

**Call to Order:**

The Zoning Board of Adjustment meeting was called to order at 6:03 p.m. on November, 30 2023 by Chairman Colavita 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 November 17, 2023 and a copy was posted on the 2nd floor bulletin board in Town Hall and also posted on the Township’s website. 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. Kozak, Mr. Powers, Mr. Rice, Mr. Salvadori, Mr. Seidenberg, Mr. Fiore, Solicitor, Mr. Kernan, Planner, Mr. Warburton, Mr. Sander, Engineer, Mr. Heverly, Council Liaison. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Cumiskey, Mr. Kerr.

**Memorialization of Resolutions:**

1. Res. #69-2023 - #23-50 – Jason Johnson – Buffer Encroachment Variance Approved

Motion to approve by Mr. Kozak, seconded by Mr.Carino. Voice vote; All ayes. Motion passed.

2. Res. #70-2023 - #23-41 – Brian & Rhonda Kownacky – Use Variance Approved

Motion to approve by Mr. Salvadori, seconded by Mr. Kozak. Voice vote; All ayes. Motion passed.

3. Res. #71-2023 - #WSP-04-23 – Brenda & Rhonda Kownacky – Site Plan Waiver Approved

Motion to approve by Mr. Salvadori, seconded by Mr. Kozak. Voice vote; All ayes. Motion passed.

4. Res. #72-2023 - #23-47 – Andrey Letushko – Use Variance Denied

Motion to approve by Kozak, seconded by Mr. Salvadori. Voice vote; All ayes. Motion passed.

**Public Hearings:**

1. #23-51 – Benone & McGilda Pinckney – Side, Rear, & Lot Coverage Variances

The applicants are requesting a side yard variance to allow 14.1 ft. where 15 ft. is required, a rear yard variance to allow 43.8 ft where 75 ft. is required, and a lot coverage variance to allow 39.3% where 30% is the maximum permitted, for the construction of a 24’ x 18’ x 14’ addition to their existing home, along with any other variances or waivers deemed necessary by the Board. The

1. #23-51 – Benone & McGilda Pinckney Cont.

property is located at 625 Greenbriar Drive, also known as Block 1403, Lot 10 in the R-2 Zoning District

Motion passed to deem the application complete. Benone and McGilda Pinckney were sworn in by Mr. Colavita. Ms. Pinckney is asking the board's permission for variances for the side and rear yard. Due to the increased size of her family, she is seeking an increase in space for the living room. Ms. Pinckney stated with these variants there would be no setback and would maximum lot coverage on existing patio. Also, there will be no substantial impact on neighbor's property for both side and rear addition. Ms. Pinckney noted that there would be minor drainage but no impact. And the Township Engineer received the grading plans and had no objections.

Mr. Colavita inquired that their current home seems to not need zone requirement. Ms. Pinckney replied that they will not go further out on the property and the addition will stay the same size as the property. Mr. Colavita asked if there were neighboring properties in the development with similar additions. Ms. Pinckney responded yes. Mr. Kozak asked what purpose this addition was to serve as. Ms. Pinckney replied to a quiet space for Mr. Pickney to relax.

Motion passed to close the hearing to the public.

Motion to approve by Mr. Kozak, seconded by Mr. Powers. Roll call vote; Ayes- Mr. Kozak, Mr. Powers, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Seidenberg, Mr. Rice. Nays- Zero.

2. #23-55 – Michael Pfeiffer – Rear Yard Variance

The applicant is requesting a rear yard variance to allow 5 ft. where 10 ft. is required for the construction of a 16' x 16' deck with steps, along with any other variances or waivers deemed necessary by the Board. The property is located at 312 Berrhill Drive, also known as Block 142.0101, Lot 36 in the RA Zoning District.

Motion passed to deem the application complete. Mr. Pfeiffer is requesting the board's approval for a rear yard variance to build a deck. Mr. Pfeiffer explains that passed his sunroom the property is on an angle so one side is on the property line and the other side would need 3 or 4 ft. And this would be in a secluded area. Mr. Fiore asks if this is going to have a positive effect on the variant and homes nearby. Mr. Pfeiffer replies yes stating the house right next door previously added a large deck. Mr. Pfeiffer also notes it will improve the house. Mr. Fiore clarifies that the back of the house faces the airport. Mr. Kozak asks if it will be a deck without a roof. Mr. Pfeiffer replies

2. #23-55 – Michael Pfeiffer Cont.

yes. Mr. Colavita states that per the zoning officer any disturbance or approval within 5 ft. will require grading and Mr. Pfeiffer complies.

Motion passed to close the hearing to the public.

Motion to approve by Mr. Powers, seconded by Mr. Carino. Roll call vote; Ayes- Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Kozak, Mr. Salvadori, Mr. Seidenberg, Mr. Rice. Nays- Zero.

3. #23-42 & #529-SP – Copart, Inc. - Use Variance & Major Site Plan

The applicant is requesting a use variance to allow the short-term storage and sale of used motor vehicles, trailers, watercrafts, powersports, industrial and construction machinery. All assets are listed for sale auction sale on the company's website for purchase by members only. They are not proposing a full-service office. In 2022, the Zoning Board conducted an interpretation of the use and determined that it is a salvage pool or auction not specifically permitted by code and a use variance would be required. The applicant is also seeking preliminary and final major site plan approval with some associated site improvements including (3) stormwater management basins, the installation of gravel drive aisles, and parking areas. The existing house will be used as the office and the existing warehouse will be utilized for storage of supplies and small vehicles such as motorcycles. The property is located at 3398 S. Black Horse Pike, also known as Block 5701, Lots 5 & 9, in the RD-C Zoning District.

Motion passed to deem the application complete. Copart's attorney, William Horner begins his opening statement that Copart is the contract purchaser of two adjoining parcels of land and the "property" is a combined area of 59.56 assessed acres. The property is located in a Rural Development Commercial (RD-C) zoning district. Horner states Copart seeks preliminary and final major site plan approval, and use and bulk variances, to conduct its wholesale motor vehicle distribution facility operations at the property. Mr. Horner expresses their reasons for being present this evening is to prove to the board that Copart is not a salvage pool or auto authority (as previously stated by the board). Mr. Horner wants the board to understand that Copart is a "Wholesale motor vehicle distribution facility." And Mr. Horner wants to change the board's opinion, which they conveyed about a year prior. Mr. Horner and four witnesses would like to prove that Copart's primary business is the sale of co lost vehicles on behalf of the insurance companies. Also, they are requesting a use variance to allow the complete use which this board prohibited use in this district because it was not listed as a permitted or conditional use. Mr. Horner and his fellow bystanders would like the board to review their major site plan and variance proposals. Lastly, Mr. Horner did note that there was one minor change, a fence detail. Mr. Horner distributed to the Board Exhibit A-1 & A-2 which provided details of this change. Originally it was a 6' chain link fence but now Copart would like an 8' metal panel fence. Mr. Horner reiterated that it was Exhibit A-1 & A-2 and Mr. Horner agreed.

3. #23-42 & #529-SP – Copart, Inc. Cont.

