

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 6:30 pm

June 8, 2023

1. Call to Order

The meeting was called to order at 6:30 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 10:30 PM”

5. Roll Call

Present: Mayor Clauss, Mr. McKay, Mrs. Gilmore, Mrs. Tyndale, Mrs. Baggio, Ms. Kosko, Mr. Noworyta, Mr. MacLachlan, Mr. Krollfeifer

Absent: Mr. Tricocci, Mrs. Kelley, Mr. Bradley, 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 23-07:Greg Wisniewski
Block 26 Lots 4.01 & 5.01
829 Deacon Road
Bulk variance for addition**

Proper notice was given.

Mr. Kingsbury swore in Greg Wisniewski.

Mr. Wisniewski: I own a house in Hainesport on Deacon Road. We bought it and just want to make it bigger for my family. It's got a weird setup. There's a small kitchen downstairs, two bedrooms downstairs, and two bedrooms upstairs. And we want to make all the bedrooms upstairs and make a bigger kitchen downstairs. Currently the setback on the side is six foot one, I think. I'm asking for a seven-foot setback to put an addition off the back of the house.

Mr. Krollfeifer: This is a house you own that you don't live in right now.

Mr. Wisniewski: Yes, I bought this. I closed on this house in September or October of last year.

Mr. Krollfeifer: Will it be your residence?

Mr. Wisniewski: Yes. It'll be my primary residence. Yeah. Okay.

Mr. Krollfeifer: Anybody on the Board have any questions about the application.

Mrs. Newcomb: Everyone has pictures. I went out to the existing lot is more than capable of holding this. He is at 24.9% impervious coverage where 27% is allowed. The applicant and I have spoken in regards to his drainage. It will be coming off the back into the backlot not into the side neighbors. Just do the fact of that it's so close and that topography kind of goes down to the neighbor's yard. So, he's not really looking for anything else but the side yard setback at 7' where 10' is required.

Mr. Krollfeifer: But it's preexisting.

Mrs. Newcomb: Yes, correct. The house is in need of fixing up and that's what their anticipation is to making this house really look well.

Mr. Krollfeifer: I understand you said in your application that that staircase on the right side.

Mr. Wisniewski: It was put up there but all that's upstairs are two bedrooms. I don't know if they had plans for in the future. But I was going to take it down right away. I did meet with one builder just to get an idea. He said leave the stairs till they come in and they can use the stairs to remove sheetrock or whatever. But the stairs are coming down.

Well, your kids might not like that when they get to be teenagers.

Mr. Wisniewski: That's their problem.

Mr. Krollfeifer: Any other questions, comments from the Board?

Mr. McKay: Was this house perhaps a duplex at one point.

Mr. Wisniewski: No. It wasn't it was built in 1970. I don't know who lived there before. The guy that I got it from I think his wife passed away. He's had it since like 2000. But there was never any plumbing upstairs besides the bathroom.

Mr. McKay: So, you're using it as a single-family dwelling.

Mr. Wisniewski: It's considered right now, four-bedroom two bath, we're going to keep it. It will be a four-bedroom three bath. It'll just be more square footage. It's just an odd setup. When you walk in the back door there's a little kitchen and we just kind of want to move the kitchen to the back of the house so we can in the future you know put up a deck on the back and usable space outside.

Mr. McKay: You have a deck in your plan.

Mr. Wisniewski: Yes. It's 16 by 24, which is probably going to be the footprint. Once I get the plans drawn and somebody can give me what I want. That's what I'm telling them what we need to work within. Because if I go more than 16 feet wide, I could cover up a bathroom window which I don't want to do.

Mr. Krollfeifer: The kitchen that you're putting on is an expansion and relocation of the current kitchen.

Mr. Wisniewski: No, the kitchen will move. Right now, the kitchen is all the way to the right in the front. The kitchen will turn into a laundry room. All the appliances will be taken out and the kitchen will move to the back all the way to the right.

Mr. Krollfeifer: The point I was getting at is there is not going to be a second kitchen.

Mr. Wisniewski: No, it will just be the one kitchen.

Mr. Krollfeifer: Opened public comment. None. Closed public comment. What is the Board's pleasure.

Mayor Clauss motioned to approve.

Second: Mr. MacLachlan.

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

Motion carries to approve.

Mr. Wisniewski: I would like to request a waiver to proceed.

Mr. Krollfeifer: Do you understand the waiver, it's an at-risk permit until the resolution is completed.

Mr. Wisniewski: Yes, not much is going to happen in the next 30 days.

Mayor Clauss motioned to approve.

Second: Mrs. Baggio

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

Motion carries to approve waiver.

**B. Case 23-02: Paxia Realty, Inc.
(Lillos) Block 65 Lots 18, 19, & 20
2503 Marne Highway
Preliminary/final site plan, bulk variance, use variance
Attorney: Keith Salmeri**

Mr. Krollfeifer: This is a use variance so Mayor Clauss and Committeewoman Gilmore Must recuse themselves from the case.

Mr. Kingsbury swore in the following two witnesses: Calogero Giovanni Paxia, owner, Mathew Wilder, engineer/planner.

Keith Salmeri: I am the attorney from the law firm of Stark and Stark. I am here on behalf of the applicant, Paxia Realty. As I will briefly state our notice of public hearing, we are here before you tonight seeking a so called D2 variance expansion of an existing non-conforming use, along with several bulk variances. In order to, among other things, expand the parking lot at my client's business, Lillo's Tomato Pies.

To begin with, I would like to ask Mr. Paxia. I'll just note that he's already been sworn in. Could you please just state your name and your affiliation with the applicant?

Mr. Paxia: My name is Calogero Paxia. I'm known as John and I am Lillo's Tomato Pies, my wife and I.

Mr. Salmeri: You own the business? Can you just explain for the Board exactly it is your business does?

Mr. Paxia: We are just a small mom and pop shop that I'm very humbled that we have a ton of success in this area. We're just doing pies and cheese steaks and salads.

Mr. Salmeri: The type of business you do, is it primarily take in or is it takeout.

Mr. Paxia: I'm all new to this to be honest with everybody here. I'm a retired ironwork. I didn't think it was going to take off this way. We're about 84% takeout. That's what my POS is showing. We've been open for a year and seven months. And we're in between 81 and 86. bouncing back and forth. We have people coming from everywhere. It's yesterday, we had seven people from JFK Airport, that wanted an original northeast cheesesteak. Everybody told them to come to this little town in Hainesport. I actually paid for seven Ubers to go back to the airport because I was so grateful for them to come. One was from Japan and the other one was from Italy, which is great, they're from same town where my family is from Portugal, Spain. It's really humbling, and it's really nice. Yesterday, the Barstool came in, and we're going to represent the Northeast, us and DeLorenzo's Tomato Pies as the top 100 pizza places in the world for barstool. So that's very humbling as well. I just don't know what to say, I never had a business like this before.

Mr. Salmeri: So, you were just talking about how you get a lot of customers every day. What happens when you guys reach capacity when you guys hit your

Mr. Paxia: We didn't know how to sustain the business. It was growing at a rapid pace. So now we figured out we could only make 400 cheesesteaks a day 225 pies a day. We sell out every day. What it is, it's during the lunch rush, we were slammed. Then from three o'clock to 5:40 we take the last order so our back can catch up. The doors are locked at 630. We're gone. We're cleaning up to it's just my crew and I at 630. The parking is so intense at that time. You don't know what to do, it's like walking into business if you don't know where to swap first. You're seeing people park on Marne Highway and then you're seeing them park on Pennsylvania, then you're watching them park on New Jersey walking all the way over. You don't know what to do. I think I did wrong because Mrs. Newcomb has been great with me since day one and I should have taken more steps. So, I wouldn't be here at this point in time to be honest with you. She's laughing because she was guiding me in the right direction and I didn't know what to do. I made wrong decisions.

Mr. Salmeri: How many employees do you have on site?

Mr. Paxia: I started out with two but now I have 16 full time employees. I just offered benefits to him last week.

Mr. Salmeri: How many dining seats do you have at the restaurant

Mr. Paxia: 28.

Mr. Salmeri: What are your hours of operation?

Mr. Paxia: From 11am to 6:30pm. Sometimes we close at three o'clock, when we sell out.

Mr. Salmeri: Is it seven days a week?

Mr. Paxia: No, it is five days a week.

Mr. Salmeri: How many employees are on site at any given time?

Mr. Paxia: In between 14 and 16.

Mr. Salmeri: Obviously, running a pizza operation, you have delivery.

Mr. Paxia: No delivery. I get deliveries coming in.

Mr. Salmeri: What type of deliveries do you get?

Mr. Paxia: I go to my butchers every Monday and I pick the cows out. I get my meat delivered on Thursday. Then for dry goods, I have it delivered every Tuesday.

Mr. Salmeri: Do you get produce delivered?

Mr. Paxia: I do. But it's different kinds. It's, I keep everything fresh. Nothing's frozen. The only thing that's frozen is basically the French fries that we use. I can't even freeze meat because it is sold out all the time.

Mr. Salmeri: Do you have trash pickup?

Mr. Paxia: Yes. I have it twice a week, Tuesday and Saturday.

Mr. Krollfeifer: What's the what's the time on the trash pick up the trash.

Mr. Paxia: I wanted it picked up early so I'm not inconveniencing Pennsylvania Avenue. So, It is picked up in between 6 am and 7am. My dry goods get delivered on Tuesday around 6:30am to 7am. My meats get delivered on Thursday between 7am and 9am. We are open Tuesday through Saturday.

Matthew Wilder: I am a licensed engineer and planner in the State of NJ. He continued with his credentials.

Mr. Krollfeifer: Any questions from the Board? He's acceptable.

Mr. Salmeri: Please walk through the Board exactly what we're looking at here with the site plan and what we're looking to do here at the restaurant.

Mr. Wilder: Sure, and also sort of give a little bit of a brief overview of the property. The property is lots 18 through 20 and block 65, commonly known as 2503 Marne Highway. It's at the intersection of Marne Highway and Pennsylvania Avenue. It's roughly equal distance along Marne Highway between Creek Road and Mt. Laurel Road. While I was preparing myself for meeting, I was trying to familiarize myself with the area. I was taking a look at some of the historical aerial imagery. The best I can tell is the building in question is somewhere from the early 1950s or late 1940s. And what you see on the site today with the exception of the gravel, which is we're here to seek approval for really dates back to at least 1984. So, the property had been fairly stagnant from the improvement standpoint from 1984 to when my client has purchased the property.

Mr. Krollfeifer: It was a restaurant prior to Mr. Paxia purchasing it, right?

Mr. Wilder: That's correct. So again, I took a look at actually Google Streetview, which leads to my first exhibit (A1). If you'd like to have a handout, I have one. This is a historical photo exhibit prepared by my office dated today. One thing technology has allowed us to do sort of go back in time. So, these are all photographs from Google Streetview. Going back to 2008. And at least the last 15 years it's always been a pizza restaurant. It changed hands a couple of times, but it's been relatively the same use you see now. Currently it is Lillo's Tomato Pies. So, what we're seeking this evening is preliminary/final site plan approval along with the D2 variance. The D2 variance is an expansion to a nonconforming use. So, because of the age of the property, it's what's known as an existing nonconforming use. The expansion that is a result of the proposed parking gravel parking area as well as the outbuildings, cold storage outbuilding. It's a nonconforming use because restaurants are not permitted in the BC zone. The BC zone again, business commercial residential business. So, because it's an existing use that is prohibited by the zoning ordinance and we're expanding it.

I'll walk the Board through the existing site conditions as well as what we're proposing.

Mr. Krollfeifer: I heard what you just said, and I'm getting confused with something. Mr. Paxia had said that he bought the business a year and seven months ago. Is the business that's been going on for a year and seven months, the same one as today. Okay, but yet, you didn't come in to get anything approved before.

Mr. Wilder: Correct. So, there was an approval on this property back in 2003. I'm not sure of the applicant at that time. The reason we are before the Board this evening is not for the use itself, it's the expansion to the property.

The southeast corner of the property is the restaurant. It's a little over 1,700 square feet. To the west of the building is an asphalt parking area which can currently accommodate 12 spaces.

The township regulates parking for restaurant based on the number of employees and the number of seats. For a restaurant with 16 employees and 28 seats, we are required to have 18 parking spaces, we only have 12. When you take a step back, and you look at that you realize, before we even started, we knew there was going to be an issue. There is a six-parking space shortfall. Add in the fact that the business has been successful, it exacerbates

that. The cold storage building I had referenced previously; this is sort of a little outbuilding to the north of the restaurant building. That is used for the storage of goods as Mr. Paxia indicated. He gets deliveries, that additional storage space allows him to reduce the number of deliveries. He's able to get those deliveries once per week for meat as indicated versus having to get deliveries every single day.

There's also a trash enclosure on the property. This is accessed from Pennsylvania Avenue. Immediately east of that storage building we were discussing, south of that trash enclosure, and east of the building along the side of Pennsylvania Avenue is the loading zone. That's been there again for decades. Two of the deliveries that Mr. Paxia talked about utilize that loading zone. The other delivery which is produce typically you can utilize as a regular commuter van and they just use the asphalt parking lot. But again, there is loading and a trash enclosure attraction, directly accessed by Pennsylvania Ave.

So that sort of leads to the main reason we're here, which is the gravel parking area. So approximately 5,800 square feet of gravel was placed on the property to accommodate 13 vehicles. This was out of need. This was when the restaurant was busy, people were parking on Marne Highway, walking across, parking on Pennsylvania Ave. These were traffic conditions that we did not want. So, in order to reduce those unwanted traffic patterns, we're proposing an additional gravel area in the rear to basically take the parking 12 spaces on site to 24 spaces. To soften gravel area, we did propose some fencing along the north and west sides of the gravel area, as well as some landscaping on the east side.

Your professional letters, both the engineer and planner, they made some recommendations to even further enhance the proposed development, beautify the property, soften the impact of the neighbors and we will comply with those. I thought it prudent to sort of run through some of that. We will provide curbing along the perimeter of the gravel area. We are requesting to install timbering in lieu of concrete curbing. When you take a look at it and I did drive around the residential neighborhood. You see more timber ties and you do traditional concrete curb. I think the timber ties will provide the same retention to ensure stone doesn't get washed onto the adjacent property or the adjacent roadway. The timber ties just fit in better with the area. It does require a waiver from ordinance section 104 115. Currently, the gravel areas, as you can see, is wider than the asphalt area. We're going to reduce the width of the gravel to match the existing with the asphalt parking. This gravel area is simply an extension to that asphalt parking area. So, we will reduce the width. The end result is you'll have 5,100 square feet of additional gravel parking area where they indicated we currently have 5,800 square feet. The setback along the northern side of the property will be eight feet. So, we do require a waiver and a 15-foot buffer if required for non- residential use to a residential use. But again, we're putting a fencing along that area, which I think will soften or sort of mitigate that reduced setback. We'll also provide an electric vehicle charging station consistent with the law that Governor Murphy signed and this Board adopted in December of 2021.

So, on the topic of the D2 variance which is a little different than a D1 variance, proposing a use where it is not permitted. This is an existing use that has been here for decades. So, when you look at a D2 variance, one of the things we're looking at is site suitability. This site is typically suited for this use, it's been on the property for decades. That sort of advances that site suitability analysis. But we still have to demonstrate that the proposed expansion does not cause substantial detriment to the public good, and that any potential detriment would be mitigated.

As I indicated, the purpose of the additional parking was to avoid undesirable traffic conditions. In speaking with my client, when we were first retained, I was advised that police officers would sometimes be involved because how much traffic there was. It was that unsafe. So, what we're trying to do is clean all that up, make sure that one point of ingress and egress from the property and everyone knows where they should and should not park when visiting the property. The business has been successful, hence the need for the additional parking. So, when you look to potential detriment, I don't see any detriment from traffic or circulation. In fact, as I discussed, the only real changes are improvements when you think about how people operate around the property. But the one detriment they can look at is taking a grass area converting to gravel is stormwater runoff. We're all Jersey and especially if you're an engineer doing design in NJ. That's part of the reason we're proposing a gravel parking area in lieu of asphalt parking. So, this property is underlaying by hydrologic soil approved eight soils. Those are sandy soils, water rips through those soils. So, by proposing gravel parking, while gravel does inhibit some of the recharge of the water into the ground. It lets more through than asphalt would. So, by proposing gravel, were able to actually reduce the site runoff, reduce the cycle out by promoting and increase groundwater recharge. We need a waiver and a variance for the stone parking area. I think considering that site conditions, I think it is appropriate.

Mr. Krollfeifer: So, you're proposing a combination of asphalt parking and gravel parking?

Mr. Wilder: Correct. So, the existing parking area is about 12 spaces immediately west of the building are asphalt. The overflow parking is being proposed as gravel.

Mr. Krollfeifer: How do you put lining on gravel?

Mr. Wilder: The short answer is you don't. But a good recommendation that was made with the concrete bumper blocks in the gravel. A) to ensure that people don't encroach beyond the limits of the gravel, but also it actually helps to delineate with parking spaces. People will park in front to the concrete bumper. We will be proposing bumper blocks in the gravel area to sort of delineate designated parking spaces. With this information in mind, I think the potential detriment from the expansion is mitigated and in actuality, what we're doing is improving the site.

There are some additional bulk variances and waivers we need. So, I'll quickly run through what we're asking for and then I'll sort of collectively speak to those. There are three additional bulk variances. The first is the front yard setback to this accessory storage building, 30 feet is required and 20 feet is proposed. As I indicated we need a variance for the stone parking area. Lastly, we also need a variance to permit a trash enclosure within the front yard of Pennsylvania Ave. On the topic of the waivers that we're seeking, again, a 15-foot buffer is required where nonresidential use abuts a residential use. And on the northern property line, we're proposing eight-foot buffer. But additionally, buffering is required between loading areas and parking areas and the road. We currently don't have that buffer, and that's an existing nonconforming condition. So, we are requesting that waiver.

