

Call to Order:

The regular meeting of the Monroe Township Zoning Board of Adjustment was called to order at 6:08 p.m. by Chairman Sebastian 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 8, 2021. Notice for this evening’s public hearings was published in the newspaper on January 15 and January 16, 2021”.

The Board saluted the flag.

Roll Call:

Present – Mr. Cossaboon, Mr. Cummiskey, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian, Mr. Powers. Absent – Mr. Adams, (excused). Also present – Mr. Coe, Solicitor, Mr. Sander, Engineer, Ms. Pellegrini, Planner, Ms. Fox, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

Public Hearings:

1. #20-49 – Paul McCullough – Lot Coverage Variance

Present – Paul McCullough, applicant.

The applicant is requesting a percentage of lot coverage variance to allow an increase in the lot coverage from the 30% maximum to 36.10% in order to construct an inground swimming pool, concrete walkway, spa pad, and deck. The property is located at 1419 Cranleigh Lane, also known as Block 36.0101, Lot 9 in the RG-PR Zoning District.

Mr. McCullough was sworn in by Mr. Coe. Mr. Sebastian asked if the application can be deemed complete. Mrs. Farrell replied the application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Rybicki to deem application #20-49 complete. Voice vote; all ayes, motion passed.

Mr. McCullough stated he was before the Board previously for a variance for his pool and did not realize he would need additional lot coverage for the deck which was not included on the survey. The location of the pool has now changed by nine feet; however, it does not interfere with the existing swale. He also stated his hardship in that his son will now need the swim spa and pool for therapy for an injury.

Mr. Kozak asked if there are any issues with drainage. Mr. McCullough replied there aren’t any issues with drainage on the site.

Public Hearings: (continued)

1. #20-49 – Paul McCullough (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 request for the Board. Motion by Mr. Cummiskey, seconded by Mr. Salvadori to grant the lot coverage variance conditioned upon the applicant obtaining all necessary zoning and construction permits, lot grading approval, construction of the pool and related improvements in accordance with the plans submitted, and maintenance of the escrow account. Roll call vote: Ayes – Mr. Cummiskey, Mr. Salvadori, Mr. Cossaboon, Mr. Kozak, Mr. Rybicki, Mr. Powers, Mr. Sebastian. Nays – Zero. Abstentions – Zero.

2. #20-50 – Wood Management – Use Variance

Present – Mr. Hovatter, applicant’s attorney, Walter Bronson, applicant’s engineer, David Horner, applicant’s traffic engineer, Christine Cofone, applicant’s Planner. Also present – Mr. William Horner, Solicitor for objectors, Glenn Groves and Jerry Lodge, Barbara Wooley Dillon, objector’s planner.

The applicant is requesting a use variance to allow an atypical self-storage facility along with a vehicle storage yard and vehicle parking that will be in conjunction with the mulching and garden center operation on adjacent lots. The application proposes eight self-storage buildings on Lots 8 and 9 and the vehicle storage and parking on Lot 7.02 (after subdivision of Lot 7). In addition, the applicant is seeking use variance approval to allow continued farming operations on Lot 4 along with composting (mulching) operations. The property is located on North Tuckahoe Road, also known as Block 14301, Lots 4, 7, 8 and 9, in the Business Park Zoning District.

Mr. Coe reviewed the threshold issue for the Board which was raised by the objector’s attorney. That issue concerned the legal principle of Res Judicata, which holds that once a matter is decided by a court or agency, such as a zoning board, it is to be considered final and not subject to a new hearing so long as certain conditions are met. Those conditions are that the second application is substantially similar to the first, the same parties or privies are involved, there is no substantial change to the application or conditions surrounding the property, there must have been a final decision on the merits of the application, and both applications must have the same cause of action. Mr. Coe disagreed that Res Judicata applies in this case and cited several court cases as well as the one which states that the question is whether the second application for a variance for the same property has a sufficient change to warrant entertaining it and it stressed that this requirement is to be liberally construed in favor of the applicant. Mr. Coe went on the point out the differences in this application compared to the first application which are the addition of a new lot for the vehicle storage yard and a new means of access other than Tuckahoe Road. For those reasons he stated he was satisfied that Res Judicata did not apply in this case.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

Mr. Coe advised that a motion should be entertained by the Board to deny the objection based on Res Judicata. Motion by Mr. Kozak, seconded by Mr. Powers to deny the objection based on Res Judicata. Voice vote; all ayes, motion passed. Mr. Sebastian asked if the use variance application can be deemed complete. Motion by Mr. Salvadori, seconded by Mr. Cummiskey to deem application #20-50 complete. Voice vote; all ayes, motion passed.

Mr. Coe stated he would like to swear in all witnesses who will be testifying for the applicant, the objectors, and the Board professionals. Mr. Hovatter stated that Walter Bronson, David Horner, and Christine Cofone will be testifying for the applicant. Mr. William Horner stated that Mr. Groves and Mr. Lodge as well as Barbara Wooley Dillon will be testifying for the objectors. All parties were sworn in by Mr. Coe.

