

**Call to Order:**

The special meeting of the Monroe Township Zoning Board of Adjustment was called to order at 5:15 p.m. by Chairman Sebastian who read the following statement: “Notice of this meeting was given as required by the Open Public Meetings Act and published in the newspaper on February 13, 2021 and posted on the Township’s website. This meeting is a continuation from the hearing held on January 26, 2021. 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, Mr. Cummiskey, Mr. Kozak, Mr. Rybicki, Mr. Salvadori, Mr. Sebastian, Mr. Powers, Mr. Adams. Also present – Mr. Coe, Solicitor, Mr. Sander, Engineer, Ms. Pellegrini, Planner, Ms. Fox, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber.

**Public Hearing:**

1. #20-50 – Wood Management, LLC – Use Variance

Present – Edward Hovatter, applicant’s attorney, Walter Bronson, applicant’s engineer, Christine Cofone, applicant’s planner, William Horner, objector’s attorney, Gordon Meth, objector’s traffic engineer, Barbara Wooley-Dillon, objector’s planner, Jerry Lodge, objector, Glenn Grove, objector.

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. Sebastian commented that the applicant had completed their presentation at the last hearing and the Board will hear from the objector’s professionals at this time. Mr. Coe asked if there are any new witnesses for the objectors that were not sworn at the last hearing. Mr. Horner replied that Mr. Meth is a traffic engineer for the objectors. Mr. Meth was sworn in by Mr. Coe. Mr. Horner listed the order of their presentation. Mr. Lodge stated his property is across the street from the Peach Country site, known as Lot 10 in the applicants plans. He stated he did not believe this new plan for the proposed use was an improvement over the old plan that was denied. This current plan proposes more storage units and also includes 120 parking spaces on a separate lot. Due to the increase in units and the parking, he did not believe this plan was a less intense use.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

They are proposing to surround the use with berms; however, there are already berms on the site. Mr. Lodge asked if the landscapers are going to continue to work out of the sea boxes once they are moved to Lot 7. He gave history on the Peach Country site and its impacts which included the reference to the unapproved landscaper storage. He also testified to activity on the site into the late evening hours and complained about the increased litter, mulch, and stone along the shoulder of the road created by the landscaping trucks exiting from the Peach Country site. He stated the plan offers no insurance the landscaper trucks will use Airport Drive; only the intent. They are not opposed to development but the Peach Country business has negatively impacted them and the expansion down the street has the potential for it to be worse. He stated he hopes the Board will vote accordingly to deny the application and that the next application will be one they can all live with.

Mr. Kozak asked Mr. Lodge how many feet back the front of his house is from the edge of Tuckahoe Road. Mr. Lodge replied it is about 300 feet from the edge of the road. Mr. Hovatter commented that Mr. Lodge questioned the intensity of the 2019 plan and so did the Board, and now Mr. Lodge has stated this plan is even more intense. Mr. Hovatter stated that the applicant has acquired Lot 7 so that the new plan would remove the vehicle parking from Lots 8 and 9. He asked Mr. Lodge if he would agree the new plan is less intense since the previous plan proposed self-storage, vehicle storage, and vehicle parking all on Lots 8 and 9. Mr. Lodge replied his memory of the previous application might not be the same as Mr. Hovatters. With regard to the sea boxes, Mr. Hovatter stated there are currently 20 sea boxes on Lot 10; at the last hearing he stated that those sea boxes would be temporarily relocated to Lot 7.02 and then they will be sold within a twelve-month period. Mr. Lodge replied he did not remember Mr. Hovatter stating that at the last meeting. Mr. Hovatter addressed Mr. Lodge's comment concerning the access on Airport Drive and the insurance that the landscapers would use that access. He asked Mr. Lodge if he recalled him stating he would submit a written declaration of restrictions, easements, and covenants that would govern the policing of those two access points. Mr. Lodge replied he did not recall Mr. Hovatter stating that at the last hearing. Mr. Lodge stated the drivers can decide whatever driveway they want to use. Mr. Hovatter asked Mr. Lodge what he thought would be an acceptable plan since he commented he hoped the next plan would be one they could live with. Mr. Horner objected to Mr. Lodge answering the question. Mr. Hovatter stated he did not have any more questions for Mr. Lodge.

