

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, 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; Charles Endicott, representing Vincent Polistina, Planner Consultant; Steven Mazur, Traffic Engineer Consultant; and John Rosenberger, Solicitor.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Christman moved, seconded by Mr. Wigglesworth, to approve the minutes of the meeting of April 2, 2009, as published. SAID MOTION CARRIED WITH SEVEN MEMBERS VOTING “AYE”, NO “NAY”, ONE “ABSTAIN”.

Magic Sports and Health Complex, LLC – (Continued Public Hearing) – Christopher Baylinson, Attorney; David Scheidegg, P.E., David Horner, Traffic Engineer; Randolph Scheule, P.P.; Jack Zoller and Ronald Nametko were present.

Mr. Baylinson informed those present that additional information had been submitted since the last hearing and most of the issues that had risen were addressed.

Mr. Dixon advised that he had met with the Applicant’s consultants at an informal workshop session and at the site to evaluate the enhanced buffer issue. He expressed the opinion that the existing forested area should be preserved and enhanced in areas where necessary to meet the intent of the Ordinance, as the mature trees are more valuable than clearing the land and re-establishing a buffer.

Pointing to a plan of the project, Mr. Scheidegg indicated where the buffers would be located and the areas to be supplemented, particularly where residences would be impacted.

Mr. Dixon recommended that the enhanced buffer be eliminated where the project abuts industrial uses, because resources could be better used on other areas of the site. He noted that the Applicant has complied with his requests, and the plan had been revised.

Mr. Dahl asked Mr. Dixon if he had evaluated the buffer, taking into consideration the elevation of the buildings. Mr. Dixon replied in the affirmative and noted that the majority of the land to the south of the site is presently undeveloped and would not be developed, as it has been deed restricted.

In response to questions presented by Mr. Choyce, Mr. Wigglesworth and Mr. Dorsey, Mr. Dixon stated that the enhanced buffer system would be constructed to buffer the cemetery and he and Mr. Scheidegg pointed out other areas where it would be constructed.

In response to Mr. Dahl’s concern with regard to the effect of headlights from vehicles on certain properties, Mr. Scheidegg advised that the issue has been considered and addressed with a buffer.

Mr. Endicott reviewed Mr. Polistina’s most recent report, noting the waivers and variances that were being requested. He advised of some issues that needed to be addressed, and made recommendations.

Mr. Choyce pointed out that the Board had spent a lot of time and effort developing an Ordinance amendment that focused on tree preservation and prevention of over clearing, and he expressed the desire for the Applicant to save as many mature trees as possible.

Mr. Scheidegg advised that they had looked at tree sizes, and about ten percent of the trees in their study area were twelve inches or larger, but no really large specimen trees. He noted that there are larger trees around the periphery of the site, and within wetlands and wetlands buffer areas, but those areas would be preserved in any event. Mr. Scheidegg pointed

out that clearing has to take place in order to grade the fields, but an effort would be made to save mature trees within landscaped islands and other areas.

Mr. Mazur referred to the revised plan, and stated that the Applicant has addressed his comments, with just a few items left to satisfy.

Mr. Scheidegg described the proposed, revised phasing plan, pointing out that each of the two phases would be capable of functioning on its own, with totally separate storm water management systems.

In response to a question of Mr. Dahl, Mr. Baylinson stated that Phase I would not need shared parking, and shared parking would be needed only upon construction of Phase II.

Mr. Baylinson stated that the Applicant informed him he plans to begin construction of Phase one immediately upon approval, and that he did not intend to delay construction.

Mr. Dixon reviewed his engineering report, noting there are very few items left to be addressed.

Mr. Mazur requested that the bus traffic issue be addressed, and a discussion ensued.

Mr. Baylinson pointed out that the track and field facility had been eliminated from the plan, so there would be no schools that would be busing children and parking on site for that competition. He emphasized that the proposal is not the type of facility where it would be anticipated that there would be a multitude of buses coming to the site.

