

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
REORGANIZATION MEETING
MINUTES**

Time: 7:00 PM

Wednesday, January 5, 2011

1. Call to order

The meeting was called to order at 7:00PM by Mrs. Tiver.

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. Township Committee Resolutions

The following resolutions were read by Mrs. Tiver:

Resolution 2011-18-1 Appoint Class I and Class II Members to the Joint Land Use Board

Resolution 2011-19-1 Appoint Class III Member to the Joint Land Use Board

Resolution 2011-20-1 Appoint Class IV Members to the Joint Land Use Board

Resolution 2011-21-1 Appoint Class IV Alternate 2 & 4 Members to the Joint Land Use Board

**HAINESPORT TOWNSHIP
RESOLUTION 2011-18-1
RESOLUTION TO APPOINT CLASS I AND CLASS II
MEMBERS TO THE JOINT LAND USE BOARD**

BE IT RESOLVED by the Township Committee of the Township of Hainesport, County of Burlington and State of New Jersey that pursuant to N.J.S.A. 40:55D-23 the Mayor is hereby appointed to the Hainesport Township Joint Land Use Board to serve for the mayor's official tenure:

BE IT FURTHER RESOLVED that in the mayor's absence the mayor may appoint a designee who shall serve at the pleasure of the mayor during the mayor's official tenure:

Class I, Mayor, 1 year term to December 31, 2011 – Michael Dickinson

BE IT FURTHER RESOLVED that the mayor appoint an official of the municipality, other than a member of the governing body, to serve as a member of the Land Use Board for the term stated below, unless that person no longer serves as an official of the municipality:

Class II, Official of the Municipality, 1 year term to December 31, 2011 – Paul J. Tuliano, Jr.

BE IT FURTHER RESOLVED that a copy of this resolution be given to the CMFO, Administrator, and Joint Land Use Board Secretary for their records.

I, Paul J. Tuliano, Jr. do certify this to be a true copy of a resolution adopted by the Hainesport Township Committee at the Reorganization meeting held on January 4, 2011.

Paul J. Tuliano, Jr.
Township Administrator/Clerk

**HAINESPORT TOWNSHIP
RESOLUTION 2011-19-1
RESOLUTION TO APPOINT CLASS III MEMBER
TO THE JOINT LAND USE BOARD**

BE IT RESOLVED by the Township Committee of the Township of Hainesport, County of Burlington and State of New Jersey that the following member of the governing body be appointed to the Joint Land Use Board.

Class III, Member of the governing body, 1 year term to December 31, 2011 – William Boettcher, III

BE IT FURTHER RESOLVED that this appointment shall be for one year or terminate at the completion of the elected officials term of office, whichever occurs first.

BE IT FURTHER RESOLVED that a copy of this resolution be given to the Administrator and Joint Land Use Board Secretary for their records.

I, Paul J. Tuliano, Jr. do certify this to be a true copy of a resolution adopted by the Hainesport Township Committee at the Reorganization meeting held on January 4, 2011.

Paul J. Tuliano, Jr.
Township Administrator/Clerk

**HAINESPORT TOWNSHIP
RESOLUTION 2011-20-1
RESOLUTION TO APPOINT CLASS IV MEMBERS
TO THE JOINT LAND USE BOARD**

BE IT RESOLVED by the Township Committee of the Township of Hainesport, County of Burlington and State of New Jersey that the following Mayor's appointments to the Hainesport Township Joint Land Use Board be approved to serve as volunteers:

**Class IV, 4 year term to expire December 31, 2014 – Thomas McKay
Class IV, 4 year term to expire December 31, 2014 – H. Krollfeifer, Jr**

BE IT RESOLVED that a copy of this resolution be given to the CMFO, Administrator, and Joint Land Use Board Secretary for their records.

I, Paul J. Tuliano, Jr. do certify this to be a true copy of a resolution adopted by the Hainesport Township Committee at the Reorganization meeting held on January 4, 2011.

Paul J. Tuliano, Jr.
Township Administrator/Clerk

**HAINESPORT TOWNSHIP
RESOLUTION 2011-21-1
RESOLUTION TO APPOINT CLASS IV ALTERNATE
MEMBERS TO THE JOINT LAND USE BOARD**

BE IT RESOLVED by the Township Committee of the Township of Hainesport, County of Burlington and State of New Jersey that the following Mayor's appointments to the Hainesport Township Joint Land Use Board be approved to serve as volunteers:

Class IV, Alternate #1, two year term until December 31, 2012

Class IV, Alternate #3, two year term until December 31, 2012 – Beverly Bloesch

BE IT FURTHER RESOLVED that a copy of this resolution be given to the CMFO, Administrator, and Joint land Use Board Secretary for their records.

I, Paul J. Tuliano, Jr. do certify this to be a true copy of a resolution adopted by the Hainesport Township Committee at the Reorganization meeting held on January 4, 2011.

Paul J. Tuliano, Jr.
Township Administrator/Clerk

5. Swearing in of New Appointees

Mr. Kingsbury administered the oath of office to the following: Mr. Boettcher, Mr. Dickinson, Mr. Krollfeifer, Mr. Tuliano, Mrs. Bloesch

6. Roll Call

Present: Mr. Boettcher, Mr. Dickinson, Mr. Tiver, Mr. Katz, Mr. Krollfeifer, Mr. Tuliano, Mr. Bradley, Mrs. Bloesch, Mr. Dodulik, Mr. Lynch

Absent: Mrs. Kelley, Mr. McKay

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

7. Nomination of Chairperson for 2011

Mrs. Tiver asked for a nomination for the position of chairperson.

Mr. Lynch nominated Mr. Katz for Chairman.
Second: Mr. Tiver

Mrs. Tiver asked for any further nominations. None

Mr. Boettcher motioned to close nominations.
Second: Mr. Krollfeifer

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

Motion carries for Mr. Katz as Chairman.

Mrs. Tiver congratulated Mr. Katz on his new position as Chairman and turned the meeting over to him.

8. Nomination of Vice-Chairperson for 2011

Mr. Katz asked for a nomination for the position of vice-chairperson.

Mr. Lynch nominated Mr. McKay.

Second: Mr. Tiver

No further nominations.

Mr. Boettcher motioned to close nominations.

Second: Mr. Katz

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

Motion carries for Mr. McKay as Vice-Chairman

9. Appointment of Secretary for 2011

Mr. Katz asked for a nomination for the position of secretary.

Mr. Lynch nominated Mrs. Tiver.

Second: Mr. Krollfeifer

Mr. Boettcher motioned to close nominations.

Second: Mr. Katz

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

Motion carries for Mrs. Tiver as board secretary.

10. Appointment of Professional Staff for 2011

Mr. Boettcher nominated the following:

- A. Solicitor:** Robert Kingsbury, Esq., Board Attorney
- B. Engineer:** Martin Miller, Board Engineer (Alaimo Associates)
- C. Planner:** Michael Wisnosky, Board Planner (Ragan Design Group)

Second: Mr. Lynch

No further nominations.

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

Motion carries to appoint professional staff.

Mr. Katz congratulated the professional staff.

11. Time, Dates, and Meeting Place for Meetings

Mr. Katz motioned to approve the meeting dates listed below.

NOTICE HAINESPORT TOWNSHIP JOINT LAND USE BOARD

The Hainesport Township Joint Land Use Board will meet on the first Wednesday of each month (*except as noted) at 7:30 PM in the Hainesport Township Municipal Building, One Hainesport Centre, Hainesport, New Jersey.

Applications must be filed 20 working days prior to the meeting and plans submitted to the Professional Staff 20 working days prior to the meeting.

Special meetings held at the call of the Board.

Meeting Dates:

January 5, 2011	July 6, 2011
February 2, 2011	August 3, 2011
March 2, 2011	September 7, 2011
April 6, 2011	October 5, 2011
May 4, 2011	November 2, 2011
June 1, 2011	December 7, 2011

Reorganization Meeting: January 4, 2012, 7:00 PM

Regular Meeting: January 4, 2012, 7:30 PM

Dated: January 5, 2011
Paula L. Tiver, Secretary

Second: Mr. Boettcher

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

Motion carries for meeting dates.

12. Official Newspaper

Mr. Katz motioned that the Burlington Co. Times be the official newspaper.

Second: Mr. Boettcher

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

Motion carries.

13. Motion “That all new business requiring the Board’s Professional Staff must be in their hands at least 20 days prior to the meeting”.

Motion to approve: Mr. Katz

Second: Mr. Krollfeifer

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

Motion carries.

14. Motion of “No new business after 11:00 PM

Motion to approve: Mr. Tuliano

Second: Mr. Tiver

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

Motion carries

15. Resolution 2011-01: Establishing policy regarding postponements of applications.

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

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

Motion carries

16. Professional Comments - None

17. Board Comments - None

18. Public Comments - None

19. Adjournment

Mr. Katz motioned to adjourn at 7:14

Second: Mr. Tiver

Roll call: All in favor

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, January 5, 2011

1. Call to Order

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

2. 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, Mr. Tiver, Mr. Krollfeifer, Mr. Lynch,
Mr. Tuliano, Mr. Bradley, Mr. Dodulik, Mrs. Bloesch, Mr. Katz

Absent: Mr. McKay, Mrs. Kelley

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 07-27D: TJV Limited, LLC
Block 28 Lots 2, 9, 10, 11, 12
505 Marne Highway
Amended site plan for sign
Attorney: James Burns**

Mrs. Newcomb explained that she has met with JVS several times regarding the signage for the property. There is no sign ordinance for this area. In reviewing the Land Use ordinances, there is a SRC zone located off Maine Ave and Rte. 38 which is a commercial area surrounded by residential homes that is similar to the property in question. With that in mind, she recommended that they go with this size sign. The signs that are along Route 38 are very large and she does not believe it would fit this area. The idea came from her and the applicant.

Ms. Morgan Kelley, applicant’s attorney, explained they are seeking an amended site plan approval for signage for the first floor auto detailing use. They would like to construct a freestanding sign on the property located at 505 Marne Highway. There are no variances required.

Mr. Michael Trophy from TJV Limited was sworn in. He stated they are seeking a sign for the auto detailing business. They have been working with Mrs. Newcomb to find what would fit in the neighborhood. The sign would be centered in front of the building between the driveways and about centered from the sidewalk in front of the building and the county sidewalk. It would be 5' from the property line. The sign would be 4' x 4' with some letter space underneath it for marketing. They presented a picture of what the sign would look like. The sign will help his client market and establish his business.

Mrs. Newcomb likes the lettering space under the sign that can be changed. She does not want to see signs all over the front of the property.

Mr. Lynch questioned if the sign would be lighted.

Mr. Trophy answered there will be no lighting.

Mr. Lynch questioned if the sign will obstruct the view of vehicles leaving the site.

Mr. Trophy explained it would not and explained that it is probably 15' from the curb line.

Mr. Boettcher questioned if the sign would interfere with the adjacent property owners site triangle.

Mr. Trophy stated it should not.

Mr. Wisnosky stated he did not visit the site and referred to Mrs. Newcomb.

Mrs. Newcomb does not believe the location is a problem.

Mr. Boettcher asked if the picture on the exhibit is the sign content.

Mr. Trophy explained it is the graphics that the tenant would like on the sign.

Mr. Boettcher believes that it is a lot of information for a small sign.

Mr. Bradley asked that it be pointed out on the map where the residential driveways are on the adjacent properties.

Mr. Trophy showed the locations on the map.

Mr. Krollfeifer visited the site today and complimented the wonderful job they have done to the property. He asked if he knew when they would be finishing the siding.

Mr. Trophy stated they are hoping to within a couple of months.

Mr. Krollfeifer explained when he visited the site, he paced off the location from the curb to the sidewalk which is 10 feet, the side walk is 4 feet, and the sign will be 5 feet back from that. The sign will be about 19 feet from the curb line.

Mr. Wisnosky explained that if it is 19 feet, a car is normally 19ft in length and believes that if you are pulling out of the driveways, you will be way past the sign and there should not be any conflict.

Mr. Bradley questioned if there would be landscaping around the sign.

Mr. Trophy stated there would not be and pointed out on the plan the existing landscaping.

Mr. Wisnosky stated he visited the site the first week of December and he believes the existing landscaping is acceptable.

Mr. Boettcher questioned if the approvals for the site include new/used tires repair, oil changes, etc.

Mrs. Newcomb answered yes.

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

Mr. Krollfeifer motioned to approve.

Second: Mr. Lynch

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

Motion carries to approve signage.

D. Discussion on the 2010 Hainesport Joint Land Use Board Annual Report

Mrs. Tiver explained that the Board is required by law to review the cases from the year. If there are any same cases that we are continuously approving the Board would need to look into possible changing any ordinances. In reviewing, she does not see any similar cases and asked the Board did. If the Board does not see anything, then they just have to accept the report.

Mr. Katz asked the Board if there were any questions.

None.

Mr. Krollfeifer left the room.

7. Minutes

A. Regular Meeting Minutes of December 1, 2010

Motion to approve: Mr. Bradley

Second: Mr. Tiver

Roll call: Mr. Bradley, yes; Mr. Tiver, yes; Mr. Boettcher, yes; Mr. Dickinson, yes; Mrs. Bloesch, yes; Mr. Lynch, yes; Mr. Tuliano, yes; Mr. Katz, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2011-02: Hainesport Joint Land Use Board Adopting 2010 annual report

Motion to approve: Mr. Lynch

Second: Mr. Bradley

Roll call: Mr. Lynch, yes; Mr. Bradley, yes; Mr. Boettcher, yes; Mr. Dickinson, yes;
Mrs. Bloesch, yes; Mr. Tiver, yes; Mr. Tuliano, yes; Mr. Katz, yes

Motion carries to approve.

B. Resolution 2011-03: Zeus Investments, LLC

Granting submission waivers, design waivers and preliminary/final site plan approval for construction of parking lot areas serving an indoor recreation use on Block 98 Lots 2.05 and 2.06

Motion to approve: Mr. Tiver

Second: Mr. Bradley

Roll call: Mr. Tiver, yes; Mr. Bradley, yes; Mr. Boettcher, yes; Mr. Dodulik, yes;
Mr. Lynch, yes; Mr. Katz, yes

Motion carries to approve.

C. Resolution 2011-04: Kathleen A Kemery

Granting site plan waiver upon change of tenant at Dorothy's Healing Center on Block 100.18 Lot 3.01

Motion to approve: Mr. Bradley

Second: Mr. Tiver

Roll call: Mr. Bradley, yes; Mr. Tiver, yes; Mr. Boettcher, yes; Mr. Dodulik, yes;
Mr. Lynch, yes; Mr. Katz, yes

Motion carries to approve

9. Correspondence - None

10. Professional Comments - None

11. Board Comments - None

12. Public Comments - None

13. Adjournment

Mr. Katz motioned to adjourn at 7:49

Second: Mr. Bradley

Roll call: All in favor

Paula L Tiver, Secretary

216
**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, February 2, 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. Swearing in of New Appointees

Mr. Kingsbury administered the oath of office to Thomas McKay.

6. Roll Call

Present: Mr. Boettcher, Mr. Dickinson, Mrs. Kelley (arrived 7:35pm), Mr. McKay, Mr. Tiver, Mr. Krollfeifer, 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

7. Items for Business

**A. Case 11-02: Hari & Anjali Date
Block 114.02 Lot 7
17 Elsinore Drive
Bulk variance for fencing**

Proper notice was given.

Mr. McKay and Mr. Dickinson recused themselves from the case because they live within 200 feet of the subject property.

Mrs. Kelley arrived at 7:35 pm.

Mr. and Mrs. Date, applicants, were sworn in. They are seeking a bulk variance for a split rail fence that was installed the middle of last year. They have lived in the home approximately 3 ½ years and have 3 small children. They had concerns with their children's safety so they had received quotes on fencing. Mark outs for utilities were called and the fencing was installed. At the time they were unaware that a corner lot had two front yards. No complaints were received and many compliments were given regarding how nice it was. It gave them a sense of security that their children were safe in there back yard. They are seeking the Board's approval to keep the fence in its place. He supplied pictures of the fencing and the yard.

Mr. Krollfeifer visited the site and the property looks very nice with the fence including the netting behind it.

Mr. Katz opened public comment. None. Public comment closed.

Mr. Boettcher stated that the fence is fine. He would like the resolution to state that the fence can only be replace with the same type of fence. This will help if the present owner sells the home. He wants to make sure it's never replaced with something like a stockade fence.

Mrs. Date explained that the mesh is not permanent and could easily be removed if needed.

Mrs. Newcomb would also like the resolution to state it can not exceed 4 foot high.

Mr. Boettcher motioned to approve the application to include only stockade fencing not to exceed 4ft in height.

Second: Mr. Krollfeifer

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

Motion carries to approve.

B. Case 07-18B: Fine Homes
Block 10 Lot 1
Washington Street
Preliminary major subdivision
Attorney: Michael Ridgway

Proper notice was given.

Mr. Ridgway, attorney, stated he is here regarding the Fine Homes major subdivision located off Washington Street also known as Block 10 Lot 1. He apologized; he tries to bring applications to the Board that are in full compliance with the towns ordinances. After several years with this application and spending significant time and money with DEP to get their approval, they did bring an application before this Board that is in full compliance with the town's ordinances. Not recognizing that you may have an application that is in full compliance, people may not like it. He believes that is the situation that is before the Board this evening.

About a week ago he had meet with the Board's professionals. They did revise the plan because the feed back they were getting was that the Board is not familiar with, therefore, is not comfortable with the DEP approved water quality systems that were set up on the site. The Board was concerned with density even though the lots proposed for this project are two to four times the minimum lot size in the R2 zone. At the end of the meeting, his clients authorized a draft for a new plan that is substantial similar to the old plan that does away with the water quality system

that they had approved from the DEP. It also reduces the number of lots from 10 to 9. They showed the large plan and submitted 11 x17 maps to the Board and professional staff. They do not need comments and understand this is the first time the Board is looking at it. The changes submitted meet some of the Boards concerns, but may not address all of them. The new plan submitted also meets all the requirements of the ordinance. He pointed out on the map that the basin was placed on a separate lot for a homeowners association or if the Board chooses they will remove the lot line and it can be part of one of the homeowner's lots.

Mr. McKay asked if the applicant can submit to the Board a smaller copy of the prior plan so they can compare and appreciate the changes when comparing to the plan given tonight.

Mr. Ridgway stated they will submit them in a couple of days.

Mr. Dodulik questioned if the interpretation of the flood plain areas were resolved between the applicant and Mr. Kingsbury.

Mr. Kingsbury stated it is still under discussion and have not yet come to a common understanding.

Mr. Krollfeifer questioned if this is regarding Mr. Kingsbury's memo dated October 29, 2011.

Mr. Kingsbury answered yes.

Mr. Ridgway explained that the belief is there is a 150ft conservation easement buffer that extends behind the 100ft flood plain. He believes the ordinance is invalid. Their research to this point shows that the ordinance has never been used since its enactment. If you use that ordinance on this property, it would have affected three lots to the north of this site and also the school would have been impacted. Their research shows that there are no conservation easements on either of those sites or the entire town. They also believe that any Board regulation for anything beyond the floodway is preempted by state statute.

Mr. Krollfeifer questioned if the blue area on the map be a basin for water retention.

Mr. Raday explained that the basin would be for the water quality storm event, a two hour storm. The basin then would infiltrate it into the ground. The higher intensity storms would go through the basin then to through the pipe and back into the ditch.

Mr. McKay stated it is design as a dry basin.

Mr. Raday stated correct.

Mr. Miller stated that the intent is to eliminate the use of the storm sector.

Mr. Raday agreed. It will be a conventional basin like the Paparone site.

Mr. McKay questioned what the applicants plans are regarding coming back to the Board.

Mr. Ridgway explained that he would like to get a feeling from the Board before they send the plans to the engineer. They do not want to spend unnecessary funds if the Board is not happy with this revision.

Mr. Krollfeifer asked for clarification that the prior stormwater plan that was removed and in place is the basin.

Mr. Miller stated yes, that was the major objection from the Board.

Mr. McKay stated aside from the flood zone buffer and the change of stormwater drainage, is there any other changes from the old plan, such as street or lot configuration any different, design waivers, etc.

Mr. Raday explained the street width will remain the same. The basin along the left side would be eliminated and curb will be installed. There will be curbing on both sides of the street with a sidewalk on one side.

Mr. McKay questioned what happened to the land where the swale was originally proposed.

Mr. Raday explained it would be an 11ft wide grass covered area and would have to be mowed.

Mrs. Kelley explained she still an issue with the wetlands. She has the new FEMA map and has offered it to Mr. Schiffendecker. It has not changed the old.

Mr. Raday explained that according to DEP there are no wetlands on this site. That is why they had to do the entire scenario with the flood plain. The DEP requested documentation that there were no wetlands there and they did that.

Mrs. Kelley stated they are supposed to do a fly over. She has wanted to change how it is being referred to as a ditch. Referring to maps and going back to the 1930's it was referred to as corpuses creek. The CCC came in and straightened it. There are problems in the park where she would call the original run; it is beginning to flood in certain areas. It is not known that if sometime in the future if the school has to add on it would not jeopardize the stormwater drainage that would have to go into the field above it. She has stated verbally to the applicant's professionals and not in a meeting that this property is not necessarily wet. It does have a lot of underground streams that go thru it. Around March of 2010 when the ground was still frozen and we had storms, there was standing water that stayed for a couple of days. We are currently 1/2 inch of rain below what was forecasted for this time of year. When the storms come and the snow melts, there will be drainage problems at Washington Street. The water may not stay long; however, with the added water it will cause problems down stream. She is in favor of the basin but they should consider these wetlands. She referred to a lot of information on her computer before coming this evening and they can not deny what they were first told.

Mr. Raday stated that Mrs. Kelley brings up the wetlands issue in a lot of the meetings. Their professionals originally thought there were wetlands, and then the DEP stated it is not classified as wetlands. In their opinion, the DEP is the final say and to them is a dead issue.

Mr. Katz questioned if they have it in writing.

Mr. Raday answered yes.

Mrs. Kelley stated she has seen part of it.

Mr. Krollfeifer stated he is looking for our professionals to agree with that and the issue that needs to be resolved with Mr. Kingsbury.

Mr. Raday explained he does not know what else to do because the DEP has the final say.

Mr. Ridgway explained that the floodway and wetlands are two separate things.

Mr. McKay stated that Mrs. Kelley raises a good point that the culvert under Washington Street at the intersection of Broad Street is barely able to handle the present water. He questioned if the applicant's plan has any offsite improvements to that culvert.

Mr. Raday stated no.

Mr. Ridgway explained that the problem already exists and their development would be a de minimis increase of flow going thru there.

Mr. Boettcher explained that flows down and under Broad Street until it reaches the creek. The intersection should be addressed due to a lot of traffic, the tree and the drainage at Washington Street should also be addressed.

Mrs. Kelley explained prior to the applicant coming before the Board the DEP granted a spillway to the pond for the adjacent developer. Their pond is wet.

Mr. McKay questioned if Mr. Miller was in a position to discuss the size of the culvert or comment on the position that a de minimis amount of water would go thru the culvert so that it will not make a difference.

Mr. Miller believes that it would make a difference because you would be adding additional water. The DEP stated that they have taken jurisdiction over the stormwater management area because of this connection of this outfall into the creek. It is his experience with DEP that they are not inclined to let the developer increase the size of the pipe. You maybe able to clean it or address the headwalls on either side (doesn't believe there is any), address the intake and outfall of either side. DEP will probably not let you get any bigger than that.

Mr. McKay stated that does not make a lot of sense to him but at a minimum there are things you can do to ensure the water flows thru more smoothly with the existing diameter if you are stuck with it. He questioned if they plan on doing any improvement to a head wall, he believes Mr. Miller is right and there is none on either side.

Mr. Raday stated with DEP requirements, they do not want him to touch anything in the floodway.

Mr. McKay questioned if it fell apart, you would just leave it there.

Mr. Raday stated he didn't say that.

Mr. McKay explained that culvert in that intersection is about falling apart.

Mr. Wisnosky stated that means that when the road gets closed we can not do anything about it.

Mr. Raday stated during the 100 year flood it will over top the road.

Mr. McKay explained that we are aware and is a serious problem to him.

Mr. Bradley questioned who is in charge of maintaining it.

Mr. Raday stated it is in the Townships right-of-way.

Mr. McKay questioned if we know for a fact that DEP would not allow a change to the culvert.

Mr. Miller explained as far as he is aware there have been no inquiries to the DEP regarding this culvert. He knows from dealing with issues in other towns, DEP would not allow them to enlarge the pipe.

Mr. McKay stated that he believes that intersection is a problem; it does flood in the 100 year storm. We have had more than our share of 100 year storms in the last couple of years. It is a serious problem that should be looked at.

Mr. Boettcher explained that down stream it cuts homeowners properties in half.

Mr. Raday believes that a permit would be required for the Township to clean it. Since it is in the Township's right-of-way they would have to be the one to apply to the DEP. He believes it is allowed under the permit act for just maintenance.

Mr. McKay stated it all depends on what the definition of maintenance is, such as putting headwalls in, replacing the old pipe with a new one. He is unaware of the condition of the pipe under the road, but it looks pretty dilapidated from what you can see from the road. So depending what the definition of maintenance is, the applicant may be able to make some tremendous improvements in the flow capacity of that pipe without changing the diameter of the pipe.

Mr. Wisnosky believes there is a combination of elements. He used to live in that area. If you turn onto Washington Street from Broad Street and there is a car there you almost have to stop. It is too narrow for two cars and there is a large oak tree right on the corner. You have to drive around that tree to go up Washington Street. It would make sense to widen the road all the way to the intersection, put in a new pipe, take the oak tree down, therefore aligning the intersection with across the street. This seems to be the best solution, but the applicant is telling us that DEP will not allow that to happen. He believes that to be a health safety issue and doesn't understand why DEP wouldn't allow.

Mr. McKay stated that the traffic problem will increase with another 9 to 10 homes, which is already a difficult situation.

Mr. Ridgway questioned if this has been an issue, has anyone at the town contacted DEP to see what it would take to correct the issue. Their 9 or 10 lots are not the cause of that culvert flooding.

Mr. Wisnosky stated he did not say that, it has flooded for a long time and the oak tree is about 80 years old.

Mr. Ridgway questioned if the township has looked into the issue.

Mr. McKay stated that is not the question. The question is that you are now developing the land and the access directly impacts that intersection and you are going to make offsite improvements under the plan that creep right up to that intersection.

Mr. Wisnosky stated they have frontage on that intersection.

Mr. McKay continued that it does not address the major problem. One could probably make the case that the turn lane, widening there, could exacerbate the problem. You would have to talk to a traffic engineer about it. Knowing the intersection and looking at the plans, it is a concern to have a professional look at it to give it some thought.

Mr. Raday explained when they prepared their traffic analysis there is adequate cart way width for two vehicles to go by.

Mr. McKay questioned if he was referring to by the oak tree.

Mr. Raday pointed to the map the area he was referring to.

Mr. Wisnosky explained that he use to drive it everyday. Technically the engineering manual says it works, it does not work. The major reason it does not work is because the tree is right on the intersection. You literally have to drive around the tree to make that right hand turn onto Washington Street.

Mr. Boettcher stated that the people that would be moving in would not be able to get an 18 wheeler into that area.

Mr. Wisnosky stated the issue is that the engineers are telling us that DEP won't allow the township or developer to put a bigger pipe in, and then they are telling us we are stuck with it. To him this is a health safety issue and he can not imagine DEP telling us we can not fix a problem in the township. This applicant has frontage on this problem, so he thinks there is an obligation to work collectively to fix the problem. Let's not wait until someone gets hurt on that corner. Mr. Boettcher, in his capacity, would be able to tell you if there were any accidents there.

Mr. Boettcher stated there was one there the other day.

Mr. Ridgway questioned if the tree was on private property.

Mr. Wisnosky believes it is in the town's right-of-way.

Mr. McKay stated that the point is that they are making street improvements adjacent to their proposed subdivision but stop short of the real problem at that intersection. You may say the cartway is 20' wide and appropriate, but everyone on this Board knows that intersection well and that it is a problem because it is narrow, the bridge, the oak tree, and all it put together. It floods behind the culvert and it is their proposed houses in that area, if anyone is going to be impacted it will be their buyers. I would think they would want to create a situation that does not create the potential for their houses to be flooded. It seems that we are getting these big storms a couple times a year.

Mr. Raday stated the houses are out of the flood plain therefore would not be impacted.

Mr. McKay stated that is fine but if you can improve the situation by working on the culvert, would you want to maximize your protection.

Mr. Raday stated that the township would have to be the applicant since it is on their property if there was anything to be done.

Mr. Miller questioned why the township would have to be the applicant.

Mr. Raday answered it is not their property.

Mr. Miller explained it is on their frontage.

Mr. Raday explained that he tries to deal with facts. They have their property but the culvert is on the township right-of-way.

Mr. Wisnosky explained that the township is not asking for an offsite improvement. Under the land use law, the township has every right to ask for improvements along the frontage of their property. It happens with site plans and subdivisions all the time. This is frontage on property they want to develop.

Mr. Katz stated he understands where everyone was coming from. They are saying it is not their property but is 10' from their property. He knows the area pretty well and adding 10 more homes will add more traffic. Just because you fix up the 10 feet before the intersection doesn't mean it will work. He has seen this type of issue in other towns. There is one in Marlton that they did the same thing and it does not allow the cars to get through when another car is coming because the developer did not improve the extra 20ft. It is not the right way to do it.

Mr. Wisnosky stated it is not the issue. They are already making improvements on Washington Street along the frontage of the property and stopping short. They still have frontage along Washington Street all the way around the corner. It is still their property. The applicant is giving two different arguments. One is not their problem because it is not their property which is not accurate because they have frontage. The other is they are not allowed to do it because of DEP. Which is it?

Mr. Ridgway explained that what Mr. Raday is saying is that the correction issue of the culvert would have to be an application signed by the township. They can contact DEP and get written confirmation if that is what makes everyone happy. The discussion we are having will not be resolved here this evening. He suggested that the Board take the proposed revised plans. They can once again sit down with the professionals and see if there is an adequate way to address the issue to the townships satisfaction.

Mr. Wisnosky suggested that the township's engineer contact DEP to find out what the parameters are in fixing this issue.

Mr. Katz agreed that it would be best.

Mr. Miller stated he would do so.

Mr. Wisnosky explained that it is not that he doesn't believe Mr. Raday; he believes our township engineer should find out.

Mr. Miller explained that with his experience with developments similar to this, Mr. Raday is correct that the township would have to make the application. The developer made the plans and the township signed them.

Mr. Wisnosky stated would we be allowed to develop the intersection.

Mr. Miller explained that the DEP would not allow you to increase the size of the pipe but most likely allow you to improve the pipe at the same size.

Mr. Ridgway stated we need to find out who can make the application and what can we do.

Mr. McKay agreed and also can we increase the diameter and if you can't what can you do to increase the flow, can you lengthen the pipe. The pipe would need to be lengthened if the intersection is widened. It is a very tight restrained intersection.

Mrs. Kelley questioned why they chose to put the detention basin at its location.

Mr. Ridgway stated if he remembers correctly that they discussed at the professionals meeting a couple of weeks ago and it appeared to be the best location. Also, it is close to the original system.

Mr. McKay questioned what the factors were and why was that the best place.

Mr. Raday explained that based on the conversations their attorney had with the staff. It was conveyed that we would remove a lot and realign the lots so the proposed houses would be further away from the flood plan area. It allowed him to move the homes 5 or 6 additional feet from the flood plain.

Mr. Katz questioned where the lowest point of the area was.

Mr. Raday explained that everything runs towards the ditch.

Mrs. Newcomb question if the pond was a step down or would it require a fence around it.

Mr. Raday stated it is a dry pond and would only be two to three feet deep.

Mr. Lynch stated that if they were going to try and increase the flow of water through the pipe.

Mr. Raday answered they are not proposing to do that.

Mrs. Kelley commented that there is still one house that is 5' from the flood plain and one that is touching.

Mr. Raday pointed out the home that would be 2' away from the flood plain.

Mr. McKay does not agree and is concerned with placing a house right up to a flood plain given all the 100 year floods we had. How do you explain that situation to a potential homeowner? Would you buy a home 2' away from a 100 year flood plain?

Mr. Raday answered knowing what he knows he would. You have homes that are right on the beach and on lagoons.

Mr. McKay questioned if the people would be required to buy flood insurance.

Mr. Raday answered that if you are not in a flood plain, he would say no. If you were in a flood plain he would say yes.

Mr. Ridgway explained that the DEP requires them to put language in the deeds.

Mrs. Kelley questioned if we had an ordinance about putting up fencing along a flood plain.

Mr. Wisnosky explained that we do and there is fencing that is permitted as long as it does not impede any flow.

Mr. Raday believes Mrs. Kelley is referring to a fence along the flood plain line.

Mrs. Kelley stated yes.

Mr. Wisnosky explained we do not have an ordinance to place fencing along the delineation line.

Mr. McKay stated that a stockade fence may not be permitted in the flood plain.

Mr. Wisnosky explained they would be permitted but would need to be high enough off the ground to allow flow.

Mrs. Newcomb had spoken to the DEP regarding fencing with another property and they do not allow anything in the footing holes except the fence post. If they have a 6' high stockade fence, the post would have to go deep in the ground to accommodate the weight.

Mr. McKay stated that is another future potential problem for the homeowners in the backyard of these homes.

Mrs. Newcomb sees a lot of future potential problems but will have to deal with them as they come up. Some homes may not have any issues and the other would greatly be impacted.

Mr. McKay questioned if there would be disclosures when selling these homes to the potential buyers of the issues we have discussed.

Mr. Ridgway explained there would be disclosures based on DEP's requirements.

Mrs. Newcomb explained in her experience with working with builders, none of them disclose it.

Mr. McKay believes the difficulty is that the headache is passed onto the town and the development has a lot of problematic issues. We have tried to come up with some of the issues and have come up with a number of issues within the last half hour. Should we give you approvals with all these issues then they become problems with the town. The drainage system that was previously discussed which has now been changed is one of those problems. The Board and the applicant need to give a lot of thought to this. He believes it's not right to develop a subdivision, sell houses without telling people what they are buying into such a simple thing as fencing. We just had an application this evening and people put them up all the time. People in this subdivision will want fencing and it will then come back to this Board as a problem. This development was not thought thru enough to solve all the problems that we have talked this evening. It does not seem that the applicant is willing to even meet us halfway. We will come back in another month to talk about it more.

Mr. Ridgway explained they have to talk to people for many years about this. The Board has to grant or deny applications based upon what the ordinance says, what the state says, unfortunately you have to deal with the issues after the fact. He takes full objection that they are not meeting the Board halfway. They brought an application that was 100 percent valid with the ordinances with no variances. They spent a lot of time with DEP to get all the approvals and comply with every bit of DEP requirements. Unfortunately, whether the property is in a flood zone, the zoning officer will have to deal with things after the fact no matter what kind of work it is. He does not know what they can do from a halfway stand point other than submit all these deed restrictions other than where the property is, location of the flood plain line, having to submit an application to DEP for approvals. He believes they are doing what they need to do to satisfy this Board.

Mr. McKay stated he sees it a little differently. He tries to have a long range view of every development. He just wants to share it.

Mr. Ridgway respects that and sometimes the Board's job is much more difficult than his.

Mr. McKay is concerned that we have another month to think about it and he is trying to bring up issues that need to be discussed and how they are resolved is in the future. It is true that the

applicant has made some major changes and thanked them for it. He believes that we have not addressed all the problems that exist.

Mr. Ridgway stated he will leave the large map for the Board and will meet with the board's professionals.

Mr. Krollfeifer asked if the Board's professionals can clarify the issue at the next meeting that DEP states that this is not wetlands and we spent a majority of time this evening talking about water.

Mr. Miller explained he will try to have a memo prior to the next meeting depending on his meeting with DEP. He will check on the wetland conditions and what is determined with it. From what he remembers the ditch was considered by DEP an isolated wetland and did not require any buffer. He will also check with what we can and can not do with the pipe crossing at Washington Street, the flood insurance question, whether or not they would be eligible for flood insurance, and what can and can not be done with the improvement of the intersection at Washington Street and Broad Street.

Mrs. Kelley questioned why he keeps referring to it as a ditch when the maps refer to it as Deacons Run.

Mr. Miller explained that it is dry most of the time and is not a stream.

Mr. McKay he understands is to be a run and is defined as an area that collects water and runs but is dry most of the time. If it was wet all the time it would be a stream. There are runs all over town. He agrees with Mrs. Kelley that we should be referring to it as what it really is, a run.

Mr. Kingsbury stated that a motion would be needed to continue until the March 2 meeting and will also need Mr. Ridgway's consent.

Mr. Ridgway agreed.

Mr. Krollfeifer motioned to continue until the March 2, 2011 meeting.

Second: Mrs. Kelley

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

Motion carries to continue.

8. Minutes

A. Reorganization Meeting Minutes of January 5, 2011

B. Regular Meeting Minutes of January 5, 2011

Mr. Tiver motioned to approve the reorganization and regular meeting minutes of January 5, 2011

Second: Mr. Krollfeifer

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

Motion carries.

9. Resolutions

A. Resolution 2011-05: Granting site plan amendment for free standing sign in front of an existing commercial building on Block 28 Lots 2, 9, 10, 11, and 12

Motion to approve: Mr. Lynch

Second: Mr. Tiver

Roll call: Mr. Lynch, yes; Mr. Tiver, yes; Mr. Boettcher, yes; Mr. Dickinson, yes;
Mr. Krollfeifer, yes; Mr. Bradley, yes; Mr. Katz, yes

Motion carries to approve.

10. Correspondence

A. Notice dated December 2010 from PSEG that an application was submitted by them to NJDEP

B. Letter dated January 4, 2011 from Burlington Co Planning Board to Paul Tuliano, Jr.
Re: Hainesport Stormwater Management Plan and Control Ordinance Status

Motion to accept and file: Mr. Boettcher

Second: Mr. Tiver

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

Motion carries.

Mrs. Kelley questioned why the Stormwater Management Plan has not been approved.

Mr. Miller will explain under professional comments.

11. Professional Comments

Mr. Miller has spoken to the county regarding the stormwater management and it appears when we approved the plan it was noticed from the planning board approval but was not noticed from the committee approval. He submitted to them the ordinance that we have in place. They are looking at it and will let us know if there should be any changes they require. They will then reintroduce from the committee side. It has nothing to do with the planning board.

12. Board Comments - None

13. Public Comments

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

14. Adjournment

Mr. Katz motioned to adjourn at 8:38pm

Second: Mr. Tiver

Roll call: All in favor

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, March 2, 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: Mrs. Kelley, Mr. McKay, Mr. Tiver, Mr. Krollfeifer, Mr. Bradley, Mr. Dodulik, Mrs. Bloesch, Mr. Katz

Absent: Mr. Boettcher, Mr. Dickinson, Mr. Tuliano, Mr. Lynch

Also Present: Robert Kingsbury, Esq., Board Attorney
Kathy Newcomb, Zoning Officer
Paula Tiver, Board Secretary

6. Items for Business

**A. Case 11-04: William Moy
Block 65 Lot 8 & 9
18 Pennsylvania Ave
Bulk variance for a garage**

Proper notice was given

Mr. William Moy, applicant was sworn in. He explained he is seeking a variance to construct a garage with a front yard set back of 15 .5’ where 30’ is required.

Mrs. Newcomb explained that the property is a corner lot with two front yards.

Mr. Katz questioned what street the garage would be located on and the size.

Mr. Moy stated it would be on Chestnut Ave. The garage will be 24’ x 32’ with an 8’ x 32’ open porch on the back, overall size would be 32’ x 32’.

Mr. Katz asked the height of the garage.

Mr. Moy answered it would be under 15'.

Mr. Krollfeifer visited the site and believes it would be an improvement. There are comparable encroachments in the area.

Mr. Moy explained that it would be inline with his neighbor's garage.

Mr. McKay questioned the septic tank that is listed on the survey.

Mr. Moy stated that he is connected to the sewer.

Mrs. Newcomb explained that the septic system was abandoned.

Mr. Kingsbury asked what neighbor was he referring to when he stated the garage would be inline with his neighbor's garage.

Mr. Moy explained it is the next house down on Chestnut Ave (Ely). You can see their garage in the second photo.

Mr. McKay questioned if the gravel driveway will be relocated.

Mr. Moy stated yes and it will be cleaned up and seeded.

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

Mr. Krollfeifer motioned to approve.

Second: Mrs. Bloesch

Roll call: Mr. Krollfeifer, yes; Mrs. Bloesch, yes; Mr. Bradley, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mr. McKay, yes; Mr. Tiver, yes; Mr. Katz, yes

Motion carries to approve.

Mr. Moy asked for a waiver to proceed prior to the memorialization of the resolution.

Mr. Bradley motioned to approve waiver.

Second: Mr. Dodulik

Roll call: Mr. Bradley, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mr. McKay, yes; Mr. Tiver, yes; Mr. Krollfeifer, yes; Mrs. Bloesch, yes; Mr. Katz, yes

Motion carries to grant waiver.

**B. Case 07-18B: Fine Homes
Block 10 Lot 1
Washington Street
Preliminary major subdivision
Attorney: Michael Ridgway**

Request for postponement by letter dated March 1, 2011.

Mr. Krollfeifer motioned to continue until April 6, 2011.

Second: Mr. Tiver

Roll call: Mr. Krollfeifer, yes; Mr. Tiver, yes; Mr. Bradley, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mr. McKay, yes; Mrs. Bloesch, yes; Mr. Katz, yes

Motion carries to continue until the April 6, 2011 meeting. No further notice is required.

7. Minutes

A. Regular Meeting Minutes of February 2, 2011

Motion to approve: Mrs. Kelley

Second: Mr. Krollfeifer

Roll call: Mrs. Kelley, yes; Mr. Krollfeifer, yes; Mr. Bradley, yes; Mr. Dodulik, yes;
Mr. McKay, yes; Mr. Tiver, yes; Mrs. Bloesch, yes; Mr. Katz, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2011-06: Granting front yard fence variance on Block 114.02 Lot 7

Motion to approve: Mrs. Kelley

Second: Mr. Tiver

Roll call: Mr. Krollfeifer, yes; Mr. Tiver, yes; Mr. Bradley, yes; Mr. Dodulik, yes;
Mrs. Kelley, yes; Mr. Katz, yes

Motion carries to approve

9. Correspondence

A. Letter dated February 8, 2011 from Richard Alaimo Association
Re: Hainesport Township Joint Land Use Board

B. Hainesport Township Resolution 2011-54-2
Re: Authorizing release of performance bonds for Diamantis Restaurant

Motion to accept and file: Mrs. Kelley

Second: Mr. Tiver

Roll call: Mrs. Kelley, yes; Mr. Tiver, yes; Mr. Bradley, yes; Mr. Dodulik, yes;
Mr. McKay, yes; Mr. Krollfeifer, yes; Mrs. Bloesch, yes; Mr. Katz, yes

10. Professional Comments - None

11. Board Comments - None

12. Public Comments

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

13. Adjournment

Mr. Bradley motioned to adjourn at 7:39pm

Second: Mr. Tiver

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, April 6, 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: Mrs. Kelley, Mr. McKay, Mr. Tiver, Mr. Krollfeifer, Mr. Lynch, Mr. Tuliano,
Mr. Katz

Absent: Mr. Boettcher, Mr. Dickinson, Mr. Bradley, Mr. Dodulik, 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 11-06: Scott Cooper
Block 9.01 Lot 37
44 Patriot Way
Bulk variance for in-ground pool**

Proper notice was given.

