

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, January 4, 2017

1. Call to Order

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

2. Flag Salute

3. Sunshine Law

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

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

5. Roll Call

Present: Mrs. Kelley, Mr. Dodulik, Mr. Lynch, Mr. Clauss, Mrs. Tyndale,
Mrs. Baggio, Mr. Krollfeifer

Absent: Mr. McKay, Mrs. Gilmore, 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 16-12: Robert T Winzinger, Inc.
Block 73 Lot 11.01
2025 Marne Highway
Site plan waiver and use variance
Attorney: Denis Germano

Request to continue the application until the February 1, 2017 by letter dated December 20, 2016

Mr. Clauss motioned to continue the application to the February 1, 2017 meeting.
Second: Mr. Dodulik

Roll Call: Mr. Clauss, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mrs. Baggio, yes;
Mrs. Tyndale, yes; Mr. Lynch, yes; Mr. Krollfeifer, yes

Motion carries to continue the application until February 1, 2017.

B. Case 16-02A: Our Lady Queen of Peace
Block 91 Lot 3
Southwest corner Marne Hwy & Lumberton Road
Preliminary and Final Site Plan
Attorney: Thomas Begley, III

Request to continue the application until the February 1, 2017 by letter dated December 1, 2016.

Mr. Lynch motioned to continue the application.

Second: Mrs. Kelley

Roll Call: Mr. Lynch, yes; Mrs. Kelley, yes; Mrs. Baggio, yes; Mr. Dodulik, yes;
 Mr. Clauss, yes; Mrs. Tyndale, yes; Mr. Krollfeifer, yes

Motion carries to continue the application until the February 1, 2107.

C. Case 16-15: Association of Bosniaks of Delaware
Block 104 Lot 1.05
2835 Creek Road
Amended final site plan, bulk variance, use variance
Attorney: Paul Schultz

Proper notice was given.

Paul Schultz, attorney, explained that the Association of Bosniaks is a social cultural club. They purchased the property back in 2011 with another organization in which they subdivided 1.5 acres off for their association. The 2011 approval included the use for a social club, preliminary and final site plan, and subdivision. They continue to use it as a social club and continue to look for ways to improve the experience for its members. They also take in account the concerns of their neighbors.

They are seeking a use variance for an outside basketball court with associated lighting. This is a recreational use that is not permitted in the R1 zone. It provides recreational use for its members and guests without a detriment to the community. They would like to install a driveway gate to prevent entrance onto the property for safety and to prevent trespassing. The metal bar gate would be 5' high by 25' wide with 6' stone support pillars. It would be 2' back from the front yard setback. A variance is needed because no fences are similar structures are allowed in the front yard setback. They would also like to put an identification sign on one of the pillars which would be the initials of the organization, along with the street number and their mailbox.

The other items are an amendment to the minor site plan. Installation of a gazebo, no bulk variances are needed, it is within the permitted size. Their requesting a permanent overhang in the front patio area, so they do not have to keep putting up a temporary tent. A trash enclosure is needed in which they do have a private contract for removal.

Mr. Kingsbury swore in Kasin Delalic, president, and John Pettit, engineer and planner.

Mr. Delalic explained the background of the Bosniaks. There are about 60 to 70 families in the association.

Mr. Schultz questioned if this provides a community gathering place for the Bosniaks and not open to the general public.

Mr. Delalic stated that was correct.

Mr. Schultz questioned why they want to add the basketball court and other items.

Mr. Delalic explained that their young people came up with this idea. They want to provide something for them to do and they like to play basketball.

Mr. Schultz questioned if they were purposing lighting.

Mr. Delalic stated that certain times of the year, such as Sept. and Oct., it gets dark early and wanted to allow them to play while it is still nice out. They were thinking about putting the lights on a timer to end about 10pm on the weekends.

Mr. Schultz stated the basketball court is not open to the public.

Mr. Delalic answered that is correct.

Mr. Schultz questioned the reason for the gate.

Mr. Delalic explained that they have had issues with trucks coming in and turning around on their property due to the height restrictions on the bridge tunnel. They have done some minor damage. They are also concerned with safety issues.