Mr. Horner added that, with the down-scaling of the project, there would be no high school events held on a regular basis, and that was why the Applicant was not proposing designated parking for buses. He stated that, on occasion, there may be an event that would generate two or three buses, and the Applicant could designate an area for buses to use; but he pointed out that the events would occur when there are no baseball tournaments and when the stadium is not in full use.

In response to Mr. Dahl's concern that buses would be parking on Township streets, Mr. Baylinson offered to work with the Board's consultants to create an area for bus parking, using the thirty excess parking spaces that have been proposed.

In response to a question of Mr. Choyce, Mr. Mazur advised that a variance was necessary for parking, and that he had calculated that there would be a need for 1,200 spaces for the vine building, and 2,200 spaces for the main site, based on his review of ordinance provisions and shared parking manuals. He noted that the applicant is proposing a total of 3,466 parking spaces. Mr. Mazur stated that he was of the opinion that the proposed parking would be sufficient, but it would be up to the Board to make that decision.

Mr. Dahl questioned whether a condition of the approval could contain a provision for the bus use to be evaluated once Phase One was operating, and that Phase Two construction would be delayed until the issue is resolved in the event it is determined there is a problem with bus parking.

Mr. Rosenberger advised that, if the Board has already granted the approval, there would not be an opportunity to address the issue. He stated that there would be an opportunity to discuss the issue when the Applicant returns for final approval for Phase II, but the preliminary approval granted for the entire project could not be changed.

Mr. Baylinson advised that ten spaces could be delineated for bus parking in Phase One, and he noted there would be attendants on site that would direct vehicles to those spaces in the event they are not used by buses.

Mr. Baylinson stated that the lighting control would be manual, on a timer and censored and that lighting would be diminished between the hours on 10:00 PM and 11:00 PM for the athletes, but the Vine Building would be operated twenty-four hours a day.

Mr. Baylinson stated that the Applicant accepts the comments in Mr. Polistina's report and would address all of the outstanding issues.

In response to Mr. Dahl's question regarding how the children would be taken from the fields to their quarters, Mr. Scheidegg stated that the entire site would be illuminated along the sidewalk, and the children would always be accompanied by a coach or chaperone within the secured Magic Village.

In response to Mr. Wigglesworth's question regarding the adequacy of water and sewer, Mr. Scheidegg stated that a calculation has been prepared and submitted to the Hamilton Township Municipal Utilities Authority for consideration. He noted that there would likely be some type of upgrade for which the Applicant would be responsible.

Mr. Dixon responded to Mr. Christman's question about improvements to James N. Holmes Boulevard, and pointed out that the street would be extended and become part of the network of streets that would serve the project.

In response to Mr. Choyce's questions as to improvement involving the intersection of Cantillon Boulevard and Route 40, Mr. Scheidegg advised as to what the Applicant's traffic study and Mr. Litwornia's study concluded. Mr. Mazur added that the Applicant would be paying a fair share contribution toward that improvement, as well as other improvements.

In response to Mr. Dahl's question as to whether the pro rata share contribution would be posted up front, Mr. Baylinson confirmed that it would.

In response to Mr. Dahl's question with regard to protection of the storm water management system during construction, Mr. Dixon stated that the issue still had to be addressed, but he emphasized the importance of the issue.

Mr. Scheidegg commented that the proposed drainage system is complex and sophisticated, as well as expensive, and it would be monitored to ensure that it performs.

In response to Mr. Choyce's question about the Ordinance requirement for a three foot separation from the bottom of the basin to seasonal high water, Mr. Dixon explained why he felt the requirement could be waived. Mr. Dixon, also, pointed out that Pinelands Commission requirements and NJDEP requirements provide for a two foot separation.

In response to Mr. Dahl's question as to whether the events would end at the same time, Mr. Baylinson advised that the games are staggered throughout the week, with teams gradually eliminated.

Mr. Pritchard questioned how that would affect a family's hotel reservation, and Mr. Baylinson responded that it would have to be worked out with the hotel.

Mr. Dorsey's asked whether the eliminated team members would be asked to leave, and Mr. Baylinson responded in the negative, adding that there would be a final game at the end of the week involving the two top teams.

