

Call to Order:

The meeting was called to order at 7:03 p.m. by Chairman Salvadori who read the following statement: “Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. In addition, a separate notice for this evening’s public hearings was sent in writing by the applicant’s attorney as required by the Open Public Meetings Act.

The Board saluted the flag.

Roll call: Present – Mr. Cossaboon, Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. McLaughlin, Mr. Sebastian, Mr. Kozak, Mr. Salvadori. Absent – Mr. Rybicki (excused). Also present – Mr. Coe, Solicitor, Mr. Sander, Engineer, Ms. Pellegrini, Planner, Mr. O’Reilly, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Memorialization of Resolutions:

1. #13-19 – App. #18-08A – Williamstown SDA Church – Use Variance Approved

Motion by Mr. McLaughlin, seconded by Mr. Fritz to adopt resolution #13-19. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Mr. Cossaboon, Ms. Fox, Mr. Mercado, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #14-19 – App. #19-02 – Cross Keys United Methodist Church – Use Variance Approved

Motion by Mr. McLaughlin, seconded by Mr. Fritz to adopt resolution #14-19. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Mr. Cossaboon, Ms. Fox, Mr. Mercado, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

3. #15-19 – App. #18-09 – WA Outdoor Advertising, LLC – Use Variance Denied

Motion by Mr. McLaughlin, seconded by Ms. Fox to adopt resolution #15-19. Roll call vote: Ayes – Mr. McLaughlin, Ms. Fox, Mr. Cossaboon, Mr. Fritz, Mr. Mercado, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

Public Hearing:

1. #491-SP – EKE Hutch, LLC – Preliminary & Final Major Site Plan

Present – Edward Hutchinson, applicant, Bob Mintz, applicant’s attorney, Paul Witthohn, applicant’s engineer, Tiffany Morrissey, applicant’s planner.

The applicant is seeking preliminary and final major site plan approval for the expansion of a parking area for storage of excess inventory of recreational vehicles and trailers for his business known as White Horse RV located on Lot 1. The property is located at 220 E. Lake Avenue, also known as Block 1603, Lot 3 in the R-2 zoning district.

Public Hearing: (continued)

1. #491-SP – EKE Hutch, LLC (continued)

Mr. Mintz introduced himself as the applicant's attorney. Mr. Hutchinson, Mr. Witthohn, and Ms. Morrissey were sworn in by Mr. Coe. Mr. Mintz displayed the site plan for the Board which was marked as Exhibit A-1. He stated the property in question is approximately 3.9 acres which is behind the lot where the business is located along the Black Horse Pike. The Board granted the applicant a use variance which was conditioned upon site plan approval. There is an existing residential building on the property that is proposed to be used for one apartment on the top floor and the storage of documents on the lower level. They have reduced the number of inventory vehicles from the original proposal to 51 vehicles. With regard to the layout, the applicant took into consideration the concerns of the Board and the neighbors on the issue of two proposed driveways; one on the east side and one on the west side. They have eliminated the proposed driveway on the west side. In addition there was a neighbor who had concern about the buffering at the last hearing so they met with her and arranged for plantings on her side of the property line.

The larger RV's are kept on Lot 1 which is the lot along the Black Horse Pike but occasionally there may be a few that have to be stored on the proposed storage lot. The circulation plan allows for an interconnection between the two lots. They are aware that Lake Avenue has a 4 ton weight limit and have limited the use of Lake Avenue to vehicles that will not exceed the four tons. Any larger vehicles will use the Black Horse Pike access. Mr. Mintz commented that the Board indicated at a previous meeting that they wanted the lots consolidated if the site plan is approved. The applicant is willing to consolidate the lots if approved.

Mr. Witthohn stated that the existing site does not have a defined driveway access, stormwater management area, or defined wetlands line. The proposal is to create a stone parking area for the inventory parking which shows 51 parking spaces of different sizes and a stormwater management basin. The basin is an infiltration and detention basin which will provide groundwater recharge, water quality, and water runoff reductions. It is calculated to meet those reductions; although there is comment in Mr. Sander's report indicating the runoff will not meet the reductions, Mr. Witthohn stated the difference is a diminimus increase. There will also be restoration of the approved wetlands buffer and the elimination of the second entrance to Lake Avenue. They are asking for a waiver for the thirty foot driveway apron where twenty-five feet is the maximum due to the maneuvers for the larger vehicles and for emergency vehicles. He agreed that they would work with the Board's planner with regard to the arrangement, size, and types of plantings for the proposed planted buffers. Mr. Witthohn described the waivers being requested by the applicant. They are requesting a waiver from providing the location and size of all existing and proposed buildings. The existing structures will remain unchanged and no new buildings are proposed. They are also requesting a waiver from showing the existing contours 200 feet beyond the property line.

