

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD  
MINUTES**

**Time: Immediately following 6:30 Reorganization Meeting**

**January 5, 2022**

**1. Call to Order**

The meeting was called to order at 6:50 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, Mr. McKay, Mrs. Gilmore, Mrs. Baggio  
Mrs. Kelley, Mrs. Tyndale, Ms. Kosko, Mr. Krollfeifer, Mr. Murphy

Absent: Mr. Tricocci, Mr. Bradley, Mrs. Cuniglio

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 21-06A: Seagull Holdings, LLC  
Block 42 Lots 1.01 & 2.01  
1513 Route 38  
Preliminary & Final Site Plan  
Attorney: Steven Eisner**

Proper notice was given.

Steven Eisner: Good evening. I am representing Seagull Holdings. Seagull Holdings is a limited liability company which owns the real estate on which Mount Holly Nissan conducts its business. We will have three witnesses this evening. With permission of the board and Mr. Kingsbury. I'd like to have them sworn now, as they may offer testimony throughout our presentation. Firstly, I would call Mrs. Tina Wright, who is a principal of

Seagull Holdings. Mrs. Wright is the Managing Member and has the authority of Seagull Holdings to represent them this evening. Our next witness will be Steven Filippone, civil and design engineer, and finally David Shropshire, traffic engineer.

Mr. Kingsbury: Swore in the three witnesses.

Mr. Eisner: I have worked with Mr. Filippone and Mr. Shropshire for over 20 years. I would represent to the board that both gentlemen are licensed New Jersey professional engineers. They have appeared before numerous boards. I asked that they be accepted as experts.

Mr. Krollfeifer: They are acceptable.

Mr. Eisner: For the record, this application is to validate the current use of the property, to explain to the board and receive approval for certain changes which will be made in the drive isles, access easements and things of that nature. I know that last month, the board heard the BTC or Black Creek application, which is for the property immediately behind Mount Holly Nissan. These two applications are interrelated because there is a reconfiguration of the Black Creek access drive from a bifurcation of the two lots owned by Seagull to the eastern side of the property. We think that's a tremendous positive for the Black Creek property and also for our property. This property is approximately seven and a half acres in area. There are no changes presently proposed to the actual structures on site, after hopefully this application is approved and DOT approval takes place. My client and Nissan will make a determination about whether they come forward with a new structure and expanded structure. A lot of that will depend on the timing of DOT approval. This property is in the Mount Holly Bypass Redevelopment area zoning district, and it is a permitted use.

I would like to call Mr. Filippone to explain to the board the existing configuration and revised configuration at the premises. The existing configuration marked as exhibit A1 and the proposed configuration marked as exhibit A2.

Mr. Filippone: This is an existing condition labeled clearing plan. But this is the existing conditions with what's out there today. A subdivision occurred two months ago that consolidated all of this but prior to two months ago, Ms. Wright's structure is in brown, her dealership which she purchased from Mr. Hesser, Mr. Hesser developed this site about 15 or 16 years ago as a Nissan dealership. Five or six years ago, Ms. Wright purchased the property. This is the asphalt area that Ms. Wright display vehicles. There's a driveway that runs through the site. This is the access to Atlantic Wood products. This is an acute angle, very awkward, difficult maneuver and access and egress for any heavy large vehicle to this construction site. It is completely separated the two properties. Back 15 years ago, Mr. Hesser had a condition that he needed to obtain an easement. That's been a difficult thing for a lot of years with this property so these two properties have been segregated and separated. And this portion of the property is where they're displayed vehicles. This is an existing condition. Many years ago, there was a structural site back in 1995. It shows up in the aerials. I think it was a bowling alley or furniture store at the time. But that is located in this area, the features that are on the site today, the areas that are shaded in a brown color is a stone area where Ms. Wright has parked cars for sale, moving across the rear of the site, there is a stormwater basin that has been part of the site. That's a functioning basin. We recently received approvals from DEP. It's considered a freshwater wetland area; we received an approval. And we have a GP6,

which allows us to fill that stormwater basin. We're not doing that at this point in time, we're not going to touch that basin. But when we go through our site plan later this year when Ms. Wright really comes in with another project. We have the ability to fill that basin in and really start fresh with this piece of property. But for the time being the basin will remain and is functioning.

Mr. McKay: You said that was an active basin. Where is the water that it presently going into that base, where's it going to go when that basin is filled in?

Mr. Filippone: It's going to go to two places. We have an easement to the rear of our site that is part of the Black Creek property. Part of our stormwater is going onto Black Creek property and we're going to continue that basin partly on our site. Ms. Wright would like to design the stormwater underneath of the parking lot. The challenge with that is it's a little bit expensive. So, I'll probably do combination of underground, under the parking lot stormwater retention plus I'll have a smaller basin partially on our property and partially on Black Creeks property.

Mr. McKay: So, you and Black Creek have an easement arrangement for that proposed basin.

Mr. Filippone: We do. With the way this project got started two years ago was with Ms. Wright and Black Creek entered into discussions and agreement. That was approved last month, there's a driveway to be constructed for Black Creek property and this diagonal driveway is going to be distinguished. I went into this project thinking all we're going to do is relocate our existing driveway and let the site function as it does currently but that completely changed as we started developing this site. That's what I want to show you our site plan. It wasn't as simple as working with Langan Engineering and Black Creek. Subdividing an area for us to develop a driveway for their warehouse complex and eliminate the traffic which was really to redo our existing site. So, what we have here is our new driveway which is central to our property. In working with Scott Taylor, we have to fix this site layout as it exists, the striping, drive aisles, some angled parking, some 90-degree parking. That needs to be fixed and come up to standards. So, we completely reworked the layout of the site. What we have is a driveway central to the site, it's 36 feet wide. There's a circulation plan for vehicle drop off their large vehicles, carriers, and it just creates wide drive for safe conditions for vehicles. You can see now that we have the full use of this site, which connects both parts to the site, the parking drive aisles are conforming, it's orderly, there's no more angled parking. It's well designed, the way you expect a site plan to look. So that's a very brief overview. I want to talk about the number of parking stalls, there's four different types of parking stalls on this property. First, if you are a customer, you will come in either of the two driveways, and there's a designated parking area, 15 customer parking stalls. So, they are going to be up against a chain link fence. If you go to the site, now there's a chain link fence, as customer parking. Beyond the fence there's a gate, so there's employee parking. There are 34 employee parking stalls within a closed area. So, we have 15 customers and 34 employees parking stalls. There are two other types of parking stalls, one is going to be for inventory parking and that could be staff parking (referred to map). And there's also inventory parking behind the main building, total number of inventory parking, 396 parking stalls. The fourth part of parking is going to be the display. We want to put vehicles on display, accessible, easy to get in and out of the parking stalls adjacent to drive aisles. Referred to map. The gray area and along the front of the site. The total number of display vehicles is 254 parking stalls. One thing we've done with the site plan,

with the new striping plan, the existing parking lot you come in there is cars parked up along the drive aisle in the front. It is now very disconnected and a little bit disorganized. Ms. Wright inherited that five or six years ago. I thought two years ago I was just going to reconfigure the driveway configuration, it ended up being a full site plan. We have lighting plans that are part of this application. Regarding drainage, we were fortunate in that this complete reconfiguration does not require any changes to stormwater. We are disturbing less than one acre which makes it a minor stormwater project and because we have less than one quarter acre of increase in impervious. Actually, we have decreased impervious, so we don't need to provide any stormwater. The natural flow right now is going through the stormwater basin. That basin is large and 5' deep and accommodating the stormwater from the site. So that's a basic general overview of the site. We do have a few variances that I can get into some of the variances.

