

A special 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 and John Kurtz. Alternate member present was Henry Dorsey. Also present were Kevin Dixon, Engineer Consultant; Charles Endicott, representing Vincent Polistina, Planner Consultant; John Rosenberger, Solicitor; and Philip Sartorio, Community Planning Director.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Christman moved, seconded by Mr. Gaskill, to approve the minutes of the meeting of June 18, 2009, as published. SAID MOTION CARRIED WITH SEVEN MEMBERS VOTING “AYE”, NO “NAY”, ONE “ABSTAIN”.

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

Debra and Roland Kraus (Extension Request) – Debra Kraus was present to request an extension of the time period within which to file the minor subdivision plat for which she received an approval in October, 2008.

Ms. Kraus informed the Board she had not been aware that the subdivision had to be recorded within one hundred ninety days and that she had been under the impression that the Permits Extension Act applied to her subdivision approval.

Ms. Kraus expressed the opinion that she did not need to apply for an extension due to the Permits Extension Act, and she presented documentation in support of her position. She advised as to with whom she had spoken and what she had been told. Ms. Kraus commented that she had to pay \$750.00 to seek an extension she didn't need, and that she would have to go to Court to get the money returned to her.

Mr. Rosenberger explained that the application was to extend the time period within which the subdivision had to be recorded and was not an application to extend the approval. He advised that, although the Permits Extension Act extends approvals, it did not address the time period for filing subdivision plats. He commented that a judge could decide that the time periods were intended to be included, or the Legislature could correct the oversight, but the Board did not have the ability to waive anything. Mr. Rosenberger noted that the Statute is to be liberally construed, and he recommended that the Board grant the extension.

Ms. Kraus stated that there was nothing within the resolution of memorialization to let her know that the subdivision had to be recorded within one hundred ninety days, and she suggested that language to that effect be placed within all future resolutions. Mr. Rosenberger advised that the Board could not include language advising of all the requirements of the Municipal Land Use Law.

Mr. Carson moved, seconded by Mr. Dorsey, to grant an extension of the time period within which the subdivision plat has to be recorded, pursuant to 40:55D-47 f, associated with the minor subdivision approval granted to Debra and Roland W. Kraus, Jr., Block 393, Lots 1 through 7, 10 and 17, to expire on October 15, 2009.

ROLL CALL VOTE ON THE ABOVE MOTION:

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

SAID MOTION CARRIED.

Area in Need of Rehabilitation Recommendation, Block 1135.01, Lot 10.01 – Salvatore Perillo, Attorney representing Greenwood ACRA, and Maureen Bugdon, President, were present.

Mr. Sartorio referred to the memorandum he had prepared for Township Committee, dated June 8, 2009; a letter, dated April 8, 2009, from Stephen Nehmad, attorney for Greenwood ACRA, the owners of the Atlantic City Race Course; a letter, dated March 30, 2009, written by Ronald Curcio, P.E., of Adams Rehmann and Heggan, containing an assessment of the age and condition of the sewer and water infrastructure at the site; and the proposed resolution declaring Lot 10.01 in block 1135.01 an Area in Need of Rehabilitation.

Mr. Sartorio noted that the recommendation would be somewhat consistent with the 2006 Master Plan Re-examination Report, as that Report identifies the property as a potential Area in Need of Redevelopment.

In response to questions of Board members, Mr. Sartorio explained the difference between designating properties an Area in Need of Rehabilitation and an Area in Need of Redevelopment, and what would occur after Township Committee makes the designation.

Mr. Perillo, also, described the process, and noted that the infrastructure is over fifty years old, as set forth in Mr. Curcio's letter of March 30, 2009.

Ms. Bugdon advised that the Racing Association has been working with the Township, and is now ready to continue to work with the Township to pursue rehabilitation of the site.

As a courtesy, Mr. Dahl opened the meeting to public comment.

Frank Gatto questioned the type of development that would be provided on the property, and he was advised that that plan has not yet been developed.

Nancy Powell expressed the opinion that the property sounded like a great place for a sports complex.

Mr. Gaskill moved, seconded by Mr. Carson, to close public comment. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Mr. Choyce moved, seconded by Mr. Kurtz, to recommend to Township Committee that it adopt the proposed resolution that declares Lot 10.01 in Block 1135.01 an Area in Need of Rehabilitation, based on the condition of the water and sewer infrastructure, as set forth in a letter written by Ronald N. Curcio, P.E. of Adams Rehmann and Heggan, dated March 30, 2009.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Carson – Aye

Mr. Cheek – Aye

Mr. Christman – Aye

Mr. Choyce – Aye

Mr. Dorsey - Aye

Mr. Gaskill - Aye

Mr. Kurtz - Aye

Mr. Dahl – Aye

SAID MOTION CARRIED.