Scott Cooper, applicant, was sworn in and explained he was applying for a bulk variance to install an in-ground pool. He purchased the home 10 years ago and did not realize how small the yard is. He has been working with a pool company for several months and has chosen one of the smallest pools they offer. They tried every way to make it fit. They are requesting a setback of 10' where 15' for the rear yard.

Mrs. Newcomb stated that pictures have been supplied. The property backs to an open area belonging to Davenport Village. She feels the variance would not be a detriment to the surrounding area.

Mr. Wisnosky agrees that it would not have a negative impact to the zone plan or ordinance.

Mr. Krollfeifer stated he visited the site and agrees. There is not a residence for at least 200 yards behind the property.

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

Mr. Krollfeifer motioned to approve.

Second: Mrs. Kelley

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

Mr. Cooper requested a waiver to proceed prior to the memorialization of the resolution.

Mr. Tuliano motioned to approve.

Second: Mr. Krollfeifer

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

B. Case 07-18B: Fine Homes

Block 10 Lot 1

Washington Street

Preliminary major subdivision

Attorney: Michael Ridgway

Mr. Ridgway, applicant's attorney, explained that they submitted a revised sketch at the February meeting. As with the earlier plan, it complies with all the Township ordinances. Due to concerns of the Board, they reduced the number of lots from 10 to 9 and they changed the water quality/drainage system to one that the Board would be more comfortable. They have no more presentation for the Board and are looking to see which plan the Board would prefer they come back with next month for a vote.

Mr. Kingsbury swore in Mr. Raday, applicant's engineer. Mr. Raday displayed the plan with 9 homes.

Mr. Katz questioned where the basin empties out to.

Mr. Raday explained that it will empty the same as the other plan. There would be a pipe in the middle of the property that will discharge into the ditch. They need an outfall for the basin.

Mr. Wisnosky suggested that the applicant enlarge the two lots adjacent to the basin lot and have those two homeowners be responsible for the basin, that way the Township would have no maintenance responsibility. If the basin is a deminimis issue as claimed by the applicant's engineer, it would make sense to split the basin between two homeowners.

Mr. Katz mentioned there is a property on Applewood Court that has a basin that seems to be working fine.

Mr. Tuliano stated that is not so, it will probably go to litigation.

Mr. Miller explained that the stand pipe on the outside of the basin should be hooked up to the inside with a fountain. None of that was installed.

Mr. Tuliano explained that it wasn't done and there is a dispute between the property owner, developer, and the township for whose responsibility it is to make it work. It is not the same as the situation here.

Mr. Ridgway has no problem with the basin being privately owned. His request would be to have one property owner responsible for the basin verses splitting the basin down the middle.

Mr. Katz agrees that it would work better with one owner.

Mrs. Kelley questioned what happens if the property is not sold.

Mr. Ridgway explained that the developer would be responsible to maintain it until the property is sold.

Mrs. Kelley questioned if anything was decided for any improvements along the road, specifically at the corner of Washington St and Broad St.

Mr. Ridgway explained that Mr. Miller submitted a report to all parties in which Mr. Ridgway responded to Mr. Kingsbury with respect to Mr. Miller's report. The bottom line is that whatever they are required to do by statute and ordinance they will do.

Mr. Kingsbury stated that would be part of the site plan application. The applicant will have to do their share of necessary street improvements.

Mrs. Kelley stated that she has been visiting the site during the different storms we have had. In the middle of March during the snow melt, the run to the right when you turn onto Washington Street from Broad Street had water in the middle, the property did not. Yesterday, the run to the right was full around 11:30am during the height of the storm. The property had water that you could see under the leaves. She returned to the site around 5:30pm and there was no standing water and the property still had some standing water. A third of the road on the property side had water. Something needs to be done with the stormwater since the project will be putting more water into the run.

The Environmental Commission when reviewing the new plan asked if the applicant considered looking at the new revised FEMA maps. A member of the Environmental Commission works for County GSI Department and is waiting for the county to do a flyer over. Also another member works with writing mortgages and it was brought up at the February meeting whether flood insurance would be required for these homes. The mortgage company doesn't always require flood insurance but it is the insurance companies that do. She believes it should be put into any deed.

Mrs. Kelley explained that throughout the application different terminology has been used. She also is concerned about the soils. Mr. Miller talked about having one sample. Going over past maps that sample was near #5. All of soil borings were taken in pemberton soil at which time that is where the houses were going to be built back when it was requested to move the ditch. Now that is not happening and all the houses will be built in the tinton soils. It doesn't mean the houses can't be built, but it may mean that a lot of fill would have to be brought in. She questioned the type and amount of fill would be brought in. She also questioned how the stormwater would be taken to the basin from the homes that sit below the basin. There is very little height difference in the ground level.

Mr. Ridgway explained that those questions are important and will be answered at the time of the subdivision approval when the full engineer plans have been submitted. At this time this is a preliminary sketch that they were hoping would be more feasible.

Mr. McKay questioned if the proposed basin shown on the plan is in the location it would be in when the final plans are completed.

Mr. Raday answered that he was 99 percent sure that it would be in that location.

Mr. McKay questioned if there was a reason that the basin is on the upland side of the one acre lot in which half of the lot is in the flood plain.

Mr. Raday stated they want to keep the basin out of the flood plain.

Mr. McKay questioned the difference in elevation from the street level to the back of the lot.

Mr. Raday explained that there is a 2 to 3 foot drop between the center of the roadway and the ditch.

Mr. McKay questioned if there should be some type of landscaping that would have to go near the basin since it is so close to the sidewalk. He doesn't believe we would want a fence with the basin since it is so shallow.

Mr. Wisnosky believes a fence is not warranted for such a shallow basin. Landscaping may not even be needed in front of it; we may want to let it blend in.

Mr. Raday stated that the basin is only designed for water quality which is the 2 hour storm.

Mr. McKay asked if there would be an emergency over flow and a spill way.

Mr. Raday answered yes it would be behind the basin towards the direction of the ditch.

Mrs. Kelley asked where the flood hazard lines are.

Mr. Raday pointed them out on the plan.

Mr. Krollfeifer questioned which lot would own the basin and suggested that the .6 acre lot be the one to have the basin since it is the small of the two lots.

Mr. Raday stated they can do that.

Mr. McKay had concerns with the price of the lot when it is merged with the basin lot. There will be a lot that is either 1.5 acres or 2 acres. Will the property be priced much higher or does it stay priced to the similar houses? The lot may not sell because the price is too high for the neighborhood.

Mr. Ridgway explained that he is not an expert but if the home doesn't sell you would have to lower the price. You also see premium lots in subdivisions that are larger than the other lots. You may also not get a premium price due to being responsible for the basin. He believes the lot would sell substantial the same as other lots.

Mr. Raday explained that the basin would be maintained by the homeowner but the utilities in the right-of-way will be maintained by the township.

Mr. Ridgway explained that is the normal case. It was only discussed otherwise with the last plan.

Mr. Miller stated that is correct. If the street is dedicated to the town, the stormwater management with the street would go with it.

Mr. McKay questioned if there would be an inlet in the basin for the outflow.

Mr. Miller stated that inside the basin would be the homeowner's responsibility. He assumes that there would be an outfall to the basin that would perk into the ground. If it did overflow it would go into and through the woods towards the stream.

Mr. McKay questioned that there would be structure or pipe that leads to the stream.

Mr. Miller explained that is the normal case when you are doing stormwater management. This particular application does not have to do stormwater management. They only have to do water quality.

Mr. Katz questioned what the applicant was looking for this evening.

Mr. Ridgway believes the Board finds the less objectionable application is the one that has the conventional water quality monitor system with the 9 lots compared to the 10. They hope that this plan can be designed and submitted to the Board which will once again require no variances or waivers. They can submit it as a clean application as soon as the engineer can get them into the Board.

Mr. McKay prefers the 9 lot between the two. It is not an endorsement or indication of a vote.

Mr. Katz polled the Board. Mrs. Kelley – 9 lots; Mr. Katz – 9 lots with the basin owned by one owner; Mr. Tiver – 9 lots; Mr. Krollfeifer – 9 lots and they take care of the corner of Broad and Washington Streets; Mr. Lynch – 9 lots with the sketch that Mr. Miller had given; Mr. Tuliano – prefers 8 lots.

Mr. Miller explained that he had given them a reasonable sketch on Washington Street. He extended the applicant's proposal that came down Washington Street to the Broad Street intersection. He looked at the Broad Street right-of-way and paving that comes to this intersection. Broad Street has an 80' right-of-way and has about 48' of paving. He does not think it is appropriate for 48' of paving at this intersection and he narrowed it down to about 30 to 36 feet. It showed some curb that wrapped around that intersection to connect to potential curb that can come down Broad Street. He also showed a potential sidewalk that would be adjacent to the curb in front of the applicant's right-of-way.

Mr. Ridgway stated they had discussed Mr. Miller's proposal and submitted to Mr. Kingsbury. If the Board feels that it is warranted, that whatever the ordinance or state statute requires them to contribute to, they would be more than willing to do that.

Mr. McKay questioned if there is any sidewalk down Broad Street past the school.

Mr. Miller explained they just finished a project program down Broad Street that went down to the school driveway. There are only two lots left to connect to Washington Street.

Mr. Wisnosky stated that we have a pedestrian program that hopefully by the end of the summer will be 90 percent done. It will be from Long Bridge Park down Deacon Road around

Washington Street to this property. The goal is to provide pedestrian property all the way to the school.

Mr. Katz stated that the Board seems to be in agreement that the 9 lots is preferred over the 10 lots.

Mr. Ridgway thanked the Board.

**C. Case 11-03: Marlton Transmission, Inc. t/a Bear Tire & Auto Center
Block 99 Lots 6, 7, & 8
1409 Route 38 West
Informal review
Attorney: Michael Ridgway**

Mr. Ridgway, applicant's attorney, stated this application is for Bear Tire & Auto. He has the president/owner, John Grob with him. This use is a pre-existing, nonconforming use located in the highway commercial zone on Block 99 Lots 7 & 8 on Route 38. Mr. Grob purchased the property from Bill Evans approximately 20 years ago. A residential home is located on Block 99 Lot 6 which is adjacent to the west of his property, which is also a pre-existing nonconforming use. Mr. Grob recently purchased this property from Mr. Evans. Since Mr. Grob has owned Bear Tire, he has been parking vehicles on lot 6 with Mr. Evans verbal approval.

Mr. Ridgway continued. Mr. Grob wishes to consolidate these two sites and eventually use the residential home as an additional office space for his business and expand the nonconforming use over to the residential use. Essentially have one use on the entire lot, reducing the two nonconforming uses to one. They are aware they would need a site plan. It is an extremely difficult economic and financial time right now. Mr. Grob has tried to get financing and received several no's at this time. Mr. Grob would like to continue to park some of his parking temporarily on lot 6 until financial conditions improve and allows him to accomplish a site plan, consolidate the lots, expand and beautify the site for future use. An extensive amount of clean up has occurred since the purchase of the property.

Mr. McKay questioned if vehicles are currently being parked on lot 6.

Mr. Ridgway answered yes and has been for many years.

Mr. McKay stated that lot 6 consists of .640 acres. He questioned if the vehicles were being stored there.

Mr. Ridgway explained they are not. They are employee's vehicles, etc. They have been with the prior owner's approval.

Mr. McKay has concerns with the expansion of the nonconforming use. Bear is a great business to have in town but is not sure if he wants it to be expanded to be a vehicle parking lot that would be twice as large as it presently is. He is unsure what the current zone is.

Mr. Wisnosky stated that the entire property is zoned office. It is a pre-existing use that has been there for years.

Mr. McKay explained that no one is challenging the existing business. However, next door and the entire office designation is something we had hopes for. The intent was not be as an intense use as the current Bear property.

Mr. Wisnosky explained that trying to reduce the number of automobile related businesses along Route 38 goes back to 1987 or 1988.

Mrs. Kelley stated that historically that the property was at one time. It was owned by the Zanone family and started back in the 1960's. It was subdivided off because the mother still lived in the house. She questioned if the small driveway is part of lot 6.

Mr. Ridgway explained that lot 5 is not owned by Mr. Grob. There are a lot of abandoned cars back there but they are not part of Bear's property or business.

Mrs. Kelley stated that at one time there was an office/medical that was interested in the property but decided not to because of the size. The next property is Trailerama. She believes this business is not impacting any other area. You can not park any vehicles behind the business due to the creek until you go to the west. She grew up in the area and visited the site during storms, one was yesterday. She believes this property to be one of the highest points in Hainesport at the top of the hill. There was a trickle of water going down the shoulder to an outlet going right to the creek. There was a puddle in the far eastern part of the property. At 5:30 it had gone down and there was no water on the road. The drainage in the area is fairly good. She personally does not see a reason why he shouldn't be able to park cars up further. She would rather see some of the vehicles park not park at the eastern end of the property and move them up above. Also incorporate the driveway with some landscaping. She referred to the map.

Mrs. Newcomb explained that one reason Marlton Transmission/Bear Tire is here is they were put in violation for expanding the parking lot without prior approval back in August 2010. He was given notice of all the violations that existed on the property. The parking lot was extensively expanded through time in the area of the plan where the two lots meet at the end of the building where there is only 11.1'. She questioned if this is something the Board is going to allow an existing nonconforming business onto a property that is a residential use at the present time. She did meet with Mr. Grob and go over the issues. He did hire an attorney and she has been more than kind with time since August of 2010. She needs to have an answer and a time frame from the Board. She suggested that he come to the Board to get direction on how this should be handled.

Mr. Tuliano questioned what is on the lot as far as vehicles are concerned.

Mrs. Newcomb answered all the company trucks and employees park there. The big issue is that it has expanded over property lines from commercial to residential. This would not be allowed in other parts of the town. She would like to see them stay in town and make things right. She needs guidance from the Board.

Mr. McKay asked Mrs. Newcomb for a rough calculation on how many vehicles would be allowed by ordinance on that site. It appears to him that there tends to be 3 to 4 dozen vehicles on it.

Mrs. Newcomb explained that the business is a 24 hour operation. The trucks are continuously going in and out. Sometimes there are no trucks there because they are out on the road and other times there is an enormous amount of trucks there. It is a hard question to answer because it is not a 9 to 5 operation.

Mr. Kingsbury stated the answer can not be found in the ordinance because it is a nonconforming use.

Mr. McKay explained that if this was a parcel being built today, there would be a number of spaces that you could park cars. You would know that the lot would be maxed out with a certain number of parking spots.

Mr. McKay questioned if Mrs. Newcomb was viewing the cars now being parked on the residential lot as potential violations.

Mrs. Newcomb explained that most of the vehicles he is working on are on the eastern side of the property. The western portion has employee's vehicles and the trucks. He does not seem to have an overflow of cars he is working on located on that lot. If he has, it is so minimal that she has not noticed it.

Mr. McKay stated that it is clear that the business has expanded onto the lot by how many vehicles there are.

Mrs. Newcomb explained that she had met with Mr. Grob and Mr. Evans on site. She had explained to them that she was there to help but unfortunately had no choice but to put him in violation. She also told them his best option is to hire an attorney to help him out.

Mrs. Kelley believes it should not be zoned residential anymore.

Mr. Wisnosky stated that the use is residential but zoned office. We have seen in the past things such as the lawnmower man who had so many lawnmowers it got out of hand. There was the used car guy where Creekside was built. He had things all over the place because he was allowed to continue to expand with no structure. The fear is if the Board does not put any parameters and timelines, in five years we may find we have another lawnmower guy. There needs to be some structure and direction that we can all live with. Certainly with the economic conditions we do not want to lose this business.

Mr. Ridgway does not disagree with Mr. Wisnosky or Mrs. Newcomb. He apologized because some of the delay was due to his health issues. He questioned Mr. Kingsbury if it was possible to come to the Board with a use variance to consolidate the lots to expand the business use and get rid of the residential use. Is it possible to have a minor site plan for the additional parking on a portion of what was lot 6? This would give them some time to allow the economy to improve and would give them one use on one lot. This would take them out of violation.

Mr. Kingsbury explained no matter what they wish to do they will need a use variance. He questioned if there was anyone living in the house and if they had a lease.

Mr. Grob stated someone is in the house on a month to month lease.

Mrs. Newcomb suggested that the applicant come in for the use variance first and as a condition must consolidate the lots.

Mr. Tuliano questioned if the reason they would need to come back for a use variance is that more parking is needed for the business.

Mr. Ridgway answered yes.

Mr. Tuliano referred to the comment by Mr. McKay regarding the number of cars on the lot now. He questioned if all the cars are there for repair or are there cars that have been there long term that can be moved out to make more room to accommodate the vehicles coming in.

Mr. Ridgway believes that the cars that are on the lot are the cars being worked on, employee's cars, and the tow trucks.

Mr. Grob stated that all the cars there are either being worked on, waiting to be picked up, employee's cars, and his trucks.

Mr. Tuliano stated there seems to be a lot of cars there.

Mr. Grob explained they have a lot of work.

Mr. Tuliano commented that is good and would take away the economic impact mentioned earlier.

Mr. Ridgway explained that he was referring to getting an approval for a loan now.

Mr. Grob stated that he is doing a lot more now to accomplish what he did 5 years ago, such as the price of gas, insurance and he covers all his employees with health insurance.

Mr. Tuliano expressed that they are trying to help him out that is not going to take away from what the town is trying to do with the Route 38 corridor.

Mr. Ridgway explained that wish to come to the Board with a use variance with a possible minor site plan and one of the conditions would be to consolidate. If the Board saw fit to temporarily grant them permission to park there with the removal of one of the uses.

Mr. Miller questioned if the minor site plan would be an extension of this site plan that we have of the existing conditions. We would just be indicating the existing conditions on the adjacent lot. They would not allow the parking to expand on lot 6 other than what is the now.

Mr. Ridgway stated that was correct.

Mr. Miller explained the next step would be an application regarding what you would do with the entire site.

Mr. Ridgway agreed. We are waiting for economic times to improve regarding banking conditions to allow this to occur, and then they could move forward with a full site plan. Use the empty house if the board should grant the conditional approval to make that part of the existing use on lot 7 & 8. Address the drainage, the three curb cuts, landscaping, and other issues.

Mr. Lynch questioned how long before they would come in with a full blow site plan.

Mr. Ridgway does not believe the economics will be turning around that quickly.

Mr. Miller suggested that when the application is made to the Board, we will be asking for DEP and DOT approvals. Both will encompass wetlands and stream encroachment on these two properties. It would benefit this applicant if he knew where he stood with those two agencies before he comes to the Board.

Mr. Ridgway questioned if he was referring to the major site plan.

Mr. Miller answered yes.

Mrs. Newcomb stated that it could take 6 months to a year for DOT and DEP after the application.

Mr. McKay questioned if the Board was to grant a use variance and allowed some parking to some defined number of cars on this lot. Then for whatever reason over a period of time the applicant decides he is happy and is not going to do anything. We would then have the nonconforming use with the problems discussed regarding the cars and no one ever comes back to do anything to improve the whole package. It then becomes a bigger nonconforming use.

Mrs. Newcomb explained that she has the same situation in another town. There is a seize and desist order on the property which is going to court. If they do not meet the time frame, the use can be taken back.

Mr. McKay stated now the town has to go through an expense and the enforcement issues.

Mrs. Newcomb stated that is a chance that one takes on any application that is approved. She would hope that a longstanding businessman would not default on it.

Mr. McKay expressed this is a problem site. It appears you could make a case for allowing consolidation and a use variance for the two parcels. In exchange for that, there would have to be some effort to conform. Such as putting in the appropriate buffers in, the required setbacks from Route 38 and bring the lot into some kind of conformance. He does not see any promise of that, it's just a gamble. He does not want to hurt the business at all but at the same the business existed on its lot for many years and now the owner buys this additional land. He is not sure that it should automatically be allowed to expand. It seems it will be an enforcement nightmare down the road.

Mr. Ridgway explained that they have to prove before this Board with the consistence with the municipal land use act for reasons why a use variance should be granted. Part of it could be by change two nonconforming uses to one, giving landscaping, and changing the parking to give a better flow of traffic could give them a better argument to grant the use variance. They would make it a more attractive site on the Route 38 corridor.

Mr. McKay hopes they make sufficient changes. Right now there is one gigantic curb cut.

Mr. Miller explained that there are three curb cuts on one lot and another cut on lot 6 which is now the residential site. Currently that gives 4 curb cuts and he is aware that DEP will want 2 when he comes in with another site plan. He will also have to do something with the traffic flow through the middle of the site.

Mr. McKay questioned if there is a potential problem with the run off to the creek.

Mr. Miller stated that would be between the applicant and DEP. He believes it would be similar to the Fine Homes case that they only have to address water quality and not stormwater management.

Mrs. Kelley believes it would be different due to the elevation of the ground. You have no problems with low areas that you would have to add water pipes. She questioned if there has been any DOT approvals regarding the cut ins.

Mr. Ridgway explained there has not been anything issued by DOT since it was built in the 1960's. The applicant may want to close a couple of driveways to allow for more parking and ease the traffic flow.

Mr. Wisnosky believes we have a consensus of direction. They will come back for a use variance application and some improvements under a minor site plan. The Board will then evaluate it to get the site more in compliance than they are today.

Mr. Ridgway agreed.

Mr. Katz agrees with Mrs. Newcomb that it be done in a timely manner.

Mr. Lynch would also like to know when a former site plan would be submitted.

Mr. Ridgway explained that they will submit their use variance, proposed lot consolidation and minor site application. At that time they will ask for a time frame for a full site plan.

Mrs. Newcomb reminded the applicant that nothing should be done on the site. There was someone out there today doing some clearing on the residential area. Direction is needed whether he is allowed to keep the vehicles on lot 6.

Mrs. Kelley motioned to allow the vehicles to remain on lot 6.

Mr. McKay questioned how many vehicles.

Mrs. Newcomb would like testimony from the applicant.

Mrs. Kelly amended her motion to include the number of trucks and employee parking. The applicant should tell us how many that is.

Mr. McKay would like for the record the applicant to testify how many are needed.

Mr. Kingsbury stated there should also be a time limit given and swore in Mr. Grob.

Mr. Ridgway questioned Mr. Grob how many parking spaces are temporarily needed prior to the use variance application.

Mr. Grob answered it would be important to keep 6 trucks and 6 to 7 employees vehicles. The trucks are the major issue because they take up a lot of room. It would be devastating if he did not have that room.

Mrs. Newcomb explained that there are times when there are no trucks there and times when there are 6 trucks there.

Mr. Ridgway explained that he has been on the site and the area is fuller at night when fewer cars are on the road.

Mr. Grob stated that is correct and during the day there is rarely trucks parked there.

Mr. Ridgway stated at the worst case scenario there would be a maximum of 14 vehicles parked there.

Mr. McKay questioned if there would be a defined place these vehicles would park.

Mr. Grob stated there is and they are parked nice and neat in a line.

Mrs. Newcomb agreed that it is define. The employees vehicles are parked against route 38 and the trucks are in the back.

Mr. Tuliano questioned if the employees in the vehicles are the picking up the trucks or are the employees staying on site.

Mr. Grob explained that parking is for the employees that work there during the day, such as office people and mechanics. The truck drivers park on the east side of the lot. Everyone has a designated spot.

Mr. Krollfeifer asked for clarification that we would be temporarily granting 13 spaces for 60 days by then we should have the first application.

Mr. Ridgway would like some additional time. If he called an engineer tomorrow, it would be difficult to get something within the next 60 days.

Mr. Miller stated that we would be looking at a minor site plan that would almost be an as built.

Mr. Ridgway explained they were trying to address some issues such as landscaping.

Mrs. Newcomb asked why you would go to that extend and expense when the use has not been granted.

Mrs. Kelley believes landscaping needs to be done until they come in for the final.

Mr. Wisnosky believes that some minor improvements should be submitted with the use variance. Someone needs to draw a plan with some minor sit improvements.

Mr. Ridgway stated that will take a little time.

Mr. Wisnosky stated that Mrs. Newcomb has already been waiting since August and believes 90 days is a reasonable amount of time.

Mr. Krollfeifer asked for clarification on the number of lots involved and if the residential home is occupied.

Mr. Ridgway explained that the existing business is on lots 7 & 8. The residential home is occupied on lot 6.

Mr. Krollfeifer questioned the zone for lots 7 & 8.

Mrs. Newcomb answered the lots are zoned office.

Mr. Krollfeifer questioned if lot 6 was zoned office and is being used as residential.

Mr. Ridgway stated that was correct. They would need a variance to expand the use from lots 7 & 8 to include lot 6.

Mr. Kingsbury suggested they come back for the use variance to include a sketch and if approved come back with an engineered site plan.

Mr. Ridgway got the impression from the Board that they would like to have a minor site plan to show the parking and some landscaping.

Mr. McKay believes that the drawing needs to be more than a hand drawn sketch and less than an engineer drawing. It does need an engineer to put some reality to it.

Mr. Ridgway stated that we are not talking drainage; they are referring to parking and some landscaping.

Mr. McKay believes part of the plan should include street buffers, some rearrangement of parking, and anything else that could generally improve the site. They are generally trying to improve the site.

Mr. Miller explained that he would be ok with some of the landscaping and if any pavement is removed, as long as no additional pavement occurs.

Mr. McKay stated it should reflect the ultimate goal of development of these parcels if the Board were to allow the consolidation of the 3 lots and the nonconforming use to expand. We would want it to expand into a better looking parcel for the Route 38 corridor.

Mr. Wisnosky suggested that they look at Trailerama (which came in awhile back) and Health Haven (who came in more recently) which were in a similar condition. They took an old building and made some minimal improvements to both the site and building.

Mr. McKay would like to see the 90 day time limit which would bring them to the July 6, 2011 meeting.

Mrs. Kelley motioned to temporary allow parking of 13 vehicles (6 trucks and 7 vehicles) on block 99 lot 6. The applicant must file an application for July 6 for minor site plan and use variance.

Mr. McKay questioned if the 90 days refers to the filing of the application or the hearing date.

Mr. Ridgway will file to be heard at the July 6, 2011 meeting.

Second: Mr. Krollfeifer

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

Motion carries.

D. Presentation of Hainesport Township Ordinance #2011-1-3 and 2011-2-3 To amend the Township's Development/Zone Code

Mr. Wisnosky began with the Business Park Ordinance 2011-1-3. Mr. Wisnosky stated that Mr. Sylk is here this evening because this would effect the Industrial Park area.

Mr. Tuliano stated that the Business Park Ordinance is just creating a zone for the Township; it will not designate any area within the Township because of the notification.

Mr. Wisnosky explained that prior to these ordinances having public comment and adoption; they must come before the Joint Land Use Board for any recommendations.

Mr. Tuliano stated he wants to make sure the Board does not get the impression that the ordinance going before the Township Committee on Tuesday converts two industrial zones to Business Park. This ordinance does not do that now and at some point in time with proper notice we will designate what areas of the Township that will be known as Business Park.

Mr. Kingsbury explained that the Board can comment on their opinion of a Business Park zone without indicating where it is going to be. His understand was it was going to be in the existing I zone.

Mr. Tuliano stated there are 5 I-zones in the Township. The initial discussions were to designate two of the I-zones as business parks. That part will not be presented to the Township Committee Tuesday night.

Mr. Kingsbury commented that the Board can give their opinion this evening whether they believe it is a good or bad idea.

Mr. Wisnosky explained that about a year ago Mr. MacLachlan, who then sat on this Board, raised concerns that we should create a business park district that would be friendlier to uses that we want to attract to Hainesport Township. Mr. MacLachlan had previously given an example that if you wanted to open an office in one of the existing zones, you would not be able to under the current ordinances. The industrial zone did not allow one to do so without going through the procedure of a use variance. There were two goals in mind. One is to make it more attractive to small businesses. Second is to try to create an ordinance that would help clean up a couple of our industrial districts. Some industrial areas are pretty overgrown. The hope is if we are able to attract smaller, cleaner, better uses, and allow some office and retail in association with an existing use than the entire area would be improved. He and Mrs. Newcomb had spoken with the Ms. Karger and Mr. Sylk, being owners of one of our industrial areas, for some input.

After a considerable amount of time they created this ordinance. He went through the ordinance basically comparing it to our existing industrial zone. They tried to massage the existing land uses or permitted land uses in the industrial district without taking away any of the uses that currently exist. There are a couple of uses that were eliminated. As far as land use, it mirrors the existing zoning district; however, it allows opportunity for additional uses.

Mr. Wisnosky referred to the ordinance. Under 104-54A Business Park is to provide locations for light industrial and compatible commercial uses including retail sales which provide manufacturing, warehousing, research and development, office and ancillary commercial adjacent to major roadways in the Township.

He went through the ordinance and pointed out changes:

Under 104-45A

B. Dimensional Regulations

- 1) Minimum lot area was changed to 2 acres from 5.
- 3) Minimum front yard:
 - a) municipal or private road changed to 30' from 50"

The remaining setbacks proposed are what already existing in the industrial zone.

C. Use Regulations

- 1) Permitted uses – (the following has been added)

- b. Offices, all types
- c. Light manufacturing or the assembling of products of light manufacturing.
- d. Wholesale and distribution excluding retail or wholesaling of petroleum, quarried or mined material or similar bulk material
- e. Retail/Commercial as an ancillary use to any other permitted or conditional use in accordance with Section 104-41 (B)
- f. Corporate headquarters for a business, administrative, utility, professional or similar entity.
- h. Research and development
- i. Testing laboratories devoted to scientific or industrial research, engineering laboratory, testing and experimental operations for research or product development
- j. Bulk laundry processing
- k. Vehicle storage contained within a building
- l. Day-care facilities.
- n. Auto parts supply.
- o. Health clubs and fitness centers.

They took out heavy manufacturing and motor vehicle service stations from the Business Park. He read the definition of motor vehicle service stations.

Section 2 is new.

2) Accessory uses - Accessory uses which are customarily incidental to and located in the same lot as the principal use and which, unless otherwise specified, shall be located within the principal building and shall show no external evidence of such use.

- a. Assembly halls for meeting incidental to the business of any principal use.
- b. Maintenance, utility, and storage facilities incidental to any principal use.
- c. In-service training schools for employees.
- d. Restaurants or cafeterias primarily for supplying meals to employees and conference center guests.
- e. Temporary construction trailers
- f. Enclosed outside storage trailers in accordance with this chapter.

4) Prohibited uses

- e. Calcium carbide, acetylene gas, ammonia or chlorine picric, carbolic, hydrochloric, similar acid or similar chemical manufacturing.
- g. Rubber products manufacturing or treatment.
- h. Motor vehicle dismantling or other similar salvage operation or the storage of wrecked, disabled, or dismantled motor vehicles, used parts thereof, or other similar items or materials.
- i. Junkyards or other similar outside waste or disposal area.
- j. Manufacturing, storage or mixing of asphalt, coal, tar, petroleum, or bituminous products, or the type normally used for the paving of streets or parking areas.
- k. Restaurants of any kind except as otherwise noted.

There must be some kind of criteria established for performance regulations, so they referenced the general commercial district for these types of mixed uses. It allows a little bit of retail.

The last section was written for enclosed outside storage trailers. They currently are unregulated. One outside storage trailer shall be permitted for every 7,000 sq ft of building area except that no more than 4 storage trailers shall be permitted on the property.

The intent is to create a Business Park Ordinance that would attract new and smaller businesses that our present Industrial Park would allow.

Mr. Kröllfeifer asked if the lots are residential on the other side of Hainesport-Mt. Laurel Rd.

Mr. Wisnosky explained that it is a mix, not all of the Route 38 is highway commercial uses. We just seen one this evening that is zoned commercial and the use is residential. There are still homes on Route 38.

Mrs. Kelley had concerns with a daycare facility being in a business park unless it is part of a service to its employees of a business within its own facility.

Mr. Wisnosky stated that other community's business parks allow daycare facilities because there is a need. He is aware that parents like to have close proximity to where they are working. It would be providing a service to the parents that work in the park.

Mrs. Newcomb stated under land use law they would be allowed anywhere.

Mrs. Kelley understands the logic but has concerns with the outdoor recreation that must be provided. She asked if a park would be incorporated.

Mr. Wisnosky explained that every daycare must provide an outside play area by state statute. For example the daycare at Bruni's complex on Route 38 had to provide it.

Mr. Tiver questioned if the referral to a septic transfer station is like an A&L septic.

Mr. Wisnosky explained that it is in the present ordinance and they were trying not to eliminate any of the uses that are permitted in the industrial park. He believes we do not have a definition on it.

Mr. Kröllfeifer questioned if there is a tenant in there that is a septic transfer station.

Mrs. Newcomb answered there were none she was aware of.

Mr. Kröllfeifer suggested taking it out.

Mr. Tuliano asked if A&L is considered one.

Mrs. Newcomb stated it is a pre-existing nonconforming use that has been there for many years. We should have a definition.

Mr. Wisnosky stated we either eliminate it or create a definition. He questioned the Board on how they felt about removing it.

Mr. Tuliano stated that the motor vehicle service station is in the current ordinance and is not in the proposed business park ordinance.

Mr. Wisnosky read the definition of a Motor Vehicle Service Station. "A business which installs replacement parts in motor vehicles or a business which repairs or repaints motor vehicles, including but not limited to body shop, brake, tire and muffler replacement and tire replacement.

Mrs. Newcomb explained that we have 4 to 5 of them currently in one of our industrial zones. They do repairs inside the units. Permits are normally taken out for lifts and electrical. These businesses normally do not have 100 cars at a time. The majority of them work on 1 to 3 cars at a time and usually the cars are not outside. The business is one owner with 1 to 3 employees. The work they do is more minor in nature.

Mr. Tuliano asked if this is similar to the business that was at 505 Marne Highway which the Board approved a couple of months ago.

Mrs. Newcomb answered yes. One of the businesses that were approved for 505 Marne Highway is now in one of the industrial zones.

Mr. Tuliano recommended that we reinstate the motor vehicle service station back into the Business Park Ordinance. Any issues that may result can be enforced by Mrs. Newcomb and/or Mr. Ruggiano.

Mrs. Newcomb stated that was correct.

Mr. Tuliano questioned Mr. Kingsbury if this would be a major change that would require them to start the ordinance over again.

Mr. Kingsbury answered no. It was in the old ordinance. He believes it is not a significant change.

Mr. Wisnosky stated his notes state the following:

- 1) Remove septic transfer station under C1:q
- 2) Put back in motor vehicle service station as a permitted use under C1
- 3) Heavy manufacturing stays out

The Board needs to decide on the issue of the daycare that Mrs. Kelley referred to.

Mr. Tuliano stated we do not have a choice based on current law.

Mr. Wisnosky explained that a daycare under municipal land use law can go into any nonresidential zoning district.

Mr. Tuliano commented that Mr. Wisnosky's explanation is a very valid one. Hopefully these zones once established will flourish and there will be a need for it.

Mr. Krollfeifer stated we want to stimulate growth into these areas and would not want to do anything to discourage it.

Mrs. Kelley commented that she could see it in the offices but personally would not put her child in an industrial area. She suggested that it can be left in.

Mr. Kingsbury explained that the Board under the statute must determine whether this ordinance is consistent or not consistent with the master plan.

Mr. Wisnosky stated that he had reviewed the master plan and updates and determined it is consistent with our master plan. A recommendation is needed from the Board to give to the Township Committee.

Mr. Tuliano recommended that refer the ordinance to the Township Committee with the changes approved by the Board this evening.

Second: Mr. Lynch

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

Motion carries to approve.

Mr. Wisnosky stated that he and Mrs. Newcomb have been working on Ordinance 2011-2-3. This includes amendments to section 104 which either through time the Board has traditionally granted waivers or variances from. We want to bring it into conformance. Also create definitions where there was not one.

There have been minor issues before the Board and several Board Members would question why we were bringing things that were so minor to the Board. There has to be a way that can be handled administratively. They created the Site Plan Exempt criteria which allows the zoning officer to make a determination and recommendation as whether they should appear before the Board. He read the first three.

- 1) Single-family dwellings and their accessory buildings, structures and uses, except for home occupations which shall require minor site plan review.
- 2) Two-family dwellings and their accessory buildings, structures and uses.
- 3) Fences, on single-family and two-family lots.

Mr. Wisnosky explained that you would not be exempt in a variance situation. This is a way to streamline the process that was spoken about last year.

The current ordinance does not have criteria for a minor site plan. Currently every site plan is a major with those fees. This is burdensome to our smaller retailer and commercial users. We created this scenario if you only have a handful of parking spaces, you are not building any buildings, or put on a small addition, you will be able to file a minor site plan. It is simpler to go through the process. It is defined under 104-12.2.

Under 104-45, Section 104-45B (3)(c) Motor vehicle or trailer sales shall be eliminated. This would be a used car lot.

The Township adopted a code several years ago that under the state statute had to define an area in the community that would allow adult type businesses to occur. The design criteria was not crafted or made part of that zoning district. This is the Industrial-1 zone. It is just about the same criteria as the industrial zone except the lot area is one acre. The only other thing added was under conditional uses was (b) sexually oriented businesses.

Under 104-46: Residential -1a District, we added impervious coverage ration.

Under 104-49: Rural Residential 5 District was amended as follows: Nonconforming lot. All lots less than five acres in size shall be nonconforming lots. They also needed to simplify the section. Section 104-49A(13) pertaining to any existing lot shall be eliminated in its entirety.

Under Section 104-53 was amended to reduce the height of fence or wall to no more than 8 feet where it use to be 12 feet.

Under 104-55: Commercial districts

Section 104-55B Temporary storage buildings shall be eliminated in its entirety.

Section 104-55E amends the language for outdoor displays

Section 104-71: Self Storage Facilities is a new section that regulates self storage facilities.

Mrs. Kelley asked for an explanation on section 104-49A(13) pertaining to any existing lot shall be eliminated in its entirety.

Mrs. Newcomb explained that we removed it from one section and added it to another which we will be getting to in a minute.

Mr. Wisnosky stated 104-74 created design criteria for the adult business zone. They also created criteria on how, where these uses could be located, standards on how close it could be to schools or churches. A lot is dictated by the state. A section was made to specifically identify the criteria.

Under section 104-88: Senior Citizen District, some minor modifications were made. The lot size was reduced from 6,000 sq ft to 5,500 sq ft. The lot sizes of these age restricted development are tending to get smaller. We were amending the ordinance to bring it more into conformance with current development standards.

We do not know what is happening with COAH, so we amended the language to remove the 15% under Standards of development (e) to read: Fair share housing. A minimum percentage of all units shall be set aside for low and moderate income resident pursuant to the rules as established by the Council on Affordable Housing.

Mrs. Kelley questioned if we changed the open space.

Mr. Wisnosky answered no, everything else stayed the same. Since they reduced the lot size they reduced the setbacks: Front yard was 25' and is now 20', side yard was 6' and 15' and is now 5' and 10'.

Mr. Lynch questioned if item (h) buffer has always been 25'.

Mr. Wisnosky answered yes.

Mrs. Newcomb explained that we eliminated 104-49A(13) from RR-5. All the lots will now fall under 104-112. This pertains to lots that do not meet today's standards for lot size. These exist all over town. This allows the residents who can meet all the other requirements such as setbacks not to have to come before the Board for an underside lot.

Mr. Wisnosky addressed 104-115 off-street parking and loading. The current ordinance reads 10' x 20' parking spaces. The Board has pretty constantly approving 9' x 18' spaces. There is a provision in land use law that if you continue to approve variances you should address changing the ordinance. A standard was added for indoor recreation parking.

Under 104-120 shade trees the ordinance presently states 1 tree per 40' to 60'. He would constantly get into disputes with applicants regarding this, so we changed it to 50'.

Mr. Wisnosky explained that under 104-123 Signs, Mr. Kingsbury has indicated that political signs can no longer be regulated. Therefore Section 104-123E(5-a) has been eliminated. There is no criteria for directional signs so section (4)(e) was added.

Section 104-123J was added because there was no criteria for ground mounted signs in the office and professional districts.

Section 104-132 Certificates and permits. This will allow the zoning officer to determine whether a change of use is consistent with the zoning ordinances as apposed to having that person file an application to appear before the Board.

Mr. Krollfeifer asked if this would apply to Dorothy Green's tenants appearing before the Board.

Mrs. Newcomb answered it would not apply to her because it is stated in a resolution.

Mr. Wisnosky referred to 104-135 Nonconforming uses and buildings. Our current ordinance if 75% or less is destroyed by fire or something you could rebuild it. The 75% has to be removed, so this was amended to meet current regulations.

Mr. Krollfeifer asked for clarification on the sexually oriented businesses.

Mrs. Newcomb explained that this came about years ago through case law. Towns had to establish at least one area in town that would allow sexually oriented businesses. We did not have an area at that time and one was established back then. There were no criteria created so that is one of the things we are taking care of this evening.

Mr. Wisnosky explained we have one small area along the bypass.

Mr. Krollfeifer questioned if several different types of businesses could actually go there.

Mr. Wisnosky explained that there is a separate section in the Hainesport Township Code Chapter 150 talks about sexually oriented businesses. If one was to open an adult business, they would first go to chapter 150 to determine what they would be allowed to do. 104-74 is for the land ordinance for setbacks, etc.

Mr. Krollfeifer questioned if section 104-71 has to be incorporated into ordinance #2011-1-3.

Mr. Wisnosky answered no.

Mrs. Kelley referred to Prohibited uses 104-45.1(B)(3)(d) retail sales of any kind. She believes it should be eliminated.

Mr. Tuliano referred to Self Storage Facilities 104-71(8) Activities within the storage area shall be limited to commencement no earlier than 8am and ceasing no later than 10pm. He believes that would handicap any storage facility that may want to come into town. With the new electronic key pads, it allows 24 hour and 7 day access.

Mr. Krollfeifer suggested that we amend it to stated 24 hours.

Mr. Wisnosky suggested that we leave it silent and let the business tell us their operating hours due to standards always changing.

Mr. Krollfeifer recommended that they refer the ordinance to the Township Committee with the following changes: 104-45.3 remove (d) and 104-71 remove (8).

Second: Mr. Katz

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

Motion carries.

7. Minutes

A. Regular Meeting Minutes of March 2, 2011

Mrs. Kelley motioned to approve

Second: Mr. Tiver

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

Motion carries to approve

8. Resolutions

A. Resolution 2011-07: Granting front yard setback variance for detached garage on Block 65 Lots 8 & 9

Motion to approve: Mrs. Kelley

Second: Mr. Tiver

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

Motion carries to approve.

