

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:00 PM

October 7, 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. Schneider, Mrs. Kelley, Mr. McKay, Mrs. Baggio, Mrs. Tyndale, Mr. Wagner, Ms. Kosko, Mr. Levinson, Mr. Sylk, Mr. Tricocci, Mr. Krollfeifer

Absent:

Also Present: Robert Kingsbury, Esq., Board Attorney
Scott Taylor, Board Planner
Martin Miller, Board Engineer
Kathy Newcomb, Zoning Officer
Paula Tiver, Board Secretary

6. Items for Business

A. Case 20-07: Hoppecke Batteries

Block 96 Lot 2.02

2 Berry Drive

Use Variance for temporary use of outdoor storage pods.

Attorney: Niall O’Brien

Proper notice was given.

Mayor MacLachlan and Mr. Sylk recused themselves.

Mrs. Kelly stated that she had visited the property.

Niall O'Brien, attorney, explained the application is for a use variance for outside storage trailer. He presented the following exhibits: A1 is two photos showing the trailers from the street showing the location. A2 is an aerial photo of the property and the surrounding properties. The location is 2 Berry Drive, behind on the Lowes. It is the industrial district. They are a heavy manufacturing company which is a permitted use. Their operations are assembly, repair, refurbish, and distribution of batteries and have been in Hainesport since 2014. They are in need of temporary trailer storage for 5 years. During that 5 year time frame the applicant will engage in long term facility planning. If at the end of the 5 year time frame the applicant feels the need for longer use of the trailers, they will come back to the Board.

Dave Hankins, president, was sworn in. He explained that the company moved from Cherry Hill to Hainesport in 2014 and the operation. They have approximately 20 employees. They run two shifts that run from 7:30am to midnight.

Mr. O'Brien questioned what has happened to need the trailers on site.

Mr. Hankins stated that since the business has expanded and changed. Due to the circumstances that have arose, they had the need to free up their manufacturing space by temporary storing excess material out of the way of the aisle. This was for the safety of employees and logistic standpoint to move goods and materials.

Mr. O'Brien questioned how many boxes are on site.

Mr. Hankins stated there are 5 shipping containers and 2 portable trailers. The trade tariffs that were imposed caused them to decommission two of their manufacturing lines. They consisted of stainless steel water baths that are completely empty. They are temporarily stored in the 2 portable trailers with wheels. They will be moved to Poland. Due to Covid and other factors, they have not been able to move the equipment there. They probably will not be able to relocate it to Poland until Covid passes.

Mr. O'Brien asked what else is in the boxes other than what was described.

Mr. Hankins explained there are stainless steel trays, empty battery cells, electrical connectors and spools of electrical cable. It was all inspected by the fire official who just recently inspected the facility. The inspection did pass and it is safe.

Mr. Hankins referred to Exhibit A1 showing the location of the storage containers. They are located in the back. There is plenty of parking for the employees which there are normally no more than 16 employees at one time. Several of the containers are 40' and 20' long which there is no encroachment in the parking areas.

Mr. O'Brien commented that they received Mr. Taylor's letter regarding information for additional landscaping to shield the trailers and would be happy to work with Mr. Taylor.

Mr. Hankins stated due to the impervious coverage there are not many options. They could paint the containers or cover them with some material that would make them more esthetically appealing. There is a small piece of land that they could do something but does not believe it would really help. They are willing to do what they can but they have a parking lot that is impervious.

Mr. Krollfeifer explained that you can work with Mr. Taylor, it does not specifically need to be approved tonight.

Mr. Hankins explained that we are all going thru a difficult business time now with Covid. They anticipate getting through this next year and hope to continue to grow their business. They hope to continue to grow their business and would like to eventually expand their building. They are not in the position to do so at this time.

Mr. Levinson visited the site and it is not that attractive. Right next door is the Pods that are stacked 4 to 5 high. He questioned if they could move them to the space they have on the left side.

Mr. Hankins stated they could but it would be a longer distance if they have to access them. He is willing to move them if that is what the Board wishes. They have had some burglary attempts and some issues that have caused them some concerns. They have not been able to catch anyone due to the response time. The further out of site is best. The stainless steel is probably the most expensive material, which has a good scrap deal. That would be his only concern in moving them.

