

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, June 1, 2016

1. Call to Order

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

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

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

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

5. Roll Call

Present: Mr. Boettcher, Mr. Dickinson, Mrs. Kelley, Mr. Dodulik,
Mr. Lynch, Mr. Clauss, Mrs. Tyndale, Mr. Katz

Absent: Mr. Krollfeifer, Mr. Selb, Mr. McKay

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

6. Items for Business

**A. Case 07-29A: Kenneth Stevens/Janet
Block 98 Lot 2.01 & 2.08
Extension of time for preliminary major subdivision
Attorney: Patrick McAndrew**

Mr. Kingsbury swore in the following witnesses: Peter Burgess, engineer, Ken Stevens, Janet Stevens.

Mr. McAndrew explained that the request is for an extension of time. The Board approved the subdivision application a few years ago. It has been extended automatically by the permit extension act. This application was to include the extension of Mary Way to Route 38. They do not have the DOT approval yet but are very close. The Land Use Law does allow for 2- 1 year extensions of their preliminary approval. They would like the 2 years to be able to get the DOT permit and final subdivision approval.

Mr. Katz questioned how much time they are looking for.

Mr. McAndrew answered the two years.

Mr. Lynch questioned if the Board can do it one year at a time.

Mr. Kingsbury stated they could do it that way. He explained a reason not to allow it would be if the Board felt the applicant did not pursue it, apparently that is not the case in this situation.

Mr. McAndrew commented that the area and the zoning have not changed since the original approval.

Mr. Kingsbury explained that the zoning classification has not changed.

Mr. Boettcher commented that the use of warehouse to amusement has changed.

Mrs. Newcomb stated that the uses have changed but the zone has not.

Mr. McAndrew comment that tenants have come and gone.

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

Mr. Clauss motioned to approve a two year extension.

Second: Mr. Dodulik

Roll call: Mr. Clauss, yes; Mr. Dodulik, yes; Mr. Boettcher, yes; Mr. Dickinson, yes;
Mrs. Kelley, yes; Mr. Lynch, yes; Mrs. Tyndale, yes; Mr. Katz, yes

Motion carries to approve.

B. Case 16-07: Zeus Investments
Block 98 Lot 2.04, 2.05, 2.06
5 Mary Way
Preliminary & Final Site Plan
Attorney: Patrick McAndrew

Mr. McAndrew explained that this application is for a preliminary and final site plan.

Mr. Burgess, engineer, explained that at 5 Mary Way an overflow parking lot was created with crushed stone when the tenant was for the batting cages. That operation failed and it is currently a trampoline park. They need additional parking so they are proposing to pave the prior stone lot with traffic controls, reconfigure some the back lot and add trash enclosures to tidy up the rear of property, add additional parking around the site, restripe, and clean up some of the rear. They would like to expand some parking with lot 2.06 which is 7 Mary Way. A cross easement for the recreation use. These hours are after the warehouse hours. They are proposing masonry trash enclosures.

Mr. McAndrew stated some of the variances are minimum parking setback from the right of way, number and size of the parking stalls.

Mr. Burgess explained that the parking variance for the setback Mary Way is to be around a foot from the ROW, 9' x 18' parking spaces to match what is currently there, adding and configuring the front lot and changing the striping in the rear, and added about 17 spaces.

Mr. Katz questioned how many spaces are there currently.

Mr. Burgess explained there will be 90 spaces where there are 134 spaces required. Currently there are 73 spaces.

Mrs. Wuebker stated that there are a couple of more variances. They need a couple more variances not stated. A variance for setback of side of property line. The width of the two way isle, it is 24' where 25' is required. She referred to the Herr's location.

Mr. Burgess explained that there is a 16 1/2' for an isle way and 16' driveway for the truck. That area can be reconfigured, the trucks are 8' wide. It will be tight. Herr's has one truck a day delivery which is early in the morning.

Mrs. Wuebker stated another variance is needed for curbing. There are proposing some curbing which define the entrances in. A design waiver would be needed for the requirement of curbing around the parking lot. As well as landscaping in the loading and parking area.

Mr. Burgess commented that they would like to keep the parking curbs to the edges. The islands to be curbed and for traffic control. Raise the sidewalk to be flush with the pavement. The entrance will remain the same at the side. He pointed out the curb area.

Mr. Miller stated it does not show curbed on the plan. He questioned the 17 spaces.

Mr. Burgess explained that the 17 spaces will be curbed as well as the islands. He will revised the plan to show.

