

Call to Order:

The Zoning Board of Adjustment special meeting was called to order at 6:08 p.m. on September 27, 2023 by Chairman Cummiskey 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 20, 2023 and a copy was posted on the 2nd floor bulletin board in Town Hall and also posted on the Township’s website. In addition, notice of this evening’s public hearing was published on September 13, 2023. 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; Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Mr. Powers, Mr. Rice, Mr. Salvadori, Mr. Fiore, Solicitor, Mr. Kernan, Planner, Mr. Sander, Engineer. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Seidenberg, Mr. Heverly.

Public Hearing:

1. #507-SP – Loring Inc. – Final Major Site Plan

The applicant is requesting final major site plan approval for the construction of an atypical self-storage facility along with the accessory use of a vehicle storage yard for landscapers/contractors. The self-storage facility will also be offered to the general public. Both facilities will be located on proposed Lot 7.01. The proposed improvements include (8) buildings; (4) buildings of 9,950 square feet each and (4) buildings of 7,200 square feet each. All will be divided into individual storage units. There are proposed improvements of Lot 10 associated with the proposal which include paved millings, manually operated gates, a vehicle staging area, a key code access gate, and berming. The present use on Lot 4 is to remain the same. The property is located on Tuckahoe Road, also known as Block 14301, Lots 7.01, 4, and 10.

Motion passed to deem the application complete. Mr. Fiore gave a brief history of the application. Mr. Fiore asked if adequate notice was given. Ms. Orbaczewski replied yes. Edward Hovatter was present as attorney for the applicant. Mr. Hovatter stated that he wanted to amend the application. He stated that the application on page two did not list Lot 10, but that all the public notice given did include the correct information of all three Lots 7.01, 4 and 10. Mr. Hovatter stated that there is an easement on Airport Drive that will allow Peach Country access to the site for certain uses while others continue to use Lot 10. Mr. Hovatter added the previous approvals from the Board; a use variance, minor subdivision, preliminary major site plan approval, and the present application is for final site plan. Mr. Hovatter explained that Township code requires an opaque fence, they are requesting a variance for a berm instead. He added they worked with the previous Board Planner on the berm and are open to adjusting it if Mr. Kernan has any issues. Mr. Hovatter stated they are asking for a variance to allow a pole-constructed greenhouse/pole barn on Lot 7.01. Mr. Kozak asked what would be stored in the pole barn. Mr. Hovatter stated that it stores hay and straw. Mr. Fiore asked what is the size of the pole barn. Mr. Hovatter stated it’s 12 feet high and 9’ x 9’.

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1. #507-SP – Loring Inc. (continued)

Walter Bronson of Dewberry Engineers was previously sworn and continues to be so. Mr. Bronson referred to the demolition plan as exhibit A-1. He stated that the project is composed of three lots; Lot 4 is in the back of the property, the majority of the work for this application will occur on Lot 7.01 and that the Peach Country garden center is on Lot 10. Mr. Bronson referred to exhibit A-2 which is the site plan from what was submitted with the application. Mr. Bronson stated that the Board requested the gate to the garden center will be relocated to the rear of the building which they will do. He stated there is additional parking which will stage vehicles waiting to get in to alleviate the pile up on Tuckahoe Road.

Mr. Bronson stated that the proposed self-storage and vehicle storage on Lot 7.01 with a new driveway out to Airport Drive. He stated that the self-storage will be open to the public, and will help with contractors that are currently storing equipment on Lot 10. Mr. Bronson stated that people wanting to use the self-storage or the vehicle storage will come in through Airport Drive through an automated gate. This will alleviate existing traffic congestion through the garden center area. Mr. Bronson stated that there is another gate that will access Lot 10. Mr. Bronson stated that the first two buildings that are built will have separate office and separate bathroom facilities, per the prior requests of the Board. He pointed out the septic field shown on the site plan between buildings 5 and 6. Mr. Kozak asked if the people using the bathrooms would be able to use the bathrooms. Mr. Bronson replied yes. Mr. Kozak asked if there would be any offices in the storage areas. Mr. Bronson replied no, the units are just for storage. Mr. Fiore asked why they describe the storage units as atypical and would the people be doing repairs and manufacturing. Mr. Hovatter replied that he previously provided the Board with a draft of the lease agreements they would use that prohibited some issues such as hazardous items and manufacturing. Mr. Kozak asked if all storage would be inside. Mr. Bronson replied yes.

