

## HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:00 PM

December 4, 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, Mr. McKay, Mrs. Kelley (arrived 7:10), Mr. Wagner, Mrs. Baggio, Mrs. Tyndale, Ms. Kosko, Mr. Levinson, Mr. Tricocci, Mr. Krollfeifer

Absent: Mr. Sylk

Also Present: Robert Kingsbury, Esq., Board Attorney  
Scott Taylor, Board Planner  
Martin Miller, Board Engineer  
Kathy Newcomb, Zoning Officer  
Paula Tiver, Board Secretary

6. Items for Business

**A. R & M Development, LLC.**  
**Block 100 Lots 8.03 & 8.02**  
**60 Bancroft Lane**  
**Preliminary Major Subdivision**  
**Attorney: Igor Sturm**

Proper notice was given.

Mr. Kingsbury swore in the following witnesses: Robert Perry, planner; Jack Gravlin, engineer; Plato Marinakos, Jr. architect; Rami Hassidim, developer

Mr. Sturm explained this is an application for preliminary major subdivision. There is a question regarding the recreation requirement, so they amended the application for a

conditional use variance. They have provided a road access and pedestrian access to the park and would like to provide testimony to deem the application complete.

Mr. Taylor explained the testimony is to meet the conditional standards not to request a conditional use.

Mr. Sturm stated that they are requesting that they provide the accesses to the park area in lieu of other recreational facilities.

Mr. Taylor questioned if they amended their application for a d variance.

Mr. Sturm answered yes.

Mr. Taylor explained that the way the ordinance is written as stated in his letter, “Demonstrate a comprehensively planned community providing architectural consistency and well-designed recreation for the future residents of the district”. In the original application there were no recreational improvements proposed on the site, which would trigger a conditional use variance. The Township has purchased the Kleiner property which is immediately east of this property and has been working on access to that site. In talks with the township, did it make more sense that the applicant in lieu of recreation construct a roadway access into the public park? We thought it made sense in creating a public benefit and could possibly satisfy their recreation requirement in lieu of having it on site which would be a Board’s determination. He believes they may not need the variance if the Board were to interpret that they are providing vehicle and pedestrian access to the adjacent municipal park would count as the requirement.

Mr. Kingsbury believes that Mr. Taylor’s analysis makes sense that it not necessarily a conditional use variance, it is a way of satisfying that condition. If the Board accepts that, they do not need a conditional use variance.

Mr. McKay questioned if it should be 10% of the area.

Mr. Taylor confirmed that recreation needs to be 10% of the area and dedicated as open space.

Mr. McKay commented that there is a value to it. The substitute is proposed to be a link by road and pedestrian to the new park. There is a cost to that and believes they should be identified to see if it is a fair exchange.

Mr. Taylor explained that is why it is being addressed under the completeness issue. If the Board doesn’t believe it satisfies that condition then it would be a d variance. The applicant is still providing open space on the site. The ordinance states well designed recreation but does not specify. It also requires a tot lot on this site and may not be appropriate with senior housing.

Mr. Sturm would like to have Jack Gravlin provide testimony on what is involved and may be able to give an estimate on the cost involved.

Jack Gravlin, engineer, gave his credentials and the Board accepted.

Mr. Gravlin explained this is a preliminary plan of a subdivision which was included in the application packet that was submitted, everyone received public notice, and had the

right to come in and inspect the documents beforehand. Right now he will address the conditional use issue. They are proposing to install an access road from their entrance road through the adjoining commercial property, also owned by Mr. Diamantis, to the proposed park located east.

Mr. Gravlin explained the property is zoned senior citizen off of Bancroft Lane. He referred to the map and its location. It came to their attention that the township was planning a park to the adjoining property. Instead of having an entrance road from Route 38, an entrance from Bancroft would be more appropriate to keep it more as a local park. It is intended more for the local community which would include their senior development. It is a perfect fit with exercise walking trails are idea for senior citizens. They can provide access from Bancroft Lane instead of access to the park from Route 38 in exchange for them providing actual recreational facilities for a 41 lot senior development. The number do not work in providing recreation for a small senior citizen project such as this.

Mr. McKay questioned if the road was being built to the same standards as the other road in the development and Bancroft Lane.

Mr. Gravlin explained it would have to be constructed with the same standards before it was given to the township.

Mr. McKay questioned if the road would be part of the current lot as part of a commercial area.

Mr. Gravlin stated they are open for discussion on it and agreeable to either option. One option would be to dedicate it as a public right-of-way to dedicate it to the township or they could keep it on the commercial lot as an easement. He believes it would be better to construct it and dedicate it to the township. It would give a permanent access that is not on an easement. They are also proposing a separate 10' wide lot for pedestrian and utility access at the back of the property. They will extend sewer and water to the property line for the township use for any potential buildings at the park. The Board would probably have to give a bulk variance in order to create that lot. They could keep the lot and the homeowners association would maintain it or give it to the township, whichever the Board prefers. This will allow the residents to walk from the sidewalks back to the walking paths back into the park.

Mr. McKay commented to allow them walking access without having to go to the new street. He questioned if there are no utilities that go back to the park site.

Mr. Gravlin commented that there are no utilities to his knowledge. There are no utilities on their site with the exception of an existing sanitary man hole in the corner. The driveway is approximately 365'.

Mr. McKay questioned if there would be curbs.

Mr. Gravlin commented they like you to put swales in rather than curbs.

Mr. McKay stated curbs or what is acceptable to the Board's engineer.

Mr. Gravlin agreed.

Mr. McKay questioned if there would be sidewalk along the side of the roadway.

Mr. Gravlin stated there would be along one side of the roadway.

Mr. McKay asked for an approximate cost.

Mr. Miller stated about \$50 a foot.

Mr. Gravlin stated if they do curbs, it could go up to as much as \$80 a foot.

Mr. McKay questioned where the road would go.

Mr. Gravlin explained between the commercial lot and the proposed park lot.

Mr. McKay asked if they expected the township to connect to the other side of that line.

Mr. Gravlin answered yes.

Mr. McKay questioned if you had to do a recreation piece on the site, what would you have done?

Mr. Gravlin stated he has done many senior projects and has never seen a project less than 100 units build a structure. It is not cost effective. The only real discussion regarding active recreation they had was a walking trail somehow around the project.

Mr. McKay stated no basketball courts, what about tennis courts. Pool complex is expensive to maintain. Are there any other activities you can think of?

Mr. Gravlin stated not for 41 units. If you calculate 10 percent, it would only be 4 units and would be empty 99 percent of the time. In the larger developments, he has seen a club house with exercise equipment. These are projects that have hundreds of units. Outside of that you try for passive activities such as walking trails, little park and sitting areas. It does not make sense for a 41 unit project. These will be 41 single detached dwellings.

Mr. Gravlin explained there is more cost in extending the water and sewer which is about 110' under the pedestrian easement. This is about \$40 to \$50 a foot.

Mr. Miller commented that 10' might not be enough for water and sewer.

Mr. Gravlin stated they can do 15' if needed.

Mr. Taylor suggested that where the water and sewer come in should not be finalized tonight because it may make more sense for it to be under the new proposed driveway. We are waiting for some LOI letters and things for the park.

