

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD  
MINUTES**

**Time: 6:30 pm**

**August 2, 2023**

**1. Call to Order**

Mr. McKay called meeting to order at 6:30pm.

**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: Mr. McKay, Mrs. Gilmore, Mrs. Tyndale (arrived 6:35), Mrs. Baggio,  
Ms. Kosko, Mr. Bradley, Mr. Murphy, Mr. MacLachlan

Absent: Mayor Clauss, Mr. Tricocci, Mrs. Kelley, Mr. Noworyta, Mr. Krollfeifer

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 23-11: John & Jamie Luciano  
Block 111 Lot 16.03  
835 Mt. Laurel Road  
Bulk variance for fencing**

Proper notice was given.

Mr. Kingsbury swore in Jamie Luciano.

Mr. McKay: You are Jamie Luciano and you own the property with your husband. You are seeking a bulk variance for front yard fencing?

Mrs. Luciano: Yes. We want the fence to be a little bit closer to the road so we have more use of the yard. I have a daughter and we have dogs. So, it would kind of be in the middle of the front yard. We'd like to just move it a little bit closer to the street.

Mr. McKay: Is there a fence there now?

Mrs. Luciano: No.

Mr. McKay: How far back from the edge of the pavement?

Mrs. Luciano: Fifteen feet from the property line.

Mr. McKay: My question is how far back from the edge of the pavement is it, if you know.

Mrs. Newcomb: On average it is 15' from the front property line. It doesn't always mean pavement; it means property line. So, that is what they are asking for.

Mr. McKay: I did hear that. I did understand that perfectly. But my question was a little different. It was how far back from the edge of the pavement 15 feet from the property line to the property line is not on the edge of the pavement. I assume.

Mrs. Newcomb: We would have to take a look at the survey. I have one in front of me. It is not scalable.

Mr. McKay marked the survey as exhibit A. This is a county road, Hainesport-Mt. Laurel Road, has no sidewalk and has hardly any pavement shoulder on the road. And you're proposing to put the fence 15 feet back from your property line. But again, do you know how far back from the road pavement edge is?

Mrs. Luciano: That would be in the survey. Mrs. Newcomb and I were just looking at that. I don't see a number there. But it looks like the property line, correct me if I'm wrong, runs along Hainesport-Mount Laurel Road to what you're referring to as the pavement there.

Mr. McKay: Do we have any information about that? I mean, how far back this fence is going to be from the pavement edge.

Mrs. Newcomb: I do not. I go from property lines.

Mr. McKay: Is this going around the whole property?

Mrs. Luciano: Just the front. This house is about two years old. I've looked at this survey many, many, many times and this piece of land. You asked me if I knew to the best of my knowledge, and I'm not as well versed in this as everybody else here. It looks to me like the property lines start at the pavement.

Mr. Bradley: Looking at the diagram it looks like 9 feet in from the pavement or easement.

Mr. McKay: So, assuming that nine-foot distance is correct. Nine feet to your property lines and 15 feet back from your property. Is that where you want to put the fence?

Mrs. Luciano: Yes.

Mrs. Baggio: You stated your only putting the fence in the front. How is that going to contain anything?

Mrs. Luciano: We have existing fence on both sides that's been there that comes out as we want to put this fence.

Mrs. Baggio: So, you will be attaching to a pre-existing fence.

Mrs. Luciano: Correct.

Mr. MacLachlan: Are you going to have any kind of a barrier, screening, or mesh on the fence.

Mrs. Luciano: A welded wire.

Mr. MacLachlan: Any plans on putting any kind of plantings in front between the fence and the street?

Mrs. Luciano: Not at this time. Potentially, unless it is something I have to get approved by you for landscaping purposes? It's been a while but we're still in the process of landscaping and things like that. So potentially something there but obviously my dogs and children will never be unattended out there.

Mr. MacLachlan: We're thinking 24 feet from the road.

Mr. McKay: Is there going to be an automatic gate?

Mrs. Luciano: Yes.

Mr. McKay: So, you have enough room to pull off the road.

Mrs. Luciano: Correct and that is depicted in the copy of the survey that everyone has. We actually drew that in. I know that has to be 30 feet from the road.

Mrs. Newcomb: In the past when we have approved things, the optimum setback for the gate has been approximately 30 feet from the road or the property line. It allows the applicant to put one or two cars in to be off the road for a safety factor. They can still get out an undo the gate and not be against the road.

Mr. McKay: So, has 30 feet from the road edge been somewhat a standard that we follow.

Mrs. Newcomb: Correct. We did one on Fostertown Road about a year ago. It was similar with the gate 30' back.

Mr. McKay: I wish we had a good drawing of this. Can you put on the record a description of what this fence is going to look like.

Mrs. Luciano: It is a white split rail fence, two rail and it will have that mesh that kind of gets attached to the fence just for another safety feature. The gate will look just like the fence.

Mr. McKay: Is the mesh invisible or chicken.

Mrs. Luciano: It's basically chicken wire but it is a thicker material.

Mrs. Newcomb: It's called welded wire.

Mr. McKay: It is white vinyl to look like split rail.

Mrs. Luciano: Correct.

Ms. Kosko: Is it the same fence that you already have in the backyard?

Mrs. Luciano: Correct. The fence that goes on either side years ago was like a farm property. So, there's a fence from down either side of our property that's actually depicted in the survey and things like that. We would be attaching it to that now. We go around and reinforce those fences all the time. All we're asking for is a fence across the front of the property along Hainesport Mt. Laurel Road.

Mrs. Newcomb: The fence that she's talking about actually is part of her parent's property. It was a Qfarm that they came for subdivision maybe three years ago and this was approved at the Board for this house and the subdivision. The rest of the property around this is a Qfarm.

Mr. McKay: Does the Board have any other questions for the applicant.

Mr. MacLachlan: Is it the 24'?

Mr. McKay: That is the question.

Mr. Bradley: There are a couple large trees.

Mrs. Newcomb: Those trees are not relevant to where the fence is going.

Mr. Bradley: Are they going behind the trees?

Mrs. Luciano: They are going in front of the trees.

