

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

Time: 7:00 PM

Wednesday, January 8, 2014

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 2014-18-1: Appoint Class I and Class II Members to the Joint Land Use Board

Resolution 2014-19-1: Appoint Class III Member to the Joint Land Use Board

Resolution 2014-20-1: Appoint Class IV Members to the Joint Land Use Board

Resolution 2014-21-1: Appoint Class IV Alternates

**HAINESPORT TOWNSHIP
RESOLUTION 2014-18-1
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, 2014 – William Boettcher, III

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, 2014 – Leo F. Selb, 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 7, 2014.

**HAINESPORT TOWNSHIP
RESOLUTION 2014-19-1
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, 2014 – Bruce MacLachlan

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 7, 2014.

**HAINESPORT TOWNSHIP
RESOLUTION 2014-20-1
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, 2017 – William Lynch

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 7, 2014.

**HAINESPORT TOWNSHIP
RESOLUTION 2014-21-1
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 and 2 two year term until December 31, 2015 – Gus Bradley
- Andrew Dodulik

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 7, 2014.

5. Swearing in of New Appointees

Mr. Kingsbury administered the oath of office to the following: Mr. Boettcher, Mr. MacLachlan, Mr. Selb, Mr. Lynch, Mr. Bradley, and Mr. Dodulik

6. Roll Call

Present: Mr. Boettcher, Mr. MacLachlan, Mrs. Kelley, Mr. Katz, Mr. Tiver,
Mr. Krollfeifer, Mr. Lynch, Mr. Selb, Mr. Bradley, Mr. Dodulik, Mr. Clauss

Absent: - 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 2014

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

Mr. Lynch nominated Mr. Katz. He did a wonderful job last year.

Mrs. Tiver asked for any further nominations. None. Nominations closed.

Mr. Lynch motioned to approve Mr. Katz as Chairperson.

Second: Mr. MacLachlan

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

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

8. Nomination of Vice-Chairperson for 2014

Mr. Katz asked for nomination for the position of vice-chairman.

Mr. Lynch nominated Mr. McKay as Vice-Chairman.

Mr. Katz asked for any further nominations. None. Nominations closed.

Mr. Lynch motioned to approve Mr. McKay as Vice-Chairperson

Second: Mr. Katz

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

9. Appointment of Secretary for 2014

Mr. Katz motioned to appoint Mrs. Tiver as secretary.

Second: Mrs. Kelley

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

10. Appointment of Professional Staff for 2014

A. Solicitor

Mr. Krollfeifer motioned to appoint Robert Kingsbury as solicitor. He reviewed the RFQ's and finds him experienced with his years as an attorney and his involvement with planning and zoning for over 37 years.

Second: Mr. Bradley

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

B. Engineer

Mr. Lynch motioned to appoint Alaimo Engineers, Martin Miller, as Engineer.

Second: Mr. MacLachlan

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

C. Planner

Mr. MacLachlan motioned to appoint Ragan Design Group, Michael Wisnosky, as planner.

Second: Mr. Boettcher

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

11. Time, Dates, and Meeting Place for Meetings

Mr. Katz stated that the meetings will be held at 7:30pm on the first Wednesday of the month located here in the municipal building.

Mrs. Tiver stated to please note that the July 9, 2014 will be held on the second Wednesday of the month.

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 8, 2014
 February 5, 2014
 March 5, 2014
 April 2, 2014
 May 7, 2014
 June 4, 2014

*July 9, 2014
 August 6, 2014
 September 3, 2014
 October 1, 2014
 November 5, 2014
 December 3, 2014

Reorganization Meeting: *January 7, 2015, 7:00 PM

Regular Meeting: *January 7, 2015, 7:30 PM

Mr. Boettcher motioned to approve the meeting dates

Second: Mr. MacLachlan

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

12. Official Newspaper

Mr. Lynch motioned for the Burlington County Times to be the Board's official newspaper

Second: Mr. MacLachlan

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

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: Mr. Katz

Second: Mr. Lynch

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

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

Motion: Mr. Katz

Second: Mrs. Kelley

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

15. Resolution 2014-01: Establishing policy regarding postponements of applications.

Mr. Lynch motioned to approve.

Second: Mr. MacLachlan

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

16. Professional Comments

Mr. Kingsbury, Mr. Wisnosky, and Mr. Miller thanked the Board for the appointments.

17. Board Comments - None

18. Public Comments - None

19. Adjournment

Mr. Katz motioned to adjourn at 7:13.

Second: Mr. Tiver

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, January 8, 2014

1. Call to Order

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

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

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

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

5. Roll Call

Present: Mr. Boettcher, Mr. MacLachlan, Mrs. Kelley, Mr. Tiver, Mr. Krollfeifer,
Mr. Lynch, Mr. Selb, Mr. Bradley, Mr. Dodulik, Mr. Clauss, Mr. Katz

Absent: - 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

6. Items for Business

**A. Case 13-17: Barbara Jones
Block 94 Lot 1
550 Lumberton Road
Minor Subdivision
Attorney: Michael Ward**

Proper notice was given.

Mrs. Kelley recused herself.

Barbara Jones was sworn in.

Mr. Ward explained that the subdivision has been in works for several years. Approximately 13 years ago, Mrs. Jones's husband appeared before the board for subdivision approval for several lots. He was a builder and built Mrs. Jones home. Approximately 7 or 8 years ago he passed away. Mrs. Jones wants to sell her home to downsize. Several years ago Burlington County approached her because they wanted certain rights along the Rancocas Creek to create a recreation area. During the process of negotiations, Mrs. Jones neighbor made her aware that he was interested in a portion of the property. He would like to have as an investment property or preserve it. Mrs. Jones has never had a use for the property.

Mr. Ward referred to the subdivision plan. The plan shows to make her home a conforming lot. The entire property is approximately 25 acres and is designated as Block 94 Lot 1. The house lot would be consistent with the other conforming lots along Lumberton Road. They want to keep the right of way for the neighbor, Mr. McAleer and Ms. DiBella, intact regarding the original easement that dates back to the 1980's. The easement is to stay intact until which time the owner of the lot wants to make a driveway to his lot from Lumberton Road. The driveway would remain there. Mr. McAleer maintains the driveway. As part of the application, they would have to memorialize the rights and entitlement of the users of that easement.

Mr. Katz asked for conformation that one lot would be approximately 23 aces and the other one acre for the house.

Mr. Ward confirmed and the house lot would be about 1 1/2 acres.

Mr. Katz questioned if the easement would be in the deed.

Mr. Ward explained they are in the process of creating the easement document that would outline the rights and responsibility of all parties.

Mr. Katz questioned if there is any intended use of the 23 acres.

Mr. Ward stated there is no intended use of the 23 acres other than to maintain it as open space.

Mr. Boettcher questioned if there was any dialog with the county.

Mr. Ward explained that Mrs. Jones and her representative had about 2½ years of dialog with the county. Initially, they were told open space funds were available. They were told about 14 months ago that Mrs. Jones property was no longer part of the county plans.

Mr. Krollfeifer referred to the map and asked for verification on whose property each one belonged to. He questioned if the home and the additional lot would remain in her name until something happens.

Mr. Ward confirmed. Mrs. Jones is not under any contract at this time. There is an offer to purchase Mrs. Jones residential lot.

Mr. Boettcher questioned the open space to whom and what.

Mr. Ward explained that he calls the remaining 23 acres open space because the majority is wetlands and wetlands buffer. They are not proposing to deed restrict it as open space or anything else with it right now.

Mr. MacLachlan asked Mr. Wisnosky what could be done on the property.

Mr. Wisnosky stated there is a very small amount of uplands.

Mr. MacLachlan questioned if someone could buy it and build one home.

Mr. Wisnosky stated maybe one home.

Mr. Ward explained that they want the easement to protect Mr. McAleer interest so he can continue to maintain that driveway for as long as he needs it. When and if he abandons it, then the responsibility for that driveway would move to the purchaser of Mrs. Jones house. Mr. McAleer has the right under the prior easement to just walk away from it as long as he puts a new driveway directly to Lumberton Road. They are not going to expand the easement to the owner of the open space lot. They are planning to submit the easement to the Board's solicitor for review and confirm what is on the subdivision plan.

Mr. MacLachlan stated that the asphalt is on Mrs. Jones property. He questioned if Riverview Ave is a paper street.

Mr. Miller commented that Riverview Ave is an unimproved paper street.

Mr. Kingsbury questioned if Mr. McAleer abandoned the easement, the owner of Mrs. Jones home lot would then become responsible for the pavement.

Mr. Ward stated yes. It would then put the responsibility at that time to the only user of that easement.

Mr. Kingsbury asked for clarification that Mrs. Jones or a new owner would be buying into the easement on a lot that they don't own.

Mr. Ward confirmed.

Mr. Kingsbury questioned when Mrs. Jones home was built.

Mr. Ward answered 2005.

Mr. Kingsbury stated that it was built with a nonconforming set back.

Mr. Ward commented that it may have been an oversight or they did receive a variance.

Mrs. Newcomb questioned if there was a curb cut on Mr. McAleer's property.

Mr. Ward stated Mr. McAleer said that he did not.

Mrs. Newcomb wanted him to know that he would have to go to the county for it.

Mr. Miller questioned if the easement would go to the new lot also.

Mr. Ward stated they would have a separate easement. It would show on the final plan.

Mr. Lynch questioned if Mr. McAleer property is the old Bischoff property.
Mr. McAleer believes it is.

Mr. Katz opened public comment.

Letitia Kelley, 525 Lumberton Road, was sworn in. She is the chairperson for the Environmental Commission and a lifelong resident. Riverview Ave did go all the way back to the creek with another road that ran along the creek. In 1975 there was at least 4 summer homes there, the foundations were there along with two docks. If you follow the creek down by Wolfington's property you can almost walk across the creek at low tide. She continued with some history of the area.

Mr. Katz commented due to the storms and the change of the creek over the years, you really can't build there.

Mr. Boettcher commented that it was a different time in history and the laws have changed.

Joseph Harven was sworn in. He has been in communications with Mrs. Jones and her realtor for several years. The county and the Rancocas Creek Conservatory have been out at the site with him. He proposes to buy the land from Mrs. Jones and maintain it as open space. He would like to get tax information once the subdivision goes through.

Mr. Katz questioned if we need a motion regarding the easement.

Mr. Kingsbury explained that the easement is a different issue. The Board needs to make a decision on the two lot subdivision.

Mr. Ward stated that it was pointed out there was a pre-existing variance condition. They did note in the public notices that if there were any variances needed that are determined by the Board. They would ask the Board for that pre-existing variance.

Mr. Krollfeifer asked for clarification on the variance.

Mr. Ward explained that it is a corner lot that also has frontage on the unimproved Riverview Ave.

Mr. MacLachlan suggested that they might want to explore vacating Riverview Ave because of the illegal setback. You would need to find out who owns Block 95 Lot 2.01.

Mr. Ward explained that he is not sure if it is an illegal setback, there may have been a variance. He is unsure. It makes sense to explore vacating because the area is all grown over.

Mr. Katz closed public comment.

Mr. MacLachlan motioned to approve.

Mr. Kingsbury stated that the motion should also include the pre-existing variance from Riverview Ave.

Mr. MacLachlan motioned to approve the subdivision to include the existing front yard variance from Riverview Ave.

Second: Mr. Krollfeifer

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

Motion carries to approve.

Mr. Ward stated that he would get the easement documents to Mr. Kingsbury as soon as he finalizes them.

B. Case 13-18: Key Engineering Solutions, LLC
Block 104 Lot 25
5400 S Delaware Ave
Interpretation and Appeal
Attorney: Gary Zangerle

Application was postponed until February 5, 2014 at 7:30 pm.

Mr. Krollfeifer motioned to postpone the application to the February 5, 2014 meeting.

Second: Mr. Lynch

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

Motion carries.

C. Discussion on the 2013 Hainesport Joint Land Use Board Annual Report

Mrs. Tiver stated that report is attached to resolution 2014-02. The law requires the Board to take a look at the applications that were heard over the past year to see if there is anything were are continuous approving that would require us to update our ordinances.

Mr. Katz believes we have not heard anything that would require changes. There were not many meetings last year.

Mr. Krollfeifer questioned if anyone knew anything regarding Fine Homes.

Mrs. Tiver stated the property was sold to Paparone.

Mr. Wisnosky commented that he does not see anything that would require changes.

7. Minutes

A. Regular Meeting Minutes of November 6, 2013

Mr. Krollfeifer motioned to approve.

Second: Mr. Tiver

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

Motion carries to approve.

8. Resolutions

A. Resolution 2014-02: Hainesport Joint Land Use Board Adopting 2013 Annual Report

Mrs. Kelley motioned to approve with no recommendations.

Second: Mr. Krollfeifer

Roll call: Mrs. Kelley, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes;
Mr. MacLachlan, abstain; Mr. Bradley, yes; Mr. Tiver, yes;
Mr. Lynch, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

B. Resolution 2013-14: Robert and Rosemary K Leister Granting impervious coverage variance for rear yard swimming pool on Block 114.15 Lot 6

Mr. Tiver motioned to approve.

Second: Mr. Krollfeifer

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

Motion carries to approve.

C. Resolution 2013-15: David and Sara Quigley Granting bulk variances for rear yard swimming pool accessory to an existing residential dwelling on Block 100.04 Lot 14

Mr. Boettcher motioned to approve.

Second: Mr. Krollfeifer

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

Motion carries to approve.

D. Resolution 2013-16: Tom Shorter Granting bulk variances for new front porch and detached garage for residential dwelling on Block 55.01 Lot 11

Mrs. Kelley motioned to approve.

Second: Mr. Krollfeifer

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

Motion carries to approve.

**E. Resolution 2013-17: Diamantis Children's Trust
Granting 9 month extension of subdivision approval on Block 100 Lot 8 and
Block 100.07 Lot 1**

Mr. Krollfeifer motioned to approve.

Second: Mr. Tiver

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

Motion carries to approve.

9. Correspondence

A. Letter dated November 4, 2013 from William Nicholson, PE to Mr. Miller
Re: Dialysis Center & Medical Office Building Site Plan, Block 101.06 Lot 99

B. Letter dated November 20, 2013 from Burlington Co Planning Board to Mr. Blair
Re: ShopRite Expansion @Crossroads Plaza Block 96 Lots 1.05, 1.08, 1.09

Motion to accept and file: Mrs. Kelley

Second: Mr. Katz

Roll call: Mrs. Kelley, yes; Mr. Katz, yes; Mr. Boettcher, yes; Mr. MacLachlan, abstain;
Mr. Bradley, yes; Mr. Tiver, yes; Mr. Krollfeifer, yes; Mr. Lynch, yes;
Mr. Selb, yes

10. Professional Comments

Mr. Wisnosky thanked the Board

11. Board Comments

Mrs. Kelley stated when she looked at the Jones plan. It was the driveway that was extended not Riverview Ave.

12. Public Comments - None

13. Adjournment

Mr. Boettcher motioned to adjourn at 8:20pm

Second: Mr. Tiver

Roll call: All in favor

Paula L. Tiver, Secretary

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, February 5, 2014

1. Call to Order

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

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

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

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

5. Roll Call

Present: Mr. Boettcher, Mr. MacLachlan, Mrs. Kelley, Mr. Tiver, Mr. Krollfeifer,
Mr. Lynch, Mr. Selb, Mr. Bradley, Mr. Clauss, Mr. Katz

Absent: Mr. McKay, Mr. Dodulik

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 13-18: Key Engineering Solutions, LLC Block 104 Lot 25 5400 S Delaware Ave Interpretation and Appeal Attorney: Gary Zangerle

Gary Zangerle, attorney, explained that this is an application for and interpretation of the zoning ordinance and an appeal of Mrs. Newcomb’s denial of a zoning certificate. Key Engineering is under contract to purchase a property in the industrial park which is 5400 Delaware Ave. The applicant’s finance requires a zoning certificate that it is an approved use. Testimony will be given from John Bruno, owner Key Engineering, and James Miller, planner, to discuss what they are presently doing in their business which is already located in Hainesport. They will be doing what they are now at their present

location and would like to expand the operation by extending the process to include an end product. A larger building is needed.

John Bruno, owner, was sworn in. He is the sole owner of the company and the prime business is selling platinum group metals that are recovered from catalytic converters. They cut the converters up, separate it, refine it to a precious metal powder, and are sold back to automotive manufactures to put back into catalytic converters. He explained what a catalytic converter on a vehicle is and that it contains platinum and palladium.