Mr. Horner and Copart's first testimony comes from Mr. Gerald Faries. Mr. Horner asks Mr. Faries what his duties and positions are at Copart. Mr. Faries is the General Manager for Copart's Central Virginia Operations and Central Titling Unit. Mr. Horner asked if Copart's operations facilities are somewhat uniform across the country. Mr. Faries replied yes, they are. Mr. Horner then asked Mr. Faries if he had ever visited the Monroe Township Property in question. Mr. Faries stated he had been to the property in. Mr. Horner asked Mr. Faries if he reviewed the Site Plan, and any other applications present. Mr. Faries replied yes. Mr. Horner requested that Mr. Faries explain to the Board what Copart is and what the company Copart does in general. Mr. Faries defines Copart as a cutting-edge asset liquidation service to institutional, commercial, and private owners of used or damaged vehicles, trailers, watercraft and powersports. Most sales are on behalf of insurance companies when a vehicle is claimed total. Sellers are insurance companies, licensed dealers, financial institutions, charities, municipalities and fleet operators. Mr. Faries describes to the Board that you have to be a Copart member and that Copart does not sell to the public in the state of New Jersey. Copart subsidiaries, Copart Asset Services, include short-term storage and sale of Assets, and support for receiving, shipping, lien sale and all administrative activities. Mr. Faries also notes that there is no dismantling, draining of fluids, crushing, or selling of parts at Copart facilities. The Chairman asks to be a buyer one must be a dealer. Mr. Faries answers yes. Then Mr. Horner asks what kind of vehicles Copart handles such as automobiles. Mr. Faries response is mostly anything that is insurable. He goes on to explain that there are a wide variety of Mack trucks to trailers but the majority are automobiles. Also Mr. Faries noted that Copart deals with boats and jet skis. Mr. Horner questions if Copart becomes the owner of these when sold. Mr. Faries response yes and portrays Copart as the middleman in this operation; Copart provides the venue and digital platform. Mr. Horner asked Mr. Faries to talk about the operations at ground level and tell the story of a vehicle's point of designation, to how it is processed.

Mr. Faries first states that Copart has many contracts, nation-wide, with many insurances' companies and begins to walk the board through the Copart process. At a typical Copart location there are customer service representatives, dispatchers, office managers, loading operation representatives and receivers. Mr. Faries explains if you were to get into an accident and total your vehicle the insurance would claim that as a total loss. Mr. Faries tells the board that in today's world, simple damage to the rear camera in your vehicle could result in it being totaled. When the vehicle is deemed a total loss the insurance adjuster would file a claim and the assignment would come to Copart digitally. Copart would receive that assignment and the vehicle would be picked up by a CSR (customer service representative). The CSR would begin the process of getting the vehicle approval to get picked up. Copart picks up their vehicles from a large variety of agencies; Tow lots, customer residences, gas stations, etc. Mr. Faries explains the first step is Copart must get approval from the owner of the car before they are allowed to pick it up. Once this is established it goes to a dispatch launch. The dispatch, in turn, dispatches it to one of Copart's trucks. The truck will pick up the vehicle and bring it to Copart's distribution facilities. Mr. Faries states that the vehicle will first be inspected by inventory specialists. Copart will not obtain any vehicles that have any hazardous substances. This includes gas or hydrocarbons and will not take any tanker trucks that are full. Mr. Faries reiterated that Copart does not accept anything that has any biohazards chemicals into the facilities. Mr. Horner enters the testimony and gives the following description to the board. Mr. Horner describes that there is the section of the driveway

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from 322, then the gate, then an area about 250' deep called the drop off zone. And beyond that is a larger storage area. Mr. Horner asks what happens specifically to the trucks that approach Copart at the drop off zone.

Mr. Faries responds that there is a check-in gate at Copart's entrance, and the vehicle will be checked at this point in the receiving area. The vehicle will not be seen until it is permitted by the facility. Mr. Horner asks if that is the area that is designated a drop off zone and Mr. Faries agrees. Mr. Faries recaps that there are two types of checks and balances for the process. The first check is the driver of the truck and the dispatcher for actually getting prior approval for pick up. The second check is at the facility for inspection. Once it is inspected and allowed to enter into that drop off area, the inventory associate would take the vehicle's inventory and bill it. Mr. Faries mentions the inventory associate may perform some light vacuuming, remove small personal items. Any items which are worth in value are placed in a safe. The vehicle (which is never driven) is picked up by a loader and placed in a storage area through a bridge system. The vehicle then goes into what they call "waiting for original title status" and they wait to receive a title from the New Jersey DMV. Mr. Horner questions is that the title transfer from the owner of the car to Copart's customer to sell. Mr. Faries answers yes and goes on to explain that during this process Copart is waiting for the owner of the vehicle to submit the title into the insurance company's name. Mr. Horner asks if Mr. Faries could backtrack his story and explain the inspections process, specifically when the vehicles enter the drop off zone. Mr. Horner wants to know how they inspect for leaks and fluids and what occurs if they find them. Mr. Faries states that the vehicle goes through many stages of checks. And the only time the vehicle is actually started is during the inventory process which is moved 12' forward and 12' backwards. Mr. Horner questions that they do this so potential buyers know that it is practical. Mr. Faries answers yes and for insurance companies so they are able to appraise the vehicle. And so, the insurance companies use Copart to store the vehicles (Tow lots are more expensive) before they can make a definitive decision on the appraisal for that vehicle. Mr. Faries again emphasizes hazardous substances. He mentions that after the vehicle sits in the Tow lot for up to seven days, all, if any, leakage would disburse from the vehicle. Mr. Faries adds that Copart has had instances where a vehicle had minor leaks. Copart opens a case number with the Department of Environmental Protection. The next steps for Copart are the following: they log it, map it, and assign a case number for it. A company employee then treats the area with a chemical called FM 1896-26. This is an actual chemical when mixed with fertilizer, which will turn it into a bacterial that will eat the hydrocarbon. Mr. Faries continues with the next step which is to dig up where the actual spill is and store it in a 55-gallon drum. Copart employs a disposal company that picks up the dirt and disposes it off the distribution facility properties. Mr. Faries emphasizes these protocols, so the board and the buyers are aware that Copart is not a junk yard, and they upkeep the property to maintain a good relationship with the neighboring community.

Mr. Horner lets Mr. Faries know that Mr. Gleitz is present and has picture documentation of a Copart facility in Trenton, NJ. Mr. Horner asks Mr. Faries if he is familiar with that facility, and he replies yes. Mr. Horner then distributes those documents to the board and asks Mr. Faries if he could shed some light on the photos. Before doing so Mr. Kozak asks if Mr. Faries is aware or would

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be aware of any EPA violations pending right now in NJ and would he be the person with that information. Mr. Faries replies no and explains that the person involved with safety management would be able to answer that question. Mr. Horner asks Mr. Faries if he would like to discuss the pictures presented. Mr. Faries answers with the statement of Copart's uniformity and strict standards of how their yards look. He illustrates how the cars are parked and they are required to a field well parking review standard. The General Manager is responsible for maintaining these standards, while the Regional Manager inspects the facility twice a year to ensure the facility meets the standards of Copart. Mr. Faries attests that Copart's facilities: Glassboro West, Somerdale and Trenton meet the criteria and protocol standards. Mr. Horner asks Mr. Faries that each of the cars pictured is placed by a forklift in a tightly uniformed spot. And Mr. Faries replies yes and explains that Copart does not like to move the cars that often because of damage that can occur. Copart has strict clearance too once the car is parked to leave it there. And if someone comes out to view a car for purchasing that they must have a schedule appointment. Mr. Faries goes on to explain that every process Copart goes through must deal with traffic control. Every employee in Copart's company must take traffic control training because Copart does not want to deal with negative feedback from the Township. Mr. Faries states that they schedule every transporter that comes in to pick up cars. To enter the facility, the transporter has an app they have to use. They must pick a time slot and when they arrive in the yard, they scan their phones to show that they have arrived. Mr. Horner asks if this method is for pick up after purchase and Mr. Faries response yes. Mr. Faries notes the board's concern on the driveway and if this is going to increase traffic. He assures the board because of these protocols that it will not increase traffic. Mr. Faries states that there will be approximately 35 to 40 cars picked up daily. The process that Copart picks up vehicles is what they call "Zone Logic." This is based on the zip codes that are closest to the facility. The new facility in Monroe Township would benefit your neighbors and the area that is involved. Mr. Faries says they employ 2-car Tow trucks to pick up these vehicles. During hours of operation, Copart delivers 4 cars per hour, which equals two trucks per hour. And they maintain traffic control with their transporter to determine what that particular area can support. Mr. Horner asked if Copart has employees on-site in the office that are devoted to the dispatch operations. Mr. Faries replies yes and explains they have a dispatcher. The dispatcher is basically trained in the logistics of the operations. They would be the one in control of the volume of traffic coming in, when they are delivering to when they are picking up. This is all based on their traffic control plan.