Mr. Levinson questioned if there is some fencing they can use, which is hard because the fence could not go that high.

Mr. Hankins believes that painting them a neutral color or a color that Mr. Taylor suggests. They currently have the natural shipping paint. Painting them would be the easiest thing for them to do and would give the best result.

Mr. O'Brien commented there is a curbed island area near the one trailer that may allow a small amount of landscaping that would help soften it.

Mr. Levinson will defer to our planner.

Mr. McKay questioned if they own the containers with regards to painting them.

Mr. Hankins stated the only two they do not own and are leased are the 2 with the wheels. They are being rented.

Mr. McKay believes that painting them is a sensible idea. What are the total number of containers they are requesting?

Mr. Hankins do not look to expand other than what is currently there. They did not realize that they needed to seek approval and apologized for it.

Mr. Krollfeifer questioned how many are there now.

Mr. Hankins believes there are 6 shipping containers and 2 mobile trailers, total of 8.

Mr. Krollfeifer questioned if they own the property or if they are leasing it.

Mr. Hankins stated that they own it.

Mr. Taylor stated if the Board chooses to approve that he believes painting them a grey brown with some shrubs in the foreground will help break it up.

Mr. Krollfeifer questioned if the applicant was in agreement.

Mr. Hankins answered yes and would try to move quickly on the painting before the cold weather. He asked for a little more time on the landscaping due to having to get a landscaper in.

Mrs. Newcomb explained she had found this issue and they have been more than cooperated with her. She asked that the applicant come back to her or a letter every year or two years to let us know what is going on with the trailers, so it does not get forgotten.

Mr. McKay would like it if the variance for the trailers not be carried over to a new occupant if they should leave.

Mr. O'Brien stated that is acceptable that it is use specific.

Mrs. Kelley does not believe they should have to come back every two years. If they want to send a letter every two years that is fine, but thinks it does not need to be mandatory. The containers should stay at the current location. If they move them, it would make them more acceptable to burglary. Painting them is fine.

Mr. Hankins explained that they have a lot of annual paperwork with the state and asked if they were to impose a time regarding notification that it be halfway, 2 to 2.5 years. That would be his only request.

Mrs. Newcomb agrees that a letter would be fair.

Mr. Krollfeifer believes it would be a good idea to give a date, December 31, 2022, to send a letter to the zoning officer.

Joe Mancini, engineer and planner, was sworn in and gave his credentials.

The Board accepted.

Mr. Mancini explained exhibit A2, aerial of the site. There are similar uses in the surrounding area and are mostly industrial in nature around Berry Drive and the By-Pass. This facility is consistent with those types of uses. Some of the other sites have similar storage such as York Heating and Air Conditioning. Hainesport Enterprises occasional has similar storage on site. The CVS site doesn't have boxes but have trailers on site.

Mr. O'Brien explained it is to give some context that it will have less of an impact.

Mr. Mancini stated that the site is particularly suited for this temporary use. The boxes are being stored on already impervious area. The site is about 8.75 acres with plenty of parking. 114 parking spaces are required and they have 170 spaces. About 16 of the spaces are being used for the boxes. The site has been well suited for their operations since they moved here in 2014. It has the infrastructure, facility, office space, parking, unload, and operation needs. It makes sense to allow the temporary storage. It serves the purpose of more efficient use of the land and allows to maintain green space. It helps them prevent any delay in their operations. Batteries promote the conservation of energy.

Mr. O'Brien asked if he believes the site meets the positive criteria and asked about the negative.

Mr. Mancini believes it meets the positive criteria. The storage containers are appropriate for an industrial building such as this. They are not close to residential areas and are not visible from them. It will have no substantial detriment to the public good. The property is adequate in size and is not visible from the site other than from Berry Drive. There is adequate parking and the use is temporary. He sees no detriment to the zone plan or the zoning ordinance.

Mr. O'Brien asked if the positive and negative criteria have been satisfied.

Mr. Mancini answered yes and finds it appropriate to grant the use variance.

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

Mr. Kingsbury explained if the Board will be requiring any landscaping or will it be left to the planner and the color. A date for notice to Mrs. Newcomb.

Mr. Krollfeifer stated March 31, 2023.

