

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, November 2, 2016

1. Call to Order

The meeting was called to order at 7:30 PM by Mr. Katz.

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

Notice of this meeting was published in accordance with the Open Public Meetings Act By posting on the municipal bulletin board, publication in The Burlington County Times and Courier-Post Newspapers, and by filing a copy with the Municipal Clerk

4. Announcement of “No new business after 11:00 PM”

5. Roll call

Present: Mr. Krollfeifer (left at 10:07pm), Mrs. Kelley, Mr. McKay, Mr. Lynch,
Mr. Selb, Mrs. Tyndale, Mrs. Baggio, Mr. Katz

Absent: Mr. Clauss, Mr. Dodulik

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

6. Items for Business

A. Case 16-12: Robert T Winzinger, Inc.
Block 73 Lot 11.01
2025 Marne Highway
Site plan waiver and use variance
Attorney: Denis Germano

Proper notice was given.

Mr. Krollfeifer recused himself from the application.

Mr. Germano explained that part of the Winzinger application is for a crushing machine. They have not yet been able to comply with the noise ordinance and the state regulations on sound level, therefore, they are removing the crushing machine from the application. Approval is still needed for the recycling aspect. Recycling is normally governed by the

DEP. There are 20 exemptions from DEP rules, they have been operating under a couple of these exemptions for years. They use to apply every 6 months and now is a onetime deal. Their application says that they are exempt from DEP rules but not from the towns zoning and planning. They now have to come to the Board to get the approval for what they have been doing for years at least since 2009. They are seeking approval to haul in and take out mostly concrete, some brick, block, and small quantities of asphalt from demolition jobs. The township recently brought some things to the facility. The material comes from Winzinger's demolition jobs and other parties. It is taken to their Franklinville or Philadelphia site, where they have approved recycling facilities. A quantity of the crushed material is brought and sold here.

Mr. Kingsbury swore in Audrey Winzinger.

Ms. Winzinger explained the operation of the facility. This facility has received material since 2009 from their company and others. It depends who has a job and it proximity to this site. It is a convenience. Sometimes the material is delivered in a dump truck or even the back of a Chevy. They take it and recycle it. The raw product is put on a truck and delivered to one of their two recycling centers. Then they back haul a finished product. The material is very much like a quarry material. This prevents things from being dumped in the woods when you recycle and Hainesport gets the recycling credits.

Mr. Germano questioned if there would be any truck increase.

Ms. Winzinger explained that it is the same, there is a steady flow of trucks coming in. It all depends on the weather, economy, and what is going on in the area. What they have today would not make a difference whether they did or did not crush concrete. You could draw a circle about one hour, maybe only half hour, out from the facility and that would be the area to come to this facility.

Mr. Germano questioned how long she has been doing this.

Ms. Winzinger explained that they bought the place back in 1966 back before one knew you could crush concrete. Back then, they were taking in concrete and filling the Burlington County Land Fill. Everyone figured a better way by crushing concrete and making a road base material out of it. They started that in 2009 and applied to DEP. The line at the bottom of the form stating need town approval did not exist then. They did crush down there for approximately 5 years. The crusher had been there a long time and then DEP changed their exemption. Then they started stock piling because they could no longer crush. It would be better cost effective, easier on the roads, and it would be better for the consumer if they could crush concrete there occasionally.

Mr. Germano commented that is off the table because of the noise problems.

Ms. Winzinger explained that it stopped since the regs stopped and they never applied until now.

Mr. Germano stated they are only seeking approval to stock pile, remove, and sell.

Ms. Winzinger stated yes, do what they have always done.

Mr. Germano questioned how high does the stock pile get?

Ms. Winzinger stated they have a self-imposed height limit of 20', which is what DEP always requires. She does not believe it's ever been an issue, it is always lower.

Mr. Germano asked that she explain the selling of the finished product.

Ms. Winzinger stated there is a great demand for their finished product because it is economical. They sell it for the same price as what a quarry sells their material. The \$60 to \$80 trucking fee plays a role. It is cheaper to come here if it is a local job verses driving to a quarry. They sell the material as quick as they can make it. The trucks take the raw product to Franklinville or Philadelphia to be recycled. The trucks go make their deliveries all day, stop back and get loaded with the final product to come home. They dump in a stock pile in Hainesport and then is sold. It is usually sold by the end of the day.

Mr. Germano questioned if she has received any complaints about the trucks or any aspect of the operation.

Ms. Winzinger stated she has not.

Mr. Germano questioned how DEP inspects.

Ms. Winzinger stated it happens a lot. DEP has all facility operators pay a fee of \$2,500 a quarter per facility. They are guaranteed a once a quarter visit. They do regularly come more often. Hainesport has the same inspector as Franklinville. The County Health Department also inspects. They get on average about 2 DEP and 1 Health Department visit per quarter, sometimes it's more.

Mr. Germano asked that she explain why the volume is so unpredictable.

Ms. Winzinger explained that the construction industry varies. Sometimes the Governor shuts everything down and it comes to a halt, sometimes it is booming, and it is weather related. It slows down when it's raining or it is freezing cold. It is also economically driven. It depends on what the county and towns are doing, which they receive a lot from them. They encourage the recycling and give them a cost break when they bring in and take out.

Mr. Germano questioned if she ever received a complaint from an adjoining property owner.

Ms. Winzinger stated she has not.

