

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 6:30 pm

April 5, 2023

1. Call to Order

The meeting was called to order at 6:30 pm by Mr. Krollfeifer.

2. Flag Salute

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

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 10:30 PM”

5. Roll Call

Present: Mayor Clauss, Mr. McKay (arrived 6:50pm), Mrs. Kelley (arrived 6:50pm)
Mrs. Gilmore, Mr. Tricocci, Mrs. Tyndale, Mrs. Baggio, Ms. Kosko,
Mr. Bradley, Mr. Murphy, Mr. Noworyta, Mr. Krollfeifer

Absent: Mr. MacLachlan

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

6. Items for Business

**A. Case 23-03: Dorett Hipplewith
Block 9.01 Lot 17
6 Patriot Way
Bulk variance for front porch roof and rear roof over existing deck.**

Proper notice was given.

Mr. Kingsbury swore in Mr. and Mrs. Hipplewith.

Mrs. Hipplewith: We needed to make some additional adjustments to our house, this is the reason we're here. So, I can just read from this and let you know what it is. This is just

some additional information so you can understand why we need these adjustments. The front door has no shelter from the elements such as, but not limited to snow, wind or rain. For example, when it rains or snows it's directly on the front door. When the door gets open it gets inside the house. As a result of not having a portico, the entire doorframe as it stands is now rotted. So, to prevent this from occurring again, moving forward, we believe that for a more permanent solution, we should have a covering over the front door. As far as the covering for the rear back, it has been challenging to enjoy that space. Again, this place has not been totally usable because it is extremely hot in the back of the house. There is no source of shade or shelter from the sun. We'd also like to have it partially screened in

Mr. Krollfeifer: The deck in the back is already there and was approved previously. So, you just want to cover it

Mrs. Hipplewith: We just want to cover it and cover so we don't have to keep buying covers for the gazebo that we did have out there. It was taken down because it rotted. Okay, so spending good money after bad money, you know, we just want something permanent out there. For these reasons, we're seeking approval in order to move forward and with these projects. As homeowners we want to enhance the beauty and function of our home. We hope this is enough to convince you to give us the green light to go ahead. This will also improve the value and function of the house.

Mrs. Newcomb: In your packets, you'll notice that I have given you pictures of 6 Patriot as along with the approvals from the board back in 2005 for their deck. What they're really seeking here is bulk variances on these. We take a look at the denial that specifically describes what they're looking for in regards to setbacks. They are very de minimis in nature. Nonetheless, they are still required. So, if you take a look at what I've given you and you have any questions, please feel free to ask. Yet again, this is not an extraordinary amount of setbacks that we're looking at. Thank you.

Mr. Krollfeifer: Anything else from the professionals?

Mr. Taylor: We did not review this.

Mr. Krollfeifer: Any questions from the Board?

Mr. Tricocci: Are there any pictures of what you want to put in this spot?

Mrs. Hipplewith: I didn't. It is just basically 6 x 8 feet

Mrs. Newcomb: The contractor himself could come to me in regards to this. It is tied into the home. The front door is going to be similar to what the house looks like. It's basically going to be a frame. She is short a few feet of the front yard setback. If she didn't need that I would be giving her a construction permit.

Mr. Tricocci: In the back it's going to be a fixed roof to the side back of the house.

Mrs. Newcomb: Yes, it's across the whole deck. I have to say that I was out there last week and it gets very warm back there.

Mr. Tricocci: The only question that I have and I've done this in the past, obviously being in the business I'm in. People will put in a fixed roof on that back deck and then they wind up closing it in.

Mrs. Hipplewith: No, I don't want that.

Mrs. Newcomb: They're looking to screen it.

Mr. Tricocci: It always starts as a screened in patio.

Mrs. Hipplewith: We have enough living space inside we don't need that as part of the living space. Keep the sun away from us when we're out there.

Mrs. Newcomb: Even in the future, they could technically if you were to approve this application, they could come in and enclose it with glass if they wanted to. Because it's already meeting the setbacks that you approved on the deck as well as the roof. It could become a three-season room. They would have to get construction permits.

Mr. Krollfeifer: Any other questions from the Board? If not, I'm going to open it to public comment. Public comment is the public can comment on this application and this application only. Getting none, I'll close public comment.

Mrs. Gilmore motioned to approve.

Second: Mayor Clauss

Roll call: Mrs. Gilmore, yes; Mayor Clauss, yes; Mr. Tricocci, yes; Mrs. Tyndale, yes; Mrs. Baggio, yes; Mr. Bradley, yes; Mr. Murphy, yes Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve.

Mrs. Hipplewith: Can we ask for a waiver to proceed?

Mayor Clauss motioned to approve the waiver to proceed.

Second: Mrs. Baggio

Roll call: Mayor Clauss, yes; Mrs. Baggio, yes; Mrs. Gilmore, yes; Mr. Tricocci, yes; Mrs. Tyndale, yes; Mr. Bradley, yes; Mr. Murphy, yes Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve waiver.

Mr. Krollfeifer: We are going to Case C, which is a variance request. They are not here and are requesting a continuance to May 3, 2023. (See item C on agenda)

B. Case 22-09A: Beacon of Hope, Inc.

Block 101.02 Lot 5

1285 Route 38

Preliminary/final site plan, use variance, bulk variance.

Attorney: Erica Edwards

Mr. Krollfeifer: Next is Beacon of Hope. It is a continuation of the January and February meetings. The following are recused from the case: Mrs. Gilmore, Mayor Clauss, Mrs. Baggio, and Mr. Bradley.

Mrs. Tiver: Mr. Tricocci was absent from the last hearing and did not hear the tape. He will also step down.

Mr. Krollfeifer explained why the different members could not hear the case.

Due to the possible confusion of the start time of the meeting a short recess was taken.

Krollfeifer: We now have enough Board members. Council can now proceed.

Ms. Edwards: Good evening members of the Board and Board consultants. As you may recall, my name is Erica Edwards. I'm the attorney on behalf of Beacon of Hope. We are happy to be back to talk with you about an amended plan. We have made some changes to the plan. As you probably know, because we have submitted the documentation, the revised site plan and architectural plans at least 10 days in advance of tonight's hearing so that you can consider that. What you're going to hear tonight is from our expert witnesses, we're going to be putting our civil engineer, architect, our traffic engineer and our planner back on. They'll be as efficient about that as possible. Because we have amended our plan, we want them to. Your consultants have issued new review letters. So, we need to be able to address those. But generally speaking, what you're going to hear tonight is a re-emphasis on the uses. The primary use is house of worship. That hasn't changed. We've said from day one, so to speak, that is who we are a house of worship, that is our primary use, and the ancillary uses. We have talked about the food pantry, the life skills classes, and the other ancillary uses that we have discussed are just that, they are ancillary uses. I'm sure you would agree that many houses of worship, undertake as a service to God and to the community at large. We are no different in that respect. Again, house of worship, that is a concept that is straight forward in many respects, and so we haven't spent a lot of time delving into the details of that because it is fairly self-explanatory. It's these ancillary uses that are not as self-explanatory. So, those have consumed a lot of time, on testimony, in particular, in response to questions from your consultants. But you will hear tonight, emphasized by every consultant working for Beacon of Hope. You will hear that we are a house of worship, you will also hear that we have added parking. We're pleased to have taken to heart the board's comments, and we have added additional parking to our plan. We've moved our trash container to the back of the property in response to the Board's request. So, without further elaboration by me I'd like to call our civil engineer, Mark Malinowski from Stanton Caldwell, to provide detail on the amended aspects of our site plan.

Mr. Kingsbury: Mr. Malinowski you are still under oath from the previous meeting.

Mr. Malinowski: I'd like to sort of recap what we provided for you at the last hearing back in February where we presented site design. I'll go through what we proposed last meeting and what we're proposing this evening. So first of all, just to recap the building itself, you have the split level that's to the west of the property that's joined by the one-story building that was the place of worship and the fellowship center. Then we had the two-story portion of the building and the reason for that was to house the code blue and also the food pantry operations. So previously, we had provided 29 parking spaces with two additional stack parking spaces in the rear for the employees, a total of 31 spaces.

Again, we still had the shed in the back then we had the dumpster enclosure in the front yard of the property at the end of the parking lot in the in the front area there. So as a result of last meeting there were concerns, again with the dumpster enclosure in the front, and trying to take advantage of the rear of the property to add additional parking spaces. So, what we did is we took the dumpster from the front area and put it in the rear of the site, we replaced that front dumpster area with two additional parking spaces. Then we extended the parking lot in the rear of the property behind the two-story building. We came up with a total of 36 parking spaces. So, we had seven additional delineated parking spaces and five parking spaces from my testimony back in February. That's the gist of the parking lot configuration.

Another big change that we made for the site is now we were proposing to demolish the split-level portion of the facility. That portion of the facility had a commercial kitchen involved with it. So, since we're losing that when taking down the split-level portion of the building, we're adding a 280 square foot infill building between the one-story and the two-story section to replace that kitchen that's lost. That's also a one-story addition to the back of the one square building.

We relocated the proposed shed, which was at the rear behind the two-story building, and now it's just to the west of the two-story building. So, in summary, the basic changes that were made to the site, again, to maximize the parking on the site, and to address some of the other aesthetic concerns that the Board had expressed at the last hearing. Now one of the restrictions of course, we've also been delineating the wetlands along the stream that runs along the western property line, and you have that delineated with a buffer. Then there's also a finger of wetlands that projects into the rear of the property. We're in the process of obtaining permits, number one for a letter of interpretation from NJ DEP. Number two, the expansion of the parking lot in the rear is going to require a statewide general permit from DEP to fill that area. Right now, it's a swale that drains into the stream corridor along the westerly property line.

So, we're in the process of going through that permitting application. That's a summary of what we have proposed. There are some pretty major changes the Board would like. I think the easiest thing might be to go through the professional's letters, and address their comments and refamiliarize everybody with the various variances and the design waivers were asking for. So, if the Board would like I can do that. I think that might be the easiest, and most expeditious way of covering all the testimony.

Mr. Kröllfeifer: Counselor, you have any other witnesses that are going to address this, because I'd like to hold the special comments to after all your witnesses have presented.

Ms. Edwards: Each of our expert is going to address certain aspects of your consultants' letters.

Mr. Kröllfeifer: I am trying to eliminate duplication so that we don't have to hear things two or three times.

Ms. Edwards: We talked about this and we are not going to duplicate this. Mr. Malinowski would like to address Mr. Miller's letter and certain comments from Mr. Taylor's letter. Our architect will address certain other comments from Mr. Taylor's letter, our traffic engineer certain other comments, and our planner. Each of our consultants is going to take certain portions.

Mr. Krollfeifer: That is fine.

Mr. Malinowski: So, the first exhibit I brought up when I started my testimony, I indicated that was A6 that was presented at the February meeting. Not sure what the next number is A9. So, what we have here is a color rendering of the site plan that shows the updated changes to the site layout.

Mr. Krollfeifer: Would you like to start with Mr. Miller's letter or Mr. Taylors?

Mr. Malinowski: Mr. Miller's letter dated March 30, 2023. What I'll do is just touch on the various items that pertain to the site related comments.

On page two of Mr. Miller's letter under site, item number two, talked about one of the variances we're requesting is the type of uses of this application, specifically spelled out in the ordinance pertaining to parking requirements. Both our office and your professionals tried to interpret those regulations to determine that 44 parking spaces were required for this use for the site. We're asking for a variance to promote 36 parking spaces for the proposed uses both the primary and the ancillary uses that we're proposing this evening. To support that variance, in my previous testimony, back in February, we indicated that we felt 29 spaces were needed for these particular uses, based on the facts that is one the various uses. The primary use which is the house of worship, ancillary uses, which is the fellowship center, food pantry, Code Blue, those types of uses at different times and different days during the course of the week. So, we don't conflict with each other. We felt that 29 spaces based on the employee count and the parking study by Shropshire' office previously done, with the food pantry use, we determined that 29 spaces were required. However, we have gone through the effort to increase it by again extending the parking lot in the rear and adding a couple of spaces in the front of the facility.

For item number three. It has been determined that 24-foot-wide drive isle along the front parking is required. Previously we proposed 22. So, it currently shown at 22, that we can increase that by a couple of feet, or extended a little closer to New Jersey State Highway 38 to make a 24-foot-wide drive isle. While that is a one-way circulation in that particular area, but we'll make it 24 feet to enhance the backing out maneuver for the parking spaces along the front. We are encroaching a little bit more by a couple of feet into the 25-foot landscape buffer that runs along New Jersey State Highway 38. We're already encroaching on that, with the two additional parking spaces that we replaced in the dumpster area that was previously proposed in the front.

For item number 4. We are still asking for a waiver on the loading area requirement. Again, the deliveries can be scheduled during times when other uses are not operating. We have a lot of parking lot area for any kind of delivery vehicle to park and deliver any kind of items.

Mr. McKay: Can you refresh my recollection on how the inventory of the food comes in, what size trucks are involved.

Mr. Malinowski: It would be your box type of trucks, vans, and your box type of vehicles. There are no tractor trailers proposed for this type of use.

Mr. McKay: The trucks come in off hours and hours other than when participants are present for a service.

