

Monroe Township Zoning Board of Adjustment Meeting
8/1/2017 at 7:00 pm

Call to Order:

Proper notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. Notice of this meeting was given on January 6, 2017 and a copy was given to the Township Clerk and a copy was posted on the first floor bulletin board.

“Be advised, no new business or item of discussion will be started after 10:30 pm and the meeting shall terminate no later than 11:00 pm”.

Pledge of Allegiance

Roll Call:

Board Members:

Mrs. Fox - Present
Mr. Fritz - Present
Mr. Kozak- Present
Mr. Manfredi - Excused
Mr. McLaughlin, Vice Chairman- Present
Mr. Mercado- Present
Mr. Salvadori, Chairman- Present
Alt.#1, Mr. OReilly- Present
Alt.#2, Mr. Sebastian- Present

Professionals:

Mr. Coe, Solicitor
Mr. Sanders, Engineer
Mrs. Pellegrini, Planner
Mrs. Flaherty, Director of Community Development/Code Enforcement & Zoning Officer - Present
Tara Park, Transcriber and Secretary- Present

Council Liaison:

Mr. Garbowski- Present

Memorialization of Resolutions:

Resolution #17-31, Application ZBA #17-11, University of Pennsylvania, Application #473-SP, University of Pennsylvania, Use Variance and Site Plan Waiver-Approved Use Variance Pending Site Plan Submission 1531 North Tuckahoe Road, Block 14301 Lot 2

The application was approved for the expansion of a nonconforming use but required to submit a site plan for the proposed relocation of the applicants PennSTAR Helicopter with associated facilities from its current location in Atlantic City to the Cross Keys Airport Property.

Motion to approve:
1st: Mr. McLaughlin
2nd: Mr. Kozak

Roll Call:
Mrs. Fox - Yes
Mr. Fritz - Yes
Mr. Kozak- Yes
Mr. McLaughlin, Vice Chairman- Yes
Mr. Mercado- Yes
Mr. Salvadori, Chairman- Yes
Alt. #1, Mr. O'Reilly- Yes

Public Hearings:

The application below was postponed until the September 19, 2017 Meeting date.
Application ZBA-17-09, RREF II IB-NJ SMF, LLC, Use Variance/Density
Mink Lane, Block 2201 Lot 11, Zone Mink Lane Redevelopment Overlay-
Continuance: The applicant is seeking 1.86 single family density per acre, clustered on 27.92 +/- acres on 60' x 12' (7200 square foot) lots (being 52 units) with bulk standard set by variance per the attached proposed bulk requirements with recognition that perimeter buffer will aid the lot size impact or variance to waive the buffer and include same as a restricted use area of the lot.

Application ZBA #17-10: Hutch EKE, Application #471-SP, Hutch EKE, Use Variance and Site Plan Approval - 220 Lake Avenue and 980 North Black Horse Pike, Block 1603 Lots 2, 3
The Applicant is proposing a use variance and site plan approval for the use of parking of inventory. The total area of disturbance is 8,070 square feet and no new construction is proposed.

Re: Use Variance and Minor Site Plan (1st Review)
Plate 16, Block 1603, Lot 3
220 Lake Avenue
Zone: R-2, Suburban Residential Option District
Applicant: EKE Hutch LLC
Application No 17-10 & 471-SP
MC Project No: MMZ-036

Mr. Coe swore in Ed Hutchinson, Principal of the Applicant, Theodore G. Koven, II, engineer for the applicant (who was also approved and expert witness by the Board) and Tiffany Cuvillo, planner for the applicant. Attorney Robert Mintz was the attorney for the applicant.
(All testimony is given in bold italics)

Chairman Salvadori asked if there was a motion to approve the application to deem the application complete. Mr. McLaughlin made the motion and it was 2nd by Mr. Fritz, with a voice vote all Board Members voted in favor deeming it complete.

The above referenced application is a request for a use variance application and minor site plan review.

1.0 Project Description

1.1 Proposal

The applicant seeks a new use variance approval to store inventory of recreational vehicles and trailers necessary for the continued success of his adjacent business known as “White Horse RV Center”.

Note: A proposal for inventory storage (for this same lot) was previously granted use variance approval by the Zoning Board of Adjustment on June 21, 2005 (Resolution No. 05-47).

1.2 Existing Conditions

The 3.91 acre parcel fronts on E. Lake Avenue and contains one (1) multi-story residential style building, a large stoned area used for RV storage and wooded areas at the rear of the site. The majority of the property frontage has been stoned up to the cartway of E. Lake Avenue with a large paved area directly in front of the residential structure. The property contains wetlands on the west side and rear, as well as floodplain areas along the rear adjacent to a stream known as “Loggerhead Branch”. The property is zoned R-2, Suburban Residential Option District.