We're requesting a waiver from installing drainage facilities. As I indicated, that's a real really good reason other than the gravel, the gravel will promote that recharge of stormwater runoff. We also need waivers again for some parking area, but also to install its timber ties as currently indicated, we think it fits in better with the area. The last waiver that we're seeking is for providing lighting analysis. Based upon the hours of operation indicated, they're taking orders at 5:45pm. More often than not, they're not open at late hours

where lighting is concerned. And additionally, because we're sort of inset from residential development, but we don't want to propose lighting, that would be nuisance. So, the one additional waiver that Mr. Taylor indicated in his letter, but we're going to be eliminating the needs of that waiver that was requiring an additional street tree based on the number of proposed parking spaces. We'll add that tree to eliminate that waiver. We'll also make the other recommendations in Mr. Taylor's letter which included buffering of the trash enclosure, providing street trees along Marne Highway at Pennsylvania Ave. Also replacing the white pines that are currently proposed on the east side of the gravel parking area with a different species of evergreen tree.

Mr. Krollfeifer: When you refer to Mr. Taylor's letter, you're talking about the letter dated May 31, 2023.

Mr. Wilder: That's correct. The engineer's letter when I was talking about additional recommendations is the Alaimo, April 27, 2023. One of the other substantial changes that we're proposing and agree to provide the masonry trash enclosure. Currently, the dumpster sits on the ground. There's a concrete pad that is large enough to accommodate one dumpster and the other one sits on the ground next to it. We will construct these three trash enclosures that will each fit one dumpster. It will have solid wooden doors so that it is shielded from the neighbors. An absolute aesthetic upgrade from Pennsylvania neighbors when you consider that the trash would be fully enclosed.

When we're talking about the D2 variance, I talked about the benefits, especially from the traffic circulation standpoint. But when you really start to take a look at the trash enclosure, the fencing, the additional landscape, you see that the application benefits more than just traffic. This is going to be a beautification of this property. And if you look through the sort of the Google Streetview, while the landscaping had some green space up front, it was typically just little green shrubs, it left a little quite a bit to be desired. So, by the recommendations of your professional that we intend to implement it will be an absolute beautification of the intersection.

We talked about with respect to the storage building. The size that it is allows us to take deliveries less frequently. It ensures that we have less impact and less nonsense on the neighborhood. So, with that being said, I believe both A and I of the municipal land use law are advanced. Goal A speaks to the general welfare, I think it's without question, the benefit from the upgrade that we're putting into the site, promotes the general welfare. We're going to have a more aesthetically appealing property. You're going to have a business that can operate more successfully without the nuisance onto the neighbors. Then from the goal it is promoted desirable environment. Again, with all the additional landscaping we're proposing, I think without question, we are advancing the goal. I did take a look at the 2022 master plan prepared by the Taylor Design Group. There were a few items that I think are worth noting that I think we advance. First is the master plan talk a lot of energy sustainability. We are adding an electric vehicle charging station. I think that certainly goes to that point. It also speaks about encouraging development and the retention of a variety of nonresidential uses along Route 38 and arterial highways. Marne Highway is a minor arterial roadway and we're doing just that. We are promoting a business that's been successful along that corridor. Then lastly, the master plan speaks to economic development.

The findings in that document, that even prior to the pandemic, the township struggled to maintain restaurants and other eateries. Which is fairly easily evidenced by the fact that you've had one pizza place change hands four times in the span of 15 years. So, what we're

proposing is the business as we know is successful and the expansion is due to success. So, I believe that the application is absolutely consistent with the master plan. So, all the variances are being solid, as long as the waivers I believe will be granted without detriment to the public good. That is not potentially impairing the intention of the public good.

Mr. Krollfeifer: Any questions from the Board? We turn it over to the professionals.

Mr. Taylor: Just a few questions. Where will the new trash enclosure go?

Mr. Wilder: Right next to the other trash enclosure. My intent, if it will fit, is to put it to the south of the existing trash enclosure. If I can't fit it in there, provide enough pedestrian circulation. And we'll go to the north of the existing direction.

Mr. Taylor: If it goes to the north, isn't that going to go in the right-of-way.

Mr. Wilder: It'll be a staggered trash enclosure; it will not be one large enclosure. It will be a step back to ensure that it does not go into the right-of-way.

Mr. Taylor: Then the relief would actually be for both for the new trash enclosure and the existing being the front yard. Are there other containers? When I was out on the site, it looked like there were, I don't know, maybe grease containers and other containers outside on the site? Are there other things out there? Maybe it's a question for the applicant.

Mr. Paxia: I'm using the existing grease trap that's been there for decades. Mike had it there. I think Sal had it there prior to Mike.

Mrs. Newcomb: It wasn't in the location that it is now next to the trash.

Mr. Paxia: I moved it over because it was creating an oil slick and people were slipping on the concrete. So, I put it in more of a gravel area. Then I put it a mat with a screen underneath of it and changed out the rocks. I could relocate it and bring it back to where it was. You're carrying old grease from inside the kitchen to there and there are drops all the way over. So now it's easier for them to go down the steps to the grass and not creating a slip hazard.

Mr. Taylor: Mainly, it's not shown on the plan. So, we're trying to find out what all is out there. So, that whatever the Board considers and potentially approves. Everybody knows exactly what you are and are not allowed to do and store outside and what can be done in each area.

Mr. Paxia: The only thing I moved was the grease. I'll put it back, if that's what you guys are requesting because it's been there from day one since the building was there. I added a trash can for recycling because I didn't know. I received a letter from Hainesport saying, Where's the recycling going? Well, when I first opened, there was no recycling bucket there. Everything went in there. I asked Mike, the previous owner, he's like, no, you don't just everything goes in there. I asked Waste Management. They said no, there was never a recycle inside there. So, I put it to the right of it in good faith because I figured that's the new law and that's what we'll do. I noticed that other businesses around here are putting the recycle behind in the trash right in front of it. I'll be willing to do that. Since everybody else is doing it. I guess that's what they're doing. Like I said, I'm new to this. I don't know.

Mr. Salmeri: Yeah. I think my clients just saying that he's willing to work with you with regards to wherever you want to move that, if you have a desire to move that.

Mr. Paxia: I feel that it would be only fair if I have to do that. Let's go down the list and everybody else do that. I mean, my attorneys hitting me, I'm just being a human and talking. You know, that's all I'm doing. I know if somebody jumps off a bridge, you don't want to jump up there. But I don't want to be the whipping stone for everybody. If I got to do stuff, why doesn't everybody else?

Mr. Taylor: Well, I don't tell the Board what to do on their applications. We have one application here in front of us today. If another application came in, and they were asking for a use variance, I think this Board and I know the professionals are pretty consistent in the types of things that they asked. I prefer to just focus on the nature of your application and what you're proposing and not what some other use, or some other neighbor may or may not have.

Mr. Paxia: I speak with my neighbor constantly, we see each other. I don't want to be a nuisance to anybody.

Mr. Taylor: Could the grease container area, if the trash enclosure area is expanded on the site, go inside of that as part of the refuse for the site.

Mr. Paxia: I could put it wherever you like. It's three foot wide by five foot long, it says

Mr. Wilder: I am a little concerned about having it incorporated into the new trash enclosure that it's pretty far from the building. So, I think we want to have it as close to the building as possible. I do think we have room on the left side of the storage building and between the storage building and the gravel parking area that we might be able to accommodate in there without being able to be picked up. Yeah. I think that might be the best place to sort of hide, so it's not visible. But again, it's sort of close to the door of the restaurant. So, the employees can much easier access it.

Mr. Krollfeifer: That's the rear door of the restaurant.

Mr. Salmeri: Yes.

Mr. Krollfeifer: Just for purposes of clarification, to the right of that diagram is Pennsylvania Avenue.

Mr. Miller: I'm not really understanding what's going on. You collect the grease inside the building, and you have it in a container and then you bring it in to put it in a grease container.

Mr. Paxia: That's what a restaurant does.

Mr. Miller: Right now, it's at the bottom of the steps.

Mr. Paxia: It's not at the bottom of the steps. It's up by the trash cans. Every restaurant has a grease trap.

Mr. Miller: It's not trap, it's a container that you're taking it to.

Mr. Paxia: We are using the grease and then the old grease gets recycled by a company. It gets picked up.

Mr. Miller: It gets picked up like the regular trash collection.

Mr. Paxia: Yes. In the cooking world on Safe Serve, you're supposed to change your grease trap every three days on high volume. I change it every other day. A lot of restaurants don't, they try to clean it and do everything. Everything at my restaurants is fresh, everything. So, we go through a lot of stuff a lot quicker. That's why I moved the grease trap because we're constantly recycling that grease.

Mr. Miller: There is a grease trap inside the building.

Mr. Paxia: There is no grease trap inside the building.

Mr. Miller: Okay, how's the grease collected?

Mr. Paxia: There's one deep fryer. The deep fryer has a hose and you open up the hose, it goes into the gigantic pan, then there's a screen on the top of the oil collector, and you pour it inside there.

Mr. Miller: Okay, so then all of that happens inside the building. Then you take that out in a big container and it has to get disposed of somehow. That somehow is what we're talking about. Now you're taking it from the building to outside and putting it in. Then it gets collected twice a week.

Mr. Paxia: When it's full. So whenever 55 gallons goes in, and our deep fryer is 2.5 gallon.

Mr. MacLachlan: Do they come with a hose truck and vacuum it out.

Mr. Paxia: Yes. It's called Green Earth. They're the ones that do it. He's an older gentleman and comes on his time. They give me a check so he's part of the VFW and I say give him whatever. I have no use for it.

Mr. Taylor: It looks like the gravel parking area has been used sort of intermittently off and on. I know that there are cones there sometimes, but perhaps the cone shift. It has been used a little bit, which we understand. We're all here trying to create a safer condition out there. When the parking area was actively used, was the 25 spaces adequate?

Mr. Paxia: It was more than adequate. Because like I said, it's more of a pickup. If this gets approved, I want to work with Mrs. Newcomb to do a pickup window. So, people don't have to come into my building, they can come and pick up. The dining room would be just for dining. So, I'm worried more about fire safety of people on the inside.

Mr. Miller: The pickup window is intended to be a walk-up window or drive by.

Mr. Paxia: A walk up window. Walk up and order, just like South Philly. That's my intentions for further use. There was more than that.

Mr. Wilder: That is not proposed right now.

Mr. Taylor: So just understand, you would actually have to come back to the Board for another expansion. So, if that's contemplated, you have any details that could be considered, I don't know whether we're going to conclude this evening.

Mr. Paxia: I just want to see how this goes. Because once we go through this Barstool thing, if we win, I'm really nervous. You know, I don't want to sell out by 12pm. We open up at 11 and we're sold out. We offered online ordering a few days ago. We had 770 orders in a matter of 32 minutes. As a matter of fact, Aloha, which is the biggest POS system called us up and said we cannot handle this mess. They've never had this problem before.

Mr. Taylor: That's kind of what I'm getting to and this might be a question for Mr. Wilder. Does this parking arrangement then eliminate on street parking and parking on the lawn areas?

Mr. Wilder: It will eliminate the parking the lawn area. We'll put signage up in the building additional gravel parking in rear. There is no prohibition for my understanding of parking on Pennsylvania Avenue. It is tough for us to individually police that. We believe based on the peak flow and speed at which we're able to turn things around that the 25 on site is sufficient. It certainly will absolutely eliminate queuing of cars on Marne Highway. That was an unsafe condition that I'm not sure why anybody could do that. But we think that this will also significantly reduce the parking on Pennsylvania Avenue. It's not entirely limited.

Mr. Paxia: We're producing two cheese steaks every minute on a Friday and Saturday.

Mrs. Newcomb: Has this application gone to the county yet. This is a county road.

Mr. Wilder: It has not.

Mrs. Newcomb: We could then particularly think about what the county may require on this application as well. There is an excessive amount of parking across the street from this. I have sat and witnessed it myself. I have taken pictures myself on this. I feel that the county will need to chime in on this.

Mr. Wilder: We certainly need to obtain their approval as an outside agency. And if they wanted to put signs on our property stating no parking on Marne Highway, we would have no issue with that. We certainly you know as any condition of approval would apply to the county for their approval.

Mr. Krollfeifer: How many 18-wheelers do you service on a day or week? Is it a lot because I know they park?

Mr. Paxia: We have the Conrail train stop from across the street to order from us.

Mr. Wilder: No tractor trailers.

Mrs. Newcomb: Large dump trucks that continuously stop across the street.

Mr. Paxia: If you don't want me in Hainesport, just tell me.

Mrs. Newcomb: If you had listened to me, we wouldn't be here.

Mr. Paxia: That is correct.

Mrs. Newcomb: Please listen to your professionals.

Mr. MacLachlan: We know you're successful and everybody's trying to help you.

Mr. Krollfeifer: Remember when we started this discussion, I asked your counselor, do you remember what I said to you? How may we help you? Yeah, we're here to help. Not hinder. Okay.

Mr. MacLachlan: There's a process that you may not understand, all the other folks understand. Just be a little patient. We know it is nerve wracking, we understand. My suggestion would be just let your professionals and our professionals work it all out. That's what we're here to try to do for you.

Mr. Taylor: Our main objective here really our report. I don't want to speak for Mr. Miller and the Board is to protect the health, safety and welfare of all the residents. As busy as the site is, and as great as the cheese steaks and pizzas may be, if somebody gets hit and injured or worse, crossing a street, or there's inadequate parking. And we didn't do everything that we all could to try to avoid that. I didn't do my job. So, what we're trying to do is put in, as Mr. Wilder indicated, as part of this variance for a use that's not permitted, is to come up with whatever items we can to mitigate those safety issues. So, whether that is adding more parking, eliminating parking in certain areas, making sure maybe the county asked for a crosswalk, because if somebody gets hit. I don't think you're going to appreciate that either. I think that's the worst-case scenario. That's where the parking and traffic situation is, it's frankly, it's concerned for me. So, everything that we can do to try to mitigate those impacts is really of the utmost importance. It makes things like street trees and buffer plantings almost secondary, but the safety of pedestrians and vehicles in and around here really is the most important thing for us.

Ms. Kosko: And the residents.

Mr. Paxia: I understand 100 million times but I also humbly ask you to act as if you're writing the check like I am. Honestly, I haven't taken a penny from my business. I have a pension annuity from the union ironworkers. I don't need to make a salary. I'd rather employ somebody. And if you come to my shop, you'll understand. My motto is it isn't about the money. It's about uplifting people. It's about the reason why I'm so successful is because I care about everybody that comes in there. We have a system called Code 17. A family will call us and say 17. We do this maybe seven times a day. What it is they cannot afford; one out of every six kid is going to bed hungry. Growing up in Trenton, I know how to be one of them kids that grew up hungry. So, we have this thing called Code 17, all of the Baptist Church, Immaculate, St. Jochims, all the Catholic Church where I'm from, we put out a memo, and any family that can afford to buy food for their children call us. They say 17 and tell us how many people they need. We make sandwiches for them for the week. They come up Tuesday night, and they pick up their food for their family. I don't know one business in this area that does that. I do that by not taking a pay. So, I'd rather put my pay towards that food and that employee that's making it. So, I'm humbly asking you, whatever you're figuring out for me to do, act like you're writing a check, because I'm not making a pay. I'm making my pay but my pension and my annuity which I served 24 years in the union of ironworkers. I make plenty doing that. So, I even want to hire another employee if they

have my pension because I've been that successful. You could go and talk to anybody that comes through my doors. I'm not doing it for money, fame or fortune.

Mr. MacLachlan: That's what they're trying to do. If you just kind of let them, go through it. They have to go through motions and create a record out there of what's going on. You're being treated no differently than any other business. I mean, some of us have been up here 20 years, and this is a process that everybody goes through so just kind of grin and bear it. These folks are going to try to do everything they can to keep you going. Just let them go through the motions.

Mr. Taylor: Mr. Wilder, the hours of operation.

Mr. Wilder: It is 11am to 6:30pm, Tuesday through Saturday.

Mr. Taylor: Then staff is there a little later than that?

Mr. Wilder: Yes. I believe an hour before and an hour after.

Mr. Paxia: We're there 30 minutes prior for prep work.

Mr. Krollfeifer: The last order you take is 6pm.

Mr. Paxia: About 5:45pm to 6pm but most of the time we sell out by 4:30pm.

Mr. Taylor: Mr. Wilder, you gave testimony about there not being any need for lighting out there because of their hours? Is there any existing lighting out there? Did you do any analysis of the lighting?

Mr. Wilder: We haven't done a formal analysis. I've been to the property. There's your typical light above the door. We certainly could at your request and install lighting for the gravel area in the parking area. But considering the adjacent residential neighbors and the average hours of operation. We think we don't need to provide additional lighting in that area.

Mr. Taylor: The only thing I would suggest to the Board that in the winter, it does get dark 5 to 530. There's a period of time where the site could potentially be rather dark or even potentially pitch black. So, I would suggest that some lighting be considered.

Mr. MacLachlan: Mr. Taylor, you can come up with some sort of a design with the client to help minimize the shielding upon neighbors. Maybe you can work with Mr. Taylor.

Mr. Wilder: Yes, and considering that we don't need a substantial amount of illumination from a time duration. That might be something like a small solar light to in some key location by providing that additional limitation we can certainly look at that with Mr. Taylor.

