

HAINESPORT TOWNSHIP JOINT LAND USE BOARD REORGANIZATION MEETING MINUTES

Time: 7:00 PM

Wednesday, January 7, 2015

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 2015-18-1: Appoint Class I and Class II Members to the Joint Land Use Board

Resolution 2015-19-1: Appoint Class III Member to the Joint Land Use Board

Resolution 2015-20-1: Appoint Class IV Members to the Joint Land Use Board

Resolution 2015-21-1: Appoint Class IV Alternates

HAINESPORT TOWNSHIP RESOLUTION 2015-18-1

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 Designee, 1 year term to December 31, 2015 – Anthony Porto, II

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, 2015 – 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, Leo F. Selb, 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 6, 2015.

**HAINESPORT TOWNSHIP
RESOLUTION 2015-19-1**

**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, 2015 – William Boettcher, III

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

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

I, Leo F. Selb, 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 6, 2015.

**HAINESPORT TOWNSHIP
RESOLUTION 2015-20-1**

**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, 2018 – H. Krollfeifer, Jr.
Thomas McKay

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, Leo F. Selb, 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 6, 2015.

**HAINESPORT TOWNSHIP
RESOLUTION 2015-21-1**

**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 # 3 and # 4 two year term until December 31, 2016 – Gerard Clauss

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, Leo F. Selb, 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 6, 2015.

5. Swearing in of New Appointees

Mr. Kingsbury administered the oath of office to the following: Mr. Boettcher, Mr. Porto, Mr. Selb, Mr. Krollfeifer, Mr. Clauss

6. Roll Call

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

Absent: Mr. McKay, Kathy Newcomb

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

7. Nomination of Chairperson for 2015

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

Mr. Lynch nominated Mr. Katz.

Mrs. Tiver asked for any further nominations. None. Closed nominations.

Second: Mr. Krollfeifer

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

Motion carries to appoint Mr. Katz.

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

8. Nomination of Vice-Chairperson for 2015

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. Closed nominations.

Second: Mr. Krollfeifer

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

Motion carries to appoint Mr. McKay.

9. Appointment of Secretary for 2015

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

Mr. Lynch motioned to appoint Mrs. Tiver as Secretary

Mr. Katz asked for any further nominations. None. Closed nominations.

Second: Mrs. Kelley

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

Motion carries to appoint Mrs. Tiver.

10. Appointment of Professional Staff for 2015

A. Solicitor

Mr. Krollfeifer stated that he read all three RFQs and that all are qualified. The one who has the most experience has been our council for several years, therefore he motioned to appoint Robert Kingsbury as solicitor.

Mr. Katz asked for any further nominations. None. Closed nominations.

Second: Mr. Selb stated he also read the RFQ's and agrees with Mr. Krollfeifer

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

Motion carries to appoint Mr. Kingsbury.

B. Engineer

Mr. Krollfeifer motioned to appoint Alaimo Engineers as Engineer. They were the only ones to file an RFQ but they have been our engineer for many years.

Mr. Katz asked for any further nominations. None. Closed nominations.

Second: Mr. Lynch

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

Motion carries to appoint Alaimo Engineers.

C. Planner

Mr. Krollfeifer stated that he had read the two RFQ's and both are qualified. He motioned to appoint Ragan Design Group, Michael Wisnosky, as planner, he believes he is more qualified and has been representing us for many years.

Mr. Katz asked for any further nominations. None. Closed nominations.

Second: Mr. Selb agreed with Mr. Krollfeifer. He has learned that Ragan Design is a walking book of knowledge of Hainesport Township.

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

Motion carries to appoint Ragan Design Group.

Mr. Katz welcomed back the professional staff and thanked them for the great job they have done.

11. Time, Dates, and Meeting Place for Meetings

Mrs. Tiver stated to please note that the July 8, 2015 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 7, 2015	*July 8, 2015
February 4, 2015	August 5, 2015
March 4, 2015	September 2, 2015
April 1, 2015	October 7, 2015
May 6, 2015	November 4, 2015
June 3, 2015	December 2, 2015

Reorganization Meeting: *January 6, 2016, 7:00 PM

Regular Meeting: *January 6, 2016, 7:30 PM

Mr. Boettcher motioned to approve meeting dates.

Second: Mrs. Kelley

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

Motion carries to approve.

12. Official Newspaper

Mr. Katz motioned for the Burlington County Times to be the Board's official newspaper
Second: Mr. Bradley

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

Motion carries to approve.

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".

Mr. Selb motioned to approve.

Second: Mr. Krollfeifer

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

Motion carries to approve.

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

Mr. Katz motioned to approve.

Second: Mr. Lynch

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

Motion carries to approve.

15. Resolution 2015-01: Establishing policy regarding postponements of applications.

Mr. Boettcher motioned to approve.

Second: Mr. Krollfeifer

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

Motion carries.

16. Professional Comments

Mr. Kingsbury thanked the Board for the reappointment.

Mr. Wisnosky thanked the Board for the appointment.

17. Board Comments - None

18. Public Comments - None

19. Adjournment

Mr. Katz motioned to adjourn at 7:18pm

Second: Mr. Bradley

Roll call: All in favor

Paula L Tiver, Secretary

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, January 7, 2015

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. Porto, Mrs. Kelley, Mr. Tiver, Mr. Krollfeifer,
Mr. Lynch, Mr. Selb, Mr. Bradley, Mr. Dodulik, Mr. Clauss, Mr. Katz

Absent: Mr. McKay, Kathy Newcomb, Zoning Officer

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

6. Items for Business

A. Case 14-11: Hainesport Enterprises

Block 58.01 Lots 1-6

Block 62.01 Lot 1

1462 Route 38

Revised site plan and bulk variances

Attorney: Douglas Heinold

Mr. Katz stated Douglas Heinold, applicant’s attorney requested by letter to carry the application to the February 4, 2015 meeting at 7:30pm

Mr. Krollfeifer motioned to carry the application to the February 4, 2014, 7:30pm meeting.

Second: Mr. Lynch

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

Mr. Katz, yes
Motion carries.

B. Discussion on the 2014 Hainesport Joint Land Use Board Annual Report

Mrs. Tiver stated that report is attached to resolution 2015-02. 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 that we are continuously approving that would require us to update our ordinances.

Mr. Katz does not see anything that requires changes.

7. Minutes

A. Regular Meeting Minutes of December 3, 2014

Motion to approve: Mrs. Kelley

Second: Mr. Selb

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

Motion carries to approve.

8. Resolutions

A. Resolution 2015-02: Hainesport Joint Land Use Board Adopting 2014 Annual Report

Mr. Lynch motioned to approve with no recommendations

Second: Mr. Krollfeifer

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

Motion carries.

B. Resolution 2015-03: Marlton Transmission, Inc. t/a Bear Tire and Auto Center Granting design waivers, bulk variances, use variance (expansion of nonconforming Use) and preliminary/final site plan approval for expansion of an existing automobile repair facility on Block 99 Lots 6, 7, & 8

Mrs. Kelley motioned to approve.

Second: Mr. Bradley

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

Motion carries to approve.

C. Resolution 2015-04: Muhammad Suleman Granting minor (2 lot) subdivision with bulk variances on Block 111 Lots 8 & 8 Qfarm

Mr. Bradley motioned to approve.

Second: Mr. Katz

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

Motion carries to approve.

9. Correspondence

A. Individual waterfront development upland permit for the replacement of U.G. Bridge 15.15 over Mason's Creek Pemberton Industrial Track Hainesport and Mt. Laurel Townships

Motion to accept and file: Mrs. Kelley

Second: Mr. Bradley

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

Motion carries.

10. Professional Comments - None

11. Board Comments

Mr. Selb stated that he met with the owner of Hainesport Industrial Railroad today. He questioned him what he intended to do while Conrail replaces the bridge because it will impact the town. Mr. Caplin was under the impression that they were not replacing the entire bridge. Mr. Selb believes Conrail is. He asked him how he would transport the containers because he will not be able to take them out by rail. Mr. Caplin said he would contact Conrail and get back to him. He will let everyone know. If there is an increase in trucks, there will be a large amount of questions.

Mr. Katz questioned if Conrail has a time table.

Mr. Selb stated they have a proposed time table but he has not seen it. The government never seems to stay on track with their roads and bridges.

Mrs. Kelley had a map for anyone who wanted to see it.

Mr. Selb stated that the state DEP will be hold a public hearing here tomorrow night at 7pm because the railroad is being required to put on air pollution controls at the railroad yard. The state decided to get involved in 2007 with handling railroad transfer stations. The units have been on site for about 4 months. It will cost the railroad about \$750,000 to install them. They will be regulated by DEP. They will also handle the construction inspections. He just wanted to make the Board aware in case anyone would like to be here for the public hearing tomorrow at 7pm. They have met all the proper advertising. The state believes it would be positive for the town. There will now be maximum amount of a thousand tons a day that they can handle on site, before there was none.

They are running about 250 now. There may be some people here to answer some questions. Mr. Caplin will also be present.

There was a gentleman at the Township meeting last night that he thought was inappropriate information indicating that he thought the committee had made some decisions that weren't appropriate. It was in regards to the major subdivision that was approved on Creek Road that was owned by Mr. Caplin. He was under the impression that the original owner of the property, Mr. Hawkey, came before this Board and was denied a subdivision for three lots on his property. He made that statement last night and then the Board turned around and approved Mr. Caplin's subdivision. He did speak to the gentleman and explained that matter never came before this Board. What had happened was that the owner of the property came to our zoning people and staff wanting to do a minor subdivision. Mr. Hawkey was told it would be a major subdivision. When he learned of the additional costs and what was involved, he did not want to go through that. So it was never brought to this Board. He wanted the Board to be aware of the history in case they are asked.

12. Public Comments

Mrs. Krollfeifer congratulated everyone and expressed that they are doing a good job.

13. Adjournment

Mr. Katz motioned to adjourn at 7:40pm.

Second: Mr. Boettcher

Roll call: All in favor.

Paula L Tiver, Secretary

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, February 4, 2015

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

6. Roll Call

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

Absent: Mr. Tiver, Martin Miller, Board Engineer

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

7. Items for Business

A. Case 15-01: Courtney Longnecker
Block 64.01 Lots 7-9
Block 64.01 Lots 14-16
Iowa Ave, Lakewood Ave
Bulk variance and use variance for 2 single family homes
Attorney: Patrick McAndrew

Proper notice was given.

Mr. Boettcher and Mr. Porto recused themselves.

Mr. Wisnosky handed out page 8.01 of the tax map showing the area of the two properties.

Mr. Kingsbury swore in Courtney Longnecker.

Mr. McAndrew hand out a correction of the attachment submitted with application due to an error in one of the numbers. One track is vacant land and the other has a home that would be demolished and are located in the SRC. The general area is mostly residential homes. The home on Lakewood would be a traditional two story home and the one on Iowa could be the classic Gambrel.

Mr. McAndrew asked if she was familiar with the area and if the area for SRC is a likely use.

Ms. Longnecker stated that she has lived here for 36 years. The lot with the house is her grandmother's house. The SRC is definitely not a likely use.

Mr. McAndrew questioned if there were any industrial buildings on her block.

Ms. Longnecker stated there are not. Her father is the only one who has a business.

Mr. McAndrew explained the plan is to demolish her grandmother's home and build a home for herself.

Ms. Longnecker agreed and stated the other home would be for her sister.

Mr. McAndrew explained that front yard variances would be needed. The homes would be 25' where 50' is required in this zone. He questioned if the 25' setback is similar to the rest of the neighborhood.

Ms. Longnecker believes it is. Her grandmother's home is only 19'.

Mr. McAndrew commented that in looking at the neighborhood the properties are well suited for residential houses verses industrial.

Ms. Longnecker agreed.

Mr. McAndrew commented that another variance is needed. The lot on Iowa is required to be 200' wide and the lot is 175'. Is the lot big enough?

Ms. Longnecker answered yes.

Mr. McAndrew questioned if there would be any negative impact on the neighborhood if the board were to grant the variances.

Ms. Longnecker sees no negative impacts. The area consists of a lot of older people and few children.

Mr. Wisnosky explained that the zoning in that area predates his time with the township and believes it was zoned SRC due to litigation many years ago.

Mrs. Newcomb stated that we have not had anything new coming in to that area.

Mr. McKay questioned how far back from Route 38 does the zone go.

Mr. Wisnosky answered about 300'.

Mrs. Kelley questioned if there were existing businesses there.

Mr. Wisnosky stated there are two vacant ones. The neighborhood is truly residential and the minimum lot size for the SRC zone is 40,000 sq. ft.

Mr. Krollfeifer commented that he had visited the properties. The vacant warehouses to the right. There were lights on a car parked there. The front section had a fire and has been recently been restored. The back section has a business in it Jordan machine shop. The property is in an estate at the moment and they are unsure what they will be doing with it. Anything business that would go in the front would have to come to the Board.

Mr. Krollfeifer questioned that lot 7 with the existing house that has been there for years is zoned R2 or is it all SRC.

Mr. Wisnosky stated it is SRC.

Mr. Krollfeifer questioned if the lots will be consolidated into one for each home if approved.

Mr. McAndrew stated yes it would be part of the approval.

Mr. Krollfeifer questioned if she would be living in one of the houses.

Ms. Longnecker commented that she will live in the one house and her sister will live in the other.

Mr. Krollfeifer questioned that if the Board approves the application are we creating a problem for lot 10 by consolidating the other lots.

Mr. McAndrew explained that the applicant started this in 2011 and had tried for three years to purchase the lot. They will not sell it.

Ms. Longnecker explained the owner of the property told her they had plans for it.

Mr. Wisnosky explained that the COAH development fee has been off and on again. They are now allowing Townships to collect the fees. The ordinance allows a fee of 1% to be collected for residential in the R1, R1A, and R2. COAH legislation says in instances where there are use variances, the Board can collect a fee. It is at the Board's discretion. This property is located in the SRC zone which has no fee listed in the ordinance. Mr. Wisnosky recommended that the fee not be collected.

A discussion occurred regarding COAH and the ordinance.

Mr. Krollfeifer asked for confirmation that we would not be changing the zone to R2 if we allowed the two homes to be built.

Mr. Katz confirmed.

Mr. McAndrew explained that one house would be a replacement house and the other would be a new house.

Mrs. Kelley questioned if one house would be facing Iowa Ave and the other would face Maine Ave.

Ms. Longnecker confirmed.

Mrs. Kelley believes that maybe the town should look at paper streets that will never be used and incorporating them into properties.

Mr. McKay believes some people may not want that and it may also create a bunch of easement problems.

Mrs. Newcomb believes it should stay as it is unless someone comes forward wanting to do so.

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

Mr. Kingsbury stated the first vote would be whether to grant the use variance to build the two homes with two separate lots subject to consolidation.

Mr. Krollfeifer motioned to grant the use variance

Second: Mr. Selb

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

Motion carries to grant use variance.

Mr. Kingsbury stated the next vote would be whether to grant variances for 175' frontage, 25' front yard setback on both properties.

Mr. Krollfeifer motioned to approve based on the house to be demolished is 20' and the new will be 25' setback.

Second: Mr. Selb

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

Motion carries to grant variances.

B. Case 14-11: Hainesport Enterprises

Block 58.01 Lots 1-6

Block 62.01 Lot 1

1462 Route 38

Revised site plan and bulk variances

Attorney: Douglas Heinold

Proper notice was given.

Hainesport Enterprises requested the application be carried to the March 4, 2015 meeting by letter dated February 4, 2015.

Mr. Krollfeifer questioned how many times they may postpone.

Mr. Kingsbury explained that the applicant had re-noticed for this evening.

Mrs. Newcomb explained that the applicant has been working diligently. They are in an infraction with her. There have been issues that must be addressed first. She has spoken with the attorney and their professionals, in which they wanted to come in for a preliminary. In having a long talk, there are some things that are still up in the air. The applicant is working hard and are not dragging their feet. She doesn't want them coming to the Board and wasting time with a half completed application.

Mr. Krollfeifer motioned to carry the application to the March 4, 2015 meeting.

Second: Mr. Lynch

Roll call: Mr. Krollfeifer, yes; Mr. Lynch, yes; Mr. Boettcher, yes; Mr. Porto, yes;
Mr. McKay, yes; Mr. Bradley, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to continue the application to the March 4, 2015 meeting.

8. Minutes

A. Reorganization Meeting Minutes of January 7, 2015

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

Roll Call: Mr. Lynch, yes; Mr. Krollfeifer, yes; Mr. Boettcher, yes; Mr. Porto, yes;
Mrs. Kelley, yes; Mr. Bradley, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

B. Regular Meeting Minutes of January 7, 2015

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

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

Motion carries to approve.

9. Resolutions - None

10. Correspondence

A. Letter dated December 24, 2014 from Alaimo Assoc. to Mr. Selb
Re: Shop Rite Expansion Block 96 Lot 1.10 Performance Bond Release

B. Letter dated January 13, 2015 from Mr. Ruggiano, Fire Official, to G3 Enterprises
Re: Gallo Warehouse expansion Block 104 Lot 33

C. Letter dated January 21, 2015 from Burlington Co Planning Board to Mr. Stout
Re: Winzinger Block 73 Lots 6-11

Motion to accept and file: Mrs. Kelley

Second: Mr. Katz

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

11. Professional Comments

Mr. Wisnosky stated he attended a seminar on COAH. Last year when the new regulations came out it was for 300 new units over the next 10 years. They had all agreed that round three regulations can be thrown in trash because they were rejected by COAH. There is a lawsuit pending. A new time frame should be out soon. As long as we are round two compliant we are ok. We have been for the last several years.

12. Board Comments - None

13. Public Comments - None

14. Adjournment

Mr. Krollfeifer motioned to adjourn at 8:08PM.