Mr. McKay asked that they put on record the location of the property.

Ms. Winzinger stated there are two properties there one is 2020 and 2025 Marne Hwy.

Mr. Miller handed out a map.

Mr. Germano explained in addition to the use variance, he has also asked for a site plan waiver due to nothing changing. This is an ongoing operation. The piles will remain where they are now and the trucks will continue to move as they do now. For that reason is seeking a waiver of site plan.

Mrs. Wuebker questioned if they were trying to comply with DEP recycling requirements under #7 and #20.

Mr. Germano referred to the containers and it does not have to be an actual container, it can be a Jersey barrio. They have been inspecting and approving them for years.

Mrs. Wuebker questioned if DEP has not asked them to contain the material in different manner due to being in a flood zone.

Ms. Winzinger stated that DEP has been inspecting them since 2009 and they have only been receiving passing grades. She does have a letter asking to use a jersey barrier and they wrote that it is approved and as long as it was rated to drain.

Mrs. Wuebker has concerns being so close to the wetlands and if it floods.

Ms. Winzinger read from the regulation what would be required by DEP.

Mrs. Wuebker commented that there is something that restricts taking in of other people's material.

Mr. Germano explained that one exemption deals with only their own material. They can bring it to the site and are allowed to crush it. They are not asking to crush it. The other restriction is that it can only be used on one of their own jobs.

Ms. Winzinger explained that DEP said everyone has to have a general recycling approval, like in Franklinville. Which means you pay the DEP thousands of dollar fees, you operate permanently, a lot of bells and whistles that you have to satisfy. They also said they have to exempt some activities in New Jersey to make it easier for some companies to do certain things that is how we would raise the recycling rate. #7 is what she calls a depot. Where anyone can drop off material to put in the containers that will then go to a class B recycling plant. She cannot process it there. #20 is different. Only the owner can dump there material there. At the end of the day they can either pack it up take it to a recycling center or they can bring a piece of recycling equipment and process it there. That material can only be used on their own jobs. These are two separate operations on site.

Mrs. Wuebker is trying to understand how many trucks could be coming in.

Mr. Germano explained that nothing is changing. Only people that it is economical for will come and only if they are doing a job nearby. Everyone knows about it the township, county, etc. They are not advertising.

Mrs. Wuebker stated that the use variance needs to be addressed. They are in the Accessory Commercial Residential Zone. This is a mixed use zone. Industrial uses are prohibited. They are seeking a D2 variance to expand their nonconforming use. What would change if the Board were to grant the use?

Mr. Germano stated nothing would change. It is what they have been doing since before 2009. The permits go back to 2009 but the recycling went back further. The standard to grant the use variance is the proposed activity promotes one of the purposes of zoning. One is to promote recycling. They have never had a complaint from the adjoining

neighbors. This has not been consistent with the zoning ordinance since day one. The question is whether the expansion of the activity is going to make the nonconforming use in any significant way more nonconforming with the ordinance. He does not see how this activity would affect the master plan. It is outside the master plan before it even started.

Mr. McKay commented that Winzinger has a portion of the old US Supply land.

Mr. Germano explained that yes they did. Winzinger has been in that area for many years. They are not expanding the use.

Mr. McKay commented you are not expanding the use, you are simply trying to legalize what you have been doing for years.

Mr. Germano stated they are not expanding but there is nothing else he can call it. That is the closest this he can come to for the D variances.

Mr. McKay stated that in looking at the aerial photo (exhibit A1) dated October 2016 (source March 2015), the area of disturbance will stay the same.

Mr. Germano answered it will stay the same.

Mr. McKay questioned if they plan on clearing any of the green area.

Ms. Winzinger answered no.

Mr. Germano stated that has been worked out with the DEP.

Mr. McKay questioned if the site has not changed from the date of the aerial photo until today.

Ms. Winzinger answered yes.

Mr. McKay asked about the crusher, which is not on the table today, if down the road would you need one crusher or two.

Mr. Germano explained you cannot crush what other people bring in. The exemption only allows them to crush their own.

Mrs. Wuebker stated they are just trying to legitimize what they have been doing.

Mr. Miller commented that he could walk in there any day and find three piles, one that is #7, One #20, and one that was crushed and brought in.

Ms. Winzinger confirmed. There could be 4 piles. One #7 raw, one #7 crushed, one #20 raw, one #20 crushed.

Mr. Germano stated that there could never be a #20 crush until approval is given for a crusher.

Ms. Winzinger confirmed.

Mr. McKay questioned if the piles would be moved.

Ms. Winzinger stated no.

A discussion occurred where the piles are located.

Mr. Selb summarized. Coming before the board to legitimize what you have been doing with DEP permits since 2009 and prior to that. You are doing #7 and #20 product. It is not crushed there and taken off site to be crushed, then brought back to sell the product. The containers are or could be metal or basically jersey barriers that are formed up like landscapers use to store products on site. You have a height standard of 20'. This is what you are looking to do.

Mr. Germano stated that is a DEP standard.

Ms. Winzinger stated that his summary was good.

Mr. Katz opened public comment.