Mr. Krollfeifer: Before we go into that, go back to the parking. Is there going to be separate handicap in each of the areas that you just designated. I don't see a need for the handicap in the inventory areas.

Mr. Filippone: I currently show eight handicap parking stalls and that's more than what we need. I want to make a modification reading both professional reports I actually only need two handicap parking stalls, and one electric vehicle charging station. In speaking with Ms. Wright, we would like to have a total three handicap parking stalls. They will be the ones closest to the access the entrance doors to the front of the building. So, there will be 3 handicapped parking stalls with a perfected plan. This plan shows eight and we will go to 3. That's conforming, we will not have any handicap parking stalls far from the building. They will be the stalls closest the entrance to the building.

Mr. Taylor: So just for clarification, increase in the number of spaces will either be customer and or employee parking.

Mr. Filippone: Our customer and employee will total 49 parking spaces which the ADA requirement is one per 25, which would be 2. We are proposing 3.

Mr. Taylor: So, by converting those other five, you're not going to pick up an any additional parking spaces, right. With eliminating those aisles, you probably aren't.

Mr. Filippone: You raise a good point. I add some striping, I will probably pick up two more parking stalls when I do the conversion.

Mr. Taylor: I just want to be clear that the number is 34 employee spaces and 15 customer spaces. They would increase each by one or two.

Mr. Filippone: Which might kick us into three handicapped stalls.

Mr. McKay: Just listening to the parking layout discussion, it caused me to think about the visual on Route 38. Now when you turn onto Route 38 from the Starbucks on the corner from the bypass you see a line of cars nosed up pretty close to the curb line for the entire lane pretty much of the property right up past the dealer's building. It sounds like that visual is going to change that those cars won't be there anymore. That will be either customer parking or drive aisle or both. Is that correct?

Mr. Filippone: It's correct and that's really important for our application. Right now, starting from the building, the asphalt displays vehicles in front of the building. That asphalt goes right to the property. We're actually going to remove 5' of that asphalt. That is going to be hard for Ms. Wright to remove 5' of asphalt and move her cars back 5'. The 5' is required by the redevelopment ordinance. We will conform. As we move along, the asphalt is right up against the right-of-way line and extends 2 or 3 feet off the right-of-way line. Then there is 59' of grass. We want to clean this up. We want and need a variance for 15' of grass consistent until we get to the building where there is 5'. The 5' conforms. The 15' we need relief. We need the 15' of grass for visibility. We think it is proper for this site. If you think of why, you would have a buffer to a parking lot, this is our product for sale and display. We need and want customers as they come Route 38 to see our new vehicles. Any other parking lot you see on Route 38 or anywhere else, that's not what's for sale. Those vehicles that are parked are for the sake of going to some retail establishment and buffering those vehicles doesn't hurt the business. Buffering our vehicles would hurt our business.

Mr. McKay: Do you propose a street look that resemble the street look in front of the Ford Lincoln dealer and the Chevy Dodge dealer just down the road in Lumberton.

Mr. Filippone: Yes.

Mr. McKay: Their setback, my guess is 10 to 15 feet. I don't know what the Lumberton ordinance is. But you're proposing 15' for the most of it, 5' for the small part.

Mr. Filippone: Correct and also to note there's already 12' of grass that's in the DOT right-of-way. So, it will be 27' of grass that will be irrigated from the edge of the Route 38 cartway to our concrete curb then concrete asphalt and this will be our display. This will be the nice vehicles that Nissan has will be on display.

Mr. McKay: The cars will not be on the grass, but beyond the grass on the asphalt. Correct?

Mr. Filippone: Right and we need that. It's our product for sale. It alerts someone that is a car dealership, they're seeing our product, our cars. We think it's a setback at a safe distance. We would appreciate the relief from the board and start to buffer that with too much landscaping would hurt our business. I worked on Ms. Wright project in Woodbury and she has visibility of our vehicles there. It works well for her. We hope it works well for Hainesport.

Mr. McKay: Hypothetically, if the showroom building in the garage were to be replaced or enlarged? How does that future change working with what you're proposing now?

Mr. Filippone: We will be starting with a fresh slate and come back in here. Ms. Wright has some pretty spectacular plans in the future for this property.

Mr. Taylor: Just as a point of follow up. The redevelopment plan that was adopted, acknowledges the consolidation of the lots to effectuate the Black Creek project and also the consolidated Nissan project in a phase one. Understanding that any future meaningful expansion needs corporate approval from Nissan. There is a process, this plan was adopted acknowledging this sort of first phase, kind of get them operating as one consolidated lot. But the redevelopment plan would actually be to be amended and added

based on that long term Master Plan concept that Seagull and Nissan may or may not bring forward. Before you see a long-range plan for that, you'd actually end up seeing a revised redevelopment plan that will show that new concept, a new show, whatever those expansion may be. The other thing that we wrote in the redevelopment plan, we touch on this in our letter, knowing that the applicant is contemplating that larger, grander expansion. All of the improvements that are shown, aside from life safety issues, they can be deferred for up to 24 months, to allow them to get through the process of going through Nissan potential long-range expansion. We didn't want to them to plant shrubs, add curbing, islands and do other things now and a year from now have that all ripped out.

Mr. McKay: That is what I was thinking. Obviously, when I asked that question, in order to do this, how much of this you're going to have to rip out if you go to the next step. Sounds like trying to avoid ripping out.

Mr. Filippone: We are.

Mr. Taylor: But at the same time, we wanted to make sure that there was enough information on these plans, that for some reason, the applicant doesn't move forward with that long range plan, we have a clean enough site plan in this phase one that can function in perpetuity, safely in this fashion. we can implement the curving and implement those other improvements.

Mr. Eisner: Mr. McKay, I would also point out that it's similar to where Black Creek is. We are subject I hate to use the term win, but I will to the wins of the D O T. We really can't centralize this driveway and Black Creek really can't perfect this until we have formal DOT approved. So, I understand we've just discussed that. We are now in the concept phase, whatever that means to everyone, with the D O T. So, we feel realistically. I have Dave Shropshire here, our traffic engineer. we're at least a year away from any substantive DOT approval, probably longer. So that's what we're faced with.

