

Florence, New Jersey 08518-2323
July 11, 2022

The Regular meeting of the Florence Township Zoning Board of Adjustment was held in-person and virtually via Zoom on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Lutz called the meeting to order at 7:33 p.m. followed by a salute to the flag.

Secretary Puccio read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Joseph Cartier
Larry Lutz	Anant Patel
Dennis Puccio	Lou Sovak
Gina Sullivan	Kevin Minton
Daniel Studzinski (arrived 7:51 p.m.)	

Absent: None

Also Present: Solicitor David Frank
Engineer Hugh Dougherty
Planner Tim Kaluhiokalani was present in place of Planner Barbara Fegley

RESOLUTIONS

There were no resolutions available for tonight's meeting.

MINUTES

It was the Motion of Mr. Puccio, seconded by Mr. Sovak to adopt the minutes from the Special Meeting of May 31, 2022. Motion unanimously approved by all members present.

Board Clerk Federico mentioned she had corrected an error found in the draft minutes for the June 2nd meeting, which was brought to her attention by Mr. Puccio.

It was the Motion of Mr. Cartier, seconded by Mr. Patel to adopt the minutes from the Regular Meeting of June 2, 2022. Motion unanimously approved by all members present.

CORRESPONDENCE

A. 6/24/22: Letter from NFI's attorney requesting adjournment to 8/1/22 meeting for ZB#2021-13.

This correspondence is in regard to a Special Meeting that was scheduled for June 30, 2022. It was then requested by the applicant to cancel the meeting because all of their expert witnesses were not able to attend that meeting. An adjournment to the 8/1/22 regular meeting was requested, and they will renote for that meeting.

Motion was made by Mr. Puccio, seconded by Mr. Cartier to acknowledge the receipt of their correspondence and to adjourn ZB#2021-13 to the 8/1/22 board meeting. Motion unanimously approved by all members present.

APPLICATIONS

A. Application ZB#2022-02: Application by 2039 Route 130 Florence LLC for a Use Variance and Minor Site Plan with Bulk Variances to expand the existing building on site and operate

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a truck repair facility on property located at 2039 Route 130, Florence Township; Block 159, lot 4.01.

Solicitor Frank stated that last month, we did touch upon the use issues and the applicant has submitted new plans that have addressed many of the Board professionals' comments. We did have public comment from Adam Faiella, attorney for the applicant's neighbor, LOL. Mr. DeClement has had conversations with Mr. Faiella since then.

Mr. Faiella, attending virtually, stated he represents LOL of 2021 Route 130 and that the applicant did address his client's main concerns, and they are not objecting the application. But, he still has some questions. Solicitor Frank suggested we continue with the review of the revised site plans and the professionals' review letters and then if he has any further input or questions, they can be addressed at that time. Mr. Faiella stated that would be fine with him.

David DeClement, appearing on behalf of the applicant, asked to begin with testimony from Mike Textores, Project Engineer with Van Clef Engineering.

Solicitor Frank stated Mr. Textores was sworn in at the last meeting and found to be an expert in the field of site and civil engineering.

Mike Textores stated he still considered himself sworn. They are here this evening to continue an application for an existing 30,800 sq. ft. building that will be used as truck repair facility. He presented the Site Demolition Plan that was submitted in the Board members' packets. Their original plan is dated 1/14/22, a revised plan was then submitted on 6/2/22 (the same day as last month's meeting), and even more revisions submitted in time for this meeting that are dated 6/16/22. He stated that the building is currently unoccupied. At the last meeting, they discussed the revised plan that had been presented. The Board decided there hadn't been sufficient time to review the revised plans and did not wish to make a decision on the application. The applicant requested an adjournment to tonight's meeting and did submit revised plans in June to allow enough time for review.