Mr. Horner asked Mr. Lodge if he wanted to comment. Mr. Lodge stated he is not a person that would presume to know what their next plan might be. This plan as the last plan will negatively impact them and their property.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Mr. Horner asked Mr. Lodge if he can hear the noise from Peach Country from his house. Mr. Lodge replied his property is almost 1000 feet deep and he can hear them from the back of the property. He does not hear it as much in the winter time when the windows and doors are closed. Mr. Horner asked Mr. Lodge is it his concern that there will be more traffic coming from both accesses with the proposed plan. Mr. Lodge stated that is his concern. Mr. Hovatter asked Mr. Lodge if directional signage on the site that will direct the landscapers and customers using the vehicle parking lot to use Airport Drive and retail customers to use the driveway at Lot 10 would ease his concerns. Mr. Lodge stated he would be encouraged if he thought the signage would be enforced. He also stated that even if they move all of the traffic down to Airport Drive, they are just moving the problem to another area. Mr. Horner asked given the history, did Mr. Lodge think the Township can enforce any violations even if there is signage. Mr. Lodge replied the history shows the Township cannot enforce very well because violations are still being committed on the site.

Mr. Kozak commented that the applicant's attorney stated at the last hearing they would put language in the rental contracts that the landscapers must use Airport Drive to enter and exit the site. Mr. Hovatter agreed with Mr. Kozak and added they will also be given a map to show them how to navigate the site. Mr. Kozak added that the contract could possibly state that if the renters do not abide by the requirement to use Airport Drive, after two or three violations, their rental contract will be in jeopardy. Mr. Hovatter stated that condition would be acceptable to him.

Mr. Horner commented on whether Peach Country is in compliance with the NJDEP exemption limitations for recycling operations. The 2012 Planning Board approval allowed exempt recycling as an accessory use to the retail store. He stated if they are not following those limitations then they are operating as a solid waste facility without a permit. Mr. Horner has obtained from the NJDEP violation information for the Peach Country site provided in Exhibits 5 and 6 submitted to the Board. He read through the subsections regarding the limitations to be classified as an exempt recycling facility. He stated there are violations pending based on inspections done over a four year period by the DEP. He read through the violations that were issued between 2017 and 2020. Mr. Horner stated he just learned of a February 2020 settlement agreement between Peach Country and the NJDEP; however, in May 2020 another inspection was conducted which resulted in additional violations which he read. He commented that these violations show the business is being operated outside the scope of the 2012 approval. Mr. Sebastian asked Mr. Hovatter if his prior statements addressed the violations as well as indicating they were working with the NJDEP. Mr. Hovatter agreed that he did make that statement at the previous hearing. Mr. Horner added that a recent police report indicates bridge millings are being deposited on the site. This site is not regulated and they are asking to expand this operation onto Lot 4.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Mr. Hovatter responded to the NJDEP issues raised by Mr. Horner. He questioned Mr. Horner's comment about the site not being regulated when Mr. Horner just finished listing all the past violations from the NJDEP. Mr. Hovatter stated that the applicant has testified that he will comply with all of the NJDEP requirements and the exemptions he placed on the record at the last hearing. Any approval is subject to the NJDEP approval as well as any other outside agency approvals. Mr. Hovatter stated Peach Country does not handle solid waste. Any issues raised by the DEP prior to the settlement agreement in February 2020 have been resolved with the DEP agreeing at that time that a lot of the issues did not apply. In addition, Mr. Purves, the applicant's attorney, sent a letter to the NJDEP dated November 2020, which addressed the alleged violations after the settlement agreement and to date the applicant has not received any correspondence from the NJDEP that disagrees with Mr. Purves letter. Those documents have been submitted to the Board office.

Mr. Coe commented on the issue raised by Mr. Hovatter with regard to the untimely submission of documents to the Board by Mr. Horner. Mr. Coe stated that an objector does not have a time constraint for submitting documents or evidence as they can appear at a hearing and submit their documents at the same time. Subsequently, Mr. Hovatter then submitted documents in response to Mr. Horner's documents, and Mr. Coe deemed that appropriate as well because the applicant has a right to submit rebuttal evidence. Therefore, there is no basis for an objection with regard to timeliness.

