

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD
MINUTES**

Time: 7:00 PM

April 7, 2021

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: Mayor Gilmore, Mrs. Kelley, Mr. McKay, Mrs. Baggio, Mr. Krollfeifer,
Mr. Bradley, Mr. Murphy

Absent: Mr. MacLachlan, Mrs. Tyndale, Mr. Tricocci, Ms. Kosko, Mr. Sylk,
Mrs. Cuniglio,

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

6. Items for Business

**A. Case 21-01: Frank Pallente
Block 109 Lot 2
1610 Ark Road
Bulk variance for new home.**

Proper notice was given.

Frank Pallente, applicant, and Donald Parks, Jr., were sworn in.

Mr. Parks stated his credentials and the Board accepted.

Mr. Parks explained the property is located in the RR5 zone. The existing home was built prior to the present zoning. The lot area required is 5 acres and it is preexisting at

0.35 acres. Front yard setback is 300', the property has 125'. The side yard setback is 50' the property has 44.2'. Rear yard requirement is 100', they have 22.1'. The RR5 requirements are based on 5 acres which this property does not have. There was an issue with a wetlands delineation in the front of the property. That issue was addressed with the NJDEP and do have a permit from them. The proposed house will fit within the original footprint. The new home will still have the exact nonconformity.

Mr. McKay commented that the home will be built within the same dimensions of the old foundation.

Mr. Parks stated that is his understanding.

Mr. McKay questioned if this lot is within two towns. Is an application for a variance needed in Mt. Laurel?

Mr. Parks answered yes, that is the reason for the rear yard being so small. The lot is also on an angle. He believes no variance is needed from Mt. Laurel because the house is in Hainesport.

Mr. Krollfeifer questioned if the block garage is already existing.

Mr. Pallente explained the garage belongs to the neighbor due to the angle of the property. The property is only located in Hainesport Township. The home is 22.1' from the corner of the house to the property line.

Mrs. Kelley stated that they are replacing the house that was already existing.

Mr. Pallante answered yes. He explained that he took down all the walls by mistake. He did not check with construction leading them here to tonight. He plans on keeping the same footprint but expanding up. He handed out an exhibit of details of the home, exhibit A1.

Mrs. Newcomb explained that he came to construction and started everything correctly. He was going to square the house off and go up. They were going to have to sure up the existing foundation with how the house was. The home was in bad condition.

Mrs. Newcomb explained in that area people are buying these old homes and rehabbing them.

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

Mr. McKay motioned to approve the application. There is evidence of a hardship and there will be no detriment to the surrounding area or zoning code.

Second: Mrs. Kelley

Roll call: Mr. McKay, yes; Mrs. Kelley yes; Mayor Gilmore, yes;

Mrs. Baggio, yes; Mr. Murphy, yes; Mr. Bradley, yes; Mr. Krollfeifer, yes

Motion carries to approve.

Mr. Parks asked for a waiver to proceed prior to memorialization of the resolution

Motion to approve: Mayor Gilmore

Second: Mrs. Baggio

Roll call: Mayor Gilmore, yes; Mrs. Baggio, yes; Mrs. Kelley, yes; Mr. McKay, yes;
Mr. Murphy, yes; Mr. Bradley, yes; Mr. Krollfeifer, yes

Motion carries to approve.

B. Case 21-04: Mt. Construction Co., LLC.

Block 108 Lot 4.14

Bischoff Ave.

Minor subdivision and bulk variance

Attorney: Richard Roy, Jr.

Proper notice was given.

Mr. Kingsbury swore Mike Tippin, MT Construction and Brian Peterman, Engineer.

Brian Peterman gave his credentials and the Board accepted.

Mr. Roy explained they would like to subdivide lot 4.14 into two building lots. He will refer to the lots as A and B. Lot B will be a conforming lot and Lot A will almost meet all the criteria in the zoning ordinance. Lot A is 4.68 inches short of the required 100' street frontage due to the angle of the property line. They agreed to the professional letters.

