

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:00 PM

Wednesday, April 5, 2017

1. Call to Order

The meeting was called to order at 7:00 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. Gilmore, Mayor Porto, Mrs. Kelley (arrived 7:40pm), Mr. McKay, Mr. Dodulik, Mr. Clauss, Mrs. Tyndale (arrived 7:04pm), Mrs. Baggio, Mr. Krollfeifer

Absent: Mr. Lynch

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 17-03: Geoff & Sara Noble
Block 100.06 Lot 6
8 Chaucer Circle
Bulk Variance for inground pool**

Proper notice was given.

Mr. Kingsbury swore in Geoff and Sara Noble.

Mr. Noble thanked the Board and the staff. They have three children and would like to install an inground pool. They were informed when they submitted the plans that a variance would be needed for impervious coverage. Adding the pool would put them over on impervious coverage. They are the second owners of the property which they purchased in 2004. The impervious standard was not put into place until 2011. Their property slopes and backs up to woods. There is a drainage easement alongside of their

property that drains into the basin behind their home. The water from the street is going down behind the house. They do not believe their wood be any excess drain off. If there were it would go behind the home to that wooded lot. They also need a rear yard setback variance of 11' where 15' is required and a variance for the distance between the home and the pool where 10' is required and 8 is proposed. He has spoken to the neighbors and they seem to have no issues.

Mr. McKay commented that there is 35' on one side of the pool and only a couple feet from the other side of the property and if there is a reason why it couldn't be moved over more to the other side.

Mrs. Newcomb stated that they are not seeking relief from side yard setbacks. It is from the rear and the house. In looking at the property, there is not a lot of room to use the rest of the yard if they do not bring it over to one side.

Mr. McKay comment he thought that due to the easement you may want to take the pool to the other side. If the professionals are fine with it, he has no problem.

Mrs. Newcomb explained there are procedures in the construction office to make sure they are not in the easement.

Mr. Miller explained that if you moved the pool it would be closer to the deck. The 10' is to discourage anyone from jumping from the deck into the pool.

Mrs. Newcomb explained that when the R1A Zone was implement there was no impervious coverage listed. This house was constructed way over the impervious coverage of 25% which was adopted in 2011.

Mr. Kingsbury questioned what the impervious coverage would be.

Mrs. Newcomb stated 39%.

Mrs. Baggio questioned where the water goes when you drain the pool.

Mr. Kingsbury swore in Steve Horner, owner of Executive Pools.

Mr. Horner explained that they are installing a cartridge filter so you do not have to back wash. You do not have to lower the water.

Mr. McKay questioned if the water needs to be lowered in the winter.

Mr. Horner explained that you do not because the water needs to as high as possible to keep the warranty for the safety cover.

Mrs. Tyndale questioned if this was a vinyl pool.

Mr. Horner answered yes.

Mr. Krollfeifer commented that he visited the site and described the slope of the property.

Mr. Krollfeifer opened public comment. None. Closed public comment.

Mr. McKay motioned to approve.

Second: Mr. Clauss

Roll call: Mr. McKay, yes; Mr. Clauss, yes; Mr. Porto, yes; Mrs. Gilmore, yes;
Mr. Dodulik, yes; Mrs. Baggio, yes; Mr. Krollfeifer, yes

Motion carries to approve.

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

Mr. Clauss motioned to approve.

Second: Mr. Dodulik

Roll call: Mr. Clauss, yes; Mr. Dodulik, yes; Mr. McKay, yes; Mr. Porto, yes;
Mrs. Gilmore, yes; Mrs. Baggio, yes; Mr. Krollfeifer, yes

Motion carries to approve.

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

Proper notice was given.

Mayor Porto, Mrs. Gilmore, Mr. Krollfeifer recused themselves from the application.

Mr. McKay stated that the Board has approved the preliminary site plan.

Mr. Begley stated they are seeking final site plan.

Mr. Kingsbury swore in Deacon Leo, Father Joe, and William Nicholson.

Mr. Begley explained that since the last time they were here there were three issues that needed to be solved. County approval has been received. There was an issue whether to put in sidewalks, they will be put in. Lastly was the ingress and egress from the site.

Mr. Nicholson explained that they received preliminary approval and the loose ends that needed to be addressed were issue with the county. They submitted to the county and have received approval. The plans have been revised based on the county approval. The plan was submitted to county and here. The revision are:

- The county required sidewalks on both frontages, Marne Highway and Lumberton Road to the property line. They did not require the sidewalk on the frontage of their property located further down Lumberton Road.
- They required a right turn in and a right turn out only on Marne Highway. Their reason was when someone is in the left hand turn lane at the light you cannot see the traffic. An island was added to limit the movements from that driveway. They had no restriction on the driveway on Lumberton Road, it is full access.

