

Call to Order:

The meeting was called to order at 7:05 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 on January 19, 2019. In addition, separate notice for this evening’s public hearings were sent in writing on May 8, 2019 and also by the applicant’s attorney.

The Board saluted the flag.

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

Chairman Salvadori read the following statement: “Be advised, no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m.”

Memorialization of Resolutions:

1. #21-19 – App. #492-SP – Skydive Cross Keys, LLC – Minor Site Plan Tabled

Motion by Mr. McLaughlin, seconded by Mr. Fritz to adopt resolution #21-19. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Ms. Fox, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #19-07 – Paul Donahue, Jr. – Use Variance

Present – Paul Donahue, Jr., applicant.

The applicant is requesting a use variance in order to be permitted to add a 36’ x 36’ x 25’ addition to his existing pole barn for the storage of classic cars. He also requires a use variance for the number of accessory structures as well as a variance for the pole barn being larger than his home and one for the proposed height of 25’.

Mr. Donahue was sworn in by Mr. Coe. He stated he enjoys classic cars and trucks. He and his daughter have three classic cars right now. His existing pole barn is being used for storage of lawn furniture and lawn equipment. He submitted photographs of the classic cars he currently owns which were marked as Exhibit A-1.

Public Hearings: (continued)

1. #19-07 – Paul Donahue, Jr. (continued)

Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. She replied that it can be deemed complete. Motion by Mr. McLaughlin, seconded by Mr. Sebastian to deem application #19-07 complete. Voice vote; all ayes, motion passed.

Mr. McLaughlin asked if the applicant was going to remove any of the other buildings on the property. Mr. Donahue replied that he is not removing any of the other accessory buildings. Mr. Fritz asked if the building will have electricity. Mr. Donahue replied that it is an extension and it will have electricity eventually. He is planning on doing the extension over period of time. Mr. Salvadori asked if the pole barn expansion is strictly for storage of the cars and not any type of commercial business. Mr. Donahue testified that he is retired and will not be operating any type of business on his property; he and his daughter enjoy the classic cars as a hobby. He also commented that all vehicles will be titled in his or his daughters names. Mr. McLaughlin asked if Mr. Donahue does any mechanical work at the site. Mr. Donahue replied that all mechanical work is done by Clarks; he just enjoys the detailing.

Mr. McLaughlin asked how many vehicles will be able to be stored in the building once the expansion is complete. Mr. Donahue stated he will be able to double stack the vehicles so he can fit nine once it is completed. Mr. Fritz asked why he is proposing the building to be so high and why he is proposing to have cupola. Mr. Donahue stated that he wants the ability to purchase more classic cars and not have to come back to the Township for additional space. He will be able to double stack and fit nine cars eventually. With regard to the cupola, Mr. Donahue stated he thought it would be a nice touch visually. Mr. Coe confirmed with Mr. Donahue that the reason for height is strictly for vehicle storage and that he wouldn't be creating an upper living area. Mr. Donahue confirmed that he will not be creating any living space in the expansion.

Mr. Kernan reviewed his report for the Board. He asked Mr. Donahue to confirm the square footage of his existing residential use since there are some conflicting numbers between the old plan, this application, and the tax records. Mr. Donahue replied that the square footage is 1977 square feet which includes the upper floor. Mr. Kernan commented that the actual footprint of the house is probably closer to 1560 square feet. He noted that he still needs the variance for the pole barn being larger than the house but wanted to clarify the square footage for the record. He stated that the applicant has provided testimony as to the use and reason for the expansion and as noted he will also need a variance for the number of accessory buildings on the property. The existing garage exceeds the maximum square footage permitted but that is a pre-existing nonconforming condition. The reason for the requested height variance has been testified to by Mr. Donahue.

Public Hearings: (continued)

1. #19-07 – Paul Donahue, Jr. (continued)

Mr. Kernan commented that the percentage of lot coverage permitted in the zone is seventy percent and he does not believe Mr. Donahue is anywhere near the maximum even with the expansion of the pole barn since the property is close to five acres. Mr. Kernan asked Mr. Donahue to testify as to the façade of the expansion and if it will be visually related to the rest of the building and the house. Mr. Donahue stated that it will be the same material and color as the existing building. He also testified that there will not be any plumbing installed in the pole barn. Mrs. Farrell commented that there is statement in the report concerning COAH however COAH is not required for this type of application. Mr. Kernan also commented on the possibility of Mr. Donahue needing lot grading. Mrs. Farrell replied that he can apply for a lot grading waiver when he applies for zoning.