Mr. Zangerle asked him to explain the process.

Mr. Bruno explained that they purchase the converter by categories and how they process the material to be able to test for the metal content. He currently sells the material to Toyota.

Mr. Zangerle with the purchase of the new building and based on market conditions put in a furnace. With the furnace he would be able to melt the ceramic material from the converter.

Mr. Bruno answered yes. Currently they are paying to have that material refined for them overseas. They spent 1.7 million dollars in that process.

Mr. Zangerle questioned if that is what they are presently doing at their present location and where is that location.

Mr. Bruno answered yes and they are currently in Hainesport on Route 38 next to Classic Nissan, Plaza 38.

Mr. Zangerle explained that they are here before the Board to get a zoning permit which states that the next process is allowed in this zone.

Mr. Bruno answered yes. It would be to melt the ceramic and recover the metal. It would save on the processing steps that they pay for now.

Mr. Zangerle questioned if there was any toxic material in the ceramic.

Mr. Bruno stated no.

Mr. Zangerle asked if it was basically glass.

Mr. Bruno stated yes.

Mr. Zangerle commented that you would basically melt glass, melt the metal, the two will separate when heated, and then be able to separate the two materials. The end result will be a bar of metal which then can be sold to a refiner.

Mr. Bruno said that was correct. The company has grown rapidly and it makes sense to move into an industrial zone building that they want to take the next step.

Mr. MacLachlan questioned if state permits are needed for the furnace.

Mr. Bruno answered yes. Even though the furnace is electric and doesn't have a lot of exhaust, dust control would still be needed. The DEP monitors all that.

Mr. MacLachlan had concerns with what authority would oversee the operation. You had answered that the state would.

Mr. Zangerle stated that anything that is done there is subject to the approval of any regulatory authority. They currently have an operation in Hainesport in the industrial zone. They wish to expand their business to come up with the finished bar of metal to be sold. They want to install a small furnace to be able to separate the porcelain from the metal.

Mr. Boettcher asked for confirmation that separation is sent out to be done.

Mr. Zangerle stated that it is presently being shipped outside the country.

Mr. Zangerle commented that there is a question whether this is heavy manufacturing. Mr. Bruno's business is classified as manufacturing with the IRS.

Mrs. Newcomb commented that Mr. Bruno has been in town for many years and has been a good tenant at Plaza 38. The ordinance does not supply her with a definition on heavy manufacturing to approve him. In speaking with the professional staff, she chose to deny him so the Board could make the determination if it falls under the criteria.

Mr. Wisnosky explained that it is an industrial district that heavy manufacturing is a permitted use. The ordinance does not define what a heavy manufacturing use is. Back in 2012 he drafted a definition for Township Committee and for whatever reason it was never adopted. Mr. Zangerle gave us a definition of heavy manufacturing from The American Planning Association in the application. It is identical to what he drafted in 2012. We can resolve needing a definition at some future point. The question is if the Board considers what he is doing as producing a product and heavy manufacturing which allowed in the ordinance. Does this use fit within the parameters of the zone? If the Board does not come to that conclusion the applicant would have to file a use variance application.

Mrs. Newcomb explained that in reviewing the letters from Mr. Zangerle and Mr. Bruno in what they were planning to do. She had concerns with smelting.

Mr. Zangerle explained that the use of the word smelting was a poor choice of words on his part. They are not smelting. They would be using a small electric furnace that will probably be purchased from Inductotherm. They supplied a picture of one (exhibit A1).

Mr. Katz questioned what kind of exhaust come out of it.

Mr. Zangerle explained that it is porcelain, a glass product and metal with no toxics in it. The question is if this would be permanent and it will because of the venting. The questioned is if this process is under heavy industry.

Mr. Bradley believes that he is already producing a product; you export to Japan to have refined, and reused. It is already heavy manufacturing.

Mr. Zangerle agreed. He also stated they need to make sure they can put the business there before they purchase the property.

Mr. Selb understands that there will be inspections from outside agencies for air quality. He questioned if it was a yearly or monthly inspection.

Mr. Bruno explained that it is typically once a year.

Mr. Selb stated a bar will be made and what will be done with the remaining residue.

Mr. Bruno explained it would be in a slag. It would be granulated and can be put in a landfill or it can be used as a road base or something of that nature. It is nontoxic.

Mr. Selb questioned if he had a market to take care of the slag, how much is stored on site or is it a turnover like once a month?

Mr. Bruno commented that one good thing is this has rail tracks and would be able to use gondola car. When the gondola car was full, it would be taken away.

Mr. Selb commented that everyone is concerned with the air quality. The electric furnace will be permanent because it has to be vented. It is going to be costly and you would not want to do that if you do not receive approval. This would also have to have inspections.

Mr. Bruno agreed.

Mr. Selb questioned how long of a process is it from start to finish.

Mr. Bruno explained that they handle approximately 25,000 units a month which is about 3 percent of the market. It comes in by truck.

Mr. Zangerle commented that there is a loading dock at his current location and one at the property they want to purchase. There will be no outside storage.

Mr. Selb stated there is no hazardous waste coming out.

Mr. Bruno commented none.

Mrs. Newcomb stated this is the old White Cap building that is large and has a sprinkler system. The reason she sent the applicant was sent to the Board was to have the Board define whether this additional heavy industry was allowed there. Everything is at this site. Mr. Bruno, Mr. Zangerle, and Mrs. Newcomb agreed to put in writing that anything beyond what is approved this evening, he would have to go back to the Board. Mr. Bruno has been in town for a long time and is one of our better business men that follow the rules. He runs a clean shop and has had no violations.

Mrs. Kelley questioned what kinds of metals he will be burning.

Mr. Bruno explained the metals they are after are the platinum group metals; there is a little base metal with that.

Mrs. Kelley questioned if there were fumes coming off that.

Mr. Bruno stated there is not to may fumes. The metals themselves are not that violable. The thing with the electric furnace is you do not have to deal with the combustive gases for cleaning. There will be some hot dust and ash that needs to be filtered and clean. That is where the air quality devices come in. You have to cool the gases and filter them.

Mrs. Kelley questioned where it is being vented.

Mr. Bruno stated it is being filtered through a Teflon hepa type filter and then exhausted after it's clean. The exhaust is monitored for any particulates. The filtration system is over 99 ½ percent.

Mr. MacLachlan believes he is not manufacturing anything; it's more converting over or scraping. What's the product?

Mr. Selb agreed.

Mr. Zangerle stated he has a planner here to give testimony on how it does fit in the ordinance. He also wants to discuss one other aspect.

Mr. MacLachlan believes it is not a question whether it fits in it; they are way under the ordinance. There is no manufacturing there.

Mr. Katz agrees that it is not heavy manufacturing, it is less than that. It fits.

Mr. Zangerle explained that there is an additional process he would like to do which deals with electrical wire and cables. He questioned if he planned to install a system to take cable to have an end product of copper.

Mr. Bruno stated yes and he's expanding into a lot of different products that are automotive scrap related, such as copper wiring, aluminum rims, and other things. It's not that they make much money on it. It helps build their business and promote his converter business. They would like to set a wire processing system at the new building. It granulates insulated wire into small pieces and then separates it by air which generates a #1 copper (Exhibit A2). The exhibit was generated out of automotive wiring harnesses.

Mr. Zangerle commented that since the building is so big, he wishes to expand his business with this process.

Mr. Bruno explained that his catalytic converter customers deal with all these other products. As a customer service they started offering other commodities. None of them are processing except maybe the wire. That doesn't involve melting. He does not do it at his current location because he doesn't have the power or the space. They currently only buy and sell the wire now without doing anything to it. This would help them pay for the building that is 5 times the size of the building they are in now.

Mr. MacLachlan still believes they are good and that they are under the ordinance.

Mr. Katz questioned what the Board needs to do.

Mr. Kingsbury explained that the Board needs to decide whether what he does is a permitted use in the industrial zone.

Mr. Wisnosky explained that it is permitted in the zone and he had questioned them what the end product was and they answered that.

Mr. MacLachlan questioned if the spur going in has anything to do with him.

Mr. Zangerle stayed no but the property already has one.

Mr. MacLachlan questioned if they may be moving things in and out by railroad.

Mr. Bruno explained that he doesn't now but they might.

James Miller, applicant's planner, was sworn in. He gave his credentials.

The Board accepted.

Mr. J Miller explained his assignment is to provide an expert opinion on whether this specific use meets the parameters within the industrial district. He reviewed the master plan, the ordinance, older ordinances to determine how long they have been in place, visited site and conducted interviews with the applicant to familiarize himself with the proposed use. He spoke of the other uses within the industrial park. There a series of reasons why this should be considered a permitted use. It is consistent with the permitted uses in the district which is heavy manufacturing and warehousing indoor storage uses. This use is a combination of those two permitted uses. Manufacturing produces the metal substance that will eventually produce the bars. There is also the other process that will allow the product to be converted into wiring. The operation of the electric furnace is also a heavy industrial activity. The warehousing and storage will be a significant portion of this building. Basically you have a pattern that replicates any number of industrial uses. This use is consistent with the intended purpose of the zoning district. The use controls are in 104-56 "Industrial zone districts are intended to be developed for a variety of industrial and manufacturing activities." The use is consistent with the land uses that historically always been permitted. These controls date back to 1993 and probably well before that. The use is less intense than some other uses that may be allowed. The township has always taken a very broad interpretation of what heavy industry entails and it's included not only uses like the one they are proposing this evening. He believes that are fully consistent with the letter of the law and the way the law has been applied to the zoning district and as a result the Board should interpret this to be a permitted use and allow this use to move forward as a permitted use and allow this use to move forward as a permitted use.

Mr. Krollfeifer has concerns with what kind of security they will have and the rift raft that it may attract. Also has a concern with safety on the far side of property there is a couple feet drop off with no fencing or barriers. He suggested that if he purchases the property that some protection should be place there.

Mr. Zangerle explained that Key Engineering has been a model business in town and will continue to do so. They will take care of it if they purchase the property. There is a camera security system and he will improve that security. He will do whatever it takes to protect his own product.

Mr. Katz opened public comment.

Ginny Cliver, 118 Mt. Laurel Road, was sworn in. She has lived adjacent to the industrial park for many years and before them. She has concerns with the exhaust. She deals with lots of smells now and has issues with getting the health department to come out right away to investigate. The noise is also an issue.

Mr. Katz closed public comment.

Mr. Zangerle closed by stating that any work being done there will be regulated by the DEP and testimony was given that it will be on small furnace. Also all construction will be regulated. A resident had concerns with nuisance which is regulated by the ordinances. The only issue is that if this type of work considered an appropriate use in the industrial zone.

Mr. Krollfeifer would like Mr. Bruno to answer Mrs. Cliver's question whether it will omit any odors or smells.

Mr. Bruno explained there is no toxic or orders.

Mrs. Cliver asked if he would put that in writing.

Mr. Bruno answered yes.

Mr. MacLachlan motioned that the intended use falls below the present zoning requirements.

Second: Mr. Krollfeifer and it's a permitted use at that location.

Roll call: Mr. MacLachlan, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes;
Mrs. Kelley, yes, based on testimony of definitions; Mr. Bradley, yes, based on lack of definitions; Mr. Tiver, yes, based on the testimony, however, he has some misgivings; Mr. Lynch, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

B. Case 14-01: 2509 Creek Road, LLC
Block 104 Lots 2.01, 3, 4, 5.13
2509 Creek Road
Preliminary and Final Major Subdivision
Attorney: Cheryl Lynn Walters

Proper notice was given.

Mr. Tiver and Mr. Clauss recused from hearing the case.

Cheryl Lynn Walter, applicant's attorney, stated the application is for a preliminary and final major subdivision for Block 104 Lots 2.01, 3, 4, and 5.13 with the address of 2509 Creek Road. Notice was given for two reasons: the ordinance requires it for a major subdivision, however it is much minor in nature, and there is a pre-existing structure that encroaches on the right of way on Creek Road. It is a pre-existing non-conforming condition which has been noted by the Board's planner and engineer. It will continue as it stands.

Darryl Caplan, applicant, and Robert Hunter, planner, were sworn in.

Ms. Walters addressed Mr. Wisnosky's letter dated January 22, 2014 regarding completeness issues. The applicant seeks a waiver from the 16 items listed in the letter and addressed several items:

- 1 & 2: Waiver for the Environmental Impact Statement and Traffic Study*
- 3: Defer Stormwater Management Plan with calculation until a building application is submitted. This could be a waiver or deferral.*
- 4. Waiver for profiles and typical cross sections of existing streets abutting the development*
- 5. Waiver for location of existing property lines, streets, rights of way...*
- 6. Waiver for profiles and typical cross sections of existing streets abutting the development indicating the type and width of pavement and curb and sidewalk locations*
- 7. Defer soil logs and percolation tests*
- 8. Waiver for existing and proposed contours at two-foot intervals max extended 200 feet beyond the property lines. They have at 25 feet.*
- 9. Defer complete landscaping plan until construction.*
- 10. Defer a legend indicating the type of residential buildings along with an architectural sketch of each class of structure, because the applicant is not the builder.*
- 11. Waiver for The applicant will contact the Water Company and to determine if a certification or submission is required. They will comply with any of those requirements. Still seeking a waiver in the event the agencies confirm nothing is required. (will be a deferral)*
- 12. Waiver for the Sewage Authority – same as 11(will be a deferral)*
- 13. Defer written approval from county, state, or federal organizations as required. They did submit to the county and they asked the applicant for an extension of the 30 day review period.*
- 14. Waiver for a sequence and time of development schedule.*
- 15. Defer certification by the County Soil Conservation District of compliance with sediment and erosion control methods.*
- 16. Waiver for copies of all supplemental agreements between the developer and any and all agencies or bodies of the township*

Mr. Wisnosky explained the Board has done this before. If you grant the waivers requested the application will move forward tonight. If the waivers are denied the application cannot be heard. Technically due to the number of lots the application is a major subdivision. However, since the lots front existing streets it is more like a minor subdivision. That is the reason there are so many request for waivers for the completeness. In review of the 16 items the only item that gives him cause is the stormwater management and will refer it to Mr. Miller. Other than that they are justified.

Mr. Miller explained that he did speak with the applicant's engineer regarding the stormwater management. If the subdivision has a disturbance of over 5,000 sq. ft. or a ¼ acre you required to have stormwater management. He recommended that they do a stormwater management for each lot when they know how much each proposed building would be and offer dry wells for each proposed potential run off.

Mrs. Kelley has concerns that the whole property in general could be impacted environmentally and questions whether they should get soil logs that are going to

determine whether or not there is substance in the ground that would affect future residence.

Mr. Katz asked for confirmation on the process because they are only here to divide the property into 5 lots.

Robert Hunter, applicant's planner engineer, stated his credentials.
The Board accepted.

Mr. Hunter explained that there are 4 existing very irregular lots. His client would like to clean up the lot lines and in doing so they have the ability to create 5 compliant lots that meets the zoning ordinances. By definition with 5 lots this is considered a major subdivision.

Mrs. Kelley questioned if the existing house going to remain.

Ms. Walters answered yes and would be one of the lots.

Mr. Hunter stated that in regards to the environmental impact they have done some research. As far back as they can tell the property has always been used as a residential property. It really hasn't really been farmed. You can tell by the existing vegetation. The home was built approximately in the 1940's. They do not have any significant concerns with any negative environmental impacts. They are continuing to use the sight as a residential use.

Mr. Boettcher questioned if there was some type of historical value due to Creek Road use to be a stagecoach road. The house also sits so close to the road.

Mr. Krollfeifer questioned if it was tenant occupied.

Ms. Walters answered yes. The municipal land use law allows the Board in its planning capacity to grant subdivision of lots without having a clear image of the exact architectural style of the homes to be built or later be constructed there as long as they are agreeable, and they are, to conditions that require or allow further review by the Board's professionals at the time of permit application. Some of those issues that you normally may see in a larger major subdivision are not here due to the owner not going to be the developer.

Mr. Kingsbury explained that they would need a motion if you are granting the waivers and deferrals as requested for completeness.

Mr. Krollfeifer would like it clarified on which ones are deferrals and which ones are waivers.

Ms. Walters stated she be happy to provide a written list of the testimony given.

