

HAINESPORT TOWNSHIP JOINT LAND USE BOARD MINUTES

Time: 7:30 PM

Wednesday, October 5, 2016

1. Call to Order

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

2. Flag Salute

All participated in the Flag Salute

3. Sunshine Law

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

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

5. Resignation of two Board Members

Mr. Krollfeifer resigned as a Class IV Board Member by letter dated August 24, 2016

Mr. Clauss resigned as an Alternate Board Member by letter dated September 13, 2016 due to becoming a Township Committee Member.

6. Township Committee Resolutions & Mayor letter of designee

HAINESPORT TOWNSHIP RESOLUTION 2016-132-8

RESOLUTION TO APPOINT CLASS III MEMBER TO THE JOINT LAND USE BOARD

WHEREAS, as a result of retirement of Committeeman William Boettcher III a vacancy has occurred in certain liaison positions.

BE IT RESOLVED by the Township Committee of the Township of Hainesport, County of Burlington and State of New Jersey that the following member of the governing body be appointed to the Joint Land Use Board.

Class III, Member of the governing body, expiring on December 31, 2016 – Gerard Clauss

BE IT FURTHER RESOLVED that this appointment shall terminate at the completion of the appointed officials term of office.

BE IT FURTHER RESOLVED that a copy of this resolution be given to the Administrator and Joint Land Use Board Secretary for their records.

I, Leo F. Selb, Jr. do certify this to be a true copy of a resolution adopted by the Hainesport Township Committee at the Reorganization meeting held on August 9, 2016.

**HAINESPORT TOWNSHIP
RESOLUTION 2016-140-8**

**RESOLUTION TO APPOINT CLASS IV ALTERNATE
MEMBERS TO THE JOINT LAND USE BOARD**

BE IT RESOLVED by the Township Committee of the Township of Hainesport, County of Burlington and State of New Jersey that the following Mayor's appointments to the Hainesport Township Joint Land Use Board be approved to serve as volunteers:

Class IV, Alternate # 3, until December 31, 2016 – Irene S. Baggio

BE IT FURTHER RESOLVED that a copy of this resolution be given to the CMFO, Administrator, and Joint land Use Board Secretary for their records.

I, Leo F. Selb, Jr. do certify this to be a true copy of a resolution adopted by the Hainesport Township Committee at the Reorganization meeting held on August 6, 2016.

Mayor Dickinson appointed H Krollfeifer as his Mayor designee, Class 1 Member, by letter dated October 5, 2016.

Mr. Kingsbury swore in the following: Gerard Clauss, H Krollfeifer, Irene Baggio.

7. Swearing in of New Appointees

Mr. Kingsbury swore in the following: Gerard Clauss, H. Krollfeifer, Irene Baggio.

8. Roll call

Present: Mr. Krollfeifer, Mr. Clauss, Mrs. Kelley, Mr. McKay, Mr. Dodulik, Mr. Lynch, Mrs. Tyndale, Irene Baggio, Mr. Katz

Absent: Mr. Selb

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

9. Items for Business

Mr. Katz announced that item C: Case 16-12: Robert T Winzinger, Inc. and D: Case 16-15: Association of Bosniaks of Delaware will not be heard this evening.

Mrs. Kelley motioned to postpone the two application until the November 2, 2016 meeting.

Second: Mr. Dodulik

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

Motion carries to postpone Cases 16-12 and 16-15 until the November 2, 2016 meeting.

**A. Case 16-14: Andrew Plocharczyk
Block 102 Lot 1
2710 Fostertown Road
Use Variance for garage**

Proper notice was given.

Mr. Krollfeifer and Mr. Clauss recused themselves from the application.

Mr. Kingsbury swore in Andrew Plocharczyk, owner.

Mr. Plocharczyk stated he would like to build a 16' x 20' shed on an existing pad. He currently has a small Rubbermaid shed (referred to photo) that does not hold a lot.