Mr. Krollfeifer: Could we backup a little to the handicapped spaces? Maybe Mr. Miller could comment on it because I knew I saw ADA parking spaces somewhere and it's in your December 29 letter, paragraph seven. It talks about the revised plan shows 8 ADA. I'm not telling you have to do it. I'm just telling you what I'm reading because you said you're putting three plus the charging space.

Mr. Filippone: There's a number handicapped parking on a standard. I counted vehicles for sale, and display vehicles. That's not required.

Mr. Krollfeifer: I want to just get clarification.

Mr. Taylor: Those displays spaces are not actually parking spaces. That's actually in inventory display space and there are other spaces that are stacked vehicle inventory space, but it's not an actual parking space and employee can't park there, there are no people associated with it. If they sold sheds, that would just be an area where they line sheds at. So, when we calculate this, we looked at customer/employee parking only. That's really what they need to base their accessible parking requirements on. Which comes down to 2. They want to do 3. I think maybe your staff kind of looked at the overall number of cars on the site.

Mr. Krollfeifer: Okay, then one other thing that I'm looking for before you move forward. This has been bothering me since the first time I saw this whole application, not yours specifically. But it's a question of, I guess it's who goes first. Because if you take away that diagonal asphalt road, the people that are using the property behind have no way to get there until that other road is built, contemplated that's going first, or you're talking about a year from now that you're going to be doing that.

Mr. Eisner: I guess, all of us. Right now, we're most involved with Black Creek in negotiating everything. One of the problems is, as you mentioned, Mr. Chairman, is that there is presently a tenant on Black Creek property. I think they mentioned that during your application last month, and that tenant needs access. So, they are utilizing this diagonal. Black Creek will need access for their construction and their infrastructure. So, they will use this diagonal for a period of time. Then what is contemplated is that they will do construction of this eastern most access. They will do everything but top coating. Because of the use of construction vehicles, I am not certain what's required on your ordinances for road that's still under construction. But when they are able to use that they will then abandon this property. That's when it will be consolidated. So, to answer your question, I think once the DOT approval comes forward hopefully, and Black Creek can construct this access, they will then be in a position to see this access to us. Simultaneously, we should be able to begin this construction and we would then be closing this driveway. We had a lengthy telephone conference with DOT and Black Creek. DOT was very much agreeable to allowing us to have two access driveways. This one which is existing, this new proposed one, and that one would be closed. So, I hope that answers your question.

Mr. Krollfeifer: I guess it's really not our concern. I guess Seagull and Black Creek have it all resolved, who's responsible to do what. My only issue is, I don't want to be stuck with something halfway. When I say me, I mean, Hainesport Township.

Mr. Eisner: We really can't do anything. We couldn't close that diagonal until Black Creek received some DOT approvals because they need ingress and egress. They will have some access through this jug handle that they're proposing. That will take quite a bit of time to construct then they may begin to move forward with this driveway. Much, much sooner, because that will really give them the construction access.

Mr. Taylor: I do think and I know we talked a little bit about it with the Black Creek is that there really needs to be a coordinated and combined phasing plan between Black Creek and Nissan Seagull. Because if you're going to have the site operate with just that easternmost drive, and if they want to pull a CO for one of the buildings, that phasing needs to be safe and sort of clarify just from an inspection and bonding and everything else. So, some of those parameters, I know, I believe, can you confirm it is all one DOT application?

Mr. Eisner: Yes, it is a joint application.

Mr. Taylor: All of the driveways are going to be approved basically, at the same time, but it sounds like what you're saying is the driveways may come online sooner than the jug handle itself.

Mr. Eisner: That's what we suspect from our on our conversations with Black Creek.

Mr. Taylor: I think it'd be appropriate and I don't think we ever really got into the weeds on that during that the BTC, III Black Creek application. I do think we talked about phasing. But I do think it's going to be appropriate to look at what those potential phasing things could look like. So, we make sure we have emergency access and if for some reason, at some point, the project falters. You know, we know where we are.

Mr. Eisner: We don't have any objection to that.

Mr. McKay: So, I guess you know, when you look at this, given the time frame, whatever we approved today is got to be possibly be written into the resolution as conditioned upon the obtaining of the DOT approvals as outlined and the construction. This is a pretty complicated situation that we have. I don't remember 35 years on this board ever seen something quite this complicated.

Mr. Eisner: Frankly, when we were working with Black Creek, it was really like putting a jigsaw puzzle together because everything is so interrelated. I can tell you that Black Creek agreed that they would not renew the tenant's lease. So that at least we know that there is a finite time when the more frequent use of that diagonal road will be reduced. I also would have to commend Black Creek because they did agree to pave that road in our request. They put in speed bumps and stop signs and everything was done in a very, very top fashion. So, we were very satisfied with it. It was a big, big help to us.

Mr. McKay: If I recall or comment by Black Creeks attorney at that hearing last month. I thought he had mentioned that the poll yards lease was up in June or July of this year.

Mr. Eisner: Yes, and they indicated they would not be renewing that. Before I call Ms. Wright, that in reviewing Mr. Taylor's letter, he specifically asked about hours of operation and Mrs. Wright is the best one to describe all that to the board. I'd like to call on Mr. Shropshire who may be able to give us a little more the traffic details on the site plan and explain to the board some of the traffic circulation in and out of the site. Now and as proposed. This is the clearing plan study plan that is existing feature and the site plan as proposed. Marked exhibit A2.

Mr. Shropshire: The big issue is the angle driveway. It does not meet any criteria that DOT would find acceptable in today's access code environment. When we look at it from a traffic engineering standpoint, having an angled driveways just not the optimal way to do anything on State Highway. Or really, you really want to get as close to 90 degrees as you possibly can, in order to provide a safe environment for maneuvering in and out. So, what we're proposing to do with the future plan is clean all of that up, remove that angle driveway, consolidate the lot, and provide a much better access. As the board knows, Mr. Filippone explained the existing access ways today, and how it's kind of interrelated. Well, the proposal in A2 shows is much cleaner, interaction and driveway in the central location really meets the NJDOT criteria. I can understand that this could be challenging when you're looking at it, complexity wise. It was probably the most interesting pre application meeting that I've been involved with NJDOT. The whole idea is, all this has to be worked together as one. That's why, during that meeting for Seagull, we specifically said, we would like more than one access. Do you have concern with that? No, they are basically saying, because we're getting rid of that angle driveway, we're going to get some bonus points and be able to get that second access for Seagull. In addition to the access the fee provided for Black Creek, as an alternative, all of these accesses meet criteria and accommodate a much better circulation. Not only for Black Creek proposal,

but for the Seagull application. So, everything improves with regards to the site plan without that angle driveway. Cleaning everything up as Mr. Filippone: has mentioned with regard to the access points, how often this is going to be oriented. circulation. So, one of the biggest things with regards to onsite circulation is to be able to provide substantially improved accessibility for large trucks that come and deliver the vehicles to the site. That's being accommodated in a very good clean fashion with the new access new wide aisles that have been provided.