Richard Arbocus was sworn in. It seems that 2006 was the last time they were allowed under limited approval to grind up concrete and do this now on a permanent basis. He presented a list of signatures that did not want this back in 2005 (exhibit A2) and the list of DEP regs (exhibit A3). He lives about 300 to 400 foot across the water from the site. When the northwest wind blows it smells and he gets the dust. There is noise. They run it whenever they feel like it. The pile is huge and they will run it for days, grinding it up. It started back in 2005 with the limited approval to get around the same operation. They found a loop hole that makes them exempt. This land use to be flowed. They are operating this right next to the wetlands. There is nothing to stop the stormwater from running off into the creek. It is known that concrete contains contaminants. He has lived there for approximately 40 years and they have not been doing it there that long. The township went to court for this that the property was one site and not three different ones and they stopped it. Now it's going to be on a permanent basis. He stated they do not know how much concrete they will get and he has seen the pile 4 stories high. The crusher makes a lot of noise. He believes they will not take the stuff to Franklinville when they have a crusher right there. In speaking with the DEP he could run this from his home and be self-regulated. He does not believe they would separate the two. DEP is not good at monitoring this stuff because they are under staffed. He cannot reach the person who does this area. How does this go on? Normally you do not run a recycling center next to a creek. It does not make sense.

Mr. McKay questioned where his property on the aerial photo is.

Mr. Arbocus stated it is the last property on the right, Block 73 lot 18.

Mr. McKay asked if he recently heard the rock crusher going on the property.

Mr. Arbocus commented that it was just last week. They just run it whenever they want.

Mr. McKay questioned what the dust and smell entails.

Mr. Arbocus explained that you get the dust from the concrete in the house and the smell from the diesel fumes. You can hear it constantly, the machine beeps when it backs up and dumping it in there. They start at 6 or 7 in the morning. Some of the DEP people said that some of the things they are doing wouldn't pass, but no one is stopping it. He has concerns with the runoff and flooding.

Mr. Selb questioned if there was other residents between he and the property.

Mr. Arbocus answered yes.

Mr. Selb commented that Mr. Arbocus called the DEP and has very little response.

Mr. Arbocus stated he has spoken to several different people to find out about the exemption. He spoke to a gentleman and he said that he needed to speak to the man in exemption.

Mr. Selb questioned if he called the State Police or the Township for the noise complaint.

Mr. Arbocus stated he did when it was under the limited approval, why bother now.

Mr. Selb commented that he has never called anyone from the Township about them running the crusher and causing noise.

Mr. Arbocus answered no, because they say it is out of their hands and is the DEP problem.

Mr. Selb asked if he called in to make complaints and when.

Mr. Arbocus stated he called within the last 6 months to reach the man at DEP.

Mr. Selb stated but nothing locally.

Mr. Katz addressed the exhibits that Mr. Arbocus gave the Board.

Exhibit A2 is a petition that states the following:

"Dear DEP, As a resident of Hainesport, Burlington County, New Jersey, I am opposed to any recycling operation at the Winzinger property on Marne Hwy. It is noisy, smelly and dirty. It is ruining my environment. It is then signed by residents and contains no date on it."

Mr. Selb questioned when the petition was done.

Mr. Arbocus stated around the limited approval, maybe 2006.

Mr. Katz stated the other Exhibit A3 is pages labeled NJDEP Recycling Exemptions with no date.

Mr. Germano questioned where their portable crushing machine is.

Ms. Winzinger stated it is out at the joint base crushing the Wilson Hospital and has been there approximately 2 to 3 months. She does not know exactly.

Mr. Germano questioned if they were crushing on the Marne Highway site.

Ms. Winzinger stated they are not.

Mr. McKay asked if she could address Mr. Arbocus's concerns.

Ms. Winzinger stated it is not there and has not been.

Mr. Selb questioned the last time something was crushed there, was it this year.

Ms. Winzinger stated no. The crusher comes back there for one reason only, for repairs and when it is being hauled from one place to another, if it's convenient. If not, the repairs at the site it's on. It normally does not need a lot of repairs. Their mobile one is fairly new. They own two crushers, the mobile one and the one that stays in Phila.

Mr. Selb questioned when repairing it would that require you to crush something.

Ms. Winzinger stated no and would rarely run.

Mr. Selb questioned if she has ever had a complaint from this gentleman or any other resident regarding the noise, crushing, or the dust.

Ms. Winzinger stated she has not and her DEP inspector has never mentioned anything to her, which she see regularly.

Mr. Katz commented stated he is in the area fishing a lot. He does hear noise, but it sounds like a truck hitting something every now and then and also the beeping of the trucks backing up. He is there at least once a week and has not heard anything running continuously for an hour straight. He thinks will it scare the fish and then it stops. He does not live there but is there often.

Mr. Selb stated he has been the clerk/administrator the last 2 years 11 months and have never received a complaint on noise or dust regarding the Winzinger site. He is not stated it did not occur but no one has ever called.

Mr. McKay questioned why a waiver of site plan is needed.

Mr. Germano stated he would imagine what the Board would want them to focus on is the three piles. They are where they will be and it would be more of an as built survey. It would be a drawing of what is on the aerial photo. The trucks move efficiently and it works.

Mr. McKay asked if he was saying that the aerial photo is as good as or better than a site plan.

Mr. Germano answered yes, it is a photograph of what would be given in a drawing.

Mr. McKay asked the professionals their view on the benefits of a formal site plan verses the waiver proposed.