Mr. Horner asks Mr. Faries how Copart auctions work. Mr. Faries replies that all of their auctions are digital. There will be no on-site bidding in the Monroe Township. Every bid will be based online so there will be virtually no traffic on the day of sale. Anyone that wants to see a vehicle on Copart's property must be scheduled. Mr. Horner asks if an individual is allowed to walk in and look for themselves. Mr. Faries says that at this particular facility there is going to be an escort. Mr. Horner ask if their back area is open to the public and Mr. Faries replies not at all. The attorney asks if the individual is allowed to start or drive the vehicle. Again, Mr. Faries replies not at all. Mr. Horner asked if Mr. Faries can recap on how the vehicle leaves its spot, gets to the drop

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off zone and leaves the facility. Mr. Faries describes that when you win the digital auction platform you must retrieve the vehicles within 3 to 5 business days, or they get charged storage. The buyer will most likely hire a transporter, who must go through the appointment process as discussed earlier. The transporter will have a code prior to entering and the code will determine what vehicle they are picking up. Most payments are made digitally, but some do come locally. Therefore, that is why they would need the office and the CSR would help those individuals. Mr. Horner states that the vehicles are never driven off their site and that they are always loaded and forklifted off the property. Mr. Faries explains that there may be an occasion where the buyer wants to drive the vehicle off the property. In those rare cases, Copart would seek approval from the insurance company before allowing them to drive the vehicle off their property. Mr. Horner asks the following questions. Are there any vehicle demolition, crushed or parts picking at Copart facilities. Mr. Faries replies no, not at all. Mr. Horner then asked if there are any vehicles clean, maintenance, or repair at Copart facilities. Mr. Faries replies not at all. Is there any vehicle fueling or sale of vehicle fuels at Copart facilities. Mr. Faries responds no.

Mr. Horner switches the conversation to security measures and asks what Copart does to keep things safe and secure at their sites. Mr. Faries describes the metal fence surrounding the property and they also use security cameras. In the past if they have had a problem, they will use local security and law enforcement. Mr. Horner asked Mr. Faries if they typically have problems across their sites. He replies that they had issues with the theft of catalytic converters years prior and Copart was able to catch these criminals with help from the local police department. Mr. Horner asked if this happened at their Central Virginia location and Mr. Faries replied yes.

Mr. Horner asks about employees and their hours. Mr. Faries explains the hours of operations and internal operations. Copart's regular business operations at the Monroe Township property will be conducted between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Fridays, with limited on-site employee activities commencing as early as 7:30 a.m. on these days, and internal post-closing operations continuing after 5:00 p.m. if necessary. The site will be operated by a single daily work shift of 6 to 7 employees during regular business hours. Mr. Horner then asks how the employees are divided between indoors and outdoors in the office and on-site. Also, what the general obligations and jobs details. Mr. Horner responds that staffing is divided by what they call "Assignments." Assignments are the number of actual cars they receive from the sellers, the insurance companies, the banks, the repos, donations, charities etc. Staffing in a facility this size magnitude would be 6 to 7 with a 6:1 ratio. Basically, they would have 3 staff members outside and 3 staff members inside. Mr. Faries explains that Copart follows the New Jersey Environment of Protection and will maintain their facility by picking up spills and things in that nature. Mr. Horner then questions if the house on the property would be the office building where dispatch, customer service, and the customer manager would be. Mr. Faries replies yes. He then asks what would be happening in the 6,600 sq ft warehouse. Mr. Faries answers that the warehouse would be used for storage, particularly motorcycle storage and any type of classic car.

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Mr. Horner asks if Mr. Faries has seen the details of the 8 ft metal panel fencing, to which he replies yes. Mr. Horner asks what the reason is for wanting that type of fence. Mr. Faries responds that this type of fence is more appealing than a chain link fence. And because they are not catering to the public, Copart does not want individuals looking inside the yard in terms of what they store. Mr. Faries points out that it is a security advantage point as well and this is why they use that particular fence. Mr. Horner inquires about the A2 photograph and asks if it is a good depiction of the fence. And Mr. Faries states it is. Mr. Horner asks Mr. Faries about section 175-135 for the Monroe Township Code about signs and if he received it. And Mr. Faries agrees he did receive it. He says that on behalf of Copart they have no issues with any of these codes. Mr. Horner asks if they will comply with all the signs and Mr. Faries absolutely agrees.

Mr. Horner wants to discuss noise, dust, glare and any detrimental impacts to the Scranton area. Also, he would like to discuss what impact they can try to ameliorate and teach the board what will be impacted on the site. First, Mr. Faries discusses the issue of noise and reminds the board that because of the traffic control Copart will employ, the noise is nonexistent. Mr. Faries then discusses the issue of glare and explains that this depends on the ground that is preexisting. Copart employs a large amount of gravel in their yards. Mr. Faries tells the board that if there were any problems with dust, which has occurred in other facilities, Copart employs water trucks. Basically, these trucks wet the grounds to keep the dust low on average. Also, they have employed different types of material such as milling. Mr. Faries then concludes that Copart does not want dust on their vehicles because they want them in the best condition possible. Mr. Horner asks what sorts of compliance do you receive from neighbors of your facilities regarding impact from sites. Mr. Faries explains that the only complaint he has received in over 20 years was the alarm siren. A local neighbor came to the facility to complain and Copart disposed of the alarm.

Mr. Horner states that there are a lot of natural buffers that surround this site and asks is it Copart's intention to leave that as is and not alter it. Mr. Faries response yes. Mr. Horner ask if he is aware of the inspection escrow requirements and Mr. Faries response yes. Mr. Horner states there was a discussion of a 2.5% local housing fee and wants to know if Copart is willing to pay that. Mr. Faries agrees they are. And Mr. Horner asked if the developer agreement is required, will Copart agree to that. Mr. Faries replies yes. Mr. Horner concludes his part of the questioning for Mr. Faries and asks the board if there are any questions. Mr. Kozaks asks if the metal barrier or fence will be 8 ft and surrounding the entire property. Mr. Faries agrees it will be. Mr. Kozak states that he knows Copart doesn't stack their cars but asks about the battery cars. Mr. Kozak wants to know if Copart puts the battery vehicles in a separate place. Mr. Faries responds with the fact that all the electric cars are stored in a separate area, furthest away from all the other vehicles and any residential areas. Mr. Kozak asks if the fire department workers know about these designated areas. Mr. Faries states that they always work with the local fire department first. Copart reaches out to the chief and fire inspector who come to the property and let them know what they need to



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do to have access to their yards. Mr. Faries goes on to say that it usually is a lock box with a code so that the local fire department have access in case of an emergency. Mr. Colavita asks about the PO site and wants to know if they have any type of annual inspection with DP. Mr. Faries explains that DP can give a spot audit, but Copart is not govern by them. Copart has a strict audit inheritance, and they have a centralized department directly for inspections. This department comes out to the property to inspect the following: maintenance, the way they utilize the yard, fire extinguishers (up to code) etc. Copart has a very specific equipment and safety audit that they govern themselves on. Mr. Horner questions if this is a division of Copart that is in charge of auditing. Mr. Faries explains that it is an independent inspector outside of operations. Mr. Faries continues to explain that there are a list of public audits and that the board would be able to see how they are governed. Mr. Colavita asks if Copart has ever had an issue with the local police department with their trucks being parked on the side of the road. Mr. Faries response that they are control of these trucks by turning them away. If those trucks (transporters) do not have a schedule car in the system or a car being picked up, then they are turned away. If those trucks come an hour late for their scheduled meeting times, then they do not get waited on.