Mr. McKay motioned to approve the use variance and the applicant has established the necessary positive criteria and no negative criteria was found. This is for a 5 year approval with current trailer orientations, painting of the stationary containers, the paint color and landscaping would be subject to approval by our planner, no transfer of the variance to a future owner of the property. A letter report on the status of the containers by March 31, 2023. The 5 years would go from the date of the resolution. The painting should be completed by December 31, 2020 and the landscaping should be completed by April 15, 2021.

Second: Mr. Levinson

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

Motion carries to approve.

B. Case 20-10A: Yogesh Patel
Block 109 Lot 12.02
2 Cloverdale Court
Bulk variance for front yard setback
Attorney: David Shafkowitz

Proper notice was given.

Michael Avila, planner/engineer, and Yogesh Patel, contracted purchaser, were sworn in.

Dave Shafkowitz, attorney, explained the application is for 2 Cloverdale Court located in RR5 zone. The property is 3.1 acres, currently vacant, and is on the corner of Cloverdale Court and Ark Road. The property is the subject of a subdivision back in 2003. The lot is pre-existing nonconforming. The applicant is proposing to build a single family home on the lot. The property has two front yards. They are asking for a variance of 90' setback on Ark Road where 125' is required for the house.

Mr. Avila gave his credentials and the Board accepted. They have done OPRA requests for the other homes on Cloverdale Court so in preparing this lot would be consistent with them regarding the size, setback, and architecture. There have been discussion regarding

restrictions to the property. Mr. Patel has no problems with them such as no front yard fencing on Ark Road and Cloverdale Court that will be filed, which were not previously filed. Noted in Mr. Taylor letter, they are asking for a bulk variance. This is the last lot yet to be developed in Hainesport. This development is one side Hainesport and the other side is Lumberton. Given the time that has lapsed in developing this lot, this is the gateway home coming into the neighborhood which it would be a benefit. It is difficult to try and stay with the same size home with the two front yard requirements. The plans were given and approved for the architecture to the homeowners association. The home of this size and character with keeping with the neighborhood would be well received in this neighborhood. This is a custom home much like the other homes on Cloverdale Court. It enhances the neighborhood. Much work was put in for the visuals such as the garage doors not facing Ark Road, the placement of the circular drive, placement of the building, and character of the building that this is not just a cookie cutter home. This would promote the neighborhood and is esthetically pleasing. The variance will not impair the zone plan or the zoning ordinance.

There was a comment in Mr. Taylor's letter regarding fencing. Any fence that would be proposed would meet the 125' setback requirement from Cloverdale Court and Ark Road. Tests pits were performed because the house was being placed where previous septic was designed. The county health department was there and they are able to meet the minimal standard requirements for a septic system. A new well permit would have to be obtained.

Mr. Levinson questioned the letter regarding the owners giving Mr. Patel permission to move forward with a land variance. He asked who owns the property.

Mr. Shafkowitz explained that the property is currently under contract to be purchased by Mr. Patel and is customary for the land owners to give permission for the purchaser to move forward. It also allows everyone to know what is going on.

Mr. Shafkowitz questioned if Mr. Patel is the contracted purchaser of the property for a single family home for your family.

Mr. Patel answered yes and his family is here.

Mr. Shafkowitz questioned if the plans for the home were prepared from his direction and if he submitted them to the homeowners association.

Mr. Patel answered yes. He is using the architect that built the home across the street. This is a custom home. There will be three generations home, his dad, him, and his children. The homeowners association was happy and welcomed them. They stated they would love to see this kind of home there. They approved the plans.

Mr. Shafkowitz questioned if they had any objections to the variance.

Mr. Patel said they did not.

Mr. Shafkowitz stated Mr. Taylor's letter mentioned that there was a deed restriction that was never recorded and you are willing to take on that deed restriction.

Mr. Patel answered yes.

Mr. Shafkowitz questioned is there anything else that may encroach in the setback other than the house such as a pool or fence.

Mr. Patel stated anything else would meet the setback requirements. He also commented that he owns and recently opened the Dunkin Donuts in Hainesport.

Mr. Krollfeifer questioned that the plans show a temple.

Mr. Patel explained that it is just a small temple for their use, not the public.