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

Mr. Coe reviewed the variance requests and conditions of approval for the Board. Motion by Mr. McLaughlin, seconded by Mr. Fritz to approve the use variances with the following conditions: the applicant must maintain his escrow account, the pole barn cannot be used for commercial purposes or residential use, no plumbing installed in the building, the applicant must obtain all zoning, lot grading, and construction permits from the Township. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Ms. Fox, Mr. Sebastian, Mr. Kozak, Mr. Rybicki, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #19-08 – Steve’s Auto Body & Repair, LLC – Height Variance

Present – Tara Vargo, applicant’s attorney, Ken Rainier, applicant.

The applicant is requesting a height variance in order to construct an eight-foot high chain link fence with screening for vehicle storage at his existing business. The property is located at 1717 N. Tuckahoe Road, also known as Block 14603, Lots 13, 15, and 16 in the R2 and BP Zoning Districts.

Ms. Vargo introduced herself as the applicant’s attorney. Mr. Rainier was sworn in by Mr. Coe. Ms. Vargo stated that Steve’s Auto Body is the lease purchaser of the former Malia Auto Body Shop located on Tuckahoe Road. The applicant’s goal is to obtain a license with the Township for towing. In accordance with the towing ordinance and the vehicle storage yard ordinance, the requirement is to have an eight-foot high fence; however, the design standards for fences have a maximum height requirement of six feet. They are before the Board to resolve that issue and obtain the height variance for the fence.

Public Hearings: (continued)

2. #19-08 – Steve’s Auto Body & Repair, LLC (continued)

Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied it can be deemed complete. Motion by Mr. Sebastian, seconded by Mr. Rybicki to deem application #19-08 complete. Voice vote; all ayes, motion passed.

Mr. Rainier referred to the survey in the Board member’s packets. The fence will impact Lots 13, 15, and 16. He explained that there is an existing fence on Lot 13, right in the middle of the lot. He is proposing to fence the long narrow lot, Lot 16, all the way to the back and down the side, and then come across the side of Lot 13 on the property line with Lot 12, across Lot 13 up to the building. Mr. Rainier stated that the neighboring properties whose rear yards border Lot 16 all have their own fences. He did send notice to the surrounding property owners as required and spoke to those three neighbors specifically that border Lot 16. All three neighbors did not have an issue with the proposed eight-foot high fence. They were pleased that the vehicle storage would be shielded from their view. There is an existing tree between Lot 16 and Lot 11. That neighbor expressed his desire for the tree to be removed which Mr. Rainier is going to do. The owner of Lot 17 also does not have any concerns with the proposal.

Ms. Vargo read from the ordinance, Chapter 175-163, E (2), which states an opaque fence with a minimum height of eight feet shall enclose the entire vehicle storage area. Mr. McLaughlin asked if they have had any security issues at the property. Mr. Rainier replied that he has not but the previous owner has had issues with security. Mr. Fritz inquired as to the proposed light pole. Mr. Rainier replied that the Township requires the parking lot to be lit. Currently there are two poles on the existing fenced in area and he is proposing to move them closer to the vehicle storage area to light that area and to face the back of the building. The lights will not shine on other properties. Mr. Rybicki asked if the applicant will have anything on top of the eight-foot fence to prevent people from climbing over such as barbed wire. Mr. Rainier replied that he would like to but it would technically make the fence higher than eight-feet.

Mr. Coe commented on the lease purchase agreement and asked the applicant if he is planning to purchase the property and in what time period. Mr. Rainier replied that he hopes they can purchase the property within the year; the lease is currently good for one year. Mr. Coe commented on the number of lots and asked the applicant, if when he becomes the owner, would he have any issue with combining the lots. Mr. Rainier stated he does not have any issue with combining the lots. Ms. Vargo stated that Lot 14 is a separate use, it contains a residential home, which the current owner rents. She asked that when the applicant purchases the property that that lot remain a separate lot from the business use lots, Lots 13, 15, and 16. There was some question on the time frame to consolidate once the applicant purchases the property. Mr. Coe stated that six months after they obtain title is a reasonable time frame to consolidate.