Mr. Krollfeifer motioned to defer the following items listed above for completeness #'s:
3, 7, 9, 10, 11, 12, 13, and 15

Second: Mr. Lynch

Roll call: Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Boettcher, yes; Mr. MacLachlan, yes;
Mrs. Kelley, yes; Mr. Bradley, yes; Mr. Selb, yes; Mr. Katz, yes

Mr. Krollfeifer motioned to waive the following items listed above for completeness #'s: 1, 2, 4, 5, 6, 8, 14, and 16

Second: Mr. Lynch

Roll call: Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Boettcher, yes; Mr. MacLachlan, yes; Mrs. Kelley, yes; Mr. Bradley, yes; Mr. Selb, yes; Mr. Katz, yes

Motions carry to approve the waivers and deferrals for completeness.

Ms. Walters proceeded with the preliminary and final major site plan application. The following were marked as exhibits:

A-1: 2012 aerial of the site by Environmental Resolutions

A-2: Site, Grading, & Utility Plan by Environmental Resolutions date 12/12/13 no revision color rendering

Mr. Hunter explained there are 4 existing irregular. They are proposing to adjust the lot lines and create one additional lot. There is an existing home on proposed lot 3 that currently has a 5ft encroachment into the right of way. The tax records state it was built in 1940 but they believe it was before that due to the proximity to the road. The right of way has been expanded over the years which have created the current encroachment. They have requested a variance for the pre-existing condition and it is the only variance. There are 3 lots that front Creek Road, 1 lot fronts Hainesport-Mt. Laurel Road, and 1 lot that fronts both. The homes will be constructed on city water and sewer. They have tried to limit the disturbance of any existing trees. Some of the vegetation in the front of the properties will have to be cleared. There is no developer at this time therefore there are no architectural details. That is why they have deferred stormwater management until submission. Due to the concerns of backing up onto this intersection, they have provided turn around driveways.

Ms. Walter questioned if Mr. Hunter had time to review the tax map.

Mr. Hunter explained that he had reviewed the tax map and it is inaccurate regarding lot 1. In his investigation that lot doesn't extend past the back property line.

Ms. Walters marked the Major Subdivision Plan by Environmental Resolutions dated 10/15/13 as exhibit A-3. She referred to the map to show that lot 2.01 does not extend into lot 11.

Mr. Hunter stated that the existing garage structure will be removed.

Mr. Wisnosky referred to his letter dated January 22, 2014 and only has two issues he would like to bring to the Boards attention. The pre-existing nonconforming condition is fine. He has concerns with the awkwardness of lot 5 in relationship to lots 1, 2, and 3, particularly lot 3. Lot 3 encroaches into what he would consider at the backyard of lot 5. He did draw a sketch to try and work this out however; he was only able to get 4 conforming lots and one that would need a variance. He would like to shave that corner to help with that condition and still have 5 conforming lots. The second issue he has on this layout is the relationship to the intersection of Creek Road (Township Road) and Hainesport-Mt. Laurel Road (County Road). This intersection has the highest amount of accidents in the Township. For that reason he tried to reduce the number of curb cuts in the sketch. The sketch proposed shared driveways. Mr. Hunter stated to him today that they would provide the street trees per ordinance. A street light is not needed. There is one. There is a site issue when you are stopped and looking down Creek Road and

believes that the removal of the vegetation on proposed lot 1 will improve the site distance issue.

Ms. Walter stated that they are willing to work with Mr. Wisnosky to help smooth out the corner of lot 3 without creating a nonconforming lot.

Mr. Boettcher commented that it the people who buy these lots will want to fence them in.

Mr. Hunter explained that they do understand the concerns with the traffic. This is a unique situation that they are not developing the lots. They will be individual lots for sale to builders or whoever is interested. Using shared driveways will limit the marketability of the lots. It will also create issues on who owns and maintains it. In speaking with the county, if a property has dual access from a county and township road, they will not allow access from the county road.

Mrs. Newcomb asked if it could be noted in the deed.

Mr. Hunter believes the county may require them to put a note on the plan.

Ms. Walter stated this will be filed by plat. The original deeds will make references to every approval. She will also sight Mr. Kingsbury's resolutions.

Mr. Boettcher questioned if whether curb will be required.

Mr. Hunter explained he is unsure at this time. The County has asked for a 30 day extension. They did not propose it because there is no existing sidewalks or curbing on that side of Creek Road.

Mr. Krollfeifer questioned if driveway on lot 5 is going to the existing curb cut.

Mr. Hunter stated no and pointed on the map where the existing one is, much closer to intersection.

Mr. Krollfeifer questioned why not have lots 4 and 5 have shared driveways, to eliminate one from Creek Road.

Mr. Hunter explained that the County is not fond of shared accesses and it's a policy that they follow.

Mr. Krollfeifer questioned if the reason they do not want shared driveways on lots one and 2 is not to have easement problems.

Ms. Walters explained it is not only that but it also for the benefit for the future owners. It may be easier if this was a development but the intent here is to sell the lots individually. It also becomes an issue with maintenance.

Mr. Wisnosky believes there is merit in what the applicant is stating. If this was a larger development, it would be easier to have the developer to build dual driveways. We have said from the beginning that this is more in nature of a minor subdivision.

Mrs. Kelley agreed that we just heard an application with the applicant that was having issues with a shared driveway regarding a resale. They did lose a couple of sales due to that issue. She does not believe street trees are good for this intersection.

Mr. Wisnosky agreed that they should be further down Creek Road, approximately 3 or 4 trees. If there are existing trees, that may be acceptable.

Mr. Hunter explained they did plan on supplementing but would not plant any trees at that intersection due to sight issues.

Mr. Krollfeifer questioned if the applicant plans on keeping the existing home.

Ms. Walter commented that yes for the time being but may be sold later.

Mrs. Newcomb questioned if the applicant was planning on bringing in the water and sewer lines.

Mr. Hunter answered probably not because they will not be the developer.

Ms. Walters explained that it would be dealt with on an individual lot basis at time of permit application.

Mr. Miller addressed his letter of January 23, 2014. In speaking with Mr. Hunter, his concerns were with individual plot plans. Most of the conditions will be addressed with the waivers and deferrals. They will be making minor changes to the final map.

Mr. Hunter explained that Mr. Miller had requested to add and remove a couple of items from the subdivision plan. They are currently waiting for the county review. Once received that they will work with Mr. Miller to satisfy his concerns. Item #5, they will remove the reference from the plan.

Mr. Miller questioned if they had a presence of absence.

Mr. Hunter stated they do not but can supply a statement based on their investigation.

Mr. Boettcher questioned what will happen if the Board approves and the County says no.

Ms. Walters explained that the County general just makes changes. Except for the pre-existing non-conforming structure it is basically a buy right application. If the County did deny it, they would have to come back to the Board with an alternative plan.

Ms. Walters stated that regarding the existing non-conforming structure under the MLUL a variance wouldn't be needed if you are not changing it.

Mr. Kingsbury believes a variance is needed because the lot lines are being changed and that they are entitled to the variance.

Mr. Hunter gave testimony regarding the variance for the encroachment of the pre-existing non-conforming structure. The structure pre-existed the zoning ordinance. They believe that over the years the widening of the right of way created the situation. This

would be a hardship variance, C1. They see no negative criteria because the structure will stay as it is today. He does not believe it would hurt the intent of the ordinance.

Mr. Krollfeifer commented that it will be close to future neighbors.

Mr. Hunter explained that the neighbors will see that when they purchase the property.

Mr. Katz opened public comment.

George Hinton, 2517 Creek Road, was sworn in and stated he had concerns with sight issues due to the hill that's there. He has trouble getting out of his driveway now and has been in many dangerous situations.

Susan Farino, 2514 Creek Road, was sworn in. She stated she lives across the street from the property. She has lived there for 36 years and has always had trouble with traffic. They had to have trees taken down due to safety issues getting in and out of her driveway. There is no shoulder on Creek Road so when there are visitors there is nowhere to park. She believes no more houses should be put on Creek Road. The former owner, Bob Hawkey use to farm the entire property with different type of gardens and prior to that he raised chickens. She believes it would be a mistake.

Thomas Tiver, 2506 Creek Road, was sworn in and stated he has lived there for 46 years. The traffic is unbelievable. This intersection is probably the worst intersection in the county. There have been fatalities there. Last year he had a couple trees taken down by accidents. He has a circular driveway and it can take 3 to 4 minutes just to get out of his back driveway. He foresees a lot of problems with this.

Steven Thomas, 138 Mt. Laurel Road, was sworn in. He is next to lot 5 which will be 35 ft. off the road. He will be looking at the back of the house from his front window. It will not be in character with the neighborhood. He questioned if there was a way to push the house back.

Mrs. Newcomb explained there is a minimum setback requirement.

Mr. Thomas also had concerns with if the owner of lot 5 wanted to put up a fence the lot width is not consistent.

Mr. Hunter explained that this is not site plan application. That will be handled when a builder is involved. This is not a set location for the house.

Mr. Wisnosky explained that the required setback is 35' and that is what the builder may do if he wishes. The zoning officer cannot deny them if they choose to use the 35'.

Mr. Thomas believes it would be an eye soar or it may get hit by a car. He has had several trees that have been hit in his yard by cars and his mailbox has been replaced 15 times in the last 10 years. The speed limit is 45.

Mr. Katz questioned if there is anything that can be done about the setback.

Mr. Kingsbury stated that the Board can only make a recommendation.

A discussion occurred regarding the color rendering and the trees.

Mr. MacLachlan commented that the person who builds on lot 5 will have to consider that he would be looking at the front of Mr. Thomas's house.

Mr. Thomas has concerns with the drainage on to his property from lot 5 when constructed.

Ms. Walters explained that at time of permit application the builder will have to work with the Board's engineer with drainage calculations.

Mr. Thomas believes it is a bad idea and request that the application be denied.

Catherine McNelis, 407 Bischoff Ave, was sworn in. She believes that the setback requirement for a county road, Hainesport-Mt. Laurel Road is more than the 35".

Gerry Clauss, 135 Mt. Laurel Road, was sworn in and stated he would like the Board to consider the hazards of the intersection. He feels it will impact that intersection in a negative way.

Mr. Katz closed public comment.

Mr. Wisnosky wanted the public to know that we are listening to your concerns. The Board understands the difficulties with that intersection. He has been here since 1986 and there have been problems with that intersection since he has been here. As the planner, he tried to get a shoulder on that side of Creek Road. The problem was that it would put it two feet from the house and make it uninhabitable. Even if they were to ask the applicant to do that, he believes it would not solve the sight distance problem on Creek Road. The difficulty for the Board is the applicant has as a matter of right the ability to build residential homes on that property. It is zoned for 20,000 sq. ft. lots. Granted, that it is not in the ideal location. There are a lot of issues relating to site distances and no shoulder. However, as the Board and professional staff rightfully knows that it is zoned residential. The applicant has the right to develop it as it is zoned. There is little this Board can do to not have it developed as residential lots, except purchase the property.

Mr. MacLachlan stated the only relief the Board is granting is to leave the existing house there.

Mr. Kingsbury explained that is true regarding any variances. They are seeking subdivision approval.

Mr. Selb explained that the house would sit back about 50' from the edge of the road. He understands the resident's concerns.

Mr. Thomas stated that he is actually 100 ft. from the curb.

Mrs. Kelley commented that if there is a curb in front of Mr. Thomas house there will probably be one in front of lot 5.

Ms. Walters commented that it is for the county to determine.

Ms. Walters closed stating that they are seeking preliminary and final major subdivision approval. She believes that the issues that have agreed to address with Mr. Wisnosky without the need to come back to the Board. Nothing is going to change with the possible exception with the lot in the back. She does not believe it warrants coming back to the Board as long as Mr. Wisnosky is agreeable to whatever the lot line adjustment will be. This is basically a buy right application, which is really a restructure of the existing lot lines which also lead to the creation of an additional lot. The variance is for a pre-existing nonconforming structure which can be granted under the C1 variances.

Mr. Kingsbury commented that the applicant is seeking preliminary and final major subdivision approval with the one variance for the setback of the existing dwelling and the continuation of the deferrals for the items on the completeness list.

Mr. Krollfeifer commented that the applicant had stated that the existing garage will come down.

Ms. Walters stated that it will come down and agrees to that condition.

Mr. Kingsbury stated that in addition to the conditions would be the compliance with the comments in the professional review letters.

Ms. Walters agreed as represented by Mr. Hunter and Mr. Miller. She also agreed with Mr. Wisnosky letter with the exception of the removal of the item regarding street lighting.

Mr. MacLachlan commented that he wished that they did not ask for a waiver regarding the traffic study. Even if they brought a traffic expert in, he highly believes that the addition of 4 homes would make a significant negative impact on that corner. He stated that he along with Mr. Boettcher put that stop sign at that corner. It is a very bad corner. The four new homes would help bring up the market value of the homes in that area.

Mr. Krollfeifer agrees with the residents regarding the issues with that intersection. He keeps hearing that it is within the applicant's right to build on that property as long as they comply with all of the ordinances.

Mr. Kingsbury explained that if the township does not want development on that property, they would have to rezone that property. We have not done that.

Mr. Hinton, resident of Creek Road, stated that you are blinded by the sun when you come out of the driveway in the morning. The new homes would have the same problems he has coming out of his driveway.

Mr. Boettcher commented that when Masons Woods was developed the township discussed the widening of the road and the residents did not want it changed at that time. Another time it was discussed to close the road but everyone at that time did not want that.

Mr. Wisnosky agreed with Mr. Boettcher and that is also why there are speed bumps there.

Mr. Boettcher commented that the traffic problem comes from 295.

Mrs. Newcomb stated this is for a subdivision. No one may ever develop the property or it could be 20 years from now.

Mr. MacLachlan motioned to approve. The applicant is within his rights. He is asking for 5 conforming lots and the only relief sought is for the existing home.

Second: Mr. Bradley

Roll call: Mr. MacLachlan, yes; Mr. Bradley, yes; Mr. Boettcher, yes; Mrs. Kelley, no; Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Selb, no; Mr. Katz, no, he believes it is not a good idea because it is a very busy intersection

Motion carries to approve the application.

7. Minutes

A. Reorganization Meeting Minutes of January 8, 2014

Motion to approve: Mr. Krollfeifer

Second: Mr. Tiver

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

Motion carries to approve.

B. Regular Meeting Minutes of January 8, 2014

Motion to approve: Mr. Krollfeifer

Second: Mr. Lynch

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

Motion carries to approve.

8. Resolutions

A. Resolution 2014-03: Barbara Jones

Granting minor subdivision approval and set-back variance for existing dwelling on Block 94 Lot 1

Motion to approve: Mr. Bradley

Second: Mr. Lynch

Roll Call: Mr. Bradley, yes; Mr. Lynch, yes; Mr. Boettcher, yes; Mr. MacLachlan, yes; Mr. Krollfeifer, yes; Mr. Tiver, yes; Mr. Selb, yes; Mr. Katz, yes

9. Correspondence

A. Letter dated December 19, 2013 from Burlington Co Planning Board to Mr. Blair
Re: ShopRite Expansion @Crossroads Plaza Block 96 Lots 1.05, 1.08, 1.09

B. Letter dated December 20, 2013 from Burlington Co Planning Board to Mr. Gravlin
Re: Diamantis Children's Trust Block 100 Lot 8 & Block 100.07 Lot 1

C. Letter dated January 6, 2014 from Burlington Co Planning Board to Mr. Blair
Re: ShopRite Expansion @Crossroads Plaza Block 96 Lots 1.05, 1.08, 1.09

D. Letter dated January 10, 2014 from Stuart Platt, Esq. to Burlington Co Planning Board
Re: Case 14-01 2509 Creek Road, LLC, Block 104 Lots 2.01, 3, 4, 5.01 Application submission

E. Letter dated January 20, 2014 from ABR Consultants LLC to Mr. Katz
Re: Notification of Treatment Works Application for Block 10 Lot 1

Motion to accept and file: Mr. Lynch

Second: Mr. Tiver

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

Motion carries.

10. Professional Comments -None

11. Board Comments - None

12. Public Comments

Pete Ruble, 2525 Creek Road, stated that Mr. Boettcher commented the people didn't want anything done. He questioned how many years ago was that.

Mr. Boettcher stated it is in material.

Mr. Krollfeifer asked if the chair could please tell the resident to direct his comments to the Board and not individual members.

Mr. Ruble stated that had to be quite a few years ago. The traffic wasn't as bad then as it is now. When the township unit was out there doing a count, in less than 40 hours, 4272 cars went on Creek Road.

Mr. Ruble questioned which stop sign Mr. MacLachlan put in.