Mr. Taylor stated they wrote a report due to several prior approvals. Resolution 2003-32 gave a restriction of no fences in the front yard. That deed restriction wasn't recorded. Resolution 2004-04 granting final approval required that this lot only provide architectural. The Board at the time focused on this lot for obvious reasons such as this provides the gateway into Hainesport Township. They did supply the architectural and agreed to comply and file the deed restrictions referencing condition 9 in resolution 2003-32. In the resolution 2004-04 was a condition that there was a recreation assessment for each of the lots. That should be sent in with conjunction of any zoning or building permit. This has been done on a lot to lot basis.

Mrs. Newcomb stated that prior to issuing a building permit the \$3,000. Must be paid. There is no coah on this house.

Mr. Taylor explained that is a typical C2 variance where the efforts on the architecture, location and how they are trying to create this larger more impressive home that is more visually desirable than a smaller narrow compliant home. They wrote a report due to the history of this site.

Mrs. Newcomb stated that with the in-law suite there can be no separate entrance to it. Access must be through the main house.

Mr. Taylor stated that when he did his site visit, there were street trees along Ark Road for a portion of the frontage. It may not extend the entire Ark Road frontage of this property. He suggested as a condition of approval that street trees be added where they don't exist to the end of their property line with the same type tree.

Mr. Krollfeifer questioned if they were will to work with our planner.

Mr. Shafkowitz agreed.

Mr. Krollfeifer opened public comment.

Joseph Alahverde, 1930 Ark Road, was sworn in. Hainesport is a rural township and he believes that the 125' setback should be adhered to. There is a bond on this for paving and trees in Hainesport and Lumberton and should also be upheld.

Mrs. Kosko explained that Mr. Franks, the developer, has contacted the township about closing that out. That will be done.

Mr. Taylor explained if the street trees along Ark Road are covered under the current bond and current subdivision plan then the developer would plant them. We can include in this resolution to insure that it is done one way or the other.

Nicholas Wallace, 2015 Ark Road, was sworn in. He lives across the street from the proposed house. I live in a small home and if they put it 90' from Ark Road, it will dwarf his home. He can concerns that such a big home would block his sun and the moment he walks out his front door will be their front door. His house is one house from the corner of Fenimore and Ark Roads on the Hainesport side.

Mr. Krollfeifer stated their front door will be facing Cloverdale Court. It would be part of the side facing him.

Mr. Wallace stated that the front door is the front yard and the paperwork states that they want a front yard setback of 90'.

Mr. Shafkowitz explained that there are two front yards due to having street frontage on two sides. One thing to note is the street trees along Ark Road will have the same effect with the sun as the home.

Mr. Wallace questioned if the trees will be as tall as the house.

Mrs. Newcomb questioned what the maximum height is on the house.

Mr. Shafkowitz stated 35' which they are not asking any relief.

Mrs. Newcomb explained that is the maximum height throughout town.

Mr. Wallace commented that they are going to put a 10,000 sq. ft. home approximately 175' from his front door.

Mr. Shafkowitz explained that it will be a 6,100 sq. ft. footprint with a garage that is two stories and the second story will be less. The home across the street being built is 18,000 sq. ft.

Mayor MacLachlan explained that he was on the Board and several others when this application came to the Board around 15 to 16 years ago. He was surprised with the size of the homes that went up. If it were my home, I would want some coverage from Ark Road.

Mr. Shafkowitz stated that they probably could work with Mr. Taylor with the overall landscaping plan. He believes there would probably be additional landscaping along with the trees.

Mayor MacLachlan stated you don't want to hurt the residents, maybe we can come up some trees to give them some privacy and the residents a little buffer between.

Mr. Shafkowitz agreed that maybe there is something that may be a little better than what the developer needed to do along those street trees to address the issue.

Mrs. Kelley questioned if there is any lighting proposed for that side.

Mr. Shafkowitz stated no lighting.

Maria Papas, 1930 Ark Road, was sworn in. The setbacks were required for a reason and should be upheld. She questioned when this will be decided on.

Mrs. Tiver stated that the Board will vote on it this evening and you will hear the decision.

Ms. Kosko asked if there any other people online who have a question. None.

Mr. Krollfeifer closed public comment.

