

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 6:30 pm

September 6, 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 (left 6:47), Mr. McKay, Mrs. Kelley, Mrs. Gilmore (left 6:47), Ms. Kosko, Mr. Bradley, Mr. Murphy, Mr. MacLachlan, Mr. Krollfeifer

Absent: Mr. Tricocci, Mrs. Tyndale, Mrs. Baggio, Mr. Noworyta

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

Mr. Krollfeifer: There are five cases listed on the agenda but two of them will not be heard tonight, cases c and e.

Vincent D’Elia has requested a postponement until October but we have too much that is backlogged. We will postpone it until the November meeting and they will have to readvertise.

Mrs. Tiver: The date will be November 1 at 6:30pm and they will have to re-advertise.

Mr. MacLachlan motioned to reschedule 23-06 to November 1 with the applicant re-advertising.

Second: Mr. Murphy

Mayor Clauss: This applicant has delayed us three times in a row. Maybe we can have some type of rule. Maybe Mr. Kingsbury can advise us on it. With delaying two times in a row, they are pushing everybody back and the township can’t get its business done and there are

other applicants. It is not fair to them because they can not get their business done. There should be a rule if they delay two times that they should go to the back of the line.

Mr. Kingsbury: We have a resolution that if they postpone two times that you can postpone it again but they have to re-advertise it.

Mayor Clauss: Once they postpone two times, what happens is the business doesn't get done. Applicants have been kicked back at no fault of their own. Can we change that to two times. I don't think it is fair.

Mr. Kingsbury: You can dismiss without prejudice, which is the same thing.

Mayor Clauss: Can we just make it a practice that after two times that we dismiss without prejudice?

Mr. Taylor: What we can do, since this has come up in the past, maybe between this evening and next month's meeting, Mr. Kingsbury, Mrs. Tiver, and Mrs. Newcomb and I can come up with a couple recommendations to make sure this doesn't continue.

Roll call: Mr. McLachlan, yes; Mr. Murphy, yes; Mayor Clauss, yes; Mr. McKay, yes; Mrs. Kelley, yes; Mrs. Gilmore, yes; Mr. Bradley, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries.

Mr. Krollfeifer: The next continuance is case e: Longbridge Farms. The applicant has requested to be moved to the next meeting which would be October 4th at 6:30pm. This does not require re-advertising.

Mrs. Tiver: They do not have to re-advertise because it is just final.

Mr. MacLachlan motioned to reschedule case 18-04C to October 4th without re-advertising.
Second: Mr. Bradley

Roll call: Mr. MacLachlan, yes; Mr. Bradley, yes; Mayor Clauss, yes; Mr. McKay, yes; Mrs. Kelley, yes; Mrs. Gilmore, yes; Mr. Murphy, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries.

6. Items for Business

A. Case 23-14: Timothy Schwartzhoff
Block 86 Lot 17
204 Broad Street
Bulk and use variance for addition

Proper notice was given.

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

Mr. Kingsbury swore in Mr. and Mrs. Schwartzhoff.

Mr. Schwartzhoff: I would like to get a variance for a slight bump out on our kitchen and an addition to our back. There are pictures and we have a really small kitchen that's been kind of difficult to use over the years.

The two of us live there by ourselves. It's really a great house for two people. But that kitchen has been a problem for quite some time. We love Hainesport and we want to stay here forever. We would really love to be able to basically just bump our kitchen out three feet to the left and add an additional room behind it which would be about 16 feet by nine feet and would really open up our backyard to us, which we really love, we put a lot of work into it. I'm a landscaper, she does most of the work actually back there. But when you look at our kitchen, you just kind of see that there's basically just a door that you can kind of open to a screen door and get a little bit of a view out there. But we would really love to open it up. There's an awful lot of houses that are twins in our immediate vicinity, a lot of them had bumped outs already.

Mr. Krollfeifer: You are on Broad Street, between the post office and the school.

Mr. Schwartzhoff: Yes, we're right across the street from the circular drive on the school. We're right on the street, that circular drive area with the buses and during school functions. I mean, it's a pretty busy area, so that back part would give us a nice little spot back there.

Mr. Krollfeifer: I have to disclose that I was at your property looking at it. You are only extending on the first floor for the kitchen.

Mr. Schwartzhoff: Absolutely.

Mr. Krollfeifer: Does anybody on the Board have a question?

Mrs. Newcomb: They are here for an expansion of a preexisting nonconforming structure. Twins are no longer allowed in the R2 zone. They have a bulk variance obviously, for the setbacks and an impervious coverage, which is noted in their denial and in their advertisement. It is very consistent with the neighborhood. You'll notice in your packet that I gave you that I tried to do the best to give you an idea of the surrounding neighborhood versus theirs. Even to the point at the last page is a Google shot, which shows the existing homes that are next to them. A couple pages before we have existing homes that already have bump outs. This is one of our older neighborhoods in Hainesport. So again, they're coming for several different things. It doesn't seem to be hurting the intent of the neighborhood because it is similar in those issues, or those existing homes around them. So, if you have any questions on the pictures, I'm sure that one of us could answer them for you.

Mr. Krollfeifer: I would think the addition you're putting on is going to be as nice as it looks right now in the front.

Mr. Schwartzhoff: Absolutely.

Mr. Krollfeifer: Anybody else have any questions of the applicant?

Mr. McKay: Proposal is a good one. Design, it's a good one. I would support it.

Mr. MacLachlan motioned to grant the bulk and use variance.

Second: Mr. Murphy

Roll call: Mr. MacLachlan, yes; Mr. Murphy, yes; Mr. McKay, yes; Mrs. Kelley, yes;
Mr. Bradley, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve.

Mr. Schwartzhoff: Will we be able to get a waiver?

Mrs. Newcomb: They understand the waiver.

Mr. Schwartzhoff: We've kind of been improving steadily and we will always maintain a nice property.

Mr. Krollfeifer: Just have to caution you that technically you can't start anything till you get the resolution and that won't come from next month. But if you start the work, it is at your peril until you get the motion. It's not a problem with us, it could be from someone else.

Mr. MacLachlan motioned to approve the waiver.

Second: Mr. Bradley

Roll call: Mr. MacLachlan, yes; Mr. Bradley, yes; Mr. McKay, yes; Mrs. Kelley, yes;
Mr. Murphy, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries.

Mr. Schwartzhoff: We appreciate it. Thank you to Mrs. Newcomb and Mrs. Tiver for helping us through this whole process. I've dealt with townships, and this is about the best you could ever hope for.

Mrs. Schwartzhoff: We are both from Mt. Laurel, we both grew up there and moved here. I just wanted to make sure that I said we both love the township, and we love the small living, we love our neighborhood. Then in addition, it just makes it that much better to deal with these wonderful women over here. The first time I walked in here, I was so scared. They made it very easy. Thank you.

B. Case 23-10: FRG-X-NJ1, LP

Block 98 Lot 2.04

3 Mary Way

Revised site plan, bulk variance, use variance

Attorney: Kevin Diduch

Proper notice was given.

Mr. Diduch: I have two new witnesses tonight. The first of these witnesses will be Mr. Douglas Hanley Jr, who's a civil engineer from Dynamic Engineering. He's standing in the tall, black suit waving. And also Mr. Alexander McLean, the professional planner from Forum Planning. And he is to my right.

Mr. Kingsbury swore in Mr. Hanley and Mr. McLean.

We have a little bit of a record ready on our hands on the last hearing. But just for the Board's recollection, this is an application involving property that's designated in the town as 3 Mary Way. Presently, it's located on block 98 plus 2.04. It is in the industrial zone of the town. The applicant's property is a 3.06-acre parcel currently containing a 30,000 square foot warehouse. It is currently housing ABC Supply Company. The applicant is proposing to construct a six-foot fence around the rear boundary of the property. We have submitted a fence plan that outlines that. It's better than the last fence planned and outline that. So, we hope that it's a clear depiction of the sort of relief that we're looking for who goes what. We are also looking to create an outside storage area surrounded by a chain link fence. That is the basis of the application. I do have Mr. Henley here who can testify to the basis of the application as well as present the map has been provided to you as part of the application.

Mr. Krollfeifer: Do you have anybody here from the company?

Mr. Diduch: We were requested to have an individual from ABC Supply here because they're the tenant to my client, who's the applicant. I do believe speaking with Mrs. Newcomb, who is so nice, that she actually had a chance to speak with a representative from ABC Supply today. I don't want to take the word totally out of her mouth. But I believe there's been a level of satisfaction with respect to what was presented to her.

Mr. Krollfeifer: You stated you wanted to use the area for storage. I did visit the property okay. The storage is already there.

Mrs. Newcomb: This is a violation notice. So, that's why with all this stuff is already there. I did reach out and I went and spoke to ABC supply a week and a half ago along with their attorney. I had anticipated that there would be somebody here from there. I should say the manager should be here. So, I don't know, he knows what time it was supposed to be here.

Mrs. Kelley: I also have to state that I was also at the property.

Mr. McKay: Just a recap. This outdoor storage is, can I describe it as staging every night or pick up the following day and repeat that?

Mr. Diduch: That's correct. On a rolling basis is how I would describe that.

Mr. Krollfeifer: I don't mean to get into or argumentative but there is stuff that I saw three days ago and still there two days ago. So, I know what you're talking about, because there's a lot of roofing material, barrels, you know.

Mr. Diduch: Mr. Chairman, listening, if you have a concern about what the applicants proposing, I want to hear it, we sort of want to resolve the problems before they get to a head.

Mr. MacLachlan: You did say if it didn't go out the next day, it might go out the next day after that. You weren't going to necessarily move it back inside.

Mr. Diduch: Correct. Yes. And the shipping process is such that if someone would come whether it be from a local distributor, or a client directly that's dealing with ABC Supply to take that those materials.

Mr. MacLachlan: Exactly are you leaving out there? Is it roofing products?

Mr. Diduch: It roofing is primarily roofing products. It's shingles. I don't believe there's any siding there. I do have Corey Nagelberg, who is the property managers representative for the applicant itself, and might be able to testify more clearly to that. I certainly don't want to speak for him. But I can also have him up here as a witness as well.

Mr. Krollfeifer: You do not have to get to it now but I would like to hear the answer to that question.

Mr. Kingsbury swore in Corey Nagelberg.

Mr. Krollfeifer: Mr. Nagelberg do you work for ABC Supply?

Mr. Nagelberg: No, I work for the landowner, Faro Point here recognized FRGX NJ. We work with ABC Supply. We are the management company for the property. The materials that they store may look the same day after day because they deal in a limited range of materials. So, you could come back day after day. It may not be the same palette, but it may look identical because it's generally the same roofing insulation they sell. They sell the same products and move quickly. So, I recognize your point, Mr. Chairman, that it may look like it's the same product that can be there for a day or two days or even longer, but it is not the same exact palette, because it's the same items. The average turnaround time exactly is two or three days or less.

Mr. Krollfeifer: I appreciate the clarification. I have to say I did see it twice over the past weekend. So maybe no business. They just sat there from Friday till Tuesday.

Mr. Taylor: I know that there was some confusion at the last meeting because there were three dumpsters that were out there. Have the dumpsters been removed?

Mr. Nagelberg: I'm not sure as of today, if they have been removed. I did not have a chance to drive by today. We have asked them to move them from there.

Mr. Taylor: There was also scaffolding and I believe some other trucks, lifts, and some other machine there.

Mr. Nagelberg: They use a forklift on daily operations, machinery use on daily operations to move product.

Mr. Taylor: That is not stored outside.

Mr. Nagelberg: Not overnight.

Mr. Taylor: So, what you're requesting tonight is that there are no storage or shipping containers.

