

TOWNSHIP OF HAMILTON
MAYS LANDING, NJ 08330
PLANNING BOARD MEETING
November 17, 2016

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman Richard Cheek presiding. Other members present were David Adams, Harry Bilicki, Marla Caldwell, Wayne Choyce, Harry Rogers and Allan Womelsdorf. Absent members were Charles Cain, John Kurtz. John Percy.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – none presented.

The following Board Professional was in attendance: Charles Gemmel, Solicitor.

Adoption of Resolution as prepared by Solicitor:

#PB2016-07 – Block 996 Lot 39 & Block 1028.01 Lot/5 – 4 G's of Hamilton, LLC -
Preliminary Site Plan Approval and Preliminary Major Subdivision Approval

Motion made by Mr. Bilicki, seconded by Mr. Choyce to adopt the above resolution as prepared by the solicitor.

ROLL CALL VOTE: BILICKI – YES; CALDWELL - YES; CHOYCE – YES; ROGERS – YES, WOMELSDORF – YES; CHEEK – YES.

SAID MOTION CARRIED WITH ALL ELIGIBLE MEMBERS (7) VOTING “AYE”, NO “NAY, AND NO “ABSTAIN.”

Trampoline Park Consulting, LLC, Block 1135.01, Lot 10.02. Request for determination as to whether proposed use of portion a of building (Convenience Center) at Hamilton Mall is of the same general character as a permitted use, pursuant to Section 203-71B, which states “Any use of the same general character as any of the above permitted uses when so interpreted by the Planning Board.”

The applicant was represented by Robert Campbell, Esq. and Scott Goodell a member of the applicant's firm and that firm is Trampoline Park Consulting, LLC and hails out of Utah.

Mr. Campbell proceeded to explain to the applicant that what the Board needs to know is the particular use you have planned for a business operating in our community and further stated that it is his understanding that the applicant has acquired a proposed lease subject upon the condition of the approval of this Board to permit operation of said business behind the Hamilton Mall. Mr. Goodell explained that it is the facility where the former haunted house was located. The proposed usage of space is 20,000 to 25,000 square feet.

It was further stated that the company has 50 plus operations nationwide. Mr. Campbell inquired if they were all fairly much in the same level of operation in terms of trampoline use. Upon Mr. Campbell's request, Mr. Goodell proceeded to describe the type of operation.

The facility is an indoor trampoline park and is geared toward families and bringing families together to have fun and to exercise. You come in, you are checked into the park, and usual usage is 1-2 hour jumps. There are different activities on the trampolines, various open areas, and a dodge ball area. Upon Mr. Campbell's questions Mr. Goodell proceeded to explain the many other aspects of the park such as a ninja course and a form of basketball.

There will be vending machines for use, no food preparation on site. For parties they would cater that out to a local pizza company, have the food brought in so that they can focus on having fun and jumping. They have a small retail operation where they would sell grippy socks or t-shirts as related items to the activity.

Mr. Campbell stated that one of the things this facility will do is offer birthday parties where a family can come in and either utilize the business's connection and order pizza or do their own thing for food. Food will be brought in, handled and disposed of at the park.

Mr. Campbell remarked that we have an area of our law that allows planned recreational entertainment complexes, and asked the applicant if there were any other wider level of entertainment or recreation, i.e. weight lifting, tennis, etc. planned, with no other athletic type of endeavors that will go beyond what was testified to today. Mr. Goodell's response was no.

The operation times are predominately weekends. The regular hours of operation were stated as Monday through Thursday, 10 AM -10 PM; Friday through Sunday is 10 AM – 12:00 AM.

The applicant stated that they will abide by any requirements for parking and for handicap parking access.

Mr. Campbell inquired of Mr. Goodell if the facility proposed includes an American with Disability opportunities to come in to which Mr. Goodell explained how they accommodate them so that they have the ability to access the park and experience it as well. Mr. Campbell then asked if the applicant has had any involvement with our military service personnel, the handicapped or wounded veterans with any of their facilities in the Country. Mr. Goodell responded that they have.

The applicant further testified that they are fully staffed with the appropriate personnel to deal with injuries and that all of their people are certified in CPR.