Mr. Horner commented that the information he presented to the Board by NJDEP are violations that occurred and the settlement agreement is not an adjudication. He added that there is nothing from the NJDEP to suggest the violations in May 2020 did not occur. The violations concerning the landscaper storage have been ongoing for at least three years and this is the applicant's fourth application in attempt to get an approval. Mr. Hovatter did contact Mr. Horner and they walked the site together last October to discuss an alternate plan. Mr. Horner stated he told Mr. Hovatter that the retail store has to operate like a retail store and not a gateway to the recycling facility or the landscaper storage. He stated his clients would like a fence behind the retail store so that the trucks could not access the parking lot and driveway to the retail store as well as the removal of the existing gate to eliminate the problems it creates. Mr. Horner stated he received a copy of the concept plan and he later followed up with Mr. Hovatter to inquire if he spoke to his clients but he was noncommittal and stated he had to follow his client's directives. Mr. Horner send a memorandum and then called to follow up but Mr. Hovatter was not able to offer a response. He had not heard from Mr. Hovatter again and then this application was filed with the Township.

Mr. Hovatter replied that he was shocked by what Mr. Horner just recited to the Board. He stated the fundamental concern of Mr. Horner's clients was traffic and the issue with the man gate on Lot 10, which he could not address but would be addressed by the engineer and planner for applicant.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Mr. Meth placed his qualifications on the record as a licensed traffic engineer in the State of New Jersey. The Board accepted Mr. Meth as an expert in his field. Mr. Meth stated his position with the Institute of Transportation Engineers, which among other things, produces publications, most notably the trip generation manual. He currently serves as the Chairman for the Traffic Engineering Council. Mr. Meth stated he was hired to review the applicant's traffic report. He stated he saw seven issues with regard to the traffic testimony on which the Board is expected to rely when voting on the use. The first issue is the baseline counts at Tuckahoe Road; the second is the trip generation, and the third is the comparison to an as of right development. He elaborated on the comparison stating that the land use law allows for certain traffic impacts from a permitted use because the town anticipated them when zoning the property; however, the same does not apply for a use variance. The fourth area of concern is the assignment of trips, the fifth deals with the peak hours used, and the sixth and seventh deal with the left turn lanes and another issue he wanted to address.

When doing traffic counts the baseline for analysis is the existing conditions. Mr. Meth stated the applicant's traffic engineer's baseline counts weren't correct and calls into question any analysis based on those counts. On the issue of trip generation, the applicant's study did state the proposed use is not covered in the ITE trip generation manual, which is a correct statement. Mr. Meth stated there was an assumption of what the traffic would be from the proposed parking spaces but it had no basis; so it's really a net opinion. If no ITE data is available, the traffic engineer should look for local data. In this case the proposed use is already using Lot 10 where there are approximately 40 contractor vehicles being stored. There is a proposal for 120 vehicle parking spaces; using the traffic count for the existing use during peak hours and then multiplying that by the additional number of parking spaces will get the trip generation factor. Mr. Meth calculated the number of trips for two different permitted uses on Lots 7, 8, and 9 and compared them to the proposed use which he calculated to indicate the proposed use would generate 130% more trips in the morning peak hours and 50% more in the afternoon peak hours than a permitted use.

Mr. Horner asked Mr. Meth if he was saying that the applicant's traffic report used the peak hours for traffic on the road and not traffic coming in and out of the Peach Country site. Mr. Meth stated that the peaks used only had about 40 vehicles in and out during the peak hour instead of 60; that is the consequence of not using the site peak but using the street peak. Mr. Horner commented that the videos Mr. Meth reviewed of the site and the data in the report by the applicant's traffic engineer are not really inconsistent. Mr. Meth replied they are within a few vehicles per hour each. The analysis results by the applicant's traffic engineer that states everything works at a Level of Service C after development are incorrect. The delays are much higher with the proposed use. All new trips are assumed to use Airport Drive and in the report there were no new trips at the existing driveway; that may be likely or may not be, no one will know until the site is developed.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Mr. Meth stated he did agree that more points of access are better for the site. It may be great to have everyone go out Airport Drive but if it gets too congested, people will use the retail access. With regard to using signs on the site, Mr. Meth stated when you use signs on private sites, if there is no fear of enforcement or consequences, people will disregard them. Mr. Hovatter objected on the basis of Mr. Meth's expertise on the issue of signage on private property. Mr. Horner asked Mr. Meth if, in his opinion, people are more likely to disregard signs on private property than on a public roadway. Mr. Meth stated he does deal with signage but psychology is out of his realm so he could not answer the question. Mr. Meth addressed the issue in the applicant's traffic report concerning the analysis for a left turn lane as required by Gloucester County. He stated they use an antiquated publication but there are more up to date publications on the issue of putting in left turn lanes. However, there was an analysis done that stated left turn lanes into the site are not warranted based on the volumes involved. He stated at least one of the accesses, either Airport Drive or the Peach Country site are going to meet the warrants for a left turn lane under the County requirements. Under AASHTO, both driveways will meet the need for a left turn lane.