Mr. MacLachlan stated on Creek Road and Hainesport-Mt. Laurel Road. Four additional cars to that intersection will not make an impact.

Mr. Ruble commented that other people were involved with the other 3 stop signs. The hearing device works fine. He heard about half the comments on the Creek Road project. He complained that people don't use the microphones.

Mr. Katz commented that the people shouting from the audience do not have microphones.

Mr. Ruble commented that he goes to other towns and some of them have a projection system tied into their computer. The Board should require the applicant's to have something kind of projection equipment.

Pat Macken, 116 Masons Woods Lane, the development does not impact her. She understands that it has passed and wonders if lot 5 could have been eliminated so that all the houses were on Creek Road.

Mr. Katz closed public comment.

13. Adjournment

Mr. Katz motioned to adjourn a 10:18pm.

Second: Mr. Boettcher

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, April 2, 2014

1. Call to Order

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

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

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

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

5. Roll Call

Present: Mr. Boettcher, Mrs. Kelley, Mr. McKay, Mr. Tiver, Mr. Lynch
Mr. Selb, Mr. Bradley, Mr. Dodulik, Mr. Clauss, Mr. Katz

Absent: - Mr. Krollfeifer, Mr. MacLachlan

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 14-03: Hoppecke Batteries
Block 96 Lot 2.02
2 Berry Drive
Preliminary & Final Minor Site Plan & Bulk Variance
Attorney: Robert W. Bucknam, Jr.**

Ergun Ozcan, President Hoppecke Batteries, Inc., Larry Meisner, Vice President Technology, Hoppecke Batteries, Inc. and Douglas Szabo, Engineer, were sworn in.

Mr. Bucknam marked the following exhibits: A-1 Minor Site Plan and Sign Variance, A-2 Façade Sign, A-3 Freestanding Sign, and A-4 Survey Plan.

Mr. Bucknam explained that Hoppecke Batteries is a German based company who currently has its regional office located in Cherry Hill Township and would like to relocate and expand its operation to 2 Berry Drive, Hainesport. The operation is the

assembly, repair, refurbish, and distribution of batteries. They are proposing very little changes to the existing 1 story property located on 8.7 acres. The use is a permitted use in the zone. The application is for minor site plan exterior improvements which include: the 6 proposed handicap parking spaces (currently regular parking spaces), minor exterior improvements, fire lane stripping, and sign variance. The sign variance is to allow for one freestanding sign and one façade sign. Both signs conform to the ordinance however it only allows one. The existing freestanding sign is 14.76 square feet. The façade sign will be 41 square feet where up to 60 square feet is allowed. The signs will give greater visibility and help distinguish between two different driveways. They also requested another variance if necessary to allow the 3 existing loading areas which is preexisting. The ordinance requires 5.

Mr. Meisner explained his role with the company and gave a brief description of the company. The headquarters is located in Germany and they are the North America subsidiary for the company. They are a manufacturer of industrial batteries that is split between lead acid batteries and Nickel cadmium batteries. They have been operational at the existing facility since 2000. They have a growth plan in place; they have grown significantly over the last 5 years. They are expecting to grow to a factor of 2 to 3. As part of the plan they need the addition space and this facility is perfect and meets the needs of distribution. They address three major markets: stationary battery market, rail transit and mass transit, and motive power.

Mr. Buckman asked him to describe what Hoppecke does in the operation.

Mr. Meisner described the functions at this building. It would be mainly stocking and distribution of cells and finished battery systems. It will also include filling and charging of lead acid and Nicole cadmium battery systems and final assembly of the individual cells into completed battery systems which they currently do in Cherry Hill. In some cases included with other DC systems so they provide a complete DC system. They also do service of batteries for both the rail transit and the industrial market, assembly of battery chargers, and the normal assembly, packing and shipping of systems.

Mr. Buckman questioned the number of employees.

Mr. Meisner explained they currently have 16 employees and wish to expand to a minimum of 35 employees. They currently only plan one shift of operation from 8am to 5pm. They have no plans or current needs for a 2nd or 3rd shift.

Mr. Buckman asked if he could explain the need for only the 3 existing loading spaces where the ordinance would require 5.

Mr. Meisner explained that the 3 existing spaces are fine. They expect only a total of 5 deliveries per week. Two would be for their 40' containers from their facility in Germany and the other 3 would be local deliveries. The plan is for 1 dock to be receiving, 1 for shipping, and 1 for additional loading.

Mr. McKay questioned if they deal with toxic liquids that need to be contained, discharged, or stored.

Mr. Meisner stated that they have no liquids that they will be discharging. Lead acid batteries have acid as an electrolyte, nickel cadmium are alkaline, and in some of the processes there is waste material. They have a system in place to immediately collect any

of that material and shipped off the facility within 30 days or less. They do not store any of the material there.

Mr. McKay questioned if they have a containment unit for the waste.

Mr. Meisner explained that even for the material that isn't waste, ex: material to fill batteries, they have containment for all of that as well as the waste.

Mr. McKay commented that nothing goes down the sewer except for the toilet.

Mr. Meisner stated that is correct. He does not believe there are any floor drains in this building, however if there were, they would be sealed.

Mr. McKay questioned if there were any gas releases.

Mr. Meisner stated that no gases per say. When you charge batteries you generate hydrogen and oxygen gases and sometimes a little acid is contained in that. There will be scrubbing systems in place.

Mr. McKay questioned what the percentage of the building will be used for.

Mr. Meisner commented that 20% office space, 40% warehouse, and the balance would be manufacturing or assembly.

Mr. McKay questioned if there was any outside storage.

Mr. Meisner answered no.

Mr. McKay questioned if sales work is done out of the building.

Mr. Meisner answered yes.

Mr. Selb questioned what the turnaround rate is for trailers.

Mr. Meisner stated that it is in and out the same day.

Mr. Szabo, engineer, gave his credentials.

The Board accepted.

Mr. Szabo provided a description of A-1, an aerial image of the site with some of the proposed minor improvements in red. They will be redoing the existing 4 ADA parking spaces and adding two additional ADA spaces to meet the 6 required. There will be a minor expansion of the existing route which is to the front of the existing spaces. There is no existing trash enclosure so they will add one to an existing 14' x 17' concrete pad with a chain link fence enclosure with vinyl slats. This would also handle recycling.

Mr. Bucknam agreed to comply with the fire official's letter.

Mr. Szabo agreed to provide the pinned concrete wheel stops.

Mr. Bucknam explained that they had responded in writing to the professional review letters and believes there is nothing they did not agree to. They asked for a variance for a free standing sign and a façade sign. The ordinance only allows for one or the other. He referred to exhibit A-2

Mr. Szabo stated that the façade sign will be on the southwest corner facing Berry Drive and will be 41 square feet. The sign is near the access driveway where visitors and employees park.

Mr. Bucknam referred to the freestanding sign in exhibit A-3.

Mr. Szabo proposed that they reuse the existing sign base which is located near the principal driveway and is up lit by spotlights. This is also located near the principal driveway. There are two driveways and this will help to locate the primary entrance. The other driveway is for deliveries only. The benefit will outweigh any detriment; it allows people to identify the site from Lumberton Road and Berry Drive.

Mr. Bucknam requested if there would be any substantial detriment to the surrounding area and the zone plan.

Mr. Szabo believes there will be none. There are no residents and it is located in the industrial zone.

Mr. Buckman is unsure if a variance is needed for the preexisting condition of 3 loading bays where 5 is required due to the size of the building.

Mr. Szabo stated there are 3 bays on the northeast side of the building. He believes there will be no detriment due to the number of deliveries they are anticipating. The three spaces are adequate for this use.

Mr. Wisnosky referred to his letter dated March 13, 2014. The application needs to be deemed complete. There are ten items. 1) environmental impact statement 2) traffic study 3) completed - evidence that no outstanding, uncollected fees and escrows remain 4) completed – statement consent by owner of property 5) location on site and 500' therefrom of ponds, streams drainage ditches and watercourses 6) complete landscaping plan 7) percolations tests and soil logs 8) will comply – copies of submissions to any other agency for approval 9) profiles and typical cross sections of existing streets abutting the development 10) refer to Mr. Miller – stormwater detention/retention plan and drainage calculations. This is an existing site and believes the submissions waivers can be granted.

Mr. Miller stated the site plan shows no increase in coverage, therefore no stormwater management plan is required.

Mr. Lynch motioned to deem the application complete.

Second: Mr. Bradley

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

Motion carries.

Mr. Wisnosky explained that he had some similar concerns regarding the use that Mr. McKay had. Mr. Buckman had responded by letter dated March 21, 2014. Mr. Meisner had attached a very thorough listing of exactly how the operation functions. The information clarifies the issues. Due to that information he does not see any impact to that area. He agrees with their engineer regarding the variances. The signs conform to the ordinance by size it is just having the extra sign. He believes no impact to allow the additional sign. They have agreed to comply with the fire official's letter. He would also support the variance regarding the loading areas. Testimony was given that this is appropriate for the use.

Mr. Miller addressed his letter dated March 21, 2014. There is very little site plan issues. There are a few minor repairs that the applicant has agreed to.

Mr. Boettcher believes that it is a good fit for the building.

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

Mr. Kingsbury stated a variance is needed for the number of loading docks and for the two signs and site plan approval would be needed.

Mr. McKay motioned to approve.

Second: Mrs. Kelley

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

Motion carries to approve.

B. Case 14-02: Bruce Paparone, Inc.
Block 10 Lot 1
Washington Street
Final Major Subdivision approval
Attorney: Michael Ridgway

Michael Ridgway, attorney, explained they are here for final major subdivision approval on Block 10 Lot 1 for 10 residential lots. The prior owner of the property received preliminary approval under resolution 2013-03 last year. The property has recently been sold to Bruce Paparone, Inc.

Mr. Kingsbury swore in William Banks and Bruce Paparone.

Mr. Ridgway stated they have no new testimony at this time and asked to go to the professional letters.

Mr. Wisnosky referenced his letters dated March 4 and 13, 2014. A lot of time was spent on the preliminary application. Final approval is the perfection of those issues that were conditions that were not resolved at time of preliminary approval. There are two minor items that have not been submitted to deem the application complete: 1) Final plans shall be accompanied by a file plat draw in compliance with the Map Filing Law 2) Certification by the Count Soil Conservation District of compliance with sediment and erosion control methods. These are outside his ability to provide at this time.

Mr. Ridgway explained that the County had given the approval some time ago and can provide it to the Board.

Mrs. Kelley questioned what was missing on the maps for filing.

Mr. Miller explained that is a list of items that are required and he gave the applicant the list which is a matter of clean up items.

Mr. Wisnosky recommended a submission waiver be granted.

A discussion occurred between Mrs. Kelley and Mr. Wisnosky regarding the procedures for submitting information between preliminary and final approvals.

Mr. Wisnosky explained that the applicant has complied with the conditions of approval from preliminary from his letter. There were two items: 1) a detention basin maintenance program that need to be approved by the township engineer – defer to Mr. Miller. There are a number of tasks that need to be performed on yearly or bi-yearly bases. They questioned how that will be accomplished being on a single residential lot. There is no way of knowing if those tasks will be completed. 2) a lot of time was spent discussing the lots adjacent to the flood plain. We asked the applicant to provide us with a document spelling out to the potential homeowner how their lot will be impacted and what they can and cannot do adjacent to the flood plain. That document must be reviewed and approved by the Planning Board Attorney, Mr. Kingsbury – defer to Mr. Kingsbury. In addition in speaking with the COAH council, we should be reinstituting our development fee escrow requirement for affordable housing.

Mr. Ridgway stated that the applicant will address the issues and has no objections to making those contributions. The notice was sent to Mr. Kingsbury, which he had suggested some revisions.

Mr. Kingsbury stated that Mr. Ridgway did send him a draft of the notice to the property owners; some changes were made and sent back to him. If Mr. Ridgway is accepting of the changes he made, then it is fine.

Mr. Ridgway commented that they accept the changes.

Mrs. Kelley questioned what was in the notice.

Mr. Kingsbury explained it was to clarify what could and couldn't be done behind the houses. It will be the notice to go into the agreement of sale.

Mr. McKay asked if that notice should be part of the deed or at least referenced in it so all potential homeowners in the future receive it.

Mr. Kingsbury preferred that it be referenced in the deed verses a deed restriction. Sometimes things like that inhibit the transfer of ownership.

Mr. Ridgway explained that in the preliminary approval resolution it states, "The applicant shall provide a form of notice to be placed in all lot sale contracts regarding the existence and location of flood plain limits and restrictions to what type of development is permitted in the flood plain. The form of notice shall be subject to the approval of the Board Attorney."

Mr. McKay stated it may be his fault for not catching it then. There was a lot of back and forth with the flood plain. It is important that it goes beyond the first buyer. He questioned can the notice be attached to the filed plan. Therefore it can be referenced in future deeds so everyone would have access to it.

Mr. Ridgway stated he hasn't spoken to his client yet. If that language can be placed on the filed plan and filed at the county clerk's office, often the filed plans are attached to the title searches. It is not filed with the individual deeds because it may cause issues with the mortgage companies, title companies, etc.

Mr. McKay questioned if they would just print it on one of the pages of the plan.

Mr. Ridgway answered yes.

Mr. McKay commented then it would be one more note on the filed plan.

Mr. Ridgway agreed.

Mr. McKay questioned that it would be accessible and notice to a buyer.

Mr. Ridgway explained that the title company will reference the plan in the search. It will be a permanent record as if it was in the contract of sale which would then be over after the sale. The applicant would have no problem with that.

Mr. Lynch questioned if that would be easier to see.

Mr. Ridgway stated yes and it would be a matter of public record in the County Clerk's office.

Mr. McKay commented that it takes care of his issue.

Mrs. Kelley stated that she had an issue that came up at the Environmental meeting. One of the members is a member of the GSI with the county. They have been getting calls for a flood elevation certificate. They have been trying to call FEMA unsuccessfully. She questioned if anyone has heard of it or what it is.

Mr. Miller explained that it is a certificate from FEMA that indicates what the flood elevation for the property. That certificate would probably have the first floor and garage elevation. Based on the flood map that we have, all of these homes are out of that area.

Mr. Katz stated that is used down the shore.

Mr. Miller explained that the property has potential for flooding the homes are out of that area.

Mrs. Kelley believes the applicant is taking on a challenge; it may be able to be done. Back in 2006 she provided a letter that included 50% of this property is in the 100 year flood plain according to GSI map. The water way has been identified as Deacons Run and is a contributor to the Rancocas Creek. Sunday we had a lot of rain and both sides of Washington Street were flowing. Tuesday at noon there was standing water on both sides. There is usually not standing water on the property. They are saying in the stormwater regulations that they really don't want basins on single lots. She could not

find how they were going to do the grading or how they were going to do the basin. One of the environmental members has consistently stated that lots 1.02 and 1.03 could just be affected by the stormwater runoff.

Mr. Miller explained that the basin has nothing to do with stormwater management, it is water quality. This has been the jurisdiction of the DEP from the very beginning. They determined that since it is in the flood plain it did not require any stormwater management. There were different ways the applicant at the time tried to do the water quality and it was then determined the best was the water quality basin. The Board had also considered a homeowners association and determined that a small association usually never works. It then was determined that the best was to have it controlled by the one homeowner. It is similar to the basin on the adjacent development.

Mrs. Kelley questioned how much would it cost for the one homeowner to maintain the basin.

Mr. Boettcher commented that it would be the cost of gas to cut the grass.

Mr. Miller explained the person who is responsible for the maintenance shall maintain and make available a maintenance schedule document. This water quality basin is a depression in the ground with a spillway.

Mrs. Kelley question how do you check on that as Mr. Wisnosky also questioned in his letter.

Mr. Miller explained that the town would have to go to that owner and asked when and how he did it. There is no time frame.

Mr. Wisnosky has concerns that it may not be done by the homeowner and who is going to check on it. He has concerns that it may fail over time. Who is going to check to make sure the required items will be done.

Mr. Selb has concerns from an administrative point. He gets calls about retention basin problems and can we resolve them. He has concerns with it being dumped on the township to come up with solutions.

Mr. Ridgway stated that the township ordinance states that a developer can be required to fund the maintenance of the basin with a capital contribution to a trust fund the interest of which shall be available for the maintenance of the basin... it then goes on to tell how to take care of that. Although the plan shows all the items it is required to cover, there is not much to this basin in comparison to what we are used to seeing. There will not be a lot to do.