9. Correspondence

A. Letter dated March 3, 2011 from Alaimo Association to Gene Blair Re: Case 2010-011, Temporary Certificate of Occupancy on Block 98 Lot 2.05

Motion to accept and file: Mrs. Kelley

Second: Mr. Tiver

Roll call: All in favor

10. Professional Comments - None

11. Board Comments - None

12. Public Comments - None

13. Adjournment

Mr. Katz motioned to adjourn at 10PM

Second: Mr. Tiver

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, May 4, 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. Dickinson, Mrs. Kelley, Mr. McKay, Mr. Tiver,
Mr. Krollfeifer, Mr. Lynch, Mr. Bradley, Mr. Dodulik, Mr. Katz

Absent: Mr. Boettcher, Mr. Tuliano, Mrs. Bloesch

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

Mr. Katz announced that item C: Salt and Light will not be heard this evening.

6. Items for Business

A. Case 11-07: Charles Little, Jr
Block 9.02 Lot 7
12 Adams Lane
Bulk variance for in-ground pool and shed

Proper notice was given.

Charles Little, applicant, was sworn in. He would like to construct a 16’x34’ in-ground pool. He is seeking a variance for a rear yard setback of 10’ where 15’ is required. This would center the pool between the rear property line and his existing deck. The lots are very small in his neighborhood. He is seeking a variance for an existing 4’ x 8’ shed that is inches from the side of his home where 10’ setback is required. Due to the size restrictions of his lot, he has no where else to put it. The shed is designed to go up to the house.

Mr. McKay questioned if the deck is existing and if the rear of the property is currently fenced in to the house.

Mr. Little stated that the deck is existing and there is a 6' existing fence.

Mrs. Newcomb explained that the fence meets pool code. She had provided pictures of the property. She believes it is not feasible to meet the required guidelines due to the layout of the rear property. The existing shed only would need zoning approval due to being less than 100 sq ft and there is really no other area for the shed to be placed.

Mr. McKay questioned if this is one of the Rubbermaid sheds.

Mrs. Newcomb explained that it was a kit that was built onsite. She believes it does not have an impact on the area.

Mr. Little explained that the shed can not be seen from the front of the house. His neighbor to his right helped him put it up and has no problems with its location.

Mrs. Newcomb explained that this development has a large number of lots that are small, averaging 6,000 to 12,000 sq ft.

Mr. Wisnosky believes that this will have no negative impact on the neighbors or the zone plan.

Mr. Katz opened public comment.

Ruth MacGregor of 31 Patriot Way was sworn in. She explained that she lives behind Mr. Little. There are grading issues throughout the development especially on the sides of the homes. Puddles gather on the sides. She wants to make sure that when the pool is installed that the grading does not change so she does not get any additional water on her property. She currently does not get water in the back.

Mr. Kingsbury explained that the engineer would have to look at the grading plan and it could be a condition of approval.

Mrs. Newcomb explained that we do not require any homeowners or pool companies to submit topos to us because we do not have an in house engineer. The homeowner would have to set up an escrow for the township engineer to review. This is not normally done.

Mr. McKay stated the pool goes in pretty much flush to the ground.

Mrs. Newcomb explained that the swales that are on the sides of the home are designed to collect water. She is unsure if there is any solution to ensure anything.

Mr. McKay explained that it is an additional impervious coverage to the back yard but it is minimal.

Mrs. Newcomb explained this will give them the maximum impervious coverage. If he were to add anything additional he would have to come back to the Board.

Mr. McKay stated that the swales in this development are by design. The grading is not bad, it's by design.

Ms. MacGregor stated the water just sits there.

Mr. McKay explained the percolation may be bad.

Ms. MacGregor stated that when her other neighbor put in a pool; it did get worse on the one side. She does not have an issue with the pool or location; she doesn't want any additional water coming into her property.

Mrs. Kelley questioned if Mr. Little has any water that sits on his property.

Mr. Little explained that the grading from Ms. MacGregor's property goes down to the middle of his yard. He agrees the grading is not the best, but can't imagine how putting in a pool his yard would allow water to go up into her yard. He probably gets water from her yard.

Mrs. Newcomb explained that the only thing that could be done, which would cost the homeowner, is to have a topo done. The numbers would dictate which way the water is running. It would be an expense of about \$2,000.

Mr. Little referred to a photo of his property that shows the slope going down from Ms. MacGregor's yard.

Mr. Bradley questioned how long the water ponds after a heavy rain.

Ms. MacGregor stated on the one side of her house where landscaping and additional dirt was added may sit for a day or two. On the other side the water will sit there for a few days.

Mrs. Newcomb explained that when people landscaping and do other things to their properties it changes the drainage.

Ms. MacGregor stated that other neighbors who have lived there had issues. The drainage was poorly done.

Mr. Bradley stated that he had a similar problem with water ponding in his yard. He was told that it is a building standard and would drain off within 72 hours and there was nothing wrong with the grade. He questioned if that is a standard.

Mr. Martin answered that generally speaking that is correct.

Mr. Dodulik questioned if the landscaping along the fence is mounded, so that it is higher than the lawn.

Mr. Little answered yes.

Mr. Dodulik stated that any water that would run away from the property would have to go over the mounds. It is acting as a dam.

Mr. Little agreed.

Ms. MacGregor questioned if the landscaping would be staying.

Mr. Little stated the landscaping will be staying.

Mr. McKay questioned how much water the pool is going to throw off in terms of water.

Mr. Wisnosky stated very little.

Mr. McKay stated he understands the concerns but when he looks at the plan he does not see it throwing off any water.

Ms. MacGregor has no problems with the pool; she wants it on record that she does not want any additional water in her yard.

Mrs. Newcomb believes we can not guarantee that. There could be 6 months of rain which would become an issue no matter what.

Mr. McKay stated that the only thing you can look out is what water is displaced from the pool and it looks like a deminimis amount.

Mr. Miller questioned if the water ponds in the middle of the yard now.

Mr. Little answered yes.

Mr. Miller explained that the issue is not more run off but where the run off end up will after the pool is installed. Grading will be from the back deck to where the landscape area is. The pool platform will be a flat area will be going over the depressed area in the center of the yard. It will take that depression and put it back between the sidewalk area for the pool and the landscaping. The problem will be more the applicants than the adjacent neighbors. It is something he may want to address with his pool company.

Mr. Dickinson suggested that he may want to put a drain in to help with his problem. Some of his neighbors that put in pools did that to solve the problem.

Mr. McKay stated that either way it does not impact the neighbor's yard.

Deborah Coutts was sworn in. She also has water problems on the side of her house. She put a french drain in on the one side and no longer has a problem on that side. The other side of house she still gets a lot of water. There is a pool on the property behind her which sits up very high and she does not get any water from their yard. She supports the pool.

Mr. McKay questioned where the downspouts from these homes generally go.

Ms. Coutts stated that her neighbor's downspout comes right into her yard.

Mr. McKay suggested that may be something the homeowners should look into.

Mr. Katz closed public comment.

Mr. Krollfeifer questioned if there were any other pools in the area that are contiguous to his property.

Mr. Little answered that the neighbor to his left, 14 Adams Lane, has a pool. There is no run off from that pool into his yard.

Mr. Krollfeifer motioned to approve the variance for the pool.

Second: Mr. Dickinson

Roll call: Mr. Krollfeifer, yes; Mr. Dickinson, yes; Mr. Bradley, yes; Mrs. Kelley, yes;

Mr. McKay, yes; Mr. Tiver, yes; Mr. Lynch, yes; Mr. Dodulik, yes;

Mr. Katz, yes

Motion carries to approve the pool.

Mr. Lynch motioned to approve the side yard variance from the house of inches for the shed.

Second: Mr. Krollfeifer

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

Motion carries for the shed.

Mr. Little requested a waiver to proceed with construction prior to the memorialization of the resolution.

Mr. Katz questioned if he understands that would put him at risk.

Mr. Little understood.

Mrs. Kelley motioned to approve waiver.

Second: Mr. Tiver

Roll call: Mrs. Kelley, yes; Mr. Tiver, yes; Mr. Bradley, yes; Mr. Dickinson, yes;
Mr. McKay, yes; Mr. Lynch, yes; Mr. Dodulik, yes; Mr. Katz, yes

Motion carries to approve waiver.

B. Case 11-05: Hainesport Community Baptist Church

Block 73 Lot 1

2131 Marne Highway

Major subdivision/Bulk variance

Attorney: Robert Bowman

Proper notice was given.

Mr. Bowman, applicant's attorney, stated he is here this evening with Elias Carrero, Pastor of the Hainesport Community Baptist Church, and has been authorized to represent the church. They would like to subdivide the parsonage from the church so the church building may be sold to another church.

Elias Carrero was sworn in.

Mr. Bowman referred to the map. The property consists of approximately 7 acres located off Marne Highway on Evergreen Ave. The parsonage is located to the rear of the property. They would like to subdivide the parsonage from the church property to become a taxable/ratable for the town. The home would be retained by Hainesport Community Baptist Church and eventually sold to Mr. Carrero or someone else. The church is currently being rented out. The homes 100' frontage is on Chestnut Ave. There would be no changes just the property would be subdivided.

Mr. Lynch questioned if Harbor is currently utilizing the church and if Hainesport Community Baptist Church still exists.

Mr. Bowman answered yes Harbor Baptist Church is renting the church. Hainesport Community Baptist Church still exists as a corporation.

Mr. Lynch questioned if Hainesport Baptist Church is still holding religious services.

Mr. Bowman answered not currently. The plan is to wind down Hainesport Baptist Church within a year so that it will not exist. This is part of the process to sell of the assets of the church. Harbor Baptist does not need or want the home. This would give the opportunity to sell the home to Mr. Carrero or someone else.

Mr. McKay questioned if the parsonage pre-existed the church.

Mr. Bowman answered yes.

Mr. Carrero stated the parsonage was built in the late 1950's.

Mr. McKay questioned if the fire lane connected the parsonage to the church.

Mr. Carrero answered yes and pointed it out on the map.

Mrs. Kelley questioned if the fire lane would stay.

Mr. Bowman answered yes. They are not making any changes other than dividing the property off.

Mr. McKay stated the fire official must have recommended the fire lane or it would not be there.

Charles Bendel, 2212 Chestnut Ave, was sworn in. He explained that he caused the fire lane about 20 years ago. Mr. Boettcher, Mr. Derickson, and Mr. Corn came to him when the church was being built and stated they would like a fire lane to go through there. He was told there would never be anything that will go through there except a fire truck. It is a like a highway and cut thru. For years a chain was across it and had no problem. Someone from the church took the chain down to take an elderly neighbor to church. It has gotten out of hand. The kids cut thru there. His neighbor, Kent Bishop, has been robbed three times. He lost several building that was caught on fire last year. There is no reason for anyone to go thru there it is a dead end street. He questioned why does anyone want this blacktopped? If they pave it and do not have a chain up it will make it worse.

Mr. Bowman explained the he received a letter dated April 13, 2011 from Mr. Ruggiano, Fire Official. One of the items required for approval is to pave at least 20' wide from Chestnut Ave over to Evergreen Ave. They are willing to whatever the Board requires whether it is to pave it or leave it as is. It is apparent that Mr. Bendel has issues with it.

Mr. Bendel is not worried about cutting off the fire lane; he is concerned with stopping the traffic from going thru there. There are two posts there. He spoke to Mr. Derickson, who use to be the fire chief, a couple of years ago telling him that is nothing but a problem. The kids cut through there. A couple of the kids pulled her wife down and knocked her on the road.

Mr. McKay questioned how long has the chain been missing.

Mr. Bendel answered ten to 15 years.

Mr. Bendel stated that Mr. Derickson questioned him how they were going through there because he had put a chain up. He told him that they took the chain down. Mr. Derickson suggested that he talk to the pastor. He did speak to the pastor and he agreed it was a good idea. There are four signs that say no trespassing, which does not help. People just fly thru there. There are several small children on his road.

Mr. Carrero explained that Mr. Bendel had come to him and asked if he could put a chain back up. He told Mr. Bendel if that is the way it use to be, he could go ahead and put the chain back up. He has no problem with it. After the chain was put up, Mr. Ruggiano and Mr. Boettcher came to the church and questioned why he put the chain back up. He told them that Mr. Bendel came to him and stated it was up there before and asked to put it back up. He told him he could. They told him that it could not be left up like that; it has to be taken down. He stated he would cooperate with whatever needs to be done and asked them to explain it to Mr. Bendel.

Mr. Bendel stated they did not talk to him.

Mr. Carrero explained he did not want to touch it, so Mr. Ruggiano stated that he would. He took the chain down and was under the impression that they talked to Mr. Bendel. He does not know whether the chain is supposed to be there or not.

Mr. Bendel stated that he was there when Mr. Boettcher installed the chain. He signed a paper that nothing would ever go thru there.

Mrs. Newcomb questioned that if nothing is changing except an invisible line and a deed, are we allowed to legally mandate that they lay asphalt after all this time.

Mrs. Kelley does not know why we would want asphalt there. She drove it today and sees no reason to put in asphalt.

Mr. Katz agreed and believes the road is for emergency access. There is no reason why it should be asphalted. He sees no reason why the chain can not be there.

Mr. Krollfeifer explained he visited the site and the asphalt on Chestnut Ave stops right past Mr. Bendel's home. He stated that Evergreen Ave and Chestnut Ave are connected by the dirt fire lane. He questioned how Mr. Carrero would enter the parsonage.

Mr. Carrero explained he would enter from Chestnut Ave. It has been that way since the church was built in the early 1990's.

Mr. Krollfeifer stated that there are two driveways coming out from the Roy's home on Chestnut Ave. One goes onto the asphalt and the other goes onto the dirt fire lane towards the parsonage.

Mr. Bowman stated that the Fire Official requested that the church has an Evergreen Ave address. Mr. Carrero has been in touch with the tax assessor's office. He proposed that the church will be 7 Evergreen Ave and the parsonage retain the address of 2133 Chestnut Ave. They are agreeable.

Mr. Bradley questioned if the fire lane is on their property.

Mr. Bowman answered no; it goes down the paper street of Chestnut Ave.

Mr. Katz believes that it has nothing to do with their proposal; it has to do with Mr. Ruggiano and the Township.

Mr. Kingsbury explained that the proposed subdivision does not necessitate anything off track by way of improvements. He agrees that it is not a subdivision issue.

Mr. Bendel stated he is only interested in stopping the traffic from coming thru.

Mr. Katz understands that and it believes it should be addressed with Township Committee. He has no objections to a chain going up and a key given to the fire department.

Mr. Bendel stated it is the church's property and they were nice enough to allow a fire lane.

Mr. Bowman explained if you look at the survey, it does not belong to the church. They are open to whatever the Board suggests.

Mr. Katz believes the dirt road is not part of the subdivision.

Mr. Kingsbury explained that the Board is allowed to require improvements according to statute that are necessitated by the subdivision. He believes this is not necessitated by this subdivision.

Mr. Katz answered that it has been that way as long as he has been here and has been that way many times. He is involved with the Boy Scouts and has been there many times.

Mr. Krollfeifer questioned if this is approved and based on the testimony regarding this gravel road, if the parsonage is sold in 4 to 5 years, how they would have access to the property. You would have to go onto this fire lane.

Mr. Carrero explained that you were never able to go into or out of the parsonage without going onto the gravel road. The extra 25' of asphalt that goes to the new house on lot 1.13 was a requirement of approval when built. This is the same driveway since the home was built in the late 1950's.

Mr. Bowman explained that the original driveway was already there and when they created the fire lane, they branched the fire lane off the driveway.

Mrs. Kelley agreed.

Mr. Krollfeifer has concerns that there would not be access to the home without going on the fire lane.

Mr. Lynch stated that the street is not improved and believes it is suppose to be when there is a home.

Mr. Miller explained there are some special considerations to establish this subdivision that established the easements. Now they want to establish another lot on this easement which makes a problem with the tax assessor and one with the municipality approving a lot on an unimproved road.

Mrs. Kelley stated the home as been there and the driveway was coming off the end of Chestnut Ave. When they put the church in, they used the houses driveway and split it off. The driveway has been there 40 to 50 years and the fire lane was not. She believes it should not have to be black topped and the driveway does not have to black topped unless the homeowner wants to. When that home was originally built someone approved that driveway to come down that way.

Mr. Bowman commented that the driveway is on the paper road.

Mr. Dodulik explained that there is approximately 200 ft of the paper road before the driveway begins. Once you pass the driveway you are on the fire lane.

Mr. Carrero stated it is an easement. The signs for fire lane access are just past the driveway.

Mr. Tiver questioned that they never had a problem until that chain came down.

Mr. Carrero believes that was the case. When the chain came down, he said it was ok to put it back up.

Mr. Katz does not know the circumstances of why the chain came down except was stated this evening.

Mr. Tiver stated he remembers when the chain was up.

Mr. Katz also remembers the chain being up.

Mrs. Newcomb stated the chain of events is true.

Mr. Kingsbury explained that you are not allowed to create a lot that has no street frontage. If there are practical difficulties in that requirement, you are allowed to grant a variance from that as long as you are satisfied that there is some other access to the lot which is adequate for fire and emergency services.

Mr. McKay commented that is what was done in 2003 when lot 1.13 was created and it had the same problem.

Mr. Lynch stated that is why they had to pave the additional 25 feet.

Mr. Dodulik explained if Chestnut Ave was paved to the end it would go to the driveway. It has frontage but it is not paved.

Mr. Bowman agreed.

Mr. Miller explained that the paper road of Chestnut Ave runs the lot lines of lot 1.10 and 1.11 and then becomes an easement.

Mr. Krollfeifer questioned if they plow the snow from Chestnut Ave to Evergreen Ave, or do they get to a certain point and stop.

Mr. Carrero stated they stop at his driveway.

Mr. McKay explained that when they approved the subdivision of lot 1.13, we describe in the resolution a 50' wide ingress and egress to the extension of Chestnut Ave to Evergreen Ave. A 50' wide easement of Chestnut Avenue is a stone driveway. We granted a variance to build a lot on an unpaved street. He questioned if a section in front of lot 1.13 was paved.

Mr. Miller explained that resolution also included a 25' strip of pavement in that easement which gave paved access to lot 1.13.

Mrs. Newcomb stated the ordinance requires that 25' of pavement be done past the property line of the new lot.

Mr. Miller stated that the 25' goes in from the beginning of lot 1.13 and then continues as stone. It is all stone in front of the proposed frontage of the parsonage property.

Mr. McKay question if Evergreen Ave is paved all the way to the parsonage property.

Mr. Miller stated no just to the church parking lot which is curbed and does not continue to the parsonage. The curbing looks like it was removed for the fire lane access.

Mr. McKay questioned why did we what the fire lane.

Mr. Bowman explained that two points of access was wanted for a fire truck to gain access to a building of this size. They wanted to get there by Evergreen and Chestnut Ave.

Mr. McKay remembers. He wonders if the original resolution mentions the chain and the fire lane.

Mrs. Kelley questioned what year the church was built.

Mr. Carrero explained that construction started in 1991 and was finished in 1992.

Mr. McKay stated as a condition of approval for the new proposed lot, could they do what was done in 2003 and extend the pavement done 25' into the new proposed lot. Grant a variance for this new lot in such the same fashion we granted for the old lot. We still have to deal with the chain issue. We would probably want to go back to the old resolution to see what it says about a chain. Suppose it says nothing about a chain, should the new resolution deal with that fire lane, we are addressing it by the condition. The question is can the chain issue be dealt with in the new resolution creating this new lot.

Mr. Miller commented that Mr. Ruggiano thinks no.

Mr. McKay explained that Mr. Ruggiano offers advice and recommendations. He believes you could look around town and find other fire lanes that are chained. He can think of a couple of places in other towns that these yellow chains are routinely put up to keep fire lanes from becoming thru streets.

Mr. Kingsbury asked to see the original resolutions.

Mr. McKay questioned if the applicants would be willing to adjourn for one month to get some clarity on these issues.

Mr. Bowman stated if that is what the Board desires, however, the chain really has no impact on the subdivision. The applicant would have to pay him addition fees. The church is agreeable to pave Chestnut Ave down to 25' onto the new subdivision lot of 1.14. They have received estimates on the paving. If at some point a chain needs to be installed at the end of the paving, which would be fine. They have no objection.

Mr. McKay explained that the chain may be viewed as an issue to deal with the subdivision because if the testimony that was heard is correct that this is a thru street, race track. Paving the street for another hundred feet or so may only encourage the behavior. The off site improvements that are a condition of the lot may create or enhance the problem with traffic. People may see that you have paved another 100 feet of their cut thru. In resolution of this whole issue of the status of this fire lane is pretty critical.

Mr. McKay asked if Mrs. Tiver could look for the resolutions. Mrs. Tiver went to get the original resolutions.

The Board proceeded with Case 11-09: Administrative Amendment –Kathy Newcomb

U.S. Supply while Mrs. Tiver went to get the resolutions. (See item E)

Mrs. Tiver returned with prior resolutions.

Mr. Kingsbury explained the resolution states that Board required the emergency access but there is no mention of the chain.

Mr. Bradley stated that Mr. Ruggiano's letter dated April 13, 2011 states that the fire lane between Chestnut Ave and Evergreen Ave must be maintained at all times and gravel area to be paved and marked "fire lane access only". The area to be a minimum 20' in width.

Mrs. Newcomb stated that the 20' is the new state requirement for fire lanes. She questioned if that can be mandated if it is pre-existing.

Mr. Kingsbury explained that you do not have to mandate anything. You can leave it the way it is if the Board feels the access is adequate as is or you can require paving up to the lot.

Mr. Katz believes the emergency access is fine as it is.

Mrs. Kelley agreed and stated there are other emergency accesses that she is aware of that are not paved.

Mr. Bradley believes we allowed someone to put in a plastic chain across their back driveway to stop vehicles from entering.

Mr. Katz does not recall but has seen the chain in lots of places, it is not something new.

Mrs. Newcomb believes a chain would not stop a fire truck from getting through.

Mr. Bradley stated that Mr. Bendel seems just as concerned with pedestrian traffic as with vehicular traffic.

Mr. Katz stated a chain will not stop someone from walking.

Mr. Tiver stated he has more concerns with vehicular traffic.

Mrs. Kelley agreed.

Mr. Bradley believes a 25' extension should be made beyond the driveway on Chestnut Ave.

Mr. McKay stated that is what the Board had done when we created lot 1.13.

Mr. Miller explained that it would be paving approximately 100'.

Mr. Bradley questioned if the ordinance requires us to go 25' past the driveway.

Mr. Miller explained that the 25' encloses the driveway so it comes out to pavement.

Mrs. Kelley questioned if they could also grant a variance and not do anything.

Mr. Kingsbury answered that is correct.

Mr. Bowman explained that the 25' is from the property line.

Mrs. Kelley questioned if the 25' would give them the access to the driveway.

Mr. Bowman stated it may be enough. They can pave it or leave it the way it is to slow down the traffic. Mr. Carrero is willing to do it either way.

Mr. McKay suggested that you could pave Chestnut Ave for an additional stretch of 25' past the concrete monument marking lots 1.13 and 1.14. A chain erected on the new lot and it would be up to the fire official to come back and say it should not be there.

Mrs. Newcomb questioned should he come to this Board or the Township Committee.

Mr. Katz believes it should be Committee.

Mr. Bradley believes Mr. Ruggiano would want some markings on the paving that it is fire lane access only.

Mr. McKay stated you could do that but isn't there signs posted.

Mr. Bowman stated there are signs there now.

Mrs. Kelley commented there are 4 signs there now.

Mr. McKay stated that the most effective would be a big chain going across.

Mr. Katz and Mrs. Kelley agreed.

Mr. Bowman explained if the Board requires them to pave in 25', they may do up to 40' to get it to include the driveway.

Mr. Miller stated if you take it the 25' and then make the driveway match into it.

Mr. Bowman explained that is what they would like.

Mrs. Newcomb stated that would solve the problem if the home is ever sold to someone else in the future.

Mr. Bowman explained that the fire official also wanted it paved to the church parking lot.

Mr. McKay questioned where the chain was located.

Mr. Carrero explained that it was put between the two fire lane signs that are there where Chestnut and Evergreen meet that face towards the church. There are two more fire lane signs that face Chestnut Ave at the end of his driveway.

Mrs. Kelley questioned if the people that go to the church use Chestnut Ave.

Mr. Carrero explained that the people who go there now tend to use Evergreen Ave.

Mr. Dickinson stated that it was mentioned that someone was getting picked up and taken to the church on that street.

Mr. Carrero answered that was correct. Hainesport Community Baptist Church is now blended with Easton Bible Church. Harbor Baptist Church is now at the church. They are from Moorestown, so they come down Marne Highway and turn down Evergreen.

Mr. Krollfeifer asked for clarification on what would be paved.

Mr. Bowman explained that the paving would continue in front of lot 1.13 to the parsonage driveway and beyond that would be gravel.

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

Mr. McKay motion to grant variance to subdivide new lot of 1.14 from the existing church lot with a condition of approval that the paving of Chestnut Ave continue as the same width as the existing paving to a point at least 25' past the lot line of 1.13 and 1.14. A further condition the church lot shall install between the two existing fire lane sign posts at the intersection of Chestnut and Evergreen a chain across locked in place with a pad lock. A key shall be provided to the Hainesport Township Fire Department.

Mrs. Kelley questioned if the change of address has to be included in the resolution.

Mr. Kingsbury stated that is a postal matter; however he will include it in the resolution.

Mr. Bowman explained that the parsonage will retain the address of 2133 Chestnut Ave. The church will receive the new address of 7 Evergreen Ave.

Second: Mr. Tiver

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

Motion carries to approve.

**C. Case 08-24A: The Salt & Light Co., Inc
Block 87 Lots 1 & 2, Block 88 Lot 1
Corner Albert St & Rancocas Ave
Preliminary & Final Major Subdivision
Preliminary & Final Site Plan
Attorney: Patrick McAndrew**

Case 08-24A will not be heard. Proper notice was not given.

**D. Case 11-10: Whitesell Construction Co., Inc
Block 96 Lot 2.04
6 Berry Drive
Interpretation
Attorney: Lynn Blessing McDougall**

Mrs. Newcomb explained she is asking for an interpretation for Whitesell's property at 6 Berry Drive regarding the prior use of Shannon Transportation which transported office furniture. The new tenant is for the use of pods. She needs the Board's opinion if this is a similar use to the prior use that was there. If not, is this something the Board would like a formal application submitted.

If you refer to the plan that was submitted, they wish to place 115 pods where the prior use had trailers. The items are placed in the pods at the customer's location then brought to the warehouse and placed inside for storage.

Mrs. Newcomb stated that the pod industry is new to her, towns, and Whitesell.

Mr. McKay asked that Mrs. Newcomb refresh the Board on what Shannon Transportation was parking and doing on the site.

Mrs. Newcomb gave the Board resolution 2008-09 which shows what Shannon Transportation was allowed.

Mr. Wisnosky explained that our ordinance does permit warehousing and indoor storage in our Industrial District.

Mr. McKay stated that outdoor storage in this area is not a permitted use.

Mr. Wisnosky explained the ordinance does not list it as a permitted use.

Mr. McKay believes we granted a variance.

Mrs. Newcomb explained she was not part of the original site plan for Shannon Transportation but was part of the amended site plan regarding parking trailers and the use.

Mr. McKay questioned when York was given a variance there was a fence included and they were storing packaged units.

Mrs. Newcomb answered yes and stated she has had to deal with them a few times to lower the height. They are good tenants.

Mrs. Newcomb explained that Shannon Transportation was in the business of transporting office furniture. They had nothing in the units that were stored outside and office furniture was stored inside. The furniture was then delivered to its various locations.

Mr. McKay stated that they were only storing trailers outside.

Mrs. Newcomb answered yes.

Mrs. Newcomb stated when you look at Whitesell's plan; the 115 units are empty and will not hold items. That will be done inside.

Mr. McKay stated this is their inventory of empty pods. Eventually would end up inside.

Mrs. Newcomb agreed. However, some of the pods may not make it inside. Some of the units may go to someone's house that may sit there for 6 months.

Mr. Katz questioned if Shannon's trailers held anything in them.

Mrs. Newcomb commented they were empty per ordinance.

Mrs. Kelley stated that the pods don't hold anything either.

Mrs. Newcomb commented that the outside pods do not.

Mr. McKay questioned the size of Shannon's trailers.

Mr. Newcomb stated that they were 53ft trailers.

Mr. McKay questioned if the proposed pods shown on the plan is the maximum amount.

Mrs. Newcomb stated Whitesell would have to answer that.

Terrace Huettl, was sworn in. He is the Whitesell's vice president and engineer. Their attorney is with him tonight if she is needed. Whitesell is the owner of 6 Berry Drive which was built about 10 years ago. They have had 2 tenants in the building since it was built. One of those tenants left abruptly and is no longer in business, Shannon Transportation. Shannon Transportation also stored items, mostly office furniture. They were approved for a storage area in the back, which they stored empty trailers. The trailers were moved periodically when something had to be moved from one place to another. The trailers when not used were placed in the backyard in the storage area. The storage area is approximately 400' off the road with lighting, a stone parking area and landscaping, which are requires of the Board when the lot was put in. The use was restricted in the lot to empty trailers. It is not very visible from Berry Drive.

The new tenant is in business of storing pods. They would take pods to people's home and businesses where they store things on site or if they do not want to stored on site this company would take the full pod back to store it inside the warehouse. There would be empty pods outside waiting to be used and occupied pods stored inside the building. The business is seasonal. They tend to be very busy in the summer during the construction season and less busy in the winter. During the winter they tend to accumulate empty pods. They would like to store them in this gravel lot. The pods are essentially a small tractor trailer without wheels. The use of this lot for empty pod storage is very similar to prior approved use for Shannon Transportation for empty trailers.

Mr. McKay questioned if the pods are stackable.

Mr. Huettl answered they are but did restrict in the lease that the tenant not stack them because they would be 16ft high if stacked, they are each 8' high.

Mr. McKay questioned if the proposed 115 pods is the proposed maximum number of pods.

Mr. Huettl answered that was correct. The tenant will be restricted in their lease that they cannot store pods in the paved truck loading area. They will have temporary staged pods in the loading area when they are loading and unloading them.

Mrs. Newcomb explained that she spoke to Mr. Ruggiano to see if he had any concerns. His concern is that on the left side where there are about 12 pods, we did not allow Shannon Transportation to come out that far. He needs a 90 degree angle for the trucks to come in and out of. She does not know if the pod company is aware they may have to remove a few of the pods.

Mr. McKay questioned if that was turning on and off the fire lane.

Mrs. Newcomb answered yes.

Mr. Huettl believes there is a misunderstanding. In the past the trailers did come out to the paved area. The purpose of the pave area was to create a hard surface for the dolly pads, the feet that support the front end of the trailer. They originally did not have the paved area there and the dolly

pads were sinking into the stone. The trailers did come up to the paved areas. There is about 30' between the paved area and the trash enclosure is where the fire lane came in. He will be meeting with Mr. Ruggiano tomorrow. They agree to any requirements of the fire marshal in regards to the fire lane.

Mrs. Newcomb explained she, Mr. Blair, Construction Official, and Mr. Ruggiano are meeting with the applicant tomorrow regarding the interior. She did investigate a site located in Bordentown that allows the clients to gain access to their stored pod. The client must give a 24 to 48 hour notice to get access. She asked if the Board has any concerns regarding client access to pods.

Mr. McKay questioned how the client would get access to it.

Mrs. Newcomb explained the company gets the request and then brings the pod out to an area. The owner is the only one who has access to the pod.

Mr. McKay questioned if she had concerns that this changes the use of the building other than a pure warehouse.

Mrs. Newcomb stated it does but she does not have an issue with it regarding zoning. The company will have to meet the guidelines and safety standards. She just wanted to bring to the Board's attention that the public has access.

Mr. McKay commented that the Fire Official would have concerns about fire hazards due to not knowing what the pods contain.

Mrs. Newcomb explained that is one of the reasons the fire and construction official are meeting with them tomorrow.

Mr. McKay commented that use to be a warehouse that only employees would go to and open to the clients that rented a pod.

Mrs. Newcomb explained that the public could not just walk in; they have to follow the guidelines for access. They are open 6 days a week and are not like a storage company that the public has access 24 hours a day.

Mr. Dickinson commented that the public would be in a closed off area.

Mrs. Kelley questioned how many employees.

Mr. Huettl answered less than a dozen.

Mrs. Kelley questioned if there is someone always there during operating hours.

Mr. Huettl answered yes.

Mr. McKay commented that what goes on with the building is more of the fire marshal's concern. Will there be designated parking spots for customers?

Mrs. Newcomb explained that there is handicap parking and many parking spots across from it. In the prior use people would park in those spots. She believes there are 31 spots.

Mr. Bradley questioned if you could limit to the right side loading area.

Mrs. Newcomb believes that would be more dangerous since the loading area is not that far from the handicap spaces.

Mr. McKay questioned if the business would only be in half of the building.

Mr. Huettl explained that they are in only in the left half.

Mr. McKay suggested a couple of street signs designating the customer parking.

Mr. Dodulik questioned why the pods containing items be placed outside and the client can park right next to it.

Mrs. Newcomb explained they have an area inside that allows the client access.

Mrs. Kelley believes the pods are connected with a moving business. It is just a different way to pack up your belongings.

Mr. Katz agrees. It is not a storage place that one would go in and out of every day, like storing a motorcycle or a boat. It could be a situation that the full pods stay there for a month why someone makes settlement on a new house.

Mr. Krollfeifer believes there would be some type of charge for a client to get access to their pod. If he were to store items, he would not go in every Saturday to pick out some items. He does not think it would be a high traffic area. He asked if the empty pods outside are locked.

Mr. Huettl explained that the vast amount of their tenants tend to leave them unlocked to prevent damage. If they were locked, people may think there is something in them to steal and causing damage to get it open. He believes the pods would be similar. There are lights there on site.

Mr. Dickinson questioned if it would be gated.

Mr. Huettl answered no.

Mr. Bradley questioned if they had an idea on the traffic that would occur on site on a daily bases.

Mr. Huettl explained that they would have the ability to store 115 pods in the back and at least twice that inside the building. The turnover is not very substantial. When people pay money to store their items off site, it is generally left there for weeks or months at a time. Truck traffic is expected to be only a few trucks a day.

Mr. Katz questioned the size of the truck and if they were flat beds.

Mr. Huettl stated it would be a flat bed tractor trailer, somewhere between 48 and 53 feet.

Mr. McKay believes it is the same function as the trailers without wheels.

Mr. Wisnosky stated it is located in an industrial zone and surrounded by industrial uses. The property to the rear is vacant. It is out of the way of the general public.

Mr. McKay believes the pods are more attractive than the trailers.

Mr. Huettl stated that the pods would be 4' lower to the ground than the trailers. The tenant would not be allowed to stack them. They would be less visible.

Mrs. Newcomb asked if everyone is in agreement that this is a similar use.

Mr. Kingsbury explained the Board would have to decide whether the use is substantial similar to the prior use and no use variance or site plan is required.

Mr. McKay motioned to approve.
Second: Mr. Dodulik

Mr. Krollfeifer questioned if a condition should be put that there will be no stacking of pods.

Mr. Kingsbury answered yes.

Mr. McKay amended the motion to include no stacking and include as an exhibit to the resolution the diagram showing the limits of the pod area.

Second:

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

Motion carries to approve.

Mr. Huettl thanked the Board.

**E. Case 11-09: Administrative Amendment – Kathy Newcomb
U.S. Supply**

Mrs. Newcomb explained this is an administrative change and acknowledgement for possible approval. US Supply recently burnt to the ground. They are moving in the Industrial Park for 1 year until they come back for site plan approval. They are use to a large piece of property that can accommodate all their material. She referred to an aerial picture in the industrial park which the roof is labeled front, back, and side. The prior use of the building had outside storage. US Supply request is minimal but needs the Boards consent. She referred to the page 2. They are looking to do fencing in the back and on the side of the building as a temporary issue. If the Board approves, the fencing will be removed when they leave. They need a secure area for their material that needs to be stored outside.

She spoke to the fire official and received a letter of approval from him. US Supply originally wanted one area to be 40' x 80'. Mr. Ruggiano had them reduce the size to 30' x 40' due to the fire lane.

Mr. McKay questioned if this was an open chain link fence.

Mrs. Newcomb stated it is a temporary open 6' chain link fence. This fence will be removed. The property does have an existing that is preexisting on the property at the other end of the building.

Mr. McKay questioned if we are aware of the type of material.

Mrs. Newcomb answered pvc piping. The reason for the fencing to be at the one end is to allow the tractor trailers to enter for deliveries.

Mr. McKay questioned if the fire official finds the second fenced area of 72'x72' ok.

Mrs. Newcomb answered yes.

Mr. Katz questioned if she was just seeking the Boards approval.

Mrs. Newcomb answered yes. Any changes such as this she seeks the Boards approval.

Mr. McKay questioned if there is an outside storage prohibition.

Mrs. Newcomb explained not in the industrial park, we do in the highway commercial zone.

Mr. McKay thought we had an outside storage issue at Perry Videx.

Mr. Katz explained that was regarding the tents. Perry Videx already had outside storage.

Mrs. Kelley questioned if a resolution was needed.

Mrs. Newcomb answered no. She will just attach an approved set of minutes to their file for a reference point.

Mr. Krollfeifer questioned how long she believes this situation will last.

Mrs. Newcomb stated that US Supply has signed a one year lease. If this looks like it would be longer than a year, she would bring it back to the Board.

Mr. Bradley questioned if they know where they will be rebuilding.

Mrs. Newcomb explained they are planning on coming in for site plan approval at their original location. They have started the process with their engineer and architect. They do not want to leave Hainesport.

Mr. Katz motioned to approve. They are a good neighbor and would like them to stay.

Second: Mrs. Kelley

Mrs. Newcomb questioned if they would be in agreement that it would be for a year and if there are any changes, she would come back to the Board.

Mr. Lynch questioned if US Supply had written a letter to her.

Mrs. Newcomb explained that she and Mr. Ruggiano had met with them.

Mr. Lynch stated he would like to see something in writing from them.

Mrs. Newcomb believes US Supply would be more than willing and will have them supply a letter before the next meeting.

Mr. McKay questioned when she does an administrative request is a letter created to put in file.

Mrs. Newcomb explained once she receives the zoning application, a letter goes in stating the Board's recommendations and the time frame required. If it is not completed in the specified time frame, they would have to request it again.

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

Motion carries to approve.

7. Minutes

A. Regular Meeting Minutes of April 6, 2011

Motion to approve: Mr. Lynch

Second: Mr. Tiver

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

Motion carries to approve.

8. Resolutions

A. Resolution 2011-08: Granting setback variances for in-ground swimming pool, accessory to a residential dwelling, on Block 9.01 Lot 37

Motion to approve: Mrs. Kelley

Second: Mr. Krollfeifer

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

Motion carries to approve.

9. Correspondence

A. Letter dated March 31, 2011 from Alaimo Association of Engineers to Gene Blair Re: JVS Property Management Certificate of Occupancy

B. Letter dated April 11, 2011 from Robert Kingsbury to Paul Tuliano, Jr. Re: Ordinance Review

Motion to accept and file: Mr. Lynch

Second: Mr. Krollfeifer

Roll call: All in favor

10. Professional Comments - None

11. Board Comments - None

12. Public Comments - None

13. Adjournment

Mr. Katz motioned to adjourn at 9:50

Second: Mr. Dodulik

Roll call: All in favor

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, June 1, 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. Tiver, Mr. Krollfeifer,
Mr. Lynch, Mr. Tuliano, Mr. Bradley, Mr. Dodulik, Mr. Katz

Absent: Mr. McKay, 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 08-24A: The Salt & Light Co., Inc
Block 87 Lots 1 & 2, Block 88 Lot 1
Corner Albert St & Rancocas Ave
Preliminary & Final Major Subdivision
Preliminary & Final Site Plan
Attorney: Patrick McAndrew

Proper notice was given.

Mr. Katz explained that he will limit public comment to 5 minutes per person in order for everyone to have an opportunity to speak. During public comment you must address the Board and not speak to the people in the audience.

Patrick McAndrew, applicant’s attorney, explained that Bill Nicholson, professional engineer, is with him tonight. Mr. Pipes was unable to attend this evening because his father passed away. The planner had a conflict with another town this evening and also unable to attend. They would

like to start with the engineering and preliminary items, submission waivers for completeness, and continue the application next month with Mr. Pipes and the planner.

Mr. McAndrew explained that they are approved for 4 affordable housing units.

Mr. Katz asked that Mr. Kingsbury explained how they received their approval.

Mr. Kingsbury explained that the original application was for a use variance that the Board denied. It went to court and Judge Bookbinder reversed the Board's decision and allowed the use subject to what we are doing now, site plan review.

Mr. Katz stated he wants everyone to understand that this has been approved from the courts.

Mr. Nicholson was sworn in.

Mr. Wisnosky explained that an application needs to be deemed complete before the Board can act on it. He referred to his letter dated April 25, 2011. There is a number of submission waivers requested for the completeness checklist that the Board must determine whether or not to accept. The waivers requested are as follows: 1) Traffic Study 2) Environmental Impact Statement; Stormwater management Plan with calculations 3) Evidence that no outstanding, uncollected feeds and escrows remain from past applications 4) Certification from the Tax collector that all taxes are paid to date 5) Profiles and typical cross sections of existing streets abutting the development 6) Soil erosion and sediment control plan 7) Complete lighting plan 8) Parking schedule. These are the items that have not been submitted in order to deem the application complete.

Mr. McAndrew stated this application is for 4 single family units so they asked for a waiver on the traffic. The site is already disturbed so a waiver was requested for an Environmental Impact Statement. There are no streams near by or on site.

Mr. Nicholson explained that they do propose a porous paving system in the parking lot for the stormwater management and had submitted some calculations. He does have a plan in place.

Mr. Miller confirmed he did receive the calculations and a plan proposal a porous pavement with a stone under the pavement to collect whatever runoff the pavement would produce. It would meet the water quality requirements of the DEP. The DEP endorses the porous pavement. It is a way to collect the runoff. It can be an expensive project. The calculations given indicate that the subsurface of stone would percolate the runoff. With the proper maintenance, it would work. The trick is the proper maintenance.

Mr. Wisnosky stated that it has been submitted no waiver is required.

Mr. McAndrew explained that the paper is submitted and there are no open taxes. There are some liens that will be a title issue.

Mr. Nicholson addressed the profiles and cross sections. Typically it would be submitted when you are doing improvements to the streets such as widening. They are not proposing any changes to the adjoining streets.

Mr. McAndrew questioned if there would be any new streets.

Mr. Nicholson answered no.

Mr. Nicholson addressed soil erosion and sediment control. He acknowledges that it is a required item for them. Typically, he hates to do it to soon because things change with the project. He

requested a deferral on it to a later time. They would like it to be a condition of approval that the Board may grant.

Mr. Nicholson addressed the lighting plan. They did not submit a lighting plan. There probably should be some discussion. In the typical residential setting with their site and adjacent sites there is nothing other than street lighting, so they are not proposing any lighting. If the Board feels that it is needed when they get into the project than that would be a different issue, but they did not propose any.