Mr. Taylor: We can address that. The problem with the solar is if you have a couple of days where it's cloudy. The other thing I would recommend that if the board were to look favorably upon this, a couple of suggestions I would make would be that any employees park in the furthest spaces to the rear to try to minimize that turnover toward the rear of the site because it is a dead-end lot. I also would suggest to try to cut back on the head in parking coming in off the Pennsylvania that signage be put up that says parallel parking only

and have that extend the full length. If that continues to be a problem, there may need to be bollards or additional signs put in. That back out movement, as you know, is really not safe onto a street. That's why our parking lots are configured the way they are. The only other suggestion we have that if at some point there is a scenario. Right now, it's a dead-end parking lot which is not ideal. If the driveway turned and came out to Pennsylvania Avenue, the applicant could potentially pick up seven additional parking spaces. If it basically turned to the right and there was sort of a one way exit out on to Pennsylvania. I don't know if you looked at that Mr. Wilder.

Mr. Wilder: We did it just because we didn't want to promote traffic discharging Pennsylvania. We certainly could look at that. You would lose some parking to accommodate the driveway. Theoretically we could vehicles on both sides. Certainly, it is something we could look into but again we didn't want to promote traffic discharging on Pennsylvania Ave.

Mr. Taylor: That could be limited to a right turn only and then people would not be driving by any existing residence, I think the bigger concern I have is, is really, if the dead-end parking does start to fill, people are going to turn down Pennsylvania. Then be kind of searching and doing U turns and trying to circulate through the neighborhood. So, I think that's something that, that perhaps the board and the applicant could consider, that might help and whether it needs to happen now, or if this parking is sufficient, fine. If at some point in the future, people are still parking and crossing streets and the condition exists, maybe there's a condition on the approval that the applicant then has to come back and look to expand their parking further. But that way, there is a bit of a safety net, which will help your business.

Mr. Wilder: We talked about it before, where 30, 60, 90 days after an approval and the improvements are constructed, that engineer or some other party, do a post site analysis, generate a report and indicate how things are going. Certainly if 25 spaces are insufficient, we certainly want more. We don't want to have an issue where unsafe traffic condition are occurring. So, I don't want to speak for my client. But I think we'd be amenable to doing something new three months after the operation has fully started.

Mr. MacLachlan: Do you understand that he is offering you more parking. They are trying to help you.

Mr. Krollfeifer: To get ahead of what we're talking about tonight. Mr. Paxia mentioned a walk-up window. Where would that possibly be?

Mr. Paxia: This is the stone parking, the asphalt parking. Right along here, there are two windows. One is right near the pizza guy and the other is right by the front door if you turn the corner. The one by the front door I could open it up just like a New York style, Philly style, and Hoboken style. You walk up and place your order for pick up only or they already called in a head of time. You have the order number, they come up and they pick it up. If they order I can give them an electronic beeper, hit the button when it's ready. They don't even have to come in. Most of our traffic is pick up. It's with 15 minutes of them shutting off the car, getting out, coming in, and then go. Lunch time we are getting more sit down. I think it would be a good idea but I don't want to put too much on my paperwork.

Mr. Krollfeifer: Mr. Wilder, what I was getting I was really getting at is where this pickup window would be in relation to the possible driveway going out.

Mr. Wilder: It sounds like you'd be as far from that potential drive.

Mr. Taylor: So, based on that, Mr. Chairman, I would suggest then instead of some slight post occupancy, analysis of the parking, the Board would just consider the application with the 25 now. That if at some point in the future, that the town determines that there's inadequate parking, that the applicant will then return to identify methods to expand the parking. Then also a condition that any takeout window or other expansion would also require the applicant to return to the Board.

Mr. Krollfeifer: Thank you. Mr. Miller, do you have any comments?

Mr. Miller: Has there been any analysis of the existing runoff of the property?

Mr. Wilder: No, I have not done a stormwater.

Mr. Miller: So, we don't know how much is going away or if there is a problem?

Mr. Wilder: Well, I've been to the property on several occasions. A few months ago, within close proximity to a rain event. I didn't notice any sheet flow, that's not indicative of a potential issue in and of itself. My client is not aware of any runoff issues, I didn't see any areas of ponding water or evidence of ponding water. So, I think they got such good soil, water really did go right through. So, I don't anticipate any detrimental impacts with this proposal. We've sort of had empirical data, because the gravel parking area has been there for several months and it was not creating drainage and runoff.

Mr. MacLachlan: You brought up the window, and you brought up the extra parking. Would he necessarily have to come in for another Planning Board hearing or could this be something that could be done administratively with our zoning officer and Mr. Taylor?

Mr. Wilder: Anything we do on this property for the nonconforming use constitutes an expansion of a nonconforming use.

Mr. MacLachlan: Would it be possible to implement your suggestion for addition parking now with this application and come in later for the window.

Mr. Taylor and Mr. Salmeri spoke.

Mr. Wilder: If we end up building it, that the apron be concrete. Then the remainder be gravel similar to the parking.

Mr. Taylor: The applicant has expressed a willingness and would like hearing amend the application to allow all sort of structure. I'll structure these two ways so Mr. Kingsbury can write a resolution on this. They're currently proposing 25 parking spaces. And if the 25 parking spaces are adequate, it can remain as proposed forever. If at any point in the future, the township or the applicant determines that a parking problem exists on the site. They will design and what's called green banking, the parking so they will show it on their plan. That will be a one-way exit drive out onto Pennsylvania Avenue with a right turn only to keep

folks out of the neighborhood and there will be a concrete apron on Pennsylvania Avenue. But that expanded parking would also be permitted to be stone.

Mr. Wilder: This would be shown in a revised plan. It would be an alternate design that shows the full parking.

Mr. MacLachlan: I'm just hoping to keep parking off Marne Highway. more and highlight whatever was really

Mr. Krollfeifer: Mr. Miller, do you have any other comments?

Mr. Miller: My problem is that all of this water and potential water is going off to the north of the whole property. If we're going to add future kind of conditions to this, I think that we may consider the possibility of adding an infiltration trench along the north property line in order to intercept that water, any potential water going on to the adjacent properties. So, it would be a stone trench that would go in the ground to figure out what we need for depth and width and put that in, and it would be able to collect the water and protect the properties on the north side. If and where we find that problem.

Mr. Wilder: Additional grading to sort of try to get more towards the street with the two-year storm being acceptable design storm. It is 3.3 inches of rain in 24 hours period. That is sort of the base design that I use for the nuisance storm.

Mr. Miller: That is not unreasonable.

Mr. Taylor: Mr. Miller and I were talking about instead of that being in the landscape strip, perhaps it can actually just be in the last several feet of the actual parking itself. That would even allow you to make the mound that landscape area where there's going to be some buffering. And that will almost create a swale and maybe try to push that.

Mr. Wilder: My client has a very good relationship with his neighbor. We don't want to sour that.

Mr. Krollfeifer: I have a question of our professionals. Are we in a position to move forward with this tonight? Or do we need to have something redone? Because we can always condition it and subject to?

Mr. Taylor: That's really a question more for the Board. I have a sense of all of the items we've gone over because I've been looking at the plans, and he sketched out that parking and different things. So that really is more a matter for the Board. If there are any particular concerns, we could work through and see if you know we're comfortable handling those as a condition of approval or whether the Board wants the applicant to.

Mr. MacLachlan: I have a question. Ladies over here. So, if we were to approve this tonight, the county has to come and look at that because it's on a county road?

Mrs. Newcomb: That could be a condition of approval.

Mr. MacLachlan: I just need some education as to what the county's governance is over this application and how it works.

Mr. Wilder: We front on a county road. I would have a conversation with the county to see, if we're not changing the driveway, if they would want to see a full site plan application. They may say that you're not touching the driveway, you're not changing the driveway. It's a letter of no interest. It's status quo as far as it.

Mr. MacLachlan: So, whatever motion we may make, if we were to approve this would be contingent on approval from the county.

Mr. Krollfeifer: Subject of a letter of no interest.

Mr. Wilder: Yes, we are required to obtain something from the county getting their blessing.

Ms. Kosko: Do you think there's going to be anything from the county that would affect their NFA when they understand the volume of traffic that's been created with the successful business?

Mr. Wilder: The county is limited in some respects in what they can tell us. They certainly can't tell us to close the driveway. That would be very, very important. The property is not large enough to add a second driveway on Marne Hwy. So, the reason I bring up a letter of no interest, it is a restaurant, it's been a restaurant. You're not actually changing the driveway. I think they're going to say we're not concerned. The one item that they may bring up if they're aware of issues where folks are queuing on Marne Hwy. They may ask for some signage. We certainly would be available for that.

Ms. Kosko: Do you think they are going to require you to do a traffic study or any kind of traffic plan?

Mr. Wilder: I don't think so. If they do, then we will have to do a traffic study. But considering the historical use of the property, no.

Ms. Kosko: I just wanted to get clarification. Initially, when the stone parking lot in the rear was installed, it was stated that it was for drainage. But then later, it was identified publicly that it was actually for parking for relief to any of the unsafe conditions that were being created. So, it was never really intended for drainage, it was for to help with the parking.

Mr. Wilder: Correct. The reason that I like gravel parking in this area is it has a little bit less runoff than asphalt.

Ms. Kosko: The walk-up window is a great idea. Has there ever been any consideration of changing your business model to relieve the site in terms of the volume and with delivery? With actual deliveries out instead of people coming to the site? Have you ever thought about that.

Mr. Paxia: I would never deliver. 98.6% of pizza places use delivery. Now, they're supposed to carry their own insurance that covers the delivery, but they don't.

Ms. Kosko: That is not through their regular car insurance.

Mr. Paxia: No. For example: Papa Johns and Dominos has insurance on their drivers. If you go to a mom-and-pop place, they're going to give you the tips and \$5 an hour. They have no insurance, everything, all the responsibilities on that driver. So, the driver goes out

and hurts somebody, that pizza place will say that he didn't work for me. That is what they try and do. It would cost me \$39,500 a year to insure with a balloon. So, if you have five drivers, and we'll spend close to \$200,000.

Ms. Kosko: So, other places that have delivery are taking a chance.

Mr. Paxia: I'm just being honest.

Ms. Kosko: That would seem to relieve a lot of the concerns, the challenges, and the volume that's created especially because I know you take the phone off the hook when you can't keep up. Which kind of draws more people to the business, which is more traffic. It's great.

Mr. MacLachlan: Did you ever think about putting a message out when you're sold out.

Mr. Paxia: We do. I am prehistoric and not on social media. My kid does that.

Ms. Kosko: You do have a Facebook presence and I am on it.

Mr. Paxia: My son does that and my wife does that. We do put sold out, thank you. I'm really not sure on the phone.

Ms. Kosko: What happens is we get the calls of concern also. Looking at it from our perspective, it is our job. We are just having a conversation here to see if there was any movement towards making changes to your business model to help alleviate some of the site condition concerns. That is obviously why you're here.

Mr. Paxia: I don't plan on having any deliveries.

Mr. Krollfeifer: How about Door Dash?

Mr. Paxia: I won't do that because they charge 23 percent. Our report on profit we're in between because we use higher end products and we're about 27% profitable on all products. If Door Dash is getting 22%, I'm not just taking 5%. I also don't want my patrons to pay the 22% surcharge just to have my product.

Ms. Kosko: That is their choice and believe me all my friends who are in there, they all use that, Door Dash. They don't seem to mind.

Mrs. Tyndale: When you say gravel, to me that is little and flatter.

Mr. Wilder: This is a little bit of a larger aggregate. It is not very fine.

Mr. Krollfeifer: Ms. Kosko, do we have anybody online.

Ms. Kosko: We have two people online.

Mr. Krollfeifer: Anybody on the Board or professionals have any objection if we move to public comment? Okay, I'll open public comment. We'll start with anybody in the room has something put your hand up and when you recognize come on forward.

Yes, sir. Come to the podium and sir. Face Mr. Kingsbury, he'll swear you in okay.

Mr. Kingsbury swore in Kent Pipes.

Mr. Pipes: Kent Pipes, 35 Mt. Laurel Road. I actually came for something else tonight but got intrigued by this application. Since I'm a relatively close neighbor, I figured I would weigh in on it. First of all, I want to thank you for coming to Hainesport. For a lot of people have come and run shotty businesses and closed. There are hundreds of other communities that would love to have this problem with a successful business. So, I want to thank the Board and the professionals for trying to work out a very difficult situation because we need to keep them here. But there's an empty Friendly's in Mt. Holly in the Fairgrounds Plaza, that the owner of that Plaza would love to have him move and have plenty of parking available. He didn't buy that business, or building and open a business to have this problem. But the quality of their food is such that people will drive many miles to get there. So, it doesn't matter where he is, his business will be successful. So, trying to keep him here is to our advantage. Now trying to preserve a hazard is not in anybody's interest, as Mr. Taylor has mentioned. So, I just want to thank the Board for trying to make a good situation out of what has become an unwelcome situation not only for the owner, but for the neighbors in a town. It's what we should all be about. So, stay here, don't leave.

Mr. Krollfeifer: Are there any comments from the folks online. Is there anybody else in here.

Mr. Kingsbury swore in Janice Ludden.

Ms. Ludden: I also want to add that I have had the cheesesteaks and they are very good. I'm glad it's a Hainesport business. I also wanted to just add that if we're going to add in any drainage in the back, that we should maybe look towards more of the green infrastructure type things of something that's more like grasses and plants rather than just gravel and stone. The grasses and plants take in some of the oil and grease and stuff that you get from cars and keep from going into the Rancocas, which is you know, we're all drinking water comes from.

Mr. Taylor: We'll look into that. We'll have to, actually with the engineers, look at the topography out there. Part of the struggle is the very narrow area we have about eight feet. We created depression with green infrastructure as like a bio retention swale there, then we can't get that evergreen buffering, because that will actually clog the stormwater from being able to run down towards Pennsylvania. We may have some opportunities sort of on the northwest side to do a little vegetated area to collect some.

Ms. Ludden: Like a rain garden. They can put drains in rain gardens. Then you could have the cement or gravel drainage coming out. At least some of your water is filtered.

Mr. Kingsbury swore in Theresa Vernon.

Ms. Vernon: I live right behind Lillo's. All the water from everywhere comes to me first. With the gravel driveway, absolutely no difference with the parking, no different than it was before he did that. We like having John and Lisa next to us. The extra parking has taken away a lot of the parking and the turnarounds that were in the street, which I never blamed John for. Because he doesn't have any control over what other people do. The other thing I wanted to mention was the lighting. Since I live there, and my living room and my kitchen and my mother in law's room, face the back of the parking lot. I would prefer not to have

any kind of 24-hour bright lighting, anything like that. There's already a giant light over the railroad tracks that shines right into my living.

Mr. Taylor: I think the intent would be to do shielded lighting that is relatively low, and then perhaps have that go off by eight or nine o'clock at night.

Ms. Vernon: I just want to state that they're very respectful, cooperative neighbors and they talk to us pretty much before doing anything. Including when they were working to purchase that property. Thank you.

Mr. Taylor: Mr. Chairman, I know I put an actual number in there, the applicants currently open till 630. There's nothing to really prohibit them if they decide they want to stay open till seven, or 7:30 at some point. So, I think it might be more appropriate to have the lighting go off one hour after closing, whatever that time may be. That'll sort of work. Whatever their hours sort of shift at any point in the future.

Mr. Kingsbury swore in Paula Tiver.

Mrs. Tiver: Paula Tiver. I am a resident in that neighborhood. It has been awful in regards to the traffic. That's putting it mildly. I have found myself in situations and my daughter who leaves with my two young grandchildren tried to pull out on the highway, and there's vehicles parked there. A major problem is these big dump trucks that are parking there. I don't know, if there's any way, we could ask them as a condition to not allow parking on the side where we're exiting. It would be westbound. I don't know if the county can do that. It is an issue on the east side. However, I don't think the county's going to do anything about that. I've had a situation that going east on Marne Highway that a dump truck has been there, swings open his doors, jumps out and runs across the street. I've had the situation I'm pulling out onto Marne Highway from the neighborhood and you can't see. I've almost been hit and my daughter almost hit somebody. So, it is dangerous. If we could do anything about that west bound side. That's my major concern. I mean, it's a great business. I would like to see him staying here. However, we have to think of the safety of the people that are coming out of that neighborhood.

Mr. Taylor: Is that parking happening between Pennsylvania Ave and their driveway.

Mrs. Tiver: It's happening on both sides. It will actually be on both sides. So, when you're pulling out on Marne Highway, you can't see. If the county could do something like no parking signs. I don't know if that could be a condition or if the county will even do anything about it.

Mr. Wilder: We can certainly engage the county a little bit. It's tough to ask the county to allow us to put signage along somebody else's frontage. We certainly can put it along our frontage. We are willing to have the conversation. The reason we are here is we do not want that unsafe condition.

Mr. Krollfeifer: Maybe your client, it knowing the people who come with the dump trucks, they're obviously repeat customers, talk to them and tell them.

Mr. Paxia: We definitely can put a sign inside my shop that says absolutely no parking on Marne Highway. I can't police it all day long.

Mr. Wilder: We have no issue with trying to engage those folks. I think as my client has demonstrated; he really wants to be a member of the community. He knows the people that he serves, will certainly attempt as much as we possibly can to minimize that.

Ms. Kosko: A lot of times the county requires the host municipality to submit letters requesting any kind of changes or requests on county roadways. Is this something that the Board would consider that the township in conjunction with Mr. Paxia and his team write a letter stating we have experience with the westbound side of Marne Highway. We want to mitigate this concern. We join them in terms of trying to come up with a solution that could possibly be consideration of no parking, just west of the business on Marne Highway.

Mr. Krollfeifer: Now he's on the westbound side. I got the impression that some of the comments Mrs. Tiver was making pertain to the trucks parking on the eastbound side and running across both sides.

Mrs. Tiver: They do both sides.

Mr. Krollfeifer: Mrs. Kosko what you're saying? Would it be appropriate to ask the county to put some signs up on that side.

