

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairperson 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; Charles Endicott, representing Vincent Polistina, Planner Consultant; Steven Mazur, Traffic Engineer Consultant; John Rosenberger, Solicitor; and Philip Sartorio, P.P., ACIP, Community Planning Director.

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 June 4, 2009, as published. SAID MOTION CARRIED WITH THREE MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mark and Joan Clopp – Mr. Christman moved, seconded by Mr. Pritchard, to adopt the resolution prepared by the Solicitor for Mark and Joan Clopp, Application No. 2009-004.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Carson – Aye

Mr. Cheek – Aye

Mr. Christman – Aye

Mr. Choyce – Aye

Mr. Gaskill - Aye

Mr. Kurtz - Aye

Mr. Pritchard - Aye

Mr. Wigglesworth – Aye

Mr. Dahl – Aye

SAID MOTION CARRIED.

Proposed Land Use Ordinance Amendment – Mr. Sartorio stated that, earlier this year, he had been asked by the Township Committee Liaisons to the Planning Board to review the Land Use Ordinance in an effort to make changes relatively quickly that would result in a pro business development review environment within the Township. He stated that he reviewed the Ordinance for inconsistencies that should be clarified; reviewed the 2006 Master Plan Re-examination Report; spoke with non-residential developers; and reviewed notes from Workshop Meetings before preparing the recommended changes.

Mr. Sartorio reviewed the changes he had proposed and noted that he would be adding language that would indicate that an application would still need to be presented to the Pinelands Commission if the subject site was located within Pinelands' jurisdiction.

Board members asked questions, offered comments and made suggestions with regard to outside seating, buffer separation, market analysis and other items.

In response to his written request to comment, Mr. Dahl permitted Stephen Nehmad to speak.

Mr. Nehmad spoke in favor of Mr. Sartorio's effort on behalf of several of his clients, and noted that he had reviewed the proposed ordinance. He suggested that there be no limit to reviews that are conducted administratively, and that the limitation on the number of parking spaces be modified, as it was too stringent when projects with large parking lots, such as the parking lot at the Hamilton Mall, are considered. Mr. Nehmad expressed the opinion there are adequate safeguards provided.

Mr. Sartorio pointed out that the present ordinance limits the number of reviews to two, and he stated that he would have no problem with eliminating the number, provided there is a clearly defined percentage of the site that would be subject to the review. He concurred with Mr. Nehmad that the language within the Ordinance provides sufficient protection.

With regard to the threshold involving parking, Mr. Sartorio advised that the Ordinance presently provides for ten parking spaces or ten percent of the existing parking area, whichever is less, and he suggested that it may be more appropriate to provide for just a percentage.

Mr. Dahl permitted additional public comment with regard to the proposal.

John Pucci expressed comments and made suggestions with regard to code enforcement, truck parking on residential property, school bus parking on residential property, additional provision for personal offices, discharge of firearms; and accessory structure provisions.

John Kinkela recommended that the proposed Land Use Ordinance amendments not be applied retroactively to any plan currently before the Board.

Mr. Choyce moved, seconded by Mr. Kurtz, to recommend to Township Committee that the Land Use Ordinance amendments, prepared by Mr. Sartorio, as set forth in a memo dated June 10, 2009, be adopted, with the following additions and modifications: elimination of the number of administrative reviews permitted, to be replaced with a percentage of expansion; language clarifying that an application to the Pinelands Commission may still be necessary in areas under that Agency's jurisdiction; eliminating the specified number of parking spaces that would be permitted to be reviewed administratively and replacing it with ten percent of the parking area.

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.

Mr. Cheek left the meeting, as he had a conflict of interest with regard to the following application.

Magic Sports and Health Complex, LLC (Continued hearing) – Christopher Baylinson, Attorney; Charles Jon Meloy, Architect; James Taylor, Security Consultant; David Scheidegg, P.E.; David Horner, Traffic Engineer; Ronald Nametko; and David Hersh, Security Consultant; were present.