Second: Mr. Bradley

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, March 4, 2015

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

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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. Selb, Mr. Dodulik, Mr. Clauss, Mr. Katz

Absent: Mr. Porto, Mr. Lynch, Mr. Bradley

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 15-02: Robert T Winzinger, Inc.
Block 73 Lots 9, 10, 11
1701 Marne Hwy
Minor subdivision
Attorney: Denis Germano**

Joan Winzinger was sworn in.

Mr. Germano explained that this is a minor subdivision which is just a rearrangement of lot lines. US Supply owns property next to Winzinger. Several years ago the US Supply building burnt down. Many years ago Winzinger and US Supply made an agreement that Winzinger could put pieces of equipment on the property in the far back as long as Ms. Winzinger took care of the snowplowing and things of that nature. US Supply suggested they buy the land after the building burnt down.

Mr. Germano stated that the plan shows a conforming lot remaining for US Supply and the back part of the US Supply lot being attached to the Winzinger lot, which is also conforming. They are proposing no variances or construction. It will continue to be used to park heavy equipment when it is not out on a job.

Mr. Wisnosky agreed that this is a conforming minor subdivision application.

Mr. Miller commented that with speaking with the tax assessor, they would like the plan to show the acreage of the stream encroachment area in the back of the property. The applicant can have his surveyor call him.

Mr. Germano agreed.

Mr. Krollfeifer asked for clarification on the size of the lot left for US Supply.

Ms. Winzinger explained the lot will be 160' back.

Mr. Germano stated there will be a conforming lot.

Katz public comments. None. Closed public comment.

Mr. Krollfeifer motioned to approve.

Mr. Katz asked to amend to conclude Mr. Miller's request for the stream encroachment.

Mr. Krollfeifer amended his motion to include the request for the stream encroachment on the plan.

Second: Mr. Dodulik

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

Motion carries to approve.

B. Case: 06-01C: Verizon NJ Inc.

Block 96.02 Lot 1

625 Lumberton Road

Extension of time on trailer

Attorney: Nicholas Talvacchia

Proper notice was given.

Mr. Talvacchia, attorney, requested another extension of their site plan waiver for their trailer at 625 Lumberton Road. He was present three years ago. The first waiver was granted back in 2006 which allows the man power to roll out the installation for the FIOS project. FIOS is still being built.

Mr. Katz commented that his block still does not have it.

Mr. Talvacchia explained so they are still using the 12' x 44' trailer every day. It is used for office space which only has electric in it. It is used as office space by 3 to 4 people. Service workmen stop in to get their work orders and leave. The Board has found in the

past that there was no impact to the neighborhood or the site, plenty of parking, and request another extension. He cannot tell the Board for a fact that it will be done in three years.

Mark Bocchieri, Verizon Director of External Affairs, was sworn in.

Mr. Talvacchia asked that he explain why the trailer is needed and the long term use.

Mr. Bocchieri explained that they are coming to the end of the FIOS build out. The space is needed for the employees to come in and collect their work in the local area. They are estimating it to be completed over the next three years.

Mr. Talvacchis stated that it is a 12' x 44' trailer which occupies three existing parking spaces. Located approximately 140' in from the gate.

Mr. Boettcher asked how often it is used and what is done in the building.

Mr. Talvacchis stated that the trailer is used daily. The main building is a service center. The trailer is specifically used for the build out of the FIOS system only.

Mr. Boettcher stated he visited the site and he could not find anyone there.

Mr. Talvacchis explained that there are not a lot of people on site after the work orders are distributed. The trailer typically has 3 to 4 people doing office work.

Mr. Bocchieri stated that there may be times that the office workers are not there due to have to visit a work site. The additional building is used because we have additional people reporting that are working on the FIOS.

Mr. Boettcher commented that they were locked with pad locks.

Mr. Selb asked for clarification since he was not present in 2006. In 2006 you received approval to place a temporary trailer on site and have come back and received two extensions so far. This is there fourth appearance. Hainesport is the host community. He has received calls from people that still do not have FIOS. He is puzzled that after 10 years, being the host community, that Hainesport is not completed.

Mr. Bocchieri is unsure.

Mr. Talvacchis stated they do not have the answer tonight but can get the answer.

Mr. Selb has concerns with it being a temporary trailer for 13 years.

Mr. Talvacchis understands the concerns and if the Board wishes they could come in to make a permanent application for site plan they would be willing. They would need some time. They would like the three years and the Board has been generous over the years. They have been acting in good faith. We feel this has very little to no impact.

Mrs. Newcomb explained that she finds it frustrating that she has to remind Verizon every three years that they are due to come before the Board. If the Board should grant the extension, Verizon stay on top of it.

Mr. Talvacchis agreed.

Mr. Wisnosky commented that Mr. Selb has a valid point. He would recommend that Hainesport be built out in three years, however, the applicant cannot do that. It would be helpful if they could give a time line to the administrator.

Mr. Talvacchis agreed.

Mr. Dodulik comment that some of the areas have underground wiring which could be the problem. However, he believes those areas would never get it.

Mr. Krollfeifer suggested that the Board grant a 1 year extension so the applicant can give us some answers. If they could stress that Hainesport would like to be connected.

Mr. Talvacchis agreed that would give them the time to also evaluate whether they should be coming back with a site plan to be permanent install.

Mr. Selb would support that one year extension. Some areas without service do have underground wiring and other do not.

Mrs. Kelley stated she has lived down the street to Verizon for 39 years. She has seen the vehicles coming and going from the site. She has a difficult time getting out of her driveway when they change shifts.

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

Mr. Selb motioned to grant a one year extension. It will give them time to get to use with some of the answers to our questions.

Mr. Krollfeifer second with the year expiring February 1, 2016

Mr. Selb agreed.

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

Motion carries to approve.

C. Case 14-11: Hainesport Enterprises
Block 58.01 Lots 1-6
Block 62.01 Lot 1
1462 Route 38
Revised site plan and bulk variances
Attorney: Douglas Heinold

Proper notice was given.

Mrs. Kelley and Mr. Boettcher recused themselves.

Mr. Douglas Heinold, attorney, explained that they are here for the back portion of the site which is zoned industrial. The application is for an amended site plan approval with variances, most are existing, there is a minor deviation for the 50' front yard setback, 25' side yard setback, and minor setback from Greenwood Ave. There are two existing 6,800 sq. ft. buildings on site. They are proposing a 13,000 sq. ft. building, a revised parking area, and stormwater improvements.

Mr. Kingsbury swore in the following witnesses: Mark Shourds, planner & engineer; Andrew Feranda, traffic engineer, Thomas Amendola, Hainesport Enterprises; Brian Walsh, operations manager.

Thomas Amendola gave some history of the site and the reason they are here tonight. They have been there for 27 years and have had the lot since 1999. He was notified by the zoning officer of issues on the site.

Mr. Heinold questioned if they had taken care of any issues.

Mr. Amendola explained that they had gotten rid of the trailers, truck parts and boats. They tried to get rid of the offending items.

Mr. Heinold questioned what kind of improvements are being proposing to help.

Mr. Amendola stated they are proposing an eight foot fence, a vegetation buffer between their property and the fence.

Mark Shourds gave credentials and the Board accepted. He gave an over view of the site. He referred to a color version of the landscape plan that is included with the application. Revised plans have been submitted. Some things have changed underground but not above.

Mr. Shourds pointed out the location of the proposed building. The building will have 11 bays (10 work bays) and will be 60' deep. A deeper building is need for the mechanics to work and store equipment. There will be concrete around the building which is more durable than paving. There will be paving around it. The employees will have paved parking required by ordinance. There will still stone parking for vehicles that need to be worked on. Hainesport Enterprises has other operations, this operation does not stand alone. The new building does not have offices, people would not come to this to pay a bill or retrieve their vehicle. Those operations are done at the existing buildings up front. This is not public access. When a vehicle is towed in, it is checked in at the front and then the employees move it to the back.

With any auto repair facility there are deliveries of parts, which are delivered to the parts department located at the front and then the mechanics get them when needed. They are not typically delivered to the new building, but it is possible if a large item such as a hood to a large truck. Cars are typically not worked on in this area, they are large vehicles such as RV's, Firetrucks, etc. They are asking for a waiver from having a designated loading zone. There is plenty of room in front of the bays for a delivery truck to drop off to a specific bay if it is ever needed. They do not have any big deliveries to there.

One hundred percent of the vehicle debris is recycled. All the fluids are put into tanks and recycled, which is collected on a regular basis. There are two dumpsters for

recycling metal parts. They also recycle the wood frames and cardboard that items are shipped in. He pointed out the location of the dumpsters. They will be screen from the neighbors by the new building.

The new building will have a wash bay where all water is recycled and no discharge into storm water. If a vehicle is in an accident and pulled off the road and it's in mud, a wash bay would be needed to clean the vehicle before the mechanic can work on it. It will not be for use for commercial or the public.

One of the difficult issues they faced here. The Board Engineer questioned whether or not if this facility because being an auto repair facility meets the DEP's definition of a facility that could not recharge storm water in the basin before it was cleaned. The DEP told them the most conservative approach with dealing with storm water on a facility like this is to clean the storm water before it goes into the basin. They are proposing a mechanical system that will clean the water before discharge into the basin. The plan will need to be submitted to DEP. The wetlands on Greenwood Ave have not yet been submitted for an LOI. The DEP likes everything to be submitted at one time. They will be submitting to the DEP if they receive approval this evening. They have worked a lot with Alaimo's office with the concerns they saw and answering a lot of their questions. The plan has come a long way to address those concerns. They received a new review letter from Alaimo and agree to meet the comments.

Mr. Heinold asked that he describe the landscaping.

Mr. Shourds explained the initial thought was to vacate Haines Ave so the original plan shows the proposed chain link fence and landscaping within that proposed vacated strip. In discussions that the vacation may or may not happen, they chose to put the chain link fence on their property line and place the landscaping inside the fence on their property within the 15' strip before the vehicle storage area.

Mr. Heinold asked that he explain the variances needed to the existing buildings.

Mr. Shourds explained the preexisting variances on the buildings are 24.4' where 25' is required and 49.9 and 49.7 where 50' is required and no changes are proposed to them.

Mr. Shourds continued with parking. The ordinance requires 4 parking spaces per bay and parking spaces for employees. In their discussions they talked about some of the uses on the site. Hainesport Enterprise have a lot of fleet customers such as Burlington Bur Link, Budget Rent A Truck, and Tree Clearing Service. He explained the number of vehicles onsite today. They put aside 10 parking spaces for fleet vehicles to be rotated off the site. There was some concerns about the operation of some of those fleets. Mr. Amendola will give testimony regarding that there is no operation of any of those fleets from his site. Alaimo's letter stated that 131 parking spaces would be required. They show 129 and will put a lot more spaces back on the site to avoid a variance. The vehicles vary in size, therefore the spaces are not consistent with a shopping center. Their staff parks the vehicles and stacks them. They can easily meet the 131 parking spaces and will show them on the plan.

Mr. Heinold asked that he speak about Greenwood Ave and the spots.

Mr. Shourds explained that Greenwood Ave is a dead end. A small section is improved with paving. There is an overhead utility line and a sanitary sewer line. There is municipal kinds of uses that happen within Greenwood. Maintenance of Greenwood Ave is done by Hainesport Enterprises, such as sweeping, plowing, taking care of it even though it is a municipal roadway. They have two handicap parking spaces that will back out onto Greenwood, which Greenwood is not a typical roadway. Hainesport Enterprises are the only ones who use it. They do not have a full 25' out of a few spaces and the two handicap spaces would back into that area as well. They have no traffic there other than employees. They felt this would be a good space to meet the ADA requirements.

Mr. Miller suggested that he discuss the waiver for no curb.

Mr. Shourds explained that the ordinance required Belgium block curbing when adding parking. They are asking for a design waiver. The curbing has no function on the site.

Andrew Fernanda, traffic engineer, gave his credentials and the Board accepted.

Mr. Heinold asked that he give an overview of his report.

Mr. Fernanda explained his report of September 18, 2014. His report included a data traffic count at the intersection of Iowa and Greenwood Aves during the peak afternoon hours between 4pm and 6pm. There were 30 to 40 trips during a given hour. This is considered unrestrained traffic. This intersection really doesn't carry public traffic. It operates mostly as internal traffic. With the proposed building it would double the trip by another 30 to 40 trips that would all be considered unrestrained traffic with little conflicts. They also observed the parking in July 2014 and the south parking area was less organized. Since then they have done a lot to organize parking and clean up the site. They have a 30' wide circulation isle which is enough for turning. There is 129 parking spaces on site, 27 are employees/customers. There will be 104 stacked parking spaces to meet the 131 requirement.

Mr. Heinold asked to address Mr. Miller's letter of February 27, 2015.

- Page 2 -1. The Tree Service trucks have fallen considerable over the year due to them moving out of the area.

Mr. Heinold asked if Hainesport Enterprises have a lease with Dave's Tree Service or an operation center on his property.

Mr. Amendola answered no.

Mr. Heinold questioned if they were a substantial client.

Mr. Amendola stated they are. Right now they are inspecting their bucket trucks which must be inspected annually. They have a federal, DOT, and their own internal requirement.

Mr. Miller questioned if the trucks are there daily for repair.

Mr. Amendola commented that they rotate them in and out. They will bring a vehicle in for repair and take one out.

Mr. Selb questioned if the changing out of vehicles is happening early in the morning which tends to make one think they are operating out of there.

Mr. Heinold stated the level of use was higher and wasn't organized very well which in turn did have an impact on the residents. Their service is scaling down so the impact should be less. He questioned the time.

Mr. Amendola stated around 6:30 am and there may have been some violations in the past.

A discussion occurred regarding the number of parking spaces and how the spaces are calculated.

Mrs. Newcomb referred to an area on the map and questioned if it would be a gravel surface.

Mr. Shourds explained that it is crushed stone and would be a hard surface. The base is the most important thing.

Mrs. Newcomb questioned how the parking will be defined on stone.

Mr. Shourds stated they will not be defined because no one from the public will be parking there. It is showing what we could put on there, it is possible that we could fit 50 more parking spaces. They are trying to show the Board that they meet the ordinance requirements.

Mrs. Newcomb stated that we recently approved a similar situation and required that applicant to define the spaces with parking bumpers. The township ordinance under 104-56b requires that "All vehicle standing area created in conjunction with any use shall be covered with an all-weather, hard surface." She questioned if they were defining it as so.

Mr. Shourds answered yes.

Mr. Selb believes a parking bumper should be used to keep the width. He has concerns with expanding the widths over time, so instead of 15, over time that may grow to 16 or 17. If they are going to need more, the width should be established now.

Mr. Shourds explained that they are showing they could meet the minimum requirement they are not trying to limit the number.

Mr. Wisnosky stated the difficulty in the past was the site expanded. Maybe we should have a limit on how many vehicles should be on site in order to keep the site from expanding.

Mr. Selb believes that you may have more vehicles on site on different days, which is hard to restrict. If the width of the lanes are restricted it can only be stacked in the lanes and won't expand by coming closer together.

Mr. Shourds commented that once the improvements are made on the site, it will limit any expansion. The maneuvering of the vehicle to get in and out of the bays is critical to the operation.

Mr. Selb would like to see some organization.

Mr. Heinold stated it would probably be a helpful guide and questioned if they would like to see bumpers.

Mr. Selb would like to see bumpers. However, some of those areas may have an issue with access. He doesn't want it to impede on the flow of traffic.

Mr. Shourds stated you would probably need about 30 bumpers. It would only impede when plowing.

Mrs. Newcomb agrees with Mr. Shourds that the fence will help control any expansion. She would support not having the bumpers if it would impede them, if that is what the Board wishes.

Mr. Heinold stated that there were 95 vehicles when inspected and that is typical. The 131 space is to meet the ordinance.

Mr. Miller agreed that the 131 spaces is some sort of maximum. If they dealt with 131 vehicles every day, there would not be a lot of maneuvering room. He would recommend the bumper blocks that designated the service isle just along the perimeter.

Mr. Wisnosky commented that the application is incomplete because they did not submit an environmental impact statement. A submission waiver is needed. They did provide him with an architectural drawing. A waiver has been also requested for copies of submissions to other agencies. He believes an environmental statement is not needed.

Letitia Kelley, Environmental Committee, was sworn in. She is not participating in the case because she lives within 200ft. The Environmental Committee does not believe an environmental statement is needed.

Mr. Selb motioned to waive the environmental impact statement.

Second: Mr. Clauss

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

Motion carries to approve.

Mr. Selb motioned to approve a waiver from copies of submissions to other outside agencies.

Second: Mr. Clauss

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

Motion carries to approve.

Mr. Heinold continued with #3 of the Alaimo letter.

Mr. Miller stated the question of the wash bay being used for the public was answered. They did stated it would be only the washing of the vehicles and maintenance, no public use.

Mr. Selb questioned if the wash bay was a drive thru.

Mr. Heinold answered no.

Mr. Heinold marked the following as exhibits: A1 is the site plan, A2 is the elevations, and A3 is the floor plan.

Mr. Shrouds addressed number 4. The applicant did provide a use in operations statement. The new building will also allow more to be done in house and this is an existing site.

- #5 they will concur with the recommendation of the Board's Planner and Engineer regarding the parking setbacks
- #6 they discussed regarding the variances and landscaping. They will modify the landscaping according to the planners recommendations.
- #7 and #8 refer to the preexisting nonconforming variances.
- #9 the parking table was addressed

Mr. Miller stated that the 131 parking spaces are not a big issue. We have already discussed the parking spaces and the width and will take care of that with the bumper blocks. This brings us to #11.

- #11 No parking signs on Greenwood Ave. The applicant agreed.
- #12 A waiver has been asked for the Belgian block curb.
- #13 and #14 were discussed regarding the cars going back and forth and the parking.
- #15 were discussed that no unloading/loading spaces on the plan. A design waiver would need to be granted. Mr. Miller questioned where the new parts are delivered.

Mr. Heinold stated they come into the other building. If it is a large part is delivered, they will check in at that building and could possibly be told to deliver it to bay 3.

Mrs. Newcomb asked if Mr. Amendola could give testimony regarding the storage of these items as they have had past issues with items new and old just laying around.