Ms. Kosko: So, if directed to see if the township was to work collaboratively with his team in terms of submitting a request to the county. A lot of times the county requires the township to submit these requests on behalf of residents on any of their county roadways, whether it's reduction of speed, whether it's any kind of traffic mitigation, any kind of traffic hazard on their roadways. They want the host town to submit the request.

Mr. Wilder: The weight of a letter from the township would be substantially different than just a letter from the applicant.

Mr. Krollfeifer: Are there any public comments online or in the audience. Hearing none. Close public comment.

Does the Board or professionals have any more questions or comments? Mr. Kingsbury, do you need any clarification on anything if we move forward?

Mr. Kingsbury: No. You need to vote first on the use variance, it is a separate issue from the site plan.

Mr. MacLachlan: I'll make a motion. First. I want to preface it by saying I know this particular site is both our administrator, our zoning officer and obviously our board secretary, some issues appreciate our planner and our engineer working to resolve some of those issues. Hopefully, maybe even the additional parking might further resolve. I don't see dump trucks necessarily pulling into the parking lot. But I appreciate all the work that's been done. And I hope that any action we take tonight mitigates issues that come up on your end. With that I motion that we approve the use variance.

Second: Mrs. Tyndale

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

Motion carries to approve use variance.

Mr. Kingsbury: They're asking for preliminary and final site plan approval subject to certain conditions. Those conditions would be that the planner will require a lighting plan that he will work out with our engineer, 25 parking spaces will be acceptable on the site plan. However, those spaces will be monitored in the future for adequacy. And if the township or the applicants determines they're not adequate, they will require to come back before the board to expand, they're allowed the gravel parking and if the board engineer will require certain drainage issues be resolved related to the parking lot. Lighting will be determined by the recommendation of the Board planner. Landscaping will be determined at the recommendation of the Board planner. There'll be subject to county approvals, and the board will request that the county has no parking signs along Marne Highway.

Mr. MacLachlan: Just to question Mr. Kingsbury on the additional parking. My understanding was that the applicant would not have to come back on any additional parking that would be shown on the plan.

Mr. Kingsbury: Yes, that is correct.

Mr. Taylor: So, the Green Bank parking would be approved at this time. The construction of that can be triggered by either the township or the applicant.

Mr. Krollfeifer: How can we approve a final site plan when we don't have one or is it subject to a final site plan.

Mr. Kingsbury: It is subject to the submission of a final site plan. Final site plan to comply with the recommendations.

Mr. Taylor: They have applied for preliminary and final site plans, and that's what would be approved. Okay. It's just that the plans will be revised that will comply with all the conditions.

Mr. Kingsbury: If they don't comply, they would have to come back to the Board.

Mr. MacLachlan: So, you don't have to come back to the Board for the parking but your window and all that other good stuff. I'll make that motion to approve site plan, or an amended site.

Mr. Kingsbury: That includes the bulk variances that they requested.

Mr. MacLachlan: Yes.

Second: Mr. Noworyta

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

Motion carries to approve.

Mr. Krollfeifer: We are going to take a 5-minute break while you set up. (8:15)

C. Case 23-05 Georgeanne Bruno
Block 100 Lots 9 & 9Qfarm
Minor subdivision for 2 lots, bulk variance, use variance
Attorney: Mitchell Grayson

Proper notice was given.

Mitchell Grayson: I'm here on behalf of the applicant, Ms. Bruno, with respect to the property located at 1717 Ark Road. The property is located in the RR5, rural residential. Presently there's a small house in the front property occupied by the applicant and a farm in the back of the property where the house is located. What I like to do is have my witnesses sworn in at the very beginning if I may.

Mr. Kingsbury swore in the witnesses: James Miller, Planner; William Nicholson, Engineer; Jason Del Palazzo, resides at property and in charge of the project; Kelly Del Palazzo, wife and resides at property;

Mr. Grayson: (marked the first exhibit A1) The applicant is seeking subdivision approval to create a 2.89-acre parcel in the front of the property and a 39.56-acre parcel to the rear of the property. The front lot would be used for residential house that presently exists and is presently occupied by Mrs. Bruno and the remainder of the property would be out of the front parcel. It would be used as an outdoor Nature Center. The back part of property would be used as a farm, as it presently is. The site plan approval being sought for the front part is requires a variance for number one undersized lot. The lot that we're proposing is 2.89 acres, we're only before it is five acres is required. And it also requires a bulk variance for the front yard setback. The ordinance requires 125 feet. Presently, it's 33.5, which I wish to note that it is presently an existing condition. As I noted before, presently exists. I call my first witness, Mr. Del Palazzo.

Mr. DelPalazzo: Christina Bruno is my mom. I basically reside at the property. I've lived across the street for 20 years. If you're familiar with the area. I had the log cabin across the street. I recently sold that and this is kind of a dream of mine to get this property. I help the old man who had it before me take care of it since I live there. This whole thing that we're trying to do here tonight is part of the master plan of trying to get the place preserved. I've always dreamed of living there. We're trying to preserve as much farmland as we can and bring a presently operating business to the area that I think will be beneficial for the community and the children that live in it.

Mr. Grayson: Is this a compatible use with the nature center and the farm.

Mr. DelPalazzo: Yes, there's a lot of space there that we feel the kids could wander in and we could feel trip out to the area and do whatever they do. I don't teach at the school, that's my wife's thing, which they can talk about. We just think that it suits perfectly to what they do in their current operation. In this property, we have the farmland space. We can incorporate growing stuff, teaching the kids about farming, and everything that goes along with growing their own food. We just think it's the perfect space to do it. That's why we're trying to bring it to the area.

Mr. Grayson: How will the Nature Center help preserve it more.

Mr. DelPalazzo: That's always been my plan and get it preserved. I think that's why we went for the undersized lot. We wanted to preserve as much of the space as we possibly could. I sat down with the preservation lady from the state, and we kind of figured that area was not usable too much to the farm and that's why we chose those lines. That was kind of me and her together, we planned out like that.

Mr. Grayson: Have you submitted that for farmland preservation.

Mr. DelPalazzo: Yes, that's almost finished, I was hoping to have it completed by the time we got here. I'm just waiting. They had sent out two appraisers to the property and it's been getting appraised. Basically, we're just waiting for them to get back to us with the numbers and we can run with the preservation.

Mr. Grayson: How visible will the property be?

Mr. DelPalazzo: That's the thing, I feel that this can go completely unnoticed. I mean, pretty much, the way that the tree lines are in there and there's a good buffer in front of the property with a lot of evergreens. I think this can operate without really even being visible to the general public, unless you were to go down in there and kind of see it. There's a great buffer there, which I've actually been adding to. I recently planted two monster 25-foot trees from the farm. Just little spaces that were open there. I just think it's really going to go unnoticed to the most. We are not proposing any big signs and we don't even want a sign. We just kind of want it to be low key. I've always envisioned keeping the property exactly the way it looks. I think that's what we can do there. We don't really want anything to change. In the one parking lot that we proposed, is basically hidden behind a fence and a row of evergreen. I don't think it would be visible for any traffic, you'd have to pull in there to see it.

Mr. Grayson: I do want to clarify one thing when he talked about the children wandering while he had literally, but rather supervised so they understand.

Mr. DelPalazzo: No one would be doing any wondering. Obviously, they would be out there with a teacher and they would walk around and do whatever little program or sightseeing they might be doing on the farm.

Mr. Grayson: So, it's your intention to actually farm the property?

Mr. DelPalazzo: Absolutely. That's my full intention to grow trees. Right now, I can only do it after hours and on the weekends. That's what I want to do eventually, get more serious about it, and retire from my other job. I just want to work on growing the trees, just like the old man did that was there before me, until he was 97.

Mr. Grayson: Do you also intend to do some crops as well?

Mr. DelPalazzo: Yes, we do. I'm having the guy come in this weekend, we're going to be planting some soybeans. We're going to do about six to 10 acres of beans down the side. There's a lot of grass there, eventually I can use for tree rows. I don't have the time right now. So, we're going to do some crop in there to fill that space.

Mr. MacLachlan: This is a 5-acre minimum lot and you have a proposed 2.89-acre lot. What is the other lot size?

Mr. Grayson: 39 acres.

Mr. MacLachlan: Why are we not just using five acres for the one and the remainder to conform with our zoning there?

Mr. DelPalazzo: Well, it comes down to the farmland preservation, and really the money factor. This was very expensive for me more than you know, I don't make big money. I do landscaping. The farmland lady was saying, we wanted to preserve as much as we can, and there's more income for me to make this affordable. It's really expensive to try and do this. It's just been my dream to preserve this property. So that's kind of where that comes from.

Mr. Grayson: To reiterate that additional two acres would then go into farmland preservation and would always remain farmland.

Mr. MacLachlan: Therein lies your idea of a benefit to the community that we'd get an extra two acres or get the total 35 as farmland preservation.

Mr. Grayson: That's one of the benefits.

Mr. MacLachlan: Mr. Taylor, what would that 35-acre parcel do for the municipality as far as prohibiting any future development or that kind of thing?

Mr. Taylor: Well, I think it's probably more appropriate to hear all of the testimony so we can really quantify what's happening. I don't know many other witnesses you're going to have. I think maybe to figure out what the actual proposed uses are on the site and what's happening in what locations?

Mr. MacLachlan: So, you're contemplating and entering the farmland preservation of Burlington County?

Mr. DelPalazzo: Yes.

Mr. MacLachlan: What if that were to take place? Does that stop development of that property if he enters into that program?

Mr. Taylor: So, it would for the balance of that. It would eliminate any potential future development of that property for nonfarm uses. There is potential that another farm home. There is one home proposed on that preserved larger lot. The lot is really just being considered at this time for preservation. I think the state is in the process of the appraisal process.

Mr. MacLachlan: The reason why I'm asking is I was around when that was all the five-acre minimum lot was placed on those partials of land. I'm thinking to myself, how many more people are going to come in now want to bifurcate their five acre lots, put development up., The preservation thing throws a little weight on.

Mr. Grayson: As what was testified to, this was done at the suggestion of the farmland preservation people. They're the ones who suggested they would like to see as much property as possible, go into the farmland preservation and be preserved. So based upon that and they are in the appraisal process. They've already kind of informally accepted it and their in the process now of getting appraise to make the offer.

Mr. McKay: So, to be clear. The farmland preservation has suggested a lot lines with a 2.89.

Mr. DelPalazzo: That's correct. acre parcel. They suggested that when we met with them. It has to be accepted. It has to be like a target lot and whatever. And that's what the lady came

out and we walked around and I told her what we were trying to do. They're trying to preserve everything they can. She stated this is what would work the best, we can get as much preserved as possible. I would have to agree with her and would love to see it preserved.

Mr. MacLachlan: Does the municipality have to take a financial part in this preservation?

Mr. DelPalazzo: No. I think there's a certain one that does, but I don't think this one does. That's what I was told at least I have heard that before but not with this one apparently on the level that it is. I forget, if it's the county or the state there's two different ones. This one does not.

Ms. Kosko: The township has already provided a letter of support for the farmland preservation. The Governing Body did that, I believe two meetings ago.

Mr. Grayson: It was testified to that the front portion of it will be used for an outdoor Nature Center. The nature center will be owned and operated by Mr. DelPalazzo's wife, Kelly DelPalazzo. Who will now testify and explain exactly what the outdoor Nature Center would be. I didn't know when she first came to me and said, I'm going to do an outdoor Nature Center. And I said, what is that?

Mrs. DelPalazzo: Right now, we run a day camp from September to June. We are located in Medford. So, we're hoping to be able to open a school nature school in Hainesport. So, it looks like basically we run Monday through Friday, from 9am to 4pm. There are half and full day options for children ages two to 10. It's basically like preschool for the younger kids and like homeschool classes for the older kids, but completely outdoors. So, we don't have an indoor space at all. It's just all about connecting kids back to nature.

Mr. McKay: What do you do in the winter?

Mrs. DelPalazzo: We're outside in the winter. The kids are all in their appropriate gear. It's just all about keep moving and being in the right clothes.

Mr. Krollfeifer: This is not a summer thing?

Mrs. DelPalazzo: No. Right now, we're actually only September to June.

Mr. McKay: What do you do on rainy days, snowy days?

Mrs. DelPalazzo: We're outside. We do have an indoor space. So, there is a barn on the property that can be used for extreme weather, like thunderstorms or like any kind of dangerous weather but in typical, like rainy cold days we are outside.

Mr. Grayson: How many would typically be there on a given day.

Mrs. DelPalazzo: So, at any given day, there could be a maximum about 50 students.

Mr. McKay: Is there state regulations for the program? Are you overseen by either the County Board of Education or another Board?

Mrs. DelPalazzo: Yes, we're registered as a day camp, by the Department of Health.

Mr. Grayson: Are these local children, can anybody just come in?

Mrs. DelPalazzo: So, it's primarily local children. We're in Medford now. It's a lot of the surrounding towns, Medford, Mount Laurel, Moorestown.

Mr. Grayson: Is it correct that people can't come walking in?

Mrs. DelPalazzo: It is not open to the public. It's by registration only. It's like a private preschool basically.

Mr. Grayson: Do the parents stay with the children or drop them off?

Mrs. DelPalazzo: It's a drop off so. So, parents drop off at nine o'clock. They're there for a few minutes they leave and then pick up is that either 12 One, two or four. So, pick up is much more spaced out the same thing, they come, they pick up, they leave.

Mr. Grayson: Any school buses, or vans?

Mrs. DelPalazzo: No, it's just all family cars, no buses.

Mr. Krollfeifer: What are the ages of the children?

Mrs. DelPalazzo: We do we offer from two to ten years old.

Mr. McKay: That's preschool up to fifth graders.

Mrs. DelPalazzo: Yes. So, it's like 10, I guess, fourth grade. It's not like a replacement for public school, but it's more like homeschool, like a supplemental education.

Mr. McKay: Your traffic is basically drop off in the early morning hours and pick up through the day, depending upon how long the child is there.

Mrs. DelPalazzo: That being the case, I noticed on your proposed plan, there's an existing parking spot. This is the former Cinnaminson Nursery. So, there's the existing parking lot that's just behind the existing house. But then you have a second parking area paved drawn in. Why the need for so much parking?

Mrs. DelPalazzo: Currently in the parking lot that exists now, there's about 12 spaces. So, I said we'd might have 50 students at a time. Many of them are siblings, so it would be more maybe like 35 cars coming in. They're coming in and out. Still, just to relieve any potential congestion. We thought more space would be necessary.

Mr. McKay: You're going to leave the existing barn up. That's the barn you mentioned earlier in your testimony.

Mrs. DelPalazzo: Yes.

Mr. McKay: Then you're going to construct another barn?

Mr. Grayson: Are you referring to the restroom facilities?

Mr. McKay: Yes.

Mr. Grayson: That would just be for the restroom.

Do you have tractor trailer coming and going for deliveries?

Mrs. DelPalazzo: No major deliveries. The only deliveries that might be would be like an Amazon truck or a small kind of residential delivery.

Mr. Grayson: What about signs?

Mrs. DelPalazzo: No permanent signs.

Mr. Grayson: Any kind of signage for the school.

Mr. McKay: A small discrete sign on Ark Road, letting you know about the entrance is essentially what you're saying?

Mrs. DelPalazzo: Yes, it's just like a sandwich sign.

Mr. Grayson: That would only be there while schools open for operations.

Mr. McKay: Then in the summer, there would be no operations?

Mrs. DelPalazzo: We would like to have a summer program. We don't currently but that would something we would like to do in the future. Not this summer.

Mr. Grayson: But once again, that would be my registration, not just people walking in, Correct?

Mrs. DelPalazzo: Yes. It would all be by registration.

Mrs. Baggio: Are there any other staff or employees?

Mrs. DelPalazzo: Yes, there's three full time employees and 12 part time employees.

Mr. Grayson: Exactly what do you do with the children while they're there in terms of access to the farm?

Mrs. DelPalazzo: You could imagine it runs kind of like a preschool program where we would have like group circle times, play time, snack time, lunchtime, things like that. But then also kind of like going out into the larger farm and having experiences that are just either child led, whatever their interests are following them or else we'd love them to be involved in agriculture of it also. The gardening and maybe learning about the trees, just wildlife and using nature as educator.

Mrs. Baggio: Are you required to maintain any particular type of insurance because they deal with children? Does the staff have to go through specific training?

Mrs. DelPalazzo: So, we come from a wide variety of backgrounds that were all background checked and first aid certified, the school's insured. Also keeping up with the continuing education of nature school.

Mrs. Newcomb: Information was provided a while ago with the Child Star School. That information appears to be different this application. The existing barn, if for some reason that it was a bad storm or something and you're bringing 15 kids in there. Even though it's an accessory building, it's an assembly use for children. You start to get into that and of different things under the two to 10 range for educational use, and an educational building. Not that you're using to teach them things there, per se. But what happens is, is that we have to take a look at that now. How are this building exit signs, not saying it would have to be suppressed or anything but again, summertime, they're going to be probably outside 95% of the time. But again, as if we're looking at all year, and the weather is getting bad, and there's things that are happening and that becomes the main hub for these children. That's something that we have to think about in regards to a construction use of this building is no longer just a barn. Now it's an assembly use. So, I think that's something that has to be considered.

Mr. Grayson: That would be a building code issue. Building Code official would have to come out to inspect.

Mrs. Newcomb: I'm part of the construction office that's why I'm asking. The point being is that I don't know. I don't look at the applications when they come in, is that something that is presented on this application that this building is going to be used to house children at any certain time for even if a small period of time.

Mr. Grayson: It would only be used to house the children in the event of a major storm until the parents would come pick them up. It's not going to be used to teach them or sit them. It is really just in terms of all of a sudden you have a thunderstorm, or sudden blizzard comes in. You're going to call the parents to come pick up your kids, if they don't just have the common sense to come get them anyway. Until the parents come.