Mr. McKay: Relative to the picture of the front view of your house with the two major trees in the front. Is the fence going in front of those trees?

Mrs. Luciano: In front of those trees.

Mr. McKay: Are there any other trees more than four inches in diameter that are going to be cut down for this fence?

Mrs. Luciano: No. It's clear where it is. There is nothing to cut down.

Mr. McKay: I'm still a little uncertain about the distance back from the road, given the gate issue. I'm wondering why we just can't have a fence 30 feet.

Mrs. Luciano: So, the fence would come across the property line. From what I am understanding the building process, the surveyors, and all the people told me that the property line was at the street.

So, the fence would go across, as we discussed, we would have gates when you pull in the driveway. The gate would be 30 feet up to allow one or two cars coming in for safety. We would extend the fence that was coming across the front of the house and sort of angle it to meet the gate.

Mr. Murphy: So, the gate is going to be 30 feet. If this was the road, the fence is going to go 15' from the property line, which we believe is close to the road. Then 15' in from the fence. So how far is the gate going to be from the property line?

Mrs. Luciano: It will be 30 feet.

Mr. MacLachlan: The gates will probably be 39 feet from the road. Your property starts 9'. Does the gate have to be 30' from the property line or from the road?

Mrs. Newcomb: From my point of view as the zoning officer, I go off property lines. I don't use roads as any form of distinction. That is your decision, not mine.

Mr. MacLachlan: We think 9' starts your property line. Do you agree with that?

Mrs. Tyndale: I think we basically need to whatever plan she has, shows the property lines. Which she had to build the actual house. I would say wherever that property line is on that survey plan. She is asking for 15 feet from that and the driveway will be 30 feet. There will be a difference of 15 feet where the fence is to the gate.

Mrs. Newcomb: Through the years, I've actually met the fence companies out there and taken my wheel and walk with them to make sure they meet the requirements of the resolution.

Mrs. Tyndale: So, what she is asking for has been in the past standard for the township.

Mrs. Newcomb: What you have to remember is that every zone in town has different setbacks. You can have five different setbacks along every county road. In this particular cases you are in RR5 zone, which doesn't allow front yard fence unless you are an agricultural use. That is not what the applicant is requesting and doesn't come in play here.

Mr. Bradley: If you going south on Fostertown Road, there are a couple of places that have white fences. Recently, a guy asked for a wooden split rail fence.

Mrs. Newcomb: Yes, that's down near the end of Hainesport Township. They were part agricultural and had a rancher. They had three little girls.

Mr. Bradley: How are they zoned?

Mrs. Newcomb: They are the RR5.

Mrs. Baggio: Is this setting a precedent for our RR5.

Mrs. Newcomb: No, I don't believe so but I am not an attorney.

Mr. McKay: Can I ask for our planners comment on this?

Mr. Taylor: Yes, just a couple of points. One, the detail on the far-right side, the driveway dimensions that are shown actually show a minimum of a 10-foot setback to the property line to the edge of pavement. When I looked and I zoom in with my phone, there's a dimension setback from the centerline of the road to the property line of 43 feet, there is a 66 foot right of way. So, there is an extra 10', it seems pretty close to 10 feet between the edge of pavement and the property line. So as long as you go from the property line 30 feet to the gate would mean 40 feet from the actual travel lane. Which For the gate is really the more important thing you want an Amazon truck or another small delivery box truck to be able to pull it in and get their tail out of the travel lane. So, I think that there is at least 35 and up to 40 feet for that gate using a 30-foot setback from the property lock. The fence at 15 feet is really more of a judgment call for the Board having it that close or whether having that at 20 feet with a five-foot angle or some other. From a safety standpoint, the gate setback is really the more important and 35 to 40 gives you a safe pull off for that.

Mr. MacLachlan: So, it looks like she's 10' from the start where her property starts. Are you willing to go 30 feet from your property line which would be 40 feet off the road for the gate?

Mrs. Luciano: Yes.

Mr. McKay: That is part a. Part b is where does the rest of the fence go.

Mrs. Tyndale: The fence would be 15' from the property line. They are saying that the property line is 10'. Basically, it is going to be 25' from the road.

Mrs. Luciano: Correct.

Mr. McKay: Are there any other Board questions? Opened for public comment. None. Closed public comment. May I have a motion.

**Mr. MacLachlan motioned to have the main fence 15' from the property line and the main gate 30' from the property line.**

**Second: Mrs. Tyndale**

Mr. McKay: You are also putting in an approval of the fence as described by the applicant?

Mr. MacLachlan: Yes.

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

Motion is approved.

Mr. MacLachlan: Legally you are not allowed to do that until the resolution is memorialized at the next meeting.

Mrs. Luciano: Is it possible to get a waiver to start this now.

Mr. MacLachlan motioned to grant a waiver.

Mr. Bradley: Is there any requirement needed from the county?

Mrs. Luciano: No.

Mr. McKay: If you asked for that, then if there's any issue that comes up and you put the fence up before the resolution is actually signed, and the problem is yours.

Mr. MacLachlan: Your neighbors are okay with it?

Mrs. Luciano: Yes. I had a lot of neighbors come over to tell us how excited they are that we'll have a fence and the progress they've seen on the property and things like that. Oh, thank you very much. So, there are a couple neighbors across the street, got their certified letter and came marching over to say we can't wait to see what you do next for the fence. I thought I was excited about the fence.

Mr. MacLachlan re-motioned to approve the waiver.

Second: Mrs. Baggio

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

Motion carries to approve the waiver.

**B. Case 23-06: JDEB Marne Highway, LLC**  
**Block 18 Lots 1-9 & 14-16**  
**907 Marne Highway**  
**Use variance**  
**Attorney: Vincent D'Elia**

Mr. D'Elia requested by letter dated August 1, 2023 that the application be postponed until September 6, 2023 at 6:30pm. No further notice would be required.

Motion: Mr. Bradley

Second: Mr. MacLachlan

**Roll call:** Mr. Bradley, yes; Mr. MacLachlan, yes; Mr. Murphy, Mrs. Tyndale, Mrs. Baggio, Ms. Kosko, Mr. McKay

Mr. McKay: There will be no new public notice. This adjournment is sufficient for notice to the public. If you would like to hear this application hearing, be here on September 6<sup>th</sup> at 6:30pm.