Mr. Hovatter introduced himself as the applicant's attorney. He stated he is representing Loring, Inc. who are the owners of Block 14301, Lots 4 and 7, Wood Management, LLC who are the owners of Block 14301, Lot 8, and Fred Smith Orchards, Inc., the owners of Block 14301, Lots 9 and 10. He will refer to the entities as Peach Country or the applicants for this evening's proceedings. He stated that the Board previously denied application #19-13 which proposed contractor self-storage, vehicle storage, and a combination of uses that was not specifically permitted in the zone. There was much debate concerning the traffic on Tuckahoe Road and there was no traffic report submitted at that time. He stated he contacted Mr. William Horner some months ago and shared with him the concept plan for Peach Country. Mr. Horner responded and seemed positive and upbeat about the new plan especially because traffic was being diverted from Tuckahoe Road to Airport Drive. Mr. Hovatter spoke with Mr. Horner on multiple occasions and physically walked the site with him. A new plan has been submitted to the Board which allows the applicant to operate his business, address the Board's concerns, and satisfy the surrounding community. He stated he was confused when he received the latest objections to the application from Mr. Horner. Mr. Horner is presenting an expert that is merely contesting the application for a fee. The current plan gives attention to property site design considerations, including the location of structures, parking areas, storage areas, proper ingress and egress, interior circulation, traffic patterns from and onto Tuckahoe Road and Airport Drive. This is what Monroe Township's Master Plan looks for to further its economy. Peach Country's properties total approximately 60 acres on the west side of Tuckahoe Road and the area is a mix of residential and commercial uses. The properties for this application contain the following uses; Lot 4, agricultural fields and mulch piles, Lot 7, an existing residence, mulch piles, utility poles, and wooded areas, Lots 8 and 9 contain landscaping materials, stoned areas, and two sheds, Lot 10 contains the Peach Country Garden Center. All the properties are located in the Business Park Zone with a small portion situated in the Airport Overlay Zone.

Public Hearings: (continued)

#20-50 – Wood Management (continued)

The requested relief for tonight's hearing are a use variance for Lot 4 to allow agriculture and mulching. Lots 7, 8, 9, and 10 are located in the BP Zone and permitted uses in that zone are community commercial uses, which includes self-storage facilities with certain conditions and vehicle storage yards as a conditional use. Peach Country's proposed uses are not specifically listed because of the nature of the development, particularly the self-storage facilities as they are not typical because the units will be offered to landscapers, contractors, and the general public and will also include a component for vehicle storage and parking. The combination of these uses will require a use variance. The BP Zone was created to allow for a light industrial complex to foster industry and commerce consistent with the Master Plan.

Peach Country is seeking to subdivide Lot 7 into two lots. This lot was not part of the original application. Proposed Lot 7.01 consists of approximately nine acres and will remain as a single family dwelling for Mr. and Mrs. Johnson. Proposed Lot 7.02 consists of approximately seven acres is intended to be used for vehicle storage and vehicle parking to service the self-storage facilities proposed on Lots 8 and 9. Between now and then, Peach Country proposes to address some of the current conditions on the site. They will remove the approximately 20 sea boxes that are scattered throughout the site and relocate them onto proposed Lot 7.02 with the intention to sell those sea boxes within one year following approval. Proposed Lot 7.02 will not have any street frontage and this will require a bulk variance; however, there is a 50-foot access easement that will cross Lot 4 in favor of Lot 7.02 to provide access from Airport Drive. And a 11-foot road widening easement across the front of proposed Lot 7.01 which will be dedicated to the County.

Much of the discussion concerning the previous application centered on the intensity of use on Lots 8 and 9 which proposed to contain the self-storage and vehicle storage and parking along with the intensity of use along Tuckahoe Road. The new plan asks the Board to come grow with them, as it addresses and satisfies those previous concerns. The proposed use on Lots 8 and 9 are an atypical self-storage facility with four 50' x 240' units, 12,000 square foot each and four 30' x 240' units, 7,240 square foot each. There will be approximately 192 units that are 10' x 15' open to small businesses or local residents; 96 units 2' x 25' open for residents as well, for a total of 288 units. Associated site improvements include a stormwater management basin, paved access drives, berming and wooded buffers. The storage facilities will have access via a manually operated gate from the existing garden center on Lot 10 and can also be accessed via the easement on Lot 4. This access will have a key coded gate at the access point from Airport Drive and through Lot 4 to proposed Lot 7.02. Lot 10 will continue as a retail garden center with mulching operations along with approvals being requested for the existing two water holding tanks, an accessory storage building, and a stormwater management basin. The purpose of this proposal is to relocate the current contractor related activities on Lot 10 to Lots 8 and 9 as well as offering the same activity to additional interested contractors.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

