

**Call to Order:**

It is 6:32 p.m. on February 8, 2024 and this is the regular meeting of the Monroe Township Zoning Board of Adjustment. Notice of this meeting was given as required by the Open Public Meetings Act of February 1, 2024 and a copy was posted on the 2<sup>nd</sup> floor bulletin board in Town Hall and on the Township's website. In addition, notice of this evening's public hearing was published on January 26, 2024.

"Be advised, no new item of business will be started after 10:30 p.m., and the meeting shall terminate no later than 11:00 p.m."

The Board saluted the flag.

Roll call: Present; Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Ms. Fasano, Mr. Fooder, Mr. Fiore, Solicitor, Mr. Warburton, Planner, Mr. Sander, Engineer, Mr. Coe, Solicitor, Mr. Heverly, Council Liaison. Also present; Ms. Gallagher Secretary, Ms. Gabbianelli Clerk Transcriber. Excused: Mr. Carino, Mr. Rice, Mr. Seidenberg

**Memorialization of Resolutions:**

1. Res #77-2023 – Garden State Outdoor, LLC – Use Variance Denied

Mr. Coe addresses the resolution and states the denial due to location being outside the permitted corridor and site plan review.

Motion to approved by Mr. Kozak, seconded by Mr. Colavita. Roll call vote: Mr. Kozak, Mr. Colavita, Mr. Cummiskey, Mr. Kerr, Ms. Fasano, Mr. Fooder. Nays- Zero.

**Public Portion:**

1. #24-03 – Robert Tullo – Side Yard and Rear Yard Variances

The applicant is requesting a side yard variance to allow 2.5 feet where 5 feet is required and a rear yard variance to allow 3.5 feet where 5 feet is required for an existing shed and gazebo, along with any other variances or waivers deemed necessary by the Board. The property is located at 973 Fern Road, also known as Block 13503, Lot 4 in the R-2 Zoning District.

Mr. Fiore swear in Mr. Tullo and motion passed to deem application complete.

Mr. Tullo explains their intentions were to request a fence in the yard. But after a land survey was done on their property, they realized they needed variances for the two existing sheds that were on the property.

Mr. Fiore ask these are in existing condition and similar conditions in other parts of the neighborhood and Mr. Tullo agrees. He asks if there are any drainage issues and Mr. Tullo reply no. Mr. Kozak asks if there have been any complaints that Mr. Tullo is aware of and he says no.

1. #24-03 – Robert Tullo – Side Yard and Rear Yard Variances (Cont.)

Motion passed to close the hearing to the public.

Motion to approve by Mr. Colavita, seconded by Mr. Fooder. Roll call vote; Ayes- Mr. Colavita, Mr. Fooder, Mr. Cummiskey, Mr. Kerr, Mr. Kozak, Ms. Fasano. Nays-Zero.

2. #1871 & #530-SP – Capital Realty – Minor Subdivision & Preliminary Major Site Plan

The applicant is seeking minor subdivision approval to subdivide Lot 4801.01, Block 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. Fiore swears in David DeClement, applicant's attorney, Andrew Simkins, engineer and Gary Smith, developer. Mr. Fiore swears in the Board professionals Marty Sander, engineer and Adam Warburton, planner.

Mr. Fiore states this application was previously seen by the Board in 2019 and was approved for a use variance that allowed commercial and residential use. The application is being reheard for the publication of misinformation of the meeting time in December.

Mr. DeClement explains they are seeking a height variance for the three-story self-storage facility. The township ordinance allows all other uses to build up to 40 ft but self-storage can only be one story.

Mr. Fiore reviewed all the notices which are appropriate and were mailed to all the proper land owners that were on the latest tax lists. Motion passed to deem application complete.

Mr. Simkins states the site is located on Glassboro/Cross Keys Road and is an RA residential zone. There was a D1 use variance previously granted on this property in 2019. Mr. Simkins depicts the property by showing the Board the location of the CVS, a commercial lot, and The Greens (an aged restricted development). The 117 multi-family units were a part of the entire original property when it was subdivided and the use variance was granted for the building they are requesting.

The applicants are proposing a three-story self-storage unit which will be climate controlled and includes a five protective central security system. This model unit plans to be 120,000 square feet. This will be 800 units and include one office. The gated entrance will be on Glassboro/Cross Keys Road. There will be 22 parking spaces that will surround the perimeter of the building, as well as loading zones. There will be a security gate along the road and there will be a 4 ft aluminum decorative fence and a black on black 8 ft high security fence.

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(Cont.)