Mayor McLachlan explained that this house could work if it were turned sideways but it would be out of character of the neighborhood. Mr. Wallace then would be looking at the front of the house. He is ok with the layout and sees no other alternative.

Mr. McKay motioned to grant the C2 variance because it advances the general welfare of the town. It is a desirable physical appearance and there is no detriment to the neighborhood. He notes the difference between the setback requirement of 125' and the requested setback of 90'. The person who would be 200' away, is there that big of difference between that and 230'. As a condition, there would be no fencing or other structural encroachments on the setback area. The recording of the deed restriction will be taken on by the applicant. The street trees on Ark Road and Cloverdale Court will be supplemented by the applicant with like trees unless the planting of those trees are covered by the developer's bonding requirements. The trees will be subject to our planner for height, type, and caliper.

Mr. Krollfeifer reopened public comment. The issue with trees have been addressed and the applicant is in agreement.

Richard May, 2021 Ark Road, was sworn in. He owns a home across the street from the property in question. He suggested that if you are going to do a variance the trees should be a little larger to give some cover. He would like to know the varieties of trees.

Mr. Krollfeifer stated the applicant will work with our planner.

Mr. Taylor explained that the street trees may be taken care of under the bond of the developer. If they are not, the applicant has agreed to plant them along Ark Road and add some landscaping to soften the view.

Mr. May had concerns with the variety of tree that may be used in case the current ones are having problems. He suggested they go bigger. He would like to have some cover along there.

Krollfeifer closed public comment.

Mr. McKay motioned to approve with the above highlighted.

Second: Mayor MacLachlan

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

Motion carries to approve.

**C. Route 38 – Mt. Holly Bypass Redevelopment Area Preliminary Investigation,
Non-Condensation Area in Need of Redevelopment**

Block 42 Lots 1, 1.01, 1.02, 1.03, 1.04, 2, 2.01, 2.02, 3, 3.01, 3.02, 3.

Proper notice was given.

Mr. Taylor explained we are here for a preliminary investigation for certain properties that have been identified by the Township Committee in accordance with the local redevelopment and housing law. An investigation needs to determine if certain parcels qualify and meet the statutory criteria to be considered as an area in need of redevelopment without condemnation. There are 12 parcels, which are approximately 59 acres, listed in the report that are located in Block 42. The parcels are located along Route 38 and Mt. Holly Bypass that consist of Mt. Holly Nissan, small portion behind Travel Inn Hotel, Americycle, Atlantic Wood, Hessert, fence company parcels and a resale strip with some warehouse distribution. The properties are within 3 different zoning districts. The majority is within the highway commercial zone and several are included in the I and II districts. Along the far side is the rail line. Page 8 of the report identifies the block, lot, owner, property address, acreage, zone, and property class. The parcels are labeled A thru L to help identify them.

The report identifies the existing land use and users, NJDEP land cover, majority is known as the urban complex and is largely developed. We do have some forest areas in far eastern and south western corners. The Hessert site is mostly wooded. NJDEP have identified some wetlands with a few of the properties, they are described in more detail in the report. There are some known issues with site contamination. Both through the NJDEP Environmental management site as well as a letter regarding certain properties for the Atlantic Wood.

Mr. Taylor handed out a Rt. 38-Mt. Holly Bypass Redevelopment Area Process Outline and described the process. The Township in its resolution asked for an investigation for non-condemnation. This does not allow the municipality to exercise its right of eminent domain or condemnation. Any development of these properties is voluntary by the landowners, applicant, or contract purchaser. Those statutory requirements and criteria are identified on Page 13.

When you get into the individual parcel analysis, it describes the lot area, existing zoning, as well as the site conditions of those lots. They went through all the properties and have identified which of the statutory criteria are met. There is a summary table on page 31. Nine of the twelve properties in the study area met multiple statutory criteria. There are three parcels, d, e, and h. Because the hotel and house are located in Lumberton Township, this is a small vacant rear wedge in Hainesport, and they felt a full analysis of the site was not necessary.