Charles Cain asked questions of Mr. Taylor regarding the security force's purpose; type of electronics; number of employees; locations of security facilities; employee certification; State requirements; location of administrative offices; definition of "lockdown"; traffic control; guard shacks; and number of bathroom and shower facilities;

Mr. Taylor responded to Mr. Cain's questions related to security; Mr. Horner responded to Mr. Cain's questions involving traffic; and Mr. Meloy responded to Mr. Cain's questions related to location, number and size of facilities.

In response to Mr. Cain's questions related to security provision for children using the free-standing bathroom facility during the night, it was stated that there would be bathrooms within the bunkhouse buildings, as required by law.

John Kinkela asked Mr. Rosenberger to clarify the meaning of primary use and accessory use, and questioned whether more than one primary use on site would be permitted. Mr. Rosenberger described the difference, and stated that a site could contain multiple uses.

Mr. Kinkela asked questions of Mr. Nametko with regard to simultaneous events and Mr. Nametko described how and when events would be conducted on site. He stated that baseball would take priority during the twelve weeks of summer, and that the baseball games would be conducted within the Vine Building, once it has been constructed, in the event of rain.

Mr. Kinkela asked questions of Mr. Mazur with regard to hotel suites and related parking; maximum number of adults hotel suites could accommodate; number of cars generated

by adults; and parking needs generated by use of conference center. Mr. Kinkela advised of his personal experience with conference room booking and hotel stays.

Mr. Mazur stated he could only respond as to what the Ordinance requires, and Mr. Meloy stated that only one family would stay in a hotel room.

Mr. Rosenberger advised that the Board could enforce only the number of parking spaces required by Ordinance, and did not have the authority to require a higher standard.

Mr. Kinkela asked questions and offered comments with regard to indoor recreation and the adequacy of the proposed parking involving the vine building.

Mr. Mazur advised that Ordinance provisions were used to calculate the number of parking spaces, and a variance for parking associated with that building was being sought because the Applicant believed the number required would be excessive.

Mr. Kinkela asked questions and offered comments with regard to the ordinance provision that requires a three foot separation from the bottom of a retention structure to the seasonal high-water table. He questioned why the Board would consider a waiver, and how the Township would benefit from the waiver, considering the failure of other storm water management basins within the Township.

Mr. Dixon responded that failure of certain basins within the Township may not necessarily have occurred because the depth to ground water was two feet below the basin, and that failure could be attributed to a variety of factors. He stated that, since the adoption of certain regulations in 1979, and certain other regulations in 1972, the commonly accepted distance between an underground infiltration facility and the estimated seasonal high water table has been two feet. Mr. Dixon expressed the opinion that, if the basin is constructed properly, if the soils are sufficiently permeable, if the basin is maintained properly, and if it is protected during construction, the two foot separation would be adequate. He noted that the basins would have to be expanded if a three foot separation were imposed.

In response to Mr. Kinkela's question regarding maintenance enforcement, Mr. Dixon advised that there are certain requirements that address the issue.

Mr. Kinkela continued to ask questions and offer comments with regard to the proposed berm, noise abatement, lighting and security. Responses were provided.

Bruce Strigh presented Exhibit Strigh 6, and stated that the last page of the document would be used by Mr. Cain to address parking issues associated with the uses taking place on site.

Mr. Strigh referred to the Ordinance provisions for parking and expressed concern with regard to the adequacy of the proposed parking involving the hotel. Mr. Strigh offered comments with regard to parking associated with water park, restaurant and conference center uses, and expressed the opinion that all those uses and associated staff were not taken into account when the parking was calculated.

Mr. Cain stated he would be presenting the landscape consultant who previously worked on the project at the next meeting, who would review the report he had submitted to the Board and address the effect of breaks in berms. Mr. Cain offered to provide a copy of the report to Mr. Dixon.