Mr. Nagelberg: That is correct.

Mr. Taylor: No trucks, heavy equipment, scaffolding, or dumpsters?

Mr. Nagelberg: No.

Mr. Taylor: So, you are asking to only store inventory?

Mr. Nagelberg: Yes, that is correct.

Mr. Taylor: Mrs. Newcomb will have to work with ABC Supply or whoever is in there after that. If other than that, it will be a trip back to the Board.

Mr. Dudich: I think that is fair because if ABC supply all of a sudden decides they want to switch from roofing to toilets, different kinds of products are stored outside and certainly changes the nature and scope of the use. So, I think that's appropriate.

Mr. Miller: The storage area is listed as a gated area. There is a space in the building that I imagine is a work space. That is why there is stripping there.

Mr. Dudich: That is why it is sort of an ingress and egress.

Mr. McKay: For purposes of this discussion, can we define the product, as roofing supplies.

Mr. Dudich: I would say general contracting supplies for residential and commercial roofing, would be the scope. When I say contract supplies, I mean material used in the operation of repairing or otherwise replacing residential commercial roofs. Not any equipment associated there with so no tools, no ladders, and things of that nature.

Mr. McKay: So, that's the definition of product inventory.

Mr. Dudich: I believe that is a fair definition.

Mr. Krollfeifer: With respect, I think, one of you to should take a look at the property for what is in the storage area.

Mr. Dudich: That is fine.

Mr. Krollfeifer: Because we're covering some items that were out there one time when I was there. I'm just saying, there was something there when I was there and I saw it.

Mr. Dudich: I guess other lawyers take a different approach, I always think these things is an open discussion. Because really, the reality is, I have a client that wants to be a part of the town and wants to do the right thing. So, Mrs. Newcomb can go to other properties to do her thing, and the way that she does it, and you guys can help other folks in this town. So, I'm okay. If there's something you've seen or done, I'm probably the first person to call the client and tell them they need to change their way. So, I appreciate the candor, and I appreciate the openness and the dialogue.

Mrs. Newcomb: One of the things I have an issue with and I stated it last time. The reality is that this particular business has a lot of trash. Okay, point blank, the outside refuge outside of the fencing was set up years ago, when the Stevens had the property came to the Board for their general trash for most clients in there. One of the things that I had stated was that if they need two dumpsters, like 15 yard, whatever the case may be. I feel like that should have been and I'm not sure if I see anything here except on item four. If they're not going to be asked for, then that's going to be a problem for me enforcement,

because when I see them, there's an automatic notice then. The reality is that they're going to need them unless they plan on keeping them inside. The fact is that I don't want this to become a cat and mouse game for my zoning office in order to go okay, you haven't there one day the next day they're gone. Mr. Nagelberg and Faro Point are well aware of the issues that I have out on this particular site in general. Not just 3 Mary Way, but the whole site. What I'm asking for is the applicant looking for two 30-yard dumpsters? Are they looking for three lets' be realistic is that the amount of trash that this place has? What are the what are they can use that if they don't request that?

Mr. Dudich: Right. I appreciate the comment, because the storage area that we have sort of define the scope of what's there and it's not trash until we can put it somewhere else. Right.

Mrs. Newcomb: They have a lot of coverings on this job. They have been in town for a very long time and I appreciate them. The fact is that they have been good tenants in general. The issue is that they've grown, these refuge areas that are outside their fencing area, is not meant for them on a daily basis, the amount of trash that they get from all the containers, it's not, I've seen it, I've been watching it. So, I need to find out or the applicant, or somebody has to talk about this particular issue, because this is one of the bigger issues for me, all over town, they're not the only ones. Believe me. I don't want to have to keep coming back to them all the time because their business requires this. So, I really need to know whether or not that this is something that's going to be asked at the Board or how this is going to be handled. I don't want this to be coming back.

Mr. Dudich: I think we can address it. Probably either tonight or as a condition of approval. I think that's fair. I think if the client decides not to move forward with the dumpsters and gets called back here, they have to call their lawyer. It's great for my kid's college fund. It's not great for them in the long term. So, I would much rather resolve the issue now with something that's reasonable that we can all agree upon. I don't think it's a heavy ask to have a dumpster at some point. There's one I believe that's relatively off site. I think at the last meeting, we had a conversation about putting an enclosure there, I believe that was part of the dialogue.

Mr. Bradley: Can you explain, off site?

Mr. Dudich: It was described to me as relatively off-site. I'm going to call Mr. Nagelberg, back up to address sort of where this is in relation to the map that you see.

Mr. Nagelberg: As Mrs. Newcomb indicated, it is immediately adjacent to the fence. If you look at sheet five. It is just to the right of this area. That is the existing dumpster enclosure, immediately outside the proposed.

Mr. Dudich: If I could ask Mrs. Newcomb in relation to where that dumpster is, where's the trash, is the trash away from that area, is moving the dumpster closer to where most of the trash is store of concern or an option here?

Mrs. Newcomb: The issue is that the existing one that's outside of the fence area, it's a concrete one that was approved years ago was Stevens. So, that is for basically general office uses of any of the tenants to throw their waste in. Where ABC supply is literally right next door to that with inside that fencing or the dumpsters, the large ones. The fact is you have to be realistic is that how are they been taken in and out from the truck that

picks them up? I can't tell you that is a site issue in regards to if the Board allows them or doesn't whatever the case may be, but we have to be realistic is that how is this traffic going to move for these dumpsters these trucks to accommodate our requirements versus what the tenant needs.

Mr. Dudich: I think Mr. Hanley can speak to that at least in for in terms of where things are and how that might affect the circulation that you're talking about. I would ask Mr. Hanley to the best of his ability for everybody's benefit. Maybe talk a little bit about where the trash enclosure is and how that might impact the circulation. Mr. Taylor, I would invite any comments from you and Mr. Miller as well. Any feedback that you might have.

Mr. Taylor: Currently, your application does not propose any additional refuse storage inside the fence compound area. Your application is only to store inventory. The question is are you going to make it work without any additional in there and just use the existing and move it out daily? Do you want to amend the application to include an additional enclosure and dumpster inside the storage area?

Mr. Dudich: I do not want to speak out of turn and would like a moment to speak with my client.

Mr. Kröllfeifer: Why don't we move forward incase there is another question that you may have to ask you client.

Mr. Dudich: Certainly. We're going to start off tonight's testimony with Mr. Hanley describing basically, the site map that you have before you and outlining where the inventory enclosure will be, as well as the other fencing on the property.

Douglas Hanley gave his credentials

The Board accepted.

Mr. Hanley: Just to get a couple of things on the record. The first sheet on my easel over there is the aerial map that is an exact copy of the plan that was submitted as part of our submission package. So, I don't think there's a need to mark it as an exhibit.

Mr. Dudich: For the purpose of the record, can we mark it as exhibit A1.

Mr. Hanley: It is an aerial map dated 8/24/2023, prepared by Dynamic Engineering. So, we're here tonight talking about Block 98 Lot 2.04, which is 3 Mary Way. The property is approximately 3.1 acres in size and has access to Mary Way. The site is currently developed with an approximate 40,000 square foot industrial building with parking and loading in the front and rear of the property. For purposes of this exhibit, if I start referring to direction, north is to the top of the sheet. So, the front and rear would be towards the top and bottom of that sheet. The property is located in the I zone where warehousing is permitted. It's located within a business park with access to Mary Way which is directly to the properties north. The property has other similar industrial uses to the north and east. It's important to note the property to the North has substantial outdoor storage areas as you can see, towards the northeast portion of the sheet it almost takes up a quarter of the sheet of outdoor storage. To the south you have the GC, general

commercial zone with Route 38 beyond and to the west or left to the sheet you have the GC and the R1 zone.

Moving to the next sheet, exhibit A2, dated 8/24/2023. We're here tonight seeking a use variance and site plan approval proposing outdoor storage to the south of the existing building. As mentioned, warehousing is permitted however the outdoor storage is not. It's approximately 9,000 square feet of outdoor storage that we're looking to propose on the existing pavement and we're looking to surround that with a six-foot-high chain link fence with a few gates. To help delineate a storage area we're providing a 15-foot-wide fire lane striping and just to continue the conversation from earlier that will help delineate between the outdoor storage area and then the working and loading area to the north of the outdoor storage.

In terms of parking for the site, at the request of the township, we are proposing to stripe the existing parking on the front of the property or north, which accounts for 34 parking spaces. We are providing two ADA parking spaces in the rear near the outdoor storage. The parking quantity does not meet the ordinance requirements. The ordinance requires 64 spaces however 36 spaces are proposed. My understanding is the tenant only has five or six have what's called under 10 employees at one time so they don't anticipate a parking concern. Mr. Taylor has a recommendation in his letter that if the parking demand were to change in the future that we would either have to reduce the outdoor storage area to accommodate additional parking or come back to the board to request a further variance and the applicant is willing to accept that condition. In terms of loading, there are nine existing loading doors on the building.

Mr. Taylor: It is the second number 3 in my report on page three addresses what Mr. Hanley is talking about.

Mr. Hanley: Thanks for clarifying. In terms of loading, there are nine existing loading roll up doors, there's four along the front of the building four along the rear and one along the eastern side. There's no change the loading doors as part of this application

Mr. Hanley: Exhibit A3 which is the landscaping plan. This is page 6 of 9. We are proposing a total of 93 plantings along the southern portion of the property to the rear of the outdoor storage to help buffer the GC zone to the South. In order to address Mr. Taylor's comments, we're willing to work with him in terms of selecting the certain species that are appropriate for this location. So, we'll keep a similar pattern and all of that, but we'll work with him to pick a species that'll work nicely in the township.

That is all I have in terms of my direct testimony. Just to take a second to flip through Mr. Taylor's letter. I don't think there's anything that the applicants not willing to comply with in the letter. You mentioned second number three, no issues there. In terms of comments 1, 2, 3, 4, and 5, I would defer to the tenant or the property owner to agree to any of those stipulations I know we'll have a an off the record conversation about the trash enclosure. So, I don't want to speak out of turn now. I'll hold my comments on that.

Mr. Taylor: To save some time later. Under item number 5, all 5 of them were issues that were discussed at the prior hearing and agreed to and or in our report. Unless Mr. Dudich has any other comments.

Mr. Dudich: No, none at all. That is fine, we talked about it and agreed upon it.

Mr. MacLachlan: We keep talking about dumpsters and not showing them on the plan?

Mr. Taylor: They still have not proposed any.

Mr. Dudich: We will get through more testimony and then regroup to come back with the perfect trash enclosure location for the Board.

Mr. Hanley: Just to continue along with Mr. Taylor's letter. Number 6 we have no objections to providing a knox box and noting on the plan at the gate.

Mr. Taylor: I think it's a condition that is really a call for the fire folks. You can feel free to provide whatever mechanism.

Mr. Hanley: Provide and comply, yes.

Mr. McKay: On the fire department review is the striped fire lane something that the fire department should also pass on.

Mr. Hanley: Yes, to work with the fire department in the 15-foot-wide delineation and striping. We will get an updated letter as a condition of approval from the fire marshal.

Mr. Dudich: I just did confirm, supersede really might have it replaced. We want to supplement. We want to comply with the original letter and then also any other comments or recommendations from the fire marshal to comply with those as well.

Mr. Hanley: Number seven, we've no objections to providing additional striping along the Mary Way to help delineate those drive aisles. Number eight, we will work with your office on landscaping. That's the conclusion of Mr. Taylor's letter.