**C. Case 22-04A: Administrative amendment for Hainesport Truck and Auto**  
**Block 66.01 Lots 3 & 5**

Kathy Newcomb: I am Hainesport Township's zoning officer. This comes before you in regards to the property at Hainesport Auto and Truck that was here, probably a good year ago. There was a fire at their property and they were here for a site plan. I don't know if it was a use variance or not, regarding to rebuilding. The reason for this administrative change is because it's very minor in nature, is that in the course of the application on the

site plan, there were two buildings that were in between the new one and one of the old ones that have been there for probably a good 25 years. Unfortunately, they were not imposed on the original site plan. Unfortunately, none of us caught up. With that being said is that they still exist today. The reason we're here is that we want the Board to recognize that these two buildings were not on the original plan. But yet they still work for the site. I will have Mr. Miller from Alaimo explain how they work. But we felt that it was not enough to make this a true application for Hainesport Auto and Truck. We also have one of the representatives, Mr. Tom Amendola here, if there are any questions as well. But with that said, I believe the plan is in front of you.

Mr. McKay: Is it the plan and a couple of photographs?

Mrs. Newcomb: Hainesport Auto and Trucks representatives had sent some of the pictures in with the application as well. But again, these two buildings have been there 20 to 25 years plus, and they are not an issue with what was approved at the time of the site plan. Again, we are back in respect to the Board, that we want you to recognize that those two buildings were not on the original site plan. At this point, we can have Mr. Miller attest to the fact that it still does work.

Mr. McKay: Alright, so we have three photos (black & white) and a site plan. Photos to be marked as exhibits A, B, C, and the site plan as D. Mr. Miller, anything to address on this application

Mr. Miller: When I went out there to look for what I had to do for an occupancy permit and the whole plan was supposed to be done. I went out there, saw the boxes and I thought that wasn't on the original plan. I thought that it was going to be a problem, vehicle wise. I have a big SUV and I drove it through there. Although on the original plan just shows the arrows going by there and that you can pass through. I made sure that you could pass through with the full-size vehicle. I don't have a problem with it.

Mr. Bradley: Has the fire marshal approved?

Mrs. Newcomb: Yes, he's fine with it as well. It hasn't changed since day one. Again, the reason we're back here is to show the Board that it does still work as it did before. Unfortunately, it was just not represented on the original plan.

Mr. McKay: Mr. Amendola is here. Please come forward. I don't know whether we need any testimony from you, sir, other than at least to tell us that the three photos and the site plan that we have marked as A, B, C, D exhibits are true and accurate.

Mr. Amendola: They are true and accurate. As Mrs. Newcomb said that those structures have been there since 1989. Somehow it was missed. I drive my SUV through and there is plenty of room to get through.

Mr. McKay: I believe we need a motion to amend the site plan.

Mr. Kingsbury: First, we have to open public comment and then a motion to amend the site plan.

Mr. McKay: Any other Board comments? Hearing none, we'll open public comment. None. Closed public comment.

Mr. Kingsbury: You will be amending the site plan without a formal application.

Mrs. Tyndale motion to approve the amendment.

Second: Mrs. Baggio

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

**D. Case 23-10: FRG-X-NJ1, LP**

**Block 98 Lot 2.04**

**3 Mary Way**

**Revised site plan, bulk variance, use variance**

**Attorney: Kevin Diduch**

Proper notice was given.

Mrs. Gilmore recused herself.

Kevin Diduch: Attorney for the applicant, FRG-X-NJ1, LP, for a revision to a site plan application, bulk variance relief, as well as a use variance relief. The property in question is located at 3 Mary Way block 98 lot 2.04 in the townships industrial zone. Property is approximately 3.06-acre parcel that contains 30,000 square foot warehouse that currently houses ABC Supply Company, a local commercial roofing agency. The applicant proposes to construct a six-foot-high fence in the rear of the existing building, as outlined on the fence plan that's been submitted as part of the application. As well as creating the outdoor storage area, surrounded by yet another fence. This time a chain link fence, which we have professionals available to testify as well as a representative on behalf of the applicant, who can also testify with respect to the type of fencing and operations of the site itself and what we intend to do.

Mr. McKay: This is an application for a fence and a fence within a fence.

Mr. Diduch: That's correct.

Mr. Kingsbury swore in the witnesses: Rodman Ritchie, from Dynamic Engineering and Corey Nagelberg, representative on behalf of the applicant.

Mr. McKay: Just a couple of questions for counsel. Is ABC moving into this facility recently or shortly.

Mr. Diduch: I'm going to defer. I believe they are already there at the moment, but I would defer to Mr. Nagelberg by proceeds more hands on with the site itself.

Mr. Nagelberg: I'm director of construction for Faropoint and Industrial Real Estate firm doing business here as FRG-X-NJ1.

Mr. McKay: You are leasing the property to ABC Supply?

Mr. Nagelberg: We are. They've been in possession of the space since January of this year. We went through a building permit process and over the last year, did some renovations for them. They moved in there they consolidated both of their locations they were previously located at 7 Mary Way within the same park and also location on Route

38. They've consolidated both locations into this building 3 Mary Way. They've been in the park for quite some time.

Mr. McKay: Do you have some exhibits that you're going to use or is the other witness going to introduce the exhibits?

Mr. Diduch: Mr. Ritchie will actually be presenting those. I'm happy to call Mr. Ritchie as our first witness.

Mr. Ritchie gave his credentials and the Board accepted.

Mr. Diduch: I think the first order of business is describe the fence being installed as well as the location.

Exhibit A1, fence plan was included in the original packet.

Mr. Ritchie: I just like to point out that there's one change, or one difference between this exhibit and what was submitted with the application. I've since had a conversation with fire officials. And I've added a striped fire lane in the rear within this storage area. I just want to point that out. This here is a fire lane striping. 15 feet wide, running the length of the outdoor storage area. That's the only difference between this exhibit and what the submitted. That's all recently added to the plan for purposes of being able to present that to you.