Mrs. Wuebker stated the helpfulness of the site plan or if the photograph was labeled. Something that pinpoints where things are taking place. It may be a better idea to have a better containment area. It is in an environmental sensitive area. You could improve the way some materials are being stored to make sure they do not go into the wetlands. That would be the benefit of doing the benefit. It would also be a record for what they have been approved for in future years.

Mr. Germano stated this site is a storage yard for material, equipment and is a repair yard. The stuff constantly moves. The equipment there today is on a job tomorrow. There is constant movement of material and equipment on and off this site.

Mr. McKay understands that. He does not believe the site plan is burdensome. Everyone does it except where we give a waiver. This is a nonconforming use and there is an issue of the area he calls the disturbed and undisturbed areas and the borders are for that. We can see that in the aerial photo. It's from high up and is not precise. It is some of a controversial use, it is a heavy use in an area that is an environmentally sensitive and residential area. Does it hurt to do a site plan so that we at least we have the survey parameters, the wood line, parameters of the bins for the two different kinds of storage, and pile locations. He believes it would be helpful for the future.

Mr. Germano stated he does not see a problem with that and the benefit. He is afraid that what your describing turns into an exercise where you're asking them to change things, modify things, and make changes for what is working for them.

Mr. McKay stated he is looking at this from a straight forward view, which is to have a record of the situation at this time of a nonconforming use and that is all. He does not have any motives.

Mrs. Newcomb suggested that they supply the DEP delineation and paperwork, since they have told you where you can be.

Mr. McKay stated it sounds like there is already paperwork in place to give you the information to put on a site plan. A surveyor could put all that on a site plan that way you would have for future use and a benefit for all.

Mr. Germano asked if the Board would consider rather than a site plan approval, as a condition of any approval the Board might grant tonight, make it a condition that we submit what you are asking for.

Mr. McKay stated the suggestion is a reasonable one but he is only one member of the Board.

Mr. Selb asked for clarification that the gentleman stated the piles were 4 stories high (48") and Ms. Winzinger stated only 20' high.

Ms. Winzinger stated they stay with 20' because it is DEP requirement and is the safest. They regularly have Test America and test their material and has always met NJ residential regs. It's clean and is putting down in housing developments.

Mr. McKay stated we still have the issue on what to submit of way of documentation.

Mr. Germano suggested as a condition of any approval the board might grant, they provide a survey or site plan with information as described by the zoning officer and planner rather than a formal site plan.

Mr. Kingsbury questioned if he wants to do that without former board review.

Mr. Germano stated yes.

Mr. Miller stated that the bins can be delineated on a plan similar to what we have here. You would have the three bins and the roadway showing how you're getting to and from the bins, it would show the delineation lines from DEP permit, all the other equipment is movable about the site and could be outlined.

Mr. McKay stated the wetlands and the data that they already have.

Mr. Selb would like it to include the height.

Ms. Winzinger stated she is unsure if there is a height marker and will have one to make sure it is easy to determine the height of the pile.

Mr. McKay asked if we should adjourn to another meeting.

Mr. Germano requested that it be a condition of approval to submit the plan.

Mr. McKay stated he would rather see it before voting on it. He sees no harm to anyone to carry it so it can be looked at before voting since this is an ongoing operation.

Mr. Katz agreed and would like to continue it.

Mr. Arbocus would like to have someone's phone number that he can call when they run the crusher.

Mr. Selb gave him his number, (609) 267-2730 ext. 1. If he's not there leave a message and it will come to his cell phone. He will respond accordingly and is here before 7am until about 6pm.

Mr. Miller suggested when they ask the surveyor locate all of this, he is going to ask for what degree of accuracy is needed. A half of foot is close enough to plot.

Mr. Germano stated he will have the surveyor contact Mr. Miller.

Mr. Katz closed public comment.

Mr. Germano had some concerns that the plan may not be prepared prior to the December meeting.

Mr. Kingsbury asked for a letter granting an extension of time for the Board to act.

Mr. Germano stated he grants the extension and will put it in writing.

Mr. Kingsbury stated you need a motion to continue the application to the January 4, 2017 meeting.

Mr. Lynch motioned to continue until January 4, 2017.
Second: Mr. Selb

Roll call: Mr. Lynch, yes; Mr. Selb, yes; Mrs. Kelley, yes; Mr. McKay, yes;
Mrs. Baggio, yes; Mrs. Tyndale, yes; Mr. Katz, yes

Motion carries to continue the application until January 4, 2017, no further notice required.

**B. Case 16-02A: Our Lady Queen of Peace
Block 91 Lot 3
Southwest corner Marne Hwy & Lumberton Road
Preliminary and Final Site Plan
Attorney: Thomas Begley, III**

Mr. Krollfeifer recused himself.

Thomas Begley, attorney, stated he represents Our Lady Queen of Peace for a site plan approval. A use variance was granted.

William Nicholson was sworn in.

Mr. Begley asked that he explain what we are looking for site plan and bulk variances.

Mr. Nicholson provided a copy of the site plan, exhibit A1. He described the location which is a vacant lot on the corner of Marne Hwy and Lumberton Road and across the street to the existing church. They plan on the building being in the same location as presented back at the use variance but have reconfigured the parking lot of the driveway. They took a hard look at the driveway on Lumberton Road due to the neighbors' concerns and met with the county. In meeting with the county, he presented a sketch with the driveway further north and the concerns with the way it was. They have not submitted the plan to the county yet but are sure they will accept it where it is currently shown. One variance is needed for parking. The requirement is 119 parking spaces. He explained how that number is determined. They are proposing 108 parking spaces. They removed some of the parking due to allowing the trees to remain and place an evergreen buffer that are located between them and the neighbor on lot 3.02. The other change is they had a parking lot to the north side of the west wing and some access that was around the building. They eliminated that and reconfigured the building somewhat.

