

Call to Order:

It is 6:30 p.m. on February 22, 2024 and this is the regular meeting of the Monroe Township Planning Board. Notice of this meeting was given as required by the Open Public Meetings Act and a copy was posted on the 2nd floor bulletin board in Town Hall and 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: Present; Mr. Brown, Mr. Giacomucci, Mr. Helsel, Ms. Kennedy, Mr. Laughlin, Mr. Marino, Mr. O'Reilly, Mr. Maure, Mr. O'Brien, Mr. Wolfe, Mr. Young. Also present; Mr. Campbell, solicitor, Mr. Kernan, Engineer, Mr. Dochery, Planner. Ms. Gallagher, secretary, Ms. Gabbianelli, transcriber.

Memorialization of Resolution:

1. PB-10-24 - #535-SP – Lydia Security Monitoring, Inc. – Minor Site Plan
2. PB-11-24-#WSP-07-23 – Spektrum Behavioral Interventions, LLC – Site Plan Waiver
Approved

Public Portion:

1. #533-SP Hedgerow NJ LLC – Amended Site Plan

The applicant is requesting an amendment to the minor site plan approval that was granted by PB-32-2023. The amendment involves closing off access at the Black Horse Pike to meet NJDOT requirements; along with any other variances or waivers deemed necessary by the Board. The property is located at 1250 N. Black Horse Pike, also known as Block 1102, Lot 30 in the Community Commercial Zoning District.

Mr. Campbell swears in Patrick McNamara-Attorney, Michael Pucci-Engineer, Gary Dean-Traffic Engineer, John McDonough-Planner, Mr. Kernan-Engineer, and Mr. Dochney-Planner.

Mr. Pucci is asked to explain the changes made to the plans since it was initially presented and approved by the Board last November.

He begins with Exhibit A-1, which is the existing conditions. Approved site plan from November shows they were going to reconfigure the front parking area to eliminate some of the landscape area that is surrounded by railroad ties. They were going to eliminate all the concrete on the right-hand side of the front of the building and all of the asphalt on the left side of the building. They were planning to reuse an existing driveway in the back and construct a parking lot in the back behind the building. This would be an area generally cleared of trees, overgrown brush and or grass. This would be Exhibit A-2 and was approved.

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Mr. Pucci explains the proposed Exhibit A-3. He states the back of the property is identical other than they have added an EV station to straddle two parking spaces. In the front they are purposing to close off the access driveway, which is suppose to be an ingress driveway from Black Horse Pike. Approved in the past, you would to drive in and there would be 8 spaces across the façade of the building and then you would drive out to Ketal. Currently, Mr. Pucci states they are closing that off and showing 14 spaces in the front. The same 8 up against the building and 4 on the opposite side, still taking out some of the extra pavement, shrubbery and railroad ties. Defining a 60 ft wide parking lot, 18 ft by 9 ft spaces which is minimum coverage in the ordnance.

Mr. Pucci states they had a couple of variances on the previous applications. One was for a fence which was eliminated during previous testimony. There was a waiver for the number of parking spaces. The last time there were before the Board, they were showing 22 spaces in the back and 8 in the front which equaled 30 parking spaces. The requirement is 30.1 and with putting in the EV stations that would equal 32. Now there are proposing 36 parking spaces (14 in front and 22 in back). However, they may make an adjustment and eliminate the top 2 spaces, one towards the building and another one on the left side. If they eliminate those 2 spaces then, adjusts the 6 spaces to 5 and slide the space up a little bit. The deviation that is required for parking within 20 ft of the right away line which they are proposing 5.5 ft to 7.5 ft. This would make them still above the existing condition previously approved.

Mr. Pucci reiterates it is exactly the same previous application. The impervious coverage with the elimination of those 2 spaces leaves them with less impervious than the previous approval. He believes they still do not need a stormwater management plan, certainly not by law.

As far as parking spaces, Mr. Pucci believes 9 ft by 18 ft is appropriate because they will not be any shopping carts available. This deviation was granted the last time they were in front of the Board. The parking lot was previously granted without curbing and they continue to propose no curbing. No sidewalks along the perimeter of the track frontage which was previously granted as well.