Mr. Amendola commented that they have gotten rid of most of them. He has a partner and employees who think that they be able to use something in the future. They are adjusting that thought process. They have doubled the size of their business since 2002. They do not see their business doubling again. They would endeavor not to let it get to that situation again. They will just have to order new parts when someone comes in.

Mrs. Newcomb questioned how often the recycled dumpsters get emptied.

Mr. Amendola commented that he would have to check. They are roll offs. It would depend on the amount of work in a given week.

Mr. Shourds pointed to the location of the dumpsters.

- #16 will be addressed by Mr. Wisnosky.

Mr. Miller stated the next item he has is #26. The area is two separate drainage areas. One drainage area is being collected by the detention basin that will be serviced by two mechanical inlets. Another area is taking the roof drains and from the adjacent lot and

coming to the inlet on Greenwood Ave. The applicant is proposing that the inlet would be a bubbler that will end up coming down to the wetlands area. He suggest that they do one of two things. Extend the line to a head wall to the wetland area or you can take that line through the basin area, it would just be a bypass. You need to deal with DEP anyway.

Mr. Shourds stated they will resolve the issue with DEP and quickly as they can. Mr. Shourds and Mr. Miller will get together to solve the issues.

Mr. Miller stated that they will be looking for deed restrictions for the basin and the units.

Mr. Shourds explained it to the applicant why that is need and will also be preparing a maintenance program if approved.

Mr. Miller stated the next item is #30. He questioned how and where the water and sewer will be coming to the building.

Mr. Shourds explained that there is a lateral for the sanitary line on Greenwood. They are working on the water. There is a water main on Route 38 and a fire hydrant on the corner of Route 38 and Iowa. Due to the size of the new building, it is required to have a sprinkler system. Calculations need to be completed and he has suggested another fire hydrant.

Mrs. Newcomb suggested they speak to the MUA regarding the wash bay.

Mr. Miller stated the last item he needs to address is #31. The applicant is seeking a design waiver to eliminate the trash enclosure.

Mr. Shroud answered yes.

Mr. Heinold stated that it is not necessary.

Mr. Wisnosky commented that we try to improve existing sites the best that we can. Three issues come to mind. One is to organize the site, which they have done. A water quality, which Mr. Miller is dealing with. Protection to our residents.

There are mature trees between the property lines. An 8' fence will be installed on their property line with vegetation on their property within the fence. Therefore the area will not be touched between their property line and the resident's property line. He would suggest a green chain link fence so that it blends into the environment, especially with the landscaping behind the fence. It will also establish the line so they do not encroach on where they are not supposed to be. Two design waivers would be required to accomplish this. One would be a reduction in the buffer from 50' to 15' and a design waiver to allow the detention basin to go into the buffer area. There are a few minor issues in his letter that he is sure they would agree to. Also there is an extensive letter from the fire official.

Mr. Heinold stated they will comply with every item on the fire official's letter.

Mr. Krollfeifer asked that he explain the 15' buffer verses the 50'.

Mr. Wisnosky explained that there is a 50' buffer required. 25' open and 25' planted. They were originally talking about a vacation of the street which would have put them closer to the residents. We did not want that, so this seemed to be a better solution.

Mrs. Newcomb questioned if there would be lighting on the exterior of the building.

Mr. Shourds stated there proposal is not to increase the light on the site that may impact the neighbors. The only lighting proposed is the security lighting on the doorways which is part of the code.

Mr. Selb proposed the 15' buffer in order to make sure that the 50' stayed there which is a paper street. Mrs. Newcomb agreed with him because there have been past issues.

Mr. Heinold believes it is a good solution.

Mr. Krollfeifer questioned if the bulk storage units are removed that are listed in Mr. Miller's letter item 23.

Mr. Heinold stated they will be removed.

Mr. Katz opened public comment.

Shirley Powell, 503 Lumberton Road, was sworn in. She also own apartments at 509 Lumberton Road. She has had complaints from her tenants regarding the noise and lights. She questioned which way the doors will be facing.

Mr. Selb stated the same way as the others.

Ms. Powell has a light that shines in her kitchen window and goes all the way to the living room. Her tenants have lights shining in their windows from the latest building that was built. They can hear the banging, yelling, and the back-up alarms. They did not have a problem until the last one was built. The noise is worse when they work late nights in the spring because the doors are open.

Mrs. Newcomb asked the hours of operation.

Mr. Armendola stated 6:30am to 8pm.

Mr. Krollfeifer questioned if the fence would help with the lighting.

Mr. Wisnosky stated it may help with the light but will not for the sound.

Mr. Heinold agreed to shield the light.

Ms. Powell complained about the light on Iowa Ave.

Mrs. Newcomb stated that she would have to contact PSE&G for that light.

Ms. Powel had concerns with the buffer, it did not occur last time.

Mrs. Newcomb explained that this time the fence will make a huge difference with the buffering in the interior and the 50' between the properties.

Mr. Heinold explained that the applicant was before the Board 2007/8 and proposed a buffer. The economy took a dive then and the proposal did not move forward. Nothing was constructed from that approval.

Mr. Krollfeifer questioned if the applicant could put up the fence first.
Mr. Selb had concerns that it may impede.

Mr. Shourds stated it will not impede on the construction. The Burlington County Soil Conservation will require them to first build the basin and put a tire cleaning pad in. They can put the fence in as part of that step, they are required to put in the silk fence.

Ms. Powell questioned if they could put in a fence higher than 8'.

Ms. Newcomb commented the ordinance states 8'.

Samantha Webb, 509 Lumberton Road, was sworn in. There are four apartments and she rents one of them. She has been there for 5 years. She had to buy backing for her curtains because the bright lights would shine through her regular curtains. The lights are worse in the winter due to no leaves on the trees. During the warmer months she cannot have her windows open due to the noise throughout the night with the tow trucks with the flashing lights and the back-up noises. She can't sleep in on the weekends because they have the bay doors open and she can hear everything.

Mr. Katz questioned if the problem with the lights are from the building or the trucks.

Ms. Webb stated both.

Mr. Selb believes they will address the lighting issue from the building by shielding the lights. As far as the flashing lights, he is sure that is a management issue. They could tell their operators to shut off the flashing lights when they arrive on the property. The speakers could be redirected.

Mr. Heinold explained that the pager system is being phased out.

Mr. Selb believes that with the things being brought to the applicant's attention will help. They may have not known about the issues.

Ms. Powell stated that she and her tenants are entitled to peace and quiet. She also has a business.

Mr. Selb believes we just need to find a way to coexist.

Mr. Katz stated it should as if they are going to work with you and do some things.

Mr. Dodulik questioned if the applicant could handle the present issues with the lightings.

Mr. Heinold stated that they will, it may take a little time to get the right equipment and materials.

Mrs. Sherrie Hemingway, 509 Lumberton Road, was sworn. She does not have much issues with lighting. Her issue is with the noise. On a Saturday morning, around 6:45 it is load over there. You can hear different tools, such as an impact wrench. She thinks the fence will be helpful but questioned the type and size of the landscaping.

Mr. Wisnosky stated some every green trees with evergreen shrubs. It takes about 3 to 5 years to mature. The evergreen trees will be about 5' to 6' high.

Mr. Selb having the trees on the inside of the fence will make it easier for the applicant to maintain.

Mrs. Hemingway believes the tree company may have moved some of their vehicles is due to the batteries being stolen from their trucks. She also believes they were storing their vehicles there. You have 3 guys getting into a truck, it more like they are meeting there and going to work. She also has concerns with the dumpsters not being enclosed.

Mrs. Newcomb explained that the enclosure will not stop someone from stealing.

Mr. Selb stated that the 8' high fence will help with security of the grounds.

Mrs. Kelley stated that she agrees that there is a problem with the lights and there is also a problem with burglaries. She had to install motion lights. The lights also shine in her home. She suggested they adjust the lights down and install motion lights. She hears the noise which is part of the business. She also hears the noise from Verizon and Route 38 since they removed the trees to build homes across the street. She likes the gravel so that the water can go through. She believes that it should not all be paving and concrete. She is not sure how the bumpers would work. The fence will keep them from going into the buffer area. You'll have to be careful when snow plowing with the buffers.

Mr. Katz closed public comment.

Mr. Kingsbury stated the application is for preliminary and final site plan with bulk variances with setbacks from the front and side, design waivers with the most significant being the reduction in the buffer and the detention basin in the buffer area. You can grant preliminary approval, preliminary and final approval with the request for existing condition variances, along with the conditions discussed tonight, bumpers delineating the perimeter of the parking, lighting that's effecting offsite, truck flashing lights, the fence being installed during the first phase of construction.

Mr. Selb motioned to approve preliminary and final site plan approval as discussed.

Second: Mr. Clauss

Roll call: Mr. Selb, yes; Mr. Clauss, yes; Mr. McKay, yes; Mr. Tiver, yes;

Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Katz, yes and commented that he is happy that the applicant will be working with the neighbors to solve some of the problems.

Motion carries to approve application.

7. Minutes

A. Regular Meeting Minutes of February 4, 2015

Motion to approve: Mr. Krollfeifer

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Boettcher, yes; Mr. Clauss, yes;
Mrs. Kelley, yes; Mr. McKay, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2015-05: Courtney Longnecker

Granting use variances and bulk variances to permit construction of residential dwellings on Block 64.01 Lot 7-9 and Block 64.01 Lot 14-16

Motion to approve: Mr. Krollfeifer

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Boettcher, yes; Mrs. Kelley, yes;
Mr. McKay, yes; Mr. Clauss, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

9. Correspondence

A. Letter dated February 5, 2015 from Burlington Co Planning Board to Mr. Blair
Re: Gallo Wine Building Expansion Block 104 Lot 33

B. Letter dated February 5, 2015 from Burlington Co Planning Board to Mrs. Tiver
Re: Robert T Winzinger, Inc. Block 73 Lots 6-9, 10, & 11

C. Letter dated February 5, 2015 from Alaimo Assoc. to Mr. Katz
Re: G3 Enterprises (Gallo Warehouse) Block 104 Lot 33, 5000 Delaware Ave
Compliance Plan Review

Motion to accept and file: Mrs. Kelley

Second: Mr. Dodulik

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

10. Professional Comments - None

11. Board Comments - None

12. Public Comments - None

13. Adjournment

Mr. Katz motioned to adjourn at 10:18

Second: Mr. Selb

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, May 6, 2015

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

Absent:

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 15-04: Richard & Bryana Adornetto
Block 100.05 Lot 7
2 Heather Lane
Bulk variance**

Proper notice was given.

Mr. Kingsbury swore in Bryana and Richard Adornetto.

Mrs. Adornetto explained that they live on a corner lot (Heather and Lenox) and would like to extend their fence. They are the third owners of the home and inherited the fence. The new fence will make the property aesthetically pleasing. The current fence is in need of repair and it limits the use of their yard. They have concerns with cars speeding through because they have a four year old and a two year old. One of their children has Sensory Integration Disorder. She needs to have equipment outside to fulfill her needs

such as a swing set, play dome which does not leave a lot of room in the yard. They have an 80lb dog that needs the room to run. They also do gardening. There is an issue with privacy from their neighbors. Trees have been put in the back to help with privacy.

Mrs. Adornetto explained that they did not realize the issues that come with a corner lot when they purchased it. They have been working on landscaping and the house to make it their own.

Mr. Wisnosky questioned what type of fence they would like to put up.

Mr. Adornetto stated a 6' spaced black aluminum fence.

Mr. Wisnosky explained there are similar fences with similar setbacks.

Mrs. Newcomb referred to pictures and asked if they were staying inside the tree line at the street.

Mrs. Adornetto answered yes it will be between the house and trees. They will also be doing landscaping.

Mr. Krollfeifer questioned if they would be moving the shed.

Mr. Adornetto explained they would like to move it closer to the inside corner, away from the street.

Mr. Krollfeifer questioned if they have any easements that would interfere.

Mr. Adornetto stated they only have the triangle easement at the corner which will not interfere.

Mrs. Newcomb believes additional landscaping would be needed due to the existing trees.

Mr. Selb in looking at the photos and fence line which will extend out front of the neighbor's house. How do the neighbor feels.

Mrs. Newcomb believes it will not be a problem since you will be able to see through the fence.

Mr. Wisnosky commented that it is not a solid fence.

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

Mr. Krollfeifer motioned to approve.

Second: Mr. Selb

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

Motion carries to approve.

Mrs. Adornetto asked for a waiver to proceed with construction prior to the memorialization of the resolution.

Mr. Krollfeifer motioned to approve waiver.

Second: Mr. Selb

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

Motion carries to grant waiver.

B. Case 15-06: AmeriCycle, Inc.

Block 42 Lot 3.02

233 Mt. Holly Bypass

Site plan waiver for extension on trailers

Mr. Germano, applicant's attorney, requested for an extension of time by letter dated May 6, 2015.

Mrs. Newcomb stated Mr. Germano has been recently retained by AmeriCycle and they may be moving forward with the building. It would be a use variance. Would like an august postponement.

Mr. Katz motioned to postpone application until the August 5, 2015 meeting

Second: Mr. Porto

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

Motion carries to postpone until August 5, 2015

C. Case 15-05: Diamantis Children's Trust

Block 100 Lot 8.01

1386 Route 38

Use variance

Attorney: Igor Sturm

Mr. Boettcher and Mr. Porto (left at 8PM) recused themselves from the application due to being a use variance.

Mr. Sturm, attorney, an application for a use variance. Allison Mathern, engineer and architectural manager for Pep Boys, Jack Gravlin, PE, and Robert Perry, planner are with him this evening.

Mr. McKay asked that they pay close attention to the use variance issue. The placement of an auto shop in this section of Route 38 punches a hole in our master plan.

Mr. Sturm understands and recognizes that the master plan was created in 1987 and updated. The definition of prohibited uses of a motor vehicle service station, they feel things have evolved where Pep Boys is a different concept.

Allison Mathern was sworn in. She explained that she represents Pep Boys and wants to inform the Board of the concept they are proposing at this location. This would be a service and tire center. It is 99% service and no retail aside from a couple of accessories such as windshield wipers and air fresheners. They do tire installations, alignments, oil changes, brakes, tune-ups, and minor engine repairs. These places do not have a lot of inventory. The concept is more like a neighborhood garage. The average car is there for 2 ½ hours, they are quick services. They are not overnight vehicles waiting for pieces or parts. This store will be designed with their new branding which started approximately 2 years ago. It is very much upgraded from what one is used to seeing. It has a very high end customer lounge with internet bar. This will be one of the first ones built in New Jersey in this area from the ground up. There is one with a similar style in Moorestown, which was formally a Pier One store. She is willing to answer any questions.

Mr. Wisnosky questioned if there will ever be any overnight vehicles.

Ms. Mathern stated they sometimes have customers that drop off their car the night before. If the car was in the process of being worked on, it would remain in the service bay inside the building.

Mr. Wisnosky asked what the maximum number of vehicles that can be worked on at one time and the average time for service.

Ms. Mathern explained that they have 6 service bays and the average time is about 2 ½ hours. Their data shows that most of their customers wait for their vehicle. They typically don't leave their vehicle. You do have some that drop it off and pick it up after work.

Mr. Wisnosky asked if they anticipate the stacking of vehicles either to be worked on or waiting to pick up.

Ms. Mathern stated she does not and this is not a problem at any of their stores.

Mr. Wisnosky questioned the hours of operation.

Ms. Mathern stated the hours are Monday thru Friday 7am to 7pm, Saturday 7am to 6pm, and Sunday 9am to 4pm.

Mr. McKay commented that he is familiar with their Moorestown store. This is similar to the Good Year Tire store and STS store further down the Route 38.

Ms. Mathern stated she is not familiar with those stores.

Mr. McKay questioned if they do tune-ups and complete engine overhaul.

Ms. Mathern explained they do not do engine overhauls or transmission overhauls. They do not have the equipment in there etc's. These are 5,500 sq. ft. stores which they do not have a lot of inventory. There is just not enough room to have that kind of equipment.

Mr. Wisnosky questioned if body work will be done.

Ms. Mathern stated no body work or painting.

Mr. Wisnosky asked the number of employees.

Ms. Mathern explained that the typically open with 4 employees, 3 service technicians and a manager. There could be as many as 5 on any one shift. That's typically on the weekends, the busiest time.

Mrs. Newcomb questioned if it was by appointment only.

Ms. Mathern stated it is not, they do take appointments.

Mrs. Newcomb explained that she lives near the STS and Good Year in Lumberton. There are no cars there overnight. Occasionally, there may be one left behind the shop. They are clean sites.

Mr. McKay sees that's the case. It fits within the provision of the code that tries to keep that type of business more towards Lumberton. We have been successful with that. It's a problem for him.

Mr. Selb questioned the last time the master plan was updated.

Mr. Wisnosky explained that a new master plan was adopted in 1987 and it has been amended every 6 years. You try to find zoning issues and identify area in need of change to make recommendations. He gave some history. Back in 1986 Route 38 was a two lane highway with no concrete barrier between. It had a lot of auto uses along the corridor. A lot of them were in very poor condition. There were a lot of junk cars, trailers, and things of that nature. At that time we were aware that the state was going to come in and widening the roadway with jug handle improvements. At that time the Board decided in order to clean up the corridor and get more retail oriented businesses, they made a recommendation to prohibit the automobile use in the Master Plan. The highway has slowly improved over the years and there are still some automobile related uses. Some of those business have come in and made improvements to their properties, such as pushing the cars back and putting in landscaping. The market has changed since then. This Pep Boys is more of a retail business that is auto related, it is a different prototype. The question is that reason enough to allow a business such as this? He had recommended that some of the issues may be mitigated by some landscaping and further information from the applicant. He still has concerns with noise, lights flashing in the neighborhood, the number of vehicles going in and out. As Mr. McKay had stated we do have a prohibition on automobile related uses along our corridor. It is up to the Board to determine if there is latitude in that due to today's market or you may choose to continue with that prohibition.