Mr. Kozaks asked how many vehicles Copart intends to store at the Monroe property. Mr. Faries states that statistically around 1200 vehicles at their peak. He continues to explain that their system is one of revolving doors which their vehicles are constantly moving. Mr. Kozaks then questions hours of operation. Mr. Faries response Monday through Friday 8 A.M. to 5 P.M. Mr. Kozak asks if those hours were strictly enforced and if there were any Saturdays or Sundays. Mr. Faries states that the only way a weekend would come into play if there were a catastrophe. While on the topic of catastrophes, Mr. Faries explains why Copart is a very good community neighbor. During hurricane Sandy many local folks where thankful that Copart's facility was there to help get their cars out of the neighborhood. Copart offers that if there is ever a natural catastrophe, the local people have a place where their cars can go. Mr. Powers asks about Copart's spill kits throughout the facility and portable kits for their forklifts. Mr. Faries says they still have the kits, and they are available on their tow trucks as well. Mr. Horner asks a couple more questions of Mr. Faries. First, he asks anytime there is a spill occurrence that there is a report to EDP. Mr. Faries response that is correct. Secondly, Copart has control over transporters who come to pick up cars that are sold, can you explain to the board what control Copart exerts over those who deliver cars to the site. Mr. Faries response that they have a dispatched system. The Dispatcher pairs up the cars closest to the location and the dispatcher schedules accordingly. Mr. Horner asks if they only allow certain drivers to bring vehicles. In which Mr. Faries responds yes and that majority of their cars are their vendors or their own Copart drivers. These drivers are all trained so they are familiar with the rules and regulations of the Copart facilities (schedules, drop-off times, etc.).

Copart's second testimony comes from David J. Fleming, PE (professional engineer, Marathon Engineering and Environmental Services). Mr. Horner asks if there are any concerns about Mr. Fleming being qualified as an expert engineer. The board responds no. Mr. Horner asks if Mr.

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Fleming has visited this property. Mr. Fleming response that he has. Mr. Horner asks if he has prepared or seen preparation of the site plan on the application. Mr. Fleming states that his office prepared 3 surveys and site documentation which he has submitted. Mr. Fleming continues by stating to the board with the exception of some minor grading, fencing modifications and asphalt removal/replacement, they are proposing to maintain the site in the same general manner. Mr. Fleming states that prior to tonight's board meeting, the applications were made to Pinelands. Mr. Horner asks if the Pineland certificate of filing in anticipation of approval an indicator of any kind of the environmental cleanness of this lot is. Mr. Fleming states that as the board knows this part of property is on the Pinelands and this application is consistent with Pineland's regulations. Mr. Horner asks about stormwater management to which Mr. Fleming replies to the stormwater management report indicates compliance and Copart acknowledges water quality of the Pinelands for stormwater runoff, quality, quantity, and recharge. Mr. Horner asks if he can speak about the new and approved site plans that are being proposed. Mr. Fleming responds that the only real modifications would be to revise access (receiving area) to the property and do it in accordance with DOT regulations. Mr. Fleming reminds the board that this access area and the fence are the only site approvals.

Mr. Horner redirects Mr. Fleming to the Planning and Engineer letter concerning the 50 ft buffer requirement and asks if he can touch base of aspects and compliance to those. Mr. Fleming responds the buffers on the plan are the existing buffer areas to remain as is. Mr. Horner asks about the currency of the Environmental Site Assessment and wants to know if that has been addressed. Mr. Fleming replies that due to time limitations, the ESA submitted requires revision. Mr. Horner mentions the depiction of topography that extends 200 ft beyond site boundaries. Mr. Fleming states a waiver has been requested, no new buildings proposed, existing drainage patterns will not be impacted, and no additional stormwater runoff will be redirected. Mr. Horner asks about lot coverage and the discussion of the max required is 65 %. Mr. Fleming acknowledges an error and response that the plan has been revised to remain within previously cleared areas, and the proposed lot coverage is now calculated at be 64.9%. The proposed lot coverage includes the inventory area and drive aisles, the proposed site driveway, and the two existing buildings that are to remain.

Mr. Horner questions about vehicle related uses in Monroe Township and some of the conditions that apply to it. He wants Mr. Fleming's opinion if there is a need for a minimum 2,500 square ft per vehicle on this site. He responds no. Mr. Horner ask him if it is appropriate for the entrance width to exceed 30 ft. Mr. Fleming replies yes. Mr. Horner ask if he has any concerns about the proposed 8 ft panel fence. He replies no and that it makes sense. Mr. Horner finishes up by stating one of the review letters that the board's engineer has recommended that if there are any post approval plans, revision would be accomplished within the 60 days. Mr. Fleming agrees and complies with the conditions.

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Mr. Kozak ask about the two white corners on the map and wonders if those are the basins. Mr. Fleming answers that those white areas are existing basins and the natural flow. Mr. Kozak then asks about the use of asphalt millings and Mr. Fleming states that they are typically not allowed to use them. Mr. Colavita directs the conversation to the board's engineer. Mr. Sander states that Copart has address his concerns and waivers. Mr. Sander brings up the issue of on-site vehicle show room proposed and he believes a waiver should be required. And lastly, Mr. Sander address Phase I Environmental Site Assessment which he has not seen but states if there is a problem with it that he will report back. Mr. Fiore interjects and wants to make it clear that Mr. Sander's has two reports October 17<sup>th</sup>, 2023 and November 16, 2023. Mr. Sander replies that the October 17<sup>th</sup> report has been removed from the record and is satisfied that the applicants have addressed all concerns from the November 16<sup>th</sup> report. Mr. Kozak asks about the house location on the site plan and Mr. Fleming clarifies its location.

The next witness from Copart team is David R. Shropshire, PE (traffic engineer, Shropshire Associates LLC). Mr. Horner asks if there are any concerns about Mr. Shropshire being qualified as an expert engineer. The board responds no. Mr. Horner asks if he has visited this property and he responds yes. Mr. Horner ask if Mr. Shropshire has reviewed site plans and applications materials and he responds yes. Mr. Horner would like to know what the objective of analysis that he conducted, basically what did you find out. Mr. Shropshire was trying to determine what the traffic impacts would be. Mr. Shropshire states that the traffic would not be intense from current traffic perspective. Mr. Horner asks him if there are any foreseeable problems or concurs. Mr. Shropshire replies no.

Mr. Horner calls their last witness, Paul Gleitz, PP (professional planner, Latini & Gleitz Planning). Mr. Horner asks if Mr. Gleitz has visited the Monroe Township property and he answers yes. Mr. Horner ask if he has visited other Copart facilities and he responds he has. Mr. Horner asks him if he could discuss some of the other Copart facilities. Mr. Gleitz states he was familiar with the Somerdale property and he went on a site visit at the Trenton location. Mr. Horner asks Mr. Gleitz about the exhibit he presented to the board. Mr. Gleitz was the one to prepared this exhibit with aerial and personal photos. Mr. Gleitz has reviewed site plan and application. He is then asked by Mr. Horner to give his analysis for the use and bulk variances. Mr. Gleitz represents Copart's belief that their operations are similar to the RD-C district's conditionally-permitted light industrial use to promote the purposes of the district. Copart's proposed use of the property would maintain the existing character of the district, and because there are no buildings or paving being proposed. Copart satisfies the conditions for "wholesale distribution and warehouse facilities" and "light industrial use." He states that Copart's site is particularly suited for the proposed use and the reasons described and for all these reasons the Board should conclude that Copart's proposal satisfies the "positive criteria" requirement. As for the use variance "negative criteria," the Board has determined that Copart's proposed use as a "auto auction whose primary business is the sale of total loss vehicles on behalf of insurance

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companies” are not specifically included among the permitted RD-C district use. Mr. Gleitz continues that very little development is propose- just a few upgrades to the existing front parking area, minor widening of existing access drive and the 8 ft metal panel fence. As for environmental concerns regarding the storage of numerous motor vehicle on-site, Copart has established strict protocols to ensure NJDEP compliance. Copart has obtained a Certificate of Filing from the Pinelands which indicates the proposed use of the is in conformance with New Jersey’s environmental regulatory programs.