Mr. McKay: I have a question on just that point. I just gave you what I see when I drive down Route 38 towards Cherry Hill a lot. There's a bunch of dealerships in the Maple Shade area. To my amazement, I see car carriers unloading parked on the shoulder along 38. I don't know how they're allowed to do that. But it sure is a traffic hazard when they do it. I trusted this plan isn't going to allow such a thing. That's correct.

Mr. Eisner: If I can call Ms. Wright, she can explain.

Mr. Shopshire: This is planned and accommodates not only the access of those trucks into and out of the site for circulation, clean circulation through so everything will be accomplished on site. I've seen the exact same things that you're talking about. Several dealerships are coming in to redo dealerships. That's always the criteria. It can't do that on the roadway. Really, it's not supposed to be done on the roadway. That's not what the purpose of the shoulders.

Mr. Eisner: I'm going to go back to the existing features plan A1. I'd like Ms. Wright to explain how those the car carriers are accommodated now on the site.

Ms. Wright: So currently, our car carriers come in and maybe we get 10 a month, we sell 2000 cars a year. Hopefully as we improve and have a much better site building and just in general everything like it should be. To my knowledge we've never had a carrier unloaded on 38. We have plenty of room and this is from what wasn't existing bowling alley. Mr. Filippone has done such a better job of accommodating the flow. So, when they come in now, they still go around. Which is the bowling alley driveway. They come in to kind of stop in the middle of the drive which is what they still continue to unload. Sometimes they might have one or two cars. The max they carry are nine cars. They unload to the designated area where those nine cars go and he goes on his way. They could be there 20 minutes, could be half hour.

Mr. McKay: As long as they are not doing it on the shoulder of Route 38.

Ms. Wright: No. They're totally on our site. I can only attest to how we run it now and how we'll run it in a better scenario. I have no control over if someone did that unless I saw them and they would not be allowed back.

Mr. McKay: No, I'm not suggesting your dealership has done that. I just don't want it to happen because I see the mess down on Route 38.

Ms. Wright: I'm surprised. They have such large areas in that Maple Shade area. Currently they are Nissan hired, subcontractor drivers.

Mr. Eisner: Actually, there is nothing taking place on route 38 now and I can assure the board that that will continue. Everything will be done on site. Since Ms. Wright is up

here. Ms. Wright, if you could just generally explain the number of employees, hours of operation both of the sales facility and a service facility.

Ms. Wright: We have 34 employees, as Mr. Taylor had said. That may go up that may go down. But approximately 34 employees and our hours of operation are Monday through Saturday. We're not allowed to be open on Sunday. We open at 7am for service, close at 6pm. For sales, we open at 8am until 8pm. We also service cars, we obviously sell Nissan's. We sell pre-owned Nissan other manufacturers and we serve cars all makes and models, mostly Nissans.

Mr. Eisner: How often do you have car carriers coming in?

Ms. Wright: Nissan has a stipulation that we are not to have more than two per day. It's just so that each dealer is not overwhelmed. We receive approximately 10 to 11 per month. You may see two in one day; you might see one.

Mr. Eisner: When you say 10 to 11, you mean 10 to 11 carriers per month currently. What about delivery of parts?

Ms. Wright: We have parts delivery every night after hours at Mount Holly at approximately one o'clock in the morning. They pull into our driveway; they have to unlock the gate and go to a designated area to unload the parts. Then out they go, lock the gate and they go on their way. Very quickly within 15 minutes.

Mr. Eisner: So that is done on site, not on the highway. You probably get UPS and FedEx deliveries periodically correct.

Ms. Wright: Correct. We do every day just like mail. UPS and FedEx very minimal. Normally, most things come from Nissan, which is the parts delivery. We have trash and recycle come twice a week.

Mr. Eisner: Have any of the deliveries ever posed a problem on site?

Ms. Wright: Not to my knowledge at any time. We have a tool truck that comes once a week. They have a designated day. They come ask our technicians do you want a snap on tool. They are there half hour, tops.

Mr. Eisner: None of those deliveries take place anywhere except in about the dealership.

Ms. Wright: Absolutely.

Mr. Eisner: Mr. Filippone had referenced a remodeled, expanded or new building. So, I know you brought a rendering. Marked exhibit A3. This is basically a prototype rendering of a Nissan facility with their new design colors and things like that.

Ms. Wright: This shows the showroom area, that I am excited about. It would have a drive-in service lane. So, we would have the capability of two cars going in at once and 3 deep. So again, people come in for service, right inside, they take care of you take your car, and however you're going home or choose to wait.

Mr. Taylor: This is just information on how this would be part of your next step.

Mr. McKay: Can we assume as part of that, that the old building would probably get torn down.

Ms. Wright: I don't know if I would assume to that at this point right now, because I'm very worried about the pressure that Nissan gives me. As you know, I purchased in 2016 and Nissan wants to see this as of 2017. I really can't do something like this, I can remodel and everything will look like this. I've already been in talks as to how we would put our service drive. So, I would either remodel the building that's existing, and it would look like this, that would be unrecognizable or hopefully do a new building. It hasn't been decided. It depends on how things go moving forward from today.

Mr. Eisner: Nissan has this prototype. And insofar as possible they want either a remodel or expansion or new building to fit that model as closely as it can.

Mr. Krollfeifer: Going back to your conversation with Mr. Taylor before about the grass area? Is that approximately the look that you're going to and you want to get to with relations to Route 38?

Ms. Wright: The driveway is not there, but it is how I would like to see it. It shows the cars, curbing, and all that was discussed. You had touched on the ev chargers, we actually have a new ev charger. I don't know if anyone had ever answered, I think you had required a certain amount, we actually are having another one, because Nissan is coming out with a new model. So, we're required to add that and put on the existing building.

Mr. Eisner: So, there will be three it looks like.

Mr. Taylor: There are very specific state standards on how on the location that has to be open to the public for a customer and employee. So, if they can, in fact, can double as the Nissan and does the public and it meets the standards. I think that's fine. Otherwise, it may have to go and just be a separate one because there's specific signage and marking under the new state law,

Ms. Wright: That would probably come about in that second phase.

Mr. Eisner: We will work that out with you. Any other questions for Ms. Wright? Any other information which the board would like?

Mr. Taylor: We had a meeting where we discussed because there are some variances, and particularly when that furthest east or that right parking lot went from being set back 50' to be moved up to 15'. We also had some significant dialogue about the trees being moved out of that area. Which those trees have been moved out in this current latest set of plans. But I recall there being discussions about there being a low hedge of something 18 inches high, like some junipers or daylilies or something that with those being brought up. I didn't see those on this latest set of plans, the trees went away. But I didn't see that that other low vegetation.

Ms. Wright: In my understanding from our meeting that day, that grass with irrigation would be acceptable that whole 15 feet and then when you're up against the existing building to be five feet.

Mayor MacLachlan: We were talking about maybe some little flowers.

