

Florence, New Jersey 08518-2323
May 6, 2024

The Regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Puccio called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Sullivan 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	James Fevola
Anant Patel	Dennis Puccio
Kevin Minton	Lou Sovak
Daniel Studzinski	Gina Sullivan
Charles Wible	

Also Present: Solicitor David Frank
 Planner Ed Fox
 Engineer Hugh Dougherty

RESOLUTIONS

There were no resolutions

MINUTES

It was the Motion of Mr. Patel, seconded by Ms. Sullivan to adopt the minutes from the regular meeting that was held on April 1, 2024. Motion unanimously approved by all members present. Vice Chair Buddenbaum abstained.

CORRESPONDENCE

A. Letter from Parker McCay re: Rant Properties, LLC
Chairman Puccio explained that the letter was to inform the Board that the applicant at Rant Properties has resolved their settlement agreement and they have provided estimates for the work that needs to be done on the property. The work will be completed around June or July.

Motion by Mr. Sovak, seconded by Mr. Studzinski to accept and file the correspondence. Motion unanimously approved by all members present.

APPLICATIONS

A. ZB#2024-02; Application from Blue Stone Cathy Lane, 61 Cathy Lane Block 163.01, Lots 3.01 & 3.07 for Use Variance for truck parking.
Mr. John Gillespie, the applicant's attorney, explained that this property is located in a Highway Commercial zone, where it used to be zoned as Special Manufacturing. The applicant is asking for a D1 variance to allow the property to be used for truck parking and repair business. There are also some limited truck logistics where the trucks can be repaired. In some cases, the trucks will leave for their destination on a Monday and return on a Friday, or into the following week. The applicant has met with the Board Professionals and the

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Zoning Officer and Construction Official on February 15, 2024 to get their insight. As a result of that meeting, the application was filed with the Zoning Board on March 7, 2024. The DEP issued a Wetlands interpretation of the site in October 2023. There was also a letter from the Turnpike Authority that was received last week. Any issues brought up in the letter are things that will be handled if the Use Variance is approved, any of these things would be handled during the Site Plan approval process.

Solicitor Frank swore in the applicant's professionals and the applicant himself: Mark Malinowski with Stout & Caldwell; Andrew Feranda with Shropshire Associates; James Miller, Professional Planner; Kuldeep Singh with 61 Cathy Lane LLC.

Mr. Singh bought this property in 2021 and the company is a trucking transportation company. The company also does over the road trucking, that travels from NJ to the Midwest.

Mr. Singh explained that trucks will leave out of his facility on a Monday and are gone for a week, sometimes for 2 weeks. They transport general dry goods, no hazardous materials.

Mr. Singh also owns a company called JAAP Trucking located in Newark, NJ which is the main location. The company delivers often to South Jersey, so the drivers park the trucks at 61 Cathy Lane. The drivers' personal vehicles are parked at 61 Cathy Lane when the drivers are out on the road. Mr. Singh stated that there is no overnight sleeping in the trucks at 61 Cathy Lane. There is also an office building located at the property which has bathrooms but no showers. Also, on the property is a 13,000sf building which is the repair shop. The work on the trucks happens inside the building. The main facility is located in Newark, this location is a satellite location.

There is a truck repair facility on the property that does small repairs like tire changes, brake repair and oil changes and whatever is necessary to repair to get the truck back on the road. The oil that is changed out is collected in drums, and another company, B&L, picks up the used oil. The facility can hold 3 or 4 trucks at a time for repairs. Any major repairs happen at the dealership not on site at 61 Cathy Lane. There is no washing or painting of the trucks. All repairs at this property are only on trucks the applicant owns.

There are 15-20 trucks parked at the facility at most, according to Mr. Singh. The trucks are staggered and come in and out at different times. There are no sales occurring at the property. There are 3 employees of the repair shop, and in the office, there are 4 employees. The number of employees will increase to about 7 employees if the Use Variance is granted. Mr. Singh stated the hours of the trucking repair business are 8am-6pm, Monday-Friday; Saturdays 8am-4pm. The facility is not open on Sundays.

