

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, January 4, 2012

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. Porto, Mrs. Kelley, Mr. McKay, Mr. Katz, Mr. Tiver,
Mr. Krollfeifer, Mr. Lynch, Mr. Tuliano, Mr. Bradley, Mr. Dodulik

Absent: -

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 06-01B: Verizon New Jersey, Inc.
Block 96.02 Lot 1
625 Lumberton Road
Extension of time for temporary trailer**

Nicholas Talvacchia, applicant’s attorney, stated they are here seeking another site plan waiver to allow the continued use for a trailer that is at the Verizon facility. The Board approved a three year extension in June 2009, which expires February 1, 2012. The trailer is for the use of the people who are involved with the installation of the fiber optic system. The installation is still on going. The trailer is used for work assignments in the morning and then they leave. It is not occupied on a full time basis. In the prior resolutions, the Board stated it has no impact on the public. The main building is used but not for the fiber optic system. It is not visible from the public right of way. It is located next to where the bucket trucks park. It is beneficial for Verizon to have the

trailer. No variances were required. It is just a waiver from the normal site plan. They are not proposing any changes; it is exactly as it has been.

Mr. Lynch questioned if he knew how they expect the trailer to remain.

Mr. Talvacchia explained that they are asking for three years, but it could be less. It is an ongoing process and cannot state whether he would be back in the future. It serves everyone's benefit from normal communications, emergency calls, etc. Verizon in this capacity is a utility. This has zero impact on the area. There is no bathroom in the trailer.

Mrs. Kelley commented that she lives down the road from the site and there is no problem with it, either to the neighborhood or anyone driving. The road next to it is now closed.

Mr. Krollfeifer questioned why they have to come back in three years.

Mr. Talvacchia believes to avoid the entire site plan process and because it is a trailer, they asked for a waiver of site plan. They decided to make it a temporary use. This gives the Board control in case it was to become permanent.

Mr. Krollfeifer stated he has no problem with it and was wondering why keep coming back, just do it and leave it alone.

Mr. Talvacchia has no objection to that but at some point the trailer will be removed.

Mr. Kingsbury explained the reason there is a time limit is because they stated it would be temporary. If you wanted to make it permanent you could, but they are stating they are going to remove it. That is the reason for the 3 years and to also get an update on it.

Mr. Bradley questioned if they would have to come back when they remove it.

Mr. Kingsbury answered no.

Mr. Talvacchia has no objections on how the Board wishes to handle it.

Mr. McKay believes you do not want to make a trailer permanent. Trailers have a life expectancy and deteriorate over time. He does not remember when this first came in.

Mr. Talvacchia stated the first time was January 4, 2006. This is their third appearance to the Board.

Mr. McKay stated that it began as a three year project and would be wise when completed to allow them to take the trailer away.

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

Mr. Lynch motioned to approve a three year extension for the temporary trailer.

Second: Mr. Krollfeifer:

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

Motion carries to approve.

Mr. Talvacchia asked if the resolution can state the exact date the time frame ends.

**B. Case 11-03A: Marlton Transmission t/a Bear Tire
Block 99 Lots 6, 7, 8
1409 Route 38 West
Final Site Plan, Use Variance**

Update

Mr. Katz explained that we have received a letter stating that the applicant is waiting for feedback from DEP.

Mr. Kingsbury explained that when the applicant appeared before the Board, the Board wanted them to report back with an update. The applicant would also like to know when the Board would like them to report back to the Board.

Mr. Katz questioned how long will it take for a response from DEP.

Mr. Miller explained that the wetlands delineation may take 6 weeks to 3 months. They also have the flood hazard verification and a waterfront development permit which could be considerably longer. He can check into the time frame.

Mr. Katz suggested that they update us in 3 months to inform us if they have heard anything from the DEP.

Mr. Miller believes that should be enough time to have heard something from DEP. He looked at the plans that were submitted and it seems to be thorough. DEP will inform them if they are missing anything.

Mr. Tuliano asked for clarification if the suggestion for an update in three months would require them to appear before the Board or may they do so by letter.

Mr. Katz stated that we are looking for an update regarding the status and a letter is fine. However, should they do something; he would like them to appear before the Board.

Mr. Tuliano agreed.