Mr. Textores stated they did receive the review letters from the Board Planner and Board Engineer and explained the changes they've made from the original plans:

- They have eliminated the possibility of trucks exiting the site and making a left onto Route 130 by putting in an island to guide all vehicles exiting their site to turn right.
- The gravel parking lot in the rear will remain.
- They will be making improvements to the east of the building and to the driveway, which will be paved. They will also pave in front of the building.
- They will be reducing the truck parking spaces in the rear from 46 spaces to 22. They have eliminated the expansion of the rear gravel parking lot because of concerns with the wetlands that are on the site.
- They have added a sidewalk along Route 130 per the recommendation of the Board Planner and Board Engineer.
- No landscaping had originally been proposed; however, they are now proposing landscaping along the Route 130 frontage and also on a portion below the westerly property line. They will also have a buffered area in the rear.
- They will be eliminating the fencing in front of the building and will be installing a sliding gate.

Board Member Studzinski arrived at the meeting at 7:51 p.m.

Mr. Textores confirmed they now have a sprinkler contractor for sprinklers in the building and to install a fire hydrant as per Fire Marshal Richardson's letter. He stated they will comply with everything in the letter; fire hydrant, sprinklers, know box, gates, etc.

Engineer Dougherty confirmed they will have an on-site hydrant. Mr. Textores stated there is a hydrant approximately 80 feet from their site; however, issues would be created if they were to use that one. They have agreed to install a hydrant on-site.

Mr. Textores stated they do not have public water and there is no connection to the water main. They are, however, connected to public sewer. They have had talks with the Water & Sewer Director about connecting to public water and have supplied the information needed for the township water & sewer engineer to calculate the connection fee.

In answer to Engineer Dougherty's review letter and questions, Mr. Textores stated the following:

- They will comply with providing signage for the 2 reserved parking spaces to be used for parts drop off and the company van.
- The delivery spaces that are in lieu of a loading area will be 10' x 18', a bit wider than all the other spaces.
- The ordinance requires 4 loading spaces, but since there is no loading associated with this use, they are asking for a waiver. They will have the 2 spaces reserved for parts drop off, and they will be at 10' width.
- They are also requesting a waiver from providing Belgian block or concrete curb on site. Planner Fegley had suggested concrete bumpers, so they will provide those. Engineer Dougherty commented that Belgian block is required for a proposed site, but this is an existing site so he doesn't see the need to require this and is okay if the Board wishes to waive this for this site.
- They will be expanding the building slightly, but only where there is existing canopy.
- Because the existing building is in a flood plain, there is a possibility of flooding on site; up to a 1' in some areas in the event of a hundred-year storm. They are proposing to put up signs in the parking area regarding this. There will be no issue with the trucks or trailers, so there is no signage proposed in the rear parking area.
- They had originally proposed 42 truck parking spaces, but have revised that amount to 22. These spaces are for full length trucks, and the majority of their work in on engines, so the tractors of the truck will be all that comes in. They can park 2 to 3 tractors in one space. Mr. DeClement stated they had also not factored in what can also be stored inside. Solicitor Frank stated that for the Use Variance, this can also eliminate the possibility of trucks looking to park there for the night.

Engineer Dougherty stated they have responded to all of his comments and he has no other issues with this application.

In answer to Planner Fegley's review letter and questions, Mr. Textores stated the following:

- They are requesting a D-1 Use Variance
- They are also requesting a Bulk Variance for front yard building setback. On the south easterly corner, the building currently meets the setback; however, they are proposing to expanding the building under the existing canopy, so the edge of the canopy now becomes the setback.
- They are requesting a variance from the landscaping standards with requiring buffering around the entire site.
- They have discussed the on-site curbing and loading areas.

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- They only propose to pave the entire driveway area along the building and in front of the building. The rear will remain gravel. They will at least be resurfacing with a 2" layer of asphalt on top if not completely paving.
- He noted that Planner Fegley made an interesting observation regarding the dual zone of HC and SMO that have different bulk standards. With granting a Use Variance, the bulk standards are included with that. Solicitor Frank agreed that bulk variances are subsumed with the Use Variance.
- The reserved loading spaces will be 10' wide
- They will comply with everything in regard to the existing sign removal.
- They are not proposing a new free-standing sign. If they wish to have a sign at a later date, they will seek zoning approval from the zoning officer and will comply with the township ordinance.
- Their original trench drain discharged to the north, but will now discharge to the south to the existing DOT inlet. They will be applying to DOT for the sidewalk, island, and this.
- They will comply with the fencing and landscaping comments.

Planner Kaluhiokalani (in attendance for Planner Fegley) stated the applicant has addressed all of Planner Fegley's comments in her letter.

