

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:00 PM

March 3, 2021

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 Gilmore, Mr. MacLachlan, Mrs. Kelley, Mr. McKay, Mr. Tricocci,
Mrs. Baggio Mrs. Tyndale, Ms. Kosko, Mr. Krollfeifer, Mr. Bradley,
Mrs. Cuniglio

Absent: Mr. Sylk, Mr. Murphy

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

6. Items for Business

**A. Case 21-02: Frank Pallente
Block 18 Lots 17, 18, 19, 20
10 Maple Lane
Minor subdivision for two lots**

Case will not be heard due to improper notice.

**B. Case 21-03: Andrew & Florencia Girman
Block 100.06 Lot 58
2 Newton Place
Bulk variance for fencing**

Proper notice was given.

Mr. Kingsbury swore in Mr. and Mrs. Girman.

Mrs. Girman explained that they moved to Hainesport in October 2020. They have a corner property and would like to put up a fence closer than the 30' requirement. There are three children, 7, 5, and 5 years old. One of the five year olds has a sensory processing disorder. They also have a dog and need to get as much space as possible in the backyard. They are proposing a little over 12', which there are also bushes and hedges in place. The bushes are over 6' tall but would like the security of a fence. They submitted pictures of the property (exhibit A1 and A2).

Mrs. Newcomb questioned if the fence would be on the inside of the fence.

Mrs. Girman stated it would be the fence, bushes, and then the street.

Mr. Tricocci asked what type of fence they are proposing.

Mrs. Girman commented a 6' privacy vinyl fence.

Mrs. Newcomb explained that we have to look at site issues for the neighbor on Heather Lane regarding the driveway. She believes there would be no issues.

Mr. McKay questioned how far back from the sidewalk is the neighbor's fence.

Mrs. Newcomb answered at the 30' setback.

Mr. Girman explained that they would run the fence along Heather down to go in where the neighbor's fence exists.

Mr. McKay asked for clarification that the fence would run inside the bushes down make the turn to meet the neighbor's fence. Is the variance for the street side only?

Mrs. Girman answered yes and everything else would be to code.

Mr. Krollfeifer explained that he was at the property and questioned if the existing fencing at the rear of the property is 6'.

Mr. Girman stated that he believes it is a little lower.

Mr. Krollfeifer questioned in the front if they are just going to the existing fence or all the way.

Mr. Girman commented that they will go all the way around with the new fence.

Mrs. Girman stated that the one section of their neighbors is not vinyl and been there before he moved in.

Mr. McKay commented that you would have a fence against a fence.

Mrs. Newcomb stated that Creekview no longer allows wood fencing. It is either vinyl or aluminum.

Mr. Krollfeifer looking at the exhibit on the survey, he thought he was putting up the yellow parts that are marked.

Mr. Girman explained that initially that is what they were thinking and the one yellow represents where they would need a variance. In thinking about it, they would like to go all the way around. It was his understanding that the variance was needed along the one yellow area.

Mrs. Newcomb stated that the only place a variance is needed is along Heather Lane, the rest is conforming.

Mr. Krollfeifer questioned how far off of Heather are the shrubs.

Mr. Girman explained that from the edge of the sidewalk to the inside of the mulch it was approximately 12.2 feet.

Mr. Tricocci stated that you are talking about an angle of almost 20' coming off the house.

Mrs. Girman explained that when they looked at the house, the house and yard were the size they needed. They did not know that they couldn't put the fence where they wanted because it was a corner lot. The 20' is a big deal with the kids and the dog.

Mrs. Newcomb commented that the majority of people who buy corner lots do not realize they cannot put up a 6' high fence on that one side.

Mr. MacLachlan stated that you will come back in about 10' back to your neighbor's fence.

Mrs. Newcomb stated the corner lots have different setback throughout Creekview, and she doesn't understand why Quaker did that.

Mrs. Baggio comment she believes you cannot have a 6' high fence on a corner lot is due to visibility issues.

Mrs. Newcomb explained that many towns do not want these fences because of sight issues and do not want to drive down the street and see tunnels of fences. A lot of people would put in bushes as with property to give some privacy because they do not want to seek a variance.