Mrs. Wuebker commented that she and Mrs. Newcomb went out to the site and seen the proposed parking and believe it is a good idea. It will improve the site, currently it is half grass and half gravel. This will improve and organize the site, which is definitely a benefit. You do want to see curbing around the islands. She believes that 5 ADA parking spaces are needed and she only sees 4 and would like to know where the office entrances are going to be.

Mr. Miller stated that a floor plan is needed to determine where the ADA requirement should be, where the main entrances will be and especially with the Herr's.

Janet Stevens, member of Zeus Investments, explained that the Herr's building has a small office area and the manager requested an office. She explained the location of the requested office and the regular office would still be on the side and main entrance. There is no public to site.

Mr. Miller explained that every building must have ADA accessibility through the main entrance. The parking and the way to the main entrance must be shown.

Ms. Stevens believes that they will be able to meet the ADA requirement. There is an entry door in the rear that was used for the ADA requirement back when it was acceptable.

Mr. Miller stated that they can work on it. It cannot be waived it is a federal requirement.

Ms. Wuebker commented that lighting specs were not received with the submission.

Ms. Stevens answered yes, they know they want to add some LED's.

Mr. Burgess pointed out the lighting on the plan.

Mr. Miller stated it does not show any lighting across 5 and 6. Also there is no lighting shown on the Herr's parking lot. An entire lighting plan is needed.

Mr. Burgess agreed.

Mrs. Wuebker stated that the ten new parking spaces that are on 2.06 will need an easement.

Mr. Burgess agreed.

Mr. Miller addressed his letter. He has a number of comments for the storm drainage. The plan shows the results of the storm drainage analysis but no calculations, calculations for how the ground water recharge will be handled, and storm water quality, particularly for the porous pavement.

Mr. Burgess explained that though they are adding 17 more spaces, 9 or 10 of them are already on asphalt. He can provide the data and give a break down.

Mr. Miller stated with those calculations you will address the ground water recharge, fresh water storm water quality and show how adding the spaces.

Mr. Burgess agreed.

Mr. Miller commented that a parking schedule for each lot is need and part of that is the floor plan to know the location of the offices and the number of parking spaces. That schedule will show that lot 5 is short and you are getting them from lot 6. It will show that lot 6 has the area to give away.

Mr. Burgess agreed.

Mr. Katz stated that there is a lot of information needed to be given and believes they should come back.

Mr. McAndrew would like to at least get preliminary approval tonight and if the Board is comfortable final approval. The lighting specs, drainage, etc. are normally reviewed by the professionals.

Mr. Miller agreed with a preliminary approval but believes final should be postponed.

Mr. Boettcher commented that the buildings were all put up by Perry and they just purchased them.

The Stevens agreed.

Mr. Boettcher commented that we are try to make things work. There are mixed uses there. There are a lot of things that need to be fixed but was subdivided prior to all the rules and regulations that exist now. The fire official asked for the hydrant to be turned around because it is facing the wrong way, a simple fix. He believes the little fixes can be accomplished.

Mrs. Tyndale suggested that markings or arrows be placed on the pavement for directions of getting in and out of the complex. She is unsure on which way to go when you go in.

Ms. Stevens stated the next application will help address that.

Mrs. Newcomb commented that this is a permitted use. The parking is a little more intense. It is less intensive to the surrounding area because it does not have tractor trailers and no 24 hour operations. People that go to this area also use the other businesses in town.

Mr. Katz opened public comment. None.

Mr. Lynch motioned to approve preliminary site plan
Second: Mr. Boettcher

Mr. McAndrew asked to have the final continued to the July 13th meeting.

Roll call: Mr. Lynch, yes; Mr. Boettcher, yes; Mr. Dickinson, yes; Mrs. Kelley, yes;
Mr. Dodulik, yes; Mr. Clauss, yes; Mrs. Tyndale, yes; Mr. Katz, yes

Motion carries and application has been continued to the July 13, 2016 meeting.

C. Case 16-08: Zeus Investments

Block 98 Lot 2

Intersection of Mary Way and Hainesport Mt. Laurel Road

Bulk variance for sign

Attorney: Patrick McAndrew

Proper notice was given.

Mr. McAndrew asked that Mr. Burgess explain the proposed signage.

