

## HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:00 PM

May 1, 2019

### 1. Call to Order

The meeting was called to order at 7:00 pm by Mr. Krollfeifer.

### 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. Clauss, Mrs. Gilmore, Mrs. Kelley, Mr. McKay, Mr. Wagner, Mrs. Baggio, Mrs. Tyndale, Mr. Krollfeifer, Mr. Tricocci

Absent: Paula Kosko, Mr. Levinson Mr. Silk

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

### 6. Items for Business

#### **A. Case 19-05: County of Burlington Block 42.02 Lot 4 20 Maple Ave. Courtesy presentation of pole barn construction**

Joseph Brickley, Burlington County Engineer and Director of Public Works, stated he is here with Steven Stepenski, Director of Construction Services. They are looking to make some improvements to their yard located at 20 Maple Ave. It is the site of the salt barn, raw materials for bridge repair and road repairs, stone, and things of that nature. There are old buildings out there and no lavatories. A few years ago, they invested in a new salt barn. They did put money aside to put a 4,500 sq. ft. pole barn. The intent of the pole barn is to allow a place for the bridge crew to gather, a couple supervisor offices, restrooms, lunchroom, and small equipment storage. They will be performing some of the work themselves. The County has been performing some in house work for the last 6

years. They have a memorandum to engage people right out of the hall and put them to work. This is a pre-engineered building. They have not yet picked the color. They are a little crowded now at the facility at 251 Rancocas Road, Mt. Holly. It would put the bridge crew together with their materials.

Mr. Krollfeifer asked for clarification on the location of the new pole barn.

Mr. Brickley pointed out on the plan.

Mrs. Baggio questioned when they would be starting.

Mr. Brickley explained they will need to do the bid process and then get the Freeholders approval. It would be about 60 to 90 days before they start construction and some of it they will be doing. They do apply for permits. It should be approximately 120 days to complete.

**B. Case 18-10A: Gerard Vernose  
Block 110 Lots 10, 10.02, 10.03  
Phillips Road  
Preliminary/Final Subdivision with Bulk Variances.  
Attorney: Damien Del Duca, Esq.**

Proper notice was given.

Mr. Kingsbury swore in Gerard Vernose, applicant and Jay Sims, engineer.

Damien Del Duca gave an overview of the project. The property is located on Phillips Road and consists of three lots. He marked exhibit A1 which is an aerial of the property. The property consists of almost 71 acres. There is a home on one of the existing lots. Some of the property is environmental sensitive. They are proposing 21 lots, 3 open space and 18 home lots (one existing and 17 new homes). They are seeking preliminary and final major subdivision approval. It is to consolidate and then subdivide into 21 lots.

There is a long history to this site. He was not involved from the beginning, so the Board may be more familiar. There was litigation between Mr. DiCiurcio, other property owners with different lots, and the township. This was handled by a different attorney. The litigation settled in 2007. That litigation allowed this tract of land to be built with 18 home lots. This board approved a resolution in 2006 recommending those terms and a stipulation of settlement was signed on April 26, 2007. The stipulation stated that the RR2 zone would be applied to this property and 18 single family units on 1 acre cluster lots. This plan is consistent with that settlement agreement.

In 2010 the applicant had different representation and engineer in which they came in for a concept plan which was informal. He reviewed the minutes from that meeting. There were some recommendations, which some are in Mrs. Taylor's letter.

They purpose a subdivision that is consistent with and keeping with the settlement agreement. They do require some variances, not many for 3 or 4 of the lots. These are included on page 4 of Mrs. Taylor's letter dated April 18, 2019. They will go through it during testimony.

Mr. Del Duca stated they are in agreement with all the recommendations in Mrs. Taylor's letter of April 18, 2019 and the Alaimo letter of April 23, 2019. There is one minor exception on page 4; D 2 e of the Taylor Design letter, that architectural plan should be provided. Mr. Vernose will not be building these homes, it would be a builder, and therefore, they do not have preliminary elevations to give. The time and market will help determine that at the time the homes would be constructed.

Mr. Del Duca questioned if Mr. Sims is familiar with and prepared the plans.

Mr. Sims answered yes.

Jay Sims, Engineer, gave his credentials and the Board accepted.

Mr. Del Duca questioned how long he had be working on this project and if his presentation was accurate.

