

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman David Wigglesworth presiding. Other members present were Harry Bilicki, Charles Cain, Richard Cheek, Wayne Choyce, William Christman, John Kurtz, John Percy and Heather Tomasello. Alternate members present were David Adams and Harry Rogers. Also present was John Rosenberger, Solicitor.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Cain moved, seconded by Mr. Cheek, to approve the minutes of the meeting of May 17, 2012, as published. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

James Pashley and Andre Santori, Hamilton Mall Convenience Center (Request for Determination if Proposed Use is of the Same General Character as Certain Permitted Uses) – Charles Gemmel, Attorney, and James Pashley were present.

Mr. Gemmel referred to Section 203-71. B. of the Land Use Ordinance which contains a provision permitting the Planning Board to determine whether a particular use is of the same general character as the uses set forth as being permitted within regional and design commercial shopping centers.

Mr. Gemmel advised that the Hamilton Mall is located within a Design Commercial District and was developed as Regional Commercial Shopping Center. He pointed out that the Ordinance sets forth that the Design Commercial District has been established to accommodate the greatest variety of commercial development within the Township, and is intended to promote a high level of commercial activity in a completely comprehensive system of commercial land uses.

Mr. Gemmel stated that his clients were proposing to lease a portion of the Hamilton Mall Convenience Center for a combination haunted walk-through attraction and a miniature golf facility, with a Halloween theme.

Mr. Gemmel advised as to what uses were permitted within the Design Commercial Zone and what uses were permitted within regional and design commercial shopping centers.

He asked the Board to conclude that his clients' proposed use was similar to that of a motion picture theater and health and exercise facility.

Mr. Pashley testified that he was proposing to lease 27,000 square feet to operate an indoor, haunted attraction during September and October; that the operation would be conducted entirely indoors, including the queue line and concession; that it would be operated like a movie theater in that you would enter, buy a ticket and then be entertained; that the improvements to the interior of the building would meet all the applicable codes, particularly the fire code; that the facades constructed inside would be much like a movie set; that each room would be themed differently; that the operation would be high-tech; that the glow-in-the-dark miniature golf would be constructed within an additional 9,000 square foot area of the building if the haunted walk proves successful; that there would be three full-time, year-round employees and forty to fifty additional employees, Thursday through Sunday, for six to eight weeks; that there would be live actors; that there would be six to eight full time, year round employees when the glow-in-the-dark miniature golf facility is in operation; that business associated with Halloween is presently a six billion dollar a year industry in the United States; that the food offered in the concession would be pre-packaged; that the audience is usually between fourteen years of age to over sixty years of age; that the average patron visit is about an hour and a half; that the facility would be operated between 6:00 PM and 12:00 AM; that they would be employing security personnel, and possibly employ a Township Police Officer if it becomes necessary; that they would comply with all ordinances affecting their operation; that there would be no moving trams, as it would be all walk-through; that they were attempting to design the facility to accommodate wheel chairs; that he anticipated between three hundred to five hundred patrons

on weekends upon opening, with between six hundred to eight hundred patrons as it gets closer to Halloween; that there would no outside speakers and all the sound generated would be contained indoors and would meet the applicable code; that the sign on the building would be backlight and would meet Ordinance requirements; that there would be no changes to the existing, outside lighting; that the look of the façade would be somewhat changed; and that he planned to attract patrons through extensive advertising.

Board members asked questions to which responses were provided.

Mr. Wigglesworth opened the hearing to public comment and there was no response.

Mr. Percy moved, seconded by Mr. Cheek, to close the public portion of the hearing. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Mr. Percy moved, seconded by Mr. Cain, to interpret Section 203-71 to include a haunted walk-through entertainment attraction and miniature golf as a permitted use.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Adams – Not eligible to vote

Mr. Bilicki – Aye. He stated he felt it was a good idea, particularly the indoor miniature golf.

Mr. Cain – Aye. He stated that he believed the attraction to be an operation similar to that of a movie theater

Mr. Cheek – Aye

Mr. Choyce - Aye. He stated he believed it was the right location for the attraction

Mr. Christman – Aye

Mr. Kurtz – Aye

Mr. Percy – Aye

Mr. Rogers – Not eligible to vote.

Mrs.. Tomasello – Aye

Mr. Wigglesworth – Aye. He stated he felt it was a good place for the attraction.

SAID MOTION CARRIED.

Mr. Pashley stated he would be making arrangements to donate \$1.00 a ticket to such local charities as Jeans’ Kitchen and the Atlantic City Rescue Mission.

Site Traffic Control During Construction – Mr. Chrisman voiced concern with regard to the way the parking lot traffic was being controlled during construction at the Walmart site. He stated that he had been involved in an accident there earlier this year; that he had witnessed accidents since then; and that he had been informed by a police officer that there have been frequent accidents, particularly during weekends, since construction commenced. Mr. Christman advised of some conditions on site that are potentially dangerous, and stated that the traffic pattern was in a state of flux, with little or no traffic control signage, which he felt complicated the situation, as customers were used to the original pattern

Mr. Christman expressed the opinion that the Planning Board should learn from this situation and, during review of future applications, ensure that the traffic pattern during construction is thoroughly evaluated and a plan put in place during the approval process.

Mr. Rosenberger pointed out that there is a checklist that is part of the Ordinance that sets forth what has to be submitted as a part of every application, and he suggested that the Ordinance could be amended to provide for submission of a traffic control plan during construction.

The issue was discussed, and a desire was expressed to develop an ordinance requirement for submission of a plan that would set forth traffic patterns at each stage of construction, how traffic would be controlled, where traffic signage would be placed, any modifications to existing conditions, such as removal of vegetation that may obstruct visibility, etc., to ensure public safety during construction.

Mr. Rogers commented that the Board's Traffic Engineer probably has experience with the situation from his involvement with other municipalities, and there was probably an ordinance that exists that the Township could use as a model. He suggested that he be consulted in that regard.

Mr. Cain suggested that the Secretary forward the minutes to the Traffic Engineer, once they have been completed, to get his input on what has been discussed during this meeting.

Public Comment - Mr. Wigglesworth opened the meeting to public comment.

Aline Dix advised of a situation involving where Walmart construction workers were parking, and expressed concern with regard to control of traffic circulation on site during construction. She described her personal observations.

Adjournment – Mr. Choyce moved, seconded by Mr. Percy, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Respectfully submitted,

Nancy Rainbow,
Planning Board Administrator

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