Mr. McKay stated there is no fence.

Mr. Miller stated he sees the maintenance to include mowing the grass and after a storm collect the washable debris coming from the road.

Mrs. Kelley stated that Mr. Ridgway is referring to 104-103 8c.

Mr. McKay believes the list of items is overkill. This is not your typical stormwater management basin.

Mr. Wisnosky explained that the applicant's engineer submitted the stormwater maintenance plan. It's the applicant's 7 items they believe for this water quality management.

Mr. Miller believes the homeowner would mow it and take out any debris in his backyard.

Mr. Wisnosky explained that in the worst case scenario that in 20 years it failed and the water would just flow towards the flood plain.

Mr. Ridgway stated that they have no difficulty coming up with a maintenance schedule that would satisfy the Board's engineer that is more to this water quality design.

Mr. McKay believes that is the way should go.

Mr. Wisnosky agreed.

Mrs. Kelley questioned what happens if lot one is not sold.

Mr. Ridgway stated it will be owned by Bruce Paparone.

Mrs. Kelley believes the water from lots 1.02 and 1.03 will flow across the yards to the basin. Where is the water draining from Taft Court and the other side of the road? Is there an inlet?

Mr. Miller explained that the water from the adjacent subdivision goes into their detention basin. The only water that goes to the subject property is from the top of the berm to the new curb line. That goes there now over land. There is a swale between lots 1.05 and 1.06. He explained how the water would make its way through.

Mrs. Kelley still has a problem with the three homes that would touch the flood plain and believes it to be a big challenge.

Mr. Miller explained that those lots will be hard to place houses on; they may have to be specially designed to fit the area that is buildable.

Mr. Katz questioned if they are aware of that.

Mr. Ridgway answered yes.

Mr. Katz opened public comment.

Jodie Leonti, 9 Winchester Court, was sworn in. She questioned what the 3 lot numbers of the houses that would back up to the flood plain and would those homes have basements.

Mr. Wisnosky stated lots 1.06, 1.07, and 1.08. They will have basements.

Ms. Leonti questioned what happens to the basements being in the flood zones.

Mr. Miller explained the buildings are out of the flood plain.

Mrs. Kelley explained that the plan she was given shows that those three homes touch the flood plain line, then there is a flood plain with a stream in the middle, and then you would own property beyond that to the existing houses. There is a lot of property that may or may not be able to utilize. The plan will have the information for what people will need to go to DEP to get permits. She understands that it does not cost anything for the permit.

Ms. Leonti stated that it was said that some things are not allowed on the property, such as an inground pool. Are these items you wouldn't find out about until after you purchased the home? What about pavers?

Mrs. Kelley commented that you would have to contact DEP.

Mr. Miller explained that you can do many kinds of improvements in flood area, most of which would have to be at ground level. You probably would not have a problem with an inground pool, but may with an above ground pool. You could put open fences and not solid ones. The flow can't be obstructed.

Nikki Maskell, 6 Melodie Court, was sworn in. She has concerns that there is not safe walkway from Washington Street to get to the school.

Mr. Miller explained that there is a walkway that is proposed on this property. In addition the township has made an application to the county to extend the walkway from this property to the school.

Mr. Wisnosky explained that there are two options. The one that Mr. Miller explained and you can currently get to the back of the school by the bike path at the end of the development.

Ms. Maskell complained about the speeding that occurs on Washington Street. There are no speed limit signs.

Mr. Boettcher suggested that she comes to the Township Committee meeting. A trooper can be put there to pull them over. They will most likely be friends and neighbors. He explained that the widening that will occur is just a deceleration lane going into the development.

Mr. Katz explained that Washington Street will not be widened. The intersection of Washington and Broad Street will also have improvements.

Ms. Maskell had concerns with the resale value of the home that will contain the basin.

Barbara Rich, Moorestown resident, was sworn in. She wanted confirmation that this basin is now a water quality basin in the ground.

Mr. Miller stated yes.

A lengthy conversation occurred between Ms. Rich and Mr. Miller regarding the basin, topography, soil borings, acid soil, seasonal high water table, buffer, and spillway.

Mr. Miller explained that the DEP did not require the water quality basin, he did. Mr. Katz stated the information has been discussed over the past few years.

Ms. Rich has a concern because she believes that none of the borings were done in the building envelope.

Mr. Katz closed public comment.

Mr. McKay stated that the borings are being done at the low point where the flood plain is. You are drilling down to find out where the acid producing soil is. The depth will only be deeper when you go to higher ground.

Mr. McKay questioned if Mr. Paparone's policy is still the same as before, which he would not put a basement in unless it would be dry.

Mr. Paparone answered that is correct. They would not put a basement in if it would create a problem.

Mr. Kingsbury stated the applicant is seeking final subdivision approval with the following conditions: compliance with the engineers review letter and the notice on the plan.

Mr. McKay motioned to approve.

Second: Mr. Dodulik

Roll call: Mr. McKay, yes; Mr. Dodulik, yes; Mr. Boettcher, yes; Mrs. Kelley, no; even though there have been improvements, she still has concerns of developing that many properties on that land. She hopes it can be engineered not to affect incoming and present residents downstream; Mr. Tiver, yes; Mr. Bradley, yes; Mr. Lynch, yes; Mr. Selb, abstain; Mr. Katz, yes

Motion carries to approve.

C. Case 14-04: Bruce Paparone, Inc
Block 11.07 Lot 4.02
1205 Deacon Road
Preliminary & Final Major Subdivision & Bulk Variance
Attorney: Michael Ridgway

Mr. McKay recused himself from the application due to a business conflict.

Mr. Ridgway, attorney, stated the application is for a 4 lot preliminary and final major subdivision with waivers and a couple of variances. This is a major subdivision as by definition. Waivers are being sought due to what is being proposed.

Mr. Kingsbury swore in Bruce Paparone, William Banks, and Henry Haley.

Mr. Haley, engineer/planner, gave his credentials and the Board accepted.

Mr. Haley described the property as approximately a 2 ½ acre property located at the corner of Deacon Road and Longfellow Lane. This is a simple 4 lot subdivision which two lots will front Deacon Road and two lots will front Longfellow Lane. They will also revise the location so that the driveway does not interfere with the existing island. Each lot exceeds the 15,000 square foot requirement. They request a variance for the 75' frontage where 100' is required on the two Longfellow Lane lots due to the lots being on a curve. They could move the home back about 125' to meet the ordinance however it

will not be in character with the neighborhood. (Exhibit A1). The homes would be set back at 30' from Longfellow. They are requesting some submittal waivers. This is an infill lot from the Beacon Hill project. All the utilities already exist. There will be individual grading plans, drainage reports, individual soil permits, which will be submitted at the building stage to the township engineer.

Mr. Ridgway questioned if there are any improvements on the property.

Mr. Haley answered yes there's a home with some out buildings that will be take down.

Mr. Wisnosky explained this application is similar to the application we had at the corner of Creek Road and Mt Laurel Road. It is technically a major subdivision but is basically a minor. There is a list of submission waivers required that really don't apply to this application. They are as follows: 1) an environmental impact statement 2) a traffic study 3) any protective covenants, easements or deed restrictions applying to the site 4) certification from the Mt. Holly Water Co that sufficient water supply is or will be available for the project 5) copies of submissions to any other agency for approvals 6) written approval from county, state, or federal organizations as required 7) existing and proposed contours at two-foot intervals maximum extended 200' beyond the property lot lines 8) profiles and typical cross sections of existing streets abutting the development indicating the type and width of pavement and curb and sidewalk locations 9) soil logs and percolation tests as specified in Section 104-10.A(13) 10) a soil erosion and sediment control plan 11) stormwater detention/retention plan and drainage calculations and the location of all fire hydrants, valves, water mains, sanitary sewers and other utilities 12) a complete landscaping plan 13) details and location of all signage 14) a legend indicating the type of residential buildings along with an architectural sketch of each class of structure 15) a sequence and time of development schedule 16) certification by the County Soil Conservation District of compliance with sediment and erosion control methods 17) copies of all supplemental agreements between the developer and any and all agencies or bodies of the township. Given the nature of the proposed application, the Board considers granting the submission waivers from the requirement.

Mr. Lynch motioned to deem the application complete.

Second: Mr. Selb

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

Motion carries

Mr. Wisnosky stated he does agree with the applicant regarding the setback requirement. If they were to conform it would impact an existing residential property. He would recommend granting the variance to keep it in conformance with the rest of the neighborhood. It would be at the building setback line. They changed the corner home to have access onto Deacon Road due to the conflict with the island on Longfellow, which is acceptable. The ordinance requires curbing. There would be curbing along Longfellow Lane but not on Deacon Road. There is currently no curbing on Deacon Road and see no plans for it in the future. Side walk is required in front of the developed property, none is proposed on Deacon Road. He feels there is no need because there is the bike path across the street on Deacon Road. Street trees are not warranted given the wooded nature of the property. We asked for compliance with section 104-65D, which is the COAH fee requirement.

Mr. Miller addressed his letter dated March 21, 2014 and explained that one requirement for a major subdivision is a stormwater analysis. There is only 1 cfs. He recommends that it is taken care of by each individual lots preferably with dry wells, downspouts. They indicated they would not have a problem addressing it in that matter.

Mr. Ridgway agreed.

Mr. Miller asked about the property survey, the soil erosion plan, and the outbound survey.

Mr Haley stated they will provide the formal survey. The topography is already on the drawing. The soil erosion plan will be submitted individually. They will provide a formal survey.

Mr. Miller explained that most of these questions in his letter will answered in the individual applications, whether to have a basement. He questioned whether there were any existing drainage structures.

Mr. Haley stated they are on the plan they will add the inverts, elevations, and pipes to the plan.

Mr. Miller stated that sanitary and other connections will happen with each individual structure. There really are no new construction details.

Mr. Haley explained that is just the curb, mainly the driveway entrances.

Mr. Miller questioned if they have the new lot numbers.

Mr. Haley stated they requested them and are waiting.

Mr. Miller commented that outside agencies will be taken care of with each individual plot plan.

Mrs. Kelley questioned if the speed bump is near the entrance to Beacon Hill.

Mr. Wisnosky explained they are at least 250'. They will have no impact.

Mrs. Kelley explained that there are no major environmental issues on this property.

Mr. Katz opened public comment.

Debra Krott, 6 Emerson Lane, was sworn in. She explained that she backs up to one of the proposed properties and concerns with any drainage affecting her property.

Mr. Haley explained they are not changing the grade in the back.

Ms. Krott had concerns that digging around the trees could affect their integrity and is worried about the large trees falling onto her property.

Mr. Haley explained that the trees in the back will not be disturbed.

Ms. Krott questioned if they would be touching the storm drains near her home.

Mr. Haley explained they are not.

Walter Hullings, 1207 Deacon Road, was sworn in. He has a problem with the survey. There is now a monument in the middle of his wife's flower garden.

Mr. Haley stated they will work with him to get it resolved. He asked if he could get a copy of his survey.

Litisha Bandele, 4 Emerson Lane, was sworn in. She questioned if the residents would be informed of the construction schedule.

Mr. Kingsbury stated the residents can call the Township to see if any building permits have been issued.

Ms. Bandele asked if they could put in some foliage.

They will take a look at it.

Mr. Katz closed public comment.

Mr. Kingsbury explained that the applicant is looking for preliminary and final subdivision approval with the variances for the setback for the two houses off Longfellow Lane. Any approval would also have to be compliant with the engineers review letter.

Mrs. Kelley motioned to approve.
Second: Mr. Boettcher

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

Motion carries to approve.

7. Minutes

A Regular Meeting Minutes of February 5, 2014

Motion to approve: Mr. Lynch
Second: Mr. Bradley

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

Motion carries to approve.

8. Resolutions

A. Resolution 2014-04: Key Engineering Solutions, LLC.

**Granting interpretation of permitted use in the industrial District on Block 104
Lot 25**

Motion to approve: Mr. Lynch
Second: Mr. Tiver

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

Motion carries to approve.

B. Resolution 2014-05: 2509 Creek Road, LLC
Granting preliminary and final major subdivision approval for 5 lot subdivision on Block 104 Lots 2.01, 3, 4, & 5.13

Motion to approve: Mr. Lynch

Second: Mr. Bradley

Roll call: Mr. Lynch, yes; Mr. Bradley, yes; Mr. Boettcher, yes

Motion carries to approve.

9. Correspondence

- A. Certification dated February 21, 2014 from Burlington Co Soil to Mr. Blair
Re: Block 114.01 Lot 12, Scarlett House
- B. Fax dated February 25, 2014 from Burlington Co Planning Board to
Cheryl Lynn Walters
Re: 2509 Creek Road, LLC Block 104 Lots 2.01, 3, 4, & 5.13
- C. Letter dated March 5, 2014 from Michael Ridgway to Mrs. Newcomb
Re: Marlton Transmission, Inc. 1409 Route 38 West
- D. Letter dated March 12, 2014 from Burlington Co Planning Board to Mrs. Tiver
Re: Diamantis Childrens Trust Block 100 lot 8 & Block 100.07 Lot 1 subdivision
- E. Letter dated March 13, 2014 from Burlington Co Planning Board to Mrs. Tiver
Re: 2509 Creek Road, LLC Block 104 Lots 2.01, 3, 4, & 5.13 subdivision

Motion at accept and file: Mr. Lynch

Second: Mrs. Kelley

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

10. Professional Comments - None

11. Board Comments

Mrs. Tiver polled the Board regarding the submission of 11 X 17 plans verses the large map size plans for application. The professional staff would still receive the large plans, Mrs. Tiver would receive 3 large plans, and the rest would be submitted as 11 x 17 plans.

The Board was in favor. Mrs. Kelley would like a large plan for Environmental Commission.

12. Public Comments - None

13. Adjournment

Mr. Tiver motioned to adjourn at 10pm.

Second: Mr. Boettcher

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, June 4, 2014

1. Call to Order

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

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

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

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

5. Roll Call

Present: Mr. Boettcher, Mrs. Kelley, Mr. McKay, Mr. Tiver, Mr. Krollfeifer, Mr. Lynch, Mr. Bradley, Mr. Dodulik, Mr. Clauss, Mr. Katz

Absent: Mr. MacLachlan, Mr. Selb, Michael Wisnosky, Board Planner, Martin Miller, Board Engineer, Kathy Newcomb, Zoning Officer

Also Present: Robert Kingsbury, Esq., Board Attorney
Paula Tiver, Board Secretary

6. Items for Business – No new business

7. Minutes

A Regular Meeting Minutes of April 2, 2014

Motion to approve: Mr. Boettcher

Second: Mrs. Kelley

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

Motion carries to approve

8. Resolutions

A. Resolution 2014-06: Bruce Paparone, Inc.

Granting final major subdivision approval for 10 homes on Block 10 Lot 1

Motion to approve: Mr. Lynch

Second: Mr. Tiver

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

B. Resolution 2014-07: Hoppecke Batteries, Inc.

Granting bulk variances and minor site plan approval for industrial battery manufacturing business on Block 96 Lot 2.02

Motion to approve: Mr. Lynch

Second: Mr. Tiver

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

Motion carries to approve.

C. Resolution 2014-08: Bruce Paparone, Inc.

Granting bulk variances and preliminary and final major subdivision approval for proposed 4-lot residential subdivision of block 11.07 Lot 4.02

Motion to approve: Mr. Lynch

Second: Mr. Tiver

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

Motion carries to approve.