Mr. Taylor: Just for clarification, I think when you lead off, you said use variance and site plan approval. With the plan that you submitted and the minor nature of this, it's a use variance and a waiver of site plan. I don't think that the submission meets the full site plan checklist of requirements. So, I think the intent from the last hearing was it was a use variance with a waiver of full site plan provided that a use variance plan has adequate information.

Mr. Dudich: Yes, that is correct.

Mr. Hanley: Then to move over to the board engineering review letter dated July 31, 2023. I think the testimony was provided in terms of parking and loading.

Mr. Miller: You provided us with an effectively a markup. We reviewed this as a compliance document. We didn't have any problem with it. I have no other comment other than what I asked about that space between the fire lane and the building that wasn't delineated. The reason for that is that it's a work area.

Mr. Hanley: Just to be clear, work area, there is no fabrication outside and that was one concern raised I believe in Mr. Taylor's letter. I appreciate that Mr. Miller, I just want to make sure that it's no outside fabrication. no outside what no outside fabrication.

Mrs. Newcomb: Is the fencing that is around going to be a permanent fence? Right now, it is a temp fence.

Mr. Dudich: I understand that it is going to be a permanent fence. However, Mr. Nagelberg can confirm that.

Mr. Nagelberg: It will indeed be a permanent fence. It has been ordered and sitting in our vendor's shop.

Mrs. Newcomb: I just wanted that on record and the fire official will ask that as well.

Mr. Krollfeifer: On the subject of the fence that somebody's going to show us where the fence is going?

Mr. Hanley: Referred to exhibit A2. There is going to be approximately 14' of fence, a swing gate that will close off that portion. The remaining West and Southern property lines are already fenced. Then the remainder of the fence will occur near the entrance to the outdoor storage area along the southeastern portion of the building where there will be a fence that runs North and South with two slide gates to open into the outdoor storage area. A 15' slide gate and a 20' slide gate. The fence from there will continue to run south to the rear of the existing trash enclosure which we were referencing that is in the shared drive aisle between the two buildings and then it runs to East and West direction into the existing fence behind the existing trash enclosure. So essentially it will be secure enough on 360 degrees but they're looking to close it on the Northwest portion of the outdoor storage and then the Southeast portion as well.

Mr. Krollfeifer: Can you show me where the fence is going to be on that little map.

Mr. Henley: Pointed out on the map. It's where the temporary fence is that's give or take going to be replaced with a permanent sliding gates.

Mrs. Newcomb: What I would suggest for the fire official because obviously he's not here. Mr. Myers is that you want to touch bases with him before this fence and gate are put in permanently just in regards to his fire truck and you know the potential fire correct so I think it'd be a good idea to touch bases with him before you start that.

Mr. Dudich: Certainly. Receiving his approval letter prior as part of the resolution compliance will ensure that.

Mrs. Newcomb: I want to make sure in his initial letter that he didn't talk about anything.

Mr. Krollfeifer: The facility to the East of where you are, is that Herrs, right? Are they off your map.

Mr. Henley: They are just on this portion of A2. You can see it a little more clearly on the aerial map, A1.

Mr. Krollfeifer: There's a drive lane between those two buildings.

Mr. Henley: Correct, there's a driveway and there's a 25' wide shared access easement that runs the majority of that property line.

Mr. Krollfeifer: Where is the knox box going to be for the fire marshal?

Mr. Henley: We will put it wherever the fire official requests it. Typically, it is located near the gate.

Mr. Dudich: We'll consult with the fire officials as a condition of the approval and his letter as to where this should be placed on the property.

Further this evening with respect to the use variance relief is being requested. We do have testimony from Mr. Alexander McClean, from Forum Planning.

Mr. McClean gave his credentials and the Board accepted.

Mr. McClean: I think this is not a particularly complicated request. So, I'll just dive right into it. So, the applicant is requesting a D1 use variance in a C1 for bulk relief to facilitate the installation of the six-foot chain-link fence and the gate to section off the we're loading area and utilize the partitioning of the rear loading area for storage. For the D1 variances really from the section 104-45b under article 7 of the zoning districts and dimensional use regulations of the municipal code. The C1 bulk variance relief related to the proposed parking space and which is less than the 64 that is required under the ordinance. It is also related to the screening between the daycare use to the south of the property. I'm going to dive into site suitability, looking at conditions and context. Since 2022, the property has been in possession of the of the tenant ABC supply in this industrial zone, with the current occupants having been occupying another part of the zone for several years prior. And there's an inherent need for such a use as the current tenants to secure storage area and even have space constraints within their facility. The neighboring property located directly to the north of the applicants at 25 Hainesport Mt. Laurel Road is occupied by the equipment distributor of company Perry Videx LLC, which has a much broader business that ranges from manufacturing equipment and plastics, pulp papers that are pharmaceuticals according to their website and the woman majority as was indicated by the engineer is outdoor storage that's enclosed by a chain link fence. So, this this request is not unique for this area. The applicant's tenant ABC is operating a less intense commercial use that is narrowly focused on roofing materials. So, the relative demand for storage is obviously less than the neighboring property.

Regard to positive criteria, negative criteria that was cited and called out by Mr. Taylor and his letter. So, the positive criteria require it's an enhanced quality proof it requests the requested relief, which is not inconsistent with the intents and purpose of the municipalities master planning zoning ordinance. The property is adjacent located to a deciduous forest and the location of the proposed storage area behind the main structure makes the site ideal for storing non-hazardous materials which this is an out of view with without interfering with the surrounding uses in the area. The industrial zone is already permitted storage making the proposed use a natural extension of the existing use permitted in the zone. That proposed use would essentially be an expansion of an existing legal use carries out the following purposes of the zoning set forth in the MLUL, under the statute 40:55 D2, particularly purpose D, which is to ensure that development of individual municipalities that does not conflict with the development and general welfare of neighboring municipalities to county and the state as a whole, because the proposed use does not interfere with the surrounding areas and is out of sight. So, it complies with an advanced purpose g of the MLUL, which is to provide sufficient space and appropriate location for variety of agricultural, residential, recreational, commercial

and industrial uses open space, both public and private according to their respective environmental requirements in order to meet all the needs of New Jersey citizens. And this is because the proposed use capitalizes on and maximizes available space when appropriate commercial use and also advances finally, purpose I, to promote desirable visual environment, environmental creative development techniques and civic design and arrangement says because the proposed use minimizes the visual impact of creative design of the storage area. With the installation of the landscaping between the daycare use of the South and the proposed storage area.

In regards to the negative criteria, which requires demonstrating the requested relief can be granted without substantial detriment to the public, public good and will not impair the intent and purpose of the zoning planning and zoning ordinance. Here the requested relief can be granted without substantial detriment to the public good because the proposed use does not interfere with surrounding uses. Remains out of sight to the public, its natural yet limited expansion of the existing use an industrial zone. The other problem with the negative criteria, which is requested relief can be granted without impairing the intended purpose of the townships master plan and the zoning ordinance. Here are the townships governing body adopted a 2022 Hainesport Master Plan Examination Report in April 2022, and incorporated many of the prior goals and objectives of the prior master plan and reexamination report encouraging the development and improvement of existing commercial offices, businesses along Route 38 corridor and encouraging uses which emphasize realistic future growth. This is a reference to the 2022 examination report and the 2002 reexamination report and the 2008 reexamination report. Another point that is made in the 2022 report is that it maintains strict conformance with standards and development of industrial office commercial uses so that the compatibility with the environment will be assured. So, that theme is repeated in the 1996 master plan. It's repeated again in 2002, 2008, and now 2022. So, we believe that this achieves the goal of that by supporting this business as obviously has a very long history with the community. The nature and the context of the design plans with respect to the landscaping outweigh any negative impacts associated with that would impact the community and that obviously, not granting this relief would impose an undue hardship on the property.

Mr. Dudich: In essence, I think the planning testimony supports the application I believe we've come to some peace with respect to many aspects of this except that dumpster that's the one thing that we sort of need to address that's left you here. So, in speaking with the client sort of sidebar with Mr. McLean was providing his testimony, I was able to confirm that they are willing to either expand the existing dumpster I think it might be a 30-foot dumpster now, maybe perhaps put a second one there, or relocate the dumpster to another area of the site that's more beneficial to everybody prevent the types of trash and debris that Mrs. Newcome has experience. So, a suggestion was made and we're going to run with this for Mr. Taylor that perhaps we would amend the application. We could also perhaps condition this as a part of the approval process. Really, I feel like in amending the applications, so long as we wouldn't have to come back would be the best route to go. And making it also conditioned that Mrs. Newcomb not satisfied ad nauseam in a subjective sense. But perhaps she gets to talk to us about where she would like to see it consistent with the issues that she's experienced on the site. Otherwise, we're open to suggestions, whatever alleviates the problem, I think that's what we're going for.

Mrs. Newcomb: So, one of the things is that when they first went into violation with me, I have the picture of the dumpster and the location. I mean, you can pass around the pictures to everybody on both pages. To the point being is that I would suspect that a

business of this nature and the size needs one. The fact is, do they need one or do they need two, it also has to affect the fire official as well for his location of things. You are more than welcome that you want to pass it to any of the Board members. Because this is a constant problem throughout the town, for me, I don't want to have to keep having this applicant come back to the Board. So, I feel if this is something that can be resolved. Again, this is not my call, I understood this is the Board's call. So, it's up to my professionals as to where they best see it fit if it were permitted, and also the fire officials as well.

Mr. Dudich: So, if there's a 30-foot dumpster here now.

Mrs. Newcomb: There was actually two at a later point, this was from May, when I initially put them in violation.

Mr. Dudich: So, we've doubled that. The applicant is willing to install a second 30-foot dumpster, whether it be directly adjacent, which I think would be fairly consistent with where it is now.

Mr. Taylor: When you say adjacent, where do you mean?

Mr. Dudich: Directly next to the existing dumpster that is there now in the existing storage area. It would have an enclosure that matches the existing fencing. It will be consistent with and installed in a very similar way.

Mr. Taylor: So, between lot 2.04 and 2.05.

Mr. Dudich: That's right. And it won't be a temporary fence enclosure, it'll be a permanent fencing enclosure, consistent with the other approvals for our other fence.

Mr. MacLachlan: So just to be able to get around the dumpster 360.

Mr. Dudich: There will be an opening, it will not be totally enclosed.

Mr. MacLachlan: So, someone can drive all the way around the dumpster. I'm really uncomfortable with this plan. I mean this is the second time they've been in here and first it was the fence. Now it's the dumpster, it should be on the site plan. I don't know if they're allowed to scribble it in now, I don't have an understanding of what they're doing here.

Mr. Krollfeifer: Can we look at page 2 of 9? Would you be kind enough to show me exactly where that 10-foot fence is going to start and stop? Because one of the things that I have here, looks like it's going to cut right through the two dumpsters that are by the edge of the property. But I'm not sure if I'm looking at the right thing.

Mr. Taylor: Are you talking about the fence outside of the property, where this new dumpster in the storage area?

Mr. Krollfeifer: I wasn't talking about the storage area, because that just came up. But no, I was talking about where the two dumpsters are now in relation to where this fence is going to go.

Mr. Hanley: To help clarify the bold dash line in the center of sheet two that surrounds the property, that's the property line. Directly between the subject property and the Herrs property, that bold line is the property line not the proposed fence line. The proposed fence is not shown on sheet two, this is just the existing area.

Mr. Krollfeifer: It is on number 4.

Mr. Hanley: Number 4 is the existing conditions plan. If you go to page 5, there is a bold line, right in the building part. Southeast building corner there is a bold line with x's in it. That is the proposed fence. So, it is going to be inline with the building. If you keep following that line with x's towards the bottom of the sheet. You will see that it goes to the left or west of the existing trash enclosure which actually has a label.