The company has been in business for 5 years, has expanded to about 50 units. They also have units abroad: Canada, Japan and waiting to open in Mexico.

Mr. Campbell concluded the applicant's general uses and asked the Board if they have any questions for his client.

Discussion with questions and comments from the Board continued. Questions presented were regarding the use of TV's, music, the average ages of attendees, rules against crazy flips, how the various activity areas are laid out. Discussion also included questions regarding supervision and safety, number of employees, insurance policies in place and how they would handle injuries.

Mr. Goodell provided responses to the Board members as they presented their respective questions.

As for the safety issue he responded that they do have a reporting system in place for injuries. They employ approximately 25-35/40 employees. They always have a line of site anywhere in the park. The employees are known as "lifeguards" and are trained in First Aid and CPR. Safety and security was discussed and it was presented that they have security surveillance 24/7.

Mr. Cheek asked if the Board had any other questions.

Mr. Choyce inquired of Mr. Campbell as giving testimony on the general uses that are permitted in this particular zone and if he feels they are of the same character as being proposed.

Mr. Campbell stated that he had received Mr. Gemmel's memo and took note of all the areas as he outlined but that he chose to look at the planned recreation entertainment complex and that he is very familiar with the history of that ordinance and dynamics of that ordinance we have with certain entities that have come in. Mr. Campbell think continued that he feels that the critical aspect of and the resultant language of the ordinance, was addressing the comprehensive planned facility where as there are multiple venue types of athletic endeavors and other endeavors where by different groups of people come in different waves, I feel that is really where traffic and time dynamics needed to be addressed and I believe that the ordinance addressed that very well. I think this particular application is significantly different and to answer your questions what is in the area. Let me say what is allowed in the area and then move on to how I see the interpretation. In looking at the uses allowed, I started at top and left out the ones irrelevant, and stop at general business, allowable use. This is clearly general business with specific intent; other areas, health and exercise facilities or clubs, very close, although it is a very unique experience of an athletic endeavor. Other things are motion picture theaters, an

entertainment aspect watching and doing entertainment component to it; also restaurant, not dealing with a restaurant, but we are dealing with vending machines, so there is a food component and trash component, plus they will allow food to be brought in, so we have a restaurant component, retail sale establishments, sell some socks and shirts, so the ordinance is applicable to the area, the regional design commercial shopping center encompass this particular use, while not specifically, but I think if you look at the whole of what it says I think it is pretty clear that we have an entertainment oriented fun center, very narrow in scope, not comprehensive in nature, limiting essentially the activity levels to an athletic event, which is jumping up and down under a closely guided and monitored scenario of a professional organization with experience nationwide with different states and different safety codes, I think this will be an ideal type of facility for our community and I implore the Board to approve this use in this area. The back area behind the Hamilton Mall needs something good and active and this seems to be a dynamic use that would fall nicely within this area and because it is a specialty use we would not be opening the door for some kind of new expansion of the idea that is set forth in the ordinance for the regional and design commercial center.

Mr. Bilicki asked why they chose this area and Mr. Goodell responded that they travel around a lot and they have a park in King of Prussia and they went around to different areas and enjoyed this area and looked into it to see if it was something that would work for them, the numbers and the population are here. It was asked if they sell membership, response was no. Do you have showers or anything as such, response was no. Mr. Goodell stated that it is about being ready to come in and jump and leave. There are lockers for personal belongings.

Ms. Caldwell asked does the solicitor have any input or is everything covered by what they are saying.

Mr. Gemmel proceeded to summarize it by saying that Mr. Campbell has covered most of it, but in our ordinance we have this list of permitted uses within this zone and then we have a "catch all" line that says any use of the same general character of the permitted use, becomes a permitted use. Your function as the Board is to determine that when you look at the permitted uses that see enough characteristics in those uses that are similar to the characteristics in the trampoline use such as that they are close enough to be considered to be permitted use. An unusual section within the ordinance, most zoning gives you a list and it is a to z and once you get to z you don't find your use specifically you are not permitted and if you want to do something not listed you have to go to zoning for use variance. This section is sort of a recognition that things happen over time and you can't necessarily cover uses that we didn't even know existed, exist now, and you look at ordinances and wonder why isn't that allowed and the reason is because it didn't exist when the ordinance was drawn up so this allows the ordinance to mature, grow, evolve based upon what is out there although still limited. We have to be comfortable the characteristics with the trampoline use and the uses that are permitted in the ordinance.