The larger southern larger wing is the assembly portion of the building and the northern wing is the education portion of the building for religious education. The building will function for those two uses. The education building will be used on Monday and Tuesday nights for religious education from September to May with operating hours from 5pm to 6:15pm. The assembly portion which governs the parking would be use intermittently. Typically on the weekend and somewhat during the week for smaller events and never conflict with the religious education. The education side of the building doesn't really have a parking demand. There are currently 211 students in the education system, divide that into two, since there are two nights. They do have large carpools that

deliver the children to the site. Some of the parents do park and walk their children in. With all the carpooling it is not a governing factor. The staff for the education is about 18 people.

Mr. McKay questioned if the driveways on both Marne Highway and Lumberton Road are both in and outs.

Mr. Nicholson stated yes.

Mr. Katz questioned if it would be a right turn only out of the driveway as we discussed last time.

Mr. Nicholson stated no it would be a free moving intersection on both driveways. They talked to the county and they didn't feel strongly about having to have the right turn only. If you eliminate left turn in and out of the driveway, you will be forcing people back in the site to the other driveway. He believes it is better to have the exiting traffic split in the two different driveways. They are proposing a slight widening on the east side of Lumberton Road which allow for passing lane.

Mr. McKay questioned if they would be doing a decel lane on Marne Hwy by the Winzingers, for people to pull over and get in.

Mr. Nicholson stated he wouldn't consider it as a decel lane, it is more of a shoulder widening.

Mr. McKay questioned if the county was ok without a decel lane.

Mr. Nicholson answered preliminarily yes.

Mr. McKay had some concerns with there being no decel lane and how fast they come from the bride and around the curb.

Mr. Begley explained that the use it has been approved for is two high holy days and the two days for education, it would not be used for every Sunday worship. Sunday won't be a problem.

Mrs. Baggio questioned if there is an overflow at the church would they park in that parking lot.

Mr. Nicholson answered yes if there is an overflow. There are 47 parking spaces behind the church and there is a formal crosswalk on Marne Highway. There are already handicap accessible improvements at the intersection. They are proposing an interlocking sidewalk from that intersection into the parking lot.

Mr. McKay believes the sidewalk leading up to the building seems a little narrow.

Mr. Nicholson explained that it is 6' wide and a typical sidewalk is 4'.

Mrs. Tyndale questioned will the Lumberton Rd. driveway being moved effect the homeowners.

Mr. Nicholson presented the vicinity map (exhibit A2). At the last meeting there was some concern with the location and the lights. The driveway was moved the driveway further to the north. It is basically where the existing gravel driveway is now. The lights hit the two backyards.

Mrs. Tyndale questioned if he checked with the neighbors about the driveway.

Mr. Nicholson answered no.

Mr. McKay questioned what they will planning for landscaping and street trees.

Mr. Nicolson explained that the most extensive landscaping they are proposing are on the berms along the edge between the parking area and Lumberton Road, trying to protect the residents on the other side of the road from the head light glare. There are berms in that area of 3 to 4 feet high with plantings on top. The planner talked about altering it and put in sidewalk. There are shade trees throughout the parking lot and along Marne Highway, supplementing the trees that are already out there.

Mr. McKay questioned where you would put sidewalk.

Mrs. Wuebker explained that there is sidewalk that goes down past the church and churches are natural pedestrian generators. She understands that it ends but as a planner you put it in when you can and down the road you add to it. The applicant did propose a lot of generous plantings.

A discussion occurred regarding putting in sidewalks, reducing the berm, and also improving the bus stop.

Mrs. Baggio has concerns that the traffic will back up because there is no decel lane on Marne Highway.

Mr. Selb questioned how many cars can be stack from the drop-off to the driveway.

Mr. Nicholson explained that there is an indent for the drop-off in front which will stack about 4 cars and then the driveway could stack about 10 to 12 cars. The children up to 4th grade must be brought into the building, which is half of the grades parking in the parking lot. Some will be stacking and some will not. There is plenty of room and great circulation. He does not believe they are in danger of backing people up to Marne Highway.

Mr. Katz stated that some of the parents are going to stop in the driveway and just drop off the kids, clogging it up which will cause cars to sit on Marne Highway. He believes a decel lane will help that out.

Mr. Selb stated he has also seen when some such as the Deacon is outside moving the people to not allow the congestion. That seemed to work, but it would take some effort from the church.

Mrs. Newcomb commented that they are already using the existing parking area and making a left or right out of there. There is no other way in and out at the present. It seems to be working now.

Mrs. Kelley stated that last time they testified that they would only be holding masses there two times a year on holy days. She believes the parking is a non-issue except for the headlight issues. She appreciates all they have done. If you are doing pine trees, you may not want to do as many as you have. If you do sidewalks, it should only be on Lumberton Road to the crosswalk, you don't want to extend it down Marne Highway. The homes on Lumberton Road have at least 100' frontage and it is not a type of development. They are using that parking now for the church across the street and will continue to be used that way. It works because all the masses are Saturday night and Sunday mornings.