Mr. Krollfeifer: The existing trash enclosures will be outside the fence that you are proposing.

Mrs. Newcomb: Correct those existing was dealt with back in 2016 when Stevens owned the property and came in for those dumpster enclosures. So, we're standing at Mary Way to the left of their fence is the existing closures that were approved back in 2016 on a site plan.

Mr. Krollfeifer: It appears that the two dumpsters one of them is going across the property line.

Mr. Nagelberg: It is a shared dumpster enclosure between properties at building three and building five. That dumpster enclosure is used by tenants of both buildings. It is an enclosure in common.

Mr. Krollfeifer: Okay, got it. Good answer. Thank you.

Mr. MacLachlan: Are we mislabeling it, is it a front load trash bin not necessarily a dumpster or are they roll offs.

Mr. Nagelberg: The existing trash containers inside the existing enclosure are roll offs with front closing lids.

Mr. Taylor: In the shared trash area between 2.04 and 2.05, there are three- or five-yard dumpsters that are lifted. I believe what Mr. MacLachlan was talking about is a 30-yard roll-off.

Mr. Nagelberg: Would be inside the proposed storage area.

Mr. Taylor: So, small dumpsters in the shared trash area between the two sites. A new enclosure to house a 30-yard roll-off type.

Mr. MacLachlan: I know but how are you going to access it? It needs to be accessed from 360 degrees. You know, or at least two ends to get stuff in the dumpster. Or maybe one side where I can push, go down the side of the dump. You need to show it on the plan so we understand what you're doing. I don't really care what you do as long as it works and you show it so we have something to vote on. You have nothing here.

Mr. Dudich: I understand what you're saying. The conversation is at the dumpster and sort of how it's evolved related from earlier.

Mr. MacLachlan: It's obviously a permanent part of your application. They really should be on there. I mean, we need to see what it is. Just show us.

Mr. Dudich: Within the actual inventory storage enclosure.

Mr. MacLachlan: Can they just draw it on there tonight?

Mr. Krollfeifer: How about they show us where it is going to be and any approval, we may issue will be subject to.

Mr. MacLachlan: At least it is on the record on what you are doing. They need two.

Mrs. Newcomb: That is their call.

Mr. MacLachlan: If you need two, you better put two on there.

Mr. Hanley: What we would like to propose them in the Southeastern portion of the outdoor storage.

Mr. MacLachlan: Can you draw it?

Mr. Dudich: That is reflected on A2.

Mr. Hanley: There will be two spaces right here.

Mr. Taylor: Basically, that bottom right corner.

Mr. Krollfeifer: A question for Mrs. Newcomb and Mr. Taylor. If we move forward to approve this, and one of the conditions is that we enclose them dumpsters that they marked on this exhibit on the final plan? Are you okay with that?

Mr. Taylor: The fire official should see the location and secondarily, Mr. Hanley should provide a trash truck turning movement to make sure that wherever that location is that they can come in onload and offload. Needs some minor reorientation. A lot of companies have pallets that get loaded in by hand. That is why we asked last month for the information on the trash dumpsters.

Mr. Dudich: We are willing to make it a condition of approval.

Mr. Krollfeifer: Show me where the ADA handicap spots are back there.

Mr. Hanley: There are two handicap spaces immediately to the left, you turn it to this outdoor storage area. Once you enter the gate with a 35-foot dimension is there. If you were driving a vehicle, you would be making a left into the space.

Mr. Krollfeifer: My next question is to Mr. Taylor and Mr. Miller. Is on the ADA handicap spaces allowed to be in behind a locked fence where the parking is going to be outside.

Mr. Taylor: That is a great question.

Mr. Hanley: My understanding is the main entrance to this building is in the rear, which is why the ADA spaces were located.

Mr. Dudich: It also will not be locked during business hours.

Mr. Taylor: As long as those gates are always open during business hours than full access is achieved, if that's where the accessible route into the office or in the building is. I think it will comply.

Mr. MacLachlan: The picture that Mrs. Newcomb took of the dumpster that's there, can we get an idea on the map where that was.

Mr. Taylor: There will be two roll-offs, there will not be a masonry enclosure.

Mr. Dudich: That's correct.

Mr. Krollfeifer: Anything else counselor?

Mr. Dudich: I don't think so.

Mr. Krollfeifer: Any questions from our professionals?

Mr. Miller: How is the shaded area be delineated in the field?

Mr. Hanley: Essentially what helps to delineate it is that fire lane. Anything south of that fire lane which will be striped on the pavement is going to be the outdoor storage area. We have the two ADA spaces in the access aisle. In there, which will be striped and we will edge strip for the two roll-offs. That fire lane pretty much delineates anything on one side is outdoor storage, on the other side is that working/loading.

Mr. Miller: The roll-offs will be striped.

Mr. Hanley: They will be striped in the shaded area.

Mrs. Newcomb: The fire official is always been willing to meet with the applicants to go over those things so that before it's done.

Mr. MacLachlan: Is this for the location of the dumpsters?

Mrs. Newcomb: Well, this is for the location of the striping. I'll talk to Mr. Myers and we can actually go out there together and we'll take a look and address the striping for him, as well as for the dumpsters. I mean, the onsite visits are always the best.

Mr. Krollfeifer: If your client makes Mrs. Newcomb happy, we're happy.

Mr. Miller: Mr. Taylor, any other questions? Okay, thank you. No questions from the Board Members will open public comment. Ms. Kosko, do we have anybody online.

Ms. Kosko: On person. They are not unmuting.

Mr. Krollfeifer: Anyone in the audience

Mr. Kingsbury swore in Louis Lopez 1198 Levis Drive Mt. Holly.

Mr. Lopez: I would like to see the part with the new fences.

Mr. Henley: There will be 14' of fence to the southwest corner of buildings, close off to the existing fence, and then on the southeast corner building, it's going to connect from that building corner to the South behind existing trash enclosure then go to the East and connect to the existing fence. That will have two slide gates to allow access.

Mr. Lopez: Thank you, that is all the questions I have.

Mr. Krollfeifer: Thank you. Any other public comments on this application? Hearing none, I'll close the public comments.

Mr. MacLachlan: I'll offer a motion to approve the application with up to 2-30 yard dumpsters. I'd like to see a loading plan for the dumpsters and how you're going to retrieve them, how the trucks are going to come in. I saw you had a nice map on the back. Then I think Mrs. Newcomb was talking about something with township officials about the location of the striping. Is there anything I forgot.

Mr. Krollfeifer: In Mr. Taylor's letter, you mentioned the striping. Compliance with fire marshal. The other thing had to do with the parking, we're proposing number was nine. The big comment on Mr. Taylor. The second number three, a suggested consideration approval be considered in the future adequate parking spaces will be added. I just want that in the motion.

Mr. Taylor: To grant that expanded variance with the conditions.

Mr. MacLachlan: Okay.

Second: Mrs. Kelley

Mr. Taylor: That is for the D1 variance and a waiver of site plan.

Mr. MacLachlan: A question on my motion. I guess the dumpsters are a no brainer, the loading plan and the truck retrieval as well as striping, that would be approved by Mr. Taylor's and Mr. Miller's office and the fire official's office.

Roll call: Mr. MacLachlan, yes; Mrs. Kelley, yes; Mr. McKay, yes; Ms. Kosko, yes; Mr. Bradley, yes; Mr. Murphy, yes; Ms. Kosko, yes; Mr. Krollfeifer, yes

Motion carries to approve.

**C. Case 23-06: JDEB Marne Highway, LLC
Block 18 Lots 1-9 & 14-16
907 Marne Highway
Use variance
Attorney: Vincent D'Elia**

Case was continued to November 1, 2023 at 6:30pm. Applicant must give new notice.

D. Case 23-09: Carvalho Carpentry
Block 64 Lot 15
2611 Marne Highway
Use/bulk variances and site plan for 2 apartments
Attorney: Judith Schneider

Proper notice was given.

Mr. Krollfeifer: You have any witnesses to testify?

Ms. Schneider: Yes, Mr. Chairman. I do. I have our engineer here, Anthony DeRosa. He's a professional engineer, a public land survey and certified municipal engineer. I believe he's testified before this Board maybe 10 years ago.

Mr. Krollfeifer: Okay. Anybody else? I would like to have them sworn in at the same time.

Ms. Schneider: I have the applicant, if necessary, Mr. Phillip Carvalho.

Mr. Kingsbury swore in Mr. DeRosa and Mr. Carvalho.

Ms. Schneider: Good evening, Mr. Chairman and the Board I'm here happily to present a development application by Philip Carvalho on behalf of Carvalho Carpentry Inc. We have a variance plan prepared by Tri State Engineering and Surveying consisting of one sheet dated May 4. And we also provided with our application architectural drawings from Reagan Design Group, Dennis Nichols. I sent in the Mr. Scott Taylor. They were delivered with the application but I don't know if there was some confusion. You didn't see it. But I also have those as an exhibit tonight and please the board. I'd like to present Mr. De Rosa, to have his qualifications put on the record. Allow him to testify as an expert.

Mr. DeRosa gave his credentials and the Board accepted.

Ms. Schneider: We have this project that we are hoping to have the Board approve. We have sought preliminary and final site plan approval waivers which Mr. DeRosa will testify to those waiver requests. The subject partial is a 7,500 square foot lot located on the northeast corner of the intersection of Marne Highway and New York Avenue within the business commercial with residential business district. This particular dwelling is a single-family home currently it's a very old property. I'm sure it was there in the 50s according to the aerial. This area was the old cottages and homes that were vacation homes for people that came over so it's within a residential neighborhood. This particular home and on Marne Highway. It's a one-story framed dwelling with a detached frame garage at the rear access to New York Avenue. There's also a driveway access from Marne Highway and there's a chain link fence that surrounds the property.

North of the site there's residential dwellings within the R2 residential district and across Marne Highway to the south is an industrial park within the I industrial district. There's an image that was provided by your planner, Mr. Taylor attached to his letter dated August 25. Mr. DeRosa and I are going to address the letter from the planner dated August 25 and provide testimony with regard to the D1 use variance and the C variances for bulk variance for setback lot width. We're going to go through those comments one

by one if that's okay with the Board. So, I'll have Mr. DeRosa come up and present testimony.

Mr. DeRosa: Good evening, once again. As we noted, I just want to call out some particular about the site first. Before I go into my testimony, here's the project. This is the same plan that was before you. It's part of the application, but I will mark it exhibit A1. As you can see existing fronts on Marne Highway and has access to New York Avenue. It is a corner lot with two front yard setbacks, a detached frame garage is in the northern portion of the site. I highlighted the yard setbacks for everybody to see. Basically, to show why we had some existing nonconformities. There's a building envelope, it's pretty difficult to build. What we are proposing tonight is a 14' by 20' building position to the rear of the front first floor. A staircase going into the second floor, additional stone parking to the rear of the building to the north of the property line. An extension of the existing stone driveway that comes off of Marne Highway. As our attorney mentioned, there is an existing chain link fence that goes around the property. Currently, there are there's no curb along, either portion of Marne Highway or New York Ave. where the property sits. There are no sidewalks in areas adjacent to our property. There's a couple of questions about proposing, we're not proposing any sidewalks or things of that nature. That is a small porch area. The renovations we will have a door that comes off the western side of the house. Utilizing the porch to utilize parking or access to New York Avenue.