When asked about the bulk variance, Mr. Gleitz describes the “positive criteria” and “negative criteria.” Copart applied for a bulk variance to the existing 38 ft front yard setback of the single-family dwelling at the property which Copart intends to convert to office use, where a minimum Setback of 50 ft is required. The preexisting house is in good condition and useful for its intended purposes. Mr. Gleitz says that the effort and expense that would be require to remove or relocate the house, would result in difficulties and undue hardships. He states that Copart will obtain all necessary permits and approvals for use of the house as an office. And for these above reasons the Board should find that Copart has satisfied both the “positive criteria” and “negative criteria” for the request of a bulk variance.

Mr. Kernan joins the conversation and agrees to Mr. Gleitz’s testimony on the use variance. Mr. Kernan suggests support for a bulk variance for an 8 ft fence and that Copart needs a condition that the proposed fence be shown, not the existing fence, the proposed one. Mr. Kernan discusses Mr. Fleming’s exhibit needs to be marked in because of a new revision. He states that this is not the same site plan as proposed and asks if there is a revised site plan. Mr. Fleming states it was revised in exhibit A4. Mr. Fiore asks Mr. Kernan which items were not applicable and he says that all the items are not applicable because it is not a vehicle storage lot. The topic of the fence reappeared and the board stated that Copart must make sure to install the fence on their property. Mr. Faries did not have a problem with that at all. Mr. Kernan strikes from the record zoning requirement 3.3 as per Mr. Gleitz. Mr. Kernan then asks if they should propose a condition that there would be a yearly inspection by the zoning officer. Mr. Faries stated he was okay with that. Mr. Fiore concluded that Copart would require the Township code on this inspection to be a fire inspector, zoning officer or professionals, whomever that individual may be. Mr. Horner agrees and states Copart is open to this inspection. Mr. Kernan questions the buffer proposal and Copart is willing to adjust it. Mr. Gleitz clarifies that they are seeking a variance for an existing condition. Mr. Kernan questions the buffer on the south east corner and feels the basin is being compromised by the drive way and Mr. Fleming states they can make minor adjustments. Mr. Kozaks states that they all agree to, not compromise the basin and Mr. Horner adds that will be a condition for approval. Mr. Kozak ask Mr. Kernan if the front of the property needs any approval for landscaping or façade for the house that would be beneficial for this project. Mr. Kernan response that there be a condition that the appearance from the street in presentable. Mr. Faries agrees with

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those terms and states that they are prepared to be proactive with landscapers and any other improvements.

Motion opened up to the public and Richard Schmidt addresses the boards. Mr. Schmidt's property is adjacent to the property in question. Mr. Kozaks asks what side of the property Mr. Schmidt is located on and he answers he is to the left of 322 and is the owner of the large vacant lot to the left. Mr. Schmidt was virtually approved for his 31-acre lot under the commercial recreation component as permitted use. Mr. Schmidt states that one of the reasons he chose this property was something stated on the Monroe development Website. The statement reads why Monroe Township and the reasons were large investment, desirable commercial real estate combines with incentive programs and pro-business local development and makes it an obvious choice for business location. He continues, prime locations, rapidly growing, available commercial real estate and "the only thing missing is your business." He finishes this statement from the website saying (which he deemed important) "The Township of Monroe recognizes that the commercial base is of vital importance of the overall well being of the community. This is why local government is aggressively pro-business and considers economic development a primary concern. You can count on the township of Monroe to support your business. You are our priority." Mr. Schmidt did some research on Copart's net worth and discovered on October 12th the company was worth \$44.1 billion. Then on November 30<sup>th</sup> he googles their net worth again and it was \$48.7 billion. The company grossed \$4.5 billion in 48 days and a \$94 million a day increase. Mr. Schmidt excitedly states that the board would be out of their minds if that did not approve this massive company. Mr. Schmidt explains that he has had some personal experiences with Copart back in 2012. During hurricane Sandy at their Englishtown site, Mr. Schmidt was directly impacted. He was able to witness Copart's involvement during this catastrophe. Mr. Schmidt believes that the Township will not have any negative feedback because there are no detriments to the public good. Mr. Schmidt feels that this has a positive effect both for his property being adjacent and for the Township benefits.

Motion passed to close the hearing to the public.

Motion to approve by Mr. Kozak, seconded by Mr. Powers. Roll call vote; Ayes- Mr. Kozak, Mr. Powers, Mr. Carino, Mr. Colavita, Mr. Salvadori, Mr. Seidenberg, Mr. Rice. Nays- Zero.

4. #23-52 – Garden State Outdoor Advertising, LLC – Use Variance

The applicant is requesting a use variance to allow an off-site advertising billboard sign outside of the permitted billboard sign corridor (along the Black Horse Pike between Geets Diner and Berlin Cross Keys Road). The property is located at 328 Berlin Cross Keys Road, also known as Block 101, Lot 3.02 in the Business Park Zoning District.

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Motion passed to deem the application complete. Albert Marmero (attorney) and four witness were sworn in by Richard Coe. Mr. Coe begins the evening by stating he was present back in 2019 when the application first appeared before the Board. Mr. Coe states that this application is substantially different in size, especially the height, and the façade of billboard and size of the billboard are different. Because of these changes Mr. Coe recommends the Board to proceed on those merits. Mr. Marmero begins his open statements with some background information for the Board to understand their application. He states his clients are seeking to construct an off-site advertising sign along Berlin Cross Keys Road. The property itself consists of 1.57 acres and contains a commercial building, sidewalks and a parking lot. The property is located in the BP business park district and subject property is located along commercial corridor. Mr. Marmen explains that there are a couple of residential usages in the adjacent area, but the closest residence of the proposed sign is approximately 460 ft away. The nature of the use variance is due to the location of this proposed sign. Monroe Township does permit signs of this nature but only on the Black Horse Pike, in a certain corridor of that stretch between Cross Keys Berlin Road to Sicklerville Road. Mr. Marmen explains that the contrasts with this application is that there is also the space requirement that states any new billboards in that permitted corridor cannot be within 2,000 ft of an existing billboard. Due to the limited area where this use is permitted and then factoring in that space restriction, Mr. Marmen's client will testify that after a diligent search there is no parcel that would allow for development of such a sign. Mr. Marmen concludes that the goal of the applicant is to locate this sign in an area that would seem to coincide with the area where this is permitted. Mr. Marmen also states that the applicant has a NJDOT permit for this sign, which would essentially show that safety requirements are met with the respect for safety. Mr. Marmen states that his clients are mindful of the prior 2019 applications and the proposed sign at that time was extremely larger. And as they have indicated they have made substantial modifications. Mr. Marmen explains to the board that the 2019 application proposed a height of 63 ft and 2 sided faces at 14 ft x 48 ft each for an area of 672 square ft. Mr. Marmen is proposing a decrease in height from 63 ft to 35 ft and for a decrease area of 378 square feet. Previous applicant was asked by the Board to reduce the size of the sign and they were not willing to do so. Mr. Marmen states with the digital aspect of this sign they feel that it is feasible to reduce it (in which they are proposing).

