

**Meeting Minutes August 3, 2022  
Joint Land Use  
Town of Hammonton**

The regular meeting of the Hammonton Joint Land Use Board was called to order this day by Chairman Marinelli in the Council Chambers at approximately 7 P.M. with the announcements of the Sunshine Laws and fire exit procedure. The Pledge of Allegiance was recited.

**PRESENT:**

Michael Messina  
Gordon Pherribo  
Mickey Pullia  
Ray Scipione  
Councilman Oliva  
Councilman Wuillermin  
Bill Brinkerhoff  
James Matro  
Chairman Marinelli

**ABSENT:**

Ralph Cappaccio  
Michael Hozik  
Jonathan Baske  
Chris Kalani

**ALSO PRESENT:**

Mark Hermann  
Joseph McGroarty, Esq  
Shelly DiChurch, Secretary  
Stuart Wiser, Planner

“Chairman Marinelli called for a motion to approve the July 6, 2022, meeting minutes”. The motion was made by Ray Scipione and seconded by Michael Messina. The minutes were approved.

**PLANNING BOARD ISSUES**

HAMMONTON GARDENS  
631 TILTON RD P.O.BOX 865  
NORTHFIELD NJ 08225 (BLOCK 1201, LOTS 5&5.01)  
ARH FILE # 1110043 APPLICATION # 14-21PB

Joe McGroarty spoke on behalf of the voting process for the Hammonton Gardens mentioning that this meeting is a continuation for this applicant and Ray Scipione and Bill Brinkerhoff were not present for the first meeting. Ray Scipione reviewed the meeting tape and signed the certification form to be able to vote. Bill Brinkerhoff did not have that opportunity and will not be voting. CherylLynn Walters began stating for the record that she is a partnering attorney with Nehmad Davis & Goldstein and is council for Hammonton Gardens LLC. Ms. Walters reiterated that the Hammonton Gardens was seeking approval for preliminary and final major site plan to permit the renovation of the existing 5 apartment buildings (known as the Hammonton Gardens, (containing 52 units) and to permit the construction of 4 new apartment buildings (containing 84 new units). All as contemplated in the IDZ zoning ordinance (which is an implementation element of the town’s affordable housing plan). Ms. Walters continued to state that the applicant first appeared before the board June 15, 2022 and the board requested the applicant return for

another meeting in order to obtain feedback from various town departments as well as address some questions and concerns provided at the first meeting. Ms. Walters stated since that time the applicant took the boards comments into consideration and has made some effort to address the comments and has a revised plan exhibit and will hear testimony from the witnesses detailing the changes made. Ms. Walters continued stating all the exhibits that were previously marked and all the exhibits that are presented for this meeting are compiled into an exhibit packet. Ms. Walters stated at the last hearing the board indicted their preference to grant a waiver from the requirement for the two landscape islands in the existing parking field in front of buildings A & B instead of eliminating parking spaces in that area. Secondly there was an interpretation disagreement as to the location of the club house needed a bulk variance to be in the front yard. Ms. Walters stated for the record that she spoke to the Town's attorney (Mr. Malinsky) and he indicated that he negotiated the ordinance that governs the property on behalf of the town, and the ordinance written to permit the clubhouse in that location without the need for a variance. Ms. Walters reiterated that this includes affordable housing as well as market rate units and this site was selected by the town council as a compliance mechanism to satisfy a portion of its affordable housing. Gordon Pherribo questioned Ms. Walters if Mr. Malinsky provided any documentation for their conversation. Joe McGroarty stated that he confirmed with Mr. Malinsky that the conversation took place. Ms. Walters states that she had 3 witnesses to be sworn in. Joe McGroarty swore in the following:

Thomas Roesch, Engineer – 634 Lost Pine Way Galloway Twp NJ 08205

Dr. Ira Trocki, Managing Member Hammonton Gardens – 882 12<sup>th</sup> St Hammonton NJ 08037

