

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, December 7, 2011

1. Call to Order

The meeting was called to order at 7:30PM 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. Boettcher, Mr. Dickinson, Mrs. Kelley, Mr. McKay, Mr. Tiver,
Mr. Kröllfeifer, Mr. Lynch, Mr. Tuliano, Mr. Bradley, Mr. Dodulik,
Mr. Katz

Absent: Mrs. Bloesch

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

6. Items for Business

- A. Case 11-16: Walkoff
Block 98 Lots 2.05 & 2.06
5 Mary Way
Final site plan waiver
Attorney: Patrick McAndrew**

Eileen Fahey, applicant’s attorney, is here for Patrick McAndrew this evening. We received approval from the Board about 1 year ago for an indoor recreation facility, primarily for softball use. They are back to allow training for other sports. She will have Chris Allen, owner, explain what has happened over the past year and why they are here.

Chris Allen was sworn in. The main reason they are here is to seek approval to expand the use of the facilities to other sports such as soccer, field hockey, etc.

Ms. Fahey questioned if it would be the same type serves that are there now, just for different sports.

Mrs. Allen answered yes.

Ms. Fahey asked that she explain how they operate now.

Mrs. Allen explained that they operate by scheduling appointments. They have 6 tunnels and a large area the size of a basketball court. Their hours of operation are as follows: Monday – Friday 4pm to 10pm, Saturday 8am to 10pm, and Sunday 8am to 9pm.

Ms. Fahey questioned if they were looking to expand their hours.

Mrs. Allen answered no. It was discussed at their last meeting then they may use the facilities more Monday thru Friday during Christmas, Easter, and summer breaks.

Ms. Fahey questioned how business was.

Mrs. Allen stated it was good. They are receiving phone calls from different coaches of different sports to use the facilities. There is a definite need for it. They are not many facilities to allow children to practice during the off season.

Ms. Fahey stated there were prior concerns with the parking and she questioned how the parking situation is.

Mrs. Allen explained that there have not been any parking issues. Most of the time a parent drops off their child with the coach and leaves.

Mr. McKay questioned if this involves any physical expansions to the plan.

Mrs. Allen stated there is no physical change inside. It is just expanding the use to allow other sports to come in.

Ms. Fahey believed the issue is that the prior approval was the focus on softball. It will still be indoor recreation but will include other sports.

Mr. McKay stated it is a narrow request. They are not expanding due to scheduling restraints such as the hours or number of employees because the facility caps that.

Mrs. Allen explained that the hours cannot expand because she and her husband have other full time jobs. It is just for the use inside so the kids have a place to practice inside.

Mr. Boettcher stated that you would be utilizing the different sports during the off season.

Mrs. Allen explained that depending on the sport, there is not much of a down season. Her girls' softball practice begins in January.

Mr. Miller questioned what the maximum number of people that would be using the facility at one time.

Mrs. Allen explained that is a difficult question. One tunnel could have one person and a team of 12 could be using 2 tunnels. The field may have only 10 kids come in at one time.

Mr. Miller questioned if there would be a need for any changes to the parking requirements. Most of the participants do not drive and are dropped off by the parents.

Mrs. Allen does not feel that would be an issue because there are allotted time frames. It is a revolving cycle of people coming and leaving. There have not been any issues with parking and they have not really utilized the front parking.

Mr. Miller does not believe parking is an issue.

Mrs. Allen explained that they have had no issues with parking since they have been open.

Mr. Katz believes it is due to being nights and weekends.

Mr. Kingsbury stated that last year the applicant was Zeus LLC and it is now Walkoff. He questioned what the relationship is between the two.

Ms. Fahey stated that Zeus is the owners of the building and was the ones to make the initial application.

Mr. Krollfeifer questioned why they were coming before the Board and if the Board was that restrictive. He hopes that they will not be restricting it. The last time they appeared was for indoor recreation, specifically for girls' softball.

Mrs. Newcomb explained that at the time the concern was with parking. She does not have the right to make that decision. She does not have an issue if the Board wishes her to do it by administrative changes.

Mr. Krollfeifer does not want to see a business have to go through an additional expense to expand a business if it is the same basic operation.

Mr. Katz opened public comment. None. Closed public comment.

Mr. Tuliano motioned to approve.

Second: Mrs. Kelley

Mr. Krollfeifer questioned if the applicant was looking for any indoor sport.