Mr. Sims explained he has been working about a year and he was accurate.

Mr. Sims gave an overview of the colored rendering of the subdivision plan (exhibit A2). The roads have not been named yet so they are referred to as A, B, and C. The main street coming in is the long cul-da-sac referred to as A. To the east is Masons Creek and to the west is a tributary. You can see that a lot of the area is encumbered by wetlands, flood hazard areas, and other environmental issues. All the lots are outside the 100 year flood hazard line. The houses do not need flood hazard insurance but is up to the individual mortgage company.

They are requesting 4 variances. One variance is for front yard frontage on lot 4. 125' is required and they are proposing 75' off of road A.

Mr. McKay questioned if it is only needed on the road A side because it is a corner lot.

Mr. Sims stated a variance is only required on the road A side. There would not be a great visible difference between lots 2 and 3.

Mr. Del Duca asked what the second variance is.

Mr. Sims explained they are proposing a 70.92' frontage on the flag lot 9 where 200' is required.

Mr. Del Duca stated that is just south of the existing structure.

Mr. Sims answered yes.

Mr. Del Duca questioned if that was recommended in 2010 instead of extending the road down further to give it more frontage.

Mr. Sims explained from an engineer and planner this is a much better plan. It is greener, less impervious coverage and less roadway to clean off.

Mr. McKay questioned if all the lots are roughly the same size.

Mr. Sims stated they vary from 1.1 acres to 2 acres.

Mr. McKay questioned if lot 4 with the variance is one of the smaller lots.

Mr. Sims answered yes.

Mr. McKay questioned if lot 9 as a flag lot would need a variance.

Mr. Del Duca believes the only variance would be for the frontage. They have frontage but not enough.

Mr. Kröllfeifer referred to Taylor Design letter page 3, D1h: flag lots are not permitted or encouraged.

Mr. Del Duca referred to the same page under D2d: a flag lot is preferable to extending the road around the existing dwelling on proposed lot 8 to the proposed dwelling on lot 9 requiring a variance. They agree that flag lots are not encouraged for good reason. The benefits for the variance substantially out ways the detriments. They could comply with providing more road, but avoiding those negatives associated with that are more important than providing the frontage. As the 2010 comments are referenced in Mrs. Taylor letter.

Mr. McKay questioned the size of the flag lot the width of the frontage to the distance back and the size in the back.

Mr. Sims explained it has 70.92' frontage that has a distance of 400' to a 7 ½ acre lot.

Mr. Del Duca explained the reason the lot is so large is because they could not fit another lot in there.

Mr. Del Duca stated the next variance is for lot 15 which they are proposing a 75' front yard setback where 125' is required.

Mr. Sims explained they were unable to move road A to make the lot larger.

Mr. Del Duca stated that they are somewhat stuck putting the road where it is because of the wetlands.

Mr. Sims explained the last variance on lot 18 which is a corner lot and 1.4 acres. It meets the front yard setback requirement of 125' from road a, but are proposing a variance from road c of 75'.

Mr. Del Duca commented that they are the only variances that are needed and we have 21 lots, 18 residential lots, and we meet all the other zoning ordinance requirements. We substantially comply with the ordinance as it relates to the overall development and comply with the stipulation of settlement. Does the granting of the variances substantially out way any detriments?

Mr. Sims agreed. The homes are in line with the other homes along road A. It will not have any visual impact.

Mr. Del Duca questioned if anyone that lives by this tract going to be negatively impacted by the variances?

Mr. Del Duca questioned if they could berm along Phillips Road, which is comment in one of the professional's letter.

Mr. Sim explained that they can berm on Phillips Road along basin A. On the west side of road A they can plant trees; they cannot berm because it is within the flood hazard area.

Mr. Del Duca questioned if the variance are caused by the unique shape of this lot and the environment constraints on this lot.

Mr. Sim answered yes.

Mr. Del Duca questioned how the drainage will be handled.

Mr. Sim explained the drainage will be handled in two storm water infiltration basins, A and B. Basin A is along Phillips Road and B is to the south of the property. They do need DEP permits.

Mr. Del Duca asked if it complies to the Residential Site Improvement Standards apply to this subdivision.

Mr. Sims answered yes.

Mr. McKay questioned what area will be feeding into basin A and basin B.

Mr. Sims explained that gravity, road side swales, and drainage inlets that would convey into each of the basins.