Mr. Meth discussed the existing gate at the Peach Country site which is only 25 feet from the right-of-way line. Based on the video he watched, if there are two vehicles waiting at the gate, traffic was backed up on Tuckahoe Road. It should at least be designed to allow off road storage for the largest length vehicle that will access the site. Mr. Horner stated he would like to discuss the left turn lane issue and commented that if there is a risk of the County applying their antiquated standards in a way that doesn't require a left turn lane, it sounds as if a permitted use would be better than this use variance proposal. Mr. Meth replied he is a traffic engineer and he does not make a decision as to what is better or not but if a development is built without a left turn lane, the as of right developments with less traffic than the proposed use would be preferable from a safety or efficiency standpoint. Mr. Kozak asked Mr. Meth if a truck wanted to make a left hand turn into the Peach Country site and there is already a large vehicle waiting at the gate, wouldn't he be more inclined to use Airport Drive. Mr. Meth replied they could and stated since Airport Drive is a low volume road, if there is stacking at a gate, he would prefer to see it on Airport Drive. Ms. Pellegrini stated that the County has issued a report for the proposed application and they have mentioned a concern with the location of the gate and commented it should be pushed back as well as possibly requiring some frontage improvements; however, they are considering a waiver based on the traffic report submitted so the accuracy of the traffic report is very important. She stated it appears the applicant's traffic report did not address the volume of traffic correctly or completely. The County will have the final determination on the issue of a left turn lane but they did recognize the issue with the existing gate. She stated the Board should consider having the County review the alternate traffic information. She stated that the peak hours for this use based on the neighbor's testimony seem to be different or longer and that should be considered with the traffic concerns.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Mr. Hovatter commented on Mr. Meth's statement that an as of right application is different from a use variance application when considering off track traffic impacts. He asked Mr. Meth if he visited the site or did he just look at video and review the transcript. Mr. Meth replied he did not go to the site specifically but he has been to the area. Mr. Hovatter asked if Mr. Meth reviewed the County report concerning the application. Mr. Meth replied he did not have those reports. Mr. Hovatter stated that the baseline counts were conducted in July 2020 because that is the time of year the Peach Country business has the most volume. Mr. Meth stated he did not agree with that statement as he looked at the counts in the report and he compared it to video tape from April and May and he found that the morning peak hour were within two vehicles of each other, so the business is not really any different in the Spring from the middle of the Summer.

Mr. Hovatter asked Mr. Meth how many contractors he believed would be accessing the site. Mr. Meth stated it isn't the number of contractors but the number of vehicles. Mr. Hovatter asked how many vehicles are proposed to be parked or stored on the site. Mr. Meth replied the plan shows 120 parking spaces. There was some discussion on the parking ratios with Mr. Meth indicating he did not address the parking ratios in his testimony. Mr. Hovatter stated that the applicant's traffic engineer did a left turn warrant analysis in compliance with the Gloucester County requirements. Mr. Meth replied Gloucester County has requirements based on a publication they use. Basically there is a chart where you fill in the data collected and if you are above the line a left hand turn is warranted and if not, then it is not. Mr. Meth stated the volumes used were either seasonably or COVID related too low. Mr. Hovatter asked if Mr. Meth in his review of the tape from the January meeting, heard that the applicant is going to divert the traffic to Airport Drive. Mr. Meth stated he heard that but he also heard there were no controls in place to insure the traffic will use Airport Drive.

The Board took a brief recess.

Mr. Horner asked Mr. Meth how he gathered his traffic information for the site. Mr. Meth stated he use publicly available data sources for the traffic data and also the data provided by the applicant's traffic engineer as well as videotape provided by the objectors. Mr. Horner asked Mr. Meth if it is appropriate for the County to receive his traffic report in addition to the one they received from the applicant's traffic engineer since the data used in that one may not be correct. Mr. Meth stated it is not typical for an objectors report to be sent to a County unless the Board indicates they have concerns about the traffic study but the County process is different from the municipal process.