Mr. Bronson placed his credentials as a licensed professional engineer on the record. Mr. Bronson stated he would speak in general terms of the application concerning the use variance and not specifically the site plan details. He displayed the site plan which was marked as Exhibit A-1.1 for the Board. He gave an overview of the surrounding properties including Lot 10, Lot 4, Lot 7, and Lots 8 and 9 which is where the proposed self-storage will be located. Exhibit A-2 was displayed for the Board. This was a colored version of the site plan overlaid on top of an aerial photograph of the surrounding area. The total project area is approximately 54 acres which includes all the lots included in the application. The proposed improvements are almost entirely limited to Lots 7, 8 and 9. Once subdivided, proposed Lot 7.02 will contain approximately 120 vehicle storage spaces of various sizes to accommodate vehicles with trailers, box trailers, boats, and RV's, and just regular vehicles. Lots 8 and 9 are proposed to be combined to Lot 8.01, and will contain the eight self-storage buildings. Those buildings will have garage doors on both sides. There are two means of access to the overall site; either from the access easement on Lot 4 or on the access drive located on Lot 10. A gravel drive is proposed on Lot 10 that will lead into a second gate to access the self-storage facility. An additional access drive is proposed across Lot 7.02 to Lot 4 and then to the access on Airport Drive. The two manual gates on Lot 10 can only be accessed when the retail garden center is open for business. The third gate at Airport Drive is an automated gate that will have access twenty-four hours a day, seven days a week for both the vehicle storage lot and the self-storage facility.

There are landscape berms proposed around the uses on proposed Lots 7.02 and proposed Lot 8.01 with openings for the gates. The purpose of the berm is to provide security and screening. These berms are in addition to the vegetative buffers along Tuckahoe Road and the north side of Lot 7. They are proposing a stormwater management basin that will serve the new impervious area. The basin is an infiltration basin with extended detention which will meet all the State's standards and regulations. Mr. Kozak asked if there will be an office and bathroom facilities on the self-storage lot. Mr. Bronson replied that they are proposing an office but not bathroom facilities. Mr. Kozak commented on the landscapers still being able to come in on Tuckahoe Road to Lot 10. Mr. Bronson replied that it is the intent of the applicant to encourage the use of Airport Drive for both the vehicle parking and the self-storage facility. Anyone who is renting space at the self-storage facility or the vehicle storage yard will be given a map showing them how they can enter and exit the site from Airport Drive. Mr. Bronson stated that the people using the Tuckahoe Road access would be those using the garden center; if the landscapers who are renting space do that, they will have to enter the facility by Airport Drive, leave the facility using Airport Drive and then drive down Tuckahoe Road to enter the garden center on Lot 10 to pick up mulch or whatever, which doesn't make sense. They will be encouraged to use the road in between the businesses and exit onto Airport Drive.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

Mr. Kozak also inquired if the easement and use of the easement on Airport Drive through Lot 4 has been okayed with the owners. Mr. Hovatter replied that it is the intention of the applicant to limit access off of Tuckahoe Road into Lot 10 to the retail business use only and to divert all of the other garden center related activities through Airport Drive. Mr. Kozak asked if there is a reason why the all of the lots in question are not being combined. Mr. Hovatter replied that there are different owners with different membership interest. They are proposing to consolidate Lots 8 and 9 into proposed Lot 8.01 which has two ownership interests and they would own that as tenants in common. Lots 4, 7.02, and 10 are owned by different entities. It's very difficult to prohibit or restrict the different owners from selling their interests in one of the businesses if they so choose. All approvals run with the land as in any other approval. The access from Lot 7.02 through the rest of the property will be created through a declaration of easements, restrictions, and covenants along with all of the restrictions and conditions placed on the approval which will then be recorded and become a matter of public record. Mr. Kozak commented on the issue of no bathroom at the self-storage facility. Mr. Hovatter replied that the Board may consider allowing the applicant to have a porta-potty facility as it may not be cost effective to install a septic system. He stated there are some really nice looking porta-potty facilities out there and people will be able to use those facilities on the self-storage site. Mr. Kozak expressed his concern on the fact that porta-potties are the best they can come up with. Mr. Hovatter replied if it comes down to that issue and that issue alone, then he will discuss this issue with his client.

Mr. Sebastian asked why the applicant is only submitting one application if they are under different ownership and not three different applications. Mr. Hovatter replied he thought it made sense to bring the entirety of the parcels to the Board in the interest of the proposed development. With regard to the question concerning the easement from Airport Drive across Lot 4, Mr. Hovatter stated the property in question has been sold a number of times through a number of different conveyances over the years and last sold to Loring, Inc., in 2016; the easement runs with the land. Ms. Pellegrini asked for clarification concerning the location of the office since the application indicated the office will be located in the retail building. Mr. Hovatter replied the office will be located on the self-storage lot. She asked if the owner of the easement and Airport Drive is aware of the amount of traffic that will be directed through that easement. Mr. Hovatter stated he will create a series of legal documents to allow for cross easements, restrictions, and covenants that will affect all of the parcels involved. Ms. Pellegrini asked if QEI has given permission for the traffic to come through Airport Drive to all of the other lots. Mr. Hovatter replied that Mr. Smith showed the site plan to the director of operations at QEI, so he believes they have full knowledge of the proposal. The letter from them does not go into a lot of detail but he can ask to have the letter restated to get that approval from QEI.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

Mr. Coe asked if Lot 4 is the only lot that has the right to use Airport Drive as its method of ingress and egress. And if so, then Lots 7.02, 8, and 9 will piggy back on that easement. Mr. Coe stated that the question is whether or not QEI, which owns Lot 4.01, and the easement across that lot, will allow an increased level of ingress and egress across that easement for the additional lots. Mr. Hovatter stated that it is his understanding that they were shown the site plan and easement coming from Lot 4 onto the entirety of the site and QEI did consent to the use of the road. He stated they have spent time and energy in obtaining the easement and consent from QEI because of the Board's reasons for denying the last application which was the intensity on Tuckahoe Road and the one access drive. Mr. Coe asked if a new easement agreement will be prepared for everyone to agree upon the use and intensity of the easement on Airport Drive. Mr. Hovatter replied that he would have the owner of Lot 4.01, QEI, be part of the declaration in one document which will be memorialized and recorded.