Mr. Burgess marked the plan as exhibit A1. The application is for a second monument sign on the Perry Videx property. Zeus has an easement on the front right corner of the Perry Videx property, to left of Mary Way. Perry Videx has a monument sign and this 2nd monument sign would be a menu type sign identifying the businesses on Mary Way. In meeting on site with the planner and some discussion, she suggested the sign be placed at the point of Mary Way and be a directional sign and a monument sign out front that has something like Rancocas Business Park to identify the entrance. This sign would eventually have a mate at the other end of Mary Way and Route 38.

Mr. McAndrew stated the variance would be for two off site signs, directional sign and the business park sign.

Mr. Boettcher had some concerns with trucks that need to go to the site might miss it and then have to use the intersection of Mr. Laurel Road and Marne Highway.

Ms. Stevens commented that in with speaking to Mrs. Wuebker and Mrs. Newcomb the directional sign will have something such as an arrow.

Mrs. Wuebker believes the best place for the directional sign is when you have made the turn onto Mary Way because once you have turned off Mt. Laurel Road you have the time to read the directional with the arrows. It also allows to clean up all the different signage there.

Mrs. Wuebker commented that a couple variances are needed. A variance for the directory sign is proposed at 40 sq. ft. where 32 sq. ft. is allowed. The second variance would be to allow a second free standing sing on the Perry Videx site. A setback variance for the distance from the right of way would be needed.

Mrs. Newcomb stated the width size of the sign will determine the distance due to the angle of the area.

Mr. Burgess explained that you will not have a lot of room if you back off 15'.

Mrs. Wuebker believes it can't be too far in for visibility purposes. She suggested that it be a variance less than 15' which will be determined with the board planner and zoning officer.

Mr. Boettcher commented that just make sure there is enough room for a truck to turn in without hitting the sign.

Mr. Kingsbury clarified that the sign would be within the property lines and be determined by the planner and engineer.

Mr. Boettcher questioned who owns Mary Way.

Mr. Burgess stated that Zeus Investments owns Mary Way and Perry Videx has easements.

Mr. Dodulik suggested that they put the sign on an angle so that it is not parallel to Mt. Laurel Road.

Mrs. Wuebker stated another variance is needed for the directional sign. Currently there is a Perry Videx sign with in the right of way. It is required to be 5' from the ROW and 1' from the site triangle. Her biggest concern is the site triangle. She is fine if they get county approval. As long as it is safe and one can see. We may want to grant the variance for the 5' from the ROW.

Mr. Miller stated it will have to be submitted to the county and they will make that determination.

Mr. Burgess explained that the location is outside the county ROW. It is 6' out. They do not plan on encroaching on the county.

Mrs. Wuebker asked if they wanted to keep the same location it would meet our requirements.

Mr. Miller stated that the plan will ultimately be submitted to the county for approval. Mrs. Tyndale suggested that they paint arrows or lines for lanes when you go to the back where the stop sign is so people know where to go.

Ms. Stevens questioned if a directional sign in that area would help.

Mrs. Tyndale believes a sign is not needed, but is a safety hazard. She questioned if the signs would be lit.

Ms. Stevens stated they will look into it and the signs will be lit.

Mrs. Newcomb questioned what type of sign lighting they will be using.

Ms. Stevens stated ground mounted.

Mrs. Wuebker stated she would need details.

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

Mr. Kingsbury stated the variances he has are a 40 sq. ft. sign where 32 sq. ft. is allowed, a second freestanding sign, a sign within the property line subject to the planner and engineer as needed.

Mr. Lynch questioned if it includes the removal of the temporary and permit signs mentioned in Mrs. Wuebker's letter.

Mr. Stevens stated yes it does.

Mrs. Newcomb stated that a condition of approval will help with enforcement. Also some of the signs that show up there on the property are other people putting signs out that have nothing to do with the property.

Mr. Boettcher motioned to approve as discussed.

Second: Mr. Dodulik

Roll call: Mr. Boettcher, yes; Mr. Dodulik, yes; Mr. Dickinson, yes; Mrs. Kelley, yes; Mr. Lynch, yes; Mr. Clauss, yes; Mrs. Tyndale, yes; Mr. Katz, yes

Motion carries to approve.

Mr. McAndrew request a waiver to proceed prior to the memorialization of the resolution.

Mr. Boettcher motioned to grant waiver.

Second: Mrs. Kelley

Roll call: Mr. Boettcher, yes; Mrs. Kelley, yes; Mr. Dickinson, yes; Mr. Dodulik, yes; Mr. Lynch, yes; Mr. Clauss, yes; Mrs. Tyndale, yes; Mr. Katz, yes

Motion carries to approve.