Mr. McKay: That is a striped lane that must be kept clear at all times, correct?

Mr. Ritchie: I don't know about that, absolutely at all the times. If there is a truck parked in that area, or maybe a pallet of some material or something very temporary in nature. Easily moved in a moment's notice. At the end of the day when the business closes down or leaves, absolutely yes. Free and Clear.

Mr. McKay: You have a sort of a split screen exhibit there on the left and on the right, total overview. Where's the stripe fire lane on the left hand?

Mr. Ritchie: Yes, let me explain the split screen. The left half of the exhibit shows the overall property block 98 lot 2.04 approximately, 3.1 acres. This is referred to as the front of the north side of the building. And the south side, rear portion of the building is where the applicant is looking to store outdoor materials. On this overall site plan, we're showing the fire lane through the middle of that outdoor storage area. The right-hand side of the split screen is a blow up just of the rear loading area that's in the building itself. This is the proposed sliding gate, six-foot-high chain link fence and a four-foot swing gate the left of the building. That is the extent of the proposed improvements. That proposed six-foot-high chain link fence just around the rear portion of the site.

Mr. McKay: Council mentioned in his opening statement, a fence within a fence. Can you elaborate on that?

Mr. Ritchie: Well, there's an existing fence that runs around the perimeter of the property. So, I think what he's referring to was a fence to connect the building from the building to that existing fence and from the building around these dumpster areas and tie into this existing fence as well.

Mr. Diduch: Mr. Chairman, referring to the fencing area for the outside storage component of the application as well.

Mr. Ritchie: To completely surround this outdoor storage is basically the intent of the application.

Mrs. Newcomb: ABC supply is in violation with me. This is why they are here because they moved in and then the applicant, not sure if they did it or FaroPoint. Whoever put up a temp fence without permits.

Mr. McKay: I see that in the photos that were submitted.

Mrs. Newcomb: Correct. I just want you to be aware of that. This is a temp fence that's up right now without permission. That is why they are here is because of my violations.

Mr. McKay: Is it the temp fence that you were referring to a moment ago as the existing fence?

Mr. Ritchie: No, there's an existing permanent chain link fence that surrounds the property. That is there and not the temp fence. The temp fence is in this general area, to the southeast of the existing building.

Mr. McKay: I'm a little bit confused on the geography of this whole thing. I don't know whether anybody else is.

Mr. Nagelberg: To help clarify this little bit. So, Mr. Ritchie was describing the entire site and permanent fence. We're looking for an outdoor storage fence within that area as Mrs. Newcomb referred to. There is a temporary fence put up by the tenant of the building. We're looking to install a permanent fence on that location for the purpose of outdoor storage for the tenants use. It is here where we are proposing a fencing. We are only looking to install fencing here and here. We are looking to install a gate here so no one can get through there. Then fencing here to complete the enclosure.

Mr. McKay: The record will not no where here and there are.

Mrs. Baggio: Is that fencing to replace or legitimize which the temporary fencing that is there?

Mr. Nagelberg: It is to legitimize the temporary fence the tenant is in violation.

Mrs. Newcomb: If you are standing in front of 3 Mary Way, the fence to the right. Is that Mary Way's fence or Mr. Bruni's fence. It has been there for many years that goes along his flagpole piece of property that runs down to Mount Laurel Road because there is a flagpole piece of property next to this. That is Mr. Bruni's that is on Route 38, it is not Mary Way. So, who's fencing is that?

Mr. Nagelberg: I believe that fencing is on the Mary Way property.

Mr. McKay: What is the need ABC having for this storage fencing?

Mr. Nagelberg: ABC Supply is a roofing supply company. The volume of material they move in and out of the prepackaging of orders they get picked up early in the morning

necessitates them putting it out there overnight. They don't have equal labor throughout the shift. So, it's much their advantage to prepare the night before for drivers who come in first thing in the morning and pick it up from outside. They move material in and out all day long and then prepare orders to be outside for that purpose.

Mr. McKay: Is any of the storage what I call permanent storage?

Mr. Nagelberg: There are no permanent containers that will be dropped there. It is all palletized goods that can be moved at a moment's notice.

Mrs. Baggio: Like a staging area?

Mr. Nagelberg: Yes.

Mr. McKay: So, sometimes during the work day, the pickups for the morning get staged or placed to this area?

Mr. Nagelberg: Correct and loaded on the trucks.

Mr. Taylor: Some material won't stay there for multiple days at a time, anywhere in the outdoor storage area?

Mr. Nagelberg: I couldn't say for certain none of it could stay for multiple days at a time. None of it is intended to be permanent. Again, it's all on pallets.

Mr. Taylor: All outdoor storage is temporary by its very nature. Because I think the board just for clarification, a couple of points here. One is the submitted plan just as a fence plan. I think it's important that the fire folks understand that what you're actually proposing is eliminating nine parking spaces behind the building and proposing to store other trucks, equipment, palletized material, bulk goods that will be delivered and remain around the perimeter for several days or several weeks at a time.

Mr. Nagelberg: I would say not weeks since the volume of their business.

Mr. Taylor: But something new would come in and be there. So, it is permanent outdoor storage. It's not like they bring things out the night before. It sits there until it goes away every morning, they will take delivery of bulk materials, it will be stored in there. From our standpoint that actually requires a use variance, which is one of the reasons they're here tonight the fence is somewhat secondary, accessory to the outdoor storage. So, the nature of this. I think it's important for the fire folks to understand that this is actually you're intending to store materials throughout this entire rear asphalt area.

Mr. Nagelberg: No, we're not I wouldn't say throughout the entire area. Obviously, there's a fire lane to be kept clear. Then on top of that, there are trucks that move in and out throughout the day. So, it won't be loaded up with goods, ABC Supply will keep it all towards the rear, towards the fence. So, I will say the description throughout the entire area is not entirely accurate.

Mr. Taylor: I'm just basing it on the plans that were submitted. They don't differentiate where outdoor storage will or will not have.

Mr. Diduch: Understood and identifying that ensuring its compliance with any and all fire codes and other regulations is certainly an option for a conditional approval. In addition to even just submitting a revised version of this before the resolution is adopted.