Mr. Selb commented that we prohibited this type of use 28 years ago. We are now 28 years forward, we have seen changes in the economy, businesses, and a facelift for Pep Boys. We have cleaned up the corridor. Code enforcement and zoning have driven businesses to what they are supposed to do. He also has concerns with noise, but appears the bays will be away from the residential area and face towards the diner. Maybe they can air condition their bays so that they can keep the doors closed and other ways to help limit noise. He believes they will handle between 64 to 80 cars a week and does not believe that is a lot.

Mr. McKay commented that the suggestion of this being an obsolete 28 year old idea does not do justice for the every 5 to 6 years that the Board had to review and debate this issue. He does not know when we're due to review.

Mr. Wisnosky explained that we are due to review this year. They changed the law and it must be done every ten years. We are in our tenth year.

Mr. Selb does not believe it is obsolete, he just believes it needs to be reviewed.

Ms. Mathern explained that they recently looked at data for the Philadelphia and South Jersey areas. It was determined that the average was 17 customers on a weekday, which is over a 12 hour period. The weekends are 20 customers a day. They have a small peak between the hours of 8am and 10am but are generally spread throughout the day. The customers tend to self-regulate, if they drive in and see the bays are full and cars in parking lot, they may just decide to leave and come back another day. That is why that don't have cars stacking up. They would not be able to run the business by appointment only, by limiting their customers. They understand that they are here for a use variance and it is not a permitted use. They have been before Boards and have never had any problems after the fact with noise, traffic, or parking. Their track record has been that they are a good neighbor.

Jack Gravlin, engineer was sworn in. He gave his credentials and the Board accepted.

Mr. Gravlin gave a description of the property which is Block 100 Lot 8.01, 1386 Route 38. The property is a corner lot on the eastbound side of Route 38. It is an undeveloped lot in the highway commercial zone. This is one of the four pieces that was subdivided last year. They are here for a use variance and if successful will be back with a full site plan. The proposal is for a 5,500 sq. ft. Pep Boys (with 6 bays) and an attached 7,500 sq. ft. retail building. The entire frontage is 147 feet, 47' is Pep Boys and 100' for retail. The bay doors are facing the diner with little visibility from Rte. 38 and zero visibility from Bancroft Lane. The parcel will use the existing driveways for the diner. No changes are being proposed to the driveways. The existing storm water basin that serves the diner was designed to take the flow from the corner property. No changes would be needed to the basin. There is an existing sewer main. All the existing infrastructure is there that will service the building. It is their intention to comply with all the setbacks for parking and the required landscaping along the road frontages. The loading and trash enclosures (will contain trash and the old tires) will be at the rear of the building, it will be enclosed with landscape planters. 66 parking stalls are proposed which is adequate for the site. A cross easement was created during the subdivision for access and all utilities.

An architect was hired to prepare the architectural plans that are based on a rendering of the prototype building by Pep Boys along with the retail building along the side. They intend to comply with the architectural requirements of the HC zone. It requires 50 percent brick and glass on the Route 38 frontage. The following exhibits were marked: A1 concept plan, A2 architectural. The building will be designed as single unit, Pep Boys will only be in 1/3 of it and the other 2/3 is the retail. It is his opinion that the proposed building and uses are well suited to the undeveloped lot. The proposed Pep Boys can be constructed in such a way to minimize the visual impacts to the surrounding areas.

Mrs. Newcomb questioned if they had a tenant for the proposed retail unit.

Mr. Gravlin stated not to his knowledge, they do not.

Mrs. Newcomb questioned if there was a specific area for the Pep Boys employees to park. She was thinking of where the retail would be parking.

Mr. Gravlin would believe the employees would park at the rear of the site and the customers for the retail would be parking along the frontage.

Mr. McKay questioned if the nonautomotive area has the potential to be divided to small retailer areas.

Mr. Gravlin explained that it does have the potential to be up to 4 smaller retailers. It is a flex building at this point.

Mrs. Newcomb questioned where the customer area in Pep Boys would be.

Mr. Gravlin showed the proposed floor plan (exhibit A3) for Pep Boys. He explained the location of the different areas of Pep Boys.

Mr. Krollfeifer questioned that the bays would be on the opposite side of the building on the plan.

Mr. Gravlin agreed.

Mrs. Newcomb questioned how they would be protecting the future retail building from the noise from their equipment.

Mr. Gravlin stated there will probably be a need for a firewall between the two and would deaden the noise.

Mrs. Newcomb commented then it would even help more with the noise towards Bancroft.

Mr. Gravlin explained that the noise would only be able to come out through the bay doors.

Ms. Mathern stated that the tire and parts store room is between the bays and the retail building.

Mr. Wisnosky questioned if the bays have air-conditioning that the doors would be closed.

Ms. Mathern explained it does not have air-conditioning and bay doors are typically open. It does have heat for the winter time. It is not feasible to air-condition that space due to the opening and closing of the bay doors.

Robert Perry, planner, was sworn in. He gave his credentials and the Board accepted.

Mr. Perry explained that this use is not allowed according to your ordinance. It is not an inherently beneficial use, which is why they must come to the Board. They must meet the positive criteria. There are several purposes, one is to provide light, air and open space. The way it is designed provides that. They must make sure that the proposal does

not cause any negative impacts. It does not, he believes it enhances and meets the goals of the master plan. There will be no changes to the egress and ingress to the site, it is the same as the diner. There will be a cross access easement which is encouraged by NJDOT. It meets the visual aspects of the ordinance regarding the glass and brick. It will be an esthetically pleasing building as a whole.

The applicant needs to prove that the site is well suited for this proposed use. The site is at a controlled intersection. Developing a corner that you are leading into from the controlled intersection is the prime location for any kind of use. He has toured two other Pep Boys that they have built. They have tires, batteries, brakes, alignments, and oil changes with no retail sales. There is a customer waiting area that has flat screen TV's. These places no longer have a lot of air tools, they are actually battery operated. Tuning a car is done by lap top now. Things have changed within the industry.

An enhanced quality of proof must be given. The applicant must reconcile why the use is not listed as a permitted use or a conditional use within the zone. The ordinance defines a service station a business which installs replacement parts to motor vehicles or a business which repairs, repaints motor vehicles including but not limited to body shops, brakes, tires, mufflers replacement, and tire replacement. That was back in 1987. Harvey Moskowitz book, a definition book that is used to develop ordinances, his last copy published in 1995 stated the following for service stations. Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels. It recognized that the automobile service stations were changing. More and more of the stations were becoming strictly gas. This is the market that Pep Boys is responding to.

The negative criteria needs to be addressed. Does the granting of the use variance substantially impair the zoning ordinance and the master plan? The Board has the authority to look at market changes both along your town and adjoining towns. As the Board's planner's letter of April 20 stated "Prior to the adoption of the 1987 Master Plan, automobile related uses were permitted along the entire Route 38 corridor." You were trying to eliminate the older type automobile uses. There a few preexisting. Back in 1987, the master plan stated to encourage development improvement of commercial offices and businesses along the Route 38 corridor. In 1996 and 2008, the goals and objectives remained the same. There is a quote in the 2008 reexamination report that states that the desire is to attract quality commercial and office development along the Route 38 corridor and want it to continue to be a challenge and a high priority goal and major objective for Hainesport Township. He believes that the proposal presented tonight meets the criteria, it does not substantially impair the zoning ordinance or the master plan. The architectural and the testimony given by Pep Boys this evening meets the criteria to approve the use variance.

Mr. McKay believes that stores of similar nature tend to flock together. If you get a gas station on one corner, you often get one on the other corner. If we allow this to go in, we have tried to restrain Bear Transmission, Trailerama, and a used car dealer down the road, what are we supposed to say to the applicant that comes in after this one that wants to do the same thing down the street or across the street. It has a potential to have a domino effect. They make a persuasive argument. The fact of the matter is the philosophy of the zone is having a hole punched in it by this.

Mr. Perry explained they are here because it is not allowed. The question always brings up if we are setting a precedence. You are not setting a precedence when approving a variance because each application stands on its own on that specific site.

Mr. McKay understands him from a legal point of view, he is talking about a political point of view.

Mr. Perry explained he can only answer from a planning perspective.

Mr. Krollfeifer commented that it is a valid point but believes we would not be setting a standard. Each application would be standing on its own merits.

Mr. Wisnosky agreed that the ordinance was crafted towards gas stations uses. We did not have this in 1987, different type of automobile uses. We also had a prohibition on drive-ins when we drafted the master plan. We didn't want Burger King or McDonalds because they were already in Mt. Laurel. Sonic appeared before the Board seven years ago. They sold their vision that it was different than a Burger King or McDonalds. Yes they have a drive-in but they service people in their cars. The Board granted the variance to allow the drive-in. He believes that is similar in that sense, that the applicant is proposing something that is a different concept. It is up to the Board to determine whether or not if this is a different of enough concept.

Mr. McKay stated that the Sonic with a drive-in is in a completely different neighborhood. We knew that would be the place we wished to push the automotive to if we had to. The placing of Sonic had little impact. There was a great debate back then, and one of the issues was auto dealerships. You could draw a line on where we would want them to be. There was a plan.

Mr. Clauss stated that the retail section almost looks like the showroom for the Pep Boys. He questioned if they would need a variance to take over the retail portion of the building.

Mrs. Newcomb explained that they would because they would be expanding a pre-existing nonconforming use.

Mr. McKay questioned that what is stopping them from coming back in a few years to put a parts store next door in the retail.

Mrs. Newcomb stated it becomes a legal question for the zoning officer because they stated no retail.

Mrs. Kelley questioned if she could go in to the store in Moorestown and purchase parts.

Mrs. Mathern stated you cannot. They have no intention of taking over that additional space. They are only doing about 1 supercenter a year. They are not growing the supercenters or retail businesses.

Mr. Sturm commented that in all his talks with Pep Boys, there has never been any type of discussions on any other use other than what is being proposed. The reason for the additional space is so that Mr. Diamantis can finalize what will be on that lot.

Mr. Katz stated that he likes the extra space next to it. No one knows what the future holds, they could change CEO's in a couple of years, and that new person want to sell parts. Ms. Mathern had stated that there is one on Hunting Park Ave and they are good neighbors with no complaints. There is another chain, STS, on Robbins Ave with the bays across the street from row houses and the bays face the homes. There are no complaints there. He does like Pep Boys model. His one concern is that it is still an auto place. There are quite a few auto related businesses in a very small area. He has concerns with hurting the other type businesses in that area.

Mrs. Newcomb believes that they are all different types of uses. Bear Auto you cannot just drive up to have a car repaired, it's a towing business. Trailerama services more of the motor homes and trucks with caps. The oil company pretty much strictly changes oil. Those uses are individualized. We allowed Bear Auto to expand. This will have a retail business attached, this business will not be a stand-alone business.

Mr. McKay does not believe it is this Board's concern if one business will be putting another business out of business. He was not present for the Bear application, but believes he understands the reasoning was to straighten up a mess. The effort was made to get the cars off the street and put up a landscaping buffer. If he was here he probably would have voted for the expansion because of those reasons.

Mr. Selb commented he was here for that and there was a concern for that expansion. He had conversations with the zoning officer and it was a mess. We were trying to clean it up. He was not here in 1987 and understands the concept to not allow these. However, technology has changed. His only concern is the noise. If it meets the architectural design standards and is kept clean, we are bring a ratable to town. He agrees that it stands on its own merits. If this was a station that pumped gas, he would definitely be voting no. If they are an environmentally sound and friendly company, maybe this is one we should look at. Now that we are ten years forward, maybe we need to look at our definitions.

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

Mr. Kingsbury explained that there are only 7 votes. It must have 5 yes votes to pass. If you were to approve it, it should be conditioned on them coming back for site plan approval.

Mr. Wisnosky also commented that if they were to approve the application it should be conditioned that they must meet all the conditions, variances, and standards for the Highway Commercial Zone for the site plan.

Mr. Selb motioned to approve.

Second: Mr. Krollfeifer

Roll call: Mr. Selb, yes; Mr. Krollfeifer, yes; Mrs. Kelley, yes; Mr. McKay, no; Mr. Tiver, yes; Mr. Lynch, yes; Mr. Katz, yes and commented that he probably would have voted no if there wasn't retail next to it.

Motion carries to approve application.

7. Minutes

A. Regular Meeting of March 4, 2015

Motion to approve: Mr. Krollfeifer

Second: Mrs. Kelley

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

Motion carries to approve.

8. Resolutions

A. Resolution 2015-06: Verizon New Jersey, Inc.

Granting extension of site plan waiver for construction trailer on Block 96.02 Lot 1

Motion to approve: Mrs. Kelley

Second: Mr. Krollfeifer

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

Motion carries to approve.

B. Resolution 2015-07: Robert T Winzinger, Inc.

Granting minor subdivision (2 lots) of Block 73 Lots 9, 10, 11

Motion to approve: Mrs. Kelley

Second: Mr. Krollfeifer

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

Motion carries to approve.

C. Resolution 2015-08: Hainesport Enterprises (a/k/a Hainesport Auto & Truck Repair)

Granting submission waivers, bulk variances, design waivers and preliminary/final site plan approval for construction of a new 13,000 square foot building on Block 58.01 Lots 1-6 and Block 62.01 Lot 1

Motion to approve: Mr. Krollfeifer

Second: Mr. Tiver

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

Motion carries to approve.

9. Correspondence

A. Certification dated March 31, 2015 from Burlington Co Soil to Mr. Blair
Re: Gallo Wine Building Expansion on Block 104 Lot 33

B. Letter dated April 2, 2015 from Alaimo Assoc. to Mr. Selb
 Re: G3 Enterprises (Gallo Warehouse) Case 14-12 Performance Bond & Plan
 Distribution

C. Certification dated April 7, 2015 from Burlington Co Soil to Mr. Blair
 Re: J & J Builders, 3 Lot subdivision Block 104 Lots 2.01, 3.02, & 5.13

Motion to accept and file: Mrs. Kelley

Second: Mr. Krollfeifer

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

Motion carries to accept and file.

10. Professional Comments

Mr. Wisnosky addressed the Board. If has been almost 30 years that he has served for Hainesport Township and has just accepted a position as a planner director in Queen Anne County in Maryland. With a heavy heart he offered his resignation as the planner. It has been a pleasure representing Hainesport Township. He has enjoyed the relationships he has formed. He introduced Mara Wuebker, she has worked as a planner for Ragan Design for 8 years. She will be stepping into his place and also has a degree in law. She will serve the Board well and has Rick Ragan's assistance if needed.

11. Board Comments

Several Board Members thanked Mr. Wisnosky for his dedication to Hainesport Township and wished him well.

12. Public Comment - None

13. Adjournment

Mr. Krollfeifer motioned to adjourn at 9:25pm.

Second: Mr. Selb

Roll call: All in favor

Paula L Tiver, Secretary

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, June 3, 2015

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. Porto, Mrs. Kelley, Mr. McKay, Mr. Tiver,
Mr. Selb, Mr. Bradley, Mr. Dodulik, Mr. Clauss

Absent: Mr. Lynch, Mr. Krollfeifer, Mr. Katz

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

Mr. McKay asked if the applicants were being represented by an attorney. Franklin Estates had an attorney, therefore, Case 15-03 was heard first.

6. Items for Business

A. Case 15-09: Bernard H Grahl, Jr.
Block 100.03 Lot 41
4 Tidewater Court
Bulk variance in-ground swimming pool

Proper notice was given.

Mr. Bernard Grahl was sworn in.

Mrs. Newcomb stated the owner lives at 4 Tidewater Court in the R-1 Zone, where 25% impervious coverage is allowed. It is presently at 23.8%. The homeowner is seeking to add an 800 sq. ft. inground pool and 384 sq. ft. pool house which would bring the

impervious coverage up to 31.7%. The required lot size in the R-1 Zone is 20,000 sq. ft. and the applicant's lot is 15,000 sq. ft. The home is a very large home on one of the smaller lots. She questioned if he is the original homeowner.

Mr. Grahl stated he is not.

Mrs. Newcomb commented that this seems to be an issue that we are on the second, third, or fourth homeowner. If you look at the photos provided (exhibit A-1), the rear of the home backs to open space. The property slopes back to it.

Mr. McKay asked the applicant to give us an explanation of what he would like to do.

Mr. Grahl explained that he is the second owner of the home which he purchased in July 2014. They were delayed moving in because his wife had just had her second brain surgery. The water is very good therapy for his wife. He has a daughter who swims competitively. He has grown up with a pool. He has a young daughter that has cystic fibrosis. Any size pool that they were looking to put in would put them over the impervious coverage. They would like the pool house to help hide the pump and the noise. Also they needed additional shade for his daughter that has a problem with hydration. There would be pavers.

Mr. McKay asked if the pool is appropriately sized for his needs.

Mr. Grahl answered yes.

Mr. Selb commented that it appears when looking at the grade the additional flow would flow towards the woods in a northwest direction. Any additional runoff may flow towards the back of the neighbors on the one side. Are there any problems with additional wetness back in that area?

Mr. Grahl answered no. There seems to be a little gulley in the rear where his property meets the open land and some water collects there. It heads out past the neighbors and out towards the water.

Mr. Boettcher stated it is a natural flow.

Mr. Bradley questioned if the pool house will have a bathroom and how will it be connected to the sewer.

Mr. Grahl answered yes and it will be hooked up to the sewer line for the existing property.

Mrs. Newcomb stated that they already have approval from the MUA.

Mr. Selb questioned if it would be an enclosed pool house.

Mr. Grahl explained it will have a room in the back to house the equipment and a room in the front for the bathroom with a roof overhang to provide shaded porch.

Mrs. Newcomb expressed that we have approved several pool houses in this area with the same issues for impervious issues. We have done two of them in the last year and a half. Most of them are installing bathrooms since the homes don't have walk out basements.

Mr. Selb only concern is that water is not pushed on the neighbor's property.