There was discussion with regard to the control of how the access drives are used. Mr. Coe commented that those are the issues that will be considered at the site plan as well as the kind of controls the Board may impose as part of conditions of approval. He also commented that his concern is whether or not QEI is in agreement with the additional traffic and any approval will be conditioned upon them signing the easement agreements. Ms. Pellegrini asked for clarification as to which driveway access the landscapers will be using if they need to access Lot 10 for mulch and not the retail garden center. Mr. Hovatter replied that the mulching operation takes place on Lot 10 and is purchased through the retail store and believes they will exit from Lot 10 once they make their purchase. Ms. Pellegrini replied that the amount of traffic on Lot 10 and in and out of that access has been problematic and they want to be sure that it does not continue to be a problem. Mr. Hovatter stated that the access to Lot 10 and the garden center will only be permitted during regular business hours. After hours, all access will be through the key coded gate through Airport Drive.

Mr. William Horner asked if there is any type of site design proposed that will direct the traffic out to Airport Drive after the contractors' access Lot 10, the mulch and retail center, instead of the access drive out to Tuckahoe Road. Mr. Bronson replied that if a contractor is renting space in the vehicle storage yard and/or the self-storage facility, and they need mulch from Lot 10, they will use the interior access road to Lot 10 and technically could leave through either access out of the site. If they are coming back at the end of the day they would come in at Airport Drive to store their equipment, etc., it wouldn't make sense for them to use Tuckahoe Road and Lot 10 to get to the vehicle storage yard or the self-storage facility. Mr. Horner commented that there is nothing on the site that will require a truck driver to be directed out one drive or the other. Mr. Hovatter replied that during normal business hours, drivers can access Lot 10; however, after the retail center closes, the gate will be locked and they will have to use Airport Drive for access.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

There was further discussion on this issue with Mr. Horner commenting that there is no site design to direct traffic so it does not continue to use the Tuckahoe Road access when the garden center is open. He asked Mr. Bronson if there is any site design to prohibit all traffic from using the Lot 10 access during normal business hours. Mr. Bronson replied there is not a physical barrier. Mr. Horner asked if the contractors who purchase mulch from Lot 10 also bring materials back to Lot 10 to be made into mulch. Mr. Bronson stated he could not answer that question. Mr. Sebastian asked where the mulch will be moved to that is currently on Lots 8 and 9. Mr. Bronson replied there are currently mulch piles in the area where the proposed basin will be located. Those are proposed to be relocated to the hatched marked area shown on Lot 4. The plan shows a dividing line on Lot 4 between the mulching operation and the farming operation. Mr. Kozak asked the hours of operation of the garden center. Mr. Hovatter replied that the hours of operation are 6:30 a.m. to 6:30 p.m., Monday through Saturday; the self-storage facility and vehicle storage yard have access 24 hours a day, seven days a week through the key coded gate. Mr. Kozak commented that the access from Lot 10 to Tuckahoe Road will essentially be available all day.

Mr. Coe asked if the employees of the landscaping contractors and other businesses who will park their personal vehicles in the vehicle storage yard in order to pick up the work vehicles, will be restricted, through the lease and/or other methods, to using Airport Drive when they come and go from the site. Mr. Hovatter replied that is the intent of the applicant to have the tenants using the self-storage or vehicle storage access the site to and from Airport Drive. Mr. Coe commented that if that condition is placed on an approval, the applicant will understand if there is a systematic violation of the condition, he will be subject to enforcement action. Mr. Hovatter understood and stated he will seek some direction from the Board's professionals on how to address and divert the traffic. Peach Country will advise their tenants as part of the lease agreement. Mr. Sebastian commented that the plan shows the access road to and from Lot 10; but the landscapers who go over to Lot 10 to pick up mulch are not staying on the road. They are driving all over Lot 10 to pick up the mulch so they can easily be told to go back out the gate leading to Airport Drive. Mr. Sander asked who is using the parking spaces on proposed Lot 7.02. Mr. Bronson stated whoever rents them; it is anticipated that the landscapers who currently use Lot 10 will be utilizing some of those spaces and the employees who work for them will need a place to park during the day. The vehicle storage yard is also proposed for vehicle parking. Forty-two of the proposed parking spaces are sized for regular vehicle parking with 9' x 18' spaces. The rest are sized for larger truck or trailer parking and storage. Mr. Rybicki asked if QEI is aware of the amount of additional traffic on the road and are they willing to maintain the integrity of the roadway. Mr. Hovatter replied that QEI is aware of the increased traffic, they have seen the site plan, and they have agreed to allow the use by Peach Country. With regard to maintenance, Mr. Hovatter commented it will be a shared responsibility between both parties as part of the easement agreement.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

Mr. Kozak commented on the existing storage building behind the garden center and asked if it will still be utilized. Mr. Hovatter replied that the building will be used for warehouse/storage for whatever is being stored in the sea boxes.