Mr. Malinowski: A lot of the functions are only like in the span of a couple hours or four hours. For example, the food pantry was going Fridays from nine to one o'clock. Sunday service is only a couple of hours. So, things like that. So, it's dispersed throughout the course of the week and there's plenty of opportunities to work around the schedules.

Mr. McKay: Deliveries can be scheduled so it's not to conflict with any of those uses.

Mr. Malinowski: Correct.

Continuing on page three, pertains to some stabilization. Just go through the drainage. What happens currently, the drainage runs from the eastern property line and it goes to the western side where the drainage corridor is. Pretty much it splits to the rear into the front. So, we're maintaining that drainage pattern. When we get to the western end of the parking lots, we have depressed curbs to discharge the stormwater on both the front and the rear of the parking areas. They will be armored with riprap and stone to reduce the potential of erosion. We're doing analysis to make sure that those openings and that swell area can accommodate that runoff.

Mrs. Tyndale: Is that the area you're talking about that you'd have to get the approval from DEP?

Mr. Malinowski: It is close to those areas. We don't have to get approval from DEP for those particular items because they are outside the regulated areas. With the exception of the one is going to be within the fill area. The general permit that we need to get from DEP for both the parking lot at the rear and where the dumpster location is and also where that discharge point is at the rear of the property. So that's affiliated with that one general permit that we need to get from the state.

Item number 13 pertains to water and gas services. We will provide that information on our plan.

Item 14 pertains to those curb cuts in the discharge points from the drainage of the parking areas.

Page four has some new comments, number 18 at the top that pertains to the letter of interpretation that we discussed. As I indicated, in addition to the letter of interpretation that's going to verify the wetlands that we have delineated. We also need to get in general permit for the filling of that swale on the back of the area. There's a 50-foot buffer on the wetlands, and that will be part of the verification from NJDEP. So, we're keeping all the improvements outside of that buffer area. In addition to our general payments, the facility is serviced by an on-site septic system. But for the proposed survey, we are going to provide public connection into the MUA public sewer system. We'll have a pump station at the rear of the one-story building and we'll be pumping that out along Route 38 to a manhole, that's just west of the property. So, in doing so, we need permits from NJDEP because we will actually be cutting through some of the wetland buffer areas that have been established.

Item number 20 pertains to the split-level home that we're going to be demolishing. We just have to label on our plans and we're willing to do so.

Item 21 pertains again to that wetland buffer is not delineated on our lighting, landscaping plan. So, we will definitely show that on the plan.

Item number 22 pertains to some of the gutter grades. Particularly around the front parking lot area will be provided with a combination concrete curb and gutter and then the concrete swale coming across the exit drive. Those grades are relatively flat so that's why we propose a concrete because it's a lot easier to construct a little more accurately to propose grades when they're that flat. We'll try to discuss this with Mr. Miller's office to elevate those grades a little bit to accommodate a little better.

Number 23 is just a missed spot elevation that we will provide.

Item number 24 pertains to the concrete parking bumpers. We're proposing the concrete curbs along with the parking spaces on the easterly side of the property. There's a detail that said we have to improve the reinforced pins for those concrete bumpers, so we'll provide that.

For item number 25 pertains to the ADA parking spaces in the front of the property. We need to provide truncated domes where the access goes into the paved areas. We will do that.

On page five, item number 28 pertains to the approvals, particularly outside agency approvals. We will also need the county approval, MUA approval, permits from NJDEP and also the soil conservation district. So those are some additional approvals that we'll need for this project.

Items 29 through 31 pertaining to clean up items and we will comply with those requirements.

That is all we have from Mr. Miller's letter. So, I will move to Mr. Taylor's letter of April 3, 2023.

Mr. Krollfeifer: On your next witnesses that are going to come up. We do not have to go through ever detail, if you're going to comply, you're going to comply with their request. That's it. We just want to speed things up here. Same things going with Mr. Taylor's letter.

Mr. Malinowski: I like to go a little more detail in Mr. Taylor's letter however, because I just want to familiarize everybody with the various variances and design waivers that we're going through. So let me start off.

On page three, item C, which is the zoning variances and waivers, item number one, deferred of course, to our professional planner. I just want to bring up item number two pertains to changes in side yard setback, before we had an existing non-conforming condition with the split-level home. It was 15 feet from the western property line on the sidewalk setback requirement is 25 feet. So, with the elimination of that when we made that line conforming use. Now the closest building to property line is the two-story

building in the rear. That's over 48 feet from the side property line so that nonconforming condition has been eliminated.

Item numbers three through five pertains to the required 20-foot parking setback from the rear and side property lines. With the situation of the existing building, particularly the two-story building in the rear and its relationship to the rear side property line. We made a number of variances for the parking setback 20 foot as required from the rear inside property line. We have enough room to provide a four-foot setback on the easterly side property. From the parking we have a five-foot setback from the rear property line for the parking spaces. Then you have a one-foot setback for a little slot to provide a better maneuvering for the drive aisle. We have those setbacks include the 20-foot setback. We're asking for variances for the four-, five-, and one-foot setbacks.

Mrs. Tyndale: Where you're asking for the setbacks, what is on the other side of your property line?

Mr. Malinowski: The Eastern property line, you have the business adjacent to it, you probably have about 35-40 feet between the building and the property line. We are proposing landscape screening and also a solid PVC vinyl fence typically to buffer and to help mitigate that encroachment. In the rear the property, there's that wooded area that separates actually, let me pull up. This is an aerial view of the site, it's outlined in red. You can see the building to the easterly side. Then there's the wooded area that separates the rear of the property and the adjoining property owners parking lot. So, there's a wooded area within there that creates that separation. But we're also proposing a solid PVC vinyl fence in that area to help mitigate that encroachment.

So, the lighting for those parking areas. The site lighting is pole mounted because the site lights are right there, in between. We have cut offs. We're proposing cut offs for those light fixtures so that the light does not encroach much on to the adjoining property. So, we're mitigating that concern.

Mrs. Tyndale: Is this going to be located about a foot from the rear lot line?

Mr. Malinowski: Yes, that's in the drive isle on the eastern side of the property that goes up to about a foot to the rear property line. What that does is provide a little more maneuvering for that last parking space to back out. So that's why we have that one-foot encroachment.

Mrs. Tyndale: So, the whole back line is a foot?

Mr. Malinowski: The seven parking spaces along the rear, you have a five-foot setback. Then for the drive aisle, you have a one-foot setback. Then for the rest of the remaining rear and along the easterly side you have a four-foot setback. Where 20-foot is required in the rear and on the sides.

Mr. Krollfeifer: One of the clarifications you mentioned in response to Mrs. Tyndale's question on the eastern portion of the property line, you said there's going to be about 45 feet.

Mr. Malinowski: I think it might be more like 35 feet.

Mr. Krollfeifer: That's not the property that you're involved in. That's somebody else's property?

Mr. Malinowski: That's correct. The building to the property line is actually about 27 feet. Then we have the additional four feet. That's the difference.

Mr. Krollfeifer: The other building requires 20 feet and they have 27.

Mr. Malinowski: They don't have any room to put any kind of parking facilities in here. But yes, from our building to the parking lot.

Mr. Krollfeifer: They're not asking for anything.

Mr. Malinowski: No.

Mr. Krollfeifer: You're asking for four-feet from the property line where 20 is required.

Mr. Malinowski: That is correct.

Item number 6 is a variance is required to become an accessory structure. Which in this case, it's a shed to be located five feet from the proposed kitchen addition. That is in this location. Of course, here in red is the proposed kitchen addition. The shed is also in red, we have a distance of about five-feet in between the two, we do have a 10-foot separation from the shed to the two-story. We had this encroachment in here. I'd still like to ask for the variance. But we will attempt to move it, currently I can move the shed back towards the rear property line to create a 10-foot separation. I still like to keep the variance and I think we'll do that. We do have the wetlands and the stream corridor. We have the 50-foot buffer. If that has to change slightly after we get approval from the NJ DEP that might impact this shed. So, I'd like to at least have that variance to have a little leeway in case we can't accommodate that 10- feet. If we can, we will get that 10-foot separation between those two facilities.

Item number seven a, pertains to a 50-foot-wide buffer along the western property line. Again, we provided testimony on this before and will refresh. We're not proposing a buffer. Although at least a landscape buffer we're keeping it as one area. Go back, just keeping it as a lawn area in here. As indicated before, we have over 400 feet of wooded buffer zone. It's a way to buffer. It's substantial and part of this drainage corridor that's to the west of the site.

Mr. McKay: So just to complete the thought that the drainage buffer being a wetlands condition is such that you wouldn't have construction on that.

Mr. Malinowski: That's correct. It's all regulated. In fact, it's regulated on our site. There are no wetlands but the buffers on our site. In that particular location with the exception of that finger that comes in to the rear. That's correct. It's all regulated. So, there won't be any construction, any removable trees or anything of that nature within that stream corridor.

Mr. McKay: Approximately how wide is that stream corridor?

Mr. Malinowski: For the wooded area that we've been showing on the ariel. If I take the closest spot from our site to the adjoining residential area, we've got over 400 feet. So, from the rear property and I am going straight west, we have about 400 feet. Which is the narrowest portion of that stream corridor along our western property line.

Mr. McKay: Who owns that buffered wooded area?

Mr. Malinowski: I do believe is part of the residential development.

Mr. McKay: Do you have to go through there and get their approval.

Mr. Malinowski: No, we have to get approval from NJDOT because our force main is going to be within the right of way. There is a gravity sanitary line that comes out to Route 38. That is what we are tying into, that manhole.

Mrs. Kelley: Sir, I think you made a mistake you need from DEP not DOT.

Mr. Malinowski: We need both since we're running the force main along the state highway within the right of way. We would need their approval to do so. In addition to that, this force main is going to be cutting through some of the wetland buffers associated with that stream corridor. Since we're cutting through that buffer area, we'll need a general permit from NJDEP.

Continuing under 7B. We briefly discussed this previously about the 25-foot buffer screening along Route 38. We are providing some street trees and some buffers, some shrubbery buffers for that. There are some areas where we're not for safety reasons, site visibility, and things of that nature. So, we're asking for approval basically for the landscaping that we show on our plan.

Mr. Taylor: Just one point of clarification while we're on that. With that two-foot widening of the drive aisle that the physical dimension will actually be reduced down to 23 feet.

Mr. Malinowski: That's correct and actually with two parking spaces is reduced further. The one parking space totally encourages a portion of the other parking space include encroaches that around 13 feet.

Item 7C, continuing to talk about another variance that's required with regards to the width of the drive isle. We did talk about the one in the front from 22 to 24 feet. The two-way traffic or along the easterly side and the rear of the property the two-way drive requires a 25-foot width, we're proposing 24. So, we can navigate between the existing building and the existing property lines.

Item D. We covered with regards to 22-foot-wide drive isle, we will increase out to 24 feet.

Item 7E, we talked about the loading area and we're asking for a variance from providing a specified loading area.

Item F, we're asking for a waiver from the 44-parking space requirement, where we're providing 36.

Item 7G, to provide sidewalks as required by section 104-121. What we did is we checked and it does say that a sidewalk is required that is consistent with the community standards in the area. As you can see the prevailing sidewalk in the area. There's no sidewalk in there so we're asking for a waiver on that requirement.

Page four, items two through eight, we can comply with.

Item D5 talks about whether outdoor amenities proposed. There are no outdoor amenities proposed with regard to this application.

Just clarifying on item number eight, we are proposing the fence areas to be fenced in from a portion of the eastern property line all the way to the rear along western property line and then tying back into the one-story building. Again, the intent was to just keep within the area run along the existing woods line along the westerly side, and of course along the property line to the rear, then providing an additional buffer along the easterly property line with that fence.

Mrs. Newcomb: Item 8A states that the perimeter fence will be installed over an earth mound.

Mr. Malinowski: We are taking out the split-level building, in front of that you have a big mound area that went up to the front door of that split level area. It's also mound area for a very large evergreen tree that's in the front that we are proposing to remain. So that mound created once we take down the building will be back down to grade and it's elevated in front. So, there's a little bit of a mound in here, the fence does run pretty much skims the bottom of that mounded area of the tree. So, we surveyed, suggested that we move back the fence line along the front to like three feet to avoid that mound. It's pretty much at the lowest slope and that's shown on our grading plan. So, we can move it back just to eliminate that. It was only like a foot or two difference in elevation, and then it goes back.

Mrs. Newcomb: You are showing around the perimeter that is possible wetlands.

Mr. Malinowski: Yes, we will have the permit for this fence too. That will be part of our application. We're not sure if they will put concrete or not. In case they do, that will be part of our application to NJ DEP just to cover it. So, there's no issues back there.

Mr. Kröllfeifer: Can we go back to the sidewalk? Where are you proposing sidewalks?

Mr. Malinowski: We are proposing sidewalks along the front parking lot. And then, of course, the opposite side of the easterly parking lot, into the interior courtyard between the two story and the one-story building for ADA access. I think that what we're asking the relief from was providing a sidewalk along the frontage of the property.

Mr. Kröllfeifer: The food bank is the last building, right?

Mr. Malinowski: The food bank area, the processing is done in the two-story building in the rear.

Mr. Kröllfeifer: But no sidewalk on the eastern side of that building?

Mr. Malinowski: That's correct.

Mr. Krollfeifer: The reason I'm asking is it was reported that on the Fridays, when they're doing the food distribution, the people line the sidewalks. I'm kind of asking what will happen.

Mr. Malinowski: I believe the testimony was that for the food and clothes distribution, there'll be parking along the parking spaces, and those products will be brought out to those people in cars and loaded into the vehicles at that location. We can have the applicant further testify on that operation.

Mr. Krollfeifer: That is what you are doing.

Mr. Malinowski: Yes, that's correct.

On item 8B. We do propose and we're talking about the fence along the rear property line. We do propose a double gate in the back, and the purpose of that is to provide access. There is a fire hydrant on adjoining property just to the rear of that gate. So, we're providing that gate in case the fire district needs access to that fire hydrant.

Mr. Taylor: Jumping back to number two, you kind of said we'll comply on two through eight in terms of parking analysis. Will there be any follow up discussion or other testimony on that?

Mr. Malinowski: I think we pretty much covered that before with regards to our plans. We have the hours of operation for the various uses, both the principal use and the ancillary uses. We had previously provided testimony with regards to their hours of operation. So, those hours of operation have not changed since the last meeting.

Mrs. Kelley: Can I go back to the sidewalk? You're proposing no sidewalk in front of the parking lot.

Mr. Malinowski: So, we're proposing no sidewalk but we are proposing sidewalk on the front along the parking space for access into the building actually.

Mr. Krollfeifer: But no sidewalks to the eastern side of the food bank.

Mr. Malinowski: With the exception of between the two-story and the one-story buildings, we're providing sidewalk along there. We are not providing the sidewalk along that one side of the two-story building.

Mr. Krollfeifer: For the entire eastern side of the food bank.

Mr. Malinowski: Correct. There's very limited room now. One of the comments from Mr. Taylor was providing some foundation landscaping along that easterly side of the two-story building. So, break up the monotony of it.

Mrs. Edwards: I know that you've asked a couple of times about parking on the eastern side of that building where the food pantry operation will occur on a limited basis each week. The testimony was that at this location, the clients coming for food items will be serviced by Beacon of Hope staff while the clients remain in their cars. Clients won't be

coming into the building to pick up food items, they will pull into the parking spots, stop their cars, and then staff will come out and load the food into their cars. There's no need for them to get out. So just to be clear about the extent to which clients will be moving through the parking area and perhaps needing a sidewalk on the side of that building.

Mr. Malinowski: So, we did cover items nine through 11 on page five with previous testimony. Item number 12 is just a little more detail coordination between the site plans and the architectural plans with regards to building entrances and such items. Item 13 we will comply items under e which assigned comments item number two. Mr. Taylor asked for the color of the frame of the sign, of course, as we indicated before, there's an existing pylon sign in the southeast corner of the site. We are just refurbishing the copy on that. Currently the post in the frame of the sign is painted black and we will continue with that color it'll be repainted in a black color. Under E3, again just me indicating that no wall signs are proposed under this application of underwriting.

Item number 2 in regards to light fixtures, there is a miscount we have four, what we refer to as foot light fixtures that are the majority of the fixtures, both along the rear, the easterly side, and also on the westerly side of the parking lot. So, there's four of those and then the f1 fixture is the one directly in the front and we have one of one of those

Item number 3 pertains to the type of fixtures. They are full cut off LED light fixtures and the ones along the property lines will have backlight cut offs, so they don't impede on the adjoining property.

On to page 6 under H landscaping comments. Again, we are providing for street trees along the frontage, we will typically provide more than that, then we're trying to maintain all the large evergreen tree that is in the southwest corner of the site that takes up quite a bit of room.

So, there really is no room for additional trees in that area. Going back there is an existing electrical service to the one-story building on the front. It's an overhead one, and it will interfere with the proposed landscaping proposed in the front. So, we'll have to put that service underground. We will indicate that.

Item number 2 pertains to some trees that are going to be removed, we do have a tree in the front. That is right next to the split-level home. It's like only a few feet away. So, when that home gets demolished, that tree won't survive demolition so that will be removed. Then we do have a couple of trees in the rear of the property that will need to be removed to accommodate the parking spaces in the rear. So, in order to accommodate those losses, we will provide the three trees that are required to have a three-inch caliber. So, we'll replace those trees that are being lost.

Item number three pertains to tree protection. We want to protect the tree on the front and then any remaining trees in the rear of the property where the proposed development is pretty close. So, we're proposing tree protection fencing, which is indicated on the soil erosion plan of the site plan set. We have information on the plans. We'll indicate and we'll add a note to the plans indicating that the layout of the fence will be staked out prior to construction for approval.

Again, the attempt is not to do any additional clearing, it's just for the fence line to follow the existing woods line with the exception of the modification waiting in the back for the proposed parking lot.

And then lastly item number four pertains to site triangles. There will be a site triangle at the exit of 38. If we need to will show that site triangle and adjust the location of the front landscaping as necessary to accommodate that triangle.

That concludes review of your professional's letters. Does the Board have any questions?

Mrs. Newcomb: I see you are putting in a 284-foot square kitchen. Between both buildings, is there access to both those buildings via a door in that kitchen?

Mr. Malinowski: Yes.

Mrs. Newcomb: Second is that 280 square foot addition subject to COAH?

Mr. Taylor: I believe that our ordinance exempt places of worship from COAH fees.

Mrs. Newcomb: Lastly, there is a 12 x 20 shed, do we have a height on that? What is the shed being used for, it is close to the kitchen?

Mr. Malinowski: It will be for maintenance equipment and things like that.

Mr. Taylor: The plans indicate 12 feet.

Ms. Edwards: We are going to call back up our architect, Kent Werner of JRP Architects to provide you with an overview of the amended plans.

Mr. Kingsbury: Mr. Werner you are still under oath.

Mr. Werner: As Mr. Malinowski pointed out, the major change to the building layout is that we have deleted the split-level residence. The majority of the House of Worship functions already occurred in what we are calling building two and 3. The kitchen that was in building one has been relocated as per the previous discussion and the Beacon of Hope operations offices as well as the offices for the pastor, etc. are already existing spaces.

If I could I'll go through a couple of the comments in the Taylor Design letter that Mr. Malinowski did not touch on.

Item 14 in regards to an air conditioning unit attached to the rear of the front building. All the existing air conditioning units will be demolished as part of the construction documents that we will prepare. New air conditioning units are proposed located behind building two and beside building three, not in any of the areas that are outside of the building setbacks.

Item 13 Mr. Malinowski addressed it but I will say that we will provide accessibility to the parking area to this corridor which already exists between the two buildings to every door into the kitchen addition. We would also have an exit door out of the kitchen here.

This is an existing door from building two and we will be maintaining the existing doors from building two that are here. Will be provided for comment number 15. Details will be provided in the construction permit documents for the stairs, decks, and railings.

Just touching briefly on the lighting comments. Required lighting information will be provided and we will coordinate with Mr. Malinowski in regards to photometrics and cut offs for any of the exterior light fixtures.

We are demolishing the footprint of the existing residence. It is approximately 1300 square feet, the infill for the kitchen is approximately 300 square feet. I believe that's it.

Mrs. Newcomb: Are the buildings going to be sprinkled?

Mr. Werner: We are proposing limited on the second floor of this building three.

Mrs. Newcomb: What is the size of the buildings?

Mr. Werner: They are under 3,000 square feet.

Mrs. Newcomb: Is the two stories where they will be sleeping upstairs?

Mr. Werner: No, the code blue occurs on the first floor only, and we propose to provide a horizontal separation between the second-floor space and the first-floor space by adding fire resistant material.

Mrs. Newcomb: What is the second floor going to be used for?

Mr. Werner: The second floor is going to be used for food pantry storage, and for a break area for staff.

Mrs. Newcomb: So, there's no elevators that are going to be needed?

Mr. Werner: We are proposing a chair lift because of the square foot requirements, it's under 3,000 square feet. So technically we are not required to have an elevator. We are proposing an outdoor lift that will be enclosed for moving items up into that area. There is a means of egress on second floor to existing stair that'll be maintained.

Mrs. Newcomb: One last question. There are new code requirements. Has the bathroom been considered for the ADA requirements.

Mr. Werner: I believe we will reexamine those in regards to the changes to the turning radii. Yes, I believe I did have one of the staff take a look at that but we will be adjusting that prior to submission for permit.

Ms. Edwards: Can we mark that as A10.

Mr. Werner: I didn't get to show my pretty pictures. If you want there's the 3d views of the parking lot area and whatnot, they may help in further testimony.

Ms. Edwards: Can you show them? That would be A11.

Mr. Werner: This is the fence that Mr. Malinowski was talking about. In regards to that area where we have the earth mound that would be cut down when the split level is demolished. This is the extent of building number two, this is building number three, you can see a little bit of the roof of the 12-foot-high shed there. We have a couple of other views as one when we walk around the site, a little bit more of an aerial view similar to the larger view. This is a view from the west. So, we've got the dumpster enclosure, this area that we spoke of, with the shed and the area in between the two buildings. This is looking from as if you were standing on the roof of the adjacent building. Looking at the added rear parking, the side parking and the area between the two buildings. Then this is from the front of the site.

Mr. Krollfeifer: The Board has all of the drawings.

Ms. Edwards: We just want to make sure that we get everything on the record. Any more questions? Moving on to our traffic engineer, Nick Mosley, to updated his testimony.

Mr. Mosley: Just for the record, my name is Nathan Mosley. I'm a licensed professional engineer. I'm a partner with Shropshire Associates, and we prepared a parking analysis that was submitted dated January 19th 2023. So, you've already heard all the explanation about the changes to the plan. The main difference with regards to parking obviously, is that we've been able to increase the overall parking supply for this project. We've also reduced some of the building square footage on the site as well. So now instead of having 24 total parking spaces, we have 36 total parking spaces, I'm sorry, 29 total parking spaces previously, we now have 36 total parking spaces for an increase of seven spaces on site. That was accommodated through the new parking in the rear of the property. The original study that we submitted, evaluated the overall parking demands. It was determined that the peak parking demand for the various uses, the primary house of worship and the other ancillary uses will be on Friday when the food pantry operations are occurring. Then there's also just general employees that will be on the property as well. It was anticipated based upon the study that we did it the existing facility in Mt. Holly, as well as the number of employees for the proposed site that there would be a total peak parking demand of 24 spaces. We saw 15 spaces at the peak time for the existing food pantry operation. And that did include employees that were there as well, as well as the delivery vehicle that was at that site. But to be conservative, we just kind of double counted as needed to look at it from a conservative perspective. So again, before we had 24 spaces as the peak parking demand, whereas we had a 29-space parking supply, which in my opinion was sufficient. However, there were some concerns. So, we've obviously done everything we can to maximize the parking and I believe that this proposed parking will obviously increase the supply. We'll be able to provide for more safe parking on the site.

The one thing I will say, you know, there was questions about what happens if the food pantry gets busier, things like that from a parking perspective. So, we have 36 Total spaces and we take away nine of those spaces for just the employees that will be on the site on a day-to-day operation. Whether they're working in the food pantry, or the pastor is on site, or somebody else just there for maintenance purposes, that would still leave 27 parking spaces just for the food pantry customers or clients. If we assume that all this parking that we observed in Mt. Holly was for the clients with the 15 total vehicle at peak time, that still would allow for an increase of nearly 80% in activity levels, while still being able to accommodate that parking need on this property with a 36 total spaces. So

even if the pantry clientele increases as a result of the need or demand that occurs. It's my opinion that with the 36 parking spaces that we have proposed, it will still be more than sufficient to accommodate an increase in demand or operations with the food pantry without having any issues where people are parking on the street or not able to find a parking space on the site. That's all I want to say. If there's any other questions let me know.

Mr. MacLachlan: I think he made the parking worse by adding more spots because now it's going to be even more cars going to back up while the other ones are trying to get by. There are not two directions here.

Ms. Edwards: I would like to object to Mr. MacLachlan's continued comments. It's our perspective, mine in particular that Mr. MacLachlan has prejudged this application from the beginning, from the outset.

Mr. Krollfeifer: Your objection is noted and let's move on, ok?

Ms. Edwards: We are noting that for the record and I think Mr. MacLachlan should not be permitted to continue to assail this application through to its conclusion.

Mr. Krollfeifer: Okay.

Ms. Edwards: I think that's inappropriate.

Mr. Krollfeifer: Your points noted, and I'm the one that would make that decision. I'm making a decision. He's welcome to participate with this Board.

Ms. Kosko: I have a question. Mr. Mosely. I have requested a copy of the DOT application that was submitted. Were you able to obtain that and provide that?

Mr. Mosley: We have a copy of the approved letter of no interest from DOT, which was indicated. They reviewed the proposed development and they indicate that the access points are, can be maintained as they are today for the proposed change in use, I can provide a copy of that.

Ms. Kosko: What I had asked at the last meeting and you agreed to, was providing me a copy or the Board a copy of the actual application that was made to DOT.

Mr. Mosley: I can provide you with a copy of the submitted requests. It was a letter package that was submitted for the requested letter of no interest. There's not a formal application form.

Ms. Kosko: Okay. Well, whatever was submitted to DOT to receive NFA from them.