The local redevelopment and housing law allows properties to be located within a redevelopment area if they meet a statutory criteria or under the definition of lands which within of themselves may not meet themselves meet the criteria may be included if their inclusive is found necessary for the overall redevelopment of the area. When we look at those three parcels, we have a number of conditions that we talked about. Particularly the large Atlantic Wood property, b & c, have identified contamination on them. It has a substandard access drive on an acute angle onto Route 38 which make the driver cross all lanes when entering Route 38. There was an informal easement agreement with them and Nissan for the two Nissan properties located on both sides to allow for cars to move back and forth.

In referring to the Hessert property, parcel a, there is a telecommunications tower in the far eastern edge which covers .3 percent of the site. The remaining 99 percent of the site is vacant. There have been contracting negotiations over the years to develop that site. The property is almost encumbered by the DOT right-a-way which to reconfigure that

has made it too expensive to develop. Redevelopment could improve this. Some discussions have included a land swap with Nissan to eliminate the strong angled stem leading back to the Atlantic Wood property. There are a lot of curb cuts that have been out there for years. The inclusion of d & e, and h may be a way for a new access road to the Atlantic Wood property should be included under the definition of a redevelopment area. It is his opinion that their inclusion is necessary for the overall effect of the redevelopment area.

Mr. Taylor stated it is his recommendation that the Joint Land Use Board consider accepting the recommendations of the report and recommend to Township Committee that the area be designated as a non-condemnation area in need of redevelopment.

Mr. McKay commented that he agrees with everything in the report and it is a great report. He praised the Township Committee because this is an area that really needs to be looked at. Has the DEP quantified the level of contamination of the b & c sites?

Mr. Taylor stated as part of the land owners due diligence and included it as an appendix a summary, an environmental letter from that property owner. Atlantic Wood was a wood preservative company and used creosote. Understandably, there are some soil conditions out there. From our discussions, the contract purchaser are comfortable and want to move forward with the development of the property. They are working with environmental consultants to develop the site through DEP requirements.

Mr. McKay commented that on part of j there is a very old small cemetery. He wants them to keep that in mind.

Mrs. Kelley explained that it is an old African American Cemetery which were moved and relocated due to the bypass. She believes there are some relatives that live in Timbuctoo. The boy scouts have gone in and have cleaned it up. Those graves should not be moved again.

Mr. Taylor explained that area was not included in the area of redevelopment.

Mr. McKay questioned if the cemetery is on its own lot.

Mr. Taylor stated it is shown as its own separate tax lot. It is a narrow strip that runs along the highway.

Mrs. Kelley believes that it was connected to the grave yard on the other side of the bypass that has access off of Marne Highway.

Mayor MacLachlan stated this application started about a year ago. He did meet with the developer and he is aware that he has a big job to clean that up. This is a great opportunity to make that happen. They have alleviated a lot of traffic situations. This is a good application from the Township Committee's stand point. He thanked Mr. Taylor and Ms. Kosko for putting this together. He wanted the Board to know that there is someone wanting to build some buildings. This is the process to help this happen. It looks like a really great thing for the town.

Mr. Krollfeifer questioned if anyone know who he developer is and what they may want to put there.

Mr. Taylor explained that there have been preliminary discussions but because this is 12 different lots the redevelopment plan will cover many different properties. There may be one larger redeveloper that may develop 2 or 3 of them. This started about a year ago when they were working on their brochure and a developer was interested in the back piece. If everything could go right, we could clean up 3 or 4 projects with one comprehensive look at this to address environmental contamination issues, economic revitalization, traffic improvements, reduction of curb cuts, and esthetics. The Nissan dealer has been contemplating some of their own reconfigurations and expansion. This is an opportunity to do something that reinforces what our master plan talks about.

Mr. McKay questioned if Lumberton would look at something similar with that triangle in Lumberton to fit with ours.

Mr. Taylor stated they didn't because of the hotel and bar use and it is just a rear asphalt area that looks like it may have been used for horseshoes. Looking at ariels of the site it could have been parking or a pool area.

Mrs. Kelley commented that there was a pool there.

Mr. Taylor stated it is now just an asphalt area and believes it should be included because there is access, easements, where their driveways and interconnections between the Travel Inn, public house and the Nissan properties as a redevelopment plan is formulated some of those issues will need to be addressed. We are moving forward and may make sense at some point to engage with the people at Lumberton on this and the owners as part of this redevelopment investigation. They have been notified.