Note: The applicant should provide testimony regarding the use of the residential structure to remain. Per prior testimony in 2005, this structure contained two (2) apartments on the second floor to be retained and a vacant commercial space on the 1st floor of which was to be utilized by White Horse RV Center for file and records storage only. However, the current plan indicates that this structure is a single-family dwelling.

The applicant testified that there is now only one apartment and the remainder of the building will be used for business storage. The applicant stated, at the Board and Professionals request, that if approved there would be painting of the structure and landscaping around the building, as well as shutters for the apartment to make that appear residential and not commercial. The applicant also noted at the Board request that the apartment would have Township curbside trash pickup and the business has it’s own dumpster that would be utilized if needed for the storage area. The business is open 9am -5pm Monday through Friday, Thursday open til 8 during daylight savings time, Saturday is 9am-4pm and Closed Sundays.

1.3 Surrounding Land Uses

The area to the west along the Black Horse Pike is primarily commercial. To the north and east is single-family residential and to the south are wooded rear yards of commercial properties along the Black Horse Pike. The surrounding area to the north, east and south is also zoned R-2, Suburban Residential Option District whereas the Black Horse Pike corridor to the west is zoned C, Commercial.

2.0 Materials Reviewed

We have reviewed the referenced submission, encoded by the Zoning Board as #17-10 and 471-SP, received May 26, 2017, consisting of the following:

Sheet	Title	Date
---	Correspondence, Robert D. Mintz, Esq.	May 18, 2017
---	Use Variance Application	May 23, 2017
---	Minor Site Plan Application	---
---	Minor Site Plan Checklist	---
---	Certification of Ownership	May 23, 2017
---	W-9 Form	May 23, 2017
---	Gloucester County Planning Board Site Plan Application	May 23, 2017
---	Gloucester County Affidavit of Ownership Form	---
---	Gloucester County Submission Checklist	---
1 of 6	Cover Sheet	January 24, 2017
2 of 6	Site Plan	January 24, 2017
3 of 6	Landscape Plan	January 24, 2017
4 of 6	Traffic Circulation Plan	January 24, 2017
5 of 6	Construction Details	January 24, 2017
6 of 6	Soil Erosion and Sediment Control Plan	January 24, 2017

The plans are signed and sealed by Theodore G. Koven, II, PE of Consulting Engineer Services (CES) and the survey is signed and sealed by Adam R. Grant, PLS also of CES.

3.0 Zoning Requirements

3.1 Use

In accordance with § 175-162B (attachment 5), commercial recreation vehicle storage or sales is not a permitted use in the R-2, Suburban Residential Option District. As such, a use variance is required.

4.0 Master Plan Consistency

The proposed use is not consistent with the goals and objectives of the Master Plan. Should the use variance be granted, any site improvements and/or physical impacts of the use need to be addressed and mitigated.

5.0 Conformance with Previous Use Variance Approval

The use variance approval in 2005 was based on specific testimony and several conditions of approval which appear to have changed with this application.

Testimony was provided that there would be no entrance onto Lake Avenue, except the existing entrance for access to the residential structure would remain. The plan does not conform. Two (2) drive openings to Lake Avenue, in addition to the access serving the residential structure to remain, are now proposed.

Testimony was provided that there would be no additional traffic as there would not be access from Lake Avenue for the inventory storage use. The plan does not conform. The plan now includes multiple accesses from Lake Avenue for that purpose.

Testimony was provided that all deliveries to the site will be by way of the Black Horse Pike to this site. The plan does not conform, proposing additional ingress and egress by way of Lake Avenue. Testimony was also provided that approximately 35-50 recreational vehicles would be stored on this site. The plan does not conform. A total of 74 recreational vehicle inventory storage spaces are now proposed.

The 2005 use variance approval was also conditioned on the following:

That the applicant would receive site plan approval. *Not satisfied to date.*

That the two (2) lots (*Lots 2 & 3*) be consolidated into one (1) lot. *Satisfied.*

The applicant testified that Lot 1 and lot 3 have not been consolidated as of yet, still separately financed. The lot where the trailers are being stored was previously consolidated by the applicant.

That there be no additional curb cuts from Lake Avenue to the site and that there be no street access from Lake Avenue to where the vehicles will be stored. *Not satisfied.*

As the specifics of the use, as currently requested, are not in accordance with the original approval and various conditions have not been met, a new use variance approval is required.

6.0 Minor Site Plan

The applicant has submitted a minor site plan but has left it to the Board to determine if it requires major site plan approval. In accordance with § 175-11, a minor site plan is one that does not involve construction or any addition to a structure or building which results in the building coverage of a property to be in excess of 5,000 s.f. or does not require disturbance of more than 10,000 s.f. of land area. As the original use variance required a site plan, and the disturbance of the property since that approval and as shown on the submitted plan exceeds 10,000 s.f., a major site plan approval is recommended.