Mr. Katz questioned that no light was proposed in a parking lot with 20 plus cars?

Mr. Nicholson answered yes.

Mr. Nicholson addressed the parking schedule. It is a simple calculation that they did not provide, it just a matter of the number of units and spaces. They request a waiver for the present time. They expect to provide during the process.

Mr. McAndrew explained that they were provided enough spaces for each home and extra parking provided for the church which they have no paved parking on site.

Mr. Nicholson commented that is correct. The church will use the parking on Sundays and the residents any time.

Mr. McAndrew stated testimony will later be provided.

Mr. Wisnosky explained that some information regarding the lighting and parking will have to be on the plan. They are asking for a deferral on the soil erosion and sediment control plan. He would ask for a similar deferral on the lighting and parking schedule plans, unless the Board would like to see them now.

Mr. Tuliano questioned if the Board chooses to see the lighting and parking plan now, will the application be deemed incomplete.

Mr. Wisnosky stated the application would remain incomplete and the application could not be heard.

Mr. Tuliano feels that the lighting plan and parking schedule are important. As a result of what the court did with approving the use variance on this application after the Board denied it, these items are extremely important. He feels that application is incomplete until those two items are submitted to the Board.

Mr. McAndrew explained that the waivers granted for submission and completeness does not exclude discussion and does not preclude the Board later stating they think they need more parking or lighting. It would just make the application good for this evening. The Board would not be waiving it permanently.

Mr. Tuliano stated he understands that but the Board has been consistent with deeming an application incomplete if all the information is not presented to the Board with the application.

Mrs. Kelley agreed with Mr. Tuliano. She has no issues with granting a waiver for the environmental impact statement. As the chairwoman for the Environmental Commission, she sees nothing there except for one thing. There is a grading issue which will probably require soil.

Mr. Nicholson will have to refer to the plan, he doesn't remember. He does not believe they would need to bring in soil. The parking lot will be built with a stone bed underneath.

Mr. Wisnosky stated that they would need to bring in soil.

Mrs. Kelly explained that when you entered the parking area for the church it always dipped down. You would have to at least make it level to build houses. She would also like to know if it would be the house, yard, and then parking. That can be addressed later. A traffic study regarding parking is extremely necessary and not necessary for cars on the road. She drove past the church on her way here this evening and there were people at the church having a service this evening. They park up Rancocas Road and does not see why they do not use the parking lot. She estimated 9 more vehicles could be parked on Albert Street between Rancocas Ave and Broad Street. If you go to site located on Pine Street in Mt. Holly across from the home, there are four units that are very similar to this proposed project. There are eight parking spaces. She noticed that on Sunday, which the cars were double parked on one end. There were vehicles parked parallel to the road and one car parked in the street. She did not go into the parking lot. Some people have company over the weekend and if you have a church service where are you putting the cars. The proposal parking would consist of 20 to 21 total parking spots, 8 to 12 spots would be for residential and that would only leave around 8 spaces for the church service. That needs to be addressed.

Mr. Nicholson stated they will address it with a parking schedule and provide additional testimony. He questioned if she had concerns with the soil that would be brought in.

Mrs. Kelley answered yes; you have to make sure the soil that is brought in is able to drain. She believes the soil is very sandy in that area. If you brought in soil that had clay in it, it would create a problem.

Mr. Krollfeifer had concerns with the parking on the streets. He questioned what the parking restrictions are on Albert Street, Rancocas Ave, and Cottage Street.

Mr. Katz believes that is a reason a full traffic study should be done.

Mr. Dodulik stated that no parking at the intersection would also have an impact.

Mr. McAndrew stated he items he has written down is the importance of the lighting, parking, and a traffic study in terms of onsite and offsite parking.

Mrs. Kelley stated it should be done in relationship to when service are held at the church.

Mr. Wisnosky explained that a traffic study for trips generated is not needed; it is more of a parking issue it is needed for.

Mr. Krollfeifer stated to follow up on his question: 1) Cottage Street has no parking on the southern part 2) Rancocas Ave has no parking on the western part 3) Albert Street has snow emergency restriction on the southern part.

Mr. Miller explained that the proposed plan shows that all parking is in lot 1 of the new subdivision which makes that one lot responsible for the maintenance of the parking lot. How does the town monitor that is being done?

Mr. McAndrew explained that they had to make some judgment calls on that. They felt that one person managing and maintaining it would be better and have the other 3 lot owners contributed a quarter of it. There would have to be a mechanism between the four owners.

Mr. Miller agreed. He questioned since the church will use more than half of it, why doesn't the church own it.

Mr. McAndrew answered that was the deal with the church. They are the contract purchaser for the back part. The church did not want to own the lot and wanted the right to park there.

Mr. Miller explained that maintenance will be a problem and will go to the one owner. He is under the impression that this is a low income property. How is the property owner going to handle it? This kind of pavement works well when its new. If you have a snow and someone goes through on a Saturday to salt and sand it, you would have to send someone in on a Monday to vacuum it all out.

Mr. McAndrew stated this was a judgment call for the best way to do it. As they go thru the process, we will consider other views, opinions, and options.

Mr. Miller explained that since they are making changes, it is one of the things they will have to consider.

Mr. Nicholson was under the impression that the applicant intends to keep ownership of that lot and the other three would be sold. They intend to own that one and so they would be the one maintaining it. A maintenance plan would have to be provided. Salt is not allowed on porous pavement. They will come up with a deed restriction and maintenance plan.

Mr. Tuliano believes it would not work. These townhomes, as stated by Miller, are classified as affordable living. He does not understand how one of the 4 homeowners is going to own a parking lot and be responsible for maintaining it. He understands that salt can not be used, but who will police that. That is not the Townships responsibility; it is part of that property. He believes that if the church is using over half of the parking lot, they should own and maintain it, if the plan is approved.

Mr. McAndrew explained that the church will only be there part time and the residents will be there day to day.

Mr. Tuliano questioned what would happen if the parking lot is not available to the church when they do have services. We would be putting more cars in a residential area. There are not enough parking spaces for the residents that live there. It is a terrible inconvenience to the residents that live there and for a person who is going to purchase an affordable town home to also be saddled with the responsibility for maintenance on a parking lot. He is unsure how that would work.

Mr. McAndrew explained they were trying to encourage individual homeownership of all four units. One alternate is that they do two duplexes owned by Salt & Light and they become rental units. They were trying to avoid that.

Mr. Tuliano questioned what the Board would be looking at if you presented that to the Board.

Mr. McAndrew explained that you would be looking at the same thing but it would not be subdivided. There would be one organization maintaining the buildings and site. They were trying to avoid that, most towns prefer homeownership.

Mr. Tuliano questioned if that would require another use variance.

Mrs. Newcomb stated we need to know what the court order says. Does the order state that all 4 units are to be sold?

Mr. McAndrew believes they granted the use variance for 4 units.

Mr. Wisnosky stated that at an earlier meeting it was agreed that the units would be owned and not rented.

Mr. Boettcher stated they were owner occupied.

Mrs. Newcomb stated that it was mentioned earlier that 3 units would be sold and 1 unit would be kept. Who would keep it?

Mr. McAndrew explained that it was thought that Salt & Light would keep the fourth unit with the parking.

Mrs. Newcomb had concerns that this was not was agreed upon and depending on what the court said regarding all four units being sold as affordable homes units. She does not recall there being anything mentioned regarding any rental units.

Mr. Kröllfeifer stated it was suppose to be owner occupied and no tenants.

Mrs. Newcomb believes, excluding the site plan issue, that we are taking a step backwards in regards to the use variance. The court was given the impression that all 4 were to be sold. It needs to be clarified before we go any further with the parking lot issue.

Mr. Bradley does not agree with the one owner owning the parking lot and the other 3 owners' having 25% shares of the responsibility of maintaining it.

Mr. McAndrew sees this as a design issue and they will work on it. In terms of completeness, he understands he has to address the traffic study regarding parking and come up with a lighting plan. He is just trying to get through the completeness this evening.

Mr. Katz commented that the application is not complete and sees no reason to continue.

Mr. McAndrew would like to find out if there are any other issues beside parking and lighting.

Mr. Katz stated another issue is the ownership.

Mr. Boettcher questioned if they were owner occupied or rental. They came in before and stated the homes would be owner occupied.

Mrs. Newcomb asked if Mr. Kingsbury if it would have to be implemented into the deed that the homes would be owner occupied and not rentals.

Mr. Kingsbury answered that he would have to look at the court order; he does not believe that it was that specific. He does remember that the application stated that they would be owner occupied units.

Mrs. Kelley has concerns with the future, such as something happening to Salt & Light or you can't sell the property with the parking lot. The church is a public building which requires public parking.

Mrs. Newcomb questioned if there would be designated spaces for the church and resident parking. The homeowners may go out on a Sunday and the parking lot is full of church parking. There would also have to be a cross easement for the parking.

Mr. Nicholson stated that nothing is stated on the plan and they will take note of it.

Mr. McAndrew believes the intent is to have designated parking. It would not work if it was not marked.

Mr. Tuliano explained that the project description on the application states "4 residential lots with parking, plus remainder lot for church". This is different than what is being discussed, there being one owner of the parking lot. This makes him believe the church has no responsibility of the parking lot.

Mr. McAndrew understands the Board's concerns and has not come to an agreement with the church. It has been his understanding that the church did not want to maintain it and it is why they designed it this way. They will work on it.

Mr. Katz asked Mr. Kingsbury to explain the Board's options.

Mr. Kingsbury explained that currently you can not have a public hearing yet because the application is not complete and the application has not been presented. The next step would be to continue until the July meeting.

Mr. McAndrew stated that they will have to submit a parking plan, a lighting plan, and who will own and control the parking lot.

Mr. Dodulik stated that it needs to be explained the number of properties that are rented or owned.

Mr. Kingsbury explained that we need Mr. McAndrew's consent to extend the time frame to act on the application for completeness.

Mr. McAndrew agreed.

Mr. Tuliano motioned to continue until the July 6, 2011 meeting

Second: Mr. Krollfeifer

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

Motion carries to continue.

7. Minutes

A. Regular Meeting Minutes of May 4, 2011

Motion to approve: Mr. Bradley

Second: Mr. Lynch

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

Motion carries to approve.

8. Resolutions

A. Resolution 2011-09: Granting Preliminary and final major subdivision approval (2 lots) of Block 73 Lot 1

Motion to approve: Mrs. Kelley

Second: Mr. Bradley

Roll call: Mrs. Kelley, yes; Mr. Bradley, yes; Mr. Dickinson, yes; Mr. Tiver, yes; Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Dodulik, yes; Mr. Katz, yes

Motion carries.

B. Resolution 2011-10: Granting rear yard setback variance for in-ground swimming pool and shed setback variance accessory to a residential dwelling on Block 9.02 Lot 7

Motion to approve: Mrs. Kelley

Second: Mr. Tiver

Roll call: Mrs. Kelley, yes; Mr. Tiver, yes; Mr. Dickinson, yes; Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Bradley, yes; Mr. Dodulik, yes; Mr. Katz, yes

Motion carries

C. Resolution 2011-11: Granting interpretation of permitted use approval for on-site storage of pod containers on Block 96 Lot 2.04

Motion to approve: Mr. Bradley

Second: Mr. Lynch

Roll call: Mr. Bradley, yes; Mr. Lynch, yes; Mr. Dickinson, yes; Mrs. Kelley, yes; Mr. Tiver, yes; Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Katz, yes

Motion carries.

9. Correspondence

A. Letter dated April 29, 2011 from Burlington Co Planning Bd. To Mr. Tuliano
Re: Hainesport Twp Municipal Building

B. Letter dated May 6, 2011 from US Supply to Mrs. Newcomb
Re: US Supply

C. Letter dated May 17, 2011 from Burlington Co Planning Bd. to Mr. Tuliano
Re: Hainesport Township Municipal Building

D. Hainesport Township Ordinance #2011-2-3: Amending the Township's Development/zone code

Motion: to accept and file: Mrs. Kelley

Second: Mr. Tiver

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

Motion carries.

10. Professional Comments - None

11. Board Comments - None

12. Public Comments

Mr. Katz opened public comment.

Mr. Kingsbury explained that the public can not talk about Salt & Light; the applicant has to be here.

Bill Evans questioned if Judge Bookbinder reversed the Board's decision.

Mr. Kingsbury stated that is correct.

Mr. Evans stated that decisions are over turned everyday. One of Judge Bookbinder's decisions in Wrightstown was overturned, according to the Burlington County Times. He questioned why we did not appeal the Judge's decision. This is the first time he has heard about it. He has heard rumors.

Mr. Kingsbury answered that is probably a matter of money than anything else. It would have to be a Township Committee decision.

Mr. Evans questioned if anyone asked the Township Committee.

Mr. Kingsbury answered he does not know.

Mr. Evans questioned where they go from here.

Mr. Kingsbury explained that it is past the appeal period.

Mr. Evans questioned if the Board were to deny an application and it went back to the Judge and it was over turned, can the Township then appeal his decision?

Mr. Kingsbury answered yes.

Mr. Evans stated that the person who wants to get this started wrote an editorial in the Burlington County Times that if all the people want something it should be done. He asked if anyone wanted this.

Mr. Kingsbury stopped him and stated that we can not get into that. The applicant is entitled to make an application and the Board to make a decision at that time. We can not take any kind of vote. It would be dangerous territory.

Mr. Evans stated that it is time to get into dangerous territory.

Mr. Tuliano stated that it was said we are getting into dangerous territory. If we continue this conversation are we doing in repairable harm in this application?

Mr. Kingsbury stated not yet. If he wants to hear a vote of who is for it or against it, you can not do that. The applicant has to come before the Board and make his presentation, everyone in the audience will have an opportunity to say what they want to say, and then the Board will vote. Mr. Evans questioned if this Board should vote it down will it go back to Judge Bookbinder?

Mr. Kingsbury stated that would be up to the applicant.

Mr. Evans questioned who would go to Judge Bookbinder if we did not like the decision.

Mr. Kingsbury explained that he represents this Board.

Mr. Evans commented that it was said it would be the Township Committee.

Mr. Kingsbury explained it is the Township Committee's decision whether to appeal Judge Bookbinder's decision.

Mr. Evans finds it appalling that it was not appealed originally.

Mr. Katz closed public comment.

13. Adjournment

Mr. Dickinson motioned to adjourn at 8:15 pm

Second: Mr. Tiver

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, July 6, 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, Mrs. Bloesch,
Mr. Katz

Absent: Mr. Dodulik

Also Present: Robert Kingsbury, Esq., Board Attorney
Michael Wisnosky, Board Planner
Martin Miller, Board Engineer
Paula Tiver, Board Secretary

Mr. Katz announced that item B: Salt and Light will not be heard this evening. Patrick McAndrew, Esq has requested to be continued to the August 3, 2011 meeting by email dated July 6, 2011.

Mr. Kröllfeifer questioned if the applicant would have to re-notice so people know that it will be heard next month.

Mr. Kingsbury explained that the applicant does not have to re-notice if the Board passes a motion to carry it until next months meeting.

Mr. Tuliano questioned if there was a no vote would the applicant would have to re-notice.

Mr. Kingsbury answered that they would.

Mr. McKay motioned to postpone the application until August 3, 2011 meeting.

Second: Mr. Tiver

Roll call: Mr. McKay, yes; Mr. Tiver, yes; Mr. Boettcher, yes; Mr. Dickinson, yes;
Mrs. Kelley, yes; Mr. Kröllfeifer, yes; Mr. Lynch, yes, Mr. Tuliano, no;
Mr. Katz, yes

Motion carries to continue until the August 3, 2011 meeting. No further notice is required.

6. Items for Business

**A. Case 11-11: Robert Dugan (Creek Crossing, LLC)
Block 101.04 Lot 2
1299 Route 38
Amended Final Site Plan
Attorney: Joseph Consiglio**

Mr. Tiver recused himself from the case.

Valerie Pepe, applicant's attorney, stated they wish to request additional parking spaces.

Robert Dugan, owner, was sworn in and explained that they wish to expand the parking at Creek Crossing Shopping Center. They want to add 24 parking spaces for employees parking only behind the existing shopping center. The shopping center was built over 11 years ago and over time they have found the need for additional parking for the employees. The employees are taking the available parking in the front of the building, mainly because the salon has 45 to 55 employees depending on the season. There are only about 100 existing parking spaces now. It is not a problem everyday; it is usually Thursdays and Fridays. The only available space would be behind the building, typically no customer cars go behind there. It is a one way lane. They would post it as employee parking only. They are hoping the employees would use the new parking area to open parking in the front.

Mr. Wisnosky addressed his letter dated June 28, 2011. He has with him the approved site plan, Mr. Dugan's proposed plan, and a sketch that he created.

Mr. McKay questioned what building we are referring to.

Mr. Wisnosky explained it is the building that has the pizza shop and Tranquility Salon. There is a loading area behind the building on the approved plan which is striped for loading and a driveway. The driveway from the building to the existing curb is 25'. Mr. Dugan wishes to remove some of the green area, which is heavily landscaped to put in the employee parking. We wanted to make sure there was buffer when the office space was approved because we did not want the office looking at the back of the retail center. In looking at the plan and ordinance the most significant issue is that the ordinance requires 22' when you have a one way circulation pattern. The existing drive is 25' which 10' is designated as loading, leaving 15'. One way to allow it is if Mr. Dugan agreed to put in 45 degree angled parking, the ordinance requirement would be 15'. Otherwise, a variance would be needed to ask for a reduction to 15' from 22'. He has spoken to Mr. Dugan and he agreed to reconfigure the landscaping and show it on a plan. The last issue is the lighting. Our ordinance requires that all parking areas be illuminated with a minimum of a foot candle light. Mr. Dugan informed him that there is lighting out there. He took some pictures of the lighting for the Board. There are 11 wall mounted illuminaires existing on the building. There is also lighting in the parking lot on the other side of the buffer and beyond that there are some lighting standards on the other side of the driveway. The question is whether there is enough illumination there to make it safe. The last issue is the location of the grease dumpster.

Mr. Dugan stated the grease dumpster would be moved.

Mr. Wisnosky explained the biggest issue is that the driveway does not meet the ordinance how it is proposed.

Mr. McKay questioned how this affects the fire official's letter regarding not reducing the fire lane.

Mr. Wisnosky explained that is his recommendation, he is not the fire official. The fire lane that exists there now, acts a fire lane and loading area now.

Mr. McKay stated is not designated as a fire lane but it is obvious that it serves as one. He questioned how wide is a fire apparatus, how much room would you have for the equipment if you go with the angled parking, and what if there was someone unloading when a fire happens, how do you get the fire equipment down the lane.

Mr. Wisnosky stated that is a good question. He is not a fire official and does not know anything about it. From a practical perspective, he has always questioned why fire lanes are always stripped up against a building. If that building is on fire, he does not see a fire truck parked there. I see the truck parked far enough away to protect it. He is unsure.

Mr. Miller explained that in his township, a fire truck parked along side the building and started to fight the fire and the wall fell on the fire truck. There still would be 25' from the building and the proposed parking.

Mr. Tuliano questioned what the required width of the lane would be for clearance.

Mr. Miller answered no but knows the travel lanes on Route 38 are 12' wide.

Mr. McKay questioned that with the existing cart way, you can park a full size American car on a 45 degree angle and still have 15' to the building wall.

Mr. Wisnosky stated it would be 25', 10' is the loading area and 15' is the travel lane. The plan would comply with the ordinance if he did 45 degree parking.

Mr. Dugan explained that in speaking with Mr. Ruggiano, his issue is that people park in the loading zone all day long. He wants to eliminate that and put signs on the building to keep people from parking there.

Mr. McKay questioned the number of proposed parking spaces and the intent is not to be the length of the building.

Mr. Dugan answered 24 spaces. The building is 280' long and the parking would not be the entire length of the building.

Mr. Kröllfeifer asked for clarification on the location of the proposed parking area.

Mr. Dugan explained that is located behind the building and it has a buffer in it.

Mr. Kröllfeifer questioned if it was the one with the gazebo in it.

Mr. Dugan answered yes. There is also parking on the office side which is also full.

Mr. Wisnosky explained that it is already marked as one way.

Mr. Krollfeifer questioned the size of the parking spots.

Mr. Wisnosky explained that a 9' x 18' spot that is angled creates a little deeper slot.

Mr. Krollfeifer commented that you would only be cutting in about 18'.

Mr. Dugan stated that was correct and there are existing trees there they will move. He would like to replant the trees there.

Mr. Dickinson questioned if he would lose any parking spaces with the angled parking.

Mr. Dugan answered he may lose 2 to 3 spots. There is a transformer in the center and he must leave room for the power company.

Mr. Katz questioned if it would be acceptable to the applicant.

Mr. Dugan answered yes, that anything he can do would be helpful.

Mr. Tuliano asked if he could add one on each end.

Mr. Dugan stated he could but he does not want it to go out past the building.

Mr. Boettcher commented that the angle parking would make it easier for the cars to get in and out.

Mr. Dugan agreed to the angled parking and if already marked one way.

Mr. Wisnosky stated lighting is expensive and does not want to put an undue hardship on the applicant. We want to make sure that it is safe. There is lighting out there and we do not know if it is adequate until the vegetation is removed and the new spaces are in. The Board could possibly put a condition in that the lighting is evaluated after the spaces are created to see if the lighting is adequate and if it's not additional lighting could be added. This would allow the applicant to move forward.

Mr. Dugan understands and wants it to be safe.

Mr. Boettcher questioned if there would be a rear entrance for the employees.

Mr. Dugan commented that most of the employees use the rear entrance now. He has tried to have the employees park to the side or in the office section. It may last 3 to 6 months and then they start parking closer and closer to the front. He is not sure if it could be a possible turn over rate of employees. There are more parking spots in the office park than is necessary. People want to park near the door and not walk 200'. It will be closer for them to park and go right in the rear of the building.

Mr. Miller had a difficult time with the plan. It shows the proposed parking and did not show the existing parking on the other side which made it difficult for everyone to figure out the location. The existing parking on the other side is at a higher grade level than what is proposed. He does not believe the grading will be an issue and suggested that it may be to the applicant's benefit to show that this is going to fit with the existing conditions. The plan does not show the walkway in the center that connects the grass area to the proposed parking lot. So he asked them to come up with a plan that will show the proposed grading and the angle

parking. He suggested that they have someone certify with a light meter what light you currently have to see if anymore is needed.

Mr. Tuliano stated when he looks at the plan there are two existing inlets, one on each end of the proposed parking lot. He questioned if that would be sufficient.

Mr. Miller stated that is what he wants to see. He believes he would have a channel across the existing curb line and that is where that inlet is now. He can not tell that without all the grading.

Mr. Tuliano believes that may be a little much for a little parking area.

Mr. Wisnosky stated that the approved plan shows the current grade elevations. He suggested that he put spot elevations on each end of the proposed parking. If it is two tenths higher than the existing inlets, we will then have positive flow to the inlets. He believes it can be handled with the spot elevations verses having a surveyor go out and do new grades. We have the information from the approved plans. Mr. Dugan should speak to Mr. Miller with where he would like the spot elevations to be shown.

Mr. Krollfeifer questioned if we can approve the application subject to our professionals approval of the final plan.

Mr. Kingsbury stated that you can do that.

Mr. Katz opened public comment. None. Public comment closed.

Mr. Krollfeifer motioned to approve subject to final plan approval from our professionals and also waive the fire requirement, fire lane access to Mr. Miller's comment that fire trucks ride on Route 38 which is 12'.

Second: Mr. Tuliano

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

Motion carries to approves.

**B. Case 08-24A: The Salt & Light Co., Inc
Block 87 Lots 1 & 2, Block 88 Lot 1
Corner Albert St & Rancocas Ave
Preliminary & Final Major Subdivision
Preliminary & Final Site Plan
Attorney: Patrick McAndrew**

Application has been postponed until the August 3, 2011 meeting. No further notice is required.

7. Minutes

A. Regular Meeting Minutes of June 1, 2011

Motioned to approve: Mr. Lynch

Second: Mr. Tuliano

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

Mr. Katz, yes

Motion carries to approve.

8. Resolutions - None

9. Correspondence

A. Letter dated May 27, 2011 from John O'Herron
Re: Block 101.06 Lot 99

B. Letter dated June 3, 2011 from Robert Kingsbury to Mrs. Tiver
Re: Salt & Light Company

C. Letter dated June 7, 2011 from Alaimo Association to Robert Bowman
Re: Block 73 Lots 1 and 1.14

Motion to accept and file: Mrs. Kelley

Second: Mr. Tuliano

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

Motion carries.

10. Professional Comments - None

11. Board Comments - None

12. Public Comments

Bob Schiers stated he is a 30 year resident of Hainesport Township. He has two issues. He questioned if he could speak about the Salt and Light application because it is a great concern to the residents.

Mr. Katz explained we can not speak about it at this time.

Mr. Schiers also has concerns with what a mess and disgrace it is at the bridge on Marne Highway. He has called the county several times. It is a gateway to the community and was wondering if the town could contact the county. The grass is very high, dirt all over, and there were plastic and boxes that laid there for days. He would be willing to sweep it and is fearful that he would probably be fined. He believes it is a county bridge and they never maintain it. He would appreciate it if someone could make a phone call.

Mr. Tuliano stated he would take care of it.

Michael Barker, 1703 Albert Street, questioned how many times an applicant can postpone a meeting.

Mr. Kingsbury explained that we have a resolution that states an applicant can postpone two times and the third time the Board has the right to ask for re-notice.

Mr. Barker stated so if there is a third time the Board can ask them to re-notice. He questioned if the Board has the option to throw it out because of postponement.

Mr. Katz explained the applicant has the right to come in with a new application.

Mr. Katz closed public comment.

Mr. McKay questioned if he should listen to the tape from last month regarding the discussion on Salt and Light since he was not here. It does not appear that any testimony was taken.

Mr. Kingsbury recommended that he listen to the tape.

Mr. McKay stated he will make arrangements to listen to the tape.

13. Adjournment

Mr. Katz motioned to adjourn at 8:06

Second: Mr. Tiver

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, August 3, 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. Krollfeifer, Mr. Lynch, Mr. Tuliano, Mr. Bradley, Mr. Dodulik,
Mrs. Bloesch, 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

Mr. Katz announced that Case 11-12: Association of Bosniaks has requested to continue the application until the September 7, 2011 meeting by letter dated August 3, 2011.

Motion to continue: Mr. Tuliano

Second: Mr. Krollfeifer

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

Motion carries to continue until the September 7, 2011 meeting.

6. Items for Business

**A. Case 08-24A: The Salt & Light Co., Inc
Block 87 Lots 1 & 2, Block 88 Lot 1
Corner Albert St & Rancocas Ave
Preliminary & Final Major Subdivision
Preliminary & Final Site Plan
Attorney: Patrick McAndrew**

Proper notice was given.

Mr. Katz explained that the public will have the opportunity to speak at the end and will be limited to 5 minutes. When speaking, you must only address the Board and not the public. By order of the court, the applicant has the right to build this type of housing.

Kent Pipes, executive director, Scott Williams, engineer, and Michelle Taylor, planner, were sworn in.

Mr. McAndrew stated that we must first address the completeness items. When they appeared before the Board at the June meeting the Board wanted two items submitted, a parking schedule and analysis and a lighting plan. They have submitted both items.

Mr. Wisnosky stated that is noted in this letter dated July 28, 2011. They have submitted the information and had the plan revised. At the direction of the Board, they did not do a complete traffic study because the Board felt that one was not warranted. The items that they have not submitted and need to be discussed are as follows: Environmental Impact Statement, Stormwater Management Plan with calculations, profiles and typical cross sections of existing street abutting the development, soil erosion and sediment control plan. In order to move forward the Board must decide whether to grant waivers from the requirements.

Mr. McAndrew explained that when we discussed this a few months ago that the site was already cleared and there are not streams or anything of that nature. They did submit some stormwater management information; they believe they will have to supplement that once they get started.

Mr. Miller commented that stormwater management calculations were submitted.

Mr. McAndrew explained that they believe that the existing streets will handle the four units. They are not changing the streets. It will be determined during development if soil erosion will be required.

Mr. Wisnosky stated there may be a question whether soil erosion is needed due to the parking lot.

Mr. McAndrew believes there is enough information to get started.

Mr. Kingsbury explained that they would need waivers from the Environmental Impact Statement and the profiles and typical cross sections of existing streets abutting the development.

Mrs. Kelley stated that an Environmental Impact Study is not necessary. The only concern is if they need to bring in more soil what type it would be. Right now the soil is very sandy.

Mr. Tuliano questioned if a waiver is needed for the soil erosion and sediment control plan.

Mr. Wisnosky explained that they did not submit one. He and Mr. Miller are making the recommendation that the item be deferred to a later date because it may or may not be needed. If Mr. Miller determines one is needed, I am sure they will supply one.

Mr. McAndrew stated that the threshold is a disturbance of 5000 square feet. They will supply the plan if they cross the 5,000 sq ft threshold.

Mrs. Newcomb explained that the construction office would require a no further action letter from Soil Erosion.

Mr. Miller stated that he spoke to the Soil Department and explained what was happening. They recommended that the applicant submit to them and they will either review it or give a no further action letter.

Mr. McAndrew agreed that it is more of a construction issue. They are not asking it to be waiver, but deferred until later.

Mr. Krollfeifer questioned if we can approve it subject to our professional's approval and avoid the necessity of the applicant coming back to the Board for another hearing.

Mr. Kingsbury answered yes.

Mr. McKay motioned to grant the waivers and deem the application complete.

Second: Mr. Lynch

Roll call: Mr. McKay, yes; Mr. Lynch, yes; Mr. Boettcher, no; Mr. Dickinson, no;
Mrs. Kelley, yes; Mr. Tiver, yes; Mr. Krollfeifer, yes; Mr. Tuliano, no;
Mr. Katz, no

Motion carries.

Mr. McAndrew explained that he will have Mr. Pipes give an overview of the project and Mr. Williams will discuss the site plan, subdivision, and variances. Ms. Taylor will give the planning testimony.

Mr. Pipes stated he is the president of Salt and Light which has been in business for 25 years in Burlington County. They have developed new housing, rehabbed existing housing, they sell houses to low-moderate income families, and they are now specializing in green housing. They use environmentally friendly materials, energy efficient units, and put in renewable energy into the units. The units proposed will meet all of the requirements of the National Association of Green Building standards.

Mr. Pipes referred to A1 which is a color rendition of the proposed homes that was used in Springfield Township that is actually the Hainesport plan.

Mr. McAndrew asked that he explain the overall project.

Mr. Pipes explained they are seeking to do infill housing throughout communities where there is opportunities to build new houses in existing communities. He made a deal with the property owner to put a reasonable development on the site which would match the neighbor's character and style. They are bringing it to help satisfy the town's affordable housing requirement which is to meet the states affordable housing goal of 100,000 units in ten years.

Mr. McAndrew stated that the proposal is for two twin homes with a more traditional design and owner occupied.

Mr. Pipes agreed. Many people feel that larger structures look better than smaller separated structures. The township typically has on that street a lot of duplex structure like other older communities. They are proposing to match that style. There would be a two bedroom unit on one side and a three bedroom unit on the other side. There would be a little difference on lot sizes.

Mr. McAndrew questioned how the program works for people to purchase these homes and how does it make it affordable.

Mr. Pipes explained they would be sold like any other house on the street, fee simple. They would be maintaining the grass, snow removal, sidewalks, and everything that would be typical. They would have one common party wall dividing them. The state and the county typically provide grant funding to bring the capitol cost down. They are estimated to be \$250,000 in construct costs and 1,800 plus or minus square feet on lot sizes that are consistent with the neighbor. The state is looking to fund projects that are less than 10 units. They do not want big developments because there is not enough money to go around. They are looking to help fulfill part of the Hainesport and the States goal with the limited resources that are available.

Mr. McAndrew stated is a buy down program for people that qualify.

Mr. Pipes answered yes. There would be a 30 year restriction based upon the funding source and resale restrictions. If the person moved within the typical 7 years, then the subsidy would be passed on the with a lower sale price to the next home buyer. After the 20 or 30 years the resale restrictions would be gone and it then would be a market rate home.

Mr. McAndrew questioned if the 20 or 30 years depends on the type of program.

Mr. Pipes answered yes. He explained that they sell the home at market price so the deed reflects that and the mortgage amount is the reduced amount so that with comparable sale they are not depressing property values in the community. There is a gap which is granted by the non profit as a subsidy, a second mortgage that is granted by the State.

Mr. McAndrew asked that Mr. Pipes describe exhibit A1.

Mr. Pipes explained that it is a color rendition of the proposed homes. The homes will be built on a slope which allows for a rear entrance on the basement. It is a colonial style. The rears of the buildings face south. The roof is constructed longer in the rear to maximize the solar capability. The siding is fiber cement siding and they are hoping to afford the metal roof, thermal vinyl windows, foam filled walls, high efficiency heating and air conditioning system, and water saving facets and fixtures. They will be state of the art green building models for the Burlington County area.

Mr. McAndrew asked that Mr. Pipes describe exhibit A2.

Mr. Pipes explained that there is the smaller 2 bedroom unit on the left and the larger 3 bedroom unit on the right. They wanted to have enough side yard space to make it reasonable. It shows the side elevations.

Mr. McAndrew asked that Mr. Pipes describe exhibit A2.

Mr. Pipes explained that it is a floor plan. The first floor has a dining room, kitchen, and living room. The second floor 2 bedroom side has a bedroom in the rear and one in the front. The 3 bedroom has 2 in the rear and one in the front. Both sides have a deck and outside storage. There is a wall that separates the rear decks. A porch is in the front that is compatible with the neighbor's porches across the street.

Mr. McKay questioned if both the units will have a basement, if they would be separated, and would it be a stand up basement.

Mr. Pipes answered yes and the basements would be separated with a fire wall. It will not be finished living area with 8ft ceilings.

Mr. McKay questioned the access for the basement.

Mr. Pipes answered there would be an inside stairway and a rear sliding glass door with a walk out basement due to the slope of the site.

Mrs. Kelley asked if there is a door off the deck.

Mr. Pipes answered yes it would be above the walk in basement at 1st floor level.

Mrs. Kelley asked how many bathrooms.

Mr. Pipes answered 2 full baths each.

Mrs. Newcomb questioned if there would be any restrictions on the home regarding finishing off the basement.

Mr. Pipes stated he does not think you can do that. Once they purchase the property it is theirs.

Mrs. Newcomb questioned if there were any other restrictions on what they can or cannot do because the way the mortgage is set up.

Mr. Pipes stated he has not seen any. If the Board wanted to have this pending for verification that it is legal, they would agree to it.

Mr. Boettcher believes safety codes would not allow.

Mrs. Newcomb explained they can not make it into a sleeping area without adjusting things; it is a walk out basement. That is something they could deal with in the construction office. She was concerned with any possible interior deed restrictions on the property due to being a low-moderate home.

Mr. Pipes suggested that we let the attorneys advise us.

Mr. McAndrew stated that you would probably want to limit no bedrooms in the basement.

Mrs. Newcomb asked if they would be able to use it for a play room or an activity room.

Mr. Pipes explained that the walls would be insulated, warm and dry so it would be an attractive option if they could afford it.

Mr. Tuliano questioned if this would be a right down buy down program.

Mr. Pipes stated that this would not be a right down, that would be for an existing home. This would be capitol funded as a development subsidized by either the state home and or the housing balance program, combination with the county home program and township housing trust funds.

Mr. Tuliano stated the township housing trust funds are not involved. He questioned if it is known what the buy down would be.

Mr. Pipes explained that right now they are selling in the 110,000 to 140,000 dollar range depending on whether it is the low or moderate. Industry standards for underwriting have heightened since the mortgage crisis and credit standards have been raised. Low to moderate income families are finding it harder but there are still very good programs available for them if they have

decent credit scores and go through their first time home buyers program. They have offered the education program for over 10 years which qualifies people for no pmi mortgages from some of the banks. He is a certified NJ instructor for the class. They are not obligated to purchase from them. Their homes are just offered to them.

Mr. Tuliano questioned that the minimum of 20 to the maximum of 30 year deed restriction will also have the 95% clause in it if the person wants to sell the home within that time period. The 95% equity would go back to the state.

Mr. Pipes stated no that the equity usually gets passed onto the next qualified buyer. There is a resale restriction and a subsidy restriction that the mortgage can be applied for by another qualified person and passed to the next home buyer. If it was sold as a market rate unit that who ever funded it would capture the funds. There is either a finance or occupancy restriction. The occupancy restriction states you can not sell it to someone who is not qualified. The recapture says that if you sell it to someone who is not qualified that the money goes back to the subsidy source in order to subsidize another unit somewhere else.

Mr. Tuliano questioned if a homeowner sold the home in 7 years, would they be able to keep any equity in the home.

Mr. Pipes explained that if they sold the home with no improvements or changes made, they would be able to keep a certain percentage annually of an adjustment increase upward. If they make improvements, they are allowed to recover the cost of the improvements.

Mr. Tuliano stated that the Township ran a program several years ago; there was a provision in the deed restriction regarding the 95 percent. If the qualified applicant bought the property, sold the property before the deed restriction was lifted, that 95% of the profit of the equity in the home would go back to the State of New Jersey. They would only be allowed to keep 5%.

Mr. Pipes stated that those rules would be the same today; you just do not know what is happening in the market place today. All these different funding programs are changing the rules. You have to go with the most restricted one at the time. It will be a nice project of units to be funded.

Mr. McKay questioned if all four units would be funded under the same arrangement.

Mr. Pipes stated they would all have the same funding but broken out individually.

Mr. McKay questioned if there was a mark up to the price of the home and lands that Salt and Light takes.

Mr. Pipes answered that the state, county, and all the funding sources allow the contractor who built the property to take an 8% fee on top of the cost project which has to audited and verified. About a 10% developer fee which pays the cost of the organization to do another project and pay your expenses to go on to continue developing.

Mr. McKay stated that you are getting an 8% in an overhead in profit and a developer's fee of 10%.

Mr. Pipes explained that if you combine them you are limited to 15%. They are their own licensed contractor and have all their certifications and bonding. They have just started a million, two hundred thousand project in Roebling funded by HMFA. They have reached the point that they can exceed the single family size to the multi-family size. They are going as an organization.

Mr. McKay questioned who sets the amount of the mortgage, it sounds like it becomes the price of the house for the low-mod buy.

Mr. Pipes answered yes. One of the funding sources says you set it at 30% of a median income and adjust it to the family size. Another say you set it at a rate they can pay upwards to 33% and as low as 25%. In this case it would be someone who is making \$45,000 to \$65,000 a year in this community. They are not poverty people; they are people with working income. They have sold 3 houses as an agency working with the towns housing trust fund across the street over the last decade and helped people buy existing market rate homes but right them down as affordable. They worked out really well. It is close to the school and bus line that you do not need a car. There are a lot of reasons why someone would want to move to Hainesport just as we have.

Mr. McKay stated that the income brackets for these houses, generally speaking, are between 40 to 65 thousand dollars.

Mr. Pipes explained that the county tries to target above 60% and the state says a maximum of 80% of median income, which is currently around \$70,000 in Burlington County.

Mr. McKay questioned what size family is that medium income.

Mr. Pipes answered that 3, 4, or 5 would be suitable to these home sizes. Usually it is no more than 1 1/2 persons per bedroom. A two bedroom would be three people and a three bedroom would be five. It is governed by the state housing code on how many people can live there.

Mr. McKay stated so there is a family number criteria also. You can not sell it to a family of ten.

Mr. Pipes stated it would not be suitable by square footage. He explained the number of square footages for the number of people.

Mr. McKay questioned how it is handled if a person purchases the home with an income around the \$40,000 and they have good fortune making around \$75,000 or beyond the buying range.

Mr. Pipes explained that once your name is on the deed there would be no income restrictions. It is not like a rental property that you have to qualify every year. If you are a single parent and purchase the property and later get married having two incomes that is not a problem for the funding source. If you were to lose your job, you can have family member help you pay.

Mr. McKay questioned if there would be any deed restriction on changing the exterior of the homes, such as change the color, tack something on the outside of the wall, or change the porch.

Mr. Pipes stated he is open to that. It is his desire that they stay as beautifully as they are built as when the people took possession of it. Sometimes people change the roof style in 20 years, but this is a metal roof that is good for 50 years. They could change the color and put a fence in the back. They are all governed by the township. It is not a development.

Mr. McKay explained that the restriction he is referring to if someone wants to make their half of the front porch screened or enclosed. If you want to preserve the look of the house, one way is to say if you want to buy this house you have to live with the look of the house on the outside. He does not know if it would be a good or bad thing.

Mr. Pipes would hope that the person who bought the home would want to keep the integrity and preserve it.

Mr. McKay questioned if there is anything in the deeds to encourage that.

Mr. Pipes answered that he has not thought it through and would look for guidance from the attorneys what would be permissible.

Mr. McKay stated it sounds that he would not object on conditions from this Board.

Mr. Pipes answered he would not.

Mr. McKay believes there would not be a lot of maintenance free on the exterior of the homes for many years.

Mr. Pipes believes they would probably have to be painted in about 20 years. They would be mostly maintenance free. It is the goal of affordable housing is not to have added cost of maintenance over the course of the life of the building. They council homeowners to put money every year into maintenance fund. These will be less maintenance requirement than a typical single family home.

Mr. McKay questioned if these duplexes would have a fire wall that goes up through the attic to the roof line.

Mr. Pipes answered yes.

Mrs. Kelley questioned what happens if they can no longer afford to make the payments.

Mr. Pipes explained that they would be like any other homeowner, the lender would foreclose. Some organizations have bought back provisions, that they would have the right of first refusal. Sometimes you can get stuck with a situation when the taxes rollup on the property and federal income taxes are added. They all come first in a foreclosure. It comes to a point that it becomes difficult. We have to keep in mind that houses can devalue.

Mr. McKay questioned if the monthly payment would be one payment to include mortgage, escrow of taxes, and insurance.

Mr. Pipes answered yes.

Mr. Boettcher questioned how they would be taxed.

Mr. Pipes answered that the state's requirement is that the assessment is adjusted based upon the percentage of the restriction for the person's income. So if they are a 70% income than they would pay 70% of the taxes. They pay something in proportion to what they earned. That is what keeps them affordable, which also includes the sewer hook up to the MUA.

Mr. McKay questioned if the house was assessed at \$250,000 on a market bases after it is completed. The house for tax purposes will be assessed at 70% of the market assessment.

Mr. Pipes stated the assessor has to take in consideration the deed restriction and income restriction limit of the person who lives there. They can not pay the full rate like a neighbor who has a market rate home. This is state mandated.

Mr. McKay asked about the sewer bill.

Mr. Pipes stated that would be normal price, utilities are at 100%. That is why you build an energy efficient home to keep those bills lower.

Mr. McKay questioned if he had any figures on how much less electricity these homes would use compared to a standard stick built insulated house.

Mr. Pipes explained that energy star is a 20% savings. His goal would be 40%. The next energy star standard 3 will be 50%. His goal is to prove that you can build good houses that can be good home that are energy efficient.