In answer to Board members' questions, Mr. Textores stated the following:

- The island will be 2" in height and technically can be driven over. It is described as a pork chop. He understands that it may not be much of a deterrent and that truckers are going to do what they are going to do. They will have signage along with the island directing traffic to the right.
- Concern was expressed that trucks would be able to have room to slow down enough to make the turn into their driveway. He stated there will be no problem and added he has witnessed a 72' long truck slow down in the slow lane, making the turn into their driveway without stopping or swinging into the left-hand lane to make the turn.
- The majority of repairs will be to the tractors of the trucks, not the full tractor and trailer.

Mr. Faiella asked about the outside building lighting and if any would be on timers. Mr. Textores stated they are looking to light the back of the building, the driveway and a bit more. All lights will be building mounted, LED, and will face down. Gennadi Aleksandrovski (better known as Gino) stated all lights will go on at dusk and off at dawn. They will shine down and are not like a floodlight. Mr. Faiella requested the Board to request timers on some of the lights that are not necessary to be kept on all night. Mr. Textores stated they will agree to that.

Mr. Faiella also asked if the right turn out restrictions will follow DOT standards and if there'll be just signage or angles as well. Mr. Textores stated to the east of the driveway is the telephone pole, to the west is the hydrant, and they have made the driveway as wide as possible. DOT will get their request, but has the final say.

Mr. Faiella asked what the process is for gas and oil recaptures, in regard to spill containment and waste pickups. Gino stated they have a special container that collects waste oil and they have a company come to collect the waste about once a week. It all depends on how busy they are. None of the waste is kept underground, everything is above ground.

Mr. Faiella asked how many trucks are in for repair at one time, and how many can fit into the building. Gino stated it all depends on what the truck is there for; an engine repair can take 1 – 2 weeks, whereas an oil change takes an hour. If they are busy, they don't take in more trucks than they can hold.

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Mr. Faiella asked the applicant's traffic engineer, Andrew Feranda, if he had looked at any other comps when calculating the traffic counts for this facility. Mr. Feranda stated he used ITE and blended the numbers from several categories to come up with the numbers for this facility. If the site was in the same type of area as the current facility, he would have used numbers from that site.

Mr. Faiella requested that he get on record each of their conditions and that they be listed as conditions of approval from the Board. Solicitor Frank suggested he make those suggestions now. Mr. Faiella stated their conditions would be the following:

- All repair work is done inside the building and not outside
- No painting to be done on the premises
- Hours of operation would be what the applicant testified to with the understanding that fleet customers can drop off their truck 24/7 with a provided gate access code
- Work is done during operational hours only
- Right turn only out of the facility
- Some of the outside lights will be on timers

Solicitor Frank suggested the possibility of general lighting on timers with security lighting on sensors. Engineer Dougherty stated he did notice on their plan that the parking area in the front does meet the minimum 1-foot candle and can work on reducing some of those. The ones in the rear are already pretty low so there would be no need to reduce that lighting. He stated he will work with the applicant's engineer on which ones to reduce.

Mr. DeClement stated they are in agreement with Mr. Faiella's conditions of approval. Mr. Faiella thanked the applicant and the Board for working with him in protecting his client's interest.

Mr. DeClement stated they have no further testimony and will answer any remaining questions.

The meeting was opened for public comment.

The Zoom moderator confirmed that no one was being muted by us.

Hearing no one wishing to speak, it was the Motion of Mr. Sovak, seconded by Mr. Cartier to close public comment. Motion unanimously approved by all members present.

Solicitor Frank pointed out that Mr. Puccio has listened to last month's meeting and is eligible to vote and asked if Mr. Puccio has any remaining questions.

Below are the answers to Mr. Puccio's questions:

- Mr. DeClement stated his client operates a truck repair facility and the trucks that are there will be there for repair only.
- Gino stated there will be no vehicle sales. He does not have a license to sell vehicles.
- Gino stated if a trailer needs repair work, the parts will come in already painted. There will be no painting at this facility.
- Gino stated they will have things in place to clean up spills and they will be cleaned up immediately. They have spill kits on site.
- They do not have many flammables, but what they have will be stored in a separate room and meet OSHA requirements.