Mrs. Newcomb: The reason I'm asking this is to have it on record. So as the zoning official and the construction tech, is that when I look at down the road is that if somebody comes to me and says, well, we have 15 kids in here for three hours because of a storm. And it's not noted what the use of this building will be. It needs to be for their safety as well, to know what is on record for that building.

Mr. DelPalazzo: I did have an engineer, Tom Cole from Moorestown, and I wanted to see if it was structurally sound for that use. He did come out. I paid him to do his report or whatever. So, I have that. He did say it was structurally sound.

Mrs. Newcomb: It also has to be noted for the Board, if they decide to approve this how that's going to be used.

Mr. Grayson: We will put testimony on for that.

Mr. DelPalazzo: Like I said for like the thunderstorm type of thing because what they do is mind-boggling. They're out there in any weather.

Mr. Taylor: Your application said that the existing barn will be used as a nature center to educate local school children.

Mr. Grayson: That is not quite accurate, it's really being used for temporary assembly point in the event of inclement weather. Both parents can come pick them up. It's not going to be used like as a school house or the kids to sit there to be taught. It's just going to be used in

the event of inclement weather, lightning storms, things like that until the parents can come get them. Is that accurate?

Mrs. DelPalazzo: Yes. I don't think nature centers the correct wording. It's more of a nature program and the barn is not really a nature center.

Mr. Krollfeifer: You mentioned that if the children were all gathered in the building for snacks or something, sandwiches, are you providing food? Is there a kitchen?

Mrs. DelPalazzo: No, it's bring your own.

Mr. Krollfeifer: Each child will come to school with their own lunch.

Mrs. DelPalazzo: Yes. So, to speak.

Mr. MacLachlan: I'm struggling here. I have a lot of catching up to do on the case. I understand. You know why you're trying to divide the property 2.89-acre lot and the perceived benefit the community the 35 acres going into farmland preservation. The second part of this application with children and I keep hearing things, but thinking school in my head. I'm just kind of lost with all just seemed like a little more complicated. I know they needed to be together and explain it. But I just think there's a lot of questions that need to be asked about the school. I've never approved a school or program before. I mean, there's just got to be a myriad of regulations and things that are needed.

Mrs. Tyndale: Let them like, do their whole presentation.

Mr. MacLachlan: She is doing it. They're trying and they're going kind of around in circles.

Mrs. Newcomb: In taking Mr. Taylor's point to heart, I think we should really allow the rest of this application to come forward. Not only for the board, but the public as well. It gives the opportunity for them to express what's coming on along with Mr. Nicholson. Then that way it may answer some more questions that we may have in our head that we just haven't heard the answer for yet.

Mr. Grayson: What would be a typical program, a typical day?

Mrs. DelPalazzo: They would get dropped off at around nine o'clock. We have different classes by age. There are two to three years old classes, three- to four-year-old class on up. So, they would go with their class, usually, we would start out with free play. It's outside. So, it's like, swings, obstacle course beams, like type of laying in the trees. Then there be like a circle time. You introduce a lesson, it's basically, we're learning letters and math and songs and all the things that other typical preschools are learning. We're just doing it in a more nature related way. We would have some kind of lesson and our project usually take a nature walk. See what we come across, different every day because we're outside. There is snack time. Then it would be like the pickup at 12, some kids would stay for lunch and then some kids would stay for a more extended day. Wherever they would do an enrichment with music, art, yoga, Spanish, or some other activity.

Mr. Grayson: This would be either combination for little kids, kind of like preschool program. For the older kids somewhat of a supplement to their homeschool by their parents.

You're not trying step into the parent's shoes and teach them what they would normally learn at home, it's a supplement.

Mrs. DelPalazzo: For the older kids. It's usually one or two days a week. It would be like; they're coming here for their science or their art or that component of their homeschooling.

Mr. McKay: Let me just talk about the mechanics of the preservation. Let me understand where you are procedurally. You filed your application?

Mr. DelPalazzo: Correct.

Mr. McKay: As we've heard, you've met with farmland preservation people who suggested parameters for the subdivision?

Mr. DelPalazzo: Correct.

Mr. McKay: Where does the application stand today?

Mr. DelPalazzo: I'm just basically waiting for them to give me back. They appraised the property, so you know how much they're going to give you? That's where we're at. I was hoping to have had that and move forward with it at this point in time. I just haven't gotten it back yet. They had one guy come out, and then another guy and I'm just waiting to see what their offer is and then we're going to run with it.

Mr. McKay: This is a question really more for counsel than anybody else. Are we in a situation where we're in a cart before the horse? You're asking for subdivision approval? We don't know whether farmland preservation will be granted. Should we wait for a farmland preservation to be granted?

Mr. Grayson: No, because two reasons. Number one, the applicant will testify he is farming this property farmland preserved or not.

Mr. Krollfeifer: Can you please repeat that.

Mr. Grayson: He intends to farm this property. It is in a zoning permitting farming. That's his intent. It has been farmed and he intends to continue to farm it. As he already testified, he does plan on doing trees and doing some crops.

Mr. Taylor: But I think the testimony for the undersized variance for the front lot was because the back lot will be preserved. What if the back lot is not preserved. Wouldn't it make sense for there to be a five-acre lot and a 32-acre lot?

Mr. Grayson: I guess it depends. I think the goal should be to promote farming as much farming as possible.

Mr. DelPalazzo: That's correct. The way I look at it is for financial reasons. We're going to take what they give us. I mean, it's what it is, I'm not going to be like, oh, well, I want more money. I'm not in a position to do that. I just want to get it preserved. It's going to get preserved. It's not nothing I'm not going to accept; it is what it is.

Mr. Grayson: They would have not sent the appraisers out and would not be this far along in the process to say we're not interested in the property.

Mr. MacLachlan: So, you'd accept any sort of approval based on actual farmland preservation?

Mr. DelPalazzo: Correct.

Mr. MacLachlan: That the property enters the farmland preservation program?

Mr. DelPalazzo: Correct. I think regardless if it got preserved or not, it really wouldn't change anything I'm going to do.

Mr. MacLachlan: It does change something. It takes your lot from a five-acre lot to a three-acre lot in an area that zone for five acres. So, it does change something in my mind very seriously. But again, the farmland preservation thing throws another set of circumstances into the mix as far as one person is concerned. If it actually happens. So

Mr. Grayson: Is it your testimony that you're basically going to accept whatever the farmland preservation settles on?

Mr. DelPalazzo: Yes.

Mrs. Newcomb: The state has called me in regards to this property about two weeks ago. So, I know they are moving forward with it.

Ms. Kosko: Where are you currently operating in Medford?

Mrs. DelPalazzo: JCC

Ms. Kosko: Do you just lease space or rent space?

Mrs. DelPalazzo: They basically only run a summer program. We currently rent from September to June.

Mr. Grayson: Are there any other similar programs nearby?

Mrs. DelPalazzo: No.

Ms. Kosko: YMCA Camp Ockanickon is right there.

Mrs. DelPalazzo: They are just a summer camp.

William Nicholson gave his credentials and the Board accepted.

Mr. Grayson: Are you familiar with the property in the application?

Mr. Nicholson: I am.

Mr. Grayson: Would you be good enough to review the subdivision plan (exhibit A1) with the Board.

Mr. McKay: If you could just focus on the metes and bounds or the boundaries of the 2.89-acre parcel.

Mr. Nicholson: What I have here is the minor subdivision plan with embellished a little bit of a heavy line. Can see it here the lower left corner of the property, this is the larger parcel here in the portion where yours subdivided partially 2.89 up front here.

Mr. McKay: So, the 2.89 encompasses the existing single-family residence. Does it also encompass the existing barn?

Mr. Nicholson: No and yes.

Mr. McKay: It doesn't go so far as to encompass the proposed restrooms.

Mr. Nicholson: Yes. It does.

Mr. Grayson: Why don't I introduce the site plan (exhibit A2)

Mr. Taylor: There's a separate plan called a minor subdivision plan. That one shows the small front lot. Then the larger lot that has the far-right side.

Mr. McKay: Mr. Nicholson, we're not talking about a frontage issue. We're only talking about a building setback issue and an acreage issue.

Mr. Nicholson: Yes, as far as variances go. Here's the site plan and the 2.89 acres. Here is the rear lot with a driveway before the house all the way in the back. There's an existing pole barn here which will be on the property in the back, part of Mr. DelPalazzo's property in the back. There is an existing gravel parking area that we are going to utilize. There are 16 parking spaces proposed there. The main driveway to the property is in the center of the area here. On the left side coming in is the barn, the right side is the house there, and further to the left is beyond the barns is the restroom building shown right here. He is proposing to put in a new septic system that will service both the restroom and the house that would be located here. Ave the restrooms on the plan, here to the north of that is a parking lot with about 14 paved parking spaces. Between the parking and Ark Road, there's an existing buffer of white pines in this area here along with a split rail fence. It's an existing kind of buffer area. We are proposing one light on the building here to light up the driveway. And that's it.

Mr. McKay: Are there other structural requirements that are imposed on a school like this by the Department of Health or the county?

Mr. DelPalazzo: There's a separate set of regulations for the camp. Camp type regulations in you just needed a bathroom facility. That's really like what it was.

Mr. McKay: I'm not talking about details of instructing children. I'm talking about rules that they have that relate to this application, physical issues that relate to the plan and how many with lighting facilities you need.

Mr. DelPalazzo: I don't remember seeing anything like that because they don't operate after dark ever. You know, it ends at four. So, I don't think lighting is of any concern, but I do think the property is very well lit. There are lights on the front and back of the barn there on

all the time. There's actually a floodlight, a double, very powerful floodlight. I think would actually work better than the light on the building. It does. It's on the house, which is directly across the building. That comes on at night and it literally lights the whole barn up and the whole driveway. So, I think the place is very well lit as it sits. If you came in there at night, you would see that, but there really won't ever be any night traffic. There's no lighting where they operate now. There's would be no reason for them to be there after dark, but it is lit.

Mr. Miller: When you have the parking area, and you want to get to the barn, you need a sidewalk to get from continue the sidewalk behind the parking area, continue around the restroom to the barn.

Mr. Nicholson: We had not proposed that because the barn is really only an emergency situation. The barn will not be utilized routinely.

Mr. Miller: How do you have handicap access?

Mr. Taylor: Maybe there's other witnesses to address sort of what is happening in there.

Mr. McKay: I'm having a little bit of trouble sorting out what our jurisdiction is. into this. We're reviewing this site plan; we're viewing it from land use. We are not reviewing the barn for fire safety issues or building code issues. Maybe even ADA issues. After all, this is a farm.

Mr. Taylor: Well, but it's proposed to be operated as a commercial building per their application. I think, some of the clarification, and I'm just hearing today that it's proposed to be operated as a school. So, I don't know if that was part of the application. So, we haven't really had an opportunity to research that issue. I guess things as simple as you know, if there is art instruction and other types of instruction, are there supplies for the art, are they stored in the building? Is there anything done? Maybe that's a question for Mrs. DelPalazzo.

Mr. Grayson: Do you have any other particular question? With respect to the sidewalks, we'd be willing to work with the professionals for whatever they recommend if they believe the sidewalk would be appropriate.

Mr. Miller: As site plan issues go, we would need to sidewalk to put in there. You have wheel stops for the parking areas. And then just a minor thing where you're showing pavement ending and the gravel in the entranceway of the whole parking area. Probably would have to get paved to square it off.

Mr. Grayson: We agree to do that.

Mr. MacLachlan: I'm going to ask the same question. Who condones these types of operations as far as the state, the county, the municipality, a school type. If there is some kind of instruction going on here with younger children. I'm just asking who, who governs, what regulations do you have to follow?

Mrs. DelPalazzo: So, we're not a school, we're a camp. We are following the Burlington County camp regulations.

Mr. MacLachlan: I don't know what you do. I just need some information to maybe make a decision and who regulates what you do.

Mrs. DelPalazzo: Basically, the difference is we're not a school because we don't have a building. You need a building to be a school, so we're a camp.

Mr. McKay: So, the barn doesn't qualify as a building.

Mrs. DelPalazzo: No, the barn is more of a shelter. We consider it a shelter for inclement weather. It's not a school building.

Mr. McKay: Do you store anything in the building?

Mrs. DelPalazzo: Well, we had planned to use the hoop houses that are currently on the property for storage. So no, the barn wouldn't be.

Mr. Grayson: Do you plan on having the kids sit there to do instructions.

Mrs. DelPalazzo: No.

Mr. Taylor: So, the storage will not happen inside the barn?

Mrs. DelPalazzo: No, that wasn't the plan.

Mr. Taylor: So where will that occur?

Mrs. DelPalazzo: In the hoop houses.

Mr. Taylor: Where are the hoop houses?

Mrs. DelPalazzo: Well, right now, they're currently where the parking lot will be. We are planning to move them.

Mr. Taylor: Where are they going to be moved?

Mr. DelPalazzo: I think the one that the stock is currently stored in will clear the parking lot. If it doesn't it could be shifted back a little bit. They run in line with the current proposed extra parking area. I think we're only using one and that one might just make the cut off at the end. But if it doesn't, I would it be my plan to shift it, because it's a good little storage.

Mr. Taylor: What all will be stored in their long term when the school is operational.

Mr. DelPalazzo: They have some chairs and stuff in there. Just like kid's toys and stuff and other stuff that they use throughout the day. When I drive by, and I can look in there and kind of see that this stuff that they have.

Mr. McKay: So, we're clear on the term houses.

Mr. DelPalazzo: Yes, it's a greenhouse, basically it's as the metal rods and then there's this plastic overtop of it. Then both ends are wide open, you can walk in and out either end.

Mr. McKay: Covered with canvas or plastic.

Mr. DelPalazzo: Yes, that is correct.

Mr. Taylor: It is not a permanent structure.

Mr. DelPalazzo: No, it's not. It's a dirt floor.

Mr. MacLachlan: Is there ever a code blue situation where you call off your camp due to frigid conditions or any?

Mr. DelPalazzo: No, they don't? I think that's part of their whole thing. It's just connecting the kids.

Mrs. DelPalazzo: If it was like, super extreme weather, we follow like the schools, the schools snow closure. So, if the Hainesport schools would be closed, then we will be closed just for driving safety. So extreme weather, like if it was like thunderstorms all day, we'd probably call it off. Today we call it off because the air quality, so just unsafe conditions. Normal winter cold, we don't.

Mr. MacLachlan: So, you're doing this now? I snowmobile and zero-degree weather so I could see if you're dressed. So, a two-year-old child is out there in the teens. They come to your facility and they fall. You have two-year-old children now?

Mrs. DelPalazzo: Yes, two and a half. Mostly the younger kids are the shorter day. It will be three hours, not the full six or seven hours. They're bundled up and they have hand warmers.

Mr. Taylor: As part of your lease at the JCC now, do you have any covered pavilions?

Mrs. DelPalazzo: Yes.

Mr. Taylor: Are you considering a covered pavilion out here?

Mrs. DelPalazzo: I'm not at this time.

Mr. Taylor: Do you have any interior enclosed space as part of your lease at the JCC?

Mrs. DelPalazzo: Yes, not for students though. It's just for storage that we have there.

Mr. Taylor: Where do the students eat?

Mrs. DelPalazzo: Outside picnic tables or like picnic style and blankets. Will do things like hang up tarps or like temporary kind of coverings for rainy days so we could like go under the tarp and eat snack, things like that.

Mr. Krollfeifer: Can I get some clarification on something because I'm sitting here saying what's going on. the hell's going on? All of the campers you are talking about, are presently participating in homeschooling, correct? I'm talking about the ones who would school age five, six years old and up.

Mrs. DelPalazzo: We have some full time. I guess up to a second grade. We do have some children that come five days a week. I'm not sure whether they are home schooled.

Mr. Krollfeifer: When this child gets to be 10 years old, where do they go?

Mrs. DelPalazzo: That's up to the parents. I think a lot of our families have the intention to kind of homeschool or go to different private schools when they leave us. I think most of the families who intend to go to public school would be either after pre-K or after kindergarten.

Mr. Krollfeifer: How would a 10-year-old get into Hainesport school and go into fifth grade, when they haven't had any fourth grade, third grade, second grade, first grade?

Mrs. DelPalazzo: So, we have a full-time kindergarten, first, and second. After that it's homeschool supplemental classes. We don't have a full-time class for anyone over I guess the age of seven or eight. But up until the second grade, they are learning like comparable education that they would be getting in school.

Mr. Krollfeifer: Mr. McLaughlin asked the question before that you're doing this right now?

Mrs. DelPalazzo: Yes, we're at the JCC in Medford.

Mr. MacLachlan: The children that come to your camp are categorized as homeschooled? Are they by you or by their parents, the education process?

Mr. Kingsbury swore in Melissa Sheppard.

Mr. Grayson: Are you familiar with the program at Medford and how?

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Ms. Sheppard: I am Melissa Shepherd. I'm the founder and the co-owner of Star Child. Mrs. DelPalazzo and I partnered up this past January. I have run Star Child since 2017. So hopefully I can answer some of the questions that you have. So just kind of to help you wrap your head around nature-based education. A nature-based philosophy is the same type of educational philosophy as if you went to another type of private school, a Waldorf School, a Montessori school, a Reggio Emilia school. So, nature-based education is just another version, another philosophy. As far as the children who attend, yes, anyone that is over first grade is considered a homeschool child in the state of New Jersey. So, kindergarten, you don't have to go to in New Jersey, the lower grades obviously that's considered preschool. It's your own choice. But yes, anyone who comes to us whether it's alternative education five days a week, whether it's two days a week, whatever that is, yes, they are considered homeschool families in New Jersey.

Mr. MacLachlan: By you or by somebody else?

Ms. Sheppard: By the state of New Jersey, right. So, the parent is saying I am not sending my child to private school or public school I am choosing an alternative education. Therefore, I am homeschooling my child.