Mr. McKay questioned if the houses will have solar array on the back roof.

Mr. Pipes stated that it is their goal that the funding sources will provide the funds that is part of the total affordable package. What is available varies from year to year. There are tax incentives sometimes available at the federal level. Subsidy levels for the state change year to year. They try their best to provide the best product at the most reasonable price.

Mr. McKay questioned that they plan to do a solar array if they can.

Mr. Pipes answered yes that is why they are building them with the longer peak to the south.

Mr. McKay questioned if he was there to address the parking.

Mr. Pipes stated he could, but there will be others. The homes would each have two parking spaces provided.

Mr. McKay stated that the parking is a problem.

Mr. McAndrew explained that Michelle Taylor will address the parking.

Mr. McKay stated to let Ms. Taylor address it and if he has further questions he can then ask Mr. Pipes.

Scott Williams, planner and engineer, gave his credentials. Mr. Nicholson had prepared the plans and had a scheduling conflict for this evening.

Mr. McAndrew asked that he describe the subdivision plan marked as exhibit A4.

Mr. Williams explained the subdivision is for 5 lots. There were originally 3 lots. The property would consist of the church lot with frontage on Cottage St and Rancocas Ave with 4 lots subdivided off of Albert Street and corner Rancocas Avenue. There would be two duplexes with a party wall. Two lots would have a 24', and one 28' frontage. The corner lot would have 34' frontage on Cottage Street and 138' on Rancocas Ave. The church has an existing 50' frontage on Cottage Street and the proposed 412' frontage on Rancocas Ave. It would require a variance; however it is a pre-existing non-conforming lot.

Mr. McAndrew asked that he describe the site plan marked exhibit A5.

Mr. Williams explained that the minimum lot size requirement is 15,000 sq feet. Variances would be needed. The proposed lots would be: Block 87 lot 1 - 4,692 sq feet; lot 2.01 & 2.02 - 3,312 sq feet; lot 2.03 -3,864; Block 88 lot 1 (church) -17,780 sq feet. Variances would also be need for front yard set back where 30' is required. Proposed is a 26' setback to the front porch (home is 30') from Albert Street and 14' setback from Rancocas Ave. A 10'/20' would be required for min. side yard/aggregate. Block 87 Lot 1 - 0'/14'; Lot 2.01, 2.02, & 2.03 would be 0'/8'. A zero

foot side yard is due to there being a party wall between the two homes. The church is not shown on the map, but is pre-existing conditions.

Mr. McAndrew stated that the new variances being discussed do not relate to the church but to the four new units.

Mr. Williams agreed. No variances would be required for the rear yards. A minimum of 100' frontage is required where the following is proposed: Block 87 lot 1 - 34'; lots 2.01 & 2.02 -24'; lot 2.03 -28'; Block 88 lot 1 (church) -50' which is pre-existing.

Mr. McAndrew questioned if the new variances and density discussed are typical for these types of properties.

Mr. Williams stated that is correct.

Mr. McAndrew questioned if there would be any negative impact regarding the engineering if the Board were to grant the variances, such as drainage.

Mr. Williams stated they would not. The layout and the circulation are very good. Off street parking is being provided.

Mr. McAndrew asked that he address the off street parking and lighting.

Mr. Williams explained that the parking lot would have one access in and out to Rancocas Ave. They are proposing to use porous pavement. He explained how the pavement works. They do not believe they will have to bring soil in because the homes will have basements and excavation of the parking lot. The site has been designed so the flow goes to the corner where there is a lawn inlet which would go into the stone bed and percolate into the ground. If there is any other drainage on the edge, there is a swale designed to take any drainage from the back of two lots. The ground is very sandy and percolates very well.

Mr. McKay questioned if the roof water from the two structures will go into a dry well under the parking lot.

Mr. Williams explained that it will go into a porous pavement reservoir.

Mr. McKay questioned if there could be a problem with the roof water making it into the basements of these houses.

Mr. Williams stated no, they did run tests at the site. The water table is about 6' down.

Mr. McKay questioned if there would be a change in grade between the back of the house and the parking lot.

Mr. Williams explained there would be a slight difference, less than a foot.

Mr. McKay questioned if this type of parking lot require maintenance.

Mr. Williams explained that they do put up a sign that says do not sand or salt. If you have it a little raised, you tend not to get soil on there. The pavement would have to be swept or vacuumed.

Mr. Miller stated that last week when they spoke maintenance was an issue. Will it be maintained by the church since it will be on the church's property?

Mr. Williams answered it will be maintained by the church and they can provide a maintenance plan.

Mr. Miller explained the plan was designed for water quality; therefore it takes care of the 2 year storm. There are no provisions for a larger storm.

Mr. Williams explained that the calculations are based on a 4 to 5 year storm, 6.4 inches. The infiltration rate here is 7 to 10 inches per hour. They meet water quality, recharge, and they meet continuation for a 25 year storm.

Mr. Miller explained he has two issues with porous pavement. It works most of the time during the seasonal year. In the winter if it gets a thin layer of ice, the runoff is as it is regular pavement. It would then come to the small little swale along the side and then try to cross Rancocas Ave. There are existing drains there that discharge to the block on the other side which has no discharge. The backs of those lots become the reservoir for this lot. He has an issue with that. Those neighbors will say they never had this problem before which they didn't. The parking lot is a little lower; it collects the water and does perk in. He is unaware of water currently crossing over Rancocas Ave to that block.

Mr. Williams stated there are two ways to address that. Typically it may freeze on the porous pavement; the sun shines on it, melts, and then goes down. There is an inlet to supply relief if the reservoir becomes overburdened and he showed where it would discharge. They will take a look at that. They can put in a stone relief trench.

Mr. Miller stated that an additional 2' of stone is not going to do a lot.

Mr. Williams explained that the additional 2' of stone will allow runoff to go back into the parking reservoir. They will make provision to contain the water on the site.

Mrs. Kelley asked for clarification on where the stone will be going.

Mr. Williams explained that it would be under the entire parking lot. It will be approximately 2' deep with 2" diameter stone creating about 40% voids for water. They discussed adding a trench to the edge which allows the water to not freeze up and drop down.

Mrs. Kelley questioned stone on one edge or all the edges.

Mr. Williams stated you would only need it on one edge, the lower one.

Mrs. Newcomb questioned what happens if the church has it repaved in 5 years.

Mr. Williams answered that he had not heard of that happening. Everyone is finding out that the porous pavement is holding up better than the traditional paving. It is actually lower maintenance.

Mrs. Newcomb questioned what would happen if someone put a seal coat over it.

Mr. Williams stated it would not function. You would have to follow the maintenance plan that would be given to the church. The Township has the right to enforce that.

Mr. Miller explained that the biggest part of the maintenance plan is the required vacuuming of the porous pavement.

Mr. McAndrew stated that they have to submit a maintenance plan and an easement agreement for the parking lot. The Board wanted the church to own the parking lot and that is who will own it now.

Mr. Boettcher has concerns that someone would eventually come in and seal the asphalt.

Mr. Tuliano questions what makes this maintenance plan binding with the owner of the church property.

Mr. Pipes explained that we are fighting increase development and with that development comes stormwater runoff. Stormwater runoff is one of the DEP highest priorities to preserve the integrity of our waterways. Everyone will be coming more accustomed to new technologies when it comes to preventing stormwater runoff. They will be encouraging the owners of these homes to have rain barrels to collect the water that comes off the roof and so it does not go back onto the parking lot like a normal home would be. These are things that need to be done in existing homes to help preserve the waterways. There are no guarantees that there will be things in 20 years that we plan today. We need to work on our society to live green.

Mr. Tuliano stated that is what we would like but it is not being realistic. We are not talking about 20 years from now. We are referring to 5 years from now if the maintenance on this parking lot is not being done and the parking lot gets clogged up then the water will go across the street.

Mr. Williams explained that if they put in the stone trench on the side to accommodate that if it were to freeze over or if they seal coated it and it will run in.

Mr. Tuliano questioned what happens if the side trench also gets clogged up, which would be very likely.

Mr. Williams explained that they have them at his office and they can be blasted out with a power washer.

Mr. Tuliano questioned if you do not blast them out with a power washer and they get clogged, who is going to enforce the maintenance agreement for the parking lot and where is the water going to go.

Mr. McAndrew explained that typically with these situations they use the beneficiaries, four homeowners and the church, would enforce the agreement amongst themselves. The town is usually a beneficiary to for enforcement purposes. It is no different than a privately owned drainage basin.

Mr. Tuliano stated realistically that the homeowners see that the water is going somewhere and they don't care where it going.

Mr. McAndrew explained that you have to balance what they are trying to accomplish. This is currently a church with zero onsite parking. They tried to designate 8 parking spaces for the homes and around 12 for the church. We are going from 0 to 12 onsite spaces. The negative are the new drainage rules that they have to accommodate. There will be parking and a drainage maintenance obligation.

Mr. Tuliano explained that he is not suggesting that a parking lot is a bad idea. He just wants to know where the water will go if the area is not maintained. If the water is going to flow over the street, is there another way to build it. He understands the stone trench but the fact is that it gets

clogged. How is that maintenance agreement going to be enforced? He does not know how the Township could enforce it, under what statute.

Mr. Williams stated they would be in violation of the site plan. Any stormwater practice needs to be maintained.

Mr. Tuliano stated the chances of a detention basin clogging are much less.

Mr. Williams explained that retention basins clog. They do not have an outlet. These are NJDEP best management practices. They put a manual out in 2004. The relief trench is very easy to maintain and it takes a long time for them to clog. They have to clean theirs out maybe every 5 years. The soil there is very permeable.

Mr. McKay questioned between the homeowners and the church, how are you going to convey the necessary maintenance requirements. Such as you can not put salt or sand down in the winter, and you have to vacuum.

Mr. Williams answered that it can be done by deed and there will be signs installed stating no salting or no sanding. There is a written maintenance plan which includes a schedule in it.

Mr. Dickinson questioned if they would supply the special vacuum to the church.

Mr. Williams stated no, there are many vacuum companies. It would be a suction vacuum, not a sweeper.

Mr. McKay questioned if this would have to be a special commercial vacuum.

Mr. Williams answered yes.

Mr. McKay questioned if there was a way to collect funds for the maintenance of the parking lot, so there is always funds. It would not stop people from putting sand down. So then the funds can then be used.

Mr. Williams believes that people would not purposely put down sand.

Mr. Tuliano pointed out that if there is snow and ice on the ground at 7am and there is a church service at 7:30am before the sun comes out to melt it. They will put salt and sand down.

Mr. Williams stated it will be signed. If they plow the parking lot the snow will go away very quickly. The people that have these types of parking lots are amazed with the low maintenance.

Mr. Boettcher questioned if these properties are commercial properties.

Mr. Williams answered yes.

Mr. Boettcher stated very few private properties put that in. These are homeowners and a church that operates once or two a week.

Mr. Wisnosky explained that the Board is familiar with this system. The Bank on Route 38 has it. They do have a schedule and maintain it. The difficulty is whether the church would do it.

Mr. McAndrew stated that you can put it on the subdivision plan and deed restriction easement that runs with the land.

Mr. McKay believes they should explore some type of funding mechanism to make sure that it gets done. It sounds that vacuuming is something that is important. It's very easy to postpone having it done because funding is not available. It needs to be regularly maintained.

Mr. Miller explained there will be a recommended maintenance schedule. If you have a snow every week you would have to have it vacuumed more often because everyone's vehicles will bring in salt and sand during a snowstorm. There will be routine maintenance but there will also be on demand maintenance.

Mr. McKay stated there must be some type of mechanism to insure that it gets done on a regular basis. If you don't, he believes it will not get done. This is a critical system.

Mr. McAndrew stated they will have to look into it.

Mr. Miller explained that there are two kinds of things that happen with this type of operation. If there is a failure, it will be in the surface of the porous pavement or worse that the bottom and sink off the entire retention area sealing it off. If that happens the entire parking lot would have to get reconstructed.

Mr. Williams believes that is a very low possibility of that happening.

Mr. Miller stated that happens over time with improper maintenance.

Mr. McAndrew asked that Mr. Williams address the lighting.

Mr. McKay questioned if the parking lot is lighted.

Mr. McAndrew answered yes.

Mr. Williams referred to exhibit A6 light plan. It is one light, located near the entrance with covers 4 spaces. They were keeping the lighting low due to being in a residential environment.

Mr. McAndrew explained that it would be lit like houses.

Mr. Miller explained that you will be able to see the light in the parking lot but has no effect of the parking area.

Mr. McAndrew stated it was done low intensity for the residential area. We did not want it to look like a shopping center.

Mr. McKay questioned if there was a reason that the design did not provide for two parking spaces per lot on their own lot.

Mr. McAndrew explained that they would have gone into the front of the homes. They did not want to do that for esthetic reasons and the number of curb cuts. It would also put more traffic on the side street. They were trying to also provide 12 onsite parking spaces for the church, which currently there is none.

Mr. McKay questioned if Mr. Wisnosky had sketched out anything different. He would design the entire parking lot.

Mr. Wisnosky explained that there is only one way in and out on the parking lot. He understands trying to provide parking on each individual lot. It is out of character with the neighborhood, which is on street parking. If that were the case, an alley and access easement would be needed.

Mr. McKay commented that you could create an alley on the church property, an easement for the houses to use the alley, and then a turn in to each house with two parking spaces. There would not be any shared parking situation.

Mr. Williams stated you could do that but you would have more asphalt.

Mr. Katz explained that this would create problems with someone from the church parking in someone's parking spot. If someone were to have a parking and then they take the churches parking. You would create many unhappy people. It will happen at some point.

Mr. McKay would like to see someone make a serious effort to see how it would work out. The parking spaces at the house could be paved, maybe stoned, or the porous pavement.

Mr. McAndrew explained that at their last meeting the Board wanted to see the parking on the church lot for maintenance purposes.

Mr. McKay commented that he was not at that meeting.

Mr. Katz believes Mr. McKay is suggesting that each house then would maintain their parking spots and the church would maintain the parking lot. It would work out better.

Mr. McKay stated that the access alley would be owned and maintained by the church. The homeowners would turn off the alley into their own lots for parking.

Mr. Williams explained that the proposed plan is the most efficient way for parking.

Mr. McKay believes the net loss would not be that great. This would give you the both the private and church parking.

Mrs. Newcomb explained that in the smart growth, they are providing the parking in the back of the homes. She suggested moving the property line to accommodate the parking on the individual lots. They everyone would be solely responsible.

Mr. Pipes is not opposed.

Mr. Williams suggested moving the parking lot forward.

Mr. Pipes stated originally they thought they would have a drive to each lot. The concern was that you are taking away the potential for the church parking on the dirt, like they did back in the 1950s. There was testimony that they use to park on the entire field from time to time. Then they said they would pave an area to add off street parking for the church and combine it for the residents. Many of the Board Members were not part of that discussion, but a few were.

Mr. McKay stated you can either move the property line or the pavement. He is coming to this for the first time this evening. He believes they need to look at putting the house parking on the lots because the shared parking will be a disaster. It will be a future battle between owners.

Mr. Dickinson agreed.

Mr. McAndrew stated they would like to stop here for this evening so they may look at things. He would like to work with the professionals and continue to next months meeting.

Mr. McKay explained that we have this type of issue with an alley (Pine), though no parking lot is adjacent to it. The Board approved it many years ago. There is a history of that in town.

Mrs. Kelley stated that it is very common in Mt. Holly. Consideration should also be taken for the distance from the parking to the homes back door. If I have a toddler and groceries, she would not want to walk sixty feet to my door. Therefore I would park on Albert Street and it is known that there is not enough parking there.

Mr. McKay commented that Mrs. Kelley is suggesting what he first suggested and not move the parking lot. Either one of the suggestions are better than what is proposed.

Mrs. Kelley commented that if the parking is private she would allow her 3 year old to get out of the car and go to the house. I would not allow them to if they were in a parking lot where other cars would come in. She suggested that they look at the two duplexes on Pine Street, Mt. Holly. They have the parking in the front, but it is what she would envision for the back parking. There are always more than 8 cars parked there. They should consider at least 2 spaces for each lot. She has parking at her house on her lot.

Mr. McKay motioned to continue until September 7, 2011.

Second: Mr. Tiver

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

Motion carries to continue until September 7, 2011.

B. Case 07-18C: Fine Homes
Block 10 Lot 1
Washington Street
Preliminary major subdivision
Attorney: Michael Ridgway

Proper notice was given.

Mr. Ridgway explained that they were last here in February. They presented a revised plan that addressed some of the concerns the Board had in respect to the design and the stormwater management on site.

Mr. Joseph Raday was sworn in. He explained the proposed plan is for 9 homes and a basin on lot 1.07. Previously they had a retention swale on both sides of Taft Ct and two pre-manufactured devices that were going to address water quality. With varies meetings and comments, they redesigned the stormwater management by eliminating one of the lots and incorporating lot 1.07 with a stormwater management basin. They will have curb on both sides and sidewalk on one side with landscaping within the right of way. It is a more conventional layout. Everything else is the same.

Mr. Katz questioned who would own the basin.

Mr. Raday answered it would be the owner of the lot.

Mr. McKay questioned what the red box was on the basin.

Mr. Raday answered it is the emergency spill way.

Mr. McKay questioned if it spill into the stream.

Mr. Raday answered yes.

Mr. McKay stated that it looks large to him and he generally thinks of them as 4' square boxes.

Mr. Raday explained that he tries to make it a little wider so the water depth is only an inch or two. If he squeezed it in, it would make the water depth a little higher.

Mr. McKay commented that instead of a square box you have a lower rectangular box.

Mr. Raday agreed.

Mr. Kröllfeifer questioned if the new plan removes all the concerns the Board had with the maintenance.

Mr. Raday stated it does. It would be a conventional road that the township would be responsible for.

Mr. McKay still has concerns with the two lots (one with the basin and one on the other side of it) that have the flood line right at the back door.

Mr. Wisnosky questioned if there would be lines that alert the potential homeowners of that area.

Mr. Ridgway answered yes.

Mr. Wisnosky explained that we have discussed this to great extend and he wants to make sure that whoever buys this lot is put on notice that there are restrictions on this lot.

Mr. Ridgway stated that he sent Mr. Kingsbury correspondences on January 17, 2011 that states at the end: "One final note. The Land Use Board has expressed concern about future homeowner's notice of the property being subject to the flood hazard area that affects their lots. As we have stated, the DEP has approved this proposed develop on June 2, 2009. This approval was submitted with the original application submit to this Board. With this correspondence, I am submitting page 2 of the deed be approved letter. You will note the extensive notice by way of deed record oration that must be provided to any future lot owner." He has page two that everyone has in their submission packets. It says that the deed has to have specific language among others 1) The department file number for verification 2) The approval and expiration dates of the verification 3) any metes and bounds description of any flood hazard area limit and/or floodway approved under the verification 4) The flood hazard area design flood elevation, or range of elevations if variable, approved under the verification; and 5) The following state: "The State of New Jersey has determined that all or a portion of this lot lies within a flood hazard area. Certain activities in the flood hazard areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a permit. Contact the Division of Land Use Regulation at (609)292-0454 for more information prior to any construction onsite." This notification advises future homeowners to contact the DEP not the township if they attempt to put anything in their back yard. Lots can be built, constructed, all or partially within a flood hazard zone subject to the regulations.

Mr. Wisnosky questioned who enforces that regulation.

Mr. Ridgway answered DEP.

Mr. Wisnosky questioned if he decided to DEP would come down here is some point in time.

Mr. Ridgway stated they will if they are made aware that something was placed there.

Mr. McKay questioned if he considered that the notice should be given to the township. Instead of directing them just to DEP if a homeowner has questions, maybe direct them to the town as well.

Mr. Ridgway has not problem with doing that.

Mr. Wisnosky stated that Mrs. Newcomb is the zoning officer and has very limited authority.

Mr. McKay stated she has not authority but is a local information source.

Mr. Tuliano explained that we have run into this problem before and some how need to let the perspective buyers know they have a problem. The problem we usually run into is that it is too late for the homeowner that all of a sudden realizes or finds out that they can not put a deck on the back of their property or put a pool in.

Mr. Kingsbury stated you need to have it in the contract.

Mr. Lynch stated that it needs to be in the sales contract so they are aware of it before they sign the deed.

Mr. Tuliano explained that a sales person is going to tell them they can put anything back there.

Mr. Ridgway has no objection is having it in the contract.

Mr. Dodulik questioned if the plot plan can be delineated to show the flood plain line because people are visual and will not read everything.

Mr. McKay questioned if the surveyor would normally put the flood line on the survey that goes to the property owner at closing.

Mr. Ridgway believes yes and would be after the contract has been signed. He thinks the contract is an excellent suggestion and they can attach a copy of the plot plan that actually has the delineation right on the contract of sale.

Mr. McKay suggested that the surveyor put the lines on these plot plans.

Mr. Raday stated that the plot plans will definitely have it on there.

Mrs. Newcomb stated the plot plans rarely show it and the people to do read them. She normally has to get any deed restrictions from the county. She has no problems enforcing things and will not let a homeowner proceed with DEP issues until she has a no further action letter, LOI letter, or whatever the case may be. The deed should be supplied to the homeowner and her office so that they can work together.

Mr. Ridgway stated he has no objections. He questioned when you speak of the surveys, are you speaking of the original ones from the developer or the second sales after that.

Mrs. Newcomb stated the ones the homeowner receives at settlement with the foundation shown on it.

Mr. Ridgway explained that under new construction the developer prepares the deed and the surveys.

Mr. McKay stated we will have language in the contract and deed, the sales plans that will be used at the office will indicate the flood line, and it will be conveyed by the surveyor on the survey the homeowner gets.

Mrs. Kelley explained that the Environmental Commission had concerns with the detention pond due to the runoff going towards the run. Lots 1.02 and 1.03 are not draining up to the detention pond but draining out towards the run which has the potential of flooding lot 1.01. The elevations are all going towards the run. One of the environmental committee members commented that he does not see the three lower lots draining up to the detention pond. Why was the detention pond placed on lot 1.07 and not on one of the lower lots 1.04, 1.02, or 1.01? She has concerns that the maintenance may be costly and they are worried that all the homeowner would do is cut the grass. Lot 1.07 does not really have any yard because it has the detention basin, the house is basically touching the flood line, and the flood line almost goes back to the property line. How is the drainage occurring from the lower lots to the detention pond? Will the lower lots go to the run and there will be potential flooding for lot 1.01 and the existing houses on Broad Street?

Mr. Raday explained that this project started back in 2005. They have gone thru numerous designs, DEP, soil erosion, and Mr. Miller's office with stormwater management regulations. Everything that is now presented to the Board is outside the floodway, the homes and the road. There are no concerns regarding flooding. The lower lot can not have water go up hill. The road is in the highest part. Based on the stormwater regulations they have to collect everything in the road area reflecting all that runoff collecting it to be cleaned before it goes into the ditch.

Mrs. Kelley does not have an issue with that. She wants to know why the detention basin wasn't placed on a lower lot.

Mr. Raday explained they are only collecting the water from the road that needs to be cleaned; the water from the homes does not need to be cleaned prior to discharge to the ditch.

Mrs. Kelley questioned if the water was being pumped up hill to the ditch.

Mr. Miller explained that the road has a high point about 150' from Washington Street. That portion of the drainage is coming towards Washington Street and the remaining portion of the drainage goes towards the run and down towards the basin where he chose to collect the water. The run and the area of the flood plain is about elevation 30 and goes across the entire portion of the property where the flood hazard area is in the dark line. It was the applicant's choice to collect the water where the basin is so he didn't have to pipe it back to where a basin could be proposed on lot 1.01.

Mr. Tuliano asked if the natural flow is towards the basin 150' from Washington Street.

Mr. Raday answered that is correct.

Mr. Miller stated after the road everything is going towards the run.

Mrs. Kelley questioned if the road determined where you put the basin.

Mr. Raday stated yes along with the geometry of the road.

Mrs. Kelley stated it still does not address the runoff from lots 1.02 and 1.03 into lot 1.01. She is referring to storm runoff just from those properties.

Mr. Raday explained that is clean water and does not have to be cleaned prior to discharge into the ditch.

Mr. Ridgway commented that it runs sheetflow through the back of the yards back towards the run.

Mr. Raday stated that is correct.

Mrs. Kelley commented that it will run sheetflow across the yard and possibly flood his house.

Mr. Ridgway stated it flows back to the run.

Mrs. Kelley commented that recently she had seen running water on both sides of the road in the run.

Mr. Raday explained that the runoff from the back of the yards runs towards the ditch.

Mrs. Kelley asked what the maintenance for the detention pond is.

Mr. Ridgway stated they would provide a manual to the homeowner.

Mr. Raday agreed.

Mr. McKay asked what the maintenance protocol is.

Mr. Raday explained that they would have to mow it, make sure there are no trees growing in it, etc.

Mr. Miller stated that the basin would be roughly 30' wide, 60' long, and deepest part will be 3 to 3 1/2' deep.

Mr. McKay commented that it is shallow basin.

Mrs. Kelley commented that lot 1.07 really has no yard due to the basin and flood plain.

Mr. Ridgway stated they have a huge yard.

Mr. Raday stated it is 1.46 acres.

Mrs. Kelley commented that most of that lies in the flood plain, which we have already discussed such as putting a deck or swing set that you will have to go through DEP.

Mr. Raday stated yes if falls outside of DEP's parameter.

Mrs. Newcomb commented that a home on Lumberton Road went through DEP for a fence. He was allowed to put in fencing with no concrete. They do not want anything seeping into the ground. There is a lot they can do it depends on what it is.

Mr. McKay questioned if they were allowed to put in a swing set, fence, or deck.

Mrs. Newcomb stated not problem for swing set, we spoke of fence, and the deck would depend. Footings are needed for a deck.

Mr. Raday stated no problem. He said as long as the footing is under the topography you are fine.

Mrs. Newcomb stated that is correct. DEP will tell the homeowner that when they apply.

Mr. McKay questioned if a homeowner wants a large concrete or paver patio.

Mr. Raday explained that as long as it is at grade it is fine.

Mr. McKay asked if a pool would be allowed.

Mr. Raday stated you can't put in above ground pools, but you can an in-ground pool at grade.

Mrs. Newcomb commented that things relies on how informed the homeowner is prior to buying the property. Each lot could be different on what they can and can not do. She believes they would be allowed to do the basic things.

Mr. McKay questioned if the notice requirements should show some examples installation of what a homeowner may want to put in their back yard that could be problematic.

Mrs. Newcomb does not think that would be fair to the builder or the township because if you give a general statement that you can put a shed or there. It would be better to make a statement that whatever they may want to do may need DEP approval. If you give specifics a homeowner would rip it apart.

Mr. Kingsbury agreed that if you start listing things and leave something out or the regulations are going to change. There should only be a universal piece of advice that you have to go to DEP for anything you want to do.

Mr. McKay commented he is just trying to figure out a way to have the homeowner listen.

Mr. Wisnosky questioned are we looking for a notice for just the two lots or all the lots.

Mr. McKay stated that all the lots are in the flood plain with the exception of three lots.

Mr. Ridgway explained that any lot that has the flood plain on their lots would have the provisions.

Mr. Miller commented that 3 lots are not impacted and 6 are.

Mr. McKay stated that lots 1.02, 1.03, and 1.09 are not impacted.

Mr. Ridgway stated that they agree to all the issues discussed with the deed restrictions.

Mr. Wisnosky addressed his letter dated July 19, 2011. We have discussed items 1 and 2. He will start item 3 and then defer it to Mr. Miller. We have previously raised a traffic safety concern at the intersection of Broad and Washington Streets. Washington Street is about 21' wide and a 36" oak tree exists at the edge of the pavement. We have asked the applicant to improve the frontage of his property that extends down Washington and Broad Street.

Mr. Wisnosky stated that the Township is working on phase 3 of the park project. Approximately the end of August there will be a pedestrian walkway from Long Bridge Park to the township.

Mr. Ridgway agreed to item 4 which is to put sidewalk on the two roads, item 5 to install hedgerow, and item 6 to provide a detail of the proposed lighting standard on the plan.

Mr. Miller explained that road widening is needed on Broad Street and the continuing of the improvement Washington Street. He considers lot 1.01 a corner lot with frontage on Washington and Broad Street. Broad Street currently has an 80' right of way approaching Washington Street and is roughly 50' of pavement. He had provided a sketch that shows about 36' of pavement and a sweeping curb on Broad Street coming into Washington Street to marry up it to improve that intersection. The sketch also included bringing the sidewalk around Broad Street to the edge of their property, leaving only two adjacent property's for the improvement of the sidewalk area coming down Broad Street. He checked with DEP and Mt. Holly Sewage Authority and neither have any problems with that improvement providing that the proper application and approvals.

Mr. Ridgway commented that at the meeting in February many Board Members and Mr. Wisnosky stated how horrible this intersection is and the tree based on existing conditions. He wrote a letter to Mr. Kingsbury regarding their position, he believes is correct and valid. These are current issues that this municipality has before their product has been constructed. His view based on his research on how to treat this based on land use is. It is talking about roadway improvements, curbing, and etc. When planning boards concerns in such cases with the desire to see the widening of the roads or streets involved the imposition of such conditions is clearly ultra virid unless the necessity for the improvement can be justified base of public safety relating to the respect of a large increase in road traffic resulting directly from the development of the land. Their position is that the 9 homes based on the traffic study that was submitted to this Board three or four years ago which was on 13 homes is a deminimis increase of traffic at this intersection. The applicant is willing to pay its prorated share of any improvement that the Board may wish to place in that area. That is all they are required to do and all they will do.

Mr. Wisnosky stated that you widened a portion of Washington Street.

Mr. Ridgway commented that the plan show a deceleration lane on Washington, that is correct.

Mr. Wisnosky is curious why they only decide to do that distance.

Mr. Ridgway answered that is what the applicant agreed to do. He chose to improve that section of the roadway even though he is not obligated to do so.

Mr. Wisnosky questioned if his opinion is that there is no requirement to widen any of Washington Street.

Mr. Ridgway answered there requirement is to pay their fair share of road improvements that the Board feels necessary to solve an existing problem in that general area of development.

Mr. McKay questioned Mr. Miller how much pavement and curbing would they have to put down what you think is a wise change on Washington and Broad Street.

Mr. Miller answered on Washington it would be around 15' over and carry it down to the intersection.

Mr. McKay asked that he put it in the number of feet.

Mr. Miller stated that lot 1.01 has 244' frontage Washington Street and 220' on Broad Street giving approximately 460'. It is a corner lot.

Mr. McKay questioned if the paving from one end of the lot to the other, is that necessary to accomplish the improvement to the intersection.

Mr. Miller answered yes.

Mr. Wisnosky stated yes along with the tree being removed.

Mr. McKay questioned if curbing is associated with that.

Mr. Miller stated that a permit is not required for the tree, but one is required for the extension of Washington across the existing structure that is there and there is also sanitary sewer that is there.

Mr. McKay questioned if the pavement is going to disturb the sanitary sewer.

Mr. Miller stated the construction of the pavement; you would have to move the drainage structure to new proposed curb line for widening.

Mr. McKay believes it is not a lot of work.

Mr. Ridgway explained that he is arguing his clients position. They have redesigned the entire site at the Boards request, reduced the overall capacity by 10 percent, and once again brought in a plan that completely complies with every ordinance requirement. They have gone an entire football field and are asking now to do what we are required to do and nothing more. He does not think it is fair at this point. They have done more than what they are required to do. If the Board would like them to come back and do 10 lots and do the roadway that would be fine, but he believes the Board would not be happy with that.

Mr. McKay stated that a traffic study would be needed to at least evaluate it.

Mr. Ridgway explained that a traffic study was submitted.

Mr. McKay stated he would have to go through that or ask the professionals. It seems that you can make an argument that the intensity at that intersection would increase enormously because the proximity of those 9 homes, because of the comings and goings of about 18 cars will be focused on that intersection.

Mr. Ridgway explained that they are willing to live by any studies. If the Board likes they can complete another study with the 9 lots, submit to the Board, and pay their fair share.

Mr. Wisnosky commented that we have all driven that intersection and it is truly a health safety welfare issue when you are driving down Broad Street and make a right onto Washington Street. This is frontage to their lot and under Land Use Law. This is the developer's side and the Board has raised their concerns about making that turn. He agrees that nine lots probably do not generate a lot of road improvement. Never the less he has a hard time believing his argument that he could take the drive out to Washington Street and make no improvements. He has never in his career had anyone object to this type of improvement when everyone agrees it is a concern.

Mr. Kingsbury explained that the Land Use Law states that the Planning Board can require a developer to make street improvements; the verbiage used is necessitated by a subdivision. There is no magic formula; the Board would have to determine what the impact the roadway is as a result of this subdivision. You can not make someone improve an entire intersection just because they

are coming in with a subdivision plan. You can only make them do improvements to the extent that are they are impacting the intersection. He does not know what degree that is; maybe there is a study that can make that determination. That is what the Board needs to determine.

Mr. Ridgway commented that they are comfortable with that legal reasoning. Historically, that impact is based on traffic increase.

Mr. Boettcher stated that we have had several developments that have not impacted it, nothing is impacted, but it is impacted on that intersection.

Mr. McKay expressed that the intersection is almost like an extension of Taft Court. When you come off Taft Court, you are going to come out to Broad Street because it is the quickest way to Marne Hwy. He should check the traffic study to see if it addresses it.

Mr. Raday explained that there is a percentage of traffic generated that impacts that intersection.

Mr. Ridgway commented that the traffic study was based on 13 homes not 9 homes.

Mrs. Kelley stated that the traffic study she has includes the current plan on the last page. The page before she assumes it is talking about the proposed site. The conclusion is that it is a cul-de-sac based on 10 homes with 4 enters and 12 exit. It does give a time, but she is assuming it is during peak hours. When she first spoke to Mr. Raday, she expressed that the property would be good for about 5 houses. Now that she has looked at it longer, maybe it would be good for 7 homes. The Board has pointed out problems with traffic and stormwater runoff that they know, because they live here. They could give engineering details but she would still have questions on quality of life and what people would be allowed to do with their properties and existing properties. This run does continue towards the creek under Washington Street and continues onto Tasker Ave. There are issues she still has that could be addressed very easily.

Mr. Krollfeifer questioned how much of the concerns would be taken care of if the applicant were to agree to continue along Washington Street another 16' to 18' to the corner of Broad Street and remove the tree. Would that take care of 10% or 90% of the problem?

Mr. Miller believes it would take care of 40 to 50 percent of the problem.

Mr. Wisnosky stated that the tree is significant. He believes it would be an improvement to remove it. He feels that widening Washington Street and removing the tree would take care of 70 to 80 percent of the issues. Broad Street is somewhat wide.

Miller stated that Broad Street is only 15' to 20' wide at this intersection.

Mr. Katz commented that the widening of Washington Street means nothing if you do not widen the remaining 15' of Washington Street.

Mr. Ridgway stated it is a deceleration lane to get into Taft Court.

Mr. Katz would like them to pave to Washington Street and take the tree down.

Mr. Ridgway is willing to take down the street. They do not want to widen Washington Street any further due to the infrastructure. They are willing to do their fair share.

Mr. McKay believes that a deceleration lane is really not necessary due to the amount of traffic and street being a short. You should not have speeding problems. He is questioning whether the

lane is an unnecessary improvement and if the money should be shifted to the intersection where the problem is. He is trying to find a compromise that works for everyone. The lane is approximately 18' x 250'.

Mr. Wisnosky doesn't understand why we are putting in a deceleration lane. It is not warranted and the town will have more or a road to maintain at some point. He agrees to take that cost and shift it to the intersection to solve a real problem.

Mr. Ridgway stated they can calculate that cost and submit it to the Board as a contribution to improve that intersection. They can use that along with general funds to take care of it.

Mr. Tuliano commented that the Board is not authorized to do that.

Mr. Ridgway stated they will not be going to DEP to do that improvement. It is not their property.

Mr. Miller commented that it is their property, it is their frontage.

Mr. Wisnosky stated that it is on track.

Mr. Ridgway commented that it is not their property and they agree to do their fair share contribution.

Mr. Wisnosky commented that we are getting nowhere.

Mr. McKay believes we are getting somewhere. You cannot just throw money at the problem. You have to make design proposals for that intersection. That would mean moving the deceleration lane and see how much can be done or the developer wants to do, but save money to deal with the intersection instead.

Mr. Ridgway commented that there are many municipalities that make a contribution to a sidewalk fund top in sidewalks. They are willing to put funds in for the improvement at the intersection.

Mr. Tuliano has a problem with it. Why would you ask the entire town pay for an improvement at your development?

Mr. Ridgway explained that the law states that the Board can't make them do it.

Mr. Tuliano stated that is his interpretation. Our planner and engineer are saying something different.

Mr. Kingsbury explained it is their responsibility to the extent that it is necessitated by the subdivision.

Mr. Ridgway believes that it is an extremely proper legally defensible position and agreed to by everyone in their testimony at the last hearing that this is an existing problem whether they built or not.

Mr. Tuliano commented that they are putting more traffic at that intersection.

Mr. Ridgway stated they would pay their portion based on the 9 lots increasing that problem.

Mr. Wisnosky looked at it differently. The plan shows that the applicant is widening Washington Street 9' x 250'. He believes that would be their fair share and that is why it is on the plan. The Board is right to take that improvement and shift it towards the intersection.

Mr. Ridgway explained that they did not designate that as their fair share.

Mr. McKay questioned if the problem is that they do not want to get involved with the DEP regarding the bridge.

Mr. Ridgway answered yes.

Mr. McKay questioned if there was a way to improve that intersection without going to DEP for changes to the road over that culvert.

Mr. Ridgway believes Mr. Miller contacted the DEP at the Boards request.

Mr. Miller explained that you can improve the intersection somewhat by going from the existing inlet that is there, taking out the tree and putting the curb behind it. He does not believe it would be a significant improvement.

Mr. Wisnosky believes it would not do anything.

Mr. McKay questioned if the intersection would be made safer if it was turned into a four way stop, remove the tree, and made some improvement.

Mr. Miller explained that anything you do to widen and direct the traffic would be an improvement because it is a tough intersection. It is hard to project if it is worth that improvement.

Mr. Wisnosky commented that no one truly knows how easy or difficult it would be to go to DEP and extend a section of pipe 20' and build a new head wall. It could take a little or a lot of time. Just because the applicant doesn't want to go back to DEP shouldn't be a reason not to pursue it.

Mr. Katz opened public comment.

Lawrence Heron, tenant at 402 Washington Street, was sworn in. It would be an improvement to make that intersection into a 4 way stop and the tree needs to be removed. He believes the deceleration lane is pointless. He also has concerns for his two daughter's safety. They walk to school and there will be an increase in traffic. It is not a minimal impact. Their neighbors also have children that walk to school. They have pulled 4 kids from accidents at Broad and Washington Street. There is a lot of traffic Monday thru Friday between the hours of 7am-9am and 4pm-6pm. Most of the time people do not stop at the intersection.

Mr. Katz commented that the Board feels it is more than a minimal impact. He questioned what the biggest problem is at that intersection.

Mr. Heron commented that it is the tree. You cannot see and you have nowhere to go.

Mr. Katz commented that he rides his bike in the area and the tree is the biggest problem. The widening Washington Street for the deceleration lane does nothing. Doing something to the intersection is a lot better for the community rather than widening the road up to 15' away from the intersection.

Mr. Bradley suggested speed bumps.

Mr. Heron had no objection if they used speed bumps.

Mr. Dickinson commented that the Township is looking at speed bumps.

Mr. Katz closed public comment.

Mr. McKay questioned if the applicant is willing to work with the engineer and planner to see what could be done with the funds that may not be used for the deceleration lane to work on the intersection.

Mr. Ridgway answered yes.

Mr. Tuliano had concerns because we are half way through the budget year and the town does not have funds to participate in that project. We have no idea what the cost of the project would be.

Mr. McKay commented that he was not suggesting Township participation

Mr. Tuliano stated that it keeps coming up.

Mr. McKay explained that if you take away the deceleration lane and use the funds towards the suggestions short of rebuilding the road across the culvert to improve that intersection. Is the applicant will to work with the professionals to see what we can come up with?

Mr. Miller explained that the funds from the removal of the 7 to 8' deceleration lane will barely pay for the tree removal.

Mr. Katz stated that it is more than that; they have over 200' of paving.

Mr. Ridgway commented that his client is willing to work with the professionals to solve this issue and use the money allocated for the deceleration lane to help resolve the problem. The applicant has been involved with this for 4 years. He questioned if it would be legal for the Board to grant preliminary subdivision approval tonight with the condition that final is not granted until the issue is solved.

Mr. Kingsbury would not recommend it because it is too important to the plan to leave it hanging on future modification. The Board should see the plan for that intersection before they act on it; maybe the Board could possible grant preliminary and final at one time.

Mr. Ridgway stated we should continue the application to a future date.

Mrs. Kelley suggested that they make sure the head wall and the pipe is good due to the drainage of the property which could cause flooding. There is always water in the run on the other side of Washington where there is existing homes.

Mr. Wisnosky explained that he appreciates that the applicant's issue is timing and not wanting to deal with the DEP. That improvement can easily be calculated and whatever that cost is can be placed in a fund at the Township. That way the Township is covered. Then Mr. Miller can apply for the permit. We get the permit and then the improvement is made. It does not cost the Township anything and it does not hold up the developer.

Mr. McKay commented that he is not a fan of that option.

Mr. Tuliano agreed. For example: The project costs \$100,000. He is suggesting that the developer puts \$100,000 into a fund that may or may not be legal. When the DEP issues a permit to do the project, the money will be used to pay for it. What is the Township suppose to do if the project comes in at \$150,000?

Mr. McKay questioned what happens if the DEP doesn't issue the permit or a number of other things that may come?

Mr. Wisnosky commented that they are all valid points.

Mr. Katz asked that they meet with the professionals and see if they can come up with something for the September 7, 2011 meeting.

Mr. Ridgway stated that any time frames are waived and no further notice is required.

Mr. McKay motioned to continue the application to the September 7, 2011 meeting.

Second: Mr. Krollfeifer

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

Motion carries.

**C. Case 11-12: Association of Bosniaks of Delaware Valley-Philadelphia, Inc.
Block 104 Lot 1
2835 Creek Road
Minor subdivision, preliminary site plan, site plan, bulk variance, conditional use,
interpretation
Attorney: Paul Schultz**

Application continued until the September 7, 2011 meeting.

D. Mrs. Tiver explained that she received a letter from Robert Bowman requesting a 90 day extension to file the Hainesport Community Baptist Church subdivision (aka Case 11-05) with the county. The applicant needs verification of the wetlands for the plan from NJDEP.

Motion: Mrs. Kelley

Second: Mr. Tiver

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

Motion carries to grant the extension.

7. Minutes

A. Regular Meeting Minutes of July 6, 2011

Motion to approve: Mr. Krollfeifer

Second: Mr. Tiver

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

Motion carries to approve.

8. Resolutions

- A. Resolution 2011-12: Granting amended final site plan approval for 24 additional parking spaces on Creek Crossing Executive Campus, Block 101.04 Lot 2

Motion to approve: Mr. Lynch

Second: Mrs. Kelley

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

Motion carries to approve.