Mr. Bronson stated that the proposed storage buildings would be four of them for smaller uses at 30'W x 240'L, and four larger buildings at 50'W x 240'L. He stated that the vehicle storage consists of 148 parking stalls of varying sizes. He added that the vehicles permitted to be there would have a placard or some other means of identification. Mr. Kozak asked if that was asphalt or stone. Mr. Bronson replied that is millings. Mr. Bronson stated there are 40 additional parking spaces in the area of the self-storage for users of the storage and there will be no overnight parking there. Mr. Fiore asked if that would allow overflow from the storage yard. Mr. Bronson replied no, they would only rent to how many spaces the yard would allow so no overflow would occur.

Mr. Bronson stated that back corner of Lot 7.01 has a stormwater basin. He stated that they have maintained the drainage patterns of the project and all of the improved area is being routed to the basin. Mr. Bronson stated there is an existing 50' wooded buffer on the front of Lot 7.01 that will remain and provide screening. He added there is also a row of trees on the north side of the site that will remain between the site and the commercial use on Airport Drive. Mr. Bronson stated that the hours of operation for the gate at the garden center would be 6 a.m. to 7 p.m., but may vary depending on the time of year. Mr. Bronson stated that the gate for the self-storage would be

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1. #507-SP – Loring Inc. (continued)

24/7-365 automated gate with passcodes. Mr. Bronson stated that the gate between the vehicle yard and Lot 10 would be open only when the garden center is open. Mr. Kozak asked what utilities would be provided in the storage units. Mr. Bronson replied just electric, but water and septic to the restrooms. Mr. Cumiskey asked if they would be airconditioned. Mr. Bronson replied no. Mr. Bronson stated they provided proper circulation through the site that would allow larger trucks with trailers as well as fire trucks if needed.

Mr. Colavita asked what type of vehicles would be allowed for the storage yard if it would turn into a graveyard for cars. Mr. Fiore asked if they would have to be operable and registered. Mr. Hovatter agreed that they could require that. Mr. Bronson added that they would allow someone to store a boat or RV. Mr. Bronson stated that he lighting is limited to the self-storage buildings, and lighting at the gates. He stated they were not lighting the vehicle storage area. Mr. Bronson stated they were given permission to add signage for the new storage to an existing sign for the Airport Drive commercial units. Mr. Bronson stated there are additional signs proposed on Tuckahoe to direct users of the storage facilities to use Airport Drive.

Mr. Bronson stated that the berm is earthen with a wood mulch cap. He stated the berm will be maintained by the applicant. Mr. Bronson stated the berm will be 8 feet high and will provide security and better screening of the project site. Mr. Kozak asked if the gate from Airport Drive to Lot 10 would have a key fob. Mr. Smith stated they would punch in a code. Mr. Kozak asked about trash receptacles. Mr. Smith stated they don't have that problem now. Mr. Fiore added that the code requires it. Mr. Hovatter stated that they will comply with the code requirement. Mr. Kernan added that it would need to be added to the site plan. Mr. Kozak asked about the pickup times for the trash. Mr. Smith replied they would be allowed from 7-5.

Mr. Kerr asked if they had security on site. Mr. Hovatter replied no but they may or may not have cameras. Mr. Smith stated that at his other facility it is extremely rare for someone to access the site at overnight hours. Mr. Kernan asked about the greenhouse. Mr. Bronson stated that it is currently collapsed. Mr. Smith stated that the Township told him he did not need a permit for since it does not have a foundation. Mr. Kernan recounted Mr. Hovatter's statement that the size of the greenhouse was 9' x 9'. Mr. Smith added the greenhouse is about 20' wide and 50' long. Mr. Bronson stated that it shows on the plan as 100' x 20'. Mr. Powers asked if it was a permanent structure. Mr. Smith replied no, it does not have a foundation.

Mr. Sander reviewed his first report from September 20th. He stated that the plans should be revised to include contact information of whomever is in charge of regular inspections and preventative maintenance. Mr. Sander stated that the architectural plans need to be submitted. Mr. Bronson stated that they have plans but they are not signed by an architect. Mr. Bronson referred to exhibit A-3 as an elevation plan. Mr. Bronson explained the elevation is of a typical storage building. Mr. Bronson referred to exhibit A-4 as a photo of typical storage building. He stated that the architectural plans are a cost that is not necessary at this point and they request a waiver. Mr.

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1. #507-SP – Loring Inc. (continued)

Hovatter asked if the signed architectural plans could be a condition of final approval. Mr. Kernan referred to A-4 and asked if they intended to have windows in the storage units. Mr. Smith stated that he would not want to have windows as depicted in A-4. Mr. Bronson stated they will also provide the contact information of the person responsible for the maintenance plan. Mr. Sander stated there was never approval for mulch on Lot 4. Mr. Hovatter stated that the mulching operation was approved in the use variance resolution #22-21. Mr. Bronson added that the resolution states the applicant was approved to allow farming, composting/mulching operations on Lot 4. Mr. Sander was satisfied with that. Mr. Fiore asked if licensing was required for mulching and composting and if the applicant agreed to carry that licensing. Mr. Hovatter replied yes. Mr. Sander asked about the proposed signage. Mr. Bronson replied the signage proposed is shown on the sheet 12 of the plans submitted.