Mrs. Newcomb explained that Mr. Plocharczyk lives in a general commercial zone. A use variance is needed because he is a residential use in a commercial zone. He appeared before the Board several years ago for the garage and he is also a car collector. She referred to the photos and stated the Rubbermaid container will be removed.

Mr. Dodulik questioned the size of the existing pad.

Mr. Plocharczyk stated it is 20' x 20'.

Mr. Katz commented that he has done a wonderful job on fixing up the house.

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

Mr. Lynch motioned to approve.

Second: Mr. Dodulik

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

Motion carries to approve.

Mr. Plocharczyk requested a waiver to proceed prior to the memorialization of the resolution.

Mr. Lynch motioned to approve.

Second: Mrs. Kelley

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

Motion carries to approve.

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

Mr. Kingsbury swore in Janet Stevens and Peter Burgess, engineer.

Mr. McAndrew explained that they were before the Board in June 2016 and received preliminary approval. They would like to modify the parking to gain additional parking. Also, they worked on a couple issues that were open at that time.

Mr. Burgess explained that Zeus Investments owns the property, which was formerly owned by Perry Videx. There are four buildings that front on Mary Way. They were requesting to add dumpster enclosures, restripe some parking on the back of the site, and pave to improve the lot in front of 5 Mary Way (to accommodate a tenant fit out for Herr's building), address some parking needs for the Stratosphere Trampoline Park (one half of 5 Mary Way). There was some discussions at the last meeting regarding curbing. They will be curbing the island and interior lot of #5. They added some curbing along the drive isle between 5 and 7. After discussions with the board's professionals, they will also curb a small parking segment and make it a one way isle. They are seeking variances and/or design waivers to address some of the existing constraints. One is the width of the drive isles which are preexisting at 24' and 22' and should be 25'. They do not meet the setback requirements from the ROW, noted that this is a private ROW, unlikely to ever become the townships responsibility.

Mr. McAndrew commented that this an existing industrial area.

Mr. Burgess stated another variance would be that the trash enclosure straddles the property line between lots 2.04 and 2.05. They agreed last time to establish cross-easements for the trash and parking.

Mr. McAndrew explained that the variances are there do to the existing development. They are try to make what is there better.

Mr. McAndrew questioned if there were any negative impacts if the Board were to grant the variances.

Mr. Burgess stated no negative impacts.

Mr. McAndrew questioned if they would have any problems with complying with the Boards planner and engineer letters.

Mr. Burgess stated no.

Mr. McAndrew stated that they will provide the cross easements for review and revised plans to address the comments agreed to.

Mr. Burgess agreed.

Mrs. Wuebker explained that they have already addressed some of the items that the Board originally seen. There are minor issues that need to be tweaked. She believes they can work it out. It is important that the Board votes on the variances and design waivers.

Mr. Miller addressed his letter. Most of it addressed design waivers and the variances requested. There are a couple of items that he asked the engineer to add to the plans, they asked for an additional light to go over the Herr's parking area which they agreed to. Clarification is needed on the light that is intended to be used. On lot 2.04 it shows a couple parking spaces and a handicap space, which they agreed to add to the parking table. This will allow to see what is going on in the building and take care of the ADA requirements.

Mr. Burgess stated that a request for a reflective white sideline be added to the drive to guide traffic which they will add.

Mrs. Wuebker commented that will be a big help for directional purposes. She questioned if the lighting will be on all night or will it dim down because there are residents that live nearby.

Mrs. Stevens explained that the parking lot in the front may stay on all night. The PSE&G lighting in the rear that faces the building stays on all night. They have had issues with graffiti and illegal dumping. She hasn't had any complaints from the residents.

Mr. Krollfeifer questioned if it was resolved with the LED issues mentions in the letter.

Mr. Miller commented that they agreed to fix it.

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

Mr. Kingsbury explained on the last page of Mrs. Wuebker's letter there is a list of variances being requested.