Ms. Woolley-Dillon placed her qualifications on the record as a licensed professional planner in the State of New Jersey. The Board accepted Ms. Woolley-Dillon as an expert in her field.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Ms. Woolley-Dillon stated she is familiar with the 2019 application and the additional information as part of this application. She stated the proposal is ill suited for the site as it is not a specifically listed permitted use. She listed the uses permitted and envisioned in the zone as community commercial uses. She categorized the proposed use as a heavy industrial use. The proposal is not for the typical self-storage facility. She stated the proposed vehicle storage area is proposed to be gravel and even if the spaces are delineated, it will not work. Vehicle storage does not typically propose that the vehicles and equipment will be accessed on a daily basis, so she believes this is inconsistent with what is permitted.

Ms. Woolley-Dillon stated that the applicant must satisfy three things with regard to the use variance. They must show special reasons or positive criteria, they must demonstrate the use variance can be granted without substantial detriment to the public good, and that it will not substantially impair the intent and purpose of the zone plan or zoning ordinance. They also have to reconcile the omission of the proposed use from the zoning ordinance and prove the site is particularly suited for the proposed use. She stated the applicant's professional planner indicated they satisfy three of the positive criteria or purposes of zoning. Ms. Woolley-Dillon stated she does not believe the application satisfies the purposes of zoning and contradicts eight of the purposes listed. She went through the three purposes the applicant's planner listed for the positive criteria and stated she struggled with them. She stated she visited the site and did traffic counts. She displayed the traffic counts she conducted on Thursday and Friday of the last week. She then attempted to show video from the 2019 application the objectors provided. Mr. Sebastian stated that the video being shown is from 2019 and the applicant, with his new application, has indicated he is willing to reduce the landscapers going in and out at the retail site as much as he could and move them to Airport Drive. He stated they should try to stay on topic with the new application. Ms. Woolley-Dillon stated the proposed size of the operation is going to be significantly larger than what is there now and she believes it's going to increase the traffic no matter what driveway is used. She listed the purposes of zoning she believes are not met by the proposed application and stated the application is just spreading the use over more land area and it is too much and more intrusive to the neighborhood.

The town typically creates the Master Plan to indicate what type of development they would like and where; then the ordinances are changed if needed. In this case what is being proposed is not permitted. She again listed some of the types of uses permitted in the zone and stated all of them are of a less intensive scale. She also listed some of the businesses located on the airport site. Mr. Horner asked her to describe what is different about the permitted uses and current uses in the area as opposed to what the applicant is proposing. She replied that a typical self-storage facility is a much lighter use as people don't usually visit their storage unit on a regular basis and the parking on a self-storage site is much less intense.



**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Ms. Woolley-Dillon compared an assisted living facility and the number of vehicle trips associated with that use which is typically during a shift change three times a day with few visitor vehicles. She stated a retail use may have a slightly higher vehicle count than an office building. Mr. Horner asked Ms. Woolley-Dillon to state her reasons and opinions again why she does not believe the three purposes of zoning are met as presented by the applicant's planner. Mr. Horner asked her if what is being proposed is really an attempt to approve an existing ongoing zoning violation. Mr. Hovatter objected to Mr. Horner's question and Mr. Coe agreed it was not an appropriate question. Mr. Horner asked Ms. Woolley-Dillon, in her capacity as a Zoning Officer, what her thoughts were as to the conditions proposed to regulate the traffic on the site. She replied that she heard a lot of testimony at the January meeting that the applicant wanted to do that but she found that the proposal of signage on the site will not be enforceable by the Zoning Official. She also stated that the number of conditions for the proposed site is going to be enforcement challenge because the Zoning Officer will have to be invited to the site unless they get a subpoena.