Mr. Selb had some concerns with reducing the number of trees and the number of years it takes for them to grow. We experienced this in another place in town where the lights are shining in peoples windows. The trees will grow and then it will stop. The people should not have to wait for them to grow.

Mrs. Wuebker stated the number of plantings and she never complains of anyone putting in too much.

Mr. Selb commented that we just want to be aware that this does not happen and there is enough plantings there.

Mrs. Wuebker needs to see the sight triangle to make sure that as the trees grow it will not be a hindrance.

Mr. McKay suggested that the plantings be staggered and not in a row.

Mr. Nicholson will add the site triangles to the plan and will make sure they are all clear.

Mrs. Wuebker questioned if they are wheel blocks down the pedestrian center.

Mr. Nicholson explained that is for plantings. It is curb to curb in that area which is 12' and 6' is sidewalk. There are no wheel blocks proposed. The handicap in that area has depressed curbs and the rest is regular curbing. In addition to the handicap signs, the engineer requested that they put the signs in bollards, which they agree to.

Mrs. Wuebker questioned the location of the trash enclosure.

Mr. Nicholson explained that it is not on the plan. He met with the fire official this afternoon to discuss his letter. They are going to suppress the building. He wants a fire lane added to the plan to provide access to the rear of the building. He did a sketch (exhibit A3) and handed it out to the Board.

Mr. McKay questioned will it be paved.

Mr. Nicholson explained that it will be partial paved, where it is needed for the trash enclosure. They are proposing it to be a turf fire lane with stabilized stone for the fire truck, to the eye it will be grass. There will be bushes or bollards to define where it is. The fire official is ok with it. They wanted to keep the trash enclosure near the westerly wing, because it is the portion of the building that is used routinely. It shows one option for the trash enclosure on the sketch, they can also push it back.

Mrs. Kelley questioned where the doors are for the building.

Mr. Nicholson stated the main doors are at the front. There are emergency exit doors around the building. There may be some deliveries to the service door of the kitchenette.

Mr. Selb questioned how you would get to the doorway if there is no driveway to it.

Mr. Nicholson stated it will be manual and it doesn't happen that often.

Mr. Selb stated that the fire official talked about suppression and the need for a fire hydrant within 100 feet.

Mr. Nicholson stated they need to add two hydrants which he agreed to do this afternoon. He explained the location of the different ones.

Mr. Selb explained it is his understanding that the fire hydrant that is one their property would be their responsibility, not the townships.

Mr. Nicholson commented he is not sure about that.

Mr. Selb asked him to double check on it because he just went through this with another business and fire hydrant. New Jersey American Water told them they would be required to pay an annual fee to maintain the hydrant.

Mr. Begley stated they are willing to do what is required and will look into it.

Mrs. Wuebker asked about the trash enclosure.

Mr. Nicholson commented they agree to put in a masonry type with keeping in style with the building. He agrees with all the items in Mrs. Wuebker's letter.

Mrs. Kelley suggested they move the trash enclosure closer to the building.

Mr. Nicholson stated he will talk to the fire official because he does not want it to close to the building. Also the trash truck needs to drive up to it and back out, or put in a way for the trash truck to turn around.

Mr. Nicholson address the fire official's letter dated October 22, 2016. He met with him and have agreed to take of the items in his letter.

Mr. Nicholson addressed the Alaimo letter dated October 26, 2016. They did seek a waiver for a formal environmental impact statement. The engineer's office said that is ok but want them to focus on certain issues, which they did. They submitted a statement yesterday. All those items will be addresses when they go through their DEP permitting. The do have a stormwater design that has a discharge to the Rancocas Creek. They addressed the noise, unavoidable noise during construction. Once the site is operational they do not see it being a nuisance in the noise department. The next topic was light pollution and glare. The lights in the parking lot are state of the art LED down cast lights, there would be no glare. You do get reflection off of the paving but is unavoidable with a well lit parking lot.

Mr. McKay questioned if it would be a detention basin.

Mr. Nicholson stated it would be retained for short term. With the Rancocas Creek being tidal you can discharge as much water as you want because you cannot cause a flooding problem. Therefore they do not have to do the different storms. They must provide ground water recharge and stormwater quality.

A discussion occurred regarding the size of the basin. There will be a maintenance plan submitted.

Mr. Nicholson stated they do have to go to the county for the approval on the driveway. They do not need a loading area because they don't have that kind of use and are seeking relief there (design waiver). There will be public water and sewer. The sewer will have to be pumped up with the injector to Lumberton Road. He addressed the stormwater and the impact on Rancocas Creek. The stormwater can be handled by the Rancocas Creek due to the size of the creek. They will not have an adverse effect on the creek.

Mr. Nicholson sent an email to Mr. Miller today for clarification on the 4 items and we are in agreement. They agree to comply with the engineer's letter and the items he spelled out.

Mrs. Kelley stated she did have an opportunity to go over the environmental report today but did not have a chance to go over it with a member of the GIS. The endanger species takes place more on the other side of the creek. There may be some feeding in that area but not nesting in that area to her knowledge. She quoted from the study "Other impacts that would occur would be impacts to storm water draining to the Rancocas Creek from decreased infiltration and recharge of storm water runoff". Right now is a parking lot that is used a lot and is unpaved. She asked if there could be some type of pavement where the water goes through, more stone, less of hard pavement, and less of the curbing which is going to cause more of the runoff. She has driven by and there has been about 50 cars coming out and there is no curbing, there may be wheel stops. She would like to see more of a curbing that the water would go through and drain more into the curbing.

