

**HAINESPORT TOWNSHIP JOINT LAND USE BOARD  
MINUTES**

**Time: 6:30 pm**

**May 3, 2023**

**1. Call to Order**

Mr. Krollfeifer called the meeting to order.

**2. Flag Salute**

All participated in the Flag Salute

**3. Sunshine Law**

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

**4. Announcement of “No new business after 10:30 PM”**

**5. Roll Call**

Present: Mayor Clauss, Mr. McKay, Mrs. Kelley, Mrs. Gilmore,  
Mr. Tricocci, Mrs. Tyndale, Mrs. Baggio, Ms. Kosko,  
Mr. Bradley, Mr. Murphy, Mr. Krollfeifer

Absent: Mr. Noworyta, Mr. MacLachlan, Mayor Clauss (departed 6:40pm)

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 22-11: 735 N. Clinton Ave. Inc.**

**Block 100.17 Lot 1.04**

**1352 Route 38**

**Use variance subject to site plan waiver or subsequent site plan application**

**Attorney: Patrick McAndrew**

Mayor Clauss and Mrs. Gilmore recused themselves due to use variance.

Mr. Kingsbury swore in the following witnesses: Alex Rosenthal, Mark Remsa, Israel Delgado.

Mr. McAndrew: This will be the order of testimony. Mr. Rosenthal and I will go over the use characteristics. Mr. Delgado will go over the conceptual planning and Mr. Remsa will do the planning issues.

By way of introduction, I just want to make clear a couple of things. This is only a use variance. We're not submitting tonight for a site plan or any bulk variances. We're bifurcating. So, if a use variance is approved, we'll come back with a site plan later and with any bulk variances later. This is just a use variance use. Although it involves a used car dealership, a number of them, it's based on a new way of doing business. It's not a traditional car dealership. The way New Jersey law is written, you can have a dealership, you have a small office and if you have to cars on site. Most of our sales are going to take place on the internet.

Mr. Rosenthal: Yes.

And we'll go through the use. But basically, it's not the traditional dealership, it's going to be a number of dealers, each who have a small space of offices like a corral. They'll have two cars on site. But they won't be on site every day. We'll be working based on the internet. But that the way it's laid out, it can qualify as dealer because you have two cars and you have a little office.

Mr. Krollfeifer: So that would be each dealer has to have two cars.

Mr. McAndrew: Yeah. Mr. Rosenthal, your representative of the applicant, you are familiar with how they do business.

Mr. Rosenthal: Yes.

Mr. McAndrew: We're going to go through this. The house that is there is going to still be used as a house. You'll have a caretaker and employee you live there. That person will be on site.

Mr. Rosenthal: Yes.

Mr. McAndrew: You're going to have 16 dealers on site? They'll be in the existing building and you're going to build small offices. That's where they can hang their license. Each have an office and they can have the two cars outside or in side of the building.

Mr. Rosenthal: Yes.

Mr. McAndrew: So, you'll have 16 dealers onsite and will be in the existing building.

Mr. Rosenthal: Yes.

Mr. McAndrew: You are going to build small offices.

Mr. Rosenthal: Yes.

Mr. McAndrew: That is where they can hang their license and have an office. They can have the two cars outside or in the building.

Mr. Rosenthal: Yes.

Mr. McAndrew: Basically, you'll have 33 cars in inventory for 16 dealers the dealers.

Mr. Rosenthal: Yes.

Mr. McAndrew: The dealers will not be on site every day. How did they do business?

Mr. Rosenthal: No. It's essentially, it's everything you go to online. If you want to buy a car, just example like have 16 company, it will stop by in Hainesport in my place. And you see just example Hainesport dealer Association, you go online. 16 dealer, 16 website. Each website has 15, 20 cars. You'll go online 16 by 20, it's about 300 cars online. If you like a car, we have a guy to work with my application, phone application. If you like this car and leave a deposit; it doesn't matter how much. Then they bring the car to your home. If you want to sell your car to sell us, we buy your car. That's it. You don't have to go anywhere. You stay at home and the car goes to your home.

Mr. McAndrew: You said online, you'll probably have 300 cars with all dealers but only have 33 spaces. Where do the cars come from?

Mr. Rosenthal: Yes. They come from auction. The car can stay at the auction for 90 days. A picture is put online and sell it.

Mr. McAndrew: You would deliver it to me and drive it over to me.

Mr. Rosenthal: Yes.

Mr. McAndrew: When you get cars delivered on site here for the 33, they're driven.

Mr. Rosenthal: Yes.

Mr. McAndrew: So, there's no trailers pulling up. There is no offloading on Route 38.

Mr. Rosenthal: No trailers. It is going to be quiet. It's a different way and not like usual dealerships. There is only going to be 32 cars in this space, no more.

Mr. Krollfeifer: Mr. McAndrews was asking that there will be no trucks parking on Route 38 to unload vehicles.

Mr. Rosenthal: No.

Mr. McAndrew: The deliveries will be someone driving the car over. If it goes to my house, we'll drive it over to my house.

Mr. Rosenthal: Yes.

Mr. McKay: So, to sum it up, the physical location that we see today will have the same appearance.

Mr. McAndrew: I don't think the Board will allow that. I think we have to come back with a site plan and fix it up. It will be the same building. But I think we have to improve the site.

Mr. McKay: In terms of cars parked and things like that, basically, it's the same. There's 30 or so cars out there today, there'll be 30 or so cars out there today parked pretty much the same place.

Mr. McAndrew: Well, we do have a plan, conceptual plan. We can go through that with the next witness to show you we're going to park and eventually we're going to come back with a site.

Mr. McKay: Why not put the site plan in now?

Mr. McAndrew: We're allowed to bifurcate under the statute. We didn't want to engage an engineer to redo the site until we were sure we're past the usage. Which is not unusual, people do that. We do have a conceptual plan and give you a rough idea of what we intend to do.

What is the employee that is on site living in the house. Is that employee's hours 9am to 5pm.

Mr. Rosenthal: Yes.

Mr. McAndrew: What kind of training did your dealers get and how did they get training?

Mr. Rosenthal: All training we do online by zoom. Three weeks we teach people how to get license, how to buy a car, and how to sell a car. We give people, 16 new dealers. It takes about three months.

Mr. McAndrew: So, the training is online and then the sales are online. Yes. And you expect the dealer to show up.

Mr. Rosenthal: Yes, one at a time by appointment only. Everything by email and application. That's it. If your dealer wants an appointment he comes to place. He cannot go right away. He makes the appointment to do something, some paperwork, and some mail. The mail, FedEx, everything goes there.

Mr. McAndrew: So, the only employee that should be there every day is the caretaker. He lives there.