Public Hearing: (continued)

1. #491-SP – EKE Hutch, LLC (continued)

A waiver is being requested from providing an environmental assessment and site lighting. Mr. Witthohn stated that there are no real changes to the site so the environmental is not necessary. As for the site lighting; the proposal is just for inventory and will not be accessible to the public. They are also requesting a waiver from providing a paved parking area for the vehicles; the applicant is proposing a stone parking area. Mr. Witthohn explained that the parking is proposed to be compacted stone gravel which provides a more natural state for the property as well as being a more pervious cover. Waivers are required from exceeding the 25 foot driveway width and not having a depressed curb or providing curbing or sidewalk along the property frontage. The applicant is proposing a 30 foot driveway width to accommodate the larger vehicles as well as emergency vehicles. No sidewalk or curbing is proposed along the frontage of the property as none exists in the area.

Mr. Mintz commented that the site allows for internal circulation in order to move a large vehicle between the front lot and the proposed storage lot. Mr. Witthohn testified that they are able to maneuver a large motor home from the access at the Black Horse Pike through the site and back onto the proposed storage area without any problems. A sliding entrance gate is proposed at the driveway entrance off of Lake Avenue. A concrete apron is provided at the roadway; however the rest of the proposed parking area will be stone aggregate that will compact. Mr. Sebastian asked how the runoff will get to the basin if the parking area is stone. Mr. Witthohn replied that the site naturally pitches toward the rear and the grading will be such that it will continue to pitch toward the rear. There will be drains underground and the water will run through piping and enter the basin through a headwall. The basin is sized for a similar sized asphalt parking lot and to accommodate that flow. Mr. Sebastian asked if the basin would have to be redesigned if the Board does not grant the waiver for the stone parking area and they have to provide asphalt. Mr. Witthohn replied that the basin would be close to being sufficient.

Mr. Hutchinson stated that he is the president of EKE Hutch, LLC. He testified that the existing building used to have two apartments; however they converted to one apartment which is registered through the township. The ground floor of the building is used for document storage for the business. The rear lot will be used for excess inventory. The business in Williamstown has 24 employees; they are open six days a week from 8:30 a.m. to 5:00 p.m. except for during daylight savings time when they stay open until 8:00 p.m. Monday through Thursday. Fridays they are open from 8:30 a.m. to 5:00 p.m. and Saturdays they are open from 8:30 a.m. to 4:00 p.m. Mr. Hutchinson testified the approximately 20% of the inventory is over the four ton weight limit with 80% being their towable inventory. The larger RV's are placed out on the front lot for exposure to the public.

Public Hearing: (continued)

1. #491-SP – EKE Hutch, LLC (continued)

Mr. Hutchinson stated that most of the people who come in to see the RV's make an appointment in advance. He also testified that they use two manufacturers of the RV's but they both use the same delivery company so they are able to specify with the company which access drive they should use. Mr. Hutchison also commented that he is not opposed to consolidating the lots if the Board makes that a condition of approval. He did plant vegetation on the one neighbor's lot to buffer the site from her property. He also has been in touch with Mr. Bowers who owns the property across the street on Lake Avenue and the Black Horse Pike who had concerns about sight line visibility for his property. Mr. Hutchinson agreed to pull the RV's back 20 feet between the driveway access on the Black Horse Pike and the corner at Lake Avenue and a 15 foot setback from the same driveway heading south for 25 feet. With regard to lighting and security, Mr. Hutchinson testified that they he uses security cameras and will not have any nighttime operations on the rear lot. Mr. Kozak asked if the plantings were already placed on the neighbor's property or will they be putting them there in the future. Mr. Hutchinson replied that they have already provided the plantings on the neighbor's property. She also had a concern about lighting and Mr. Hutchinson testified that they repositioned two of the lights on the existing site so they would not have any impact on her property. Mr. Kozak also asked about the tenant with regard to their access to the site. The tenant for the apartment will enter through the one access drive proposed and he will have a designated parking space.

Ms. Morrissey stated that the applicant received use variance approval in 2005 and then came back to modify the use variance approval in 2017 which was subject to site plan approval. The total number of spaces has decreased from the original proposal. Currently there is an uncontrolled access drive into the property and their proposal will show one access point into and out of the site. Ms. Morrissey reiterated the reasons for not paving the proposed storage area. The plan does show wide drive isles so the employees can maneuver the large RV's around the site and between the front lot and the storage lot. The overall improvements to the property include providing for stormwater management, providing a defined access drive as well as showing the limits of the storage area. She also reviewed the waivers being requested for site lighting, curbing, and sidewalk. There is a ten foot wide graded area for pedestrian passage along Lake Avenue and the Black Horse Pike. Ms. Morrissey stated, in terms of the negative criteria, there is no detriment to the zone plan or the master plan. Since this is an R-2 zone there aren't any bulk requirements for a commercial use; however they would meet the requirements for a community commercial zone and that is what was used to determine the bulk standards. The design of the site plan will not cause a substantial detriment to the public good as they have addressed the concerns of the Board and of the residents and they believe the design improves the site and the existing use.