Mr. David Horner placed his credentials on the record as a licensed professional engineer with his concentration in traffic engineering. Mr. Horner stated that currently there is only one access to and from Lot 10 onto Tuckahoe Road which does create some problems. He recommended to the applicant to provide the access to Airport Drive and everyone on the team agreed. It also made sense to orient the uses on proposed Lot 7.02 and Lots 8 and 9 to Airport Drive and to keep the Tuckahoe Road access strictly for the Lot 10 retail operation. Mr. Horner stated that the interior access road between the uses will allow for the contractors that need supplies or mulch from Lot 10 to access that lot without having to do it from Tuckahoe Road. Once on Lot 10 they do have the ability to leave from Tuckahoe Road; however, as Mr. Sebastian stated, that road is not the only place for vehicles to drive on Lot 10 in terms of loading their trucks. He suggested that everyone who accesses Lot 10 for mulch, should be directed to go out Airport Drive with that being accomplished either by lease agreements and/or signage on the site.

With regard to the traffic study, they did an analysis on the existing driveway on Tuckahoe Road and also from Airport Drive out to Tuckahoe Road. The study assumed that 60% of the traffic will use the Airport Drive access and 40% will use the Tuckahoe Road access. The study found the level of service for those access roads is what is considered acceptable operation by County and State standards; that is a level of service of C or better. There are delays of fifteen to twenty-five seconds at most during the a.m. and p.m. peak hours and Saturday peak times. The internal gates are the most desirable to control the traffic on the site. Mr. Sebastian asked if the percentages used considered the traffic being directed to use Airport Drive. Mr. Horner stated he assumed everyone using the facilities on Lots 7.02, 8, and 9 would be oriented to Airport Drive and everyone using the retail center access will continue to use that access. He stated there actually will be a reduction in the use of the retail center access since many of those users will be using the facilities on Lots 7.02, 8 and 9 and be directed to Airport Drive. He didn't want to underestimate the use of the access drive on Lot 10.

Mr. William Horner asked Mr. David Horner if there is any site design that would cause the traffic on the site to go one way or the other or is it up to the driver to choose to go one way or the other. Mr. Horner replied that obviously when the Lot 10 gates are closed, all traffic will have to go to Airport Drive, however, there is nothing specifically on this plan that forces traffic out to Airport Drive. It is his recommendation that signage be used on the site and it is his understanding that the applicant intends to direct anyone leasing the self-storage units or the vehicle storage facility to Airport Drive.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

Mr. William Horner asked Mr. David Horner if he stated there is a need for the uses to interact. Mr. David Horner replied that there is a need to interact and without the interconnection, the result would cause the traffic users of Lots 7.02, 8 and 9 to use Airport Drive out to Tuckahoe Road and then access the Tuckahoe Road driveway to access the retail and mulching business. Mr. William Horner asked if Mr. David Horner was aware that the landscapers may bring materials to the site to be used for the mulching operation. Mr. David Horner replied he was not aware of that. Mr. William Horner questioned the use designation used for the self-storage facility in the traffic report to determine the level of service. Also stated was that there aren't any standards in the ITE manual that equates to the vehicle storage/parking facility. Mr. David Horner testified that he projected the traffic for Lot 7.02 individually and did the same for Lots 8 and 9. He left the retail center activity on Lot 10 as is individually. For the purpose of his analysis, he added the three uses so the traffic is cumulative. The interaction will only cause to lessen traffic if there is sharing of uses. He also testified that he did not receive any documentation compiled by the objectors related to the traffic on Lot 10 and associated with the previous application.

Mr. Hovatter asked Mr. David Horner if he took into consideration of all the uses on the site in his calculations. Mr. Horner replied that he did take into consideration all the uses on the site. Mr. Hovatter asked if Mr. David Horner received any traffic impact study or report done for the previous application. Mr. Horner replied he did not see or review any previous traffic study. Ms. Pellegrini asked Mr. David Horner if the level of service C designation is for both Airport Drive and Tuckahoe Road. Mr. Horner replied it is for both. She asked if he included the current uses along Airport Drive. Mr. Horner replied that he did; he did traffic counts at both locations and the existing numbers are in the future projection. The level of service for Airport Drive and the Tuckahoe Road access under the existing conditions did not change; they are also a level of service C. Ms. Pellegrini asked what it would take to bring the level of service to a B on the Tuckahoe Road access. Mr. Horner replied that the level of service C designation occurs during the afternoon peak; the morning peak is a level of service B. He did not think the afternoon peak could be reduced and the reason is because of the traffic on Tuckahoe Road, not because of the traffic in and out of Lot 10. This is the reason why the Airport Drive designation is a level of service C for the existing traffic as well. Ms. Pellegrini asked how the queuing is affected at Airport Drive with the projected additional traffic. Mr. Horner replied the level is still one to two vehicles in the peak hour with the 60% projection.