Mr. Krollfeifer asked if the property, a, was owned by Mr. Hessert, who formerly owned the Nissan dealership.

Mr. Taylor said he was.

Mrs. Kelley questioned if all the present businesses will be operational.

Mr. Taylor stated yes. The dealership themselves had discussions for improvements to their property. One of their major obstructions is the stem that goes back to Atlantic Wood property. It cuts their property in half. We know that angle does not work well for anyone to develop the back. We are hoping to have a solution that makes both sites better. This is the first step.

Mrs. Kelley commented that parcel g was one time a bowling alley. A long time ago she believes that they were all connected and may have been owned by one family.

Mr. Taylor stated that d and e really function on their own. There is some anticipation that the Nissan dealership may do some improvements or expansion.

Mr. Krollfeifer questioned if the Board were to say yes, is there any liability to the Township because of the contaminated properties.

Mr. Kingsbury explained that the Township does not own that property. It would not expose the township.

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

Mrs. Kelley motioned to designate Block 42 Lots 1, 1.01, 1.02, 1.03, 1.04, 2, 2.01, 2.02, 3, 3.01, 3.02, 3.03 as a non-condemnation area in need of redevelopment with accordance with the redevelopment and housing law.

Second: Mr. McKay

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

Motion carries.

Mr. Krollfeifer commented that Mr. Taylor did a wonderful job on the presentation and Board agreed.

**D. Case 20-12: Kathy Newcomb, Zoning Officer
Interpretation on Indoor Recreation in the Industrial Zone.**

Mr. Sylk recused himself.

Mrs. Newcomb needs some guidance. Back in 2012 there was a need in several different zones for indoor recreation. We had people looking for large indoor spaces. Several of the industrial parks had vacant large buildings. She recently had a dance studio come in asking if she was permitted to go into one of the industrial zones.

We do not have a definition for indoor recreation and had provided the one from Moskowitz. She would like to know if the Board feels that a dance studio would come under indoor recreation. If you do, she would like Mr. Taylor and our attorney to do a definition of what indoor recreation is.

Mrs. Kelley believes a definition is needed and has no problems with dance being part of indoor recreation because it is recreation.

Mrs. Kelley explained that she needs to have it defined for future use.

Mr. Krollfeifer questioned if she wanted the definition in Moskowitz with dance studio added to the end.

Mrs. Newcomb stated yes for now and would like to find out whether there should be more things included.

Mr. McKay commented that the more specific you get the more problems you may have down the road. Similar activities at the end covers the entire thing.

Mrs. Newcomb explained the hard thing is you are interpreting what is similar use. She questioned if she interprets the dance studio as a similar use, the Board is ok with it.

Mr. Levinson commented that are we giving Mrs. Newcomb the discretion to do what she feels should be done.

Mr. McKay believes she is capable in doing so.

Mrs. Newcomb answered she is. In 2012 when we adopted indoor recreation we provided parking spaces. One space for every 250 sq. ft. there needs to be a parking space.

Does the Board feel we should have a definition of indoor recreation?

Mrs. Kelley does not believe we need one after the comments she heard.

Mrs. Baggio agrees.

Mr. Levinson stated as long as it meets the other criteria such as parking, then she should have the discretion.

Mayor MacLachlan commented that if she is not comfortable, she can make them come to the Board.

Mrs. Newcomb thanked the Board.

7. Minutes

A. Meeting Minutes of July 9, 2020

Mayor MacLachlan motioned to approve.

Second: Mr. McKay

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

Motion carries to approve.

8. Resolutions

Mr. Krollfeifer motioned to amend the agenda to include Resolution 2020-12

A. Resolution 2020-11: Jason Pirrotta

Granting bulk variances for in-ground swimming pool on Block 100.06 Lot 10

Mayor MacLachlan motioned to approve.

Second: Mr. McKay

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

Motion carries to approve.

B. Resolution 2020-12: Resolution adopting findings and recommendations to Hainesport Township Committee following review and public hearing of preliminary investigation report of non-condemnation area in need of redevelopment on Block 42 Lots 1, 1.01, 1.02, 1.03, 1.04, 2, 2.01, 2.02, 3, 3.01, 3.02, 3.02

Mrs. Kelley motioned to approve.

Second: Mrs. Baggio

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

Motion carries.