Mr. MacLachlan: Bear with me, I want to try to describe your business that I know nothing about. So, it's primarily roofing materials. Trucks come in with roofing that when they are unloaded. Do they go right into the building or they set on the ground.

Mr. Nagelberg: It depends, they take deliveries in front of the building, some materials stay within the building, some materials do get delivered.

Mr. MacLachlan: We're talking some materials could come off the truck and be set on the ground and the back of the building as staged yet. Now is the ultimate goal of that material to be put inside the building? At some point? Does some of it stay outside.

Mr. Nagelberg: Nothing will permanently stay outside because it's all customers goods.

Mr. MacLachlan: So, you might have an order that you might not put in the warehouse but take that order and set it aside on the ground.

Mr. Nagelberg: Correct. That's possible.

Mr. MacLachlan: So pre sold goods will primarily be outside?

Mr. Nagelberg: Yes.

Mr. MacLachlan: So, there's always going to be a presence of things, but they're going to move.

Mr. Nagelberg: They do move. Yes. They cycle through.

Mr. Diduch: And placed in designated spots.

Mr. MacLachlan: Do your drivers come in in the morning and load themselves, or do you guys load the trucks for them?

Mr. Nagelberg: It depends. I can speak on behalf of the tenant's operations, been doing business for a few years now. Depending on the goods themselves. Some of the trucks have their own forklifts and cranes that lift the material. Some other goods are lifted by forklifts done by labor on location.

Mr. MacLachlan: They were located on Route 38?

Mr. Nagelberg: Yes.

Mr. MacLachlan: We very rarely saw roofing outside. There was some racking.

Mr. Nagelberg: Correct. Their roofing was stored at 7 Mary Way also within this park. They consolidated operations.

Mr. MacLachlan: If a truck came in, with presold roofing for a large account, it's not going to be gone out when you can get delivery facilitated. That's why it may stay a day or two.

Mr. Nagelberg: Most of their goods are presold. So, they time their deliveries with their outbound as well. Obviously, they may have a lag of a day or two.

Mr. MacLachlan: So, from the eye, it will look the same.

Mr. Taylor: So, there will be different color palettes there. There will be pallets there all the time, but they will just be rotated. So, it is permanent outdoor storage. It's not something that they're asking for a temporary approval where from November one to January one during the peak season they want to store then, this is a yearlong permanent outdoor storage.

Mr. Bradley: Will the cyclone fence be removed on the right side?

Mr. Nagelberg: Yes, that will be replaced by permanent chain link fence.

Mr. McKay: The planner is basically suggested and I don't know what this exists but consensus that it doesn't. That a plan that delineates the now we know the fire lane, the specific storage area, the original fence, original perimeter fence as well as parking areas, area for dumpsters. It still needs to be taken into account when organizing this area so it does not become chaos. If you know what I mean. With trucks parking, employees' cars parked, trash that might build up, the inventory for picked up that day that's put out there every day. Do we have such a plan?

Mr. Nagelberg: I can speak somewhat to the dumpster location. It is shown on the plan. If you look at the blowup where the dashed line is, there's a rectangular area that is existing dumpster enclosure. Directly to the right of the proposed storage area. So, when it comes to trash dumpsters in that location, they have been using that since they moved in.

Mr. Diduch: To answer the chairman's question, no. We have the testimony sufficient to support where everything is and why it's there.

Mr. Taylor: Are there dumpsters inside the fenced area?

Mr. Nagelberg: No, there inside the dumpster enclosure.

Mr. Taylor: So, there isn't a roll off trash dumpster in the fenced area?

Mr. Nagelberg: No.

Mrs. Newcomb: That dumpster enclosure was approved years ago when the Stevens owned that.

Mr. McKay: I think the planner's point was that and our engineer Mr. Miller made the same point. We don't really have any drawing we can look at, that they can study that organizes this place, that shows us where the striping is for truck parking, car parking, exactly where this new security fence is going to go, giving the striping for the fire lane. Isn't that the kind of drawing that we really eventually need in this case?

Mr. Taylor: I think it's important for the Board to have to understand how high is the material? Where is it allowed to be? Where is it not allowed to be? It becomes important for the next 50 years because Mrs. Newcomb and every subsequent zoning officer, if it gets too high, if it gets too big. We'll have to go out and be able to say, hey, you weren't allowed to have dumpsters. There are two other dumpsters and a roll off in that fenced in area. So, the elimination of those nine parking spaces, and then adding we have a buffering in the rear. We also have a potential residential buffer on that bottom left-hand side.

So, identifying those issues and where, making sure that the fire folks understand. This is not just the loading and circulation area, there will be outdoor storage there. Are they still satisfied with a 15-foot wide up against the building? Or do they want to at least or do they want 20 or 25 feet or at least have something to turn around because with all due respect. If there's a fire or something else happening here, and they show up and somebody goes, hey, you have to get a forklift to move the stuff. But the buildings on fire, I don't think that's really an appropriate response. I've never in my career. had somebody say well, you can put some stuff in the fire lane, you know, for a while.

Mr. Ritchie: What I was referring to is the intention with this fire lane is that for almost all of the time, it remains free and clear of anything. But there's a scenario where a truck backs up to get loaded and a forklift is picking up a pallet of material and crossing the fire lane to load the truck and then backing up and avoid it, and then it's no longer in the fire lane.

Mr. Taylor: Using it for operations is one thing, but on a pallet or a dumpster can't go in that area.

Mr. Ritchie: Right. Even the truck would not be parked there in the fire lane. It would always remain free. It's not like the truck might back in to the fire lane and then park beside it. I just wanted to clear that. It's not like a no enter zone where no vehicles, forklifts, or anything would ever be within that fire lane. Vehicles or forklifts may cross through it from time to time.

Mr. McKay: We understand it's clear. That's think that's clear. Getting back to this permanent temporary storage that is being proposed here. It's been described as roofing material, but the planner made the point in terms of the height of the stack. So, can you put on the record some information about that?

