

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 on October 19, 2019. In addition, this evening’s public hearing was provided in writing to the newspaper and published on October 18, 2019. 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.”.

The Board saluted the flag.

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

Public Hearing:

1. #19-13 – Wood Management, LLC – Use Variance

Present – Daniel Rivlin, applicant’s attorney, Walter Bronson, applicant’s engineer, Rianna Kirchof, applicant’s traffic engineer, Christine Nazzaro-Cofone, applicant’s planner.

The applicant is requesting a use variance to allow eight contractor storage units and overnight vehicle storage along with site improvements such as stormwater management, gravel drive aisles, and parking areas. Each building is proposed to be 6,000 square feet in size. The property is on North Tuckahoe Road, also known as Block 14301, Lots 8 and 9 and is located in the BP Zoning District.

Mr. Rivlin gave a brief overview of the proposed use. He stated the applicant is requesting a use variance to permit overnight parking of vehicles in front of and adjacent to self-storage units. There are 48 units proposed, each being 1000 square feet in size. Mr. Coe asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that it can be deemed complete. Mr. Coe commented that there is an objector who is challenging the completeness of the application. Mr. Horner introduced himself as the attorney for Glenn Groves and Jerry Lodge. He commented that he reviewed the notice and has concerns with regard to the content. The subject matter in the notice indicated eight self-storage buildings, 6,000 square feet each but what is proposed is very different, being 48 self-storage contractor units that aren’t used the same way as someone would think a self-storage unit would be used. He felt the content of the notice is misleading. He stated that people who received the notice are envisioning something different than what is proposed and there may have been people who would have come to the meeting who did not come because they did not get a real sense of what is being proposed. Mr. Horner also stated that he had spoken to Mr. Coe about this issue prior to the meeting.

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1. #19-13 – Wood Management, LLC (continued)

Mr. Coe stated he reviewed the notice and advised the Board that the notice is adequate since the notice contained the size and number of units and most people would be able to determine the magnitude of the project. He stated he was satisfied that the notice is adequate. Mr. Fritz has some questions concerning the plan and the application being for Lots 8 and 9. He thought the plan showed Lot 10 being included as well. Mr. Coe replied that the application is strictly for Lots 8 and 9. Motion by Mr. Sebastian, seconded by Mr. McLaughlin to deem application #19-13 complete. Voice vote; all ayes, motion passed.

Mr. Rivlin wanted to clarify that the application and plan do not show any connection to Lot 10. Mr. Coe stated he wanted to remind the Board of the standard with which it is to review the presentation this evening. Ms. Pellegrini has summarized the standard in her report but he wanted to read it for the Board. The applicant must demonstrate sufficient special reasons as to 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. That would be the positive criteria; that the applicant also has the burden of proof to demonstrate. 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 the zoning ordinance. That is the negative criteria. That is the applicant's burden; to satisfy both the positive and negative criteria.

Mr. Rivlin stated that a self-storage facility is a permitted use in the BP Zone and they would not need a use variance to have that use on the property. However, the applicant is also asking for overnight vehicle storage on the property as well, so a use variance is required. Vehicle storage yards are a conditionally permitted use in the BP Zone. The proposed uses are not something that cannot be done in the BP Zone and are not specifically prohibited in the BP Zone. Mr. Rivlin stated the benefit to the Township is a new business, on land that would otherwise be vacant, which means tax dollars for the Township

Mr. Bronson was sworn in by Mr. Coe and testified as to his credentials as a licensed professional engineer. The Board accepted Mr. Bronson as an expert in his field. He displayed an aerial photograph with an overlay of the proposed buildings and parking. The photograph was marked as Exhibit A-1. He pointed out the property on the photograph for the Board and commented that a new driveway is proposed off of Tuckahoe Road to access both lots. The eight proposed buildings were shown in yellow on the plan. The lots are approximately 8.9 acres in size and is a flat lot with most of the ground sloping down to the stream located in the southwest corner of Lot 10.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

His office had previously designed a collection system of swales and pipes that will direct stormwater back to a basin in the rear of the site. The proposed use will take the fourteen contractors that are currently parking on Lot 10 and move them over to this proposed site. The remaining units will be open to rent to anyone in the public to use as normal self-storage. They might be contractors or landscapers or just someone that's moving and needs a place to store their personal belongings. Mr. Bronson listed some of the other uses that are permitted in the BP Zone which could potentially be on the lots in question. He stated there could be a light industrial use which would allow 55,000 square feet of coverage, commercial development which would allow 70,000 square feet of coverage, a warehouse use at approximately 80,000 square feet of coverage, or an assisted living facility with 70,000 square feet of coverage. The traditional self-storage use without all the parking area they are proposing, would allow about 60,000 square feet of coverage. They will be retaining a landscape buffer around the perimeter of the buildings. Mr. Bronson stated that they haven't completed a site plan as of yet and he did not want to get into those issues at this time.

Ms. Kirchof was sworn in by Mr. Coe. Ms. Kirchof testified as to her credentials as a licensed professional traffic engineer. The Board accepted Ms. Kirchof as an expert in her field. She stated that the property is located on Tuckahoe Road, which is a County road, and will have a single access full movement driveway. This roadway is classified as an urban minor arterial and according to NJDOT traffic counts the roadway is primarily used as a commuter roadway. The northbound direction peaks in the morning and the southbound direction peaks in the evening as commuters use this road to get to the two major arterials being Route 322 and Route 42. The roadway does have the full eight-foot-wide shoulders on each side. As previously mentioned, the main focus of the site is to relocate the contractors from Lot 10. From a traffic standpoint you can expect the same traffic conditions that exists now but just moving the traffic from one site to the property next door. With regard to the remaining proposed units, that is unknown, but given the nature of self-storage facilities, they are a low intensity uses; however, without a detailed traffic analysis they cannot anticipate any major impacts to the roadway.