Mr. Hovatter introduced Ms. Cofone as the applicant's planner. She placed her credentials as a licensed professional planner on the record. The Board accepted Ms. Cofone as an expert in her field.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

Ms. Cofone stated she has listened to all the testimony provided thus far and has reviewed the applicant's plans and the reports generated by the Board's professionals. She listed the uses permitted in the BP Zone and stated it is the combination of the self-storage and vehicle storage yard that creates the need for a use variance. They are also seeking to have two uses on one lot for Lot 4. The Board has to determine that the site is particularly suitable to the proposed use. She stated one of features that makes this site particularly suitable is the addition of the second access as well as this property being a large parcel of the land zoned for commercial uses. Those uses are not dissimilar to the uses permitted as of right. The purposes of the land use law and special reasons come right from the municipal land use law and there are about sixteen purposes; however, they only have to determine that one or more of those purposes are advanced to satisfy the use variance. Ms. Cofone cited three purposes and criteria starting with Criteria G which talks about providing sufficient space in appropriate locations for a variety of uses. The self-storage use will be at its closest, 159 feet from Tuckahoe Road, and the standards for self-storage only require a minimum 50-foot buffer, one could conclude that there is sufficient space. Criteria M speaks about the efficient use of the land. There has been a lot of testimony provided concerning the interconnection of the uses and how to move the vehicle traffic around the site safely and efficiently. This is clearly zoned for these commercial type of uses and the traffic generated is expected in the zone; however, if they can do that in a better way by providing the second access then the Board can rely on Criteria M as well as Criteria H which talks about promoting the free flow of traffic. Those are the three positive criteria the Board can use for the advancement of the use variance.

The applicant also has the burden of proof to demonstrate the negative criteria. The benefits of the granting of the variance have to outweigh any detriment to the zone plan and the public good. The impact to the zone plan is without any substantial detriment and Ms. Cofone placed on the record the purpose of the non-residential districts with part of that stating it is to foster an expansion of the industrial and commercial uses in an orderly fashion. This complex before the Board has been put forth in an orderly fashion and is a compliment of commercial and warehouse uses. The BP Zone specifically states the purpose of this district is designed to permit the maximum flexibility to developers of non-residential properties in Monroe Township. Also in looking at the uses permitted in the zone, it is a challenge to find how these uses would have any substantial detriment to the zone plan or public good. Ms. Cofone talked about how the Master Plan promotes uses to reinvigorate and strengthen the economy. In addition, on the Monroe Township Economic Development site, the heading states they are pro-business and economic development as well as a statement which reads the township recognizes the commercial base is of vital importance to the overall wellbeing of the community and considers economic development a primary concern. It further reads you can count on us to support your business; you are our priority.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

With all of these statements in the Master Plan and the Economic Development site for the Township in wanting to promote commercial business and this site being zoned for such, Ms. Cofone stated she finds it difficult as a professional planner to see any substantial detriment to the zone plan or public good. She stated there are certainly concerns that need to be mitigated such as the access and interconnection between the uses and there were some good suggestions as to how to address those issues. Mr. Horner did an excellent job on addressing the issues by proposing a second access and allowing the free flow of traffic for this property. For all those reasons, Ms. Cofone stated the application satisfies its statutory burden of proof with respect to particular suitability, it advances the special reasons, and implements the zoning plan and Master Plan for this area. Ms. Cofone believes these proposed uses are something Monroe Township should look at as an opportunity to address the economic goals and vitality they are looking to create in the Master Plan for the community.

Ms. Pellegrini stated she wanted to make a clarification on the two uses proposed on Lot 4. The zoning code is written is that light industrial is permitted as a conditional use. The mulching operation was approved on the Lot 10 as a conditional use because it was supposed to be an exempt recycling facility. She asked the applicant to clarify what type of recycling facility it is because there have been some indications in the past that more of a solid waste facility is being operated on the site which does not fall under the light industrial use or an exempt facility. Mr. Hovatter replied that the facility has a recycling exemption. He cited the applicable NJDEP codes that Peach Country's mulching operation falls under. A facility that accepts less than 3000 cubic yards of leaves per year and/or 1000 cubic yards of grass clippings per year are exempt. The facility also has a recycling exemption regarding being a recycler of tree branches, tree limbs, tree parts, brush, and wood chips, which could be processed by equipment within a one-week period and/or stored more than 7500 cubic yards on site. Mr. Hovatter stated the applicant has two letters marked as Exhibits A-4, from NJDEP counsel representing the applicant. Those letters are dated September 11, 2017 and May 9, 2018. He takes the position that there have been no violations, there have been no citations, and that the exemptions still are applicable. And to date, no one from the NJDEP has indicated otherwise.

Mr. Coe asked Ms. Cofone if she would agree with him that the nature of the proposed storage operation is different than what would commonly be understood as a self-storage facility. Ms. Cofone stated there are elements of it that are typical of a self-storage facility but what is proposed is more expansive. She stated this is more of a hybrid of permitted uses when you factor in the vehicle storage and parking facility. Mr. Coe asked if she would agree that what is proposed is a more intensive use than a typical self-storage facility. Ms. Cofone agreed but stated it is also in a zone that allows for wholesale distribution and warehousing which is also more intensive than self-storage.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

Mr. Bronson added that the number of units in the self-storage facility number in the hundreds and currently the number of landscapers/contractors that use Peach Country's facilities are maybe a couple dozen. He stated that maybe 10% of the facility will have a higher intensity than the typical self-storage. Mr. Coe commented that these landscapers/contractors will visit the site on a daily basis where typically when someone stores something they do not visit the storage unit on a daily basis. Ms. Cofone agreed but stated that would not be true for a wholesale distribution or warehousing facility which is permitted in the zone and would be considered a high intensity use. This facility will have a smaller percentage of the intensity and she does not believe there is any substantial detriment to the zone plan because more intensive uses are permitted. Mr. Hovatter stated the testimony is complete for the use variance application.