Mrs. Kelley addressed Mr. Miller's letter item #16a. Some testimony was provided regarding the volume of the runoff that is going into the creek. "Not increasing flood damage downstream". The Board should be aware of information she is being told. The bridge abutments on Marne Highway. She doesn't want to say a lot because she has to do more research. She believes using porous asphalt would help address this issue.

Mr. Nicholson stated the regulations are clear on the amount of recharge one has to do in the amount of water quality enhancement. They meet that standard. Porous pavement in the parking lot is very expensive and would be way more than they are required to do as far as providing recharge back into the ground.

Mr. Miller explained that the runoff from the parking area has a large grass area to go through before it gets to the stream.

Mr. Nicholson explained that all the runoff from the parking areas is directed into the water quality basin. The roof runoff is clean and will go around the basin into the lawn and eventually into the creek.

Mrs. Kelley questioned if they will be removing vegetation and putting in a pipe to run into the creek.

Mr. Nicholson explained how the water will flow.

Mr. Katz opened public comment.

Nancy Scullion, 7 Lumberton Road, was sworn in. She and her husband live across the street from the proposed parking lot and parish center. Deacon Leo did stop and speak with them regarding their driveway. She thanked everyone for relocating the driveway. They suggested at the last meeting and feel that ingress and egress should be right turn only. They would like that to be considered for both driveways. A no left turn will prevent the back up of traffic in front of her and her neighbors homes. A forced right turn would make the flow of traffic much better. If they are allowed to make a left on this single lane road, the other vehicles would go around the one waiting to turn and would encroach onto and damage their property. She had concerns with how the traffic currently flows at the light and the safety issues involved if allowing a left turn in. Marne Highway and Lumberton Road both have double yellow lines, no passing. The Marne Highway driveway has a hundred foot stripped median in the middle of the road. She has concerns for driving and pedestrian safety. They appreciate all the berms, landscaping that is proposed, it will look beautiful. Ragan Design's letter suggested sidewalks. They want the berms and landscaping as proposed on the plan. If they want sidewalks, they can set it back further, there is plenty of room. They do not want lights shining into their homes when people park in the lot at night. It was stated at the last meeting that the berm and landscaping will keep the residential use separate from this use. She thanked the Board.

Robert Stanley, 11 Lumberton Road, was sworn in. He explained the two different types of porous material that could be used. He believes what they are proposing is fine. He agrees with Mrs. Scullion that the berms need to stay and be set back enough for people to see. He doesn't have a problem if they want to put in smaller evergreens on the berms so they don't have any issues. This will cut out the headlights, the reflections from the cars, and the lights above on the asphalt reflecting onto their houses. He is ok with what they proposed as long as the setback is good so people can see when exiting. He agrees with only a right turn in and out. That traffic light is a very busy intersection.

Karla McCoy, 1516 Marne Highway, was sworn in. She lives on the corner and the traffic is already bad there and they really want to have the right only turn in and out. Believes it to be a danger to make a left out of the driveways. It is against the law to cross over the stripped median to make a left into the driveway from Marne Highway.

Mr. McKay asked if Mr. Nicholson discussed these right turns with the county.

Mr. Nicholson stated they did discuss it with them and the county did not care one way or the other.

A discussion occurred on possible ways to enforce a right only.

Mr. Begley commented that they can give testimony and agrees that this is a very busy intersection. There are 211 children in the religious education program which is divided over two nights. Some of them carpool. 100 people going to that facility 25 times a year. He understands their concerns, no one wants any accidents.

Mr. Katz stated we all go through that intersection and it is busy. Every car makes a difference. He believes the right turn is a good idea.

Mr. Nicholson commented that you also have to be aware that having only a right turn only will force people to go and make a u turn somewhere else.

Mr. Begley stated that the mass times and number of people are not changing. The impact will be on the two high holy days and cod is held two times a week for 25 weeks in a year. He agrees every car does make a difference. It is a question of degree and a solution. The church wants to be a good neighbor and make sure everyone stays safe. They don't want to solve one problem and create another.

Mr. Selb asked if a traffic study has been done.

Mr. Begley commented that the masses are just continuing at the existing site.

Mr. Nicholson stated they have not done a traffic study. If there is a problem, it would be Monday or Tuesday nights because that is rush hour. He does not believe there is an issue on Saturday nights or Sunday mornings.

Mr. Selb commented that if we have numbers from a traffic study, we would have answers.

Mr. Begley stated they are not representing that something is not going to occur. Between two entrances on any night a maximum of 100 cars coming in and out of those entrances.

Mr. Selb asked how hard it is to do a traffic study.

Mr. Stanley stated that they are good people and are not going to call and complain every day. There has been problems. It is a church, it belongs there, and it is a community thing. A traffic study would answer the question.

Mrs. Tyndale suggested that it be a right turn only on Monday and Tuesday at the designated CCD hours and that the church communicate that to the parents.

Mr. Begley asked if that would satisfy everyone instead of a traffic study.

Mr. Selb agreed.

Mr. Begley agreed.