Mr. McKay questioned if there was a reason why they treated the two roads differently.

Mr. Nicholson believes it is the traffic on Marne Highway and the site distance problem. He was aware from prior meetings that they wanted road widenings on both roads. He proposed it and initially stopped short of the property line on Marne Highway trying to stay away from Winzinger's driveway. He also stopped it short on Lumberton Road to try and avoid the neighbor's driveway. In both cases the county required them to push both to the property line and the 50' tapers in front of the neighbors. It is a shoulder widening.

Mr. McKay questioned if there was any other island being constructed on Marne Highway other than the one located in the entrance.

Mr. Nicholson stated no.

Mr. McKay doesn't understand if they are doing the widening, why isn't it a full lane. You are not supposed to drive on the shoulder.

Mr. Nicholson stated it is a safety thing.

Mrs. Wuebker questioned how it is going to effect the Winzinger property. Will you be removing some of the Winzinger stone wall?

Mr. Nicholson explained that on the western edge of the property along Marne Highway. It will require the removal of the wall in some spots. He has informed the Winzingers and asked if they had any surveying information on their property that may show they have less right of way in front of their property and the wall is really on their property. He has not seen anything to this date.

Mr. McKay commented that the residents on Lumberton Road had concerns with the traffic backing up at the light and the left/right turns out of the Lumberton Road driveway. It didn't seem to bother the county.

Mr. Nicholson stated it did not. He believes they see less traffic in that location. Generally you try not to limit those kind of movements. As the planner pointed out that when you force them to make a right, they will go down further and do a U turn to get back to where they want to go.

Mr. McKay commented that both roads are county roads and they have control.

Mr. Nicholson agreed.

Mr. Nicholson explained that the road is somewhat flat and to get rid of some of the water they had to bring some of the county water on to their drainage system for disposition into the Rancocas Creek. They required an easement to do that. So they have dedicated an easement to the County.

Mr. McKay questioned if the sidewalks would be on the street side or site side of the berm with the trees.

Mr. Nicholson explained there had been discussions on it. However, the County wants the sidewalks on the street side. The berm is still there but not as large as originally envisioned.

Mr. McKay questioned if it was a little flatter.

Mr. Nicholson commented that it was a little due to lose of the horizontal.

Mr. McKay asked if he was in favor of the flatter berm due to the trees.

Mr. Nicholson stated that it is always better for the trees. The bigger and taller the berm the better chance that a tree can dry out.

Mr. Nicholson commented that was it for the county. The other changes made were the result of some of the township comments. The first is the addition of the fire lane which the first third of it will be paved. The trash enclosure will be off in the northwest corner of the building. He had worked it out with the prior fire official regarding the construction of the 2/3 of the fire lane with the top layer to look like lawn. It is marked with posts for the fire company to locate it. He met with the current fire official who had some concerns with the drive. He agreed to provide him with calculations regarding it being a full weather drive surface. That requirement is in the fire official's letter.

Mr. Nicholson explained that he has gone over the Board's professional letters and agree to the remaining items. He agrees to work with the planner regarding the trash enclosure.

Mr. Miller stated they have spoken and are fine.

Mr. Nicholson stated they are in agreement with the Alaimo letter of March 20, 2017.

Mr. Clauss had concerns with the headlights shining in the residents' homes while they are making a left turn.

Mr. Nicholson explained that the proposed driveway is near the existing one. When a car is sitting there, the lights would be in the rear yard of lot 3.03.

Mrs. Wuebker explained they did move the driveway when it was brought up during the use variance. It is much better than it was before. As they are turning left, some headlights will be shining on the house on the corner.

Mr. Clauss explained he had the issue when the cars are just sitting there. He is happy that is taken care of.

Mr. Nicholson marked the overall site plan exhibit A1.

Mrs. Tyndale asked if the church could please ask the parents while there are sitting in their cars waiting to pick up children from CCD to please shut their lights off.

Mr. Begley stated they want to be good neighbors. They will do their best.

Mr. Dodulik questioned how high the berm is. If it is 3', there will not be an issue. He also suggested that they plant low shrubs to help.

Mrs. Wuebker commented that there is a substantial amount of landscaping. They have done a really good job in providing a variety of sizes.

Mr. McKay opened public comment.

Karla McCoy, 1516 Marne Highway, was sworn in and suggested that they just close the driveway on Lumberton Road.

Mr. McKay explained that is hard to do because of the traffic in and out of the site.