Mr. Pucci states there is a deviation for lighting because the ordinance requires 2.4 ft average candles over a parking lot and they are averaging about 1.9 ft. They believe this meets the intent of the ordinance and adjusted from prior approval to ensure they do not have spillage onto adjacent properties.

Mr. Marino ask if they can reexplain the lighting waiver. Mr. Pucci states our ordinance has a requirement for an average light lamination on parking lot in a strip mall or shopping center of an average of 2.4 ft. Their average is approximately 1.9 ft. They did meet the requirement of no more than a 0.5 ft candle at the property line.

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Mr. Dean, Project Traffic Consultant, explains to the Board what has transpired with regards to the DOT issues about closing off the access to the North Black Horse Pike. The approval has been amended to eliminate the driveway to Black Horse Pike. This arose as a result of discussion after the approval with NJDOT pertaining to the improvement at the intersection. This would be the elimination of railroad tie curbing. Mr. Dean explains one of the challenges is working with DOT and adhering to the State Highway Access Management Code Aka the Code. The Code requires anyone seeking access to the state highway to comply with the regulations regarding, for example, curbing or the width of curbing for driveways and a host of other geometric design features.

Mr. Dean states with the proposed curb and radii improvements at the intersection and to get rid of the railroad ties, DOT identified that the driveway proposed to remain is too close to the intersection. DOT requires the minimum of 50 ft to 100 ft. Presently, they only have 33 ft. To improve safety and facilitate the right-hand turn, the project includes new curbing all within the DOT right of way, which requires a permit. The municipality would have to be the applicant because it is an intersection of a municipal street with the state highway. DOT states the only way to get the approval is to close the driveway on Black Horse Pike.

The result, however, is more parking in front of the store where the main entrance would be. So, they gained additional parking spaces and curbing results in a better controlled circumstance. They will submit the applications to DOT for the street and for the driveway.

Mr. Dean states the two access points on Ketel Road would be the ones the Board already approved. There would be no highway access, the site would have two driveways remaining. The one originally approved serving the parking in the rear. This has a new restriction adopted that would prohibit right hand turns North.

Mr. Dean explains the site triangles would be inscribed on the plan presumably resulting in the loss of the one parking space.

Mr. McDonough begins his testimony stating the application is substantially similar to what the Board last considered. They are in the same zone, use, hours of operation and employees. The neighborhood has not changed. The only physical characteristic is the access of the Black Horse Pike is now cut off due to the interest of safety. The only new relief trigger is the lack of a full buffer along the front of the property where the ordinance requires 10 ft buffer and the applicant is going to propose 3 ft.

Mr. McDonough explains multiple purposes of zoning advanced at the site including purpose A- the promotion of the general welfare because the project will deliver a permitted use that responds to consumer demand. Also, the advancement of purpose G- which is to provide for a variety of uses in an appropriate location according to the needs of all NJ citizen. It is a land use that responds to demand where this use would be allowed. Purpose I- promotion of a desirable visual environment. He states their Engineer is taking a site that has been established with pavement right to the edge and creating a much softer, attractive edge with landscaping around the perimeter.

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This results in a much safer front area with rear buffering to make it a softer look. The combinations of new plantings and maintaining existing, there will be an esthetically pleasing look around the property.

Lastly, Purpose N- which is their planning goal to officially use land. This is an occupancy application, retrofitting the existing building and modifying the site to accommodate the use that is before the Board.

Mr. Kernan states there is one submission requirement which is a written description of the proposed operations. In November there was testimony provided to which the applicant said they would submit but has not. Mr. McNamara will provide that as a condition with approval.

Motion passed to deem the application complete. Roll Call Vote; Ayes: Mr. Brown, Mr. Giacomucci, Mr. Helsel, Ms. Kennedy, Mr. Laughlin, Mr. Marino, Mr. O'Reilly, Mr. O'Brien, Mr. Wolfe.