A discussion occurred again regards to the painted median. Mr. Selb suggested that the attorneys look into it.

Mrs. Scullion commented that they want the berms and the landscaping. When she looked at the design, she is happy with it.

A discussion occurred regarding the berm, landscaping, and sidewalks.

Mr. McKay suggested that we keep the flat top 3' berm and let the professionals decide what the right number of trees are. They will figure it out the correct number for landscaping and no sidewalks.

Mr. Katz closed public comment.

Mrs. Newcomb commented how we can give preliminary and final when we have just spent two hours discussing preliminary issues that have not been resolved.

Mr. Begley stated there are only three issues. One being the berm, which they are willing to do maximum and you're asking us to do less. Second was the issue of the sidewalks, it doesn't seem to have any sense, and ask not to put in the sidewalks. Third is the issue of the driveways with the ingress and egress. It could be made a condition to look into the laws and follow them. Mrs. Tyndale came up with a great solution to make right turn only for the CCD hours.

Mr. Katz suggested that we grant preliminary tonight and wait to grant final after we hear what the county has to say.

Mrs. Tyndale would like to see the sidewalks put in. It is easiest at time of construction. There is already the curbing at the corner which was put in place for any future development.

A discussion occurred regarding the sidewalk.

Mr. Begley stated they are ok with preliminary only tonight and will look into the other issues.

Mr. Kingsbury stated we need a motion to grant parking space variance.

Mr. McKay motioned to approve parking variance to 108 spaces.

Second: Mrs. Tyndale

Roll call: Mr. McKay, yes; Mrs. Tyndale, yes; Mrs. Kelley, yes; Mrs. Baggio, yes;
Mr. Lynch, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

Mr. Kingsbury stated we need a motion to grant preliminary site plan approval with limited environmental impact waiver, loading area waiver, berm and number of trees to be decided between the applicant and professionals, as with sidewalks, right in and right out only during CCD hours, and compliance with the engineers, and planner's letters.

Mr. McKay motioned to approve.

Second: Mrs. Kelley

Roll call: Mr. McKay, yes; Mrs. Kelley, yes; Mr. Lynch, yes; Mr. Selb, yes;
Mrs. Tyndale, yes; Mrs. Baggio, yes; Mr. Katz, yes

Motion carries to approve.

7. Minutes

A. Regular Meeting Minutes of October 5, 2016

Motion to approve: Mrs. Kelley

Second: Mr. Katz

Roll call: Mrs. Kelley, yes; Mr. Katz, yes; Mr. McKay, yes; Mrs. Baggio, yes;
Mrs. Tyndale, yes; Mr. Lynch, yes; Mr. Selb, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2016-18: Zeus Investments, LLC

Granting design waivers, bulk variances and final site plan approval for redesign and paving of parking areas associated with Block 98 Lots 2.04, 2.05, 2.06

Mr. Lynch motioned to approve

Second: Mr. Katz

Roll call: Mr. Lynch, yes; Mr. Katz, yes; Mrs. Kelley, yes; Mrs. Tyndale, yes

Motion carries to approve.

B. Resolution 2016-19: Andrew Plocharczyk

Granting use variance for construction of a storage shed on a residential property in the general commercial zone on Block 102 Lot 1

Mrs. Kelley motioned to approve.

Second: Mr. Katz

Roll call: Mrs. Kelley, yes; Mr. Katz, yes; Mrs. Tyndale, yes; Mr. Lynch, yes

Motion carries to approve.

9. Correspondence

A. Letter dated September 30, 2016 from Burlington Co. Planning Board to Mr. Blair
Re: Block 101.04 Lot 1 WaWa Store #347

B. Letter dated October 10, 2016 from Stout & Caldwell to Mrs. Tiver
Re: Block 96 Lot 1.10 Nolyn Real Estate, Sonic Solar Project

C. Hainesport Township Resolution 2016-157-10 approving a performance bond for Bear Tire & Auto Center

D. Certification dated October 13, 2016 from Burlington Co. Soil to Mr. Blair
Re: Block 10 Lot 2.01, Municipal Park Pickleball Courts

E. Letter dated October 13, 2016 from Mr. Bigoss, Fire Official to Easton Bible Church
Re: Block 114 Lot 3 & 4 approval

F. Letter dated October 19, 2016 from Alaimo Engineers to Mr. Katz
Re: Block 97 Lots 1 & 1.01, Hainesport 1910 Properties, (The Bradford Estate)

G. Letter dated October 20, 2016 from Ragan Design to Mrs. Tiver
Re: Block 96 Lot 1.10, Nolyn Real Estate, LLC, Sonic,

H. Letter dated Oct 22, 2016 from Mr. Biggos, Fire Official to Sonic
Re: Block 96 Lot 1.10 Nolyn Real Estate, Sonic, Solar Power installation

Motion to accept and file: Mr. Lynch

Second: Mrs. Kelley

Roll call: Mr. Lynch, yes; Mrs. Kelley, yes; Mr. McKay, yes;
Mrs. Baggio, yes; Mrs. Tyndale, yes; Mr. Selb, yes;
Mr. Katz, yes

10. Professional Comments - None

11. Board Comments - None

12. Public Comments - None

13. Adjournment

Mr. Lynch motioned to adjourn at 11:15

Second: Mr. Katz

Roll call: All in favor

Paula L. Tiver, Board Secretary