D. Case 16-06: A Clear Alternative (for Christian Faith Assembly)

Block 24 Lot 10

810 Marne Highway

Use variance for ground mounted solar

Attorney: Patrick McAndrew

Proper notice was given.

Mr. Boettcher and Mr. Dickinson recused themselves for use variance.

Mr. McAndrew explained this an application for a solar array for the Christian Faith Assembly, which is an existing church on Marne Highway. It is very similar to what they had done at St. Paul's Lutheran Church about 1 year ago. It is back near the railroad line and out of site.

Mr. Kingsbury swore in the following witnesses: Richard Albano and John DiPietropolo.

Mr. McAndrew asked that he explain why the church wants solar energy.

Mr. Albano explained that the church want to use solar energy so they do not have to spend so much on utilities. In looking at the property they determined the best location for the solar array would be between the parking lot and the railroad. It is about 500' from Marne Highway and about 100' from the railroad.

Mr. McAndrew questioned who would benefit from the electricity generated.

Mr. Albano stated 100% would go to the church. NJ regulates that it cannot produce more than their last 12 months of usage. It will be surrounded by a 6' chain link fence. Regulations require a barrier, does not have to be a fence. However, they feel a fence is appropriate being a church and children will be around. The system will produce about 50,000 kilo hours a year.

Mr. McAndrew stated that nothing else will be disturbed and would remain the same.

Mr. Albano confirmed. Everything will be run underground to the building.

Mr. Ragan stated this is use variance and some of the details are not included on the site plan.

Mr. McAndrew explained a use variance was done when they did St. Paul's. They would ask for a site plan waiver.

Mr. Ragan questioned where the septic field is and how will the conduit affect it.

A short discussion happened regarding how it was handled for St. Paul's.

Mrs. Newcomb questioned if the church connected to the sewer system. The Burlington County Health Department regulates septic systems. They would be the ones to send us a letter if it has no effect.

Mr. Miller stated that would be part of the site plan, to go to the Health Department who has records on where the septic fields may have been. We don't know how it was back filled or where the supports are going to be.

Mr. Albano stated he can say there is other conduit on the side of the building which he believes is for data.

Mr. Miller stated he does not know where the field is, it could be under the parking lot. The health department would know that.

Mr. Katz believes a site plan is needed.

Mr. McAndrew explained the application involves a very little area. He believes a full site plan is not needed.

Mr. Katz questioned if it would be ok to make an approval contingent on the health department.

Mr. Kingsbury remembers there were a lot of conditions in the resolution for the other church. It's the Board's decision if they want to require a site plan.

Mr. McAndrew had St Paul's Church resolution for a use variance and read some of the conditions. They will address the issue with the septic tank.

Mr. Katz believes that would be fine as long as the concerns are a condition of approval.

Mrs. Kelley questioned if Mr. Ragan felt that some of the septic could be affected.

Mr. Ragan believes the septic has been abandoned but is unsure whether it was in a way approved by the county. It looks like they are proposing to install the conduit line through that system or between the tank and field. We need to make sure they are not putting electrical conduit in areas that are still holding water. It's just a matter of getting it checked and properly filled and wouldn't be a long time problem.

Mr. Ragan stated the design size is 37.8 KW. He questioned the number of panels, number of inverters and their location.

Mr. Albano stated there are 270 140 watt thin filled panels. There will be three under the array.

Mr. Ragan questioned what the impact would be on the front of the building towards the road.

Mr. Albano stated it would be a new external panel.

Mr. Clauss questioned if it would go straight in and if it would be metered at the building. They are going to need some type of CT cabinet or larger.

Mr. Ragan states he is unsure if it will negatively impact the front. On the drawing when facing the building, it shows it to be on the far left hand side.

Mr. Albano stated that is a turn box. The size is 3 x 3 or 4 x 4, a spec sheet was given.

Mr. Ragan questioned how deep it would be.

Mr. Albano stated the conduit would be at 24".

Mr. Ragan questioned the size of the conduit.

Mr. Albano stated it is 2 1/2" in schedule 40 and 80.

Mr. Ragan questioned where the 40 versus the 80 are located.

Mr. Clauss explained where you normally put the different pipes.

Mr. Ragan stated the plan shows a detention pond in the back and asked if there are any wetlands on the property. Is there an LOI on the property?

Mr. McAndrew is unaware of any.

Mr. Ragan stated you probably have a DEP somewhere do to the fact there is a detention basin in the front and rear of the property. The Church should look into their records. Will there be the screen on the fence like what was done at St Paul's.