Mr. Grayson: You are not home schooling the child, the parent is.

Ms. Sheppard: The parent is homeschooling the child. We provide a supplemental education. Environmental education. That's basically what nature school is about. There is a

similar type of program in the Bordentown area. They run a huge homeschool program, and it connects the children to that gardening component, the farming, the animals, the livestock, earlier wandering, it's that exploration, it's that free play where we were planning on going to the art area. On our way, we saw a really cool gardener snake and now we're going to stop and check it out. Maybe the kids are going to draw about it, maybe they're going to journal about it. They're going to go home to their families and say, wow, you saw this really cool thing.

Mr. MacLachlan: It's a little confusing.

Ms. Sheppard: It's the whole thing, because it's not technically a school. We are regulated by the Department of Health. We are youth camp certified through the Department of Health. So that is our umbrella. We're insured, we have workers comp. So, the Department of Health is who regulates us. If there is, I don't know. COVID, obviously, perfect example. I have to go through department of health but the no communicable diseases going through what do I have to do? So, they are governing entity.

As far as the building goes, I can't totally answer to the site plan. But from what I see as it now is, the gravel goes up to the opening. So as far as wheelchair accessible, you can get into the barn, it's a huge opening. And that is where the Department of Health comes in as far as the youth camp, because no, that doesn't count as a building. The building as far as running a childcare center is what you're saying, you know, the fire safety and the alarms.

Mrs. Newcomb: Can we ask for documentation from those entities for the file. For example, when we do a food service here. The health department has to give us an okay that they are okay to open. Is that something that in this situation where your last one is that you received that yearly, where you get a documentation that states that you are up to par with them?

Ms. Sheppard: Yes, so the when I submit my youth camp application to the state, the county has to come out and do our inspection. They have done our inspection in the past years. If we can move to Hainesport and have our location there. They will have to come out and approve it. They're usually pretty good to work with, unless you're really running a bad operation. They'll say this, this and this just needs to be done. We'll come back out, let us know when you have those submitted or completed and then we'll come back and re inspect. The youth camp their whole entire standards regulations that we have to follow.

Mr. Grayson: Before any kids come and start of operating, the Department of Health will come out to inspect. Then we can provide proof.

Ms. Sheppard: Yes, they do have to come out and inspect first. I have to resubmit the application every year, and they have to come out and reinspect every year.

Mrs. Newcomb: If the Board were to choose to move forward with the application, that would be something that would be helpful in the resolution for future zoning officers to have something every year that they would have to supply to us every year.

Mr. Krollfeifer: Is that like in the summertime?

Ms. Sheppard: Yes. I have to submit the application a minimum of two weeks before I want to open. I submit the application and they just told me to use the pending address. So, in the

past, I knew where I was going to be I was able to say 400 Tuckertown Road. For this, I said we have our board meeting coming up, what should I do? They said just submit the application and say that you're waiting for and when you get or not get that approval, then we will go forward and go with the next steps.

Mrs. Baggio: Is this intended use an acceptable use for that property? Is that another issue.

Mr. Grayson: That is why we are asking for a variance. My next witness can testify to that.

Mr. Taylor: The school just is going to operate on the front, there will be no access or use to the rear parcel.

Mr. Grayson: They would go to rear parcel just to go back and see how a farm works. For example, when they're growing real crops, they can come to see. Here's how pumpkins grow. Here's how a tomato grows. It'll be so they can explore back there with their teacher.

Mr. Taylor: Are they gardening back on that property is that part of that?

Mrs. DelPalazzo: We would like them to be.

Ms. Sheppard: We do have this like symbiotic relationship where the kids are learning where their food comes from, seeing the process, and being part of the process. It will be in a safe way.

Mr. DelPalazzo: That's kind of what we were thinking. I thought it would be cool to just do a pumpkin patch, and just garden stuff in general and let the kids see how it works. It's part time thing for me. The only time I would ever really be back, there would be after hours anyway. I don't even really finish work until six or seven, and then on the weekend. It wouldn't ever be any interference with me.

Mr. Taylor: There was also some mention of like, the construction of like swing sets and obstacle course, and balance beams and things like that. Where will those things happen?

Mr. DelPalazzo: I figured the props and all that would pretty much be on the commercial type site. I don't know exactly what they have, and what they're using, where they wander around during the day in their current operation. I figured we could put most of the prop type stuff in that front parcel, the designated acreage. I'm sure we would throw some benches and stuff, or a couple of seats, some stuff underneath the trees and various rows that separate the farm field, throughout the whole farm.

Mr. McKay: The question is should some of these areas, such as play areas, be designated on the site plan, should some of these things be designated on the site. For example, the picnic table space, the swing or play gym section.

Mr. DelPalazzo: Just seeing what they do now, I don't think so. I think there is going to be any serious structures or anything anywhere. They mostly just like walk around, throw blanket down and do their stuff. I think these areas would be if they were going to a field trip out there. That would always be changing, depending on what certain times of the year. What was interesting, maybe we want to go sit over here, if we were want to go sit over there. I think they're always trying to change stuff up and make it interesting for the kids.

Mr. McKay: So, you don't envision a formal jungle gym layout across the street here?

Mr. DelPalazzo: No, absolutely not.

Mr. Taylor: Well, there was reference made, somebody testified that there would be like a swing set.

Mrs. DelPalazzo: I think I said a swing.

Ms. Sheppard: We have a tire swing now.

Mrs. DelPalazzo: So, it's more like, picture stumps and a tire swing. It's not like playsets, or jungle gyms or anything like that.

Mr. McKay: You're using the natural setting.

Mrs. DePalazzo: Exactly. This is the obstacle course with some stumps, and planks to walk across. Then next month, we might move it over here and change it up with tires and things like that. It's not anything permanent.

Ms. Sheppard: That is kind of part of the philosophy because the idea is that you could play on a static playground that never changes. We're trying to use nature for the development of the child. The scenery does constantly change. The obstacle course can get a little harder as the kids get a little more able, or they're a little bit older, but it is always a constantly changing environment for the kids. Which also keeps it more stimulating for them.

Mr. McKay: Your using found situations on the farm.

Mr. Taylor: So, you are not bringing in equipment?

Mrs. DelPalazzo: No.

Mr. DelPalazzo: I kind of went over this with lady from the farmland preservation. We talked about this. She said, well as long as nothing that you would do would interfere with any of the farming. I actually brought that up and I said anything we would do would not interfere with any of the farming. So, it was kind of okay with her.

Mr. MacLachlan: Do you have any idea what you are going to farm there

Mr. DelPalazzo: Yes, there's already trees there. Trees. It's currently a tree farm. My friend is going to come in this weekend and we are going to plant some soybeans just for fun. Five to ten acres worth. I've always wanted to have crops. It's kind of just cool for me. I have always dreamed of it. Then we're going to maybe harvest in the fall and make some money. But right now, it's a tree farm operation.

We've been trying to dig some on the weekends and sell them at work. That's what I want to continue to do. Eventually, just plant some more because none have been planted there in a while because it was too much for the old man plant new crops. So hopefully, I can start doing that.

Mr. MacLachlan: How about animals out there?

Mr. DelPalazzo: Nothing really out on the preserved section. I think the school does have three or four goats.

Mr. MacLachlan: No big zoo or anything right now.

Mr. DelPalazzo: No, nothing right now.

Mr. Grayson: Is it safe to say this will not be Johnson's Farm.

Mr. DelPalazzo: No.

Mr. Taylor: Where are the structures where the goats will be contained? The town has ordinances for setbacks.

Mr. DelPalazzo: Yes, I saw that. I'm not 100% sure. We'd be open to put them wherever.

Mr. Grayson: That's assuming they are going to have animals.

Mr. DelPalazzo: There's nothing there now. It's something we wouldn't mind bringing over there depends on the regulations. Our main goal is to move forward with this, so we could hopefully try and open this September. They have to sign a one-year lease at the other place. So, whatever we would have to do animal wise.

Mr. Grayson: They would agree that if, in fact they bring any animals on that they would have to meet the ordinance requirements.

Mr. Taylor: That is a nonconforming use, and we're here for a use variance. So, I think if any of that's going to happen, I think it would be appropriate for the Board to know, are we talking two or 102?

Ms. Sheppard: Right now, there are 5 goats.

Mr. Krollfeifer: So, if we were to approve something and say no more than 10, that would be acceptable.

Ms. Sheppard: Yes, that is good.

Mr. MacLachlan: Would they have to have a site plan to show where the goats are going to go or would that just be a permit through your office?

Mrs. Newcomb: I feel like at this point is that the application is based on exactly what Mr. Taylor said. The subdivision and the use of the camp alone. This point, if the applicant chooses that that's strictly what they want to apply for than that should only be dealt with. If down the road they decide to do these all these amenities, and it's my job to make them come back to the Board for anything else that they want to add.

Here's the issue is that they apply for certain things. It's up to the applicant to say, yes, this is what we're only applying for. That's kind of my job to say you have all these different things. It is getting dragged out to be honest. We could be here until midnight with all the questions.

Mr. MacLachlan: In all candor, you're asking the planning board to make a decision and we just need testimony as to what's going on. We're asking for testimony as to what's going to be going on at the site. They had been very candid, very clear, and answered all our questions. So, it was just a question because the applicant mentioned animals, I didn't.

Mr. Taylor: I raised it just as a question because in their narrative, they talk about animals and wildlife and appreciation of that.

Mr. MacLachlan: She mentioned it too. It is just a question that we're not going to deal with now or deal with them.

Mr. Taylor: I wanted to raise the question only for the Board because if the Board approves the use variance and there is no swing set, and there is no hoop house used for storage, and any of these other items, whenever they go to use that they have to come back to the Board every single time. That's why we ask the question. We don't know where the hoop house is going. We don't know where a lot of these other structures are. The applicant originally said that they were using the barn as a nature center. So, there's been an evolution and a lot of those things just aren't shown on the plans.

Mr. Grayson: What I would ask to do. We could get the approval to have up to 10 Goats subject to coming back for a site plan approval for where to goats would be located. So, it's not a use issue and then becomes a site plan issue. That's what I would ask for.

Mr. Taylor: I would also need to know where's the storage building or hoop house, I'm not sure that a hoop house really is not a permitted accessory building for storage.

Mr. Grayson: It is not a building. There's no floor and not a permanent structure.

Mr. McKay: A hoop house is like a tent.

Mrs. Newcomb: Those hoop houses have been there forever. They have come and gone through the years with Mr. Schlupp.

Mr. Grayson: They're not a structure, there's no permanent floor or no foundation.

Mrs. Newcomb: Over a certain size, they have to meet the construction criteria.

Mr. Grayson: Whatever construction criteria we have to follow that's independent of the approval tonight. That is a building code issue or a fire code issue.

I would ask for permission to have up to 10 goats, subject to site approval for where they might be corralled.

Mrs. Newcomb: So again, I'm only the zoning officer here. I don't vote on things. But I know that the fact is that, in fairness to both the applicants and Board, that there has to be things that are more defined here in order for them to make a decision for or against the applicant. There are still a lot of questions going on.

Ms. Kosko: I'm feeling pretty comfortable.

Mr. Grayson: Can I have the planner testify? Then maybe after that some of these questions will be answered.

James Miller gave his credentials and the Board accepted.

Mr. Miller: As the Board knows, this is a D1 variance because the use on the use that was contemplated by the zoning code. It's a relatively unusual use. I think that's part of the reason that the testimony has gone on for so long, because it is it is a unique use. I've actually learned some things about the use that I didn't know coming in tonight. So, it's been very helpful. I think the questions have really elaborated on exactly what the character of the use is. I will say that several years ago, I represented a farm up in Chesterfield, it's operated by the Kooser family. They have a facility that's akin to this in some respects. So, I do have a little more depth of how these uses interact with the zoning and with the community. But the Koozer's basically did is they took some of their outbuildings and converted them to classrooms. They have a more indoor oriented facility, but they also have an element similar to this use. They utilize the farm for basically a lot of kids explore the farm and interact with the natural elements of the farm. I envision this as being similar to that as well. I think basically from a zoning perspective, it is the day camp. It would be if you wanted to put the use and as categorized to use, I would categorize it as a day camp and that usage is not permitted by your zoning code. So basically, we need the D1 variance to allow the day camp use. We also have a minor subdivision. The subdivision involves a lot, which isn't compliant with the code. The subdivision would create two lots one to 39.56 acres and the other 2.89 acres where five acres is required. We do need a C variance for that. Although I think under *Price v. Himeji* in the North Brunswick case, that the release is required for the subdivision can be subsumed within the D variance because the subdivisions is integral to the use.

With that, I'm going to start out with the positive criteria. We have to show that they're special reasons that would justify the relief that we're seeking. The relief would advance the purposes and in this land use law. I believe there are three purposes. This relief with advanced purpose A: to encourage municipal action to guide the appropriate use or development of all lands in the state in a matter of public health, safety, morals and general welfare. Purpose G: To provide sufficient space and appropriate locations for variety of agricultural, residential, recreational, commercial and industrial uses and open space, the public and private according their respective environmental requirements in order to meet the needs of all New Jersey citizens. Purpose: To promote the Conservation of Historic Sites and districts open space energy resources and valuable natural resources in the state and to prevent urban sprawl and degradation of the environment through improper use of land. As the purpose it really deals with a lot of the questions you ask about the preservation of the farm.

As part of our justification, we have to show that the property is particularly suited for the use that's proposal. I believe there are a series of factors that make this property particularly suited for what we're proposing. The first is that I believe the site has the capacity, the existing improvements, and the character needed to support this educational facility as it's embodied by the application. Also, to contribute to the farmland preservation of rural character objectives of your master plan and ordinance. The purposes I cited the municipal land use law deal with the appropriateness of use of the site, the appropriate location and preservation of open space. I believe that all those purposes are advanced by this application. The application can achieve these objectives by utilizing the improvements that are basically there. I think one of the key factors in this application is it's really not

proposing any improvements other than the expansion of the parking facilities. Everything else is going to be used pretty much as is. There are a lot of elements of the facility that are actually temporary and movable or portable. As part of the curriculum actually there, that's the key to it that they can they can move around. That becomes part of the educational aspect. The improvements have already been described by builders, the access drive, the parking lot. We went over the access drive in the drop off of the children and basically what happens with that is they come in this entrance and they can drop the children off here. They'll have a person monitor the children dropped off. So basically, the improvements work very well for that aspect.

Mr. Krollfeifer: You said that they're going to come in at that lower entrance. I thought we were told they were coming up in between the barn and the house.

Mr. Miller: You are right.

So basically, there's all the facilities there necessary to operate the use as it is. I think the other important point is that the use doesn't require any more than the 2.89 acres to operate. Basically, most of the key activities are contained within that area. There are some activities extended into the farm. Basically, the primary activities of the educational aspect can be conducted within the space that's allocated by the subdivision. Secondly, I think the site is particularly suited to the location and the ability to contribute to the viability of the farm. In New Jersey farming is a tough business. Often farmers to continue to be farmers need to have some other income stream to underwrite the farming operation. One of the advantages of these types of facilities is there's a synergy between the farm and the day camp. They both support each other. The Farm provides the environment and the setting for the day camp. The day camp provides another cash stream to support the farm. So, the uses become basically an integrated use. They support each other. The farm gets income from the school, and the school has facilities that are part parcel of the farm. So basically, the school contributes to the preservation of the farm as an active farm. The farm contributes to the viability of the school and provides an asset to the curriculum by the farm assets. The two uses work together. This is a site where that that can all occur. So that's another factor, which I believe makes the site particularly suited for the use.

Mr. Krollfeifer: You just supported a contention that I kind of had. Why can't this be a five-acre plot? In other words, 2.2 acres more and do the farming just as you said to everything that you've just mentioned. You're saying that the farm helps the day camp and the day camp helps a farm? So, let's blend them a little bit more. I must be missing something.

Mr. Miller: No, you're not missing anything. You could theoretically still farm within that five acres because the uses are integrated.

Mr. Krollfeifer: You don't have to move it that far.

Mr. Miller: You wouldn't have to move it that far. You could do that. I think that the problem with that is this reminds me a little bit of a financial subdivision. How when you have a shopping center, you've got pad sites, and off the to create individual lots for the pad sites. The reason that's done is for business purposes. It allows you to finance the property separately, it allows you to insure it separately. I think what is going on here. Basically, it allows a clear separation between the farm use and the day camp use and the advantages of that are primarily economic advantages, but their tangible advantages. I believe that it's a better way to divide the property up given the way the uses are allocated on the property.

But you're right, I mean, you could still blend the two uses in other ways that the line could be moved around a little bit.

Mr. MacLachlan: Years ago, I think I was new on the board, we up zoned that area, south of the 208 line to five acres. I think we had some lawsuits. Actually, a committee woman, I think, actually hired an outside planner and set that up. We had a couple of lawsuits. Now we have some 40-acre plots back there. You're taking us back to three-acre zoning. What's to stop those potential developers or some of those other sites to request a down zoning like you are to three acres. It's going to increase the density. Does the fact that you're entering the remaining portion of your land in the farmland preservation somehow mitigate us going back to the three-acre zoning? Or is it actually setting a precedent for the rest of the land and that area that the municipality has now reversed themselves and is allowing three-acre plots?

Mr. Miller: The precedent questions is an easy one because you'll set any precedent by granting relief. Especially in a situation like this. We have a very unique application. I would venture to say that you're not going to get another application with this package of uses for the day camp and a farm combined. Secondly, the Board has the same authority they would have over all those other parcels that it has currently. This application, if it's approved, doesn't alter your authority on the other applications. If a developer wants to come in and apply for density variance, he's got that right. Regardless of how this application is handled.

Mr. MacLachlan: I just need something information. You're the first property owner in my memory for us to go back to three. That wouldn't bolster someone else's case to down zone the acreage?