Solicitor Frank stated we have an application for a Use Variance and Site Plan. He suggested we vote on each one separately. We have had testimony from the applicant's planner in regard to the positive and negative criteria for this application. And we haven't had any testimony to anything

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contrary to that testimony. Included in the Use Variance will be the Site Plan approval and there will be a unified resolution with all the conditions mentioned.

He stated the Motion to approve the Use Variance would include the following conditions:

- Compliance with the Fire Marshal's letter
- Outside agency approval from the township Water & Sewer department to connect to public water and examine existing sewer connection
- Van delivery and parts unloading spaces to be at 10' x 18', with the rest of the parking spaces at 9' x 18'. Signage will be added for the 2 reserved loading spots.
- Concrete wheel stops will be provided
- Signs regarding potential flooding in the parking areas
- Removal of the existing free-standing sign
- If wishing to seek installing a new free-standing sign, will seek approval from zoning officer and will comply with township ordinance
- Will work with Board Engineer on trench drain details and will submit for DOT approvals on that, along with the island and sidewalk
- Will comply with the landscaping species comments in the Board Planner's letter
- Hour of operation as testified to; Monday – Friday, 7 AM – 6 PM and Saturday, 7 AM – 3 PM
- No painting on site
- Lighting will be either on timers or on a sensor
- Applicant firmly indicated there will be no rental or storage of spaces for any vehicles
- Fleet trucks can be dropped off 24/7 under controlled access
- Fluids will be stored inside
- There will be no outdoor repairs
- Our usual conditions regarding outside agency approvals, escrows, taxes, etc.
- Addition of a broad condition that the Board is relying on the testimony of the applicant and their professionals

It was the Motion of Mr. Cartier, seconded by Mr. Patel to approve the Use Variance for ZB#2022-02 with the conditions mentioned by Solicitor Frank.

Upon roll call, the Board voted as follows:

YEAS: Cartier, Patel, Buddenbaum, Sovak, Puccio, Sullivan, Lutz

NOES: None

ABSTAIN: None

ABSENT: None

Motion Carried

Solicitor Frank stated the Site Plan has a number of deviations to our ordinance standards in the zone, design waivers (carrying on existing conditions), some relief from landscaping requirements, and curbing. When we deal with a site plan that is subsequent to a grant of a Use Variance, the site plan is in the Board's ancillary jurisdiction, but also subject to negative criteria. For example, is its particular means of carrying out the use on the site detrimental to the public good, etc.

It was the Motion of Mr. Cartier, seconded by Vice Chair Buddenbaum to approve the Minor Site Plan for ZB#2022-02 with the variances and waivers mentioned by Solicitor Frank.

Upon roll call, the Board voted as follows:

YEAS: Cartier, Buddenbaum, Patel, Puccio, Sovak, Sullivan, Lutz

NOES: None

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ABSTAIN: None

ABSENT: None

Motion Carried

Mr. Studzinski was not eligible to vote on this application due to not being present during a portion of the testimony given this evening.

The Board took a recess at 8:43 p.m. and was back in session at 8:55 p.m.

B. Application ZB#2022-04: Application by Florence Plaza, LLC, for Preliminary & Final Site Plan with Use Variance and Minor Subdivision to construct a 5-story self-storage facility on property located at 2043 Route 130, Florence Township; Block 159, Lot 5.06.

James Burns of Dembo, Brown & Burns appeared on behalf of the applicant, Florence Plaza, LLC. He stated they are here for a Use Variance, Minor Site Plan and subdivision approval. He stated Bob Stout has talked with the Board professionals and has addressed the majority of their comments in their review letters.

With Mr. Burns was Bob Stout, professional engineer and surveyor; Justin Auciello, professional planner; John Lignos, architect with SNS Architects; and Robert Weiss, applicant, who were all sworn in by Solicitor Frank.

Mr. Weiss stated he is helping oversee development of the project. They purchased the property in December 2021 which consists of a small strip plaza that was 65% vacant at the time of purchase. The plaza is now currently 65% occupied, soon to be 85% occupied. They are talking to new tenants and are looking to bring in an urgent care facility, but have not been successful in doing that yet. They are also looking to develop a state-of-the-art 5-story self-storage facility in the vacant area just past the plaza. This use is very low impact, will have very little traffic and a good use for those that live in the area. He thanked the Board for entertaining this application.