Ms. Wright: I would definitely put flowers; I don't know if I put them here. At some point where we have our entryways in areas that you have your entryways. There's more that I would do, but I really can't do this. This is not referring to anything going on with the building. But all in the entryway here on both sides. There are trees and then over here are flowers. Then over here on each side, it has a list of different plants involving knockout roses and junipers and daylilies flowers along here in that 5' buffer.

Mayor MacLachlan: There's the right of way 10 or 12 feet and then there's more grass that's on your front. So, there is 27' and that's a lot.

Mr. Eisner: That will be irrigated. We agreed to that at Mr. Taylor's suggestion.

Ms. Kosko: I do recall in our economic development meeting; we are compromised with the trees being in the front with some low-lying annuals or perennials. As far as that compromise, the last time that we did meet.

Mayor MacLachlan: We would like to see that.

Ms. Wright: Would you object to seeing them in groups as opposed to along the entire line, meaning instead of just one row along Route 38. There is maintenance and moving the lawn and so forth. If they were in some sort of groups. Referred to map.

Mr. Taylor: Do you want to do a sketch and submit that and come back next month?

Mr. Eisner: No, I guess, I guess our request would be that we provide Mr. Taylor's office with a proposal and see if we can work it out and come to something acceptable.

Mr. McKay: Make that a condition of approval. You submit some sort of landscaping plan subject to the approval of Mr. Taylor's office.

Mr. Eisner: We don't have any objection to that. We have every confidence we can work with Mr. Taylor.

Mayor MacLachlan: I think Mr. Taylor was just looking for color.

Mr. Taylor: I don't even care for evergreen, it's just more something to create a little bit of vegetation a definition along several 100 feet. Something that is easy to maintain.

Mr. MacLachlan: I'm sure there's other plans with other dealers we can look at. We want to make it successful for you but we're just looking for a little something.

Ms. Wright: We'll come up with something. I'm not against vegetation nor flowers.

Mr. Eisner: I'm sure we will be able to work that out.

Ms. Kosko: Is there any curbing proposed along the entire frontage along Route 38.

Mr. Filippone: There is curbing proposed but does not show on the plan.

Mr. Eisner: Mr. Taylor made that comment and we agreed. I have nothing further from Ms. Wright.

Mr. Miller: When you come back with the future plan from this plan, does the driveway change.

Mr. Filippone: I think the driveway will have to change. There are several things that have to be created. The eastern access will not change. Once that eastern access is approved, all the domino things can fall from there. They will change based on the approval of that driveway.

Mr. Taylor: I think Marty's question is your middle drive. The one that is being submitted now, when that's approved as part of the overall Black Creek combine. Will that be the same location as your future long term build out plan?

Mr. Filippone: Yes. We don't want that one to move.

Mr. Taylor: That's what's going to have to happen simultaneously, the construction of the new one will happen, the existing one is going to stay open, because you have to be able to access the vehicles. That will be part of that phasing once you get the DOT stuff. The town needs to make sure because there are COs and everything else. So that's where once your DOT is close, there needs to be some coordination.

Mr. Miller: It's a little easier if that is going to stay in one spot.

Mr. Krollfeifer: In Mr. Miller's letter, paragraph six, he talks about driveway aisles of 23 and 24 feet while 25 is required. But I seem to recall somebody mentioned in the beginning of this presentation is going to be 36'. My question is what is it. in this letter, it says you need a waiver.

Mr. Filippone: The 36 feet wide driveway is the center driveway. The other driveway on the site where the vehicle drop off actually get wider. In Mr. Miller's report, he's mentioning that I do have a couple of drive aisles that exist that are less than 25'.

Mr. Eisner: We do not need a waiver.

Mr. Krollfeifer: The other one is the trash enclosure. Has it been resolved?

Mr. Filippone: It is currently on site and it needs to be upgraded and designed to your standards and we will do that

Mr. Krollfeifer: Once again, we have faith and confidence in Mr. Miller. So, work it out with him.

Mr. Miller: Information for the Board. Last year when we had the recent rains. One of them was an 8-inch rain. The day after, I drove around the town and looked at most of all of our basins to see how they function. I was pleasantly surprised that they were all in good shape, and none of them had any problems. I specifically looked at this, where is all this water going. There was no overflow from that basin. I am comfortable with that basin the way the situation is right now. They're not going to change much at all. So, I expect that we won't have any problems. And then when they renew this application to the old application, they will have to do it in accordance with the new regulations and we'll take care of them.

Mr. Taylor: As part of that, that's going to be for their build out plan, their long-range plan. That amended redevelopment plan will show that because as Mr. Filippone indicated they want to do part of their basin in on the Black Creek. That will actually require a site plan approval here, as well as an amended site plan application for the Black Creek site to allow a drainage basin to go on their site. Black Creeks aware of that. So, all of this will happen and there will be additional hearings to coordinate all that. And yes, it is complex, and the most complex job I think I've ever worked on, and I was thin when this started.

Mr. Krollfeifer: One other question about parking spaces. Now, I'm not talking about the employee customer talking about that display in inventory. We have to make a resolution and take some action. Is there a way that we can look at that at the display inventory as a combined number, where you're allowed 600 in total? You're proposing 604? Can we look at it that way and just approve the slight excess. Whether it's display parking or inventory parking?

Mr. Shopshire: Many municipalities handle it as one number. It's basically not a parking generator. It is product out in the lot. It makes sense to handle as one. Having a minor four space variance as opposed to huge variance of 296.

Mr. Taylor: The only thing I think the board should do, because they were listed at separate bulk requirements in the redevelopment plan, which is an ordinance. I think that the Board should at least acknowledge that and grant that specific variance. Then you can also say which total 604 spaces that way that can be the number moving forward. But I think it would be, protect the applicant and everybody to say 396 stack spaces were 100 permitted.

Mr. Eisner: We do have 254 display spaces proposed.

Mr. Taylor: And you are allowed 500. So that's where, you know, there's a real disparity between those two numbers, but the total number, we're pretty darn close.

Mr. Krollfeifer: So, you volunteer to help Mr. Kingsbury with the wording on the resolution?

Mr. Taylor: Yes.

Mr. Kingsbury: We always consult with each other.

Mrs. Tyndale: I have one other question. It seems like when any of these projects have come in, sidewalks have to be put in. Are sidewalks being put in?

Mr. Filippone: No sidewalks proposed along Route 38.

Mr. Taylor: So, we can and as part of a long-range plan it was not included as a requirement in the phase one of the redevelopment plan now. If the board felt strongly about that, that could be evaluated, or it could be deferred to the time of when a full build out expansion happens. Then we can look at what any of those other sidewalks are because I don't know if we really have other sidewalks anywhere on Route 38.

Mrs. Tyndale: Well, I don't know, because I know when we've done stuff that's on the Marne Highway, we had to put sidewalks in.

Mr. Taylor: On Marne Highway we had sort of a consistent effort to try to get folks off the road and on the sidewalk there. Route 38 is a bit of a different creature. This state is obligated when they do their curving signals and all that they actually have to put the depress curve in. They will put the curb ramp in, but not the sidewalks, and then it's up to the town or the applicant or anyone else. To do that, and I think some of that ties back to federal funding. So, they have to do that.