Mr. Wisnosky stated that their letter stated that they submitted a site plan along with all this additional inform to an outside agency. There is an active application on file. They submitted a site plan. It was not submitted to the professionals. We do not want any time running because they submitted a site plan. We do not want the applicant receiving approvals by default because we did not respond.

Mr. Kingsbury stated that would not happen because their application is suspended pending information from DEP.

Mr. McKay questioned if a motion is needed to adjourn the application for 90 days.

Mr. Kingsbury explained a motion is needed for the applicant to give us a status report in 90 days.

Mr. McKay questioned that the clock would not start running on the application until the plans were submitted to the professionals.

Mr. Kingsbury stated that is correct.

Mrs. Kelley questioned if DEP has not submitted everything they need.

Mr. Kingsbury explained that they will not submit to this Board until they know what the DEP is going to do.

Mrs. Kelley questioned if they do not have that information from the DEP in 3 months, then they can update us by letter.

Mr. Kingsbury stated that was correct.

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

Mr. McKay motioned that the applicant be required to provide the Board with an update by letter for the April 4, 2012 meeting.

Second: Mr. Tuliano

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

Motion carries.

C. Discussion on the 2011 Hainesport Joint Land Use Board Annual Report

Mrs. Tiver stated that the report is included with Resolution 2012-02.

Mr. Krollfeifer asked for a status report on two applications that the Board denied, Salt & Light and Fine Homes.

Mr. Kingsbury explained that Salt & Light is in court and he is expecting Fine Homes to come back.

Mr. Wisnosky explained one of the main reasons the Board is required to this is You can refer to the chart to see if the Board had granted a large number of use variances. There were only 2. But if there was a number like 12 granted or a large number of bulk variances. That would tell us that the zoning that is in place is not reflecting the development or in some instances not be appropriate. It is a check and balance. When you look at the chart, since there were not a large number of items granted, the conclusion would be that the zoning in place is working. We look to see how consistent we are with the zoning.

7. Minutes

A. Regular Meeting Minutes of December 7, 2011

Motion to approve: Mr. Krollfeifer

Second: Mr. Tiver

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

Motion carries to approve.

Mrs. Kelley questioned if the Board needs to vote on the 2012-02.

Mr. Kingsbury explained it does not have to be done tonight. The Board has to adopt a resolution that adopts the annual report and forward it to the Governing Body.

8. Resolutions

A. Resolution 2012-02: Hainesport Joint Land Use Board Adopting 2011 annual report

Motion to approve: Mr. McKay

Second: Mr. Krollfeifer

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

Motion carries to approve.

B. Resolution 2012-03: Hainesport 1910 Properties, LLC Granting use variance, bulk variances and preliminary/final site plan approval for expansion of existing catering business on Block 97 Lots 1 & 1.01

Motion to approve: Mr. Tuliano

Second: Mr. Tiver

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

Motion carries to approve.

C. Resolution 2012-04: Walkoff, LLC Granting site plan waiver for expansion of sports activities in an existing indoor recreation use on Block 98 Lots 2.05 & 2.06

Motion to approve: Mr. Krollfeifer

Second: Mr. Lynch

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

Motion carries to approve.

9. Correspondence

A. Hainesport Township Resolution 2011-118-11: Authorizing Release of Performance Bond for Bruce Paparone, Inc. – Deacon Road

- B. Letter dated November 29, 2011 from Burlington Co Planning Board to Paul Schultz
Re: Block 104 Lot 1 – Association of the Bosniaks Delaware Valley Subdivision
- C. Letter dated November 29, 2011 from Burlington Co Planning Board to Gene Blair
Re: Block 104 Lot 1.01 – Association of the Bosniaks Delaware Valley Subdivision
- D. Letter dated December 7, 2011 from Ragan Design to the Land Use Board
Re: Block 104 Lot 1 Association of Bosniaks of Delaware, Revised Plans
- E. Letter dated December 12, 2011 from Kevin Sheehan, Esq to Burlington Co Planning Board
Re: Block 97 Lots 1 & 1.01 – Bradford Expansion

Motion to accept and file: Mrs. Kelley

Second: Mr. Tiver

Roll call: Mrs. Kelley, yes; Mr. Tiver, yes; Mr. Boettcher, yes; Mr. Porto, 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 public comment. None. Closed public comment.

13. Adjournment

Mr. Katz motioned to adjourn at 7:49.

Second: Mr. Tiver

Roll call: All in favor.

Paula L Tiver, Secretary