Mr. Womelsdorf asked if the uses will be granted per application basis and if three years from now, they leave and someone else comes back with a jump park, does that automatically be a permitted use or do they need to come back again., We will have already done it once, but now it is a new applicant, does it set a precedent

Mr. Gemmel remarked there could be the possibility that trampoline park could evolve and move away from some of the characteristics that we might determine tonight that makes it similar to the other uses, so it is conceivable that under that circumstance application #2 might get turned down because the comparison or some of the permitted uses got changed, and as Mr. Campbell pointed out the exercise facility having characteristics of the trampoline. If 5 years from now an exercise facility is no longer permitted use and somebody wants to come in with a new trampoline activity, they would have to come to the Board and try to demonstrate even though the exercise facility which is a common characteristic is no longer in the ordinance, there is still enough in the ordinance to show a similar use of the property.

Mr. Choyce thinks that the fact that Planet Fitness is in the same building, I think you can see characteristics that are similar, people are paying to go in to a facility and use equipment being provided for exercise and one other thing. We have a Chucky Cheese in the same zoning district. I think there is a similarity there also

Mr. Campbell concluded his presentation and asked if there are any more questions.

There being no further discussion No comment was offered.

Motion to interpret that the trampoline uses which we have heard about tonight is similar in character to permitted uses within the Design Commercial Zone and that such trampoline use is permitted. Motion was made by Mr. Choyce, seconded by Mr. Womelsdorf.

When asked Mr. Gemmel remarked that no public comment is required, it is not a public hearing.

ROLL CALL VOTE:

ADAMS – YES – I think it is a bit of a stretch to interpret it this way, we do have separate permitted usage that is recreation, I think we are closer to that. I do have some concerns about the safety but I don't see it as a liability for the Township and I think it is a great place for it.

BILICKI – YES – for the reasons that were mentioned earlier, close proximity to Planet Fitness, I considered health and recreation and I think that it is close.

CALDWELL – YES – I think that the fitness and entertainment aspect falls into it. The restaurant and retail is a bit of a stretch.

CHOYCE – YES – I think the applicant has adequately provided the necessary proofs to show that what is being proposed is the same general character as permitted in this particular zone.

ROGERS – YES – for the reasons already stated

WOMELSDORF - YES - for the reasons already stated

CHEEK – YES

SAID MOTION CARRIED WITH ALL ELIGIBLE MEMBERS SEVEN (7) VOTING “AYE”, NO “NAY, AND NO “ABSTAIN.”

American Legion Building, Block 758, Lot 7, 6007 Second Street – Discussion with possible recommendation to designate it as an area in need of redevelopment “non-condemnation” under N.J.S.A. 40A:12A-1 et seq.

As this is a public hearing, the following were sworn in to give testimony:

Philip Sartorio, PP, Director of Community Development for Hamilton Township, Tiffany CuvIELLO, PP, Consultant for Atlantic County Improvement Authority for this project.

Notice regarding this Public Hearing was published in the Press of Atlantic City, October 30 and November 6 as required under local redevelopment and housing law, on the Township web site and is part of the Planning Board members Agenda Packet.

In 2015 the ACIA decided to fund a redevelopment initiative, it was a competitive project, open application and multiple municipalities requested for funding. Hamilton submitted and we are fortunate that the Atlantic County Improvement Authority voted to fund this redevelopment study of the Hope Fire/American Legion Building. As part of that they engaged the services of the professionals on our behalf so that costs are being paid directly by the ACIA other than phone calls there has been discussion and nothing else is really going through the Township right now. Tiffany was the planner selected to do the report. The initial draft was reviewed in June.

Ms. CuvIELLO stated that back in June she presented to the Board the findings she thought the site met under the redevelopment statute to be determined to be need of redevelopment and we talked about the possibility of the reuse or rehabilitation or redevelopment of the property. She went out and did what she was directed to do, there were questions and comments about more historic document of the property to talk with the HPC, I did that and I have put together a report and

recognizing the historic nature of the project that was labeled as the American Legion Building and have changed that title giving it the recognition of its original, former historical use, as the Hope Fire Company/American Legion so it is recognized and labeled as such.