9. Correspondence

- A. Letter dated June 30, 2011 from Alaimo Association to Robert Bowman
Re: Hainesport Community Baptist Church Map Filing Review Case 11-05
- B. Letter dated June 30, 2011 from Burlington Co Planning Board to Mr. Tuliano
Re: Hainesport Township Municipal Building release of performance letter of guarantee for improvements within County right-of-way Marne Highway

Motion to accept and file: Mr. Lynch

Second: Mr. Tiver

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

Motion carries to accept and file.

10. Professional Comments

Mr. Wisnosky stated that the trail is being put in on the Township property.

11. Board Comments

Mr. McKay commented that the day after Mr. Schiers complained at the last meeting about the mess on the Marne Highway Bridge the county was out there cleaning it up.

The Board thanked Mr. Tuliano.

12. Public Comments - None

13. Adjournment

Mr. Lynch motioned to adjourn at 10:50 pm

Second: Mr. Tiver

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, September 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 (arrived 7:42pm), Mrs. Kelley, Mr. McKay, Mr. Tiver, Mr. Krollfeifer, 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 Engineer
Kathy Newcomb, Zoning Officer
Paula Tiver, Board Secretary

6. Items for Business

- A. Case 11-12: Association of Bosniaks of Delaware Valley-Philadelphia, Inc.
Block 104 Lot 1
2835 Creek Road
Minor subdivision, preliminary site plan, site plan, bulk variance, conditional use, interpretation
Attorney: Paul Schultz**

Proper notice was given.

Paul Schultz, applicant’s attorney, explained that the Association of Bosniaks of Delaware Valley is composed of Bosnia Americans that is seeking a gathering place for its members and perhaps others. They would like to play a positive roll in the community. This association and the Burlington American Turkish Organization have purchased this 11+ acre property at 2835 Creek Road. The property was previously owned by Jadran Social Club and used as a social club. His clients plan to use the property the same if

they are granted approval today. They are seeking approval for the conditional use of a social club in the zone. His research concluded that there was no prior approval on record granted to Jadran. They also seeking approval for 1)a minor site plan for the expansion of a stone/gravel parking lot with some associated improvements 2) a bulk variance for impervious coverage 3)minor subdivision approval 4) any other necessary waivers or variances. These are minor issues and there will be no new construction.

Mr. Kingsbury swore in the following: Kasin Delalic, President; Rifet Zijadic, Board Member; John Pettit, Engineer.

Mr. Schulz asked that the application be marked as exhibit A1, plans prepared by John Pettit as exhibit A2, and affidavit of service as exhibit A3. He will have two photos presented later as exhibits.

Mr. McKay stated that in looking at the subdivision there is a smaller lot being carved out of the larger lot which looks somewhat strange. Why is the lot being proposed this way?

Mr. Schultz explained that there is an existing structure on the property that will be for his client and the other piece large heavily wooded lot would be for the other owner. He will let the witnesses speak a little more regarding it during the presentation.

Mr. Delalic stated that he is the president of the organization since 2008. He gave some background information regarding the organization which started around the year 2000. The organization was registered in New Jersey in 2008 as the Association of Bosniaks of Delaware Valley-Philadelphia, Inc. They used Philadelphia which is well known to help people recognize them rather than using just this area. They felt they needed to organize harder and stronger, have more communications with the neighborhood, and help others become American Citizens. The purpose of the organization is to help people adjust to their new home, learn the language, become American Citizens, and also keep in touch with their elders in Bosnia, and teach the young ones their language. They would like to have their children and people go to school here. Their goal is to educate. The property will be free of drinking and drugs.

Mr. Delalic explained that they subdivided the property this way due to the location of the existing building. They are a small association with limited income. The co owners of the property helped purchase the property and are the ones that also helped them get organized as an association. They did look at other locations to purchase and this property was the best for them due to the location and neighborhood. The building is two stories. They have done many renovations to the building. Upstairs they would like to use as a library with Bosnia Books and other nice books if our neighbors would like to come and read them. There will also be a section to teach some English. Downstairs will contain a cafeteria and items such as a ping pong table (social activities).

Mr. Kröllfeifer questioned what the legal name is of the property owners? Is it both organizations as co-owners?

Mr. Schultz stated it is owned by both organizations as co-owners.

Mr. Boettcher questioned how often will the property be used? The Jadran used it occasionally.

Mr. Delalic answered that is what will happen here. They do meet every Sunday afternoon. There will be limited use the rest of the time due to working and children going to school.

Mr. Schultz questioned what time frame would it be used.

Mr. Delalic stated it is mostly weekends. It probably would be after 9am or 10am if they needed. Currently they meet at 5pm and usually stay until 8pm. There may be times that they leave at 9 or 10pm. They do not know exactly what will happen in the future and would inform the township if it is something different.

Mr. Schultz questioned if they looked at other properties prior to the purchase of this one.

Mr. Delalic explained that they looked at about 10 other locations, which most were between Burlington and Hainesport. They love this location for several reasons. The property is large enough. They had help from the Turkish Organization to purchase the property. One of the properties was a club located in Burlington near the Bridge and they felt it was not safe for their children. Another property in Burlington did not have a large enough building for them.

Mr. Boettcher questioned where their members are from due to the name of Delaware Valley-Philadelphia.

Mr. Delalic explained that they used Philadelphia and Delaware Valley to help with recognition. There are Bosniak organizations all over the United States. Currently there are 34 members with about half the membership living in the Burlington County area. A few live far away.

Mr. Schultz stated there is an existing building and questioned if they plan on constructed a new building.

Mr. Delalic answered they will not be building. This one is perfect for them.

Mr. Schultz stated he understands that they welcome their neighbors but it would generally not be open to the public. He questioned if they would be renting it out.

Mr. Delalic answered they would welcome their neighbors and during a nice long weekend they probably invite some people. They would not be renting the building.

Mr. Schultz questioned if there would be any lights shining to any neighbors and if the area is very heavily wooded.

Mr. Delalic stated that there would be no lighting and it is very heavily wooded.

Mr. Schultz questioned if there would be any hazardous materials, loud music, and no odors.

Mr. Delalic answered there would not be any.

Mr. McKay questioned the size of the two proposed lots. He also has concerns if the shape of the lots would cause any future problems regarding possible subdivision if it is every sought by the owner.

Mr. Pettit gave his qualifications and was accepted by the Board

Mr. Pettit explained the existing lot is 11.07 acres. They are proposing two lots which one would be a little over 1½ acres and the other 9 ½ acres. They have no knowledge of any further development on the larger parcel.

Mr. McKay believes the lot being heavily wooded has occurred over the past 10 years from the property not really being used. Are there any unusual features of the property that need to be noted?

Mr. Pettit explained there is a steep slope along the northwestern lot line towards Marne Highway. That is one of the reasons how they came up with the location of the lot line and they are asking for a design waiver to keep the parking area as stone. If they pave the parking, they would need to meet requirements for stormwater management. The parking lot does exist. They are proposing to expand it slightly and defining it. Parking bumpers will be installed. The currently stone parking lot or stalls are not defined. They are trying to make it a safer situation. The driveway out to Creek road is currently about 18' to 20' which will be widened to 25'.

Mr. McKay questioned if there is presently any lighting in the parking lot or outside lighting. Do they plan on installing any such lighting?

Mr. Pettit explained there is no lighting in the parking lot now. They propose two 25' pole mounted lights within the island. The lights will be 150 watt high pressured fixtures and one building mounted light on the north side of the building. They are shoe boxed fixtures with down lighting and do not anticipate any issue on impacting any adjacent parcels.

Mr. McKay questioned if there is any type of debris, trash, abandoned vehicles, or anything of that nature in the surrounding remaining parcel.

Mr. Pettit answered he is not aware of anything. The owner has been cleaning up the property as well as the improvements fixing up the building.

Mr. Krollfeifer asked that the applicant point out on the map the area to be subdivided and the reason for the light green area.

Mr. Pettit explained that the light green represents the existing cleared area and the darker green is the existing heavily wooded area. They are not proposing any additional clearing of woods.

Mr. McKay questioned if the property is serviced by public sewer.

Mr. Pettit answered no, there is a septic system.

Mr. Miller questioned if the property has ever had wetlands delineation.

Mr. Pettit is not aware of any. He did check the NJ DEP I maps and the maps do not show any wetlands on the property.

Mr. Miller questioned if they were aware that there is a stream corridor that runs down the railroad right of way and has potential to cross over. It does not seem to affect the proposed site.

Mr. Pettit explained that the only thing they are doing is expanding the stone slightly to accommodate the defined parking spaces.

Mr. McKay questioned if anything will be done with the fence that runs the property along the Creek Road frontage.

Mr. Boettcher asked for clarification regarding the two different owners and the subdivision.

Mr. Pettit explained that there is an agreement with the other owner to subdivide a 1½+ acre parcel to remain with the applicant.

Mr. Boettcher questioned if the applicant will then only own the parcel being subdivided out.

Mr. Schultz explained the applicant would be the sole owner the piece being carved out and the Burlington American Turkish Organization would own the larger remaining lot. The owners are on very good terms. They have not submitted proposed deeds in case the Board wanted them to move the lot lines slightly. They did not want to draft anything up in case it needed to be changed.

Mr. Boettcher has concerns with causing a possible hardship with the remaining land for future development.

Mr. McKay asked if he was referring to the remaining u shaped lot that would be around the new lot.

Mr. Wisnosky explained that the property is zoned R1 and you could lay out a subdivision of R1 lots around the 1 ½ acre parcel.

Mr. McKay stated that some of that remaining lot may not be buildable due to a possible stream corridor.

Mr. Wisnosky agreed.

Mr. McKay questioned if the proposed lot meets all the required setback requirements.

Mr. Pettit answered that they meet all the bulk standards of the zone.

Mr. Wisnosky stated there is one bulk variance needed. It falls under the conditional use. The property is zoned R1 and under that designation Section 104-46(B)(2)(g) permits clubs and lodges as a conditional use. Then you would go to section 104-67 which establishes the following guiding principles and standards that all conditional uses must be judged: 1) the conditional use will not adversely affect the safe and comfortable enjoyment of property rights or otherwise adversely affect the value of adjacent properties. 2) The development plans provided for structures and site improvements in keeping with the general character of the zoning district and sufficient landscaping, including tree, shrubs and lawn areas, to enhance the area and appropriately buffer the use from adjacent residential districts or uses. 3) The conditional use will serve a useful purpose to the general welfare of the Township and/or satisfy an established need in the community. 4) The conditional use and development plans will not constitute any nuisance, safety hazard or health hazard due to site lighting noise, odors, sewage

disposal, vibration, the nature and method of storage, use or disposal of materials, parking and traffic circulation, hours of operation, site signage or pollution of the environment. 5) The conditional use and development plan adhere to the minimum standards for development specified in Article XII of this chapter (Design and Performance Standards) as well as the special conditions and safeguards as in the opinion of the reviewing board will implement the intent and objectives of this article and the special conditions or restrictions listed in 104-70, which reads as follows. A club or lodge for fraternal or social purposes shall be permitted as a conditional use in the following districts: R-1, R-2 and R-3. The minimum lot size shall be one acre: side yard: two at 30 feet each; and rear yard: 50 feet to building (minimum) and 25 feet to parking lot or drive (minimum). The gravel lot sits back 10' off the right of way line and is the only bulk standard not met.

Mr. McKay questioned if the 25' setback for the parking should be from the right of way.

Mr. Wisnosky answered yes and continued with 107-70 which states. Buildings shall be set back not less than 50 feet from the front property line. The club or lodge shall service local residents and shall not be a tavern, bar or other establishment requiring a liquor license or admitting nonmembers on a regular basis. He questioned if the 10' setback of the parking area is an existing condition.

Mr. Pettit explained that is where there is existing stone. The parking is not defined out at the site and grass growing through the stone.

Mr. Wisnosky stated when he was there he believes it is a pre-existing nonconforming condition because it is existing with the fence in the front. If the Board wishes, they could grant it as a site plan waiver for that condition under 104-70. It is a design waiver issue. He believes the more important issue is the applicant meets the criteria requirements that he read.

Mr. Kröllfeifer commented that when he visited the site that the strip to the right of the driveway is heavily wooded.

Mr. Wisnosky explained that it is a difficult site to review because it is heavily wooded with a fence around it. They are planning to leave it as it is. He would recommend the waiver for the parking setback due to being a pre-existing nonconforming condition.

Mr. Bradley questioned if they would be putting in 23 parking spaces.

Mr. Pettit explained that the professional letter informed them they could go to the 9'x18' parking spaces which would increase their parking to 25 spaces.

Mr. Bradley questioned if that is sufficient parking for 34 members.

Mr. McKay questioned if additional stone is needed to defining the parking spaces.

Mr. Pettit explained that they will be adding stone and expanding the parking area slightly to get the dimensions for the parking spaces with will be defined with bumpers and the drive width. It is unclear where the existing stone extends to.

Mr. McKay stated than they would be just formalizing the irregular parking area.

Mr. Pettit agreed.

Mr. Wisnosky explained that the ordinance allows for 9' x 18' parking spaces.

Mr. Pettit stated that this allows them to increase parking space from 23 spaces to 25 spaces where 29 spaces are required. A design waiver would be needed for the number of spaces. The applicant believes that is sufficient parking for 34 members and the frequency of the activities at the property.

Mr. McKay inquired about the two handicap parking spaces.

Mr. Pettit explained that there are two handicap parking spaces at the building that will be concrete pads and meet the ADA requirements.

Mr. Bradley questioned if that is included in the count of 25 parking spaces.

Mr. Pettit stated that it is but in a separate location.

Mr. Miller stated that the plan shows where the well is located on the property and questioned where the septic field is located.

Mr. Pettit believes it is just a tank and the property has public water.

Mr. McKay questioned if the septic system is completely contained on the new proposed lot, and nothing goes onto the other lot.

Mr. Pettit explained that it is all contained on the proposed lot.

Mr. McKay questioned if the water comes directly onto the proposed lot.

Mr. Pettit answered yes.

Mr. Miller stated that the approval is subject to the approval of the Health Department regarding the use of the septic system.

Mr. Wisnosky suggested that the Board address the conditional use prior to site plan issues.

Mr. Katz questioned if the Board had a questions concerning the use.

Mr. Krollfeifer asked for clarification on what the cafeteria will contain and would there be alcohol beverages on the property.

Mr. Delalic explained there would be no stove. They will have coffee and no alcohol.

Mr. Katz opened public comment.

Pat Macken, 116 Masons Woods Lane, was sworn in. She questioned the reason for splitting the land and what is the future use of the property. Are there plans to build homes? The water line was just installed.

Mr. Katz explained that they are subdividing because the other organization will own the other lot.

Mr. Schultz explained that they are subdividing the piece for his applicant. If anyone wanted to do something to the property, they would have to come to the Board. He is unaware of any future use.

Mrs. Macken stated that it is a nice rural street and quiet.

Mr. Schultz explained that is one of the reasons they were attracted to the property.

Catherine McNelis, 407 Bischoff Ave, was sworn in and questioned how the distance is determined for the setback.

Mr. Wisnosky explained that the ordinance requires that the parking lot be set back 25' from the road.

Mrs. McNelis stated that the railroad is there which use to go to Pemberton, down the shore, and across Route 38. Over the years they have backed it down and one day they could take out the railroad track and open that entire area up. If that happened we would need the space. She also questioned if there was a buffer around the edges for future development.

Mr. Wisnosky explained that the remaining land is not part of the application. We can't require the applicant to buffer just because it is zoned residential.

Mr. Kingsbury explained that whoever came in to develop the remaining land would be required to provide the buffer. Not this applicant.

Mr. Katz closed public comment.

Mr. Kingsbury explained that the Board needs to vote if this permitted conditional use meets the conditions that Mr. Wisnosky specified. The applicant believes that a club is a permitted conditional use.

Mr. Tuliano motioned to approve the conditional use.

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. Bradley, yes;
Mr. Katz yes

Motion carries to approve conditional use.

Mr. Wisnosky explained that the applicant is asking for submission waivers. The Board must decide whether to grant the waivers in order to move forward. The waivers are listed on page 3 of his letter dated July 25, 2011 which are: 1) Traffic Study 2) Environmental Impact Statement 3) Stormwater Management Plan including soil logs and percolation tests 4) Names and addresses of property owners within 200' of the property 5) Copies of any protective covenants, easements or deed restrictions applying to the property 6) Location of streams and watercourses on site and within 500' of the property 7) Landscaping plan 8) Sign locations and details

Mr. Pettit confirmed that they are seeking a waiver to the above items because of the limited nature of the application. They believe that providing a traffic study or environmental impact statement would give them any additional information to evaluate

the application. A stormwater plan is not needed because they do not meet the threshold required by Stormwater Management.

Mr. Krollfeifer questioned if there is any signage being proposed.

Mr. Pettit answered no proposed signage.

Mr. McKay asked for clarification that there would be no sign at the entrance of the site.

Mr. Pettit answered no.

Mr. McKay questioned if there would handicap signs, stop signs, and curb stops.

Mr. Pettit stated there would be handicap identification signs and believes that stop signs are not warranted due to minor use, there are details for the bumpers on the plan.

Mr. McKay questioned if there would be any form of landscaping or would they just be using the existing woods.

Mr. Pettit explained that they would be using the woods and the applicant may install minor landscaping as they continue to improve the property. There is nothing defined as part of the application.

Mr. Schultz passed out photos of the existing building. Exhibit A4 shows the front of the building and A5 shows the rear of the building as it is now.

Mr. Wisnosky recommended that the 7 of the 8 waiver be granted and referred the stormwater waiver to Mr. Miller.

Mrs. Kelley stated no Environmental Impact Study is needed due to the existing condition.

Mr. McKay questioned if there is any drainage that goes out onto Creek Road due to heavy rains with the present state of the parking area.

Mr. Pettit answered no. When you look at the topography it grades towards Marne Highway. Any type of sheet flow would follow the natural grade.

Mr. McKay questioned the flow from the parking lot.

Mr. Pettit explained it would remain as is. They are showing proposed contours and grading on the plan and maintaining the topography as it exists today.

Mr. Miller explained that the existing grading and the grading for the proposed parking lot keeps the runoff on site, then the remaining site, and very little would go towards Creek Road. If it was paved, it would increase the runoff and a basin would be needed.

Mr. McKay questioned how many additional feet would be added to the existing parking lot.

Mr. Pettit answered it would be expanded 10 to 20 percent. It is hard to determine because some of the existing gravel.

Mr. McKay questioned if it would be a maximum of 20 percent.

Mr. Pettit agreed. If they are required to pave the parking lot, they would have to change the grading. It would be a much more involved design and a greater cost. Due to the infrequency of the use, they believe it is not warranted.

Mr. Boettcher questioned how close is the driveway to the property line?

Mr. Pettit answered 5 feet from the west side.

Mrs. Newcomb stated there are no regulations regarding it.

Mr. Boettcher asked if the utilities all enter the proposed lot and no easements are needed.

Mr. Pettit answered yes.

Mr. McKay questioned if the existing gate to enter the property would remain in place. He is not suggesting it be removed, just wondering if it would remain in place for security.

Mr. Pettit stated it is intended to remove the gate.

Mr. Schultz stated they do not have a problem leaving it in its place; either way is fine with the applicant.

Mr. McKay is not going to suggest any condition for the gate.

Mr. Katz believes we should not require them to remove it.

Mrs. Kelley suggested that we keep the stone from an environmental stand point. She questioned if there was any problem with the runoff going onto the other lot that the property is being taken from.

Mr. Miller stated no. They are not changing the direction of the runoff. They maybe some increase because they putting in some additional stone.

Mr. Kingsbury believes you cannot increase the rate of the runoff. If the runoff goes to a different property now, you cannot be required to change it.

Mr. Krollfeifer asked where the handicap parking space is in relation to the photo marked as exhibit A4.

Mr. Pettit point to the picture where the grass has grown through is where the handicap spaces will be constructed.

Mr. Tuliano motioned to grant the submission waivers.

Second: Mr. Lynch

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

Mr. McKay, yes; Mr. Tiver, yes; Mr. Krollfeifer, yes; Mr. Bradley, yes;

Mr. Katz yes

Motion carries to approve waivers.

Mr. Wisnosky questioned as a result of the subdivision, there is an existing structure that will encroach into the rear and side setback requirements and what it is.

Mr. Pettit explained that it is an existing play area and believes it is a bocce ball court type structure. The subdivision line goes around it so it would remain on the applicant's property.

Mr. Wisnosky believes that a bocce ball area would not require a setback. The only other issue under the minor is if Mr. Miller had any issues with the impervious coverage.

Mr. Miller explained that according to our ordinance the type of stone he would be using for the parking area is not considered impervious surface. No impervious coverage is required.

Mr. Wisnosky explained that the minor subdivision is acceptable if the stone is required.

Mr. Wisnosky addressed the site plan. There are waivers for the parking that have been discussed. 29 parking spaces are required and they are providing 25. The ordinance requires paving and curbing. He believes curbing is not necessary. He questioned how the trash would be removed.

Rifet Zijadic explained they are a small group and will take the trash away themselves. If sometime in the future the group increases and the trash becomes an issue they will address it. There will not be a dumpster at this time.

Mr. Schultz stated there are about 34 members and questioned if he would expect all members to be there at the same time.

Mr. Zijadic explained that a few members live far away and we may not see some members for 4 or 5 months. We mostly will be the Burlington County group which is 12 to 15 families. The parking will not be congested.

Mr. Schultz questioned if it is a common practice for the members to car pool.

Mr. Zijadic stated yes. You will probably see 4 to 5 vehicles.

Mr. Boettcher stated there should be no parking along Creek Road and should be confined to the site.

Mr. Schultz agreed to it.

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

Mr. Tuliano motioned to approve the minor subdivision, site plan and all waivers.

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. Bradley, yes;

Mr. Katz, yes

Motion carries to approve the application.

Mr. Kingsbury addressed the Board. He informed the Board that the court determined in Evesham Township that email communications between Township Committee members regarding ordinances constitutes a violation of the Sunshine Law. The reason is they were communicating back and forth giving comments on an ordinance that was coming up before the committee. He advised the Board not to discuss applications by email because it would be consider a violation of the Sunshine Law. The prosecutor did not prosecute anyone because he felt there was any intent to violate the law. It is now the law in the county and state.

**B. Case 08-24A: The Salt & Light Co., Inc
Block 87 Lots 1 & 2, Block 88 Lot 1
Corner Albert St & Rancocas Ave
Preliminary & Final Major Subdivision
Preliminary & Final Site Plan
Attorney: Patrick McAndrew**

Case is continued from August 3, 2011.

Mr. Boettcher and Mr. Dickinson recused themselves from the case.

Mr. McAndrew explained that the focus on last month's meeting was the common parking lot with the church. The Board wanted to see more of an alley way, a residential design, and deal with parking for the 4 residential units and the church as it is. They revised the plan and Mr. Williams will explain the changes. Ms. Taylor will provide planning testimony regarding the variances. It has become a subdivision to create the 4 lots for the two twin homes and bulk variances. There is no longer a common parking lot being proposed.

Mr. Kingsbury reminded Mr. Williams that he is still under oath and he swore in Ms. Taylor, planner.

Mr. McAndrew had Mr. Williams marked the new subdivision plan as A6 and describe the changes that were made from last month.

Mr. Williams explained that on the subdivision plan they removed the rectangular portion that would have been part of Block 88 Lot 1. The four proposed lots are the old Block 87 Lots 1 and 2. Block 88 Lot 1 has been removed from the application.

Mr. McAndrew stated that there is no longer the L shaped lot to accommodate the parking.

Mr. Williams stated that was correct.

Mr. McAndrew asked that he describe the new lots.

Mr. Williams marked the site plan as exhibit A7. The parking lot was removed and replaced with an 18' stone covered alley and 2 parking spaces off the alley for each one of the 4 lots.

Mr. McKay questioned if there was a grass area between each of the parking space to the different homes.

Mr. Williams answered yes. It is a grass area that is not bermed up.

Mr. McKay questioned what the surface would be.

Mr. Williams stated it would be an open grated crushed stone.

Mr. McAndrew questioned how much space is behind the stoned area and the rear lot line and why.

Mr. Williams answered that there is 30' space on the back of the 4 lots. The space provides an area to place a shed and to allow drainage to the existing pipe of the water that is there now.

Mr. McAndrew stated that by putting the driveway in this location we would avoid the existing trees.

Mr. Williams explained that there are two large trees that will now remain; they were to be removed on the prior plan.

Mr. McAndrew questioned why a stone area is proposed rather than a paved area.

Mr. Williams explained that paving is an impervious surface and it doesn't allow the water to go through it and it would increase the runoff. They proposed an open grated stone which allows the water to go through it. They have done test pits and soil permeability tests. The soils are very sandy and will infiltrate.

Mr. McAndrew questioned if this is common in this residential area.

Mr. Williams answered that it is common.

Mr. McAndrew questioned what the new bulk variances are.

Mr. Williams stated that the minimum lot size required in 7,500 sq. ft. All the lots will still need a variance. A 30' front yard setback is required and they propose 26' setback to the porch. The house is 30'. Variances are needed. The corner property would have a setback off of Rancocas Ave of 14' where 30' is required. Its function would be a side yard, the home faces Albert Street. The side yard on two would have 0' since they are a duplex that is adjoined where 10' is required. It would be 8' for the other properties. No rear yard variances are requested. Frontage requires a 100', variances are needed for each lot, 34', 24', 24' and 28'. The maximum impervious coverage allowed is 27%. Lot 1 is 25.5% and needs no variance. Variances are need for Lot 2.01 at 29.2%, Lot 2.02 at 29.2%, and Lot 2.03 at 28%.

Mr. McKay questioned if there is anything proposed to contain the stone on the new proposed parking area.

Mr. Williams explained no that the stone defines the parking area. You typically do not curb residential driveways.

Mr. Wisnosky stated that he is correct that typically a residential driveway is not curbed.

Mr. McAndrew explained that they meet the RSI and part of the subdivision design which would be exempt for site plan.

Mr. McKay questioned how this parking relates to any parking on the church property.

Mr. Williams explained that there is none. These are individual residential lots with parking spaces for each residential lot.

Mr. McKay commented that he understands the residential but questioned what happens when you cross into the church lot.

Mr. McAndrew stated that the church will stay as it is.

Mr. McKay commented that this uses up all the parking area that was previously proposed as common.

Mr. Williams answered that is correct.

Mr. McAndrew explained that the affordable housing has always proposed 8 parking spaces. They were trying to increase the church's parking. Based on comments last month they decided to deal with the affordable homes parking and the church would stay as it is.

Mr. Williams explained that there is an existing sidewalk that ends short of the property and this plan now proposed to connect to that sidewalk and bring to the end. There is existing side walk of Rancocas Ave and an existing handicap access at the corner. The lots would be somewhat graded to accommodate that.

Mr. McAndrew questioned if he seen any negative impacts to the area regarding engineering to the area resulting from the variances.

Mr. Williams stated he does not.

Mr. Katz questioned if there is any change to the width of the homes.

Mr. McAndrew explained that there are no changes.

Mr. Miller explained that the grass area that remains between the alley way and the lot lines creates a drainage buffer area. This now has a grass area to accept any runoff that may come from the stone. This is a better condition than they had before. The rain coming to the stone will perk through it.

Mr. Krollfeifer questioned the location of the access drive to the properties.

Mr. Williams pointed to the location on the map.

Mr. Krollfeifer questioned where it is in location to the existing curb cut.

Mr. Miller stated it not shown.

Mr. Williams explained that they will show it. It is Belgium block curbing and there is detail on the sheet. They can adjust if there is an existing cut there or they can close it off if it is there.

Mr. Miller stated that the application proposes a new curb cut. The ordinance requires a 24' driveway and they are proposing an 18' driveway.

Mr. McKay commented that 18' would allow two cars to pass.

Mr. Miller agreed.

Ms. Michelle Taylor, planner, gave her credentials.

The Board accepted.

Mr. McAndrew asked that she explain the variances and why they are justified from a planner's perspective.

Ms. Taylor explained that she has reviewed the site plan, visited the site, and reviewed the ordinances and master plan. She referred to exhibit A8 which is an aerial photo provided by NJ Image Warehouse taken in April 2008. It includes the site as well as the church which is no longer part of the application. Initially Mr. Pipes came to them and asked how many units they could place at this site. They evaluated the density, site, and the surrounding area. Zoning requires 15,000 square foot lots. The lots range from a little over 4,000 to a little over 7,000 sq. ft. The affordable housing ordinance allows duplexes to be on 3,500 sq. ft. lots. The proposed lots are over the affordable housing requirements would ask for in a duplex lot. They determined based upon that density about 7.7 that this would be an appropriate site to place two duplexes largely due to what is across the street on Albert Street and the size of those lots. They are similar in size to what is proposed, which range from 4,200 to 7,000 square feet. Across the street there are 5 dwelling in the same width lot. Other homes in the development are not in compliant with the zoning ordinance.

Mr. Krollfeifer questioned the single family homes across the street on Rancocas.

Ms. Taylor stated they would be 4 to 5 units per acre, where the affordable housing would allow 6.

Mr. Tuliano questioned if we currently have an affordable housing requirement.

Mr. Wisnosky answered that it is a legal question whether Hainesport Township still has an affordable housing requirement.

Mr. Kingsbury believes we do not. He attended a seminar three to four months ago regarding this issue and it was the attorney's opinion conducting the seminar that there is no affordable housing requirement at the present time in New Jersey. If there is, no one is sure what it is.

Ms. Taylor believes it is determined by your current housing plan which was reviewed and accepted. The property is part of the housing plan.

Mr. Wisnosky stated that we received sub certification in 2000. He believes we are 99.5% compliant with it. At that time our obligation was 167.

Mr. Tuliano answered yes by the former standards.

Mr. McAndrew stated that the density was approved and they are on remand. There was a case in Easthampton after this case that it was considered inherited beneficial even if the town had built all of its units.

Ms. Taylor explained that the town has adopted plans for certification, round 3 plan. This is part of that round 3 plan and part of the master plan. The land use element talks about infill housing on existing parcels. This qualifies as infill housing. It has frontages on Rancocas Ave and Albert Street and qualifies due to the lay out.

Ms. Taylor continued with the variances. She referred to the architect plan. They are seeking variances for the front yard and side yard setbacks. You are looking to see if the building characterizes the neighborhood. They attempted to set the homes back as to be similar to how the homes are in the neighborhood. She referred to exhibit A9 (photos of the homes frontages along Albert Street and Rancocas Ave). There encroachment will be in line with the home directly next door. They tried to design the buildings so that it satisfied the purpose of zoning and enhance the neighborhood to provide a desirable visual environment. The lots are extremely long and the side yard setbacks of 8' are needed because you do not want to go any smaller than 16' width on a duplex. Industry standard would not encourage that kind of development. The side yard setbacks in this existing neighborhood due not comply with the minimum requirements.

Ms. Taylor continued regarding the negative criteria. There is public water and sewer available. Even though these properties require C2 variances, they have tried to provide infill housing for moderate income people that would subscribe to the neighborhood plan and be similar situated on the lot not to over shadow or encroach on the neighborhood. The zoning that is in place is to try and retain large lots, which they do understand. However there are not a lot of lots that have not been developed. This situation is particular to this particular site. There are so many developed lots in this area, both single and two family homes. The density is consistent for affordable housing. There are very limited traffic impacts; they are 4 residential dwellings with 16 trips a day. That is on average and could be more than that. There is also high quality transit located nearby on Marne Highway; this is one of the things that are important to this particular site. There is no visual impact to the neighborhood because of how they tried to fit these units into the neighborhood. There is public sewer and water; the setbacks are consistent largely with the neighborhood. The impervious coverage when evaluated is 4% over than what is permitted which is not a large deviation.

Mr. McAndrew asked if it was her opinion there is no negative impact on the neighborhood or zone plan.

Ms. Taylor agreed. The way the ordinance was written it was intended to make sure large lots are not redeveloped. However, in this particular case there is one large lot in this area which would be infill and would not lead to a drastic change to the zone plan.

Ms. Taylor explained that one thing they tried to utilize in this particular case was the aerial photo, visited the site, and took photographs. One of the rules of thumb they and the state use is that 6 units per acre are acceptable for affordable housing. They tried to work with that and 4 units worked very well based on the 220' depth of the lots. It far exceeds the 3,500 sq. ft. requirement for duplexes. They did look at the Townships Affordable Housing requirements and did this fit. Originally they were to provide parking for both uses. They need to provide the parking for the residential uses. Really

the only deviation is the change to the parking from what they suggested in the beginning.

Mr. McAndrew questioned if they were providing enough parking.

Ms. Taylor answered yes and that is all they are required to do and the church stays the way it is.

Mr. Krollfeifer explained that we have addressed the parking for the 4 units and answered the questions from last month. What happens with the church? He was under the impression that when this was remanded by the court and the court was led to believe that we were going to be enhancing the off street parking in that area by sharing parking with the duplexes and church. It appears there is not going to be any shared parking and the church will have nothing but on street parking.

Mr. Kingsbury stated that he is correct and it was part of the original application. The church parking lot would be improved to help with the parking problem they have. That is no longer part of the application.

Mr. McAndrew explained that the court approved the variance for the 4 units and the parking would have been a plus. It was nice to have the parking for the church. The Board had given them direction that is why they came back to this. The church will stay as it is. It is not going to get any better or worse.

Mr. Krollfeifer commented that the church currently has off street parking on the dirt. He believes testimony was given several months ago that they did use it for off street parking.

Mr. McAndrew stated that he remember in the first application several years ago that someone stated that the church did you that for parking around 30 years ago when it was more active. That has not been for decades.

Ms. Taylor commented that with the initial design with the parking when you park in most parking lots you drive down an isle and there is parking on both sides. Their thought was to make it efficient. It became a problematic issue so the residential parking is being addressed with this plan.

Mr. Krollfeifer has concerns if the plan is approved; we are left with a church having zero parking.

Ms. Taylor stated that it is already subdivided and we are not subdividing it from the church lot.

Mrs. Kelley believes it is not subdivided yet.

Mr. Williams explained that the church is a separate lot.

Mrs. Kelley questioned the size of the church lot.

Mr. Williams answered 206' x 50'.

Mr. Miller stated that one of his comments regarding the subdivision is to phantom the church parking lot similar to the other lot lines.

Mr. Williams stated they have fixed that.

Mrs. Newcomb asked when the subdivision took place because she has information from the tax assessor that shows it different. She questioned this years ago. According to the assessor the deed describes this as one lot.

Mr. McAndrew stated he is unaware of when it was consolidated. He knew it came up when we discussed escrows. He has never seen paperwork to back that up. They have a tax map that shows three lots. The church lot is a separate lot.

Mr. Kingsbury stated that we need to resolve whether this is one lot or a subdivided lot. He reviewed the deed dated 2002 from Village Presbyterian Church to Solid Rock. It states Block 88 Lot 1 and Block 87 Lots 1 & 2.

Mrs. Newcomb explained she was given a survey from the owner years ago. The tax assessor reviewed the deed description and determined it as one lot.

Mr. Kingsbury commented that the deed has it described as one lot in 2002. The legal description matches the survey of the entire parcel.

Mr. McAndrew does not agree that one overall description makes it one lot. What does the tax map show when they started?

Mrs. Kelley questioned who owned the other lots.

Mr. McAndrew stated that they are all owned by the church.

Mr. Katz questioned if this is an issue that must first be resolved.

Mr. McAndrew stated that there are other issues to the case.

Mr. Kingsbury's opinion is that this is a consolidated deed and the property would have to be subdivided.

Mr. Miller stated this is a subdivision plan that shows it being subdivided from the church.

Mrs. Tiver stated that she has the tax map showing it as one lot.

Mr. Katz believes this issue needs to be resolved first. He does not want to sit through hours of listening to information that may change.

Mr. McAndrew stated he would like to discuss all the issues so they do not have to keep coming back every month.

Mr. Tuliano agrees with Mr. Katz that this issue needs to be resolved.

Mr. McAndrew stated he would like the Boards view on the issues in the letters such as the sidewalk and the lighting of the driveway so they only have to change the plans once.

Mr. Miller explained that if you are going to widen the driveway you are going to have to provide an access easement across all the lots.

Mr. McAndrew stated it will be shown on the plan; it is a question of how wide.

Mr. Wisnosky state the sidewalk is easy because there is already one. We asked them to make the connection and they did. If this is approved, it makes sense to continue the sidewalk.

Mr. Katz believes the other things are not a big issue.

Mr. McAndrew stated they would just have to draw the line there.

Mr. McKay questioned if this issue calls into question whether the application that was made and the notices to the public have to be revised.

Mrs. Kelley questioned if they were subdividing the church off, does the church still have property to provide the parking based on the size of the building. It is still a public building.

Mr. Wisnosky stated that is an issue if it is now all one lot.

Mr. Pipes was sworn in. This was determined that it was a major subdivision when they paid their escrows. He said one lot into 5 lots. They were creating 4 lots and one remaining for the church. The only question remaining was the parking going to be on the land they would own or the church. We wanted it to remain residential and look residential so they eliminated that. They are just trying to get 4 houses in two buildings.

Mr. Kingsbury questioned if the application included a subdivision.

Mr. McAndrew answered yes.

Mr. Kingsbury questioned if the subdivision proposal was to draw a line where it is now when applied for it.

Mr. McAndrew answered no the one lot was more an L shaped lot. They have the church lot ending where the alley was and extended the 4 lots.

Mr. Kingsbury believes they would have to apply for whatever the new subdivision is because it is a different configuration. He asked to see a copy of the original notice that was published.

Mrs. Tiver provided the notice.

Mr. Katz suggested continuing until the next meeting.

Mr. Kingsbury believes the property has been consolidated into one lot and the plan has to show where the subdivision line going to go and is unsure if it shows that. He presented a plan that it is already subdivided and there is question whether it is.

Mr. McAndrew stated if it is the Board's pleasure, he would like to continue it.

Mrs. Kelley still has concerns that the church will not have enough parking.

Mr. Katz agrees that this is a different plan. The first plan provided 24 parking spaces and now you are just having for the houses.

Mr. McAndrew explained that for the prior two months they have changed the plan every time they met with the Board at the request of the Board. The Board asked for the alley way with on-site parking.

Mr. Katz stated that they took away 20 parking spots.

Mr. McAndrew stated they said they could not do both.

Mr. Katz and Mrs. Kelley disagreed.

Mr. McAndrew explained he thought the Board was clear last month that they just wanted on-site parking for the homes with an alley situation like Mt. Holly. That is why they changed the plan.

Mrs. Kelley was under the impression that there would still be parking for the church.

Mr. McAndrew stated that there is not enough parking for the church. The church currently has no paved parking on site.

Mrs. Kelley explained that it does not have to be paved parking. Testimony had been given that the property was used for parking and when she was a child there was parking there.

Mr. McAndrew stated that he would like to continue and he will re-notice and next month the Board will have to vote.

Mr. Krollfeifer motioned to continue the application to the October 5, 2011 meeting.
Second: Mr. Tiver

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

Motion carries to continue until October 5, 2011

**C. Case 07-18C: Fine Homes
Block 10 Lot 1
Washington Street
Preliminary major subdivision
Attorney: Michael Ridgway**

Mr. Ridgway explained that at the last meeting it was suggested that the applicant and the Board's professional staff meet to try to work out the professional's request of revisions to Broad and Washington Streets and the drainage that goes under it. The applicant has taken the position under the municipal land use act that they are not required to that even though they are on tract because those improvements are not necessitated by the application before the Board. The meeting did not resolve anything. The applicant did come up with a few minor proposals. He believes the professionals were under the

opinion that they wanted Broad Street taken care of, the drainage taken care of, and the applicant to apply to the DEP for the improvement of that pipe. We are back to the same place as of last month. It is still the applicant's position that those improvements that the Board would like to see are not necessitated by the application before the Board for these 9 lots. He will have Mr. Raday, who is still under oath; give testimony in respect to their position to how their proposed improvements of 9 lots and basin will affect the existing conditions on and under Broad and Washington Streets.

Mr. Wisnosky explained that the meeting he, Mr. Miller and Mr. Kingsbury attended with the applicant and professionals was very accurate with the exception that at the conclusion of the meeting there was a question. It was the time required to go back to DEP if that pipe could be extended to get a permit to allow the widening to occur. Mr. Miller was going to investigate that.

Mr. Miller spoke to Mr. Patel at the DEP. He explained to him the proposal to extend the pipe upland from existing location. Mr. Patel questioned how long ago the approval was. He told him about 3 years ago. Mr. Patel stated that if it was under 5 years, the only thing needed was an individual permit. How long does an individual permit take? Mr. Patel answered 90 days. He also indicated that we can rely on the existing study.

Mr. Kingsbury reminded Mr. Raday that he is still under oath.

Mr. Ridgway stated that Mr. Raday also spoke to the DEP.

Mr. Raday agreed with Mr. Miller and there were also applications, fees, and engineer work that they would also have to do.

Mr. Ridgway questioned if the pipe under Washington Street currently floods now.

Mr. Raday answered yes. It is a tidal influence tributary. It contains high and low tides as if you were at the shore. Any water that they contribute to that tributary is going to have in insignificant impact at that intersection. I could put as much water into it and it would still flood.

Mr. Ridgway questioned if it collects water from their 9 lot subdivision and what other areas does it collect.

Mr. Raday stated yes and there is an upstream area approximately 400 acres (according to Mr. Miller) that contribute.

Mr. Ridgway questioned if there is any measurable impact from their development of water going in or out of that pipe.

Mr. Raday stated no and that was part of the exercise of going to the DEP for the documents to determine the 100 year flood plain. There is a level of error that you have to prove that it is not a 2% increase in the elevation. They provide the information and DEP agreed.

Mr. Ridgway stated that testimony was given by professionals, board members, and residents that there is currently a problem at this intersection of Broad and Washington Streets.

Mr. Raday answered that is correct.

Mr. Ridgway questioned if they are in compliance with the standards of the residential site improvements that are mandated by the State of New Jersey.

Mr. Raday answered yes.

Mr. Ridgway questioned if he completed an updated traffic study based on the 9 lots.

Mr. Raday explained that he completed an addendum to the traffic study that was done in November 2007. Originally it was for 14 lots and now we are done to 9 lots. At the peak hour of 7am to 9 am entering the site is 2 trips and exiting is 5 trips, which equals about 4% contribution to that intersection.

Mr. Krollfeifer stated that the numbers do not make sense. With nine homes he believes there would at least be 16 cars.

Mr. Raday explained that this information comes from the Institution of Transportation Engineers. They are the ones that developed the criteria for a single family dwelling.

Mr. Tuliano said this is generally someone sitting at a desk coming up with these numbers.

Mr. Raday explained that it is the industry standard.

Mr. McKay stated that is an interesting point.

Mr. Raday stated from someone who does traffic engineering it does not sound fishy to him.

Mr. McKay questioned that out of 9 homes they are stating that only 5 of them have people going to work.

Mr. Raday explained that it is the peak hour generation based on the distribution.