Public Hearings: (continued)

2. #19-08 – Steve’s Auto Body & Repair, LLC (continued)

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

Mr. Coe reviewed the variance and conditions of approval for the Board. Motion by Mr. Fritz, seconded by Mr. Sebastian to grant the height variance with the following conditions: the applicant must maintain all escrow accounts with the Township, removal of the tree as stated, consolidation of the Lots 13, 15, and 16 within six months of the applicant obtaining title to the property, the applicant must obtain all necessary zoning and construction permits from the Township. Roll call vote: Ayes – Mr. Fritz, Mr. Sebastian, Ms. Fox, Mr. Kozak, Mr. McLaughlin, Mr. Rybicki, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

The Board took a brief recess.

3. #492-SP – Skydive Cross Keys, LLC – Minor Site Plan

Present – Peter Rhodes, applicant’s attorney, Nadia Mazur, applicant, John Mazur, applicant, Terry Combs, applicant’s planner.

The applicant is requesting minor site plan approval as a condition of their use variance which was previously granted to be allowed to have ten seasonal recreational vehicle sites for use by their customers. The seasonal period runs from April to October. The site is the Skydive Cross Keys business located at 300 Dahlia Avenue, also known as Block 14701, Lot 40.01 in the BP Zoning District.

Mr. Rhodes introduced himself as the applicant’s attorney. Mr. Coombs, Nadia Mazur, and John Mazur were sworn in by Mr. Coe. Mr. Combs placed his credentials on the record and the Board accepted him as an expert witness. Mr. Combs displayed the minor site plan which was marked as Exhibit A-1. Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that the application can be deemed complete. Motion by Mr. Fritz, seconded by Mr. McLaughlin to deem application #492-SP complete. Voice vote; all ayes, motion passed.

Mr. Combs stated the property is located at the end of Dahlia Avenue. Most of the site is surrounded by the existing Cross Keys Airport. The property is approximately 3.22 acres with buildings located to the west of the existing parking lot which are utilized for the applicant’s business.

Public Hearings: (continued)

3. #492-SP – Skydive Cross Keys, LLC (continued)

He pointed out that seven of the proposed RV parking spots are located to the east of the site and three are located along the southern property line. There is a grass area proposed between the RV parking spaces. The RV parking spaces are located twenty-five feet from the property line and the required buffer area will remain vegetated in order to screen the area from the residential uses to the east. The proposed RV parking spaces are sixty feet in length and twenty feet wide. They will have to remove six trees and those trees have been shown on the plan and marked for removal. They are also proposing some improvements in the parking area by delineating the parking spaces with bumpers and there will be railroad ties placed in the parking area to separate the RV sites from the rest of the parking lot. They will install light standards in the parking lot and provide an enclosed dumpster area. They will be supplementing the buffer area to the east with eight shade trees and twenty-two evergreen trees.

Mr. Coe asked if water will be provided to the RV sites. Mr. Combs replied that water is not being extended to the RV sites as the RV's have holding tanks for water. The RV spots are not for public use; they are being provided for patrons of the sky dive business and there is water available to them within the buildings on the site. Mr. Coe asked how far the nearest water source is from the RV sites. Mr. Combs replied that the nearest building with a water source is approximately 200 to 250 feet from the RV sites. Ms. Fox asked the length of time the RV's will be onsite. Mr. Combs replied usually for the weekend or an extended weekend. She also asked how the waste from the RV's will be handled. Mr. Combs replied that each RV site will be connected to a holding tank and that tank will be pumped out as needed. Since there isn't water provided to the sites. Mr. Combs anticipated that most of the users will access the facilities in the buildings the majority of the time. Mr. Coe asked if there is a shower in the building. Mrs. Mazur replied that there is a shower in the building.

Mr. Rybicki expressed his concern regarding utilities to the RV sites and possibility of generator usage. Mr. Combs indicated that each RV site will have electric. Mr. Rybicki also inquired as to security at the site after hours. Mrs. Mazur replied that they do not provide any security at the site and that the patrons they will choose to park their RV's onsite are not there to party all weekend. They come to jump and they jump many times during the day so they are basically wanting to rest in the evening. She also commented that their license agreement with each patron using the RV sites is very specific about noise after hours, not having any bonfires or grills. She also stated that the people who will be chosen to use the RV sites are coaches and people who will help their business and they are not there to party all weekend but to work and help with the business.