Mr. Peterman explained they believe this to be a deminimus issue. They do comply with the setback requirements which will meet the intent of the ordinance in the R1 zone.

Mr. Roy questioned if it will fit in the area.

Mr. Peterman stated it does and there would be no detriments to the neighborhood.

Mr. Roy questioned if it meets all the criteria minus the 4.5".

Mr. Peterman stated it does.

Mr. Krollfeifer stated he visited the property and the lot is elevated. He questioned what they would do, if they would be bring the lot down.

Mr. Peterman explained they are looking into everything and are hoping to place it on top.

Mr. Krollfeifer opened public comment.

Edward McClure, 410 Bischoff Ave., was sworn in. He lives next door. When he was trying to purchase the property, it was 197' not 199.61'. He and his wife did not get a certified letter. Everyone else did.

Mr. Roy and Mrs. Tiver reviewed the official certified list.

Mr. Roy stated their name is not on the official certified list.

Mr. Kingsbury explained that the applicant can only go by the official list and believes it is resolved with Mr. McClure being here.

Mr. Peterman explained that a survey was done on the property which determined the size. You can see when looking at the plan that lot A does widen out as you go back.

Mr. Krollfeifer questioned if Mr. McClure's property next to lot A.

Mr. Peterman answered yes.

Mr. McClure believes that we should follow the ordinance and not allow a variance. There is one lot there and should be allowed on that lot. He has owned his property for 15 years and have always assumed something would be built there. He believes it should not be subdivided.

John DiPietropolo, 2205 Creek Road, was sworn in. He had been interested in the property. He would like to know where the discrepancy is between the 4" and 4'. He's been living there for 17 years and rules are rules. He has to live there and his children have to live there. He believes one house is sufficient.

Mrs. Newcomb commented that his lot and the lot next door when put together are the same size as the lot in questioned. She thought that he lived on Mt. Laurel Road for a very long time.

Mr. DiPietropolo stated he owns two houses.

Mrs. Newcomb does not understand the issue being so deminimus.

Mr. Krollfeifer asked for clarification on the proposed lot A frontage is 99.61' and if a survey was done.

Mr. Roy stated that a survey was completed on April 17, 2020. The survey shows that the frontage is 199.61' and the rear is 231'. The lot is irregular which triggers the variance. Four inches cannot be seen by the eye. It does not have a negative impact to the zoning ordinance or the land use law. The lots will be larger than the adjoining lots. They are looking to place the homes towards the frontage.

Mr. DiPietropolo questioned if they are planning to demolish the woods.

Mr. Roy explained they are not, but will be up to the individual homeowners.

Mrs. Newcomb explained that a homeowner can remove the trees with no prior approvals on a residential lot as long as they are not in wetlands or easement.

Jacklyn McClure, 410 Bischoff, was sworn in. The property has a huge drop off to the back and high in the front. They rehabbed their home and stayed on the original foundation and are about 17' from the property line. She has trouble now with water runoff since that property is higher than theirs and is concerned with there being more.

About 95% of the trees on the property are dead. She would like those trees and the ones along the property line taken care of appropriately, so they do not fall on her house.

Mr. Krollfeifer questioned what the plan is for the trees.

Mr. Roy explained that they would remove the trees needed for construction and the rest would be left for the homeowner to do what they see fit. As far as the grading of the land, they will have to submit a grading plan to the township to meet all the requirements and not having an impact on any of the neighboring properties.

Mr. Krollfeifer asked if there is a plan for the dead trees.

Mr. Tippin explained if there are any dead trees they will cut them down. They will not be cutting any live trees that are still living unless it interferes with construction.

Mrs. McClure explained that they already had to make a repair to their roof from a tree on the property. She wants to make sure the property is addressed appropriately. The right trees should be tagged and taken down.

Mr. Krollfeifer closed public comment.

Mr. McKay questioned how far back on lot A does the property become 100' wide.