Mr. MacLachlan stated that the fence will go down the side come in to the neighbor's fence.

Mrs. Girman stated yes and they will continue with the new fence.

Mr. MacLachlan commented that the back is on a berm. He questioned if they thought about addressing that.

Mrs. Newcomb stated that will be grading.

Mrs. Tyndale believes that it was said that the rest of the fence would be up to code and we just need a variance on the one side. How tall are the existing bushes?

Mrs. Girman stated that they are over 6'.

Mrs. Tyndale commented that she doesn't see a problem. The bushes are taller than the fence and it is not affecting the sight line.

Mr. MacLauchlan would like to hear if there are any comments from the neighbors. He had concerns with the house behind them. If he was mad that you are looking for 20' and he is at 30'.

Mrs. Girman commented that the one neighbor was supportive and asked for the company so that he may replace a section of his fence. The house on Heather lane told them they would like to do his fence because the fence was there when he moved in.

Mrs. Newcomb stated that each individual variance is based on its own, not that a neighbor received one.

Mr. Tricocci questioned what is stopping them from cutting down all the trees after they receive a variance.

Mrs. Newcomb explained nothing unless the Board puts it as a condition of approval.

Mrs. Girman stated they have no intention of taking down the shrubs.

Mr. Girman stated they also provide a little shade.

Mr. McKay explained they can make it a condition of approval that the shrubs along Heather Lane must remain and use the current landscape plan for into the future. If bushes die, they should be replaced where they were. We have landscaped along the street side of fences elsewhere here and there where a variance was sought to bring fencing closer to the street.

Mr. MacLachlan questioned if they had a problem with them making the landscaping plan part of the approval.

Mrs. Tyndale believes we need to do that. What's the difference if they want to pull bushes and plant flowers?

Mrs. Newcomb commented that we have always been consistent with situations like this if they are granted. If they should move, we don't want a new owner coming in and removing it all.

Mr. MacLachlan stated that we have denied a lot of fence on two front yards over the years. It looks nice now. The impact of the fence will be less. There are no neighbors here to disagree with the fence.

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

Mr. McKay motioned to approve based on the child hardship as testified with the condition that it be placed 12'2" back from the sidewalk as discussed and it would be on the house side of the landscape buffer. The landscape buffer will be maintained into the future. The landscape plan is established by the photos submitted in this case.

Second: Mr. MacLachlan

Mrs. Gilmore questioned if they can extend the buffer in the future.

Mr. McKay stated that his condition is at a minimum.

Mrs. Newcomb commented that they need to make sure that they do not get into the sight triangle.

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

Motion carries to approve.

C. Administrative Discussion Kathy Newcomb, Zoning Officer
Re: 1395 Route 38; Block 98 Lot 3

Mrs. Newcomb stated she is requesting an administrative request regarding the BobCat. They came to her a couple weeks ago about removing the existing building that was approved during the site plan. In speaking with our planner and attorney, they took a look at the minutes and resolution. It was part of their approval to keep it. In speaking with the owner and contractor, the building is not in as good of shape as thought. They are looking to stay in the same footprint and design with a new building. The only difference would be they are not building around the old.

The client's attorney Robert Munoz and manager, Robert Woods are present for any testimony that the Board may request.

Mrs. Newcomb stated there is a footprint and layout of what it would look like. In speaking with our professional staff and Ms. Kosko it would behoove us to do this administratively.

Mr. McKay commented that it is a win situation and is an upgrade to try and rehab the existing building. They should supply some type of testimony regarding the structural problems of the old building.

Mr. Munoz, attorney, stated that we can have Mr. Woods, online, explain to the Board what happen and what the deficiency is in the old building. He will probably tell you that the footings would not hold the building.

Mr. Krollfeifer questioned if the existing foundation will be coming out.