Mr. Coe commented that Ms. Kirchof stated that a self-storage facility was a low intensity use and asked her if she would agree that the type of contractor use proposed is a more intense use than a general self-storage use. Ms. Kirchof replied that she would agree with Mr. Coe. Mr. Coe stated that they can't really use a self-storage standard with regard to the traffic impact. Ms. Kirchof replied that the remaining units, not being utilized by the current contractors using Lot 10, if they are used in a regular self-storage way and if they knew what percentage of them would be used that way, they could look at it as a regular self-storage facility; however, that information is not available at this time.

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1. #19-13 – Wood Management, LLC

Ms. Nazzaro-Cofone was sworn in by Mr. Coe. She testified as to her credentials as a licensed professional planner. The Board accepted Ms. Nazzaro-Cofone as an expert in her field. She stated the zone allows for self-storage facilities and a conditionally permitted use for vehicle storage, if you meet certain conditions, which are really more site plan conditions. In the Board planner's report, Ms. Pellegrini states that contractor yards could be comparable to a light industrial use. There are a number of ways to look at the combination of uses that are consistent with the BP Zone.

The property is adjacent to similar type uses and is of sufficient size and in an appropriate location to render it particularly suitable for the proposed use. The special reasons that have to be met come from the municipal land use law. The applicant must meet one or more to meet their statutory burden of proof for the granting of the variance. There is Criteria G of the land use law which talks about providing sufficient space in appropriate locations for a variety of uses. Ms. Nazzaro-Cofone stated this site meets that criteria as it is 8.9 acres in size and is able to meet all the bulk requirements for the zone. The structures shown on the photograph displayed indicate they will be set back approximately 100 feet from Tuckahoe Road. The site meets all of the dimensional requirements for the proposed use. Ms. Nazzaro-Cofone stated she had no doubt that, if the use is granted, the site plan would show the appropriate buffers and screening along with any other requirements to satisfy the Board. There is also Criteria M which talks about a more efficient use of the land. Utilizing this site for a contractor's yard and storage facility is an efficient use of the land since it allows for the storage of materials and vehicles. There is a synergy between the two uses which is why the BP Zone does not specifically prohibit these uses together. She felt Criteria G and M satisfied the positive criteria.

As for the negative criteria, there are two requirements the applicant must demonstrate; one is the impact on the public good and the other is the impact on the zone plan. The municipal land use law does not require the applicant to be held to such a standard of proof that there would be no detriment but that the benefits of the variance outweigh any detriment and that there is no substantial detriment to the public good or the zone plan. The zone allows self-storage and allows vehicle storage as a conditional use. It also allows for light industrial uses which are more intensive uses than what is being proposed. A contractor's yard is a more intensive use than a regular self-storage facility but the BP Zone allows for a multiplicity of uses. Any of the permitted uses will bring commercial traffic to and from the site on a daily basis in order for a business to survive. Ms. Nazzaro-Cofone did not see any substantial detriment or impact on the zone plan by allowing the proposed use. She stated that she visited the property and realizes there are residential uses in the area; however, they are proposing their buildings to be set back 100 feet from the roadway which is more than adequate to create a buffer through a combination of fencing and landscaping to shield the operation from view.

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1. #19-13 – Wood Management, LLC (continued)

For that reason, she did see any substantial detriment to the public good. Ms. Nazzaro-Cofone stated the applicant must also demonstrate the enhanced reconciliation that the governing body omitted this use from the zone plan. The uses are permitted in some fashion in the BP Zone but it doesn't address the two uses together which doesn't mean the governing body meant to omit this type of use altogether. In looking at the Master Plan, it states the BP Zone is designated for non-residential uses only and the purpose for non-residential zoning districts is provide opportunities for employment in proximity to existing residential areas of the Township. This zoning plan is arranged to foster an expansion of industrial and commercial uses in an orderly fashion. That is the stated purpose of the zoning district in the ordinance. The BP Zone is an exclusively commercial zoning district. Therefore, this proposed use has a lack of negative impacts and the application meets its statutory burden of proof for the granting of the D1 use variance.

Ms. Pellegrini reviewed her report for the Board. She stated the proposal for the Board and indicated that the current contractor use-activity on Lot 10 is proposed to be moved to this site if approved. The lots in question currently contain piles of landscaping materials, stoned areas, and two sheds which are noted to be removed. The surrounding area is a mix of rural residential uses and intermittent commercial uses. She also listed the permitted uses in the BP Zone such as wholesale distribution and warehousing, craft alcoholic beverage establishments, etc. Vehicle storage yards and light industrial uses are conditionally permitted uses in the zone. The applicant's proposed use is not specifically permitted in the BP Zone and as such a use variance is required. In the application, the use is characterized as a self-storage facility with overnight parking. It could be said that components of the proposed use may be comparable to aspects of other conditionally permitted uses such as a vehicle storage yard or light industrial uses; however, the combination of the intended use and function is not specifically addressed in the zoning code nor are there any specific standards to mitigate the impacts and intensity of the proposed use.