Michael Kolchins, Architect – 602 3<sup>rd</sup> St Mayslanding NJ 08330

Dr. Trocki addressed the board with stating that he built the existing apartments back in 1962 when he was 12 with the brick layers. Mr. Trocki stated that after helping build he worked at the apartments. Ms. Walters brings Mr. Roesch to speak and confirms that he was previously accepted as an expert witness and nothing has changed and asked he accepted as expert witness. Chairman Marinelli acknowledged. Mr. Roesch began to explain the property location and existing 5 apartment buildings containing 52 units and each being 2 bedrooms. Mr. Roesch continues to state that there are two access points from route 54 and the back area is currently undeveloped. Ms. Walters states that is referenced to A1 and asks Mr. Roesch to give a refresher and overall review of the proposed development. Mr. Roesch refers to exhibit A2 which is Site Plan Exhibit and the plan is to rehab the 5 existing buildings and construct the 4 new buildings (totaling 84 units) including 13 affordable housing units, removing existing dwelling and replacing with a new club house. Ms. Walters stated for the record that a copy of the IDZ ordinance with the exhibits it refers to mark as A9. Mr. Roesch continues stating the revisions made from comments and concerns since the last meeting referred to as exhibit A10 show the items that changes were made from such as: adding 2 new gravel walking paths, one by route 54 and proceed to the left of building B and go along the existing driveways

behind building D & E and end at the top lot, the second path will start near building 4 and go down to Commerce Way. Mr. Roesch continued stating there will be an additional pole light along the roadway from parking area to Commerce Way. Mr. Roesch then addressed the trash enclosures stating that he had good feedback from Scott Rivera (from the public works department) asking for an additional trash enclosure (which was modified and is east of basin #2) and due to the dumpsters not having wheels the dumpsters need to be on a 45 degree angle for the truck pick up, which the concerns have been addressed installing 4 new trash enclosures. Ms. Walters confirmed that they are still proposing adequate landscaping and buffering around the trash enclosures and Mr. Roesch confirmed. Ms. Walters questioned Mr. Roesch on the concern from the last meeting that the board had that with the opening doors for the trash impeding on the parking spaces. Mr. Roesch confirmed that would not be a problem. Mr. Roesch continued stating that the requested bicycle rack will also be installed. Ms. Walters refers to exhibit A12 for the image of the tot lot equipment. Mr. Roesch explains exhibit A12 and states that it has a swing and slide as well as climbing equipment. Mr. Roesch also referred to A12 exhibit to show the proposed bus shelter at the front as a result of conversations and emails with Tony Mazza (the Hammonton transportation department), A13 exhibit shows this conversation in writing that Ms. Mazza confirmed acceptable. Mr. Roesch then spoke in reference to the fire departments concerns stating that they provided the turning radius of for fire apparatus and they now show the radius for the apparatus that Hammonton uses. Mr. Roesch also stated that will be addressing the concern of having one more fire hydrant. Ms. Walters stated that the ordinance developed when negotiating with the town concerning the sidewalks stated the sidewalk requirement in specific locations and any other ordinance requirement not consistent with this ordinance is superseded which is an enforceable document. Ms. Walters stated that the application is consistent with the ordinance and the sidewalks provided are consistent with the ordinance. Joe McGroarty stated that the ordinance states that sidewalks should be provided to reasonably connect the residential units to the parking area and be consistent with the concept plan , the city and board are bound by this ordinance and this agreement can not be renegotiated as part of the fair share housing settlement. Joe McGroarty also stated that the walkways were added by the applicant but were not required. Mickey Pullia stressed his concerns with the maintenance, upkeep and condition for the walkways. Dr. Trocki testified that this property has been here for 60 years without any incident with children getting hit by cars and such. Dr. Trocki also stated that the cost of sidewalks is too costly for him in addition to build the apartments. Dr. Trocki also commented to that he will maintain the walkways as needed and make sure it is safe. Edward Wuillermin questioned the appearance between the existing buildings to the new buildings. Dr. Trocki stated that he will make the new buildings as close as possible to the existing buildings. Ms. Walters stated that the architect will testify to those questions or concerns. Mr. Roesch spoke in reference to the storm water management that he spoke with Mark Hermann and was in agreement that they have captured as much water as the can and stated Mark Hermann thought the design acceptable. Mr. Roesch refers to exhibit A14 for the construction process which the first step would be constructing in the rear loop asphalt drive and the drive out to Commerce Way, trash enclosures, storm water improvements, water mains. Noted during or after site work construction then construct building #1 & 2 and the new apartment spaces adjoining

