

# Township of Southampton

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## PLANNING BOARD MINUTES REGULAR MEETING December 7, 2017 7:00 p.m.

**Call to order: The meeting was called to order at 7:06PM**

**Flag Salute**

**Roll Call**

**Present:** Ms. Conover, Ms. Doherty, Ms. Gower, Mr. Hagerthey, Mr. Heston, Mr. Kavenaugh, Mr. Magazzo, Mr. Raftery, and Mr. Schwarz.

**Excused:**

**Absent:** Mr. Black

**Also Present:** Peter Lange, Board Solicitor  
Frank Morris (Alaimo), Board Engineer

**Reading of the Statement of Compliance with the Open Public Meetings Act.**

Read by the Secretary

**Minutes: August 3, 2017, September 7, 2017, and October 19, 2017** were approved in the following manner. Ms. Doherty stated since each meeting had missing members that each meetings minute should be voted on separately. The attorney agreed.

August 3, 2017 - **Mr. Raftery** made a motion to adopt the meeting minutes, and **Mr. Schwarz** seconded.

**Ayes:** Ms. Conover, Ms. Doherty, Ms. Gower, Mr. Heston, Mr. Magazzo, Mr. Raftery, and Mr. Schwarz

September 7, 2017 - **Mr. Raftery** made a motion to adopt the meeting minutes with minor changes made, and **Ms. Gower** seconded.

**Ayes:** Ms. Conover, Ms. Doherty, Ms. Gower, Mr. Hagerthey, Mr. Heston, Mr. Magazzo, and Mr. Raftery.

October 19, 2017 - **Mr. Raftery** made a motion to adopt the meeting minutes with minor changes made, and **Mr. Schwarz** seconded.

**Ayes:** Mr. Black, Ms. Doherty, Ms. Gower, Mr. Hagerthey, Mr. Heston, Mr. Magazzo, Mr. Raftery, and Mr. Schwarz.

Mr. Lange took action to swear in Mr. Kavenaugh for this service to the Planning Board.

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## Resolutions:

**2017-08P**  
**The New Vincentown Diner**  
**2357 US HWY ROUTE 206**  
**Block 403, lot 12**  
**Minor Site Plan**

Mr. Peter Lange, Board Solicitor, provided a brief overview of the background and re-proposal of the resolution which was presented to the board for memorialization. **Mr. Raftery** made a motion to memorialize **Resolution 2017-08P** as presented and **Ms. Gower** seconded.

**Ayes:** Ms. Conover, Ms. Doherty, Mrs. Gower, Mr. Hagerthey, Mr. Heston, Mr. Magazzo, Mr. Raftery and Mr. Schwarz.

**Abstained:** Mr. Kavanaugh

## Application Review

**Ryan Hagerthey**  
**129 & 133 Landing Street**  
**Block 902, Lot(s) 12.02 & 12.03**  
**Minor Subdivision**

Prior to hearing the application, Mr. Hagerthey stepped down from the bench and then attended the meeting as an applicant.

Mr. David Frank, Attorney at law, testified on behalf of Mr. Hagerthey regarding a Minor Subdivision (Lot Line Change) for a contract purchase taking place. The subject property wraps behind Mr. Hagerthey's property and it is proposed that the lot be divided from the street to make two long narrow lots. The lot line would be created to split the adjoining lots in two by dividing from the common driveway thru to the other end of the property line. The principal variances would be close to what is needed for building. Mr. Frank referenced the review letter from Alaimo Dated December 4, 2017 (revised December 7, 2017) relating to the outstanding items needed. He then requested several submission waivers for items on Mr. Morris' list. Mr. Frank testified that although the lots are non-conforming, they are pre-existing non-conforming and that no new construction is proposed on either lot. Mr. Frank also acknowledged that all of signatures needed were not present on the application, and that all owners within 200 feet were not included on the plan. He stated that this would be included when the 200 foot list was provided by the Southampton Assessor's office. Lastly, Mr. Frank testified that he would be able to comply with the request of the Engineer for #5 (bulleted points A,B,C,D,E,F) on the review letter.

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Mr. Hagerthey had no further information to add to Mr. Frank's testimony.

Mr. Frank Morris, Board Engineer from Alaimo, went over the letter that was referenced by Mr. Frank. Mr. Morris stated that he had no objection to the request for waivers. Mr. Morris questioned the existence of an easement for the common driveway. He was directed by Mr. Frank that the proper documents would be created if they did not currently exist, and provide them to the board's attorney for review.

Mr. Peter Lange, Board Solicitor, provided a brief overview over the waivers being sought. He also provided testimony regarding the variances addressed.

The motion was made by **Mr. Raftery** to accept the plan as explained by Mr. Lange, Mr. Morris and Mr. Frank, and **Mr. Heston** seconded.