Mr. Gravlin commented that they are making a substantial offer. There is a substantial cost to it. If they run the utilities there, they would have to extend the sewer out to Bancroft. The sewer for the development goes out the southern side thru and easement on Wharton Place. He may be able to make it work by grade, he would have to look into it. They want a gravity connection so not to have to put a pump station in for the park in the back. That would be a longer extension from what they are proposing at this point.

Mr. McKay questioned what the cost would be.

Mr. Miller explained that we don't know whether we would be extending the water and sewer. It would be 5 times the amount if you had to go up Bancroft and the proposed driveway as compared to the easement. The high end cost for water and sewer would be somewhere from \$100 to \$150 a foot for the length of the road.

Mr. Gravlin stated you also have to consider the value of the land. We are giving the township a piece of land off their commercial property.

Mr. McKay questioned the road wide would be about 20' wide.

Mr. Gravlin stated it would be 20' or 25'. It would be approximately a ¼ acre.

Mr. Krollfeifer referred to the map of a parcel that is open space.

Mr. Gravlin stated yes and is owned by the Creekview Homeowners Association.

Ms. Kosko asked for the block and lot of the open space because the township owns an open space lot there.

Mr. Gravlin stated Block 100.07 Lot 2. The tax records state it is Quaker Group.

Ms. Kosko stated that is owned by Hainesport Township. The deed has been properly recorded.

Mr. Sturm asked for a determination from the Board if this would be an acceptable substitution for recreational requirements or whether it involves a d3 variance.

Mr. Kingsbury stated there should be a public comment before the Board makes a decision.

Mr. McKay questioned if we have the cost.

Mr. Taylor stated based on the totals it would be approximately \$69,000, plus grading, seeding, etc. It could be 80 to 90 thousand.

Mr. Miller stated that does not include cost of the land.

Mr. Krollfeifer questioned the timing of this project and the park.

Mr. Taylor explained that the township will probably try to get a concept plan over the next several months. Construction would be subject to funding and grant availability. Once the plan is in place, they will be able to identify the connection place for the utilities. The grade for utility would have to be worked out between Mr. Gravlin and Mr. Miller. The phasing would have to be that if for some reason the applicant's project stalled, the township would still need the ability to move forward to be able to open the park within the next two years or so. We would need to have a discussion on how that could be accommodated if the applicants schedule lags behind what the township is anticipating.

Mr. Krollfeifer questioned where the pedestrian path would be in conjunction with Mr. Molz's parking area.

Mr. Taylor stated about 250' from the Molz property line.

Mr. Kingsbury stated that the decision whether that satisfies the recreation requirement should be made after the presentation and the public comment.

Mr. Gravlin stated the application is for a preliminary major subdivision regarding Block 100 Lots 8.03 and 8.02. The lots front on the east side of Bancroft Lane. Lot 8.03 is an 11.19 acre parcel located in the senior citizen district. He gave the history of how the property was subdivided. The subdivision will take a 10' strip from lot 8.02 for the adjoining entrance road. This will create a one lane in, one lane out with a center island. This was proposed back when they initially proposed this development. When you add the 10' strip from 8.02 and add it to lot 8.03 the total parcel will be 11.30 acres. Lot 8.03 is zoned senior citizen and lot 8.02 is zoned commercial. The subdivision will include 42 lots consisting of 41 single detached senior housing with the remaining lot as an open space parcel. This includes a 25' buffer behind the existing lots fronting on Bancroft. The corner southern lot will also include a stormwater management basin. The proposed open space/stormwater management lot will be 2.55 acres or 22.6% of the lot.

Mr. Gravlin stated the one point of access from Bancroft Lane will lead to a loop street that will be surrounded by the housing. The exit is not directly opposite the exiting residential lot (corner of Bancroft and Lenox) which would be located to the west so that the headlights issue will be extremely diminished. The lot is wooded and dominated by Virginia Pine with some oak. Back in 2003 when they were to the Board for the Diamond Diner, a full environmental study was done. He has a copy and reviewed it prior to this hearing. Dr. Freeze did the study and at that time cored some of the trees which estimated them to be between 25 and 45 years old. It is not an old grown forest.

Mr. Gravlin discussed the drainage plans. The prominent drainage pattern is to the south toward the Rancocas. All drainage from the roadways, driveways, and all the structures will be collect with a piping system and discharged into a proposed basin at the southern portion of the site. The basin is designed to current standards for water quality, ground water recharge, and peak flow reduction. Because the site is titan sand, the basin stores the majority of the runoff with minimal discharge. He explained how they calculate it and only a smaller portion is allowed to be discharged. The discharge from the site is extremely small due to the sand and forestry. He gave some history which included future discharges from the site with Quaker Group. They were originally told they would take the sites water with no basins required because the more water that goes into these lakes the better. Standards have changed and you cannot do it that way. They have to put in the basin to meet today's standards. They had confirmed that the ground is a very low water table and they could not hit water when they did borings. The diner and Pep Boys basins are always dry. He believes the new basin will work the same without any issues.

Mr. Krollfeifer requested he mark the items as exhibits.

Mr. Gravlin stated they are the same as what is included in the packets but marked up. He marked them as follows: Access Road A1, Subdivision Plan as A2, Drainage Plan A3, and Utility Plan A4.

Mr. Gravlin continued with the utility plan. All required utilities are near the site. Water, gas, electric, cable services are located in Bancroft Lane which will come up the entrance road. Sewer will connect through an existing manhole and sewer main located at the southern corner of the site. This was installed way back by Quaker and anticipated that this parcel would have public sewer through that point.

Mr. Krollfeifer commented that the plan indicates that all utilities will be underground.

Mr. Gravlin confirmed. There is also an existing 35' wide utility easement on the file map and recorded at the county that will cover the extension of the sewer main and the drainage line between the two existing buildings on Wharton Place.

Mr. Gravlin continued with the Landscaping and Lighting Sheet (exhibit A5). Street trees will be installed at 50' on center throughout the site along the roadway frontages. They will also extend the plantings out the entrance road on both sides. They are proposing a 25' buffer at the rear of their homes to the existing homes along Bancroft. They will construct a fence along the 25' to protect the existing trees and agree to supplement the trees as necessary to buffer the lots along Bancroft. Street lighting will be provided along the roadway as specified in the ordinance. The planner requested they use full cutoff fixtures with led lighting and agree subject to the electric company having that type of fixture. They tend to like the cobra heads but believes they have them.

Mr. Gravlin stated that he went over the professional's letters and with very few exceptions agree to the reports.

Mr. McKay questioned if there will be any low to moderate included in the 41 units.

Mr. Sturm stated they will comply with whatever they are required to. He is unsure if there is an in lieu of for the low to moderate. They will comply and there will be no differences in appearances and be blended in.

Mr. McKay questioned if there would be a homeowners association.

Mr. Sturm answered yes. They would maintain the basin and at one point if there is an easement for the pedestrian walkway, it would be maintained by the HOA. The paperwork would be submitted to the professionals and Mr. Kingsbury for review.

Mr. Kingsbury questioned if they would have any deed restrictions as to control things on the lots.

Mr. Sturm stated they have no problem in doing so. Whatever is preferred?

Mr. Krollfeifer questioned if lawn maintenance would be included.

Mr. Sturm answered yes.

Mr. Krollfeifer questioned complying with the affordable housing and read from the Taylor Design letter dated November 22, 2019.

Mr. Sturm read from the Alaimo letter dated November 22, 2019 and confirmed that they will comply with whatever the ordinance requires.