Mr. Baylinson objected to the presentation of the witness, stating that the person was not one of the individuals who were listed as being permitted to comment.

Mr. Cain asked questions and offered comments with regard to transportation to the Vine Building; "lockdown" of children; number of chaperones and coaches; conflicting testimony; preservation of light, air and open space; reason for not complying with three foot separation from groundwater to bottom of basin; impervious coverage provision increase; unacceptable wait for testimony from security consultant; review of ordinance parking requirement for hotels; availability of restaurant to public; number of employees per phase;

configuration of hotel rooms; potential to increase number of people in hotel rooms; distance requirement for shared parking; bus and van transportation; queuing of vehicles; reduction of requirement for percentage of parking; total number of guests and employees that could be accommodated by the Vine Building at one time; public access to restaurant; parking space not clarified; queuing area for and anticipated number of taxis, airport shuttles and limousines; tour bus potential; and fair share contribution to certain intersection improvements

Mr. Meloy stated that the hotel restaurant would be available to the people within the hotel, and Mr. Nametko stated that the hotel would contain one bedroom suites.

Mr. Meloy responded to Mr. Cain's request for number of employees and guests in the Vine Building, and advised that the restaurant contained within the building would be open to the public.

Mr. Nametko stated that the number of employees on site would vary by season, but there would be ninety-five people employed to operate the facility on a daily basis.

Mr. Horner explained how he arrived at the numbers involving transportation of team members that were contained within his report.

Mr. Meloy, Mr. Horner and Mr. Nametko responded to other questions of Mr. Cain.

Mr. Cain promised to provide a "hard copy" of the spread sheet on parking calculations that was part of his power point presentation to Ms. Rainbow for distribution to Mr. Baylinson and Board members. Mr. Rosenberger marked the document as Exhibit Strigh 7, Spreadsheet One of Parking Calculations.

Mr. Cain reviewed the parking calculation spreadsheet, and noted that Mr. Dixon and Mr. Polistina both had requested additional information within their reports. He, also, noted that Mr. Dixon and Mr. Polistina reviewed the same revised information and arrived at different conclusions.

Mr. Cain referred to Ordinance Section #203-60, which contained parking requirements for various uses, and expressed the opinion that all of the uses within the hotel had to be evaluated with regard to the number of parking spaces necessary for each use, and not just the hotel use.

Mr. Cain attempted to use information he had secured from the internet, and Mr. Rosenberger advised that, before treatise can be used, it would have to be recognized as authentic in the field.

Mr. Cain stated that his research revealed there are seven different categories of employees for the type of hotel proposed, with thirty-five separate occupations, and he expressed an opinion as to how many parking spaces would be needed for those employees. Mr. Cain, also, addressed the parking needs for the other proposed uses and associated accessory uses for both of the phases proposed.

Mr. Cain encouraged the Board to consider the information he provided in an effort to make sure that there would be adequate parking to accommodate all that would be occurring on site before any decision is made.

Mr. Strigh stated that the presentations were concluded for the night.

Mr. Rosenberger stated that the hearing would be continued on July 30, 2009, with no further public notice necessary, at which time Mr. Cain would continue with one additional presentation; and, upon conclusion of Mr. Cain's presentation and presentation by certain others who were on the list and had not yet spoken, Mr. Baylinson would conduct a rebuttal, followed by questions from the Board. He stated that that would conclude what takes place that night, and all testimony would be closed. Mr. Rosenberger continued that, on August 6, 2009, Mr. Baylinson and Mr. Strigh, or a designated person, would each provide a fifteen minute summation, after which he would charge the Board, and it would make a decision. Mr. Rosenberger promised that, between this meeting and August 6, he would prepare a

memorandum to provide assistance with regard to the various issues the Board would be considering.

Mr. Baylinson questioned whether Joseph Adamson would be permitted to testify, and Mr. Rosenberger replied that his testimony is currently not part of the proceedings.

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

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

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

Nancy Rainbow,
Planning Board Administrator