Mrs. Allen answered yes.

Mr. Kingsbury explained that the applicant is looking for a site plan waiver for the increased activity. The question was does this generate additional parking requirements. The decision was it did not.

Mr. Tuliano stated that we are satisfied that an expansion would not create a parking issue and there is no reason to come back before the Board to add another sport.

Roll call: Mr. Tuliano, yes; Mrs. Kelley, yes; Mr. Boettcher, yes; Mr. Dickinson, yes;

Mr. McKay, yes; Mr. Tiver, yes; Mr. Krollfeifer, yes; Mr. Lynch, yes;
Mr. Katz, yes

Motion carries to approve.

Ms. Fahey stated they would like a waiver to proceed prior to the memorialization of the resolution.

Mr. Tuliano motioned to approve a waiver.

Second: Mr. Lynch

Roll call: Mr. Tuliano, yes; Mr. Lynch, yes; Mr. Boettcher, yes; Mr. Dickinson, yes;
Mrs. Kelley, yes; Mr. McKay, yes; Mr. Tiver, yes; Mr. Krollfeifer, yes;
Mr. Katz, yes

Motion carries to approve.

B. Case 11-15: Hainesport 1910 Properties, LLC
Bradford @Hainesport
Block 97 Lots 1 & 1.01
Preliminary & final site plan, bulk variance, use variance, conditional use
Attorney: Kevin Sheehan

Proper notice was given.

Mr. Boettcher and Mr. Dickinson recused themselves.

Kevin Sheehan, applicant's attorney, they are proposing an addition of 1,849 sq. ft. first floor addition, 3,074 sq. ft. and a second floor addition to the Bradford located at 1910 Marne Highway. The property is located in the general commercial zoning district. It was formally known as Kelly's Fisherman's Inn. It started as a restaurant and sometime in 1988 the Board granted a variance and site plan approval to permit a restaurant and catering hall. It is currently only a catering hall. They appeared before the Board in 2008 for some minor administrative amendments. At that time the Board recognized it as a catering hall as well. They are seeking a d variance to permit the expansion of the nonconforming use and preliminary and final site plan approval. There are some minor parking lot changes.

There are some minor submission waivers being requested to include traffic study, an environmental impact statement, storm drainage system plan and calculations, soil erosion and sediment control plan. A tax collectors verification form has been submitted.

Mr. Wisnosky recommended that the 6 waivers be granted. They are minor in nature.

Mr. Lynch motioned to grant the waivers.

Second: Mr. Krollfeifer

Roll call: Mr. Lynch, yes; Mr. Krollfeifer, yes; Mrs. Kelley, yes; Mr. McKay, yes;
Mr. Tiver, yes; Mr. Tuliano, yes; Mr. Katz, yes

Motion carries to grant waivers.

George Truesdale, President and Owner of 1900 Properties LLC, was sworn in.

Mr. Sheehan questioned when he purchased the property and its use.

Mr. Truesdale explained that he purchased the property in 2004. It had a small restaurant on the Marne Highway side and a hall on the other side.

Mr. Sheehan asked when it became just catering and why.

Mr. Truesdale answered almost immediately, after they had done some renovations. The prior owner was not making any money with the restaurant.

Mr. Sheehan asked the hours of operation, number of employees, and types of functions.

Mr. Truesdale stated that most business occurs Friday, Saturday, and Sunday starting 6pm to 7 pm and ending 10pm to 11pm. Sometimes there are week night events, very little business during the day. There are about 16 employees; only 3 are full time employees. They mostly do weddings, some fundraisers, and different affairs.

Mr. Sheehan questioned if there were any issues regarding parking.

Mr. Truesdale stated he is not aware of any.

Mr. Sheehan questioned if there were any facilities outside.

Mr. Truesdale explained that the only thing they do outside is a wedding ceremony. Part of the application is to move that location which is currently near Marne Highway to the back side of the building. They are trying to get away from the noise of the highway.

Mr. Sheehan questioned why they were seeking the addition.

Mr. Truesdale explained that the cocktail room is too small and addition storage space is needed. The cocktail hour has become more important for weddings and the current size is a detriment to the business.

Mr. Sheehan questioned if the cocktail room and banquet room would ever be occupied by two different parties.

Mr. Truesdale answered no. They would either be in the cocktail room or the banquet room.