Mr. Schultz questioned if there would be any negative impacts on the neighbors regarding the basketball court.

Mr. Delalic does not see any.

Mr. Schultz stated the gate would be of black steel and stone for the pillars.

Mr. Delalic answered yes; they want it to look nice.

Mr. Krollfeifer commented that there is a picture of the gate in our packet. He questioned if the gate would swing in or out.

Mr. Schultz stated swinging in.

Mr. Krollfeifer asked if the property would be locked when it is vacant.

Mr. Delalic answered yes.

Mr. Krollfeifer questioned how the fire company would gain access if it is locked and if the 25' is wide enough.

Mr. Schultz stated they will work with the fire official to put a box in.

Mr. Schultz questioned the height of the gazebo and its use.

Mr. Delalic explained it would be about 15' high. It would be a 16' x 24' or 20' x 20'. There not sure exactly which shape they want. He knows the younger people would like it. It would be nice when they have a picnic to be able to put out covered plates and other activities there.

Mr. Schultz stated if there was a wedding there it would only be members and their guests.

Mr. Delalic confirmed yes.

Mr. Schultz questioned why they are asking for a covering or overhang over the porch area.

Mr. Delalic commented that they put tables in the front concrete area and have covered it with a tent to keep out the sun or rain. They have gone through about 4 or 5 tents and have decided it would be better to have something permanent.

Mr. Schultz stated they are also requesting a trash enclosure which they do have a private waste company. It is normal trash and no hazardous materials.

Mr. Delalic commented that was correct.

Mr. Schultz questioned if he believes this would be a benefit to the property.

Mr. Delalic answered yes.

Mr. Schultz questioned if he believes there would be any negative impacts on the neighbors.

Mr. Delalic believes there are none.

Mr. Clauss questioned how the trash company would access the property when it is locked.

Mr. Delalic commented that they come on a schedule, so they will either be there or have a key for them.

Mr. Clauss stated that according to the plans the gate would swing out. He questioned if they would consider a Knox box.

Mr. Pettit answered that the gate is intended to swing in.

Mr. Schultz answered yes to the Knox box.

Mrs. Baggio asked if the gate would be operated by key or key code.

Mr. Delalic answered a key code probably would be best.

Mr. Krollfeifer stated that he was at the property and complimented them on the great job they have done fixing it up. There is no alcohol beverages served on the property.

Mr. Delalic stated that was correct.

Mr. Pettit, planner and engineer, gave credentials. The Board accepted.

Mrs. Wuebker stated that they met on site and they have done improvements. Is it possible to move the lights a little?

Mr. Pettit commented that they can adjust the location of the lights on the sides of the basketball courts so there is no spillage.

Mrs. Wuebker questioned if we can move the basketball court a little farther back.

Mr. Pettit stated they can do that and set it back further north.

Mrs. Wuebker questioned the pole height.

Mr. Pettit answered it is 25'.

Mrs. Wuebker asked for the gate to be put into the plans along with the sign details. Details are also needed for the overhang.

Mr. Pettit stated they will work with the applicant.

Mrs. Wuebker stated the time for the lights to shut off would be 10pm.

Mrs. Newcomb commented that the Township has a noise ordinance, 7am to 10pm. She has concerns if it would be automatic shut off and the reflection of the lights.

Mr. Pettit stated they will be on a timer.

Mr. Schultz commented that three sides of the property are fairly wooded. There will be no lights or playing between the hours of 10pm and 7am.

Mrs. Newcomb questioned if the tent was still up in the back.

Mr. Delalic answered it was taken down about a month ago and will go back up.

Mrs. Newcomb questioned if it is then a temporary item.

Mr. Delalic answered yes.

Mr. Pettit stated that the shed that was on the property line has been moved and meets the setback.

Mrs. Wuebker suggested that they work on the language on the plan. There is mention of a landscaping easement.

Mr. Miller stated that the gate that is proposed is a vehicle gate and not a pedestrian one. It is to minimize the public from coming in and out of the area. It does serve a good purpose. The parking needs to be addressed. The plan shows 20 parking spaces where there should be 27 spaces.