Self-storage facilities are permitted as a community commercial use provided certain conditions are met. Ms. Pellegrini read all the conditions under the ordinance and highlighted those she felt were relevant to the application, such a site design, no storage of hazardous, toxic, explosive, combustible, or illegal materials, and no materials are to be stored outside the unit, all buildings shall be compatibly designed and shall not exceed one story in height, a buffer of at least 50 feet in width along the common property line to a residential use or district, off-street parking shall be provided at two spaces per 100 storage units, plus two spaces for office use or manager's apartment, proper landscaping, and a ten foot wide parking/loading lane adjacent to each storage building.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

Mr. Coe commented on the off-street parking requirement of two spaces per 100 storage units. Ms. Pellegrini replied that since there may be a mix, the contractor type use is a higher intensity use and a daily in and out use. Mr. Coe stated that the percentage of contractor storage/parking use and the percentage of regular self-storage use would be important in determining some of these types of issues. Ms. Pellegrini agreed it is important to know the intensity and how the parking should be arranged when it gets to site plan. She continued her review for the Board stating that components of the application can also be characterized as a vehicle storage yard which are subject to certain conditions. Those conditions include that there should be a minimum area of 2,500 square feet per vehicle, the installation of an opaque fence with a minimum height of eight feet, if the property abuts a residential zone, the fence must be 25 feet from the property line and the 25 feet must be properly buffered and landscaped, no maintenance or servicing is permitted, and site plan approval is required.

In addition, the application could also be characterized as a contractor's yard which is not addressed in the code specifically as a permitted use but could be considered light industrial in nature. There are conditions for that use but Ms. Pellegrini did not address those as she did not feel they would be an issue with the proposed application. As proposed the site will have direct access to Tuckahoe Road and looks to relocate the existing contractor activities on Lot 10 to this site. These activities include equipment storage, crew and job staging, and commercial and employee vehicle parking for various landscaping businesses. The applicant should also clarify if the proposed facility will be open to the public for traditional self-storage. She commented that the applicant did testify that they would make any of the storage units available open to the public for traditional self-storage. Since the proposed use is not specifically permitted in the BP Zone, and if the use is granted, a combination of the bulk and use conditions should be used to mitigate the intensity and impact on the adjacent properties and roadways. Mr. Fritz referred to the condition indicating no noxious, hazardous, combustible materials should be stored. He commented that landscapers have chemicals such as weed killers, fertilizers, etc., and he asked if they fall under this category of non-permitted materials. Ms. Pellegrini replied that some of them may fall under that category. Mr. Sebastian questioned how the applicant would police what is being stored in the units with regard to fertilizers and gasoline. Mr. Kozak commented that even in a regular self-storage facility, there really isn't any control or monitoring of what anyone puts in the unit they are renting other than maybe it being in the rental agreement. Ms. Pellegrini replied that they could do inspections. There was further discussion on how the facility would be policed to ensure combustible materials used by landscapers are not stored in the units or outside the units. Mr. Salvadori indicated the applicant will have to address that issue.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

Ms. Pellegrini commented that she listed a number of questions in her report she has for the applicant and asked if the Board wanted them addressed individually as she reads them or after she concludes her report. Mr. Coe replied he thought it best for the applicant to address each question individually as Ms. Pellegrini asks them. The questions are as follows:

1. Lots 8 & 9 are vacant but contain illegal landscaping overflow storage from Lot 10. Will it be removed and where will it be moved? Mr. Rivlin commented that he nor the applicant was ever provided with Ms. Pellegrini's report and therefore they haven't seen any of the questions in the report. They were told there might be a new report done, but they were not told one was completed nor were they given the new report. Mrs. Farrell apologized for not sending Mr. Rivlin and Mr. Smith the new report from Ms. Pellegrini. She asked Ms. Pellegrini if the new report had the same questions as the previous one. Ms. Pellegrini replied that they are basically the same questions with some rewording to adjust to the elimination of the connection to Lot 10. Mr. Rivlin replied that they will answer the questions. Mr. Coe stated that the planner is providing testimony before the Board so there is no problem with the planner making reference to the letter or reading from the letter as part of her testimony. Mr. Rivlin replied in order for the site to be developed the materials will have to be removed. Mr. Salvadori asked if the applicant would like the Board to take a five or ten minute recess to go over the questions with his professionals. Mr. Rivlin replied they do not need a recess to go over the questions.

2. The plans should indicate the owner of Lot 9 which is different than the owner of Lot 8. She asked for testimony on how consolidation will be achieved and if a transfer of ownership is proposed? Mr. Rivlin stated that each owner can choose to use their property how they want and consolidation of the lots is not necessary for the use variance. If it is required of the Board, the applicants are willing to consolidate the lots.