Mr. Nagelberg: It is the tenant's regular practice not to stack multiple pallets high because they moved them so frequently. I've been there and seeing one pallet high, I could imagine a scenario where they would have two pallets that no higher than that this is not meant to be long term storage. So, for them to be able to move pallets quickly is the entire point. So, a relatively limited height, I would imagine less than 10 or 12 feet high would be what you would see if they're even two pallets high stacked.

Mr. McKay: Ten to twelve feet high would indicate two pallets high stacked. Five or six feet would be on pallet.

Mr. Nagelberg: Correct.

Mr. McKay: Can you address the issue of the buffering at the rear, the vegetated area, and potential for screening to be put in by way of landscaping.

Mr. Ritchie: The rear of the property is on the southern edge of the southern property line. I believe it was referenced in the planner's letter, 15-foot-wide landscape buffer. It no longer exists and we are willing to restore that to the satisfaction of your planner's review. We could present a planting plan for his review.

Mr. Taylor: As a follow up, Mr. Chairman, I apologize it was omitted in our report. I'm not sure if Mrs. Newcomb may know. I don't know if there was a tax map submitted. The parcel directly to the West, in the bottom left-hand corner on the plan, is that a residential land use or is that also commercial.

Mrs. Newcomb: This has some history. If you take a look on page 3 of Mr. Taylor's letter. You are going to notice there is a building behind there. It is Bruni's Square that backs up to this. There is a fire lane behind Mr. Bruni's building along with a display area. The property that Mr. Taylor is referencing has been in place since. There is a flag lot that runs from where you just described all the way down to Mt. Laurel Road. That is where that fencing is.

Mr. Taylor: So, that property is used in conjunction with the Bruni commercial site. So, it is really a commercial property. Because of the lack of adjacency, the residential buffer of 50 feet would not apply. So, on that left hand side, that same 15-foot requirement would apply. I think there's already vegetation that's adequate in that bottom left or western side of the property offering

Mrs. Newcomb: There is a daycare center behind here. Is there anything that should be done because of the daycare? within the play area?

Mr. Taylor: So, the applicant, under 101 C, or whatever it is, there is a buffer required. There has been vegetation removed, the applicant has agreed there is an existing fence, I think ensuring that that fence is in good repair, knowing that there is a playground over there. But between the existing fence and the buffering, I think that should be sufficient.

Mr. McKay: Is the applicant agreeable to the striping recommended by the planner on the pavement?

Mr. Diduch: Yes.

Mr. McKay: So, we have some sort of organized layout back there. A couple of other comments from the planner, there's no outdoor fabrication, assembly or manufacturing.

Mr. Nagelberg: No.

Mr. McKay: Mr. Taylor, what is the best way in your view to get this issue down on paper so that we have a plan that can be evaluated. Right now, I for one don't have a clear picture of where things are going to go. The engineer said things are going to go here and there. But it's hard to keep track of all that unless it's on paper.

Mr. Diduch: We could submit a revised plan as a condition of approval. That would include the designated areas for storage as well as striping.

Mr. McKay: I, as one member of the Board, I'm a little reluctant to approve the plan without seeing the revisions on paper and having our engineer and our planner review them. The site while it looked simple at first, I think is pretty complicated when you get all these various issues that we've been talking about.

Mr. Miller: How many employees do you have that need parking spaces on site?

Mr. Nagelberg: ABC supply has less than 10 employees on site.

Mr. Miller: Where do they park?

Mr. Nagelberg: They park in the front of the building on the north side of the property. That is a repaved parking area.

Mr. Miller: Is that striped?

Mr. Nagelberg: That is not currently striped.

Mr. Miller: So, now when you come back with a revised plan, showing your location of the storage area, you will also show the striping so you will have addressed the parking facility that we had to question. If you do that, then that answers both questions. You will then have a plan that we can see and recognize what's going on.

Mr. MacLachlan: Would you be willing to grant them some time to come back?

Mrs. Newcomb: Anytime that I have a violation and the applicant is coming to the Board I will not put them in further violation. The applicant has worked with me regarding the violations.

Mr. McKay: Council, is the applicant prepared to go back to the drawing board and adjourn this to the next meeting.

Mr. Diduch: Absolutely.

Mr. McKay: Give us a plan that we need to see and our professionals need to see?

Mr. Diduch: Yes.

Mr. McKay: I mean, you folks have a pretty tough job to do.

Mr. MacLachlan: Maybe you can delineate the fence in color so that we may see it.

Mr. McKay: May I suggest that you have a survey type plan but also some aerials. Aerial photographs go a long way to help understanding where perimeter fence lines are and revegetation areas are and the light.

Mr. Diduch: Understood. envelope. Understood. All right.

Mr. Taylor: I think that the prior plans had parking lot striping and truck parking out in front. We can try to check some of our files to be able to share those striping plans with you.

Mr. Miller: Although it's all gone now with all the pavement.

Mr. Nagelberg: It was all gone before.

Mr. Taylor: We can use that as a starting point, but if there's something more efficient that works for their operations, feel free. The one thing I will say to the Board, I had a conversation with Mr. Ritchie this afternoon. There are nine spaces behind the building that they're looking to eliminate or do outdoor storage in that area. In addition, with the front parking as well. The one suggestion I made depending if they can get any efficiencies out front, or if the Board were to look favorably at the outdoor storage, and the temporary elimination of those. The Board could have a condition that if at any point in the future, there's any kind of a parking problem anywhere on the site, the applicant would be required to reduce their outdoor storage area and reconstruct or restriped those parking spaces at the rear. So, we know that there's never a parking deficiency. So, I think that may be something that it may be helpful to get the applicants and feedback to help them develop a plan for the next hearing. If that in concept would be acceptable?

Mr. Bradley: Are the parking in the rear handicap accessible.

Mr. Taylor: The accessible parking was shown in the rear as part of the Philadelphia Hardware application that was back before this Board for temporary outdoor storage containers, maybe 2021. They do have to provide accessible handicap parking on the site. I think if they go through the parking calculations, and they don't need those spaces, and they can strike enough out front, then it's sort of a moot point. But if they are needed, perhaps they could be almost sort of green banks. They could store them temporary until such time that they might be needed in the future.