Mrs. Newcomb explained that in the last 13 years that she has been here the township has never mandated topography from residents. The topography's are over \$1,200. She has not had any issues with pools impacting other properties. If there was going to be any issues, they would solve it in the time of construction. The majority of these houses have a small swale between the homes which is the point of runoff to the water.

Mr. McKay opened public comment.

Ms. Jody Devine, 26 Edgewater Drive, was sworn in and stated she lives two houses from the applicants. She has lived there from the beginning of the development. The back field has never had good runoff. She has always had flooding in the back. She has concerns if we continue to take away that natural drainage. The water is there all the time. The swales between the homes have been an issue since the beginning and they have asked for help. The only thing that has helped is the growth that has occurred. She is concerned with their backyards becoming permanently swamped.

Mrs. Newcomb stated one downfall for their community is they do not allow above ground pools.

Mr. McKay questioned if that buffer area is designated as a wetland area.

Mrs. Kelley stated that it is not. She checked the county GIS for the environmental committee.

Feng Zhao was sworn in. He asked to see the plan and how tall is pool house.

Mr. McKay stated it is one story.

Mrs. Wuebker explained that it cannot be more than 15' high.

Mr. Grahl believes it is 12'.

Mr. Zhao stated he is the neighbor and asked if the color will match the house.

Mr. Grahl stated it will match the house with the same color.

Mr. Zhao asked if the water has to drain out of the pool during the winter.

Mr. Grahl explained you cannot remove the water because the pool could rise out of the ground. It will have a solid safety cover on it for the winter.

Mrs. Wuebker questioned if the bath in the pool house will be a ½ bath or full bath and if it would have kitchen appliances in it.

Mr. Grahl explained it will be a ½ bath, just a toilet and sink. It may have a refrigerator, it has not been factored in at this time.

Mrs. Wuebker asked if the pool house design will be consistent with the house.

Mr. Grahl stated it will be and it is a requirement of the HOA.

Mrs. Wuebker questioned if it will have pavers.

Mr. Grahl explained that it will have a concrete footing and everything else around it will be pavers.

Mr. Dodulik question how big would the shaded patio be in the pool house?

Mr. Grahl is unsure, it may be an 8'x 8' area that is pavers.

Mr. Dodulik commented that will allow the water from the pool to still seep into the ground.

Mr. McKay closed public comment.

Mr. Dodulik motioned to approve the application.

Second: Mr. Boettcher

Roll call: Mr. Dodulik, yes; Mr. Boettcher, yes; Mr. Porto, yes; Mrs. Kelley, yes; she had a concern of how high the ground water may be.

Mr. Grahl stated they will not know until they dig. His basement never gets wet.

Mr. Bradley, yes; Mr. Tiver, yes; Mr. Selb, yes; Mr. Clauss, yes;
Mr. McKay, yes

Motion carries to approve.

Mr. Grahl asked the Board for a waiver to proceed with construction prior to the memorization of the resolution.

Mr. Boettcher motioned to approve.

Second: Mr. Dodulik

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

Motion to approve waiver.

B. Case 15-03: Franklin Estates HOA

Block 9.01 Lot 11

Patriot Way

Removal of Tot Lot

Attorney: George Greatrex

Mr. George Greatrex, attorney, stated they are present to seek permission to remove a small tot lot in the Franklin Estates Development. It was part of the original approval for

the development. Unfortunately, no one uses it anymore, it cost the association money every month to maintain it and insure it. The association believes it is money not be spent wisely because it is not being used. It has also become a hangout for teenagers and others that do not belong there at night. The association would like to remove everything and bring it back to just grass. It would then be an open space lot.

Edith Darnold, a member and the treasure of the association, was sworn in.

Mr. Greatrex questioned how long she has lived there.

Ms. Darnold stated that she moved in during the first phase of the development, 15 years ago.

Mr. Greatrex questioned when the tot lot was constructed.

Ms. Darnold believes it was approximately three years after she moved in.

Mr. Greatrex questioned if she had seen a change in the usage of the tot lot over time.

Ms. Darnold explained that she walks every day and the tot lot really never has been used since it was built. She does see people there drinking and smoking at night time. She has been complaining to the Board Members and they are unsure if it can be removed.

Mr. Greatrex questioned if the association tried to contact the other members of the association to inform them of the Board's desire to remove the tot lot and if there has been any feedback.

Ms. Darnold explained that all Board Members want to have it removed. MAMCO, the managing company, has sent out letters to all 77 homeowners asking them weather they do or do not want the tot lot. According to MAMCO, they have not received a response from anyone. This was done several times with no response.

Mr. Greatrex questioned if she was able to speak with the other members of the association in the room tonight. Did they express any objection to the removal of the tot lot?

Ms. Darnold stated she just met them tonight and did not state to her.

Mr. Bradley questioned if the tot lot was deed restricted and if it was part of the covenants.

Mr. Greatrex explained that it is not mentioned in the governing documents. It is considered common area which is under control of the association. The association board is the entity that has control and supervisor over the use and maintenance of the common area.

Mr. McKay is surprised that out of 77 homeowners no one of them responded.

Ms. Darnold stated a letter was sent several times.

Mr. McKay questioned if the Board passed a resolution unanimously approving that she come forward today on behalf of the Board or a vote.

Mr. Kingsbury swore in Mary LaMarra, Community Association Manager.

Ms. LaMarra has worked for MAMCO for little over a year.

Mr. McKay questioned if the Board had discussed and voted on a play of action for the tot lot. What action did they decide to take?

Ms. LaMarra answered yes and it was on September 25, 2014 and October 29, 2014. They decided to apply to the Land Use Board to have the tot lot removed.

Mr. McKay questioned if the letter asked for a response or did you say if you object to let you know.

Ms. LaMarra commented that she informed them that there was a meeting this evening if they wanted to attend.

Mr. McKay asked if she received any response.

Ms. LaMarra received one phone call today. The woman asked what it was about. She explained that there would be a meeting here to discuss the removal of the tot lot. The woman stated that her son was 12 and they have been coming to the municipal park over the years.

Mr. McKay questioned if it was unusual to send out notices and receive no response.

Ms. LaMarra not at this property, it is very common.

Mr. McKay questioned how much it cost to maintain the tot lot every year.

Ms. LaMarra explained that she does not have anything. There will be cost as the equipment ages. They recently had the fence repaired and some replaced which was almost \$800.

Mr. McKay questioned the size of the tot lot.

Ms. LaMarra stated that it was about half of the meeting room.

Mr. McKay asked if the tot lot was on a buildable lot.

Ms. LaMarra stated the lot is deed restricted and cannot be built on.
Mrs. Kelley stated it is a small portion of the lot.

Mr. McKay questioned what the cost would be to remove it and if the equipment is in usable condition.

Ms. LaMarra does not have cost at this time but has requested quotes. She is not an expert and believes it should be not be reused due to liability issues.

Mr. Clauss had concerns. In looking at the last photo, the path going into the tot lot looks well used. It could be from the teenagers. Also in a few years, when some homes sell and young couple move in with children, are we going to wish they still had it?

Mr. McKay commented that the witness stated that in the 15 years she has been there it hasn't been used.

Mrs. Newcomb commented that several years ago in Creekview there was this similar situation with the gazebos. We removed them due to maintenance and problems with teenagers. The Board did approve that. These areas are really not being proposed anymore. This development is across the street from the best park around.

Mr. Selb explained in looking at the picture is a little deceptive. The rubber is scattered very easy.

Mrs. Kelley commented that if you lived on the other side of this development, you would have to walk a couple blocks to get to the tot lot. One would be better off to walk to the Township Park since there are more activities here.

Mr. Selb stated that the tot lot was constructed before the Township Park was completed.

Mr. McKay opened public comment.

Giovanni Spiritoso was sworn in. He would like to know how much they would be saving by removing the tot lot. He has lived across the street from the tot lot for 13 years and has never seen kids drinking beer there. He is not opposed to removing it. However, is it going to reduce their fees drastically? If not, it is a nice thing to have in a development. They were never told.

Mr. McKay can they give an idea regarding costs from over the past few years.

Mrs. Darnold explained that she does not handle the liability costs, MAMCO does. The tot lot needed repairs every other year. The fencing and wiring had to be repaired.

Mr. Bradley questioned if there was anyone there that can talk budgetary on what it takes to maintain it.

Mrs. Darnold stated that MAMCO handles that aspect.

Mr. Spiritoso stated that they currently pay \$400 a year and if it were to reduce the payment by half, it may be worth removing it. However, if it is only going to reduce it by \$50 a year, it may be worth keeping there.

Mr. Selb questioned if he had received any of the notices sent.

Mr. Spiritoso stated he received one. There was no cost factors listed. He was unable to attend the meeting.

Mr. Selb questioned why he did not raise the questions with the association.

Mr. Spiritoso stated he did not.

Mr. Selb commented that unfortunately the Land Use Board cannot supply that information.

Mr. McKay explained that the Board is at a disadvantage to sort out these financial issues.

Ron Smith was sworn in. He is not opposed to removing it but would like to know how much of a saving it would be. He only received one notice, for tonight. There are toddlers using it and he has seen teenagers drinking and smoking there. He would like to have more information.

Angelica Palomino, 10 Patriot Ave, was sworn in. She lives next to park and uses it. She has not seen teenagers there drinking and smoking. Wants to know what it will be saving. She is not opposed. Never received a notice asking if she agreed to remove it or not. Her children are very young and only uses the park two to three times a week.

Mr. Greatrex provided a copy of the October 29, 2014 notice that was sent to homeowners which included the Agenda showing that the removal of the tot lot would be discussed. Marked as exhibit A1.

Mr. Greatrex questioned if a copy of notice was sent to the homeowners and if anyone attended the October meeting.

Ms. LaMarra answered notice went out to all of them and there was no public at the meeting which was held at this municipal building.

Mr. Selb suggested that the association address the member's concerns. Maybe there should be an association meeting to answer the members concerns that were brought up this evening.

Mr. McKay agreed.

Robert Wolleben was sworn in. He is not opposed to it. He currently does not have children. They walk across to the township park now. When they do have children, it would be nice not to have to walk across the street. He has concerns with the costs. He was unable to attend the Oct 29th meeting.

Mr. McKay stated that Mr. Selb made a good suggestion that maybe this should be put off for a month or so that the association board and its members can hash this out. We are hearing a bunch of mixed opinions. He believes the sense of the Board is that they are reluctant to take action on this. There seems to be several people here that favor it for one reason or another. The Homeowners Association should do a little more research and then come back to see us.

Mr. Greatrex agreed and he will get the numbers. There is only a few members here tonight out of the 77 members. Whether it is ten dollars a homeowner or more. It will be a saving in the long run.

Mr. McKay commented that the tot lot was put in to service the community. It's an argument to keep it if some of the members of the community want to keep it. There are

arguments on both sides of it. Before this Board is asked to make a decision, there should be more consensus on the neighbors view.

Mr. Selb agreed. He understands the cost of the repairs. More information should be provided to the association.

Mrs. Newcomb believes the letter needs to state what the cost reduction would be, the cost of removal, and a time frame for the homeowners to meet.

Mr. Bradley agrees. He suggested they come back and send out a letter to the residents.

Mr. McKay stated that the Board is sensitive to community needs but needs to have more facts.

Mr. Greatrex requested to come back to the August 5, 2015 meeting.

Mrs. Kelley motioned to continue the application to the August 5 meeting.

Second: Mr. Porto

Roll call: Mrs. Kelley, yes; Mr. Porto, yes; Mr. Boettcher, yes; Mr. Bradley, yes;
Mr. Tiver, yes; Mr. Clauss, yes; Mr. Selb, yes; Mr. McKay, yes

7. Minutes

A. Regular Meeting Minutes of May 6, 2015

Motion to approve: Mr. Boettcher

Second: Mr. Selb

Roll call: All in favor

Motion carries to approve.

8. Resolutions

A. Resolution 2015-09: Richard & Bryana Adornetto Granting Fence setback variance on Block 100.05 Lot 7

Motion to approve: Mrs. Kelley

Second: Mr. Tiver

Roll call: All in favor

Motion carries to approve.

B. Resolution 2015-10: Diamantis Children's Trust Granting use variance for automobile service and tire center, subject to site plan approval

Motion to approve: Mr. Selb

Second: Mrs. Kelley

Roll call: Mr. Selb, Mrs. Kelley, Mr. Tiver

Motion carries to approve.

9. Correspondence

**A. Letter dated May 5, 2015 from Burlington Co Planning Board to Ms. Hoffman
Re: Bradford Restaurant Expansion – Block 87 Lots 1 & 1.01
Release of Maintenance Guarantee**

**B. Letter dated May 19, 2015 from Alaimo Assoc. to Mrs. Tiver
Re: Winzinger Subdivision Block 73 Lots 6-9, 10 & 11**

**C. Hainesport Township Resolution 2015-81-4: Approving a performance Bond for
G3 Enterprises (Gallo Warehouse)**

Motion to accept and file: Mr. Bradley

Second: Mr. Tiver

Roll call: All in favor

Motion carries.

10. Professional Comments

Mrs. Newcomb welcomed Mara Wuebker to her first meeting with us.

11. Board Comments - None

12. Public Comments

There was no one in the public.

13. Adjournment

Mr. Boettcher motioned to adjourn at 8:47pm

Second: Mr. Tiver

Roll call: All in favor

Paula L Tiver, Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, August 5, 2015

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

Absent: Mr. Clauss

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

6. Items for Business

**A. Case 15-06: AmeriCycle, Inc.
Block 42 Lot 3.02
233 Mt. Holly Bypass
Site plan waiver for extension on trailers**

Letter dated July 16, 2015 from attorney Denis Germano.

Mrs. Tiver stated that the applicant will be coming to the September 2 meeting with a new application that is a use variance and would advertise at that time.

The Board accepted it.

B. Case 15-03: Franklin Estates HOA
Block 9.01 Lot 11
Patriot Way
Removal of tot Lot
Attorney: George Greatrex

Mr. Katz and Mr. Lynch recused themselves from the case due to not being at the last hearing. Mr. Krollfeifer listened to the recording of their first meeting and is eligible to hear the case. Mr. Katz turned the meeting over to the vice-chairman Mr. McKay.

Mr. Greatrex explained that the application is a continuance from the June 3, 2015 meeting. They are here for an application made by the homeowners association for approval to dismantle and remove a small tot lot on the common ground. The board is responsible to maintain the common areas. They have decided after speaking with some of the residents and through observations that the tot lot is very rarely used. It has become a hangout at night that young people tend to congregate and do things they shouldn't be. It does cost the association money to maintain and upkeep the area. It may also need to be replaced. Those common area costs are shared by all 77 residents.

At the last meeting they supplied some information in regards to the application. They are seeking approval from the Board tonight because it was part of the original site plan. Testimony was given by 4 residents. Some stated they did not get the notice of what the association wanted to do and did not have the opportunity to express their opinion. It was suggested by Mr. McKay that the association go back to the 77 residents and give additional information regarding the costs in maintaining it, removing it, and the reason why they want to do that. They will present testimony that they did inform all 77 residents. A 45% response was received, 35 surveys came back and they will provide testimony on the results. The vast majority do not use it and do not want to pay for the upkeep and eventual replacement. Based on that information, they are asking to have it removed. Understanding that there were a couple people who testified that they wanted to keep it at the last meeting. They also had a couple people at their July 7th meeting that they wanted to keep the tot lot because they had a little child. The vast majority either do not care or want it removed.

Mr. Kingsbury swore in Karen Algayer, Assistant to Property Manager for the Franklin Estates Homeowners Association and Janet Ford, President of the Board.

Mr. Greatrex questioned who her employer is.

Ms. Algayer stated Associate MidAtlantic.

Mr. Greatrex questioned if she was aware of an issue with the tot lot and a letter that was sent on June 20, 2015 to notify everyone in Franklin Estates of the removal of the tot lot. What else did the letter contain?

Ms. Algayer answered yes. It also contained what the cost would be if they did have to replace it. It also invited the members to an association meeting on July 7, 2015.

Mr. Krollfeifer suggested that she read the letter.

The letter was marked as an exhibit, FE-1. Ms. Algayer and Mr. Greatrex read the letter into record.

Mr. Greatrex asked if a survey was attached to the letter and if it was mailed to all 77 homeowner. Also if she had the results.

Ms. Algayer answered yes and the results were:

- 35 returned the survey
- 30 wanted it removed
- 3 wanted to keep it
- 2 had no preference

Survey results were marked as an exhibit, FE-2.

Janet Ford, Board President and resident of Franklin Estates, gave testimony that she attended the July 7, 2015 meeting with 2 Board Members and Mr. Greatrex.

Mr. Greatrex questioned how many residents attended and what they were in favor of doing.

Ms. Ford explained there were 5 residents, 1 to keep it, 1 had no preference, 3 remove it.

Mr. McKay questioned how many house are in the development.

Ms. Ford answered 77 homes.

Mr. Greatrex stated that concluded the addition information they wanted to submit this evening.

Mr. McKay opened public comment.

Angelica Palomino came forward.

Mr. Kingsbury stated that she was sworn in at the June meeting and explained to her that she is still under oath.

Ms. Palomino stated that she lives next to the park and replied to the survey that she wants to keep the park. She believes it does suit a purpose and it is the only park in their community. Her children use the park all the time and it is a great way to meet your neighbors. Disagrees that the playground needs to be replaced. The \$309 that they spend a year on the tot lot is only 1% of their association fee. A fundraiser could be done to help raise the fees. She would rather see the funds that would be used to remove it be use to maintain it. She has photos of the playground.

Mr. Kingsbury marked the photos of the playground as exhibit P1.

Yekaterina Shirayeva, 19 Patriot Way, was sworn in. She explained that she does not have a strong opinion either way regarding the removal of the tot lot. There is a park across the road. The Association Board did not represent the fees well in the letter and did not give enough possible options. The Association Board should revise the letter. What would be done with the open space? She does prefer this playground when she is

limited on time. As far as the teenagers go, she prefers that they are there then not knowing where they will be going instead.