Mr. Kernan speaks about closing off the driveway and states he had the traffic department review that and they agree it is a safer condition then keeping that original driveway. He says the intersection gets cleaned up by closing the driveway and with curbing and railroad ties it would smooth it out.

Mr. Kernan states our code which is currently being rewritten, the average level shall be 2.4 ft candles. He says the applicant is under it which is a better condition than being above the requirement. He supports that waiver.

He supports the waivers for curbing and sidewalks. He states there is more curbing now with the proposed closed driveway on the Pike, around the intersection, down Ketal and into the parking lot, all the way up to the building.

Mr. Kernan discusses the setback waiver. He noted 3 ft along Ketal and with the elimination of the proposed parking space to make it safer, he predicts it will be 12 ft which is much closer than the requirement at 20 ft. Along the Pike, Mr. Kernan noted 5.5 ft but the applicant states 7 ft after eliminating the one space. Mr. Kernan would recommend an approval waiver the parking setback be +/- 12 ft on Ketal and +/- 7 ft off the Black Horse Pike.

Mr. Kernan states by eliminating those first two parking space it makes it safer and results in a better sight triangle.

Mr. Kernan general comments are they will provide the stop sign and shrubbery. Also, he is pleased they eliminated the gate and fencing in the rear parking. He suggests there be a condition where employees must park in the rear parking lot and the applicant agrees.

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Mr. Kernan suggest they curb a little of the existing driveway to have a couple sq. footage of asphalt heading to the east. It will result in a better pedestrian walkway and separation from pavement of where the cars are to the sidewalk. He believes the most important thing is to get the entrance a couple more feet to the East so the sidewalk is clearly separated from the driveway.

Dr. Dochney states this is an amended site plan and the applicant is changing the front of the parking lot and submission of a landscape buffer along the Black Horse Pike. Mr. Dochney asks about tree protection during construction. The applicant states it is in the plans.

Mr. Wolfe is pleased they are closing the entrance on the Pike which will make this project safer. It will also increase more parking in the front of the building and that will create less traffic down Ketal Avenue.

Mr. Wolfe asks if the township will be the applicant on the application. Mr. McNamara explains there will be two applications submitted to DOT. The first to close the driveway by the property owner and the second would be the Township because they own the driveway/street. They would work with the Township to coordinate and handle the matter entirely on behalf of the applicant. They would just need the endorsement from the community.

Mr. Marino has an issue with them closing off the entrance on Black Horse Pike. He feels there would be more traffic coming through and exiting on Ketal. He wants to know with the DOT is there any other options. Mr. Pucci explains the existing driveway on the Pike is one-way ingress only. To use that as an exit would require approval from DOT. As soon as the state seizes an opportunity they must adhere to their access code standards. The state would not permit two exist points within 33 feet. The minimum is 50 ft and the desired is 100 ft.

Mr. Marino asks if there are any options of getting an egress/ingress out of the lot onto the Pike. Mr. Pucci says no and that is dictated by the radius they are putting in for Ketal. The only way to avoid DOT is to leave it as it is. But as soon as they propose work in the DOT right of way, that is when they take jurisdiction and everything must be brought up to the current code, which is a minimum of 50 ft. Mr. Marino asks if there are any variances or leniency with the state. Mr. Pucci says because they are a corner lot the state will say they have side street access and do not need highway access.

Mr. Wolfe concern with the existing driveway is cars would exit and shoot across the Pike to Grandview Ave and closing it off would eliminate that.

Mr. Marino ask if any canopy or any thoughts of a line gathering parallel to Ketal. Mr. McNamara explains the way the interior building was designed, the layout, was to eliminate people having the need to stand outside in line. There will be enough employees to accommodate patrons in a comfortable and friendly setting with enough room. There is only an entrance on the front of

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the building facing Black Horse Pike. Mr. Wolfe states the ordinance that canopy stands in Monroe Township regarding cannabis facilities prevents any line forming outside. The applicant states within a 10-mile radius, there are at least 5 different adult use dispensaries, so the potential for a line has contracted significantly. Also, most operations allow for a preordering online and the time a customer spends on premises is minimal.