Mr. Rosenthal: Yes.

Mr. McAndrew: Does the Board have questions about the use before I go to the other witnesses?

Mr. Krollfeifer: I just want to clarify one thing. Maybe I'm jumping to the wrong conclusion. But from everything that you've testified to, there's going to be 32 vehicles over there probably at all times. Well, you have to have two vehicles for every dealer. I cannot understand if one of the cars sells and you don't replace it for two days later. But basically, we're looking at 32 cars parked over there.

Mr. McAndrew: On the plan there's accommodations for 38 cars. 33 for sale with the dealers. The other five are for people coming, caretaker, handicap, that kind of thing. Caretaker anytime.

Mr. McKay: Does your client owner control the garage building on the next street back? You're talking about a used car lot with a little house? There's the street behind it and then facing that street is the garage. Is this party of your property and part of the application.

Mr. Rosenthal: In the garage with offices and put extra cars inside the garage.

Mr. McAndrew: That is where the office corrals are and some parking.

Mr. McKay: Not in the house close to Route 38.

Mr. McAndrew: No, the house will be a house.

Mr. Rosenthal: It is not a garage, no repair shop.

Mr. McKay: It use to be a garage and repair shop.

Mr. Rosenthal: No, we don't want to.

Mr. McAndrew: We attached to the application, the old approval where there was repair work and bodywork. Also used cars were allowed to be sold up to 13 or 14 in the old approvals. So that's kind of the history.

Mr. McKay: Smith owned it and then the successor to Smith.

Mrs. Tyndale: What happens if they want to purchase the car online and then they want to take possession of it at your place. But then when they get there, they don't want it. What happens to that car?

Mr. Rosenthal: If you want to come, you do the application. If you don't like the car, you don't take it. If you want to drive one or drive another. That's it.

Mr. McAndrew: So, you're saying the delivery of the car will be at my house, test driving it, and if I don't like it, you will take it back.

Mr. Rosenthal: Yes. No obligation.

Mrs. Tyndale: It comes back to your place?

Mr. Rosenthal: Not my place. There are 300 cars, it would go back to auction. If car is in the auction.

Mrs. Tyndale: But why the 32 cars, why if they're all coming from auction then where are the 32 cars coming from.

Mr. Rosenthal: From the auction too. We have to show we have something. It doesn't matter:

Mr. McAndrew: The inventory is coming from the auction, but there's a minimum of 32 on site to qualify as a dealer. You need two cars, plus the office per dealer. Even if you are selling online and not there.

Mrs. Tyndale: What if I am selling my car to you? You're bringing me a car from auction and then I'm selling you, my car. So, what happens to my car then. Does it go back to your place?

Mr. Rosenthal: No, it goes back to auction. We sell it at auction right away.

Mr. McKay: People actually purchase cars like this.

Mr. Rosenthal: We are changing the industry.

Mrs. Tyndale: What is the average age of your customer?

Mr. Rosenthal: Yes, any age.

Mrs. Tyndale: Is there a lot of young people buying these?

Mr. Rosenthal: Yes. They are buying even 60, 70, and 80-year-olds, everybody.

Ms. Kosko: My car was delivered directly from the auction site; Ohio and my dealer was in Arkansas. They delivered it to my home and took my trade in car.

Mrs. Tyndale: Without even seeing it?

Ms. Kosko: I did everything online.

Mr. Taylor: Do you have another facility that you're operating like this?

Mr. Rosenthal: Yes, I have pictures in Delaware.

Mr. McAndrew: These pictures are in the Board's packets. They show the little offices.

Mr. McKay: These pictures are of someplace else. Would this place mimic that?

Mr. McAndrew: Yes, exactly. It is in Delaware. It's basically the same setup.

Mr. McKay: Those little cubicles or offices would be back in what I call the former garage.

Mr. McAndrew: Yes.

Mrs. Baggio: Each one of these little cubicles is a dealership.

Mr. McAndrew: Exactly.

Mr. Rosenthal: When I spoke to Mr. Taylor, one cubicle a couple years ago during the pandemic made a gross of \$10 million.

Mr. McAndrew: People don't really work there. They're on the internet, wherever they are.

Mr. Rosenthal: Many people make international sales too. We don't need to bring car anywhere to buy. To port, shipping and that's it. Money coming in from overseas. It takes about 3 months, maybe one month to ship from port.

Mr. McAndrew: If there are no further questions, I'll turn to the architect.

Mrs. Baggio: These are the people that will be the use car dealers and probably not people currently use car dealers. They are going to learn to be a used car dealer.

Mr. McAndrew: They learn first.

Mrs. Baggio: So, they learn first and then can setup shop.

Mr. McAndrew: Yes.

Mrs. Tyndale: Each one of the cubicles is a dealership? Each one is their own business.

Mr. Rosenthal: Yes. It is 16 companies and 16 licenses.

Mrs. Baggio: In the issue of 32 cars, it is just a technicality to meet the requirement of New Jersey Law that a car dealership has to have one office and two cars. Even if they don't do any business physically there.

Mr. McKay: Where do you go if you have a complaint as to the cars purchased?

Mr. Rosenthal: You contact the dealer and is going to fix problem in 24 hours.

Mr. Krollfeifer: Where does fixing the vehicle take place? I come I pick up the car, drive it for a day or two and something's wrong. Something's wrong with the steering. Something's wrong with the brakes. Where do I take it to get it fixed?

Mr. Rosenthal: We do not sell cars without guarantee. We buy a guarantee for 6 months or one year.

Mr. Krollfeifer: Where to I take my car to get it fixed?

Mr. Rosenthal: When you bought the car you received a bill of sale, contract. A repair shop you have guarantee for one year. The transmission, you only have two things.

Mr. Krollfeifer: Where is the repair shop?

Mr. Rosenthal: There is a thousand repair shops that that this insurance. We buy insurance for repair.

Mr. Krollfeifer: I am not understanding your answer. I'm in Hainesport and I have a problem with the transmission. Where do I physically take the car to have it fixed?

Mr. Rosenthal: You have a contract with us. There are maybe 100 repair shops you take it there and show our contract. We pay just 599 for your insurance. You go and show it and it will be fixed. Any car is going to be fixed.

Mr. McAndrew: You have a list of authorized dealers.

Mr. Rosenthal: Yes. Maybe around here 10.

Mr. McAndrew: If I have a problem with the transmission, I look at the list and go wherever I want.

Mr. Rosenthal: Yes.

Mr. McAndrew: I am not going to get it fixed here.

Mr. Rosenthal: No, we don't have repairs.

Mr. McKay: So, you have these 32 cars parked there. Do you expect customers to come there in a more traditional way to shop for cars?

Mr. Rosenthal: Not really.