Bob Stout, of Stout & Caldwell came forward. Solicitor Frank stated Mr. Stout has appeared before this Board numerous times and has previously been accepted as an expert witness. Mr. Stout was again accepted as an expert in the field of site and civil engineering.

Mr. Stout stated there are 3 parts to the application; use, subdivision, and site plan. He presented Exhibit A-1, colorized aerial dated 2017 with the current tax map located on the rights. When the plaza was approved, a minor subdivision was also done, which shows on the township tax map; however, the subdivision was never filed. He pointed out the yellow outline of the 3.6 acres that exists today and the red in black is the subject of tonight's application. This is the subdivision which matches what was previously approved. They are just confirming that subdivision approval tonight.

Mr. Stout presented Exhibit A-2, colorized version of the landscaping plan of the site plan, and stated the following:

- They are proposing 20,022 sq. ft. per floor, which totals a little over 100,000 sq. ft. total.
- There will be 29 overhead garage doors on the lower level that will not be climate controlled, along with 650 sq. ft. of office in the front.
- The office hours will be 9 AM – 5 PM, 7 days a week. The site will be enclosed by a fence with gate-controlled access. You would have to be a member of this facility to have access to the gate. The gate hours would be from 6 AM – 11 PM, 7 days a week. The gates would be locked after 11 PM.
- The site has full circulation and is surrounded by industrial uses on 3 sides.

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- There will be a large buffer in the front and they will tie into the existing retention basin on the site that was built for the plaza.
- Township ordinance requires 23 parking spaces; however, they are confident they will not need more than 8 – 10 spaces.
- ITE trip generation numbers calculate at 9 – 19 for a building this size. There will be very low traffic with 9 trips in the AM and 15 trips in the PM.
- Parking spaces are required to be 10' x 20'; they are proposing 9' x 18' because there will be no shopping carts.
- There was a comment in the Planner's letter about relocating the ADA space to the center, and they have agreed to do that.
- The building will be connected to municipal water, they will add a fire hydrant in the front, and the building will be fully sprinklered.
- They plan to tie into the back of the existing plaza for sewer. That tie in will be by gravity, so no additional pump station is needed.
- There were some questions on the storm sewer. When the site was originally done for Harkins Plaza, it was done with a full build-out in the rear. Rules and regulations have changed since 2010 and they now have green infrastructures. They have a series of manholes and structures throughout that allows them to clean the basin and discharge into the basin.
- The trash enclosure along the back corner will be for office use only, not for the members of the site.
- Lighting will be all shoebox style, LED, downcast lighting that complies with the ordinance
- They are requesting a landscaping waiver along areas of the buffers as there is industrial along 3 sides. There is a large evergreen that will remain and they will add low shrubs and evergreens along the back, as well as landscape in the front.
- There is 40' of buffering in the front and there is a sidewalk issue. They can connect sidewalk to sidewalk to Harkins Plaza, but there is no way to connect to the industrial site on the end of the cul-de-sac.
- Exhibit A-1 was used again in regard to signage. They are proposing larger than what is allowed. The building does not sit directly on Route 130, the plaza is on Route 130. This building will be 600' back, plus they are 700' from the turnpike which they have exposure to. They are proposing building mounted signs on 3 sides of the building at 6' x 60'. The ordinance allows up to 5% of the building façade and they are less than 5% for the 5-story building.
- They are allowed 30% for building coverage and they are proposing 32.93% and are requesting a variance. It was explained by having a larger building, there will be better stormwater management. They are allowed 75% coverage for the overall site, which they meet.

Engineer Dougherty stated his letter is dated 6/23/22 and Mr. Stout answered all of his comments. He stated he would round up the building coverage to 33%. When he did the calculation for the total lot coverage, it appears to be over the 75%, but Mr. Stout had said he will work with him to be at the 75%. For this type of facility, we really don't have anything that fits the parking standard. It is not a warehouse use and not a typical storage facility. The applicant has requested a waiver for less parking spaces and he feels the Board should grant that waiver. If you use anything from our ordinance, you come up with different numbers. Our ordinance requires 15 loading spaces; the applicant is proposing 8 loading spaces in lieu of loading docks.