Mr. McKay: In Lumberton at a traffic light with state road patrolling, four corners of farmland, depress curb and handicap, all four corners.

Mr. Taylor: The only thing I will say is, it's better than it is there because 30 years from now, if that develops, and the town has sidewalks everywhere, if you can't get to the crosswalks, trying to depress the curb, and getting DOT to make those changes is almost impossible. So as dumb as it looks for decades, I've had sites where you actually are able to connect in without having DOT rebuild curb in there.

Mr. Krollfeifer: They also put the stripes across the roads too.

Mrs. Tyndale: There's nothing that the state says that we have to have the sidewalk on Route 38?

Mr. Taylor: Not that I'm aware.

Mr. Taylor: We sort of touched on our report, Mr. Eisner referred to it. Do you agree to the extent that we haven't discussed any of those items? Do you agree to comply with comments?

Mr. Eisner: The only issue that we have is, I think he's the board knows. Let me go back. Our agreement with Black Creek requires us to terminate the cross-access agreement which exists between Durga and Segall Holdings. That access agreement dates to 1990. In order to terminate it, we file a declaration of termination in the county to terminate the easement and we convey the small piece of that property to Durga. Approximately, seven tenths of an acre, we've agreed to do it. I also think that it's in the redevelopment ordinance that was a requirement. We don't have any objection to doing that.

Mr. Krollfeifer: Just if I can just explain that the Durga property is the cocktail lounge and the hotel.

Mr. Eisner: As I recall these dates to when there was a club there at some time. The only issue we have is that Mr. Taylor suggests that he would like us to strip the asphalt on the Durga property and bring that back to a grass area. We feel that and we are very appreciative of all the cooperation we've been given by the board and your professionals and it's difficult to disagree. We feel that Durga is being given almost three quarters of an acre of property free and that to impose on us an additional cost is something we feel we would like the board to reconsider that. We also believe that costs should be imposed on Durga. They are the beneficiaries of obtaining that property and utilizing that property. And certainly, if Durga ever does anything in the way of permits, requesting permits from the township, or does a redevelopment, this board has jurisdiction over those seven tenths

of an acre. So that is really the only issue that we have with Mr. Taylor's report. We feel very confident that his office and our professionals can work everything else out.

Mr. Kröllfeifer: Which number is that Mr. Taylor? G13. Okay, but it doesn't specifically reference Durga but is what you're talking about.

Mr. Taylor: There's also another comment, that areas should be restored. G three, right.

Mrs. Kelley: The Durga property is all a parking lot there, correct?

Mr. Eisner: Yes, it is.

Mrs. Kelley: Is that their main parking lot?

Mr. Eisner: I don't know the property that well. But I know that there are a good number of spaces back there, based on what we saw.

Mr. Taylor: So, just to clarify, the area that we are referring to, there are some of the spaces that are an extension of Durga's parking lot that sort of encroach onto lot 2.0 (Seagull). The part we're referring to is where that driveway is, because right now the driveway that's being where the easement is being extinguished. It comes up toward the Black Creek property and it's proposed to just be saw cut, so anybody leaving the bar could drive down that driveway. They're just met with a curb that they can't drive over. The balance is what is leftover and it's about a 25-foot-wide strip of asphalt that was part of the bowling alley parking lot. You can't drive down; you can't park on it. It's not large enough to do anything. So, we've talked about this for over a year now that for that area to be restored. Durga doesn't have any rights to use it. From the town standpoint, that is an existing nonconforming use, he would need approval. It's not wide enough to be parking. It's not wide enough to be a drive aisle. So as part of the extinguishment of the Hesser approval from 2005 subdivision, we think it's appropriate that portion of the asphalt that was associated with the Hesser land be removed. The one caveat I'll give you because I know that it extinguishes simultaneous with the transfer or conveyance of the land. That area be restored to the extent that the removal and restoration is permitted by Durga. If he says no, you're not allowed to. That is something the town would have to handle as a violation or some other format. Otherwise, the town is left with a potentially unsafe dead-end driveway that leads up to another driveway that you're not allowed to drive into. An unusable unsafe patch of asphalt.

Mr. McKay: Where's the town line in this mix?

Mr. Taylor: Another 50 to 75 feet over.

Mr. McKay: So, all of this is Hainesport.

Mr. Eisner: Mr. Taylor if you could show us exactly.

Mr. Taylor and Mr. Eisner referred to the map showing the area of the extension of the bowling alley.

Mr. Taylor: He would still have access here; it basically eliminates this driveway that connects right into the Black Creek drive. The little leftover strip that's being saw cut off

of what was or what is. You're using this right now for parking. You're not going to use that after's this site plan application. The last caveat to that is to the extent that Durga would permit that because the conveyance, he would have to give you a temporary construction easement or some other mechanism that you attorney guys figure out.

Ms. Wright: So, what you're saying, because there has to be, if I don't own it, it's been conveyed to him. I see a big risk to go onto his property. So, he would have to allow that. and he would have to work with us. Which I'm sorry, there's a precedent where that's very difficult. So, my question to you is, so if we extend ourselves and we say, present to them, what is to be done and how we go about some sort of agreement? And he says no.

Mr. Taylor: What I was saying, then you are relieved of that condition of the approval? Durga says no, you absolutely can't. There is no way for this to happen and can't happen through the redevelopment agreement, then you would be relieved of that. We're not going to let him hold you up for three years. Our job with this whole project has been trying to get everybody to work together to do something that's actually pretty complex.

Ms. Wright: So far, it's been very good.

Mr. Taylor: I think the town has been clear. This is going to move forward. We just want it to be the best long term. So, we don't want to hold you up. We don't want to hold Black Creek up. But at the same time, we don't want there to be a leftover wedge, that's not safe. That may not ever be paved at any point in the future.

Mr. McKay: Just in terms of timing. I guess, the termination of the easement and a conveyance of the wedge probably logically would be done at the same time. Could you solve this problem by deferring the conveyance of the wedge, until after Black Creek has finished the road. Then in the construction of the road, that blacktop can be taken care off.

Mr. Taylor: So, the conveyance wasn't a board imposed or redevelopment imposed. That was part of that REA, that reciprocal easement agreement from 1990. Yeah, that is simultaneous. So that's where Durga would have to agree to either allow them to abandon that access in advance to restore it and then convey it or it gets conveyed and then there's a temporary construction easement.

Mr. McKay: I was trying to get it fixed before the conveyance, but realize it's probably not possible.

Mr. Eisner: Right? Because we really have no rights to go in and do anything when he has that easement. That's the problem. It's a catch 22.

Ms. Kosko: It sounds like it's going to be the town's responsibility to enforce and follow up with directly.