With regard to the negative criteria, Ms. Woolley-Dillon stated she struggled with the applicant's planner's testimony to address the criteria. She restated the proposed use is too intense for this area. The area is a low intensity use area with residential uses and what is being proposed is a heavy duty industrial use in an area where it is not anticipated. The municipality has done periodic examinations of the Master Plan and the proposed uses were not part of any proposed changes for this area. Mr. Hovatter stated that much of Ms. Woolley-Dillon's testimony sounds exactly like her testimony from 2019 for the previous application. He asked if she held a degree in traffic engineering. Ms. Woolley-Dillon replied she does not. He asked if Monroe Township's Master Plan seeks to promote commercial development and industrial complexes. Ms. Woolley-Dillon replied yes, but in an appropriate location. He asked if the BP Zone permits self-storage facilities with conditions, planned commercial, planned business, and vehicle storage yards. She replied that they are permitted uses among others in the zone. He stated the applicant has acquired additional property for the vehicle storage as well as providing an alternative access for the users of Lots 7.02, 8, and 9; however, she did not bring any of that up in her testimony. Ms. Woolley-Dillon replied that she is unsure if the Airport Drive access is viable since they only have an unsigned blank letter showing the attempt to get permission to use that access. Mr. Hovatter replied the applicant has an executed document signed by the Director of QEI which allows the driveway access on Airport Drive for the applicant's use.

Mr. Horner asked Ms. Woolley-Dillon if she can provide a comparison to industrial uses. She stated the zone permits light industrial uses but she believes this is a heavy industrial use and it was not a use envisioned for this zone.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Mr. Groves, one of the objectors, explained why they are opposed to the proposed use. He stated the Peach Country site almost immediately began violating the permits they were given to operate and started to do whatever they wanted including adding unapproved businesses. They have brought attention to Mr. Smith's numerous violations which began and increased since the business opened. This application, except for the additional access, is being greatly expanded in size and scope. This is basically the same application that was denied 2019 and they are now asking to permit the already operating, illegal operations and expand them and hide them behind berms. They urge the Township to inspect the entire area given the numerous violations. He stated they have only called the police twice in seven years because they don't want this to be the focus of their life. They would like to agree to something that was environmentally friendly and appropriate; and they never agreed to the proposed plan. He expressed his concerns with the groundwater and the wells in the area. He asked if this is the kind of business Monroe Township wants and asked if there should be standards. Mr. Groves questioned whether QEI understood the extent to which Airport Drive would be used. He stated this application has a lot of unanswered questions and conditions and the intent will not be any better than the intent of the past. The uncertainties in the plan are not acceptable and he asked how the landscaping businesses and other businesses using the site will be effectively controlled by the Township. He stated they respectfully ask the Board, for the benefit of the community, to deny the application and they hope the Township will take further measures to correctly monitor, enforce, and appropriately penalize the unlawful activities that have been ongoing at the Peach Country site.

Mr. Coe stated that Mr. Hovatter should proceed with any rebuttal to the objector's presentation. Mr. Hovatter asked Mr. David Horner if he was online and listening to the objector's traffic engineer's testimony. Mr. Horner replied he was online and he has reviewed Mr. Meth's report. He asked Mr. David Horner to explain the difference between his report and Mr. Meth's report on the baseline traffic counts. Mr. David Horner stated that he did traffic counts in the summer of 2020 and they did look at pre-2020 data as Mr. Meth pointed out there was data available from October, September, and January prior to 2020. They believe that using the traffic counts in the summer for this site is appropriate. With regard to COVID, what they found from March to around May 2020, there was a significant decline given the lockdowns. Since then the biggest impact of COVID is on schools, which doesn't apply in the summer, but also on office travel, which was in decline even before COVID because more people are working from home. He believes the counts they provided are appropriate to represent the impact of the site and the County did not disagree or provide any comment with their use of the data. With regard to Mr. Meth's point about the distribution of the site traffic and about the gate, Mr. David Horner stated he thinks he was misunderstanding that the introduction of the Airport Drive access was specifically in order to move the contractors from the existing driveway to the new driveway.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

That is what is being proposed and the intent of the operation. The issues observed, and he agrees with, is that there is a gate 25 feet from Tuckahoe Road, which is the only access for the contractors at this time, and trucks have to wait and line up on Tuckahoe Road. He stated that is not a condition anyone would endorse and for that reason Airport Drive was proposed and the contractor access is moved to that location. That location has ample space for stacking and a gate that is user operated, and it is setback well from Airport Drive. The trips in and out of the retail driveway will be significantly reduced. Mr. David Horner stated that he was conservative in his report so he didn't assume any change just to make sure that there would be no issue with the volume operation.