Mr. MacLachlan: You've done a nice job on there so far. The paving was a mess and the buildings look better.

Mrs. Newcomb: I frequently emphasize that and I'm sure that Mr. Corey is well aware that I'm on site, Mary Way, a lot. With that being said when Stephens owned this property, the approval for these trash containers in the surrounding walls. The reason also that they were put there is that because there was no fencing anywhere on this property, and it was very easy for all the tenants to just come out and put the trash in there. So, one of the questions that I have for the applicant and seeing in these pictures, the dumpsters that are on site now. Is it best stated that ABC Supply has so much waste, that they need these large containers compared to the normal green ones that go in these bins? Is that the reason they are out here?

Mr. Taylor: When I was there Saturday, there were at least two dumpsters and a full roll off dumpster like a 30 yard on the site.

Mr. Nagelberg: The two dumpsters are generally are in the enclosure.

Mr. Taylor: They were sort of in the rear part. I think between now and the next meeting to be able to circle back with ABC and get that resolved. If they don't work in the common outside trash enclosure area, and something has to go in this site, then just show it, let's address it, figure out where it goes and how and how it gets handled.

Mrs. Newcomb: Right, let's make this not an enforcement issue. Let's make this that if the Board were to choose to move forward with this application. Let's resolve and put

something on a site that is beneficial that ABC doesn't make violations, because you have that. We want to be fair to the tenant. They have been there for a long time as well. But it doesn't make any sense not to address that because again, I agree with Mr. Taylor. I have seen the dumpsters out there. I already have issues on site the site with other tenants. So, I'd rather get this resolved and be beneficial to ABC Supply that if they're going to be needed. Let's address this now and not six months down the road with another violation.

Mr. McKay: Mr. Kingsbury, is there a need to hold public comment at this point or can we hold that until the next presentation?

Mr. Kingsbury: I think there should be public comment so they can see what the public was thinking.

Mr. McKay: Hearing that we're going to open it to the public for comment on this partially completed presentation. Presentation. Any public comment? Seeing no hands from the audience? We'll ask about anyone online. None. Closed public comment.

Just to recap, we have agreed that we will carry this and I'll ask for a vote on a motion to carry this until the September 6<sup>th</sup> meeting. Is that agreeable?

Mr. Diduch: I believe September 6 should be more than sufficient. I just don't want to make sure there is no conflict. Yes, I have that evening available.

Mr. McKay: Can you get them into our planners and our engineers in time for them to review and comment.

Mr. Diduch: Absolutely. You need some by tomorrow, but be ready.

Mr. McKay: How far in advance does our engineer and planner need them.

Mr. Taylor: It needs to be in 10 days because of the nature of their submission. We can make that work. It doesn't need to be any further than that. I do think because of the nature of this. Because it's a use variance, our ordinance technically requires that you need a site plan approval for something this small. Due to being an existing site a detailed use variance plan may be sufficient. I don't want to speak for the Board but you may want to amend the application to include a formal request for waiver of site plan approval and ask for a use variance plan.

Mr. Ritchie: Yes, thanks for bringing that up, because that's really the way to go because if I have to do a formal site plan, we certainly could not make September 6<sup>th</sup>. We can make a use variance plan that indicates these areas in a clear manner that you can read and understand.

Mr. Miller: This use variance plan will be all on existing conditions so it won't require concern.

Mr. Taylor: Besides from revegetation, a hundred percent of everything your doing is in an existing asphalt paved area. The need for a full-blown site plan may not be necessary.

Mr. McKay: I think maybe there's two motions here. One is for the Board to waive full site plan.

Mr. MacLachlan motioned to waive a full site plan.

Second: Mrs. Baggio

**Roll call:** Mr. MacLachlan, yes; Mrs. Baggio, yes; Mr. Bradley, yes; Mr. Murphy, yes;  
Mrs. Tyndale, yes; Ms. Kosko, yes; Mr. McKay, yes

Motion carries.

Mr. McKay: I need a second motion to adjourn this to the September 6 meeting at 6:30pm with the applicant's consent.

Mr. Diduch: Just to clarify one issue for notice purposes. Would you'd like us to renote this application, as well were previous notices be sufficient. There was one issue that was brought to our attention. Thank you so much to Mrs. Tiver for giving us a call and letting us know. One applicant did not have their mail addressed to them in the proper form. I was able to contact the applicant get them to understand what we were doing and waive their right to the 10-day prenotice requirement under the municipal land use law. I do have a signed letter from that resident with me tonight that I could submit to the Board.

Mr. Kingsbury: It is a signed waiver?

Mr. Diduch: Yes.

Mr. MacLachlan motioned to carry the application to the next meeting without renote.

Mr. Taylor: You did notice for the use variance.

Mr. Diduch: Yes.

Second: Mrs. Tyndale

**Roll call:** Mr. MacLachlan, yes; Mrs. Tyndale, yes; Mr. Bradley, yes; Mr. Murphy, yes;  
Mrs. Baggio, yes; Ms. Kosko, yes; Mr. McKay, yes

Motion carries to continue until September 6<sup>th</sup>.

## 7. Minutes

### A. Meeting minutes of April 5, 2023

Mr. Bradley motioned to approve.

Second: Mrs. Baggio

**Roll call:** Mr. Bradley, yes; Mrs. Baggio, yes; Mr. Murphy, yes; Mrs. Gilmore, yes;  
Mrs. Tyndale, yes; Ms. Kosko, yes; Mr. McKay, yes

Motion carries to approve.

## 8. Resolutions

### A. Resolution 2023-08: Granting use variance, bulk variance and preliminary/final site plan approval for expansion of a pizza shop on Block 65 Lots 18, 19, & 20

Mr. McKay: Resolution 2023-08 has undergone several revisions. Page 2 item 4 has been deleted.

Mr. Kingsbury: There is one final revision.

Mr. McKay: The resolution I have has it deleted. I have the correct resolution. This resolution was on the agenda before but was taken off because of the need for some amendments. Those amendments have been made.

Mr. MacLachlan motioned to approve. Some of the applicant's practices have changed for the better. As much as alleviate some of the traffic from what I understand.