**Ayes:** Ms. Conover, Ms. Doherty, Ms. Gower, Mr. Heston, Mr. Kavanaugh, Mr. Magazzo, Mr. Raftery, and Mr. Schwarz

Mr. Hagerthey then returned to his chair on the bench.

**Yukon Holdings, LLC.  
4 Kerry Court  
Block 2202, lot 2.02  
Amended Preliminary/Final Major Site Plan**

The intent of hearing this application tonight was to deem the application complete or incomplete.

Mr. David Frank, Attorney at law, testified on behalf of Yukon Holdings, LLC., regarding the proposed Amended Preliminary/Final Major Site Plan proposal submitted. Mr. Frank gave a brief monologue regarding the history of the application. It was explained that Yukon Holdings, LLC. came before the board a few years back (in 2014). It was during that time period that Yukon Holdings, LLC. sought and was granted the Preliminary and Final Major Site Plan approval for development a "flex" building, consisting of 6 office spaces. The applicant found that some of the requirements that were suggested were not feasible. Mr. Frank spoke of a few waivers that were being requested in relation to Mr. Frank Morris's, from Alaimo, letter that was issued. Mr. Frank asked for the meeting to be postponed until the February meeting.

Mr. Morris testified that most of the items listed within the letter presented require the Engineer for Yukon Holdings, LLC. as well as the Planner present. Mr. Morris then testified that there are no additional waivers or information, based off

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of the testimony provided by Mr. Frank, that are needed. Mr. Morris then stated that he felt confident in deeming the application complete, as noted by Mr. Frank.

Mr. Peter Lange, Board Solicitor, provided a brief overview of the background and proposal of the resolution which was presented to the board for memorialization. Additionally, Mr. Lange proposed a conditions approval of the resolution. He recommended minor adjustments to the verbiage of the resolution concerning to the landscaping décor/plan to be reviewed and approved by the board planner, Mr. Scangarello.

**Mr. Heston** made a motion to deem the application complete and to be heard by the board on February 1, 2018 at 7pm as presented and **Ms. Gower** seconded.

**Ayes:** Ms. Conover, Ms. Doherty, Ms. Gower, Mr. Hagerthey, Mr. Heston, Mr. Kavanaugh, Mr. Magazzo, Mr. Raftery, and Mr. Schwarz

## Presentation

### Master Plan Review

Prior to reviewing the substance of the Master Plan (Land Use Element), Mr. Lange held a brief review of documentation that was provided to the board relating to the Scenic Corridor. It was during this discussion that Mr. Lange provided an overview on the impacts, benefits, requirements, buffers, historic preservation, and maps in connection with the Scenic Corridors.

At 7:49, **Mr. Heston** made a motion to take a recess from the regular meeting, and open the public meeting on the Land Use Element. **Mr. Schwarz** seconded.

**Ayes:** Ms. Conover, Ms. Doherty, Ms. Gower, Mr. Hagerthey, Mr. Heston, Mr. Kavanaugh, Mr. Magazzo, Mr. Raftery, and Mr. Schwarz

Mr. Lange started the open public meeting regarding the Land Use Element by describing the importance of the Master Plan, the conditions it is meant to support, as well as the legality behind not having one in place. He briefly reviewed the final draft of the Master Plan that was provided. Throughout the document, Mr. Lange spoke in detail of each section. He provided details such as the history and background of Southampton, along with the neighboring towns. He spoke of the Goals, Objectives, characteristics, specific features, land use goals, and different areas that depicted the kind of community that would Southampton would like to be developed over time, and what the plan should be guiding and promoting.

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The board was then invited by Chairman Magazzo to have a brief discussion regarding items on the Master Plan.

Item #1: Mr. Heston invited the board to review the section for Land Use Goal #3, (fourth bullet) describing the Nitrate Dilution Model section. To Mr. Heston's concern, Mr. Lange indicated that the section is calling for no change, rather to review and evaluate during the Master Plan Re-Exam, and if necessary, to make a determination of change at a later time. Chairman Magazzo reconfirmed the information that Mr. Lange provided. Mr. Heston indicated that he would like to make the change to modify the plan to add the expansion of the sewer service area. Mr. Lange outlined that verbiage could read:

*In order to encourage appropriate commercial development, review and evaluate and if deemed necessary, modify existing zoning within the highway district to determine if existing septic rules, including the Nitrate Dilution Model, as presently applied are a deterrent to environmentally sound commercial growth within the Township; and to consider and evaluate the benefit of exploring expansion of the current sewer service area..*

**Mr. Heston** made a motion to add the verbiage outlined Mr. Lange as presented to Land Use Goal #3. **Mr. Raftery** seconded.

Open to the public. No public comment.