Mr. Mosley: Sure. I can email you a copy. Thank you,

Mr. Taylor: Ms. Edwards, I don't know if it's for Mr. Mosley or somebody else. One of the other items I noted that was asked at the last meeting, relative to the sort of parking issue is to identify the maximum number of wedding or event attendees.

Mr. Mosley: I don't have an answer on that one directly.

Mr. Taylor: I think we touched on that, because I think the parking is sort of the recurring concern here. Obviously, if there was a wedding for 300 folks. We have an issue. So, I think trying to quantify it.

Ms. Edwards: What was testified to was we were not going to do large events. If I recall correctly, although feel free to counter what I'm about to say. I believe we said that we would be willing to limit the number of on-site guests for any event that we held. I mean, obviously we want our site to function. We don't want to have events where our site doesn't function, nobody benefits. That's not good for us, for our attendees or for the community. So, I think we're certainly realistic about what we could handle there on event basis, but we would be willing to work with the Board on determining what is a comfortable maximum for a community event. You know, we're not talking about our ordinary course, we're talking about special events. We could certainly be willing to work with the Board with the Board's consult to determine what that comfortable maximum is.

Mr. Taylor: I apologize. I thought that was the question I was asking, because I think we asked last time is, what is that reasonable cap? Because to write a resolution that says, we'll have small limited numbers is hard and I know no one wants to have something happen. We don't want it to have an oversized event, then there is an issue, and then we're trying to come back. So, I think we're trying to, at least I am so the Board knows, is that number? Is it 300? Is it 200? Is it 100? Is it 50? No one seems to be able to answer that. I just think we need to be able to get some number.

Ms. Edwards: We have 64 seats in the worship center. So conceivably, that would be the number. But we're going to put our planner back on and while he's testifying, we can fine tune any additional numbers. It would make sense if we only have 64 seats in the worship center that number is somewhere in that vicinity.

Mr. Taylor: All right, great. Then I guess the only other question, Mr. Mosley was your talked about sort of the peak parking demand being based on the analysis, submitted, in the January 19 traffic study. You had said with this increase in parking, that subtracting out nine employees from the 36 spaces that you're currently proposing, that leaves you 27 left for the food pantry use. So, you could actually accommodate about an 80% increase in the utilization of that.

Mr. Mosley: Compared to what we had observed at the Mt. Holly facility in January.

Mr. Taylor: One of the other things that we had sort of asked at the last hearing was, what are those triggers and those mechanisms for adding additional hours or days? My biggest concern is, and I think the testimony at the last meeting was the food pantry now. And presumably, when you were out there doing your analysis in January, is doing about 1/3 of what they did pre COVID in a much smaller facility. So, I think what I want the Board to at least understand is if we go back to the pre COVID numbers and our utilization triples, is there a second day? Is there a third day? Is there a fourth? How do we handle that? The Board has been having to guess how to accommodate that. I think we're trying to get the applicant to say these are the triggers. This is how everything will be accommodated and I don't think we're quite there.

Mr. Mosley: So, I'll try and answer your questions or your comments. Um, we did talk about this, but as a project came after the last meeting. So just for comparison purposes, the existing facility in Mt. Holly actually operates out of two buildings. They use some

space in an adjacent building. They also have some storage units in the rear of the property that they use for the operations of the food pantry. So, when you include the square footage of the storage units, as well as the adjacent building, which has some storage in it as well, the overall square footage is comparable to the food pantry operations that they have proposed for this location here in Hainesport. So, it's not an exact duplicate, but it's very similar in square footage wise. So, I think they're similar in that respect. However, your question about, the pre COVID numbers versus when we did our counts in January of 2023. So, we talked to the applicant, about what their numbers have, they call them bags that they distribute during the food pantry days in January of 2020 versus January of 2023. When we looked at the numbers and compare the two, there was a reduction, I don't want to say reduction. The 2023 numbers are approximately 70% less than the 2020 numbers. So, the 2020 numbers obviously are higher than was 2023. Even as I say that, even if the operations go back to the 2020 levels, that's a 70% increase compared to what we observed as far as peak parking demand. I believe that this site with 36 spaces will still accommodate those peak parking demands. If they were to be kind of linear compared to what we saw in Mt. Holly in January 2023. If it goes beyond that, and there's still concerns about parking, obviously the applicant is more than willing to discuss options as far as doing multiple days, extending the hours doing something as far as you know, staggering people. So, they don't all come at the same time, whatever it may be the applicants willing to work with that. I don't see there being an issue, given the operations we anticipate. But if it does occur, I think having a second day for pickup times would be the most reasonable option. That would be able to be easily accommodated with this. Does that answer your question? Are you looking for like a specific?

Mr. Taylor: I was partially discussed last time; you guys said the same thing. We're happy to have that discussion with the Board. I think what we're trying to say is, what are your own triggers? How do you guys manage that? How do we? Because one really bad Friday, somebody's tail end is stuck out Route 38. It's too late? So, how do we do everything we can? How can the Board do everything they can? I know pastor doesn't want that either? How do we make the parking and the operational part of that. I really don't have any concern with the place of worship and the adequacy of the parking for that and also the peak, it's a much different sort of operation, because it's all in it's all out at one time. But from the food pantry standpoint, that to me is where the greatest public safety risk comes in. If there is a really bad peak, and something hasn't been managed or accommodated properly, we do have an issue. So, I don't want to stand here and try to design and guess this on the fly. I don't think that's fair to the Board. So, we're trying to figure out what is your plan? Because based on what you can accommodate an 80% increase, but you're already at a seven 70% decrease? So, a 10%. delta, you're already over?

Mr. Mosley: So, from a traffic engineer perspective, we always try and design to sometimes what we call the 85th percentile, I'm sure you're familiar with that term. What that means basically, is the average time is the 50th percentile, the 85th percentile is kind of the worst-case analysis. It's not the worst of the worst, but it's way up there as far as either traffic or parking demands are concerned. So, I would say that if we got to a point where we observed that we were using about 80 or 85% of our parking supply for the food pantry operations, which I was not going to do the math off the top my head. When we hit that level, I think considerations would be given by the applicant to considering that second day of operation. So that will give us a kind of a numerical point where we could start to consider some other type of way to handle the food pantry needs going into

a secondary or whatever it may be. I think that would be reasonable for the applicant. But that's kind of a good engineering threshold, I think.

Mr. McKay: Could you condition the approval on a formula that would automatically double the number of days. One day presently, you'd make it two days, if in the month before your formula was triggered. In other words, you had more than x number of visitors and you can see it was going further north. So that triggers considered Wednesday was the day, it's now Wednesday, Thursday, something so that it's in the arrangement spelled out, an automatic trigger, so you don't have to worry about this.

Ms. Edwards: We can agree to that. I mean they need to tweak what that trigger is. That makes sense. A condition of any approval would be a trigger at which point there would be an additional day to take the pressure off.

Mr. Taylor: Then potentially a third day, if whatever point in the future so that we don't have this. That's not uncommon, especially with places of worship. church grows, you have to add a second service on Sunday morning. So that is pretty standard, but I think it's important for there to be some safety mechanism in place to avoid that issue.

Ms. Edwards: I think we can live with that.

Mr. McKay: Once you establish what the formula is, you can repeat it

Mr. Taylor: So, I guess what Mr. Mosely is saying is if he uses 80% and as that standard as soon as they sort of recognized and hit that point, they will then have to add a second day. I guess what he's saying is there's a margin of safety in there with that 20% that even if the next month most people show up on Friday or whatever that issue is, I guess you're saying there's some factor of standard stuff.

Mr. Mosley: There's still some additional parking that would be available even beyond that 80%.

Mr. McKay: I mean, there's nothing to say, you couldn't reverse it if it tails off. If You find out that you're having months or season backs where we're back to the lower number.

Mr. Krollfeifer: Counselor, how many more witnesses? The reason I'm asking is I want to take a break for the benefit of everybody. We'll take a ten-minute break.

Ms. Edwards: When we come back, I'm going to put our planning consult back on. I may have a few more questions for the applicant, pastor. Then we will finish.

Break at 8:20pm.

Ms. Edwards: We are recalling our planning consultant, Mark Remsa.

Mr. Remsa: Thank you, Mr. Chairman, board members and members of the public. My name is Mark Remsa. I'm a professional planner in the state of New Jersey. I'm going to be as brief as possible. My discussion is going to start with Mr. Taylor's review letter and I'm going to speak to a couple of items for the clarity of the record.

So, in terms of Section A in his report, site proposal and surrounding area. The paragraph number four starts off with the applicant proposes the use of site as a food pantry and a place of worship, with fellowship hall, clothing distribution, life skill classes and code blue with temporary housing. Just want to be clear the principal use here is a place of worship. That's the principal use and there are ancillary social services, proposed. Skill classes, food pantry, clothing distribution, and seasonal warming center. Those are the ancillary uses for this use from the site.

4C, just to be clear, from earlier testimony. The fellowship hall which is where the house of worship is going to take place. The days and hours of operation are Sunday 11am to 1pm and Wednesday evening 7pm to 8:30pm. I want to avoid being repetitive. But Section C1, once again, the proposed use is the place of worship with those ancillary social services that I described.

Section D1 talks about the proofs that have to be provided for the proposed use. This proposed use is an inherently beneficial use. There's case law that indicates that places of worship are inherently beneficial uses and also community shelters inherently beneficial use. Because this is an inherently beneficial use, the tests that we have to use to be clear, it's called a sica test. It requires several proofs that are part of that test. So, what are they? One, we have to identify what the public interest at stake is. Number two, we have to determine if there's any detrimental effects that would ensue from the granting of the use variance. Three, can any of these detrimental effects be reduced by imposing reasonable conditions? And four, have to weigh the positive and negative criteria, which essentially is you're weighing the public interest, and that inherently beneficial use against any public detriment?

Mr. Krollfeifer: Can we just clarify so I understand exactly what you're talking about? I think they do. You're talking about a place of worship? That is not permitted in a highway commercial area. That's the use variance that you are requesting and you just enumerated the reasons why.

Mr. Remsa: First part, you're absolutely correct. That's why we're here. The second part was I identified the steps that we have to take under the sicca test. What I'm going to do is just go through those points of a sica test for the Board. So, the public interest at stake here is the house of worship with those ancillary social services and because it is inherently beneficial use. It automatically satisfies the advancement or the promotion of the purposes of municipal land use law and that's what the case law says, under the sica case. That was sica versus Wall Township, and I'm certainly sure Mr. Kingsbury will agree with these are the legal steps that we have to satisfy for this Board. Since we've identified the public purpose at stake.

So, number two, we have to talk about what detrimental effects may ensue from granting this use variance. So, when I look at this a lot of the potential detrimental effects revolve around a number of the bulk variances that are associated with this property. It's actually the setbacks from the parking and they're all related. I am not going to go through them all because Mr. Malinowski did a very good job identifying each one painstakingly. But they're all related to the shape of this lot, the size of the lot and the fixed improvements that are on the spot. Buildings that are there, because they are located closer to the eastern part of the property and to accommodate the 36 parking spaces, and to satisfy the industry standards for the design of those parking spaces, and to accommodate the trash enclosure, and the other items that are necessary, had the property function properly. We have

resulting deficient setbacks, the buffers and things of that nature around the edges. Your parking requirements in your ordinance are not related to a variance. They have their design standards. So, they hold a lower level of proof. But nevertheless, they were important for the discussion of this property and the parking proposed, I believe now, I think we're talking about having sufficient parking. I'm going to get to another part that's going to talk about the conditions, those reasonable conditions and the third part of the test. So essentially, you have this piece of property, certain size, certain shape, existing features on the property. As matter of fact, we're actually removing the residential part of this property building number one.

By doing so, we actually getting back space and improve and enhance at least the buffer along the western property line. Really reducing the intrusion into the wetland buffer. So given that the finding that is the detriment what kinds of reasonable conditions can be placed on this application to mitigate any of these detrimental effects. We started to talk about that with the last witness. I'll start off with the parking. So, it's my opinion, that a reasonable condition would be placed on that. When the parking demand reaches 80%, of the parking capacity, that's 29 spaces. So, when the applicant is operating, sorry, to see 29. And it's now happening repetitively, we have to go to a second day. That second day, what we have to do is we have to divide up the users of the food pantry evenly. Because we want to how do you do that? Well, you look at the folks by alphabetically last name, so that we can say, from A to L or M, we've got roughly 50% of our clientele come out today, and then the other so you can evenly divide, and then get it back down to a lower level of parking demand. I think it was said before that, even dividing the two, if we start to reach 80%, we have to go to a third day, and then you rework it so that alphabetically is almost evenly proportioned to come for the food pantry. Another reasonable condition. I think I have to thank Mr. Taylor for mentioning this because he said, What about special events or wedding? Well, you have 36 parking spaces, and in your ordinance, you can provide one parking space for three seats. So, we had that rule, that equates to roughly 108 people. What I'm saying is reasonable condition is the set at 100 And that's for all people on the site. So that way, you'll have sufficient parking based on your standards, and that we wouldn't exceed the parking demand. That way, we're able to have a reasonable condition and have no more than then 100 people at any one time for an event.