Public Hearings: (continued)

3. #492-SP – Skydive Cross Keys, LLC (continued)

Mr. Coe commented that one of the conditions of the use variance was for the applicant to develop this license agreement for the patrons using the RV sites and it would be in their best interest to not have any unruly patrons causing problems. Mrs. Mazur commented that she and her husband live two houses away from the site so they can hear everything that goes on at the property. Mr. Salvadori asked if the patrons will leave their RV's there all the time and then rent it out for the weekend or a week. Mrs. Mazur replied that the approval they would like to have is, for the patrons they choose to have on the RV sites, to leave their RV's there for the season if they choose, and only occupy it on the weekends. Most of the people come from a considerable distance and have jobs during the week and they don't want to bring the RV back and forth with them every weekend. Mr. Rhodes commented that no matter who is occupying the RV, they have to comply with the rules outlined in the license agreement. Mr. Coe stated that the RV's can only be there from April to October; they cannot remain on the site year-round.

Mr. Kozak commented that the license agreement does state the times with regard to noise. He stated that there is a Township ordinance for anyone with regard to noise before or after a certain hour. Mrs. Mazur commented that they can amend the license agreement to state the time. Mr. Kozak also had some questions concerning the tank for waste disposal. Mr. Combs replied that there will be a piping system to each of the RV sites that will pipe the waste to the holding tank and the tank will be pumped out. There are State regulations that are triggered after fifteen days of occupancy for a camper or RV on a property that make this site fall under the State statute for a public campground. Mr. Mazur commented that they do not want to run a campground. The people in the RV's are their coaches and trainers for their sky diving business. They are really trying to handpick the people that will use those RV spaces to people who will help bring them business.

Mr. Kernan reviewed his report for the Board. Mr. Kernan asked if the applicant, as a condition of approval, will agree to submit the topographic survey. Mr. Combs agreed he would submit the survey. Mr. Kernan commented that they applied the community commercial standards to this use. A twenty-five foot perimeter buffer is required and as pointed out the entire site does not have that buffer but the applicant is providing that buffer where the RV sites are proposed. Mr. Kernan stated the proposed use will be subject to the Fire Official's approval for emergency access and fire safety as well as all Township and County permits required. Mr. Coe stated with regard to the issue of outside approvals, that the applicant will have to make an application to the local Board of Health where they will address the water and sewer issues.

Public Hearings: (continued)

3. #492-SP – Skydive Cross Keys, LLC (continued)

Mr. Rhodes replied that they are already in discussions with the Board of Health and NJDEP and they are working toward an agreement with their requirements. Mr. Rhodes stated that the applicant is reaching the height of their season and he wasn't sure they will have the Board of Health and NJDEP approval that is required for a public campground in a timely manner. However, if they are allowed to have the RV's on site, not to exceed the fifteen days that triggers those regulations, they would appreciate courtesy so the wait does not affect the business. Mr. Coe replied that he would not be comfortable permitting the applicant to have the RV's on site just for the fifteen days since the application is for the RV's to be there from April to October. There was further discussion on the matter with Mr. Finney, the applicant's other legal counsel, stating that they will comply with the law and obtain the outside agency approvals before having the RV's stay onsite. Mrs. Farrell also commented that she would be unable to sign the plans if all outside agency approvals have not been submitted to the office.

Mr. Kernan stated that the applicant is supplementing the buffer area and he asked, as a condition of approval, that his office work along with Mr. Combs to ensure that the existing vegetation and the supplemental plantings provide an adequate landscaped buffer. The Board and the applicant were in agreement with that condition. Mr. Kernan asked the applicant to comply with the comments noted in his report with regard to providing the survey, a turning template to show the RV's can maneuver around the site, and the width dimensions of the mulched spaces between the RV sites, the width of the existing drive aisle, and a notation and labeling on the plans as to the existing improvements and proposed improvements to the site. Mr. Combs agreed to provide those things on the revised plans.

Mr. Sander reviewed his report for the Board. He noted the waivers for showing the existing and proposed contour lines within 200 feet of the tract, the total building coverage, site relation to all remaining lands, and the size, height, and arrangement of all existing buildings. A waiver is also required for the proposed stone parking area in lieu of a paved parking area. Due to the proposed improvements not disturbing an acre of land or an acre of impervious coverage, the applicant is not required to comply with stormwater management rules of the State or the Township; however, the site is still not permitted to increase runoff onto neighboring lots. He asked Mr. Combs to provide some testimony as to the current drainage on the site. Mr. Combs indicated on the site plan that the site drains from the upper east side of the property in a diagonal fashion across the parking area and down to the southwest side of the property. He has never seen any ponding or other drainage issues on the site. Mr. Sander commented that he visited the site as well, albeit not after a storm, but he did see any ponding or drainage issues.

