 Lots 1, 1.01, 5.01, 7, 7.01, 8, 9, 10, 11

Block 113 Lot 4.05

Scott Taylor, planner, stated that before the Board is an investigation to determine whether the properties within the area qualify under the NJ Local Redevelopment and Housing Laws for a non-condemnation area in need of redevelopment or an area in need of rehabilitation. On November 12, 2019 the governing body adopted Resolution 2019-161-11 for the Land Use Board to undertake an investigation where the 17 parcels meet the criteria for either non-condemnation area in need of redevelopment or an area in need of rehabilitation. Under these two categories the township does not exercise any authority for eminent domain to condemn property, it is very specific in the resolution. Any inclusion or modifications to any of those properties would be completely voluntary for the any of the property owners. These properties were part of a redevelopment plan that was prepared in 2004 and amended in 2007. When the township solicitor and he

looked at the age of the report, there have been several modifications to the statute, and notice requirements, it was determined to do an investigation of an area in need of non-condemnation or rehabilitation.

This is the first step in a multi-step process. The Governing Body authorizes the Joint Land Use Board to undertake a preliminary investigation and a public hearing to determine if this qualifies as a non-condemnation area in need of redevelopment or rehabilitation area or both. The next step would be the preparation of a redevelopment plan, which becomes the guiding plan for the properties. The Governing Body would introduce the plan by ordinance. It then get referred to the Joint Land Use Board to review the plan and its consistency with the Master Plan and any recommendations. It then goes back to the Governing Body for a public hearing, second reading, and adoption. Any developer would still have to come back to the Joint Land Use Board for a normal subdivision or site plan approval.

The subject study area is generally bounded by Route 38, Fostertown Road, and Hainesport-Mt. Laurel Road. There are 17 separate parcels which a total of approximately 42 acres. The Route 38 parcels are mostly in the highway commercial zone and the balance of the properties are in the R1 residential area. He has done an analysis on the existing areas and uses. An analysis was also done under the rehabilitation and also redevelopment. Under the rehabilitation designation the statute has 6 different criteria that can be met. One of the criteria is that the housing is at least 50 years old. There is a chart on page 14 of the report. Five out of the 6 homes are over 50 years old which is 83%. That automatically qualifies them for an area of rehabilitation.

Mr. McKay stated that it seems to imply that if the house is over 50 years old, it is in need of rehabilitation. Is that due to age or is there no consideration of the condition of the house.

Mr. Taylor explained that the way the statute was set up is that it states “more than half of the housing stock in the delineated area is at least 50 years old” in a rehabilitation area. It does not mention anything about the condition. That would be a higher bar to establish a redevelopment area. The Governing Body and Land Use Board have a couple of options on how they can approach the designations of each properties.

Mr. Krollfeifer went through the 6 criteria and the only one the houses meet are that they are at least 50 years old.

Mr. Taylor explained that since they met the age they did not do an analysis on the condition of the utilities.

Mayor MacLachlan commented that he believes he, Mr. McKay, and Mrs. Kelley were involved when we originally set up this area in need of redevelopment. He questioned why we would include the homes in the area.

Mr. Taylor explained he will give his analysis and there are 3 options that would pertain to the homes that are in pink.

Mr. Taylor continued that they did rely on some of the information in the old reports of 2004 and 2007 which is still current. He referred to the map on page 32 of the report. The following areas A, B, C, I, and H (yellow on map) have been vacant in excess of 2

years and 10 years, therefore, meets statutory criteria. The two small properties, O and P (yellow on map), qualifies as redevelopment area.

Mayor MacLachlan commented that Mr. Taylor prepared a wonderful presentation. Mrs. Kelley agreed.

Mr. Taylor explained that those properties in yellow do meet the statutory criteria of a redevelopment area without condemnation. He gave the definition of a non-condemnation redevelopment area. If there are properties that are surrounded by properties that do qualify, then you may include those additional parcels. They are J and Q (green areas). If you look at the 11x17 handout, the last option was cropped off and is in the report

Their recommendations are that the yellow areas meet the statutory criteria for designation as a Redevelopment Area. The green parcels do not meet the statutory criteria but each one is owned in common ownership with an adjacent parcel. This is being done to be consistent with the town's master plan. Including those parcel allows for a more comprehensive development. It allows flexibility within that redevelopment plan.

Mr. McKay stated it was said that common ownership between A and Q but that is not what the chart says. A is Friendship Farms and Q is Eric Ravikio.

Mr. Taylor explained that Eric Ravikio is a principle of the other entity. Mr. Ravikio requested that it be looked at to include.

Mr. McKay questioned if you would consider Q different that J. Q has residential around it and across the street.