The Board took a brief recess.

Mr. Sebastian informed the applicant's attorney and the objector's attorney that the Board does not take any new testimony after 10:30 p.m. If there is still more testimony at that time, the Board will have to vote to either extend the meeting or continue to another date. Mr. Hovatter and Mr. William Horner acknowledged Mr. Sebastian's comment. Mr. Hovatter stated that they are on a certain time frame that the Zoning Officer has placed on the applicant. He asked Mr. Coe to make a recommendation to the Zoning Officer to extend the time frames as they only have 60 days to correct certain violations. Mr. Coe stated he can advise her as to what happened this evening but he does not have any control of the decision of the Zoning Officer or the court.

Ms. Pellegrini reviewed her report for the Board. She stated while self-storage facilities are a permitted use they are subject to certain conditions. Some of those conditions still need to be evaluated under the self-storage conditions even though this isn't a typical self-storage facility and they are asking for a D variance. The Board should consider the compliance with regard to the setbacks and buffers which is part of the site plan. In addition, there was testimony from the applicant that they are amenable to having an office and bathroom facility on the self-storage site and the Board should consider that in the conditions for the use variance. No materials shall be stored or displayed outside and no storage of toxic, explosive, or hazardous materials is permitted. Mr. Hovatter replied that there will not be any outside storage of materials or storage of hazardous materials. They will submit to the Board a comprehensive lease agreement for all persons leasing space at the self-storage facility that will address all of those conditions and concerns. He stated that if a RV is being stored, it will have a gas tank with gasoline so the Board should consider the diminimus storage of certain materials. The lease will address all these issues and it will be provided to the Board. He commented the employees at the self-storage facility will monitor if they see any large quantities of materials that should not be stored at the facility which was also one of the concerns of the Board during the last hearing. This will also be in the lease agreement.

Public Hearings: (continued)

Mr. Coe commented that he understands the point concerning a vehicle with gas tanks. He asked if it is the intent of the applicant to allow the landscaper to store multiple cans of gasoline in the self-storage unit or will they be stored in the vehicle storage yard. Mr. Hovatter stated that a landscaper will not be permitted to store that much gasoline on the site either in the self-storage facility or the vehicle storage yard; however, if the landscaper is storing a leaf blower or chipper they do have a gas tanks and they will be stored in the self-storage area, but the storage of extra gasoline will not be permitted or combustible materials will not be permitted per the lease agreement.

Ms. Pellegrini stated that she did not receive any architectural plans and asked if the applicant could give some indication of what the self-storage buildings will look like. Mr. Hovatter replied they will be prefabricated pole buildings. He stated they did not supply the architectural plans as of yet as they were waiting to see if they would receive use variance approval. Mr. Sander commented if the applicant does not submit the architectural plans with the site plan they will need to request a waiver from the Board. Mr. Hovatter replied they will ask for the waiver and it can be a condition of site plan approval that they supply the architectural plans. Ms. Pellegrini asked the applicant to confirm if the buildings will be one story in height. Mr. Hovatter confirmed the buildings are only one story. She commented that the make-up of the berming has not been detailed and appears to encroach into the buffer area. Normally a fence and screening are provided which also lends itself to security so the purpose of the berming needs to be addressed and if the berming is accepted, Ms. Pellegrini didn't feel the eight feet can be achieved the way it is shown on the site plan. She asked Mr. Coe if this issue can be pushed to site plan if the use variance is approved with the applicant agreeing that if the berming is not acceptable or adjustments need to be made, the site plan will be revised. Mr. Coe agreed it is a site plan issue and can be handled at that time. Ms. Pellegrini also commented on the number of parking spaces required given the number of self-storage units proposed and the plan does not appear to meet the requirement and may have to be modified or a variance granted for site plan approval. She also advised that the plan does not allow enough space for two-way traffic and they may need to develop a one-way traffic circulation plan. Looking at the vehicle storage requirements, it appears they meet the requirements for space at 2500 square feet per vehicle. The berming in lieu of fencing will need to be addressed at site plan.