Mr. Peterman stated they did measure it. It is 102.08' at the front setback at 35'. It increases more as you go back.

Mr. McKay questioned if the applicant is agreeable to have as a condition of approval to cut down the dead trees on the two lots when it gets to the season that you can identify dead trees prior to CO.

Mr. Roy stated they are fine with that.

Mr. McKay questioned Mr. Kingsbury if there is any problem with that condition.

Mr. Kingsbury answered no. It will be put in the resolution.

Mr. McKay asked that the attorney recap what the criteria is for granting lot A.

Mr. Roy explained for a C1 variance, they have to show there are some irregularity to comply with the ordinance. The argument given was the angle of the lot lines. Then they have to show there is no substantial detriment to the zone plan, ordinance and the surrounding area. They meet and exceed the ordinance criteria for the building envelope. He could make an argument for a C2 variance that you have a vacant wooden lot with trees falling on neighbor's properties. You would be getting two new homes that will benefit the neighborhood.

Mr. McKay questioned if he applied as a C1 Variance.

Mr. Roy explained they did a c1 variance due to the irregular shape. He believes they meet both.

Mr. Krollfeifer asked them to read the measurements for lot A.

Mr. Peterman stated lot A will have a road frontage of 99.61' the west property line is 206.36', the east line is 239', and the rear is 115.6'.

Mr. Roy stated that both lots exceed the required lot area.

Mr. Peterman answered yes.

Mr. Krollfeifer stated the only issue is the 4" to 5" frontage for about 30' of depth.

Mrs. Kelley questioned if there is sewer and water available.

Mr. Roy answered yes.

Mrs. Kelley questioned if the one property backs up to Route 38.

Mrs. Newcomb stated it backs to the HITCO property.

Mrs. Kelley stated there was a discussion on the grading, which the McClure's are concerned with. When you remove trees whether they are dead or alive, you will be removing the roots which holds water and helps with runoff. She is sure that can be addressed not to go onto the neighbors.

Mr. Roy stated they have to in order to satisfy the construction official.

Mrs. Newcomb explained they will have to do soil borings. She questioned if the homes would have basements.

Mr. Roy answered yes.

Mrs. Newcomb explained there is a lot a builder has to do before the permits can be released.

Mr. Krollfeifer questioned if the applicant is building the homes for Mr. Guenther.

Mr. Roy stated they are the contracted purchaser.

Mr. Kingsbury stated they would need minor subdivision approval and a variance for proposed lot A for the 4.68 inches frontage.

Mr. McKay motioned to approve the minor subdivision approval and the C1 variance requested. Based on what was presented the spirit of the zoning law is not detrimentally effected by this at all. Lot A conforms in all other respects except the 4" frontage situation and the lot is substantial larger than the minimum requirement. He appreciates the reasons for the objections, but the applicant is entitled under the law with the facts that were presented. A condition to proposed lot A and B, the builder shall clear each lot of all dead trees to be determined by our planner prior to a CO. We will ask to go out and tag the trees before they are cut down.

Second: Mrs. Baggio

Roll call: Mr. McKay, yes; Mrs. Baggio, yes; Mayor Gilmore, yes; Mrs. Kelley yes;
Mr. Murphy, yes; Mr. Bradley, yes; Mr. Krollfeifer, yes

Motion carries to approve.

**C. Case 19-09B: R & M Development
Block 100 Lots 8.03 & 8.02
60 Bancroft Lane
Major Final Subdivision
Attorney: Igor Sturm**

Mr. Krollfeifer stated that this case will not be heard this evening. The applicant will be held on May 5, 2021 at 7pm.

7. Minutes

A. Meeting Minutes of March 3, 2021

Motion to approve: Mrs. Kelley

Second: Mr. Bradley

Roll call: Mrs. Kelley yes; Mr. Bradley, yes; Mayor Gilmore, yes; Mr. McKay, yes;
Mrs. Baggio, yes; Mr. Murphy, yes; Mr. Krollfeifer, yes

Motion carries to approve.