Mr. Marino asks about the grass area adjacent to the sidewalk. Mr. Pucci states the area is currently asphalt which runs from Ketal right up to the existing building. And with the exception of replacing sidewalk against the building, the rest will be a grassy area. Mr. Marino suggest buffer instead of grass. The applicant does not want to add anymore cosmetics to the budget since they have exceeded it. Mr. McNamara suggest they could shuffle on the design without adding more and reconfigure the landscaping. They suggest small shrubs instead of trees for safety measurements.

Mr. O'Reilly asks if there was a previous discussion about flip flopping the sidewalk and putting it on the south side of the building. Mr. McNamara states the exit door is in the north east corner facing north. So, people would come out of that location and turn right. The front of the building is a cueing area. There is a secure entrance in the front and there are two exit doors, one in the front and another on the north façade of the building.

Mr. Campbell asks how many more parking spaces do they need. Their proposal was to physically add 6 more spaces. That was changed and the net is 4 more physical spaces plus 2 more EV. Mr. Campbell ask if you eliminated any spaces in the rear would it have any material impact on the traffic on Ketal or stormwater. Mr. Kernan thinks people would rather park in the front lot than the rear lot.

Mr. Dochney explains in terms of where the exit is on the north east corner is actually about equal distant between where the parking spaces are in the front and to where they are in the back. Mr. Dochney agrees with Mr. Kernan that most people would park in the front until full and then park in the rear.

Motion to open to the public.

Mr. Campbell swears in Laura Dellavecchia, 335 Ketal Ave. Ms. Dellavecchia asks if the square footage of the building is 12,000 as stated in a legal notice. The applicant states the square footage is 4,667 and that was a typo on the notice.

Ms. Dellavecchia asks about the cart pass in the legal notice. Mr. McNamara states there will not be any cart pass or shopping carts and it was put in the letter as a formality.

Mr. Campbell states the notice requirement are that the public has to be given a fair and reasonable opportunity to understand what the nature of the application is. He states the reference to the

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building being 12,000 ft is an error. With the cart pass, the applicant noticed the possibility of adding car pass but they are stating on the record they are not. Mr. McNamara agrees they will be stipulated to it as a condition to the approval.

Ms. Dellavecchia states there are 36 parking spaces and wants to know how many will be employees. Mr. McNamara states prior testimony was 4 to 9 employees. She says the tax bill on the building is \$40,000 plus sales tax and payroll. She asks how much traffic will have to come down Ketal Avenue in order to support their business for 12 hours a day, 7 days a week.

She states the applicant could spend the money and have the entrance off the Black Horse Pike. She is not happy it will be going in and out of her street Ketal Ave because it can not handle it. She claims if someone parks on her street then the through traffic cannot get by. The neighborhood does not want their customers parking on their street.

She states resident from Holiday City already cut through their street to go to Dollar General and Ketal residents cut through Holiday City. The other businesses around the neighbor have increased heavy traffic flow on their street all day long and they don't want anymore.

Ms. Dellavecchia believes this building will not work for cannabis because there isn't enough parking and poor traffic flow. She wants to know how the Board can make it fair so she does not have to be subject to their business.

Mr. Wolfe states Ketal Ave is a municipal street. The reason the DOT wants to shut down the entrance on the Pike because the speeds are much higher on a state highway than they are on a local road. He states the DOT dictates to shut down the Pike entrance because it is not 50 ft or more from the intersection.

Mr. Wolfe states after the last board meeting he drove down Ketal Avenue to check out the area. He states he parked on the side of the roadway and traffic was able to flow absolutely fine. He says he is a former police officer from Monroe Township for 25 years and controlled these particular streets. He feels they are safe. He notes this is not a business where you will have patrons parking on their front lawn.

Ms. Dellavecchia tells Mr. Wolfe he drove down their street before this business started. She suggests he tries to drive down it when the business is running. She says there are only 14 houses on their street and the wait at the light to turn onto the Pike is almost five minutes already. She believes the patrons will also try to take the right on Ketal and heads towards Herbert Blvd.