Then I said the last reasonable condition is to require the level of landscaping. That's in Mr. Taylor's report to be placed around the property and the aesthetics of the fencing. I believe Mrs. Tyndale asked the question, what's around the property? Well to the back are woods and then another parking lot. So, parking lot next to a parking lot in the woods wouldn't have such a detrimental effect, however, to be considerate to have proper aesthetics, you put in aesthetic fence up. Then to the east, we have Legacy, which is another social service provider. It was roughly 27 feet of open grass. So, we put another aesthetic fence with landscaping. Then of course, around the front to put the landscaping as prescribed in Mr. Taylor's report, and to the west, we have hundreds and hundreds of thick woods, actually a beautiful stream corridor and heavily vegetated areas. So, there's really no detriment at all to the west, from the proposal.

So those were the reasonable conditions that would allow for this particular use to be approved on this piece of property. So now we've got the way of the to the public interest, and the public detriment, which I believe it's not so great. So, the public interest is the house of worship with those social services, which are very much needed by the public, said so by case law. Then we have these reasonable conditions that would mitigate them down to have really not much of a negative impact at all to the parking lot in the back, the

woods in the back, the office building to the east, and there's no detriment at all. It's just beautiful woods. Then we've got wetlands that we really have to have wetland buffer. So, Mr. Chairman and Board members, with given that sica test proofs that I just gave you it's my opinion, that you can grant this use variance and the other bulk variances and the design exceptions that were associated with this if we adhere to those reasonable conditions. Thank you.

Mr. Krollfeifer: Thank you sir.

Ms. Edwards: I just want Mr. Remsa to confirm that the sica test that he refers to was set out by the New Jersey Supreme Court, correct?

Mr. Remsa: That is correct.

Ms. Edwards: So that is the test that the highest court in New Jersey has provided that's applicable to this case, that determination being made here.

Mr. Remsa: That is the required proof for all inherently beneficial uses in the State of New Jersey. As a planner, I have to provide the planning proofs for that.

Mr. Krollfeifer: Anybody on the Board have a question or professionals?

Mr. McKay: Does sica use the word substantial in weighing public interest versus public detriment, in other words, public interest has to be substantially outweighed by public detriment or substantial.

Mr. Remsa: It's not in the test.

Ms. Edwards: I just have one follow up question for the applicant. So, my single follow-up question for the Pastor Trappier. Do I understand correctly, that the County of Burlington has awarded the Beacon of Hope of \$400,000 grant for this project?

Ms. Trappier: Yes.

Ms. Edwards: So, in fact, you've already been awarded grant funds by the County of Burlington for this project.

Ms. Trappier: That is correct.

Ms. Edwards: That's all I have.

Mr. Krollfeifer: While you're up there, may I ask a couple of questions, not new stuff. This is just for the benefit of the folks in the audience that weren't here before. You presently have one location in Mt. Holly.

Ms. Trappier: Correct.

Mr. Krollfeifer: That location will be closed when you move to your new location.

Ms. Trappier: Correct.

Mr. Krollfeifer: How do you serve Delaware, Pennsylvania and New Jersey from Mt. Holly location? Because I read this in the newspaper and before you answer the question, I want to compliment you on the Woman of the Year Award. It's very admirable. That's where I saw this and I was like, well, we're not going to Pennsylvania and Delaware from Hainesport. What is the genesis of that?

Ms. Trappier: We have people that relocate from Delaware, Pennsylvania, and from different parts of New Jersey.

Mr. Krollfeifer: Meaning they moved to this area? Okay. I thought you were servicing those areas.

Ms. Trappier: No. When they relocate here, we service them.

Mr. Krollfeifer: Thank you. Any questions from the Board members or professionals?

Mr. McKay: Pastor, can you just give us a little more information about the nature of the of the 400k grant from the county? In other words, what are the purposes and uses for the grant money? Is this county money, state money, federal money helps understand?

Ms. Trappier: It is hard funding for the purchase.

Mr. McKay: So, its federal money dispersed through the county? What's the grant called?

Ms. Trappier: Community Development Block Grant, CV3.

Mr. McKay: What is the statutory purpose of the grants?

Ms. Trappier: To purchase property. It depends on what you're applying for. I applied for it to purchase property.

Mr. McKay: This is a grant that will assist in the build out development of this particular parcel.

Ms. Trappier: Correct.

Mr. McKay: Is any of the money also used for ongoing operating expenses and expensive?

Ms. Trappier: No.

Mr. McKay: So, it is to be used for development purposes?

Ms. Trappier: Correct.

Ms. Kosko: Does CV mean COVID funding third tranche?

Ms. Trappier: No, Community Development.

Ms. Kosko: It wasn't COVID funding?

Ms. Trappier: No.

Ms. Edwards: We rest our case, that was the last witness. We will gladly answer any additional questions that anyone has. I would ask that I be permitted to make closing comments after the public has its opportunity to provide its comments.

Mr. Krollfeifer: Yes. Granted.

Mrs. Newcomb: I have one quick question as the enforcement end. If the board would choose to approve this, and we talked about additional days for the food pantry, will it be outlined in that resolution as to myself or a future zoning official? That how it's described of hours of operation, meaning that if on Friday, she knew that it was going to be overkill, and the next group will be coming on Monday. Let's say A through L as Mr. Remsa has stated, if that's the case, for an enforcement issue, is that outlined in our resolution? I mean, clearly defined as those additional days as well as ours, because again, as I always say is that when this is all said and done, the zoning official in any town has to enforce the rules. So, with that said, having something outlined specifically in the resolution makes our jobs much easier. So, if that's the case, I would request that those items are clearly outlined in the resolution for myself or any future enforcement agent?

Mr. Krollfeifer: Duly noted.

Mr. Kingsbury: Yes of course, it will be in there.

Mr. Taylor: Just to kind of put that to bed, because based on the parking analysis, and when some of their other activities are going on. If you add additional days during the week, it can't be you have other events Monday and Wednesday, during that same period.

Ms. Edwards: It's Wednesday night.

Mr. Taylor: I have life skills classes on Wednesday from 9am to 1pm.

Ms. Trappier: Those are online.

Mr. Taylor: So, life skills classes aren't occurring on property?

Mr. Krollfeifer: The answer to your question, Mr. Taylor was no. The shake of the head was no.

Mr. Taylor: So, alright because what we don't want to do is add a second food pantry day on a day when there's already some other activity going on site. I think that should probably get fleshed out.

Ms. Edwards: Fleshed out in any resolution. If we're fortunate enough to get an approval, I think we need to flesh these issues out in the resolution.

Mr. Taylor: That is all I have.

Mr. McKay: The other formula you have to put in is a number at least for the special events cap.

Ms. Edwards: We have talked about that. We believe that the number is we were initially when we were bantering back and forth here. When we spoke about it on the record earlier tonight, we said 64 Because there are 64 seats in the house of worship. But what makes sense, we believe subject to the board's agreement, if we're fortunate to get an approval would be 100. That would be consistent with your parking standard for a house of worship. Correct.

Mr. Remsa: One hundred people total.

Ms. Edwards: We have 36 total parking spaces and it's three per which is 108, we would round down to 100.

Mr. Taylor: 100 is close technically our ordinance, I'm sorry to interrupt, one space per three seats, plus one per pastor plus one per two other employees. So, it's not just a straight gross at 1.3. So, I think 100 puts us close unless there are three pastors and four employees and then we're a little bit shy on that. So, I just want the Board and everybody to be clear it is one for three plus one per pastor plus one for two other employees.

Mr. Remsa: If you do the math, we said 100 total, that would include the pastor and the two employees. But actually, there's even less than 100 visitors Coming through the site, right? That's why we're saying, max out 100 people total inclusive of our staff and the pastor.

Mr. McKay: If you do a special event, it's going to be in the house of worship section, front section. I mean, you're not going to use the second floor, that is storage. You're not going to use the back building first floor. Well, at least in the cold weather, that's for sleeping. So, you got the fire department approval, did they give you maximum occupancy number for the house of worship? The fire department has formulas to figure out the maximum.

Mr. Werner: We would figure the occupancy based on egress components and look at the area of the building, you can either figure the occupancy by dividing a square foot figure by the total square foot, so number of square feet per occupant. I think for assembly use, tables, and chairs, it's 15 square feet per occupant. But in the case of any building, where you're determining the occupancy of the building, the owner has the right to post the occupancy if it's less than the maximum occupancy. So, if we agree that the maximum occupancy is 100, put on the walls. You get that approved by the fire officials.

Mr. McKay: If the fire official approves it.

Mr. Werner: Yes.

Mr. McKay: If he says it's 50, he's not going to abide by 100. The fire official says it's something other than that. If he says 90, you might abide by 100.

Ms. Edwards: Ultimately, we'll need to abide by what he says.

Mr. McKay: I'm saying, no one has gotten that number.

Ms. Edwards: Not yet.

Mrs. Newcomb: That could be a condition of the resolution. Yeah. Well, the condition would be special events cap would be subject to fire department approval like everything else.

Ms. Edwards: Yes.

Mr. Krollfeifer: We've come to that point in time, public comments. That's you folks in the back. It's your turn. Just a couple of things. It's called public comment, not public debate, not questioning the answer, not arguing. It's public comment from you in the public to us on the Board. I'm going to ask please, do not come up to the podium and start to talk and turn and badger the applicant or the attorney or any other professionals. It's not the purpose of it. It's for you to come up to the podium and address the Board. If you have problem with that, specifically address it to me. Okay. We want to allow people to talk. Each person will be able to talk for five minutes and I'll thank you for your comments. The we'll move on to the next one. And I want to do it in an orderly fashion. I don't want to go willy nilly and have people yelling and screaming and raising hands. Question Ms. Kosko, do we have people online.

Ms. Kosko: Yes, seven.

Mr. Krollfeifer: We're going to do a trial run in house first. So, I'm going to go from left side to right side. Anybody over on this side would like to speak please raise your hand come up to the podium. Mr. Kingsbury will swear you in. You have to clearly state your name and address and then we'll hear your comment.

Mr. Kingsbury swore in Janice Ludden.

Ms. Ludden: I have a bunch of notes that I kept modifying tonight as things changed. But I don't know if it's the best place for this church, but from what I'm hearing, the things that they're proposing to do, are exactly what any church should be doing. You know, house of worship is meant to reach out to the community to serve the needs of those around them. The pastor has a lot of experience. So, it's not like she's just envisioning a new something that she's bringing to the community. She's been doing this for 10-11 years. She's won very prestigious honor recently. I think that bodes well for she's bringing something and she's already been doing it. So, it's not like she's inventing it. The variances as far as the boundaries, and all those seem very reasonable, in my opinion. The parking has been bantered around a lot. I know there's concern about if it backs up on 38 and I understand that. I am wondering, we have Wawa right on the corner, people are pulling into the Wawa while people are backing out. Sometimes people are a little bit delayed. People are coming around the corner, people are coming through the light. I don't know how many accidents; how many people have been rear ended at Wawa. But this is further down. So, I'm thinking that it may not be as much of a problem as long as they keep it under control and make sure that they're keeping an eye on it. It sounds like to me, they also know who's coming. They have lifts or something that you know, they're talking about A through L or whatever. They're talking about peak times. But it seems to me that they can easily distribute, who comes more evenly throughout the day that they're doing it rather than having a peak time at nine or whatever. But it seems like there's some flexibility there.

Mr. Krollfeifer: The Wawa is closing.

Ms. Ludden: But it's been there. I'm just using that as an example of things that are already kind of confusion and traffic on that corner, which is even worse, in my opinion to what they're proposing. I'm just comparing current traffic and what we've lived with for ever since I can remember. The only thing that I have some concern with is they're paving a lot of area with an impervious surface. The way with climate warming and changing and more heavy rainfalls and the pollution in our waters that come like a lot from the runoff that I would like to see at least the parking areas not the part that you drive on. Maybe be like grass pavers or something that would allow the water to penetrate into the ground and that there be a lot more filtration of the water before it actually goes into the sewer system and into our water system. So, I think that's all of my notes. Thank you.

Mr. Schroeder: My name is John Schroeder.

Mr. Kingsbury swore in Mr. Schroeder.

Mr. Schroeder: I may have one concern and, in a word, it's safety. We've heard a lot of testimony tonight and heard testimony a couple of months ago. Regardless of what measures or procedures are taken to mitigate or to minimize the traffic coming into the Beacon of Hope. I don't think it's unreasonable to expect that we're going to see an increase in demand as time goes by. With regard to the fact that this location is adjacent to a very dangerous intersection, I think it's not the ideal place that I think would be a dangerous location for the place. That is all I have to say.

Catherine McNelis: 407 Bischoff Avenue.

Mr. Kingsbury swore in Ms. McNelis.

Ms. McNelis: You will have to excuse me if I repeat something because I don't hear everything because of my hearing aid. But I did hear something about Wawa and it closing and you can't count that. You can't worry about today; you have to worry about what's going to come in the future. Something else will be there someday. So doesn't matter that it's closed. But I understand that they want to have buses come, people get off the bus at Wawa and walk down to the site. My question is, now they're picking up groceries, clothes, whatever. How do they get back to Mt. Holly? How do they get back across the highway to a bus stop over there to go back. So, I think it's something we should consider. I think it's very dangerous to have it there. Because I go down there 28 years I went to Philadelphia, the cars come up on your side flying and they don't want too not be in front. So, they just keep going. If this person keeps going, they go right past where it says no more like they're almost to the seniors sometimes by the time they get it. That's just a dangerous place there. Besides the fact, I've been fighting for commercial property for 30 years. That's a commercial property that should be commercial business. Thank you.