Mr. Dahl opened the hearing to public comment and he provided guidance as to how public comment would be entertained.

Mr. Dahl advised that there had been a request by some residents to reserve their presentation to the next date the hearing is continued in an effort that they may begin and complete their presentation in one night. Mr. Baylinson questioned the type of presentation, and Mr. Rosenberger suggested that the issue be discussed prior to conclusion of the meeting.

Ronald Jones, residing at 5732 Birch Street, Mays Landing, New Jersey, expressed support of the project, citing benefits to local businesses and employment opportunity.

Edward Chatten, owner of 7356 Driftwood Lane, Mays Landing, New Jersey, spoke in support of the project, citing benefits to the tax base, the Business Park and job opportunity, and offered suggestions as to how some of the issues could be addressed. When questioned, Mr.

Chatten stated that he did not reside at the Driftwood Lane address he provided, and that he actually resided at 242 North Vienna in Galloway Township. Mr. Chatten stated that he had family in the area dating back to 1765.

Brett Stashak, 7515 Belmont Avenue, Mays Landing, New Jersey, spoke in support of the project, citing the positive affect on businesses in the area and the economy. He advised of his experience when he and his family visited Cooperstown, New York.

Rich De Feo, 2622 Columbia Road, Mays Landing, New Jersey, spoke in opposition to the project, and questioned the additional costs to Township residents to accommodate its effect on roadways and police. He, also, asked questions related to how the project would operate.

Dean Loveland expressed support of the project, citing the need for additional tax ratables and the positive benefits as reasons to approve it. He advised of his experience with similar facilities in other areas.

Nicholas Garreffo, 121 McDonald Avenue, Milmay, New Jersey, expressed support of the project, citing the benefits to Atlantic City and the casinos and job opportunities. Mr. Garreffo expressed the desire for the residents who live close to the project to work out their issues with the Applicant.

Scott Thomas, 23 Pennington Avenue, Mays Landing, New Jersey, expressed support of the project, citing the proposal's provision for handicapped children to participate.

John Percy, 5841 Laurel Street, Mays Landing, New Jersey, asked questions and offered comments with regard to loading areas; pedestrian circulation; storm water basin maintenance; storm water basin type; past and present ordinance buffer provisions; open space calculation; storm water management system within buffer area; definition of weir; and resurfacing certain existing, impacted streets. Responses were provided to some of Mr. Percy's questions.

Michael Gardiner, 4511 Ocean Heights Avenue, Mays Landing, New Jersey, stated that he, also, owns property on Main Street in Mays Landing. Mr. Gardiner expressed support of the project, citing the need for business development in Mays Landing and for the Township to live up to its potential.

Wayne Cain, 5051 Merion Court, Mays Landing, New Jersey, questioned where handicapped children would be accommodated on site, as he said it did not show on the revised plan.

Jean Pratz, 1535 Ben Franklin Court, Mays Landing, New Jersey, asked questions related to the phases and the effect of the Board's final decision to which Mr. Rosenberger responded. Ms. Pratz questioned whether the proposed location was suitable for the project, and whether the Atlantic City Race Course would be a better location. Ms. Pratz pointed to increased traffic congestion and eventual cost to the taxpayers.

Jeff Meyr, 7 Newell Avenue, Egg Harbor Township, New Jersey, advised of various, similar facilities he had visited and his observation with regard to bus traffic and traffic, in general. He expressed support of the project, citing the economic benefit to the area.

George Kourakin, 404 Highland Drive, Mays Landing, New Jersey, stated he owned property in Millville, New Jersey, and he referred to the effect of the motor sports facility on that community. Mr. Kourakin questioned the effect of the project on the bald eagle and the environment.

Bill Grove, 1543 Hamilton Court, Mays Landing, New Jersey, expressed opposition to placing the project near where he lives. He, also, expressed the opinion that comparing the project with Cooperstown, New York, is very misleading and the proposal would devastate the type of town that exists now.