Ms. McCoy thanked them for the right turn in and out on Marne Highway. She has lived in the home for 12 years and has an issue with parking. In 2007 went on vacation and parked her vehicle on Lumberton Road. A state trooper came to the house stating she could not park there and had her sister move the vehicle. There has been the same white vehicle that has parked in the same exact spot every Sunday for the past 12 years. She asked that a No Parking and a Do Not Block Driveway sign be put up so that she and her neighbor can get out of their driveways.

Mr. McKay stated he would like to get the list of residents' concerns and then we can discuss them with Mr. Nicholson.

Robert Stanley, 11 Lumberton Road, was sworn in. In looking at the new plans, there will be a widening of Lumberton road near his home. This means poles will have to be moved, however his pole will not be. He questioned if they went to the site before the plans were drawn, it shows single driveways where there are doubles.

Mr. Nicholson answered yes.

Mr. Stanley questioned if there would be curbs. He had concerns with drainage.

Mr. Nicholson stated no curbs.

Mr. Stanley stated his neighbor's pole will have to be moved. His neighbor also has a sewer clean out and asked if that will be moved.

Nancy and Joseph Scullion, 7 Lumberton Road, were sworn in. They are the second house, behind Karla, on Lumberton Road. She has concerns with having no curbs that people will be going around vehicles turning and driving up onto their property. They would like to have curbs and a driveway apron. Their mailbox and a light pole needs to be moved. Will this be done by the contractor? They would like to have no parking and do not block driveway signs. The sewer and water shut off are about 1" from the line and are not on the plan. They have not heard anything regarding the traffic survey.

Mr. Stanley asked that they take inconsideration if they do curbing, that there are double driveways that are not shown on the plan.

Mr. McKay stated that they have a list of concerns. The first issue would be no parking signs and the white vehicle that parks there. He questioned if the county had given any guidance regarding signage.

Mr. Nicholson stated that Ms. McCoy pointed out where the vehicle has been parking and it appears to be on the shoulder of the road of the east side of the right hand turn lane. He believes it is an enforcement issue that they do not have any control over.

Mr. Begley stated they could make an announcement at church.

Mr. McKay believes it is a signage issue. The question is do you have the authority to put up a no parking sign.

Mr. Kingsbury commented that they would need to address the county.

A discussion continued regarding signage.

Deacon Leo reassured Ms. McCoy that they will find who the white car belongs to.

Mrs. Baggio questioned why we don't we just ask the county.

Mr. McKay suggested as a condition of approval that Mr. Nicholson contact the county to address the sign issue with them.

Mr. Nicholson stated he will and will email the county engineer, county planning engineer and copy Mr. Miller to see if we can get it resolved.

Mr. McKay questioned if the county would authorize a sign or two, will you add it into the plan to take the expense off the county.

Mr. Nicholson stated yes.

Ms. McCoy commented what about the no blocking of the driveways.

Mr. McKay stated several of the issues brought up: single verses double driveways, the widening of the road, and curb issue.

Mr. Nicholson answered that he will check it out and amended the plans.

Mr. McKay stated we have the curb issue to stop the problem of having people possibly driving up onto their lawns when trying to get around a person turning left.

Mr. Nicholson commented that the county had them increase the passing lane by a couple of feet. He has done that. It was his belief that it the original lane was adequate. It is close to the property line. It would be about 22 ½' of paving from the center line to the neighbors edge. It will probably be one 12' and a 10' passing lane.

Mr. McKay asked if a 10' passing lane is sufficient to get a car or truck around a stopped car.

Mr. Nicholson believes it is.

Mr. Miller agrees especially at the low speed. It's a passing lane not a travel lane.

Mrs. Wuebker explained to give some perspective, Route 130 in a lot of areas are only 10' wide travel lanes. It may not be ideal but that is traveling 50 mph. The 10' passing lane would be sufficient.

Mr. McKay questioned the water shut offs and sewer access.

Mr. Nicholson stated his list has mailbox, light pole, sewer clean out, and water service. He agrees to meet with Mr. Stanley, Mr. and Mrs. Scullion to take care of thing.

Anything that is in the county right of way that has to be moved because of the widening they have been mandated to take care of to their satisfaction. The water and sewer may stay where they are and just get covering to protect them. They will do whatever they have to.

Mrs. Scullion questioned what is happening with the curb.

Mr. McKay explained that we have addressed the curb. He questioned both the engineers and they are in agreement that a 10' passing lane is sufficient.

Mr. Dodulik questioned if there is no curb there, do the professionals think that people would drive up on the lawn.

Mr. Miller commented that it is not our jurisdiction. You can ask the county to consider that.

Mr. Nicholson believes the curbs are not needed because the widths are adequate. People will not go out of their way to go over further to the right and go up on people's lawns. One will stay on the paving and move forward. If you put in curbing, there may be some drainage issues created by it.