7.0 Design, Performance and Evaluation Standards

7.1 Buffers and Landscaping

In accordance with § 175-93, buffer areas are required along all exterior tract boundaries except along street rights-of-way for all non-residential projects. Buffer areas shall be developed in an aesthetic manner for the primary purposes of screening views and reducing noise perception

beyond the lot. Buffer widths shall be as specified in Article XIV of this chapter and shall be measured horizontally and perpendicularly to lot and street lines. The plan partially conforms to this requirement. The applicant has applied a 25' buffer along the side property line adjacent to the existing single family development as typically to be required between nonresidential and residential development. The rear and side property lines have existing environmentally protected areas that act as a perimeter buffer.

The stone berm, proposed along the property frontage, does not provide an aesthetic buffer or screening of the commercial storage activities proposed on site which is an unpermitted use. It is recommended that a wider, landscaped screening front buffer be provided which could mitigate negative visual impacts.

The landscape buffer improvement note on sheet 3 of 6, should include the following additions: actual locations, type and quantity of plantings may vary based on field conditions at time of installation and shall be coordinated with the Board's planner based on existing vegetation remaining to be supplemented.

7.2 Off-Street Parking and Loading

In accordance with § 175-123A, drives shall be limited to a maximum of two to any street, except when the frontage of a property along any one street exceeds 500 feet, the number of drives to that street may be based on one drive for each 250 feet of property frontage. Each drive shall be at least 50 feet or 1/2 the lot frontage, whichever is greater, but need not exceed 300 feet from the street line of any intersecting street, and be at least 10 feet from any property line. The width of the curb cut shall be determined by the type of traffic. Driveways with widths exceeding 25 feet shall be reviewed by the approving authority, giving consideration to the width, curbing, direction of traffic flow, radii of curves and traffic land divider. Curbing shall be either depressed at the driveway or have the curbing rounded at the corners, with the access drive connected to the street in the same manner as another street. The plan does not conform to these requirements, proposing two (2) new 30' drive openings in addition to the existing oversized 65'+ paved opening for the residential structure. In addition, no curbing is proposed along the property frontage as well. As proposed, multiple waivers are required.

Note: It is noted that the adjacent residential subdivision has concrete curbing along its frontage.

In accordance with § 175-123C, parking and loading areas, especially commercial and industrial uses, shall be buffered from adjoining streets, existing residential uses or any residential zoning district in a manner meeting the objectives of the buffer section of this chapter. The plan does not conform to this requirement. (Refer also to Section 7.1.2.)

7.3 Sidewalks

The subject property falls within Sidewalk Area 2 as defined by § 175-133. Sidewalk Area 2 includes those portions of the township located just beyond the more heavily developed Sidewalk Area 1. Because of the proximity to schools and future pedestrian traffic generators, the need for sidewalk in these areas is high. It is noted, however, that no sidewalk system is

existing on either side of E. Lake Avenue. There is also no sidewalk along the Black Horse Pike in the vicinity of the subject property.

8.0 General Comments / Recommendations

8.1 In accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-76b), the applicant may elect to submit an application requesting approval of the use variance and a subsequent application for the approval of a site plan, if required, provided that the approval of the variance is conditioned upon the applicant obtaining all required subsequent approvals from the Zoning Board. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

Consequently, any variance granted permitting the proposed use must be conditioned upon the applicant obtaining the necessary site plan approval, if deemed required, from the Zoning Board.

8.2 The applicant must demonstrate sufficient “special reasons” why the proposed use carries out a purpose of zoning, or how the refusal to allow the project would impose on the applicant an undue hardship. In addition, the applicant must demonstrate that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

8.3 The site plan should include a specific reference to the boundary and topographic survey upon which it is based as well as show the bearings and distances on the site plan for reference.

8.4 Several areas proposed as internal accessways and inventory storage areas are shown to remain as grass. The limits of the stone area (should the Board grant a waiver to allow stone versus asphalt), shall be expanded to cover all internal accessways and inventory storage areas. All non-accessway/storage areas shall be grassed and/or landscaped and any existing stone areas, which have encroached into wetlands buffer areas, shall be removed. All proposed surface treatments and limits thereof should be clearly defined on the plan.

8.5 The proposed cross access easement between the applicant’s primary commercial lot (Block 1603, Lot 1) and this lot (Block 1603, Lot 3) shall be clearly denoted on the plan.

9.0 Fees, Contributions, and Obligations

9.1 Escrow

The applicant must contact the Township’s Finance Office to settle any outstanding review escrow accounts prior to any approval taking effect.