Mr. Woods explained that after they received approval. He hired two construction professionals to look at the building and map out the plan we have in place. There lies some uncertainty with the structure of the building with the slab as well as the footings. There is nothing to explore as the building stands. He had an issue with his own home

regarding his foundation. Being that he is spending a lot of money on a new building, he prefers to have new structure under this building. It is a wood pole barn they are proposing a steel structure. Tying in the two different structures would be difficult. It was brought to his attention that it could cause problems in the future with the roof leaking.

Mr. MacLachlan agrees that it is an old wood building. It has the poles stuck into the ground. They are probably rotten.

Mr. McKay questioned if the footprint of the replacement building will be the same as the pole barn.

Mr. Munoz stated it will be in the same footprint and will still be the showroom area.

Mr. Krollfeifer stated he agrees it is a win, win situation.

Mrs. Baggio commented that she read that the second floor will be eliminated.

Mr. Munoz stated there was a second floor in the old structure and the new one will not have a second floor. All the functions will be on the first floor.

Mrs. Newcomb agrees and we are excited for the business to come here. Hainesport is very good with trying to work with the applicants.

Mr. Bradley questioned if this is the new proposed building or the old.

Mrs. Newcomb stated yes it is the new.

Mr. Munoz explained we were asked to provide something to show where the old building was. The new building will not have a second floor.

Mr. Taylor stated we brought this to the Board because this was a use variance and there was very specific testimony about preserving that existing portion of the building. They did rely somewhat on the relief from the front yard setback. We thought it was best to have the Board evaluate it.

Mr. Krollfeifer questioned if he had the opportunity to speak with Mr. Miller.

Mr. Taylor commented that he spoke with Mr. Miller this afternoon. He did not have any issues because from a structural physical stand point it's identical for what was proposed before. He questioned if there was anything they had to do on this because he may just phone in. He told him it is just an administrative Board issue. He was comfortable with it.

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

Mr. MacLachlan motioned to approve.

Second: Mr. McKay

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

Motion carries to approve.

Mrs. Newcomb stated that the applicant has given her a permit to remove the building. Is it ok to remove it or do they need to wait for the resolution?

Mr. Kingsbury stated to have them sign a waiver.

Mr. Munoz commented that he understands that they are doing it at their own risk and asked Mrs. Newcomb to send it to him.

**D. Case 19-14: 1395 Route 38, LLC (Bobcat) C. Preliminary Investigation
Rehabilitation Area
Block 24 Lots 4.01, 11, 12.01, 12.02, 12.03, 12.04, 12.05 and
Block 24.02 Lot 12.04**

Mr. Taylor stated that his office issued a report dated February 21, 2021 that identifies what Township Committee has determined that it is in the best interest of the town to pursue potential rehabilitation of certain lands within the town to advance specific planning and land use goals.

Township Committee adopted Resolution 2020-161-11 asking the Joint Land Use Board to undertake an investigation of certain parcels at the southwest corner intersection of Marne Hwy and Route 531 (Mt. Holly Bypass). We identify them as Block 24 Lots 4.01, 11, 12.01, 12.02, 12.03, 12.04, 12.05 and Block 24.02 Lot 12.04. He prepared a map in according to the redevelopment law which have been on file at the town and have also included them in the report.

Under the housing law, there are two types of designations. A redevelopment designation which has a much stronger requirement and also allows up to 20 and 30 year PILOT. The second is an area in need of rehabilitation which is what is proposed here. It is basically a simplified process, it is easier for projects to qualify, it does not allow for eminent domain, and everything is completely voluntary with that project moving forward. This is how we handled the Quaker Bancroft Lane project.

The properties have been identified that consist of 8 separate tax lots. Totaling approximately 11 acres. The properties are really more part of two much larger farms. There have been a history and variety of uses based on inventory of the historic aerial imagery dating back to 1931. Back in the 1950's there was a baseball field and some type of track. It could have been a horse track or some type of automobile track. The fields were left fallow for about 20 years. The site was allowed to revegetate toward the rear of that. It shows this changing pattern of variety of uses and underutilization and vacancy. They note the same thing for parcel H which is the wedge on the east side of the bypass. Even though they didn't do a title search, it looks like the overall farm was when the Mt. Holly bypass was put through. H which backs up to the cemetery, he believes it was the piece left over after the county acquired the land for the bypass to go through. That parcel has remained fenced in lawn, occasionally there may be a tractor, shed, or signs along with the billboard so that site has also been vacant.