Second: Mrs. Tyndale

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

Motion carries to approve.

## 9. Correspondence

- A. Letter dated June 27, 2023 from Burlington Co Planning Board to Mr. Mullikin.  
Re: 710 Marne Hwy Warehouse/Bluewater, Release of Performance Guarantee Block 24 Lots 4.01, 11, 12.01, 12.02, 12.03, 12.04, & 12.05
- B. Notice to Neighboring Landowners dated June 29, 2023  
Re: Cornerstone Church, 23 Phillips Road, Block 111 Lots 1, 2, & 5
- C. Letter dated July 3, 2023 from Taylor Design to Kathy Newcomb  
Re: Bluewater 710 Marne Hwy, Block 83.01 Lots 1-3; Block 96 Lot 1; Block 96.01 Lot 1
- D. Hainesport Twp Resolution 2023-94-7: Resolution consenting to filing of waterfront development permit application by R & M Development LLC to facilitate stormwater discharge through municipally-owned property at Block 100 Parts of Lots 9 and 10
- E. Letter dated July 12, 2023 from Taylor Design to Kathy Newcomb  
Re: Bluewater 710 Marne Hwy, Block 83.01 Lots 1-3; Block 96 Lot 1; Block 96.01 Lot 1
- F. Letter dated July 14, 2023 from Churchill Consulting Engineers to Mrs. Tiver  
Re: Longbridge Estates, 60 Bancroft Lane, NJDEP Waterfront Development IP Application
- G. Letter dated July 17, 2023 from Alaimo Engineers to Mrs. Newcomb  
Re: Bluewater Property Group, LLC, 710 Marne Hwy, Block 83.01 Lots 1-3; Block 96 Lot 1; Block 96.01 Lot 1, Certificate of Occupancy

Motion to accept and file: Mr. MacLachlan

Second: Mr. Bradley

**Roll call:** All in favor.

## 10. Professional Comments

Mrs. Newcomb: Do we have a time frame for when Lillo's is supposed to be coming back. The reason I ask is because they are in violation.

Mr. Taylor: Are they supposed to come back. I thought the Board gave them conditions of approval.

Mrs. Newcomb: Have they submitted anything?

Mr. Taylor: No. They have to submit revised plans.

Mrs. Newcomb: Do we have a time frame?

Mr. Taylor: When the adopted resolution is sent, we should remind them that this was initiated by a violation and they still have to go through resolution compliance. The applicant was pretty clear, he makes cheesesteaks and pies for a living. This is a daunting process so maybe a gentle reminder.

Mr. McKay: That reminder comes from Mrs. Newcomb's office.

Mrs. Newcomb: Correct. I will check with Mrs. Tiver when that resolution will go out and I will give them a gentle reminder.

Mr. Taylor: Ask him to have his engineer contact us because there's going to be some coordination on some of those design things.

Mrs. Newcomb: Am I eventually going to have an approved site plan?

Mr. Taylor: Yes.

Mrs. Baggio: Is there a time line built into the process?

Mrs. Newcomb: When a violation comes to the Board for any reason and we are going through that process, my violation stays still. This is kind of in a stand still and I can't just let it go. If I don't have anything from Mr. Taylor and Mr. Miller in the next two months, the next violation can go out.

Mrs. Baggio: The resolution from what he was requesting was to clear up violations but to address the violations that you issued to him.

Mrs. Newcomb: Correct.

Mrs. Baggio: So, there is no enforcement in this resolution that things have to be completed by sixty days.

Mr. Taylor: The Board did not take that step. Resolution compliance can take 60 to 90 days. I think he is going to need a letter from the county.

Mrs. Newcomb: I'm looking more to October or November. You have to be fair to the applicant.

Mr. MacLachlan: Can you remind me specifically what the issue was. I thought it was parking and egress.

Mrs. Newcomb: It is was previously a nonconforming use. He's expanding the parking lot without permission.

Mr. Taylor: He still has to address some things like some drainage swales, plantings, some parking changes, and adding bumper blocks. So, there's a handful of changes that we need to go through that process.

Mr. McKay: The resolution has 10 to 11 items that he has to specifically deal with besides getting County Planning Board approval if that's necessary. He came before us for more than just the violations because then we imposed essentially site plan type requirements. He left with a long to do list.

Mr. Kingsbury: It just happened the other day, Beacon of Hope has filed a law suit. It is being handled by Jiff. If we do discuss it, it will be in closed session. I am not prepared to discuss it but wanted to inform you.

Mr. McKay: Can the Board receive a copy of the complaint in its next packet. I don't know how big it is.

Mr. Kingsbury: I don't want to do anything until the Jiff Fund tells us.

## **11. Board Comments**

Mr. McKay: Any Board comments.

Mr. MacLachlan: Good job Mr. Chairman.

Mr. Taylor: Happy Summer and Happy Labor Day.

## **12. Public Comments**

Mr. McKay opened public comment.

A gentleman stated he arrived late and wanted to know what happened to Item B, JDEB.

Mr. McKay: It has been carried to the September 6<sup>th</sup> meeting at 6:30pm at the request of the applicant's attorney. There will be no further notice to the public but you have notice now.

Lewis Lopez: I am a resident of Mt. Holly. The property across the street, with the bulletin boards, from the warehouse on the bypass, is that owned by Mt. Holly or Hainesport?

Mrs. Newcomb: That is Hainesport.

Mr. Lopez: Can that be used to build houses or what's in the future for that property?

Mr. McKay: That property is privately owned. The property sits there until the owner takes action.

Mr. Lopez: What's the location of the pizza shop?

Mr. Bradley: It is on Marne Highway directly across from the entrance to the industrial park.

Mr. McKay: It is identified in the resolution as 2503 Marne Highway.

Mr. Lopez: I have learned a lot from going to multiple land use boards.

Mr. McKay: It is nice to see you here and you are interest to ask questions.

### **13. Adjournment**

Mr. MacLachlan motioned to adjourn at 8:15pm.

Second: Mrs. Gilmore

**Roll call:** All in favor.

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Paula L Tiver, Secretary