Mr. Taylor explained that one of the difficulties is to get county road access out onto Hainesport-Mt. Laurel Road because of the short distance. One thing with Q, if the Township Committee was in agreement with a proposal there could be access to whatever that future development could be.

Mr. Krollfeifer questioned what the difference would be for taxes for commercial verses residential. He is including Q as residential, which is going to change. The study says it is to enhance the ratable.

Mr. Taylor explained not necessarily. Any modifications to zoning are not the subject of the preliminary investigation or determination study. Those would only be subject to a redevelopment plan. We are not at that step. The first step is here are 42 acres, does this qualify as a non-condemnation redevelopment area and/or a rehabilitation area. The project can sit and nothing happens, which has happened over the last 16 years. Redevelopment allows the town to create flexible zoning and design standards to try and attract development. It may not be facilitated under the standard C1 zoning or HC zoning. That is the same issue that we ran into with the Hainesport Commerce Center as part of the Lawrence Blvd Redevelopment Plan. The second step may not happen for a month or three years from now.

Mr. Krollfeifer explained that years ago a water park came to the Board, who wanted access to Route 38, Fostertown Road, and Hainesport-Mt. Laurel Road. The application was not approved. Why would we give access to the roads when we have no idea what it

is? There is access from the yellow to Fostertown Road and the County was not happy with that. Now we're dealing with something that we don't know what is coming in. Why should we change Q, which is residential, to make the requirements. Only because of common ownership.

Mr. Taylor explained that is not the subject of this study, it would be for the redevelopment plan. That redevelopment plan is completely at the discretion of the Governing Body.

Mr. McKay commented that it appears from the map that C and I give access to Hainesport-Mt. Laurel Road.

Mr. Taylor explained that G & L have been vacated and given to F and K, which are single family homes. There is no potential access.

Mr. McKay remembers there being an access from Hainesport-Mt. Laurel Road to the Volkswagen building. You can still see a trace of the gravel road.

Mr. Krollfeifer stated that would be on P and now has a sign stating road closed.

Mr. Taylor explained they did a title search and did not find anything. The other issue with parcel Q would look for an alignment with a traditional intersection with Easton Way. The County and any engineer want to have the intersections line up.

Mr. McKay commented that any align with Easton Way raises the issue with traffic flow on Easton Way. It has been historically a problem. Speed bumps and stop signs were added and still people race down that road. It would raise more traffic issues on Easton.

Mr. Taylor explained in discussions with the attorney and land owner, any connection out to Hainesport-Mt. Laurel Road would only service the back half of the property. It would not be a thru road from Route 38. That is during the second stage. We are getting ahead. The Governing Body would have complete authority during that process.

Mayor MacLachlan stated that he had seen some type of plan but feels as if he is being asked to agree to something before he knows what it is. He wants to know if they make a decision if there is any recourse on it.

Mr. Taylor explained that as Mayor and part of the Governing Body, if a concept plan comes before you and there is something you're not comfortable with, the redevelopment plan does not move forward. All this step does is draw a line to say, we think this area could help our economic and development goals. We would like to give the Governing Body the discretion to work towards redevelopment that is more balance with the community. That is what we did with the Lawrence Blvd. and Hainesport Commerce Center. He discussed how that process worked.

Mr. Taylor continued. We need to ask yourself: Is this something we should consider? Does it meet the criteria? This would give the Governing Body the flexibility to come up with standards based on a concept plan or not.

Mayor MacLachlan commented that we want good development. If the Board agrees to this, the Committee would get it. They could rezone it and the Land Use Board is out of the rezoning issue.

Mr. Taylor explained how the NJ Redevelopment and Housing Law works.

Mr. Krollfeifer stated that he is amazed at how quickly they were able to do the Hainesport Commerce Center. He did specifically questioned their attorney on who would go into the building. They did not know at the time. He questioned if with this plan there is an applicant waiting for this and we will get an application. He has concerns for the 8 residential properties in white on Fostertown Road, the residential properties in pink on Hainesport- Mt. Laurel Road, the Q residential property in green, and across the street are all residential properties on Hainesport-Mt. Laurel Road. He hate to see highway commercial closer to residential.

Mr. Taylor stated that is not the case, there is no zoning for those under this plan. There was no intention based on the concept plan he had seen. It does not bring commercial any closer to Hainesport-Mt. Laurel Road. It actually pushed residential closer to Route 38.

Mayor MacLachlan stated there is a plan and the applicant is here. We are not putting the cart before the horse legally, but he believes we are morally and ethically. They have worked hard over the years and met with many applicants that were trying to buy the Ravikio property. The warehouse was done quickly and Mr. Krollfeifer knew nothing about it and we know nothing about this. There is a plan and he is sure that it would be modified along the way. He questioned if he was off base.