Mr. Taylor: Maybe that's a conversation we can have with those folks again, in the interim, because your DOT process is going to take a while. That buys us some time, perhaps the best solution for everybody. That land is within a redevelopment area which is why we met with them in the first place. How do we make this whole project work the best it can for everybody?

Ms. Kosko: It's the safety issue, I think that's the prevailing reason why we should interject. Simply just because of the safety issue. It could potentially become a zoning nightmare.

Mr. Krollfeifer: Was Durga involved in the original meetings.

Ms. Kosko: I did meet with Mr. Patel. We met with him two times and on the phone as well.

Mr. Krollfeifer: I mean, we certainly don't want to give him a reason to hold the hammer over their head.

Mr. Taylor: Understood. That's why I think, Mr. Kingsbury and I talked about it. If they would agree to that restoration, to the extent that it is agreed to by Durga than that gives the town the ability to give Seagull an out. Let them keep moving. We tried; we've done everything the town had some discussions. They can move forward and Black Creek can move forward, the town can then deal with Durga Corporation independently after the fact. Will that language be acceptable Mr. Eisner?

Mr. Eisner: We are not trying to be obstructionist. I don't want to get into, I don't want to feel like I'm a kindergarten student. We were granted in this easement an absolute right to tie into utility lines on Durga's property. When we tried to do it, to put in sewer which my client has done. We were prevented from doing it, the cost we were quoted was so outrageous that we just ignored it. Given that history, we're very concerned about any type of relationship and its ramifications. That's all I can say to the board. My client and I are sincerely appreciative of the board's position, which seems to be receptive this evening, and the cooperation we've received from all your professionals in their accessibility to us to try to solve these problems. But that is given the history that is an issue for us. That's all I can say.

Mr. Kingsbury: If Durga doesn't agree that lets you off the hook.

Mr. Eisner: I guess if we have to have very, very tight parameters. This would have to be done at our discretion to protect us. We certainly don't want Durga dictating how this will be done. If there's any agreement to do it, and your professionals approve it, then that's going to be it. I don't want Durga involved in bringing in their engineers that are expense and all this. That's what I want to try to avoid.

Mr. Krollfeifer: Let's maybe hold this for a second. Let us all think about it while we move into public comment.

Mrs. Baggio: I just want to make sure that I didn't hear any discussion around lighting in this new proposed area. I assume, Mr. Taylor that you've seen what their proposals are and you are happy with it.

Mr. Taylor: We did have a number of comments and the applicant has agreed to comply with all them to do the 3000-degree Kelvin for new fixtures, full cut off and try to keep that glare down to a minimum.

Mr. Taylor: I guess the only thing we could do is for the actual display lighting. That is propose to go off. Can we set a time for 30 minutes after closing, one hour after closing?

Mr. Eisner: Really, for security purposes, and candidly, there have been a number of incidents of theft and vandalism on the parking lot.

Mr. Taylor: I'm sorry, not security lighting. I'm talking about the 20-foot candle display, the car dealership display lighting, not interior security lighting.

Okay, I misunderstood. An hour would be alright.

Mr. Krollfeifer: Opened public comment online. None. Open public comment to the people in the room. Hearing none, I'll close public comment. Does anyone on the board have any other questions about this entire application.

Mr. Krollfeifer: So, we can move forward with the assistance of the attorneys, we need to take some action in the form of how we're going to word a resolution to encompass all the things that we've talked about.

Mr. Kingsbury: The conditions that I made note of as we went along or the submission of a phasing agreement with Black Creek will be approved by the Board once the NJDOT approved comes in, also a landscaping plan to be approved by our planner, the issue of the wedge of land, I would defer that until a future point until DOT finishes with their approval. It does not have to be done now.

Mr. Eisner: No. We understand that if we can maybe if we defer it until that time, because as you know, we can't terminate that easement until that driveway is built.

Mr. Taylor: But then you absolutely have to come back to the board. And all I was suggesting was if you agree to that, and say, you know, agree to restore that. To the extent that it is permissible by Durga. If things go smoothly, you don't have to come back. Worst case scenario is the board professionals and everybody else administratively says you made your best effort Durga is not allowing you to do that you've met your obligation of that condition. If you're still not comfortable with that, the highest bar you would have to do would be come back and explain that process to the board and ask for that condition to be relieved. So that's all I'm saying. If we resolve it tonight, but give you an out and saying to the extent that it's permitted by Durga, then we may not need to see you again until you guys come in with the bright shiny, new.

Mr. Eisner: Alright, then then let's do that. I know that I've spoken to Black Creek about because they're going to be working in that area as you know. Let's do that and give everyone time to explore and hopefully, somehow, we can solve the problem.

Mr. Taylor: There was some language in testimony during their hearing about a safe termination of that driveway. So, the issue is there for to get resolved.

Mayor MacLachlan: And their going to have vegetation or trees there to possibly prevent people from cutting across. When these applications come in, we like to get the site cleaned up. We don't ask for much. Getting rid of that patch of asphalt that's no longer on your property. We like to try to feel that we're doing the right thing for everybody and the town people as well by cleaning up these sites.

Mr. Eisner: No, I understand that. That's our discomfort about having to disagree.

Mayor MacLachlan: We understand that fully and I think we'll support you even if you don't get the cooperation that you're looking for.

Mr. Kingsbury: The other conditions, of course, are compliance with the planner's letter, and the engineer's letter.

Mr. McKay: Did you include in that the variance for the car parking?

Mr. Krollfeifer: They are asking for 604 in total where 600 is permitted.

Mr. Eisner: Mr. Filippone, if you can clarify.

Mr. Filippone: There was an error on my cover sheet and there was a discrepancy. It's actually 650, 254 vehicle display, and 396 vehicle inventory. Count is 650.

Mr. McKay: So, it's, even if you added them together. The permitted spaces, you're still 50 over.

Mr. Eisner: Yes, we are.

Mr. McKay: So, the variances requested is 50 over.

Mr. Kingsbury: The other variance is for setback.

Mr. Krollfeifer: You are not including the employee and customer parking spaces. employee customer spaces. We're just talking about display and inventory.

Mr. Eisner: Yes. Right.

Mr. Taylor: The four variances are on page four of eight of our report, E1. A through d are the four variances. There is a Route 38 parking setback. That's if you can point to them. East of the driveway where 50 feet is required and only 15 feet is proposed for not providing the required parking setback to commercial on the east side where 10 feet is required along the Black Creek drive, 10 feet is required but five feet is proposed, proposing an excess permitted vehicle inventory stacked were 100 were permitted with 396 are proposed. And I think that's where it may be appropriate to say the total display spaces on site. I think as a subset to see that we would say moving forward and total of 650 display and inventory spaces are permitted, where 600 is what was initially permitted under the redevelopment plan. Actually, D I believe there has been testimony that there is not an exacerbation of the nonconforming vegetated area requirement. So that variance is, would you confirm that Mr. Philippon, there's no reduction.

Mr. Filippone: There's no reduction.