She states they are a cut through street and Mr. Wolfe says there are a lot of cut through streets. She agrees but asks are there many cut through streets with Cannabis on the corner. She said it worked for Just Glass and for Regency Floors but will not work for an everyday retail.

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Ms. Kennedy asks at this present time does the traffic flow properly down their road. Ms. Dellavecchia responds if cars one way moves over than the cars going on the opposite side can get by. Ms. Kennedy asks when there are family gatherings that no one parks on the road and Ms. Dellavecchia responds they have long driveways.

Ms. Kennedy states this is not a type of business-like Shop Rite or Walmart. Ms. Dellavecchia asks if she had seen the Botanist. Ms. Kennedy responds yes when they first opened, but now there are only 3 or 4 cars.

Ms. Kennedy states a business such as cannabis has to go somewhere. Everyone wants businesses in town but the problem is no one wants it at their house. She lives in Green Meadows, Princeton Place and Shop Rite was built in her backyard. People can go to someone else's neighborhood and cut through their streets but why can't they allow it to happen in their neighborhood. She said Ms. Dellavecchia openly admitted that she cuts through Holiday City.

Mr. Wolfe states the business fits within the Code. The Code determines how many parking spaces, how the layout configures, what the permitted use can be there for and the cannabis retail meets all of those requirements. NJDOT does require them to close the entrance.

Ms. Dellavecchia states she was at the last meeting and wants to know when there was a variance previously granted. Mr. Dochney states all variances were granted at that meeting as well as approval for the site plan.

Mr. Campbell swears in Victoria Brown. Ms. Brown speaks about the Shop Rite cut through and states there is a huge difference. She believes you can park 4 or 5 cars and not affect the flow of traffic. Ms. Brown has large vehicles for her transportation business and says two vehicles cannot fit down Ketal at the same time. Mr. Wolfe states she is wrong. She says she does it every single day and she has to stop and let the other cars go by.

Mr. Marino asks if two cars can go down the street. Ms. Brown replies if you have a larger vehicle you have to wait or let the car in the opposite lane to pull off the road and then you can get by. Mr. Marino ask if a car is parked then you cannot drive. Ms. Brown says no, if you are driving by another oncoming vehicle you have to stop and let them drive by.

Ms. Brown states if street parking is legal, is this business going to let patrons park in their front yard. Her home is directly across the street from the new proposed driveway. Mr. Marino firmly believes there will not be any cars parked on their street. He is familiar with these types of businesses and this site is the most parking he has seen for cannabis. Mr. Marino would like to make it a condition that none of the business will be parking on Ketal.

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Mr. Marino states the property is zoned for a commercial business and if it was not this, it could be some other retail use. It falls within the township code and the Board cannot dictate how folks use their corner.

Mr. Wolfe will commit to helping with the parking on the street. He will propose to the Town Council to pass an ordinance there will be no parking on Ketal. They would have to present it to Council to put signs for no parking on Ketal Avenue whatsoever. If the ordinance is passed then he would have Public Works put up signs. Ms. Brown asks if they can have permit parking and Mr. Wolfe replies it would probably not be permitted but he can check with the Traffic Safety Bureau. Ms. Brown is concerned about their landscapers being able to park on the street. Mr. Wolfe responds the police department will be able to define who is a resident or not and things of that nature.

Ms. Kennedy asks why they would need the permit parking because when she previously asked if they parked on their lawns for family events, they responded no because of the long driveways. Ms. Brown replies every now and then they have landscapers and because of the weight of the vehicle they cannot park in the driveways.

Ms. Brown asks about sidewalks near the entrance and Mr. Wolfe says sidewalks will be next to the building with a grass buffer in between. Ms. Brown is concerned about the lights shining into her home. Ms. Gallagher states the lights were addressed at the site plan approval. The candlelight plan calls for the light to be diminished so it will not affect the homeowners.

Mr. Wolfe says they are going fit into their great road paving program and there was confirmation from their engineers, that Ketal Ave will be paved in 2024.