This hearing is to determine whether or not you believe that the findings I present to you tonight qualify that this property is in fact in need of redevelopment under the Redevelopment Law of New Jersey. If you find that the property does in fact meet the conditions based on the information that I provided you. The second action that you may take this evening is to review the Redevelopment Plan which will then be presented to the Governing Body as an ordinance for adoption.

First step is to determine if there is something wrong with this property, does this property need help? The answer is yes. The second step is to determine how we are going to help this property which is what I call the redevelopment plan.

Ms. CuvIELLO continued by describing the characteristics of the property and why she thinks it is apparent that it meets the statutory area in need of redevelopment. It is located at 2007 Second Street, Block 758, Lot 7; it is just off of Cape May Avenue (Route 50); next to an existing cemetery, across from a bank site with residential uses surrounding the property. The property is about 7,250 square feet, 50 feet wide with a depth of 140 feet. It does not include the alley that surrounds the property. The alley is a 15 foot wide alley around the side and rear of the property and is almost in its essence utilized as part of a driveway aspect and pretty much encumbered. The property and the alley is owned by the Township and it part of the recommendation and in the future may incorporate vacating the alley and make the property a little bit larger as it doesn't serve a purpose. The property contains the American Legion building which was also the Hope Building and the original Reliance Hose Company building. It contains an accessory garage from the rear, with asphalt area for parking, is in the Pinelands regional growth area, it is zoned as R9 and is in the Historic District of Mays Landing as classified in your planning documents.

Ms. CuvIELLO stated that we have to have a public finding of fact, and for the record presented the historic features of the property and why it meets the criteria.

It was built in 1894 and first occupied by the Hope Fire Company. Hope Fire Company was the first original fire company in Mays Landing and they used hand pumper hose and bucket use, which I gleaned from the historic society.

Township bought in the property in 1903 from the Hope Fire Company, for \$1. The Hope Fire Company became known as Reliance Hose Company and later incorporated in 1913 and occupied the building to 1927. The building contained a school at one point; municipal offices at one point, then somewhere around 1927 the American Legion, Post 254, occupied the building and continued through 2003. The Township reclaimed ownership of the property in 2013 to date.

In 2012 this property was placed on the Preservation New Jersey 10 most endangered historic places.

This information is contained in the Determination of Need report for Hope Fire Company/American Legion Building, 6007 Second Street, Block 758, Lot 7 which Ms. CuvIELLO provided to the members of the Board.

Ms. CuvIELLO gave a brief overview of the timeline of what has transpired to date and the condition as it exists and that, therefore, meets the criteria in need of redevelopment.

She continued that the second criteria really relates as to how this impacts the community. You can't look at it as isolated; there is a community impact in it not getting the improvement and investment that is needed. It is a visible property, see from Cape May Avenue, people know it as American Legion Building, and some people know it is on the historic registry and to see the lack of the investment in a historic structure because of costs and needs to it, takes away from what is your historic village. Because of this it has a community impact that is important in a finding for redevelopment.

What is the community impact from the structure that needs the help, does it have a detrimental effect on the morals and welfare of the community and because of the significance of the structure, the visibility of the structure and its relation to the surrounding area I believe that you can find that condition exists as well.

That is the sum of the criteria as to why this property meets the statutory as an Area in Need of Redevelopment.

The process is Step 1: first thing asked, does it need help and meet the criteria and if it needs this type of help and you agree with those finding, then we go to the 2nd Step, which is what are you going to do to fix it.

Mr. CuvIELLO remarked that she like to keep the steps separate because one is not necessarily tied to the other. She asked that the Board act on determination and determine if it meets the two criteria's that she read based on the information she provided, have the public hearing on that and then make their findings. After the Board concludes that and determines it is meeting those standards, then talk about what we are going to do with the property because that is where the Board's opinion comes in.

Mr. Cheek asked Board members if they have anything further to discuss before public comment. There being no further comment, the meeting was opened to public comment.