As I stated the proposal is to accommodate four parking spaces. Two in the new stone area to the North of the property and two to the existing stone area coming off Marne Highway. The site complies with many of the bulk and yard standards of the ordinance except for the following. The minimum lot area is 7,500 square feet, existing this is compliant for single family home, but this lot area is exceeded when a two-family home is created. Part of our use variance tonight is for the conversion of the single-family home into a two-family home. There's a 30-foot minimum front yard setback to Marne Highway, 22.2' to the first floor is an existing nonconformity and 22.2 feet to the second-floor addition is being proposed. There's no expansion on the existing nonconformity as it appears to Marne Highway. There's a 30-foot minimum front yard setback to New York Avenue. Currently 6.8 feet to the first floor is the existing nonconformity and 4.4 feet to the second-floor addition has been proposed. Chain link fences are not permitted between the street line and the building line. This is an existing nonconformity along New York Avenue. All front yard fences must be non-solid construction and permitted fences includes split rail picket, iron and aluminum fences. The existing fence is chain link, which again is an existing nonconformity and front yard fences must be set back a minimum of two feet from the street line. The existing fence varies between 0.1 feet and 0.5 feet, which again is an existing nonconformity. The existing garage structure is not planned to be removed, altered or changed in any way that will stay where it is and how it functions.

One clarification while talking about the garage, the area in front of the garage is not intended to be used for car parking. There's not enough space between the garage and the right-of-way line or the edge of the road. That is just to gain access in and out of the garage. The stone in front of the garage is not intended to be used for parking.

As we stated, a D1 variance is required to permit the conversion of the single-family home into a two story, multifamily dwelling, where such use is expressly prohibited in the zone. Uses that are permitted in the business commercial zone include single family

detached dwellings, apartments as ancillary to a commercial enterprise, personal service shops and professional or business offices just to name a few. The applicants proposed use and associated improvements satisfy several purposes of zoning, including purpose A to encourage municipal action to guide the appropriate use for development of all lands in the state in a manner which will promote the public health safety, morals and general welfare. Here, our proposal tonight involves the renovation and preservation of an existing building to facilitate a use that is both compatible and less intense than some other permitted commercial uses.

It is our belief that even though the two-family home can be accommodated by the off-street parking. If we were to go to a permitted commercial use, that would generate more traffic to the site would certainly require more parking, would certainly require more impervious surface area, and would be a detriment to this particular lot into the neighboring community. Purposes C to provide adequate light air and open space. Tonight's proposal proposed improvements do not substantially alter the existing building footprint and still conforms with the impervious coverage requirement that the site proves that the improvements can be accomplished without detracting from existing light air and open space. Purpose G to provide sufficient space and appropriate locations for a variety of agriculture, residential, recreational, commercial and industrial uses, and open space both public and private according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. This proposal allows for a multifamily residential option in an appropriate location, while not reducing the availability or potential to develop single family housing, and other open lots within the district. The site will also provide a different type of housing option while maintaining the aesthetics of the surrounding houses and neighborhoods. The building is existing and suitable to be renovated for this use without harm for the surrounding areas. In addition, we have purpose I to promote a desirable visual environment through creative development techniques and good civic design and arrangement. The proposed renovation will take the dilapidated building and transform it into a visually pleasing site consistent with residential neighborhood. I believe we already passed out a photo of what the site looks like existing you can see the old side the old windows, unfortunately you don't get to see the front of the building which also had some brick, it pulled away from the foundation

This is sheet 2 of the architectural plans that were provided as part of this application, exhibit A2. What I want to point out here is the residential look of the proposed addition. New vinyl siding on the western portion of the picture you are looking at. There will be an additional architectural feature, the porch. It will give that portion of the house a little bit of dimension, a little bit of character from the roadway where it's existing, it's just a flat.

The rear will have a staircase giving access to the second story addition. As well as a rear door and of course the front elevation will just be newly sided, new roof.

Mr. MacLachlan: Referred to a picture. This is basically the front we are looking at. I am trying to figure out how you went from 24.3% impervious coverage, okay your growing to 33%.

Mr. DeRosa: Next I have we are increasing purpose M to encourage coordination of the various public and private procedure shaping land development with a view of lessening the cost of such development, and the more efficient use of land. The size, shape and multiple frontages of our property help us more efficiently use the land more efficiently

maintaining the single-family appearance that is congruent with the surrounding neighborhood. So, the uses to the East, North, as well as across New York Avenue are all residential uses. Even in this neighborhood there are some two-story residences, they're single-story residences. So, by putting on the second story addition, it will not substantially change the look of the neighborhood or detract from any of the neighbors.

We also need to establish the negative criteria. That means that the proposed use variance will result in a substantial detriment to the public good, requires the board to consider the impact of the variance on adjacent properties. Second, this requires assurance that the variance can be granted without again substantially impairing the intent and purpose of the zone plan and ordinates. In this case, while the use is not explicitly permitted, we don't see negative or detrimental impact to the adjacent properties. We are still maintaining a residential use. We just are proposing a two-family dwelling as opposed to a single dwelling. The use will also be residential and consistent with the neighborhood properties. We feel that it furthers two goals of the master plan. Goal number one to revitalize the state's towns and an obviously any renovation and beautification is aesthetically pleasing and it helps to revitalize the area the neighborhood. Goal number six provide adequate affordable housing. Again, you know, economics can't be totally taken into consideration but allowing for rental units or a two-story dwelling two family dwelling is more economical than building brand new houses especially with the cost of housing and the interest rates and everything that we're seeing today.

Mr. MacLachlan: Can you go back to the actual house plan. I don't necessarily see how you're going to get into the house. Are there steps or sidewalk? I wanted to see that; it looks like the front door.

Mr. DeRosa: This front door along Marne Highway. This side is the front door along New York Avenue.

Mr. MacLachlan: How do you get to that door, is there a sidewalk, gravel?

Mr. DeRosa: It is not shown right now. What is showing is the concrete porch coming out of the house. We could add sidewalk that goes straight to New York Avenue or towards the parking in the rear.

Mr. MacLachlan: This little jet out is another front door, right? Mrs. Newcomb is this part of the permitting process.

Mr. Krollfeifer: Something that may clarify, Mr. McLaughlin's question. Where is that porch with the access door in relation to the chimney?

Mr. DeRosa: The chimney is probably the location where the new door will be.

Mr. MacLachlan: You are saying the impervious coverage has grown to 33.4%. I guess if you put pavers or gravel there. I'm just trying to get an idea what you are doing.

Mr. DeRosa: Right now, you are correct. We're not showing anything but as a condition of approval, we can work with Mr. Taylor to put some kind of pavers or gravel down.

Mr. MacLachlan: This is the first time I've really seen an old house get turned into a new house. I guess the building inspector will go out and make sure the foundation has structural integrity to hold this.

Mrs. Newcomb: It is their responsibility to give our construction office, a structural engineer is going to have to verify that this building can take the second story.

Mr. MacLachlan: So, this is part of the permit and not part of the variance.

Mrs. Newcombe: Correct. So, when they send in the plans, one of the things is that we're going to have a structural engineer verify the load above the existing house. If it needs to be refitted for any type of footings or structural issues that will come along, that will be a requirement, because now that it becomes a two-family home, there's a lot more that's required differently than a single-family home. Correct.

Mr. DeRosa: That is not part of what I am presenting. The architect would create another set of documents, which would go to your construction office for approval.

Mr. MacLachlan: If you're asking us to approve 33.4% impervious coverage, you can't go over it.

Mrs. Newcomb: Right. If they're asking for a bulk variance on an impervious coverage. Honestly, I don't know I don't have the report in front of me what they're asking for.

Mr. MacLachlan: Their asking 33.4% from 24.3. But they are not showing how you get into the housed.

Mr. DeRosa: The requirements is at 40%. So, we are under that. We are not requesting a variance for that.

Mrs. Newcomb: This is not the normal R2 zone or R1 zone.

Mr. DeRosa: So, if we were to add a walkway and come from 33 to 35%, we would still be comply. It would only be if we then exceeded 40%, we'd have to come back before you because we made a mistake

Mrs. Newcomb: My question is why are we not looking at the right side of the building for the entrance versus the New York Avenue? Are you looking to put the entrance to the downstairs on the New York Avenue side?

Mr. DeRosa: There's a door on both sides of the house. The idea is, as you can see from the photo, New York side of the house, currently is a blank slate. We had two frontages. So, by putting another front door, porch area, and architectural roof, it kind of gives the idea that the house is also fronting on to two roadways as opposed to a long flat dimensionless.

Mrs. Newcomb: I am looking a safety factor. The fact is that if we have a family here that lives downstairs and we're talking about the kids getting out of the car coming around to this side onto the New York Avenue side there you find a little more safety factor of having the main entrance either to the front works existing or to the right side of the property.

Mr. DeRosa: We have two options here. I don't know how the downstairs unit will work but we could utilize the driveway off of Marne Highway, leaving the proposed driveway in the rear for the upstairs unit. That driveway would lead right to the proposed stairs going up to the second floor. Whereas the driving off of Marne Highway connects right to the right side to work for the short haul to the front door. They wouldn't have to walk all the way around and access at New York.

Mr. Bradley: On the right-hand side there's a concrete slab right beyond the driveway. Is there going to be a door beside that concrete slab.

Mr. DeRosa: That is that door right there.

Mr. Bradley: It is hard to figure out what I'm looking. The top right drawing, where's Marne Highway.

Mr. Murphy: I am concerned about the flow. It's late at night and a family of four gets home. Where does the first floor and second floor families park and get into the home.

Mr. DeRosa pointed out the different ways to access from the driveway to the first floor and then the second floor.

Mr. Bradley: How will the garage be accessed? Will cars be stored in the garage?

Mr. DeRosa: No.

Mr. Krollfeifer: Can we go back to the back to my question I still don't understand the answer. Where is this porch entrance door in relation to the chimney on the side of his house? Before we answer it, let me just get it out here again, I did go to the property and saw it. I know we're talking about but I have a couple of other comments about the area can we just address that like you said that it's going to be where the chimney is within what's happening with the chimney and the heating system.

Mr. DeRosa: The chimney goes away and the doorway where the porch would be in the general location where the chimney is.

Mr. Krollfeifer: I guess you will have a chimney somewhere else.

Mrs. Newcomb: No, they can go to a direct vent type and get rid of the chimney.

Ms. Schneider handed large plans to the Board Members.

Mr. McKay: While we are looking at those plans. I have a permitted use master plan question. You described this building as dilapidated. Does it have a basement?

Mr. Dudich: There is a partial basement and partial crawl space.

Mr. McKay: The access for basement is off the existing east side of the building. Is that consistent with what you know?

Mr. DeRosa: Yes.

Mr. McKay: Have you done the engineering work to know whether the existing foundation can support the second story that you're talking about and the addition?

Mr. DeRosa: I have not. I do not prepare those documents.

Mr. McKay: Do you know whether the framing on the first floor will support second floor second floor?

Mr. DeRosa: No, that would be a question for the architect and their design team.

Mr. McKay: Why have you decided to try to convert this dilapidated building into a duplex instead of complying with the Master Plan, and raising this dilapidated, rather ancient building and building a proper conforming single-family house on this lot?

Mr. DeRosa: The idea is to again; I understand your question. The applicant wants to provide a two-family dwelling in this location that has all the characteristics of a single-family home from the exterior look of it. That is why we're here tonight. With that, ask in mind,

Mr. McKay: If this board were to grant the relief requested, do you think that would encourage homeowners in the immediate area to try to put on the addition to their house and to create duplexes in each of their houses as you are asking for here?

Mr. DeRosa: I can't accurately answer that. Our application has to stand on its own and any subsequent application would therefore have to provide the same number of proofs and plans that we did. They would not just subsequently get approval because they said well, our neighbor got approval.

Mr. Krollfeifer: Is it possible that Mr. Carvalho could answer Mr. McKay's question as to why.