3. The proposed access is directly onto Tuckahoe Road via a two-way drive. The application does not indicate any access directly to Lot 10 although it is likely that landscape contractors will exit this site and access Lot 10 to pick up landscaping materials. Mr. Rivlin replied that this statement is directed toward site plan approval but if the Board at that time requires an internal connection from Lots 8 & 9 to Lot 10 then the applicant is willing to entertain that possibility. That was one of the reasons the notice was provided to everyone within 200 feet of Lots 8, 9 and 10 even though Lots 8 & 9 are the properties in question. The traffic expert did state only a certain amount of information can be provided at this time since a formal traffic analysis has not been completed but will be done for site plan. Ms. Pellegrini commented that the purpose of the question is so the Board can understand how this site will function in relation to Lot 10 and the impacts associated with the activity on both sites. Mr. Coe commented that these issues go to the suitability of the site.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

Mr. Rivlin replied that, with respect to the approved business on Lot 10, that business will continue to go on and the traffic that goes in and out of there will continue whether or not the proposed use on Lots 8 & 9 gets approved. The original drawings for the proposed site did have an internal connection between Lots 8 & 9 and Lot 10 and if it is deemed necessary by the Board to have that connection, the applicant is willing to do that and show it on the site plan so as to control the ingress and egress. If the site is developed, there may be contractors that leave Lots 8 & 9 and access Lot 10 and there may be some that just access Lots 8 & 9.

4. How many contractors will utilize each proposed storage facility unit and or building? Could there be as many as 48 different contractor users on site? Mr. Rivlin replied that in theory that could happen. Currently there are 14 contractors accessing Lot 10. The purpose of the proposed site is to lease out the units; if 48 people come to lease a unit as a regular storage unit and pay the fees, then that is how they will be used and there will be less than 14 contractors leasing the space. But in theory based on the questions, could there be, yes there could be 48 different contractors but in reality, they do not anticipate that happening. Mr. Coe stated that the intent is to move the 14 contractors from Lot 10 to the proposed site. Mr. Rivlin agreed but stated the overall purpose is to generate income. The 14 contractors are proposed to move over to the site, but they do not anticipate there being many more contractors and certainly not 48.

5. Will the contractors be limited to the number of vehicles they can store overnight? Will they be permitted to store equipment or supplies on the site? Mr. Rivlin replied that the contractors will be limited to the number of vehicles they can store on the site since a vehicle storage yard can only allow for a certain number of vehicles, however they do not anticipate having the number permitted for a vehicle storage yard on this site and there will only be a certain number of spaces available. With regard to the storage of equipment and supplies, they will be storing equipment and/or supplies as that is the point of a storage facility. There will be rules and prohibitions as to what can be stored in the units. He did not know how it gets policed but stated the same way it gets policed in all the other self-storage facilities in town. Mr. Coe stated that the nature of the storage facility being proposed is different than a traditional self-storage facility and the likelihood of fertilizers and such being stored is much less than if there are contractors using the facility. He also stated that the Board is trying to determine exactly what is being proposed on the site in terms of the activity and storage. Mr. Rivlin stated that storage of fertilizers and gasoline happen all the time in garden centers and places like Home Depot. He also stated that there will be other users of the site other than contractors so some of the site will be used for traditional storage. Mr. Coe restated the concern about the materials being stored on the site by the contractors. Mr. Rivlin replied that as stated in the planner's report, there are things that are not allowed to be stored in the units or outside the units.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

There will probably be lawnmowers and leaf blowers stored there and other similar types of equipment. He didn't anticipate gallons of gasoline being stored. Mr. Fritz commented that he did not believe that only a certain volume of items will be stored as he used to work for a landscaper and they would have gallons and gallons of gasoline on their trailer to use through the day. There are also oils and other chemicals used by landscapers and stored on their trailers.

6. Will all the commercial vehicles and/or equipment be stored indoors or outdoors? Mr. Rivlin asked if she meant the commercial trucks or like a lawnmower. Ms. Pellegrini replied that she meant the vehicles being stored on the site and would any vehicles or equipment be stored outside which is not permitted. Mr. Rivlin replied that the point of a vehicle storage yard is to store vehicles on the property overnight. She replied that he misunderstood and asked would they allow any equipment/inventory to be stored outdoors. Mr. Rivlin replied that the storage units will be used for the storage of equipment and the vehicles will be stored outside.

7. How many employee vehicles per contractor will be permitted to park during the daytime hours? And where? Mr. Rivlin replied that on this site, as a vehicle storage yard, 104 vehicles are permitted to be stored, but to the extent that they have to accommodate specific parking for employees, they have plenty of space on the site to do that. Mr. Coe asked how many parking spaces are presently proposed. Mr. Rivlin replied there are forty-eight spaces currently shown on the Exhibit. Ms. Pellegrini commented that the purpose of her question and all of the questions is to give the Board a better understanding of how this site is going to function so they can adequately assess the intensity of this proposed business as well as showing what controls are going to be in place and how the applicant intends to run this business. In looking at the concept and the proposed parking spaces, it would lead you to believe there wouldn't be any other parking on the site, but the contractors and their employees will access the site to pick up the vehicles that are being stored overnight and park their personal vehicles. She asked what the applicant's experience is now with the 14 contractors on Lot 10 and how many employee vehicles are parked on the site every day. She stated that all of this information is important information that the Board should be aware of when considering the use variance. Mr. Coe commented on a possible conflict or blocking of parking spaces in front of other units not leased by the contractors.

Motion passed in order for the Board to take a brief recess.

After further discussion, it was determined that there is adequate space in the middle of the site between the buildings, to allow for employee parking for the contractors. Mr. Bronson commented that there really are two spaces in front of each of the units. There is about 200 feet between face of building and face of building and he believes they can get another 96 parking spaces there; however, he has not fully designed the site as of yet so things can be rearranged.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

8. How will the number of vehicles/storage limitations, and contractor areas be controlled and monitored to maintain compliance. Mr. Rivlin replied that it will be done the same way any other storage facility and vehicle storage yard are monitored and controlled.