Public Comment

Karen Johnson – 6011 Second Street, lives next door to the building and would like to see it restored. Ms. Johnson is interested in helping to get it restored and thinks it is an asset to the community and has a lot of history. She is presently restoring her home circa 1925.

Carl Farrell, Linwood Avenue – is a member of HPC, which he is not speaking on behalf of. He has shared in some of the research on this and from the Historic Society that you have our full backing on this report and the plans that the Township has for the building. We have been concerned about that building for quite a while, and as far as the Historic Preservation Commission, it is in our district, so at one point in time it will come before us and I personally support it.

Mr. Choyce moved, seconded by Mr. Bilicki to close the public portion.

Mr. Cheek asked of the ACIA's stance and if they are looking forward to bring this building back to its original structure. Mr. Sartorio replied that the Atlantic County Improvement Authority is helping the Township by funding the redevelopment study by providing technical support. The Township Committee clearly wants to have the building restored and the use of the redevelopment process is the one way that we can come as close as we can to see that it gets done right. Since it is public property and if not done as redevelopment area, it would be put out to public bid and whoever offers the most money from the public buys it, the Township loses control as to what occurs. As a redevelopment the Township can negotiate a redevelopment agreement that will insure that certain things get done. Our intent is to have it restored, become a vital productive property; get it on the tax rolls.

Mr. Rogers asked how can it be put on tax rolls if it's the Township's property with Mr. Sartorio responding that it as a part of the redevelopment, a developer may buy it, it would transfer from public to private ownership at a point in time, and at that point in time it goes on the tax rolls.

Mr. Rogers asked if it is advocated that the municipality fund the rehabilitation. Mr. Sartorio further explained that by negotiating a sale, basically reducing the price, and there will probably be some form (these items are in the plan) some level of tax abatement provided and one of the forms allowed in MLUL, whatever the Governing Body approves as appropriate, the developer would have the opportunity to get possible tax credits and grants through other means. There is no money directly from the Township itself.

Mr. Cheek inquired about the roof and if there were plans for anything that can be done besides putting a tarp on it.

Mr. Womelsdorf asked if at this time is there something that can be done to stabilize the building and if there were any inclination as far as putting a roof on the place so it doesn't get y further destroyed. Mr. Sartorio replied that at this point in time, it is stabilized, not going any further than it is. It is clearly something that they keep an eye on and try to maintain so it doesn't deteriorate any further.

Chairman Cheek asked if there was any more discussion to which there was none.

Mr. Choyce moved, to adopt the Resolution as presented to the Board recommending to the Township Committee that Block 758, Lot 7 be declared an Area in Need of Redevelopment. Mr. Bilicki seconded the motion.

ROLL CALL VOTE:

ADAM – YES

BILICKI – YES – Think this report that was delivered was excellent, very well laid out, easy to read findings very thorough. Expressed his appreciation for the time and effort put into this.

CALDWELL – YES

CHOYCE – YES – also thinks this was an excellent report, very comprehensive and very well put together made our job easy, thank you

ROGERS – NO – I understand Mr. Sartorio but by voting yes, we load this piece of property with encumbrance and responsibilities and obligations which essentially reduce the value to next to nothing. The piece of property is more valuable to the Township if the building was simply removed. I see it as a giant white elephant can't see any way forward.

WOMELSDORF – YES, I believe this property is a valuable asset to the community as a historic piece of property. I can understand Mr. Rogers' concerns about loading it with obligations and other things, but I am going to vote yes., I appreciate the report that you prepared and look forward to the plan because I think it would help everybody to see where this could go and I guess I understand that, after Mr. Sartorio comments, this is a multiple step process. We not only decide it is an area in need of redevelopment and develop a plan but then we become dependent on some developer out there to come in with a vision for this property and the ability and willingness to continue the restoration and rehabilitation of it and to make it a useful functioning piece of property in the Township Community and at this point I think it is a good plan.

CHEEK – YES - I can understand Rogers' concerns as well. It does tie the property up. I think a buyer is going to be very hard to find, but it does meet an area of redevelopment and we are here to determine if it is area in need of redevelopment. .

SAID MOTION CARRIED WITH ALL ELIGIBLE (7) MEMBERS VOTING: 6 "AYE", 1 "NAY, AND NO "ABSTAIN."