Mrs. Wuebker stated they will not need the design waiver because they have agreed to and one not listed is the location of an accessory structure (dumpster) and the proximity to the property line.

Mr. Kingsbury stated it will be subject to providing a cross-easement.

Mrs. Wuebker agreed and also a cross-easement for the parking area.

Mr. Kingsbury read the variances requested for the record.

- Minimum setback of parking or traffic aisles from a right of way line
- Variance from the number of required parking spaces
- Variance from size of parking stalls
- Minimum setback of parking or traffic aisles from side property line
- Curbing around the perimeter of parking and loading areas
- Two-way aisle width of 24' instead of 25' (and 20.3 instead of 25' for Herr's)
- The dumpster location that straddles the two property lines

Mr. Lynch motioned to approve the above variances.

Second: Mr. Krollfeifer

Roll call: Mr. Lynch, yes; Mr. Krollfeifer, yes, he did listen to the recording of their preliminary approval; Mr. Clauss, yes; Mrs. Kelley, yes; Mr. McKay, abstain, due to being a continued application; Mrs. Tyndale, yes; Mr. Dodulik, yes; Mrs. Baggio, abstain; Mr. Katz, yes

Motion carries to approve the variances.

Mr. Kingsbury explained the next issue would be the request for final site plan approval subject to compliance with the engineer and planner letters.

Mr. Clauss motioned to approve.

Second: Mr. Krollfeifer

Roll call: Mr. Clauss, yes; Mr. Krollfeifer, yes; Mrs. Kelley, yes; Mr. McKay, abstain; Mrs. Tyndale, yes; Mr. Dodulik, yes; Mr. Lynch, yes; Mrs. Baggio, abstain; Mr. Katz, yes

Motion carries to approve.

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

Mr. Krollfeifer motioned to approve.

Second: Mr. Dodulik

Roll call: Mr. Krollfeifer, yes; Mr. Dodulik, yes; Mr. Clauss, yes; Mrs. Kelley, yes; Mr. McKay, abstain; Mrs. Tyndale, yes; Mr. Lynch, yes; Mrs. Baggio, abstain; Mr. Katz, yes

Motion carries to approve.

Mrs. Newcomb questioned the process since it is a commercial property. Normally the resolution, escrows, and bonds are established before they start.

Mr. Kingsbury stated they must post a bond first unless waived by the governing body.

Mr. McAndrew commented that they will asking the committee to reduce or waive the bond because it is a private site. The 45 days would be the waiver from the resolution.

Mr. Miller explained that a bond amount would have to be provided and then they can ask a waiver for that amount. The escrow fees are based on that amount.

C. Case 16-12: Robert T Winzinger, Inc.

Block 73 Lot 11.01

2109 Marne Highway

Site plan waiver and use variance

Attorney: Denis Germano

Proper notice was given.

Mr. Germano requested to postpone the application until the November 2, 2016 meeting by letter dated September 30, 2016.

The application is postponed until November 2, 2016 and was voted on before the first application above.

D. Case 16-15: Association of Bosniaks of Delaware

Block 104 Lot 1.05

Amended final site plan, bulk and use variances

Attorney: Paul Schultz

Mr. Schultz requested by email dated September 29, 2016 to continue the application until November 2, 2016.

The application is postponed until November 2, 2016 and was voted on before the first application above.

10. Minutes

A. Regular Meeting Minutes of August 3, 2016

Motion to approve: Mr. Clauss

Second: Mrs. Kelley

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

Motion carries to approve.

11. Resolutions

**A. Resolution 2016-16: Hainesport 1910 Properties, LLC (The Bradford Estate)
Granting submission waivers, use variance, bulk variance for sign setback and
preliminary/final site plan approval for expansion of an existing catering facility
on Block 97 Lots 1 and 1.01**

Motion to approve: Mr. Lynch

Second: Mr. Krollfeifer

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

Motion carries to approve.