9. Will the contractor storage/parking yard area be fenced and will a gated access be installed at the Tuckahoe Road driveway. Ms. Pellegrini also asked if they thought about a controlled access and an interconnection between Lot 10 and Lots 8 & 9 and how it will function. Mr. Rivlin stated that they have thought about all of those things. A vehicle storage yard requires fencing and they will comply with the type of fencing needed. As far a gated entrance, the applicant has no problem with installing a gate. And an interconnection to Lot 10 has been considered by the applicant and is agreeable if required by the Board.

10. What is the purpose of having 150-foot stone area behind the parking spaces and between sets of buildings. Ms. Pellegrini did comment that some of that area would be needed as a turning radius and then potentially there could be additional parking in that area. She also commented on landscaping contractors using trailers and the fact that they may be stored on the site as well. Mr. Rivlin replied that they will be able to accommodate larger vehicles for those units designated for contractor use and they have thought about how best to layout the site for various sized vehicles. If there are vehicles requiring larger spaces then there will not be as many parking spaces as for normal sized vehicles.

11. What are the proposed hours of operation for the facility and also for the contractor tenants? Mr. Rivlin replied that he did not know if there was a way to limit the hours if the tenants have access to the facility, both contractors and regular tenants. The regular hours of operation are from 6:30 a.m. to 8:00 p.m. seven days a week. Ms. Pellegrini asks if there is a gated access then there wouldn't be anything precluding someone from accessing the facility at any time. Mr. Coe commented that he thought the access could be disabled after hours.

12. The plan shows a 20' x 100' previously permitted storage shed. When was this shed approved and is it being relocated, and if not, who will be using this storage shed? Mr. Rivlin replied the shed was approved by the previous Zoning Officer. It is currently being used for farming purposes and stores straw and seed. It is being used by the business on Lot 10 and it isn't a storage shed but more like a greenhouse which is permitted.

13. Will the storage needs of each lessee be evaluated and provided to Township for compliance? Mr. Rivlin replied no they would not since any other storage facility does not have to provide the names and what contents are going to be stored in the facility to the Township.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

Mr. Coe commented that the nature of the proposed business is different and referred to another applicant with storage of RV's for overnight use and one of the conditions of the approval was for the applicant to provide the lease agreement to the Board so they could see how they would be enforcing the representations they made to the Board. He asked if the applicant would be willing to provide a copy of the lease agreement. Mr. Rivlin replied that that's a different question than what was written but yes, the applicant would not have a problem with providing a proposed lease to the Board.

14. Will the storage and overnight parking be leased to other contractors besides landscape contractors? Ms. Pellegrini commented that the applicant did state they would lease to different contractors other than landscaping contractors.

15. Will the individual contractors be conducting their business from the site? Mr. Rivlin replied that they would not be conducting their business from the site as no office space is being provided.

With regard to buffers, Ms. Pellegrini stated those areas will have to be addressed and supplemented where needed. In addition, a traffic study is recommended. Also, off-tract improvements such as sidewalk should be addressed with the site plan. She commented on the proposed "Peach Country Tractor Truck" for signage. Mr. Rivlin replied that there will not be a truck sign for this site. He also commented that during the course of the planner's report, the applicant has agreed to address the comments and concerns of the Board. Mr. Kozak inquired about an office on the site. Mr. Rivlin stated that an office is not proposed as it's not a requirement. Mr. Kozak asked who would be onsite to control the operation of the site. After some discussion concerning the types of items that might be stored on the site as being potentially hazardous or combustible, such as gasoline and oils, Mr. Rivlin stated that the storage facility is a permitted use and other facilities may have items that are combustible being stored. He stated that the airport stores gas and oils in the airport hangers. He did not believe that the storage of gasoline would be inside the storage units by the landscape contractors. There was also discussion concerning the landscape materials being stored on the site illegally as well as how the greenhouse received permission to be constructed. Ms. Pellegrini also commented that at this facility, there will be employee parking and that is not done at any other storage facility, but more in a contractor storage yard. Mr. Kozak readdressed the issue of an office and Mr. Rivlin replied that if the Board will require an office at site plan then the applicant does not have an issue with providing an office on the site.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

Motion passed to open the hearing to the public.

1. Mr. Horner introduced himself as the attorney for two objectors to the proposed use, Mr. Jerry Lodge and Mr. Glenn Groves, who live at 1464 N. Tuckahoe Road. He stated that the proposed use was referred to as ratable for the town but that is not a basis to grant a use variance. The issue on the storage of dangerous materials was discussed and while the contractor may sign the lease and agree to certain prohibitions, the employees who work for the contractor may not be as responsible with the storage of materials. Mr. Horner discussed the difference between the actual storage facility buildings being permitted and the use and activity that takes place in and around the property. He did not believe this facility will be self-storage but a contractor staging business. This facility could potentially be 48 units of contractor storage and unregulated. This same use has been going on for a couple of years on Lot 10, and has not been approved, and the Board is being asked to allow this use as a permitted use on this site. Mr. Horner stated that self-storage is a community commercial type use and the definition of community commercial type uses include retail establishments, professional offices, etc. These are all contained and controlled type uses inside a building or under a roof with no storage outside. This proposal allows the storage of vehicles and trailers and the items on the trailers to be stored outside.