There will be an entrance security gate in one corner of the property and a security exit on other side.

The lighting unit will consist of 8 wall packs and 2 lighting poles. They will have a stormwater management system where the basins are connected. There is a landscape buffer that will have different areas of the perimeter of the property that is going to be 50 ft. Also, they have an existing 50 ft buffer along The Greens property, which would total 100-foot buffer.

The hours of operation are Monday through Sunday from 6am-9pm. This will be a state-of-the-art facility. It will have an aesthetically pleasing exterior. It will provide revenue for the Township, while being a low volume traffic generated. It meets the needs for residence in the community.

Mr. Simkins states in accordance with 175-1631, 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 the property line. Mr. Simkins points out 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. 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 the case the Town’s ordinance defines the height. The applicant is seeking a D6 variance that would allow them to construct a three-story self-storage building.

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

They are asking for a waiver for the requirement of topography 200 ft passed the site.

Mr. Simkins states to ask for the height variance they have to prove reasons for relief, which first they would have to meet the positive criteria for the D variance. In this case they feel the application is suitable for the proposed use which would promote the general community well fair. The overall goals of the master plan to be furthered by the proposed use. This is an area of the town where more commercial developments are needed on strong corners to try to accomplish that goal.

Mr. Simkins states there are 16 purposes of zoning listed in the municipal land use law and this project advances the 5 main purposes. Those are public health, safety and welfare and it provides a viable commercial site that is designed for this area that would fit with the nature characteristics of the community. The other purposes are adequate light and open space. Also, he explains that

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(Cont.)

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.

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 evening hours. One trip would be either entering or exiting the facility. The traffic assessment concluded that this would not create a significant impact to the traffic conditions on the surrounding roadways.

The facility promotes a desirable visual environment. The proposed building is a metal frame building which includes several architectural features and the buffering/landscaping design provided will be an enhancement to the site.

Mr. Simkins explains this facility encourages plan development and incorporates the best features of design. Storage facilities have evolved from a single-story situation to multi storage. In conclusion the positive affects of this are much more efficient with their energy use, utilizing space, easier for climate control and a better end product for customers.

The negative criteria for the proposed three-story self-storage unit is the impact of the surrounding areas would be limited. The buffer would limit the visibility around the perimeter of the site. They are providing a total of a 100 ft buffer when the commercial community zone only requires 30 ft. Mr. Simkins states this will neither impair or limited the purpose of the zoning plan and granting this ordinance would not substantially impair the 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 addresses our engineer's letter and plans on submitting the stormwater management plan, the corner of the lighting plan and the proposed buffer to eliminate spillage. He notes the height of the light stand is on the plan and they will pursue the approval for the lot subdivision.

Mr. DeClement asks Mr. Simkins if he compare the CVS to the building that is being contemplating before the Board. He response it is approximately the same height as the CVS. When asks about the distance from the rear property line (those who front Queensferry Drive) to the property line of the applicant, Mr. Simkins responds 40 ft and there is not a buffer inside of it.

Mr. DeClement asks if this was a dry goods store, the building could be 40 ft in height without a variance and Mr. Simkins agrees. Asks if the storage unit is going to be less than 40 ft, Mr. Simkins replies yes. And it will be approximately the height of the CVS, he replies yes.

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Mr. Warburton begins testimony with the conditions in accordance with 175-163I, self-storage facilities shall be permitted as a community commercial use and all self-storage facilities shall comply with the Schedule of Limitation. He states the set back they're requesting is 65 ft where the requirement is 60 ft.

Mr. Warburton asks that one administration office and/or resident manager's apartment shall be permitted as part of the development and the applicant agrees.

He states site designs shall require maximum attention proper site design considerations; including location of structures and parking areas, proper ingress and egress.

Mr. Warburton ask no materials or objects shall be displayed or stored outside, and the storage of toxic, combustible, explosive, hazardous or illegal material shall be strictly prohibited and the applicant agrees.

He states all buildings shall be compatibly designed with each other and surrounding areas. Self-service storage units shall not exceed one story in height. He reiterates the applicant is seeking a variance for height as per NJSA 40:55D-70d (6), an exceedance of height standard by 10 feet or more than 10 % of the maximum height requires a variance.

Mr. Warburton says a minimum buffer of 50 ft in width shall be provided along any common property line with a residential use. As proposed, they have a drive aisle inside the current buffer, so a variance would be required for that.

Stormwater management shall conform to the requirements of 175-140 and off-street parking shall be provided which the applicant agrees. The minimum aisle width shall be 15 ft for one-way traffic flow and 24 ft for two-way traffic flow. One ten-foot-wide parking/loading land shall be provided.