Mr. Kingsbury swore in Nancy Beck.

Ms. Beck: I just wanted to elaborate on what Mr. Schroeder said about safety. I wondered if the Board had considered what occurs when there is an accident there and the street is closed and the residents of the Glen cannot get into their development, because they have one way in and one way out. I think that's important for the Board to consider and also the \$13,000 in taxes that we will be losing. How the Board will absorb

that and will that be made known to the residents of Hainesport? They're my two concerns. Thank you.

Kent Pipes: 35 Mt. Laurel Road.

Mr. Kingsbury swore in Mr. Pipes. Thank you. I rehearsed a number of times what I'm going to say, probably won't come out after I say it. When I go back and sit in my seat. Think about what I said. But you have professionals that sit at this table who advise you on the technicalities of the application. Unless either one of them said it is not a thing you should approve, get past it. You've already dealt with the variances, the condition and all the rest. What Mr. Remsa said is more important. Federal law says a church has a right to express its faith in the way it chooses because that's the fundamental nature of the way our company was formed. Congressman or Senator Hatch, a Conservative Republican and Senator Kennedy, a Liberal Democrat gathered and said churches are being discriminated against all across this country. They passed in Congress what's called the religious land use and institutionalized purpose act, which says the church is almost have an absolute right to live out their faith. St. John's Evangelical Lutheran Church versus Hoboken, New Jersey said churches have a right to house the poor, feed them, and clothe them as a fundamental right from the Judeo-Christian tradition. Thousands of years back is not just a new thing in New Jersey. If you dare vote against this application, and it has to go to court your going to lose and waste a lot of taxpayer's money in fighting the case. It is clear the law is on their side. When you vote, the requirements are that each one of you has to state the reason why you vote yes or no. You can't just say no and to let it go. You have to say why.

Mr. Kingsbury: That is not correct. Sorry to interrupt. That's not correct, they don't have to state their reasons. The reasons have to be stated in the resolution and then they vote on the resolution.

Mr. Pipes: Thank you, Mr. Kingsbury. He's one of my mentors. Right? He taught me a lot about law but that is one you missed. I want you to know that that Hainesport was a place poor people feel welcome. The poor people can get the services that they need, because we're a loving, caring community. I live right up the street. I pay taxes here for 24 years. I've have just a right to demand from you that we have a place for people who are in need, and not just set them someplace else. Courts are very clear. You can't deny people who are poor, a place in your community, that's Mt. Laurel, extended beyond just housing, into inclusiveness. We're a stronger community, when people feel they're welcome to have a place that give them dignity, and provide services that they need, whether it's people who are disabled, whether it's folks that don't have income or seniors. We have to provide for everybody. So, I would encourage you to get past some of the ugliness that can come out in a hearing like this, and do the right thing for the right reason. Friday, it's good Friday, for most of us who are Christians, we're going to celebrate the fact that Jesus did the thing he needed to do and I just encourage you tonight to do the thing you need to do.

Mr. Kingsbury swore in Thomas Colace.

Mr. Colace: I think that's sort of like a grandstand to me. I'm a good person. I'm a Christian, I'm going to celebrate Good Friday. As far as the sica test goes these services are here already. We already heard in testimony tonight, we're basically covering the same amount of area. They're just moving. That's somebody that convenience. I wasn't

here to judge that, that was going to be my reason for being here. But that sort of compelled me to say that. These services are already here and the courts going look at that they're moving two miles away. So, I don't think that you bring anyone's decision, that's my opinion. But my concern is no one talked about. I'm in the food business for 45 years. No one's talked about the refuge. Okay, you mean how the dumpsters what kind of food we're talking about? What has to get thrown away? In 45 years of being in the food business, that's a real problem. If you're not doing this properly, that 400 woods buffer becomes a breeding ground for rodents, rats, and everything. That was never asked, never addressed, we want to bring in any questions. But that's something that really needs to be addressed. I don't think we can do it now. It's a little late now. I don't know if it's how this works. But like I said 45 years in the food business, and I have no idea what kind of food. Anybody wants to come down I'm on. Exit 20. I run a processing plant. I ran within the Philadelphia produce market. I have my own place at Oregon and Swanson. You should see what dumpsters of food can be like in the middle of summertime. You're talking about a serious, serious condition if it's not properly taken care of and no one's addressed that. I think it needs to be addressed, especially in the neighborhood and you have a lot of people that live in those developments back there. I just think that was never addressed and needs to be addressed. I don't think that these decisions need to be made what's practical, what's best for all? I'm not here to judge. This stuff is currently being done right now. They are the only thing nine people in the shelter. I'm sure there's nine people in the shelter now saying that they have the church, they have two buildings, the topic answer that we're basically talking about the same square footage. So, no one's going to judge us on these services that we're adding. We're not adding them, we're relocated them. If it's better to relocate them, so be it or if it's not. That's my opinion.

Mr. Krollfeifer: I'm going to take a person from online if there are any comments.

Ms. Kosko: If anyone on line has any comments at this time, if so, can you unmute yourself.

No one replied from online.

Mr. Kingsbury swore in Judy Meli.

Ms. Meli: Going back to the first or second meetings, they were talking about Fridays being a four-hour window for the food or clothing pickup. It was stated that they had contracts with Uber, for transportation for people, and that the state had free passes for the public service buses. Walking, it's already been dispatched down there or trying to cross back over to get to a westbound bus is highly dangerous. The pastor had stated before that they would be bringing food to Mt. Holly, to the residents that couldn't get here. She also stated in the beginning of the meetings that if they couldn't get their Friday, there was a two-hour window Thursday night that they would be able to come, which has now changed I believe. There were also classes for finances, how to deal with and get out of domestic abuse and all that these classes are going to be held there. Now they're saying no. There's plenty of places in the county if she has 400,000 of county funding. There are empty schools that have rooms, plenty of rooms. They could take in more on code blues, they could have the classes. There's cafeterias and full kitchens. It's not a taxable building to the county. So, it wouldn't do the county any harm. Giving up one of these schools that could easily updated to accommodate this. Also, another alternative is what used to be the I don't know the track term for it. There's a prison across from the closed down college. That they close down the prison. It's rooms, its cafeteria, it's a gymnasium. There's

plenty of parking. Even at the schools, there's plenty of parking, a lot more room to make whatever need. Or for that matter, make use of part of the college. If the county is willing to give them the money, they use county buildings. Snap is ending, I believe at the end of this month, so there's going to be an increase. So, they're saying 70% to 80%. That's not much, if all these people are losing their SNAP benefits. And if 500 people landed, of the 500 people that landed in Philly came to New Jersey, then they're going to need a lot more room. But I think between closed down schools, or the closed down prison across from the college. Even a close down strip mall could easily be converted from breaking through walls, and take up the whole strip. given plenty of parking. But the schools and the county they're not losing anything where we would be, we would be losing a ratable. I think we've closed down schools a perfect situation. Thank you.

Mr. Krollfeifer asked again for anyone online. No one answered online. By the way, I want to compliment everybody who's spoken so far, I haven't even had to get close to a one-minute warning. So, thank you.

Mr. Kingsbury swore in Ed Moroney.

Mr. Moroney: Mt. Laurel Road, Hainesport. I have a problem with that parking situation, I took a ride there today just to see so that I would know what to say at this meeting. But that no way represents the space that's there. When I pulled in it's all grass. But there's not enough room for even 10 parking places, let alone 26 or 36. There's no way. So, I had to turn around, I have a small SUV, a Ford Escape, it's not a very big car. I had to back up more than one time to get back out of there. There's just no way that that's a genuine representation of the parking situation there. And right now, it's just all grass. There is no pavement there. So, I just didn't understand that. But when they look at the photo there that shows the true representation. That drawing does not. If you look at that photo, we'll see that space is just all grass. This is a piece of grass here. But the way it's drawn here, it looks like it's over here. It's like you can only get like 10 spaces, because I had to go get a small escape. I had to turn around like that to get back out. There's no room. So, I don't know what you're talking about their parking. But it doesn't seem to be accurate.

Mr. Krollfeifer: I appreciate your comments. And by virtue of what I'm about to say our professionals will look into it and make sure that what is being presented to us is what's represented on that diagram.

Mr. Moroney: Yes, it's the pictures not that diagram. That's exaggerated.

Mr. Krollfeifer: They know how to do it. Mr. Taylor and Mr. Miller are very good at what they do.

Mr. Moroney: Thank you, God bless.

Mr. Kingsbury swore in Ingrid Kelly.

Ms. Kelly: I am one of the owners of the property for 1285 Route 38. property. It was previously, my father's business, Aaron Levine. He passed away in 2017. It was an art gallery. Myself, my sister, my niece, and nephew are the current owners of the estate. My reason for coming up here, because it's very difficult to sit and listen, when people are talking about things that I know, to be fact or not fact. Prime example and I'm just going to address the parking issue. The area that the gentleman just spoke of previously, it's

grass because it was once a gravel parking lot and since the business has been shut down, it's grown over and become grass. What they're actually working on is what the existing parameter of the parking lot was. By the way, it is private property, so no one should be going on without my permission. Next, I would like to address the fact that my father had the business for 35 years. There has been constant foot traffic in front of that gallery. Even when I ran it after he passed for three years, especially when they opened up the legacy treatment center next door, people were walking constantly in front of us. Coming from the bus stop constantly walking on our property. In fact, I believe and I don't know who on the Board was here when my father came requesting a sidewalk at one time, and was told that was not the responsibility of necessarily Hainesport Township, but of the Department of Transportation. He was tired of people walking in his parking lot, especially before and after his normal sign business hours. Then the other issue with the traffic, the traffic has existed there and gotten worse, the entire 35 years he was there. And when the Department of Transportation put blame on the third lane that runs in front of our business certainly helped it out a lot. Because my father did a lot of business. He owned an art gallery, we hosted art auctions, and we set 30 to 40 cars when he would get his permit for his auctions, whatever he needed. It was rare. But when he had them, it happened. We fit many, many cars and the traffic existed and all the people that came to buy art day after day, week after week, we've never had a problem. I'm not saying I know that there's been no accidents on 38. I'm sure there is but where we are and how far down, we are from the intersection of Hainesport Mt. Laurel Road and Route 38. It is pretty far down to the left from us. Again, I'm not going to say I've never seen people speed. But with that third turning link into our lot, it certainly helped. We never had rear end collisions. We never had problems at least that I am aware of, or that my dad was aware of. I'm not going to say there's never been an accident. So, there's a business that lived there for 35 years. Now someone else wants to come in. Yes, I'm one of the owners, but it's not like it's an issue all of a sudden foot traffic is going to be worse, or the traffic on 38 is going to be worse because we had an existing business. That's all I wanted to say.

Mr. Krollfeifer: Thank you for your comments. Anyone else online. None.

Mr. Kingsbury swore in Audrey Winzinger.

Ms. Winzinger: My name is Audrey Winzinger. I live in Hainesport but we have a fair amount of properties that are in Mt. Holly. We are neighbors to Beacon of Hope. As a neighbor, Darlene and her team are very good neighbors to us. Darlene's a partner and she's stepped up and she's been very, very active member of our Main Street, Mt. Holly. She and I have done a lot of community projects together. I know her operation well, I see it very close up and I've seen it for a very long time. As I say, she is definitely a neighbor that we're all very proud of. But the main thing that I think that always amazes all of us is that if she can operate her current business, out of the postage stamp that she operates out of today with on street parking for all the cars that come and people that come and be a good neighbor while doing it. It certainly proves to all of us that she is smart, resourceful, and a good manager. So, they sit up here and listen to all the things and all the questions about how you're going to park and how you're going to get out and how you're going to get in. I know one thing, she'll figure it out, she's figured it all out. She figures everything out that we always watch go on there and she's worked with us and we've been able to work with her. I can't say enough good things about her operation and what she does for the people that she helps, and for the people that are around her.

Mr. Kingsbury swore in Victoria Boyer.

Ms. Boyer: I live at the Glen and I've been there for 19 years. I am opposed to a Beacon of Hope moving into this area. I was told that Route 38 is not zoned for a church. My concern is that if this is approved, it sets a precedent for all the other townships that border Route 38. Living in the Glen is a 55 and older community. We have a lot of residents that are over 70, 80, 90, years old. We live alone, some of them are disabled and having a homeless shelter next to a 55 and older community does not make sense to me. Suppose they decide they don't want to commit to it. Those players they will come across this Pixar residence. Now some homeless people operating due to a code blue and suppose they decide they do not want to be there for whatever reason. They are going to leave and wonder. The first place they will come across is the Glen, which puts our residents at risk. Now some homeless people do suffer from mental illness, some have drug and alcohol addiction, and it's risky. I don't think this was a proper place for the facility, Beacon of Hope. Mt. Holly seems to have all of the things that they need. They have a full time Police Department, full time fire department, plenty of parking which Hainesport does not have. We have a volunteer fire department. We have a police department and my concern is the residents are still not having business come in who's going to be paying taxes. Eventually our taxes are going to have to go up to compensate for the loss of revenue. Also, if there is a homeless shelter next to the Glen is going to decrease our property values and different times some of the residence may have to go to assisted living. It's going to impact the amount of sales of there home, which can be very hurtful for the residents. So therefore, I am opposed to this being approved by the Board. Thank you very much.