Plato Marinakos, Jr., architect, gave his credentials and the Board accepted. He referred to the architectural plan (exhibit A6). He presented 3 types of houses. Senior housing has more ground floor square footage. There would be a two car garage, a master suite, living space and two bathrooms on the 1<sup>st</sup> floor which would be about 1,500 sq. ft. The second floor would have guest rooms. The home is 35' wide by 65' long. The type two house (exhibit A7) is a little larger. It is almost 40' wide. Same set up as the 1<sup>st</sup> floor is

bigger than the second floor. The two bedrooms in the front with a little porch. Both options have a basement that they can renovate. The main living is on the first floor. Type 3 is because of the lots and the houses turn towards the corner on lots 14, 7, and 8. The long side of the house faces the street. It helps accommodate that. It is setup more like a typical colonial house. Two bedrooms, a bathroom and a storage area up on the second floor for guests.

Mr. McKay questioned what the square footage is for the homes.

Mr. Marinakos stated, Type 1 is 1,500 to 1,600 sq. ft. on the first floor and 700 to 800 sq. ft. on the second floor. Type 2 is about 1,800 to 1,900 sq. ft. on the first floor and 1,200 on the second floor.

Mr. McKay questioned if the affordable housing would be the same or would they be slightly scaled down.

Mr. Marinakos stated they square footage maybe scaled down but would not be identifiable.

Mr. McKay questioned if that has not yet been worked out.

Mr. Marinakos state they have not.

Mr. McKay questioned what type of roof and exterior finishes would be used.

Mr. Marinakos explained they will use some cultured stone to add some interest, dimensional shingles, and nice residential grade windows with some finishes around them.

Mr. McKay questioned what the price range will be on the houses.

Rami Hassidim, R & M Manager, stated the homes would range from the mid \$300,000 to low \$400,000.

Mrs. Tyndale asked what the sq. ft. of the type 3 house was.

Mr. Marinakos stated about 1,800 sq. ft. on the first floor and 600 sq. ft. on the second floor.

Mr. Krollfeifer stated don't add the garages.

Mr. Marinakos explained each have a two car garage of about 359 sq. ft., so you can subtract it.

Mr. Sturm would like to address the two waivers requested.

Mr. Gravlin state there are two waivers for completeness submission. 1) The traffic impact study. Traffic for a senior traffic has been defined in the RSIS which governs what is required for a residential development. Their numbers are 3.7 daily trips per unit which equals 151.7 trips per day onto Bancroft Lane with the majority making a right hand turn. He does not believe there to be an impact to Bancroft Lane. The numbers are very small. They would request a waiver from a formal traffic study. 2) The



environmental impact statement. This project has a very little impact. They had a full EIS done back in 2003 on the entire parcel. It is a matter of public record. They would be happy to supply additional copies. He request for a formal EIS exceeds the needs for a small project such as this.

Mr. McKay state that the 2003 study was not filed again and sits in the records.

Mr. Gravlin stated it was not. He has copies.

Mr. McKay questioned if that was shared with our current planner which has changed since then.

Mr. Gravlin stated it has not currently been given to anyone.

Mr. Taylor believes it makes sense to submit that in conjunction with this application, a few for the Board Members and one for the secretary, along for one for Mr. Miller and himself.

Mr. McKay questioned if the applicant is agreeable to that.

Mr. Sturm answered yes.

Mr. Gravlin stated that completes their testimony.

Mr. McKay questioned which comments of the professionals were they not in agreement with.

Mr. Gravlin agreed and started with the planner's letter dated November 22, 2019. A) Completeness they have addressed.

Mr. Taylor suggested they touch on that after public comment. B and C are informational in nature.

Mr. Gravlin addressed D. General Comments. Regarding low and moderate the statement stands for itself so no comments needed 2) they will meet the minimum age restrictions. 3) Architect presented what is to be built. 4) We have discussed this and have agree to build the road and extend the utilities. 5) A sign has not been designed at this point. If it does not comply with ordinance, they will have to come back to the Board. 6) The fencing around basin. The diner and Pep Boys do not have fence around the basin. They are similar and designed to retain certain portion of the water and infiltrate it into the ground. He expects the basin to be dry, he would be hesitant not to install a fence because there are a lot of children in Creekview. It is designed with a split rail fence with wire mesh around it with a gate for maintenance access. They are agreeable to use pressure treated lumber on it. They are fine with doing or not doing the fence.

Mr. McKay questioned how deep is the basin?

Mr. Gravlin explained during the peak 100 year storm it would be pretty deep, about 6' of water. He does not even expect 1' of water during the normal events. He would recommend the split rail fence with the mesh. It would stop the toddlers from getting in there. Older children would be able to climb the fence.

Mr. Miller stated this basin has a 12' embankment and would recommend the fencing.

Mr. McKay questioned if the professionals agreed with the type of fence.

Mr. Taylor suggested the pressure treated fence which the wire can be applied to it. It will have a 2 to 3 time's longer life span.

Everyone was in agreement.

Mrs. Tyndale questioned who would maintain the fence and if it would be in the HOA rules and regulations?

Mr. Gravlin stated yes the HOA would along with maintaining the basin.

Mr. Taylor stated that leads to number 7 that the document would be provided to the board attorney and engineer.

Mr. Gravlin answered yes they will supply it to the Board's professionals and attorney. They will be able to review to makes sure everything is in order.

Mr. McKay commented that they have agreed to 8.

Mr. Gravlin will meet with the Board planner and their planner on site to determine what would be replaced. It will primarily be planted along that buffer strip with additional plantings to enhance the buffer strip to the existing homes along Bancroft.

Mr. McKay commented that we did not discuss 9 regarding the phasing of construction.

Mr. Gravlin stated it would be a single phase.

Mr. Taylor stated if the Board wishes to accept the driveway access counting as the applicant's recreation requirement. If the project were to stall for 3 to 5 years, the township would need the driveway into the park to be constructed at some minimum width to be able to provide access. We would need some kind of phasing to provide this if the project were to stall.

Mr. McKay questioned if this would be the only access to the park.

Mr. Taylor explained that is to be determined. They have had discussions and since this is a township park, they would like to limit access. It would be expensive to create the access in/out and the highway work. This access driveway would be best for the community.

Mr. McKay questioned what is the current access off of Route 38?

Mr. Taylor believes the township has a driveway easement that is shared with the Molz property. In past experiences, DOT may want to see improvements to the highway if that entrance was to be used.

Mr. McKay commented if we use the access here, that easement on Route 38 may stay for emergency purposes.

Mrs. Baggio questioned if there would be parking in the park so not to back up cars into the development.

Mr. Taylor stated this would be a low intensity park and would not back up.

Mr. Gravlin explained the access road would come off the entrance road to the development, not off of Bancroft Lane.

Mrs. Baggio commented that the 10' pedestrian easement would be for the residents of the development.

Mr. Gravlin confirmed.

Mr. McKay stated the point on the phasing issue, if there was a delay in the development the access road would be longer than the 362' because you would have to bring it all the way out to Bancroft.

Mr. Gravlin agreed.

Mr. Miller suggested that they bond it separately which would allow them to be finished with it.

Mr. Taylor agreed. If they were delayed, it would be phase one. If there were no delay, phase one and phase two would be done at the same time.

Mr. McKay questioned if that proposal was acceptable to the applicant.