All portions of the property not utilized by buildings or paved surfaces shall be landscaped and all street lighting shall conform to the requirements of 175-116.

Mr. Warburton asks Mr. Smith the hours of operation and he replies 6am to 9pm.

He states the buffer in the back will grow to 60 ft height when mature. Mr. Kozak asks how tall will the trees be when planted and he responds 6 to 10 ft to start and will grow 40 to 60 ft. The fence will be black on black in the front yard and there will be no storage of vehicles or boats outdoors, the applicant agrees.

Mr. Warburton finishes up with the subdivision and asks the applicants to provide the office with legal descriptions when available. He asks the applicant if they have any anticipation for a cross access easement between the two lots. They do not have an answer to that at the moment. Mr.

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(Cont.)

Fiore states there will be a subdivision and there will be a roadway that will successfully fulfil that subdivision, so the applicant would have to have some sort of cross easement. The applicant agrees to the statement and to fulfill the cross-easement issue.

Mr. Kozak asks Mr. Warburton what other proposed business could be approved in this lot. Mr. Warburton states as far as the zoning there can be a lot of different commercial business approved there, such as dry grocery, retail stores etc. Mr. Kozak asks if the property could be a fast food chain or gas station. Mr. Warburton replies yes to fast food and yes to a gas station but would need requirements.

Mr. Cumiskey asks the applicant if they would agree to the landscape buffer trees to start at 10 ft instead of the proposed 6 ft and they agree.

Mr. Sander begins with Phase I Environmental Site Assessment submitted indicates that there is no anticipated environment impact to the site.

The stormwater management report submitted indicates that the proposed stormwater management system complies with the requirements for post-development flow, water quality and groundwater recharge requirements, however the required stormwater management maintenance plan has not been submitted. The applicants are aware of this and will submit it.

Mr. Sander states there is a problem with the site lighting at the corner that needs to be addressed. The light on the lighting is too great on the corner and there needs to be some sort of shielding, the applicant agrees and will add shielding.

Topography extending 200 ft past the site has not been provided and the application is incomplete until either the topography is provided or a waiver is granted by the Board. The applicant is requesting a waiver. Mr. Kozak asks if that is a normal waiver they are requesting and Mr. Sander replies yes and it is common waiver. The 200 ft topography requirement has been waived more often than not.

The height of the light standards at 16 ft is indicated on the Lighting Plan at the proposed locations of two proposed light standards but the height should also be indicated on the Typical Light Standard Detail provided on the plan.

Lot 12.05 shown on the plans is not an approved lot. The proposed subdivision of Lot 12.03 should be accomplished and the new lot configuration shown on the site plan prior to granting site plan approval. Mr. Sanders suggests the applicant submit revised plan and they agree.

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The legend on the plans indicates there is an inaccuracy between the old lot line and the proposed line, they are reversed. The lot line between Lot 12.03 and proposed Lot 12.05 is shown as existing, but it actually is a proposed line.

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. Compliance with all conditions of approval established by the Board within 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 revisions to the conditions of approval. When asked if they applicant will comply within 60 days they agree.

Mr. Simkins addresses the subdivision and the lots would be 3.77 acres is the proposed property and 4.2 acres remaining. When asked about the lot that the applicant is not building on, the Board wants to know if they have any idea what maybe planned for the future. The applicant does not know what would be planned on the other property, but did state it can also be a commercial use. Mr. Fiore states the property was previously approved for commercial as well as the proposed property.

Mr. Cummiskey asks if the applicant agrees to use local skilled labor on this project and he agrees. Mr. Kozak asks what color will the building be and they reply it will be a neutral palette that is similar to the rendition.

Mr. Colavita states the original application was asking for an 8 ft fence around the perimeter and were there changes to that. They replied yes, they did decide to change it to a 4 ft fence.

Mr. Cummiskey allows time for the public to look at the plans and rendering of proposed self-storage.

Mr. Kozak asks Mr. Warburton about traffic circulation. He replies there is current circulation around the building and he purposes a condition for them to pursue if the easement cannot be acquired, maybe get rid of tail that goes into the other lot and replant that with some green space. Mr. Kozak asks the only entrance and exit will be off of Glassboro-Cross Keys Road and Mr. Warburton agrees. Mr. DeClement clarifies if the easement cannot be given on current access on Fries Mill, then it would be closed off and entrance and exit will be on Glassboro Cross-Keys. Mr. Fiore says from an emergency management stand point if they look at this plan and require that easement in place for emergency management purposes then the applicants will have to agree to that, but if they don't make it a requirement then the Boards will not.