Mr. McKay questioned who is proposed to own and maintain the basins.

Mr. Sims stated a homeowners association.

Mr. McKay questioned if the existing house would be part of the homeowners association.

Mr. Sims answered yes.

Mr. McKay questioned if the roads will be owned by the association.

Mr. Sims stated they will be dedicated and meet the construction standards. There will be no curbs, which is not required. However there will be sidewalk on one side, which is required because it is a certain distance to a school bus stop.

Mr. McKay asked how wide the roads are and if it is city water.

Mr. Sims stated they are 20' wide. It will be well and septic.

Mr. McKay questioned if there is gas service.

Mr. Sims stated no gas service on Phillips Road.

Mr. Del Duca explained it would be up to the builder.

Mr. Clauss stated that we are in the process of repaving Phillips Road. Is there anything that protects us with the construction equipment?

Mr. Miller explained he believes the construction equipment should be fine but if they damage it, they would have to repair it. He believes the gas company would be under the 5 year moratorium.

Mr. McKay understands that the proposed home are not in a flood area but would like to know what the water table there is and if the homes are being proposed with basements.

Mr. Sims explained the water table is roughly 7' below the ground surface. Based on the grading, basements could be placed there. It would be up to the builder.

Mr. McKay questioned how heavily wooded is the property.

Mr. Sims referred pointed out on the aerial photo and on the site plan that the darker green is the wooded areas.

Mr. McKay questioned if the property was ever farmed.

Mr. Del Duca believes that it was.

Mrs. Kelley questioned if they would be bringing in soil.

Mr. Sims explained they will be importing soil and it will be certified clean.

Mr. Clauss asked if they inlets will be flat since there will be no curbs. He has concerns that a snow plow may hit them.

Mr. Sims explained that they are similar to the ones used with curbs but will be a flat top.

Mr. Del Duca stated that there were a few comments and questions we were asked to address and provide testimony on. Will they be encroaching on any of the environmental sensitive land? The ordinance states that lots backing on streams be provided with 30' extra lot depth however; there is no minimum lot depth requirement in the RR2.

Mr. Sims lots 2, 5, 6, & 7 have an area that is sensitive and they are willing to put a fence up so that the homeowners would be able to see it. He believes the intent of the ordinance is to create a more usable backyard. It will be on the plat when the subdivision is filed.

Mr. Del Duca questioned if all the lots meet the minimum lot requirement and there is no depth requirement.

Mr. Sims answered it was correct.

Mr. Del Duca stated another comment was about the street lighting. It questioned if the

number of fixtures can be reduced or relocated to provide a more efficient lighting plan. They could work with the Board's professionals to come up with a more efficient lighting plan.

Mr. Sims agreed.

Mr. Del Duca explained that they require a waiver for the tot lot. The ordinance requires a tot lot when you have 15-25 houses.

Mr. Sims explained this will be higher end housing and would not be the type of area that you would have a tot lot.

Mr. McKay questioned if there is anything suggested as substitute or is just a waiver being sought.

Mr. Sims believes if they were required to put in a tot lot, they may be able to fit it on the open space lot.

Mr. McKay questioned if this site is impacted by COAH.

Mr. Del Duca believes a contribution is required according to the ordinance and no units will be required to set aside. They will comply with what is required.

Mr. Miller explained that he reviewed his list with their engineer and has no problems with it. As he was doing the storm water management report, he did redesign the front basin. That will require substantial soil replacement. Everything else was normal for this kind of development.

Mr. McKay questioned if they will reuse the soil from the basins on site.

Mr. Sims answered yes.

Mr. McKay questioned the width of the road, the diameter of the cul-de-sac, and if there would be an island in the cul-de-sac.

Mr. Sims stated the right away is 50' and the cul-de-sac is 40' with no island.

Mr. Krollfeifer questioned if the homeowner's association will maintain the fencing and basin.

Mr. Del Duca explained that the homeowner's association will maintain the three open space lots and some have basins on them. The fencing that is on private lots will be maintained by the homeowner. The fencing that Mr. Sims referenced would be on private lots where there are constrained areas to discourage homeowners from encroaching on those sensitive areas.

Mr. Miller stated that in respect to the delineation of the conservation areas, recommending some fencing be placed where there won't be any fencing. He recommends that a witness post be put in place on the turning points so anyone will know where the delineation. It is a post with a sign to mark the area.