Mr. McKay closed public comment.

Mr. Greatrex questioned Ms. Ford on when the tot lot was installed.

Ms. Ford stated it was installed in 2001. She moved in the same year and it was installed before her moving in. The tot lot is at least 14 years old.

Mr. Greatrex questioned if any of the equipment was replaced.

Ms. Ford explained that they have continuously done work on it throughout the years.

Mr. Greatrex asked if the Association Board planned on replacing the entire tot lot in the near future.

Ms. Ford stated that it is going to need to be replaced. That was the estimates in the letter. It was done to indicate to the 77 homes that this is the cost that we would need in the future which will raise their association fees. Some people she has spoken with do not want their fees raised.

Mr. McKay asked her to explain what the phrase means that states that if the tot lot remains that the projected costs of replacement would be entered into the capitol reserve budget.

Ms. Ford explained that the estimates would have to be added into the costs so that they can build up the reserve to replace things.

Mr. McKay questioned if this was being done so that you build up that reserve over time so that the residents will not be hit at one time with the fee.

Ms. Ford agreed but you may still have to hit the residents up for things that may need to be done immediately.

Mr. McKay questioned if she was aware if the township tot lot was here prior to their tot lot.

Ms. Ford answered no that the township park is newer and they are continuously added on to it. She loves the township park, there is a crossing light for access. She walks here all the time.

Mr. Krollfeifer explained that he has been on homeowner's association boards in the past and questioned how much money is in their reserve at this time.

Ms. Ford explained that she did not have that information with her tonight.

Mr. Greatrex stated there is no funds in the capital reserve for that.

Mr. Bradley questioned if the cost were prorated over 5, 10, or 20 years. This is not something that would be done every year.

Ms. Ford is unsure.

Mr. Greatrex explained that the playground has been there for 14 years and different replacements have been made. Ultimately the main structure will have to be replaced. That is why they had gotten the three bids to replace the entire tot lot at one time.

Mr. Bradley commented that it looks like about \$309 a year is being spent on maintaining the tot lot.

Mr. Greatrex answered yes.

Mr. Selb commented that he understands the numbers. Being the administrator/clerk of the township, he is highly concerned with safety. He understands what is involved with maintaining and replacing equipment, which is not cheap. It is extremely expensive. In reviewing the pictures, the slides are pretty worn, rubber matting is extremely low. We are required to maintain 12" of the mulch. You are below that and there are potential safety and liability concerns.

Mr. Krollfeifer commented that if it is approved that this lot is deed restricted and nothing can be built on it.

Mr. Greatrex stated that was correct. It will remain open space.

Mr. Selb motioned to approve application to remove the tot lot.

Second: Mr. McKay

Roll call: Mr. Selb, yes; Mr. McKay, yes; Mr. Boettcher, yes; Mr. Porto, yes; Mrs. Kelley, yes because there are safety concerns and they are across the street from a large playground. Granted you may have to drive small children there or you could walk with caution; Mr. Tiver, yes; Mr. Krollfeifer, yes, he understands that some people want the tot lot and he recognizes the liability issues and we also have a nice park across the street; Mr. Dodulik, yes; Mr. Bradley, yes

Motion carries.

Mr. McKay questioned if there should be a time frame and should it be inspected to make sure that it was properly removed.

Mr. Selb agreed. He can have our public works employees who is trained in playground management to make sure that it was properly addressed. He has a safety concern right now due to the level of the mulch, it is so low at the end of the slide.

Mr. Greatrex welcomed Mr. Selb to come out while it's being dismantle and after it's done to make sure that it is done properly. He is being told that it will be done right away and welcomes a time frame.

Mr. Greatrex stated it would be done as soon as possible especially before the change in the weather. He suggested 90 days.

Mr. Selb stated he does not have a problem with the 90 days, however, they would have to rectify the safety concerns now, close it off, or remove it quickly. If it is left open, you may have someone get hurt.

Mr. Greatrex explained they have the bids already and would hope they could have it done within 30 days, but they do not know the nature of the business.

Mr. Selb suggested 60 days.

Mr. Greatrex suggested October 1.

Mr. Krollfeifer suggested that they close it off on all four sides with yellow caution tape and mark that it is closed.

Mr. Greatrex agreed. He suggested that the resolution can state that the association can move forward with the demolition while waiting for the resolution.

Mr. Bradley asked if we could put that we want the tot lot closed immediately.

Mr. Kingsbury stated he has the following amendments. That the playground will be removed by October 1. The equipment will be closed as soon as possible after tonight's meeting. They can start demolition immediately without a signed resolution. Subject to inspection by public works employee.

Mr. Greatrex explained they will put up the tape, close the gate, and put a closed sign up tomorrow.

Mr. Selb motioned to add the above amendments to the resolution.

Second: Mr. Bradley

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

Motion carries.

Mr. McKay turned the meeting back over to Mr. Katz.

C. Redevelopment Plan Amendment for the former HITCO property

Mrs. Wuebker explained that the Township Committee asked Ragan Design Group to prepare an amendment to the redevelopment plan of the HITCO site. The property is located at Creek Road and Route 38. It has various environmental issues, soil and ground water contamination. The original redevelopment plan was adopted in 2004. They reviewed the plan to see if anything needed to be updated because there has been statutory and site changes since that time.

There was a presentation at the last township committee meeting. The Committee has now sent it to the Joint Land Use Board for a determination to whether the proposed amendment is consistent with the master plan.

There are three primary objectives to the plan. Wanting to make sure the site is cleaned up and is going to have safe and healthy conditions, productive reuse, and attract some

new commercial or office to the site. The redevelopment amendment was prepared to better market the property.

Mrs. Wuebker supplied the Board with an executive summary. She visited the site and took some photographs of the current conditions. She also wanted to include the current remediation recommendations by the Whitman Group. She believes there is another grant to continue.

Mr. Selb answered yes, we will be getting another grant.

Mrs. Wuebker continued. This information will now be contained in one document to better market the property. It does not propose any changes to the permitted uses. The changes made were very minimal: Minimal front yard setback would now be 50' instead of 90'. The property is a triangular site. The parking spaces were off and has been fixed. She needs to know from the Board if they feel the amendment is consistent with the master plan.

Mr. Selb commented that the reason is that the Committee has someone that they have been meeting with from the state. They are going to a conference in Chicago and will be marketing our site to try to get someone to buy into it to finish the clean-up. There are still tanks to be removed and soil to clean up. We have been advised that there are developers out there looking for these kinds of sites. They will accept the liability to clean up the site and put something on the site. We are trying to get this completed so that it can be marketed in September. The Committee is trying to get it back on the tax roll.

Mr. McKay commented that in looking at the remediation plan the contamination does not look bad on this lot.

Mrs. Wuebker commented that the soil contamination is not bad. The question is the ground water contamination because the extent of it is still unknown. They want to know how deep it goes and whether it is confined to the layer they think it's confined to or has it spread. They want to put in monitoring wells. There are tanks that still need to be removed but do not seem to have been the source of contamination. It sounds more like the activities that took place on the site. The wash tank is what they believed caused the ground water contamination.

Mr. McKay questioned the direction of the ground water contamination.

Ms. Wuebker commented that it crosses Creek Road.

Mr. Krollfeifer questioned if the Township has put money into this to help clean up this contamination.

Ms. Wuebker explained that the Township has received various grants over the years to do some investigation work. She does not believe it has been true clean up. They have not been able to get to that point. There is still more investigation that needs to be done. That is why we are marketing to a developer who would clean up the site.

Mr. Lynch questioned how much more money do you believe it would cost to clean up this site.

Mr. Selb explained that we have gotten over \$200,000 in grants just for monitoring and have just asked for another \$100,000 for monitoring. We have received quotes of 30 to 40 thousand to just take out the tanks. The scary part is what the unknown is when we take the tanks out. The wash pool was the major contributor to the contamination.

Mr. McKay questioned what types of uses the buyers may want on this lot.

Mrs. Wuebker commented that the highway commercial uses will be fine. The township is going to have to entice a developer. It probably would be hard to try and sell the property and have them clean it up unless you entice them with a pilot program.

Mr. Selb explained that all options are on the table at this point, the Township Committee has not decided anything.

Mrs. Wuebker commented that she needs a motion that the redevelopment plan is consistent with the master plan.

Mr. McKay motioned to recommend to Township Committee

Second: Mr. Krollfeifer

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

Motion carries.

7. Minutes

A. Regular Meeting Minutes of June 3, 2015

Motion to approve: Mrs. Kelley

Second: Mr. Tiver

Roll call: Mrs. Kelley, yes; Mr. Tiver, yes; Mr. Boettcher, yes; Mr. Porto, yes;
Mr. McKay, yes; Mr. Selb, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2015-11: Bernard H Grahl, Jr

Granting impervious coverage variance for installation of in-ground swimming pool accessory to an existing residential dwelling on Block 100.03 Lot 41

Motion to approve: Mr. Selb

Second: Mr. McKay

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

Motion carries to approve.

9. Correspondence

A. Certification dated June 2, 2015 from Burlington County Soil Conservation District to

Mr. Blair

Re: Block 111 Lot 19.03

B. Freshwater Wetlands Application Checklist dated June 4, 2015 from Michael Higgins To NJDEP

Re: Douglas May Block 111 Lots 19.02 and 19.03 – Fostertown Road

C. Letter dated June 25, 2015 from Alaimo Association to Mrs. Tiver

Re: Winzinger Subdivision Block 73 Lots 6-9, 10 & 11 – 1701 Marne Hwy

D. Letter dated June 23, 2015 from Patrick McAndrew, Esq. to Mrs. Tiver

Re: Longnecker variance – deeds of consolidation for new Block 64.01 Lot 14.01 and Block 64.01 Lot 7.01

Motion to accept and file: Mrs. Kelley

Mr. Boettcher questioned the wetlands application checklist on Fostertown Road.

Mr. Katz commented that they are looking for verification of wetlands because they want to build a house there.

Second: Mr. Krollfeifer

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

Motion carries.

10. Professional Comments - None

11. Board Comments - None

12. Public Comments - None

13. Adjournment

Mr. Katz motioned to adjourn at 8:40 pm

Second: Mr. Tiver

Roll call: All in favor

Paula L Tiver, Board Secretary

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:30 PM

Wednesday, September 2, 2015

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 (arrived 7:40 pm),
Mr. Krollfeifer, Mr. Lynch, Mr. Selb, Mr. Dodulik, Mr. Clauss, Mr. Katz

Absent: Mr. Porto, Mr. Tiver, Mr. Bradley

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

6. Items for Business

Mr. Boettcher recused himself from the three applications due to being a use variances.

A. Case 15-06A: AmeriCycle, Inc.

Block 42 Lot 3.02

233 Mt. Holly Bypass

Use variance and certificates of prior nonconforming use/structure

Attorney: Denis Germano

Proper notice was given.

Mr. Germano stated he represents AmeriCycle and Mary Ann Gaffney. Also present is witness, Mike Kasper. They are asking for three things. The applicant was present a couple of years ago to receive permission to have a couple temporary trailers for two years. They are now asking to have them as permanent. Trailers are prohibited throughout town, therefore, a use variance is needed. 2) There are other trailers on the site that were in place when they purchased the property in 2001. They are asking that

those two trailers be grandfathered and receive a certificate on nonconforming use of the structures. 3) They are also asking for a certificate of nonconforming use for the existing junk yard that it was in existence before the ordinance in 1962. He does not want to present this one tonight due to his fact witness, Bob Shinn, was unable to come this evening. So tonight he is seeking the use variance for the two new trailers and the certificate of nonconforming use for the two trailers.

Mr. Kingsbury swore in Michael Kasper and Mary Ann Gaffney.

Mr. Germano asked that Ms. Gaffney explain her business.

Ms. Gaffney explained that they are a scrap metal recycling facility. They receive material from individuals, townships, and companies. They accept ferrous and nonferrous materials. They prepare, sort, separate and then resell them to a wholesaler or end user. Hours of operation: Monday – Friday 8am to 5pm and Saturday 8am to 1pm. Currently there are 12 employees and they have been in business for 15 years since April 2000.

Mr. Germano questioned how does material arrive and leave the facility.

Ms. Gaffney stated the general public can bring items in. They also provide a dumpster service. Dumpsters can be dropped off to different facilities and then brought in. There are very few on site. General contractors come in at the end of the day with their scraps.

Mr. Germano questioned where the materials are kept before they are taken off site.

Ms. Gaffney explained that large bulking items are in a pile and other material they break down is boxed and put into the warehouse on site (old Unilock building).

Mr. Germano marked 2 exhibits. Exhibit 1 is a survey of the site. Exhibit 2 shows the central area with the two trailers marked that they are seeking a use variance for.

Ms. Gaffney pointed to the proposed trailer that is used as office and the second proposed trailer that operates the truck scale. She explained how the truck scale operates.

Mr. Germano questioned what she used as office space prior to this trailer.

Ms. Gaffney explained a tiny 20'x80' trailer. There were two people in it with lots of files. She pointed to the old trailer. They intend to scrap it.

Mr. Germano provided exhibits A and B which are as follows:

A: Americycle trailer adjacent to scale

B: Marne Highway transfer station

He questioned why these two places would have the same set up.

Ms. Gaffney explained that this is a common set up for a business that has a scale operation. Any landfill, transfer station, scrap yard would have the same set up. The trucks that go on these scales usually have large mirror, things protruding from them. The trailers do tend to get hit by things and it is much easier to replace a trailer.

Mr. Germano passed out another exhibit marked C & D

C: Marne Highway Transfer Station Office Trailer 1

D: Marne Highway Transfer Station Trailer 2

Mr. Krollfeifer asked the location of these trailers.

Mrs. Newcomb stated they are from the railroad.

Mr. Germano stated yes in the Industrial Park. He questioned why you see trailers in junk yards.

Ms. Gaffney explained that they are governed by NJ DEP who often changes regulations about how you operate. They are talking about some major changes. Operations such as these need the flexibility to move things around, trailers make it flexible.

Mr. Germano stated that the planner visited the site and suggested in her report that some landscaping would be a good idea. Your reply was that it wouldn't work.

Ms. Gaffney explained that it was tried before by Unilock and the landscaping no longer exists. There is no running water on site, so nothing would grow.

Mr. Germano stated the planner also suggested a solid fence to block the grandfather trailer #1, pointed to map.

Ms. Gaffney explained that there use to be a solid fence there. They took it down when they cleaned up the property because it was unsightly. They also have a security problem and need for people to see in, such as the police. Lights have been placed on the property. There are weekly break ins especially along the railroad. She has an app on her phone that alerts her to someone on the premises.

Mr. Germano asked if her main objection to a solid fence is security and if she had an alternative.

Ms. Gaffney answered yes and believes a mesh fence cover would be more attractive. Provided a picture, exhibit E. It provides about 78% visibility. When driving by you would see the color mesh, however, when you are looking you can see movement and activity going on inside the fence. She is willing to put it on the straight part of the fence in the front.

Mr. Germano commented that the purpose of the landscaping and fence would be for esthetics. The property is located in an industrial zone.

Ms. Gaffney explained that they are across the street from piles of stone and aggregate that is the county public works yard, behind them is the creosote plant and the railroad tracks on one side.

Mr. Germano questioned if the proposed trailers are visible from the street when driving by. Would either of the trailers have a negative impact on the character of the neighborhood.

Ms. Gaffney answered barely visible and believes it would not have a negative impact.

Mr. Germano questioned that the trailers we are asking be grandfathered there when you purchased the property and were they new at that time.

Ms. Gaffney commented that the trailers were old and were in place when they purchased the property.

Mr. Krollfeifer asked that she point where those trailers were.

Ms. Gaffney pointed them out on the plan.

Mr. Germano asked if he was in business with Ms. Gaffney and purchased the business in April 2000.

Mr. Michael Kasper answered yes but has been dealing with the site since the 1970's. He had a small family dumpster business, Kasper Brothers. He dealt with the previous owner on and off from about 1973 to the mid 1990's.

Mr. Germano questioned if these trailers were there then.

Mr. Kasper answered yes and there were 3 or 4 more trailers then. A couple were removed when they purchased the property.

Mr. Germano provided a page from the code book (exhibit F) that prohibits trailers in town was adopted in 1999. He would like to put a hold on the discussion for the certificate of nonconforming use for the junk yard until next month.

Mr. Kingsbury stated that no evidence has been presented regarding the junk yard and should be heard next month. The Board can act on whether the two trailers are grandfathered and whether to grant a use variance for the two existing trailers.

Mr. Selb asked for clarification. There were to existing trailers prior to 2012 and there are two proposed trailers that have been there since 2012.

Mr. Germano explained that the two temporary trailers are the ones they are asking for a use variance to leave them on site.

Mr. Selb asked if the trailers were purchased new.

Ms. Gaffney explained that they were used but in very good condition.

Mrs. Newcomb explained that AmeriCycle has done everything they were supposed to do with the construction office and the Burlington County Health Department.

Mr. Selb questioned the property location with the piles of asphalt which was referenced across the street from them.

Mr. Germano stated that property is located in Lumberton Township.

Mr. Selb just wanted to clarify that it was not Hainesport and we have no control of that site.

Mr. Krollfeifer asked for clarification of the number of trailers. He visited the site yesterday and is a little confused on the number.

Mr. Germano explained that there are five trailers now. One of which was the old office trailer that is scrap.

Ms. Gaffney stated that there are a few trailers that were brought in for scrap and are currently in process.

Mr. Krollfeifer questioned what they do for restrooms if there is no water on site.

Mr. Germano stated port a pots.

Ms. Gaffney explained that the trailer does have a bathroom with a water reservoir and is serviced regularly.

Mr. Clauss questioned if the old scale house been replaced with a newer model because of size.

Ms. Gaffney explained they have two scales in operation and by law the entire vehicle must fit on the scale for trade. They try and keep the cars and small vehicles on the smaller scale away from the bigger vehicles.