Mr. Clauss has concerns with where the tractor trailers would be going. Is the lane wide enough this to accommodate them.

Mr. Nicholson answered yes. The legal width of a vehicle on a highway is 8'.

Mr. Clauss asked what the speed limit is there.

Mr. Stanley stated 35mph.

Mr. McKay questioned if the county expressed any need regarding curbing in this section.

Mr. Nicholson answered no.

Mrs. Scullion asked if there is no curbing, can they put up a post and rail fence on their property line in the front.

Mrs. Newcomb explained their property is in the R2 zone and would have to be 10' off the right away and 2' off the property line. The zone does allow a split rail fence no higher than 4' in the front yard. A survey would have to be given to her so she can show you where you can and cannot put it.

Mrs. Scullion stated that would give them a barrier, their living room is so close to the road.

Mr. McKay stated that is a possibility subject to the zoning ordinance.

Mr. Stanley questioned if they would be continuing the crown of the road so that the water will stay in the v on the side.

Mr. Nicholson stated yes and is a good reason there should be no curb.

Mr. McKay closed public comment.

Mr. Clauss motioned to approve.

Second: Mrs. Baggio

Mr. McKay questioned if the motion is subject to compliance to all the agreements we have reached tonight to both our engineers and planners March 20th letters, Mr. Nicholson checking with the County on the sign issue, neighbors on the utility issues, signs regarding no parking/do not block driveway, and amend plan with respect to double driveway.

Mr. Clauss and Mrs. Baggio agreed.

Roll call: Mr. Clauss, yes; Mrs. Baggio, yes; Mr. McKay, yes;
Mr. Dodulik, yes; Mrs. Tyndale, yes

Motion carries to approve.

7. Minutes

A. Regular Meeting Minutes of March 1, 2017

Motion to approve: Mr. Dodulik

Second: Mr. Clauss

Roll call: Mr. Dodulik, yes; Mr. Clauss, yes; Mrs. Gilmore, yes; Mayor Porto, yes;
Mrs. Kelley, yes; Mr. McKay, yes; Mrs. Tyndale, yes; Mrs. Baggio, yes;
Mr. Krollfeifer, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2017-08: Resolution granting use variance and modified site plan approval of engine assembly/repair business for junior dragsters on Block 69.01 Lot 8

Motion to approve: Mrs. Kelley

Second: Mr. Clauss

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

Motion carries to approve.

9. Correspondence

A. Letter dated March 10, 2017 from Burlington Co. Planning Board to Mr. Blair
Re: Easton Bible Church Addition Block 114 Lots 3 & 4

B. Letter dated March 6, 2017 from Alaimo Assoc. to Ms. Cosnoski
Re: ShopRite Generator, Case 2013-06, Cash Bond Release Recommendation

C. Letter dated March 17, 2017 from Fire Official to Craw's Racing, Inc.
Re: Variance approval for Block 69.01 Lot 8

D. Letter dated March 23, 2017 from Ragan Design to Mrs. Newcomb

Re: Diamantis – Pep Boys Site Plan – 1386 Route 38, Block 100 Lot 8.01
Temporary CO.

- E. Letter dated March 28, 2017 from Alaimo Assoc. to Mr. Blair
Diamantis – Pep Boys & Retail Center, Case 15-05B, Temporary CO

Motion to accept and file: Mrs. Kelley

Second: Mr. Dodulik

Roll call: Mrs. Kelley, yes; Mr. Dodulik, yes; Mrs. Gilmore, yes; Mayor Porto, yes;
Mr. McKay, yes; Mr. Clauss, yes; Mrs. Tyndale, yes; Mrs. Baggio, yes;
Mr. Krollfeifer, yes

Motion carries.

10. Professional Comments - None

11. Board Comments

Mrs. Kelley stated that the Environmental Commission will be sponsoring John Anderson coming to their April 27th meeting at 7:30pm at the Municipal Building. He will be giving a presentation on the Rancocas Creek. The public is invited to attend.

Mayor Porto announced that the township has hired a new administrator, Paula Kosko. It is their intension to appoint her at the next Land Use Board Meeting as the official of the municipality. She will also become municipal clerk later this year.

Mr. McKay question if anyone had an idea when the Diamond Diner will complete what he is doing on the diner.

Mrs. Newcomb explained that she believes it will be sooner than later. The owner was concentrating on getting the PepBoys completed since it was behind schedule. PepBoys just received a TCO and there is a potential for one or two more tenants.

12. Public Comments - None

13. Adjournment

Mr. Dodulik motioned to adjourn at 8:21pm.

Second: Mrs. Tyndale

Roll call: All in favor

Paula L. Tiver, Secretary