9. Correspondence

- A. Letter dated April 9, 2014 from Alaimo Assoc. to Brian Conlon, Langan Engineering
Re: Block 96 Lot 1.05 Shoprite Expansion Preliminary & Final Site Plan Review
- B. Letter dated April 10, 2014 from Burlington Co Planning Board to Mrs. Tiver
Re: Diamantis Childrens Trust Block 100 Lot 8 Block 100.07 Lot 1
- C. Letter dated April 11, 2014 from Alaimo Assoc. to Henry Haley, Consulting Engineer
Re: Beacon Hill Block 11.07 Lot 4.02
- D. Letter dated April 22, 2014 from Burlington Co Planning Board to Mr. Blair
Re: Shoprite of Hainesport Block 96 Lots 1.05, 1.06, 1.09
- E. Letter dated April 24, 2014 from Burlington Co Planning Board to Gene Blair
Re: Temporary Certificate of Occupancy County Release Form for Block 87 Lots 1 & 1.01, Bradford Restaurant Expansion
- F. Letter dated May 1, 2014 from Alaimo Assoc. to Gene Blair
Re: Temporary Certificate of Occupancy for the Bradford
- G. Letter dated May 9, 2014 from Archer & Greiner to Burlington Co Planning Board
Re: Hoppecke Batteries, Inc., Block 96 Lot 2.02 – 2 Berry Drive
- H. Letter dated May 12, 2014 from Consulting Engineer to Board Members
Re: Beacon Hill Block 11.07 Lot 4.02

- I. Hainesport Township Resolution 2014-79-5
Re: Resolution approving a performance bond for KRE Inc. T/A ShopRite of Hainesport
- J. Letter dated May 14, 2014 from Archer & Greiner to Mrs. Tiver
Re: Hoppecke Batteries, Inc. Block 96 Lot 2.02 – 2 Berry Drive Responding to Alaimo letter dated March 21, 2014
- K. Letter dated May 14, 2014 from Archer Greiner to Mrs. Tiver
Re: Hoppecke Batteries, Inc. Block 96 2.02 – 2 Berry Drive Responding to Ragan Design Group letter dated March 13, 2014
- L. Letter dated May 14, 2014 from Langan Engineering to Mrs. Tiver
Shoprite Expansion NJDOT Letter of No Interest
- M. Letter dated May 14, 2014 from Burlington Co Planning Board to Ms. Hoffman
Re: Bradford Restaurant Expansion release of Performance Guarantee
- N. Letter dated May 15, 2014 from Mr. Ruggiano to Hoppecke Batteries
Re: Fire Official approval for Block 96 Lot 2.02
- O. Letter dated May 16, 2014 from Environmental Resolutions, Inc. to Mr. Katz
Re. 2509 Creek Road, LLC Block 104 Lots 2.01, 3, 4, and 5.13
- P. Letter dated May 19, 2014 from ABR Consultants, LLC to Board Members
Re: Final Major Subdivision Block 10 Lot 1
- Q. Letter dated May 20, 2014 from Ragan Design to Archer & Greiner
Re: Hoppecke Block 96 Lot 2.02 Conformance Plan Review
- R. Letter dated May 20, 2014 from Ragan Design to Consulting Engineer Services
Re: Beacon Hill Block 11.07 Lot 4.02 Conformance Plan Review

Motion to accept and file: Mrs. Kelley

Second: Mr. Katz

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 7:33pm.

Second: Mr. Bradley

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, October 1, 2014

1. Call to Order

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

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. McKay, Mr. Tiver, Mr. Krollfeifer, Mr. Lynch, Mr. Selb, Mr. Dodulik, Mr. Clauss

Absent: Mr. Katz, Mr. MacLachlan, Mrs. Kelley, Mr. Bradley, Mr. Miller

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

6. Items for Business

**A. Case 14-09: Warren & Kathryn Hopely
Block 111 Lots 12.01 & 12.02
1015 Mt. Laurel Road
Bulk variance for garage height
Attorney: Patrick McAndrew**

Proper notice was given.

Warren Hopely, applicant, was sworn in.

Pat McAndrew, attorney, explained that the plan was amended for the garage to have a mean height of 19' where 15' is required. Notices that went out did have the 19'. The farm is an 87 acre preserved farm. He asked that the applicant explain what has been happening.

Mr. Hopely explained that they appeared before the board last year to build their new home. The existing 4 car garage is in need of a new roof and is at a different grade level. They would like to make it esthetically pleasing to match the new home.

Mr. McAndrew commented that when they regraded and a pitch was put on to match the house, a mean height of 19' is what was needed.

Mr. Hopely answered yes.

Mr. McAndrew presented pictures marked as exhibit A-1. The pictures show the property. The house and garage sit back approximately 900'. The garage is to the right of the home and there are no close neighbors that would be affected.

Mr. Hopely agreed.

Mr. McAndrew questioned if there would be a negative impact to any neighbors.

Mr. Hopely stated there would not be.

Mr. Krollfeifer commented that he had visiting the site and complimented the applicant on a nice job.

Mr. McKay stated the property looks magnificent in every way.

Mr. Boettcher agreed and no one will be able to tell the height difference due to the distance.

Mr. McKay opened public comment. None. Closed public comment.

Mrs. Newcomb asked the overall height of the structure.

Mr. McAndrew stated 22' to the ridge.

Mr. Krollfeifer motioned to approve at the 19' mean height.

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Boettcher, yes; Mr. Clauss, yes;
Mr. Tiver, yes; Mr. Lynch, yes; Mr. Selb, yes; Mr. McKay, yes

Motion carries to approve.

Mr. McAndrew stated the applicant would like a waiver to proceed prior to the memorialization of the resolution.

Mr. Boettcher motioned to approve the waiver.

Second: Mr. Dodulik

Roll call: Mr. Boettcher, yes; Mr. Dodulik, yes; Mr. Clauss, yes; Mr. Tiver, yes;
Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Selb, yes; Mr. McKay, yes

Motion carries to approve.

B. Case 14-10: James Schumacher
Block 106.03 Lot 1
413 Mt. Laurel Road
Bulk variance for fence

Proper notice was given.

James Schumacher, applicant, was sworn in.

Mr. McKay explained that the application was for a property located on a corner lot for a front yard fence. Even though it may be the side yard of the property it is considered a front yard. He asked that the applicant explain why he would like to put up a fence and why you want to put it at the proposed location.

Mr. Schumacher stated that his property is exposed due to being on a corner and would like some privacy. He would like his backyard fenced in for better function. He also has a dog. His yard is sometimes used by people cutting through to go to WaWa.

Mr. McKay explained that when looking at the diagram he is confused on what type of fencing that will be used. The proposed fence along Craig Drive is 6' Composite fencing and along the back is a 5' high chain link fence. Is there two types of fencing?

Mr. Schumacher explained that there is a 15' section of chain link that is proposed behind his fence.

Mr. McKay questioned if he was open to having the same fence.

Mr. Schumacher answered yes.

Mr. McKay questioned how far the fence will be from the sidewalk edge on Craig Drive.

Mr. Schumacher answered 5'11".

Mr. McKay questioned why the applicant believes a gate is necessary at the driveway.

Mr. Schumacher explained he wouldn't be able to use the driveway without it. He is open to suggestions.

Mr. Dodulik commented without a gate you would not have a secure area for the dog.

Mr. Schumacher explained that it would be done to a high standard and would landscape on the sidewalk side. He has seen similar properties that have done this.

Mr. McKay stated the planner will give some direction. The fence may need to be pushed back a little to allow for that landscaping.

Mr. Boettcher commented that the existing chain link fence belongs to the basin. It makes more sense to run the new fence setback the same distance as the chain link fence. He believes the 6' fence is high for along a road way.

Mr. Selb questioned why he was going with a 6' fence.

Mr. Schumacher explained he is using 6' fence because his dog is a german shepard.

Mr. Selb questioned if the dog could get over a 4' fence.

Mr. Schumacher stated he hasn't but it would be a possibility. He had thought about pushing the fence back further to allow for the landscaping but there is a pine tree near the basin that he would have to go around.

Mr. Boettcher questioned if he drew the plans.

Mr. Schumacher stated no, it was taken from his survey.

Mr. Krollfeifer asked for clarification. What is the x behind the garage and the x behind the house?

Mr. Schumacher explained behind the garage is a shed and behind the home is a covered porch.

Mr. McKay commented that there is a covered carport on the side of the house.

Mr. Krollfeifer questioned if anyone will explained the site issue at the corner. In visiting the site the fence will get closer to the sidewalk near the corner, 4'6".

Mr. Schumacher believes there are no site issues. The 4'6 distance is from the property line and the 5'11" is from the sidewalk.

Mr. Boettcher stated that there used to be a stockade fence on the other side of the house and in the front closer to Route 38 but there was never a fence on the Craig Drive side.

Mr. Schumacher explained that he use to have on around his pool but was recently taken down.

Mr. Boettcher questioned if he was looking to fence in the entire property.

Mr. Schumacher stated as much as he can. He had spoken with his neighbors to come up with the best plan. That is how he arrived at the present plan.

Mr. Wisnosky had two concerns. We have a fence that you cannot see through 4' off the sidewalk and there are no other fences along Craig Drive particularly that close. Also how close the fence is to Hainesport-Mt. Laurel Road. He suggested that it be setback to the existing chain link fence which is approximately 10'. That would give a little more relief to Craig Drive. Also pull the fence to the back end of the dwelling which is about 4'.

Mr. McKay had concerns with creating an alley between the two properties.

Mr. Selb commented that he is not proposing a rear fence, he shows tying into the chain link fence.

Mr. McKay stated it was suggested that the new fence be placed on the same line as the chain link fence. He cannot tie into the chain link fence without going on to the other property. He would have to run his fence on his property line.

Mr. Selb explained that he does not want to create an alley that we cannot get a lawnmower in.

Mr. McKay questioned if the town minds that he runs the fence 2'7" onto the township property to tie it in.

Mr. Schumacher explained that there is pavement up to the chain link fence. That is how it was when he purchased the property. He maintains it.

Mr. Boettcher commented he does not have a problem with it. However, we don't know what the law allows.

Mrs. Newcomb stated that you cannot legally encroach on someone else's property.

Mr. Kingsbury explained that you can do it if you have the permission of the other property owner.

Mr. McKay commented that this Board cannot speak for the other property owner.

Mr. Selb stated that the Township Committee could make that decision.

Mr. Boettcher stated that it just about making it legal with a piece of paper.

Mr. McKay questioned if there was ever a problem with the asphalt that is there.

Mrs. Newcomb stated it has been there over 25 years.

Mr. Boettcher explained that it was there when the development was put in.

Mr. McKay believes the expense to legitimize it is not worth it. Now we know that there is asphalt up to the fence, the applicant should run his own fence parallel to the chain link fence.

Mr. Clauss stated once he breaches the asphalt, it will cause problems with it.

A discussion occurred on different options.

Mrs. Newcomb stated that the applicant is only here for a variance for the front yard fence on Craig Drive. The rest is not relevant.

Mr. McKay disagreed. If we give him the variance and he builds the fence in accordance to his plan and he ties into the town's fence, he is running 2' 7" onto town property. It's not something that should be allowed. He suggested that we adjourn the application to the next meeting and have him speak to our planner and come up with a better fence plan.

Mr. Krollfeifer questioned if we were to approve the application with a 10' setback. Where Mr. Schumacher begins or ends the fence is his problem. He knows the legal problems with encroachments. He believes it's not up to the Board.

Mrs. Newcomb stated it is up to her.

Mr. Clauss believes that it is our problem since he is showing a plan with encroachment.

Mrs. Newcomb explained that is another legal issue. Exactly where is the property line. Without the Township and applicant's surveys, how do we know that we are not encroaching on the applicant's property?

Mr. McKay stated that we should adjourn for a month so that we make sure that the fence is done properly. The applicant can spend 15 to 20 minutes with Mr. Wisnosky and get it done right the first time.

Mr. Krollfeifer questioned if we could approve the application 10' off the property line subject to the planners approval. The applicant then would not have to come back next month.

Mr. McKay stated you could do that.

Mr. Selb commented that we have an existing 5' existing chain link fence. Why can't the applicant put up a 5' instead of 6'?

Mr. Schumacher stated he has not seen a 5' composite fence.

Mr. Wisnosky explained it is not standard.

Mr. McKay questioned if the applicant was willing to wait until next month.

Mr. Schumacher is concerned with waiting another month due to the ground freezing.

Mr. Clauss questioned if the gate would only swing in so not to block the sidewalk.

Mr. Schumacher agreed.

Mr. McKay opened public comment. None. Closed public comment.

Mr. Selb motioned to approve the 10' setback for the fence in order to be in line with the existing chain link fence and to meet with the planner for landscaping and other issues regarding the fence.

Second: Mr. Krollfeifer

Mr. McKay questioned what the parameters are for the planner.

Mr. Kingsbury believes it was at the discretion of the planner. If the applicant disagrees, he would have to come back to the Board.

Mr. Selb has confidence in the planner who has been here many years.

Mr. McKay questioned if the motion included that the gate be swing in only.

Mr. Selb answered yes.

Roll call: Mr. Selb, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mr. Dodulik, yes;
Mr. Clauss, yes; Mr. Tiver, yes; Mr. Lynch, yes; Mr. McKay, no

Motion carries to approve.

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

Mr. Krollfeifer motioned to approve waiver with first meeting with Mr. Wisnosky and getting his approval.

Second: Mr. Boettcher

Roll call: Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mr. Dodulik, yes; Mr. Clauss, yes; Mr. Tiver, yes; Mr. Lynch, yes; Mr. Selb, yes; Mr. McKay, no

Motion carries to approve waiver. The applicant must first meet with Mr. Wisnosky, planner.

7. Minutes

A. Regular Meeting Minutes of August 6, 2014

Motion to approve: Mr. Lynch

Second: Mr. Tiver

Roll call: All in favor

8. Resolutions

A. Resolution 2014-09: Kathleen Jankowski

Granting bulk variance for rear yard fencing, rear yard deck, and arbor between garage and house on block 111 lots 11.01 & 11.02

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

Roll call: Mr. Lynch, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mr. Clauss, yes; Mr. Dodulik, yes; Mr. Tiver, yes; Mr. McKay, yes

Motion carries to approve.

B. Resolution 2014-10: Kenneth and Mary Langefeld

Granting bulk variances for in-ground swimming pool installation in rear yard of an existing residential property on block 100.06 lot 65

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

Roll call: Mr. Lynch, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mr. Clauss, yes; Mr. Dodulik, yes; Mr. Tiver, yes; Mr. McKay, yes

Motion carries to approve.

C. Resolution 2014-11: David and Jennifer Albertini

Granting impervious coverage variance for installation of an in-ground swimming pool in the rear yard of an existing residential property on block 100.06 lot 25

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

Roll call: Mr. Lynch, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mr. Clauss, yes;
Mr. Dodulik, yes; Mr. Tiver, yes; Mr. McKay, yes

Motion carries to approve.

D. Resolution 2014-12: The Bradford Estate

Granting administrative amendment to previously approved site plan.

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

Roll call: Mr. Lynch, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mr. Clauss, yes;
Mr. Dodulik, yes; Mr. Tiver, yes; Mr. McKay, yes

Motion carries to approve.

9. Correspondence

A. Letter dated August 1, 2014 from Burlington Co Planning Board to Mr. Raday
Re: Washington Street subdivision Block 10 Lot 1

B. Letter dated August 18, 2014 from Alaimo Assoc to Mr. Selb
Re: Case 14-04: Beacon Hill Block 11.07 Lot 4.02 Plan Distribution

C. Letter dated August 20, 2014 from Burlington Co. Planning Board
Re: Beacon Hill, Bruce Paparone, Inc., Block 11.07 Lot 4.02, 4 lots

D. Letter dated August 22, 2014 from ABR Consultants, LLC to Mr. Engle
Re: Application #B14-16-030 Washington Street Subdivision Block 10 Lot 1

E. Letter dated September 5, 2014 from Burlington Co. Planning Board to Mrs. Tiver
Re: 2509 Creek Road, LLC, 5 lots Block 104 Lots 2.01, 3, 4, & 5.13

F. Letter dated September 8, 2014 from Burlington Co. Planning Board to Mr. Raday
Re: Washington Street subdivision Block 10 Lot 1

G. Letter dated September 10, 2014 from Burlington Co. Planning Board to Mr. Blair
Re: Shoprite expansion @ Crossroads Plaza Hainesport Block 96 Lots 1.05, 1.08, 1.09
Lumberton Twp. Block 15.03 Lots 3, 7, & 8

H. Letter dated September 15, 2014 from Burlington Co Planning Board to Mrs. Tiver
Re: Washington Street Subdivision Bruce Paparone, Inc., Block 10 Lot 1

Motion to accept and file: Mr. Boettcher

Second: Mr. Tiver

Roll call: All in favor

10. Professional Comments - None

11. Board Comments - None

12. Public Comments

Mr. McKay opened public comment. No public. Closed

13. Adjournment

Mr. McKay motioned to adjourn at 8:20pm.

Second: Mr. Selb

Roll call: All in favor.

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, November 5, 2014

1. Call to Order

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

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

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

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

5. Roll Call

Present: Mr. Boettcher, Mrs. Kelley, Mr. McKay, Mr. Tiver, Mr. Krollfeifer,
Mr. Lynch, Mr. Bradley, Mr. Dodulik, Mr. Clauss, Mr. Katz

Absent: Mr. Selb, Mr. MacLachlan

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

Mr. Katz stated that Case 11-03A: Marlton Transmission and Case 14-11 Hainesport Enterprise have asked for a continuation until the December 3, 2014 meeting.