John Kinkela, 532 Gravelly Run Road, Mays Landing, New Jersey, who spoke on separate occasions, asked questions and offered comments with regard to type of businesses that would be created; low-level job creation; temporary construction jobs; cost of traffic

improvements; regional planning; traffic generation; future use of water park; flipping property; inappropriate location for the proposed use; potential Business development; Atlantic City Race Course as alternative location; use of facility by area children; discussion that took place at Township Committee meeting; appropriate questions related to application; and certain Planning Board member participation.

Mr. Rosenberger advised that he had written a legal opinion with regard to member participation issue raised by Mr. Kinkela, and he suggested that Mr. Kinkela ask the Secretary for a copy.

Janice Rosania, 520 Willow Oak Drive, Mays Landing, New Jersey, asked questions, expressed concern and offered comments with regard to original purpose of Business Park; job sustainability; number of variances; long term cost of the project to the Municipality; and Atlantic City Race Course as alternative location.

Mr. Rosenberger pointed out that the Board could not address whether the location is appropriate, as the Governing Body made that decision when it adopted an ordinance to permit the proposed use within the IBP Zone, and the Board would have to address the use as permitted and consider the variances and waivers on their merits. He advised that the time to address the appropriateness of a proposed permitted use is during the public hearing conducted by the Governing Body when it is considering adoption of an ordinance providing for the use.

Bruce Strigh advised that he and certain other residents had prepared a lengthy presentation, and he requested that they be heard when the hearing is continued. He stated that they would be asking questions of the witnesses as part of the presentation.

Mr. Baylinson stated he would make available on May 21, 2009, those professionals that had provided testimony, with the stipulation that they all be questioned on that date so they would not have to be present again in the event the hearing is continued to another date. Mr. Strigh stated he would be happy to cooperate.

Mr. Rosenberger referred to a prior conversation he had with Mr. Cain and others, when he had suggested that any material they may have be provided to the Board's consultants, and well as Mr. Baylinson, prior to continuation of the hearing.

Mr. Dahl announced that the hearing would be continued on May 21, 2009, and that the public portion would be closed on that date to all but those identified by Mr. Strigh.

Mr. Strigh identified the following individuals as those that would be part of the presentation of May 21, 2009: Bruce Strigh; Dr. Harvey Kesselman; Charles Cain; Adam Greco; Harry Bilicki; Jan Smith; Chris Jensen; Lynn Kesselman; Nancy Powell; Rick Powell; John Kinkela.

Charles Cain, 561 Gravelly Run Road, Mays Landing, New Jersey, advised of the efforts and costs to review the original and revised material presented by the Applicant. He stated they would be willing to submit an outline of what is being presented.

Mr. Rosenberger advised Mr. Cain he was not required to produce any writings, but if he has them, the Board would like to see them and so does the Applicant. He stated that the Board has no authority to tell the Applicant to pay for the information.

Eustice Eggie, 464 Franklin Drive, Mays Landing, New Jersey, asked if he could reserve his right to speak when the hearing is continued on May 21, 2009.

Mr. Strigh stated he would present no objection to Mr. Eggie's request.

Mr. Eggie was included on the list of those to be permitted to speak when the hearing is continued on May 21, 2009.

Harvey Kesselman asked questions with regard to variances and Mr. Rosenberger responded.

Lynn Kesselman, 513 Clarkstown Road, asked for clarification with regard to Mr. Rosenberger's statements, and Mr. Rosenberger responded.

Mr. Carson moved, seconded by Mr. Choyce, to close the public portion of the hearing to all but the following individuals: Eustice Eggie; Bruce Strigh; Dr. Harvey Kesselman; Charles Cain; Adam Greco; Harry Bilicki; Jan Smith; Chris Jensen; Lynn Kesselman; Nancy Powell; Rick Powell; and John Kinkela. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Dahl, again, announced that the public hearing will be continued on May 21, 2009, at 7:30 PM, with no further public notice being necessary.

Public Comment – Mr. Dahl opened the meeting to public comment and there was no response.

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

Adjournment – Mr. Kurtz moved, seconded by Mr. Dorsey, 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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