Mr. Truesdale explained that more brides are getting married at the facilities. They are trying to landscape it make it look like an estate.

Mr. Sheehan asked him to explain the impact of the site between catering and a restaurant.

Mr. Truesdale explained that a catering hall has a much lower impact. People come and leave at the same time. They generally have more than one person in a vehicle. The bridal party normally comes in some form of transportation such as a limousine.

Mr. Sheehan questioned if they have had any parking issues regarding the number of parking spaces.

Mr. Truesdale stated they are more than adequate.

Ronald Sadowski, engineer, was sworn in. A colored map of the proposed site plan was marked as exhibit A1. He explained the site. To the north is residential, east is the Rancocas Creek with wetlands, a tree line that wraps around the south to a railroad track, and to the west is an industrial site. He pointed out the entrance and exit of the site with the various drive isles with striped parking spaces.

Mr. Sheehan questioned if there were any changes to the existing parking area.

Mr. Sadowski stated the only changes proposed are the relocation of the two dumpsters on the south side would be put into an enclosed area. The parking lot would be restriped 9' x 18' parking spaces on the south side. In the northern area where the addition is proposed the parking spaces will be restriped to include an additional ADA parking space.

Mr. Sheehan questioned if there were any changes to the isle width.

Mr. Sadowski answered there are no proposed changes.

Mr. Sheehan questioned where the existing lighting on the site is.

Mr. Sadowski explained there are existing poles with lights mounted throughout the site which are shown on the plan. In the paved area for the proposed parking they will install wall mounted lights.

Mr. Sadowski referred to A1 and described the different areas what is existing and proposed additions. There is a new paver walkway that will lead from the northern part of the addition along the east side of the building leading to a new gazebo. The Northern and eastern side of the building will have an overhang covering the walkway.

Mr. Sheehan stated the overhang will create a setback variance and a variance is needed for the parking.

Mr. Sadowski answered yes. The overhang and pavers will be 1.1 feet from the setback where 15' is required. The adjoining lot is also owned by the applicant. The creek and wetlands are located on that property. That property is non-developable. Along the southwestern corner or the property line there is a zero setback for parking where 15' is required. This is an existing parking condition.

Mr. Sheehan stated that the gazebo location will be changed.

Mr. Sadowski explained that there is a gazebo that is located on the adjoining property, which he owns, and be relocated onto this property. It will be set outside the setback line.

Mr. Wisnosky addressed his letter dated November 22, 2011. The reason this is a use variance is because catering is not a permitted use in the general commercial district. This is an expansion of a nonconforming use. This site is particularly suited for this use. The expansion of this use will have no detriment to the neighborhood or the zone plan. He recommended the granting of the use. Regarding the c variances, the setback of the parking lot is an existing condition, the proposed building overhang encroaches to within 1.1 feet adjacent to the eastern property line, and there would be no impact to the stream. He recommends the granting of the c variances. The have address just about everything

in his letter regarding the site plan. The only thing he was concerned with was creating some kind of relief in the back corner so if someone needs to back out.

Mr. Sadowski explained the owner had concern with adding additional pavement back towards the gazebo and would rather lose two parking spaces, stripe it so there was no parking in that location.

Mr. Wisnosky does not want to see additional pavement and was thinking of the restriping.

Mr. Sadowski agreed.

Mr. Wisnosky stated that they have conformed to the items in his letter.

Mr. Miller addressed his letter dated December 2, 2011. His review centered on the parking and travel lanes. Most of the travel lanes are deficient and requires a parking waiver. The isle widths are most important when there is in and out traffic. This site has everyone comes in and out around the same time which he would not consider the isle width much of a problem. There is a couple of space on north side of the parking area that appears to be 15' instead of the 18'. The engineer would have to address.

Mr. Sadowski explained that is an existing condition. If the Board feels it is necessary, they could widen the pavement in that area by 3 feet.

Mr. Wisnosky questioned if the parking lot has ever been 100 percent full.

Mr. Sadowski answered no.

Mr. Wisnosky can't imagine anyone parking in those spaces.

Mr. Lynch questioned how many parking spaces are on the plan.

Mr. Sadowski stated there are 100 parking spaces proposed.

Mr. Sheehan stated the ordinance requires 88 spots.

Mr. McKay questioned how many people will the building hold.

Mr. Sheehan stated 220 to 240 people.