Ms. Schneider: I don't know if he has an answer. We did review the master plan and an overarching goal of the community is to continue to investigate alternative forms of residential development, which this does. It's a two story up and down dwelling. It's not really a duplex as defined in the code. A duplex I believe would be side by side, this is up and down. So, it's a little different. That's not changing the footprint either. It's not expanding the footprint. And it also meets the housing needs of a wide range of income and age levels because a lot of people can't afford to buy a single-family home, especially now. This allows the community and residents to be able to afford housing in an area that's already residential. So, we're really not changing the residential quality of the community in that area, we're just making it two residences instead of one.

Mr. McKay: It's a house owned in fee simple now by somebody. What is the ownership arrangement proposed? If the two family or duplex, however you want to label it, is approved? is it going to be a rental property within a fee simple house or is it going to be condoized, if I can use that that phrase?

Mr. Carvalho: As of now, I'm planning for my parents to live on second floor and my brother in the first floor.

Ms. Schneider: So, it would be simple still owned by Carvalho Carpentry, Inc.

Mr. McKay: Two units within the property. I haven't had the benefit of seeing the floor plan, so excuse me if I looked on those, I could probably find the answer straight out what's the square footage to be of each of the living units that are proposed?

Mr. Taylor: If you look at the architecture plans, there's a habitable area constellation.

Ms. Schneider: The ground floor is 1,118 square feet and the second floor is 922 square feet. The total habitable area is 2040 square feet living space.

Mr. McKay: What are your reasons for having us grant this variance? Is that it contributes to the concept of affordable housing and am I restating that accurately.

Ms. Schneider: It meets the housing needs of a wide range of income needs as stated in the master plan 2022.

Mr. McKay: So, you are not saying that this creates affordable housing.

Ms. Schneider: No, not like COAH. This helps the goals of the community. Most people can't afford a single-family home.

Mr. McKay: Well, that's a good point. You have obviously done some design work so that implies that you've also done some construction cost calculations have you?

Mr. Carvalho: No, not yet.

Mr. McKay: The applicant is a carpenter by trade.

Mr. Carvalho: Yes.

Mr. McKay: Knows what frame dwelling square footage costs are these days.

Mr. Carvalho: Somewhat.

Mr. McKay: And there's been no thought given to the cost of construction of this property.

Mr. Carvalho: I have an idea. I'll say somewhere around \$200,000.

Mr. McKay: Around \$200,000 to create a two-family house. Would it be \$200,000 if you just rebuilt it as a single family?

Ms. Schneider: It would be a lot less since it would be a single floor.

Mr. McKay: So, the duplex that you're proposing, or the two-family house, as you call it, will actually cost more to construct than a conforming single-family house on this lot.

Ms. Schneider: That would be the builder's cost, not the person who is buying it.

Mr. DeRosa: I believe if we were to construct a single-family home, two stories, exactly as we are proposing that would be relatively the same cost. If we were just to renovate what is existing now and not add a second story, then the costs conceivably would be half.

Mrs. Newcomb: Have you reached out to the MUA in Mount Holly for a second line for a second family if it were to be approved, as well as New Jersey American Water because they have to be on separate utilities. Right now, the cost to tie in just from the MUA is approximately over \$7,400. Just to tie in for one extra line. You have to get approval from the county as well. It's on a county road. But I don't know, has anybody reached out to the utilities to see if that is available to tie in? Or how have you approached them?

Ms. Schneider: We have not yet, but we can make that a condition of approval. We intended to reach out to them after we got through this.

Ms. Newcomb: Well, that will be conditioned on my construction office.

Mr. McKay: I just want to make sure you want to approve the expansion of the single-family dwelling on the same footprint slightly enlarged. But you want to keep a lot of non-conforming items such as the chain link fence, which is strictly prohibited under the code, but you want to keep the old fence is that correct?

Mr. DeRosa: We are open to removing that. What I wanted to do was point out that there were existing nonconformities. The fence being one of them.

Mr. McKay: Do you know what the dimensions on that garage are?

Mr. DeRosa: Roughly 12 x 24.

Mr. McKay: Would you describe the current state of the garage as dilapidated as is the house?

Mr. Carvalho: It needs new roof on it, new garage door, and siding. So, it would look exactly the same as the house. I would match the finishes on the house.

Mr. McKay: If you have a garage, why do you need an extra two parking spots?

Mr. Carvalho: Because the garage is not a regular sized garage, you wouldn't be able to park the car in there.

Mr. McKay: The garage is undersized and the normal current manufactured car won't fit in that.

Mr. Carvalho: I would refer to that garage as an enlarged shed.

Mr. McKay: Thank you I don't have any further questions.

Mr. MacLachlan: Are you going to own the property?

Mr. Carvalho: I own the property.

Mr. MacLachlan: You want to do this for your father, mother, and brother to live in.

Mr. Carvalho: Yes.

Mrs. Newcomb: So, the question I have looking at the construction and of this besides the structural, has the architect taken a look at the New York side door entrance. The reason is that I believe I could be wrong, but until I exactly get the requirements, is that there's a condition if you're creating a new entrance, and how far that door and that stoop or from an actual roadway. So, I feel that if for some reason it was not permitted under the IRC is that you may not be able to have that door and that stoop because you're creating something new if it was existing, that's different. You're creating a new stoop that is feet away from technically the road. At that point, is that what would happen if the Board were approved this and we denied it in my construction office due to the fact that it's not permitted to be there. At that point, then he couldn't have it. My question would be is would they have to come back to the Board to take a look for revision of not having the door?

Mr. Taylor: I think the bigger issue at this point is the conversion of a single-family home in a single-family zone, if it doesn't permit two family residence. Whether they could move a door or shift a door, put a barrier up, change the direction.

Mrs. Newcomb: I believe they were asking for a bulk variance.

Mr. Taylor: There are a handful of bulk variances. After the Board Members finish, I have a couple of questions. Focus on the conversion of a single-family home to a two-family home. I know we use the term duplex sort of interchangeably with a duplex under our ordinance definition technically means two separate lots. The homes are actually touching each other. What we have here is actually a horizontal ownership regime. So, it counts as a two-family dwelling because there is only a horizontal separation. So, I also think the Board, Mr. Carvalho has indicated that he intends to have his parents and family members living different entities, I don't think he's proposing that this be a single familial unit as an accessory or an in-law suite. He's proposing to create two units that could be condos could be sold, and that would have to be addressed. However, the Board were to evaluate the application.

Mr. MacLachlan: I know one of our former mayors, when that Hainesport Chase was being built, he had a suite built for his mother on Eastern Way. A kitchen, the whole nine yards. Is there a difference between an in-law suite and what this applicant is asking for? Could we modify it that he's doing an in-law suite that necessarily couldn't be rented out in the future? I understand other members of the Board's concern, I have the same concern. I am sort of happy to see some improvement to the area. But I would like to see more of an in-law suite than a full-blown approval for two families. Can we do that?

Mr. Taylor: So, that would be a totally different application. That would be a single-family residential use that has an accessory in-law suite. Our township ordinances do not make a distinction between that. What they're proposing is two independent dwelling units.

Mr. Bradley: If they made it one unit out of the second floor onto this with access through to back with the stairs that he shows on this diagram. Would that fit our requirements?

Mr. Taylor: So, we don't have any requirements. There are a lot of towns that have separate requirements. Some of those in some cases, they can't have separate kitchen, facilities, and they can't have separate entrances.

Mr. Bradley: Do we have such ordinances?

Mr. Taylor: If your mother-in-law comes in the door directly through your mud room to get into the mother-in-law suite.

Mr. MacLachlan: Just talking here. If he created a mud room with a stairway inside going up, does that qualify for.

Mr. Taylor: Then that does become a different land use than two separately deeded, separately taxed, because with this horizontal regime like this the lot would have to be owned by one or both of those parties in common. There would need to be access and maintenance agreements because at any point in the future each one of these units could be sold.

Mr. MacLachlan: Are you looking to deed two units here?

Mr. Carvalho: No, it would be one house.

Mr. MacLachlan: Would you be amenable to one common entrance and then your family can go separate ways. So, we are not creating two family houses on this residence in this area. Would you be amenable to that change in your plan a little where you just walk in.

Mrs. Newcomb: I find that an issue and the reason is that we know how these things grow overnight. I've had this. I've been in court with it. They create this and you don't know about it until the state police do a bust on it. I've been through this.

Ms. Kosko: We just did a similar thing with Main Avenue several years ago. I believe we required a common entrance and a sliding glass door that separated internally between the two.

Mrs. Kelley: The front door for the first floor is going to be where the chimney is now? Is that correct?

Mr. MacLachlan: That's where they are trying to put it but Mrs. Newcomb said she isn't sure whether that would be allowed.

Ms. Kosko: There is also access on the eastern side of the home from the driveway.

Mr. DeRosa: You are correct. There's an access from the eastern driveway to the first floor. There's the proposed access where the fireplace chimney is out to New York Avenue and there's also a rear door that will be under the proposed staircase.

Mr. Taylor: So, if the access was eliminated from New York Avenue, there would still be two access points.

Ms. Schneider: Mr. Carvalho does not plan on deeding it separately. He plans on being the owner of both.

Mr. McKay: Members of the Board, I think that we have an application presented to us. This is not, I think, the appropriate place to negotiate with the applicant to create a new application, for something that has not been requested. The Board is seeking to try to convert this from a two-family house application to a mother-in-law suite application as it's been dubbed. By disguising the fact that it's really a two-family house by removing an

exterior door or two. So that everybody has to go through a common door to get to the two clearly separate apartments or family residences that are there. I don't think it's appropriate for us to do that. This applicant could come back on another day with a mother-in-law suite application, on a proper application, addressing the appropriate criteria of the master plan. But I don't think it's our purpose in life or right to engage in a negotiation with him here.

Mr. MacLachlan: We just did it with two dumpsters.

Mr. McKay: This goes to the basic heart of the application. That's a detail, that's a footnote. The dumpsters have nothing material about the whole basis for the application. This goes to the heart of the application and the application of the master plan to the proposal.

Ms. Schneider: I know there's some questions on the door and the conditions that are going to be part of the resolution. But you know, we do stand firm in our requests to have approval for the two family up and down unit and with the design plans that we have and will provide further structural engineering diagrams or whatever other conditions to be proposed.

Mr. Krollfeifer: Going back to this picture that you provided. Remember I said earlier, I did see the property. I was going to ask the question about this house. Is it one family or two family? Do you know?

Mr. Carvalho: It is a one family two story.

Mr. Krollfeifer: The reason I'm mentioning it, is if we get to a point of an approval, you have a house right next door that's two stories. So, it's not going to negatively impact the neighborhood. But that doesn't address Mr. McKay's point.

Mr. DeRosa: We're not here to disguise anything with the application. It is what we presented, we are not trying to cover it up as a mother-in-law suite and get away with anything. The application is as we described and I agree with Mr. McKay. We are here for the merits of this application.

Ms. Kosko: Are there any ADA requirements with this or implications with it being a new second floor? How will it be in terms of comparison to the neighboring home height wise?

Ms. Schneider: I believe it's required is 35', the existing is less than 30', and proposed is less than 35'.

Ms. Kosko: Do you know how high the neighboring house is?

Mr. DeRosa: No.

Mrs. Newcomb: Is this effected by COAH fees?

Mr. Taylor: We would have to address that as a condition of approval.

Ms. Kosko: You intending to put your parents' upstairs, are there any concerns with means of access? As we get older, more seasoned it gets a little difficult to traverse up and down stairs.

Mr. Carvalho: No because they are not that old. Down the road I may not own the property anymore.