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

Mr. Kingsbury explained that two votes are needed. The first request is that the two older trailers predate the 1999 ordinance which would give them a grandfather status. They are requesting a Certification of a pre-existing nonconforming use. The second is a use variance for the two trailers that were allowed a couple years ago to be permanent trailers on the site.

Mr. Ragan commented if approved there should be a condition of the screen and the comments in his report on whether they will comply.

Mr. Germano stated the only other comment in the planner's report is the stripping of the parking lot and the client agrees.

Mr. Katz stated there was a comment of a used car needing to be removed.

Mr. Ragan commented that it was gone.

Mr. Kingsbury questioned if the planner was recommending the mesh fencing.

Mr. Ragan answered yes.

Mr. Kingsbury stated there should be a condition that the mesh fencing be installed as shown in the exhibit and that the parking lot be striped.

Mr. Ragan stated it was also recommended that the small trailer be removed.

Mr. Germano agreed but to clarify that the older trailer will be scrapped. It may be a period of time before the scrap it, the old office.

Mrs. Newcomb questioned if there should be a time frame placed for the removal of the old office trailer.

Mr. Katz believed 6 months for the removal was sufficient. All agreed.

Mrs. Kelley motioned to grandfather the two trailers.

Second: Mr. Krollfeifer

Roll call: Mrs. Kelley, yes; Mr. Krollfeifer, yes; Mr. Clauss, yes; Mr. Dodulik, yes;
Mr. Lynch, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to grandfather the two trailers.

Mr. Katz stated the next vote would be the use variance to allow the two newer trailers to be permanent. With the conditions of the mesh fence, removing the old office within 6 months, and striping of the parking area.

Mr. Krollfeifer motioned to approve as stated.

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mr. Clauss, yes;
Mr. Lynch, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

Mr. Germano stated he will be back to the October 7, 2015 meeting with Mr. Shinn and some exhibits.

Mr. Krollfeifer questioned if the Board Members that are absent tonight need to listen to the recording from this evening to hear the case in October.

Mr. Kingsbury commented no because it is a different issue.

Mr. Kingsbury stated a vote is needed to continue to the October 7, 2015.

Mr. Lynch motioned to continue.

Second: Mr. Selb

Roll call: Mr. Lynch, yes; Mr. Selb, yes; Mrs. Kelley, yes; Mr. Clauss, yes;
Mr. Dodulik, yes; Mr. Krollfeifer, yes; Mr. Katz, yes

Motion carries to continue to the October 7, 2015 meeting.

B. Case 14-08A: Wawa, Inc.

Block 96 Lot 1.08

1522 Route 38

Amended site plan

Attorney: Duncan Prime

Mr. Prime requested by letter dated August 26, 2015 to carry the hearing to the October 7, 2015 meeting.

Mr. Krollfeifer motioned to continue until the October 7, 2015 meeting.

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mr. Clauss, yes;
Mr. Lynch, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to continue.

C. Case 15-12: A Clear Alternative Inc.
Block 24 Lots 1, 2, 3
904, 908, & 910 Marne Highway
Use variance for solar array
Attorney: Patrick McAndrew

Proper notice was given.

Mr. Lynch recused himself due to being a church member and on church counsel.

Mr. Patrick McAndrew stated that he will be working with one exhibit which it is the small plan included in your packet.

Mr. Kingsbury swore in Rich Albano, vice president, and John DiPietropolo, both from A Clear.

Mr. McAndrew questioned what is at the church facility now and what is proposed.

Mr. Albano explained that there is an open lot of grass behind the church facility. They are proposing to install ground mounted solar array to feed the church, pastor's home, and a building that is used for teaching the children. It will sit back approximately 300' back from Marne Highway. It will sit behind the church and education building just past the tree line.

Mr. McAndrew stated that it generally would be out of site from Marne Highway.

Mr. Albano answered yes.

Mr. McAndrew asked that he describe what it would look like and the fence.

Mr. Albano explained that there will be three separate arrays. Sizing of solar is based off of usage of the last 12 months. State law does not allow you to build anything larger than what they have used in the last 12 months. The number of arrays is based on the topography and the size of the lot to be used. It would then be surrounded by a 6' chain link fence. No one will be able to go near it. They are aware of people living along the railroad tracks in the past.

Mr. McAndrew stated that they must show that it is beneficial.

Mr. Albano commented that the State of NJ has deemed solar energy as inherently beneficially.

Mr. McAndrew questioned if there would be any negative impacts.

Mr. Albano explained that he likes the look of them, some people do not. It is simply like a sheen of black glass.

Mr. McAndrew stated that one of the questioned asked is if the church would consolidate the three lots.

Mr. Albano believes the church is willing to discuss that.

Mr. Katz questioned how large is the foot print of the array.

Mr. Albano stated that it is approximately 108' wide by 100' deep.

Mr. Krollfeifer questioned how the tax credits from this project would be used since the church cannot use them.

Mr. Albano explained that A Clear is purchasing the system not the church. A Clear will be selling the power to the church at a discount. The church will be able to save thousands of dollars in energy costs.

Mr. Clauss questioned if the proposed fence is non climbable.

Mr. Albano stated it would be a regular chain link fence. The arrays themselves are safe. If someone wants to get through, they could cut the fence or climb over it. The fence is to discourage anyone from going near the array.

Mr. Clauss questioned the location of the electrical.

Mr. Albano stated it would be under the arrays.

Mr. Clauss questioned who would have access to the fenced area to maintain it.

Mr. Albano commented that the church and A Clear will have access to it. The church will probably be responsible for the grass.

Mrs. Kelley questioned where the church daycare playground is located.

Mr. Krollfeifer stated it is where it says uplands behind the existing building.

Mrs. Newcomb asked if the State of NJ has any say in how close these arrays can be to a daycare center.

Mr. Albano is not aware of any regulations.

Mr. Ragan addressed his letter dated August 5, 2015. They recommend that the church consolidate the three lots due to the arrays straddling two lots. Does the array service all three building, where is the conduit from the field to these buildings, and how will they be marked.

Mr. Albano explained that they have a meeting tomorrow at 10:30am with PSE&G. The goal is to put a master meter on the telephone post just northwest of the array. This would be the meter for all three buildings and would tap with the array.

Mr. Ragan stated that they have to go from the master meter to the building.

Mr. Albano is unsure what PSE&G will do.

Mr. Ragan has concerns that those lines do not run through the play yard.

Mr. Albano stated PSE&G will run from the master meter to the buildings and believes it will be overhead.

Mr. Ragan believes that we require onsite lines be run underground.

Mr. Albano stated it is overhead now.

Mr. Clauss believes PSE&G is prohibited from running past the main.

Mr. Ragan stated that the property does have wetlands and wants to make sure the applicant is aware that the fence comes near the 50' buffer.

Mr. McAndrew explained that it was changed to meet the wetlands requirements, originally they were closer to the wetlands.

Mr. Ragan questioned where the gate would be located.

Mr. Albano stated it has not been determined but figures it would possible be on the south side, closest to house. It is just need for maintenance.

Mr. Ragan agrees that from a public perspective, it will not be seen from Marne Highway. From a safety perspective, the fence seems to be essential in light of children being on the property. We do need clarification on the lines. He believes that they should be underground from the master meter to the buildings.

Mr. Katz believes we need to know how this will be setup before we can give an answer.

Mrs. Newcomb questioned what affect the arrays have on the house regarding heat or reflection.

Mr. Albano stated that there has been many studies and is unaware of any detriment to anyone living nearby.

Mr. Selb would like chain link fence that the children cannot climb due to the daycare and Davenport Village nearby. Safety is very important.

Mr. Albano agreed. That is why they told the church they would put up the 6' chain link fence around the array. Everything they are doing is safe.

Mrs. Newcomb questioned if there is a top rail on the fencing because it deters climbing. She suggested 1 1/4" fencing. She wanted to make them aware that there has been homeless back by the railroad.

Mr. Albano is unsure.

Mr. Ragan suggested that they place a security camera on the array.

Mr. Krollfeifer asked for clarification if the property was in a R1 or R3.

Mr. Ragan stated R1.

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

Mr. Katz has concerns with the fence and the hook up of the electrical and believes we should wait to vote until we have an answer.

Mr. Krollfeifer commented if they choose to approve it that we just put the condition that if PSE&G only goes to the box that they have to put to the buildings underground and the condition of the fence.

A discussion occurred that they want a 6' fence with 1 1/4" slats with no top rail.

Mr. Krollfeifer questioned the fire official letter and the Mr. McAndrew's letter disagreeing with it.

Mr. Selb and Mr. Katz would like them to come back next month.

Mr. DiPietropolo would like to start as soon as possible due to the winter months coming.

Mr. Ragan questioned if they received their energy approval.

Mr. DiPietropolo stated they have received the approval but have not received papers. It is taking two months.

A discussion occurred if they should come back.

Mr. McAndrew stated we agree that it should be underground and the size of the fence link with no top rail.

Mr. McAndrew commented that he disagreed to the fire official letter it is not based on any code. It would be such an expense they could not do. Any person coming in for a house would have to do that.

Mr. Krollfeifer agreed. There is a road that comes off of Marne Highway to the house which should be good for the array.

Mr. Selb stated the array sits back about 300' and he just spoke to the Fire Chief regarding running 1000' of hose. It should be no issue.

Mrs. Kelley questioned number 3, if they have a remote disconnect and shut down at the array.

Mr. Albano stated that NEC code requires shut down at the array and the meter so that the solar can be shut down at any point in time. If PSE&G loses power the array is shut down automatically.

Mrs. Kelley questioned the signage.

Mr. Selb stated that we have other residents that have solar panels and we do not require them to have signs. The fire company is aware so that they know how to fight the fire.

Mr. Ragan explained that there is a sticker on the box informing them it has solar power. The letter is referring to an additional sign. Currently there is no law requiring the additional signage.

Mr. Clauss motioned to approve the application as discussed.

Second: Mr. Krollfeifer

Roll call: Mr. Clauss, yes; Mr. Krollfeifer, yes; Mrs. Kelley, yes; Mr. Dodulik, yes;

Mr. McKay, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

D. Case 15-11: A Clear Alternative Inc.

Block 112 Lot 2.06

830 Hainesport-Mt. Laurel Road

Use variance for solar array

Attorney: Patrick McAndrew

Proper notice was given.

Mr. McAndrew stated this is a residential application for an array in the back yard. John DiPietropolo is the owner and a witness.

Mr. Kingsbury swore in John DiPietropolo and Rich Albano.

Mr. McAndrew stated there is a correction to be noted. The side yard setback should be 25'. (Exhibit A1).

Mr. Albano explained they are proposing to install a small solar array in a residential back yard to produce for the home. The home has been certified to use about 44,000kw a year.

Mr. Ragan commented that is a lot.

Mr. Albano explained that swimming pools are a very large drain of electricity and air conditioning is the second biggest.

Mr. Krollfeifer asked the square footage of the home.

Mr. Albano stated about 4,000.

Mr. McAndrew asked for a description of the area.

Mr. Albano explained that the property is a flag lot that is surrounded by woods. The north and east are heavily wooded. There is a flood hazard area behind it. It would not be very visible from the road or the neighbors.

Mr. McAndrew questioned how the security of this array would be different.

Mr. Albano explained that it is a residents that is not surrounded by a church, daycare center, or other back yards with children. Therefore, NEC code only requires a physical barrier that keeps people from going behind the array and disconnecting the wiring. It does require a key to disconnect, they cannot be pulled apart. NEC requires that some type of mesh go behind the array. They are proposing to put a mess behind the array so the wires are not accessible.

Mr. McAndrew asked what code is followed.

Mr. Albano stated that NJ follows the 2011 NEC Code, they tend to follow the 2014 code which has upgraded some minor things.

Mr. McAndrew questioned the type of mesh.

Mr. Albano stated it is a hard plastic mesh. It is made to keep someone from grabbing wires.

Mr. Krollfeifer questioned the trailer that was on site when he visited the property.

Mr. Mr. DiPietropolo stated the trailer is empty. They are planning on using the trailer to move in the house in a few days. His business is based in Pennsauken and when he is finished moving it will go back there.

Mr. Krollfeifer questioned if there were any wetlands on site.

Mrs. Kelley said there is wetlands.

Mr. Ragan stated there is a 50' buffer but it is not marked on the plan and if there has been a delineation done.

Mr. Mr. DiPietropolo spoke to Mr. Mancini, Tax Assessor, and there is another property between him and the creek. The solar array sites approximately 200' from the creek.

Mr. Ragan explained how it determined and that the edge of the creek doesn't determine it. Many things come into play. If you have wetlands on the property and put solar array on it, you would be in violation of NJDEP regulations. He just wanted to confirm that it wouldn't be a problem.

Mrs. Newcomb explained that NJDEP makes the determination. This would be a prior approval for her department. You can seek a NFA letter from the DEP.

Mrs. Kelley stated that the Environmental looked at the GPS maps on Monday night and it may be on the edge that you can do it.

Mrs. Newcomb questioned if this will be his primary residents and if there is business being run out of the property.

Mr. DiPietropolo stated this will be his primary residents and no business is run from the property.

Mrs. Newcomb questioned where his business is located.

Mr. DiPietropolo stated it is 9230 Collins Ave., Pennsauken.

Mr. Krollfeifer questioned if the conduits would be underground.

Mr. Albano answered yes.

Mr. Ragan asked to see the mesh. It is like a plastic chain link fence. How is it anchored at the top and bottom? Is it anchored at the ground?

Mr. Albano stated it is secured at the top and bottom of the array with ties that are about 28" above the ground. It is not anchored on the ground.

Mr. Ragan has concerns with the owner's two children and other children climbing under it.

Mr. DiPietropolo explained that a key is need for the wires and the mesh barrier are both safety features.

Mr. Clauss commented that a squirrel could chew a wire which could be exposed the next time a child is under it.

Mr. DiPietropolo stated that they receive notification if something is wrong with a panel.

Mr. Clauss commented you would not get a notification if the insulation was just chewed and a wire exposed.

Mr. Selb also has concerns with safety. Not with his children because they will be educated but with other children that may be there.

Mr. DiPietropolo stated this is NEC compliant.

Mrs. Kelley questioned if he has the system at his current home.

Mr. DiPietropolo stated he does not, there are too many trees.

Mr. Ragan questioned if any of the panel could fit on the roof.

Mr. DiPietropolo explained that the home is Victorian, and doesn't think he could fit even 3 panels.

Mr. Krollfeifer questioned if any vegetation has been removed.

Mr. DiPietropolo stated he has taken down some unhealthy and dead trees.

Mr. Krollfeifer asked we were going to address the fire issue, he knows it's the same issue as the last application but it stands on its own.

Mr. McAndrew stated that his position has not changed. There is enough for a fire hose to get back there. The issues regarding the flood zone, etc. will be addressed with the DEP before permits and can be a condition of approval. The biggest issue the Board seems to have is the security of the array with children. They are comfortable with the mesh which is NEC compliant.

Mr. Katz believes if they attach the mesh to a bar at the ground would solve the problem.

Mr. Selb asked for clarification that the mesh would not go to the ground but would just surround the panel where the electrical connections are so they can't get in thru this mesh.

Mr. Ragan stated it would run from the top of the back side of the panel to the bottom and be tied to the bottom of array. He stated that the Board only is giving you the right and takes no liability or responsible for the array, that would be the owner and contractors.

Mr. Katz opened public comment.

Randy Johnson was sworn in and stated he believes that it is better to have solar panels on the ground. He works for a private company and drove a dump truck back there about 3 years ago and had no issues than hitting the mirrors on a couple of trees. The fire company has a brush truck and would have no problem getting to this house or the church. He is the Fire Marshall for Delanco and Beverly NJ.

Mr. Katz closed public comment.

Mr. Krollfeifer motioned to approve subject to DEP approval and the mesh and underground conduit as discussed.

Second: Mr. Katz

Roll call: Mr. Krollfeifer, yes; Mr. Katz, yes; Mrs. Kelley, yes; Mr. Lynch, yes; Mr. Dodulik, yes; Mr. McKay, yes; Mr. Selb, yes

Motion carries to approve.

7. Minutes

A. Regular Meeting Minutes of August 5, 2015

Motion to approve: Mr. Krollfeifer

Second: Mr. Lynch

Roll call: Mr. Krollfeifer, yes; Mr. Lynch, yes; Mrs. Kelley, Mr. Dodulik, yes; Mr. McKay, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2015-12: Franklin Estates Homeowners Association

Granting amendment of previously approved subdivision to permit removal of tot lot from Franklin Estates Homeowners Association

Mr. Kingsbury stated he spoke with their attorney today and the tot lot is gone.

Motion to approve: Mr. Krollfeifer

Second: Mr. Selb

Roll call: Mr. Krollfeifer, yes; Mr. Selb, yes; Mrs. Kelley, yes; Mr. Dodulik, yes; Mr. McKay, yes

Motion carries to approve.

B. Resolution 2015-13: Reviewing Redevelopment Plan Amendment for Former HITCO Property

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

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

Motion carries to approve.

9. Correspondence

- A. Letter dated June 26, 2015 from Burlington Co Board of Health to John DiPietropolo
Re: Solar Array, Block 112 Lot 2.06
- B. Letter dated July 22, 2015 from Burlington Co Planning Board to Mr. Blair
Re: Hainesport Enterprises Block 62.01 Lot 1 and Block 58.01 Lots 1-6
- C. Letter dated August 3, 2015 from Edward Ruggiano to Marlton Transmission
Re: Bear Tire & Auto Center Block 99 Lot 6, 7, 8
- D. Letter dated August 4, 2015 from Burlington Co Planning Board to Mr. Prime
Re: Wawa, Inc. Store #957 Block 96 Lot 1.08
- E. Letter dated August 5, 2015 from Burlington Co Planning Board to Mrs. Tiver
Re: Robert T Winzinger, Inc. Block 73 Lots 6-9, 10, & 11

Motion to accept and file: Mrs. Kelley

Second: Mr. Lynch

Roll call: Mrs. Kelley, yes; Mr. Lynch, yes; Mr. Dodulik, yes; Mr. Krollfeifer, yes;
Mr. McKay, yes; Mr. Selb, yes; Mr. Katz, yes

Motion carries.