Mr. Sturm stated it was acceptable. They would have to build the entrance off of Bancroft first to get into the development.

Mr. Gravlin stated they agree to comply with 12 thru 18.

Mr. Taylor commented that PSE&G does offer a full cutoff cobra head fixture.

Mrs. Tyndale questioned if there would be landscaping at both corners of the entrance. She has concerns with seniors and their visibility being blocked. There are a lot of children there.

Mr. Gravlin stated there will be landscaping with clear sight lines. It would be on the commercial side.

A discussion continued on the landscaping.

Mr. Taylor suggested that a landscaping and maintenance easement could be done.

Mr. Gravlin stated they can provide a landscaping easement with a landscaping plan when they submit for plan conformance.

Mr. Krollfeifer asked that they address the Alaimo letter dated November 22, 2019 beginning with the speed hump.

Mr. Gravlin commented that he agrees with Mr. Miller that the speed hump will need to be relocated 20 to 30 feet towards Route 38, which will clear it from the intersection.

Mr. Gravlin had addressed 1 and 2. 3) in agreement; 4) in agreement; 5) the offset distance is between the right of way centerlines of proposed road and Lennox is 165'. This complies with the RSIS minimum offset requirement of 150'. The Township ordinance requires an offset of at least 250'. It is his opinion that the 165' is more than an adequate offset, due to the limited use of their senior citizen driveway or the park driveway.

Mr. Miller stated they do comply with the RSIS standards.

Ms. Kosko questioned how will this offset with the Paparone project?

Mr. Gravlin has not seen the plans for their project and this project has limited access.

Mr. Miller commented that he believes he did check on that and it complied with the RSIS standards. He will double check it.

Mrs. Baggio believes that a large percentage of the people in the senior development will still be working adding to the traffic.

Mr. Gravlin explained this is not a large traffic generator.

Mr. Gravlin continued with 10 and will comply with the COAH rules. 11) Agrees that there will be a homeowners' association and submit the documents. There will be no clubhouse. They are in agreement with 12 thru 19. 20) He clarified that basements are an option.

Mr. Miller commented that it will be part of the construction permit process. You would have the test for the homes that have a basement.

Mr. Gravlin agreed to supply with those permits. 21) Recommends a header pipe be provided in the proposed roadway if a high ground water table is an issue. He does not believe it to be an issue on their site.

Mr. Miller explained that there have been some issues in Creekview that are continuous issues with ground water. The applicant has demonstrated that there are no ground water issues. He does not know if there are any trapped veins of materials in the roadway areas and how to take care of it since there has been problems in Creekview.

Mr. Gravlin commented that they are at a higher elevation. The lake is made of ground water and could see a problem at a lower elevation.

Mr. Miller suggested to do a few soil logs in the roadway to see what happens before they get started.

Mr. McKay stated that this is agreeable subject to negotiation approval of the professionals.

Mr. Gravlin answered yes.

Mr. Miller stated he would like 5 test pits in the roadway to determine if it would need to be done.

Mr. Gravlin agreed to 22 thru 25 and provide all the information. 26) He suggested that the water company make that determination. If it needs to be looped they will comply.

Mr. Miller is in agreement.

Mr. Gravlin stated #27 is a drafting error and will be corrected. 28 is deferred to the planner. They are in agreement with 29 thru 39.

Mr. Krollfeifer questioned that there are no wetlands.

Mr. Gravlin stated there is not and will provide a certified statement. They are 30 to 40 foot up above the low elevations of the lake. .

Mr. Krollfeifer questioned that they are willing to comply with what are professionals are asking in the letters.

Mr. Gravlin answered yes.

Mr. Krollfeifer opened public comment.

Deborah Plaia, 50 Bancroft Lane, was sworn in. She had concerns with the easement that is marked on their stormwater management plan which is between 7 and 9 Wharton Place. She did a title search. One easement was a utility easement and the other had a time frame of 7 years from the date of recording (2001). There is no easement. In speaking with the homeowners, no one has approached them for an easement. She also has issues with the privately owned pond in Creekview. The residents of Creekview pay thousands of dollars to make sure they are compliant with the laws of NJ. According to their plans the stormwater runoff will go to Wharton Place and eventually to the lake. She has concerns of the additional funds that would be spent from a different development going into their pond. She is unaware of the developer coming to the Creekview Board to ask for an easement to use the pond. She is concerned with the amount the dues will be for the Creekview residents. She objected to the waiver of the traffic study. There are going to be accidents due to the people speeding on Bancroft and the bend in the road. The issue regarding ordinance 104-125B, a new road must be 800' away from an existing road on the same side of the street. She objects to the waiver of the environmental impact study. There is wild life there, deer, fox, and red woodpecker. There are some woodpeckers that are on the endangered species list. They believe there is a barred owl. She also checked on the developer, who is from Pennsylvania, they are not registered with the state and must be when dealing with a public entity.

Mrs. Newcomb stated that Mrs. Plaia is correct that the builder does need to register with the state. The builder would not need to register until they know they will be building here. It is her job to make sure that is done prior to construction.

The Board took a short recess at 9:15pm. Resumed at 9:25pm.

Terrell Person, 7 Wharton Place, was sworn in. He is not aware of an easement on his property and is not interested in giving one.

Sandra Saouaf, 48 Bancroft Lane, was sworn in. She believes the 25' buffer to the homes on Bancroft Lane is too small. She objected to the waiver of the environmental impact study due to the barred owl and the red headed woodpecker being in the area and on the endangered species list. The prior study is 17 years old.

John Crowe, 4 Anchor Court, was sworn in. He had concerns with the sewer pumping station not being able to handle the increase, there are issues now. It is located down by the lake at the end of Cove Ct.

John Mazur, 9 Wharton Place, was sworn in. He asked what the water loop was and if it would require digging.

Mr. Miller explained that the water loop helps maintain water pressure.

Mr. Mazur had concerns with the basin that would be behind his house and questioned how much water would it take to fill up, where would the water go if it overflowed? He has never had water in his basement. Will that water move south towards his home causing water to get into his basement?

Mr. Gravlin explained the Boards engineer requested that a ground water mounding study be done. The requirements have been raised. This is 8 inches in a 24 hour period. This was designed to handle that plus more. The analysis will be done.

Mr. Mazur had concerns that they may clear some of the trees that are located on the association's property.

Mr. Gravlin stated a snow fence will be placed along the edge of clearing before any clearing is done. No ground will be cleared that is not within their property.

Mr. Mazur questioned if there would be landscaping around basin with the fence and if it will dry most of the time.

Mr. Gravlin explained they are proposing landscaping which will supplement the trees being removed from the interior. They will also put the trees in the buffer. It will be dry most of the time with the exception of a large rain event. There is an emergency overflow which would go to the lowest point that is between the two houses. It would have to be a catastrophic situation with emergencies all over the county.

Mr. Miller explained that the bottom of the basin is lower than his basement. He should not have any problems.

Lee Zane, 22 Bancroft Lane, was sworn in. There are a lot of houses that use to have no water in their basement but now do. His is one of them, his sub pump runs on a regular basis. Some people have water on their lawns even if it hadn't rained due to the underground streams there. The traffic is slow at Bancroft Lane and when you add Paparone and this development it will be slower. He is also concerned with the bend in the road with the speeding and the children in the area.