Mr. McKay: These cars just sit there to satisfy the two-car requirement.

Mr. Rosenthal: Yes. Why do you want to come, you can just check it out online.

Mr. McKay: One may want to actually see it in person.

Mr. Rosenthal: Just go online and we will bring it to your home.

Mr. McKay: You're going to at least have the possibility of some customers coming.

Mr. Rosenthal: We can come to your house, your work, or any place. Just make an appointment, that's it.

Mr. Taylor: Do you get some walk-in customers at your other facilities?

Mr. Rosenthal: No. Today everything is online. Business is only online.

Mr. Taylor: What is the address of the Delaware location and is it operational now?

Mr. Rosenthal: Yes. 2850 Oakland Road, building 3 unit 4 Newark, DE.

Mr. McKay: Do the 13 or so dealers that would operate out of this place rent space from the owner? What is the relationship between the dealers and the property owner for the use of the property?

Mr. Rosenthal: If you are a dealer, you need to have a secretary, lawyer. You have to take employment. If it is a co-op, we have only one account, only one lawyer, and only one everything. Everyone saves money.

Mr. McAndrew: The question is am I renting a little room.

Mr. Rosenthal: No, it is not a room, it is a cubicle.

Mr. McKay: I am trying to understand the business relationship. It sounds like the dealer must pay a fee or some compensation and in return for that the dealer gets to operate out of the cubicle and he gets the shared use of the service professionals. That is the secretary, the accountant, and lawyer.

Mr. Rosenthal: It is cheaper.

Mr. McKay: I see the efficiencies of it. I'm just trying to understand. In my mind, I'm thinking of a traditional landlord and a bunch of tenants. They buy more for their money than the cubicle, they also bought services. Is that the relationship that you're talking about here with your dealers?

Mr. Rosenthal: Everybody has to pay for something, everything is shared: water, taxes, etc. It is not free.

Mr. Bradley: Will the 13 dealers pay you any more to use the cubicles that they are assigned to.

Mr. Rosenthal: Yes, of course.

Mr. Krollfeifer: How many cubicles are you going to have?

Mr. Rosenthal: 16.

Mr. Krollfeifer: The dealers do not have to share a cubicle.

Mr. Rosenthal: No.

Mrs. Baggio: Who pays the utilities?

Mr. McAndrew: Well, there's only one owner landlord. So, you're going to pay that and then people will pay you.

Mr. Rosenthal: Yes.

Mr. Taylor: Are they individuals or they LLC's? Is everyone a separate dealer?

Mr. Rosenthal: Everyone is a separate company, 16 LLC or 16 corporation.

Mr. McKay: 735. North Clinton Avenue Inc. is the landlord. Essentially.

Mr. Rosenthal: Yes.

Mr. Taylor: Do you will have a facility in New Jersey operating and where?

Mr. Rosenthal: Yes, 474 Calhoun St., Trenton, NJ and 735 North Clinton Ave., Trenton, NJ.

Mr. Taylor: So, two in Trenton. It's a regular operation. Calhoun St. has about 40 cars and the other about 60 cars.

Mr. McAndrew: What do you mean regular operation?

Mr. Rosenthal: One dealership not like this.

Mr. McAndrew: Like a traditional dealership.

Mr. Rosenthal: Yes.

Mr. Taylor: Walk up customers, not an internet.

Mr. Rosenthal: It's called old fashioned.

Mr. McAndrew: The one in Delaware is like this and the two in Trenton are traditional.

Mr. Rosenthal: Yes.

Mr. Krollfeifer: A follow up question to Mrs. Tyndale. Suppose I am buying a car from you, and I see what I like I signed the papers and everything else to the dealer but I'm going to trade my car in. How does that work? I know it works if I go to a dealer. How do you or somebody from the dealer check my car and give me a trade in.

Mr. Rosenthal: We'll bring you a car. You tell me, Alex I want to sell this car. We check the VIN number and in five minutes give you a price for this car. We tell you exactly price. We check everything, Carfax, it's going to be accident, no accident, how many owners. Then we give you exactly the price.

Mr. Krollfeifer: You keep saying I, meaning yourself. Are you doing it?

Mr. Rosenthal: No, it's just an example. If someone is going to come to your house, they are going to be professional. A used car dealer.

Mrs. Tyndale: So, it is one of the 16 dealers. You will bring me the car, take mine and leave.

Mr. Rosenthal: Yes. If you bought the car for \$10,000 and we buy yours for \$5,000, then you only pay \$5,000.

Mr. McKay: It says it sounds like the ad on TV. The truck drives up with the BMW and drops it off in front of this palatial house and the woman comes out all jumping up and down, because she just got her new car. The transaction occurs on the curb and that's it.

Mr. Rosenthal: Yes.

Mr. McKay: Your presentation says this involves a car dealership incubator program, 10-week paid training course. We haven't heard anything about that. Is that involved in this application?

Mr. Rosenthal: Yes. You have to teach people how to do this. They take people into auction. They need to know how much it costs and pay for a trade. You have to go to school.

Mr. McKay: All right. So, I'm an old guy. I've been buying and selling used cars for years, I could buy into your coop and use one of your offices to continue my business, correct?

Mr. Rosenthal: Yes.

Mr. McKay: Or I could be a young guy who's never sold a used car in his life yet, but he wants to get into the business, then he could come to you and buy into your coop.

Mr. Rosenthal: Yes.

Mr. McKay: You would teach him how to buy and sell cars. So, he could start up his own business out of your coop?

Mr. Rosenthal: Yes.

Mr. McAndrew: He did mention for the training on the internet, through zoom.

Mrs. Baggio: Is it your responsibility to make sure that when he applies for his license, ultimately, that guy has to be approved by the state in order to conduct business? So, is that part of the training that you provide?

Mr. Rosenthal: Of course, it's on the application.

Mr. McKay: Is this training done in the building or is that online?

Mr. Rosenthal: Online. Everything is online.

Mr. Bradley: Is that fee based?

Mr. Rosenthal: It is free.

Mr. McKay: Free if he buys into your coop.

Mr. Rosenthal: Yes, of course.

Mr. McKay: Let me get into more site plan issues. I'm just trying to picture the visuals of this location a year from now. if this was approved.

Mr. McAndrew: We do have a conceptual plan. We could go through that.

Mr. McKay: I know you do not have the site plan before us. I think under having the conceptual and trying to understand the site use would be helpful.

Mr. Taylor: As part of the use variance, the applicant will have to talk about how this site is suitable for this use, and address the negative criteria of what any of those concerns the

Board may have. So, they do have a concept plan and we've asked them to go through and provide some of those.

Mr. McKay: I did note that on the letter, February 1, from Mr. McAndrews that the site is referred to as one lot number. Actually, we are talking about multiple lots, aren't we?