Mr. Horner commented that the types of uses permitted in the BP zone such as light industrial uses, manufacturing, etc. are all conducted indoors and less intense than what is being proposed on this site. He asked that the Board be very careful and not allow important issues about this proposal to be deferred to site plan. Mr. Horner distributed exhibits to the Board. The first one was marked as Objector A and depicted a copy of the municipal tax map that had been marked up to show the lots owned by Fred Smith Orchards, Lot 9 & 10, Wood Management, Lot 8, and Loring Inc., Lot 4. Mr. Rivlin commented that Lot 4 and Lot 10 have nothing to do with the application before the Board. Mr. Coe stated that testimony has been given regarding Lots 8, 9 and 10; however, there hasn't been any testimony as to ownership or relevance to Lot 4. He disagreed with Mr. Rivlin with regard to the relevance of Lot 10 since the applicant intends to move the contractor/vehicle storage activity being conducted on Lot 10 to Lots 8 & 9. Mr. Rivlin replied that it does not really matter where the contractors come from for the purposes of the use variance being requested. The only issue is whether self-storage and vehicle storage can be conducted on Lots 8 & 9; where the contractors or other tenants come from is not relevant to the request for the use variance. Mr. Coe stated he wanted to hear the relevance with respect to Lot 4. Mr. Horner replied that Exhibits D and E show that Loring Inc. owns Lot 4 and that Steve Smith owns Loring Inc., so there is a common ownership of all the lots in question, as Fred Smith Orchards is also owned by Steve Smith and maybe Jeff Smith as well. Wood Management is owned by the Smith's and Stanch's.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

Mr. Coe asked the relevance of Lot 4 to the proposed application. Mr. Horner stated that he has exhibits that show that the uses taking place on Lots 8, 9, and 10 are also taking place on Lot 4. He stated that they have drone video to show the activity on Lot 4 and it is an affiliated owned lot. Mr. Coe asked if Mr. Horner was going to present evidence that the ingress and egress to Lots 8 & 9 are currently being conducted through Lot 4. Mr. Horner stated that he would show evidence of that in the video. Mr. Rivlin disagreed and stated that access to Lot 4 is through Lot 10, which is not part of this application. He again argued that the use request is specifically for Lots 8 & 9 and does not include Lots 4 or 10. The only connection to Lot 10 will be if the Board requires the applicant to show an internal connection between Lots 8 & 9 and Lot 10 as part of the site plan. Mr. Coe stated if the objector's attorney is going to present evidence that there is ingress and egress from Lots 8 & 9 to Lot 4 than he finds there is relevance to this application. Mr. Rivlin disagreed and stated there isn't any ingress and egress to Lot 4 from Lots 8 & 9 because there isn't any access from Tuckahoe Road. Mr. Coe replied that Mr. Horner made a representation that he can show evidence to the contrary that there is a connection between the lots.

Mr. Horner stated that they have video to show the traffic at Lot 10 which is conducting the business that is proposed on Lots 8 & 9 in order to show the Board exactly what it will look like if the use is approved on those lots. He distributed Exhibits B and C which depicted aerial photographs of Lots 4, 8, 9, and 10. These photographs were also projected on the wall for the Board. Mr. Horner stated that the photographs show a system of driveways that lead from Lot 4 to Lot 10. He introduced the drone operator, James Van Kooy, who was sworn in by Mr. Coe. Mr. Horner distributed a copy of Mr. Van Kooy's drone pilot license, Exhibit I, to the Board and Mr. Van Kooy testified as to his credentials to be a licensed remote pilot. He testified that he took the drone video that will be presented to the Board and that he edited the video for the presentation this evening. Mr. Horner stated that there are two versions of the video, one with a time stamp and one without. The date of the video is April 14, 2019. The video was played for the Board. Mr. Horner commented that the Board can clearly see what is going on Lot 10 and Lot 4 in the back. There is a large mulching operation that takes place on Lot 10 and large berms have been erected on the property. The storage units shown in the video have not been approved to be on Lot 10. They also played the video with the time stamp which depicted the same footage. Mr. Horner stated he thought the video was important so the Board can see all the activity taking place on Lot 10 and what they can anticipate happening on Lots 8 & 9. Mr. Coe asked where Mr. Horner's clients live in relationship to Lot 10. Mr. Horner replied they live directly opposite the driveway on Lot 10. He stated that Lot 10 was only approved for a retail store and a mulching operation and nothing else, no outdoor storage and no contractor storage.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

After completion of the drone video, Mr. Horner stated he would like to display the driveway videos that were taken by his clients directly from their driveway. Mr. Groves was sworn in by Mr. Coe. Mr. Groves testified that he and Mr. Lodge purchased a video camera and put in on the dashboard of the pick-up truck for one week approximately two or three hours in the morning and two or three hours in the late afternoon/early evening to catch the traffic going in and out of Lot 10. There is also video on Saturday and Sunday showing the traffic in and out of the Lot 10. Mr. Van Kooy testified that he edited the videos to show points of action and not the down time when there wasn't anything happening. The time stamping does show the omitted time. Mr. Horner provided copies of the videos to the Board and stated he watched all twenty or so hours himself. Mr. Rivlin questioned the authenticity of the videos. Mr. Coe asked Mr. Horner to provide some testimony to authenticate the video he is going to show the Board. Mr. Rivlin also commented on the fact that the last video, the drone video, in which Mr. Horner represented that it would show ingress and egress from Lots 8 & 9 to Lot 4, which is the reason he gave for showing the video, but then stated there are a series of roadways from Lot 10 to Lot 4, not Lots 8 & 9. Mr. Rivlin commented that the video showing the traffic into and out of Lot 10 cannot differentiate as to who is there to get mulch and shop in the retail store and who is there with regard to contractor storage. Mr. Coe stated that will go to the weight of the video but the application before the Board did reference fourteen contractors utilizing Lot 10.