Public Hearings: (continued)

3. #492-SP – Skydive Cross Keys, LLC (continued)

He commented on a dark area in the middle of the parking lot. Mr. Combs indicated that the Isolux rings around the fixtures stop at .25-foot candles and there are four light fixtures in that area. If it was extended out another contour to .01-foot candles there is actually .03-foot candles in that area so it's not really a dark area, it's just short of the .25-foot candles. Mr. Combs stated he would submit the plotting to Mr. Sander. Mr. Sander stated there isn't any handicapped parking on the site. Mr. Combs replied that there is a paved area with a handicap spot that's not shown on the site plan but they will show the details on the revised plans. The piping and connections as well as the proposed waste tank must be shown on the plans.

Mr. Sander indicated the outside agency approvals required such as the Gloucester County Planning Board, Soil Conservation, the Board of Health, and the Fire Marshall. Revised plans must be submitted in accordance with the comments discussed and agreed upon this evening. Bonding is not required but an inspection escrow is required and Mr. Combs should provide the Township with a construction cost estimate. Mrs. Farrell stated that the applicant should submit four sets of revised plans and the construction cost estimates to the Planning Board office and the office will send that to the Township Engineer.

Motion passed to open the hearing to the public.

1. Tom Crane, owner of Hospitality Creek Campground expressed his concern with the issue of the RV sites not having a potable water source directly to the RV's. He stated he did not want to see anyone living in the RV's all year long. Mr. Crane stated that he wanted the applicant to live by the same rules he has to live by for his campground.

2. Shaylen Pearson, 144 Dahlia Avenue stated that she is in support of the improvements the applicants are proposing at the site.

3. Matthew Leonard, 26 Ross Street, Boston, Massachusetts stated that he is applying to be one of the tenants for the proposed RV site. He stated that Skydive is one of the premier jumping and training sites along the east coast. He does a lot of travelling back and forth to train and this proposal will allow him to stay onsite on the weekends instead of having to find supplemental housing.

Motion passed to close the hearing to the public.

Mr. Coe addressed Mr. Crane's concerns and stated that any approval given by the Board will be conditioned upon the applicant receiving all outside agency approvals as required. He summarized the application for the Board.

Public Hearings: (continued)

3. #492-SP – Skydive Cross Keys, LLC (continued)

Motion by Mr. Kozak, seconded by Mr. Fritz to grant minor site plan approval with the following conditions; the applicant must submit a signed and sealed copy of the survey, Fire Marshall approval, the applicant must secure all necessary State, County, and Township permits, the buffer and vegetation is subject to approval by the Board’s planner, compliance with all comments in the Planner and Engineer reports agreed to on the record, submission of revised plans within 60 days of approval, submission of construction cost estimates, and maintenance of Township escrow accounts. The waivers listed in Mr. Sander’s report are part of any approval granted by the Board. Roll call vote: Ayes – Mr. Kozak, Mr. Fritz, Ms. Fox, Mr. McLaughlin, Mr. Sebastian, Mr. Rybicki, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Discussion for Board Action:

1. Chapter 175-48 – Land Management Fees

Mrs. Farrell stated that at the joint meeting with the Planning Board the application and escrow fees were discussed. She reviewed the changes for the Board and asked if the Board was in agreement with the changes. Motion by Mr. Sebastian, seconded by Mr. Fritz to recommend the changes to the fee ordinance to the Planning Board. Roll call vote: Ayes – Mr. Sebastian, Mr. Fritz, Ms. Fox, Mr. McLaughlin, Mr. Kozak, Mr. Rybicki, 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. Mr. Coe stated he has filed his answer against the complaint filed by the Arbours and he has not had any response.
2. Mr. Fritz asked if the Board can place a time restriction on applicants to submit applications when they are part of their original approvals.
3. Mr. Salvadori commented that the pool still hasn’t been removed at the property on Herbert Boulevard. There was some discussion and it was stated that it is an enforcement issue.
4. Mr. Coe commented that the Kanady issue is in the hands of the Township Solicitor since he is violation of his consent order.

Approval of Minutes:

1. 5/7/19 regular meeting.

Motion by Mr. McLaughlin, seconded by Mr. Fritz to approve the minutes from the May 7, 2019. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 8:57 p.m.

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.

Respectfully submitted by: Ninette Orbaczewski, Clerk Transcriber