Mr. Marmen calls their first witness, Adam Burkett who is the owner of Garden State Outdoor LLC. Mr. Marmen asks if Mr. Burkett is aware of the 2019 application and he replies yes. Mr. Marmen states that Garden State has reviewed that application and they have made sure to differentiate themselves, to which Mr. Burkett agrees. Mr. Marmen address the location again and indicates that it would be impossible for Mr. Burkett to find a location within the area where the signs are permitted. Mr. Marmen asks Mr. Burkett if he conducted a search to try to find a location within that area. Mr. Burkett replies that they did a search and found that the farther east they went there was not much of a demand. Plus, Mr. Burkett states with a 2,000 ft spacing you would need 4,000 between 2 signs to get one and that would be too long of a distance. Mr. Marmen asks if Mr. Burkett would agree to the height variance of 35 ft. in

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which he does agree. And Mr. Marmero indicates that the proposed sign would take up an area of 378 square feet and Mr. Burkett agrees. He asks if this would be a digital sign and Mr. Burkett replies yes on both sides. Mr. Marmero asks how the digital sign operates and how often does it change. Mr. Burkett replies that the sign changes instantly every 8 seconds. The DOT has strict outline on digital signs which they have met all of their criteria. Mr. Burkett further explains that the digital sign will run in a 64 second loop which would allow 8 advertisers on each side. Mr. Marmero address the topic of advertisers on each side and spoke about the public partnerships that Garden State has entered into with different locations. He asks Mr. Burkett if there is ever a situation where the signs would allow municipal messages, to which he responds absolutely and begins to elaborate. In the digital world there is always a lapse between contracts which could be a few days to at most 30 days. During these lapse times they would put up messages for Monroe Township. Mr. Marmero asks if this is something they have done with other municipalities and Mr. Burkett replies yes. Mr. Burkett is asked about amber and silver alerts to which he responds yes and explains once an alert is received in the area, the board will automatically acknowledge it. Mr. Marmero directs the conversation to the topic of business' and their need for advertising. Mr. Marmero ask if in the marketing for Garden State's sign, do they give any focus to local businesses. Mr. Burkett strongly agrees and states that they will contact local businesses and that mostly local businesses see their signs and will contact them. Also, they offer a discount for businesses with in the Monroe Township (restaurants, Urgent Cares, etc.). Mr. Marmero reiterates that Mr. Burkett's testimony states he would offer a discount to those local advertisers and he agrees.

Mr. Marmero speaks about a program Mr. Burkett implemented with others as well regarding license plates, specifically Atlantic City and would like Mr. Burkett to elaborate. He begins to explain that on the express way they went and partnership with the Jersey State Police to allow them to place license plate readers into the signs. This would be beneficial if someone were to commit a crime and pass their sign it would alert the police department or the state trooper barracks. Mr. Marmero asks what has been the feedback from the license plate reader program. Mr. Burkett responds that Atlantic City loves the programs but have not had much feedback from New Jersey state.

Mr. Marmero addresses the Board planner's letters and speaks on behalf of the local purpose tax which the 2% of gross at annual revenue. He asks Mr. Burkett if he is aware of this tax and he responds that they have recently became aware of it. He states that they are willing to pay which means the Township of Monroe would be entitled to that 2 % of the gross sales of the billboard. Essentially, they could provide through the county: a 6 month or yearly report and an account through their accounting of all contracts placed under the board with a breakdown. And Mr. Burkett finishes his explanation by telling the Board that with this money they could help the little league teams, the Monroe Sports Authority, etc.

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At this time Mr. Marmero would like the Board to understand who Garden State Outdoor but asks if there are any questions for the Board. Mr. Kozak asks about local police and clarifies that they would provide the equipment and Garden State would provide location. Mr. Burkett agrees. Mr. Kozak asks on average what would it cost for a local business to advertise on one of their billboards. Mr. Burkett assumes it would cost anywhere between \$1,000 to \$1,500 per month per spot and Garden States gets about 10,300 spots per month. Mr. Marmero discuss the importance of the height of the Billboard for the license plate programs. Mr. Burkett responds saying the top of the Billboard would be 35 ft and the bottom would be about 20 ft.

Mr. Marmero calls their second witness Marie Baaden, New Jersey and Delaware licensed engineer. Mr. Marmen asks the Board if Ms. Baaden qualifies as an expert engineer and they respond yes. Mr. Marmen asks if Ms. Baaden could give some background to the Board about the variance plan that she prepared. Ms. Baaden begins by giving a detailed description of the site's location. Then Ms. Baaden states that the first plan includes construction of 36 ft x 10.5 ft billboard and that is 278 square ft. The 378 square ft 2-sided sign would provide primarily visibility from Cross Keys Rd. The sign is 20 ft off the front property line and 25 ft off the side yard property line. Ms. Baaden submitted to the Board both exhibit A1 and A2. Ms. Baaden directs the Board to A1 which is an enlarged picture of an exhibit they already received. Mr. Kozak as if Exhibit A1 is a depiction of the billboard and Ms. Baaden replies yes. She explains that these images prove the decorative aspects of the sign and the façade. The top and the bottom of the sign matches other current signs so they can still preserve the commercial work of the corridor. Ms. Baaden points out that the only disturbance of this billboard would be the initial overall construction. Mr. Coe asks if currently the site is a developed commercial property and Ms. Baaden responds yes. Mr. Coe asks if there has been any difficulty is using that property for a use that is consistent with the zone and Ms. Baaden questions for the billboard and he replies yes. Ms. Baaden explains the site location is prime and the minimal activity would be during construction. Mr. Colavita asks if she can speak on light pollution because of the existing complexes behind the property. Ms. Baaden explains that these signs are designed to meet the regulations of the DOT which states how much light may exist. The light produced by the digital billboard during night time is diminished, so it is not as bright. And the light produced during the day gets brighter. Ms. Baaden states the visibility from the residential to the billboard will not impact because the billboard is facing toward the roadway. Mr. Coe states that the Township's design and performance standards for billboards in the cargo images are permitted with the limit in the height of a sign like this to 25 ft and 150 square ft for the face. He questions Ms. Baaden why does this billboard need to be higher and bigger. She replies that as a billboard gets lower and smaller it is harder to see, which may make it a nuisance to drivers to see what exactly is on the sign. She believes that the proposed sign is a relatively small sign in regards to billboards and the reason they do not want to go smaller is for the visibility to make it safe. Mr. Kozak questions Ms. Baaden's testimony and asks that the billboards they current have shouldn't be the way they are. Mr. Coe interjects that they



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have a public policy that has already been established by the township council that limits signs to 250 ft and 150 square ft. Mr. Kozak clarifies that this is the standard for Monroe Township.