Mr. McKay questioned if the witness posts be put on the plan.

Mr. Miller believes a note on the plan stating they would be at the turning points.

Mr. Krollfeifer asked if the horse fence will be put around the basins.

Mr. Sims stated they will revise the plans to show that it is a horse fence going around each of the basins.

Mr. Del Duca stated they agree to all the comments other than the elevations he had mentioned.

Mr. Miller believes there is an advantage to having a basin in the front. It will be taken care of because people will be driving by it all the time and make sure it is taken care of.

Mr. Del Duca commented that they will supply a copy of the homeowner's association documents to the Board's professionals.

Mr. McKay questioned is there any emergency outflow for the basins and if so where does the water go.

Mr. Sims explained that basin A diverts it towards Phillips Road. In basin B the outflow structure is designed to act as the emergency spillway and go out towards the stream.

Mr. Krollfeifer opened public comment.

David Darlington and Katharine Darlington, 30 Phillips Road, were sworn in.

Mr. Darlington stated that they live adjacent to the property in the north and west. They have concerns with the hazard that exists immediately adjacent to this property. Their property is zoned agricultural and have a reservoir used for irrigation. He pointed it out on the map and is in close proximity to some of these houses. They have had issues regarding people trespassing and are concerned with increased trespassing and liability. He suggested they put up a significant fence to help deter the trespassing.

Mr. Krollfeifer questioned what type and height of fence is proposed in that area.

Mr. Sims explained that the fence he was speaking of would be along the conservation area to delineate where the line was.

Mr. Tricocci questioned if you are allowed to put a fence in the wetland area.

Mr. Sims stated it would be a foot or so outside that line which would be split rail or horse fence.

Mr. McKay and Mr. Krollfeifer stated that it does not address the concern.

Mr. McKay questioned the size of the pond.

Mr. Darlington stated it is about half an acre, around 6 basketball courts.

Mrs. Kelley questioned if the pond is feed by Masons Creek.

Mr. Darlington believes it to be a tributary of it.



Mr. Del Duca questioned where they propose the fence be installed.

Mr. Darlington stated on the property line.

Mr. Del Duca questioned that it would be in the middle of the tributary.

Mr. Darlington explained that there is no natural boundary that delineates the actual property line. They are in close proximity, but none on the actual property line.

Mr. Miller explained that they will not be able to place a fence anywhere inside the conservation area.

Mr. Darlington stated that they are agricultural and their management plan allows for deer fencing.

Mr. Clauss questioned if that is where they are placing the fence.

Mr. Sims pointed out on the map the location and purpose is to show where that delineation is located.

Mrs. Baggio questioned who would be responsible for the fence.

Mr. Del Duca commented that it could be done either way. It could be put in the homeowner's association documentation if it is one continuous fence. That would contain easement rights for the HOA to come onto the lots to maintain the fence. It may be better to have the HOA be responsible and they have no objection to that.

Mr. McKay commented that we still have not addressed the Darlington's concerns. He questioned if the reservoir is fence now.

Mr. Darlington stated it is not. It is heavily wooded and fairly quite because there are not people there. When you add a significant amount of people to the area, it will become a liability issue.

A discussion occurred regarding different kinds of fencing and the possibilities.

Mr. Del Duca believes a deer fence should not be placed in the immediate back yard of these lots. If it could be placed in the vicinity of the property line would be a different story.

Mrs. Baggio questioned who would maintain it.

Mr. Del Duca stated that this is use that is permitted and agreed upon in litigation. They are building homes and are not a sensitive use. It is the Boards right to ask the Darlingtons to install the fence. However, if you were to make the applicant install the fence, the applicant should not be required to maintain the fence. He does not believe that would be reasonable.

Mr. Darlington stated they would agree to the maintenance of the fence if they were to install it.

Mr. McKay suggested that since they are asking for preliminary and final approval that we make it conditioned upon approval that the two parties meet to resolve the fence.

Mr. Del Duca commented that they could walk the site with the Darlington and Mr. Miller and come up with a mutual location and specification of the fence. If they cannot resolve it, they will ask relief from the Board. He is sure they will be able to resolve it.

Mr. McKay asked if that was acceptable to the Darlington.