Ms. Kosko stated that we have received the 2<sup>nd</sup> DOT grant award for the Bancroft Lane project. Last year it was \$250,000 and the same this year. It will be a fully funded project that will include traffic calming measures in addition to resurfacing Bancroft. They will look into redesigning Bancroft and take input from the community. We have

put out the radar and police officers have been out there. They are addressing the safety concerns.

Alleah Bucs, 53 Lenox Drive, was sworn in. She asked how deep the basin is. Will the fence be at the edge? Can you walk down it?

Mr. Miller stated 12' deep.

Mr. Gravlin explained that the fence would be off set from the top of the slope so that the grass can be maintained. It is a gradual slope that you can walk down.

Alleah Bucs questioned if there was access from Route 38 and if it would be possible to have both.

Mr. Taylor explained if that did ever happen they will not connect in order not to have a cut thru.

Ms. Bucs stated that the ordinance section 104-125B5 requires two points of ingress and egress.

Mr. Gravlin stated that is superseded by the RSIS. They dictate the number of units off a single access. They bifurcated the entrance road in case there is an issue on one side, there will still be access from the other side. There is a 10' island in the center.

Steve Worona, 16 Bancroft Lane, was sworn in. He has concerns with contaminates that will be going into the lake and destroying it. Also concerned with the traffic study because these are not small houses. These do not sound like senior houses. A traffic study and an environmental study should be done.

Tish Kelley was sworn in. She is the Chair of the Hainesport Environmental Commission and also is a member of this Board. She was detained and arrived a little late but has heard 98% of the presentation. In agreement that an environmental study should be done. There has been a lot of development and it has been a long time since the last study. It is her understanding that you cannot plant at the bottom of a sandy basin so where are they talking about planting.

Mr. Taylor explained that the planting would be at the top of the basin and just as you start to go down the side slope. Mainly around the top. Some shade trees can absorb up to 700 gallons a day. They can place around the perimeter near the bottom to help with absorption and some around the top as a buffer.

Mrs. Kelley is in agreement that the area does drain very well. When you continuously take away trees and vegetation, there is a potential for more runoff. She is concerned with visitor parking, it does not appear to be anywhere to park. The traffic light was recently extended on her road, Lumberton Road. She suggested that they continue to talk to the township and contact DOT. Eventually that light will have to be extended.

Mr. Krollfeifer commented that there is supposed to be 20' from the curb line to the front of the buildings.

Mr. Gravlin stated that there is two car garages and adequate room to park two vehicles side by side without hanging into the sidewalk.

Karen Baptiste, 2 Chaucier Circle, was sworn in. She questioned when they anticipate breaking ground and what does this Board need to do?

Mr. Gravlin explained after this approval, there are outside entities approvals that are needed. He anticipates it to be approximately 6 months after the approval from the township. Summer would be the earliest.

Mr. Krollfeifer explained they are here for preliminary site plan tonight. It would be a couple of months and would have to come back for final approval.

Ms. Baptiste is in agreement with what has been said regarding the entrance to the community and the amount of traffic. The traffic and environmental studies should be done.

Mr. Krollfeifer closed public comment. He understands the residents and the Board members are also residents. They access the town and take all of this into consideration.

Mr. McKay questioned if Mr. Sturm if he is able to respond to the easement issue.

Mr. Sturm thanked Ms. Plaia for providing the documents. One is a standard easement that is filed everywhere, which has nothing to do with it. The other is an easement that Quaker Group when they were finishing up two of the projects, Carriage Homes at Creekview and Woods at Creekview. They were finishing up before they were selling the homes and retained an easement to themselves to go onto these properties that were being finished up for different purposes. If they went onto the properties, it was their responsibility to restore and replace until they were finished. One section talks about abutting Diamantis property. This does not talk about the easement that they are talking about tonight. Since this issue was raised we will all look into it. An easement can be filed by document or by filed plan. It has been their understanding that this easement was filed by plan. They will look into it.

Mr. McKay commented that we are unsure whether this easement exists or doesn't exist. If it doesn't exist, then there is a design issue.

Mr. Sturm explained that the knowledge of this easement has been in existence since the time Mr. Diamantis purchased this property. They do not have any doubt about the existence of the easement, they will just have to verify it.

Mr. Taylor stated that so at time of final approval the easement issue will be resolved.

Mr. Sturm agreed. They will be working on the other easements for the time of final approval.

Mr. McKay commented that there have been two issues raised, one being the traffic study. He does not know what the study is going to tell us that we already know. The question is the amount of impact. The other issue is the environmental issue, not so much for the drainage issue, but the bird thing. How much water off this site does go into the lake? His sense is that most of the drainage water goes into the basin and stays there.

Mr. Miller stated that most of the water will get into the ground and not the lake.



Mr. McKay commented that the loop road water goes into the 12' basin. Then it goes into a percolation system to get rid of it except in the situation of 18" of rain in one day situation. Where we know by design goes to the easement. How much water is designed to go into the lake?

Mr. Gravlin stated this information was submitted as part of the application. His summary page gives the results of all the modeling within 24 hours. 1) The 2 year storm event. These are the ones that carry contaminants. It is zero leaving the site. Discharge from basin is zero. 2) The 10 year storm is about a 5.2" rain storm. The existing discharge is 0.02 cfs. His discharge is zero. It is staying all in the basin. 3) The 100 year storm event is about 8.5" of rain. The existing discharge is .067 cfs. It is similar to a small parking lot. His discharge would be 0.31 cfs. Dilution occurs with that amount of rain. During the 2 year storm is when you need to worry about pollution, it stays on site. The minor discharge during the 100 year storm event is insignificant.

Mr. Miller explained that it is hardly measurable. It is insignificant. The bottom of this basin is sand and is taking the water most of the time. There will be very little if any out fall anytime.

Mr. McKay asked Mr. Taylor to address the traffic and environmental studies.

Mr. Taylor stated he can only speak regarding the traffic as it pertains to zoning. The property was zoned for senior housing. When a township undertakes a master plan, reexamination, and housing plan, there is an expectation that the units that are generated that the roads will have the capacity to handle it. We do have the RSIS that dictates how many trips it will generate by this use. This is what was anticipated when it was designated as senior housing. He believes it would be helpful if the applicant submitted the prior EIS and it would give us a chance to evaluate it. We can double check the NJ landscaping map for endangered species in the area and evaluate it to continue the discussion at final approval.

Mr. McKay questioned if it were feasible to direct the senior entrance to the somewhat driveway between the diner and Pep Boys to Route 38.

Mr. Gravlin has done a number of concepts for the commercial piece back behind the diner. They do not know what they are doing with it at this point. From his experience, we cannot front a residential development coming off Route 38 coming in between the diner and Pep Boys. It would also split the commercial piece in two, limiting the ability to have a longer continuous building. It wouldn't be a viable proposal and does not believe the developer would want it.

Mr. McKay stated it would impact the flow between the two sites.

Mr. Kingsbury explained the first vote would be a submission requirement for the traffic study and environmental study. You can vote yes, no, or defer to final.

Mr. Taylor suggested they request the applicant to submit the prior EIS now so we have a chance to review it.

Mr. McKay question what happens if it tells us what we already know.

Mr. Miller explained it will develop a level of service for each time frame, from good to no good. There are some conditions with the control of the light. The state has the control. The state may or may not alter it. It is up to the state no matter what the traffic study says.

