

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman Gordon Dahl presiding. Members present were Jack Carson, Richard Cheek, William Christman, Wayne Choyce, Nelson Gaskill, John Kurtz, Charles Pritchard and David Wigglesworth. Alternate member present was Henry Dorsey. Also present were Kevin Dixon, Engineer Consultant and Landscape Consultant; Steve Mazur, Traffic Engineer Consultant; Vincent Polistina, Planner Consultant; John Rosenberger, Solicitor; and Philip Sartorio, Community Development Director.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Christman moved, seconded by Mr. Carson, to approve the minutes of the meeting of January 15, 2009, as published. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Land Use Ordinance Amendment Recommendation – Mr. Rosenberger advised that the Board was considering an amendment to the Land Use and Development Ordinance at the request of Township Committee and he explained the process. Mr. Rosenberger noted that there was no requirement for the Board to entertain public comment, and that Township Committee would be conducting a public hearing, in accordance with law, at which time public comment would be entertained.

The Board discussed the ordinance which proposed to eliminate the provision within the Land Use and Development Ordinance for an interested party to appeal to the governing body a final decision of the Zoning Board of Adjustment approving an application for a use variance. Mr. Rosenberger commented that the vast majority of municipalities within the State have already eliminated the provision, and he explained how the law evolved with regard to issue.

It was pointed out that the process is costly for the Township and places the Governing Body in a situation where it has to review an application already decided by the Zoning Board of Adjustment.

Mr. Carson moved, seconded by Mr. Wigglesworth, to recommend to Township Committee that proposed Ordinance No. 1644-2009, repealing Section 203-6 J. of the Land Use and Development Ordinance, be adopted.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Carson – Aye	Mr. Gaskill - Aye
Mr. Cheek – Aye	Mr. Kurtz - Aye
Mr. Christman – Aye	Mr. Pritchard - Aye
Mr. Choyce – Aye	Mr. Wigglesworth - Aye
Mr. Dorsey – Not eligible to vote	Mr. Dahl – Aye

SAID MOTION CARRIED.

Magic Sports and Health Complex, LLC (Site Plan Hearing) – Christopher Baylinson, Attorney; Ronald Nametko, President; David Scheidegg, P.E.; Robert Zoeller, Sports Lighting Consultant; Norman Dotti, Acoustical Engineer Consultant; Dan Driscoll, Sports Astro turf Consultant; David Horner, Traffic Engineer; Peter K. Karabashian, Planner; Steven Whitford, Environmental Consultant; and John Meloy, Architect, were present.

Pointing to an aerial map of the site (Exhibit A2), Mr. Scheidegg described the site location and advised of his involvement with the project. He, also, described the proposed locations of the various uses within the Complex and noted how the present proposal was downsized and differed from the original submission.

Mr. Nametko related how the project was conceived and described how the proposed facility would be operated. He advised of the uses that would take within the “vine building”,

and noted that it would be open twenty-four hours a day, seven days a week to accommodate casino workers.

Mr. Nametko stated that the hotel would be open to the public, but use of the attached water park would be restricted to those staying within the hotel and those staying within the Magic Village.

Mr. Nametko stated that the fields would be available for use by others in the off season.

Mr. Nametko advised that Magic Sports was purchasing the property from the Township of Hamilton Industrial Commission, and he anticipated that between three hundred and four hundred jobs would be created during the construction process, and seven hundred jobs would be created when the facility is fully operational.

Mr. Nametko stated that the facility would not be tax exempt, and that there would be kiosks on site for lease by members of the Merchants Association for \$10.00.

Mr. Scheidegg described how the site was designed; how the storm water management system was designed; pedestrian circulation; traffic circulation; parking lot layout; how shared parking would work; landscaping; the enhanced buffer system; surrounding ownership pattern; and the wetlands and wetlands buffer.

Mr. Scheidegg advised that the Applicant was seeking a waiver from the requirement for loading areas and he noted that loading areas were being proposed, but not the number and size required by Ordinance. Mr. Scheidegg expressed the opinion that the Ordinance provision was developed in anticipation of industrial-type uses, and he pointed out that many of the proposed uses would share loading docks.

Mr. Scheidegg requested that a waiver be granted from the Ordinance requirement for a three foot separation between the bottom of the basin and the season high water table, as the proposal complies with the Pinelands Commission standard and the NJDEP standard of two feet. He noted that some areas meet three feet, but some areas are less.