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Mr. Stout explained the 29 garage doors along the sides of the first floor. The ordinance states they should be 15' wide; however, they are proposing 10' x 40'. Along the front and back of the building are the main access points to the building to reach the other floors. The building has a center corridor.

Mr. Stout presented Exhibit A-3, a blowup of tax map sheet 12, that shows full circulation, the fire truck circulation for a ladder truck and a secondary access. Vehicles using this site will be cars, pickup trucks, box trucks, U-Haul trucks, etc. Engineer Dougherty confirmed a member of the facility would pull into a parking space in front and in the back they would pull along the building. Mr. Stout stated that is correct and there will be signage to not block the fire access. Engineer Dougherty requested that the details for the additional signs be noted on their plans, but deferred that to Planner Kaluhiokalani.

Engineer Dougherty commented/asked the following:

- The stormwater basin was approved prior to the new stormwater requirements and the applicant will be implementing green infrastructure. The basin was built 100% and the parcel was not built upon, so they will have to put in green infrastructure to comply with DEP.
- He will defer comments on lighting and landscaping to Planner Kaluhiokalani
- Will any aquatic or terrestrial wildlife that are currently on-site be able to relocate easily? Mr. Stout stated that there are mostly groundhogs and area behind the site is wooded. Engineer Dougherty stated the animals will basically return to the site once the basin is done.
- Will hazardous materials be stored on site? Mr. Burns stated no and that will be stated in the rental agreement for each space.
- If any material being imported or exported is hazardous, it will require a clean-fill certification of what is replaced. Mr. Stout stated they will mainly have export material.
- How many employees for this facility? Mr. Stout stated 2 – 3 employees to work the site.

Solicitor Frank confirmed that the applicant will comply with Engineer Dougherty's letter. Mr. Stout stated they will and are currently waiting for all outside agencies approvals.

In answer to Planner Kaluhiokalani's questions, Mr. Stout stated:

- They are not sure if access to the facility will be controlled by card or key pad, but it will be gated and locked. They will work with the Fire Marshal on that and also agree to comply with everything in his letter.
- In most cases, renters will transport their items from their vehicle to their storage space in either big bins or dollies to an elevator and then to their unit. There will be larger dollies for larger items.
- There will be 5' of clearance by the handicap spot that was moved to the center. The doors to the facility are only 4' wide, so nothing larger than that can get through.
- The building signs will be internally lit with LED. The color is not known at this time

Mr. Patel stated he understands they want the signs to be visible from the turnpike, but to him he thinks the size they're proposing is too large and they'll look like a billboard. Vice Chair Buddenbaum added that year's ago, you needed large signs to be able to locate places, but nowadays, not so much. Mr. Stout stated the signs will be 50' up in the air and will be 6' x 60'. They were looking at the percent of coverage of the façade they were allowed. The turnpike is 40' higher than their site and the signs will then be 10' higher than the turnpike, so they felt the size was appropriate. He stated the size and placement is also for marketing. Mr. Burns added that branding is very important.

Mr. Lignos, Principal with SNS Architects and Engineers, came forward and stated his qualifications. He has testified throughout the state, but never before this Board. Chairman Lutz accepted him as an expert witness.

Mr. Lignos stated they are proposing to build a 5-story self-storage facility with a height of 60'6". The building will have a front entrance and a rear entrance with a central spine. Off that spine will be the stairs and elevators. The office will be on the main floor. There will be a fence surrounding the property with sliding gates for access during hours allowed. The heating and cooling units will be located on top of the building.

The lowest level will have concrete block with insulated metal doors. The rest of the building is insulated metal panel with the metal panel used vertically and horizontally. The glass windows will be insulated and you will see what you think are the units, but are actually faux units. The windows will be located on the corners of the buildings. The signage itself will be a channel sign and the name and coloring will depend on the end user. There may also be outlines of that same color on the façade of the building. All other signage will be directional.