The two residents on site are 100 and 140 years old according to the ModIV tax data. Under the statutory criteria for rehabilitation area of designation, the two most significant criteria that we discussed are #2 more than half of the housing stock in the delineated area

is at least 50 years old. Both of the properties meet that. Also is criteria #3 where there is a pattern of vacancy, abandonment or underutilization of properties in the area. So it is his opinion as in the summary in the report that this can simply be done in a letter form. This is a small report. Some towns can make their entire town in need of rehabilitation, the entire downtown Medford used this. It does allow the municipality at their discretion to offer up to a five year tax exemption and abatement. At the same time allows the municipality to develop and implement a redevelopment plan for the site. It is the same process that we went through with Quaker and Bancroft Lane project.

That is an overview of the report.

Mr. McKay commented that looking at the lots, they have common ownership.

Mr. Krollfeifer stated Capri Associates.

Mr. Taylor believes they are. This property is known as the Shinn farm for some period of time.

Mr. McKay stated that Bob Shinn used the wedge, H lot, as a display for farm equipment for a brief period of time. Remnants of the sign may still be there. That H lot will be difficult to develop.

Mr. Taylor stated that piece is a challenge.

Mr. Krollfeifer questioned what the zone is for H and the cemetery next to it.

Mr. Taylor replied I1 and the cemetery is the R2.

Mr. Krollfeifer referred to page 2. There is a 3rd building on the property that is blue and if either of the residents are occupied.

Mr. Taylor stated it is a barn and it appears the homes are occupied.

Mrs. Newcomb commented that they are rented out.

Mrs. Kelley gave some history on the property.

Mr. McKay questioned if we need to make a recommendation today to Township Committee.

Mr. Taylor stated yes. Does it meet the statutory criteria for rehabilitation are designation?

Mr. McKay commented that in his opinion it does.

Mr. Taylor answered in his opinion it does. The statute sets a low bar for the rehab designation. The property has two conditions that are met.

Mrs. Kelley questioned if the cemetery, A, is owned by the same entity.

Mr. Taylor explained that it is owned by the same entity. When he looked back at the aerial imagery when it was farmed, it look like it was part of the cemetery.

Mrs. Kelley stated that back then the bypass did not exist. When the bypass was constructed it went through the cemetery.

There was a discussion on the cemeteries.

Mr. McKay believes the railroad line went in around the time of World War 1.

Mrs. Kelley believes it went in earlier than that, late 1800's.

Mrs. Tyndale questioned if anyone is buried in lot H.

Mr. Taylor explained it appeared to be farmed in the 30's. It is in common ownership with the rest of the properties and we would have to have a definite answer. It would not affect the designation that we are looking at tonight.

Mr. Krollfeifer questioned if they would add something with the designation such as: That lots A thru G be combined into one lot and they could sell lot H off to the cemetery.

Mr. Taylor explained that part of the designation, it doesn't allow certain recommendations for future disposition. If any redevelopment plan were to move forward, absolutely those recommendations can be made. They always ask the owners to consolidate when it is one site plan because it make assessment and zoning easier.

Mrs. Tyndale commented that it was stated that the township at its discretion can give up to 5 year tax abatement. What is the advantage of the township granting a PILOT?

Mr. Taylor gave a global explanation of how it works and a discussion occurred.

Mrs. Tyndale questioned if it is zoned commercial, it can only be commercial and if zoned industrial it can only be industrial unless they come for a variance.

Mr. Taylor explained that the redevelopment plan that we had a referral on, the Nissan and Atlantic Woods property. That redevelopment plan allowed it to be warehouses and distribution facilities. They are the only uses permitted, it went further and prohibits an applicant from submitting to the Board for a D variance. The redevelopment plan would have to be amended for anything else.