Mr. McKay stated the traffic study could be sent to the state to try and persuade them to make changes to the timing of the light.

Mr. Miller believes there were a couple of application sent to the state before to try and get that light altered and nothing happened.

Mr. McKay motioned to require the traffic study now for all the reasons set forth, prior to preliminary.

Second: Mr. Clauss

**Roll call:** Mr. McKay, yes; Mr. Clauss, yes; Mrs. Gilmore, yes; Mr. Levinson, yes;  
Mr. Wagner, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes; Ms. Kosko, yes;  
Mr. Krollfeifer, yes

Motion carries to not waiver the traffic study.

Mr. Kingsbury stated next would be the environmental impact statement.

Mrs. Baggio motioned to have the 2003 environmental impact statement be submitted prior to preliminary approval.

Second: Mr. McKay

**Roll call:** Mrs. Baggio, yes; Mr. McKay, yes; Mr. Clauss, yes; Mrs. Gilmore, yes;  
Mr. Levinson, yes; Mr. Wagner, yes; Mrs. Tyndale, yes; Ms. Kosko, yes;  
Mr. Krollfeifer, yes

Motion carries to require the submission of the 2003 environmental statement prior to preliminary approval.

Mr. Kingsbury stated the next vote would be if the access to the public park satisfies their recreation requirement.

Ms. Kosko motioned that the access road satisfies the recreation requirement.

Second: Mr. McKay

**Roll call:** Ms. Kosko, yes; Mr. McKay, yes; Mr. Clauss, yes; Mrs. Gilmore, yes;  
Mr. Levinson, yes; Mr. Wagner, yes; Mrs. Baggio, yes; Mrs. Tyndale, yes;  
Mr. Krollfeifer, yes

Motion carries that the access road satisfies the recreation requirement.

Mr. Kingsbury explained they will have to come back for preliminary and asked Mr. Sturm to provide a letter extending the time for the Boards decision by letter and to renotece.

Mr. Sturm agreed.

#### **B. 1395 Route 38, LLC**

**Block 98 Lot 3; Block 99 Lot 5; and Block 116 Lot 1  
1395 Route 38**

**Preliminary/Final Site Plan, Bulk Variance, Use Variance**  
**Attorney: Robert Munoz**

Proper notice was given.

Mr. Clauss and Mrs. Gilmore recused themselves at 10:35pm.

Mr. Kingsbury swore in the witnesses.

Robert Woods stated he is the manager of 1395 Route 38 as well as Bobcat Burlington. He also owns a few additional Bobcat dealerships in NJ and Delaware. He explained what Bobcat is.

Mr. Munoz asked that he explain what is done at the site.

Mr. Woods explained there are four functions of the business, sales, rental, parts, and service. Service is done on site inside the building and also at customer's location or job sites.

Mr. Munoz marked a color rendering of the site (exhibit A1). He asked for him to explain.

Mr. Woods stated that the products behind the gate are for storage purposes. There are machines owned by customers for service, rental equipment, and new equipment for sales. The machinery at the front is for visibility from the road.

Mr. Munoz questioned other than the displays, if everything is then stored in the back.

Mr. Woods answered yes.

Mr. Munoz questioned how many employees they have and what their functions at the site are.

Mr. Woods commented that they have about 15 employees and this site will have a maximum of 5 employees. One employee will be rentals and sales, one employee for service, one for parts, and two service technicians. One of the technicians will be remote.

Mr. Kröllfeifer stated he went to the site and it is the old Trailarama. It is located near the Bancroft jug handle.

Mr. Munoz stated that is correct and is across the street from the diner. He questioned the owners of operation and the type of traffic.

Mr. Woods commented that it is Monday thru Friday from 7am to 5pm. The majority would be for part purchases that are picked up by customers mostly in pickup trucks. There will be delivery of equipment and customers dropping off for service which are delivered by trailer.

Mr. Munoz questioned the number of vehicles to be displayed in the front.

Mr. Woods answered a maximum of 5. He explained they are leaving the one area vacant incase an oversized vehicle leaving the site.

Mr. Munoz questioned when he purchased the property and the condition of it.

Mr. Woods purchased the property in 2017. The property was vacant about 3 to 5 years and in disarray. They had spent about \$50,000 to clean up the site. They removed the residential dwelling. The one building remaining is the pole barn which will be part of his site shown in the rendering.

Mr. Munoz asked what type of signage is needed.

Mr. Woods explained there will be several way finding signs, stop sign by the gate (to be accompanied by employee), and others to direct traffic.

Mr. Munoz questioned how many deliveries of new units they get and what type of other deliveries they get.

Mr. Woods answered on average once per week. The other deliveries would be parts.

Mr. Munoz asked how a customer would be handled on site for service.

Mr. Woods explained you would enter thru the entrance, stop at the gate, accompanied by the service manager, they will be directed to the offloading area, the machine is tagged and create the work order in the yard, and the customer would leave the site out the exit.

Mr. Munoz commented that all the servicing will be done behind the gate and not in front of the building. How will deliver of new units be handled?

Mr. Woods agreed and the new deliveries will be handled in a similar fashion.

Mr. Munoz commented that the building will be two stories and what functions occur on the floors.

Mr. Woods agreed. The showroom will be in the existing building along with inside sales. The customers will be able to walk around in this area. The remaining of the building will be for part storage and service. There is a recycling wash center inside. The second floor will have a conference room, two additional offices, mechanical room for HVAC as well as a couple of closet storage areas. The second floor is like a mezzanine that is only about half the building.

Mr. McKay questioned if this was franchise.

Mr. Woods stated they are an independent dealer with an annual contract with Bobcat.

Mr. McKay asked if this a company mandated logo, color scheme, and format.

Mr. Woods explained that Bobcat does have some designs that the rendering adheres to.

Mr. McKay questioned if the main sign on Route 38 is what they are looking for.

Mr. Woods stated it would be similar with some modifications. They will present a resigned sign.

Adolf Montana, engineer, gave his credentials and the Board accepted. He referred to the coloring rendering, A1, and gave an overview of the surrounding area. It is an existing site in the office zone. They are proposing to use the existing access drive. It will be a two way driveway that is 30' wide. There is a parking lot consisting of 17 spaces which includes two handicap. The building would be expanded by 1,600 sq. ft. It will be a total of 6,500 sq. ft. A sidewalk in front of the building. There will be wheel stops as requested. The rear of the lot will be surrounded by an 8' high fence for security purposes. An enclosure is provided in the back for trash, 2-2yard containers. Two signs are proposed. A free standing sign to the west of the driveway that is 80 sq. ft. which complies with the ordinance. The second sign is a façade sign on the south side of the building which is 122 sq. ft. which requires a variance. The site drains from south to north. They will maintain the existing drainage patterns which will be similar. An infiltration basin will be in the back. It is designed to deal with quantity, quality, and recharge which will meet the requirements.

Mr. McKay questioned if there is an existing basin now or just land.

Mr. Montana stated just land. There will be 11 lighting fixtures around the site and 6 wall mounted fixtures. The perimeter lighting will be mounted at 25'. There will be shade trees in the front of the property, shrubs, evergreens, perennials, and grasses.

Mr. Munoz stated they are will to do whatever types are needed.

Mr. Montana agreed.

Mr. Krollfeifer asked for clarification that they will enter through the east side of the site and exit the west side.

Mr. Montana agreed.