Ms. CuvIELLO continued - How can we help the property? The redevelopment plan in a sense is an ordinance, referred to the Governing Body for adoption. A redevelopment plan is like a zoning ordinance but more so. The plan allows the Township to negotiate to purchase the property, not just someone who comes in with the lowest bid but someone who has an interest in the property. While I respect Mr. Rogers' comment and that it could be a white elephant and to clear it and start fresh is a possibility, the intent of this plan is to try to preserve and rehabilitate this property and if you find that over time this is not working and is becoming a problem it is carrying over and the cost, you have the ability to amend this plan. If after you adopt it, put these plans out there where you can negotiate and partner with someone to help them to invest in it, if that doesn't provide the results, you can always revisit and amend the plan. This document is like a zoning ordinance and you can change it at any point in time if need be.

Mr. Rogers asked if we would amend the redevelopment plan or rescind the need of redevelopment.

Ms. CuvIELLO continued that being in Need of Redevelopment allows the municipality to negotiate with any developer; it takes a lot of the rules out of being a public entity trying to develop a property and makes it easier for the municipality to have those negotiating tools. By imposing standards or allowing someone to move forward in a different fashion. Designation in need of redevelopment depending what the plan states, you can allow tax abatements, pilots, municipal bonding, agreements where you have restrictions on uses, you can do numerous different types of items that you wouldn't be able to do normally. Municipal bonding does not apply here; it is a tool that is available under redevelopment under certain situations. A tax abatement could be considered here because of the improvement and investment that is needed on this property.

Ms. CuvIELLO went over the uses, goals and tools that are available. It is her understanding that the primary goal is to try to provide reuse of the structure and restore the property to what was a historic significant and to keep those features of the property that make it a historic structure.

Based on the goals as outlined in the report, it is in the R9 district where municipal uses and residential uses are permitted. It is thought to essentially replace the R-9 Zoning with Village Commercial District which is the same in the Historic Village of Mays Landing; it would just extend it to include this property. She then went over permitted uses from the code.

The Historic District ordinance is required and continues to apply on this property and the Zoning District would be amended on the map to be called the Hope Fire Redevelopment District.

Doesn't mean someone could go in tomorrow and open a barber shop, still conforms with site plan review, (parking, lighting, landscaping) utilize into a developer agreement with the township would have to provide a plan on how they are going to use and that plan and that developer agreement can be very specific in uses and to be bedded out the governing body acting as the redevelopment entity then coming to planning board for improvements that are needed on the site plan process. They need the approvals that everyone else does.

The Plan has all the technical aspect and legal aspects that are required in the redevelopment plan and lists various tools that are available for reference. We are not relocating anyone.

We have to describe how the plan relates to other plans throughout the Township, surrounding municipalities in the County and the New Jersey State Redevelopment Plan and is outside in the redevelopment plan. They all relate to the Historic Preservation Plan. It is consistent with the Municipal Master Plan, the County Plan, State and Pineland Plans.

Mr. CuvIELLO stated that if you find it acceptable you can recommend it to governing body, if any aspects are not consistent about what we talked about in June or what you feel is appropriate for the property, we can talk about it at this time and do something else with the plan if we have to. This is based on my understanding of the desire of this area and my conversations in June.

Mr. CHOYCE questioned the possible vacation of the alley and the process to which Ms. CuvIELLO responded that the Township can elect to vacate the alley and follow township procedures or if the developer negotiates, they could vacate as a by right.

Mr. CHOYCE asked if she is saying not to proceed, not to go through the process until a developer is found and chooses to do so or not, or is it something we see as a benefit, not just this property but there are two adjacent properties, the alley does not appear to be used, would it be a benefit to vacate the alley completely?

Ms. CuvIELLO mentioned that we heard from Mrs. JOHNSON and that vacating the alley would benefit her as well, half goes to each property (15" wide) and would make it slightly larger, then you could deed the rest to the church and the resident behind, you can do that without this redevelopment plan at any point. We can also make it a recommendation in the redevelopment plan.

Mr. SARTORIO remarked that it doesn't appear to be any rationale to maintain the alley as a public right of way, and as Tiffany said, and this Board is clearly aware, the Governing Body would come back to you. You can suggest that we put it in the plan.