Mr. Sander asked if the tenant lease agreement was provided. Mr. Hovatter replies yes and that Mr. Coe who was the Board attorney at that time did review it and was satisfied. Mr. Sander stated that the applicant shall provide deeds and legal descriptions for easements and subdivided lots. Mr. Hovatter stated they were resubmitted prior to this hearing. Mr. Sander stated that the Airport Drive access agreement with QEI allows two-axle trailers and limits weight to 15,000 pounds. Mr. Hovatter agreed with that and the signed easement agreement will be submitted with the final plan. Mr. Sander reviewed his second report for the Board. He reiterated that his comments from the other report were all addressed.

Mr. Kernan reviewed his report for the Board. Mr. Kernan stated that he is fine with the variance request to place a berm in lieu of an opaque fence. Mr. Kernan stated that there was already testimony that there won't be any maintenance or servicing of vehicles in the storage yard. Mr. Hovatter agreed no maintenance of vehicles. Mr. Kernan referred to a comment in his review about what would be prohibited and limited for the storage. Mr. Hovatter stated the lease is very specific as to what is prohibited and there will be no outside storage other than the storage yard. Mr. Kernan asked what the setback was to the first building. Mr. Bronson stated that it's 188' off the county sidewalk easement.

Mr. Kernan stated that some of the buffer areas need additional landscaping. He specifically pointed out the area where the vehicles would be waiting to get to the second gate that should be addressed. He is satisfied with the wooded area along Tuckahoe that is proposed to remain. Mr. Kernan stated that the buffer along Airport Drive is sufficient. Mr. Kernan stated that he would like to see some trees or shrubs added to the outside of the berm that faces Airport Drive. Mr. Hovatter stated they would agree to additional landscaping. Mr. Kernan stated that the composition of the berm. Mr. Bronson stated that there is six inches of mulch on top of the berm. Mr. Kernan stated he would like to confirm that the berm is earthen and not made up of all mulch. Mr. Hovatter stated they already agreed to that as a condition of approval at a prior hearing. Mr. Kernan stated that he recommends a waiver of having to identify trees since there will be some clearing of the site anyway. Mr. Kernan asked if there is a graded area for safe passage. Mr. Bronson replied yes,

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1. #507-SP – Loring Inc. (continued)

and they can show that on the plans. Mr. Kernan asked if the street signs were on the applicant's frontage. Mr. Hovatter replied no. Mr. Bronson stated that signage is proposed in the County right of way. Mr. Kernan stated that should be part of the County approval. Mr. Kernan stated that the trash and enclosure was already discussed. Mr. Kernan stated that he's not sure if the greenhouse needs a variance. Mr. Kozak asked if Loring and Fred Smith Orchards is the same president. Mr. Smith replied yes. Mr. Kozak asked so if there's any issues at the site it would go to him. Mr. Hovatter agreed, yes since Mr. Smith is the president of both.

Motion passed to open the hearing to the public.

A. William Horner as attorney for Glenn Groves and Jerry Lodge who reside at 1464 N. Tuckahoe Road. Mr. Horner stated that his clients live almost across the street from Peach Country. Mr. Horner recalled the prior approvals in 2012 for the garden center and mulching operation. Mr. Horner referred to exhibit O-1 as a distant aerial view of the property from Google and exhibit O-2 is more of a close-up. Mr. Horner also referred to the tax map of this site. He stated that his clients are concerned about the gate that is proposed in the rear of the retail store. Mr. Horner recalled the prior hearing's discussions about the flow of traffic on the site. He stated that his clients believe that what the applicant proposed to control of the flow of traffic was not enough. Mr. Horner stated they would prefer the gate at the retail store to remain closed and only opened when necessary. Mr. Horner stated that his clients would like the applicant to remove the staging area and the second gate altogether.

Mr. Horner stated that they are concerned that the users of the storage might not be the person on the lease therefore they may not follow the conditions of the lease that indicate where the vehicles are allowed to access the property. Mr. Horner stated they are concerned that the storage units may be used for manufacturing, retail/wholesale facility or as a dormitory. Mr. Horner stated that his clients believe the storage facility should not allow 24-hour access. Mr. Horner stated that outdoor storage at the retail store should not be allowed. Mr. Horner believes the access easement should allow all traffic. Mr. Horner stated that his clients are concerned with the cars and trucks coming and going in the morning and in the evening.