**Ayes:** Ms. Conover, Ms. Doherty, Mr. Hagerthey, Mr. Heston, Mr. Kavanaugh, Mr. Magazzo, Mr. Raftery, and Mr. Schwarz

**Abstained:** Ms. Gower

Item #2: Mr. Raftery carried the boards' attention to the parts of the Land Use Element referring to the "Village Commercial". It was Mr. Raftery's suggestion that additional verbiage be added to expand the Village Commercials designated area and possible expand the Zoning Uses of that particular section. Mr. Lange found that such language might be best suited in the specific section referencing the "In-Fill" area. Chairman Magazzo recommended a statement under said section. To Mr. Raftery's concern, Mr. Lange further recommended added a #6 depicting language that could read:

*To evaluate and review the potential benefits of an expanded Village Commercial District*

This change was motioned for approval, and would be considered with the overall approval of the Master Plan.

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Item #3: Mr. Heston initiated a discussion surrounding the “junkyard” portions reference in multiple sections of the Land Use Element. Chairman Magazzo directed the board to refer to page 23. Mr. Heston continued on, stating that the Township of Southampton no longer has a requirement to issue licenses for Salvage Yards/Junk Yards; they are not permitted. His concerns surrounded the verbiage in the Land Use Element that state that they are in fact permitted and the type of fencing needed when permitting them. Mr. Heston feels that the verbiage should be removed.

Chairman Magazzo offered a brief explanation detailing that perhaps the first section under page 23 might not meet the qualifications for the Master Plan, and might need to be removed. He later stated that possibly adding the word “Currently” to the middle of the first paragraph might help clarify some confusion; therefore, rendering the sections merit. However, he then when on to explain that while the section does mention the Junk/Salvage yards, this does not mean that the Land Use Element is approving them; it is stating that if they were to be approved they could only be located in the designated area.

Mr. Lange also offered a brief explanation stating that according to the Township of Southampton’s ordinance, junkyards are permitted. Additionally, according to the existing ordinance under the Zoning ordinances (12-2.3) Junk/Salvage Yards are permitted in the Industrial Zone. He then goes on to quote the verbiage in the documents, drawing attention to the last sentence of the section, which states:

*Consideration should be given to reviewing the issue to determine whether junkyards should be eliminated and/or the definitional sections of the Ordinance revised to limit what constitutes “junk” and “debris” and for how long and in what manner it may be stored, kept or abandoned.*

Mr. Lange then stated that the interest of the board would be served by the language presented in the Land Use Element. Having the language stated within the document allows the ability to have a comprehensive re-examination of this section of the Land Use Element. Mr. Lange went on to state that if the verbiage is eliminated as a whole, this would eliminate the possibility to review the determined section all together.

Ms. Doherty then added to the conversation by stating it was her understanding, during previous conversations the Planning Board was going to specify, in writing, to the Township Committee, the desire to remove Junk/Salvage yards. As a rebuttal, Mr. Lange stated that if eliminating the reference to Junk/Salvage yards in this plan will not advance the goals to review the potential negative impact; it in fact does the opposite. Ms. Doherty stated the reconsideration

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statement made by Mr. Lange regarding junkyards should have been made several meetings ago.

Item #4: Chairman Magazzo asked for a few secretarial items including: the last comprehensive Master Plan review, date of the last revision of the zoning ordinance, as well as print the zoning ordinances. This information is to be provided during the January meeting. There were also a few housekeeping items mentioned throughout the meeting in which Mr. Lange indicated these changes would reflect on the final document.

## **Discussion/Public Comment:**

Members of the community were present for the meeting. Mr. Bill Kelly from 2 Floyd Rd. agreed that the topics listed in the Land Use Element are areas that need to be reviewed and further discussed. He felt that the Planning Board should consider what a quality business is, and feels that ground water contamination should be reviewed when considering businesses.

Ms. Patricia Topham from 415 New Rd spoke about her health concerns possibly in connection with junk/salvage yards. Additionally, she addressed issues relating to code enforcement issues.  
No other public comments

**Mr. Schwarz** made a motion to make amendments changing adding the verbiage regarding the village center as well as the housekeeping items mentioned, and adopting the plan. **Mr. Kavanaugh** seconded.

**Ayes:** Ms. Conover, Ms. Doherty, Ms. Gower, Mr. Hagerthey, Mr. Heston, Mr. Kavanaugh, Mr. Magazzo, Mr. Raftery, and Mr. Schwarz

At the time of 9:16, **Mr. Raftery** made a motion to close the open public meeting on the Land Use Element and to resume the regular meeting. **Mr. Heston** seconded.

**Ayes:** Ms. Conover, Ms. Doherty, Ms. Gower, Mr. Hagerthey, Mr. Heston, Mr. Kavanaugh, Mr. Magazzo, Mr. Raftery, and Mr. Schwarz

## **Discussion/Public Comment:**

No public comments.

## **Motion for adjournment:**

**Mr. Schwarz** made a motion to adjourn at 9:18PM and **Mr. Raftery** Seconded.

Motion passed with a unanimous voice vote.