Ms. Pellegrini asked the applicant to confirm that no maintenance of the vehicles will be conducted on site other than the normal fueling, lubrication, or cleaning. Mr. Hovatter confirmed compliance. She asked confirmation that the contractors/landscapers will not be operating their business onsite. Mr. Hovatter confirmed that they will not. The bulk requirements for the vehicle storage yard and self-storage facility have been applied on the site plan. Ms. Pellegrini stated that have applied the higher standards for both uses and these will be addressed as part of site plan approval.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

Ms. Pellegrini asked how Lots 8 and 9 are being consolidated if there are two different owners. Mr. Hovatter replied there are terms of agreement between the two parties so for example if one party wanted to sell its interest, half the self-storage units, would be sold and the other half retained by the other party. They will be known as tenants in common in an ownership interest he will create. Ms. Pellegrini expressed her concern with the consolidation of Lots 7.02, 8, and 9, so that the operation of those uses runs without issue. Mr. Hovatter agreed and stated that he will discuss the issue of consolidation of Lot 7.02 with Lots 8 and 9. If they cannot consolidate Lot 7.02 due to an ownership issue, he can create a document so that there is sharing agreement between the lots which will allow the users of Lots 8 and 9, or proposed Lot 8.01 to continue to use the vehicle storage yard and vice versa. He stated he is receptive to the idea of the consolidation but at this time he cannot commit to that without discussion between the owners. Mr. Coe stated that the Board may condition an approval on the consolidation of all three lots unless Mr. Hovatter comes forward with some sort of mechanism to satisfy the concerns of the Board 's professionals.

Ms. Pellegrini reviewed items that have not been discussed and asked if the contractors will be limited to a number of vehicles they will be permitted to store overnight. Mr. Hovatter stated there will be a limit; however, there is enough parking for the contractors and general public but the applicant will have to gather those numbers to see what works best for the business and the Board. Equipment will be able to be stored in the self-storage units and if stored outdoor it will be outside on the vehicle storage yard. Ms. Pellegrini stated that the number of parking spaces would be limited by the number of leases they obtain. Mr. Hovatter agreed with that statement. There was discussion on the number of employee parking spaces available for employees of the contractors as they arrive to pick up the stored work vehicles. Ms. Pellegrini asked if the contractor has for example five employees and three trucks stored on the site, will the contractor have to lease eight spaces or will they wait till the trucks move out of a space and utilize that space to park. Mr. Hovatter replied that the contractor will have to lease the number of spaces being used for truck storage and employees. Mr. Bronson stated they cannot lease any more spaces than they have available. However, this will not necessarily limit the number of contractors renting space in the self-storage units. Mr. Kozak commented that if there are 120 spaces, and there are three employees and twenty contractors, that will take up most of the spaces on the site. There was some controversy concerning the number of parking spaces being leased by a contractor with Mr. Hovatter stating he did not mean to say a contractor would lease a space for every employee as well as the trucks being stored. He stated he could not answer the question definitively at this time without discussing the matter with his client and doing the math with regard to the number of contractors, storage units, and parking spaces. Ms. Pellegrini stated this is something that can be further discussed during site plan approval. Mr. Coe commented that in the vehicle storage yard there may be people storing their vehicle but not leasing a storage unit. Mr. Hovatter agreed.

Public Hearings: (continued)

2. #20-50 – Wood Management (continued)

He also stated that it can be said that there will be contractors leasing a storage unit but not leasing any parking spaces in the vehicle storage yard. Mr. Hovatter agreed with that statement as well. Ms. Pellegrini inquired about the site plan which shows a building on Lot 8 and asked if this building was approved and how it will be utilized. Mr. Hovatter replied that building is referred to as the greenhouse, although it is more of a pole building, and what is being stored there currently is straw. He stated that structure did not receive approval and the applicant will seek to have that structure approved as an accessory structure. There was also further discussion on the office and bathroom facilities with Mr. Hovatter reiterating he would discuss the issue with his client with regard to the type of bathroom facility to be provided. Mr. Rybicki suggested they may be able to tie into the septic on Lot 10; however, Ms. Pellegrini stated because they are different lots, they would not be allowed to do that.

Mr. William Horner commented that he was concerned about the time and did not think they could make their presentation before the 10:30 hour. He also stated that there are many questions that have to be answered by the applicant that were raised this evening and continuing the application would give the applicant the ability to address those questions and concerns. He thought there are important issues that were raised and they should not be pushed off to site plan while the Board has the ability to control those issues during use variance review. He asked the Board to postpone the application now and have the applicant come back to another meeting. Mr. Sebastian asked the next available meeting date. Mrs. Farrell replied that she thinks a special meeting will have to be called for this application as the next two meetings are already booked. She stated the next available Tuesday would be February 23rd. It was decided that the hearing would be continued to a special meeting on February 23rd. It was asked if the meeting can begin at 5:00 p.m. instead of 6:00 p.m. The Board and the professionals were in agreement with the date and time change to 5:00 p.m. Mrs. Farrell asked if it can be announced now that the meeting has been rescheduled and no new notice will be sent to the public; however, the special meeting date will be advertised and placed on the Township website. Mr. Coe advised any member of the public present the meeting adjourned to February 23, 2021 at 5:00 p.m.

Public Portion:

Motion passed to open the meeting to the public.

1. Mr. Groves stated that they look forward to being at the meeting on February 23rd.

Motion passed to close the meeting the public.

Approval of Minutes:

1. 1/19/2021 regular meeting.

Motion by Mr. Cummiskey, seconded by Mr. Rybicki to approve the minutes from the January 9, 2021 regular meeting. Voice vote; all ayes, motion passed.

Reports:

No reports.

Adjournment:

The meeting was adjourned at 10:07 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 Orbachewski, Clerk Transcriber