10. Professional Comments

Mr. Ragan stated it was nice being here this evening.

11. Board Comments

Mr. Selb stated he has been dealing with an issue as Administrator/Clerk with the Paparone (old Fine Homes) development. There has been an issue that he has been working with Mr. Kingsbury to resolve. The plan calls for a water quality basin. He was going back and forth with Mr. Miller, he was saying it was not a basin. The township received an easement from Paparone. He raised questions because he has been dealing with stormwater management and the law had changed. The law states that you cannot give a basin to a private owner. It can only be a homeowners association or the township. He asked that it be solved. Mr. Kingsbury contacted DEP and it was the law that it is our responsibility and not the homeowners.

Mr. Katz asked when the law changed.

Mr. Selb stated it was prior to approval of the application. The township now has to take care of the basin. He wanted to bring to the Boards attention that the law only allows a homeowners association or the township to have responsibility.

Mr. Kingsbury commented that DEP does not distinguish between a water quality basin and a storm drainage basin. It is all the same.

Mr. Selb explained that there are all kinds of requirements that have to be met with these basins.

Mr. Krollfeifer stated a friend had commented to him that Ragan Design is the best planner in the State of NJ on solar.

Mr. Selb announced that our Fire Official has retired. We are in the process of obtaining someone to take his place.

12. Public Comments

None

13. Adjournment

Mrs. Kelley motioned to adjourn at 9:45pm.

Second: Mr. Lynch

Roll call: All in favor.

Paula L Tiver, Secretary

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, October 7, 2015

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. Tiver, Mr. Kröllfeifer, Mr. Bradley, Mr. Dodulik, Mr. Clauss, Mr. Katz

Absent: Mr. Selb, Mr. Lynch, Mr. McKay, Mrs. Kelley, Mr. Porto

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

6. Items for Business

A. Case 15-06A: AmeriCycle, Inc.

Block 42 Lot 3.02

233 Mt. Holly Bypass

Use variance and certificates of prior nonconforming use/structure

Attorney: Denis Germano

Continued from September 2, 2015 meeting.

Mr. Boettcher recused himself.

Mr. Germano explained that he requested that this part of the application be heard this evening so that Robert Shinn, witness, could attend. For a certificate of nonconforming use, one must prove three things. They are: At a point in time you were doing something that was lawful under the zoning ordinance in a place that was lawful to do so. Then an ordinance was passed to make it not permitted. Ever since that time, you have continued

to do it. His witnesses, Mr. Shinn and Mr. Kasper, will talk to you that the junk yard was there before the ordinance and in continuous operation after the ordinance.

Mr. Germano provided the following exhibits:

B1: Township Committee minutes of October 8, 1962

This shows prohibited uses to be trailer camps, junk yards, and piggery.

B2: Township Committee minutes of November 26, 1962

This shows that the Township Committee recommended the ordinance to the Planning Board. In which the Planning Board what a few words added to it.

B3: Township Committee minutes of December 10, 1962

There was a public hearing on the ordinance and it was adopted. Junk yards became prohibited in December 1962.

B4: Burlington County Times article dated October 9, 1962 reporting the ordinance.

B5: Township Land Use Board minutes where Mr. McKay stated that the ordinance was done 50 years ago from that night.

Robert Shinn was sworn in. He was born in November 1937 and was just about a life Hainesport resident. He grew up next door to the site. There was a short period of time he spent in Korea, Chicago, and college.

Mr. Germano questioned when he went to Korea.

Mr. Shinn explained he was there in 1956 thru 1958.

Mr. Germano questioned if the junk yard existed before he left for Korea and if he had any interaction with the property.

Mr. Shinn answered yes. There was once a hedge row between the junk yard and the now Atlantic Wood which was a meeting place for a group of kids in the area. The junk yard was on one side of the railroad track and the farm was on the other side. He use to ride around the horse track that was there and bought spare and good tires from the junk yard.

Mr. Germano explained that it was his understanding that Mr. Shinn came back from Korea and then went to Chicago for a little while, returning in the early 1960's.

Mr. Shinn confirmed.

Mr. Germano questioned if the junk yard was still in existence when he returned and became involved in politics. At a point you became very involved with recycling activities. During this time you were aware of this continued operation.

Mr. Shinn stated yes, it is part of the solid waste program. It has evolved from what is known as a junk yard to a solid waste management plan and part of the recycling plan. Junk yards play a major role in recycling. It is a sophisticated recycling operation.

Michael Kasper was sworn in.

Mr. Germano stated that last month he had testified that he was part of a trash hauling company. As a result had contact with this company. He questioned when his first involvement was.

Mr. Kasper stated in 1973 and continued into the 1980's.

Mr. Germano stated that Mr. Kolbrenner died in the 1990's. Can you explain the continued operation after his death?

Mr. Kasper explained his wife continued operations with two helpers.

Mr. Germano questioned if it ever stop operation.

Mr. Kasper stated it did not.

Mr. Germano questioned when did they buy it?

Mr. Kasper stated in April 2000. It took 8 months for the purchase and seen the site was still operational during the sale process.

Mr. Kingsbury explained the applicant is seeking certification of a preexisting use of a junk yard. Preexisting means that has been existing in the same form as it always had prior to the ordinance that outlawed it. If the Board accepts it, it is not a variance, it's a certification of a nonconforming use. There is a section in the Land Use Law that allows the Board to make that decision.

Mrs. Wuebker asked how many acres are.

Mr. Kasper stated 3 to 4.

Mr. Kingsbury asked if this overlaps into Lumberton.

Mr. Germano stated that the property he owns overlaps into Lumberton, but the junk yard does not.

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

Mr. Krollfeifer questioned if there was an ordinance prior to 1962 that allowed junk yards?

Mr. Kingsbury explained that there was no ordinance prohibiting it.

Mr. Krollfeifer motioned to approve the application as requested. Grandfather the facility as a junk yard.

Second: Mr. Clauss

Roll call: Mr. Krollfeifer, yes; Mr. Clauss, yes; Mr. Tiver, abstain; Mr. Dodulik, yes; Mr. Bradley, yes; Mr. Katz, yes

Motion carries to approve.

B. Case 14-08A: Wawa, Inc.

Block 96 Lot 1.08

1522 Route 38

Amended site plan

Attorney: Duncan Prime

Proper notice was given.

Mr. Prime stated he represents WaWa and are here for an amended site plan. The property is in the HC zone located at the corner of Route 38 and the bypass. A portion of the property in Lumberton Township. They appeared before the board in Lumberton last month and were approved with what is in front of the Board tonight. They are looking to convert 4 of the MPD's to the 3 plus 1 dispenser. It allows for the pumping of regular, mid-grade, premium gasolines, and clean diesel fuel. This is a companywide initiative. WaWa is looking to add the clean diesel fuel to all of its gas stores. This program has been going on for almost 4 years. They are proposing to prohibit the diesel fuel to tractor trailers. From a site, safety, and circulation stand point, they are not interested in the tractor trailers fuel up at the site. Their employees are directed to turn them away. This is not their typical truck stop for them. This would only have the one nozzle that you put in the automobile. Minor site disturbance. They are adding one tank and refacing the sign to include the diesel price. They are not changing the size or style.

Mr. Kingsbury swore in Ron Klos, Jr., PE.

Ron Klos, Jr stated he was from Bohler Engineering and gave his credentials. He prepared this plan and has worked on approximately 150 of these WaWa projects. This is a simple project. They are proposing one additional 15,000 gallon underground fuel storage tank for diesel fuel. Some moderate piping from the storage tank to the multi-function dispenser. They will be changing the 4 multi product dispenser with the 3 plus 1. It will have two nozzles, one for gasoline and one for diesel.

Mr. Katz questioned how large the existing underground fuel tanks are.

Mr. Klos stated the existing is 20,000 gallons. The only other change will be to reface the existing sign. They will need to add the diesel. There will be no changes regarding the size. When looking at the plan there is only one change, originally they wanted to change 2 out of the 8 mpd's, now they would like to make it 4 mpd's.

Mr. Katz asked that he mark the plan as A1 (site plan page 1 of 5 dated 1/16/15).

Mr. Duncan stated that concludes their presentation and asked to address the planner's letter (Ragan Design dated August 19, 2015)

Mrs. Wuebker had concerns with the fact that they are showing tractor trailers turning radius when they will not be supplying fuel to them.

Mr. Duncan explained that the tractor trailers are welcomed to come on site but cannot fuel. Tractor trailers are current customers that stop and get coffee and other items.

Mr. Klos stated they are showing the circulation pattern because we have a fueling tank that comes in to unload fuel.

Mrs. Wuebker questioned if they are currently having trouble maneuvering the site because there seems to be a couple areas of conflict.

Mr. Klos marked A2 (sheet 4 of site plan). They are not looking to change the circulation pattern. It is what is currently doing and was originally approved.

Mr. Miller questioned if the truck carrying the diesel fuel is the same size as the gasoline truck.

Mr. Klos stated it would be the same size just a different truck.

Mr. Duncan questioned the number of diesel deliveries are expected in a week.

Mr. Klos expects it would be 2 to 4 deliveries but it will be based on sales. Wawa has a system in place that when the tanks get low on fuel the store and headquarters is notified so a delivery can be made.

Mrs. Wuebker questioned if there is a certain time of day for deliveries.

Mr. Klos stated it is an on demand service, it could be anytime.

Mrs. Wuebker still has concerns that with the turning radius because they are adding mobile homes and RV's.

Mr. Boettcher explained that they are not adding RV's. RV's currently go there now. He has gotten fuel there.

Mr. Clauss believes that they are more like to get vehicles like his son's vehicle, Volkswagen Jetta.

Mr. Klos stated they have not had any problems with tractor trailers coming in to try and get fuel.

Mr. Clauss asked if the diesel nozzle will only fit the car and small truck.

Mr. Klos stated that was correct.

Mrs. Wuebker stated that since they did not provide truck turns, it is harder to evaluate how the larger vehicles would maneuver through the site.

Mr. Klos commented that they could provide the different turning templates for an RV. They can get in there now and the drive isles are oversized now. There is plenty of room for a larger vehicle to maneuver.

Mrs. Wuebker questioned if Mr. Boettcher has any problems when he gets gas in his RV at the site.

Mr. Boettcher explained that he can go through any of their isles with no problem.

Mr. Clauss stated that the small nozzle is designed to discourage larger trucks. He questioned if they would be providing a nozzle for an automobile or truck at this location. Mr. Klos stated for an automobile.

Mr. Krollfeifer questioned if the diesel fuel would be self-service.

Mr. Duncan explained since this will have all the different fuels there will be an attendant there. In New Jersey the operator does have the option with diesel fuel to be self-serve or not.

Mrs. Wuebker asked which four pumps are being converted.

Mr. Klos stated the four that are furthest from the building.

Mrs. Wuebker questioned if there were any plans to move the air pumps.

Mr. Klos answered no.

Mr. Kingsbury questioned why the applicant had to go to Lumberton Township.

Mr. Duncan stated they asked why they had to go to Hainesport Township.

Mr. Katz stated that the pumps are in Hainesport and the store is in Lumberton.

Mr. Boettcher explained that when this site was developed they tried to make it as easy as possible for the building inspectors and other issues that may occur.

Mr. Kingsbury questioned if they were doing anything in Lumberton.

Mr. Duncan stated no, they took the position that it was affecting site circulation.

Mrs. Newcomb questioned if DDRM Ok'd the change from 2 to 4.

Mr. Duncan explained that there is a comment in the planner's letter regarding the property owner. They are going back and forth with them trying to get them to sign the application. DDRM is asking for a lease amendment. The attorneys on both sides have been going back and forth. They have verbally agreed and expect to have it in the next one to two weeks. They missed last month's meeting and wanted to come to this meeting, therefore they would like it to be a condition of approval for DDRM's signature on the application.

Mrs. Newcomb questioned if Lumberton agreed.

Mr. Duncan explained they have the same condition of approval in Lumberton.

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

Mr. Krollfeifer questioned the height of the canopy above the gas pumps and how would it relate to a tractor trailer.

Mr. Klos explained that WaWa sets their canopies at a minimum of 14' clearance under it. They do this for the clearance for safety concerns.

Mr. Krollfeifer asked for clarification regarding if the 4 areas will have 2 nozzles.

Mr. Klos commented that there will be 2 nozzles, one for gasoline and one for diesel.

Mr. Clauss stated he prefers to have the smaller nozzle for the diesel pump.

Mr. Klos explained the largest vehicle they anticipate is a bus or RV. This will be the smaller diesel nozzle.

Mr. Katz commented that the motion needs to include that the small diesel nozzle be used and they receive the property owners consent.

Mr. Bradley motioned to approve the application.

Second: Mr. Clauss

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

Motion carries to approve.

7. Minutes

A. Regular Meeting Minutes of September 2, 2015

Motion to approve: Mr. Krollfeifer

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Boettcher, yes;
Mr. Clauss, yes; Mr. Katz, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2015-14: Granting use variance for solar array installation on Block 112 Lot 2.06

Motion: Mr. Krollfeifer

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Katz, yes

Motion carries to approve.

B. Resolution 2015-15: Granting use variance for ground mounted solar array on Block 24 Lots 1, 2, and 3

Motion: Mr. Krollfeifer

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Clauss, yes; Mr. Katz, yes

Motion carries to approve.

C. Resolution 2015-16: Granting certification of pre-existing nonconforming structures (NJS 40:55D-68) for two existing trailers and use variance for two additional existing newer trailers located on Block 42 Lots 3.02 and 3.03

Motion: Mr. Krollfeifer

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Katz, yes

Motion carries to approve.

9. Correspondence

- A. Certification dated August 28, 2015 from Burlington Co Soil Conservation District
Re: Hainesport Enterprises Block 62.01 Lot 1 & Block 58.01 Lots 1-6
- B. Letter dated August 30, 2015 from South Jersey Engineers
Re: Notice that Landmark Property Management Office submitted application to DEP
1289 Route 38 W
- C. Township Resolution 2015-139-9: Approving performance bond reduction for Bruce Paparone for Washington Street
- D. Letter dated September 8, 2015 from Alaimo Assoc. to Mr. Selb
Re: Washington Street Subdivision – Paparone Bond Reduction
- E. Letter dated September 16, 2015 from Alaimo Assoc. to Mr. Blair
Re: G3 Enterprises – Gallo Warehouse Certificate of Occupancy
- F. Letter dated September 24, 2015 from Burlington Co Planning Board to Mr. Caplan
Re: 2509 Creek Road – Punch list of uncompleted Improvements Block 104
Lots 2.01, 3, 4, & 5.13

Motion to accept and file: Mr. Bradley

Second: Mr. Krollfeifer

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

Motion carries.

10. Professional Comments

Mrs. Wuebker stated that Mr. Ragan will be here next month to discuss COAH.

11. Board Comments - None

12. Public Comments - None

13. Adjournment

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

Motion: Mr. Dodulik

Second: All in favor

Paula L Tiver, Secretary

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, November 4, 2015

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. Porto, Mrs. Kelley, Mr. McKay, Mr. Tiver,
Mr. Lynch, Mr. Selb, Mr. Bradley, Mr. Dodulik, Mr. Clauss,
Mr. Katz

Absent: Mr. Krollfeifer

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

6. Items for Business

A. Case 15-05A: Diamantis Children’s Trust

Block 100 Lot 8.01

1386 Route 38

Preliminary & Final Site Plan with Bulk Variances – Pep Boys

Attorney: Igor Sturm, Esq.

Mr. Sturm request a postponement to December 2, 2015 by letter dated November 3, 2015.

Mr. Selb motioned to continue the application to the December 2, 2015 meeting.

Second: Mr. Lynch

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

Motion carries to continue the application until the December 2, 2015 meeting. No further notice is required.

7. Minutes

A. Regular Meeting Minutes of October 7, 2015

Motion to approve: Mr. Tiver

Second: Mr. Katz

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

Motion carries to approve.

8. Resolutions

A. Resolution 2015-17: Ameri-Cycle, Inc

Granting certification of pre-existing nonconforming use under NJ Statute 40:55D-68 for recycling facility located on Block 42 Lots 3.02 & 3.03

Motion to approve: Mr. Bradley

Second: Mr. Katz

Roll call: Mr. Bradley, yes; Mr. Katz, yes; Mr. Clauss, yes; Mr. Dodulik, yes

Motion carries to approve.

B. Resolution 2015-18: WaWa, Inc.

Granting amended site plan approval to permit an underground storage tank for diesel fuel and diesel fuel dispensing pumps at an existing WaWa convenience store on Block 96 Lot 1.08

Motion to approve: Mr. Bradley

Second: Mr. Katz

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

Motion carries to approve.

9. Correspondence

A. Letter dated October 6, 2015 from Alaimo Assoc. to Mr. Selb

Re: Case 11-03A Bear Tire & Auto Center Performance Bond & Plan Distribution

B. Letter dated October 14, 2015 from Ragan Design Group to Mr. Richter

Re: Bear Tire & Auto Center 1409 Route 38 Revised Site Plan

Motion to accept and file: Mrs. Kelley

Second: Mr. Tiver

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

Motion carries.

10. Professional Comments - None

11. Board Comments - None

12. Public Comments

Mr. MacLachlan, 33 Easton Way, stated the Board looks good.

13. Executive Session

A. Resolution 2015-19: Resolution to enter into Executive Session – COAH discussion

Mr. Selb motioned to enter into Executive Session at 7:34pm

Second: Mrs. Kelley

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

Motion carries.

Mr. Selb motioned to close Executive Session and return to the regular meeting at 9:08pm.

Second: Mrs. Kelley

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

Motion carries.

14. Adjournment

Mr. Katz motioned to adjourn at 9:10 pm.

Second: Mr. Selb

Roll call: All in favor

Paula L Tiver, Secretary