Mr. McAndrew: I think it is one lot.

Mr. McKay: It's one lot even though there is a street.

Mr. Taylor: There is not actually a street. It is the old Bob's Collision. There's a house in the front and there is a driveway between the house and the garage.

Mr. McAndrew: The survey has it at twenty thousand square feet and its lot 1.04. There is a sewer easement that goes around it.

Mr. Taylor: Are all the cars sold to individuals or any sold to dealers?

Mr. Rosenthal: It's wholesale dealers maybe 50% wholesale and overseas.

Mr. Taylor: So, this is not just automobile retail sales.

Mr. Rosenthal: No, it is both.

Mr. Taylor: So, 50% is wholesale.

Mr. Rosenthal: Maybe more wholesale and sales overseas. I think about 65%.

Mr. Taylor: Where do the overseas cars go when they are purchases? Obviously, you're not driving that car directly to them.

Mr. Rosenthal: It is easy. We bought in the auction, put in a 5, 6, or 7 car trailer, and the goes to port.

Mr. Krollfeifer: The gentleman, a board member, behind you has a question.

Mr. Murphy: Is this a relocation of an existing business you have in the region now or is this a start up location.

Mr. Rosenthal: It is a startup.

Mr. Murphy: Do you have other businesses in the area like this?

Mr. Krollfeifer: In Delaware.

Mr. Delgado gave his qualifications and the Board accepted.

Mr. McAndrew: Mr. Trevino prepared the plans and had a medical issue today. Can you tell us about the plan and what we are doing.

Mr. Delgado: This is a conceptual site plan and we felt it was strong enough to present it this way. Because it was an existing condition before it was a dealership back on the report.

So again, we're just going to call this the conceptual site plan for now. I believe that all the comments here would be addressed in the major site plan. Lightning, more setback dimensions. There are some residential that we discussed that you have the parking allocated for and yes, again, just conceptually, this is what the site actually looks like when he does open the business. The cars, they're just going off of his business concept as a whole. It's basically like he repeated, it's all online. So, it's just to make things for his business to have the two cars per dealership on the lot itself. So that is really where the bulk of these cars are going to sit. They might sit there for days, weeks, whatever, but it's not really how businesses run. It's run off of the auction, where everything sits. Most of it is done online, it gets shipped out. So basically, the reason why we felt strong enough to show it this way, without going into the conceptual site plan without going to our engineer for it was basically because it was existing. It was set up to be this way before. He's not going to be moving trucks in and out there's no radius to turn at all for those. So that's why it's actually perfect for businesses to set up because there's no way you could actually have those trucks coming in and out so there's no space for it. All the parking spaces as you can see here are pretty much the capacity of what you can do there.

Mr. McKay: So, no loading, no unloading of motor vehicles. All vehicles get there on their own power.

Mr. Rosenthal: Yes.

Mrs. Baggio: You have space for 16 dealerships with roughly 32 parking spaces. If you only get 10 dealers, it's still only two cars a total of 20 cars.

Mr. Rosenthal: Only two.

Mr. McAndrew: Some of the spaces are inside of the building here, some are outside, some are double stacked because they have hydraulic lifts where you can store them one over the other.

Mr. McKay: There's an understanding and then the applicant would agree that there would be a fixed maximum of cars or trucks on site.

Mr. McAndrew: Absolutely. I believe we stated that only one dealer can visit the site. It could be a condition of approval, no onsite deliveries, no deliveries on Route 38. We expected the testimony to be tracked for this condition.

Mr. Kingsbury: There will only be one dealer at a time on site.

Mr. McAndrew: Other than the employee at the house, everybody else is by appointment.

Mr. McKay: The person that lives in the house is not a dealer, they're essentially a caretaker.

Mr. Rosenthal: Yes, they take care of everything.

Mrs. Baggio: Do they do security on the vehicles?

Mr. Rosenthal: He does security, mail, and everything.

Mr. McKay: He keeps the cars clean and shiny on the lot.

Mr. Rosenthal: Yes.

Mr. McKay: What is contemplated for signage?

Mr. Delgado: There is existing signage here.

Mr. McAndrew: There is nothing designed yet. Actually, we shouldn't need much signage since it is internet based.

Mr. McKay: You are proposing to essentially just redesign it and leave it in the same box.

Mr. Rosenthal: It is going to be the same box.

Mr. McKay: If this site is really created to satisfy the State Technical Requirements, why is this facility not at the back of some huge warehouse complex off the busy street since it doesn't sound like the frontage on a major highway really has anything to do with the success of the business.

Mr. Rosenthal: Because it's an existing dealer license or the zoning for this. You can do this anywhere.

Mr. Krollfeifer: When would it be appropriate to address the Fire Marshal's denial letter to this location.

Mr. Delgado: That will all be addressed in the major site plan.

Mr. Krollfeifer: Because he says lack of fire lanes and access for apparatus to the rear building. You're going to address that at some point.

Mr. McAndrew: I am unsure how we are going to address that. It has been that way for at least 50 years.

Mr. Taylor: You're actually showing stacked vehicles and reducing those driveway widths down to less than 24 feet.

Mr. Delgado: You are probably talking about this one specifically.

Mr. Taylor: I'm talking about the one on the top right, but then also numbers five, six, and the others where there's actually only 16 feet of back out between that unit and the building.

Mr. McAndrew: We plan on meeting with the Fire Official to figure how to address it.

Mr. Taylor: I think that is important for site suitability, if the board is looking at you having stacked car racking systems and cars parked in the 24-foot drive aisle. Which is what's shown on the plan.

Mr. Delgado: That could definitely be approached on the major site plan. I mean, we do have the maximum building coverage and our impervious coverage, we're below it. So, if we have to, we can do away with some of that. Cut back especially this area here. I know exactly what you're talking about. If something were to occur, it's this turning radius here that would have to be looked at. We definitely have the impervious coverage to play with in a major site plan.

Mr. Miller: In a major site plan you're going to be showing turning radius both for cars and whatever kind of service vehicle that you're going to bring in.

Mr. Delgado: Exactly because the major site plan actually gets into the exact answer to those questions. This is just the conceptual because it was an existing site. If we were talking about an empty lot, we would go straight to a major site plan.

Mr. Miller: It seems to me like you have you're going to have three or four cars, service cars working there, they'll be there all the time. You are going to have operating time. You may have someone in the garage, you may have a staff secretary. That is three cars there. What I'm trying to do is how do we backup? What do you need to make this site work? You need all of these cars here?

Mr. Rosenthal: Yes, 32 cars we need there.