Mr. Munoz clarified that there is no sidewalks proposed on Route 38, just the front of the building. They are asking for a waiver.

Mr. Montana agreed.

Mr. Munoz questioned if the display units in the front will remain out at night.

Mr. Woods answered they will not.

Mr. Montana stated that he spoke to Mr. Miller on Monday and sent him revised plans.

Mr. Miller commented that he had answered his concerns and seems to be sufficient.

Mr. Montana stated there were a few comments in Mr. Taylor's letter dated November 26, 2019 that they need to address. The lights will be black full cutoff lights.

Mr. Taylor questioned if they will comply with G 1-6.

Mr. Montana said yes with the exception of the 4,000 Kelvin lights. There seems to be no glare with them.

Mrs. Kelley disagreed. If you drive up the hill on Route 38, the blue white glare lights at Bear Auto and their site are the kind that hit the eyes. The inside area may be fine but not the ones on Route 38.

Mr. Montana explained they have two in the front that he can ask the manufacture if they make it.

Mr. Taylor stated they do. The 3,000 Kelvin is the standard they have been using for the town in the last handful of applications. In 2016 the American Medical Association stated that no exterior lighting should be in excess of 3,000 degree Kelvin. The light level will not change, it is just the color. He explained the effects of the higher Kelvin.

They agreed to the 3,000 degree Kelvin.

Mr. Taylor explained that the free standing sign still needs a variance because it does not meet the office zoning requirements of 25'. He recommended that the site meet the highway commercial which is the 80 sq. ft. for this site. The office zoning also does not permit a façade sign and a variance is needed for that. 80 sq. ft. façade sign is permitted in the highway commercial and they are proposing a façade sign that is 142 sq. ft. A discussion occurred regarding the façade sign and testimony will be given.

Mr. Taylor continued with E2. If they apply the automobile sales standards for parking it would be 10 spaces plus 1 per employee. There are currently 7 service bays and questioned if they are all occupied at one time.

Mr. Wood answered no. It is common for a technician to have 3 to 4 machines in his work area due to waiting for parts.

Mr. Taylor questioned if this building is the same as in Freehold.

Mr. Wood stated that building is going through an expansion and will be 24,000 sq. ft. Their one is New Caste is 6,500 sq. ft. which has 6 employees.

Mr. Taylor questioned that they are fine with just 5 employees.

Mr. Wood answered yes. His back end staff all reside at his Howell location.

Mr. Munoz commented that Mr. Wood created the prototype.

Mr. Taylor stated then there is some flexibility.

Mr. Wood commented to a degree. He cannot change the branding standards. The colors are white, charcoal, and orange.

Mr. Taylor commented that the Board might think that the orange is part of the sign. Referring to 4 and 5, our ordinance requires curbing at the end of parking isle to protect those cars. He asked if a truck turning radius was completed.

Mr. Montana did a truck turning templet for a firetruck to maneuver the site with no issues. That is why they have the area striped.

Mr. Taylor has concerns with there being enough room for 10 displays and it becoming an enforcement issue.

Mr. Munoz stated they will adhere to the 5 displays.

Mr. Taylor questioned that there is no way to reduce that 44' drive isle and still have that turning.

Mr. Wood stated that is correct.

Mr. Munoz referred to #6 and will consolidate.

Mr. Taylor stated the rest of the comments are minor in issue unless they have an issues with them.

Mr. Munoz agreed to number 6.

Mr. Taylor addressed #7. The prior use encroached the adjacent property.

Mr. Montana stated that the owner has cleaned up that area and intends to reseed it.

Mr. Taylor stated they are requesting a waiver of sidewalks. He deferred to the Board.

Mr. Munoz commented that there is no place for pedestrians to walk.

Mr. Taylor stated that trash and recyclables are adequate. The signs internally will be illuminated. They suggested a masonry base or plantings around the free standing sign.

Mr. Montana commented there will be plantings.

Mr. Munoz will work with the planner on it.

Steve Sgro, architect, gave his credentials and the Board accepted. He referred to A3 and discussed the floor plan.

Mr. McKay commented that the existing building somewhat disappears. It will be built on two sides and the façade will change.

Mr. Sgro discussed the different elevations. He referred to the existing site prior to demolition (exhibit A4). The elevation is made of 3 different materials. Along the base around the building they have split 8" by 16" block up to 4' with a stone cap on top. The dark and light grey will be a ribbed metal panel siding system. What is changing is the color and the orientation of the rib. They interrogated the orange which is the Bobcat color. They introduced the grey band around the top. They accented the showroom entrance with the canopy. The third element would be the glazing which is the clear glass with black framing. On the west façade there are three overhead doors. They mimicked the glass on the front for the showroom door.

Mr. McKay addressed the signage. The Bobcat badge is on the orange and on the side it says Bobcat of Burlington.

Mr. Krollfeifer questioned if it could say Bobcat of Hainesport.

Mr. Sgro stated it represents Burlington County.

Mr. Munoz comment that the one is Howell is Garden State.

Mr. McKay questioned if the logo has to be a minimum size to be effective. You have the issue of how much of the logo uses up the square footage and is the orange part of the signage.

Mr. Sgro answered yes for visibility purposes. The orange is part of the building, it is not an overlay on top of the building.

Mr. Levinson questioned if they were willing to have the orange at the top and grey at the bottom opposed to it being all orange.

Several of the Board Members believe the design looks good.

Mr. Munoz stated that it is the same as being presented in the Howell facility. They had asked them to break up the façade.

Mr. Sgro explained that it also breaks up the front piece.

Mr. Krollfeifer questioned the highway commercial zoning for signage.

Mr. Taylor answered 80 sq. ft.

Mr. Sgro stated the façade sign is 142 sq. ft. It is just the Bobcat logo, verbiage and the white.

A discussion occurred regarding if the orange is part of the signage.

Ms. Kosko strongly believes that the sign should say county on it if that is what it is referring to since it does not say Hainesport.

Mr. Munoz explained that the company name was established at the time the property was acquired.

Ms. Kosko commented that people do not know that.

Mr. Krollfeifer clarified that they are agreeable to the 80 sq. ft. on the free standing sign and complies with our highway commercial. The façade sign is proposed at 142 sq. ft. where 80 sq. ft. is required. They need a variance for the extra 62 sq. ft. which does not include the orange area to the bottom.

Mrs. Baggio stated it also requires a variance for the façade sign because we don't allow it in the office zone.

Mrs. Kelley questioned what other variances are needed.

Brian McPeak, planner, gave his credentials and the Board accepted. He has reviewed the application, the site, the surrounding area, municipal documents, and the township review letters.



Mr. Munoz stated the site is in the office district. A use variance along with some other variances.

Mr. McPeak continued. A use variance is needed because the office district does not allow this specific use. Some of the other variances are existing and some are new. They are as follows: 1) the existing lot is 75,141 sq. ft. where 217,800 sq. ft. is required, being an undersized lot. 2) lot width is 294.12' where 400' is required 3) the front setback to parking lot is 23.6' where 35' is required 4) two new side yard encroachments, 5' on the west side and 6' on east side, where 25' is required for each 5) the free standing sign is currently 2' from property line, the new sign will be 7' from the property line where 15' is required 6) the free standing sign is a little under 80 sq. ft. where 25 is required in the office district 7) the façade sign is 142 sq. ft. where the ordinance does not allow a façade sign at all. These variances are requested under the statute 70 C1 and C2. There are waivers requested for the traffic study, environmental impact study, listing of other agencies approvals in the description of the use has been requested. There are two design waivers one for the loading stall that measures 14' x 35' rather than 10' x 60' and a waiver for the sidewalk on the Route 38 frontage.