Mr. Krollfeifer commented that as the households expand with teenagers you will have homes with 3 cars.

Mr. Ridgway stating using those numbers based on the 9 homes what is the percentage of increase on Broad and Washington Streets.

Mr. Raday answered about 5% of the traffic from their site.

Mr. McKay stated that he mentioned that the streets meet RSI standards in terms of the width.

Mr. Raday answered yes and Broad Street exceeds the standards.

Mr. McKay asked his opinion on whether the RSI standards are met for that section of Washington Street at the intersection of Broad. It appears to him as an extremely narrow junction.

Mr. Raday stated that it is 23 to 24 feet wide; there is an 11' wide lane on both sides.

Mr. McKay explained that these are not really internal streets. They are really thoroughfare streets.

Mr. Raday stated by definition they are minor thoroughfare streets.

Mr. McKay questioned if the RSI standards are the right thing to use for these streets.

Mr. Raday answered yes.

Mr. Miller stated not for existing conditions.

Mr. Raday stated yes if you have an existing road that you want to bring up to new standards.

Mr. Miller disagrees.

Mr. Boettcher believes a UPS truck would not be able to make the corner.

Mr. Ridgway stated we are getting away from the point. The board members and professionals have said there is a problem there. The point they are trying to make is the problem is not theirs to resolve. As defined by municipal land use, this half of the drive that abuts their site is on-tract; the municipality is only permitted to make them do improvements as it is necessitated by their development. Testimony was given tonight and in previous months that does not require the applicant to make all of the improvements. The impact is minimal.

Mr. Tuliano stated that they have talked about the influence of the tide on the pipe. Where is the water coming from to be influenced by the tide? There should be water going through that pipe twice a day due to high tide.

Mr. Raday explained that back in 2007 when the project was originally started they went to the DEP to try and get an understanding on how they were going to define the waterway through their property. By doing that, the DEP looked through their regulations and previous paperwork and deemed it connected to the Rancocas. Therefore, it is influence tidally by the Rancocas. That forced them to do a mass study to determine the 400 acres and the influence that would have.

Mr. Tuliano stated than this is a DEP issue that they came up with the tide coming up twice a day and flowing.

Mr. Raday believes that does not happen during a normal day. When all the stars align, that is what could happen and that is why they had to do the study.

Mr. Tuliano commented that would never happen.

Mr. Raday stated in the DEP's world it happens.

Mr. Tuliano commented that is why we are having so many problems with the DEP, not just in this project but state law.

Mrs. Kelley discussed the high and low tides regarding the run. She also reaffirmed the Environmental Commissions concerns with the couple properties and the flood plain. She has visited the site and has seen water in the run. There is a drainage issue that should be addressed.

Mr. Ridgway stated that they brought the 9 lot subdivision plan and one of the 10 lot subdivision plan. He asked that Mr. Raday hold up the 9 lot plan. This is the plan that they amended from the previous application with 9 lots and a basin at the Boards request reducing the number of lots from 10 to 9. He also showed the 10 lot plan. Both plans are in full compliance with DEP, State, Federal, County, and Municipal ordinances, statutes, regulations, etc. In his opinion the only issue at this point is the requested improvements from the Board of the Washington Street, Broad Street, and culvert under Washington Street. They have stated their legal position. He believes Mr. Kingsbury is in agreement with him from his statement at the last meeting that the Board can only request of the applicant on tract improvements that are made necessary by their proposed development. They have attempted to satisfy the Boards concerns when possible and at this point we need to vote on this application.

Mr. Krollfeifer stated that there is an open issue regarding the removal of the large tree which is on-tract. That would improve the conditions at the intersection. Wasn't that discussed last month?

Mr. Ridgway stated that numerous things were discussed. If he remembers part of Mr. Miller's proposed plan was the removal of that as the result of the widening of Broad Street.

Mr. Lynch believed they were taking away the deceleration lane and the funds to widen Washington Street.

Mr. Ridgway explained that the professionals met to try and solve the issues. His opinion of the meeting is that the Board's professionals felt that they wanted all the things addressed the culvert, Washington Street, and Broad Street.

Mr. Wisnosky stated that one item they talked about at the last meeting was to take the cost of the widening. We agreed that it probably wouldn't do anything to improve that area. The applicant had put that lane on the plan. We asked them to take that value and put it towards the intersection which was the removal of the tree and the widening of Washington Street. That is what was asked at the last meeting. When they recently met with the applicant, they did not come to them and state that it cost this amount. It was off the table at that meeting.

Mr. Lynch stated that at the last meeting there was a man during public comment that lives directly across the street from the proposed development that believes there is no reason for a deceleration lane.

Mr. Ridgway questioned if a cost was worked up regarding the deceleration lane.

Mr. Wisnosky stated if they have a figure tonight, it was not part of the meeting they had.

Mr. Raday explained that if they deleted the deceleration lane on Washington Street it would be approximately \$31,000.

Mr. McKay asked how many feet is the decel lane does \$31,000 equate to?

Mr. Raday believes it is roughly 10'x15'.

Mr. McKay questioned if that included any curbing.

Mr. Raday stated no curbing.

Mr. McKay asked the reason the decel lane was originally put in.

Mr. Raday thought it was a recommendation from the Board's professionals.

Mr. Wisnosky and Mr. Miller stated it was not.

Mr. McKay sees a decel lane being added to a heavily travel street for a slower moving car that is about to make a turn out of the main stream of traffic.

Mr. Raday agreed.

Mr. McKay commented based on what they just both agreed a decel lane is used for, you as the engineer felt that there was going to be a sufficient amount of traffic into this development or using Washington Street to require a decel lane.

Mr. Raday stated he generally does not like to do it unless he is directed to do so.

Mr. McKay commented that it goes against some of the discussion that occurred earlier regarding the 4 or 5 percent impact on that intersection.

Mr. Ridgway stated if it is the Boards desire that they can contribute that saving for the decel lane as written up by Mr. Raday to contribute as part of this application to be used to help resolve some of the issues of that intersection.

Mr. McKay questioned if you extended the pipe and widened Washington Street to have a better turning radius and removing the oak tree is it going to improve the safety and ability to turn at that intersection and what it can cost. He is just talking about cleaning up that corner. Is it a \$30,000 or a \$50,000 job?

Mr. Miller explained that if you just widened Washington Street just to the corner it will not go anywhere. It will not improve the direction from Broad Street without doing significant work to it to connect the dots. One cannot be done without the other.

Mr. Krollfeifer commented that is the part of Broad Street that narrows down.

Mr. Miller stated that it is quick and on the turn.

Mr. McKay questioned what \$31,000 will do to fix that intersection.

Mr. Wisnosky believes that any improvement would be a positive. It is not ideal but it is better than what we have now.

Mr. Miller stated the first thing you would do with the \$31,000 is take the tree away and create some type of radius from Broad Street to Washington Street to connect where the existing culvert is now. You may be able to do that for \$30,000.

Mrs. Kelley questioned if the DEP told you what types of fees were involved.

Mr. Raday explained that he would have to look at the application. It based on the construction value of the project.

Mr. Katz opened public comment.

Lawrence Heron, 402 Washington Street, was sworn in. He agrees it is not their issue to take care of the problems at Washington Street. However, it is the Boards responsibility to take care of the residents so if you want to add that, you may have to do that.

Mr. Tuliano stated that is what they are trying to do. You are hurting your case.

Mr. Heron stated he is not. It is a compromise. They do not want to give. It is not difficult. It was stated that it would be a 5% increase, which is actually overflow. It's a 5% increase and we are already at 100%. There are cars always there. He had concerns with adding 9 more houses along with the additional children that would have to walk to school. He would take out the tree, make the corner bigger at the end of Washington and Broad Streets, put a four way stop, two speed humps on Washington Street, and he would put in a sidewalk to connect to the existing paths and the one that the Township put in so the children can walk to the school. It needs to be give and take and the applicant does not want to give.

Mr. Wisnosky explained that the Township has crossed the wetlands in two places regarding the walking path. We have not applied for a third.

Mr. McKay questioned if there was a way to connect the sidewalk to an existing pathway.

Mr. Wisnosky is unsure and will take a look.

Mr. McKay stated the question is what can be done if the applicant is willing to divert \$31,000 to improve Washington Street and if this is worth doing.

Mr. Miller doesn't understand the argument. If you have a piece of property and you have 9 homes coming out and a thousand cars a day going across there. They are saying you don't have to improve that property in front of you because it is 1000 to 5%.

Mr. Ridgway answered yes.

Mr. Miller stated that all the subdivisions that he has been involved with, which are hundreds, the client always had to improve the road.

Mr. Ridgway remarked that it has been stated that this intersection is a problem and you cannot say that your 9 homes has to solve the municipal problems.

Mr. Wisnosky stated that these items are on track not off site. The question to the Board is it necessitated by this development.

Mr. Katz stated that when the commercial building at Centerton Square the developer was made to fix the intersection at Briggs Road. It was not directly on the development. It was better for the township and the entire community.

Mr. Ridgway explained that there are off track requirements as well which that was a perfect example. He has given his opinion in respects to this matter.

Mr. Krollfeifer stated that if we all acknowledged that this intersection is a problem, help him understand why he should acerbate the problem by approving the application and dumping 9 more families in that area. He will never be convinced that you would only have 2 cars in and 5 out; it has to be mid-teens at a minimum.

Mr. Ridgway explained that the Board is allowed to access them on their portion and not allowed to access them on the existing problem.

Mr. Krollfeifer commented that even though the existing problem it is onsite, on track.

Mr. Ridgway explained that is correct. The on-tract meaning under land use law, their property and to the midline of the road.

Mr. Tuliano commented that Mr. Ridgway verified Mr. Wisnosky's argument that on track is to the midline of the road. The major problem is from their track to the middle of the road.

Mr. Ridgway stated that the number one problem is the four way intersection and two, in his opinion, the Board is allowed to make them contribute to that based upon their site affecting that site made by their subdivision. They want to pay whatever is fair; currently we are speaking about \$31,000 to help resolve the existing problem.

Mr. Ridgway continued that their position is that they have 2 compliant applications, one for 9 lots and one for 10 lots and would like a vote on them.

Mr. Dickinson stated that Mr. Heron brought up a good point that there are no school buses in that area. The children have to walk to school.

Mr. Heron stated that is kindergarten through eighth grade.

Mr. Wisnosky commented that if the Board is to approve the application, he suggested that they leave the number of \$31,000 open. The reason being that the applicant's engineer came up with that number and believes Mr. Miller should substantiate that number.

Mr. Ridgway agreed but wants to make sure that Mr. Miller's figure is the savings estimate and not the cost. He explained how the figures are calculated.

Mr. Tuliano stated that the issue is how much of this problem is caused by their development.

Mr. Ridgway commented that they have given testimony on what they think.

Mr. Tuliano stated some of the Board disagrees.

Mr. Wisnosky commented that they also said based on the plan that the improvement of the decel lane is their responsibility. The Board did not ask for it. He had asked in a prior meeting if they believed that was their contribution for solving any issues regarding roadway improvements.

Mr. Ridgway disagreed.

Mr. Miller agrees that you can eliminate the decel lane. He suggested that they come back with a proposal to what they will do with that intersection.

Mr. Ridgway stated that they stand the position that they only have to do what is necessitated by the development. They are willing to contribute the savings from not doing the decel lane to whatever the Board feel is necessary to improve that intersection.

Mr. Tuliano asked Mr. Miller what the cost of improving that intersection would cost. If he would say it cost \$100,000 to improve that intersection, would that be in the general ball park area. Would it be closer to \$30,000 or \$100,000?

Mr. Miller answered you would be closer to \$100,000.

Mr. Tuliano questioned if that would include the engineering and specs.

Mr. Miller answered probably not.

Mr. Tuliano believes that would be a very expensive fix for the Township.

Mr. Miller agreed and we did not get to the DEP permit. He has not made an individual application for a long time so he does not know what that cost is.

Mr. Kingsbury stated that the land use law says, a developer may be required by the planning board to provide for street improvements and drainage facilities to the extent necessitated by the subdivision.

Mr. Tuliano commented that is the problem.

Mr. Kingsbury stated the applicant claims that their drainage is zero and the traffic impact is 5%. He is unsure if their figures are accurate.

Mr. Tuliano questioned if we knew how many cars go by that intersection during peak hours and if that was an actual traffic study.

Mr. Raday answered that they performed that in 2008. He believes it is 19 cars between the peak hours of 7 and 9.

Mr. Krollfeifer believes that the study was completed prior to the Paparone's Development being built.

Mr. Heron commented that 19 cars from 7 to 9 is ridiculous, it's more like 19 cars in 10 minutes going through Broad and Washington Streets.

Mr. Tuliano stated that he is missing and hurting the argument in his opinion.

Mr. Ridgway stated that the Board or the applicant has to decide what the figure is. That figure can be a condition of approval is sufficient. If there is not an agreement between the applicant and the Board on the number then we fight that out. They have agreed to contribute based on what the solicitor said to whatever that is.

Mr. Kingsbury questioned where do you fight that battle, here or in court?

Mr. Ridgway answered if it can't resolve here than it would be court.

Mr. Kingsbury stated that the engineer could not come up with a number tonight.

Mr. Ridgway commented that we can vote tonight and they agree to pay what their fair share is going to be and determine the percentages at a later time.

Mr. Krollfeifer questioned how is he to get past the hurdle of them using the word contribute to fixing the problem which is being compounded by their development as against that they fix the problem.

Mr. Ridgway commented that the municipal land use act does not permit the board to force them to fix an existing problem.

Mr. Kingsbury explained it forces them to fix it to the extent that you contribute to it.

Mr. Dickinson stated we need an estimate to see what it would take to fix the road.

Mr. McKay believes without that number the Board is severely disadvantaged.

Mr. Bradley stated that once you know what that number is, how much is the applicant responsible for.

Mr. McKay stated that he was hopefully that the meeting between the professionals would have resulted in the exchange of that information. He feels very disadvantaged in voting at this point in not knowing that information.

Mr. Katz agreed with Mr. McKay. He is also very concerned with what that figure would be and not coming to an agreement.

Mr. Ridgway stated that then the judge would make that determination of what the fair share figure is.

Mr. McKay explained that not knowing what the cost to correct that intersection is, you cannot access whether there has been a fair contribution by the applicant. The \$31,000 is like a place hold right now.

Mr. Ridgway stated that whether the number is \$1 or ten million dollars, it is not the issue. The applicant has agreed to pay what their fair share will be. If the Board doesn't agree what the fair share is, then we go to court.

Mr. Bradley questioned how are we to determine the percentage of what that fair share is.

Mr. Ridgway explained we would come back, if we cannot agree we go to court. That should not stop the vote this evening.

Mr. Katz stated we do not know what the amount is or what the fair share is.

Mrs. Kelley explained that we know there is water in the pipe but there is also a lot of water on that street.

Mr. Miller commented that the only thing we can do with that pipe is extend it.

Mrs. Kelley questioned how that would help the drainage.

Mr. Miller stated it doesn't. It gets the road widened and probably a sidewalk.

Mrs. Kelley questioned why there is always a puddle on that road.

Mrs. Wisnosky answered it was a low spot.

Chester Hwilka, 1415 Washington Street, was sworn in. He lives directly across the street from the proposed development. The traffic is horrendous, especially since the new homes were built. He works from home and sees the traffic all day long. He walks his dog at night and almost gets run over. There is traffic all night long. Prime time is all the time. Something needs to be done with the corner. The water is another problem and has always been an issue. He has been there for 30 years. The flooding of that drainage ditch can get quite high.

Mr. Miller questioned if it floods on the school side or the downstream side.

Mr. Hwilka answered the opposite of the school.

Mr. Miller questioned if it comes from the Rancocas back.

Mr. Hwilka stated he has never seen it go that way; it is always coming through it. He questioned if the entrance of the development would be right in front of his house.

Mr. Raday stated it would be offset from the driveway.

Mr. Hwilka has concerns that the water will flow down and cross into his property. His home sits low.

Mr. Raday explained that there are to inlets there.

Mr. Hwilka stated again that something needs to be done with that intersection. It will also be an issue for people coming out of the development.

Mr. Raday asked if they are speeding.

Mr. Hwilka stated they are speeding but they do slow down. There is no room for two cars. When it snows, it is one lane going down Washington Street. It is now a major thoroughfare going back and forth to Marne Highway.

Mr. Katz closed public comment and stated that Mr. Ridgway would like a vote.

Mr. Ridgway stated that they have two subdivision plans, the 10 lot and 9 lot, and would like a vote on both.

Mr. Kingsbury stated that is not what is before you and questioned the applicant why they would do that.

Mr. Wisnosky commented that they amended the plan.

Mr. Ridgway stated that is fine.

Mr. McKay motioned to deny the application.

Second: Mr. Tuliano

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

Motion carries to deny the application.

7. Minutes

A. Regular Meeting Minutes of August 3, 2011

Motion to approve: Mr. Tiver

Second: Mrs. Kelley

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

Motion carries to approve.

8. Resolutions - None

9. Correspondence

A. Letter dated August 5, 2011 from Burlington Co Planning Board to JVS Properties
Re: 505 Marne Highway, Punch list of uncompleted improvements

B. Letter received August 19, 2011 from Hainesport Community Baptist Church to
Hainesport Township
Re: Notice that an application submitted to DEP

C. Letter dated August 25, 2011 from Alaimo Association to Stevens Management Assoc
Re: Site Plan Review Case 2010-011 Punch List Block 98 Lot 2.05

Motion to accept and file: Mrs. Kelley

Second: Mr. Tiver

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

Motion carries.

10. Professional Comments - None

11. Board Comments - None

12. Public Comments

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

13. Adjournment

Mr. Katz motioned to adjourn at 11:03.

Second: Mr. Tiver

All in favor

Paula L. Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, October 5, 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 Engineer
Kathy Newcomb, Zoning Officer
Paula Tiver, Board Secretary

6. Items for Business

**A. Case 11-08A: Physicians Capital Investments
Block 101.06 Lot 99
Route 38
Preliminary & Final Site Plan for Dialysis Center
Attorney: Richard Roy, Jr**

Proper notice was given.

Mr. Rich Roy, applicant’s attorney, explained that they are seeking approval to construct a 19,000 sq. ft. Dialysis Center and Medical Office Building with the possible future expansion to 21,600 sq. ft. It is approximately a 3.6 acre lot located in the senior citizen zone where an office use is a conditional use.

Mr. Kingsbury swore in the following: Dan Christy, on behalf of the applicant, and Bill Nicholson, engineer.

Mr. Nicholson gave his credentials and the Board accepted.

Mr. Roy explained that they tried to eliminate any variances. There are a couple design or submission waivers they have requested. They have responded to the professional letters and have largely agreed with everything they have raised. There may be one or two items they don't agree.

Mr. Christy stated that he represents Physicians Capital Investments. They wish to build a medical use building that will be a dialysis center and a physician's office in support of the dialysis center. It is a 6 day of week operation with 3 shifts per day. The patients come in over a staggered period of time over the day. Their treatment would last about 4 to 5 hours. The center has the capacity to see about 20 patients at a time. The practice has been located in Mt. Laurel for about 20 years.

Mr. Roy questioned the number of doctors there at a time.

Mr. Christy answered about a half dozen at one time.

Mr. Roy questioned the hours.

Mr. Christy stated that they operate predominately 8am to 5pm a ten hour day. The dialysis center runs 6 days a week with 3 shifts per day. This is a regular scheduled program that is structured that there is a balance of patients. They are staggered appointments so that people are not coming and leaving at the same time. The traffic is much less than what you would see in a typical medical facility.

Mr. McKay questioned the number of staff that would go with the 20 patients.

Mr. Christy explained that there would be about 20 patients with a combined total of 40 to 45 employees for the dialysis and medical facilities.

Mr. McKay stated there would probably be a maximum of 80 to 85 people in the building at any time.

Mr. Lynch questioned how long a shift would be.

Mr. Christy answered 3 by 5 hours with a total of 15 hours.

Mr. Daniel Strauth, administrator, was sworn in.

Mr. McKay questioned how the shifts would work.

Mr. Strauth explained that they staff would arrive by 6am and the patients would start treatment by 6:30am. There are rolling shifts about 5 hours each, with about 15 hours of operation. Most days the last patient would be done between 6pm to 8pm.

Mr. McKay questioned where the potential expansion of 2,600 sq. ft. would be located.

Mr. Krollfeifer asked for clarification on the hours.

Mr. Daniels answered the average closing time will be between 7 to 9 pm.

Mr. Roy explained that 20 people do not show up for each shift. There is an overlap. Some people may not be there for the full 5 hours. The closing will be determined by whether that last patient is a 4 or 5 hour patient and would be finished somewhere between 7 and 9pm.

Mr. Daniel explained that the patient may need more fluid removed and require the dialysis treatment may be longer. Kidney dialysis is a treatment that is life sustaining. The patients have lost the function of their kidneys and without treatment they would not be able to survive. There is a shortage of kidney transplants in this country. However long the last patients treatment is, is when they are done.

Mr. McKay questioned the service area the patients are from.

Mr. Daniels explained it is Burlington County. Most patients drive 5 to 6 miles. It needs to be local since it is 3 times a week, week after week.

Mr. McKay questioned the age of the patients.

Mr. Daniel explained that they do not do pediatrics. The patients are as young as 20, and most of the patients are in their 50's, 60's, and 70's.

Mr. McKay asked information on the possible future expansion.

Mr. Nicholson explained that it is shown on the plan. The initial building will be 19,000 sq. feet and are proposing a future expansion of 2,600 sq. feet on the east end of the building. The drainage and parking are designed for the future addition.

Mr. McKay questioned if the foundation is being put in.

Mr. Nicholson answered no.

Mr. McKay stated that the space will be left and the parking will be built around it.

Mr. Nicholson answered yes. There is an alternate design for the present which includes a patio for a lunch area.

Mr. McKay commented that it seems like a lot of parking.

Mr. Nicholson believes that Hainesport Township Ordinance envisioned a dialysis center in their parking requirements. They provided one space for every 200 sq. feet which is standard for an office building. This works for the client.

Mr. McKay questioned the number of parking spaces.

Mr. Wisnosky answered 108 spaces. They testified that there would be approximately 80 people who include the patients, staff, and doctors. He questioned if that would change if the proposed addition is added.

Mr. Daniels answered it should not change dramatically.

Mr. McKay stated that the parking is built out in the beginning.

Mr. Nicholson answered yes.

Mr. Roy asked that he explain how the site functions.

Mr. Nicholson explained the overall site referring to page 1 of 6 of the site plan. They are proposing to accesses to the site. On Route 38, there will be a right turn in and out. Preliminary discussions have occurred with NJDOT and an application has been submitted to approve that driveway and their drainage interconnection to their storm sewer system on Route 38. The second access is on Edinburgh Lane. They are proposing a break in the existing island, primarily for people exiting the site that are part of the community behind the site that can quickly get back home to their home.

Mr. Bradley had concerns if there was an accident at the proposed cut through then access to the community would be totally blocked off. Emergency vehicles would not be able to get in or if they were in would not be able to get out. Edinburgh Lane is the only way in and out of the development. Can the entrance be moved somewhere other than Edinburgh Lane?

Mr. Nicholson answered no, that Edinburgh Lane is the only other option available to them for a second entrance. Another advantage for that second entrance is if there is a problem at the Edinburgh it will provide a secondary way for people to leave through their parking lot.

Mr. Bradley stated that if it was further down on Devon, it would eliminate all the problems.

Mr. Nicholson believes it would not work. They try to keep driveways away from intersections and they only have a little frontage on Devon.

Mr. McKay questioned if the curb cut on Route 38 could be any closer to Edinburgh Lane or must it be there.

Mr. Nicholson stated no, that DOT gave them a little bit of a window of where they would allow it, so many feet from Edinburgh Lane and Fostertown Road. It better fits the site at its location.

Mr. McKay questioned the Boards professionals' opinion regarding the Route 38 entrance.

Mr. Wisnosky explained that from a planners view, he prefers it closer to the intersection. It gets the traffic away from Edinburgh Lane. He also had concerns that if there was an entrance on Devon it may introduce more traffic to the community.

Mr. Miller agreed.

Mr. McKay questioned his view on the Edinburgh entrance.

Mr. Wisnosky believes that the Edinburgh entrance is needed for circulation to come back into the development and going out. He does not believe the site would function as well without that secondary access.

Mr. Nicholson explained that the other advantage of the location on Route 38 is there is currently a right hand turn lane for Fostertown Road which continues past the intersection to go into the jug handle.

Mrs. Kelley stated that Edinburgh is wider to allow if there was an accident that you could use one side for in and out.

Mr. Wisnosky explained that back when the Glen was developed, it was the intention that this piece of land would be an ancillary use that would primarily accommodate the people in the development. The town allowed for professional office there for that purpose. We did not want to have something that would generate a lot of traffic or volume.

Mr. Krollfeifer questioned why an access and exit cannot be placed on Fostertown Road.

Mr. Nicholson explained that they have a small frontage of 120' on Masonville-Fostertown Road. DOT requires that you be 100' away from the point of curvature begin at the intersection. He believes it is not possible or safe with the traffic coming off Route 38.

Mr. Krollfeifer also stated there is an issue with the wetlands and the creek.

Mr. Nicholson explained that it is also the lower end of the site which is the storm water facilities.

Mr. Katz believes it would not be a good idea also because the cars cross over Route 38 very quickly.

Mr. Boettcher questioned if there is any truck traffic going in and out of the site.

Mr. Nicholson explained that there is. The site will take deliveries once a week with a tractor trailer. That is why the entrance is so large and the sweeping turns on the site. The professional's letter questioned a loading area. It is on the plan but was not labeled.

Mr. Christy stated that the site was designed for a tractor trailer to come on and off the site. There are a variety of delivery trucks from 18 to 20 foot box trucks to tractor trailers. More often it would be a standard box truck that makes the deliveries.

Mr. McKay questioned if it would be the size of the UPS truck.

Mr. Christy stated it would be a little bit larger.

Mr. Nicholson commented that there are 25' width isles to allow for circulation.

Mr. Boettcher questioned if the public would be in the back of the building.

Mr. Nicholson explained that they probably would not. He did not designate parking spaces and believes the back would be for employees.

Mr. Roy questioned if Mr. Nicholson had a chance to review the professional's letter.

Mr. Nicholson stated he had and they generally agree to comply with all the items. A letter dated October 5, 2011 was emailed to the professionals. An issue did come up that

he would like to discuss. They found a requirement in the ordinance relating to stream corridors. Mason Creek is on the adjacent property and they would be required to establish the stream corridor and add 150' buffer to it. He explained how they came up with the area. It does slightly impact their two drainage facilities on the west end of the site. They would like to create a conservation easement to include downhill and west of the drainage facilities. There is still open space in that area and to the west.

Mr. McKay stated it is a ravine.

Mr. Nicholson stated that there are also wetlands there which are delineated. They have two areas of wetlands that impact them along the west side off of their property and up above them on the north side is a low area in the community behind them. They applied a 50' buffer per the letter of interpretation from the state.

Mr. Roy questioned if it is his testimony that we can comply with the intent and spirit of the ordinance with the conservation easement and the stream corridor.

Mr. Nicholson answered yes.

Mr. McKay questioned if the building will be brick veneer with stone.

Mr. Roy marked the following exhibits; A1 is page 1 of 6 of site plan, A2 is the architectural plans

Mr. McKay asked if the colors are represented in the exhibit.

Mr. Christy answered yes.

Mr. McKay asked the height of the building.

Mr. Nicholson answered that the peak is about 25' to 30'.

Mr. Wisnosky explained that when the applicant came before the economic development committee, they were encourage to create the architects to blend in as much as possible with the residential character of the community behind them. They worked with the committee to come up with this architectural elevation.

Mr. McKay commented that they did a good job.

Mr. Christy stated that they wanted to be part of the community.

Mr. McKay questioned if it is built on a slab or is there a basement.

Mr. Christy answered that is on a slab.

Mr. McKay questioned if the interior is reconfigurable.

Mr. Christy answered that it is.

Mr. Roy referred back to A1 for the site lighting.

Mr. Nicholson explained they are proposing two style lights. The typical parking lot style light; which is a shoebox light that is 18' high. The light is in the box; therefore you cannot see the light bulb. They also will have bollard lights that will help light the sidewalks; they are about 3' tall.

Mr. McKay questioned if there would be a cut off time for the lights in the evening and off days or will they be on all the time.

Mr. Christy explained they do not want to create light pollution. The light on the back of the property will be forced onto the site. The lights will be controlled by timers and will not be on all night long. The community behind them has been a great concern of theirs. It has been at the front and center of the design. The rear west portion of the property will be mounded up and heavily landscaped the back portion. They want to keep it landscaped in the back of the building so that one will not be looking at it.

Mr. McKay questioned what the online date would be for the facility if they were to receive approvals tonight.

Mr. Christy believes they would occupy the building by October or November 2012. There are no issues with DOT because they spent a lot of time with them on a preliminary basis.

Mr. McKay commented that when plans were drawn in this area 20 years ago, this parcel was envisioned to something very close to what is being proposed here. It made sense back then and still today.

Mr. Christy believes it is a great fit and service for the community.

Mr. Wisnosky referred to his letter dated September 14, 2011. The application has not yet been deemed complete because everything has not been submitted. Either waivers need to be granted or submitted. He asked Mr. Roy to respond to each one.

- 1) Evidence that no outstanding, uncollected fees and escrows remain from past applications. Mr. Roy stated are none and will submit.
- 2) A certification from the Tax Collector that all taxes are paid to date. Mr. Roy stated should be submitted.
- 3) Names and addresses of record owners of tracts within 200' of the tract. Mr. Roy stated that they can if the Board wishes.
- 4) Traffic Study. Mr. Roy stated they are requesting a waiver due to the use of the site.
- 5) An Environmental Impact Statement conforming to the requirements of Section 104-105. Mr. Roy explained that they have submitted the wetlands information and some environmental information. He believes an environmental impact statement is needed. Mr. Wisnosky stated that the Environmental Commission has submitted a letter dated September 20, 2011. Mrs. Kelley stated that it is ok.
- 6) Location of ponds, streams, drainage ditches and watercourses within 500 feet of the site. Mr. Roy stated that they have shown what they believe is necessary. Mr. Wisnosky agreed but a waiver would still be needed.
- 7) Soil erosion and sediment control plan. Mr. Roy asked that it be a condition of approval.
- 8) Written approval of local, county, state, or federal organizations. Mr. Roy stated they will accept as a condition of approval.

Mr. Wisnosky stated they are requesting waivers for the Traffic Study, Environmental Impact Statement, and streams and ditches.

Mrs. Kelley explained that she believes that a full environmental impact study is not needed. She questioned if they are within the 500 feet of the site which the ordinance requires. They had concerns with the taken down of trees when looking at the GPS provided by the county. There is a tiny impact on the wetlands in the northwest corner. She does not believe it is a big problem, it should be shown on the map that you are removing all the trees and how the wetlands will be classified. They believe it will work but need testimony.

Mr. Nicholson commented that they received the letter of interpretation from the DEP in July 2011. He has copies that he can distribute. It approves the two wetland areas and is delineated on the plans. They are staying clear of them and the associated buffers.

Mrs. Kelley questioned if they are proposing to remove all the trees in the northwest corner.

Mr. Nicholson stated no. They are not planning on removing any trees in the wetland buffers. There are trees in the uplands that need to be removed for the drainage facilities.

Mr. McKay motioned to grant waivers from the checklist requirements that were stated by Mr. Wisnosky and grant the application complete.

Second: Mr. Tuliano

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

Motion carries to approve waivers.

Mr. Miller explained that he reviewed the wetlands indicated on the plan together with the buffer. All the grading shown on the plan in respect to the detention basin is out of the buffer area.

Mr. Wisnosky explained that this is a conditional use within the senior citizen housing zone. He read the 5 conditions from section 104-67 that establishes the guiding principals and standards that all conditional uses must be judged. The applicant has addressed many of these items in his presentation. These are important because you must judge this application based on the conditions because it is a conditional use.

Mr. Wisnosky continued with his letter and stated he will not go over the items that the applicant has agreed to comply with. He only has a couple items he would like to mention. Under site plan review item 1 requires that all trees 8" or greater in diameter be shown on the plan or if they are going to be removed they must be replaced. He received a letter dated October 5, 2011 from Mr. Roy stating that they will comply with the ordinance. Item 1 has been satisfied. Item 2 deals with the drainage of the site. He was very surprised in how much land disturbance had to occur to accommodate a building of 20,000 sq. ft. He was questioning why it has to be so large. He suggested in his letter to possibly put some of the drainage underground. What they are proposing is acceptable drainage under DEP. Our ordinance requires that the minimum depth be no greater than 6 feet. He understands the volume of the basin is the lower elevation. The

intent of the ordinance is not to create a hole in the ground that is greater than 6 feet. If one was to stand on the edge of the parking, they would be looking down at a depth of 8 ½ feet. This particular area does not meet that design standard. He recommends that they continue down with the level shelf, they could comply with that design standard or they could modify the landscaping in the area.

Mr. Roy stated that they will be able to comply with either one or a combination of the two.

Mr. McKay questioned why 2 basins are needed.

Mr. Nicholson explained that the storm water regulations these days are very complicated. The report that was submitted to DEP and the Board is 60 pages long to show compliance. With this particular site their really only option to discharge the storm water was into the storm sewers of Route 38. DOT is very strict and you cannot overwhelm their system. Approximately 80% of the site drains towards Masons Creek and about 20% goes out to Route 38's storm water system. That small amount of existing water that they are getting is the base line that they are trying to deal with. That is part of the reason the basin is big. They are holding a lot of water back and letting it go slowing into Route 38. The larger basin on the southern side is a conventional detention basin. It will be grass and has to be mowed. The area is very sandy and the runoff base line is zero. The smaller basin is a recharge basin and is also a water quality feature in which it has a sand filter in the bottom. It is a maintenance feature and will need to be cleaned out from time to time. They did look at porous pavement and it did not seem appropriate for this site because of the large amount of storage that they needed, the soils, DOT connection, and they have truck traffic. It doesn't have the sheer strength to handle truck traffic.

Mr. Bradley questioned if one of the outflows goes into Masons Creek.

Mr. Nicholson explained that some of it does under the current conditions and disperses to other places.

Mr. McKay questioned what the end agreement is on the modifications on the basin that were suggested by the planner.

Mr. Wisnosky stated that testimony was giving that there may be a little shelving and additional landscaping to try and reduce the impact of the hole in the ground.

Mr. Nicholson agreed.

Mr. Wisnosky stated his last comment is that they want to make sure that there is an adequate landscaping buffer to the residential development to the rear as a condition of approval.

Mr. Roy agreed to comply and will meet with the planner to ensure that the landscaping is adequate.

Mr. Wisnosky commented that the applicant has agreed to comply with the rest of his letter.

Mr. Miller stated that the applicant has agreed or acknowledged everything in his letter dated September 20, 2011. He did discuss with Mr. Nicholson the wetlands delineation plan. He will be supplying him with the plan. He believes it would be fine.

Mrs. Kelley questioned who would be responsible for the maintenance on the basin.

Mr. Nicholson answered the owner of the property.

Mr. Miller explained a maintenance schedule will be submitted.

Mr. Krollfeifer referred to A1 and commented on the entrance/exit on Edinburgh Lane. In the event the residents of the Glen need to use the facilities, they would be able to make a right into the facility from Edinburgh Lane. When wanting to return, if there is a cut in the island, they would be able to exit the site and make a left onto Edinburgh Lane to enter into the Glen. If that cut is not there, one would have to go out on to Route 38 and use the jug handles to gain return access to the Glen. He stated that is the reason you are putting the cut there on Edinburgh.

Mr. Roy stated that is one reason.

Mr. Katz opened public comment with a limit of 5 minutes each.

Allen Smith, 103 Stonehaven Lane, was sworn in. He questioned if it was considered for the entrance/exit on Edinburgh Lane be used only as an emergency exit which would not require a cut in the middle island. They would still have their entrance off Route 38 and only use the exit on Edinburgh Lane as an emergency exit.

Mr. Nicholson commented that they did think of that. One of the primary benefits for having the break in the island is if there are patients of the facility that are also residents of the development, they could come out the back to make a left to go home.

Mr. McKay asked if Mr. Smith had an issue with the cut.

Mr. Smith stated the main thing is cutting into the property and having that as an emergency exit only.

Mr. McKay questioned if he agreed with Mr. Nicholson that the traffic circulation that is aided by the cut is a good idea.

Mr. Smith answered no.

Mr. McKay asked why.

Mr. Smith believes it would cause more congestion on the road. He does not know of anyone on dialysis now, there may be.

Mr. Katz questioned if there is congestion on that road now.

Mr. Smith answered yes; they have a lot of traffic. He has concerns with how close the right turns are on Route 38 and is a matter of time that someone is in an accident coming out of the development. He understands that it is state control and believes it is a bad spot to add another facility to have to get over in that right lane.

Herman Vahjen was sworn in. He stated that he was in the medical world for 40 years. He is a senior who lives in the Glen and is also an instructor for AARP for the last 20 years. He has taught teachers and students from the age of 18 to 95. From all the data that has been collected, there are failures in their age group. They train them but one of the failures shows up in the number of infractions that they commit. The most important one is in the manner of the right of way. They cannot avoid getting into trouble at intersections. He believes it is a tragedy in the making by cutting the island out on Edinburgh. They tend to wonder at intersections and not give the right of way in spite of what they are told. They are not very observant or alert. He believes it is a master piece setup of what they currently have in the Glen. The island keeps the people in the right from getting into the left. The residents wonder in and out of the development all hours of the day and night. There is a lot of traffic to also include truck traffic such as gardeners, painters, and carpenters coming in and out. Edinburgh is a nice long road that allows the vehicles to get off of Route 38. He believes it is not a good idea and believes it would not take long for an accident to happen. There should be an alternate egress and suggested that they work harder on Fostertown Road.

Mr. Kröllfeifer commented that the applicant had testified that it would be a benefit for the people at the Glen to have that cut out. He asked if the applicant agreed to remove the cut in Edinburgh, would that change his comments

Mr. Vahjen answered yes as long as there was not another intersection created on that outgoing lane. He has seen many of these types of developments and this one is one of the better ones he has seen.

Leila Gilmore was sworn in. She explained she owns the house that is adjacent to this proposed lot. She has concerns with the brightness from the lights, how early and late deliveries will be, landscaping, the noise from the transformer and generator behind the building. She would appreciate any type of buffering for the noise. Would fencing would be used around the basin or mosquito control because the water would sit not being aerated. The cut through in Edinburgh is an accident waiting to happen due to the traffic coming in and out. Understands if an exit is needed but believes there should be no entrance off of Edinburgh.

Mr. Christy believes deliveries would occur between 8am to 5pm. This is a life sustaining facility. The purpose of the generator is to be used for emergency only, power outages. It is required by the state for the facility. It probably be tested once a month and will run a few minutes. The transformer would be the same as in the development. They are building a berm and providing landscaping to provide better coverage. They want to be good neighbors. They would like to come out and talk to the homeowners.

Mrs. Gilmore believes they would be welcomed to come speak to the community.

Mr. Katz suggested that they make arrangements and let the Township know.

Mrs. Kelley commented that a detention basin does not hold water unless you have a heavy rain such as Hurricane Irene. It then disperses and goes through the sand.

Mr. McKay stated that there is a detention basin on Mt. Laurel Road at the entrance to the Chase development.

Mr. Katz explained that there has never been water in it more than an hour or two.

Delores LeCates, 111 Tartan Lane, was sworn in and had concerns with the traffic. It is a bad idea.

Nancy Ciccotello, 215 Devon Lane, was sworn in. She questioned if there was a dumpster on the property and how often will it be picked up.

Mr. Christy answered yes on the northwest side of the property. He pointed it out on the map.

Ms. Ciccotello questioned if it was hazardous material.

Mr. Christy answered no.

Ms. Ciccotello questioned if there is a bad storm what time they would start plowing snow.

Mr. Christy answered all night long.

Ms. Ciccotello asked why the cut through is needed.

Mr. Christy there primary reason is if there are residents of the Glen that need the center. They do not envision people coming down Route 38 turning on to Edinburgh Lane and using the cut out to enter the site. It is inconvenient for people to do that when there is a very convenient entrance on Route 38. He pointed out on the map the location of the main entrance to the building.

Mr. McKay commented that the gentlemen that spoke, who is an expert as a driver instructor, makes some good points and a lot of people who do not think the cut through is a good idea. The cut through and the entrance on to Edinburgh are two separate issues. He believes it to be a dead issue. Instead of hearing continued comments on the cut through, is the cut through something we may be able to get rid of.

Mr. Christy would like the opportunity to have the residents hear what they are trying to do. The in and out access of the site will be on Route 38. They never expected more than one or two percent to flow out on to Edinburgh. It would be nice to have another entrance from the site if there was an accident on Route 38. Maybe there may be another approach to it such as signage. He respects the comments given tonight. They did not do this to impede or create accidents. This was done to facilitate other means of traffic in and out of the property in the event of an emergency, which did consider the people in the Glen.

Mr. McKay commented that no one is suggesting that there was no good intent.

Mr. Bradley stated that if there is an emergency have them go to the stop sign and do a u-turn to go onto their property.

Mr. Christy stated that there may be a better way in. That is why he suggested they talk about it. They are not trying to force anything. They are here to listen and take suggestions.

Mr. McKay questioned if they were asking for final this evening.
Mr. Roy stated yes, preliminary and final.

Mr. McKay asked if they were interested in going to the Glen between now and the next meeting. The Board could adjourn the meeting tonight. He believes they are debatable issues and sees both sides. The gentleman makes some good points regarding the cut through.

Mr. Roy pointed out that there are at least 10 patients that live in the Glen. We cannot give names due to privacy issues. Anyone that accidentally goes in Edinburgh and the cut through is not there will be going into the Glen. If that is the preferred alternative, they will discuss closing it off. That is an unintended consequence that may happen.

Mr. McKay stated the response has been overwhelming in regards to comments. It is kind of decision time unless you want to take it to the community and convince people otherwise seems as if it is a dead issue as far as he is concerned. He is not saying the exit onto Edinburgh is a closed issue. They are two separate traffic issues.

Mr. Christy suggested that they take out the median cut through off the table. They will meet with the residents and if they agree that it is the right thing to do, they will then come back to the Board and ask for it. If they do not, they will leave it out.

Mr. McKay agrees that it would be a sensible thing.

Mr. Katz agreed.

Mrs. Kelley wanted to make it clear that an entrance on Fostertown Road is not an option due to the wetlands and the little area that it could be used is too close to the intersection of Route 38.

Mr. Christy explained that when they did speak to the DOT, the issue of the bridge precludes them from getting out on Fostertown Road. They did explore all the options before they considered otherwise.

Mr. Roy stated that they would like to amend the application to include preliminary and final site plan without the cut through. They will come back for an amended application if they can convince the residents that it is a better alternative.

Mr. Katz continued with public comment and explained that the proposed intersection is no longer on the table on Edinburgh Lane.

Coleman Holmes was sworn in and had concerns with the Glen.