Mr. Albano stated no, that was done at the churches request. It is only on one side so the children could not see it.

Mr. Ragan commented that the parishioners will look at the back underside of the arrays when they park. He questioned the height of the array.

Mr. Albano stated just under 10'.

Mr. Ragan commented it appears a bend will be coming out of the solar array. He questioned if there is a limitation on the number of 90 degree bends.

Mr. Albano stated he is unsure that would be the electricians questioned.

Mr. Clauss stated that usually is not a factor.

Mr. Ragan questioned if there are any splices in the boxes.

Mr. Albano answered not to his knowledge.

Mr. Clauss stated if there are slices it would have to be approved. That would have to go through the electrical approval process.

Mr. Ragan questioned if the Board sees anything else on the site plan they would like to address.

Mr. Miller stated that the plan shows the location of the fencing but only shows the solar arrays but not the locations.

Mr. Ragan asked the location in the fence.

Mr. Albano stated the back and sides will be 4' and the front about 8'.

Mr. Clauss commented that he has concerns with open circuit voltage with no barriers under the array.

Mr. Albano explained that they have gone back and forth with DCA. A general barrier has to be between you and the wires. Some of their barriers in the past have been nothing more than a thin wire mesh. They will do a 6' high fence.

Mr. Clauss stated he is more concerned about using a standard fence verses a 1' non climbable fence.

Mr. Ragan stated we have eliminated the top rail so they cannot get over it.

Mr. Albano stated they are using the 1 ¼ fence. All the connections are locked.

Mr. Ragan commented that all the things that the applicant testified to would be conditions of approval.

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

Mr. Kingsbury stated it would be a use variance, waiver of site plan, and the conditions of approval as discussed.

Mr. Clauss motioned to approve

Second: Mr. Dodulik

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

Motion carries to approve.

Mr. McAndrew request a waiver to proceed prior to the memorialization of the resolution.

Mr. Clauss motioned to grant waiver.

Second: Mr. Lynch

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

Motion carries to approve waiver.

7. Minutes

A. Regular Meeting Minutes of May 4, 2016

Mr. Boettcher motioned to approve.

Second: Mr. Dodulik

Roll call: Mr. Boettcher, yes; Mr. Dodulik, yes; Mr. Dickinson, yes; Mrs. Kelley, yes;
Mr. Clauss, yes; Mrs. Tyndale, yes; Mr. Katz, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2016-06: Our Lady Queen of Peace

Granting use variance, subject to site plan review, for parish center and associated parking lot on Block 91 Lot 3

Mrs. Kelley motioned to approve

Second: Mr. Lynch

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

Motion carries to approve

B. Resolution 2016-07: WaWa, Inc.

Granting preliminary and final site plan approval for new trash enclosure at an existing WaWa convenience store on Block 101.04 Lot 1

Mr. Lynch motioned to approve

Second: Mrs. Kelley

Roll call: Mr. Lynch, yes; Mrs. Kelley, yes; Mr. Boettcher, yes; Mr. Dickinson, yes;
Mr. Dodulik, yes; Mr. Clauss, yes; Mr. Katz, yes

Motion carries to approve.

9. Correspondence

A. Certification dated May 5, 2016 from Burlington Co Soil to Mr. Blair
Re: Diamantis Children's Trust – Pep Boys Block 100 Lot 8.01

B. Resolution 2016-108-5: Approving substitution of a letter of credit for Hainesport Enterprises

C. Letter dated May 19, 2016 from Burlington Co Planning Board to Mr. Blair
Re: Sonic – Solar Panels Block 96 Lot 1.10

Motion to accept and file: Mr. Lynch

Second: Mr. Dodulik

Roll call: Mr. Lynch, yes; Mr. Dodulik, yes; Mr. Boettcher, yes; Mr. Dickinson, yes;
Mrs. Kelley, yes; Mr. Clauss, yes; Mrs. Tyndale, yes; Mr. Katz, yes

Motion carries.

10. Professional Comments

Ms. Wuebker suggested that a site plan should be submitted from here forward regarding the solar.

Mr. Katz agreed.

Mrs. Tiver commented that we currently have an application for Sonic regarding solar.

11. Board Comments – None

12. Public Comments

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

13. Adjournment

Mr. Katz motioned to adjourn at 9:16pm

Second: Mr. Clauss

Roll call: All in favor

Paula L. Tiver, Board Secretary