Mr. Taylor: Because 10 of those cars are actually located within what would be required driveway or back out with? I'm not even talking about side yard setbacks. I mean physically trying to back cars out. You're going to hit the building, because you only have 16 feet behind the backs of those cars in the building.

Mr. Rosenthal: We have exit. There is another exit from the site.

Mr. Taylor: Where is that? I'm not sure what you're saying. Are you saying you're going to exit the site that way?

Mr. Rosenthal: I don't know.

Mr. Delgado: We were discussing the possibility of doing that. Because again, it's going to come down to just making those radii work. You are right in the sense of a SUV isn't the same as a pickup.

Mr. McAndrew: We will have to meet with the Fire Official.

Mr. Taylor: I'm not even talking about that yet. I'm saying for the cars to circulate through here or for the cars that are stacked. I think it's cars numbers seven and eight. If you look at cars seven and eight, in the top right of the building, those cars can't safely back in and out. There's only 16 feet between the backs of those cars. But we're trying to address site suitability of is this property appropriate for 16 car dealers and 32 or 33 cars to be stored here. So, I think that that's part of what the board needs to do. And we can't

really kick the can down the road on everything to site plan because you have to establish that this site is particularly well suited to handle what you're actually proposing.

Mr. McKay: It's a few more than 33 spots out there.

Mr. Taylor: 33 dealer inventory storage space, plus the other five.

Mr. McAndrew: When we come in with the plans, this can change. We could wind up with less because it has to be engineered.

Mr. Delgado: One point has to be made. Remember this is what the site looks like right now. There are tons of possibilities on the site. Given the impervious coverage and the building coverage we can do what we just suggested, we thought we could do away with that porch. There's nothing saying that we cannot knock that porch out.

Mr. McKay: The porch on the house.

Mr. Delgado: Correct. We are just talking about existing conditions at this point. When we move on to the major site plan, those are the things that obviously have to be looked at. Possibilities for that are there because we're not crunched on the impervious nor the building coverage. So, you have plenty of space for us.

Mr. Krollfeifer: What is the lot frontage here? I've seen some papers that say 200 feet some say 100 feet.

Mr. Delgado: 100 feet where 200 feet is required.

Mark Remsa stated his credentials. The Board accepted.

Mr. McAndrew: Can you go through the negative and positive criteria.

Mr. Remsa: Sure, well, first what I want to do, I just want to make sure everyone knows where this property is. It's right across from Bruni Plaza and it's in the HC highway commercial zone. These dimensions are 100 feet of frontage by 200 feet of depth It's a lot 1.04 and block 100.17. So, let's talk about the current situation use on the property we just talked about briefly. This is the concept plan, pointing to the building that is in the front where the current residences is. It's where we're proposing that maintain that residence. There is parking along the front, this is where the previously approved used car dealership back in 1983. Back in 1982, the building in the back, that's where the automobile repair shop was. That's where part it's going to become the office and then the rest is going to be indoor parking of vehicles. We talked about an appearance of a little skinny road that goes around it. Well, there's actually a sanitary sewer easement that runs around the back of the property and to the side. There's actually access from Route 38 to get to the sanitary sewer. There's actually sanitary sewer manholes and lines wrapped around the property.

I want to just talk a little bit about what's around the property. We talk about the property across the highway Bruni Plaza, there is a smaller residential home located to the east. The West is a commercial use, I'm sure it's active right now. But there's a larger building farther west, farther to the south, is housing development. And I believe there's townhomes set much farther away from the rear of the property. We've talked a lot about

the proposed use. So, there's actually going to be removal of a lot of concrete impervious coverage that's on here, it's very excessive, there's concrete to back old sheds and things like that. Those are going to be removed.

In a little bit of discussion that Mr. Taylor had about where the parking can go because it is constrained around the back. Actually, the porch could come off, this could move forward. There's also a whole area here that's underutilized. These can be moved over here and this could be over here. So, the possibility of getting the full 24–25-foot width in the backyard is totally plausible. So, with the removal of the porch, with the stack cards, closer to the house, would make this totally suitable for parking these vehicles as well as getting the circulation around the back. I do agree this is just to constrained grounds.

Let's just talk about the use variance itself. This is a D1 use variance. We have to talk about positive and negative criteria. Let's talk about the positive criteria, two prongs to that, as you well know. First is we have to promote the purposes of the municipal land use law. So that's the special reasons of the positive test. One is to provide adequate light air and open space. You're going to be removing some of the extraneous sheds and providing for landscaping. We're going to improve the appearance of this. While it is a fixed property with a lot of pavement, we are going to be reducing as much as possible to improve the air, light, open space around the property.

That's NJSA 40:55d-2c, next one id G. That provides sufficient space appropriate locations for variety of uses. This is a commercial use. An unusual commercial use that doesn't have the heavy volume of traffic that you normally have even for a repair shop. Not even the noise that's generated by the repair shop. So, it's more internet based. Make reservation appointments to come to the property to the principal use. So, you already have part of the property permitted for a used car dealership. We're really removing the automobile repair shops and basing this all on a unique used car dealership. I am not going in great detail on what we discussed before. But it's unique in that you don't have the traditional heavier traffic of people coming and going to the property.

Mr. McKay: You are cleaning up the site.

Mr. Remsa: Absolutely. If you walk around the back of this, the fence is in bad shape, it's overgrown, has deteriorated sheds, and even the building in the back is in need improvement.

Mr. McKay: It looked like a junkyard for years.

Mr. Remsa: Correct. I agree with you. So that's a perfect segue to the next one. To have a desirable visual environment, and that we just talked about the improvement and certainly have to come back under site plan for landscaping and other improvements around that.

Next one, J to prevent urban sprawl. We are literally reusing a property and bringing up to the current standards and to improve the property. That's also an M, efficient use of land. It is served by utilities, it served by the highway, an existing development, and it needs to be approved badly. So, then it comes back to A and that's to promote the public health, safety, morals and general welfare. So, if you take all those other purposes together, I believe it also promotes A, site suitability. We talked at length, it's an existing car dealership, in automobiles, repair automobile body ship with existing residence, we're

reusing the buildings, it's suitable for the used car dealership. We did talk a little bit about concerns about the stacked cars. Well, that easily could be changed.

Fortunately, we could remove this area here, which is underutilized, everything will be moved to create the proper turning radii to get into the back of the property. It's pretty straightforward. It's suitable for all those reasons of former use and actually lessening the amount of intensity. Remember automobile repair shop. What's their business model? They have cars coming and going constantly to be fixed. This is different. The car movement is all done by internet, done by appointment, and very little activity that will be occurring on the site will have.

