

# MINUTES

## Hopewell Township Land Use Board

October 18, 2023

**Start Time:** 7:05 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, Lee Hepner, Ken Strait, Jeff Shimp, Diane Crispin, Betty Lewis  
Also present: Rebecca Bertram, Esquire, LUB Counsel; Steve Nardelli, Engineer; and John Hitchner, Deputy Clerk; Genora Rosypal and Attorney Mr. Wentz, Dave Elwell, Martin Family and their Attorney Mr. Balack, Howard Melnicove, Juan Miguel Perez (Applicant)  
Absent: Judy Zirkle, Jamie Gaunt, LUB Secretary Jeannette Pace

**Approval of Minutes:** Minutes from the September 20, 2023 meeting were approved.  
Motion made by Earnest; Seconded by Hepner with a voice vote all in favor; 9-0.

### **#2023-08: Greater Bridgeton Amish Market, LLC, 2 Cassidy Court, Block 63, Lot 1.05 Application No.: 2023-05**

Motion to approve by Earnest; Seconded by Hepner; 7-0-2 (Miller and Crispin abstained).

### **No. 2023-06: Application by Juan T. Miguel Perez, 500 Shiloh Pike, Block 52, Lot 21 for waiver of site plan**

Mr. Melnicove introduces himself and the applicant to the Board. He describes the nature of the application. Mrs. Bertram swear in Mr. Perez. Howard reviews that details of the application with the applicant testifying.

Motion to open by Mr. Earnest. Motion seconded by Mr. Miller and approved 9-0.

Being as no other members of the public wish to speak, a motion to close the public portion was made by Mr. Hepner. Motion was seconded by Mr. Earnest and approved 9-0.

**Completeness and approval:** Mr. Hepner makes a motion to deem the application complete and approve with the addition of the enclosure for the trash containers. Motion is seconded by Mr. Earnest and approved 9-0 with a roll call vote.

### **Appeal:**

Appeal filed by Will and Judy Martin as to the Zoning Permit issued to Genora Rosypal, 226 River Road, Block 88, Lot 13.01

## **Discussion:**

Mr. Earnest, Mr. Miller, and Mr. Tedesco recuse.

Chairman Caggiano requests that the Solicitor keep the Board on task as this application has multiple layers and has been before the Board for other items. It is discussed that the appeal in front of the Board today is for the issuance of the Zoning Permit which was issued on March 1, 2023 signed by Zoning Officer Elwell.

Mr. Balack reviews why the Martin Family is challenging the issuance of the permit and the facts involved. He introduces exhibit Martin-1 for the Board which is a letter from the former Zoning Officer, Leo Selb. There is a discussion regarding the boundary dispute which the Martin's feel invalidates the permit. There is discussion regarding what was submitted for the permit application and things which were not submitted and should have been.

Mr. Wentz reviews what was submitted and argues that nothing more or less was required.

Mr. Balak proceeds with submitting more exhibits.

Mr. Hepner makes **a motion to open to the public on the appeal**. Motion is seconded by Mrs. Crispin and approved 6-0.

Mr. Thomas Martin is sworn in to testify during this public portion and in support of his appeal. Mr. Balack has Mr. Martin review the submitted exhibits. Mr. Wentz makes a standing objection that Mr. Thomas Martin is not an "expert witness" and anything he says is merely his opinion. Mr. Balack continues to have Mr. Martin review the remainder of the exhibits.

**Motion to close the public portion on the appeal** is made by Mr. Hepner. Motion is seconded by Mrs. Lewis and approved 6-0.

Motion to uphold the issuance of the permit is made by Mr. Shimp; Seconded by Mrs. Crispin. Roll Call Vote: 6-0

**Public Comment Portion:** Caggiano noted there is no one present.

**Adjournment Time:** 8:50 p.m.

Motion to Adjourn by Mr. Shimp and seconded by Tedesco; Voice Vote all in favor; 9-0.

**Next Scheduled Meeting:** November 8, 2023 at 7:00 p.m.

Minutes Taken and Prepared By: John Hitchner, Deputy Municipal Clerk  
cc: Land Use Board, Solicitor Rebecca Bertram, Esquire, Engineer Steve J. Nardelli and Zoning Officer Dave Elwell