Mr. Cheek left the meeting, due to a conflict of interest involving the legal representative of the following applicant.

Magic Sports and Health Complex, LLC (Continued hearing) – Christopher Baylinson, Attorney; Charles Jonathon Meloy, Architect' and David Horner, Traffic Engineer, were present.

Mr. Dahl outlined what would take place at this hearing and what is anticipated to take place when the hearing is continued on August 6.

Charles Cain continued with his comments and questions regarding the variance and waiver requests, and expressed the opinion that the Applicant had not demonstrated, with the exception of the variance for number of signs, that they should be granted.

When Mr. Cain displayed a video of cars parked on a road in the Business Park to demonstrate what occurs when there is inadequate on-site parking, Mr. Baylinson objected, stating that it wasn't known who was making the comments on the video. Mr. Rosenberger noted Mr. Baylinson's objection, but allowed Mr. Cain to proceed with the video.

Mr. Cain advised of certain Ordinance provisions with regard to parking, and pointed to potential problems associated with traffic circulation.

Mr. Cain encouraged the Board to deny the variance and waiver requests, and stated that the Applicant had not demonstrated that the benefits would outweigh any detriment. He expressed the opinion that the application should be denied, based on reasons that had been put forth, and as shown on the power point presentation.

Chris Jensen, residing at 345 Old River Road, Mays Landing, New Jersey, advised how long his family has resided within the Township; summarized the process that took place to change the permitted uses within the IBP Zone; recommended a different location for the project; quoted sections of the Municipal Land Use Law and the Master Plan Re-Examination Report; commented on the height of buildings; referred to the Board's previous Landscape Consultant's report; referred to certain publications; commented on the endangered species assessment; referred to improvements required for other projects within the County; advised as to what the Board has to consider; and offered other comments related to the project..

Someone in the audience asked to be recognized, and Mr. Dahl advised that public comment had been closed to all but those designated previously.

Eustice Eggie, residing at 464 Franklin Drive, Mays Landing, New Jersey, advised of his background; referred to a conversation he had with David Wigglesworth; commented on the job potential, both temporary and permanent; commented on the economy; commented with regard to what would happen if the project is denied; commented on traffic, existing and proposed; commented with regard to emergency facility study and emergency response; advised of conversations with an individual who visits similar facilities; expressed an opinion as to benefits of project; and made other comments related to the project..

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

In rebuttal to certain statements, Mr. Meloy stated that a typical room in the proposed hotel, would be between 750 SF and 780 SF with a sleeping room and a sitting room; that the 480 hotel rooms would be identical; that there would be one door in each hotel room from the corridor; that the term "lockdown" was used in connection with the Magic Village, where the athletes would be staying; that each building within which the athletes would be housed would contain bathroom and shower facilities; that there would be a separate building containing bathroom and shower facilities to address the need during playing days; and that there would be special needs fields located on the southwest corner adjacent to the retention basin.

Mr. Horner explained how the traffic analysis was adjusted to recognize seasonal traffic and advised that the Ordinance sets forth how the pro rata share contribution is to be calculated for off tract improvements and provides quite a bit of leeway to the Township's consultants. He noted that the intersections were chosen by Alexander Litwornia, the Board's previous traffic engineer consultant at the time of the original submission, and others were added, but the study area had not reduced when the project was reduced in scale. Mr. Horner stated that the Applicant had agreed to pay a fair share contribution toward off tract improvements, and the information needed to make a recommendation had been provided.

Mr. Baylinson acknowledged receipt of a copy of Mr. Mazur's report, dated July 28, 2009, that Mr. Mazur had been prepared to provide clarification relative to parking requirements. He noted that there is no variance necessary for parking for Phase One of the

project, and that there would be an extra ninety three parking spaces, even if the conference center and lobby amenities were used by other than hotel occupants. Mr. Baylinson pointed out that a variance for parking would be necessary for Phase Two of the project only.

Mr. Rosenberger announced that the presentation has been concluded, and fifteen minute summations would be permitted when the hearing is continued on August 6, 2009, the first of which to be presented by Mr. Strigh, with Mr. Baylinson being the last to present. Board members would then proceed with questions and deliberation.

Mr. Strigh requested that he be provided with a copy of Mr. Mazur's most recent memorandum.

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

Mr. Choyce 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. Choyce 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