Mr. Pettit stated that is corrected a waiver was granted for 27 spaces where 29 was required. The survey will be updated.

Mr. Miller stated that the lighting was addressed. As long as the applicant agrees with the rest, he is ok.

Mr. Pettit stated they are ok.

Mr. Lynch questioned where the lights will be facing.

Mr. Pettit answered they will be facing the basketball court and they have outside shields to reduce the spillage.

Mr. Lynch questioned if the noise level from the basketball and voices is far enough away from the residential area.

Mrs. Wuebker cannot say for sure but it is 165' plus away.

Mrs. Newcomb stated that the property is next to the industrial park and is surrounded by a lot of buffers. The neighbors could have a basketball court. She does not think it is a detriment to the neighborhood.

Mr. Lynch also believes the foliage will help.

Mr. Clauss has concerns with the lighting which is high pressure sodium. He expressed his concerns with how the light travels if LED's are used.

Mr. Schultz commented that the sign letters and numbers will be black. They will conform to the ordinance.

Mr. Krollfeifer opened public comment.

Kevin Whitaker, 108 Masons Woods Lane, was sworn in. He stated he is the closest neighbor to the applicant and they have been good neighbors. They are very respectful and do a great job at maintaining the property. They work hard and there is nothing negative they have done. They have had one or two large functions in which the property is cleaned up before they leave. He enjoys his backyard and just has a concern with the basketball court and the noise until 10pm. He does not think they would be out there every night until 10pm but would like them to have some consideration.

Mr. Krollfeifer asked that he point out on the map (exhibit A1) where he lives. Mr. Whitaker pointed to Masons Woods Lane and Mr. Pettit pointed out the location of the basketball court.

Mr. Whitaker questioned how many courts there will be.

Mr. Krollfeifer answered one.

Mr. Whitaker believes the gate will also help.

Mr. Krollfeifer closed public comment.

Mr. Kingsbury stated there are several votes needed. One is for submission waivers that are listed in the Alaimo letter dated December 21, 2016.

Mr. Clauss motioned to grant the submission waivers.

Second: Mr. Dodulik

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

Motion carries to approve.

Mr. Kingsbury stated the next would be to grant a use variance and conditional use variance.

Mr. Lynch motioned to approve.

Second: Mrs. Kelley

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

Motion carries to approve.

Mr. Kingsbury stated the next is to grant amended site plan and in compliance with the engineers letter dated December 21, 2016.

Mr. Clauss motioned to approve.

Second: Mrs. Tyndale

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

Motion carries to approve.

Mr. Kingsbury stated the next is to grant bulk variances for front gate location, size, and pillars.

Mr. Lynch motioned to approve.

Second: Mr. Clauss

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

Motion carries to approve.

D. Discussion on the 2017 Hainesport Joint Land Use Board Annual Report

Mrs. Tiver explained this is a report that the Board is required to look at every year to see if we are continuously approving the same type of application that may require that the ordinance be reviewed. She does not see anything that is reoccurring.

Mr. Kingsbury stated that the land use law requires that the report be submitted once a year to the Township Committee letting them know if there is any recommendation that the Board would like to make to the zoning ordinances.

Mr. Miller did not see anything that would warrant any changes.

Mrs. Wuebker stated the only thing that she has seen was for the solar applications.

The Board had a discussion regarding the different solar applications and each application was unique. There are no recommendations.

7. Minutes

A. Regular Meeting Minutes of December 7, 2016

Motion to approve: Mr. Clauss

Second: Mrs. Tyndale

Roll Call: Mr. Clauss, yes; Mrs. Tyndale, yes; Mrs. Baggio, abstain; Mrs. Kelley, yes;
Mr. Dodulik, yes; Mr. Lynch, yes; Mr. Krollfeifer, yes;

Motion carries to approve.

8. Resolutions

A. Resolution 2017-02: Hainesport Joint Land Use Board Adopting 2016 Annual Report

Mr. Lynch motioned to approve with no recommendations.