George Mahrlig was sworn in. He questioned if a traffic study would indicate the design of access to the property. It has been waived; no one thinks it is needed. All anyone has been talking about is traffic.

Mr. Wisnosky explained that a traffic study is going to tell us how many people are coming down the road, how many people are coming in Edinburgh, how many people are coming out. It is going to anticipate how many people come in and how many people are going to come out of the center. This is a 4 lane state highway that has all kinds of capacity. Capacity meaning it is going to handle the traffic. His opinion as a planner is that they could go through that exercise and is really not going to solve anything that they are talking about tonight.

Mr. Mahrlig questioned if it would give any useful data on the cut through.

Mr. Wisnosky answered no, it will not.

Mr. McKay stated it will not tell you how many accidents will occur at the cut through.

Mr. Mahrlig believes adding left hand turns is not a good thing. When he worked for forty years, he would leave once in the morning and return once at night. He now is in and out all the time.

Mr. Katz stated that no one on the Board stated that, it was someone in the audience.

Mr. Wisnosky explained that no one is telling you there will be less traffic. The traffic people will tell you that everyone does not leave at 7am and come home at 7. It will tell you that the traffic is dispersed throughout the day in a senior housing development. Because it is dispersed throughout the day the roadway will accommodate it.

Irene Baggio was sworn in. She welcomed the Dialysis Company to set up a meeting at the Glen. They may view that road as an occasional exit, but when the delivery people and other people get knowledge of that exit, they will use it. You create an issue with someone trying to cut across. She questioned how the construction vehicles will enter the site.

Mr. Katz believes it would be from Route 38.

Mr. Roy stated they will enter from Route 38.

George Baggio was sworn in. He stated the building is beautiful, but they have concerns with the traffic. A couple weeks ago there was someone in a large flatbed truck there doing soil samples. They came down Edinburgh Lane and cut over the sidewalks. A couple of workers parked their cars in their private parking lot. He and another board member confronted them about parking in the lot or driving over the sidewalk. Fortunately, it did not do anything to the sidewalk. The man answered that they could not get onto the property from Route 38. He would like to see some form of supervision with the construction. He has an issue with the drainage. There are three entities, DaVita, Hoffman, and Physicians Investment. The plan they came up with solves all his problems but creates ones for the community. There are conditions that must be met. One is for the harmony and wellbeing of the community behind the site.

Mr. Katz questioned what harm he believes would happen.

Mr. Baggio stated the traffic situation.

Mr. Katz stated we have discussed the traffic. He asked him to state what his concerns are.

Mr. Baggio stated the concerns are the construction, traffic. He believes the first and fourth condition need to be paramount.

Mrs. Newcomb explained that there are guidelines that they must follow during the construction process.

Mr. McKay commented that Mr. Nicholson needs to speak to his drilling guys.

Mr. Christy apologized and stated that it was a professional crew that was hired. He did not know it happened and will be responsible if there was any damage that occurred. They will supervise the construct the entire time it is going on.

Mr. Tuliano stated if the application is approved and there is a problem someone needs to contact his office. It will be taken care of immediately and it will be worked out.

Mr. Baggio thanked him.

Patricia Iannucci, 123 Devon Lane, was sworn in. She came in and looked at the plans. There is an emergency access from Devon Lane.

Mr. Nicholson referred to the plans which showed on the plans for the Glen a 30' access easement. It is there because it exists and has chosen not to use it.

Gerry Gigilio was sworn in. He commented that the traffic occasional gets backed up from the Fostertown light.

Mr. Katz closed public comment.

Mr. Katz believes that a motion is needed and would not include a cut through. They can come back pending the outcome of their meeting with the Glen.

Mr. Roy answered yes; if it is needed they would ask for an amended final site plan approval. The use is permitted on the site with what they are proposing. This is a very low intensity use compared to other uses that could be proposed for the site. They want to meet with the neighbors and also be good neighbors. They are happy to be surrounded by people who care enough to come out to the meeting. They have tried to work closely with the professionals and have addressed about every concern. They ask to grant preliminary and final approval with the amendment that was made tonight. It is pretty significant from their point of view.

Mr. Kingsbury explained that the Board must first vote on the conditional use and if they met the criteria as outlined by Mr. Wisnosky.

Mr. Tuliano motioned to approve the conditional use and they have met the criteria outlined by Mr. Wisnosky.

Second: Mr. McKay

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

Motion carries to approve the conditional use.

Mr. Kingsbury explained that the next vote is for preliminary and final site plan approval as amended tonight eliminating the cut through on Edinburgh

Mr. McKay motioned to approve and added subject to the agreements stated in respect to the planners and engineers' comments, approvals from Department of Transportation, and all outside agency approvals.

Mr. Krollfeifer asked for clarification that we are only eliminating the cut through and not eliminating the access and egress from Edinburgh Lane.

Mr. McKay stated yes that is the motion. It eliminates the cut through but not the entrance.

Second: Mr. Tuliano

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

Motion carries to approve the application.

Mr. Katz called a 5 minute recess at 9:32.

Mr. Katz resumed the meeting at 9:45.

**B. Case 08-24A: The Salt & Light Co., Inc
Block 87 Lots 1 & 2, Block 88 Lot 1 AKA Block 87 Lot 1
Corner Albert St & Rancocas Ave
Preliminary & Final Major Subdivision
Preliminary & Final Site Plan
Attorney: Patrick McAndrew**

Mr. McAndrew explained that last month they closed the testimony and were going over the review letters. We were half way through Mr. Miller's review letter. There were two issues; one was the notice and the other the clarity of the plan. We stopped and worked on the plan to clarify that it was a 5 lot subdivision assuming that it is one consolidated lot. They also re-noticed. We are back to the review letter. Both witnesses are here and were previously sworn in, Michelle Taylor and Bill Nicholson.

Mr. Wisnosky stated the only two items in left in his letter is deferring the engineering to Mr. Miller based on the revised plans and to make sure the architectural is a condition of approval. He finished his letter at the last meeting.

Mr. McAndrew stated we talked about putting in some landscaping on the four lots we are creating.

Mr. Wisnosky explained he did not mention the landscaping because they complied with his letter. They went ahead and showed the landscaping.

Mr. Miller stated the main issue that he had was a cross easement through the rear of the properties for the access of ingress and egress is needed. He doesn't suspect it's a problem.

Mr. McAndrew agreed that typically they would do that as a condition of approval.

Mr. Miller stated that there were a couple of clean up issues.

Mr. McAndrew stated they were all agreeable.

Mr. Katz asked for a brief summary of the project that it is 4 houses, two twins.

Mr. McAndrew explained that the way this was designed was that the client and Ms. Taylor went to the site to see what would fit on the lot. They came up with this idea because there were a fair amount of twins on Albert Street, they proposed two affordable twins. He referred to A1 which shows what the twin would look like. The Board wanted the homes to be owner occupied. There was a question where the common parking lot would be when they created new parking for the church. Because of the problems the Board wanted an alley system with just two parking spaces per lot and they went with that option instead. This means the church has no onsite parking and will stay the same. It is a small church that uses street parking. They did provide enough onsite parking for the homes. It is 4 affordable units which is two structures.

Mr. Lynch questioned where the homeowners would enter the site from the street.

Mr. Kingsbury reminded Mr. Nicholson is still under oath.

Mr. Nicholson pointed out on the entrance on the map and stated it is about 30' from the churches property line.

Mr. Lynch questioned if there would be cross easements.

Mr. McAndrew answered yes.

Mr. Lynch questioned if each of the homes have their own area to park.

Mr. Nicholson stated yes each has two parking spaces.

Mr. Lynch questioned if they drove down the alley, they would make a left and be able to park.

Mr. Nicholson answered yes.

Mr. McAndrew explained that when they appeared two or three months ago there was a comment on using an alley system. The alley would function as a driveway and each home would have two parking spaces and a sidewalk that Mr. Miller suggested next to the house. There is room at the back of the property for a shed and some landscaping.

Mr. Krollfeifer questioned where the driveway is in relationship to the existing curb cut.

Mr. Nicholson explained that the existing curb cut services the church lot. He referred to the map for the location. The driveway would be about 30' from the property line.

Mr. Krollfeifer stated this is one lot and you want to make it into 5 lots. He is interested in the church lot. If this approved we would then have a church with zero onsite parking. He knows it has been said that they currently have no paved parking. They do have parking available now. His big concern is that the eastern side of Rancocas Ave has parking, western side of Rancocas Ave has no parking, no parking on the southern side of Cottage Street, parking on the northern side of Cottage Street, and the southern side of Albert Street has no parking for snow emergency. Testimony has been given that there is parking problems and he has also witnessed it in that area now. How are you going to resolve the problem with the church? For example the application is approved. We have heard that there are not many people that go to the church. What happens if the church is sold and they have 50 or 60 members? We will be stuck with a church with no parking.

Mr. McAndrew stated that they try to address it with some parking but the Board did not want that. Therefore, they went with the alley system and went with what they needed for the twins. The church relies on on-street parking today. There is no paved onsite parking for the church now and they are not changing it.

Mrs. Kelley commented that this subdivision being made on property that was supposed to be parking for the church. If the situation was reversed, that there were already homes and a church wanted to come in, they would have to provide the parking. That would be required for any public building. This application has not been about coah. This is about subdividing a property and putting 4 houses on it that do not meet code, and do not meet seating and parking code. There are problems with parking there. She was there at 7:15pm this evening and there was two cars parked in that grassy lot. There is a similar situation on Pine Street in Mt. Holly that has issues. From Rancocas Road to Broad Street, there were only about 8 vacant parking spaces available tonight. There were two in the front of the proposed site. There was testimony that there is no parking on Albert Street to the north, to the west on Rancocas Ave, and south on Cottage Street. A waiver is being asked for the lot sizes. Testimony was given last month that they are similar to the town houses across the street to the north. Those houses were built in the 1800's. To the south there are no homes that are not conforming. That is so they could have parking on their property right next to them. She would consider one townhouse but two are over the top. She sits on the Planning Board and lives in the Township and has seen many changes to the church property over the years, different churches coming in. She has heard testimony, knows people that have gone there and that parking lot was filled. They did not care that it wasn't improved because it is very sandy and drains very easily. There were people willing to park on it at 7:15 tonight. In her opinion, this application has nothing to do with coah. They have already done three homes on Albert Street that have been designated as coah units, so you cannot state that anyone on the Board is against coah. The people coming in are not going to have the quality of life. When Mr. McKay proposed an alley in the back, she was under the impression that they were going to provide parking on both sides for the church and the residents. That may not be feasible because of the lots, sizes, etc. She can understand that. This is not an application that is dealing with an existing public building that requires parking by ordinance. In addition you are asking to waive the lot size.

Mr. Katz stated he was confused. They came in for four house and 24 parking spots, that no one would take care of. We stated that we needed someone who would take care of the parking spots and we wanted two for each house. Then you came back with there would be two spots per house and the other spots disappeared because there was no one to take care of them. He did not believe they meant to take away all the parking; we wanted to have someone take care of the parking lot, which had to be the church.

Mr. McAndrew stated that is not right. They came in with the parking lot on the corner lot and the church would use it. No one liked that. They then designed the parking lot so it was owned by the church and they would maintain it. At the meeting it was suggested to put an alley way there with two spaces per lot. They took direction from the Board and it is how they got there.

Mr. Katz stated he does not remember it that way.

Mrs. Kelley commented that she doesn't remember it that way either.

Mr. McAndrew stated that the only option left was for the town to maintain it. They suggested that the owner on the corner maintain it, the church maintain it.

Mrs. Kelley believes the church maintaining the lot is the issue. The issue is providing property for a public building. She believed at one time the church seated 100 people; she is told that it seats 75 now. The ordinance requires parking spaces for the minister, office manager, and one per spot per 3 seats. You are talking about at least 25 spaces. That is where you have to start and it has to be owned by the church. In one of their letters it stated that you have four parking spaces in front of the houses. She has never gone down the street and seen four cars parked in front of the houses. There may be in the middle of the day. She works at the school and occasionally drives that way. There is always someone that is parked there. She does not remember anyone representing this church coming in to subdivide this property. As far as she is concerned it has always been one big property.

Mr. McKay asked that Mr. Kingsbury briefly go over the order that we have to deal with from the court.

Mr. Kingsbury explained that the order approved the use variance for the 4 units.

Mr. McAndrew explained they needed a use variance for the type of structure and a variance for the density.

Mr. Kingsbury stated the judge approved the use variance for the density and remanded it back to the Board for the subdivision and bulk variances necessary for the proposal.

Mr. McKay stated it was remanded to the Board for consideration of the subdivision and site plan.

Mr. Krollfeifer questioned if that was no longer a church, it is residential, is that possible? Then we are not dealing with the parking issues on the property.

Mr. Katz asked if the church now is a separate lot, does that now require parking. Mr. McAndrew does not believe so. This is the proposal that they have been dealing with for 4 or 5 meetings and does not want to keep repeating. At some point we have to include it with the public.

Mr. Katz opened public comment.

Richard Hirschlein, 1705 Albert Street, was sworn in. He keeps hearing that there is no parking. The grass is the parking. They bought that piece of ground just for parking. There used to be a ditch between the properties. They put in drain pipe, gravel, and filled it in so that you could get in there. No paving was needed because it is good solid ground. You could park a fire truck in there and it would not get stuck. They were told by someone they could not pave it because the water had to go into the ground. They still parked on the grass and never had a problem. Everyone is saying it is not a parking lot because it is grass. The Township use to park trucks on the grass at the old municipal building on the grass. They could build these homes and a bigger church could move in. Where are you going to park the cars? You would be talking about 50 to 60 people. They had over 100 people in the church but believe they have taken out a few pews. You will have angry people because there is no parking. He has pictures and gave them to the Board.

Bruce Genter, 124 Rancocas Ave, was sworn in. He has concerns with the parking, traffic, and drainage. His daughter walks to school and is worried about her safety with the increase in traffic. The people are going to want to park in front of their house on Albert Street to take in groceries and then will leave the cars there. There is no parking available on Albert Street now. We are adding to a problem that is already there.

Mr. Krollfeifer asked for clarification on his testimony when he said there is no parking available. He questioned that he meant that there are no available spaces, not that you are not allowed to park there.

Mr. Genter stated you are allowed to park there, there are not any available spots.

Mr. Lynch questioned if there was space for cars to park on both sides of Rancocas Ave.

Mr. Genter stated there is not. When there are cars parked at the church and there are cars coming in both directions, someone has to wait.

Mr. Krollfeifer stated that there is no parking on the west side of Rancocas Ave. It is marked no parking between Cottage Street and Albert Street.

Mr. Genter explained that it has always been a problem with parking and traffic in that area.

Bill Evans, 1611 Cottage Street, was sworn in. His home backs up to the site. He was told the proposed homes were designed to match the homes across the street. The Board is there to stop homes from being built like the ones that were built there in the 1800's. He would never dream coming to the Board and saying that is not a parking lot. The property has a for sale sign on it and the church is for sale. The question is it going to be sold as a house or a church. We have already discussed what would happen if the next person that owns the church as a viable church.

Mr. Katz closed public comment.

Mr. Kingsbury asked Mr. Hirschlein that he testified that we bought the lot for a parking lot. Who is the we? Was he a member of the church?

Mr. Hirschlein explained that he was a member of Hainesport Community Baptist Church way before Solid Rock. He believes they moved out around 1991. Since that time there has not been a real viable church. They had to move out to build a bigger church.

Mr. Kingsbury stated Hainesport Baptist sold the church in 1990 to Village Presbyterian. Village Presbyterian sold the church in 2002 to Solid Rock.

Mr. Hirschlein explained how the parking on one side came about.

Mrs. Newcomb referred to the pictures and asked whose cars are parked on the lot.

Louise Hirschlein, was sworn in and believes it was not the church, but someone who was having a party.

Mrs. Newcomb asked if the church allows people to park in there.

Ms. Hirschlein stated she hasn't heard any issues. She is unsure.

Mr. Bradley asked if the pastor testified at a previous meeting that all his people park on the street.

Mr. Katz believes he said they do but does not remember him stating all of them.

Mr. Katz closed public comment.

Mr. Kingsbury explained that the applicant is asking for a 5 lot subdivision with bulk variances for the houses, lot sizes and setback variances.

Mr. Katz motioned to deny the application based on there is in adequate parking.

Second: Mr. Krollfeifer

Roll call: Mr. Katz, yes; Mr. Krollfeifer, yes; Mrs. Kelley, yes because of the parking that is associated with a public building and the lack of parking available on Albert, Rancocas, and Cottage. It is also an issue getting emergency vehicles down these roads, so no parking on one side of the street is needed; Mr. Bradley, yes, because the parking situation; Mr. Dodulik, yes; Mr. McKay, yes; Mr. Tiver, yes, and questioned if this is denied does it go back to the courts and could that be overturned;

Mr. Kingsbury stated that it is up to the applicant and it could be overturned.

Mr. Lynch, yes, because he does not believe we can leave a church with no parking facilities on site; Mr. Tuliano, yes

Motion carries to deny the application.

Mr. Genter asked if a letter will go out to inform them if it goes to court.

Mr. Kingsbury explained that that does not have to be done but you are entitled to go to the court hearing, and you can also hire an attorney to intervene.

Mr. Genter asked how they would know because they did not know last time.

Mr. Kingsbury stated he will make sure Mrs. Tiver knows.

Mr. Katz stated you can call Mrs. Tiver.

7. Minutes

A. Regular Meeting Minutes of September 07, 2011

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

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

Motion carries to approve.

8. Resolutions

A. Resolution 2011-13: Denying preliminary major subdivision approval of Block 10 Lot 1

Mr. Lynch motioned to approve.

Second: Mr. Krollfeifer

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

Motion carries to approve.

B. Resolution 2011-14: Granting conditional use approval, minor subdivision approval (2 lots) and preliminary/final site plan approval for social club on Block 104 Lot 1

Mr. Lynch motioned to approve.

Second: Mr. Krollfeifer

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

Motion carries to approve.

9. Correspondence- None

10. Professional Comments - None

11. Board Comments - None

12. Public Comments

Bill Evans stated the attorney stated that they can hire an attorney. The Board has turned this down twice. He had concerns if it was the end of it and questioned if we will send our guy up there.

Mr. Tuliano stated we did that last time.

Mr. Evans stated we didn't. We did not have anyone appeal that decision.

Mr. Tuliano stated we did have an attorney present at the last hearing.

Mr. Evans believes that when it goes back to Judge Bookbinder, he will approve it whether we have an attorney there or not.

Mr. Krollfeifer questioned if he was asking if the Judge overturns the decision, you are asking the Board to appeal it.

Mr. Evans agreed and stated why do the taxpayers have to hire their own attorney when we already have one.

Mr. Kingsbury stated that they do not have one.

Mr. Evans questioned that the tax payers don't have an attorney and asked Mr. Kingsbury whose attorney he is.

Mr. Kingsbury explained that he is the Board's attorney. He stated that if the members of the public want to also hire an attorney, they can do that.

Mr. Evans asked if he would suggest that they do that.

Mr. Kingsbury stated he is not suggesting one way or the other; he is just letting him know he has that right. He should consult an attorney if he is thinking of that.

Mr. Evans asked if he is not allowed to help him.

Mr. Kingsbury answered no.

Mr. Krollfeifer believes it is the Township attorney and not the Boards.

Mr. Kingsbury explained that the governing body would be the ones to decide whether to appeal it or not.

Mr. Evans stated that the first time it just went by and doesn't want it to happen again.

Mr. Krollfeifer stated that he would have to go to Township Committee, we cannot do it.

Mr. Evans stated they will be up at the courts tomorrow morning. The last time they told him he had a month to appeal. When is township meeting?

Mr. Kingsbury explained that they are not going to authorize an appeal to something that has not happened yet. They are going to see what happens.

Mr. Evans asked if there would be enough time to appeal it.

Mr. Kingsbury answered yes. They have 45 days to file an appeal. They have 45 days from the date the resolution of denial is adopted to appeal the decision and that will not happen until next month.

Mr. Lynch explained that the Boards action tonight will be voted on at the November meeting. The 45 days will then begin.

Mr. Evans stated that if it isn't appealed, we are right back to square one. He needs help.

Mr. Katz stated that the Board did what they thought was right.

Mr. Evans believes so one dropped the ball last time. There are so many things wrong with this project.

13. Adjournment

Mr. Katz motioned to adjourn at 10:35 pm

Second: Mr. Tiver

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, November 2, 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. Lynch, Mr. Tuliano, Mr. Bradley, Mr. Dodulik, Mr. Katz

Absent: Mr. Krollfeifer, Mrs. Bloesch

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

6. Items for Business

**A. Case 11-13: Richard Carnall
Block 111 Lot 16
2403 Fostertown Road
Bulk variance – No input from professionals needed**

Proper notice was given.

Richard Carnall was sworn in. He explained that he bought an older home with the idea to down size.

Mr. Katz stated that the home looks wonderful.

Mr. Carnall explained that in the process he had put a fence up and was not aware that a permit was required for it. He and his wife had moved from Medford. They have had to make many repairs, some are ones they were aware before they bought the home. They have replaced the septic system and repaired the bathrooms. A lot of landscaping has been done. They have a large family of children and grandchildren that live local which

is around 20 people. His wife has always wanted a large dining room that would accommodate the entire family and a larger kitchen. Additional storage is needed; older homes do not have a lot of storage. So the addition would be for the kitchen, dining room and an extension to the bedroom over top of the dining room. The plan also calls for a bathroom to the third floor where there are two bedrooms. That work is currently underway due to no variances needed.

Mr. Carnall stated that they also wish to put on a 3 car garage.

Mr. McKay questioned if there was setback issues.

Mr. Wisnosky believes that is the issue, he did not review the application.

Mr. Carnall explained that the setback requirement is 125 feet. The addition front yard setback is 67.75 feet and 73.75 feet. The garage front yard setback is 113.28 feet.

Mr. Katz questioned the location of the garage.

Mr. Carnall stated at the back of the house. The additions will be of the same architectural design.

Mr. Wisnosky explained that there is a large front yard setback required in the RR5 zone.

Mr. Boettcher stated that this is a preexisting condition for the location of the home.

Mrs. Kelley questioned how many acres are there.

Mr. Carnall answered he owns two parcels. The home sits on 1 ½ acres and the other lot is ten acres, which he has sheep.

Mr. Wisnosky believes that the granting of the variances would have no negative impact on the zone plan or neighborhood. It is a nice house.

Mr. Carnall apologized about the fence.

Mr. Wisnosky explained that the fence appears as it is part of the architecture and would recommend approval.

Mr. Bradley question if the existing fence separates the sheep.

Mr. Carnall stated yes and it has been there a long time.

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

Mr. Tuliano motioned to approve.

Second: Mr. Lynch

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

Motion carries to approve.

Mr. Carnall requested a waiver to proceed prior to the memorialization of the resolution.

Mr. Boettcher motioned to approve

Second: Mr. Tuliano

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

Motion carries to approve the waiver.

B. Case 11-14: Robert Rivera

Block 100.06 Lot 15

1 Tyler Place

Bulk variance – No input from professionals needed

Proper notice

Robert Rivera was sworn and explained that he and his wife moved to the corner of Tyler Place and Lenox Drive in 2009. They are starting a family and expecting their first child in January. When they purchased the house they intended to put up an open style picket fence, the same fence that the neighbor has behind them. After doing some research they realized that there was a setback requirement. The setback requirement is 30ft which only gave them 12' off the side of the house (Lenox Drive side). They would not have a lot of room if they came out the 12' because the air conditioning unit and landscaping come out 7'. They were denied by the zoning officer the 24' off the house which would give them a setback of 18'. He was hoping to get a variance so he may utilize his yard. They also have two large dogs, a child on the way and hope to eventually have a patio, a play set and shed.

Mr. Katz questioned the type of proposed fence.

Mr. Rivera answered a 5' Jerith style black aluminum open picket fence. He also plans to landscape down the side.

Mr. Boettcher questioned if it would line up with the neighbors fence and if it was the same height.

Mr. Rivera stated no and it would have to come back to tie in. It is the same height.

Mr. Bradley referred to one of the pictures and questioned if it showed the fence.

Mr. Rivera explained that it is the same black fence. The white fencing is his neighbor at 3 Tyler Place. The fence will not interfere with the site triangle.

Mr. Katz stated it appears the neighbor's fence meets the setback and you wish to bring it out further.

Mr. Rivera stated that his and his neighbors house do not line up. His neighbor brought his fence out from the corner of his house.

Mr. Bradley questioned where his neighbor's fence is located.

Mr. Rivera explained that if he came out the 12' he would almost meet up with the corner of his fence.

Mr. Katz questioned if Mr. Wisnosky had an opinion.

Mr. Wisnosky explained that this is the same dilemma with fencing on a corner lot. The neighbor did conform to the ordinance. The reason for the ordinance is to keep the fences off the street line. Each variance is a case by case basis.

Mr. Boettcher commented that the neighbor's fence is 30' back and his would be 18'.

Mr. Katz stated that this type is different than what we have seen. It is not blocking any view.

Mr. Katz opened public comment.

Wayne Hylton, 43 Lenox Drive, was sworn in and has concerns with the fence sticking out and not in line with the other fence. There is an ordinance.

Anina Aberra, 41 Lenox Drive, was sworn in and has concerns with the appearance of the fence stick out and not blending in with the neighborhood.

Melanie Rivera, applicant's wife, stated that since their neighbor put their fence at the corner of the house and theirs is 12' out from the house, it will still not match up with the neighbor's fence. Either way it will not be flush with the neighbor's fence.

Mr. Dickinson stated that the homes are not lined up with each other.

Mr. and Mrs. Rivera agreed.

Richard Rivera, applicant's father, lives in Hainesport. This variance is not much different than other fences that exist in the community. There are white picket fences off the corners. The house is not in line with the neighbors so the fence will not match up. There would be landscaping to help hide the fence. The line of sight will not be impeded.

Mr. Katz closed public comment.

Mr. Tuliano commented that the Board has approved several variances for fences in Creekview. In looking at the photos, with some landscaping he believes it would not be that noticeable. The homes are not all in a row and he believes the homeowner should not be penalized by the way the development was configured.

Mr. Dickinson agrees.

Mr. Boettcher commented that it is also not a solid fence.

Mr. Katz agrees and there is also a safety issue which you can see through it.

Mr. Boettcher questioned if he was going to tie into the neighbor's fence.

Mr. Rivera explained that he has spoken to the neighbor and needs to speak to the fence company to see how it can work because his fence comes in off the property line.

Mr. Boettcher also agrees that you cannot penalize someone for something that someone else did not take into consideration.

Mr. Bradley motioned to approve and that he connect into the neighbor's fence and provide adequate landscaping.

Second: Mr. Tuliano

Mr. McKay questioned what is adequate landscaping and is there a plan for that.

Mr. Rivera answered that he does not have a plan at this time. He will also have to redo the sprinkler system. He recently reseeded and when the grass comes up they plan on putting some flower beds.

Mr. Dickinson questioned if that would be on the inside or outside of the fence.

Mr. Rivera answered the outside.

Mr. Kingsbury questioned if it would upon the planners approval.

Mr. Tuliano stated he has some concerns. If you look at the agenda, the first two cases state that no input from professionals needed. The reason for that is that every time we involve the professionals either we are paying for it or the resident is paying for it. In some cases it is not necessary. If we ask Mr. Wisnosky to go over to inspect, he is not sure what we are asking him to inspect unless we start dictating landscaping. The resident has stated he is going to landscape it. It is a nice property. He believes that if they are going to put that much money into a fence they will do a good job.

Mr. McKay explained his point is if you add the landscaping to the resolution, you need to know what it is or don't add it to the resolution.

Mr. Tuliano withdrew his second on the motion.

Mr. Bradley withdrew his motion and motioned to approve the fence as per plan and tying in to the neighbor's fence.

Second: Mr. Tuliano

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

Motion carries to approve.

Mr. Rivera requested a waiver to proceed prior to the memorialization of the resolution.

Mr. Tuliano motioned to approve the waiver

Second: Mr. Bradley

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

Motion carries to approve.

**C. Case 11-03A: Marlton Transmission t/a Bear Tire
Block 99 Lots 6, 7, 8
1409 Route 38 West
Final Site Plan, Use Variance**

Proper notice was given.

Mr. Boettcher and Mr. Dickinson recused themselves.

The following were sworn in:

John Grob, Jr., President, Marlton Transmission

Jeffrey Richter, Engineer

Douglas Calon, Planner

Mr. Ridgway, attorney, explained that the property is located at 1409 Route 38 West, Block 99 Lots 6, 7, & 8. The property is located in the office zone which requires a minimum of 5 acres with a 100ft front yard setback. He referred to the plan. Lot 6 is a .64 acre parcel with an existing single family dwelling that is approximately 2100 square foot and a 220 square foot accessory building. Lot 7 and 8 consists of a 3200 square foot auto facility. Lot 7 is a .60 acre parcel and lot 8 is a .53 acre parcel. There is one curb cut on lot 6 and 3 curb cuts on lots 7 & 8 all going out onto Route 38.

Mr. Ridgway stated that the applicant had a preliminary meeting with the Board and as a result submitted this site plan. The ordinance does not have a minor site plan. They are preliminary requesting the consolidation of these 3 nonconforming lots (lots 6, 7, & 8) into one lot. It will still be nonconforming because of the minimum 5 acre requirement. They are also requesting to expand the parking lot to the left of the auto facility hopefully into the consolidated lot 6. They would like to use the residential home as an expansion of the nonconforming office use. The site plan closes the curb cut on the extreme right hand side of the site and adds some minimum landscaping to that area.

A couple of months prior to submitting the application, there was talk of a grander plan as long as DOT and DEP agreed with it. They are still in discussions trying to resolve some issues. After several months and significant expense, they had the residence vacated. In looking at that residential property there would be some major structural modifications needed if it were going to be used. It is not known whether it is salvageable. They need to decide whether to use it as office space or tear it down and whether to add the square footage to the existing auto facility. Lot 6 is the easiest part of the property to develop because it is the highest portion of the ground. He referred to the plan. They are in discussions with DEP to expand the existing Masonry Garage, remove the residential structure, and put some parking to the back, which would eliminate some of the parking along Route 38. They do not know if this plan would be successful or not.

If they proceed with the present plan, which is expand the parking lot, remove a curb cut off Route 38, and use the residential for office and it is approved by the Board. What will make them do anything else? He does not have an answer to that question.

Mr. Katz questioned if it is approved now, you will not be able to do anything until the state gives their approval.

Mr. Ridgway stated that they are ok with DOT regarding this plan. No DOT approval is needed for it. If that is approved there is no guarantee that the grand plan is going to be

approved which is tearing down the residence, adding on to the building and moving the parking to the rear of the site, and removing the parking from the front. They know that Boards do not like to give directions to applicants on what to do. Mrs. Newcomb and the Board have been very gracious in the expansion that took place. It will be fine if the Board would like them to wait to see what the DEP will allow them to do and then come back to the Board with the site plan. If the Board doesn't want them to do and put on the presentation this evening with respect to the residential use being turned into the office use, the expanded parking, minimal landscaping, and the curb cut on Route 38 being removed. That is also fine as well but how do you have the hold on them to move forward after that if this is granted. He doesn't know the answer. They are hoping to get DEP to allow them to make it a better site.

Mr. Katz believe it sounds all good but has some concerns with the home and what he wants from the Board.

Mr. Ridgway explained that the house can be saved. They can move forward this evening with what they presently have and then it would stop there. He believes the Board would like something more from this site as well as they would.

Mr. Wisnosky questioned what they think the time frame would be with dealing with DEP. Is it years or months?

Mr. Richter stated it would probably be months. They would have to resolve the flood plain issue and if there are any wetlands buffer issues in regards to what they can do in that area. They would have something from their end within the next month or two and should some idea from the state the beginning of next year. They would make both applications to the state at the same time.

Mr. Miller stated that he would recommend to the Board that you have DEP and DOT approval for any site plan.

Mr. Richter stated they would come with those proofs.

Mr. Wisnosky stated that the applicant started with x, expanded the parking, and is in violation. How do we come up with the best possible plan for the town and the applicant? How do we handle the violation until this is worked out?

Mr. Kingsbury explained that the Board can recommend to the zoning officer to for stall any enforcement. The Board does not have any authority over her, but can make that recommendation. You can have the applicant give an updated report in a month or two on what is happening.

Mr. Wisnosky stated that we do not what this issue to continue to grow. This is a matter of balance and trust. If the Board allows the applicant to go a couple more months and they put an additional 100 cars there, then we have an issue.

Mrs. Kelley believes there is not enough room for another 100 cars.

Mr. Ridgway agreed with Mr. Wisnosky. If the Board choses to recommend to Mrs. Newcomb a stay while we work through it as long as there is no further expansion as to what is there at the current time, to allow the applicant to work with DEP and come back to the Board. The violation still exists to hold over the applicant.

Mr. McKay questioned if the expanded parking that was put in place is to the left of the buildings.

Mr. Ridgway explained that it is and referred to the site plan.

Mr. McKay questioned if the long term is to expand the garage, with DEP approval. Then the house may get torn down and possible moves the parking off the curb to the area of the home.

Mr. Ridgway stated depending on what DEP says. He referred to the plan and pointed out where the expansion to the building would be and the new parking. He made mention of Trailerama.

Mr. Wisnosky stated that Trailerama had a very similar situation and was rehabbed. They had cars up against the road, pushed them back, and gave them some landscaping. With those improvements the site is not as intrusive. With a site like this and all the restraints, the goal is to get the cars off of the roadway and have some landscaping. The use is the existing use and will be there. How can we improve this as much as we can and let him do his business? At least along the frontage, we get something that buffers all the cars.

Mr. McKay believes they don't need a site plan to put the three spruce trees on the corner. It's an act of good faith. He questioned what is happening with the house now.

Mr. Ridgway stated the tenant was just removed October 18, 2011 with 20 tons of trash being removed from it.

Mr. Wisnosky believes that waiting a couple of months and as long as the site does not expand any further, it is worth waiting to get a better plan to improve the frontage.

Mr. McKay agreed.

Mr. Wisnosky believes that we need some insurances, they should check in with us, write us a letter every other meeting, and maybe have a date set.

Mr. Katz questioned if we should recommend to Mrs. Newcomb to put a stay on this for 90 days and then come back to tell us where they are at.

Mr. Ridgway commented that they have no objection with that.

Mr. Kingsbury explained that the Board can require them to give the Board a report on the status with DEP approval with what time frame the Board would like.

Mr. Miller questioned how long the applicant needs to make the application to DEP.

Mr. Richter answered a couple of months.

Mr. Miller asked for clarification that by the Boards January meeting there should be an application to DEP.

Mr. Richter answered yes.

Mr. McKay stated they have an application before the Board and we should give the applicant an adjournment to keep the application going. The Board can also recommend that the zoning officer delay enforcement for x number of days so the matter stays before the Board. A condition could be that they report back within a sensible time frame.

Mr. Miller explained that once they make the application, it will then be in DEP hands. We have no way of knowing when DEP will come back with that determination.

Mr. Lynch stated we will at least know that they applied.

Mr. McKay agreed that we will know what they applied for and it is moving forward.

Mrs. Kelley questioned if they will be submitting a plan to DEP with the application that we have not seen yet.

Mr. Ridgway agreed.

Mrs. Kelley explained that the Environmental Commission has looked at this application several times and do not believe this particular parcel would be good to have black top on it. It is a unique parcel. She has been watching the property closely during heavy rains. There may be water laying on the bottom part for about a day, if that. There is never water on the road except during the rain. The storm drainage is excellent off of the road. Moving the cars up would be to everyone's advantage. The top of the hill is the highest point in Hainesport.

Mr. McKay believes without the consolidation of the lots there is the issue of 100% impervious coverage. With consolidation you may be already very close to the impervious coverage limit. He doesn't know whether there is a lot more paving you could do. It would be nice if they could put those pine trees in.

Mr. Ridgway asked if it is ok to put the trees in without a site plan.

Mr. Wisnosky stated it would not be a problem to put the trees in.

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

Mr. Kingsbury explained to keep the application open the Board can carry it to the January, February meeting, or when the Board feels it is appropriate to report back. Also a recommendation to the zoning office to not enforce any action as long as the applicant maintains the property as it is.

Mr. McKay asked if they had a request when to carry the case.

Mr. Ridgway asked that it be carried to the first meeting in January 4.

Mr. McKay motioned to carry the matter to the January 4th meeting. He recommends to the zoning officer that she not enforce any action because the applicant has made a good faith promise that they are moving forward with DEP application. He believes it is in the best interest to the town to adjourn this for the requested time.

Second: Mrs. Kelley

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

Motion carries.

7. Minutes

A. Regular Meeting Minutes of October 5, 2011

Motion to approve: Mrs. Kelley

Second: Mr. Tiver

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

Motion carries to approve.

8. Resolutions

A. Resolution 2011-15: Granting submission waivers, conditional use approval and preliminary/final site plan approval for dialysis center and medical office building on Block 101.06 Lot 99

Motion to approve: Mrs. Kelley

Second: Mr. Tuliano

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

B. Resolution 2011-16: Denying bulk variances and major subdivision of Block 87 Lot 1 on tax map (known as Block 88 Lot 1 in Tax Duplicate)

Motion to approve: Mr. Tuliano

Second: Mr. Tiver

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

Motion carries to approve.

9. Correspondence

A. Certification dated October 3, 2011 from Burlington County Soil Conservation District to Gene Blair
Re: Block 51 Lot 4

B. Letter dated October 7, 2011 from NJ DEP to Elias Carrero, Hainesport Community Baptist Church
Re: Letter of interpretation/Line Verification, Project Subdivision Lot 1.14
Block 73 Lot 1

C. Memo dated October 10, 2011 from Jim Mancini to Paula Tiver
Re: Block 88 Lot 1 & Block 87 Lots 1 & 2

D. Letter dated October 18, 2011 from Robert Kingsbury to Paula Tiver
Re: The Salt & Light Company, Inc.

E. Letter dated October 13, 2011 from Burlington Co. Planning Board to Mr. Nicholson
Re: Dialysis Center and Medical Office Site Plan Block 101.06 Lot 99

F. Complaint filed on October 13, 2011 at Superior Court

Motion to accept and file: Mrs. Kelley

Second: Mr. Tuliano

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

Motion carries.

10. Professional Comments

Mr. Wisnosky explained that this is the first time that he was asked not to look at these minor variances regarding residents. He felt uncomfortable because the Board Members always ask him questions. Normally he would drive out there and look. The most he may bill the applicant is an hour. He will go out next time and take a look and will not bill the applicant or township. He thinks he needs to do that because the Board has always relied on him to do so. He will go out because he feels it is a better way to serve the Board.

Mr. Miller believes that most things have to do with fences and so and it should be enough with Mr. Wisnosky looking at them. If there are additions that may affect grading then he will drive by and have to make a comment which he would have to charge for that. Just to drive by to tell you that would not be a big deal.

Mr. Kingsbury explained that Salt and Light has filed an appeal of the Boards denial of the application. He does not believe there will be anything until after the 1st of the new year.

11. Board Comments

Mr. McKay commented that the Philadelphia Inquirer does an annual review of housing values. The review included the years 2005, 2007, and 2011 and calculated median prices for the houses. Hainesport came in as the third highest town in Burlington County in terms of median prices behind Moorestown and Southampton. He believes Southampton is there to do the homes being on acres. If you took out Southampton, Hainesport would be second. They took the multi county area of Burlington, Camden, and Gloucester, Hainesport came in 5th. It shows that Hainesport is a very desirable town to live in as a result of that larger homes are being built and houses are maintaining their value. That is a credit to town government and a good reputation.

Mr. Katz commented that it was a great article. There was another portion of the article that showed the amount of increase and decrease in the values of the median house. Hainesport had an increase of about 30% where other towns had a decrease of about 50%. As Mr. McKay stated, Hainesport has become a desirable town and it has a lot to do with the leadership of the town.

Mr. Tuliano questioned what paper it was.

Mr. Katz stated it was in the Inquire a couple of weeks ago and he has a copy to give him.

Mr. McKay explained it starts on the front page and goes in several pages.

Mr. Tuliano thanked them both for mentioning.

Mr. Boettcher believes it was part of the vision from 15 to 25 years ago what the Boards wanted the town to be. It worked in spite of all the rebuttal.

12. Public Comments

Irene Baggio stated she lives in the Glen at Masons Creek and had comments regarding Resolution 2011-15. It was suggested at the October 5 meeting that the developer of the Dialysis Center go to the Glen and present their plans to the community for further input. They did come on October 25th and she gave an update on that meeting. There were about 110 residents along with Mayor Dickinson and Mr. Porto. The concern was the traffic and the safety. A lot had to Route 38, which she believes the developer cannot really control. The main issue was the proposed exit onto Edinburgh Lane. The developer indicated many times that it was meant as an emergency exit. It wasn't designed to function as only an exit. There was concern that people would short cut through Edinburgh and make a u turn and enter into that exit instead of using the Route 38 entrance when the traffic gets backed up on Route 38. Several people suggested that the developer redesign that exit so that it is clear that it is only an exit. They have not heard back from the developer. She questioned if the developer has made any changes to that rear exit.

Mr. Katz stated there have been no changes.

Mrs. Baggio questioned if they can pursue with the developer to see if they would accommodate.

Mr. Katz commented that was wonderful that the developer came out. He went above and beyond what someone would normally do.

Mr. Dickinson stated that the developer stated he would take back the residents' concerns.

Fran Morrissey stated he is a resident of the Glen and would like to add a few comments. Most of the 400 residents feel good about the medical facility being there. He believes that the exit onto Edinburgh Lane is a traffic safety issue. There are 250 homes in the development that have one exit on to Route 38. There are about 400 residents that make about 700 daily trips at that exit. When the residents made the turn onto Edinburgh it has been straight out to Route 38 for the last 12 years. They will now have to conscience of an exit coming out onto Edinburgh that they never had to deal with before. Mrs. Baggio's suggestions were well received by the developer but nothing to let them know if it would be considered. There were other minor suggestions at the meeting that the developer could do. They could use the pork chop design which eliminates people using it as an entrance. Another suggestion was to put a gate in which is handled by remote control inside the building. Another issue is that the acceleration lane on Route 38 when you leave the Glen will also now be used as a turning lane. He also has concern with safety regarding people that want to make a right onto Fostertown Road. He questioned if DOT had looked at this traffic pattern on Route 38.

Mr. Wisnosky answered yes.

Mr. Tuliano asked if we gave the developer a time frame or was it open ended.

Mr. Kingsbury believes it was open ended.

Mr. Morrissey questioned if there was a way to amend the resolution based on new information.

Mr. Kingsbury explained you cannot do that once it is approved. If the applicant is willing to amend it, the Board would be able to vote on it.

Mr. Katz believes it says a lot that the developer meet with them and took notes. He would think it is still open to talk to them.

Mr. Katz closed public comment.

13. Adjournment

Mr. Katz motioned to adjourn at 8:55 pm.

Second: Mr. Tiver

Roll call: All in favor.

Paula L Tiver, Secretary

**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