Mr. Miller: I don't believe so because of the unique circumstances of that subdivision will be created under. I mean, basically, the subdivision is to enable the school and another developer arguably is not going to come in with that proposal. If he did, he might have the same justification that we have to support it. The other factor is the farmland preservation factor. I think that comes into play as well. Once the farmland preservation occurs, and I think the Board was considering actually conditioning.

Mr. MacLachlan: Does it legally incumbent us down the road elsewhere?

Mr. Kingsbury: If the applicant is asking for reduced lot size, they are supposed to show that there's some reason why they can't comply with the ordinance. So that's the burden on the applicant.

Mr. Miller: There's two, if you considered it as a separate C2 variance or C variance, there's two criteria. There's a hardship criterion, which we don't satisfy and then the other criteria would be the better zoning alternative. I think my argument would be under C2, that it's a better zoning alternative to segregate the school from the balance of the agricultural activity. And, as a consequence, I think that the benefits of that relief would outweigh the detriments.

Mr. MacLachlan: I kind of agree with you here. You're saying it doesn't have any bearing on the next applicant coming in?

Mr. Miller: Correct the next applicant would have to make their case, just like we do.

Mr. Taylor: How are you saying 2.89 is better than 5?

Mr. Miller: Yes, it's more farmland. If you look at the property, this is the natural boundary between the two uses and that's why the lines there from a planning perspective.

Mr. Taylor: I believe we did not hear any testimony on that. Is there something physical there? I thought the farm actually came all the way up on to this.

Mr. DelPalazzo: There is just that line that the farmland preservation lady and I kind of came up with. It is kind of like the area that's just not really getting used for more farming type activities. There's a big row of evergreens that basically that line follows. That's kind of why we chose that spot, because everything kind of behind that was just like lawn and open area. It was never farmed there and there was never anything planted there, tree wise or anything. He just used to mow the grass. So, we thought that was the natural line that made the most sense. Financially it made the most sense for what we're trying to do.

Mr. Krollfeifer: Mr. Nicholson was just pointing to, is that what the thing that's marked setback line on this.

Mr. Nicholson: There's an existing hedgerow along this 295' long proposed line right here. Actually, just behind it, it's kind of a natural the farm kind of ends right there. This is kind of lawn area, unfarmed area. A hedgerow right here.

Mr. Krollfeifer: On this other notation that a setback line is beyond the line you're talking to, right?

Mr. Nicholson: That goes to the setbacks required for the zoning, these two lines here.

Mr. Miller: There's a setback for the back property, there's a setback for the front property. So, there's a setback on either side of the lot line.

Mr. Krollfeifer: Let's start at the very beginning. There's almost 40 acres of property that they own now.

Mr. Grayson: About 40.65

Mr. Krollfeifer: Why can't five acres be broken out of that? Why are we sticking with 2.89? I don't understand it.

Mr. MacLachlan: You want the state to buy the other two acres?

Mr. DelPalazzo: Yes.

Mr. Krollfeifer: I wanted to hear that. I understand how it works.

Mr. Miller: To maximize the amount of agricultural space within the preservation.

Mr. MacLachlan: Ms. Bruno, you own it now?

Ms. Bruno: Yes.

Mr. MacLachlan: You're going to convey it to your son. The farmland preservation is coming in, we just don't know what the amount is. That's what's going to buy the property from your mom.

Mr. Taylor: You are going to construct a new house on the preserve farm.

Mr. DelPalazzo: There is one acre designated for that.

Mr. Taylor: Is that shown on the plans.

Mr. DelPalazzo: Yes.

Mr. Krollfeifer: It is on the one marked minor subdivision plan.

Mr. Taylor: We don't really know where the home is going to be necessarily. That could shift based on wetlands or the appraisals.

Mr. DelPalazzo: No, we know where it's going to be. It's the back one acre, that L shaped thing right there, it's high and dry. I had perk tests done on there and everything. That's probably pretty much the highest point in the whole property. That's where we thought would be the best place to build out of the way of everything. It's not in the middle of the farm. It's just tucked away in the corner. We would access it down the side. And, you know, I have a site plan for that.

Mr. McKay: It would access Ark Road without going directly through the other section.

Mr. DelPalazzo: Yes, there is the other entranceway on the right side. We would just come in there and just go right up the back.

Mr. Krollfeifer: There is another gate down at the end.

Mr. DelPalazzo: Yes.

Mr. MacLachlan: Is that a dirt road?

Mr. DelPalazzo: Yes, it ends about 400 to 500 feet up. Eventually, I will just continue that dirt road down the center of the property to access the farm. We would just kind of get rid of that once I did the dirt road up the side. I would plant stuff down that center opening, utilize that space for crop.

Ms. Kosko: So, with the exception area carved out, that'll be taxed as residential, not really connected to the farm piece. That's what the exception area allows.

Mr. Grayson: Yes, that will be taxed as a regular residence.

Mr. Miller: I still have a little more testimony on the particular suitability. The last set of factors have to do with the context of a lot. It's in a rural area of the township. The property says the north is basically wooded. The properties to the east are mostly in agriculture or wooded. Then the property to the south is also an agricultural property. So basically, the surrounding properties are all in farming or woods. There are single family homes on the other side of Ark Road from the property. Those are all large lot, single family homes. They're also shielded from the use by the existing buffer strip that's a long Ark Road.

There's a row of very mature evergreens. So basically, all of the activities associated with the day camp are going to be screened and contained within that 2.89-acre parcel. It's going to be surrounded by either the wooded buffer along Ark Road or it will back up to the woods or agricultural property. So, it's a very good location for this type of use that basically contains the use and won't have any impact on any of the residential uses in the surrounding community or any potential impact that won't even really be visible to the surrounding community. So, I think those factors also make the site particularly suited for the proposed uses. As a consequence, I think the site is particularly suited for the use as proposed, and that it would advance the purposes of municipal land use law I cited earlier.

Under the negative criteria to show that there's no substantial detriment to the public good and the proposed use will not impair the intended purpose of the zoning planning and zoning ordinance. The general welfare prong of the negative criteria is generally addressed by looking at the impact that the use might have on the surrounding community. Here, you basically have a daycare facility. There aren't any improvements really proposed other than the extension of the gravel parking lot, so that the view from Ark Road is going to be the same as it is currently. The activities are going to be contained within the site. As a consequence, I don't believe there's going to be any real impact on the surrounding neighborhood and therefore no substantial detriment to the public welfare. In terms of the balances of the negative criteria. This is a D1 variance and we also have to show that we can reconcile the failure otherwise include this use within the RR5 district with the variance. I believe that there's less potential to impair the intended purpose of the zone plan when you've got an integrated use like this which is basically to maintain its rural character and this character as a farm. The farm is really going to be the dominant use on the property for the most part, it's going to occupy the majority of the acreage. The non-conforming parts, basically the day camp aspect of it is going to be uses which I believe are fully compatible with the area, compatible with the balance of the farm. It's also a use that you wouldn't ordinarily address in your master planning activities. This zone does permit other public uses like schools, municipal buildings, parks and that sort of thing. This use in some respects is similar to those types of uses. It is a beneficial use in terms of the childcare provides some of the other aspects of it. So, all in all, I believe it is a use which is consistent with the zoning in most respects, mostly because it's still predominantly an agricultural use. The day camp is also a use which is compatible with the rural district and you could see from your knowledge of the surrounding area that it's not that uncommon to have a daycare type of facility and otherwise rural residential district like the JCC camp. Then there's some of the other similar facilities. Use is also an outgrowth of the permitted farm use. It is going to provide a means of support to continue farming to the property and it is eligible for farmland preservation. I think the uses are consistent with the overall rural character of the zoning district and therefore there is no impairment intent or purpose of the zone plan. Based on that, I think he can reconcile the failure otherwise include this use within the district. It's a unique use, but I think it's also a very appropriate use for the district. As a consequence, I don't believe there's any impairment intent purpose in the zone plan, and the use satisfies both the positive and negative criteria and merit your approval.

Mr. McKay: If the application for the C variance were denied but the D variance for the use was granted. If that is the Board's ultimate decision. Does the hypothetical denial of the C variance subdivision jeopardize the farmland preservation?

Mr. Grayson: I believe it would. They would want that as a separate lot.

Mr. McKay: Hypothetically again, if the Board were not inclined to grant the 2.89-acre subdivision but was inclined to grant five-acre subdivision, would that jeopardize the farmland preservation application?

Mr. Grayson: Give me one moment to speak to my client since he spoke directly to them in terms to how they set a line. Can we have a 5-minute recess? Sure.

Mr. Krollfeifer: Yes.

Five-minute recess was taken.

Mr. Krollfeifer: Right here is a proposed house on one acre. Is that part of this application now.

Mr. DelPalazzo: That one acre only represents the exception area within.

Mr. Taylor: The subdivision would allow it to be constructed. This approval would facilitate the construction of that new house.

Mr. Krollfeifer: So, are we going from a five-acre lot to a one-acre lot.

Mr. Taylor: Typically, it will still be a 38-acre parcel. But under the farmland assessment, there has to be an area carved out known as an exception area that will be taxed. So, it's still the parent parcel will still be 38.

Mr. Grayson: It is not a separate lot; it is part of the 39 acres but for tax purposes it will be excluded out for farmland be taxed as regular residence.

Mr. MacLachlan: It's like the Stanley farm. We're not down zoning that parcel.

Mr. Miller: This happens on all your farmland with farmland assessments. There's always exempt for qualified and non-qualified. If you look at the tax record, you'll see all qualified and non-qualified, you have to put to the same Commonwealth.

Mr. MacLachlan: Do you have a farmland program where you're paying farm taxes on the on the land now?

Mr. Miller: Yes.

Mr. Krollfeifer: I'm just trying to understand it. I'm looking at this other map. It's comparable to that but slightly different. Who will own the dirt road that goes from Ark Road to the house down here?

Mr. Miller: The farm, it is straight ownership by the farmer.

Mr. Krollfeifer: The answer to Mr. McKay's question before you took the break.

Mr. Grayson: The applicant has heard the Board's concern about the five-acre minimum and concern for going less than five acres. In light of that the applicant is willing to move the subdivision back to a minimum of five acres. We resolved that issue.

Mr. Kingsbury: The Board is not going to get themselves in trouble for requiring compliance with the ordinance.

Mr. MacLachlan: If the Board granted the three acres, are we setting a precedence where other people in that area wanting three acres.

Mr. Kingsbury: The Board doesn't set precedence because each piece of property is considered to be unique with its own set of circumstances. There is no down size from the legal precedent. The Board would have to decide whether to allow an undersized lot.

Mr. Krollfeifer: We will take your answer to the 5-acre lot.

Mrs. Tyndale: Aren't you losing money going to the 5 acres. That was only one Board member.

Mr. Grayson: Correct. We look at the importance of having the approval, and having a day camp there. It's to help preserve the farm. We can do it this way. It will, if that's a condition of granting a subdivision. We'd be willing to live with that condition. Obviously, we happier keeping what we came in for. It would be better all-around for the applicant, if the board's willing to grant what we are asking for. If the answer is no, this would be a condition the applicant will agree. Reluctantly, but will agree.

Mr. Taylor: Another thing I would like to say to the Board, notwithstanding Mr. Kingsbury's comment about legal precedence. The ordinance is a five-acre zone for a single-family house. This is a property now that will contain a single-family house and a camp with up to 50 campers on a daily basis and up to 15 teachers. So, from a planning standpoint, the Board may feel that the five acres is appropriate because it's not just a house on three acres. It's a house and a day camp business with 65 people there. The five acres is more consistent with what the master plan talks about.

Mr. Krollfeifer: Are there any questions from the Board? Are there any comments from the professionals?

Mr. Miller: Five acres is easy to do.

Mr. Taylor: A few questions and some clarifications for the applicant. Referring to our June 1, 2023 letter. We did note that a preliminary assessment is required or an EIS per the checklist item. We're recommending that some environmental assessment be done on the property because it has been used for decades for agricultural purposes. Now we're going to be inviting youth out on the property. So even for a single-family home and similar to other applications, a preliminary assessment of the environment and the soil conditions is required by ordinance and we recommend that that be provided.

Mr. McKay: Would that involve like picking up the issue of our arsenic presence on the site.

Mr. Taylor: Yes.

Mr. Grayson: What would be acceptable because I understand your concern. Would that be acceptable on the front parcel and not the balance of the property to be farmed? Whatever is there on the farm is going to be farmed. I would understand would be because of the kids in the front parcel and the residence.

Mr. Taylor: I think the testimony was that the kids are going to use the entire parcel.

Mr. Grayson: They're going to go back to see how farming is done, go pick pumpkins out of pumpkin patch. The primary location the kids are going to be at the camp in the front. That's where the lessons are, it goes back to the farming to go see how corn grows, pick pumpkins, and things like that.

Mr. Taylor: I thought the testimony was that the kids were going to be doing their gardening on the rear parcel.

Mr. Grayson: There was no testimony to that.

Mr. DelPalazzo: We have not chosen a spot to do the gardening yet. That's something we didn't really think we had to kind of choose anything for that. That's kind of to be determined. I mean, definitely could be done on the front. It could do it anywhere. We did not pick a certain spot for that.

Mr. Krollfeifer: I'm not being facetious. But if you're willing to do the five acres you've got another two acres that you can do your gardening on.

Mr. Grayson: Whether it's three acres or five acres, I'm just saying I don't think assessments necessary for that parcel because that's going to continue to be farmed. We would agree to front parcel where the camp would primarily be.

Mr. Taylor: Mr. DelPalazzo, I apologize it wasn't you, it was actually Ms. Sheppard who said children will be gardening on the farm lot and doing planting.

Ms. Sheppard: I'm sorry. I meant that the children would be part of the gardening process not specifically taking one piece of land.

Mr. Taylor: Do we do we have a sense of what the children will actually be doing on the farm a lot?

Mr. DelPalazzo: I think that goes back to what she said and it's just a day-by-day basis, that type of stuff would always change. You know, if they saw something interesting, they would go for it. There's no real set curriculum, I think what they do is just every day, they come up with something different and try and mix it up.

Mr. Taylor: They could be building small forts or shelters or doing things back in there as well in the woods or on the edges. Well, I got three nods of yes and two to hold on a second. Mr. Miller: Basically, the farmland preservation allows access to the farm, but not any active use of it in terms of digging or building or anything like that. What we did with the Koozer property is that the kids can walk around and they observe things, but they don't dig or pick things. They are not interacting with this, beyond just exploring it.

Mr. Taylor: Walk around but not interact.

Mr. McKay: The look but don't touch rule.

Mr. Miller: They can't physically get involved with the property in a way that will interfere with the agriculture operation. As I understood the way the farmland preservation works is

that they can't do much beyond just explore it. They can't build a shelter. I don't believe they be allowed to garden back there, for example, because that's not an agricultural activity that is a day camp activity.

Mr. Taylor: I think that's what we're trying to get to because I think some of the earlier testimony was the benefit of this was while we're going to congregate upfront, the farm part, that's part of the exploration is learning about this. That's where a major portion of this is happening. I'm not quite understanding what is or is not. I feel like my notes aren't.

Mr. Miller: Yeah, and there's not a bright line of protocol on it. I think, basically they're going to walk around and look at things. I don't think they're going to engage in anything where they're going to be exposed to the soil contamination if there is any. I guess that's really the answer.

Ms., Sheppard: I did realize the differentiation and was the part that we had access to so I'm kind of asking this as a question. Are we allowed to have almost like a small garden that would have tomatoes and cucumbers and things that could be part of the camp or is it that there can be no gardening at all camp's part. Could we have a small garden that we had herbs in or like anything like that.

Mr. Taylor: So, you can. None of those things were mentioned in the application and none of them are shown on the plans. So, farming and especially if it's a five-acre lot, farming is actually a permitted use.

Mr. Grayson: Let's be clear. I think we're maybe not being precise. When she's talking farming, it's like my farming in my backyard. I have a five foot by six-foot patch of tomatoes and cucumbers. We're not talking about doing rows and rows of tomatoes, I would view as farming with kids planting, like when growing up, in a paper cup and tomato seed and put it in the ground. You have a dozen tomato plants. That to me is not farming. I think that is what we are talking about.

Mr. Taylor: A small vegetable garden is perfectly fine and really not regulated. If it becomes raised beds and an additional hoop house.

Mr. Grayson: We are not talking about that.

Mr. Taylor: So just the one hoop house for storage,

Mr. Krollfeifer: They can do that on the day camp property now.

Mr. Taylor: Yes, if that's part of the request for what they're looking for. So, you want to do the preliminary assessment on the front parcel only, but not on the residential parcel to the rear.

Mr. Grayson: Correct.

Mr. Taylor: We did mention that I don't know if any wetlands investigation has been done to the property or the South was actually, before this board, and there were wetlands and actually wetland transition areas that extended over onto this property. So, I think probably sooner rather than later, it would behoove the applicant to get the presence or absence or a letter of interpretation. So, you understand a, potentially before the state, or the or the

exception area is actually identified. If that's covered with wetlands or a transition area. You may want to move that exception area or you won't be able to build any house. So, I think it would be important to show and have an idea of where those wetlands are in and around the property.

Mr. Nicholson: Agreed.

Mr. Taylor: One point of clarification, Mr. Miller, I think you said that schools are permitted in the RR5 zone and they aren't. I think you were sort of lumping that in with municipal facilities, but schools themselves are not expressly permitted.

Mr. Krollfeifer: They are calling this a camp.

Mr. Taylor: They are but he was listing the types of things that were permitted within the zone and he said that schools were permitted. This is running very close to the building and they were inside it was it would be a school. So as part of his analysis, he was saying that schools are permitted in the zone. As part of the rationale of this being close or similar. I just wanted to clarify that schools are not.