Mr. McKay commented that it would be an extraordinary event to have 100 cars.

Mr. Tuliano commented that the few short parking spaces have not created a problem in the past. Why would we change it and cause a problem later. It is working now.

Mr. Wisnosky agreed.

Mr. Tuliano stated that he has been there for several functions. The parking lot has never been completely full and has had no issues with getting in or out of the site.

Mr. Miller stated that the small spaces are the spots that are most remote.

Mr. Sheehan stated they would need a waiver. The fire official also wrote a letter and they will comply.

Mr. Sadowski explained that he spoke with the fire official. He stated it is a state law that circulation be a minimum of 20'. Referring to the map, this area that is 17' would have to be widened to 20'. The area towards the south which is 18', they would have to widen the pavement by 2'. The fire official told him that he understood that it is an existing condition but the state law dictates it to be 20'. If that is a necessity, they will make it 20'.

Mr. Tuliano questioned if anyone knew if it was accurate.

Mrs. Newcomb stated that she knows when you build something new it has to be 20' but is unsure if it is existing condition.

Mr. Sadowski explained that they will look into it. If they find that it is needed, they will do it. If it is not required, they will leave it as is. They agree with everything else in the letter.

Mr. Sheehan stated that they received a letter today from the county. The county is asking that the applicant try and make that entrance and exit as close to 90 degrees as possible.

Mr. Sadowski explained that they need a minimum of 75 degrees and will work with the county.

Mr. Sheehan commented that it may require a minor amendment. They may ask the Board to do it administratively. If there are any problems with that, they will come back.

Mr. Krollfeifer referred to A1 and questioned if the dark green area was all wooded and if Mr. Truesdale owns all of it.

Mr. Sadowski answered yes.

Mr. Krollfeifer questioned the residential area. It is north of Marne Highway and is only 3 to 4 homes.

Mr. Sadowski agreed.

Mr. Miller commented that he asked the applicant provide the flood hazard line on the plan. There doesn't seem to be any conflicts.

Mr. Sadowski stated the revised plans will show it.

Mrs. Kelley asked if the property goes to the creek.

Mr. Sadowski stated that adjoining property which is owned by the applicant goes to the creek. It is about 18 acres and will never be developed.

Kurt Ludwig, architect, was sworn in. He described the proposed floor plan (exhibit A2) which is shaded in yellow. The addition will include an enlarged kitchen, cocktail room, and a wraparound porch. There are two proposed stair cases to the second floor which will include storage, an office, and a bridal room. It will be completely sprinkled.

Mr. Ludwig referred to the exterior architectural plan (exhibit A3) which shows the front, rear, and left side elevations. The proposed addition will match the existing structure.

Mrs. Kelley questioned if there would be an entrance to the building from the gazebo area and if it will have wheelchair access.

Mr. Ludwig explained the different entrances and it will have wheelchair access.

Mrs. Newcomb questioned if there would be any additional exterior lighting on the second story in the front of the building.

Mr. Ludwig explained he is unaware of any lighting on the upper area. There will be lighting on the porch, around the back, in the entrance ways, and the lighting that Mr. Sadowski pointed out.

Mr. Katz opened public comment. None. Closed public comment.

Mr. Kingsbury explained that there are separate votes needed: 1) whether to grant the use variance for the expansion of the catering facility

Mr. McKay motioned to grant the use.

Second: Mrs. Kelley

Roll call: Mr. McKay, yes; Mrs. Kelley, yes; Mr. Tiver, yes; Mr. Krollfeifer, yes;
Mr. Lynch, yes; Mr. Tuliano, yes; Mr. Katz, yes

Motion carries to grant the use.

Mr. Kingsbury stated the second vote would be whether to grant the requested bulk variances which are the two side yard variances and the parking variances.

Mr. McKay motioned to grant the bulk variances.

Second: Mr. Tuliano

Roll call: Mr. McKay, yes; Mr. Tuliano, yes; Mrs. Kelley, yes; Mr. Tiver, yes;
Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Katz, yes

Motion carries to grant bulk variances.

Mr. Kingsbury stated the third vote would be whether to grant the site plan approval subject to compliance with the planner and engineer letters.

Mrs. Kelley commented that they also asked if we could do an administrative amendment if needed for the county.

Mr. Kingsbury stated that if the county is going to require a different entrance, will the Board consider an administrative amendment if it doesn't have any significant impact to the site.