Ms. Brown says as a community they are worried about all the accidents on the corner of Ketal and Black Horse Pike. Mr. Wolfe suggest the Roads Department puts up a sign to prevent accidents. Mr. McNamara states the prior plans show left turn only onto Ketal and has already been addressed.

Motion passed to close the hearing to the public.

Motion to approve by Mr. Brown, seconded by Mr. Marino. Roll call vote; Ayes- Mr. Brown, Mr. Marino, Mr. Giacomucci, Mr. Helsel, Ms. Kennedy, Mr. Laughlin, Mr. O'Reilly, Mr. O'Brien, Mr. Wolfe. Nays- Zero.

2. #536-SP – VIP Auto Group NJ LLC – Major Site Plan

The applicant is requesting preliminary and final major site plan approval for used vehicle sales, a front yard variance is requested to allow 4.98 feet where 30 feet is required, a front yard buffer variance is requested to allow 3.3 feet where 10 feet is required; along with any other variances or waivers deemed necessary by the Board. The property is located at 245 N. Black Horse Pike, also known as Block 1803, Lot 1 in the Commercial Zoning District.

Mr. Campbell swears in Alex Kappa and Anna Scheglova, Applicants and William Gilmore, Engineer.

Mr. Campbell ask if the application can be deemed complete and Mr. Kernan answers it is not. For preliminary approval the architectural plans are missing and the site plan shall be signed by the applicant and owner and include names/addresses. He says it can be a condition upon approval. Also, the applicant will have to revise the plan and sign the final approved plan.

Mr. Kernan states for final site plan approval in accordance to our ordinance, architectural plans are required. Also, for the applicant to submit “Will serve records” to respected utility companies. Mr. Kernan asks Mr. Gilmore if in today times they go after these “Will serve letters” and he responds not typically on an existing building. He says they will most likely go through the MUA for connection fees and so on. Mr. Kernan recommends waiving items 4 (d) in his submission letter which would deem the application complete.

Application deemed complete by the Board and Ms. Gallagher states for the record proper notice was sent.

Mr. Gilmore begins his testimony with exhibit A1, which is his initial colored site plan. The color area is the site itself which is in the commercial district. It is currently improved with an existing masonry building. It was a dilapidated building until Mr. Kappa purchased the property. Mr. Kappa went through the local building department to preserve the building in its condition and so it does not deteriorate any further. He has replaced the roof and touched up on some of the façade work. As of now, the utilities are currently being serviced by electric, gas and sewer and they will confirm the connections with MUA.

Mr. Gilmore states there is no stormwater management in the vicinity on the Black Horse Pike or Saybrook. They designed an underground system. They are asking for a waiver for the curbing because they would like to keep the existing natural drainage flow path. They do not want to create any concentrated flows that will cross the roads.

Mr. Gilmore states they are proposing 43 parking spaces which will be a mix of display area, customer parking and employee parking. Mr. Kappa’s business model would only allow a handful of people to be on the premises at one time. Because of this they are asking for a waiver for some of the parking requirements so they will be more room for vehicles displayed.

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Mr. Gilmore says they are meeting all of the conditional uses required because it is a permitted use but conditional. They are proposing 6 customer parking spaces and they will revise the plan to reflect this. Three spaces along the immediate entrance. They would be 10 ft wide spaces and then they would have smaller vehicles displayed outside. Also, there would be displayed vehicles adjacent to the Black Horse Pike. In the infield there would be the staff and customer parking. Their intent is to have reduce parking stall for displayed to 9 ft by 18 ft and requesting waivers. They will be providing 43 total parking spaces with one being handicap.

They are asking for these variances because of the unique shape of the lot. It is not perpendicular to the Pike and has an existing building. They are trying to work within and establish a property that is good for business and the Township while being safe and functional.

The existing is a mix of stone and paving but they plan to pave the entire lot. The access to the adjacent south lot, lot 2, is currently Ormsby's. Mr. Ormsby was utilizing a portion of the lot until Mr. Kappa purchased it. They made a gentlemen's agreement for Mr. Ormsby to have access to his work area in the back.