Second: Mr. Clauss

Roll Call: Mr. Lynch, yes; Mr. Clauss, yes; Mrs. Kelley, yes; Mrs. Baggio, yes;
Mrs. Tyndale, yes; Mr. Dodulik, yes; Mr. Krollfeifer, yes

Motion carries to approve.

B. Resolution 2017-03: Dale Cicero Interpretation and granting of bulk variance to permit a new roof on an existing duplex residence

Mr. Clauss motioned to approve.

Second: Mr. Dodulik

Roll Call: Mr. Clauss, yes; Mr. Dodulik, yes; Mrs. Kelley, yes; Mrs. Baggio, abstain;
Mr. Lynch, yes; Mrs. Tyndale, yes; Mr. Krollfeifer, yes

Motion carries to approve.

C. Resolution 2017-04: Quaker Group Burlington II L.P. Granting use variance, (conditioned upon site plan/subdivision approval) for residential townhouse development

Mr. Dodulik motioned to approve.

Second: Mrs. Tyndale

Roll Call: Mr. Dodulik, yes; Mrs. Tyndale, yes; Mrs. Kelley, abstain;
Mr. Lynch, yes

Motion carries to approve.

9. Correspondence

- A. Letter dated November 30, 2016 from Alaimo Assoc. to Mr. Nicholson
Re: Easton Bible Church 2407 Fostertown Road, Lighting Plan Review
- B. Letter dated December 1, 2016 from Duncan Prime to Creek Crossing LLC
Re: Request for Driveway Repairs Pursuant to Deed Block 101.17, Lot 1
(F/K/A Block 101-D, Lot 2)
- C. Letter dated December 5, 2016 from Alaimo Assoc. to Mr. Selb
Re: Nolen Real Estate, LLC (Sonic Restaurant) Case No 16-05 Plan Distribution
- D. Letter dated December 7, 2016 from Alaimo Assoc. to Mr. Selb
Re: Case 16-03 WaWa Store 347, 1301 Route 38 Block 101.04 Lot 1 Performance
Bond & Plan Distribution
- E. Letter dated December 8, 2016 from Alaimo Assoc. to Mr. Selb
Re: Case 2012-10 WaWa Store 347 Cash Bond Release Recommendation
- F. Letter dated December 9, 2016 from Ragan Design to Mr. Nicholson
Re: Compliance Review Letter Easton Bible Church, 2407 Fostertown Road
Block 114 Lots 3 & 4 Case 16-10
- G. Letter dated December 15, 2015 from Alaimo Assoc. to Mr. Selb
Re: Case 16-10 Easton Bible Church Site Plan Distribution
- H. Letter dated December 16, 2016 from Burlington Co Planning Board to Zeus
Investments Block 98 Lots 2.04, 2.05, 2.06

Motion to accept and file: Mrs. Kelley

Second: Mrs. Tyndale

Roll Call: Mrs. Kelley, yes; Mrs. Tyndale, yes; Mrs. Baggio, yes; Mr. Dodulik, yes;
Mr. Lynch, yes; Mr. Clauss, yes; Mr. Krollfeifer, yes

Motion carries.

10. Professional Comments

Mr. Miller thanked the Board for allowing them a little more time to review the applications.

Mr. Dodulik questioned if they can tell an applicant that there are too many issues that need to be addressed so they will have to wait until the following meeting.

Mr. Miller stated he would never tell an applicant that they cannot be heard but can make a suggestion.

Mrs. Wuebker explained a couple different situations that occurred and the process.

11. Board Comments

Mr. Lynch congratulated Mr. Krollfeifer on running a good meeting.

Mrs. Tyndale thanked the Board for teaching her over the past year.

Mr. Krollfeifer thanked the Board for the nomination. We were all shocked that David Katz did not return this year and asked that a letter be sent to him thanking him for his service.

12. Public Comments - None

13. Adjournment

Mr. Lynch motioned to adjourn at 8:30pm.

Second: Mr. Clauss

Roll Call: All in favor

Paula L. Tiver, Secretary