**B. Resolution 2016-17: Nolyn Real Estate (Sonic Drive-In)
Granting use variance and amended final major site plan approval for ground
mounted solar panel installation in servicing Sonic Drive-In Restaurant on
Block 96 Lot 1.10**

Motion to approve: Mr. Lynch

Second: Mr. Clauss

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

Motion carries to approve.

12. Correspondence

- A. Letter dated August 16, 2016 from Alaimo Engineers to Mr. Selb
Re: Block 10 Lot 1 Case: 14-04 Washington & Broad Street, Bond Release
- B. Letter dated August 25, 2016 from Alaimo Engineers to Mr. Katz
Re: Block 101.04 Lot 1 WaWa Compliance Plan Review
- C. Letter dated August 25, 2016 from Alaimo Engineers to Mr. Selb
Re: Block 10 Lot 1 Washington Street Subdivision, Performance Bond Release Recommendation
- D. Letter dated August 25, 2016 from Alaimo Engineers to Mr. Robins
Re: Block 101.04 Lot 1 Wawa, Inc., Punch list
- E. Letter dated August 26, 2016 from Mark Shourds to Mrs. Tiver
Re: Block 58.01 Lots 1-6 and Block 62.01 Lot 1, Hainesport Enterprises
- F. Letter dated August 30, 2016 from Ragan Design to Mr. Katz
Re: Block 101.04 Lot 1 Case 16-03: WaWa, Inc., Review of plan compliance with Board Approval
- G. Letter dated September 6, 2016 from Burlington Co Planning Board to Mr. Nicholson
Re: Block 114 Lots 3 & 4, Easton Bible Church addition
- H. Letter dated September 15, 2016 from Burlington Co Planning Board to Mr. Truesdale
Re: Block 97 Lots 1 & 1.01, Bradford Wedding Pavilion site plan
- I. Letter dated September 16, 2016 from Burlington Co Planning Board to Mr. Blair
Re: Block 114 Lots 3 & 4, Easton Bible Church
- J. Letter dated September 19, 2016 from Burlington Co Planning Board to Mr. Haberman
Re: Block 101.04 Lot 1, WaWa
- K. Letter dated September 20, 2016 from MUA
Re: Block 104 Lot 1.05 2835 Creek Road
- L. Letter dated September 20, 2016 from MUA
Re: Block 102 Lot 1, 2710, Fostertown Road

Motion to accept and file: Mrs. Kelley

Second: Mr. Krollfeifer

Roll call: Mrs. Kelley, yes; Mr. Krollfeifer, yes; Mr. Clauss, yes; Mr. McKay, yes; Mr. Dodulik, yes; Mr. Lynch, yes; Mrs. Tyndale, yes; Irene Baggio, yes; Mr. Katz, yes

13. Professional Comments - None

14. Board Comments - None**15. Public Comments**

Diane Beharry, 7 Melodie Court, stated she purchase her home in 2013 which includes a detention basin. She was told by the realtor that she owned half of the basin. It has been maintained by her the last three years. She reviewed the stormwater management rules and contacted NJ State and was told a rule was implemented in 2004. She read the rule. This is not in legal litigation and errors happen and would like to have the deed of easement removed. There should be an HOA and just wanted to bring it to the Board's attention. She is hoping to have Ted Costa revise her and her neighbor's deeds of easement.

Mrs. Wuebker stated for the record what the statute number is: NJAC 7:8-5.86.

Mrs. Beharry thanked the Board.

Mr. Krollfeifer thanked her for bringing the information to the board. He is aware that Mr. Costa is looking into it.

Mr. McKay asked if we would get an update on this in a month.

16. Adjournment

Mr. Krollfeifer motioned to adjourn at 8:08pm

Second: Mrs. Kelley

Roll call: All in favor

Paula L. Tiver, Board Secretary