We have a handful of other comments in there. If the Board has any questions on either the use variance or the site plan. I can answer them, I'm not really sure what's going on, in what locations from a site plan standpoint up front. But at some point, those things would need to be memorialized on a plan either before the Board to take action or as a condition of approval if it's clear on what's proposed and where.

Mr. McKay: As a condition of approval concept. What would be the things that we would want to have listed on the final plan. We want to have everything that's on the current plan plus, what else?

Mr. Taylor: Anything that they said they want to put on the site.

Mr. McKay: Such as pens for goats.

Mr. Taylor: If they want to have two chickens on the site, anything that if Mrs. Newcomb gets a call and a complaint and she has to drive by there. There's a structure and she says it wasn't on the approved site plan as part of the use variance. Then it's not authorized to be out there.

Mr. McKay: What about the hoop house located on the plan?

Mr. Grayson: I would agree in terms of if there is going to be for the goats in a little structure. But the hoop house is not a structure. It has no foundation and is on dirt ground and readily moveable. I would make exception as to that, I agree in terms if there is any sort of structures. A hoop house is a hoop house.

Mr. Taylor: It may not be a permanent building under the land use law or any combination of materials at above or below grade whether intended for occupancy or not as constructed. A sidewalk is technically a structure. So, I would call a hoop house a structure. Whether the Construction Code official calls it a habitable structure because the employees are going in there to store materials. That's the building code from the town standpoint, if you're going to use it as a storage structure, then it should be shown on the plan just by virtue of the use

variance alone. So, the Board can understand is this a 10 by 20 hoop structure, or is it a 20 by 400 hoop structure? We haven't heard any of that. I think you would agree as part of the use variance the board having an understanding of what is the magnitude. Just like you guys are capping it 50 students, it's not 500 students. So, I think that's all that I'll talk to the site suitability. The negative criteria for the Board to understand what exactly the scope of what's proposed. Think that's about all I have, Mr. Chairman.

Mr. MacLachlan: They have to come back for a final site plan.

Mr. Taylor: That is up to the Board. They have submitted for preliminary and final site plan approval.

Mr. Krollfeifer: The plan will show no less than 5 acres.

Mr. MacLachlan: If we were to make a motion, we asked you to come back and show your couple of little ancillary things, as a condition of approval,

Mr. Grayson: Yes, that would be fine. What I would ask for is approval for use variance and approval for the subdivision. Then we have come back for site plan for the front lot.

Mr. Krollfeifer: It could be done subject to.

Mr. Taylor: Well, the only thing I would caution the Board is if something shows up on the site plan that was not discussed tonight and not approved as part of the use variance. They're back for a use variance.

Mr. Krollfeifer: Any other questions or comments from the professionals?

Mr. Miller: I have a list of small additions for the site plan like bumper blocks, a little paving here and there, a handicap sidewalk, show where the existing well and septic system and those kinds of things. Actually, it's numbers, nine through 15.

Mr. Grayson: We'll stipulate we are in agreement to comply to all. Just a little clarification, for the EV charging station, we're going to do it EV ready, not the actual station itself. Which is allowed under the ordinance. Everything is fine.

Mr. Krollfeifer: Jus to clarify what Mr. Miller was saying. He is making reference to his May 30, 2023 letter. He's talking about page 3, items 9 through 15.

Mr. Grayson: Correct. On item 14, in terms of the grading plants, we would ask for a waiver of that for the house in the back.

Mr. Miller: Okay. When you go for the building permit a grading plan will be part of it.

Mr. Nicholson: They don't ask for a grading plan at the building permit stage.

Mrs. Newcomb: You are going to give us 3 surveys, the proposed, foundation, and final. In this case, you definitely would have something in that regards to just the factors that well and septic possibly may or may not have any form of wetlands. That will come from your survey and any engineer. That is something we usually ask for.

Mr. DelPalazzo: I have that because the septic people submitted it.

Mr. Nicholson: We have it.

Mrs. Newcomb: Just make sure that the house meets all the setbacks.

Mr. DelPalazzo: It does.

Mr. Krollfeifer: Opened public comment. Does any one online have a comment. None. Public comment from the audience.

Mr. Kingsbury swore in Susie Cardlso and Teresa Lourenco.

Ms. Cardlso: I always speak on behalf of my aunt because of the language just to make it a little bit easier. My aunt is the neighbor of the applicant who just spoke before. They are her neighbors to the left. We just wanted to say that we don't have any issues with anything that they are looking to do. My aunt her property sits to the right of theirs.

Mr. Kingsbury swore in Bill Johnson.

Mr. Johnson: My name is Bill Johnson. I'm across the street, 1900 Ark Road. I'm directly across the street and have been there 25 years. What they're doing is a good thing. They go all out whatever they do is top notch. I got the utmost confidence in what they do will be a benefit to this town. Absolutely. Also, to the generation that's coming up.

Mr. Krollfeifer: Closed public comment. Board members, you have any other questions or any clarifications before we decide what we want to do with this application?

Mr. McKay: Should the subdivision and the D1 variance be separate motions?

Mr. Kingsbury: Yes. The first motion should be what subdivision do you want to grant or not grant. If they're going to agree to a conformance subdivision, I recommend that, it solves a lot of problems.

Mr. Grayson: My understanding just to confirm for the record, Mr. Grayson, you've withdrawn the C variance for subdivision requests for the 2.98-acre undersized lot and offered to agree to the conforming 5-acre lot.

Mr. Grayson: That is correct. I guess we still have the front yard setback bulk issue.
Right

Mr. McKay motioned to grant the conforming subdivision of 5 acres out of the larger parcel.
Second: Mr. MacLachlan

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

Motion carries.

Mr. McKay motioned to grant the D1 variance application as the testimony indicates the case has been made. That variance request has on it the conditions that have been

proposed by the applicant. They are all in the record. Example: a limit or cap on the number of students at 50, cap at the number of goats at 10.

Mr. Kingsbury: That will be in the resolution and would be conditioned upon them coming back for site plan approval.

Second: Mr. MacLachlan

Mr. Grayson: I don't think we agreed to a cap of 50 students. Generally, that is what they are running.

A discussion occurred on the number for a cap. The Board stated that is what everything has determined off of, such as parking.

Mr. McKay: The point is, if they're if there's a cap of 50, now, Big N word, and there's a little bit of shifting sands here. I mean, you have to realize that from our point of view, we've put a cap of 50 on based upon current parking and other access and everything else, now you want to change it. Five years from now, because you are successful, we hope you are, to 100. Shouldn't you have to come back to the board?

Mr. DelPalazzo: The way we kind of looked at it was the 50 came from what would be the average there. I don't think that the we discussed this a lot. I did with them. The parking is really for the staff. The people aren't coming there to park. You are coming in, you're dropping off, and then you're leaving. There's not going to be 50 cars there parking.

Mr. McKay: There could be circulation issues. If you have 50 kids with 25 cars dropping off in the morning off and 25 more, you potentially have 100 kids.

Mr. Grayson: That is going to be different times. They all don't come at the same time.

Mr. DelPalazzo: The way the parking lot works. There's that south entrance, and you can do a loop if you want through there. It's like a perfect loop. We've had parties and stuff there. You could park 1000 cars on that property.

Mr. McKay: As one member's concern on this point is that if you're going to double the number of potential students, that raises site plan issues, potentially that need to be addressed, to accommodate that new volume.

Mr. Grayson: Can we agree to a compromise, because again, it's staggered. A people on parking dropping kids off to kids aren't all coming together at once they're coming some in the afternoon, some in morning, some different times. The applicant would agree to a cap of 75. If they were to go above 75, they agree to come back to the Board.

Mr. Krollfeifer: That's a good compromise. But one other thing, if there's going to be an increase in campers, you are going to have to increase your staff.

Ms. Sheppard: No because the way the numbers are now. If I go by just the camp regulations, you can have one adult with one counselor for up to 20 children for the ages of 5 to 10 years. We don't really have to increase our staff; we would just have more children with the same number of teachers.

Mr. Krollfeifer: If we maxed it at 75 and you go over 75 campers, then you have to come back in for a request.

Mrs. Baggio: Aren't we also making this conditional upon obtaining and maintaining the approval upon the health department.

Ms. Sheppard: Yes. We could not do one without the other. We could not get the certification without the variance and then therefore we can.

Mr. MacLachlan: Does the Board of Health look at the camper teacher ratio?

Ms. Sheppard: Yes. They have their own standards.

Mr. MacLachlan: So, we're concerned about is parking.

Ms. Kosko: Circulation and stacking on Ark Road. It is a pretty busy rural road.

Mr. Miller: We have 15 staff, three full time and 12 part time. If we extrapolate that over 25 people 25 additional campers would come out to meet another seven employees. They still have more than enough parking to handle whatever additional staff might occur if they maintain the same ratio between the campers and the instructors.

Mr. MacLachlan: So, are you arguing for the 75 cap?

Mr. Miller: I'm saying 75 will work with the parking.

Mr. Taylor: Is the staff remaining at 15 or is it going up?

Mr. Miller: The staff is going to remain at 15. Assuming that if you maintain the same ratio, you'd still have a surplus of parking is what I'm try to say.

Mr. McKay: The current staff could handle the 75.

Mr. Miller: Yes.

Mr. McKay: Essentially you are saying maybe even more.

Mr. Miller: According to the state regulations.

Mr. McKay: Motioned to modify the motion to change the cap from 50 to 75 campers pursuant to councils offer.

Second: Mr. MacLachlan

Mr. Krollfeifer: Mr. Kingsbury, the discussion relative to the annual approval letter that comes from the state?

Mr. Kingsbury: That will be included in the resolution.

Mr. Taylor: Not just comply, but forward a copy of that certification annually to the zoning office.

Mr. McKay: That is one of the list of conditions.

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

Motion carries to approve the use variance.

D. Discussion and Recommendation on Hainesport Township Resolution 2023-76-5 Declaring certain property along Route 38 and specifically Block 72.01 Lot 1, an Existing mobile home park to be an “Area in need of rehabilitation” within the meaning and intendment of the local redevelopment and Housing Law NJSA 40A:12A-1 et. Seq.

Mr. Krollfeifer: Item of new business. The Township resolution where they are turning the mobile home park on Route 38 over to the Joint Land Use Board for approval relative to classifying it as area in need of rehabilitation. Did they approve this?

Ms. Kosko: No, that'll be on the governing bodies agenda next week. They did authorize this to be moved forward for the Joint Land Use Board's review.

Mr. Krollfeifer: if we take action on this, it's subject to the Township Committee approving it.

Ms. Kosko: Yes. They will not have it before them unless you take action. You have to review that. This property needs to be reviewed by the Land Use Board and by the law provide comment and report back that you do or do not agree with the rehabilitation determination and that conforms with our master plan.

Mr. Krollfeifer: If we approve this, it's going to be subject to the Township Committee approving this?

Ms. Kosko: Correct. Then the plan would be written by our planner.

Mr. McKay: The Township Committee would be looking for a resolution from this Board approving the adoption of this resolution.

Ms. Kosko: This particular project does not need a formal examination. Our planner has already established that there are several criteria that are met as dictated by the land use law. They are listed in the resolution.

Mr. McKay: The resolution speaks for itself as for the reasons for the resolution.

Mr. Kingsbury: They are asking the Board to agree, disagree, or make any comments on the recommendation.

Ms. Kosko: That this area does in fact meet the criteria needed to be an area in need of rehabilitation. The subject property is block 72.01 lot 1, formerly known as Goss Trailer Park, on Route 38 east, next to Hainesport Enterprises. It's located in a portion in front of the new Hainesport Commerce Center. It's now known as Haynes Mobile Community. The township does believe that this property qualifies as an area in need of rehabilitation, per those criteria that Mr. Taylor identified in the resolution.

Mr. Krollfeifer: I understand a new organization is taking this facility over.

Ms. Kosko: It's a new ownership and they own several mobile home communities in Burlington County, and I believe also in Camden County. They do a great job in revamping them and rehabilitating them. That's specifically what they want to do here. They want to make improvements to this mobile home community. They want to put some mobile homes on vacant lots that exist now also rehabilitate several of them, as well as add 10 New lots. There's currently 24 there now. They are looking to improve the entire site.

Mr. Krollfeifer: How does this work? Let's assume that I'm living there, and a little camper thing. I've been there for 10 years. I like what I have, I don't want to make a change.

Ms. Kosko: You don't have to.

Mr. Krollfeifer: Don't I have to pay rent to live there?

Ms. Kosko: You do own your mobile home but have to pay a lot rent.

Mr. Krollfeifer: They can refuse to continue to rent to me.

Mr. Taylor: This is really not part of this. Under the local redevelopment and housing law. As you may recall, like there are two types of designations, area in need of redevelopment and an area in need of rehabilitation. We on page two identified that criteria, one, two and three are met to meet the statutory criteria for an area in need of rehabilitation. That gives the municipality the opportunity. There are some stub dead end municipal roads and paper streets and some interesting road configurations that sort of function as the property of the mobile home park but technically the municipality would be responsible for paving, plowing, etc. So, all that this rehabilitation plan does is it would allow the Township Committee to move forward with the potential development of a redevelopment plan. That redevelopment plan, which would still have to come back to the Joint Land Use Board for a master plan consistency, could modify the zoning it could allow one or two additional mobile home parks. We don't know the scale of what would actually happen out there. This would just literally be the first step in that process to allow those discussions to continue, and potentially a stub dead end street to be conveyed at some point in the future. It would no longer be stubbed dead end municipal responsibility

Mr. Krollfeifer: I guess, maybe I'm being overly concerned about the current occupants of this facility.

Mr. Taylor: So, as part of any redevelopment plan under the local redevelopment and housing law, any resident relocations would have to be identified if there was any. If there were any proposed relocations, they have to meet the requirements set forth in the statute. It doesn't address any of that. This is really just the first step to say yes, this qualifies as an area in need of rehabilitation. That redevelopment plan would then identify those next steps.

Mr. Krollfeifer: I wanted to get all the information out there. What's the Boards pleasure?

Mr. McKay: I make a motion to recommend to the Township Committee that their proposed resolution 2023-76-5 is approved by the Joint Land Use Board without exception and it is consistent with the master plan.

Second: Mr. Krollfeifer

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

Motion carries.

7. Minutes

A. Meeting minutes of January 4, 2023

Motion to approve: Mayor Clauss

Second: Ms. Kosko

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

Motion carries to approve.

8. Resolutions

A. Resolution 2023-06: Granting use variance subject to site plan approval for internet automobile dealership on Block 100.17 Lot 1.04

Motion to approve: Mrs. Tyndale

Second: Mr. Krollfeifer

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

Motion carries to approve.

B. Resolution 2023-07: Beacon of Hope

Denying use variance for Combination house of worship/food pantry and related activities on property located in the highway commercial zoning district on Block 101.02 Lot 6

Motion to approve: Ms. Kosko

Second: Mr. Noworyta

Ms. Kosko: I believe on page two under c, code blue sheltering, it says December 1st to March 31st. I thought the testimony was November 1st.

Mr. Kingsbury: I'll amend it.

Roll call: Ms. Kosko, yes; Mr. Noworyta, yes; Mr. Krollfeifer, yes

Motion carries to approve.

9. Correspondence

- A. Letter dated April 27, 2023 from Alaimo Engineers to Ms. Kosko
Re: York International Corporation Proposed Warehouse property fence relocation

Block 96 Lot 2.04 Plan Distribution

- B. Letter dated May 3, 2023 from Burlington County Planning Board to Mrs. Tiver
Re: BTC III Hainesport LC Urban Renewal LLC, 3 lots conformance with the preliminary plan Block 42 Lots 1, 1.01, 1.03, 2, & 2.01
- C. Letter dated May 10, 2023 from Burlington County Planning Board to Mrs. Tiver
Re: BTC III Hainesport LC Urban Renewal LLC, 3 lots conformance with the preliminary plan Block 42 Lots 1, 1.01, 1.03, 2, & 2.01
- D. Letter dated May 11, 2023 from Burlington County Planning Board to Mr. Holshue
Re: 710 Marne Highway, Block 24 Lots 4.01, 11, 12.01, 12.02, 12.03, 12.04, & 12.05
- E. Public notification dated May 15, 2023 from Land Dimensions Engineering
Re: Block 110 Lot 12.01 1903 Ark Road
- F. Letter dated May 18, 2023 from Alaimo Engineering to Mrs. Tiver
Re: BTC III Hainesport Logistics Center, LLC Minor Subdivision & Lot Consolidation on Block 42 Lots 1, 1.01, 1.03, 2, & 2.01
- G. Letter dated May 23, 2023 from Taylor Design Group to Mrs. Newcomb
Re: Garden State Bobcat 1395 Route 38
- H. Letter dated May 24, 2023 from Alaimo Engineering to Ms. Kosko
Re: Hainesport Enterprises, Inc. Proposed building addition Block 66.01 Lots 3 & 5
Use Variance/site plan Temporary Certificate of Occupancy

Mrs. Gilmore motioned to accept and file.

Second: Ms. Kosko

Mr. Krollfeifer: I have a question on the Taylor Design Group letter relative to Garden State Bobcat now Woods Machinery. Is the grass issue been resolved.

Mr. Taylor: No, not totally, which is not uncommon. It's punch list items through the inspection process is ongoing.

Mrs. Baggio: Is that a new company?

Mr. Taylor: It's the same applicant but it's no longer Garden State Bobcat. It was a corporate change.

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

Motion carries.

10. Professional Comments - None

11. Board Comments

Mr. McKay: The warehouse at the corner of Marne Highway and the bypass. I think it is looking good.

12. Public Comments

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

13. Adjournment

Ms. Kosko motioned to adjourn at 11:15pm.

Second: Mrs. Gilmore

Roll call: All in favor.

Paula L. Tiver, Secretary