Public Hearing: (continued)

1. #491-SP – EKE Hutch, LLC (continued)

Mr. Sander reviewed his report for the Board. He stated that his February 25, 2019 report addresses the submission waivers. If the Board approves those waivers then the application can be deemed complete. Mr. Sander reviewed the completeness waivers for the Board. The first being to show all existing and proposed buildings to include the size, height, location, etc. on the site. Mr. Sander stated there is only one building on the site and the Board is familiar with the location of that building and what it looks like. The second is from showing the contours 200 feet beyond the property lines; this waiver is usually granted since it's hard for applicant's to provide contours not on their property. Mr. Sander commented that the site has not been used for anything other than the storage of vehicles so he did not feel an environmental assessment was necessary and the same applies for the waiver to provide site lighting. Motion by Mr. McLaughlin, seconded by Mr. Fritz to grant the submission waivers and deem application #491-SP complete. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Mr. Cossaboon, Ms. Fox, Mr. Mercado, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Mr. Sander referred to his March 5, 2019 report. He stated that the ordinance requires the parking areas to be paved and the applicant is proposing a stone parking area. If the Board does not grant the waiver then the applicant will have to amend his stormwater management report. With regard to consolidation of the lots, the applicant has agreed that he will consolidate the lots if approved. Mr. Sander commented that proof of the consolidation should be provided before the site plan is signed. The applicant has agreed that no vehicles weighing more than 4 tons will access Lake Avenue. Mr. Mintz stated that the only exception to that would be if the township ever increased the maximum weight limit on Lake Avenue to allow vehicles weighing 6 tons or more. Mr. Sander commented on the issue of the wetlands delineation being verified by the NJDEP twelve years ago. He stated that the applicant should verify if the wetlands boundary line is still the same and if amended it should be shown on the plan. Mr. Mintz stated that the wetlands that are located on the site will be protected; however there has been some encroachment into the wetlands but not by the applicant but by a neighbor. That issue will be corrected. Mr. Sander asked Mr. Witthohn if he believes the wetlands line is the same today as it was twelve years ago. Mr. Witthohn stated that he has not delineated the wetlands so he cannot answer the question. The applicant agreed to address the comment concerning the pipe that discharges from the headwall being above ground before it reaches the headwall. Mr. Sander commented on the stormwater management report that indicates the applicant cannot meet the allowable discharge for the 2 year storm at 0.11 cubic feet per second; the applicant is proposing 0.14 cubic feet per second. Mr. Witthohn stated that it does exceed the allowable runoff rate but it is minimal and does not impact the adjacent sites. There was some discussion on the issue between Mr. Sander and Mr. Witthohn.

The Board took a brief recess as one of the Board members had to leave the room for a moment.

Public Hearing: (continued)

1. #491-SP – EKE Hutch, LLC – (continued)

Mr. Witthohn testified that they will revisit the calculations and attempt to get the rate down to the allowable runoff of 0.11cfs. Mr. Sander replied that he will look at the calculations and if they cannot get it all the way down to the acceptable levels then he will determine if it is okay on behalf of the Board if the Board is okay with his doing so. Mr. Salvadori asked if the Board was okay with Mr. Sander making the final determination on the calculations. The Board agreed that Mr. Sander should make the determination. Mr. Sander stated that the applicant must provide the approval from all outside agencies with jurisdiction and the posting of all bonds and escrows.

Mr. McLaughlin asked Mr. Sander's opinion on the applicant proposing the stone parking area as opposed to a paved parking area. Mr. Sander replied that he thought the stone parking area is sufficient. Mr. McLaughlin also inquired as to the wetlands delineation line being on the plan. Mr. Sander stated that the wetlands line should be shown on the plan. Mr. Mercado asked if there is a requirement for a basin maintenance plan. Mr. Sander replied that there is a requirement for the applicant to submit a basin maintenance plan. He also asked if the parking area were paved if the rate of runoff would change significantly. Mr. Sander replied that he would have to look at that but there wouldn't be any infiltration before it gets to the basin so there would be an increase.