Mr. Gilmore states there are two ingresses. One will be on the Black Horse Pike and one on Saybrook. They are purposing to curb and widen as necessary on Saybrook to met the Township specifications. NJDOT reviewed the premises and were concerned with trash trucks coming in conflicting if someone was turning in. NJDOT asked them to widen the driveway, so it will be 28 ft at the throat as opposed to 24 ft and it will have a bigger radius on the entry to facilitate a trash truck or fire truck.

Mr. Gilmore states they are providing adequate lighting and landscaping. They discussed with the Board's Planner/Engineer and have agreed to comply with all the technical comments.

There is a proposed front yard variance 4.98 ft instead of 30 ft. The existing condition on Saybrook is a property line on the existing building that is 4.98 ft where 30 ft is required. The front yard buffer of 3.3 ft instead of 10 ft. The building is very close to the lot and there is an existing doorway and an existing overhead double doorway. They plan to maintain them and that is why it reduces.

The existing condition is completely paved right up to the railroad track so there is no buffer needed and they are trying to maximizes that.

There is a variance for parking depth in some areas, 18 ft instead of 20 ft. Mr. Gilmore states this will only be for the smaller display vehicles. For patrons and staff, the parking depth will be at the 20 ft by 10 ft required. They would like to 6 customer spaces instead of 20.

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Mr. Schwartz asks about the positive criteria and if this is a useful property. Mr. Gilmore replies due to its existing condition, it is a vacant building that has been broken into and not very esthetically pleasing. They want to correct the negatives by remodeling a nice-looking building. They created some nice landscaping to green up along Saybrook Avenue. Mr. Gilmore does not see any negative impact around the commercial or residential areas.

The applicant agrees to comply with the Planner and Engineers conditions. They agree to comply with all the items in both letters and continue to ask for the waivers that were listed. They need these minimal required waivers to construct their plans.

Asked about the waiver request for the loading area, Mr. Gilmore responds they do not need a loading area. The cars will be brought in by a small tractor trailer carrying 2 to 3 cars. Because the site is small they do not want to lose valuable display area by having a loading area. Mr. Gilmore says loading and unloading will be on site only.

Mr. Gilmore presents the architectural plans A-2. He shows the existing front of the building, the two doors on the side and an overhead bay door. There are 3 overhead doors in the rear along the back and a side door that is existing. The structure of the existing building will not change and they plan to maintain all existing doors. He points out the rear of the site, near the Pike, that is where the indoor detailing area will be. There will be an access way for the displayed vehicle and there is an access door for the customers along with sidewalk. The site is graded as handicap accessible.

Mr. Gilmore discusses the display in front of the building and states there will be 10 ft spaces for each vehicle and the area will be 20 ft long. Currently, it is paved throughout to the right away and to the stone, which there are multiple access areas. They are scaling it back to meet the 20 ft for the conditional use. It is still a functional use but only employees would park in there.

Mr. Kernan begins by discusses lighting and states there is a few areas the applicant exceeds our maximum foot candle. A maximum of 0.25 fc is permitted at any property line and/or right-of-way line. They indicate a 0.5 fc at the property lines which is touching in the rear and the side property line. Mr. Kernan would support this waiver. He asks if there is a method to the lighting so it is not lit all night long. Mr. Gilmore purposes to have it on a timer to either dim down or turn certain fc off. They will comply with the ordinance.

Mr. Kernan approves the waivers for the front of the building. Though it will be tight, the area is designated for display cars and employees only.

Mr. Kernan agrees not to curb the entire perimeter of the parking lot, so he would support the waiver. He supports the waiver for the size of the parking spaces.

Mr. Kernan points out the drive aisle for the customer gets less than 24 ft for a two-way traffic. But there are display vehicles on one side and an apron on the other. After the asphalt gets cleaned up it should be fine, so he supports that.

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Mr. Kernan states the buildings proposal is a 1.5-inch surface coarse (new pressed asphalt). The Code states 2 inches but Mr. Kernan believes it will be fine.

There are not any fire zones proposed but a condition of approval will be from the fire official.