Mr. Scheidegg stated that the Applicant has requested a waiver from the requirement to locate specimen trees throughout the site with a diameter of twelve inches or greater. He noted that the Applicant has done some representative sampling, and expressed the opinion that to locate all of the trees would create an undue burden, as there will be undisturbed wetlands on the site, and large numbers of trees will be removed for development, including the ball fields.

Mr. Horner described the parking layout, traffic circulation, what was considered when he prepared the traffic report for the project and how he arrived at his conclusions. He noted that the project impact will worsen certain intersections, and the Applicant would be responsible to pay a pro rata share contribution for off tract improvements.

Mr. Horner referred to the shared parking analysis he had prepared to address the parking variance request, and expressed the opinion that the number of parking spaces proposed, based on the shared parking analysis, would be more than sufficient to accommodate the parking demand during peak times. He noted that the baseball field section actually meets the ordinance requirement for parking. Mr. Horner pointed out that the Ordinance encourages shared parking.

Mr. Horner expressed the opinion that granting the variance for the number of free standing signs would promote public safety by providing sufficient signage to prevent confusion and to allow the various buildings and field areas to be readily identified by passing vehicles.

Pointing to various exhibits, Mr. Meloy described the proposed buildings, building materials, building orientation and how the buildings were treated to address the ordinance requirement that buildings cannot exceed one hundred feet in length.

Mr. Whitford advised of his involvement with regard to environmental issues on site and what the Applicant had done to satisfy the Ordinance and Pinelands Comprehensive Management Plan requirements.

Mr. Dotti advised as to his involvement with regard to sound levels, and stated that the project will comply with State law. He noted that human voices and patron vehicles are exempt; that certain buildings will serve to shield the noise; and that the PA system will be designed to meet State standards.

Mr. Zoller described the proposed site lighting plan, how the site would be illuminated and the new state-of-the-art technology that would allow the applicant to provide lighting that would reduce glare, block all uplight going into the sky and significantly block spill light. He stated there are two small areas where there would be spillage, but it was his opinion that the enhanced buffer system would mitigate the problem.

Board members and Board consultants asked questions with regard to benefit to area children; baseball stadium use; irrigation; water table; traffic circulation; intersection levels of service; parking; back of building treatment; building height; artificial turf; and lighting standard number and style, to which responses were provided.

Mr. Dahl announced that the hearing would be continued at the meeting of April 2, 2009, with no further public notice provided.

Video Recording of Meetings – Mr. Dahl informed the Board that a suggestion had been made that Planning Board meetings be videotaped. He asked the Board its preference, and no response was forthcoming.

Pinelands Commission Proposed Map Changes – Mr. Choyce stated that the Zoning Board of Adjustment had asked him to inquire as to whether the Board should do anything jointly to oppose the map changes the Pinelands Commission has proposed.

It was pointed out that a meeting has been arranged with Phil Sartorio to discuss the issues, and Mr. Sartorio would be briefing the Board on the outcome.

Public Comment – Mr. Dahl opened the meeting to public comment.

John Pucci stated that he was the one who had suggested Board meetings be videotaped, and he expressed the opinion that the Township should take advantage of the new technology, and all meetings should be taped, as important decisions are being made.

Mr. Dahl pointed out that there would be cost involved to do so, and he commented that the Board would take direction from Township Committee if it chooses to establish a policy that would apply to all boards and commission.

Mr. Rosenberger concurred that Township Committee should determine whether meetings should be videotaped.

Mr. Pucci questioned whether placing the ordinance amendment recommendation to repeal a certain section of the Land Use and Development Ordinance on the agenda was done properly, and why it wasn't addressed by the Board when it had been discussed by Township Committee last year and a decision was made not to repeal the provision.

Mr. Rosenberger explained the process prescribed by law when amending land use ordinances.

Mr. Wigglesworth moved, seconded by Mr. Pritchard, to close the public portion of the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Wal-Mart, Inc. – Mr. Rosenberger informed the Board that the approval granted by the Board to Wal-Mart, Inc., had been challenged by the objectors, and he advised of the anticipated schedule before the Court.

Adjournment – Mr. Christman moved, seconded by Mr. Carson, 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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