

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 Architect 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. Dorsey moved, seconded by Mr. Christman, to approve the minutes of the meeting of May 7, 2009, as published. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Cotton Mill Associates, LLC – Nicholas Talvacchia, Attorney; Tom Hale, Developer Representative; Thomas Bailey, Cultural Resource Manager; and Mark Bellin were present.

Mr. Talvacchia informed those present that Cotton Mill Associates, LLC, was proposing to demolish certain buildings on Lots 5.02 and 6 in block 730 that were destroyed by fire, and are no longer safe. He noted that a Certificate of Filing had been issued by the Pinelands Commission.

Mr. Talvacchia stated that he anticipated that the Applicant would be submitting an application for site plan approval to the Board within the next few weeks.

Pointing to the proposed plan of demolition, Mr. Hale indicated what buildings were proposed to be demolished, and described what has taken place on site to date.

In response to questions of Board members, Mr. Hale stated that they would salvage all the materials that could be salvaged and use what they can use; that they had made application to the State Historic Preservation Office; and that a study was conducted regarding the existence of asbestos. He advised of what buildings would remain, noting that their historic integrity would be preserved.

Mr. Bailey advised that archeological features were found and the excavation has been completed. He stated that they would be monitoring the demolition and would record anything found of historic significance.

Mr. Dorsey moved, seconded by Mr. Carson, to grant a Certificate of Appropriateness to permit demolition of seven structures, and the roof of an eighth structure, located on Lots 5.02 and 6 in Block 730, as depicted on a plan of the property, entitled “Exhibit of Buildings to be Demolished for Cotton Mill Redevelopment”, dated April 2, 2009, prepared by Maser Consulting.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Carson – Aye	Mr. Gaskill - Aye
Mr. Christman – Aye	Mr. Kurtz - Aye
Mr. Choyce – Aye	Mr. Pritchard - Aye
Mr. Dorsey – Aye	Mr. Wigglesworth – Aye
	Mr. Dahl – Aye

SAID MOTION CARRIED.

Magic Sports and Health Complex, LLC (Continued hearing) – Mr. Dahl opened the hearing to public comment to the following persons, as designated at the May 7, 2009, hearing: Bruce Strigh, Eustice Eggie, Harvey Kesselman, Charles Cain, Adam Greco, Harry Bilicki, Jan Smith, Chris Jensen, Lynne Kesselman, Nancy Powell, Rick Powell and John Kinkela.

Bruce Strigh, residing at 551 North Street, Mays Landing, New Jersey, stated he had presented the Chairman with a written synopsis of how they would proceed. In response to Mr. Baylinson's request, Mr. Strigh gave him a copy, and, also, gave Mr. Rosenberger a copy, which was marked into evidence as "Strigh, Exhibit 1".

Mr. Strigh read a prepared statement and advised of what they would like to address during their presentation.

Mr. Strigh questioned Ronald Nametko with regard to qualifications and experience; percentage of ownership; other location choices and reasons for rejection; necessary site acreage; Land Use Ordinance amendment; camp site; how variance requests evolved; condominium hotel; potential subdivision of hotel rooms; hotel conference center use; internet advertisement; water park use; cost and benefit to Hamilton Township children; and Cooperstown, New York comparison.

Mr. Nametko responded to Mr. Strigh's questions.

With respect to Mr. Strigh's questions related to the proposed hotel, Mr. Baylinson stated that the hotel may contain suites, but it would not be a condominium hotel.

Mr. Baylinson objected to Mr. Strigh's questions related to the Land Use Ordinance amendment. Mr. Rosenberger stated he would allow Mr. Strigh to develop the record he was developing, but would intervene if he felt Mr. Strigh was getting into areas that the Board could not address.

In response to certain questions asked of Mr. Nametko by Mr. Strigh which were related to the procedure involving the Land Use Ordinance amendment that resulted in the project being a permitted use, Mr. Rosenberger pointed out that there is a process that municipalities must follow when adopting ordinances; a fixed time for the process; and a fixed time within which a citizen can file a lawsuit to overturn the adopted ordinance, and, unless there has been a challenge as to an illegal act, the Board is not in a position to evaluate that process.

Mr. Strigh questioned David Scheidegg with regard to comparison of a previous site plan with the present site plan on file that was being considered for approval.

Marked into evidence as "Strigh Exhibit 2" was a copy of a plan that had been filed with the Pinelands Commission, dated March 6, 2007. Mr. Baylinson commented that the plan had been cut and pasted.

When Mr. Strigh began questioning Mr. Scheidegg about the camp site that was referenced on the March 6, 2007, plan, and Mr. Baylinson objected, stating that the site plan was from 2007 and not on file with the Board. Mr. Rosenberger stated he would address it as necessary.

When Mr. Strigh stated that camp sites are not listed as a permitted use within Planned Recreation and Entertainment Complexes, Mr. Scheidegg stated that the campground reference on the 2007 plan was a misnomer; that the plan on file with the Board does not reference a campground; and that the bunkhouses are where the participants would stay during the time they are there.

A discussion took place with regard to the campground issue and whether the area where the children would be housed would be a campground or something other than a campground. Reference was made to certain definitions within the Ordinance, and comparisons were put forth. Mr. Rosenberger referred to the Ordinance section that listed the permitted uses.

Harvey Kesselman, residing at 513 Clarkstown Road, Mays Landing, New Jersey, asked a question related to Ron Nametko's percentage of ownership as listed on the application, and Mr. Rosenberger advised as to the law and pointed out that the issue had been clarified in testimony.

The copy of the application presented by Mr. Kesselman was marked as Kesselman Exhibit 1.