Mr. Marmero asks David Shropshire to testify, who is his third witness and traffic engineer. Mr. Marmero ask Mr. Shropshire if he testified in 2019 for the application for the larger billboard at this location and he replies yes. Mr. Marmen asks him if at that time he also prepared the traffic report that was not submitted by he did testify. Mr. Shropshire replies yes and agrees he will do the same tonight in front of the Board. Mr. Shropshire begins his testimony by discuss what impacts this particular sign. First, he speaks about traffic and its particular use does not have impact on traffic. Due to the fact that it is a digital sign, it would not have the traffic a static billboard would obtain because it is changed electronically. Secondly, Mr. Shropshire deals with is safety because this becomes a concern with regards to the negative criteria associated with use not permitted in the zone. Mr. Shropshire presents the Board with some safety testimony by going over one of the purpose or view purpose of the act that NJDOT implemented. NJDOT would be in control of outdoor advertising signs such as the one proposed and is required to get permits in which they have received. Each state is to determine their regulations. Mr. Shropshire backtrack to his safety topic and states that after extensive studies, billboards have been determined to not cause any unsafe driving behavior. Mr. Shropshire goes on about the regulation that NJDOT implemented to be safe and the permits required. This application complies with all the space and size requirements. And most importantly it complies with how often the sign changes which is every 8 seconds. Mr. Shropshire discusses site suitability and compares the proposed corridor versus the Black Horse Pike. Berlin Cross Key Road is classified as an open principal arterial and Black Horse Pike is also classified as an open principal arterial. Both are four lanes but the Black Horse Pike has the median and is 50mph while Cross Keys is 45 mph. Mr. Shropshire points out one historical average daily traffic on both road works is that there has been an annual daily traffic reduction on the Black Horse Pike. While on Berlin Cross Keys Road there was an increase in annual daily traffic. Mr. Kozak asks if this is an average per day and Mr. Shropshire replies yes. Mr. Shropshire closes his arguing statements with the fact that Berlin Cross Keys Road would be more suitable because it has an increase in traffic flow. Mr. Kozak asks wouldn't it be the opposite, it would be more dangerous because of the increase in traffic flow. Mr. Shropshire responds by saying the danger factor is not incorporated with the testimony regarding safety but the site suitability is. For example, if you wanted an amber alert to go out you would want more traffic to see that alert. Mr. Marmero clarifies that Mr. Shropshire is testifying the advertising aspects of the sign would be beneficial because there is slightly more traffic on Cross Keys Road than the Black Horse Pike.

Mr. Marmen call their final witness Jason Schiullo, professional planner. Mr. Marmero asks the board if Mr. Schiullo is accepted as an expert witness and the board replies yes. Mr.

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Schiullo begins with his exhibit of the site location plan A3. As describing this location, he mentions that their site is on business part district and to the south of that is commercial district.

On the opposite side of the road, Washington Township there is another commercial district called highway commercial. The proposed sign is situated on the road and will be focused on Berlin Cross Keys Road. Mr. Schiullo states that the advertising sign proposed is 10.5 ft x 36 ft and 378 square feet per side which makes it one of the smallest digital signs and decreasing it to a smaller custom board would make it unsafe. He continues by stating that there are no other signs of that size in the area and most are much larger. Signs on the expressway are 3 times the size with dimension of 16 ft x 60 ft and 960 square feet. Eastbound sign on the Black Horse Pike stood at 50 ft high and 14 ft x 48 ft double sided. Mr. Schiullo describes the digital state of this proposed billboard as comparable to a new LED TVs or a cellphone. It has very similar features of both (i.e. email and weather features). He continues to explain that with these boards when the sun is really bright (at its brightest in the morning) and at night it dims to about 30% of that brightness factor. The sign is designed to be visible less than 4 more vehicles, so anyone behind 200 ft does not see the light and between 200 ft and the board itself it is substantial reduced on the footprint of the actual sign board. Mr. Schiullo states that what you see when you are more than 200 feet away from it, is just the actual sign face itself without any color reflective and without brightness visible to the eye. It's like looking at the moon or a parking lot light off into the distance. It is there and it is visible but it is not intrusive.

Mr. Schiullo clarifies to the Board the variances and waivers that were previously discussed. He explains the seemingly intention to what the applicants are trying to create that part of the advertising would be in this high traffic section of the commercial corridor. The benefits of placing this sign on Berlin Cross Keys Road would be more traffic, more eyeballs and more messages put out. The public benefits because the public has the right to receive these messages. In today's society advertising signs have become a lot more valuable. There are very few people that buy the newspaper anymore and we very rarely see commercials because we stream on our phones these days. The only two advertising outlets are the radio and billboard signs. Mr. Schiullo concludes his testimony that this site is suitable because of the high traffic volume, the availability of this location that it is visible to the street but not impactful for the neighbors. He believes it is the most efficient for conveying messages to the public for customers and for the advertisers.

Mr. Kernan still does not understand the special reasons for this size of sign. He states that the existing development on the property that is now the Sherwin Williams, that was a product of a use variance before this board many years ago. He lists the progressive development Mr. Guzzo has increased on his property. And the addition of Sam's Club and its gasoline. Now Mr. Kernan believes this proposed billboard is stuck in between the canopy for gas and the existing commercial buildings. He does believe that this proposed billboard will take away

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the visible aesthetics of the area. In 2009 a proposal was made between the Council and the Planning board and decided that proper corridor was the Pike from Berlin Cross Keys down to Sicklerville Road. Mr. Coe asks what is the reason for that proposal in 2019. Mr. Kernan believes it was because that corridor already had existing billboards. And the town at the time

did not want to see a proliferation of new billboards. Mr. Coe ask Mr. Kernan if he was on the board at the time of the proposal and he was. Mr. Coe asks that it wasn't councils' intent of part of the township that anywhere other that Black Horse Pike should have this. It was council's intent to confine this to the Black Horse Pike. Mr. Kernan agrees and states that it was not just a billboard corridor but another special corridor created by council at that time. Mr. Kernan suggest the height and the area of this sign should be in scale with the fact that you're traveling that fast through town, with businesses and neighborhoods. It is not the same as traveling on a highway or expressway.

Mr. Marmen recaps about the 2009 ordinance and that it has been 14 years since it was proposed. Then he discusses the change in conditions of Berlin Cross Keys road as compared to the Black Horse Pike. Mr. Coe points out that they would have to get a variance from the spacing requirement not a variance from the corridor that has been designated. Mr. Kozak adds that if Garden State meets the required size that would not have to get a variance for the size. Mr. Schiullo points out that this billboard is not oversized for this corridor, but that it's the ordnance that sets the standard. Mr. Coe addresses Mr. Schiullo's statement about the ordnance being outdated. And he says that Mr. Schiullo should be making that plea to the council and ordnance community. Mr. Schiullo response that the way the law works in order for them to do that they need seek relief administratively from the Board first and that would be the next step if need be. And they are not asking for the zoning to be changed, just to put the sign in that location. Mr. Kozak asks do we know for a fact that there is no place on the Black Horse Pike that the applicate could put a billboard within those 2000 ft respectively. Mr. Kernan replies no he does not know that. Mr. Coe ask Mr. Schiullo if it's his testimony that a 150 square ft would be unsafe and he replies yes. Mr. Marmen asks Mr. Schiullo about the height and if there are any considerations with that. Mr. Schiullo response that they could lower the board 5 ft to make it 30 ft and still be relative below it. Mr. Marmen states for the record that they could accommodate a 30 ft height and Mr. Schiullo replies yes.

Motion to open to the Public and Jill Aducate addresses the Board. Ms. Aducate is there to speak about the application that was denied in 2019. She states it was a digital billboard in the same location with very similar traffic testimony. The Board denied the application because it was not in the billboard zone and at this time the Board did not want anymore billboards. Ms. Aducate believes the only differences are a potential license plate reader and 2 % payment to the town. She then asks the rhetorical question, does that mean applications are for sale ata

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price approved for that. Mr. Powers asks if the owner of the property would like to testify and is interested in how he developed the area. Mr. Guzzo replies that he has an investment there and does not see the proposed sign as a negative at all, but more of a positive. He uses the example of coming off the expressway and seeing an advertisement on the billboard that may lead some one to Pellegrino's over Auto lenders. Mr. Guzzo states if he thought it would have a negative impact that he would not have any interest in the sign. Mr. Powers asks Mr.

Guzzo his vision and how he increased development in the area. Mr. Guzzo replies that Berlin Cross Keys Road is very good road and allowing the development of the apartments was a positive aspect. Mr. Guzzo believes that the billboard will require very little maintenance to operate. Mr. Powers asks Mr. Guzzo how many signs are on the same street to expressway. He believes that there are one or two signs on the Berlin Cross Keys Road.

Motion to approve by Mr. Powers, seconded by Mr. Rice. Roll call vote; Ayes- Mr. Powers, Mr. Rice, Mr. Salvadori. Nays- Mr. Carino, Mr. Colavita, Mr. Kozak, Mr. Seidenberg,

**Interpretation:**

1. #23-57 – Allison Long & John Tress

The applicant is requesting an interpretation for the current use of her property that purposes the use to be an in-home occupation. The Zoning Office has determined that the current use at the property does not meet the definition of an in-home occupation. The property is located at 1789 Winslow Road, also known as Block 4401, Lot 28 in the RD-A Zoning District.

Mr. Fiore begins by stating the owners of the subject property seek an interpretation of the home occupation ordinance, which is exhibit 175-111 wherein Mr. Tress is seeking to run his business via home occupation. Mr. Fiore refers to the Code of Compliance report from the zoning officer, Tara Nelms, which is exhibit 175-111 and gives the definition of home occupation. Ms. Nelms has made notes to why she believes the tenant use does not conform with home occupation.

Joseph Corbi, the applicant's attorney asks the Board if they could review the paperwork he just submitted. John Tress was sworn in by Mr. Fiore. Mr. Corbi asks Mr. Tress what he does for an occupation. Mr. Tress replies he is a small engine mechanic and performs engine tune-ups, carbonator repair, but mostly tune ups. Also, he works on lawn mowers and weed whackers. When asked about the size of his outdoor dwellings he response that the one unit is 24 ft x 24 ft and the other one that was built is 24 ft x 30 ft. Mr. Tress states that these units are combined together. Mr. Fiore clarifies that they are two separate buildings and Mr. Tress

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says that they are combined as one with sizes 24 ft x 24 ft and 24 ft x 30 ft respectively. The Board asks Mr. Tress what is the size of his house. He replies 3,2601 square ft. and it is a two-story unit. They ask Mr. Tress if he has deliveries and he response yes, usually monthly UPS drop-offs. Mr. Corbi asks Mr. Tress how long has he been doing this type of work and he replied since he was 8 years old. He also stated that his father did this type of work and he has never sold any equipment outside the front of his house. He sold 2 cars via Facebook marketplace but never anything outside his home. He conducts his repairs on his property then

transports it to the Berlin Farmer's Market where such items are sold. Mr. Tress explains that there is a letter submitted, along with previous paystubs from the Berlin Market proving he works out of there. Mr. Fiore asks if he has any car lifts and he states he does but for personal use only. The Board asks when he put the car lift in and he replies about two years ago and it was approved by the township. When asked if his business is a registered business by the state, Mr. Tress replies yes, it is and he has his tax id number. Mr. Fiore asks what the name of his business and he responds John Tress Auto Repair and he advertises out of the farmer's market. Mr. Tress states he has been in the home for 6 years.

Mr. Colavita states that in some of the pictures submitted there are multiple trailers and vehicles parked on the property. Mr. Tress responds by telling the Board that the vehicles that sit on his property are there seasonally. He can only afford to leave these vehicles at the Berlin Market for 7 months out of the year. Due to the pictures with the trailers full of ladders and other equipment, Mr. Colavita believes that Mr. Tress is having other people store things on his property. Mr. Tress responds that years prior he would justify his income on small engine stops and since work is slow, sometimes he does handyman work. Also, he states that the ladders in question are used on his own home for siding, windows, roofs etc.

Mr. Fiore states that under the definition of home occupation it has to be incidental to the primary use. The primary use is Mr. Tress's residence and it has to be incidental. Mr. Fiore states he is by stander in this interpretation but clarifies that Mr. Colavita is trying to figure out if all that stuff outside his house would be normal on someone's property. Mr. Tress explains that Ms. Nelms came to the property and stated that if they fenced off, organize it and place it in some type of vessel it would be acceptable. So, Mr. Tress put up "greenhouse" tents that are under 12 ft and are mobile. Mr. Colavita reads part of the ordinance- the occupation shall be conducted entirely within the dwelling or with within an accessory building or buildings. Mr. Colavita states that most of what Mr. Tress does on his property is outside a building- lawnmowers, tents, other vehicles so he questions how Mr. Tress is doing what he is doing because it does not meet home occupation standards. Mr. Tress replies that he has been trying to clean up his yard and the picture the Board have are about 2 years old. The Board ask if the tents, trailers and sea box are still there and Mr. Tress replies yes. Mr. Corbi ask if the tents

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and trailers were not there, would Mr. Tress be complying and Mr. Colavita responds by saying that is what they are trying to determine. Mr. Rice asks if the trailers and tents were not there, where would you store your equipment. Originally, Mr. Tress wanted to use sea boxes but they were not legal through the township. So, he spent a lot of money on the tents in question, 8 tents were built and he would have built more and place his equipment in there but now they are questionable. Mr. Fiore is trying to see this through a position of logic and he believes if they were to send people to survey his property, most would think it was a junk yard.

Mr. Corbi questions the spirit of the home occupation and asks if it would allow Mr. Tress to work out of his house. Mr. Fiore responds that the applicant must look at the four corners of the ordinance that the board is going to deal with. Reading from the ordinance, Mr. Fiore states A. The use shall be one which is customarily incidental to the use of the premises as a dwelling and subordinate to the residential use of the property. He then reads D. The occupation shall be conducted entirely within the dwelling or within an accessory building or buildings. Mr. Fiore talks about the tents and if the Board considers them legal buildings, which in his opinion does not. Mr. Fiore goes on to state that when this ordinance was first drafted it was in consideration for at home occupation such as doctors or dentist. Mr. Corbi makes the argument that the consideration is for the white collar and Mr. Tress is an example of blue collar. Mr. Fiore argues that it doesn't make an exception of the blue collar because it is in a residential area and he is going to have a tough time with the Pinelands because he is not in a commercial area. Mr. Tress argues that the Pinelands said it was up to the Zoning Boards interpretation. Mr. Fiore responds to that by saying the board is binded by the four corners of this document/this ordinance. Mr. Fiore asks Mr. Tress how many lawnmowers does he have on his property. He says at least 100. Mr. Fiore asks does he think someone looking in believes that Mr. Tress is conducting a commercial business. Mr. Tress replies yes. Then Mr. Fiore responds to Mr. Corbi's question on who is applicable for this ordinance and he states the person making flower arrangements in their bedroom or the guy fixes two lawnmowers in his garage. Mr. Colavita directs the conversation to the Board's Planner. Mr. Kernan states that even if all Mr. Tress's equipment and property were in structures, he doesn't know if it could fall under the four corners of the ordinance. Mr. Kernan brings up criteria C. the portion of the dwelling unit or within an accessory building shall not exceed 30% of the total floor area of said dwelling unit. Mr. Kernan questions that with the home, garages and structures that are taking up much more space, how Mr. Tress would ever get below 30% of the total flooring area. After a couple of scenarios are presented from Mr. Tress, Mr. Fiore reiterates that as it currently exists (in its current existence) does that satisfy the requirements of the home occupation. The Board needs to approve that interpretation.

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Motion to approve by Mr. Powers, seconded by Mr. Salvadori. Roll call vote; Ayes- Mr. Powers, Nays- Mr. Salvadori, Mr. Carino, Mr. Colavita, Mr. Seindberg, Mr. Rice.

**Public Portion:** Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

**Reports:** Extension request from the Williamstown Congressional of Jehovah's Witness that Mr. Sander had place the report that they had to provide compliance within 60 days. They are unable to meet this request because they need outside agency approvals so they are asking for an extension. Motion to extend application for 90 days. All in favor and non-opposed. Ms. Orbaczewski reminds the Board about the Christmas Party.

**Adjournment to Closed Session:** Motion passed to adjourn closed session.

**Adjournment:** The meeting was adjourned at 11:04.

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: Scottie Lea Gabbianelli, Clerk Transcriber