Ms. Kosko: Is the Board allowed to put a condition of terms of rentals or anything?

Mr. Taylor: No.

Mr. Krollfeifer: Counselor with all due respect, you suggested that you would like to get an approval on what you're requesting. You maybe want to talk to your client and your planner and think about this?

Ms. Schneider: Can we excuse ourselves for a few minutes so we can talk?

Mr. Krollfeifer:

Yeah, I think what we'll do is, we'll take a break. In this case, we can move forward with some other business that we have. That has nothing to do with your case. Then come back in again and reconvene where we were at.

Ms. Schneider: Okay.

The Board continues with other business and then returned to the case.

Ms. Schneider: Thank you, Chairman, for letting us have a little powwow but we are going to stand by our development application and the variance plans submitted and the architectural drawings that you have in front because we do want a two unit up and down.

Mr. Krollfeifer: Okay, and you're finished with your testimony.

Ms. Schneider: Other than the waiver, we can address that after if you want and any questions.

Mr. Krollfeifer: I'm going to ask for our professional's comments first. Mrs. Newcomb do you have anything more?

Mrs. Newcomb: No more than what I've explained.

Mr. Miller: I have no comments, there were no site plans.

Mr. Taylor: I have a couple of questions. Mr. DeRosa, in the preparation for your testimony tonight, did you do any inventory of the existing neighborhood character?

Mr. DeRosa: I did traverse the neighborhood. I particularly don't do every dwelling as an inventory. So, I can't answer precisely to that.

Mr. Taylor: Did you note any other two-family dwellings or duplexes located in the immediate area.

Mr. DeRosa: I did not. I did note that there were a couple two story properties. I did not go inside or inquire the use of those two storied dwellings.

Mr. Taylor: So, you didn't check tax records.

Mr. DeRosa: I did not.

Mr. Taylor: In terms of the planning testimony that you gave, part of that was establishing the particular suitability of this site and this has nothing to do with the number of stories because two stories are permitted. For the use variance to allow a two-family unit. You talked about how this site was particularly suitable. Wouldn't those same attributes apply to any other corner lot in this entire zone? I think you said because we're a corner lot with two advantages that makes us particularly suitable. Wouldn't that particular suitability then apply to every corner lot within the zone.

Mr. DeRosa: Yes, my testimony was exactly that because we are on a corner, we are able to accommodate the separate parking, even the separate entrances for upper unit, lower unit. Whereas if we were an interior lot, we would not be able to accommodate on this size lot or even a bigger lot multiple parking area. We wouldn't be able to accommodate multiple entrances or things like that.

Mr. Taylor: So, you are using the extent of your nonconformities as your particular suitability, the width of the existing curb cuts and driveway widths. In terms of suitability understanding that this same principle would apply to all other corner lots in the area. Do you think that that would be consistent with the master plan or two-family units could be built on those other corner lots.

Mr. DeRosa: A two family dwelling would give different residential options, more affordable housing and less expensive housing maybe. A variety of options.

Mr. Taylor: Did you do an inventory that addressed any of the other options that are available in terms of affordable housing needs or other smaller units in the community.

Mr. DeRosa: I did not.

Mr. Taylor: The ordinance specifically prohibits attached dwellings and they don't permit two family dwellings. Do you think that allowing these dwelling units would be consistent with the master plan if; there was a continued proliferation? How do you reconcile that with the township committees continued omission of this permitted use.

Mr. DeRosa: I don't know that I can speak to any future applications.

Mr. Taylor: I think we're talking about particular suitability. So, if we're saying that this lot there aren't any particular attributes to this lot that make it particularly suited except there are existing non-conforming conditions and it is a corner lot. But we didn't do an analysis so there may be 45 of these units. If the Board says that this is particularly suitable, yes, all applications are on its own merits. I don't know how we get to the level of saying this site, the 7,500 sq. foot formula this one's actually particularly well suited for a two-family dwelling. Without that same principle applying generally to all the others, which I think then has the potential to raise some substantial impairment to the

zone plan and the zoning ordinance by encouraging two family residential in a single-family residential zone. Do you want to comment on that?

Mr. DeRosa: I apologize that I do not have a number of corner lots that are exactly like ours. I concentrated just on our lot and do not know what the impact if there are 40 other lots that would be as far as the zones apply to that. That would be a case-by-case situation and not knowing any other lots that are particularly exactly like ours, I can't expand on the particular suitability of this lot.

Mr. Taylor: So, the particular suitability then that you're stating is a lot that's the same size as all the others in the zone and it's a corner lot much like numerous others in the zone.

Mr. DeRosa: Correct.

Mr. Taylor: I would defer to the Board, if the Board has any questions. I have a concern about groups established for a particular suitability here and also the negative criteria that any proliferation or approval of this could have substantial to the zone. If the Board has questions. I do not necessarily have any other specific comments to address.

Mr. Krollfeifer: Okay, thank you. I think it's appropriate, we'll turn it over to public comment now. Is somebody still online over here?

Ms. Kosko: No.

Mr. Krollfeifer: Okay. Public comment, but before you, I'll catch you just one second. Let me explain to you it's public comment. It's not a question and answer period. That's not a time to get into a debate with the applicant. You address your comments to the Board. We'll get your answers or handle them. Okay. However, we can get it done. Come to the podium speak into the microphone. You have to be sworn in by Mr. Kingsbury first.

Mr. Kingsbury swore in Francis Sullivan and Georgia Sullivan, 10 New York Ave.

Mr. Krollfeifer: Your house is the one that's directly behind the applicants?

Mr. Sullivan: We're across the street slightly diagonal. It's a blue two story with a white picket fence. I would encourage improvement on this property is a benefit to the township. I have major concerns. One is traffic and parking. Coming off New York Ave to your right there is a hill and it's difficult to see the traffic. On the left side, not this particular house that were this address that we're talking about. But the one next to it, the people parked out there and it's difficult to see looking to the left to get out of New York Avenue. Matter of fact, for years I've been practicing, I go down a couple of streets. I used to go out Pennsylvania Avenue or Maryland Avenue for safety reasons and every time my insists on going out New York Avenue. I wait, I made sure she made. So that's a concern. Really, it is addressed here. Number two, I'm not familiar with this whole process. I didn't know I could come up and review the application beforehand. But a couple of alarms went off with me, concerns I figured well I'm a citizen of Hainesport since 1949 and let me see how this works. Well, I remember what used to be Harpers General Store and they had a gas pump out front. Well, things have changed over the years. The last people that live there really neglected the house. Affordable housing, well we very affordable for him evidently because it went to bankruptcy or some kind of sale.

A person thought they hit the lottery and they want to improve the house. They want to improve your lifestyle and stuff like that more power to them. Welcome to America. So parking is a problem. Number two, to make it a two-residence house. I'm shaking my head; no. I don't know how you feel. I've nothing against renters. I think renters are fine people. Me and my wife, we probably rent three or four houses in Hainesport in our time. We should take care of family, take care of his parents and things like that. I applaud him for that. I think we're looking at the wrong address for the use. I understand has been proposed. This is why I'm here. I don't know how the system works. But I just wanted to express myself because a two-family unit, because of parking. Going up on the house, I went up on my house. We did a lot of work on our house over the years. So, somebody's got the fortitude and somebody's got the desire. We've been married for 54 years. So, we're still working at it. So, I had my mouthful. But personally, for myself, if I have a vote or have any weight or anything like I'm against this proposal. I just don't see it being good for the person who owns they're good for the community at large. So that's why I'm here.

Mr. Krollfeifer: Thank you. To answer your last comment/question. You don't have a vote. But you do have an opportunity to express an opinion to us, which helps us make decisions.

Mr. Sullivan: That's what America is all about and that's why I'm here. Thank you.

Mrs. Sullivan: My concern is basically the parking especially right on Marne Highway. We cannot see to pull out, it's very busy. New York Avenue itself is very busy. The lot for the property, I think is kind of too small for a two-family residence.

Mr. Krollfeifer: Thank you for your comments. Any other public comment? Hearing no other public comments, I'll close the comments and ask the Board if they have any other questions of the applicant, our professionals, of course can intercede anytime.

We are at a point where the Board has to make a decision and for the benefit of some of the folks that are in public in the audience. Let me just explain something a little bit of civics. We have to make a positive motion. You can't make a negative motion. But because we make a positive motion. The Board is free to vote no. If that's the gist in the direction they want to go on, based upon the testimony based upon the comments from public, our knowledge and experience in doing what we're doing tonight. So, I will then ask the Board what is your pleasure?

Mr. MacLachlan: If I may, in an effort to understand the applicant's testimony about bringing his family and comparing things that I know what's happened in my tenure as a resident in Hainesport. I was asking some questions. I did not mean to alter or attempt to alter the applicant's application. It was just gaining an understanding of what, you know, when he testified that his family was going to be in there. It was just me trying to understand these applications, and everybody knows me. I'm not shy, I'm going to ask the questions. So, I understand.

Mr. Krollfeifer: We can't make a motion to decline the applicants request, you make a motion to approve it, its seconded. Then when it's voted upon, the person that makes the motion and the person who seconds it can say no. The first part is to put the motion on the table. The voting has to do with the disposition on it. And I'll maybe put Mr. Kingsbury on the spot to explain that properly.

Mr. Kingsbury: I don't think that's a legal requirement, but it has certainly been a recommended method.

Mr. MacLachlan: So, that means the person making the motion if they were to grant, an approval is agreeing with the application.

Mr. Krollfeifer: No, the purpose of the motion where we're at now is to put this application on the table for the Board to then vote upon. And the voting is different than putting a motion wherever we call for a motion.

Mr. Kingsbury: You can make a motion and then vote no.

Ms. Kosko: I make a motion to approve the applicant's use variance.

Second: Mr. Krollfeifer

Mr. Krollfeifer: Ms. Kosko and I have done is put the motion on the table for the Board to act upon. I always ask for a motion and a second. I say Are there any questions on the motion? Are there? Hearing none, roll call please

Roll call: Ms. Kosko, no; Mr. Krollfeifer, no; Mr. McKay, no; Mrs. Kelley, no, because of the things pending like soil and water; Mr. Bradley, no, because I think how they made the presented and information, they need better documentation; Mr. Murphy, no; Mr. MacLachlan, no

Mr. Krollfeifer: The fact that the use variance has been denied, we do not have to go into any other bulk variances requested.

Ms. Schneider: Can they vote on the bulk variances until they come back with better documentation?

Mr. Kingsbury: The bulk variances are mute.

Mr. DeRosa: The applicant still would like to do the first-floor building edition in the back. That is going to have a front yard setback because it is off of New York Avenue less than what's required. One of the bulk variances is an existing non-conformity. Rather than come back for that if he chooses to do that, could you vote on that

Mr. Kingsbury: That is not before the Board. If you want to build an addition, you would have to come back with a new application for the bulk variances.

Ms. Schneider: Thank you for your time.

Mr. Krollfeifer: We are going on to item 10 on the agenda.

**E. Case 18-04C: Longbridge Farms
Block 103 Lots 1 & 8 and Block 113 Lot 4.05
Hainesport Mt. Laurel Road and Route 38
Final Major Subdivision
Attorney: Douglas Heinold**

Case was continued to October 4, 2023, no notice required.

7. Minutes

A. Meeting minutes of May 3, 2023

Motion to approve: Mr. Bradley

Second: Ms. Kosko

Roll call: Mr. Bradley, yes; Ms. Kosko, yes; Mr. McKay, yes; Mrs. Kelley, yes;
Mr. Murphy, yes; Mr. MacLachlan, yes; Mr. Krollfeifer, yes

Motion carries.