Ms. Pellegrini reviewed her report for the Board. She first commented on the wetlands delineation issue and stated that the Board can ask the applicant's engineer to go out and review the wetlands line and then prepare a letter that states they do not see any changes to the line. This will protect them and the Board and it would not require any approvals from the NJDEP unless there was a significant change. Ms. Pellegrini stated that the applicant has already testified as to the use and function of the property as well as the days and hours of operation. They have also clarified the use of the existing building as one apartment and record storage. She also recommended that the lots be consolidated to be consistent with the use variance approval. As a protection that the full buffer is provided, she asked that the applicant work with her office on this matter at the time of planting and the applicant agreed to do so. The landscaping plan is still ongoing and her office will reserve the right to provide additional comments as the applicant's engineer provides those plans to them. Ms. Pellegrini commented that there isn't any curbing or sidewalk along the commercial properties and the Board should keep in mind that if they do require sidewalk and curbing it will change the drainage on the property. She asked the applicant to provide testimony as to how the customers will utilize the parking spaces provided. She stated that two of the spaces provided should be reserved for the tenant and should be signed as such.

Mr. Mercado inquired as to the depth of the driveway apron which is being used as a tire cleaner for the most part. Ms. Pellegrini replied that she would recommend the apron be concrete and extend to the property line.

Public Hearing: (continued)

1. #491-SP – EKE Hutch, LLC (continued)

Mr. Mintz replied that it is proposed to be concrete. Ms. Morrissey replied the apron is approximately 12.5 feet. Mr. Sander commented that it should be at least 15 feet. The applicant agreed to extend the apron to 15 feet. With regard to the parking spaces, Mr. Hutchinson commented that the lease will state that customers can park in the two designated spaces during the day while the tenant is at work.

Motion passed to open the hearing to the public.

1. Anthony DiMauro, 1946 Herbert Boulevard, was sworn in by Mr. Coe. Mr. DiMauro stated that he is satisfied with the applicant's proposal. His only concern was two driveway entrances so close to each other. After some discussion, Ms. Pellegrini asked if the applicant would consider a "no right turn" sign coming out of the new driveway. The applicant agreed to provide the signage. Mr. DiMauro just commented that his main concern was so many driveway accesses in the same area indicating the driveway accesses across the street for the bank. Ms. Pellegrini stated that there is approximately 60 feet between the access drives.

Motion passed to close the hearing to the public.

Ms. Pellegrini commented that the Township will be looking into installing signage on Herbert Boulevard that will indicate no RV's are permitted to use that road as a cut through. Councilman O'Reilly concurred that he will look into getting that signage through the Public Works department.

Mr. Coe reviewed the waivers and conditions of approval. The first condition is that the applicant will be required to consolidate the lots; the applicant will coordinate the buffers and landscaping for the site with the Board's planner; a waiver for the width of the driveway and curbing requirements; a waiver of sidewalk and of the paving of the parking area; the applicant will provide eight parking spaces for customers two of which will be reserved for tenant use with the condition that they may be used during the day by customers; no vehicles over 4 tons on Lake Avenue; the applicant will verify the wetlands line; the applicant will work with the Board's engineer on the issue of the stormwater runoff calculations; no right turn sign at the driveway entrance; submission of the basin maintenance plan; the applicant will comply with all comments and corrections noted in the planner and engineer reports; they will provide all outside agency approvals; and maintain their escrow account. Motion by Mr. McLaughlin, seconded by Mr. Sebastian to grant preliminary and final site plan with the conditions stated. Roll call vote: Ayes – Mr. McLaughlin, Mr. Sebastian, Mr. Cossaboon, Ms. Fox, Mr., Fritz, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Portion:

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

Reports:

1. Mrs. Farrell asked the Board members if they were all up and running with the Township email and Dropbox on their IPADS. The Board members indicated they were. She asked which Board members will still want a paper packet for meetings in addition to the information being provided on their IPAD. Ms. Fox, Mr. Salvadori, and Mr. Kozak indicated they still want the paper packets.

2. Mr. Sebastian asked if there is any information concerning Mr. Bialowas' property on New Brooklyn Road. Mrs. Farrell replied that the Director and Ms. Flaherty met with Mr. Bialowas but she did not know what was discussed. The Board asked her to ask for an update.

3. Mr. Fritz inquired about Mr. Kanady and if he has submitted a site plan since he received his use variance. Mrs. Farrell asked if Mr. Coe should be the one reach out with regard to these outstanding issues. Mr. Coe agreed and asked Mrs. Farrell to provide him with a list of people he needs to contact.

Approval of Minutes:

1. 3/5/19 regular meeting.

Motion by Mr. Fritz, seconded by Mr. McLaughlin to approve the minutes from the March 5, 2019 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 8:47 p.m.

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

Respectfully submitted by:

Ninette Orbaczewski
Clerk Transcriber