Mr. Darlington answered yes and stayed that this proposed development will impose significant liability on them that currently do not exist. He hopes they can come to a decision on the fence.

Mr. Del Duca stated it does not exist only because the lot hasn't been developed. They will work with them on the fence.

Mr. Krollfeifer closed public comment.

Mr. Clauss questioned if utilities will be underground.

There would only be electric and cable.

Mr. McKay questioned if they would put dry lines in for the gas.

Mr. Sims said that would be up to the builder.

Dr. Vernose stated he was there for 25 years and had electric heat. He did some research and insulated his house well and does not have a high electric bill. The home is comfortable.

Mr. Krollfeifer questioned if the motion could be made in one.

Mr. Kingsbury stated yes. The applicant is asking for the 4 variances, waiver from the tot lot requirement, preliminary and final major subdivision approval, subject to compliance with the planner and engineer letters, and the other items as discussed. (Neighbor's fencing, witness posts, the HOA be responsible for the fencing and basins).

Mr. McKay motioned to approve subject to the conditions we summarized.

Second: Mrs. Tyndale

**Roll call:** Mr. McKay, yes; Mrs. Tyndale, yes; Mr. Clauss, yes; Mrs. Gilmore, yes; Mrs. Kelley, yes; Mr. Wagner, yes; Mrs. Baggio, yes; Mr. Tricocci, yes; Mr. Krollfeifer, yes

Motion carries to approve.

### **C. Bancroft Lane Redevelopment Plan Block 100.04 Lot 12**

Mrs. Gilmore and Mr. Clauss recused themselves from the application.

Michelle Taylor gave a brief refresher regarding the Bancroft Lane Rehabilitation Area.

It is located on Bancroft Lane and Route 38 and is zoned commercial. It was approved for 32 townhomes on this site. The rehabilitation area is intended to get rid of some areas where there are encroachments on Route 38 to make some of those properties more functional. We are left with 26 single family dwelling units on small lots. The rehabilitation zoning requirements would be place in the ordinance at a future date.

Mr. Krollfeifer questioned what the lot sizes are.

Mrs. Taylor stated the lots are 5,200 sq. ft. which are small lots. There are areas of common ownership on both the north and south sides of the lot.

Mr. McKay asked if she knew the sq. ft. of the house.

Mrs. Taylor explained that the 65% impervious coverage is to manage the pervious coverage along with the dwelling coverage. This is a lot. The homes will be fairly large. The rehabilitation developer believes that people that will be in these homes are more interested in being in their homes and not as interested in outdoor living. That is the current market and who they are targeting.

Mr. McKay stated there are some Paparone Homes shown in the plan and asked if they are a potential developer.

Mrs. Taylor stated they are the potential developer.

Mr. McKay questioned if these house fit on a 5,200 sq. ft. lot. The side yards would be 5'.

Mrs. Taylor answered yes. The engineer provided a plan to show that. One side of house would be 5' and the other side would possibly be 10' giving a 15' separation. She is hoping they will maintain that for all the houses.

Mr. Krollfeifer questioned what will happen with the flag pole section.

Mrs. Taylor explained that is to be retained by the township. In the event there is some opportunity for redevelopment along the corridor, the township has the right to utilize that space as necessary.

Mr. McKay commented that we know there are a handful of encroachments.

Mrs. Taylor referred to page 11 of the report. Lot 2.01 encroaches on part of the property. This is something that will be remedied as part of this agreement.

Mrs. Tyndale asked why it had changed from townhouses to single family homes.

Mrs. Taylor believes it was a matter of the product and the density.

Mr. McKay questioned what the developer is doing regarding the fair share housing.

Mrs. Taylor explained it was negotiated to the final amount of the affordable housing fee shall be as set forth in a redeveloper agreement.

Mrs. Tyndale had concerns with the impact the development will have on the school system.

A discussion occurred regarding the possible impact and how the enrollment recycles. Mrs. Baggio questioned if this issue with the fence that is located on the property line for the existing homes will be resolved with this development.

Mrs. Taylor is unaware of the situation with the fence.

Mr. McKay explained that is a long fence that runs along the townhouses and homes and this property is a no man fence. No one cares or wants to own it. Some owners have taken the time to fix the fence and others haven't.

Mrs. Taylor questioned is the fence part of the Creekview development.

Mrs. Baggio believes it still was part of the developers but could be wrong. It was discussed at several meetings possibly to work something out as part of this development.