Mr. Krollfeifer and Mr. McKay stated he was not.

Mr. McKay stated we have raised a lot of the issues and there will be a lot more that will come up. If voting for the proposal as structured you are potentially giving away any ability to manage the development with a proper site plan. It could be taken away by the Governing Body.

Mr. Taylor stated as of today, everything in yellow could potentially be built as highway commercial. If the Board is not comfortable, they could ask the Governing Body for some clarification of why we are doing this.

Mr. Taylor addressed the last redevelopment process we went through, there were 3 or 4 hearing at the Land Use Board. The first was to analyze the properties, second was the referral of the redevelopment plan which had a concept plan in it. Then we had one or two Land Use Board hearings.

Mr. Taylor stated as long as he is planner if the Board is not 100% comfortable, all of your questions have not been answered and/or can't be answered before you make a decision, come back next month. Land Use approvals are forever, good, bad, or indifferent. So that's why, in particular the redevelopment plan and the site plan approvals are critical. The way land development works. If you take a parcel say in Mercer County, a large vacant farm, if the town is talking to the land owner or developer and trying to work on a redevelopment plan. Nine times out of ten they are not under contract yet with who is actually going to build the home. End users rarely build their own buildings. A company comes in and take baby steps, when they get closer they can say that they have a redevelopment designation. They talk to a few possible end users with an approved redevelopment plan. They talk some more narrowing it down to two or three users. Not until they come in for site plan will those end users actually sign. This is how the process works most of the time. If the Board is still not ready, in other towns

they have done sub-redevelopment committees consisting of two Planning Board members and two Governing Body members to go through so that there is good communications between both boards. What could possibly happen at a site could be addressed. With designation, nothing changes on the property, it only allows the Governing Body to intervene.

Mayor MacLachlan explained that he believes the reason we go through this is either to entice a developer or offer into a pilot program to make the development more attractive. Are we able to negotiate with a developer to know what they want before we move forward?

Mr. Taylor explained that after this step, the Governing Body has complete discretion to offer whatever changes they feel are appropriate or not.

Mr. MacLachlan questioned why we would include these extra lots.

Mr. Taylor stated that is something to ask the Governing Body from November 12, 2019 when they said we should look at this for redevelopment. He explained the different incentives that could be used to attract developers, such a pilot program.

Mr. MacLachlan commented that they had several developers interested in the Ravikio property years ago which didn't work out. He has concerns with homes in the pink area and how this will affect them.

Mr. Taylor explained the map. The yellow area meets the requirements for redevelopment area. The green parcels meet the rehabilitation area, the Governing Body has the flexibility to leave them as rehabilitation or you can include them as redevelopment. The pink parcels are well maintained and do not meet the criteria for either an area of rehabilitation or redevelopment designation, but can still be considered. The Board has three choices for the pink parcels: designate it as a rehabilitation area, designate as a redevelopment area for the overall redevelopment plan, or leave them as undesignated and stay as they are. If he lived in one of those homes he would appreciate the designation because if I were to improve/add on to my home, I could ask the Governing Body to defer those taxes over 5 years. He described the 2014 rehabilitation designation he did for downtown Medford and how it had helped.

Mr. Sylk questioned if they approve this today, are we giving up any rights?

Mr. Taylor answered none.

Mr. McKay questioned if the green property could be given the same three options as the pink.

Mr. Taylor stated you could. If you look at the environmental mapping on page 12. It is the states wetland mapping. He explained how the wetland sits in and is not good to be highway commercial on the deeper side. The plan he seen took some of highway commercial, part of the back, closest to Hainesport-Mt. Laurel Road and changed it to potential residential use.

Mayor MacLachlan would like to see a plan before he votes on it.

Mrs. Kelley commented that J has always been commercial, there use to be a gas station there. It should be designated as a redevelopment area. It should be yellow to the corner.

Mrs. Tyndale questioned why this plan was being redone.

There was a discussion regarding the past plan and the new, different laws have changed from 16 years ago.

Mr. McKay believes that the wetlands is a good thing. It pushes the developer into a multi-use development. The deep areas are not suited for commercial and it is not long enough to put a big box store. It is all hypothetical at this point. What would happen if the Board where to approve it without the pink and lot Q?

Mr. Taylor stated we could or lot Q could be considered a rehabilitation area.

Mr. McKay questioned if we exempted the pink and the Q and a developer came in for lots A thru J and coveted Q for residential there be nothing the town could do reevaluate it based upon that plan.

Mr. Taylor stated there is nothing from stopping the town thru the entire process. It is one of the things redevelopment does.

Mr. Krollfeifer questioned whatever action this Board does tonight, the Township Committee can do whatever they like.