Mr. Hovatter asked Mr. David Horner to address Mr. Meth's report concerning the left turn lane issue. Mr. Horner stated that the County has standards that they apply and he used that standard to present the warrants to the County. The conclusion was, based on a combination of left turn traffic, the advancing through traffic, and the opposing traffic volume as well as the speed of the roadway which all factors into that data, that a left turn lane wasn't warranted. He stated he presented that to the County by the only methodology they accept; they reviewed it and did not indicate in their letter that a left turn lane would be warranted. And while the requirements suggest shoulder widening, which is typical of any application on a County road, he believed they indicated that condition may be waived. He wanted to clarify, as he thought someone stated the County just takes whatever numbers and report the applicant provides, however, that is not the truth. Dave Lebowski, who is the assistant County engineer, and the traffic engineer reviewer for the County, is as diligent as any County reviewer he has ever dealt with and if there were any question on the data provided, he would point it out and not just accept the report.

Mr. David Horner also stated he wanted to address Mr. Meth's questioning of the trip generation projections and concluding that his report underestimated them. He stated there is a lack of understanding of how the vehicle storage lot will work and the storage unit lot. The vehicle storage lot is 120 spaces; there could be one landscaper vehicle space and three employee vehicle spaces. Those employees will use the business truck and leave their cars in the storage lot, so there will not necessarily be 120 vehicles. It will not be three times the existing observation of forty contractors. Mr. Meth also stated that the proposed self-storage is a contractor self-storage but in fact the testimony was that the units will also be leased to the general public as well as the contractors. The leases to contractors will be accounted for with the vehicle storage lot. If a contractor leases a space in the lot, picks up his truck and then accesses his unit on the self-storage lot, which is all interior to the site, no access necessary to Tuckahoe Road, and once they load their truck they leave. That is not a self-storage lot trip; that is a vehicle storage lot trip otherwise its double counting. So he assumed that all the units were contractors and therefore accounted for or they were retail customers and not accounted for, so he accounted for retail customers only.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Mr. David Horner addressed the question that his analysis did not account for the peak times of the operation. Mr. Meth suggested they should overlay the trip generation for the busiest hour of the site onto the busiest hour of the street. He stated he disagrees with that approach. When they do their counts from say 7:00 a.m. to 9:00 a.m. in the morning, they determine the highest combined hour, meaning street and site traffic, and that is how they get their analysis. He stated he believes their report was done correctly based on Tuckahoe Road traffic and the site traffic. Mr. William Horner asked how Mr. David Horner came up with the number of users for the self-storage. Mr. David Horner replied that he does not know the number only that if all the units are for contractors, then there are is no additional traffic generated from the self-storage use because they are counted for in the vehicle storage traffic counts. He used the traffic counts for the self-storage as if it were a completely retail operation and used the typical traffic counts for a regular self-storage use. He did consult with the team on the interior circulation and agrees with the proposal.

Mr. William Horner stated there has been a lot of information for the Board to decide that there is no good purpose for what is being proposed. What is being proposed is an ongoing effort by the applicant do to what's best for the applicant. He stated it will introduce even more traffic onto Tuckahoe Road and there is no way to effectively limit the traffic to one entrance or another. The proposed use will be a significant enforcement problem for the Township as the Township has trouble just enforcing a simple zoning violation. The proposal does not isolate the retail store so that the retail store functions like a retail store. He stated the positive and negative criteria have not been satisfied. The number of vehicles generated by this use is in excess of the number of vehicles from an as of right use. He asked the Board to consider the integrity of the Master Plan and zoning ordinance and to deny this application so that this property can be developed with something that doesn't create headaches for the Township and problems for homeowners.