Mr. Rogers inquired about the property needing to be surveyed, to which Mr. Sartorio responded that the property probably hasn't been surveyed in quite a while and that we are recommending that this redevelopment plan include provision for vacation of alley way and if it is decided to the Board chooses to move forward, it would have to be resurveyed when we want to dispose of it, sell it or turn it over to someone else.. Ultimately it would have to be redone.

Mr. Bilicki commented that the single most important thing he reads into this is that the Zoning has to be amended to Village Commercial or none of these things can happen.

Mr. Sartorio stated that by recommending to the governing body and they adopt it the zoning for this property is amended at that time, automatically. Basically the redevelopment plan is a zoning amendment; maps will be amended to show this as Hope Fire District. Eventually you don't have to amend the zoning ordinance by adopting this plan

Ms. CuvIELLO added that in the plan, it says the zoning map will be amended and it will show up as the Hope Fire Redevelopment District on the Zoning Map which reference to Village Commercial zone. We don't call it Village Commercial as there are other aspects. When you do reexamine the Master Plan you reference all the redevelopment plans that may have occurred since your last reexamination. Mr. Sartorio remarked that the redevelopment is under a separate chapter, Chapter 245 of the Land Use and Development Code. This would now be added to that. Village Commercial does not allow dual usage.

It was discussed if prevailing wages would apply and it was not certain at this time. Mr. Cheek, felt that could sway a developer one way or the other, if prevailing wages apply they are not going to partner with the Township, they would partner with a non-profit group if they needed to.

Mr. Bilicki asked if the multiple uses get imbedded with this too. Mr. Sartorio responded yes, if the Board recommends it and the governing body adopts it as drafted.

Mr. Womelsdorf added his view that in this plan we are going to change this to Village Commercial, but in addition we are going to add some other conditions, like multiple use. This is specific to this property; it doesn't change anything else but this one property. That's why it is called Hope Fire Redevelopment District,

Ms. CuvIELLO stated Don't know if it could accommodate business use and two residential or two residential uses, but the way it is specifically written in addition to the permitted uses in the Village Commercial District. It can have up to two residential units permitted on the upper floor in combination with first floor office/retail and a business. It states on the upper floor so the garage cannot be turned into a residential unit. It has to have two components with it, you cannot have an apartment complex, you have to have a commercial part of it.

Parking issues were discussed to which Ms. CuvIELLO responded that it depends on the development of the property and the provisions of the Village Commercial Zone, it specifically allows for shared parking and if they can't enter into a parking agreement, it allows to pay for maintenance of a parking space at the County Parking Lot on Second Street. There is parking in the vicinity that could be counted toward this. The parking issues would be addressed during application and site plan procedures.

Mr. Choyce pointed out if commercial business is proposed for this location, it still has to meet all the standards in the Village Commercial District and come before the Planning Board with a site plan and meet all the conditions. If it can't be met they would need a variance from this Board to proceed.

Mr. Choyce questioned if there is any way that commercial use could be approved without coming before the Planning Board. Mr. Sartorio response was no, not for the initial development but that they would not have to for re-occupancy. A mixed use or commercial use would require coming to the Board.

Mr. Sartorio made comment that with the single family residential, this Board still has the option or the ability, under the historic preservation code, technically you are the body that

issues the certificate of appropriateness, and if they are making renovations, yes, it has to go to HPC and, typically for single family and small things that don't normally require site plan approval, you could choose for this specific area this Board can choose to take your input Historic Preservation Commission but we want to be the ones to look at this. The Board has the opportunity of making sure any concerns are addressed. If you want it to be automatic that it comes to you for Certificate of Appropriateness, you can put that in there.

Discussion ensued regarding procedures and if we deem the block commercial, the hardships that might be placed on the applicant and existing residents and if they would have to come to the Board. Mr. Sartorio remarked that it depends on the situation of the property. If they are just doing maintenance, simple repairs that would go to the Historic Preservation Commission; if they are doing expansion or modifications to exterior it would go to Zoning Board. Because we are primarily dealing with setback variances in most instances, that wouldn't really change for when you get that report and you decide to make that change, they would still be in the same situation.