Mr. Groves testified that he hit the play button on the video camera, he removed the camera to charge the batteries, and then put it back, he removed the cards, placed them in marked envelopes by date. Mr. Coe asked Mr. Groves if he watched the video after he recorded it. Mr. Groves replied that he did watch the video and this video fairly represents the images he took that week. It has been edited to reduce the time since there is over 20 hours of video. Mr. Coe stated he is satisfied that the video has been authenticated by the person who recorded it. Mr. Horner proceeded to play the video recorded by Mr. Groves which depicted the traffic in and out of Lot 10, starting at 6:55 in the morning. He stated that most of the cars or trucks entering the site go directly to the back. Another video was shown that depicted the traffic in and out of Lot 10 on April 30, 2019 which also depicted an issue with traffic when the gate was not open at 6:50 in the morning. Mr. Horner commented that is the kind of traffic that can be expected on the proposed site because it's already ongoing on Lot 10. Since there wasn't a way for the Board to see all of the video's, Mr. Horner stated he created a log, Exhibit F, which lists the dates, times, types of vehicles, and number of vehicles in and out as well as which direction they head on Tuckahoe Road. Mr. Rivlin voiced his objection to the log. Mr. Coe asked Mr. Horner if he would agree that the videos he provided is sufficient to represent the in and out traffic and that the log is just cumulative of the what's been presented. Mr. Horner replied that the video he showed will tell the Board what he has presented on the log he created for each day of video.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

He stated that he watched the videos and prepared the log so if Mr. Coe wanted swear him in as a witness, he could do that. Mr. Coe advised the Board that the videos are sufficient to represent the evidence Mr. Horner and his clients wanted to show and the exhibit/log is an unnecessary duplicate. Mr. Horner stated it shows what the Board could not see tonight on the video. Mr. Sebastian commented that the video shown represents the activity on Lot 10 and not Lots 8 & 9, which is what is before the Board. Mr. Horner replied that the Lots 8 & 9 gain their access through Lot 10. Mr. Sebastian commented that he could not tell from the video where the property lines are between the lots. He did see the roadway going back to Lot 4. Mr. Sebastian reiterated that the application before the Board is for Lots 8 & 9. Mr. Horner replied that the use that is being proposed is the use on Lot 10, so the entrance to Lots 8 & 9 will look like the video with regard to the activity and traffic. Mr. Sebastian replied that the activity at the entrance to Lots 8 & 9 would be addressed at site plan, but they are only dealing with the use. Mr. Coe addressed Mr. Sebastian's questions and stated it clearly goes to the weight he would give the evidence presented. He stated he allowed the video based on the fact that the applicant represented that contractors are being moved from Lot 10 to Lots 8 & 9 to conduct this very activity.

Mr. Horner stated he has two other exhibits. Mr. Kozak made a motion to exclude Exhibit F, seconded by Mr. McLaughlin. Roll call vote: Ayes – Mr. Kozak, Mr. McLaughlin, Mr. Cossaboon, Ms. Fox, Mr. Fritz, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero. Mr. Horner distributed Exhibit G, that he prepared, which was a numerical summary of the number of vehicles, type of vehicles, the time, dates, and which direction the vehicles go. Mr. Coe stated it was an appropriate exhibit. Mr. Rivlin noted his objection to the exhibit. Exhibit H was a link to the site where the videos can be watched.

Barbara Wooley Dillon, the applicant's planner, was sworn in by Mr. Coe. She stated her credentials for the Board as a certified licensed professional planner. The Board accepted Ms. Wooley-Dillon as an expert in her field. She stated that in preparation she viewed the Master Plan and Township ordinances as well as the videos or portions of the videos shown this evening. What is proposed is not your typical self-storage facility. She also listed the permitted uses in the BP zone by the Township's ordinance. She did not believe the proposed use was appropriate and commented that she was out to the site but did not want to trespass so the drone video was enlightening. She commented on the traffic on Tuckahoe Road and how difficult it is to turn in and out onto that roadway. She felt the Board should consider those site plan issues that can be intertwined with the use variance. The uses as proposed are not permitted. She also stated her concern with regard to the buffers. There hasn't been any testimony with regard to signage.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

Ms. Wooley-Dillon stated that the applicant has to show the purposes of zoning which are sometimes called special reasons. The second thing the applicant has to demonstrate is that the 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. As part of that burden of proof, they must reconcile the omission of the proposed use from the zoning ordinance. The applicant must also demonstrate that the site is particularly suited for the use. She stated that she believes this proposed use contradicts eight of the fifteen stated purposes for zoning in the municipal land use law and she stated the letters as the following; a, b, c, g, h, i, and j. She stated she believes an abundant amount of information has been provided for the Board to consider the use variance; and she believes it will justify a denial. The proposed use is too much and too invasive for this site. She also believes there is a substantial detriment to the surrounding sites. She expressed her concern with environmental issues, such as mulch piles, vehicles, the groundwater, and also potential air quality issues from the vehicles. She stated that there is an overwhelming number of truck trips shown in the video and being that a lot of them are landscape businesses, there is something in tow behind the trucks.