Mr. Kröllfeifer: Anyone else in the audience care to make a public comment. Nobody online. All right, public comment is closed. Thank you all for your excellent comments and adhering to the time requests and everything else. I appreciate it. I think we'll turn to our professionals. Now, if you have any other questions.

Mr. Noworyta: I have one question that was brought up last time about safety where this is located. From my understanding with the New Jersey law, and I could be wrong. If these people are getting off the public transportation by Wawa. If this is a state highway, if there's not a path or a sidewalk, what is stated is that people have to cross the street to walk against traffic so they can see the traffic coming toward them. So that means that if these people get off the bus, at Wawa, they would have to cross over 38. So, they can walk against the traffic so they can see the traffic coming. They have to cross over at Fostertown so that they can come to the Beacon of Hope. The people that are coming from the east, heading east would have to get out at Fostertown Road and cross over and then walk to the Beacon. Again, it's the state highway, Route 38 is a state highway. There's not a path I don't see a path and I talked about sidewalks back when I said from Wawa to the Beacon, there's no path and there's not a sidewalk. What is the answer to that?

Mr. Kröllfeifer: Do any of our professionals have any more comments? Mrs. Newcomb?

Mrs. Newcomb: No

Mr. Taylor: No, sir.

Mr. Miller: I would like to point out during their whole presentation. It seemed to me that we had to assume that the whole issue was parking and that they never indicated that there was going to be a pedestrian traffic to either worship or to the pantry. The whole

presentation was based upon vehicle traffic to the site. I didn't hear anything about pedestrian traffic from them or from us.

Mr. Noworyta: Well, I mentioned that the last time I was here in February. I said where's the sidewalk from Wawa to the Beacon? Nobody said anything? So, then I looked up online, and what it states and if it's a state highway, it has to be a path or sidewalk? If not, they have to walk to the far left of the oncoming traffic.

Mr. Mosley: So, it's New Jersey statutes 39.4-34. I believe is what you're referencing to. It talks about the fact that yes, on a roadway, you should if there's no sidewalk available on the left side of the road, or the opposite direction, however, it does say where applicable. I think, given the conditions on Route 38, as they exist today with the fact that there's an existing median barrier in the middle of the road, it's not applicable for the purpose of getting from the bus stop location at Wawa to our site. If there were a pedestrian and wanted to do that, to have them cross the road, go down, and then come back. So, I think given that it wouldn't be illegal for them to walk down the side of the road. It's not encouraged under law, but I don't think given the conditions on Route 38 as it exists today that it would be against the law, but I understand your comments.

Mr. Taylor: One follow up for that, would it be safer for there to be sidewalks?

Mr. Mosley: For pedestrian movements, it's always safer to have a sidewalk.

Mr. Taylor: So, understanding you don't have control from your property to the Wawa. Why is the applicant requesting, I don't think we ever really got any testimony, a waiver of sidewalk along the frontage.

Mr. Mosely: I think we testified to the fact that we were requesting a waiver because there is no existing sidewalk between our property today and the existing bus stop location. But correct me if I'm wrong, I think somebody did testify to that.

Mr. Taylor: But ultimately, if that's site came back in for approvals, they would be required and then there would be sidewalk, except on your site. So, I have an issue with the lack of sidewalk on your site, just from the Board standpoint. It's my opinion, you can't obligate them to make a connection in front of an adjacent property to do an off-site or on tract improvement. Knowing that there are folks who are anticipated to be using this from the bus stop, the less linear footage that anybody walks on a state highway, the safer they are. So even if somebody is walking for 100 feet on this site, but on the adjacent site, they have to walk on the shoulder. At least we made those folks safer for those 100 feet for that connection. So, I'm a strong proponent of sidewalks and I'm not particularly in favor of a waiver.

Mr. Remsa: Mr. Chairman, I agree with Mr. Taylor that we should provide sidewalk. However, because there's a bus stop to the east, we should provide it from the corner of our property on the eastern corner, and then cover it to the far western driveway entrance. Because going farther, is where you're going to hit the wetland stream and that's impractical to build. But I think a partial design exception for having completed all the way to the Western property line because that's where the wetlands are. But I think it's reasonable to have it to the eastern corner, which is where it's next to Legacy. Right, all along the frontage, and then ended in the proximity of the second driveway, that exits, that way someone walking along there can make their way into the property. And then in

the future, when other properties come in for any change or redevelopment. You make them connect into that eastern corner and then continue on down. That's a practical reasonable condition.

Mr. MacLachlan: We've made many applicants make off-site improvements such as jug handles, intersections.

Mr. Taylor: The state does at times and the county has, I would defer to Mr. Kingsbury about the Board's ability to impose an off-track or off-site.

Mr. Kingsbury: That's a state intersection, I don't think the Board would have jurisdiction.

Mr. Krollfeifer: Just to answer some questions that had been asked by other people. I'm not trying to testify but I'm going to testify between Wawa and the location for the pastor's church house of worship. Not only are there no sidewalks there, there in some instances, there's not even a shoulder. Okay. The reason I noticed I used to bike ride through that whole area. It was like I almost had a death wish where I used to try to leave Wawa and head west on Route 38. It's a difficulty or it's the points that have been raised are well taken. You know, the applicant is proposing you put a sidewalk in front of their property, which they could do. We would like that but they're not obligated to put a sidewalk somebody else's property.

Mr. MacLachlan: Ms. Newcomb, the name of the development on Creek Road. Scarborough built the development.

Mrs. Newcomb: Masons Woods.

Mr. MacLachlan: Correct me if I'm wrong. As part of that approval, they were required or a deal was made to build a sidewalk from that development up to Creek Road.

Mrs. Newcomb: We're going back 25 years ago. It's a bike path. It does go on their property because there is a 50-foot buffer between Creek Road and the development that backs up. That part of Creek Road is our property. So, it was part of the development that connection. I can't speak out of turn because I don't have a resolution in front of me. I don't know the conditions. From that corner that goes into Mason's Woods meaning the first left. That piece that goes out to the corner of Mt. Laurel Road and Creek it's pretty much asphalt and it I remember correctly; it's called a bike path. They could be defined differently. You have to be careful in the senses that something that happened 25 years ago in requirements for this application may not necessarily apply to it.

Ms. Kosko: I think it's because it's a local roadway, we own the road.

Mrs. Newcomb: One of the things I would ask the traffic engineer, what Ms. Kosko had stated about the application to them. In that application was it shown or requested a variance or a waiver from DOT not to have a sidewalk. What was part of your application in regards to sidewalks to them?

Mr. Mosley: So, the application that we made to DOT was for the change in use of the property from the commercial that was private previously to the house of worship. The change in use included not changing the existing driveways as they are today or as they

were approved previously for the commercial use. Under the DOT's access code, which are their guidelines. They have a letter of no interest submission where you can submit a package demonstrating that the change in use does not create a significant increase in traffic, which is a define thing under the DOT guidelines, meaning the new site does not generate more than 100 additional peak hour trips compared to what was previously approved or in this case grandfathered in because it was before. So, we're able to demonstrate that this use does not create a significant increase in traffic. We're not modifying the existing driveways. Therefore, it meets the criteria for the DOT to grant a letter of no interest in lieu of having to go for a new driveway permit. So, because of that, there's no obligation to submit site plans for the full application package. There's no obligation to provide sidewalk under that approval from NJ DOT. However, if the Board does decide the sidewalk would be desirable along our frontage. That can be accomplished through a separate construction permit application request to NJDOT. Because again, it's still their jurisdiction along the frontage.

Mrs. Newcomb: If the Board decided to approve and they requested the sidewalk to be there. Would it be fair to say that, the ultimate authority comes down to DOT saying yes or no.

Mr. Mosely: DOT has complete jurisdiction over any improvements within their right away.

Mr. McKay: With your history of dealing with DOT. If a sidewalk was proposed to them or frontage on the site whereas more limited sidewalk as was proposed. Are you able to say with any professional certainty what DOT's reaction to that would be for this particular site?

Mr. Mosely: As long as the proposed sidewalk meets the DOT roadway design manual criteria and the guidelines that they put forth for what they want to see as far as the size and location and design of it, most likely they would approve it. But it's always varying from location to location. But typically, if you propose a sidewalk along your frontage, and it meets their guidelines, they will issue a permit to construct that sidewalk.

Mr. Taylor: If for some reason DOT had an issue with that you would have the ability to actually relocate it to a sidewalk, immediately behind the right of way to avoid a DOT permitting issue, correct?

Mr. Mosely: Correct. If the township wanted to sidewalk and DOT said it could not be within the existing right away for whatever reason. There could be sidewalk put on private property with an easement granted for public access, assuming that the township did approve that.

Mr. Taylor: So, I'd recommend that it sort of handled both ways. So, if DOT says we're not in favor because there is no curbing in that location. I believe that sometimes they don't like sidewalk to be on it or within their right of way.

Mr. Moseley: Right. That's one of the things we have to look at if we did the design for it.

Mr. Taylor: So, they're not often not in favor of a sidewalk within their right of way unless there is curbing. So, if that issue happens, we'd like the ability for it to be either in the right of way as permitted by DOT, or within a sidewalk easement on private property.

Mr. Krollfeifer: Thank you. Counselor, closing arguments.

Ms. Edwards: Just a few comments. I know it's getting late and it's been a long, long road for everybody. So, just a couple of closing comments, just confirming that Pastor Trappier, who you've heard from considerably or to a large extent, great extent, during the course of this application. She would want me to convey that she's very much looking forward to bringing the house of worship, to this site, here in Hainesport Township. She's a resident of Hainesport Township and this is really a dream of hers, to bring the house of worship here. And to be able to serve God and community from her own community. That's special stuff, for lack of a better way to say it. She did want me to convey that there is no pedestrian component to this use. While there may be an occasional pedestrian who comes to the site, we don't have a pedestrian component to our use, to the house of worship. She testified early on that our congregation generally speaking, has vehicles. They have contracts with various services, such as Uber, to bring people to that site to bring people to her existing site, who don't have another way to get there. The pedestrian component of the use as it exists in Mt. Holly is, is different, it will not function that way. Here, those individuals who would walk now to the Mt. Holly site for food pickup, for example, will be serviced as the pastor testified. And I'm not testifying to quote the chairman. I'm not testifying because I'm not permitted to do that. But this is what has been testified to by Pastor Trappier. Of course, you could ask her to confirm this. She sits right in my left. The pedestrian component of the client base that comes to the Mt. Holly facility will be serviced on Thursday evenings by vehicle. We will take the food to those individuals who would have walked to the Mt. Holly facility. We will be transporting it in vehicles on Thursday evenings to them because they will no longer be able to walk to us. But again, we are a house of worship, as I said that's been our fundamental use. We've made that clear and continue to make that clear. And the pastor, as I said, is very excited about the prospect of being able to bring the church and the associated services to her own community, as we said, the county has granted us, given us a \$400,000 grant. And I'm going to take the liberty of telling you that Pastor Trappier invested and she can confirm this, she has, on behalf of Beacon of Hope already invested \$100,000 in this process in this site, in getting approvals for this site. So, I hope I didn't overstep by saying that, but I think it's important that you know that. But that's how committed she is to her own community to Hainesport Township to this site. And we thank you for your kind attention during our presentation over a number of hours that it went on. So, thank you very much.

Mr. Krollfeifer: This is the last time I'm going to ask the board members or professionals if they have any questions of the applicant? If not, it's up to the Board, now.

Mr. Kingsbury: The initial vote is whether or not to grant the use variance for the house of worship and food pantry. The site plan is the second issue. For the use variance, I need 5 yes votes.

Mr. Krollfeifer: We are talking about the Hainesport Township ordinance that does not allow a house of worship in highway commercial property. We have to take action on that first and if it passes, we then move on to the site plan, variances. If it doesn't pass, then we don't go any further.

Mr. Kingsbury: If the use doesn't pass, then there is no point on voting on the site plan.

Mrs. Tyndale: Mr. Kingsbury, when they were referencing the sica versus Wall Township. Was that case, having to do with a house of worship with the sica. And if it was, was dealing with a house of worship that wanted to be on a major highway.

Mr. Remsa: It wasn't. It was with a head trauma facility. What the sica case is about. It helped define the term inherently beneficial use. So, there are a number of inherently beneficial uses in New Jersey. Houses of worship are inherently beneficia, hospitals, head trauma facilities, community shelters, those are all inherently. So, but this was the first case that helped define what the tests are. So those steps that I described is what has to be followed and applied for any inherently beneficial use. That's why I had to use that as a planner because to use anything else would have been inappropriate, and I wouldn't have followed the law.

Mrs. Tyndale: Okay. I do have another question. So, how we don't permit it in the township to have a house of worship on a major highway So I've just been trying to go through in my head, you know, going down 38. And then I'm thinking 73, I'm thinking 70 And thinking a lot of the major highways that we have around here. Are there any churches around here that are on major highways? Is this a unique thing to Hainesport or is this like, an area or a New Jersey thing?