Mr. Kozak asks Mr. Warburton about the height of the CVS compared to the proposed self-storage. He responses most height of a CVS is 35 ft or less and that is what the applicant is proposing.

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Mr. DeClement agrees that the proposed building will be 35 ft or less.

Mr. Kerr ask if the applicant has built other storage facilities in New Jersey. Mr. Smith responds yes and he has built five self-storage units and they are the same height. They have not had any problems with those properties.

Mr. Colavita ask when the original notice went out for the 2023 meeting. Mr. DeClement explains when he meets him Peter Hovnanian (Property owner) he had given him the notice prior to that meeting. It was to Mr. DeClement's understanding he sent it out to all of his contract purchases. Mr. Fiore states for tonight's purposes the applicant sent the notices out to all those required under Municipal Land Use Law. Ms. Gallagher states for the record the notice was sent out November 21<sup>st</sup> 2023.

Motion to open to the public.

Everette Davis, 32 Panmure Way in The Greens and is the trustee for the HOA. He is sworn in by Mr. Fiore. He begins by telling the Board Mr. Hovnanian is dishonest and has not told new purchasers in The Greens about the three-story self-storage. Also, he did not give proper notice to The Greens about the original meeting. Mr. Davis has a signed petition but Mr. Fiore states for the purpose of the Board it is not evidentiary.

Mr. Davis states the proposed facility would be an unnecessary burdensome change and granting variance would do a substantial injustice and cause undue hardship to the owners of the homes located in The Greens.

The current zoning requirements storage units are to be one story and has worked in Monroe so there is no reason to change that zoning. South Jersey is innovative with such facility and currently there is an identical facility being built less than one mile away on Fries Mill Road.

Mr. Davis believes the CVS is only 22 ft tall and it is not three stories high. They do not have a problem with the builder building a one-story self-storage but this tall building would not be consistent with other properties in the area. The facility should be in strict compliance with the ordinance otherwise it will be detrimental to the adjacent properties in the neighborhood.

He states a variance like this should only be available when a unique circumstance of the property results in a practical difficulty or undue hardship for a developer. If the developer were to buy the entire lot (7ish acres) they could still build the square footage but instead of being other facility that go out, they want to go up.

Mr. Davis states this will destroy the esthetics of the area and negatively affect the neighborhoods property values. And he says there is nothing esthetically pleasing about the rendering of the proposed building unless you are making money from it.



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(Cont.)

Mr. Davis states the three-story self-storage is built for a highly specialized use so as a result it cannot be easily converted to an alternative use. If the business is unsuccessful, they would essentially be stuck with an empty building that could become more of an eye sore.

He says he moved to Williamstown for the amenity of quiet rural neighborhood where you can enjoy the wildlife and see the stars at night. A forty ft tall storage facility would be almost double the height of theirs home and would be seen by every single home owner in his development.

Mr. Davis raised concern about a chain link fence that was on the plans but Mr. Smith told him it would be a flat black on black fence.

Mr. Davis states the average price for a home in The Greens is \$425,000 and homeowners have put out a lot of money for these homes. He asks who would want to buy a home with a forty-foot-tall storage facility drafted behind it. They purchased their homes knowing there was the likelihood the land would be sold to want more businesses that would contribute to the vitality of the community, but not three stories.

He says the township must recognize that many citizens came to the Williamstown area to escape the trappings of urbanization in surrounding communities. The government should not attempt to fundamentally transport communities against the will of existing homeowners and residents. Recognizing that Williamstown is a suburban rural area, the government should respect the character of the community and its neighborhoods.

Lastly Mr. Davis states he and his wife bought their home with the intentions that this would be the last home they would ever purchase and that the township would not try to alter characteristics of the neighborhood. He pleads to not allow this forty-foot-tall storage facility to ruin their retirement and dreams.

Rosemary Wear, 2787 Fries Mill Road approaches the Board and is sworn in by Mr. Fiore. She begins to express her concerns about the three-story storage facility. To begin, older people are putting their life savings into a nice place to live and she feels are begin taken advantage of without their knowledge.

She does not understand the need for the storage unit in a place where traffic is very busy. She asks to consider the noise of the trucks and cars coming and going from the facility. Ms. Wear states she lives in an elderly community where people chose to live in peace and quiet.