to the need to be installed when the buildings constructed or drive lanes constructed. Step 2: Rehabilitation of one of the existing building prior to the second new building receiving its CO. Step 3: construct the club house and new parking spaces and connecting the concrete sidewalk gazebo in front of the parkway connecting to the existing asphalt drive. Step 4: landscaping around the new improvements. Step 5 construction building #3 and the tot lot and adjoining parking to this area, rehabilitation of 2 more existing units prior to the issuance of the CO for the third new building. Mr. Roesch stated lastly the construction of building number 4 and prior to building # 4 getting CO the last 2 existing buildings would have their rehabilitation complete with parking and landscaping complete. Mr. Kolchins testified as an expert in architect referring to the exhibit named renderings as A16 & A17. Mr. Kolchins explained these exhibits that they will be replacing the existing aluminum columns, replacing siding and generally updating the look of the buildings, the doors and trims will be cleaned and repainted unless damaged materials an they will be replaced. Dr. Trocki stated that these existing buildings were built with great materials and when there is damage it is addressed replaced as needed otherwise it would not be in such great condition after 60 years. Ms. Walters read into the record section 81 of the ordinance says in conjunction with the new construction of the multifamily residential development contemplated under this ordinance provision the 5 existing multifamily residential buildings shall be rehabilitated to conform as much as practical in light of the requirement for the elimination of cost generative features the rehabilitation of the existing buildings will be phased with the new construction for purposes of this ordinance rehab shall remain cosmetic and architect design features to the existing buildings exterior that complement the new construction style, the 5 buildings after rehabilitation shall look substantially similar. Ms. Walters stated that Mr. Kolchins had testified that the buildings will have the same gable looks, same entry way changes, balcony, coloring, roof color is not changing the new roofs will be the same color as the existing. Ms. Walters confirms that the blow up of exhibit B is what the applicant is proposing and if there are any changes the board will be made aware. Mickey Pullia questions in summary when the project is complete all doors will be the same color and the roofs are going to be as close as possible with the color of the old roofs and asked about crosswalks. Ms. Walters confirms that the color scheme will be consistent with the existing buildings and will comply with the residential site improvement standards for crosswalks. Joe McGroarty questioned Ms. Walters if a document will be provided for the D&R as a combination of A18 and A04 for Stuart Wiser to review and attach to the D&R. Ms. Walters confirmed yes and within 2-3 weeks (prior to the adoption of the resolution). Mark Hermann stated that one thing from the report that is still a concern after talking to the water and sewer department is the water main and they are trying to loop the main through the site add a couple more hydrants. Stuart Wiser commented that the only thing he wanted to add was Ms. Walters comments with Mr. Malinsky in reference to the location of the club house looking at A15 you do see the club house along the 12<sup>th</sup> street right of way and this was anticipated in the ordinance adopted years ago. Joe McGroarty confirmed what Stuart Wiser stated and said a variance was not needed since this was in the ordinance. Ray Scipione was beginning to read a letter from the superintendent of Hammonton Schools and Ms. Walters spoke to say that documents written by someone that is not present does not give the applicant a fair response. Ray Scipione then stated he would just go over the school boards concern if an impact study