Mr. Taylor: I can ask that from a planning standpoint. It depends. It is completely a mixed bag; a lot of municipalities will allow places of worship and almost any zone in their community. There are some towns that try to keep a commercial core, whether it's synergy between retail uses or restaurant uses, and they provide certain zones where places of worship are permitted or conditionally permitted uses. So there really is no kind of planning standard if they should be or should not be on state highways. As Mr. Remsa was talking about with the sica test, normally, we talked about the positive criterion and application is a site suitable, does it promote one of the purposes of municipal land use. Then we talk about the negative criteria. So, what Mr. Remsa was saying is the case law under sica basically takes the need for addressing the positive criteria, and the purposes of zoning away from the Board. You really have to focus on what are the negative components of the application and then do those negative aspects., does the public benefit outweigh the negative components.

Mr. Remsa: Don't forget the reasonable conditions.

Mr. Taylor: Along with reasonable conditions.

Mr. Remsa: That's the balance. There are a lot of churches on Route 130.

Mrs. Kelley: Also 70 and 73.

Ms. Kosko: Mr. Krollfeifer, will be able to comment before we vote.

Mr. Krollfeifer: Yes. Let's do it now.

Ms. Kosko: So first, I want to congratulate Pastor Trappier for her honor as being named woman of the year. I think it's quite a prestigious thing and I congratulate you and all your efforts. It's very clear that you provide an amazing service to many, many people in the community. But first, I just want to back up to when you did submit your application to Burlington County for the Community Development Block Grant, that was back in

2021. At that point, you had sent an email requesting for me to write a support letter for that grant opportunity and in that email from you. You originally started out to just be a food pantry and clothes closet, but it has evolved to include the following services: Life Skills Training Center classes for parenting financial freedom, 21st century employment and no more abuse use domestic violence, children's summer feeding service, Salvation Army Service Center Salvation Army Cattle coordinator services for South Jersey, emergency Code Blue shelter, case management services for rental utility security deposit first month's rent, emergency transportation Uber lift, children back to school supplies, produce distribution site for Farmers Against Hunger, work in conjunction with the Burlington County Health Department for COVID-19, testing influenza and J & J vaccinations, home food delivery for disabled seniors and shut-ins, emergency meal placement emergency food distribution, clothes closet, winter clothing distribution, Thanksgiving and Christmas dinner basket distribution, and Christmas toys distribution. I'm currently in negotiations to purchase and renovate the site. Since the COVID 19 pandemic arrived we have seen a 200% increase in requested services and even though we have been able to continue providing much needed assistance, we have outgrown our present location. Then you listed all the various different organizations that you work with and that you also serve as a member of various different organizations as well. You cited a lot of well-deserved honors and awards. Stating that you have a mandate from God to feed the hungry, cloth the naked, shelter the homeless, and visit the sick and the shut-in

So that was the basis of your application to the county for the grant funding and then moving forward. In the article from USA Today, it does say, a nonprofit organization that provides hundreds of 1000s of pounds of food to people in New Jersey, Pennsylvania and Delaware and that you give out 600,000 to 900,000 pounds of food every year. Going through the article, it's a great article. Then also seeing there was a picture of the front of your current location, Beacon of Hope, showing signs, changing lives one part at a time, to receive food, you must wear a mask, food and clothing distribution every Friday from nine to one. Then also just different cited quotes as well. During the testimony for the last several months, you talked about the various programs and offerings that you provide, including the food drive, life skills classes, Code Blue, and things of that nature. Code Blue could be up to four months, 12 hours at a time. I do get the code blue notifications as the administrator for Hainesport Township. I see how often those code blue designations do get put out. I understand it's really in essence to open up funding resources for all the recipients. It could be up to 20 times within a month. So, if we just average that out, that could be up to 28 hours a week. Your life skills classes based on your testimony, two days a week from nine to one. That's about eight or nine hours per week. The food drive, if you extend that, that's currently nine to one. I believe it was Mondays and Fridays? Or was it just Fridays? Then also the clothing drive, maybe that was what was on Mondays.

There are all these different services and then for multiple hours, and then decided that the church services would be Sunday from 11 to 2 and then Bible study for one and a half hours. Mrs. Edwards opened up that we are a house of worship, that is the primary use, and everything else is ancillary. But when I do all the calculations, and I look at all of the documents and the emails from you, it seems that all the other services are primary, then the house of worship. I know it doesn't matter at the end of the day, it's an inherently beneficial use. But in all of the articles, it never once said that there were church services. On the front of the door at the center in Mt. Holly, it doesn't say church services and I get it. If that's something that you want to make a primary use now, I understand that but

based on everything that I've seen, read, and the testimony all the other uses seem to be primary, especially the hours that they're going to be presented and offered during the week. Now with that being said, I ran a senior center in Pemberton Township for 15 years. I am from Pemberton Township. I work with Madeline Mears and I work with the homeless shelter there. I understand what you do because I did it for 15 years. I understand the need and how you are definitely working through the Lord in this and it's unbelievably commendable for it. But for 15 years, I ran a lot of the programs that you run at our location in Browns Mills at 300 Brook Street. There are 44 parking spaces. We collaborated with the South Jersey Food Bank. I also collaborated with the Farmers Against Hunger. We oversaw a lot of the same programs, clothing distribution, we offered a congregate meal site. We offered transportation programs and social service programs as well. Recreation programs during and after hours at the Senior Center. We had to move our South Jersey food program from the senior center and this is a local road. It's a local road which distributes traffic onto the local roadway, Brook Street. We had to move it to another location because we had circular drive issues. We had accidents. We had traffic issues. We had parked cars that were unable to maneuver in and out of spots. We had pedestrian issues, very dangerous getting to the vehicles or to the food distribution location. Also, the Farmers Against Hunger, we had to move to another location. Actually, close to Buttonwood Hospital across the street to Imagination Kingdom because it was empty, and it was a huge parking lot. It really allowed for better circulation and safety.

I'm also concerned that I made a request to your traffic engineer for the actual application to DOT and that was not provided. The life skills classes, not once was that ever stated that those were remote. Now, all of a sudden, that was stated tonight. I've worked with vulnerable populations. I know that Burlington County currently offers a lot of the same programs, and they do that physically at their location on Woodlane Road. It's because it's very difficult to service that population online. It changed the way generally the format is in person. So, it's just concerning that the goal post seems to be moving. Everything has been changing, and that makes me uncomfortable tonight. Also living your experience for 15 years, I feel like I do understand the site suitability concerns and the safety issues. Because we had to make those adjustments ourselves and move those particular services to another location. So, I just want to say as a Board member. Those are my biggest concerns, the site suitability, living your experience, and understanding how things do change. But safety obviously, is a concern for me as a Board member at this point time. Thank you.

Mr. Kröllfeifer: So, Board, what's your pleasure? We need to take some action on the first variance request, which we have been talking about the last couple of minutes.

Mr. McKay: So, Mr. Chairman, I'll make a motion to grant the D variance that has been sought by the applicant. Weighing the necessary criteria, positive and negative as the applicant's expert as discussed and our planner has discussed. There's an inherent public interest in the house of worship, and as well as the ancillary Social Services proposed to be provided. Balancing that against detrimental impact or negative criteria. There is the issue of foregone real estate taxes, I suppose. There's the issue of the impact on the master plan. This is intended to be a commercial area and this would be diversions from that. And of course, there is the traffic/parking issues, which have been talked about too great length. But my motion states that balancing the positive criteria against the negative criteria and the positive criteria weighs more heavily. The applicant has proposed

reasonable conditions that have ameliorated whatever negative criteria may have been presented and discussed. So that's my motion.

Second: Mr. Krollfeifer.

Roll call: Mr. Noworyta, no; Mrs. Kelley, yes; Mr. Murphy, no; Mrs. Tyndale, yes; Ms. Kosko, no; Mr. Krollfeifer, no; Mr. McKay, yes

The use variance was denied.

Mr. Kingsbury: The site plan is mute because the use variance failed.

Mr. Krollfeifer: The request by the applicant for variance has been declined by the Board. We have some other business to attend to here. So, if you just exit quietly, we would appreciate it.

C. Case 22-11: 735 N. Clinton Ave. Inc.

Block 100.17 Lot 1.04

1352 Route 38

Use variance subject to site plan waive or subsequent site plan application

Attorney: Patrick McAndrew

Patrick McAndrew requested to adjourn the application to May 3, 2023. No new notice is required.

Mrs. Gilmore motioned to carry to the May 3, 2023 meeting at 6:30pm.

Second: Mayor Clauss

Roll call: Mrs. Gilmore, yes; Mayor Clauss, yes; Mr. Tricocci, yes; Mrs. Tyndale, yes; Mrs. Baggio, yes; Mr. Bradley, yes; Mr. Murphy, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries.

7. Minutes

A. Meeting minutes of December 7, 2022

Motion to approve: Mrs. Kelley

Second: Mrs. Gilmore

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

Motion carries to approve.

B. Meeting minutes of January 4, 2023 Reorganization.

Motion to approve: Mrs. Kelley

Second: Mrs. Baggio

Roll call: Mrs. Kelley, yes; Mrs. Baggio, yes; Mr. McKay, yes; Mrs. Gilmore, yes; Mr. Tricocci, yes; Mrs. Tyndale, yes; Ms. Kosko, yes; Mr. Bradley, yes; Mr. Krollfeifer, yes

Motion carries to approve.

8. Resolutions - None

9. Correspondence

- A. Letter dated February 8, 2023 from Burlington Co. Planning Board to Mr. Floyd
Re: Hainesport Logistics Center-BTS III Hainesport Block 42 Lots 1, 1.01, 1.03, 2, & 2.01
- B. Letter dated February 8, 2023 from Burlington Co. Planning Board to Deacon Zito
Re: Our Lady Queen of Peace, Punch list of uncomplete improvements within county right-of way Bock 91 Lot 3
- C. Letter dated February 15, 2023 from Burlington Co. Planning Board to Mr. Holshue
Re: Hainesport Logistics Center-BTS III Hainesport Block 42 Lots 1, 1.01, 1.03, 2, & 2.01
- D. Letter dated February 17, 2023 from Midlantic Engineering Partners to Mr. Taylor and Mr. Miller
Re: Resolution 2023-03 Block 96 Lot 2.04 6 Berry Drive
- E. Letter dated February 21, 2023 from Burlington Co. Planning Board to Mrs. Tiver
Re: BTC III Hainesport LC Urban Renewal, LLC Block 42 Lots 1, 1.01, 1.03, 2, 2.01
- F. Letter dated March 2, 2023 from Taylor Design to Joint Land Use Board Members
Re: Longbridge Farms LLC/Ravikio, Block 103.01 Lots 1 & 8 Block 113 Lot 4.05
- G. Public Notice for application to DEP
Re: Longbridge Farms, LLC Block 103.01 Lots 1 & 8, Block 113 Lot 4.05 Reduction of wetland buffer/transition area
- H. Letter dated March 6, 2023 from Alaimo Engineers to Mr. Krollfeifer
Re: BTC III Hainesport Logistics Center, LLC Block 42 Lots 1, 1.01, 1.03, 2, 2.01
- I. Letter dated March 13, 2023 from Taylor Design to Mrs. Newcomb
Re: Performance Bond Release Hainesport Commerce Center Block 83.01 Lots 1-3; Block 96 Lot 1; Block 96.01 Lot 1
- J. Letter dated March 15, 2023 from Taylor Design to Mr. Krollfeifer and Board
Re York International Corporation Bock 96 Lot 2.04 6 Berry Drive
- K. Hainesport Township Resolution 2023-50-3: Authorizing release of Hainesport Commerce Center Urban Renewal, LLC performance bond and requiring posting of cash guaranty for remaining landscaping improvements
- L. Letter dated March 16, 2023 from Alaimo Engineers to JLUB Members
Re: York International Corporation – Block 96 Lot 2.04, 6 Berry Drive. Final site plan approval

Motion to accept and file: Mrs. Baggio

Second: Mrs. Tyndale

Roll call: Mrs. Baggio, yes; Mrs. Tyndale, yes; Mr. McKay, yes; Mrs. Kelley, yes; Mrs. Gilmore, yes; Mr. Tricocci, yes; Mr. Bradley, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries.

10. Professional Comments

Mr. Miller: That was a very interesting meeting.

11. Board Comments

Mr. Tricocci: I did not know I could get up to speed with the previous meeting.

Mr. Krollfeifer: This is like the first that we had went to three meetings. I've been on the Board for 17 years that we had two meetings and I had to listen to the tape. You can listen to tape and Paula Tiver fills out a form that certifies that you can hear the case and vote on it.

Mr. MacLachlan: I am not against the use just the location. It's a shame, when this application first came to light. We have the economic development committee, are we still doing that.

Ms. Kosko: Yes.

Mr. MacLachlan: I would encourage the municipality to find a location for it.

12. Public Comments

Mr. Krollfeifer: Opened public comment. None. Closed public comment.

13. Adjournment

Mrs. Gilmore motioned to adjourn at 10:30pm.

Second: Ms. Kosko

Roll call: All in favor.

Paula L Tiver, Secretary