Mr. Taylor explained that if the Board does not act on this designation, the Governing Body cannot move forward. If that happen the Governing Body has vested authority at any point in time to make zoning modifications. Then you do not have the incentives.

Mr. Krollfeifer if the Board approved this concept with a change lot Q to pink and lot J yellow. The pink remaining undesignated and remain in their zone. Can it be done?

Mr. Taylor explained that you can say that you believe that it should not be included in the redevelopment zone.

Mr. McKay stated if you were to include the pink in the redevelopment area, is there a potential benefit to the pink lot homeowners that they could have a deferral of taxes for 5 years if they were to build onto their home. That would be one benefit.

Mr. Taylor stated there is also some benefit for their resale value.

Mr. McKay stated the other possibility is if you did the rehabilitation and included the pink and a developer comes in and want to do a master multi-unit development of everything. There is the potential of a developer making them offers they couldn't resist to sell the properties. That would depend if the people who have been there many years want to sell.

Mr. Taylor stated that would be completely voluntary, that would become a private matter.

Mayor MacLachlan questioned if the bulk of the property is still assessed as farmland.

Mr. Taylor answered yes.

Mayor MacLachlan questioned how the one plan got into the townships hands.

Mr. Taylor explained that the land owner approached the township because there is an existing redevelopment plan, which is the process. The developer asked what the steps were to move forward. At that time is when he and the township attorney found out that changes had occurred in legislation since the 2004 and 2007 report and determined they recommend the township redo the investigation instead of moving forward with the other plan. That is why we are back here today.

Mrs. Baggio questioned if there were any significant changes from the old plan to this plan.

Mr. Taylor stated that the redevelopment areas look very similar. The concept plan they saw only dealt with A and Q. The met with the property owners. One of the things they do is look how to minimize the impact to the neighbors, minimize the number of driveways and curb cuts. They did not want to see the highway parcels cut up and having driveways every thirty feet. They suggested that the property owners work together to make it work together and there is no plan in place for that. When you offer some type of tax abatement, it makes it an attractive element.

Mr. Taylor commented if we get to the point in creating a new redevelopment plan for this property, the township has the authority to say you may only have one access or two accesses and you must provide a cross easement to your neighbor, you must provide a 30' buffer along the residential area. It allows the town to come up with the best thing in all regards. If there is a concept plan, he likes to include it in the plan.

Mr. McKay questioned if the concept plan is generated in his office.

Mr. Taylor explained that it can be. You may have a developer with one design but it doesn't fit the character of the town and he would redesign it and try to work with them to come up with something the town and the developer would be happy with. It would have the appropriate design standards, architectural, and lighting. If the town is not comfortable, the project would not go any further.

Ms. Kosko questioned that early Mr. Taylor mentioned that the county often will not approve ingress and egress unless is directly across from an existing access point.

Mr. Taylor stated the county will look if they can align them, they have standards to offset from driveways. The state is the same way and are the ones to decide what happens near or on any of their highways. No one wants a driveway come out where there are cars cueing.

Ms. Kosko questioned if Q was not included, in the current plan, it could affect the entire plan.

Mr. Taylor answered yes. The residential component came in thru Q and also a small part of parcel A. The concept plan he had seen was not a matter of the highway commercial zone coming closer to the residential area.

Ms. Kosko stated the economic committee look at one concept plan back in 2018 and then another one last year. The one last year showed the residential component would have access off of Hainesport-Mt. Laurel Road and the rest of the commercial would only have access from Route 38.

Mr. Krollfeifer opened for public comment.

Alma Boettcher, 520 Hainesport-Mt. Laurel Road, commented that her property is K and K on the map. She questioned when the yellow property become owned by one person.

Mr. Taylor explained that it is still owned by two. That has not changed. They do not want to do anything. All this plan does is to authorize the Township Committee to start discussions with developers and look at different uses for zoning.

Mrs. Boettcher stated back on May 11, 1970-2, a portion of Sexton Ave was vacated. She now owns a portion of it. The map does not reflect what her property looks like. Her garage sits further back than anyone else's property in the pink. There is a big hole that comes in between F and G. It is not right on the map.

Mr. Taylor explained that tax maps are generally drawn by hand and are a general representation of where the lots are. The information shown on your title survey or deed will be the governing information.

Mrs. Boettcher questioned what they will be doing with the big hunk that is there, will you be staying 30', 50' away from it.

Mr. Taylor commented that there is no proposal now. The next phase would be the redevelopment plan. That is where any proposed uses, setbacks, buffering requirements, lighting, and any of the other provisions would be considered by the Township Committee and/or the Planning Board.

Mrs. Boettcher agrees with Mayor MacLachlan that we don't know what is going there.