The other part of the test is negative criteria. So, the first prong of that is how does how does this affect the surrounding properties? How does that affect the public? Well, I see no negative impact, once this is improved, aesthetics are improved, the buildings are fixed up. I see no negative impact to the Bruni Plaza across the way. They have a residence here. Because it's such a low activity, slow low volume of things that are occurring on the property. I see actually an improvement over what used to be there. The same thing here to the west, I see no negative impact to the existing commercial operation here. There's such a great wealth of influence going into the south, and we're going to have pneumatic tools, pounding away on parts and punch unscrewing tires, and all kinds of other things. There will be no noise generated. It's basically office back here.

The last part of the negative criteria is reconciling with the Master Plan. You have a 2022 reexamination report of your master plan. And so, you have overarching goals that the community. One is to encourage the development and retention of existing mixed-use retail and service commercial and industrial warehouse and distribution uses along Route 38 in arterial roads. Economic development should emphasize realistic growth and consider the existing built environment while maintaining consistent performance standards. We have this property here, this property is old and tired, that needs to be repaired, fix up needs the aesthetics to be improved. I see this proposal fitting into that goal quite neatly. It is reusing a property that was commercial use coming in with a different commercial use.

Another one is to promote and encourage energy conservation features in the design of new and rehabilitated buildings to reduce energy consumption. Well, we haven't talked about any of the green stuff. Green Energy, however, there's latent energy in these buildings. What does that mean? So, energy, build this, material put this up. It would be a travesty to tear all that down and all that former energy that went into making all those materials in the building. Rehabilitating that is actually much better approach to dealing with energy conservation.

There's another one here that talks about the State Highway Route 38 corridor has been continuously identified as an area of requiring government intervention through the use of local Housing and Redevelopment law and financial tools that are available. The unique thing here is government doesn't have to have an intervention. Believe it or not, this property, many of the properties long 38 here are actually in a redevelopment area. There is no redevelopment plan in town yet for this, but it is designated a redevelopment area. I do agree sometimes when you have difficult properties, there has to be governmental intervention. To create unique zoning for property that are suitable to make it be redeveloped are sometimes there are financial incentives. One of those is called the

PILOT payment with tax to help create incentives. None of that has to happen here. This is all done by market forces and this has been renovated by private sector.

Let's see specific changes recommend for the Master Plan. The community planners have sought to incorporate storm resiliency into the current performance standards which are consistent with state models and the best management practices. This property actually has no wetlands, no flood plains, it's completely out of any of the hazardous areas that are subject to hazards of mother nature like flooding. So, redeveloping this property which is suitable for this type of use, I believe also helps achieve that goal in your reexamination report. There's no specific recommendation for this property or any of the other properties, you have more of a broad holistic set of goals and objectives in your reexamination report. In total, I believe this satisfies the positive and negative criteria very nicely into the concept for redeveloping this area with commercial development with a less intensive one. Although it's a new modern type of doing business with use car dealership. I believe that the use variance can be granted. Any questions?

Mr. McAndrew: Any questions on the testimony?

Mr. Krollfeifer: Good presentation.

Mr. McAndrew: That is our direct presentation and will rest here on that.

Mr. Krollfeifer: Mr. Taylor could you look at page 3 of your letter dated December 30, 2022. I believe it also shows up in the March letter. I am still confused about the lot frontage. One thing says 300 feet, existing 100 feet.

Mr. Taylor: Under 3a it should say 100 feet exists

The lot frontage that exists is 100 feet. There's a typo in item three a of our March 4, 2023 report. It is correct in the chart that 300 feet required.

Okay, I'm looking at circled here praying that no one else noticed or brought it to my attention. I had it circled here in my report as an error, praying that no one noticed that during the public hearing. It is correct in the chart where it says 300 feet required.

Mr. Kingsbury: It was stated earlier that 200 feet is required.

Mr. Taylor: I believe it's 300 feet required. The Board can acknowledge that as an existing non-conforming condition and that can be confirmed at site plan. I don't have the ordinance here.

Mr. Krollfeifer: But the existing frontage is 100 feet?

Mr. Taylor: Yes.

Mr. Krollfeifer: Does anybody on the Board have any other questions? Professionals?

Mr. Taylor: I have a couple of minor questions for sort of anybody on the Atkins team. So, there is a paved driveway on the adjacent property to the south. You're not proposing any access to or from that adjacent property? Correct.

Mr. McAndrew: No.

Mr. Taylor: I guess the use here is really, since the majority of this is actually more than 50% is sold to other dealers, then that would be really an automobile wholesaling operation.

Mr. Remsa: No, there is 300 plus. It's basically an office use with some retail of cars. Wholesale operation occurs from the 300 plus that he has from auction. So, it's not really a wholesaling operation here at all.

Mr. Taylor: So, I asked the question, are any of these sold to other dealers? He said, yes, at least 50% or more are wholesale and sold to other dealers.

Mr. Remsa: He has auction cars off the site. So, whatever happens for the internet off the site is what happens. This is not a wholesaling operation. This is a retail operation.

Mr. Taylor: But he's not selling to the end user. He's selling to other dealers.

Mr. Remsa: He's selling. If Ms. Kosko wasn't buying her car from Arkansas, she could have bought from him and would have been driven to her house and would have picked up her car. So, this is not wholesaling. This is retail. Yes, there is a wholesaling component, but that all happens online, through electronics through the internet, and then the particles from the wholesale goes right into a container and goes to the port.

Mr. Taylor: So, it's an internet wholesaler.

Mr. Remsa: It's an internet retailer, which has a wholesaling component. It's not wholesaling. Let's call it what it is.

Mr. Rosenthal: Can I explain? In New Jersey we do not have to separate wholesale license and retail license. It is only one license.

Mr. Taylor: So, you don't need a separate license for wholesaling.

Mr. Rosenthal: It is not separate, it's the same license. In Delaware, it is a separate license. In New Jersey, only one license.

Mr. Taylor: So, in New Jersey you can wholesale under the same license.

Mr. Rosenthal: Yes, it doesn't matter. We do wholesale, internet together.

Mr. Taylor: Is there a separate license in New Jersey or federally for exporting a vehicle?

Mr. Rosenthal: No.

Mr. Taylor: Is there a limitation on the numbers or anything like that?

Mr. Rosenthal: Unlimited.

Mr. Krollfeifer: I'm still confused as to what the answer to this question is. Mr. Taylor has raised a very specific question. You're answering it, but yet Mr. Remsa is shaking his

head, specifically got up and said no at this location. Can I just maybe rephrase it at this location on Route 38, the one on that drawing. Will you be wholesaling vehicles?

Mr. Taylor: They won't be sold here, but by virtue of internet sales directly to others. That's handled as a wholesale dealer under the New Jersey dealership licensure program, correct? If you're selling to other dealers.

Mr. Rosenthal: Yes.