In answer to the Board professionals' and members' questions, Mr. Lignos stated:

- The colors of the buildings will basically be neutral; such as, beige gray to a brown, tannish with white metal panel for the vertical and a little contrast on the horizontal metal panels. That will depend on the end user. The metal panel has a vertical reveal and a stronger horizontal reveal. Ultimately, it will look like 3 components as opposed to one elevation.
- The concrete block will complement and blend with the rest of the building
- The end user will want to keep their accents for their brand
- They have never had any reflection off of the metal panels. It is like a matte finish.
- The building signs will be back lit
- There will be 29 storage units on the ground floor and anywhere from 800 to 1,000 units in the remainder of the building
- The end user wants to be at least 75% - 80% occupied. The success of these units has to do with how clean, lit, and safe they are.
- The structural engineers will certainly make sure the soil and ground are capable of handling a 5-story building
- No roof-mounted solar panels are proposed at this time
- Theoretically, the size of the sign could be modified depending on the end user. They have sized the signage to the mass they are putting it on and is basically on the line of the type of sign the end user would put on the building. Planner Kaluhiokalani stated the ordinance is to the 100 sq. ft. maximum allowed, not the percentage.

Justin Auciello, professional planner, came forward and explained his credentials. He stated he has provided testimony on numerous applications throughout the State of NJ. Chairman Lutz accepted him as an expert witness.

Mr. Auciello stated the bulk variances with this application are subsumed with the use variance. We have heard testimony from the engineer and architect regarding the use. This site is located in a light industrial area defined by those types of uses. They have to show whether a site is particularly suited for the proposed use. Mr. Stout has testified to that. This will be a low impact use. A low traffic generator. It meshes well with the character of this area. There will not be a ton of people coming to the site and it does not rely on a lot of traffic. Relative to the site itself, the site can accommodate the movements from the site, as well as the circulation on site. Relative

to the orientation to the mass of the building, no variance is required for setbacks and the coverage barely exceeds the amount permitted. They have heard that will make the stormwater management greater.

The multipurposes of the zone that will be advanced are:

- G – it speaks to more than sufficient space for this commercial use
- H – it speaks to the free flow of traffic
- I – it speaks to the visual environment and also has buffering and landscaping.

Mr. Auciello stated the Planning Board recently adopted the 2022 Master Plan where it talks to the need of services and jobs, and this use will contribute to that planning on the township level. It also speaks to the ongoing need to redevelop this corridor.

Negative criteria is the substantial detriment to the public good and the impairment of the zoning intent. This use of this site is certainly not one that will lead to the substantial detriment. Any type of use will have some type of a detriment, but this one will not be substantial. It is also a use that will not negatively impact the zoning ordinances. The Highway Commercial (HC) zone that this site is located in speaks to similar uses to this. It will serve the needs of the residents of this township. Speaking to the reconciliation of why this use is not listed as a permitted use may be because it's a use that was never contemplated. They believe the use speaks to the general purpose of this zone.

Mr. Auciello continued by stating that Mr. Stout had covered the rationale for the requested bulk variances as follows:

- The building coverage can be processed under a C-2 or a flexible C variance.
- The number of parking spaces can be processed under a C-2, as well.
- The landscaping and buffer variance can be processed under a C-1 for hardship driven by the bulb on the end of the road (cul-de-sac).
- The amount of loading spaces can be processed under a C-2; the amount proposed is under what is required but is a sufficient amount for the use.
- The building will be 600' off of Route 130 and 700' from the NJ Turnpike, The turnpike is higher than the site. The proposed sign is relative to the size of the building and is also for visibility. It will be 10' higher than turnpike level and will not look out of character.
- The benefits of the bulk variances outweigh and possible detriments.
- There will be no negative impact to the zone plan or the zoning ordinance.

Planner Kaluhiokalani stated that when there is a Use Variance, you look at the negative impacts. This particular site in the HC zone also permits all that is permitted in the SM zone and you can justify that there'll be no negative impact. He agrees with the type of variances mentioned by Mr. Auciello for the bulk variances; however, when it comes to the sign, there is some value to the size of the sign but thinks it comes down to the aesthetics. He added it would be nice to know exactly what the sign will look like.

Solicitor Frank stated it is conceivable to address the use variance, minor subdivision and preliminary site plan tonight and hold final site plan approval until we have all the signage details.