Bud Burns, 2515 Fostertown Road, stated that right now it does not affect him. His lot is 4.02 and backs to the Ravikio property. He has been here since 1977 and has concerns with what is coming. He also believes that if a road was going through Q to line up with Easton way. That would give perfect access onto Mt. Laurel Road.

Mr. Taylor explained that the concept plan he had seen showed no access from Route 38 to Mt. Laurel Road. The road out of Q was for residential part only.

Mr. Burns questioned what happens if there is a plan that shows that access.

Mr. Taylor commented that he is not the Board, but he is pretty sure they would say under no circumstances. He also believes DOT would not allow it. He explained that the concept plan showed the residential in Q and part of A. It was showing that it was pushing the commercial closer to Route 38 which would be further from your property.

Patricia Burns, 2515 Fostertown Road, explained in the past the man, Charles wanted to put in a development. He wanted her house so they could have access out onto Fostertown Road. The county wanted them to put in 4 lanes for traffic and he did not want to do that. What will happen with the drainage if they expand the residential?

Mr. Taylor explained that any development would have to comply with the NJ sewer and water management regulations. That addresses the quantity and quality of the runoff. There cannot be any increase in runoff after it is developed. The old Bachman site is all pavement now with no stormwater management.

Mrs. Burns stated she has concerns from the water runoff from Chase. You can see the water come across the road. The County did come in and put in the lift so water didn't come down the driveway but still goes into the yard.

Mr. Taylor stated that when a developer comes in sometimes the county looks to have them fix existing problems.

Mrs. Burns commented that they will never have city water or sewer there on her section of Fostertown Road. Way back when, she was told that if the Ravikio property was ever developed they could demand to be hooked up.

Mr. McKay questioned if the sewer is down on Route 38, he knows it runs down Hainesport-Mt. Laurel Road. How would you get water and sewer to the property on Route 38?

Mr. Taylor stated the developer would have to figure that out how to access.

Ms. Kosko suggested that she call Mr. Mulberry tomorrow to see where the main sewer line is.

Eric Ravikio, 620 Hainesport-Mt. Laurel Road, commented that most of his lot pitches towards the Burns lot. If this is developed the water would be contained. He is open to the sewer but their property sits lower and probably have to be ejected. He doesn't want to pay for it, but has no problem if they want to do it. He bought his primary residence in 1998. He put an 8" sewer main from the Easton Way connection and connected to it. They will be able to connect the entire site to sewer but it would not be gravity fed. There would be a pump station somewhere on the east bound side of Route 38.

Mayor MacLachlan commented that the concept has gone through several mayors, committee members, developmental boards and it would be nice if this could be completed under one administration. We ask the applicant to sit down with a subcommittee, two members of the planning board, and two members of the committee. Is there a concept plan that they want to move forward with.

Mr. Ravikio stated I could tell you what I would like to come in, doesn't mean that is who wants to come. There is a residential element and a highway commercial element. They do not have a user. They are currently trying to attract the users.

Mayor MacLachlan understands about the users. He would like to get some type of plan done.

Mr. Ravikio explained that the only this that has changed is that he has purchase the property A and D from his family and the other 24 partners. It has been in family since the 1960s. We will be the developer and will make it happen.

Mayor MacLachlan would like to have a meeting with a subcommittee to see if we can move this forward.

Mr. Taylor explained that we can carry this to the next meeting and would give a subcommittee time to meet with Mr. Ravikio and look at the concept plan. This can give everyone the comfort they need to do the designation determination, not the plan.

Mr. McKay questioned how you bring in Mr. Muhlschlegel into the discussion. It seems the opportunity for development are greatly enlarged you deal with the yellow as one development parcel.

Mr. Ravikio explained that they are each individual owners and if there is something we can do to connect them, it would be wonderful. If someone came in and wanted to bridge over the two properties, he is all for that. I am not interested in buying the property.

Mr. Taylor explained that we explained very early on that we need a driveway to connect the two properties to eliminate unnecessary trips out onto Route 38. The township does have the right to say that they shall provide the interconnection between the two. Under traditional zoning, the town cannot require it.

Mayor MacLachlan questioned if we have time to table this to the next meeting.

Mrs. Tiver answered yes.

Mr. Taylor explained that review a concept plan is not binding on the town or the applicant and does not change the zoning. It is to give the Board a comfort level to see what the vision is. Once the designation study is done then the redevelopment plan can get developed based on that concept plan or a slightly revised one.

Mrs. Kelley said if we approve this she would include J as part of the yellow. When we get to the next step is when you come in with your subcommittee.

Mr. Taylor explained that is when they usually see it, at the redevelopment plan phase.

Mrs. Kelley believes they want to have the zoning in place. We should complete this now. We need to move on and stop rehashing what we have all night long.