Mr. Taylor: Internet wholesaling, they're not physically storing or wholesaling the cars on this site. Because they're just not selling all their cars just to the end users, but selling to other distributors it counts as being an internet automobile wholesaler, with a retail dealership license as well.

Mr. Remsa: It's a retailer with a wholesaling component not a wholesaler with a retailing component.

Mr. Taylor: He said that more than 50 percent were sold to other dealers.

Mr. McAndrews: I don't know what difference it makes. It's about internet sales, one license. Some of them are going to be wholesale and some are retail.

Mr. Taylor: It's kind of unraveling an onion to sort of understand the site and what this business model is. I just want the board to really understand how these ties into this site, what it actually is, and what those implications will be, and accurately evaluate the proposal. That was all I had, Mr. Chairman.

Mr. Miller: The question I have suitability of the site, usability of the site. I don't question the size of the site to provide the service is my problem. When you have a site that has this many bulk variances to provide the operation, it tells me that the site is too small for the operation in the first place. The area is half of what is required. We have with the cars parked up against the property line. We may have some difficulty with the maneuverability in the service of the site. Just getting in and out to be able to do the operation in the first place. I just see that it's a problem. given him the right to do this work, when we don't know if they can do it in the first place.

Mr. Taylor: At this point, the applicant is only requested the use variance. So, any of the bulk variances would actually be handled at the time of site plan. approval for that. So, there I assume the waiver of site plan. Your request for waiver of site plan is withdrawn.

Mr. McAndrew: That was withdrawn months ago.

Mr. McKay: It's hard to separate the suitability argument that Mr. Miller just made in your mind, patiently. We are trying to jam in, I understand as one member, what's going on. It seems like there's going to be very little site traffic here. Which is a point in your favor, right. But on the other hand, as Mr. Miller points out, you're packing a huge amount of stuff into this rectangle, into this piece of property. You have the existing buildings, they don't change. But now you've got to pack room for 33 Plus five or six more 38 cars on here? How's it going to work? We don't really know how it's going to work. And we're really not sure that it will work. Except if we really, and I don't say this

in a pejorative way, if we cut a lot of corners to make sure we pack everything in and how do you deal with that?

Mr. McAndrew: Under the site plan, the Board always revisit the suitability, the design, you can cut down number of cars and adjust the site. You don't lose jurisdiction over those issues, because we bifurcate. When we come back with a site plan, you can revisit it. But I would also ask, what's going to fix this site up? You need somebody to do it this, this applicant is going to do it. Second, is this more or less than what was historically on this site? I think it's a lot less, because it was auto repair, auto body, used car sales, 13 to 14 cars. There's a lot going on here historically.

Mr. McKay: The place was a junkyard. Nobody would debate that. Probably fair to say almost anything would be an improvement over what was there. I guess the question that Mr. Miller raises is one that sort of nags me a little bit. Are we trying to pack too much into this lot.

Mr. McAndrew: I would say at one point, you had 10 pounds of stuff in the lot. We're proposing four or five, the Board may reduce that when we come back. But to me, this is a chance to redevelop and it's less whatever happened on property in the past? How long does it have to be vacant.

Mr. McKay: I see your point. I understand. Just improving the color of the building.

Mr. McAndrew: What I like about this site is does it look like a lot on the property? Yes, to some degree, but there's no traffic. You could have one employee on site and one dealer at a time by appointment.

Mr. Remsa: If I make in terms of the bulk requirements, it's all based on the fact that it's an existing lot. 100 feet by 200 feet. It's practically all preexisting conditions. So, no matter what goes here is going to have the same or similar sets of bulk variances. So, I respectfully disagree with Mr. Miller in terms of the laundry list of bulk variances. They're all associated with the existing conditions. We can't expand the property because we've got a residence to one side and we have a sewer easement to the other side. So really what we have here, and quite frankly, there's 7 spots in the front and then there's 7 inside the building, so the balance is outside.

If necessary, it's pretty easy to remove the porch, and to get almost a whole swath of cars out of the way and you can easily get the stack cars behind the house. You can even use this area here. So, I have a sketch here about I just moved this whole string of cars up to here is completely opened up this entire area of at least point 24-25 feet wide which is the standard for two way driving isle. If you move these cars up here. Again, you would have these out of the way and you can easily turn from here. Remember, these are not truck turns. Yes, we have to satisfy the fire marshal. Mr. McAndrew is correct. If we get the use variance up to this amount and come back to the site plan, and you say, well, you know what? This meeting, maybe got to remove a couple of spots, works better to satisfy the fire marshal. Well, that's what we have to do. But I don't think it's insurmountable to get these cars here, because the eventual concept should support it, but there's no reason for them to stay. Then there's this whole area open here. So yes, this site was heavily developed before coming back and reducing the amount of impervious that we don't need.

There may be some additional modifications to the site plan, but you can easily move this up. And to be frank, if we have to put it on a double stacker to get more cars out of the way. It's easy to do. It's not that difficult to understand. But you have another bite at the apple at the time of the site plan. Mr. McAndrew is absolutely right. You can revisit the site suitability quite readily, when you get into it. So, I hope that was helpful.

Mr. Krollfeifer: Just to clarify. When you were making identification, you're saying that we could move these cars into this area? I know what you're talking about that. It's the western part of the existing residence where there's a porch, and you're proposing taking that out. And then you're talking about on the, the western part of the residents, making better use of that property down there.

Mr. Remsa: Correct. And you can easily put the double stack there. And you can easily put landscaping in and things like that to buffer and screen if necessary.

Mr. Krollfeifer: I just wanted to clarify it for the people who can't see what you're pointing at.

We're going to open public comment. How many people do we have online?

Ms. Kosko: We have one person online, but we have audio issues. So, I don't know if they're going to be able to comment.

Mr. Krollfeifer: I want to reiterate for purposes of public comment, we're going to come up here. This is public comment. It's not a question and answer period. It's not a debate. I don't want anybody making any comments or looking at or talking directly to the applicant. You talk to the Board.

Mr. Kingsbury swore in Deborah Plaia.

Ms. Plaia: 50 Bancroft Lane, Hainesport. I echo the same sentiments that Mr. McKay and Mr. Miller had expressed just moments ago. While the gentleman was speaking, I was looking on the internet at the property in Trenton which I understand that they have described it as a traditional used car dealership. You can find photos of what the property looked like 729-735 North Clinton in Trenton look like back in the 2020 time periods. Very, very rundown looks like a traditional auto repair shop. Apparently, they bought it at some later point and turn it into quote unquote, a traditional used car dealership. What I found was interesting is called as car used car dealership. You can see photos of what about 20 cars look like that are located on this property. As I understand their testimony, they're going to have about 30 cars on this property at any given time. 20 cars parked in front of this building is very congested. This is Trenton. This is a in an urban area, we're not Trenton, we are suburban. We're even less suburban than Mt. Holly, which has more of an urban feel. I just don't think that it's a good spot for the concept that they have in mind. So, I would hope that the Board would reject the request for a use variance. Thank you.