She feels it is time as neighbors to stand up as American citizens and support each other on both sides of Fries Mills Road. Older people came to this area for the following reasons; less noise, peace, quiet, the beauty of nature and to retire.

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(Cont.)

Ms. Wear concludes the developer should reconsider relocated his three-story self-storage near a larger shopping area so he can attract more business.

Carl Jackson, 29 Queensferry Drive, is sworn in by Mr. Fiore. Mr. Jackson asks what was proposed in the previous meeting. Mr. Fiore answers the use variance was granted in a RA zone in 2019 and he explains the use variance allows them to develop commercial on the 7.9-acre lot. Mr. Jackson asks if it was proposed they were going to build a single unit storage facility and Mr. Fiore responds no the resolution of approval just granted a commercial use. Mr. Jackson asks why they are coming for the variance and Mr. Fiore replies the applicant is coming before the Board for a height variance. Mr. Cummiskey adds that if it was proposed as an office building, they applicant would not need any type of variance.

Pastor George Riddell, 6 Panmure Way, is sworn in by Mr. Fiore. He and his wife purchased a home in the Greens because they love Williamstown and they wanted to retire in Williamstown. He explains they wanted a rural setting that was quiet and beautiful. They were misled to believe there would be a one-story storage unit to be built and feel the three-story would take away from the beauty in the area.

Mike Reilly, 18 Panmure Way, is sworn in by Mr. Fiore. He states he had a storage unit with a passcode to which you could go in after hours. He asks if this storage unit will have a passcode and the applicant says there will not be any access after 9pm. Mr. Reilly states the argument that the storage unit will create jobs is false because they will only have 1 or 2 people working per day.

Jeffrey Edelstein, 20 Panmure Way and treasure for the HOA in the Greens. He is sworn in by Mr. Fiore. Mr. Edelstein states the height cannot be hidden and it would hurt property values for residential homes.

Patricia Jackson, 24 Panmure Way and is sworn in by Mr. Fiore. She says she spent her life savings to buy a home in The Greens. It is a beautiful area, peaceful, calm and quiet. It is a retirement community, not a transient community.

Larry Pavlinko, 17 Queensferry Drive, is sworn in by Mr. Fiore. He states he is a business professional and points out the developer, Mr. Smith, interrupted and spoke over the people of the public. He asks the Board if this is the type of person you would trust to take care of the community. Mr. Pavlinko says Mr. Smith insulted another member of the public with his age and questions is this the person who is going to inspire to build in their community.

Paul Viau, 29 Panmure Way and is sworn in by Mr. Fiore. He asks what community is the three-story storage-facility going to benefit.

Motion passed to close the hearing to the public.

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(Cont.)

Mr. Kozak asks Mr. Warburton what the exact height of the building on the plans and he responds the purposed plan suggests the building will be under 40 feet. He asks if they would like to purpose an exact number and Mr. DeClement responds it will be 35 ft or less and the Board may make that a conditional of approval.

Mr. Kozak asks why would a storage facility be adversely good for the community. Mr. Simkins states they do not define the community as just The Greens but the entire Monroe Township. He states studies have proven there is need for the storage space or they would not have invested the time and money into this project.

Mr. Kerr asks about the 40 ft trees behind the building in the rendition. Mr. Cummiskey states he already made a condition that they agree upon the tress that separate the properties would to start at least 10 ft minimum.

Mr. Kerr asks if there is a reason why the builder wants to go 35 feet. Mr. Smith explains it reduces half of the carbon footprint and they would rather take up less land to go up rather than go out.

Mr. Kerr asks if they would consider changing the hours of operation. Mr. DeClement explains the hours they proposed are the least intensive use according to the Township's ordnance.

Mr. Fiore addresses the minor subdivision #1871

Motion to approve by Mr. Kozak, seconded by Mr. Colavita. Roll call vote; Mr. Kozak, Mr. Colavita, Mr. Fooder, Mr. Cummiskey, Ms. Fasano. Nays- Zero.

Mr. Fiore addresses the major site plan #530-SP

Motion to approve by Mr. Colavita, seconded by Mr. Kerr. Roll call vote; Mr. Colavita, Mr. Kerr, Mr. Cummiskey, Mr. Kozak, Mr. Fooder, Ms. Fasano. Nays- Zero.

Motion passed to close to the hearing

**Approval of Minutes:**

1. January 18, 2024 Reorganization

Motion passed to approve the minutes.

**Reports:** None

**Adjournment:** The meeting was adjourned 8:43 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings. Respectfully submitted by: Scottie Lea Gabbianelli, Clerk Transcriber.