David Frank, Muhlschlegel's attorney, stated they would be happy to participate in a subcommittee meeting to go over their concept plans for the parcels they control. They have had contact with Mr. Ravikio. Their concept plan does supply a cross access. It does pull the commercial away from the residential properties. The exercise the Board is doing now is really based on the current conditions of the properties. It's more of what are they than what are they going to become and if they are in need of redevelopment or rehabilitation. Doing this designation is to enable the negotiations for discussion compared to it being the result of them. The results of those discussions is a plan that is enacted by ordinance. There are use, bulk and design standards that the town wants and they can agree to and negotiate. Normally in zoning it cannot be done. He hopes it can be acted on this evening but understands if not.

Mr. McKay questioned how any of the people that are in the pink area feel about being included in the redevelopment area. Are you for it, against it, or have questions?

Mr. Krollfeifer stated that the only people in the pink area here are Mr. & Mrs. Boettcher.

Mayor MacLachlan commented that we would know that in 30 days.

Mrs. Tiver stated they did receive notice for this public hearing.

Ms. Kosko commented that Mr. & Mrs. Boettcher's neighbor did come in and ask questions and they understood.

Mrs. Krollfeifer, 23 Easton Way, commented that she has been listening all night and believes it needs to be looked into further. Mt. Laurel just a couple minutes away is building like a city and traffic will be insane on Route 38.

Mr. Krollfeifer questioned if Mr. Ravikio is aware of the building in Mt. Laurel.

Mr. Ravikio answered yes.

Mr. Krollfeifer closed public comment. So for a subcommittee meeting, we will have 2 people from Township Committee, 2 people from this Board, Mr. Taylor, Mr. Ravikio, and Mr. Frank.

Mr. Krollfeifer and Mr. Sylk volunteered for the subcommittee.

Mayor MacLachlan questioned if this passed tonight, when would the Township Committee get the next step?

Mr. Taylor explained if the Board is comfortable with the designation study and said yes. The Township Committee will acknowledge it and would pass a resolution to adopt it. Then the next step would be the zoning, which could happen the next month to 3 years after that designation. A lot of developers will not spend \$5,000 to \$10,000 on a concept plan until the municipality has taken that first step. Then the developer would invest some money to look at a concept plan. It will be gone over until everyone is at a comfort level with the proposal. Then the zoning gets put into a redevelopment plan. That plan would take about 3 months.

Mayor MacLachlan asked to sit down and get a comfort level for the concept. Then try to make up for the lost 30 days.

Mrs. Kelley feels they should move forward with this redevelopment and rehabilitation. They should include J in the yellow, leave the pink and the other green as rehabilitation. Then they can come back after the subcommittee meets and decide if the green and pink should be in one of the others. If you don't move forward, you can lose. She is ready to put a proposal forward.

Mrs. Tyndale agreed with Mrs. Kelley. You would be asking them to put out a lot of money for a concept plan that may or may not get approved. He needs this in place before he can move forward. This is just reaffirming what was done years ago by the Land Use Board to begin with.

Mr. Krollfeifer commented that they are not asking Mr. Ravikio or Mr. Frank to put together a preliminary site plan. We just want to get an idea of what they want to do there.

Mrs. Kelley stated that for them to move forward you need to do this. You have to complete this section in a reasonable amount of time. There is some misunderstanding on what we can and cannot do. We are just reaffirming what is already in place.

Mrs. Baggio questioned if there was already a redevelopment plan in place and this one will replace it. The prior plan already has Q and J in the plan.

Mr. Taylor stated that is correct.

Mrs. Baggio stated it is a reaffirmation of the plan.

Mayor MacLachlan commented that it is a new plan. The development that is proposed is all new. You already delay to come back for the pink and Q.

Mrs. Kelley explained that you come back after you have a development. We have a great plan that we did in 2004 and again in 2007. Now it has come back due to changes made by the state and some of them may be reflected when he comes in for a redevelopment. When he comes in for the redevelopment that is when you want to have that subcommittee before he comes back to us. A developer can come forward knowing this in place and say what he is willing to put in there.

Mr. McKay motioned to continue this until the next Land Use Board Meeting of August 5, 2020 to give the subcommittee a chance to meeting with Mr. Ravikio and Mr. Frank. They can report back so that we understand it for the next meeting and take a vote at that time.

Second: Mayor MacLachlan and stated he is not asking him to spend money. He can just put it on paper.

Roll call: Mr. McKay, yes; Mayor MacLachlan, yes; Mr. Tyndale, no; Mrs. Kelley, no; Mrs. Baggio, no; Ms. Kosko, yes; Mr. Sylk, no; Mr. Tricocci, yes; Mr. Krollfeifer, yes

Motion carries to carry it to the August 5, 2020 meeting at 7pm.