Mrs. Kelley believes that it was not put up properly. It was put more on Quakers land.

Mrs. Baggio questioned if this would then become township property.

Mr. McKay commented that a note should be taken that the fence needs to be dealt with in some way. The first step would be when a surveyor goes out there to find out where the fence sits and who's property is on.

Mrs. Taylor asked who got the permit and was it ever shown on a plan.

Mr. McKay wouldn't be surprised if the fence goes back and forth over the property line.

Mrs. Baggio stated that the reason that some of the homeowners in Creekview objected to no one taking care of it, especially the people who back up to it. Businesses on the other side have a lot of junk. They don't want to have to look at the junk.

Mrs. Taylor suggested that someone take a look at the plan.

Mr. Krollfeifer questioned if he was talking about the existing or the fence that will be on this new property.

Mr. McKay explained that he was talking about the existing fence that primarily runs behind the townhouses.

Mrs. Taylor said that if you look on page 10, it shows it on the townhouse side of the lots.

Mr. McKay questioned what they need to do with the plan.

Mr. Kingsbury stated there is a resolution to recommend this Redevelopment Plan for the Rehabilitation area to the Township Committee.

Mrs. Taylor said that the zoning is very typical of Hainesport the only exceptions are they limited fence and the area of sheds and modified pools as accessory uses. The zoning was done in order to simply insert it into the code even though it is not a lot size typical of Hainesport.

Mrs. Baggio questioned if these requirements would be specifically for this piece of ground.

Mrs. Taylor said that is correct. The way they write redevelopment plans they typical make it so that if or when someone wanted to put this in the code. It would fit into the code as its own zone. So anything they do on that site, the zoning officer could deal with this specific zone. They try to make it match to the existing ordinances.

Mrs. Taylor believes as she looks at the corridor, that this area would be better for the residents there that it be residential verse a large commercial building.

Mr. Krollfeifer explained that if we send it to the Township Committee and they put their blessings on it. Someone would still have to come here with a plan for a subdivision.

Mr. McKay commented that you would have a builder come in with a subdivision plan that would meet all the criteria.

Mrs. Baggio questioned if this supersedes the prior applications

Mrs. Taylor answered yes. This will be an overlay on the zoning map zone that will show as a redevelopment area. This is basically a zoning plan that pertains to this parcel.

Mrs. Kelley had concerns with someone else coming in and saying you did this there and they would like to do it. This would take up commercial land.

Mrs. Taylor believes that in this particular case the issue is the development of Bancroft Lane. The houses there are backing up to this site. The Pep Boys is across the street and there will be houses behind it. Those houses will come in after the fact. You could have commercial that create conflicts between the different uses. It also solves title issue along the key area. There are circumstances here that would not apply elsewhere.

Nick Casey, Vice President for the Development of the Quaker Group, which are the owners of the property. The fence that was discussed was required by the planning board at the time of Creekview subdivision was approved. It was constructed by K Hovnanian and developed the property. It shows that the fence is clearly on the existing family lots. That was discussed when they received approval for the 32 townhouses. Ragan Design Group investigated it in conjunction with the township determined the fence is not on the Quaker property, notified the Creekview's HOA.

Mr. McKay questioned if he knew who was supposed to own and maintain that fence.

Mr. Casey believes it was never clarified. It was a requirement that had to be addressed in the review comments. The fence sits on individual homeowner's properties, and a section that is on the HOA tot lot and adjoining open space property. It was clearly part of that residential development.

Mr. Casey comment regarding the encroachment of the old Heidleburg Press building was identified on their survey. They did contact the owner which showed them his deed which shows it on his property. They traced it back as far as they could to find out which was right. One angle line was different. They agreed in working with the township to solve that during subdivision to make a lot line adjustment. They are not looking to sell it or get into a dispute with the property owner. They just want to correct it. Other encroachments were uncovered such as automobiles, debris, and storage of equipment. They served notice to all the property owners and met with them where necessary. All the areas were cleaned up. He has been occasional going out to make sure it is not reoccurring.

Mr. McKay questioned since Mr. Casey has been out there what shape the fence is in.