Mrs. Tiver stated that both applicants had provided proper notice and will need the Board to vote on the continuation so the applicant's will not be required to give additional notice.

Mr. Krollfeifer motioned to continue Case 11-03A: Marlton Transmission until the December 3, 2014 meeting.

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, 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 continue Case 11-03A until the meeting of December 3, 2014. No further notice is required.

Mr. Krollfeifer motioned to continue Case 14-11 Hainesport Enterprise until the December 3, 2014 meeting.

Second: Mr. Lynch

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

Motion carries to continue Case 11-03A until the meeting of December 3, 2014. No further notice is required.

A. Case 11-03A: Marlton Transmission t/a Bear Tire

Block 99 Lots 6, 7, 8

1409 Route 38 West

Final Site Plan, Use Variance

Attorney: Michael Ridgway

Request to continue the application to December 3, 2014

Case has been continued until the December 3, 2014 meeting.

B. Case 14-12: G3 Enterprises

Block 104 Lot 33

5000 Delaware Ave

Preliminary and final site plan for an addition

Attorney: Patrick McAndrew

Proper notice was given.

Thomas Bechard, Jr., Engineer and Walter Tanner, III, Director of Operations, were sworn in.

Mr. McAndrew, attorney, would like to address the submission waivers.

Mr. Wisnosky referred to his letter dated October 22, 2014. There are 9 items.

Mr. McAndrew stated that all have been completed except for 4. Item number 1, 2, 6, and 9 have not been submitted. They will put the 200 foot list on the plans when they are revised. #1 An Environmental Impact Statement is not need due to being in the middle of the industrial park. He referred to an aerial (exhibit A1) of the site. There are no sensitive areas nearby or no undeveloped areas. They are bound by two roads and two rail lines. #2 Traffic study is not needed because the only thing that will change is the product mix and will provide testimony. More storage space is needed. The schedule of deliveries and the number of employees will stay the same. #6 The location of ponds, streams, drainage ditches and watercourses within 500 feet of the site is not need due to being in the middle of the industrial park. They will not be changing anything. #9 Profiles and typical cross sections of existing streets abutting property. They are existing streets that are managed by the industrial park. They will not be changing anything.

Mr. Wisnosky commented it is up to the Board to determine to grant the requested submission waivers.

Mr. Krollfeifer questioned the rest of the items.

Mr. McAndrew explained that items #3 and #4 were completed with the application. #5 The 200 foot list will be put on with the next revision of the plan. #7 Percolation test were in the drainage calculations. #8 They will submit to other agency when it is time.

Mrs. Kelley agrees that no Environmental Impact Statement is needed.

Mrs. Kelly motioned to grant submission waivers for items 1, 2, 6, and 9.

Second: Krollfeifer

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

Motion carries to approve waivers.

Mr. Tanner explained he is the director of operations for Gallo Wines of New Jersey. He has been with the company for 15 years.

Mr. McAndrew asked that he give information on the operation.

Mr. Tanner explained that there are 2 shifts. The day shift consists of 3 people working the warehouse. There are 12 drivers that come in the morning and are dispatched by 8:30am. They receive two trailer delivers around 10am. The trailer comes in, is unloaded and back on the road within a half hour. They are looking to expand the facility because they have outgrown it. Their product mix has changed. They have increased their SKU count by 200. There is not enough space to store the increasing product lines. They are not looking to increase manpower or the number of trucks. It's a matter of storage.

Mr. McAndrew asked about the evening shift.

Mr. Tanner stated that the evening shift has 7 warehouse men and one supervisor.

Mr. McAndrew questioned what will change with the 23,000 sq. ft. addition.

Mr. Tanner explained they will bring in new equipment and increase the SKU count that can be kept on the floor.

Mr. McAndrew questioned if the parking would change and if there were any existing problems.

Mr. Tanner stated it will not and there are no problems.

Mr. McAndrew questioned the two trailers and the pallets on site.

Mr. Tanner explained that the two trailers on site are storing their winter sale material and have scheduled to be removed by December 1. The pallets are being stored outside

because he does not have room in the warehouse to store them. Once they have a bigger facility, they will be able to store them inside.

Mr. Bradley questioned if there will be an increase in trucks.

Mr. Tanner explained that it will not increase the trucks; it's the different amount of SKU's going out.

Mr. McKay commented that it is pushing more of a variety out the door.

Mr. Tanner agreed.

Mr. McKay questioned if G3 owns the building.

Mr. Tanner answered yes.

Thomas Bechard gave his credentials and the Board accepted.

Mr. Bechard referred to Exhibit A1 with is an aerial of the site and surrounding area. The property is 2.4 acres located at the corner of Delaware Ave and East Park Ave in the industrial park. It is currently developed with the existing warehouse, parking, and loading facilities. The infrastructure is in place. There is a railroad track that goes along the rear of the property.

Mr. Bechard referred to Exhibit A2 which is a rendered site plan. He pointed different items on the plan. The new building will have two new loading docks. The existing building currently has 7 loading docks that will change to only 3 docks. The 4 taken out will be converted to parking spaces for the fleet vehicles. He pointed out where there will an additional 4 parking spaces and 1 parking space. The site will be restriped, a new fire lane that will have signage and striping. They are proposing new landscape islands. It will also define the parking and protect the parked vehicles. The will be creating a curb return on the one side of driveway. They will also put in more landscaping at the planners request. The site is serviced with public water and sewer. They are not proposing any new plumbing for bathrooms in the addition. The only new utility connection is for a new fire connection.

Mr. McAndrew asked about stormwater management.

Mr. Bechard explained that stormwater management will be supplied via a subsurface infiltration basin. It will accommodate the additional runoff from the new roof. There is only one inlet on site. The emergency overflow for the basin will be connected into the inlet. The inlet discharges out into a stormwater system in Delaware Ave. They are required to provide water quality for the new paved areas. They are proposing an inlet filter.

Mr. McAndrew stated a variance for impervious coverage is needed, 70% is permitted and they are requesting 72.70. Is there any negative impact or drainage issues?

Mr. Bechard stated no negative impact. Stormwater is fully accommodated with the proposed system and there are no drainage issues on site now.

Mr. McAndrew stated a variance is needed for the number of parking spaces, 67 spaces are required and seeking 27 spaces.

Mr. Bechard pointed out that there would be 25 total parking spaces which include two handicap parking spaces. This is more than enough for their current operations.

Mr. McAndrew questioned if there will be any changes in lighting and signage.

Mr. Bechard commented that they will be providing new lighting to meet the ordinance requirements. There will be no new signage.

Mr. Boettcher questioned if they will be using the fuel island.

Mr. Bechard answered yes.

Mr. Krollfeifer stated that when he was on site, he could not tell what was on the eastern side of the building.

Mr. Bechard stated that it is a solid wall with one access door.

Mr. Krollfeifer commented that there were approximately 10 vehicles on site during the day.

Mr. Tanner explained there would be about 15 vehicles during the day. They have 12 drivers and 3 day employees.

Mr. Krollfeifer asked for confirmation that there are no retail sales.

Mr. Tanner stated no retail.

Mr. Lynch questioned if the design on the new addition will be a continuation of the front of the existing building.

Mr. Kingsbury swore in Philip Ruggieri, Architect.

Mr. Ruggieri explained the addition will be concrete wall panels that will be left natural. They would like to keep natural to help with the maintenance. They will try to blend in the architect.

Mr. Wisnosky questioned if the height would match the existing building.

Mr. Ruggieri referred to floor plan & elevations map (exhibit A3). The addition will be higher at 34'.

Mr. Katz asked what the height of the existing building is.

Mr. Ruggieri stated it is about 30'8" to the gutter line.

Mr. Clauss stated that the plan shows two 1000 watt lights, one on the new and one on the old.

Mr. Tenner stated that will be revised to remove the 1000 watt lights. There is lighting on the existing building. The lighting for the site will be around the perimeter.

Mr. Krollfeifer referred to exhibit A2 and questioned if there was room for an emergency vehicle to get between a truck parked in the loading area and the fuel island.

Mr. Tenner explained there is enough room to get through.

Mr. Wisnosky referred to his letter dated October 22, 2014 "Variance and Waivers".

1) The ordinance requires a tree survey. He would recommend the waiver due to the location of the property and it is also against the rail line. Additional landscaping should be provided. 6) The ordinance requires either Belgian block or concrete curbing. They are proposing concrete curbing at the entrance; bituminous curbing exists on the site.

Mr. McAndrew agreed to the additional landscaping.

Mr. Tanner explained the area that would have concrete curbing and would like to continue the bituminous curbing to make it look continuous.

Mr. Wisnosky does not have an objection to that. A trash enclosure detail should be shown on the plan. The only other issues not addressed are the Fire Official's letter and the COAH fees.

Mr. McAndrew stated that he did respond to his comments and the fire officials' comments in his response letter and are agreeable.

Mr. McKay questioned how the existing bituminous curbing held up.

Mr. Bechard explained that the area that has an issue is where the trucks enter and will be replaced with concrete curbing in that area.

Mr. McAndrew asked that he explain the truck movement.

Mr. Bechard pointed out on the map the truck movement on site.

Mr. Miller explained that they have an extensive review for the stormwater management and had a meeting with the applicant to go over all the issues. There were 4 issues he suggested he speak to the Board about.

Mr. Bechard referred to page 6 item e of Mr. Miller's letter dated October 29, 2014 regarding the water quality treatment. They will be adding an inlet filter to the only inlet on site. It is less than two feet to the bottom of the inlet. All of the NJDEP approved water quality inlets on the approved lists, none of those would fit into that inlet. They reached out to a manufacturer that is going through the certification process. They claim it will meet the 80% TSS removal rate. It's a good application for this site because it has a bag that hangs in the inlet. There is 4 inches in the top for overflow when the bag fills up. It will never become clogged. They would like to use this due to the restraints on site.

Mr. McKay questioned the maintenance requirements.

Mr. Bechard explained that it will be part of the maintenance plan that is prepared for this project. We will recommend that they are cleaned out every three months and monitored after large storm events. It's a very easy process.

Mr. Miller explained that he has used this in other towns with a similar operation. Most of the time this is a last resort. That is why the state is looking into approving this because it is better than nothing. It is a potential maintenance problem, so it would have to be addressed by the applicant.

Mr. McKay commented that it's an easy clean and not extensive. It just catches solids.

Mr. Bechard agreed. The underground system is designed solely for the roof runoff. It is considered clean water. There will be a maintenance program for that as well.

Mr. Bechard stated the next issue is item h (ii): location of test pits. The test pits were taken before the final design of the stormwater management system. DEP requires that it be within the footprint of the infiltration facility. They missed the mark. All the test pits done on site were consistent with one another. Now of them revealed seasonal high water. Because they were all the same, they feel that two in the middle will not reveal anything different.

Mr. Miller does not have a problem if the site is taken as a whole.

Mr. Bechard referred to page 9 item 28. The grading plan shows the dark areas on the plan that will be where pavement will be removed. They will be matching pavement on the east and west side. So the grades are established. It is just under the .75% requirement. He will work with the grade to get the .75%. It may come in slightly under since we are working with existing. It is currently around .68% and will bring it up but may be slightly under.

Mr. Miller stated he will be matching what is there and it will be close. He does not have a problem with that.

Mr. Miller suggested that the entire outfall comes to the inlet at the corner of East Park and Delaware Aves. The existing system should be cleaned to the ditch.

Mr. Bechard stated they are working with the industrial park to have that cleaned.

Mr. Katz questioned if they would be responsible for the cleaning of inlet.

Mr. Bechard commented that there will be a maintenance plan for the on-site stormwater management. The maintenance of the stormwater infrastructure within the park is the responsibility of the park itself.

Mr. Krollfeifer questioned if the applicant is using the rail spur that comes to the back of his property.

Mr. Tanner stated they do not use rail spur.

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

Mrs. Newcomb asked when they believe they will start the project.

Mr. Tanner explained would like to start in March and finish July or August.

Mr. Kingsbury stated that a vote is needed for the waiver of a tree survey, a waiver for bituminous curbing, and a waiver for minimum slope.

Mr. Krollfeifer motioned to approve the waivers.

Second: Mrs. Kelley

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

Motion carries to approve waivers.

Mr. Kingsbury stated a vote is needed for the design waiver for the length of the loading space.

Mr. Lynch motioned to approve.

Second: Mr. Bradley

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

Motion carries to approve.

Mr. Kingsbury stated that a vote is needed for the variances: Impervious coverage of 72.2% and the number of parking spaces which is 25.

Mr. Lynch motioned to approve.

Second: Mr. Katz

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

Mr. Kingsbury stated that a vote is needed for preliminary and final site plan approval subject to the things discussed regarding the planner and engineers reports.

Mr. Krollfeifer motioned to approve.

Second: Mr. Tiver

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

Motion carries to approve.

C. Case 14-13: Muhammad Suleman
Block 111 Lots 8 & 8Qfarm
2230 Fostertown Road
Bulk variance and agricultural subdivision
Attorney: Joseph Pinto

Proper notice was given.

Mr. Pinto, attorney, stated they are here for a farm subdivision of a 14 acre lot. A variance is needed because one of the lots would have under the 300' frontage and 3x the

frontage for the depth. The reason that this is not a minor subdivision is because of the definition in the land use law that classifies these agricultural divisions as long as the planning board finds that the division of land is for agricultural purpose, the parcels remaining are 5 acres or more, and no new streets are created. The applicant will testify to that information.

Mr. Kingsbury swore in Muhammad Suleman, applicant.

Mr. Pinto questioned if he owns the land and when did he purchase the property.

Mr. Suleman stated he purchased the property in 2004.

Mr. Pinto questioned what the property was used for and was the acreage the same when it was purchase according to the survey. (exhibit A1) Were there any improvements on the property when purchased or on there now?

Mr. Suleman answered it was used for farming and is the same as when he purchased it. There were no improvements then and there are none now.

Mr. Pinto questioned who farms the land and who has been farming it since you have owned it.

Mr. Suleman stated that Phil Prickett has farmed the land since he has owned it.

Mr. Pinto questioned if Mr. Prickett farmed the land prior to his ownership.

Mr. Suleman answered yes.

Mr. Pinto asked that he explain his relationship and lease agreement with Mr. Prickett is.

Mr. Suleman explained that Mr. Prickett was farming the land when he purchased it and they currently have a verbal lease which he currently pays him \$1,100. He has grown wheat and soy beans.

Mr. Pinto asked if he has grown hay and corn there.

Mr. Suleman answered yes. Mr. Prickett farms the land year round.

Mr. Pinto questioned what the pond is used for in the back of the property.

Mr. Suleman stated that it is a man-made pond used to irrigate this farm and the one across the street.

Mr. Pinto questioned if there is any pipes that come out of this pond to other lots or onto the proposed lot.

Mr. Suleman answered yes there is an 8" metal pipe that comes from the pond to across the street and another 3" pipe. This was pre-existing when he purchased the property.

Mr. Pinto questioned if he has done anything to the property since he purchased it.

Mr. Suleman stated he did not.

Mr. Pinto asked what he would like to do with the property.

Mr. Suleman stated he would like to subdivide it into two lots so that a house can be put on each one.

Mr. Pinto questioned if he plans on continuing to farm this land.

Mr. Suleman stated yes.

Mr. Pinto questioned if he planned on keeping one lot.

Mr. Suleman answered yes the one with the pond and the 258.24' frontage.

Mr. Pinto questioned if there would be an easement granted to allow access to the pond for irrigation purposes.

Mr. Suleman stated he did not plan on it but if it is needed he would.

Mr. Pinto stated that a DEP letter of interpretation was submitted with the application regarding the back section of the lot. It basically states that this area is a wetlands area. Can anything be built in that area?

Mr. Suleman believes he cannot.

Mr. Pinto asked what his occupation is.

Mr. Suleman explained he is a retired real estate agent. His son runs the business now which is located in Westampton.

Mr. Pinto asked if he also owned a construction outfit that maintained and repaired the various properties that you managed. So you are familiar with the building industry.

Mr. Suleman answered yes.

Mr. Pinto questioned with his knowledge, the wetlands area is not buildable and how much land does it consist of.

Mr. Suleman stated that is correct. The wetlands area is about 5.2 acres.