7. Minutes

A. Special Meeting Minutes of January 21, 2020

Mrs. Kelley motioned to approve

Second: Mr. McKay

Roll call: Mrs. Kelley, yes; Mr. McKay, yes; Mayor MacLachlan, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve

B. Regular Meeting Minutes of February 5, 2020

Mrs. Kelley motioned to approve

Second: Mr. Krollfeifer

Roll call: Mrs. Kelley, yes; Mr. Krollfeifer, yes; Mayor MacLachlan, yes; Mr. McKay, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes; Ms. Kosko, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2020-07: Debra Martin**Granting variance for second 2-car garage on Block 94 Lot 1.01**

Mr. McKay motioned to approve.

Second: Mrs. Tyndale

Roll call: Mr. McKay, yes; Mrs. Tyndale, yes; Mayor MacLachlan, yes;
Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve.

B. Resolution 2020-08: Quaker Group**Granting extension of time on Block 100.14 Lot 12, Block 100.18 Lot 4,
Block 108 Lot 2.01**

Mrs. Baggio motioned to approve.

Second: Mrs. Tyndale

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

Motion carries to approve.

9. Correspondence

- A. Letter dated February 20, 2020 from Taylor Design Group to Mrs. Newcomb
Re: Hirshland & Company, Block 96 Lots 1.01 & 1.04, Landscape Inspection #1
- B. Letter dated February 24, 2020 from Burlington Co. Planning Board to Mrs. Tiver
Re: The Reserve at Creekside, Quaker Group Burlington II, LP Block 100.14 Lot 12
& 4, Block 108 Lot 2.01
- C. Notification dated February 27, 2020 from Engineering Design Associates
Re: Block 42 Lot 2.01 1513 Route 38 Freshwater Wetlands General Permit 6
- D. Letter dated March 3, 2020 from Alaimo Engineering to Mr. Blair
Re: Hirshland & Co., Case 16-11A Temporary Certificate of Occupancy
- E. Letter dated March 4, 2020 from Taylor Design to Land Use Board Members.
Re: Hainesport Commerce Center, Block 83.01 Lots 1-3; Block 96 Lot 1;
Block 96.01 Lot 1; Resolution Compliance #1
- F. Letter dated March 5, 2020 from Alaimo Association to Mr. Krollfeifer.
Re: The Reserve at Creekside Block 100.14 Lot 12, Block 100.18 Lot 4
Block 108 Lot 2.01, Performance Bond & Plan Distribution
- G. Certification from Burlington Co. Soil Conservation District
Re: Hainesport Commerce Center Block 96.01 Lot 1; Block 96 Lot 1
Block 83.01 Lot 1-3
- H. Letter dated March 16, 2020 from Alaimo Engineers to Ms. Kosko
Re: The Reserve at Creekside Block 100.14 Lot 12, Block 100.18 Lot 4
Block 108 Lot 2.01, Performance Bond & Plan Distribution

- I. Letter dated March 24, 2020 from Burlington Co. Planning Board to Mr. Blair
Re: Our Lady Queen of Peace, Block 91 Lot 3
- J. Certification dated March 24, 2020 from Burlington Co. Soil Conservation to Mr. Blair
Re: GSB Dealership at Hainesport Township, Block 98 Lot 3; Block 99 Lot 5
Block 116 Lot 1
- K. Letter dated March 26, 2020 from Burlington Co. Planning Board to Mrs. Tiver
Re: The Reserve at Creekside Block 100.14 Lots 12 & 4, Block 108 Lot 2.01
- L. Letter dated March 27, 2020 from Alaimo Engineers to Mr. Krollfeifer
Re: Hainesport Commerce Center, Block 96.01 Lot 1; Block 96 Lot 1;
Block 81.03 Lots 1-3
- M. Notice dated March 31, 2020 from ARH Associates.
Re: Notice of Application for Presence/Absence LOI; Block 109 Lot 2
1610 Ark Road
- N. Hainesport Township Resolution 2020-97-4: Authorizing execution of a redevelopment agreement for the construction of certain facilities and improvements in the “Lawrence Blvd Redevelopment Area” and consenting to substitution of majority member of redeveloper.
- O. Letter dated April 3, 2020 from Alaimo Engineers to Ms. Kosko
Re: Hainesport Commerce Center Block 96.01 Lot 1; Block 96 Lot 1; block 83.01
Lots 1-3; Preliminary and Final Site Plan Performance Bond
- P. Hainesport Township Resolution 2020-96-4 accepting a performance bond for Hainesport Commerce Center Urban Renewal, LLC
- Q. Hainesport Township Resolution 2020-90-4 accepting a performance bond for Anaker Group Burlington II, LP (Reserve At Creekside)
- R. Letter dated April 6 2020 from Langan Engineering and Environmental Services to Joint Land Use Board.
Re: NJDEP Treatment Works Approval Permit Application for Hainesport Commerce Center
- S. Letter dated May 11, 2020 from Taylor Design to Joint Land Use Board
Re: Application 18-10; Block 110 Lots 10, 10.02, 10.03; 56 Phillips Road
Preliminary and Final Major Subdivision with Bulk Variances
- T. Letter dated May 19, 2020 from Taylor Design to Mrs. Newcomb
Re: Hirshland & Co. Block 96 Lots 1.01. 1.04; Landscape Inspection
- U. Public Notice date June 18, 2020
Re: BTC III Acquisitions LLC; Application for LOI Block 42 Lots 1, 1.03, & 2
- V. Letter dated June 18, 2020 from Alaimo Engineers to Mr. Krollfeifer
Re: Hainesport Commerce Center Block 96.01 Lot 1; Block 96 Lot 1; Block 83.01
Lots 1-3; Compliance Review #2