Mrs. Tyndale questioned if there were residents who wanted to express their concerns of not wanting warehouses where would they go.

Mr. Taylor stated that any ordinance would get introduced by Township Committee, then referred to Land Use Board for master plan consistency. Even though it is not a public meeting, the Board usually opens to the public. Township Committee will have a public hearing for adoption. That would be the time that someone would make those comments.

Mr. MacLachlan asked Mr. Kingsbury what would be needed.

Mr. Kingsbury stated recommend the adoption of the Taylor Design Group as presented.

Mr. MacLachlan motioned to approve.

Second: Mrs. Taylor

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

Motion carries.

7. Minutes

A. Meeting Minutes of February 3, 2021

Motion to approve: Mrs. Tyndale

Second: Mr. MacLachlan

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

Motion carries to approve.

8. Resolutions - None

9. Correspondence

A. Public Notice Letter to Hainesport Joint Land Use Board

Re: Application to NJDEP from BTCIII Hainesport Logistics Center LLC regarding property 1517 Route 38 Block 42 Lots 1, 1.03, & 2

B. Letter dated February 8, 2021 from Alaimo Engineers to Ms. Kosko

Re: Our Lady Queen of Peace Stabilization and Buffer planting Bond Block 91 Lot 3

C. Hainesport Township Resolution 2021-47-2: Designating a master redeveloper for certain property known as "Rt. 38-Mt. Holly Bypass Redevelopment Area" Block 42 Lots 1, 1.01, 1.03, 2, and 2.01

D. Hainesport Township Resolution 2021-46-2: Approving performance guaranty and inspection escrow reductions for Our Lady Queen of Peace Church

E. Letter dated February 19, 2021 from Burlington Co. Planning Board

Re: Phillips Road Tract – Gerard Vernose Block 110 Lots 10, 10.02, & 10.03

F. Letter dated February 19, 2021 from Alaimo Engineers to Ms. Kosko

Re: Hirshland & Co Case #16-11A Safety and Stabilization Guarantee

G. Notice dated to Neighboring Landowners

Re: Application submitted by Michael Cantera 2119-2121 Marne Highway Block 73 Lots 3 and 4 to NJDEP for an LOI

Motion to accept and file: Mr. MacLachlan

Second: Mrs. Tyndale

Roll call: Mr. MacLachlan, yes; Mrs. Tyndale, yes; Mr. McKay, yes;

Mayor Gilmore, yes; Mr. Tricocci, yes; Mrs. Baggio, yes; Mrs. Kelley, yes;
Mrs. Kosko, yes; Mr. Krollfeifer, yes

Motion carries.

10. Professional Comments – None.

11. Board Comments

Mr. MacLachlan stated he has been here for 20 plus years and over that time people have said why you don't build this or that. Unfortunately, it does not work that way. We have been lucky as a small town to take advantage of some industry or real estate trends in Hainesport. We have a couple warehouses. It would be nice to restaurants but this is the opportunity that came our way. We are lucky to turn it into a paying facility and that we have someone willing to clean up the Atlantic Wood site. He gets that it is not the most ratable. He is sure the warehouse over by Lowes become more attractive as things mature around it. This has been what has come our way. He thanked the Board as a Committeeman for being responsive.

Mrs. Kelley stated the Environmental Committee is planning on participating in Arbor Day. They will be planting an oak tree. The state tree is the red oak but there may be a problem with that. It will be planted to the right as you enter from Marne Hwy. There will be a dedication to honor the first responders from this past year and those who were taken by the virus. Please watch for information coming out in the next couple weeks.

Mayor Gilmore stated the ceremony will be May 1, 2021.

Mr. Krollfeifer stated the next meeting will be April 7, 2021.

12. Public Comments

Mr. Krollfeifer opened public comment and remote comment.

Ms. Kosko stated that Susan Carpenter, on remote, commented that the cemetery on the bypass is an old cemetery of black soldiers.

Mr. Krollfeifer closed public comment

13. Adjournment

Mr. MacLachlan motioned to adjourn at 8:30 pm.

Second: Mrs. Tyndale

Roll call: All in favor