Mr. Pinto questioned if the front is the only area being cultivated and the back is not used for anything else but for the irrigation. Why is the back area not farmland assessed?

Mr. Suleman explained that when he purchased the property, the entire parcel was farmland assessed when he purchased it. One year the last 5 acres was not classified as farmland. It was classified as residential.

Mr. Pinto asked if he knew why it was changed and who classified it as residential.

Mr. Suleman stated that it was the tax assessor. He spoke with him and told him it was wetlands. The assessor asked for some proof. He sent the delineation letter to the assessor. He responded that he will change it to farmland.

Mr. Pinto asked if he submitted a farmland application (exhibit A2) since he has owned the property.

Mr. Suleman answered yes.

Mr. Pinto asked why he did not appeal it.

Mr. Suleman stated he did not realize it. He went and talked to the assessor this year.

Mr. Pinto questioned if he heard anything from the assessor regarding this year's application.

Mr. Suleman stated no.

Mr. Pinto questioned other than constructing the house, do you have any plans to take this out of active agriculture.

Mr. Suleman stated he doesn't.

Mr. Wisnosky stated he normally does not write letters on minor subdivisions. Land use law states a division of land for agricultural purposes can be considered an agricultural subdivision. He is unsure what it means in the application to construct a farm related single family dwelling. If this is purely a division of land for agricultural purposes, why is there a need for a subdivision?

Mr. Pinto stated this is not a subdivision by definition; it is just a division of agricultural land. If a farmer wants to sell a piece of his farm as long as the remaining acreage meets the definition to obtain farmland assessment as long as it will actively be continued to be farmed no matter what might be built on it. He stated what he thought the legislation may have been thinking.

Mr. McKay stated that the fact they want to put a house on one lot or both lots, isn't that indicative of the fact that it is not being used as farmland, now a residential lot.

Mr. Pinto explained that a farm can have a residential use on it. The residential use does not qualify for farmland assessment. It is normally 1 acre that is assessed as residential. It will be subject to roll back taxes. It still doesn't mean it is not for an agricultural purpose.

Mr. McKay commented that plan does not show a proposed house on either of the lots.

Mr. Pinto explained that there is not a proposed house; it is something that may happen in the future. There are no applications with the construction official to build a home. It is now just a division of land. He will try to sell one piece and the other he may build a house on it.

Mrs. Newcomb explained that she disagrees. She has met with the potential owner of the lot regarding putting a house there.

Mr. Pinto stated he hasn't submitted any plans. He is intending to buy the property and build a house. He has no knowledge of where he will put the house or what he is going to do. That will be up to him.

Mr. McKay stated that the circumstantial evidence screams loudly that this a transparent attempt to subdivide the property and put two houses on it, on one that would be one nonconforming lot. How do we see it any other way?

Mr. Pinto stated that doesn't mean it's not for an agricultural purpose. He could understand if he was looking to build 15 homes on 5 acre lots. This is dividing 14 acres into 2 equal parcels to put a house on it that will continue to be used for farming. That is why it is defined as not being a minor subdivision.

Mrs. Newcomb asked how can you divide the land have an acre for the home and a total of 5 acres to be farmed with wetland issues on the site.

Mr. Pinto stated he cited the statute and the case law that determines when ground that is impertinent to the farm can be considered farm ground even though it is not actively cultivated. The back of this farm is used for irrigation purposes.

Mrs. Newcomb explained if the intension is to build two homes, Mr. Suleman keeps one and the gentleman she met builds one. If the Board was to grant this the new owner of the one lot would have to understand that the land would have to be farmed forever.

Mr. Pinto stated no. If the owner decides sometime in the future that he no longer wants to farm and have a big back yard, then it would no longer be farmland assessed and would have to pay regular taxes. That is up to the owner to decide, you cannot force him to continue to farm that ground.

Mrs. Newcomb stated if the Board approves it based on agricultural use.

Mr. Pinto questioned how is he supposed to predict what someone will do in the future?

Mr. McKay says he doesn't. His client has predicted by the presentation. It's evident that what is going on here is a two lot subdivision to build two houses that will not be farmed. You will also be creating nonconforming lots.

Mr. Pinto commented that who said it's not going to be farmed. The testimony is that they are going to continue to farm. This land has been farmed for over a decade.

Mr. McKay stated that the creation of two nonconforming lots speaks volumes about your intensions.

Mr. Wisnosky explained that dividing it down the middle requires a variance and the land conforms as it exists through the RR5 zoning except for the 300' (the bowling alley approach). By splitting it in half one lot will conform for the frontage and the other will not. Under a C1 variance what is the justification to grant that relief for frontage?

Mr. Pinto stated that he believes he does not have to ask for a variance because it is a farmland division and the lots are approved as farm lots. If someone wanted to build a house on it, the lot has been approved and wouldn't need a variance. He asked for it to help prevent a possible problem later if someone comes in and wants to build a house on it. They may be told that this lot does not conform and then come in for a variance. If you deny the variance because you said this is a self-created hardship, you'll end up in litigation. He is trying to avoid that situation.

Mrs. Newcomb questioned why they didn't do a minor subdivision with a bulk variance. Then you could leave it up to the applicant to find out with the tax assessor if it is still under agricultural use.

Mr. Wisnosky questioned if the applicant has to ask for a C1 variance with the agricultural subdivision.

Mr. Kingsbury answered no, but if he wants to build a house he has to.

Mr. Pinto commented that he disagreed but that doesn't matter.

Mr. McKay stated that Mrs. Newcomb stated that she had a conversation with a builder. He asked the applicant if that was true.

Mr. Suleman commented that he sent him, a prospective buyer/homeowner.

Mr. McKay questioned if the prospective buyer was a farmer.

Mr. Suleman stated that he is a restaurant owner. You do not have to be a farmer to have a farmland qualification.

Mr. McKay questioned if the prospective buyer told him he was building a house on it and if he intended to farm it.

Mr. Suleman stated the prospective buyer understands what he needs to do to receive the farmland assessment.

Mr. McKay questioned if he was building a house on the other lot.

Mr. Suleman answered that he was.

Mr. McKay stated that the intent is that both of these lots will become residential lots.

Mr. Suleman commented that was correct.

Mrs. Kelley questioned which lot he intends to keep for himself.

Mr. Suleman stated he would be keeping the one with the pond.

Mrs. Kelley explained that he would not have farm assessment on that lot because she does not believe Mr. Pricket would be able to come farm it with the pond there. Will there be any easement to access the pond?

Mr. Suleman is willing.

Mr. Wisnosky questioned if the C1 variance is required then testimony needs to be provided to substantiate it.

Mr. Kingsbury it is not a subdivision if no new streets created, the lots are at least 5 acres, and the Board believes it's for agricultural purposes. The fact that a variance may be required does not exempt it until the day comes when you want to build a house. The day you want to build a house you would have to come in to build a house.

Mr. Wisnosky stated that at the point when the property owner wants to build a house he would have to apply for a C1 variance.

Mr. Kingsbury stated he would if the Board did not grant it tonight.

Mr. Wisnosky questioned if we would be creating a nonconforming lot that does not design to our own ordinance.

Mr. Kingsbury explained the answer is yes if someone wants to build a house.

Mrs. Newcomb explained that she is having a difficult time understanding why the applicant didn't just come in for a minor subdivision.

Mr. Pinto explained that it is easier and cheaper. There are different items such as fees and the way the plans are done. It's an attempt to save money. This was not submitted this way to try and hide what was going on. He does not know what else would be presented if this was a minor subdivision.

Mr. Wisnosky commented that was the Zoning Officer making the statement of a minor subdivision and not the Board.

Mr. Wisnosky stated why would the Board create a nonconforming lot, when the lot conforms now?

Mr. Kingsbury commented that you would do that if you were guaranteed that it was to stay for an agricultural purpose.

Mr. Wisnosky stated based on the information submitted with the application is this a division of land for agricultural purposes.

Mr. McKay commented along with the testimony provided.

Mr. Kingsbury stated if the Board grants this as an agricultural subdivision, what prevents the owner or adjoining owner from not farming next year.

Mr. Pinto stated nothing prevents it. That is the risk of paying rollback taxes.

Mr. Wisnosky questioned whether it could be deed restricted.

Mr. Kingsbury stated you cannot require it. He asked the applicant if they were willing to propose it. He has read some cases where the applicant has offered deed restrictions that the property would only be used for agricultural purposes. Every farm is entitled to have a house.

Mr. Wisnosky suggested restricting the left over acres as deed restricted.

Mr. Suleman commented that he showed Mr. Prickett what he would like to do and asked if would be ok to farm. Mr. Prickett told him yes.

Mr. Wisnosky stated that Mr. Prickett will not be farming forever. If it was truly for agriculture, even though we cannot require you, it would make sense to deed restrict for agriculture.

Mr. Pinto is willing to speak to the prospective buyer.

Mrs. Kelley has been involved with another farmer in a different area. They have to prove whether you are or aren't farming so many months out of the year. You can only have an acre of land for the home. She believes you have to have 6 acres if you have a house. She is unsure what is done with the wetlands. She suggested they look into it.

Mr. Pinto commented that he has tried to state the statute and case law. This property is used for irrigation and is considered part of the farm even though it is not actively cultivated. You can have a farm and parts of it not cultivated. This part is not cultivated because it is a pond and has wetlands, but doesn't mean it's not part of the farm.

Mrs. Kelley states that her understanding of the law is that 5 acres has to be cultivated in order to get the farmland assessment.

Mr. Pinto stated that there has to be 5 acres of the farm, doesn't mean you have to cultivate 5 acres. Part of the farm may be used for other purposes. It may not be cultivated but has barns on it. It's still farm use, just not cultivated.

Mrs. Kelley believes they may not get farmland assessed.

Mr. Pinto explained that the entire parcel used to be farmland assessed and if his client filed an appeal he probably could have made a good argument that's not a proper interpretation and has still had a farmland assessment. He has applied for the farmland assessment for this year. They are unaware what the assessor has done with it. He was given the letter of interpretation as to the wetlands. If he does not grant farmland assessment for this back piece, there will be an appeal.

Mr. Katz commented that the applicant is asking for an agricultural division to build a house. It sounds like a minor subdivision to him. Mr. Suleman stated he is willing to ask his buyer if he is willing to put on a deed restriction. He suggested that he come back next month.

Mr. Pinto stated there would not be any additional testimony other than whether or not there is a deed restriction. He can write a letter if Mr. Suleman wants to do a deed restriction. He questioned whether he needed to come back for any further testimony.

Mr. Katz believes they need to.

Mr. Kingsbury commented that there is still the question if you would apply for a subdivision and not be exempt from the subdivision. You have to come back.

Mr. Krollfeifer questioned if we look at the one lot with the pond, will there still be 5 acres there if it is a residential approval.

Mr. Katz stated yes the wetlands counts as acreage.

Mr. McKay motioned to continue the application until the December 3, 2014 meeting.
Second: Mr. Lynch

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

Motion carries to continue application until December 3, 2014.

**D. Case 14-11: Hainesport Enterprise
Block 58.01 Lots 1-6 and Block 62.01 Lot 1
1462 Route 38
Revised site plan & bulk variance
Attorney: Douglas Heinold**

Mr. Heinold requested by letter dated November 3, 2014 to adjourn the application to the December 3, 2014 meeting.

Case has been continued until the December 3, 2014 meeting.

7. Minutes

A. Regular Meeting Minutes of October 1, 2014

Motion to approve: Mr. Krollfeifer

Second: Mr. Tiver

Roll call: Mr. Krollfeifer, yes; Mr. Tiver, yes; Mr. Boettcher, yes; Mr. McKay, yes;
Mr. Lynch, yes; Mr. Dodulik, yes; Mr. Clauss, yes

8. Resolutions

**A. Resolution 2014-13: Warren & Kathryn Hopely
Granting bulk variance for garage height accessory to a residential dwelling on
Block 111 Lots 12.01 and 12.02.**

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

Roll call: Mr. Lynch, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mr. McKay, yes;
Mr. Tiver, yes; Mr. Dodulik, yes; Mr. Clauss, yes

Motion carries to approve.

**B. Resolution 2014-14: James Schumacher
Granting front yard fence along street frontage on Block 106.03 Lot 1**

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

Roll call: Mr. Lynch, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mr. Tiver, yes;
Mr. Dodulik, yes; Mr. Clauss, yes

Motion carries to approve.

9. Correspondence

A. Notice dated September 11, 2014 from Conrail
Re: Legal Notice for Flood Hazard Area Permit Application Conrail UG Bridge 15.15

B. Notice dated September 12, 2014 from Conrail
Re: Legal Notice for Freshwater Wetlands General Permit Application Block 115

Lot 6

- C. Letter dated September 24, 2014 from Burlington Co Planning Board to Mrs. Tiver
Re: 2509 Creek Road, LLC, Acceptance of Performance Guarantee improvements within county right-of-way Block 104 Lots 2.01, 3, 4, & 5.13
- D. Notice dated October 6, 2014 from NJ Department of Transportation
Re: Block 99 Lots 6, 7, 8
- E. Letter dated October 8, 2014 from Alaimo Assoc. to Mr. Selb
Re: Bruce Paparone, Washington St Subdivision, Block 10 Lot 1, Performance Bond and Plan Distribution
- F. Letter dated October 8, 2014 from Alaimo Assoc. Mr. Blair
Re: Bradford at Hainesport, Block 97 Lots 1 & 1.01 Certificate of Occupancy
- G. Letter dated October 14, 2014 from Robert Kingsbury to Joseph Pinto
Re: Block 111 Lot 8 & 8Qfarm, 2230 Fostertown Road
- H. Application Checklist dated October 16, 2014 from G3 Enterprises
Re: Freshwater wetlands application checklist 5000 Delaware Ave Block 104 Lot 33
- I. Hainesport Township Resolution 2014-128-10
Re: Approving a performance bond for Bruce Paparone, Block 10 Lot 1

Motion to accept and file: Mrs. Kelley
Second: Mr. Tiver

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

10. Professional Comments

Mr. Wisnosky suggested that the two cases that were carried over this evening until December 3, 2014 will probably take about two hours each and one should be placed on the January meeting.

Mr. Katz asked Mrs. Tiver to give the applicant a call.

Mrs. Tiver will contact the applicants.

11. Board Comments

Mrs. Kelley questioned if the 2% COAH fee applies.

Mr. Wisnosky stated yes.

12. Public Comments

Mr. Katz opened public comments. None. Closed public comments.

13. Adjournment

Mr. Tiver motioned to adjourn at 9:13pm

Second: Mr. Katz

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
AGENDA**

Time: 7:30 PM

Wednesday, December 3, 2014

1. Call to Order

2. Flag Salute

3. Sunshine Law

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

5. Roll Call

6. Items for Business

A. Case 14-13: Muhammad Suleman

Block 111 Lots 8 & 8Qfarm

2230 Fostertown Road

Bulk variance and agricultural subdivision with alternate relief - minor subdivision

Attorney: Joseph Pinto

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

Attorney: Michael Ridgway

C. Case 14-11: Hainesport Enterprise

Block 58.01 Lots 1-6 and Block 62.01 Lot 1

1462 Route 38

Revised site plan & bulk variance

Attorney: Douglas Heinold

Requested to continue until January 7, 2015 by letter dated November 6, 2014

7. Minutes

A. Regular Meeting Minutes of November 5, 2014

8. Resolutions

A. Resolution 2014-15: G# Enterprises, Inc. (Gallo)

Granting submission waivers, bulk variances, design waivers and preliminary/final site plan approval for construction of an addition of an existing warehouse building on Block 104 Lot 33

9. Correspondence

- A. Letter dated October 24, 2014 from NJ Department of Transportation
Re: Block 99 Lots 6, 7, 8
- B. Letter dated October 29, 2014 from Burlington Co Planning Board to Mrs. Tiver
Re: 2509 Creek Road, LLC Block 104 Lots 2.01, 3, 4, & 5.13
- C. Letter dated November 6, 2014 from Alaimo Assoc. to Mr. Selb
Re: Bradford @ Hainesport Block 97 Lots 1 & 1.01, Case 11-15 Performance Bond Release
- D. Certification dated November 14, 2014 from Burlington Co Soils to Mr. Blair
Re: Block 11.07 Lots various Beacon Hill
- E. Letter dated November 12, 2014 from Burlington Co. Planning Board to Mrs. Tiver
Re: Washington Street Subdivision Block 10 Lot 1

10. Professional Comments

11. Board Comments

12. Public Comments

13. Adjournment