Mr. Lynch motioned to approve.

Second: Mr. Tuliano

Roll call: Mr. Lynch, yes; Mr. Tuliano, yes; Mrs. Kelley, yes; Mr. McKay, yes;
Mr. Tiver, yes; Mr. Krollfeifer, yes; Mr. Katz, yes

Motion carries to approve site plan.

7. Minutes

A. Regular Meeting Minutes of November 2, 2011

Motion to approve: Mrs. Kelley

Second: Mr. Tiver

Roll call: Mrs. Kelley, yes; Mr. Tiver, yes; Mr. Boettcher, yes; Mr. McKay, yes;
Mr. Lynch, yes; Mr. Tuliano, yes; Mr. Katz, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2011-17: Granting front setback variances and fence variance for additions to an existing residential dwelling on Block 111 Lot 16

Motion to approve: Mr. Lynch

Second: Mr. Tuliano

Roll call: Mr. Lynch, yes; Mr. Tuliano, yes; Mr. Boettcher, yes; Mrs. Kelley, yes;
Mr. McKay, yes; Mr. Tiver, yes; Mr. Bradley, yes; Mr. Katz, yes

Motion carries to approve.

B. Resolution 2011-18: Granting fence variance for residential property on Block 100.06 Lot 15

Motion to approve: Mr. Lynch

Second: Mr. Tuliano

Roll call: Mr. Lynch, yes; Mr. Tuliano, yes; Mr. Boettcher, yes; Mrs. Kelley, yes;
Mr. McKay, yes; Mr. Tiver, yes; Mr. Bradley, yes; Mr. Katz, yes

Motion carries to approve.

Mrs. Tiver stated she needed to amend the agenda to include under correspondence a fax dated 12/6/11 from Burlington County Planning Board to Robert Bowman This fax along with item G and H are asking for a 30 day extension from the county. I need the Boards approval to sign the three documents granting that extension.

9. Correspondence

A. Notice dated October 7, 2011 from NJDOT
Re: Block 101.06 Lot 99

B. Letter dated October 24, 2011 from Alaimo Associates to Tim Maser
Re: Hainesport Community Baptist Church Map Filing Review Case #11-05

C. Letter dated October 26, 2011 from Joseph Arsenault
Re: Duplicate Copies of a NJ Depart of Environmental Protection-Division of Land Use Regulation Applications for Freshwater Wetland Letter of Interpretations for Lots 1 and 1.01 Block 97

- D. Letter dated October 26, 2011 from Alaimo Associates to John Pettit
Re: Association of Bosniaks Block 104 Lot 1, Minor Subdivision Review
Case #11-12
- E. Letter dated October 28, 2011 from Burlington Co Planning Board to Joseph Ventresca
Re: 505 Marne Highway, Release of Maintenance Guarantee Bond #B1054771
- F. Letter dated November 2, 2011 from Alaimo Associates to David Katz
Re: Associates of Bosniaks of Delaware Block 104 Lot 1 Site Plan Approval
Case 11-12
- G. Fax dated November 15, 2011 from Burlington Co Planning Board
Re: Requesting extension on Bradford Restaurant Expansion Block 97 Lots 1 & 1.01
- H. Fax dated November 23, 2011 from Burlington Co Planning Board
Re: Requesting extension of review period on Dialysis Center and Medical Office
Block 101.06 Lot 99
- I. Certification dated November 28, 2011 from Burlington Co Soil Conservation District
To Gene Blair
Re: Block 104 Lot 1 Association of the Bosniaks Delaware Valley Phila.
- J. Letter dated November 25, 2011 from Alaimo Associates to Paul Tuliano, Jr

Motion to accept, file, and sign: Mr. Tuliano

Second: Mr. Krollfeifer

Roll call: Mr. Tuliano, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mrs. Kelley, yes;
Mr. McKay, yes; Mr. Tiver, yes; Mr. Lynch, yes; Mr. Katz, yes

Motion carries.

10. Professional Comments

Mr. Wisnosky wished everyone a happy holiday and hoped to see them at the Christmas Party.

11. Board Comments -None

12. Public Comments - None

13. Adjournment

Mr. Katz motioned to adjourn at 8:25pm.

Second: Mr. Tuliano

Roll call: All in favor

Paula L Tiver, Secretary