At this time Board Members and Professionals present voiced their concerns about the following items:

- Weight limit regulations on Lake Avenue.
 - *The applicant's attorney will look into as well as the Professionals.*

- Usage of extra entrances and trying to minimize them rather than increase.
- The use of an emergency barricade at one of the marked entrances.
- Placement of crushed stone on lot.
- Drainage pattern on lot towards the wetlands and the stream.
- Split rail fencing at Wetlands to protect runoff of stones and dirt into that area.
- Flow of traffic inside of lot might need to be considered to address entrance/exit issue.
- Parking for apartment
 - *The Parking would be on the side of the building closest to the business but opposite side of the entrance to the apartment or in front of where the parking was if that wasn't being used for traffic flow.*
- Location of Pickup and Drop-off area for service
 - *Applicant stated that the vehicles drop off at the designated spot in the rear of the business's main building and back into Lake Avenue*
- Lighting in the storage area.
 - *Applicant stated that the lot is very dim lighting, no public enters to view the RV's on that lot.*
- Curbing and Sidewalks may need to be considered to clean up lot and prevent runoff into street.
- Stormwater Management Plan for the amount of area disturbed and cleared.
- Clearing of Lot was done without any approvals.

At this time anyone from the public may approach the board.

Anthony DiMauro of 1010 Herbert Boulevard was sworn in by Mr. Coe. He shared his concerns about the condition of the storage lot, and the view that is seen when looking at the lot including the house and the amount of RV's sitting at the street side of the lot. He has owned the house he lives in since 2005, and has seen the traffic increase significantly without any approvals and with an increase of entrances it would not help that matter. Aerial photos show the clearing of the lot over this time and that there is over 100 units on the property, and can be verified by visiting the lot and this is larger than what was requested. Mr. Kozak and Mr. Coe asked what the resident would like to see happen, and he stated to keep the RV's from Herbert Boulevard to the Pike and possibly fencing or gates to cover the view of the lot.

Anthony F. DiMauro of 1946 Herbert Boulevard was sworn in by Mr. Coe. Mr. DiMauro said that no one wants to hurt Mr. Hutchinson, just that best thing to do with this lot is to do what's fair for the residents around it and to satisfy the proposed use of the property. He said that he has 58 years living on Herbert Boulevard and 48 years of experience as a land surveyor at Taylor Wiseman & Taylor and that the Professionals are spot on with their recommendations. He said that the Black Horse Pike should be the main entrance with proper circulation. He said that if there needs to be an entrance on Lake Avenue, it should be directly across from First Banks entrance on Lake Avenue and flow traffic toward the Pike only. He recommended buffers to neighboring properties of 25 ft at least with additional evergreens, and landscaping along Lake Avenue with sidewalk and curbing possibly. Owns two lots subdivided on Lake Avenue and having a hard time selling due to the view. Hoping this process can make it aesthetically pleasing.

Nicole Ollek of 310 Florence Boulevard was sworn in by Mr. Coe. Thanks Mr. Hutchinson for keeping noise pollution down. Purchased property due to delineated wetlands behind it, and the beautiful view wants to present an intelligent compromise. She proposed a larger buffer, only counted currently 16 feet, and like the idea of the at least 25 with additional landscaping. She also mentioned the lights from the lot shining into her house, her concerns about people walking through the lot, and her property value. She also mentioned that she thought they were storing RV's in off-season for customers.

Close the Public Portion:

1st: Mr. Mercado

2nd: Mr. Kozak

Voice vote was completed and all were in favor.

Motion to approve a Use Variance for the use of lots 2 & 3 for inventory storage in a support role to main lot 1 and in conjunction, conditioned upon consolidation of lots 1, 2 and 3 and a Major Site Plan Application and Approval.

Motion to approve:

1st: Mr. McLaughlin

2nd: Mr. Fritz

Roll Call:

Mrs. Fox - Yes

Mr. Fritz - Yes

Mr. Kozak- No -on advice of Professionals

Mr. McLaughlin, Vice Chairman- Yes

Mr. Mercado- No - on advice of Professionals

Mr. Salvadori, Chairman- Yes

Alt. #1, Mr. O'Reilly- Yes

Mr. Mintz thanked the Board and the public for their time.

Public Portion:

Open to Public:

1st:Mr. Mclaughlin

2nd:Mr. Mercado

Close to the Public:

1st:Mr. Mclaughlin

2nd:Mr. Mercado

July 11, 2017 Minutes

1st:Mr. Mclaughlin

2nd:Mr. Mercado

Voice vote was completed to approve the minutes.

Reports/Updates:

There were no reports or updates to be given.

Adjourn:

1st: Mr. Kozak

2nd: Mr. McLaughlin

Voice vote was completed to approve adjournment.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings.