

**Call to Order:**

The Zoning Board of Adjustment meeting was called to order at 6:32 p.m. on December 7, 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.

“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. Cummiskey, Mr. Colavita, Mr. Kerr, Mr. Kozak, Mr. Powers, Mr. Salvadori, Mr. Fiore, Solicitor, Mr. Kernan, Planner, Mr. Warburton, Mr. Sander, Engineer. Also present; Ms. Orbaczewski, Secretary, Ms. Gallagher, Clerk Transcriber. Excused; Mr. Seidenberg, Mr. Rice, Mr. Heverly.

**Memorialization of Resolutions:**

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

Motion to approved; All ayes. Motion passed.

**Public Hearings:**

1. #1871 & #530-SP – Capital Realty – Minor Subdivision & Preliminary Major Site Plan

The applicant is seeking minor subdivision approval to subdivide Lot 14801.01, Lot 12.03 into two lots. Proposed Lot 12.03 will contain 3.77 acres and proposed Lot 12.05 will contain 4.21 acres. The applicant is also seeking preliminary major site plan approval to construct a three story, 120, 000 square foot self-storage facility along with associated site improvements such as new parking areas, landscaping, lighting, and stormwater management. The property is located at Glassboro Cross Keys Road and Fries Mill Road in the RA Zoning District.

Mr. Cummiskey asks if this application can be deemed complete to which Mr. Sander replies yes except for the requirement of topography surveys to show 200 ft extension pass the property which has not been done. The applicant is to submit that survey or request a waiver from the board. Ms. Orbaczewski asks the applicant if they are requesting waiver for such survey and they respond yes. Mr. Kozak asks Mr. Sander if he thinks a waiver is acceptable and he agrees.

1. #1871 & #530-SP – Capital Realty (Cont.)

Motion passed to deem application complete.

David DeClement, applicant's attorney asks the Board to swear in his witnesses, Andrew Simkins and Gary Smith. Mr. DeClement asks Mr. Simkins if he is a professional licensed engineer here in the state of New Jersey. Mr. Simkins response yes. He displays for the Board Exhibit rendered as A-1 and preliminary site plan rendered as A-2.

Mr. Simkins states the site is located on Glassboro/Cross Keys Roads and is an RA residential zone. There was a D1 use variances previously granted on this property in 2019 and currently it is an existing vacant lot. Mr. Simkins depicts the property by showing the Board the age restriction area "The Greens," the 117 multi-family units and surrounding commercial properties. The applicants are proposing a three-story self-storage unit which will be climate controlled and include a five protective central security system. This model unit plans to be a 120, 000 square feet. There will be 800 units including an office. The gated entrance will be via Glassboro/Cross Keys Road where security will control the flow of traffic. There will be 22 parking spaces where 19 spaces are required. There will be a security gate surrounding the perimeter and another gated exit entrance, so everything will be secured. Mr. Kozak asks what will be the material of the security fence. Mr. Simkins responds 8 ft chain link fence.

Mr. Simkins states they have a stormwater management system where the basins are connected. They have a 50 ft landscaping buffer around the perimeter of this proposed property. Their lighting unit consists of 8 wall packs and 2 lighting poles. Mr. Simkins explains the hour of operations will Mon-Sun 7 a.m.- 11 p.m. There will not be any outdoor storage for this facility.

Mr. Simkins describes this as a state-of-the-art facility. It will have an aesthetically pleasing exterior. The self-storage unit will provide revenue for the Township with a low volume of traffic generation and will meet the needs for residence in the community.

Mr. Simkins recognizes that in accordance with 175-163I, self-storage facilities shall be permitted as a community commercial use. But the, in accordance, limits the height of the facility to one story use. Also, it requests for a 50 ft buffer along any kind of property line. Mr. Simkins points out to the Board the bulk requirements for the community commercial request a minimum building height to three-stories or 40 ft and a minimum buffer of 25 ft adjacent to the residential zone. He continues by stating a D6 variance is where the proposed height exceeds the maximum height permitted by either 10 ft or 10 percent. Height is not defined in a municipal land use law but in this case the Township's ordinance defines the height. The applicant is asking for a D6 variance that would allow them to construct a three-story self-storage building on this site.

Mr. Simkins states the applicant is requesting a variance for a waiver from design standards for the 50 ft buffer in which drive aisle and loading zone located on the property. Also, they are asking for variance for the bulk requirement for maximum yard front yard setback 60 ft to allow the proposed setback of 65 ft. Mr. Simkins explains they had to give themselves adequate space for the drive aisle.

1. #1871 & #530-SP – Capital Realty (Cont.)

Mr. Simkins continues to ask for another design waiver to allow an 8 ft high chain link fence in the front yard along Glassboro/Cross Keys Road. Lastly, they are asking for a waiver for the requirements of the topography in which the Board already granted.

Mr. Simkins explains that the D variance is going to be granted for special reasons which is considered a positive criterion. In this case they feel the application is suitable for the proposed use which would promote the general community well fair. Mr. Simkins points out that the number of units in the proposed three-story self-storage unit would require approximately four times as much area if it were a single story. Therefore, they realized how much this compact area is going to save them from open space.

Mr. Simkins explains how this project is going to promote the flow of traffic. They performed a traffic assessment and it proved that the maximum of 11 trips were generated in the morning and 18 trips in the afternoon/evening hours. Once in would be considered one trip and once out would be considered another trip. This assessment concluded that the traffic was not going to affect the conditions of the surrounding roadways.

Mr. Simkins reiterates that this proposed storage facility would provide a desirable visual environment. He describes is as a mental frame building with architectural features and surrounding landscape that will flow with the community.

Lastly, he wants to state it encourages plan development and incorporates the best features of design. Storage facilities have evolved from a single-story situation to multi storage. The positive affects of this is that they are much more efficient with their energy use, it's utilizing space, easier for climate control and a better end product for customers.

While Mr. Simkins listed all of his positive criteria, now he begins to discuss the negative criteria for the proposed three-story self-storage unit. The impact of the surrounding areas would be limited. The buffer would limit the visibility around the perimeter of the side and the property would end up with approximately 100 ft buffer area. Mr. Simkins states neither would impair or limited the purpose of the zone plan and granting this ordinance would not substantially impair intent purpose of the zoning plan as it has previously been approved for commercial use, as a self-storage is a permitted use. He concludes that for these reasons; the proposed variance, the height variance three-story self-storage plan, would not be a substantial detriment to the public good and would not impair the intent purposes of the zone plan for the zoning board.

Mr. Simkins turns to Mr. Sander's letter and addresses the stormwater management that would be submitted. There is a section in the letter that questions the corner of the lighting plan. Mr. Simkins explains that the proposed buffering is going to eliminated the spillage.

Mr. Simkins addresses the height of the light stand in which he said they would take care of that and they plan on following up on the lot subdivision.

1. #1871 & #530-SP – Capital Realty (Cont.)

Mr. Fiore questions the lighting issue topic and purposes a resolution so there is a clear conclusion from the Board. Mr. Kozak interjects and reiterates the buffer as previously mentioned. Mr. Kozak asks if Mr. Sander would agree that the buffer would minimize the number of spillages and discuss the finish product to see if it works. Mr. Sander agrees.

Mr. Kozak asks where the fence will be located and the color. Mr. Simkins replies it is around the outside while demonstrating to the Board on the Exhibit. Mr. Simkins shows the Board the side where it will not be fenced it. Mr. Kozak asks if it is going to encompass the basin and Mr. Simkins replies no. Mr. Kernan asks if there is a reason why the fence needs to be 8 ft in the front yard. Mr. Simkins states that they were looking for security. The Board asks if nothing is going to be stored outside then why do they need an 8 ft fence. Mr. Simkins replies that they are willing to change the height to the Board's liking. Mr. Kernan suggests a decorative aluminum fence in the front and Mr. Kozak suggest black on black fence for the remaining. The Board discusses with Mr. Simkins about the height of the fence and its location around the perimeter. Mr. Fiore asks about a particular area that Mr. Simkins points out and he wants to know if there is a common ownership between the two lots. He continues to state if they subdivide the two lots there would have to be an easement prepared for that lot and Mr. Simkins understands.

Mr. Kozaks asks the Board if there are any concerns that the retention basin is not fenced in and they respond no. Mr. Kozak then asks what is going to be stored in the facility. Mr. Simkins responds household like items. Mr. Colavita asks Mr. Sander what is the existing buffer there now that they briefly spoke upon. Mr. Sander states it's a forested area with over grown trees. Mr. Kernan adds that it is not fresh growth. Mr. Colavita asks more about the height of the trees and Mr. Simkins states that the effective side is mostly brush and Mr. Kernan agrees and states that there is nothing there to salvage anyways. Mr. Fiore states since this is only their preliminary hearing, they will have more depth discuss about vegetation in later time. The Board ask if they have a trash system for containers, enclosed or exposed. Mr. Simkins replies they do have a proposed enclosed trash container.

Mr. Sander comments that if this application does get approved, there should be a condition upon the subdivision. It is mentioned that they applied for a subdivision, but Mr. Sander believes they should have inquired one first. Mr. Kerr states that the application is only preliminary, which would give them the opportunity to perfect the subdivision and submit it.

Mr. Fiore asks about the rendering of the building and would it be aesthetically pleasing, architecturally pleasing and similar to the render. They respond yes.

Mr. Sander begins his testimony by stating the Phase I Environmental Site Assessment submitted indicates there is no anticipated environmental impact to the site. The stormwater is okay but Mr. Sander requires a stormwater management maintenance plan which the applicant plans on submitting.

#1871 & #530-SP – Capital Realty (Cont.)

Mr. Sander addresses the site lighting and suggest he goes out to the property and they can show him what it will be. He proposed that the height of the light standards should be indicated on the detail plan.

He continues his testimony with the fact that Lot 12.05 is not an approved lot, so they need the proposed subdivision before the final hearing. Then he states the legend on the plans indicates that the lot line between Lots 12.02 and 12.03 is proposed, but actually an existing lot. And the lot line between Lot 12.03 and proposed 12.05 is shown as existing, but is actually a proposed lot line. Mr. Sander lets the Board know that the indications are reversed.

Any site plan approval by the Board should be conditioned upon: review by this office and the Board Planner and review and approval by all agencies with jurisdiction, to include but not limited to: Planning Board, Soil Conservation District, Fire Marshall, and Municipal Utilities Authority.

Mr. Sander finishes by stating the applicants comply with payment of fees and posting of all required escrows. They establish of an inspection escrow account and the applicant's engineer should submit an estimate construction cost. Compliance with all conditions of approval established by the Board within sixty (60) days of such approval. If the applicant fails to address all conditions of approval within 60 days, the applicant should be required to reappear before the Board to demonstrate that the conditions of approval have been met and there has been no change of circumstances which would require revision to the conditions of approval.

Ms. Orbazewksi and Mr. Cummiskey ask Mr. Sander to clarify the 60 days for the Board. He wants revisions to the preliminary prior to them coming back for final within a 60-day period. And the applicant may submit the final plans as long as it complies with the conditions of approval.

Mr. Kernan is asked to give his testimony and he briefly speaks about the following conditions. All self-service storage facilities shall comply with the Schedule of Limitation for community commercial which was stated. But the applicant is seeking one bulk variance, which is to have the maximum front yard setback. The maximum required is 60 feet and the applicants are proposing 65 feet.

Mr. Kernan speaks about the building height and believes the proposed three (3) stories is better than a bunch of smaller one (1) story buildings.

Mr. Kernan states while they show a 50 ft buffer line on the plans with the proposed improvements, there are some improvements like the one-way drive aisle. The counter clockwise circular drive aisle and loading station is within the 50 ft buffer. Technically, this is a variance from the conditional use standards and it is also a waiver for buffer requirements.

Mr. Kernan states all street lighting shall conform to the requirements of 175-116.

#1871 & #530-SP – Capital Realty (Cont.)

Mr. Kerr asks about water run off from the roof and Mr. Sander replies the water will be directed to the basins. Mr. Kozak asks if there is any signage on the building or outside the building. Mr. Simkins replies no.

Motion passed to close the hearing to the public.

There was some discussion on the subdivision and Mr. Fiore concluded a motion necessary to be made by the Board is first, the variances which were set forth on the record presented a testimony by the applicant.

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

Motion to approve minor subdivision and preliminary major site plan approval.

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

2. #23-53 & #524-SP – Wmstwn. Properties, LLC- Variance and Major Site Plan

The applicant is seeking use variance approval to allow tow principal uses on the same property. The continued use of the motel and new parking area for non-customer tractor trailer parking. The applicant is also proposing to add (5) new rental units to the facility and make improvements to the drive aisles to improve circulation around the site. The property is located at 1861 N. Black Horse Pike, also known as Block 201, Lot 48 in the Commercial Zoning District.

Motion passed to deem applicant complete.

Mr. Sander's states the applicant has not complied with any of the waivers that were listed in his report. Mr. Sander recommends the following waivers: Topography extending 200 feet beyond the borders of the site, proposed circulation plans, and location of lights, light standards, signs and driveways within 100 feet of the tract.

Motion passed to accept the completion with the conditions by Mr. Sander.

Mr. Fiore swears in Len Schwartz, attorney, Kishor Ghelani professional engineer and Nimesh Patel owner.

Mr. Schwartz begins by addressing the Pike Inn is currently known as Motel 6. The applicants are requesting use variance to permit construction of a 15-unit paved truck parking area at the site. According to Mr. Schwartz the trucks have been parking there while the drivers stay at the motel.

2. #23-53 & #524-SP – Wmstwn. Properties, LLC (Cont.)

The applicant is seeking to change the use with regard to the truck parking and allow trucks to park short termed that are not necessarily using the motel. And since the trucks are parked in the same spot as if they were staying at the motel, there is not a real difference to the truck parking situation.

Mr. Schwartz also proposes to add five (5) additional units to the facility. These 5 units do not increase the size of the motel because Motel 6 does not permit managers living on the premises. So, these 5 unit will be incorporated within the existing motel and some of the exiting facility. Mr. Schwartz states that the applicant would like increase the 45-unit motel to 50-units. The variances they are seeking will not be needed for parking due to the fact they are keeping their current car parking the same.

Mr. Ghelani begins his testimony by saying that the proposed truck parking lot gives the drivers a rare opportunity for a short-term parking place. He does not believe there is not any negative impact because this is helpful for both business and the truck drivers. Mr. Schwartz asks him if the truck parking location will be on the side by the Rite Aid. Mr. Ghelani responds yes. Mr. Schwartz states that there will not be no negative impact to surrounding neighbors because there are none. Mr. Ghelani agrees and states that they increased buffer on the right side to and added extra agriculture. Also, on the Black Horse Pike he moved the truck parking further back because of the buffer.

Mr. Cummiskey asks how long have trucks been parking in the proposed lot. Mr. Patel replies the truck drivers use to park and stay and at the facility, but some of them requested a few months ago to just park their trucks on the lot. In conclusion, some of the drivers stay at the motel and some leave them for short term parking.

Mr. Fiore asks about overflow parking since Mr. Patel just took over the motel in 2019 and wants to know when it became a business entity, where he was charging rent for the truck drivers. Mr. Patel responds only a few months. Mr. Schwartz reiterates by telling the Board that Mr. Patel realized he needed a variance from the Township to operate the non-guest truck parking.

Mr. Kozak asks if the buffer by the Rite Aid where the trucks back up to is a tree line. Mr. Patel replies that it is a fence from Rite Aid. Mr. Kozak asks if approved would he plan to plant some trees in that area. Mr. Patel agrees.

Mr. Kozak asks that there will be no truck idling or drivers sleeping in the cabs of the truck. Mr. Patel responds no. Mr. Kozak asks if they keep a record of the trucks that are parking on the property. Mr. Patel responds yes, they keep a record. Mr. Kozak asks if tanker trucks are allowed and Mr. Patel responds no, just box trucks.

Mr. Kozak asks what is the material of the surface these trucks will be parking on. Mr. Patel says there was grass but Township suggested to spread millings on top. He says the grass has started to grow between so he would like to add more millings to even out the entire parking lot.

2 #23-53 & #524-SP – Wmstwn. Properties, LLC (Cont.)

Mr. Sander begins his testimony but reinstating the waivers he previously mentioned. He continues that there is not a stormwater drainage system on the site and the applicants engineer has indicated that based upon the site, it formally had been a gravel truck parking area. Mr. Sander questions this because in tonight's testimony Mr. Patel mentioned grass growing through. Mr. Sander asks what was the surface before the millings were placed. He responds grass and dirt.

Mr. Sander questions the comment that the Township requested the millings and Mr. Patel clarified it was a contractor that contacted the Township and they approved it.

Mr. Sander tells the applicant that his stormwater drainage should be based on grass surfaces, not on gravel or millings. And if he is going to use the grass/ground as an impervious surface, he should perform soil testing in order to see what lies beneath. Mr. Sander suggest that they address the run off from that site now.

Mr. Colavita asks Mr. Schwartz exactly what is being presented because the testimonies seem coherent. Mr. Kozak suggest that Mr. Patel should just agree with the Board's engineer requirements or the Board does not approve the applicant. Mr. Sander strongly suggest the demand for a basin because for the fact that the surface was grass and now it is impervious. And re do the calculations for the run off if the property was grass and address the new numbers.

Mr. Cummiskey asks Mr. Schwartz if the applicant will agree to Mr. Sander's request and he replies yes. Mr. Sander states the applicant's spec proposal of 2 inches of FABC is not sufficient. He suggests it should be 2 inches over 4 inches of base minimum.

Mr. Sander speaks about the current milling situation and request that they be removed or taken out, cleaned up and put back. Mr. Sander states that the lighting standards are the wrong height, currently it is 20 ft and cannot be higher than 16 ft, so they have to change this. Mr. Patel tells them that those are existing lights. Ms. Obracweski states that the lights are preexisting, non-conforming condition and the Board will allow a variance for them.

Mr. Sander states that the current existing parking spaces at the site do not show they have curb stops and the Board agrees that the curb stops will be put on the plan. Mr. Kozak asks how many total and they respond 15 for the trucks and 50 for the motel parking.

Mr. Kernan begins his testimony by stating the applicant's request for a use variance for expansion of the motel, a commercial vehicle lot with 15 commercial box trailers allowed only and no refrigerator trailers. Also, in addition is a request for a use variance for two billboard signs.

Mr. Kernan comments on the buffers and states that in this zone the buffer requirements are not that significant. The applicants are meeting a proposing landscape front yard buffer and landscape side yard buffer. Mr. Kernan points out that on the front half of the south neighboring property there is not a buffer. He suggests a variance required for that condition or to plant trees alongside the exit drive and the property line.



2 #23-53 & #524-SP – Wmstwn. Properties, LLC (Cont.)

Mr. Kozak asks Mr. Kernan the property in which he is addressing is on the opposite side of the truck parking lot and to the left of the motel. He replies yes. Mr. Kozak then asks if Mr. Kernan would like a buffer there and he responds that is the Board's decision but the perimeter is aligned with buffers except for that particular area. Mr. Kozak asks if Mr. Patel would like to put some buffering on the left side. The applicant agrees to plant some tree on exit side where the vacant lot is.

Mr. Kernan addresses the sidewalk and states there is a side walk around Rite Aid and along the frontage from the intersection down and in front of storage. He states there is a gap in the stretch and he believes a sidewalk should be placed across the frontage. Mr. Kozak asks if curbing and sidewalk is requested and Mr. Kernan replies that curbing is more DOT requirement. Mr. Cummiskey asks if the applicant agrees to construct sidewalk along the front of the property. Mr. Patel agrees to the sidewalk.

Mr. Powers asks if refer drivers were allowed to shut their engines off would they be permitted. Mr. Kozak interjects and says it isn't fair to have Mr. Patel differentiate the contents of a refer or tanker, so it's just easier for him and the Board to only allow box trucks. Mr. Patel states they do not deal with those types of customers and the parking lot will allow box trucks only.

Mr. Cummiskey asks Mr. Schwartz if the applicant agrees that there will not be any truck repairs on-site. Mr. Patel agrees. The chairman asks that there will not be any sea boxes of any kind dropped. Mr. Patel agrees and says there is an orange sea box on the property that they use for storage. The Board asks if he can move it behind the building and change the color. Mr. Patel agrees. Mr. Cummiskey asks where the tractor trailers are permitted to be parked, that is designated for commercial trucks only and there will not be any personal vehicles permitted. Mr. Patel agrees.

Mr. Fiore asks the Board to allow a variance for only that sea box. Mr. Kozak adds yes but only that personal one, moved behind the building and painted an inconspicuous color.

Mr. Powers asks about an emergency spill kit located on the premises for the trucks. Mr. Cummiskey asks if the applicant agrees to having this on site. And he agrees.

Lastly, Mr. Kernan double backs to the millings topic and talks about how there were more added in the middle between the driveways, around the back and basically all over where grass used to be. Both Mr. Kernan and Mr. Sander agree the applicant should remove the millings and become lawn orient with landscaping, mulch beds etc. Mr. Patel agrees to whatever the Board engineer and planner's request. He does mention black top and Mr. Kernan says that is ok where the trucks are parked but not around the entire motel.

After more discussion on the black top/milling situation, Mr. Cummiskey reiterates to the applicant that whatever Mr. Kernan and Mr. Sander decides that he must comply or will not get approved by the Board. Mr. Patel agrees.

2 #23-53 & #524-SP – Wmstwn. Properties, LLC (Cont.)

Motion passed to close the hearing to the public.

Mr. Kerr asks if there any issues with DOT with the trucks entering and exiting the property. Mr. Sander answers that he doesn't believe there is an issue because there are not additional entrances and exits on the site. Mr. Kernan adds that there is most likely a minor type of permit for the sidewalk.

Motion to approve the use variance with the conditions discussed on the record.

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

Motion to approve the use variance with the conditions to a one-year sunset clause.

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

Motion to approve site plan and comply with the conditions discussed and to a one-year sunset clause.

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

Motion passed to close the hearing to the public.

**Public Portion:**

1. 12/21/23 ZBA Meeting 6:30 p.m. – Christmas Party to follow to be held at Racks

Thank you everyone for a great year – We wish you all a Very Merry Christmas and Blessed, Happy, Healthy New Year!!!

**Reports:** None

**Adjournment:** The meeting was adjourned at 8:28.

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.