Mr. Taylor: So that variance is not necessary and stricken, Mr. Chairman,

Mr. Eisner: If I may, Mr. Taylor, in paragraph J1 of your letter, we talked about the tree for every parking space and you suggest that relief should be requested. Should we include that.

Mr. Taylor: So, I think you provided some testimony about that relief. And then where we talked about the lower Evergreen hedge or ground cover along the site frontage.

That's where the discussion was that we would not do something continuous. But do that in groupings of plantings along with site frontage.

Mr. Eisner: I understand that about the ground cover, but what about the trees? Do you want that all be incorporated in one landscape plan for your review?

Mr. Taylor: Yeah, that'll be incorporated. I think the testimony has been you're trying to minimize the number of trees on the site. And the issue of trees can be revisited at the time of your full build out.

Mr. Eisner: That's fine. Thank you.

Mr. Kingsbury: You are asking for preliminary and final?

Mr. Eisner: Yes, we are.

Mr. Kingsbury: The variances can be incorporated into your vote on the preliminary and final site plan.

**Mr. McKay: I'll move to grant preliminary and final subject to the conditions outlined in the previous discussion. To include the variances that we discussed under the Taylor Design letter, part E1 a through c and the Alaimo letter. In case, somebody heard me that includes the applicant's acceptance of a points made by the Alaimo letter and accepted by the applicant as noted in the hearing today. The same is true for the issues noted in the Taylor Design letter of December 30 which were accepted by the applicant's attorney during the discussion today.**

**Mayor MacLachlan: Second.**

Mr. Eisner: That's correct. Thank you.

Mr. Krollfeifer: Alaimo's letter is dated December 29.

Mayor MacLachlan: I have a question before I withdraw my second for just a second. What is the time frame on this, two years? If it is not done in two years, do they have to come back.

Mr. Taylor: There is a time that the preliminary approval is affected, the applicant would have to come back for re approval.

Mr. Kingsbury: Right now, they are covered under the permit extension act.

Mr. Taylor: They have a three year under the municipal land use law. They can operate on their existing site without doing the curbing and other site improvements for up to 24 months under the redevelopment plan. And that was to give them time to potentially do their long range build out plan. They can operate for up to 24 months. So that should perhaps be it's identified in our reports.

Mayor MacLachlan: I'm not trying to put any pressure I just kind of want everybody to know where we're at. Obviously, we're going to try to work with you every way we can to get your project done. Everything's getting delayed.

Mr. Eisner: Frankly, I appreciate that. We think the biggest impediment is mentioned is really the DOT. We can do some things but not a lot until and if it looks like we are having a problem we'll have to come back before the board for an extension or other relief.

Mr. MacLachlan: I'll let my second on the motion stand.

Mr. Krollfeifer: Any questions on the motion? If not, can I have a roll call please

Motion: Mr. McKay (motion above)

Second: Mayor MacLachlan

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

Motion carries to approve.

## **B. Discussion on the 2021 Hainesport Joint Land Use Board Annual Report**

Mr. Krollfeifer: The next item of business is a discussion of the 2021 Hainesport Joint Land Use Board annual report.

Ms. Kosko: I think we just need to review the types of variances against our existing code.

Mrs. Tiver: We are required to take a look at all the cases that we've had over the year and if you're seeing continuous approval of same things, then what you would need to do is make a recommendation to the town committee about changing the code.

Mr. Kingsbury: This is something the board is required to do it on the municipal land use law. If you have any recommendations for ordinance changes, they would go into this report. It's rare that that happens, but it does.

Ms. Kosko: There seems to be a lot of variances for pools.

Mrs. Baggio: There seems to be pools but they are not the same. Some cases they are setback issues and others it's impervious issues. There not the same issue.

Ms. Kosko: This is a requirement that we must do this every year. It's a formality.

Mr. Krollfeifer: I think if we saw a whole bunch of very similar requests, we could have an ordinance change.

Mrs. Tiver: You would also have to take in consideration if it's in the same zone, you're approving these for the same reason.

Mr. McKay: I move to adopt the resolution as written with the attachment as prepared.

Mr. Krollfeifer: We will get to that at 8a.

## 7. Minutes

### A. Meeting minutes of November 4, 2021

Motion to approve: Mayor MacLachlan

Second: Ms. Kosko

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

Motion carries to approve.

## 8. Resolutions

### A. Resolution 2022-02: Hainesport Joint Land Use Board Adopting 2021 Annual Report

Motion to approve with no recommendations: Mr. McKay

Second: Mrs. Kelley

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

Motion carries to approve.

### B. Resolution 2022-03: Granting Preliminary and Final Site Plan approval for two warehouse buildings on Block 42 Lots 1, 1.01, 1.03, 2, and 2.01

Motion to approve: Mrs. Gilmore

Second: Ms. Kosko

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

Motion carries to approve.

### C. Resolution 2022-04: Granting impervious coverage variance for installation of an in-ground pool accessory to an existing residential dwelling

Motion to approve: Mrs. Baggio

Second: Mrs. Tyndale

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

Motion carries to approve.

## 9. Correspondence

A. Certification dated November 19, 2021 from Burlington Co. Soil to Mr. Blair  
Re: Block 24 Lots Various, 710 Marne Highway

- B. Letter dated December 9, 2021 from Burlington Co. Planning Board to Mr. Floyd  
Re: Block 24 Lots 4.01, 11, 12.01-12.05 Marne Highway, Mt. Holly Bypass and S. Atlantic Ave
- C. Letter dated December 15, 2021 from Burlington Co. Planning Board to Mr. Blair  
Re: Block 24 Lots 4.01, 11, 12.01-12.05, 710 Marne Highway Warehouse-Bluewater Property Group
- D. Hainesport Township Ordinance 2021-13: Ordinance of the Township of Hainesport Amending Chapter 104, of the code of the Township of Hainesport, Entitled “Land Use”, to create a new zoning district to be known as the “AH-1: Affordable Housing” zoning district to rezone Lot 1.06 Block 104 in accordance with the AH-1: Affordable Housing Zone.

Motion to accept and file: Mrs. Kelley

Second: Mrs. Gilmore

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

Motion carries.

#### 10. Professional Comments - None

#### 11. Board Comments

Mrs. Kelley: I'd like to make a statement that I enjoy working with all of you. I like to wish everybody here a happy New Year and a healthy one too,

Mr. Krollfeifer: I was going to say the same thing. Wise everybody, not only on the board, but in the audience, Happy New Year. Thank you for letting me stick around as chairman for another year. Any other board comments?

#### 12. Public Comments

Mr. Krollfeifer: We have a large public here tonight. If anybody has a question or a comment, we welcome them just step forward to the podium. Give us your name and address. You'll be sworn in by Mr. Kingsbury and we'll hear what you have to say. Hearing none. We'll open it to those online. None. Closed public comment.

#### 13. Adjournment

Mayor MacLachlan motioned to adjourn at 8:40pm.

Second: Mrs. Tyndale

**Roll call:** All in favor

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Paula L. Tiver, Secretary