9. Correspondence

- A. Notification letter dated August 21, 2020 from Brinkerhoff
Re: Notification of NJDEP Freshwater Wetlands Letter of Interpretation – Regulatory Line Verification 1404 Route 38 East, Block 99 Lot 9, Block 100 Lots, 9, 10, 11, 12, and 13.
- B. Letter dated September 4, 2020 from Taylor Design to Mrs. Newcomb
Re: Case 17-11 Hainesport Enterprises – 1460 Route 38 Block 61.01 Lot 4
Use Variance and Site Plan
- C. Hainesport Township Resolution 2020-147-9: Accepting recommendation of Township Joint Land Use Board regarding boundaries of proposed area in need of non-condemnation redevelopment and/or rehabilitation pursuant to the NJ local redevelopment and Housing Law
- D. Hainesport Township Resolution 2020-148-9: Accepting recommendation of Township Joint Land Use Board regarding boundaries of proposed area in need of non-condemnation redevelopment and/or rehabilitation pursuant to the NJ local redevelopment and Housing Law
- E. Letter dated September 10, 2020 from Taylor Design to Mrs. Newcomb
Re: Hainesport Enterprises- Greenwood and Iowa Avenue Site Inspection
Block 58.01 Lots 1-6, Block 62.01 Lot 1
- F. Letter dated September 11, 2020 from Alaimo Engineers to Ms. Kosko
Re: Hainesport Enterprises 1460 Route 38 Block 61.01 Lot 4
Site Approval and Escrow Release
- G. Letter dated September 24, 2020 from Alaimo Engineers to Mr. Krollfeifer
Re: Garden State Bobcat 1395 Route 38, Block 98 Lot 3, Block 99 Lot 5, Block 116 Lot 1, Bulk Variance/preliminary & final site plan Compliance review 1.

Motion to accept and file: Mrs. Kelley
Second: Mayor MacLachlan

Mr. Krollfeifer questioned what the difference between the C and D resolutions.

Ms. Kosko stated that they are two different properties that have to be done separately and our attorney cannot do any work on the Muhlschlegel property.

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

Motion carries.

10. Professional Comments - None

11. Board Comments

Mr. Krollfeifer believes that more time is needed regarding the non-condemnation redevelopment. This is about the 3rd or 4th one this year which seems to be dumped on

the Joint Land Use Board with very little prior notice or warning. They have to make a decision and it has been around for months. The Joint Land Use Board as a courtesy should be given a little more time to look at these things.

Discussion occurred on different ways to help improve the process.

12. Public Comments

Bruce Alderman, 202 Lumberton Road, stated that he received a letter from an environmental group that is asking for a LOI from DEP regarding Block 99 Block 110 lots 7, 9, 10 and 11. He questioned what is proposed there.

Ms. Kosko explained that there is no proposed development. She believes he is referring to the old Creek Turn Pottery site. The Township purchased it the end of 2017. It is a preservation project for open space and recreation.

Steve Parra, 119 Masons Woods Lane, questioned if there has been any new developments on the property next to the Bosniacs. Has anything come about changing the zoning for multi-story housing there. The last meeting it was mentioned about a plan for where affordable housing would go and it was done.

Ms. Kosko answered no.

Judy Meli, 2615 Fostertown Road, stated at the last meeting it was stated that you were at step 4 of the 12 steps that need to be done at the Ravikio property. Land surveys have been done. Something was mentioned about two different people and would like to know what it is.

Ms. Kosko explained it is not two different people interested. The resolution needed to be done separately because there are two different property owners, Mr. Ravikio and Mr. Muhlschlegel. The resolutions were just accepting the Joint Land Use Boards recommendations.

Mrs. Meli stated she does not have a problem with it being developed, she just wants to stay informed.

Mayor MacLachlan stated there is a rumor that the Township is buying property. The Township is not.

Mrs. Meli stated she heard that they wanted to build towns houses on the Muhlschlegel side.

Mayor MacLachlan stated he spoke with him today and he wants to develop it himself and wants to do a high end development.

13. Adjournment

Mayor MacLachlan motioned to adjourn at 9:50pm.

Second: Ms. Kosko

Roll call: All in favor

Paula L Tiver, Secretary