8. Resolutions

A. Resolution 2021-06:

Adopting findings and recommendations to Hainesport Township Committee following review of Marne Hwy. and Mt. Holly Bypass Rehabilitation Area Designation Report

Motion to approve: Mr. McKay

Second: Mr. Krollfeifer

Roll call: Mr. McKay, yes; Mr. Krollfeifer, yes Mayor Gilmore, yes; Mrs. Baggio, yes;
Mrs. Kelley, yes

Motion carries to approve.

B. Resolution 2021-07: 1395 Rte. 38, LLC (Bobcat)

Granting administrative amendment to preliminary and final site plan approval for Bobcat Dealership on Block 98 Lot 3, block 99 Lot 5, and Block 116 Lot 1

Motion to approve: Mrs. Kelley

Second: Mrs. Baggio

Roll call: Mrs. Kelley, yes; Mrs. Baggio, yes; Mr. McKay, yes; Mayor Gilmore, yes;
Mr. Krollfeifer, yes

Motion carries to approve.

**C. Resolution 2021-08: Andrew and Florencia Girman
Granting variance for fence setback on Block 100.06 Lot 58**

Motion to approve: Mrs. Kelley

Second: Mr. Krollfeifer

Roll call: Mrs. Kelley, yes; Mr. Krollfeifer, yes; Mr. McKay, yes; Mayor Gilmore, yes;
Mrs. Baggio, yes

Motion carries to approve.

9. Correspondence

A. Letter dated February 22, 2021

Re: The Reserve@Creekview – Building permit recommendation
Block 100.14 Lot 12.04 - 3 Quaker Court

B. Letter dated February 22, 2021

Re: The Reserve@Creekview – Building permit recommendation
Block 100.14 Lot 12.07 - 9 Quaker Court

C. Letter dated February 22, 2021

Re: The Reserve@Creekview – Building permit recommendation
Block 100.14 Lot 12.15 - 16 Quaker

D. Letter dated February 22, 2021

Re: The Reserve@Creekview – Building permit recommendation
Block 100.14 Lot 12.10 – 17 Quaker Court

E. Letter dated February 22, 2021

Re: The Reserve@Creekview – Building permit recommendation
Block 100.14 Lot 12.12 – 21 Quaker Court

F. Letter dated March 11, 2021 from Burlington Co Planning Bd to Jay Sims

Re: Phillips Road Tract Block 110 Lots 10, 10.02, 10.03

G. Hainesport Township Resolution 2021-54-3

Authorizing release of a performance bond and acceptance of maintenance bond for
Hirshland & Company

H. Hainesport Township Resolution 2021-55-3

Accepting recommendation of Township Joint Land Use board regarding boundaries
of proposed area in need of rehabilitation pursuant to the NJ Local Redevelopment
and Housing Law

I. Letter dated March 18, 2021 from Alaimo Assoc. to Mr. Filippone

Re: Mt Holly Nissan Block 42 Lots 1.01 and 2.01 – Site plan review

Motion to accept and file: Mrs. Baggio

Second: Mrs. Kelley

Roll call: Mrs. Baggio, yes; Mrs. Kelley yes; Mayor Gilmore, yes; Mr. McKay, yes;
Mr. Bradley, yes; Mr. Murphy, yes; Mr. Krollfeifer, yes

Motion to approve.

10. Professional Comments

11. Board Comments

Mrs. Kelley questioned if we are doing little developments here and there. We are getting reports that the south end of the Rancocas Creek is widening. The Environmental are also getting reports about the wild life habitat. Studies need to be done to see what is endangered, what is there, and what is not.

Mr. Krollfeifer questioned a sign for a new home on Hainesport Mt. Laurel Road.

Mrs. Newcomb stated they are allowed to build there, they meet all the requirements.

12. Public Comments - None

13. Adjournment

Mayor Gilmore motioned to adjourn at 8:12pm

Second: Mrs. Baggio

Roll call: All in favor.

Paula L. Tiver, Secretary