Mr. Munoz asked that he explain the justification for the use variance.

Mr. McPeak explained that a use variance can be granted by the Board for special reasons. The applicant's testimony described how he arrived at this site. The site is particular suited for the use. This use is construction equipment, sales, rentals, and provides support for the equipment. It draws from a regional demand and sites that are under service markets that have good visibility. This site has these characteristics. The overall corridor in this area does present opportunities for this kind of use. However some areas are underdeveloped or not available. He could not find anywhere in this area of Hainesport where this use would be permitted.

Mr. Munoz questioned if the redevelopment of a site that was an eye sore.

Mr. McPeak answered yes in a number of different aspects particularly suitability derives from planning criteria to provide sufficient space for appropriate location for a variety of uses. This site fits this criteria. He believes the visual improvement from a site plan perspective for what it was to what it would be. It will attract additional development into the redevelopment area.

Mr. Munoz questioned what he found in the area of negative criteria.

Mr. McPeak found this to be a commercial use in a commercial area. He does not see an existing or future conflicts with the area. There is no negative impact. This advances the zone plan and ordinance as reflected in the master plan and reexamination report.

Mr. McPeak continued with the bulk variances. There has been engineering and architectural testimony that has gone through the typical concerns one has like stormwater management and lighting, etc. All them have been interrogated into the design and believes the professionalism that was brought to the design will minimize, eliminate consequences.

Mr. Munoz asked he believed the Board can grant the use and bulk variances.

Mr. McPeak answered yes. The Board is well positioned with the evidence that has been presented. The variances and waivers can be granted well within the municipal land use law.

Mr. Munoz questioned if he had the opportunity to look at this area and the need for signage and the waiver for sidewalks.

Mr. McPeak stated the regarding the free standing sign. He almost drove right past the site. He believes it allows good decision making for drivers as they approach the site. It is important for drivers to know the entrance since it is at the east part of the site. He agrees that someone has to go first for sidewalks. There is nothing else to walk to from this site. The only place I could see people going for lunch is the diner and does not see that as a walk that should be encouraged. He believes it would be counterproductive at this time.

Mr. Miller stated they are ok.

Mr. Krollfeifer stated one waiver was not addressed. The parking lot spaces requires 10' x 20' and their asking 9' x 18'.

Mr. Montana stated they are requesting a design waiver for 9' x 18' parking spaces.

Mr. Taylor stated that does comply.

Mrs. Newcomb questioned if they have talked to the Burlington County Health Department on how that wash bay will affect your septic system.

Mr. Wood stated it will be a recycling system that will not affect the septic or sewer.

Mr. Wagner questioned if the building would have a sprinkler system.

Mrs. Newcomb stated it is under the threshold. It is under 10,500 and it also depends on the use.

Mr. Munoz commented that they will do what they have to.

Mr. Krollfeifer questioned if the street number will be on the sign.

Mr. Munoz commented that they will be looking for the Bobcat sign.

Mrs. Tyndale agreed with Ms. Kosko regarding if there was any way to put Co on the sign for county.

Mr. Levinson stated that people do not know that you are specifying with Burlington County.

Mrs. Tyndale stated we can't require it but are requesting it.

Mr. Wood will take it into consideration.

Mr. McKay stated to strike some balance with the planner on the Bobcat of Burlington façade portion of it.

Mr. Wood questioned if they reduced the logo to the 80 sq. ft.

Mrs. Kelley believes what they are proposing is good, it is blending them all together. If possible put in the CO for Burlington County.

Mr. Wood probably will just leave the logo and remove the words.

Mr. Munoz stated they will remove the words and the logo will conform to the 80 sq. ft.

Mr. Krollfeifer opened public comment.

George Baggio, 177 Merion Court, was sworn in. He stated he had concerns with the 4,000 degree Kelvins and the glare. He prefers the 3,000 Kelvin.

Mr. Munoz commented they agreed to the 3,000 degree Kelvins.

Mr. Krollfeifer closed public comment.

Mr. Kingsbury commented the Board must vote first on the use variance.

Mrs. Kelley motioned to approve this use variance allowing them in the office zone.

Second: Mrs. Tyndale

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

Mrs. Baggio, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve use variance.

Mr. Kingsbury stated that the next vote could be one for the preliminary/final site plan approval with the waivers and bulk variances that is outlined in the planner's letter with the understanding that the façade sign will be reduced to 80 sq. ft. and the free standing sign.

Mrs. Tyndale motioned to approve as stated.

Second: Mrs. Kelley

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

Mrs. Baggio, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve the application.

## 7. Minutes

### A. Regular Meeting Minutes of November 7, 2019

Mrs. Kelley motioned to approve.

Second: Mrs. Baggio

**Roll call:** Mrs. Kelley, yes; Ms. Baggio, yes; Mr. Clauss, yes; Mrs. Gilmore, yes;

Mr. McKay, yes; Mr. Wagner, yes; Ms. Kosko, yes; Mr. Levinson, yes;

Mr. Krollfeifer, yes

Motion carries to approve.

## 8. Resolutions - None

## 9. Correspondence

- A. Letter dated November 5, 2019 from Stout & Caldwell to Land Use Board Members  
Re: The Reserve at Creekside – TWA Application NJ Route 38 and Bancroft Lane  
(Block 100.14 Lot 12) SC Job 1501-051A
- B. Letter dated November 12, 2019 from Alaimo Engineers to Mr. Blair  
Re: Case 18-0k, Zucconi Property Group 1345/1347 Route 38 Certificate of  
Occupancy Approval
- C. Hainesport Township Ordinance 2019-12: Authorizing execution of easement  
granting and accepting rights in public and private property
- D. Hainesport Township Resolution 2019-161-11: Authorizing and directing the  
Hainesport Township Joint Land Use Board to cause a preliminary investigation to be  
made pursuant to the NJ Local Redevelopment and Housing Law, as to whether  
certain area along Route 38, Masonville-Fostertown Road, and Hainesport-Mt. Laurel  
Road, and specifically Block 103.01 Lots, 1, 2, 2.01, 8, 9, 10, 10.01, and Block  
103.02 Lots 1, 1.01, 5.01, 7, 7.01, 8, 9, 10, and 11; Block 113 Lot 4.05 within the  
Township are “Areas in need of redevelopment” or “Areas in need of rehabilitation”  
within the Meaning and intendment of said statute.
- E. Letter dated November 21, 2019 from Burlington Co. Planning Board to Mrs. Tiver  
Re: Hainesport Commerce Center Block 96.01 Lot 1; Block 96 Lot 1; Block 83.01  
Lots 1, 2, & 3

Motion to accept and file: Mrs. Kelley

Second: Mrs. Gilmore

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

## 10. Professional Comments – None.

## 11. Board Comments

Mr. Krollfeifer reminded everyone that next month is the reorganization meeting which  
starts at 6:30pm.

## 12. Public Comments - None

## 13. Adjournment

Mrs. Gilmore motioned to adjourn at 12:05am.

Second: Mr. Clauss

**Roll call:** All in favor

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Paula L Tiver, Secretary