Mr. Casey stated there are a few sections of fence that could use repair or replacement. He has not seen it in bad shape that everyone seems to imply that it is. They currently have a variance that remains approved until this plan is adopted that would allow the development of townhouses. They did speak to a number of builders and the property is under contract with Bruce Paparone Development. He had a stronger interest in single family homes. They had a meeting with the Township and professional staff, that it made more sense for single family homes. It is age targeted and do not want to create a 55+ community. They did meet with the Board and Township Committee with a plan that is very similar and the same basic lot dimensions. They did go thru and tweaked some of the lots. They had a lot of interaction with Taylor Design Group. He is hoping that there is a favorable recommendation. They have spent a lot of time, money, and interest. They have a favorable builder. Illustrations of the actual homes are provided in the report. They do fit on the lots.

Mrs. Taylor does not see any issues with the plan and is comfortable as can be with this.

## **7. Minutes**

### **A. Regular Meeting Minutes of March 6, 2019**

Motion to approve: Mrs. Tyndale

Second: Mr. McKay

**Roll call:** Mrs. Tyndale, yes; Mr. McKay, yes; Mr. Wagner, yes; Mrs. Baggio, yes; Mr. Tricocci, yes; Mr. Krollfeifer, yes

Motion carries to approve.

## **8. Resolutions**

### **A. Resolution 2019-05: Granting use variance for expansion of an existing non-conforming residential dwelling on Block 64.01 Lot 14.01**

Mr. Kingsbury stated there was a question whether or not this should be a deed restriction or a condition that one of the occupants be the homeowner. That was not articulated as a condition in the motion for approval so he did not put it in the resolution. There are recent cases that say that could be unenforceable or illegal. The Boards reassurance that it will not be turned into a duplex is in the design of the addition. He wrote the resolution on how he felt the Board voted.

Motion to approve: Mr. McKay

Second: Mr. Wagner

**Roll call:** Mrs. McKay, yes; Mr. Wagner, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes;  
Mr. Krollfeifer, yes

Motion carries to approve.

**B. Resolution 2019-06: Recommending that the Governing Body Adopt the Redevelopment Plan for certain property in need of Rehabilitation identified as Block 100.14 Lot 12**

Mr. McKay motioned to approve.

Second: Mrs. Baggio

**Roll call:** Mr. McKay, yes; Mrs. Baggio, yes; Mrs. Kelley, no, the lots are too small, and being present for the commercial application that was denied. It was not denied because it wasn't wanted, it was design elements, which they never came back with the request the Board proposed; Mr. Wagner, yes; Mrs. Tyndale, no; Mr. Tricocci, yes; Mr. Krollfeifer, yes

Motion carries.

**9. Correspondence**

A. Certification dated March 12, 2019 from Burlington Co. Soil to Mr. Blair  
Re: Block 65 Lot 12 – 10 Pennsylvania

B. Hainesport Township Resolution 2019-65-3: Correcting the Performance Bond for Our Lady Queen of Peace

C. Letter dated April 12, 2019 from Burlington Co Board of Chosen Freeholders  
Re: Case 18-10A, Phillips Road Tract Block 110 Lots 10, 10.02, 10.03

D. Letter dated April 22, 2019 from Mt. Holly MUA to Land Use Board  
Re: Case 18-10A, Phillips Road Tract Block 110 Lots 10, 10.02, 10.03

Motion to accept and file: Mrs. Kelley

Second: Mr. Tricocci

**Roll call:** Mrs. Kelley, yes; Mr. Tricocci, yes; Mr. Clauss, yes; Mrs. Gilmore, yes;  
Mr. McKay, yes; Mr. Wagner, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes;  
Mr. Krollfeifer, yes

Motion carries.

**10. Professional Comments - None**

**11. Board Comments**

Mrs. Kelley questioned if there is an ordinance that states that when a developer has to bring in a lot of soil it must be certified clean before brought in to town. She has concerns of contaminated soil being brought in.

Mr. Miller explained that we gave the applicant approval and according to their storm water management plan, he will bring in suitable material. He must bring in material that is pre-certified.

Mr. Krollfeifer questioned if we have an ordinance requiring anyone bringing in soil to town that it has to be pre-certified.

Mr. Miller stated there is a soil movement ordinance.

**12. Public Comments – None**

**13. Adjournment**

Mrs. Baggio motioned to adjourn at 9:05pm

Second: Mrs. Tyndale

**Roll call:** All in favor

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Paula L. Tiver, Secretary