

# MINUTES

## Hopewell Township Land Use Board

April 19, 2023

**Start Time:** 7:03 p.m.

The **Sunshine Statement** was read into the record by Chairman Caggiano.

The **Flag Salute** was led by Chairman Caggiano.

### **Roll Call:**

Present: Chairman Al Caggiano, Vice Chairman Paul Earnest, Committeeman Tom Tedesco, Committeeman David Miller, Betty Lewis, Ken Strait, Jeff Shimp. Also present: Rebecca Bertram, Esquire, LUB Counsel; Steve Nardelli, Engineer; Dave Elwell, Zoning Officer and Leo Selb, Township Administrator

Absent: Lee Hepner, Diane Crispin and alternate Rich Husted and Jeannette Pace, Board Secretary

**Approval of Minutes:** The Minutes from the January 18, 2023 were submitted for approval. No

Discussion:

**Motion to Approve** by Earnest; Seconded by Lewis. Voice Vote: All in favor.

**Correspondence:** None.

### **Applications:**

**No. 23-01 Application by Michael Brooks on behalf of Brooks Farm Properties, LLC for a Minor Subdivision. Property: 223 Minches Corner Road, Block 18, Lot 10.**

Chairman Caggiano introduced the application then recused himself because he is a member of the Cumberland County Agricultural Development Board which oversees the County's preservation program. Vice Chairman Paul Earnest conducted this portion of the meeting.

As to completeness, Engineer Nardelli indicated that he had no objection to waiving the item for submission of the DEP LOI for wetlands and other than that believes the application can be deemed complete.

Discussion:

Strait questioned whether the plan should show the drainage easement. Tedesco indicated that he believed the County would write the drainage easement subsequent to the subdivision. Solicitor Bertram agreed with this sentiment. No further discussion.

**Motion** made by Tedesco to deem the application complete; Seconded by Strait. Roll Call Vote: Tedesco, Miller, Strait, Lewis, Shimp, Earnest - - All in favor. Completeness approved 6-0 vote.

As to the Application:

Bertram placed on the record the fact that Michael Brooks owns the property as Brooks Farm Properties, LLC and is making the application on behalf of the LLC and is properly represented by Emily McDonough, Esquire, both of which were present.

Bertram swore in Michael Brooks who stated his name and address for the record.

Emily McDonough Esquire appeared on behalf of the application. Mr. Brooks testified that the property is actually 190 Minches Corner Road. The property includes a home and outbuildings and Brooks is requesting a minor subdivision of that home and outbuildings from the agricultural land. Brooks is also seeking a variance because the structures are close to the road. Brooks testified that the farmland is being submitted for farmland preservation and that the purpose of minor subdivision is to avoid any potential pitfalls that may arise with having the existing buildings on preserved farmland.

Engineer Nardelli indicated that application needs a front yard setback for the existing non-conforming lot and they are proposing 33% for the new lots where 15% is permitted in the zone. This is because of the accessories buildings already located on the property.

Brooks further testified that he had his surveyor maximize the amount of farmable ground to basically mirror what is currently there.

Bertram wanted to confirm that the Board Secretary has the Proof of Publication and the Affidavit of the Notice to Residents on the 200' list and make any approval contingent on her review of those documents. It was also confirmed that the subdivision would be done by Deed and that Nardelli had already received and approved the deed descriptions. Bertram confirmed that we had the County review documents and that the applicant accepted the requirement of the drainage easement.

Strait had a question from the environmental standpoint and asked applicant if he intended to maintain the wooded buffer that fronts Beebe Run side of the property. Applicant confirmed that he did not intend to change that.

**Motion** by Miller to open to Public; Seconded by Tedesco. Voice Vote: All in favor 6-0. Seeing no one from the public, **Motion** by Shimp to close; Seconded by Miller. Voice Vote: All in favor 6-0.

**Motion** made by Shimp; Seconded by Tedesco to approve the subdivision with the waiver of the front yard setback and the non-confirming lot coverage. Roll Call: Tedesco, Miller, Strait, Lewis, Shimp, Earnest - - All in favor. Application Approved 6-0 vote.

Chairman Caggiano stepped back in and called the meeting back to order.

**Old Business:**

Further discussion regarding the status of the Master Plan Re-Examination. The members were provided with a draft report prepared by the sub-committee and asked that all members review the draft and advise if any items should be revised or changed. Discussion was had regarding making some additional revisions or additions and they would be emailed to Tedesco for final discussion at the next meeting.

**New Business:**

Hopewell Galleria (Cigar Shop and Banquet Hall) and adjoining empty lot. Tattoo Parlor at Priolo Plaza.

Zoning Officer Elwell gave background as to the 3 businesses interested in bringing business to Hopewell Township.

Earnest questioned whether or not parking would be the biggest issue. Tedesco asked if they were permitted uses. Elwell confirmed they were both HCB zoned.

Nardelli felt the tattoo shop is a separate use and a variance would be required.

As to the banquet hall, Elwell advised that tenant indicated there would be approximately 30 people in the hall. Selb expressed concern that that number would increase. Strait made mention of the occupancy limits. Nardelli indicated research was needed to see what the prior use was (as he believed it was designated as a retail shopping center) and that they may need to go before the Board for a use variance. Tedesco believes it was approved for a retail operation and although the hall may be a permitted, they would still be required to go before the Board to revise the site plan and/or use variance. Nardelli believes the previous retail owner received a variance for parking and he has the previous site plan. Earnest also believes the parking is based on square footage and that it is for a retail facility. Caggiano remembered that when the prior applicant got a variance for parking, it was a retail facility and would be short term parking versus long term parking at the hall. He also showed concern with how the amount of people there would be policed. Strait questioned if there was anything saying the events could only be held on weekends; Selb indicated there was nothing. Earnest indicated that the gym never closes and Bertram indicated the hair salon is open on weekends.

Bertram indicated that if there was any question by any of the businesses, the Zoning Office should deny the permit and then the application can bring it before the Board for appeal. Others agreed with this sentiment.

Discussion was had if the hall was to bring in food and/or appliances and the permits required for that. Strait questioned the fire code requirements. Elwell advised that the fire department would have to come in and do an occupancy search and provide egress and code requirements.

Caggiano reviewed the parking issue. Nardelli confirmed that the previous parking was for the entire complex and there were not a certain number of spaces for each shop. Short term parking versus longer term parking was discussed. It was also discussed that the current owner could clean up the back entrance and pave the area making additional parking spaces available.

As to the cigar shop, Nardelli believes it is a retail store and is a permitted use. Selb cautioned that as long as it stays retail, it is permitted. He's seen it before when it expanded from retail to non-permitted uses. Strait pointed out that there were several storefronts vacant in that plaza and it is in the Township's best interest to fill those spaces.

**PUBLIC COMMENT:**

Chairman Caggiano confirmed on the record that no public is in attendance at this time.

**Adjournment Time:** 8:00 p.m.

Motion to Adjourn by Tedesco and seconded by Miller. Voice Vote: all in favor 6-0.

**Next Scheduled Meeting:** June 21, 2023 at 7:00 p.m.

Minutes Prepared by Jeannette A. Pace, Land Use Board Secretary  
(Transcribed from the recorded version of the meeting in her absence)

cc: Land Use Board  
Solicitor Rebecca Bertram, Esquire  
Engineer Steve J. Nardelli  
Zoning Officer Dave Elwell