Mr. Kerr asked Mr. Horner where is his client's property in relation to the site. Mr. Horner stated that Mr. Groves and Mr. Lodge's driveway is almost exactly across from the retail store driveway. Mr. Kerr asked how far back from the road their house sits. Mr. Horner described which lot is theirs. Mr. Horner stated it's about 300' back from the road.

B. Jerry Lodge of 1464 N. Tuckahoe Road, was previously sworn and remains sworn. Mr. Lodge stated he's lived there for 45 years. Mr. Lodge stated that he did not initially oppose the garden center. He would like for most of the traffic to use Airport Drive. Mr. Lodge stated that trucks exiting the property often spill mulch and rocks get dumped in the street in front of his property. He stated that he's complained to the County about it. Mr. Lodge stated that he is concerned that the storage is considered atypical. He is concerned that the

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hours of operation are proposed to be 24/7. Mr. Horner handed out a traffic log from 2019 that Mr. Lodge and Mr. Groves put together. Mr. Kozak asked if it was a mix of vehicles. Mr. Horner replied all types of vehicles. Mr. Powers asked if there had been any accidents there.

- C. Glenn Groves was previously sworn and remain sworn. Mr. Groves answered Mr. Powers question and stated that twice he ran out to the road after hearing a crash. Mr. Powers asked if he knew if it had anything to do with the business. Mr. Groves did not know. Mr. Groves stated that people have passed him on the shoulder while turning left into his driveway. Mr. Groves believes there should be a light at Airport Road. Mr. Groves stated that the traffic in the area has gotten bad since Hamilton Greene was built. Mr. Horner summed up the concerns of his client with traffic using the retail store entrance. They believe the gate should remain shut.

Motion passed to close the hearing to the public.

Mr. Kozak asked if the County would review this since it's on a County road. Mr. Fiore agreed.

Mr. Hovatter stated that he objects to Mr. Horner's documentation as it was not provided to him in advance. Mr. Hovatter objects stating that Mr. Horner is not qualified to give traffic flow counts. Mr. Hovatter stated that it is not reasonable for the gate to remain closed. He explained that an employee would have to run in and out to open and close the gate and that you can't run a business like that. Mr. Hovatter explained they worked with the Board and the public's concerns and the Board professionals to ensure that this was an appropriate solution. Mr. Hovatter stated the application is still subject to outside agency approvals including the NJDEP who Mr. Horner referenced. Mr. Hovatter stated that he called the storage atypical because there is a contractor component.

Mr. Colavita asked Mr. Hovatter about the gates, was there one from Lot 10 to Lot 7. Mr. Hovatter stated there was one gate on Airport Drive, a gate behind the garden center and the gate from Lot 10 to Lot 7. Mr. Colavita asked if the gate between Lot 10 and Lot 7 should remain closed. Mr. Cummiskey stated that was discussed before. Mr. Hovatter stated that they agreed to directional signage for the tenants and non-tenants. Mr. Hovatter stated that the gate has already been relocated and they believe what they are proposing is the most practical and reasonable. Mr. Hovatter stated that it has a key code so the people with a code can still use it.

Mr. Horner, the opposing attorney, stated he's not a traffic engineer, he watched a video that his clients provided and wrote down the number of vehicles for the log. Mr. Horner reiterated a point that Mr. Hovatter discussed in the use variance application about the gate being closed and the garden center traffic using Airport Road. Mr. Hovatter has concluded.

Public Hearing: (continued)

1. #507-SP – Loring Inc. (continued)

Mr. Fiore stated that the Board needs to decide on the opaque fence or the berm, and that open gate or closed gate at the retail center.

Mr. Kozak made a motion to approve the berm based on Mr. Kernan's recommendations, seconded by Mr. Powers. Roll call vote; Ayes- Mr. Kozak, Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Salvadori. Nays- Zero.

Motion to approve leaving the gate open by Mr. Kozak, seconded by Mr. Powers. Roll call vote; Ayes- Mr. Kozak, Mr. Powers, Mr. Carino, Mr. Cummiskey, Mr. Kerr, Mr. Salvadori. Nays- Mr. Colavita.

Mr. Kozak made a motion for the berm and landscaping where needed and the tree study, on the advice of Mr. Kernan, seconded by Mr. Powers. Roll call vote; Ayes- Mr. Kozak, Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Salvadori. Nays- Zero.

Motion to approve final site plan by Mr. Kozak, seconded by Mr. Powers. Roll call vote; Ayes- Mr. Kozak, Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Salvadori. Nays- Zero.

Public Portion:

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

Reports:

Ms.Orbaczewski stated that there was a request for an extension for applicant Pine Barrens Productions due to them working with the Pinelands.

Motion to approve extension by Mr. Colavita, seconded by Mr. Kozak. Voice vote; All Ayes.

Adjournment:

Meeting adjourned at 8:45 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: Amy Gallagher, Clerk Transcriber