Mr. Hovatter stated Mr. William Horner submitted video that goes back to 2019. The video was sent to the Board to remind the Board of the prejudice when the Board did not have the benefit of a site plan. The Board has heard testimony tonight for and against the development. The Board denied a very different application in 2019 but only by a vote of 4 to 3 and Mr. Coe asked each Board member to state their rational for their vote. Mr. Kozak voted no due to the intensity of the vehicle storage with the self-storage and also because no office or bathrooms were proposed on the self-storage site; the other Board members agreed with those concerns. Mr. Hovatter stated all of the concerns of the Board members in 2019 have been met with this application. The traffic engineer has testified that the current traffic issues at the site have been reduced significantly and they have permission to use Airport Drive. The acquisition of Lot 7 will allow the vehicle storage to be separated from the self-storage thereby decreasing the intensity of use on Lots 8 and 9.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

The applicant's planner explained the balance between the negative and positive criteria and presented the proofs necessary for this application. The application this evening has been tailored to meet the concerns of the Board. Mr. Hovatter stated he is the person who coined the phrase atypical self-storage because when he reviewed the testimony from 2019, he recognized the Board's concerns and there was not an authentic approach to handling the uses on the site. He commented for all of the reasons stated, the application should be granted with the requested relief. He thanked the Board for their consideration.

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

Ms. Pellegrini stated all the questions in her report have been addressed in testimony. She believes the inclusion of Airport Drive is a key asset to what they are proposing. The key will be controlling the use of Airport Drive and the retail access drive. There is a need to provide a place for the landscaping contractor vehicles and equipment so they are not parked in developments and such. The other issues can be addressed at site plan and she did agree that the number of parking spaces on the vehicle storage yard and how they are used will govern the activity on the site.

The Board took a brief recess.

Mr. Coe stated the standard by which the Board will consider all of the evidence presented in rendering its decision which is in Ms. Pellegrini's report. He encouraged the Board to give a brief statement of reasons for its decision but stated it's not required. Mr. Coe reviewed the motion before the Board. The use variance will include a mulching use on Lot 4, Lot 7.02 to be used for vehicle parking and storage, and Lots 8 and 9, an atypical self-storage facility. The conditions on the motion are as follows; there will be cross declaration of easement that will clearly indicate authority to access Lot 4.01 and they will also address the issue of maintenance, the applicant must obtain all outside agency approvals, minor subdivision approval, the applicant will submit a proposed lease agreement for its customers which will be subject to review and approval, contractor customers must access the site via Airport Drive, the sea boxes will be moved and sold within twelve months, the storage facility will have an office and bathroom facilities, the applicant must obtain major site plan approval which will address site design issues, no materials will be allowed to be stored outside and any combustible or hazardous materials are prohibited with the exception of a minimal amount of fuel in equipment stored on the property, a plan of storage submitted to the professionals, architectural plans submitted with the site plan, no maintenance or servicing of vehicles permitted other than the normal fueling or lubrication, Lots 7.02 and Lots 8 and 9 will be combined or alternatively a proposal presented for something in lieu of consolidation, he stated he is strongly in favor of the consolidation, and the applicant must maintain the escrow.

**Public Hearing: (continued)**

1. #20-50 – Wood Management, LLC (continued)

Motion by Mr. Cummiskey, seconded by Mr. Rybicki to grant the use variance as outlined by Mr. Coe with all of the conditions. Roll call vote: Ayes – Mr. Rybicki, Mr. Cossaboon, Mr. Kozak, Mr. Salvadori, Mr. Powers, Mr. Sebastian. Nays – Mr. Cummiskey. Abstentions – Zero. The Board members gave the following reasons for their affirmative vote; the inclusion of Airport Drive to alleviate the current traffic concern on Tuckahoe Road, the conditions imposed and stated by the Solicitor, the NJDEP regulating the mulch operation on the site, and the need for this type of use. Mr. Coe indicated the applicant was granted use variance approval but still must return to the Board for minor subdivision and site plan approval. There was discussion on a hearing date for the subdivision and site plan. It was determined that the minor subdivision and site plan approval would be scheduled for a special meeting on March 23, 2021 at 5:00 p.m. and no new notice will be given.

**Public Portion:**

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

**Reports:**

1. Mr. Coe stated that the Board will have the resolutions for all of the past matters at the next meeting with the exception of the one for tonight's hearing. He also stated he has been gathering historical information concerning the JK United site that was denied at the last meeting. He stated he and Ms. Pellegrini were not aware of the 1988 approval and that history so he will confer with Ms. Pellegrini and if there are any recommendations that differ from what transpired, he will inform the Board before the adoption of the resolution.

2. Mr. Sebastian stated he has a conflict with one of the applications scheduled for the next meeting so he will move that application to be heard last and turn the meeting over to Mr. Kozak. He wanted Mr. Kozak to be aware in advance.

**Adjournment:**

The meeting was adjourned at 9:45 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