Mr. Kesselman asked Ronald Nametko to describe the bunkhouses and questioned him with regard to bunkhouse building type, number of bunkhouses, square footage of bunkhouses, occupancy of bunkhouses, percentage of boy and girl attendees; age of attendees; separation of gender; how attendees are transported to site; parking for bunkhouses; length of stay in bunkhouses; housing of parents; arrival and departure times; hotel capacity issue; parking for game attendees, employees and coaches; bunkhouse employee needs; accommodations for counselors; security and safety; accommodation for special needs children; location and description of showers and rest rooms; television and internet access and location; temperature control; available activities; monitoring of evening activities; winter revenue projection; charges to participants per week; cost to local residents that are team members; occupancy of bunkhouses off season; experience with bunkhouses; whether he knew if bunkhouses were a permitted use; difference between dormitory and bunkhouse and insurance requirement; sprinkler system in bunkhouses; review by Department of Health; and some related issues.

When Mr. Kesselman asked Mr. Nametko if the Ordinance permits bunkhouses, Mr. Rosenberger stated that the question was out of order. Mr. Kesselman rephrased his question.

Mr. Nametko responded to Mr. Kesselman's questions.

Mr. Kesselman expressed the opinion that the Applicant's proposal would not meet certain purposes of the Municipal Land Use Law, and that campsites are not a permitted use.

Mr. Strigh informed those present that there would be a display of some photographs, and Mr. Baylinson asked for copies of the photographs.

Mr. Strigh asked if the Board would take a five minute recess, and his request was granted.

When the meeting resumed, Mr. Strigh referred to the Perfect Balance Gymnastics site, located on the corner of Oakwood Boulevard and Babcock Road, and displayed pictures of cars parked on Oakwood Boulevard. He compared the parking requirements when that site was approved for that particular use, with that which would be required using today's standards. Mr. Strigh asked the Board to remember the site when considering the parking variance being requested by the Applicant.

Mr. Strigh asked Brian Kindela to address fiscal issues, and Mr. Baylinson objected, stating that Mr. Kindela's name was not on the list.

Mr. Dahl stated that he told Mr. Strigh that Mr. Kindela could be heard only if there was no objection. Mr. Baylinson reminded those present that the public portion of the hearing was closed to all but those specified at the last hearing, and he expressed the opinion that public comment would have to be opened to everyone if Mr. Kindela were permitted to speak. Mr. Strigh acknowledged the agreement with Mr. Dahl, and Mr. Kindela did not speak.

Mr. Strigh stated that Adam Greco, residing at 1555 Washing Court, Mays Landing, New Jersey; Harry Bilicki, residing at 275 Clarkstown Road, Mays Landing, New Jersey; and Jan Smith, residing at 462 Clarkstown Road, Mays Landing, New Jersey, would be commenting next.

A disc with a photograph array was marked as Strigh Exhibit 3 and Mr. Greco agreed to provide to Mr. Baylinson all of the photographs displayed on one disc. Mr. Rosenberger stated that, to the extent that there are any photographs previously or hereafter presented, they will be included on the disc.

Mr. Dahl disclosed that Mr. Bilicki's wife is employed by his wife at her place of business, and he stated that it would not affect his consideration of the application.

Mr. Bilicki presented to Mr. Rosenberger a "hard copy" of every slide he was presenting, in two separate packages, and it was marked into evidence as Strigh Exhibit 4, Part 1 and Part 2.

Mr. Bilicki presented a Google Earth Map of the Township of Hamilton, with emphasis on the Hamilton Business Park, and numbered intersections. The exhibit was marked into evidence as Strigh Exhibit 5.

Mr. Bilicki stated he had been a resident of the Township since 1994, and, pointing to a series of slides, he stated he would be commenting with regard to traffic impact from his point of view, personal experience and observations and from his analysis of the applicant's traffic study. Mr. Bilicki, made reference to the traffic study of the Hamilton Business Park, prepared by Litwornia Associates at the Board's direction.

Mr. Rosenberger advised that, some of the points made by Mr. Bilicki, would have to be substantiated by expert testimony.

Mr. Bilicki, also, commented with regard to parking lot lighting, security lighting, structure size and noise impact.

Mr. Greco stated he has been a Township resident since 1989 and had worked with Mr. Bilicki on the traffic issues. He emphasized that he was not a traffic expert, and that his comments were the result of his review of information, observations and personal evaluation of traffic activity in certain locations. Mr. Greco pointed to various photographs while commenting.

In response to a statement that the residents would need an additional five hours to present their comments and question the Applicant's professional consultants, Mr. Baylinson referred to the discussion at a previous meeting when he had stated he would make all of the Applicant's consultants available at this meeting only. He pointed out that there is considerable cost associated with the eight consultants' appearance, and expressed the opinion that it would be unfair in light of the discussion at the last meeting.

A discussion took place with regard to providing time for the residents' presentation and the need for the Applicant's consultants to be present when the hearing is continued.

Mr. Rosenberger advised that interested persons have a right to question witnesses and the time needed to do so, and an applicant can be required to make those witnesses available. He stated that the Board could exercise its discretion if it becomes necessary to curtail the proceedings.

Mr. Dahl stated that he would like the presentation to be clear, concise and efficient, without repetition, in an effort to maintain focus, and he commented that is important to know which consultants would need to be present at the next meeting.

It was announced that the hearing would be continued on June 4, 2009, with no further public notice required.

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

A woman asked to be recognized, but she was advised that she could not speak about the application, as the hearing had been concluded until June 4, 2009.

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

Adjournment – Mr. Pritchard moved, seconded by Mr. Christman, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Respectfully submitted,

Nancy Rainbow,

Planning Board Administrator

Nancy Rainbow,  
Planning Board Administrator