The zoning is for Business Park and not an industrial park with heavy industrial usage such as what is proposed. Ms. Wooley-Dillon commented on the number of potential parking spaces and how that affects the operation of the site. The Board should and can request truck turning radiuses to see if the site will actually work. She did not think this is consistent with the pattern of development in the surrounding neighborhood or what is envisioned in the Master Plan and permitted in the zoning ordinance. She stated that the variance relief is self-created as there is no associated hardship with the requested variance and the use. They testified that the site has more than enough acreage to meet the dimensional requirements so there isn't anything unique about the site that would rise to the level of granting variance relief due to a hardship. There was also a lot of concern about the types of material that would be stored in the units. This issue rises to the concern for public health, safety and general welfare. In addition, the number of vehicle trips for the use on Lot 10, which will be shifted to this site, along with two driveway accesses contradicts letter h in the municipal land use law. She talked about the aesthetics and the preservation of the character of the neighborhood. There are rural residential uses in this neighborhood and you would not be preserving that with this development. With regard to the Master Plan, she stated that there was no mention to allow this particular use in the BP zone. She felt this proposed use contradicted several of the goals listed in the Master Plan. She talked about the negative impacts and stated that the D1 variance is the most onerous burden of proof for the Board. It's the biggest deviation from the zoning ordinance and is not strongly encouraged. She stated the use is too intensive for this area. She also commented on the current illegal use on Lot 10, so if it wasn't there, it would not be suggested to be moved to the proposed site.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

She stated again that she felt this was an inappropriate location for this proposed use as it will overload this site. She believes she has given the Board sufficient information to deny the use variance and felt the applicant failed to provide the burden of proof necessary to grant the required use variance. They have given two purposes of zoning and she gave the Board nine total that this application violates. She believes there will be substantial detriment to the public good and the granting of the variance will substantially impair the intent and purpose of the zoning ordinance and zone plan. The applicant has also failed to prove that there is any public benefit or gain by the requested relief. The only benefit to be gained with this request is solely for the applicant's convenience and profit. In addition, other uses permitted in the zone will generate less traffic and most definitely less truck traffic.

Mr. Horner concluded that there isn't any hardship and the site can be developed with other permitted uses. He stated the applicant has failed to prove his burden to show why the use variance should be granted. The site will be very difficult to control and enforce and will create problems for the Township which is why the Township should deny this application.

2. Barry Cobb, 231 Hewitt Avenue, was sworn in by Mr. Coe. Mr. Cobb stated that he listened to all the testimony presented. The applicant wants to build storage buildings and he thought the Township was lacking in commercial business on Tuckahoe Road. Other towns are building commercial business all around us and he didn't understand why the town was giving the applicant a hard time. With regard to the traffic issue and the videos shown by Mr. Horner, the video is from April 25 and showed sixty-nine vehicles, but it didn't show that in December there wouldn't be hardly any traffic going to the site. He made the point that the business is seasonal so the traffic is not consistent all year long. He also commented on the storage of fertilizer and gas and stated it is common sense not to store them together and made the point that the contractors do not need to store the fertilizer when they can pick it up from the garden center next door and take it to the job site. He did think it was common sense to have an office at the site. He felt the big complaint was the issue of traffic and stated that there will always be traffic on Tuckahoe Road since it's a main roadway through Williamstown, but the traffic is only heavy in the morning and late afternoon and not the whole day. He didn't understand why the town is fighting businesses that want to come to Monroe and stated he wants to see the town grow.

Mr. Salvadori stated that the time is 11:01 p.m. and asked the Board to make a motion to continue the hearing or adjourn the hearing to a future date. Mr. Coe stated that the Board should consider that a motion to continue will result in at least another hour of testimony. Motion by Mr. McLaughlin, seconded by Mr. Sebastian to continue the hearing at the December 3, 2019 regular meeting. Roll call vote: Ayes – Mr. McLaughlin, Mr. Sebastian, Mr. Cossaboon, Ms. Fox, Mr. Fritz, Mr. Kozak, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearing: (continued)

1. #19-13 – Wood Management, LLC (continued)

Mr. Coe stated that no new notice will be given and any public that is interested in the hearing can contact the Board office concerning the date and time of the continuation of the application. The Board asked Mr. Rivlin if the December 3, 2019 meeting was acceptable to him. Mr. Rivlin asked the Board to reconsider hearing the public present since they have waited to speak. Mr. Coe replied that the rules of the Board do not allow them to start any new business or testimony after 10:30 p.m. and it is already 11:10 p.m. Mr. Rivlin stated he understood the Board's position but he didn't know if the people present who wanted to speak would be able to come back on December 3rd. Mr. Coe replied that the Board already made their motion to continue the hearing to December 3rd; Mr. McLaughlin noted that two people already left after the motion to continue was made and they might have wanted to speak as well. Mr. Coe stated he wanted to address the comment that was made that the Board is giving the applicant a hard time. He stated no one from the Board has given the applicant a hard time. They have a certain burden they have to establish with the Board and the Board has an obligation to hear all relevant testimony for or against. The Board has afforded both sides a full and fair opportunity to be heard. Mr. Salvadori stated the hearing will be continued to December 3, 2019 at 7:00 p.m.

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 stated that the November 12, 2019 meeting will be held in the caucus room.

Approval of Minutes:

1. 10/15/19 regular meeting.

Motion by Mr. McLaughlin, seconded by Mr. Fritz to approve the minutes from the October 15, 2019 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 11:13 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.