Chairman Cheek opened to public comment. There being none Mrs. Caldwell moved and Mr. Womelsdorf seconded to close public portion.

Ms. CuvIELLO remarked that it is her view to modify the plan of action as follows: (1) Make it clear that the developer has to conform to not just the uses in the Village Commercial District but also to the bulk requirement of design, parking space and any other standards, that you have in the Village Commercial District. (2) To make sure that if it is a single family unit, or any change takes place that they come to the Planning Board for the Certificate of Appropriateness for historic guidelines. (3) To include a provision to recommend to vacate the alley.

She asked if there is anything else that she might have missed. There were no additional comments.

Upon review, recommendation, approval and modifications of the Redevelopment Plan for the Hope Fire/American Legion Building, Mr. Bilicki moved, seconded by Mr. Choyce to recommend forwarding the plan to the Township Committee for introduction of an ordinance for the proposed Redevelopment Plan for the Hope Fire/American Legion Building, Block 758, Lot 7.

ROLL CALL VOTE:

ADAMS – NO - I appreciate what is trying to be done here, but have a lot of reservations about it and the concerns about the viability of the uses sited for the building, the parking,. I have trouble foreseeing it as a commercial enterprise of any type

BILICKI – YES - I think we are losing too many of our historic structures, not just in our community but around the State. I think this is a great attempt to try to save it, but if all else fails it could be destroyed but I would like to see the attempt to make it a viable place. You have provided plenty of resources for a developer to pursue; therefore I do recommend they consider the redevelopment plan.

CALDWELL – YES – agrees with Mr. Bilicki's comments about restoring it and then the provision if it is not going to work it can be changed.

CHOYCE – YES – definitely support he intent of what this plan proposed to do and recognize the importance of the structure itself and the history it has for the town, and with the hope that something actually happens and moves forward. It is not the first plan for redevelopment or repurposing for structures within this Township that is in desperate need of repair and reuse and he hopes that this is something that is small enough and has the right resources to support so something happens in a timely fashion.

ROGERS – YES – with the actions we have taken tonight I believe it has made the property less than worthless. We've set impossible hurdles for a developer to take this property over and make anything out of it, I would like to see it preserved, to what end and who is going to pay, I don't see it happening, but as Ms. Caldwell said, reflecting on the comments that if it don't work it can be amended or rescinded. At least give it a try. I think 5 years from now when we

are back here talking about it again, we will have spent a lot of township resources, efforts, in the process and all these things cost money. Since the first part of the determination went through, I vote yes in the hopes that something does happen.

WOMELSDORF – YES – concurs with a number of comments made. I personally like to see us preserve some of our historic buildings and things; I think it is in an area where that sort of effort is warranted. I feel we are burdening some developer with a number of extra things, but I think that this particular plan with all of the options available, the changing of the zoning was paramount in making this workable. I don't see someone coming in to restore it for a single family home and I don't think the economics will work out very well unless someone has deep pockets and personal interest. I don't think it will happen but in five years from now, I will probably be on the other side of the fence. We are giving it a fair shot, if it doesn't work, let's proceed with something else but before that I would like to give someone the opportunity to make this work.

CHEEK – YES – agrees with a lot of the comments, hopes it works. He doesn't think it will but we have nothing to lose, perhaps someone will turn it into something. As it was said, in five years, we can go back to the drawing board.

Public Comment - Mr. Cheek opened the meeting to public comment. There being none, Mr. Bilicki moved, seconded by Mr. Womelsdorf to close the public portion. Said motion carried with all members voting aye, no nay, no abstain.

Mr. Bilicki questioned Mr. Sartorio about the Zoning report that Mr. Polistina is working on. Mr. Sartorio will reach out to him to find out the status. Womelsdorf remarked that the subcommittee met awhile back and he had a report but at the time he was still working on it and is still in process.

No executive session

Adjournment – Motion made by Mr. Choyce and seconded by Mr. Womelsdorf to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS PRESENT VOTING “AYE”, NO “NAY”, AND NO “ABSTAIN”.

Respectfully submitted,

Mary A. Lisitski,
Planning Board Secretary

adopted 12/15/16