Mr. Krollfeifer: Thank you for your comments. Any comments from the public? Online? So, hearing none, I will close public comment. Board, it's up to us now, what's your pleasure?

Mrs. Tyndale: Should we approve this tonight? Then it goes to the to your site plan development? Is that correct? If you're going about your site plan development, and it comes up that it's not suitable for 16 dealerships, because it's 32 cars, there's not room, then would you still use the property and you would still move forward with a smaller number of dealerships and cars?

Mr. McAndrew: I think it depends on how much less because at some point, it wouldn't be marketable. Suppose it comes back, when engineers out to 14, we have to make a business decision. But right now, we're thinking we can fit 16 and make that work. If we can't well have to revisit that. But the Board controls that going forward. You know, it's not you're not stuck forever with 16. And also, we did go through various conditions of approval, one dealer visiting at a time with an appointment, things like that. I expected would be conditions of approval, if there's an approval. So, it's clearly defined, like no deliveries on site or trucks on Route 38. Stuff like that.

Mr. Krollfeifer: Any other questions from the Board? Mr. Kingsbury we are only addressing the use variance only.

Mr. Kingsbury: That is correct and if you make a motion to approve the use variances to be contingent upon them coming back for site plan approval and the use variance is contingent on approving a site plan. It needs 5 yes votes to pass.

Mr. Krollfeifer: I don't want this to come out that I am against something. But I'm just perplexed. It seems like we have the cart before the horse. I'm really interested in, and Mr. McKay said it before, seeing the site plan. I think our professionals are really wanting to see that so that they can render a decision and advise the Board accordingly. But if we approve, let me ask this question of Kingsbury and then you can respond Mr. McAndrew if we approve the use variance in the site plan comes in. And there's a major problem with a major concern, and we don't want an approval. So, does that still leave the use variance as approved?

Mr. Kingsbury: I think what I would suggest you do. If you're going to approve the site plan, you make it without a specification as a number of dealers that will be allowed on site, because that's the site plan related issue. Okay, so you could approve the business concept without specifically approving a number of dealers that are allowed to operate from the site, and then they would have to deal with that at site plan. The other alternative is for the applicant to come back here with a site plan before you vote on the use variance.

Mr. Krollfeifer: I think the comment that was raised about the location, maybe something has to be done with the stacked vehicles because that is where I have a concern also. Maybe if more are stacked or some of the suggestions that were made about moving. It would create less of a problem on the site plan and more comfortable about approving the use variance.

Mr. McAndrew: I think Mr. Kingsbury suggestion is a good one, to leave the exact number to the site plan. We have to show that it works. I think Mr. Remsa hit on the positive for this really being a redevelopment. It is a private redevelopment and private costs. This has been described as a junkyard site, and you have an applicant here willing to fix it up. What's nice about it, I think, is much less intense use that happened prior

years. At most, you're going to have two people on site at a time. That's a lot less than what used to happen.

Mr. Krollfeifer: Board, what's your pleasure? Anybody want to make a motion?

**Mrs. Tyndale: I motion to approve the use variance for the concept of internet sales for auto and it will be contingent upon the site plan.**

Mr. Kingsbury: The condition I would add is that you're not approving the specific number of dealers that are allowed to be on site.

Mrs. Tyndale: Right. I said the business concept.

Mr. Kingsbury: Mr. McAndrew, what do you think about that?

Mr. McAndrew: That is a good motion.

Mr. Krollfeifer: Do we have a second.

**Mr. Tricocci: I'll second that.**

Mr. Krollfeifer: Any questions on the motion? Mr. Kingsbury are you comfortable with that wording that we're not locked into the number of dealers?

Mr. Kingsbury: Correct.

Mr. Krollfeifer: Are you good with that Mr. McAndrew?

Mr. McAndrew: Yes. I assume you'll put the conditions we discussed as part of it.

Mr. Kingsbury: Yes.

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

Motion carries to approve.

Mr. Krollfeifer: About how long do you think it might be with the site plan.

Mr. McAndrew: I would say at least a few months. It has to be engineered and we have to work out a few details.

Mrs. Tiver went to get Mrs. Gilmore and Mayor Clauss. They are gone for the evening.

## **7. Minutes - None**

## **8. Resolution**

**A. Resolution 2023-05: Granting bulk variances for front porch roof and rear deck roof on Block 9.01 Lot 17**

Mrs. Baggio motioned to approve.

Second: Ms. Kosko

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

Motion carries to approve.

## 9. Correspondence

- A. Letter dated March 31, 2023 from Taylor Design to Mrs. Newcomb  
Re: Bluewater 710 Marne Hwy, Block 83.01 Lots 1-3; Block 96 Lot 1;  
Block 96.01 Lot 1
- B. Letter dated April 12, 2023 from Alaimo Engineers to Ms. Kosko  
Re: Hainesport Commerce Center, Performance Bond Release
- C. Letter dated April 18, 2023 from Land Dimensions to Mrs. Newcomb  
Re: Theresa Lourenco, Block 110 Lot 12.01, 1903 Ark Road, Request Waiver of  
NJDEP Letter of Interpretation
- D. Letter dated April 21, 2023 from Burlington Co Planning Board to Mr. Mullikin  
Re: 710 Marne Hwy Warehouse/Bluewater, Punch list of uncompleted improvements
- E. Letter from State of NJ, State Agriculture Development Committee  
Re: Bruno, Georgeanne, Block 110 Lot 9
- F. Letter dated April 25, 2023 from James Sassano Assoc., Inc. to the Board  
Re: Longbridge Farms, Block 103.01 Lots 1 & 8; Block 113 Lot 4.05  
Resolution Compliance Letter #1

Mrs. Kelley motioned to accept and file.

Second: Mrs. Baggio

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

Motion carries.

## 10. Professional Comments - None

## 11. Board Comments

Mr. McKay: I have one question about one of the letters, Farmland preservation notice.  
We have the block and lot information; do we have any idea where that is.

Mrs. Tiver: 1903 Ark Road.

Mr. Krollfeifer: Our June meeting will not be on a Wednesday. It will be on Thursday,  
June 8, same time and place.

## **12. Public Comments**

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

## **13. Adjournment**

Mrs. Kosko motioned to adjourn at 8:25pm.

Second: Mrs. Kelley

**Roll call:** All in favor

---

Paula L. Tiver, Secretary