Mr. Kernan supports the set back waiver and he is working with Mr. Ormsby to allow access to his lot. Mr. Kernan suggest some sort of cross access easement to ensure Mr. Ormsby has access to his back shop. The applicant states Mr. Ormsby had a lease with the owner before Mr. Kappa purchased. They are proposing a lease or a license to be made between Mr. Kappa and Mr. Ormsby.

Mr. Marino asks how Mr. Ormsby accesses his property and they reply through the applicant's property. Mr. Kernan believes if the two owners could not come to an agreement, Mr. Kappa would not deconstruct the access to the property.

Mr. O'Reilly states the only access Mr. Ormsby has is through the applicant's property and his business cannot be operated unless there is an agreement in place. Mr. Filmore states Mr. Ormsby would have to come up with a site plan to park cars on Mr. Kappa's property.

Mr. Kappa states Mr. Ormsby cannot access his property unless he comes through his and he cannot access it from the other side. The Board agrees the burden is on Mr. Ormsby and the agreement needs to be between them and not the Board. Mr. Gilmore states they will work with Mr. Ormsby. Mr. Kappa offered Mr. Ormsby a lease and he refused.

Mr. Dochney begins his review by stating the applicant has satisfied all their conditions for the use.

Mr. Dochney questions there will be not be a sales desk or fuel sold at the site. Mr. Kappa replies no. Will there be any repairs on site and he responds no just detail. Will there be a restroom in the building and the applicant responds yes. Have any applications been submitted to DMV in order to get their permit to sell cars. Mr. Kappa replies he needs the stamp from the Board first and then he will get the permits.

Mr. Dochney asks the applicant to agree on record if for some reason any of the proposing signage does not meet the requirement, they will revise the sign. They cannot seek a variance from this Board for any signage and will need to go to the Zoning Board. Their options are to either revise the signage if needed once Mr. Dochney looks at it or the have to go to the Zoning Board for a use variance. The applicant agrees.

Mr. Dochney states ones of the waivers for the landscaping is the trees and the buffer are supposed to be 10 ft tall. The applicant is purposing arborvitae 5 ft- 6ft which Mr. Dochney is okay with.

Mr. Dochney wants to know if there will be signage for designated parking i.e. customer and employees and the applicant agrees there will be.

2 #536-SP – VIP Auto Group NJ LLC – Major Site Plan

The variance for the side yard encroachment is an existing not conforming condition of the building and will not change.

Mr. Dochney asks about a garbage enclosure and wants to know if they applicant will be providing it and they agreed. The code requires a masonry wall or vinyl fence and they will comply with whichever is required.

Mr. Dochney states the southeast side of the building, in between the sidewalk and the parking spaces, is not in the proposed plans and wants to know if this will be a grass area. Mr. Gilmore replies yes it will be grass. Landscaping was proposed on east side to which they agree to.

Mr. Dochney states there are 4 different species that are technically not native; Spirea, Cherry Laurel, Steeds Holly and Liriope. Asked if the applicant has any problem switching out to native plantings and they do not.

Mr. Marino asks about the façade elevation and Mr. Gilmore shows him on the plans. The front existing elevation is 20 ft high and the vestibule area 4 ft high. Mr. Marino asks if there is a parapet wall and Mr. Gilmore replies if there is one than it is low.

Mr. Marino asks if they are putting roof top units or splits. They reply there will be review on the height to hide and the units will be in the back.

Motion to close to the public.

Mr. Campbell motion to approve applicant if the lighting system is dimmed or reduce, comply with use requirement and they will submit a garbage enclosure that complies with the Code.

Motion to approve by Ms. Kennedy seconded by Mr. Brown. Roll call vote; Ayes- Ms. Kennedy, Mr. Brown, Mr. Giacomucci, Mr. Helsel, Mr. Laughlin, Mr. Marino, Mr. O'Reilly, Mr. O'Brien, Mr. Wolfe. Nays- Zero.

Approval of Minutes:

1. January 11, 2024 Reorganization

Motion passed to approve the minutes.

Reports: None

Adjournment: 8:46 pm

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 Gabbianelli, Clerk Transcriber