Mr. Weiss stated he understands the frustration with the size of the sign; however, he is unable to speak with potential end users until he has a final approval in hand. He does not disagree because he cannot picture the sign himself. However, it is important to have a sign of substantial size and without it, a brand is not going to be interested. The purpose of the sign is to show a brand and get people interested. This is a good use of the property and will round out that property. He

81.

stated they can pull the sign off the table tonight and when they have an end user, they will come back to the Board for signage approval.

Solicitor Frank stated if the Board wished, they could delay the approval of the sign until the end user.

Mr. Burns stated they would like to withdraw the bulk variance for the building sign tonight; however, would like to proceed with the use variance, minor subdivision, preliminary and final site plan approval.

The meeting was opened for public comment.

The Zoom moderator confirmed that no one was being muted by us.

Kristan Marter of 220 E. Front Street asked if anyone has checked the occupancy level of the storage facility located across the street to see if they are full and if we indeed need another storage facility? She also stated not only the size of the building sign is a concern, but that it is to be located on 3 sides of the building, when our ordinance allows signs on only one side. There are no 5 story buildings in town. There is an approved 3-story apartment complex to be built across Route 130 and the signs on this proposed facility will easily be viewed by the residents of that apartment complex.

Solicitor Frank commented that the Zoning Board is not in the position to consider the relative status of the existing storage facility business across the street.

Seeing and hearing no one else wishing to speak, it was the Motion of Vice Chair Buddenbaum, seconded by Mr. Patel to close public comment. Motion unanimously approved by all members present.

Solicitor Frank stated we have an application for a minor subdivision, use variance, and preliminary & final site plan. Testimony was given regarding the previous subdivision and that this is merely reconfirming what was previously approved. We heard use variance testimony and the agreement from Mr. Stout to:

- relocate the ADA space
- to comply with the Fire Marshal's letter
- to comply with Engineer Dougherty's letter
- that the basin that was originally approved in 2006 will be used and green infrastructure will be implemented allowing the Board to grant the use of that basin
- the applicant will work with Engineer Dougherty to comply with the allowed 75% impervious coverage for the site

Conditions of approval are as follows:

- the applicant has withdrawn their request for building mounted signs and it will be a condition of approval that the sign has to be approved when there is an end user
- no hazmat storage or dangerous materials will be allowed and that will be in the content of the tenant/client's agreement
- if importing fill, it will be clean fill only
- no truck rental from the site
- and the usual conditions regarding escrow, taxes, outside agencies, etc.

Solicitor Frank stated it is up to the Board to weigh the positive and negative criteria, as well as reconciling it with the fact that it's consistent with the uses of the HC Zone.

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It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Patel to reaffirm the prior approval of the Minor Subdivision for ZB#2022-04.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Patel, Cartier, Puccio, Sovak, Studzinski, Lutz
NOES: None
ABSTAIN: None
ABSENT: None Motion Carried

It was the Motion of Mr. Cartier, seconded by Mr. Puccio to approve the Use Variance for ZB#2022-04 with the conditions mentioned by Solicitor Frank.

Upon roll call, the Board voted as follows:

YEAS: Cartier, Puccio, Buddenbaum, Patel, Studzinski, Lutz
NOES: Sovak
ABSTAIN: None
ABSENT: None Motion Carried

It was the Motion of Mr. Cartier, seconded by Vice Chair Buddenbaum to approve the Preliminary & Final Major Site Plan for ZB#2022-04 without the building façade signs and with the incorporated bulk variances.

Upon roll call, the Board voted as follows:

YEAS: Cartier, Buddenbaum, Studzinski, Lutz
NOES: Patel, Puccio, Sovak
ABSTAIN: None
ABSENT: None Motion Carried

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT

The meeting was opened for public comment.

The Zoom moderator confirmed that no one was being muted by us.

Seeing and hearing no one wishing to speak, it was the Motion of Mr. Puccio, seconded by Mr. Patel to close public comment. Motion unanimously approved by all members present.

ADJOURNMENT

It was the Motion of Mr. Patel, seconded by Mr. Cartier to adjourn the meeting at 10:40 p.m. Motion unanimously approved by all members present.

Dennis Puccio, Secretary

/kf