8. Resolutions

A. Resolution 2023-11: Granting front yard fence set-back variance on Block 111 Lot 16.03

Motion to approve: Ms. Kosko

Second: Mr. Bradley

Roll call: Ms. Kosko, yes; Mr. Bradley, yes; Mr. McKay, yes; Mrs. Kelley, yes;
Mr. Murphy, yes; Mr. MacLachlan, yes

Motion carries.

B. Resolution 2023-12: Granting administrative amendment to the conditional site plan waiver previously approved on Block 66.01 Lots 3 & 5

Motion to approve: Mr. McKay

Second: Mrs. Kelley

Roll call: Mr. McKay, yes; Mrs. Kelley, yes; Ms. Kosko, yes; Mr. Bradley, yes;
Mr. Murphy, yes; Mr. MacLachlan, yes

Motion carries.

9. Correspondence

A. Certification dated July 20, 2023 from Burlington Co. Soil to Mr. Blair
Re: Block 106.01 Lot 6.04, Poochigian Residence

B. Letter dated June 29, 2023 from James Sassano Assoc. to Hainesport Environ. Comm.
Re: Treatment Works Approval Application for a Sanitary Sewer Extension
Longbridge Farms Residential Subdivision Block 103.01 Lots 1 & 8 Block 113
Lot 4.05

C. Letter dated August 17, 2023 from Taylor Design to Mrs. Newcomb.
Re: Garden State Bobcat (known as Woods Machinery) 1395 Route 38

D. Letter dated August 21, 2023 from Burlington Co. Planning Board to Mr. Mullikin
Re: 710 Marne Highway Warehouse/Bluewater Release of performance guarantee (\$394,010.) and automatic activation of Maintenance Guarantee (\$59, 102.)

- E. Certification dated August 23, 2023 from Burlington Co. Soil to Mr. Blair.
Re: Block 42 Lot 1, 1.01, 1.02, 2, 2.01 Hainesport Warehouses
- F. Letter dated August 25, 2023 from Taylor Design to Mrs. Newcomb
Re: Garden State Bobcat- AKA Woods Machinery Landscaping Inspection
1395 Route 38

Motion to accept and file: Mr. MacLachlan

Second: Mrs. Kelley

Mr. McKay: Question on the one letter from Mr. Taylor to Kathy Newcomb dated August 17 and August 25. What is wrong with this applicant not being able to finish this site? It is the old Bobcat site, now called Woods Machinery. The site seems like it's 95, 98 percent done and just haven't finished the job.

Mrs. Newcomb: So, there's some other construction stuff to finish with us as well. The interior work. I would like to limit my comment on the exterior issues.

Mr. McKay: Both the letters deal with exterior issues.

Mrs. Newcomb: They still have a handful of work to do in the inside. They are not at their finals for building, electrical, and plumbing.

Mr. McKay: That is a building permit issue.

Mrs. Newcomb: The final for the exterior obviously there are a lot of things according to Mr. Taylor's letter that they have not completed correctly.

Mr. Taylor: I think our letter is self-explanatory. There are a handful of items that were required as part of their application and their approved plan that has not satisfactorily completed for a CO. They need to be addressed before they do. I think the owner is functioning as partly as general contractor while trying to run his own machinery business. So, I think that this has not come together as quickly as other projects. We will methodically need to go through there. I don't want to go into any more because they may need to come back to the Board or an administrative action.

Mr. McKay: I see that he has not completed the trash enclosures and a few other things like that. I just wondered because I just see it sitting there. I get the letters and I understand why.

Roll call: Mr. MacLachlan, yes; Mrs. Kelley, yes; Mr. McKay, yes; Ms. Kosko, yes; Mr. Bradley, yes; Mr. Murphy, yes; Mr. Krollfeifer, yes

Motion carries.

10. Professional Comments

Mr. Kingsbury: The Beacon of Hope matter is being assigned to the attorney, Madden & Madden. At this point nothing has happened. He's going to file an answer. I'll probably have a more detailed report around November.

Mr. Krollfeifer: If I could add to that. The October 1st date is important because originally it would be to respond within 21 days by August 31st and its now October 1st.

Mr. Kingsbury: The answer is not due until October.

11. Board Comments

Mr. MacLachlan: Again, it's been around a long time it seems these last couple applications to come in a little complete. We have these folks come in, they have plans that we don't see, they put them up on the board. We got the last guy who didn't know where he is putting his fence. Last month the lady didn't know where her property started. It's getting a little crazy around here and I think I'm here I'll stay all night but it just seems like we're wasting a lot of the Board's time trying to get some details and exhibits if you will. I just hope we can do that.

Ms. Kosko: Who deems the application complete.

Mrs. Tiver: The planner.

Mr. Taylor: Right but there are checklist items to deem it complete. Not showing where the dumpster is would not be. We really don't have a use variance checklist requirement. Little things like not showing the dumpster would not be a reason to deem an application incomplete.

The answer is given us these four items come back and we'll discuss them in a well verse. We asked for certain things we think the Board is entitled to see, we're not going to sit here and guess what the building may or may not look like.

Mr. McKay: Well, one thing you could do is put in a requirement on the completeness list, to have them pre market exhibits. So, we have the exhibits in advance. So, no one can pull out a floor plan at the last moment, which nobody's ever seen, hand it out and asked us to start reading it.

Mrs. Tiver: You can come across an issue with that, because if the engineer our planner, are discussing things with the applicant, and the packets have already gone out, and it's three days before a meeting, and things have changed, and now the applicant is going to bring that change that they discussed with the professionals.

Mr. MacLachlan: It just seems like a lot of information. Three cases have been conveniently missing from the application that's all I'm noticing.

Ms. Kosko: Our professionals are clearly delineating that in their review letters. The applicant is still coming before the Board without satisfying all those and I think they should be addressed.

Mr. Krollfeifer: Maybe we can address this at the preagenda meeting that we have. We need to know by then because everything is supposed to be in 30 days in advance.

Maybe we could, in addition, maybe you could address this, during the free meeting, for the agenda meeting that we have, that we'll know. But we'd have to know by then. Because everything's supposed to be in 30 days in advance.

Mrs. Tiver: That's correct. But the professional staff doesn't always have the opportunity before that meeting, to look over the application and come up with a letter to state what the deficiencies are that is needed.

Mr. MacLachlan: Thank God, you're out there and you knew what was going on with the dumpsters and all that. I guess you were addressing that anyway.

Mr. Taylor: We talked about that at the last meeting and put in our report again. I talked to their engineer about it two weeks ago. Clarify the trash in the dumpster issue. It was as if it was never mentioned. so gorgeous. So, I think if they cannot get crystal clear on an issue. Regroup, get your answers. You are volunteers and are entitled to have a crystal-clear picture of what you are approving.

Mr. Miller: We have applications come in for final with the idea that they can get conditions on final.

Mr. MacLachlan: We are very generous with conditions.

Ms. Kosko: We are but at the same time, we have applicants who are expressing frustration that they're not being heard in a timely fashion. Yet, at the same time, they're submitting applications that generally aren't complete and they're not meeting the comments that the Board or professionals are making in their review letters. So, it's an interesting dilemma. It's a bit of a conundrum that we deal with often with our applicants.

Mr. McKay: The end line to this is you got to grin and bear with it.

Mr. MacLachlan: Everyone does great work.

Mr. Krollfeifer: I want to thank all of you for the beautiful card that I know Paula Tiver took time to get and get everybody to sign when I was ailing. I had a very bad fall at home. I spent eight days in a wonderful Virtual Memorial Hospital and I was in a rehab facility for a month. Not to be confused with drug and alcohol it had to do with a fall. It was a long haul. I'm still in physical therapy, they come to the house two or three times a week. But I'm getting better thanks to my beautiful wife.

12. Public Comments

So, now we'll open this to public comment.

Lisa Wallace: I've been on Phillips Road 42 years.

Nancy Finley: I live on 47 Phillips Road. I've been there for almost 26 years.

Ms. Wallace: So, we're here because this is the beginning of, I guess. You may or may not be aware a church purchased land at 23 Phillips Road. They purchased it a year ago.

Mrs. Newcomb: At this point, they are not moving forward with it. I have a verbal from the pastor. Not to say it would never be done.

Ms. Wallace: Thank you for your patience when I showed up one year ago, almost this week, and she calmed me down. What happens now, though?

Mrs. Newcomb: At this point we don't know.

Ms. Wallace: The survey is not completed yet.

Mrs. Newcomb: Nothing has come to any fruition to even say it's a walking path. It's a property that sits as you see it.

Ms. Wallace: So, I guess when we got the notification for this survey, that kind of triggered all the alarms again. Based on what they're saying there'd be road issues that traffic, the number of parishioners everything they want it to do. So, for all of you in 1999, roughly, I mean, I was carrying my child, he couldn't walk. So that's how I can do the timing, Tangent Builders no longer around, they came here to consider purchasing the land. They tried to put five houses on this acreage and that fell through for many reasons. So, for all of our residents, the town has changed dramatically. Our road has changed dramatically. Ms. Finley is a big walker; you can't walk out there now. But with that kind of traffic and that church, it isn't about the church. It's about what they want to build and how big it is. And that was the big concern. It would be a big, big parking lot in basically our backyards, it would be a lot of things. So, we'll be back if it moves forward. But all the other residents are willing to come as well.

Ms. Finley: How do we know?

Mrs. Newcomb: You would receive notification because you are within 200'. I'm sure if you're not within the 200', those people would let everyone know. Until we get an application or I hear anything, it will remain a piece of ground.

Mr. Murphy: Does the church own the property now?

Ms. Finley: They own it. We had received a note in our mailbox regarding a grand opening and dedication ceremony to talk about plans.

Ms. Wallace: They purchased it in June 2022. The number of parishioners, two masses every Sunday morning. And when they did the dedication that Ms. Finley is referring to the road was blocked for, I mean, crazy. And of course, they were they brought a bulldozer in and they were plowing to set up this dedication. So, there was a lot of stuff going on. It's been very quiet. But in July when we got notification of the survey, we thought it was picking up again,

So, there was a house back there for years and years. It was demolished by the city because of sewerage. Well, we don't have sewage out there but some kind of septic situation and that was demolished. It's been a long, long time. The property itself started at a million something when Tangent was thinking about it in the late 90s. Then it's just been dormant. He bought it and he had reasonable plan. He was on the opposite side of our property because the bulk of the good land Bilderberg was out front. Great news.

Mr. Krollfeifer: If you want to come back every other month and asked the question, Mrs. Newcomb can answer it for you.

Ms. Wallace: Thank you, she really did a great job. Everyone's been giving her compliments. But she's that buffer that crazy people show up and she calms down.

Ms. Finley: Regarding the chemical spraying to keep the weeds down and nobody has sprayed since. So, I don't know if anything happened since then.

Ms. Kosko: We have had conversations.

Mrs. Newcomb: Thanked everyone for the compliments. Remember that this whole group, there's not one of us that could do our job properly without support. That goes from my administrator, Paula Kosko, and the Board secretary, Paula Tiver, to our chairman, volunteers, and as well as our professionals. This is a team effort.

Ms. Wallace: We got to see that tonight. Actually, I think more people should come.

Ms. Finley: Is there anything with the spraying?

Ms. Kosko: I haven't really had that conversation.

Ms. Finley: I am happy that no chemicals have been sprayed. No one has been around.

Mr. Krollfeifer: Thank you. Any other public comments. Hearing none, I will close public comment.

13. Adjournment

Mrs. Kelley motioned to adjourn at 9:50pm

Motion: Ms. Kosko

Roll call: All in favor

Paula L. Tiver, Secretary