- W. Letter dated June 24, 2020 from Taylor Design to Joint Land Use Board
Re: Hainesport Commerce Center Block 96.01 Lot 1; Block 96 Lot 1; Block 83.01
Lots 1-3; Compliance signoff
- X. Letter dated June 25, 2020 from Taylor Design to Mrs. Newcomb
Re: Diamantis Trust – Pep Boys Block 100 Lot 8.01; Maintenance Bond Inspection
- Y. Hainesport Township Resolution 2020-111-5 authorizing and directing the
Hainesport Land Use Board to cause a preliminary investigation to be made pursuant
to NJ local Redevelopment and Housing Law as to whether a certain area is a “Non-
condemnation area in need of Redevelopment”
- Z. Hainesport Township Ordinance 2020-05: Establishing a temporary process for
Permitting outdoor dining.

Mr. Krollfeifer amended the agenda to include Z. Ordinance 2020-05 for outdoor dining.
He questioned what letter U. regarding a public notice.

Mr. Taylor explained that they put an application for a LOI from NJDEP. These are sent
to the municipality.

Motion to accept and file: Mayor MacLachlan

Second: Mrs. Tyndale

Roll call: Mayor MacLachlan, yes; Mrs. Tyndale, yes; Mrs. Kelley, yes;
Mr. McKay, yes; Mrs. Baggio, yes; Ms. Kosko, yes; Mr. Sylk, yes;
Mr. Triccocci, yes; Mr. Krollfeifer, yes

Motion carries.

10. Professional Comments

Mr. Kingsbury explained that the Board needs to act on Hainesport Township Resolution
2020-05: Establishing a temporary process for permitting outdoor dining. The Board has
to make recommendation for any changes if any.

Ms. Kosko explained that none of zoning allows for outdoor dining. We needed to
amend our code to allow outdoor dining due to executive order 107. Three of our
restaurants have taken advantage of the outdoor dining.

Mrs. Baggio stated it says temporary.

Ms. Kosko believes the outdoor dining executive order is due to expire November 30,
2020. It also expands to allow liquor for outdoor dining which also expires in November.

Mrs. Kelley questioned if there is a way to put something in to make it permanent.

Mr. Taylor explained that outdoor dining can be complex, sometimes which can block
sidewalks. There are a lot of considerations. This is a nice temporary fix. A lot of people
like outdoor dining and may want to consider something for long term and consider some
standards. It can even be done in conjunction with a redevelopment plan.

Mr. Krollfeifer questioned if one of our other restaurants want to do outdoor dining, they would be able to come in under this ordinance.

Ms. Kosko confirmed.

Mrs. Kelley motioned to approve and that it is consistent with the Master Plan.

Second: Mrs. Tyndale

Roll call: Mrs. Kelley, yes; Mrs. Tyndale, yes; Mayor MacLachlan, yes;
Mr. McKay, yes; Mr. Tricocci, yes; Mr. Sylk, yes; Mrs. Baggio, yes;
Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries.

11. Board Comments - None

12. Public Comments

Sandra Saouaf, 48 Bancroft Lane, stated she provided information regarding the endangered species to Mrs. Tiver.

Mr. Kingsbury explained it cannot be discussed unless the applicant is present.

David Frank thanked the Board for their consideration and reaffirm their participation with the subcommittee on the redevelopment plan.

Mr. Krollfeifer closed public comment.

13. Adjournment

Mrs. Kelley motioned to adjourn at 9:57

Second: Mrs. Tyndale

Roll call: All in favor

Paula L. Tiver, Secretary