was done for the financial burden for the district. Ms. Walters stated that fiscal impacts are improper zoning consideration and the board can not consider fiscal impact in their decision making. Ms. Walters stated the fiscal impact is not a legitimate land use board concern but just to point out even if it were the fiscal impact of this project was assumed by the governing body when it negotiated for the affordable housing units and taken into account by town council when they adopted the ordinance. Councilman Oliva questioned Ms. Walters on the bedroom distribution stating on the original ordinance and resolution in improvement standards it states that there are (3) one bedrooms (78) two bedrooms and (3) three bedrooms with that being said what is required. Ms. Walters answered due to the 13 affordable housing units they have specified bedroom distribution within those units. Ms. Walters also states they have to comply the uniform housing affordable controls which govern bedroom distribution and the plan language of the ordinance is to comply with affordable housing. Councilman Oliva clarified as a condition of approval if the bedroom distribution was going to be different it would be subject for review for the towns housing lawyer to ensure it is what is required. Ms. Walters confirmed the town's affordable housing administrator is the responsible person to coordinate with the developer to ensure the bedroom distribution is complied with and the income requirements are satisfied and the applicant is agreeing to make sure all requirements are satisfied. Councilman Oliva stated that doing the calculations for the affordable housing bedroom distribution the numbers would comply with the bedroom distribution given in the ordinance. Ms. Walters asks the board for a variance for the bedroom distribution to allow the distribution to be decided along with market demands. Dr. Trocki states he will agree to the ordinance bedroom distribution. Ms. Walters then asked for a brief recess. Chairman Marinelli calls the meeting back to order. Ms. Walters asks Mr. Kolchins to confirm the bedroom distribution having testified at the prior meeting (June 15, 2022) was (12) one bedroom units, (60) two bedroom units and (12) three bedroom units. Mr. Kolchins confirmed. Ms. Walters states that the applicant would seek a variance from the ordinance concept plan for the bedroom distribution. Dr. Trocki stated that he seeks this variance to allow for more one bedroom due to demand and they currently do not have any one bedrooms. Ms. Walters stated that would be consistent with the architectural plans. Councilman Oliva questioned the one remaining trash receptacle will the applicant consider aligning that similarly so that it is appropriately screened and similar appearance to the newer ones. Dr. Trocki stated that he may not be able to move it over due to lack of room but can do screen or shrubs. Councilman Oliva questions entering into a developer's agreement to ensure the EV stations installed as per ordinance requirement. Ms. Walters stated that there is no mechanism in the state statute to address that but they are required by state law to install them and the Resolution itself is a sufficient enforcement mechanism. Joe McGroarty amended the motion to include a variance regarding the bedroom units referring the chart in the ordinance and the proposed bedroom distribution from the applicant. Ms. Walters stated the change in the bedroom distribution does not change the parking space requirement. The board took a vote and Dr. Trocki stated he withdrew the variance and requested another vote without the variance for the bedroom distribution.

Chairman Marinelli opened the meeting to the public. No one came forward. Public portion closed.

Councilman Oliva made a motion and was seconded by Gordon Pherribo. Motion was approved.

### **ZONING BOARD ISSUES**

THERE ARE NO ZONING BOARD ISSUES.

### **RESOLUTIONS**

MATHEW & SHERICKA NEWSOME  
474 N. CHEW ROAD (BLOCK 1901, LOT 22)  
HAMMONTON NJ 08037  
ARH FILE 112096, APPL # 22-01ZB

APPLICANT WAS DENIED TO ADD A DAYCARE FACILITY AS A SECOND PRINCIPAL USE ON THIS PROPERTY (LOCATED IN HAMMONTON'S RESIDENTIAL – 3 (R3) ZONING DISTRICT.

Michael Messina made a motion and was seconded by Mickey Pullia. Resolution was adopted.

### **GENERAL BUSSINESS**

The next meeting will be in person on September 7, 2022, at the Town of Hammonton, 100 Central Ave on the 1<sup>st</sup> floor in the Courtroom.

ADJOURNMENT

Respectfully submitted this day of Thursday August 11, 2022 by

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Shelly DiChurch