When there is a need for supplies at the facility, the supplies are ordered online. According to Mr. Singh, there are no deliveries to the property by tractor trailer.

Mr. Singh stated that there are about 6 to 8 tractor trailers per day that go in and out of the facility. It is not the same number every day.

There is no diesel fuel stored on site, nor do any trucks get fuel delivered to them by a fuel truck.

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Solicitor Frank asked Mr. Singh about the different categories of trucks that are going in and out of the site, some go out for 1-3 weeks at a time, and some are used for more local deliveries. He asked if the 6-9 trucks, that Mr. Singh stated travel to the site daily, include both fleets of trucks? Mr. Singh said that they have about 2 or 3 local delivery trucks that leave the property around 6am and return between 4 and 6pm.

To clarify, Vice Chair Buddenbaum asked Mr. Singh if the trucks leave the 61 Cathy Lane location empty, load up in a different location and return empty. Mr. Singh said that it can be different every time.

Mr. Minton asked if the operating hours reflect the times that the trucks are arriving and departing or if the trucks are moving outside of those hours, late at night. Mr. Singh said the trucks don't arrive at night, but they do arrive early in the morning. He said they instruct the drivers not to return at night since there is no one in the office outside of the business hours.

Mr. Singh was instructed by his attorney, Mr. Gillespie, to keep track of how many trucks have come in and out last week. Mr. Singh submitted Exhibit A1 which is a spreadsheet titled "Yard Report 61 Cathy Lane, In and Out Report" which shows the number of trucks coming to and from 61 Cathy Lane on a daily basis, in 2 hour increments within a 24 hour period. Solicitor Frank asked Mr. Singh if he anticipates an increase to these numbers if the repair area is able to expand. He stated it would increase to about 20 trucks per day. According to the spreadsheet submitted, the maximum number of trucks that currently come through daily is 14.

Chairman Puccio asked where the tires are kept at the facility and Mr. Singh stated that they are kept indoors. He also asked Mr. Singh if there are junk vehicles on the site. Mr. Singh said there are no junk vehicles or parts trucks; and there is no flammable storage and there are no fluids going into the storm drains. Chairman Puccio also asked if they have an outside compressor that makes noise. The compressor is inside the shop, not outside.

Ms. Sullivan asked about the 48 parking spots and if there will be trucks parked in most of them at all times. Mr. Singh that there are 15-20 trailers that park there, and the drivers personal vehicles will be parked there when they are on the road. Chairman Puccio asked if they have any freight that require refrigeration. Mr. Singh stated that they only transport dry goods, so they do not have any refrigerator trucks.

Solicitor Frank asked if they have only 15-20 trucks, why are they providing 48 parking spaces? Mr. Singh said that the parking is for the drivers' personal cars as well as the trucks. Mr. Singh confirmed that the total size of the over the road fleet is 48 trucks, but expects only 20 trucks to be on site at one time, when asked to justify the number of parking spots by Solicitor Frank. Mr. Gillespie said the number of spots is in case everyone was there at the same exact time but the likely hood is that the 48 spaces will not be used all at the same time.

Chairman Puccio wanted Mr. Singh to confirm that the parking will not be rented out to outside companies for daily truck parking. Mr. Singh said that the parking is only for his trucks. Mr. Singh owns other trucking companies but he doesn't lease his space to other outside companies, only his trucking companies. Mr. Singh stated he would agree to a condition of approval that would not allow parking of trucks that are not owned by his companies.

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Mr. Singh owns 3 LLCs and the total number of trucks that will be using the Cathy Lane facility is not more than 40 trucks.

Mr. Malinowski is an Engineer with Stout & Caldwell. Exhibit A2 is presented which is an aerial view of the site at 61 Cathy Lane. The property on the northwest side of Cathy Lane is lot 3.01 and on the south east side of Cathy Lane is lot 3.07.

Lot 3.01 has three buildings on it including the 3,558sf office building with an existing paved parking lot with grass and woods directly behind it. To the south of that there is a 2,358sf 1.5 story which is not in use. There is also the 13,234sf building where the truck repair is currently located. They are using 6,000sf of that currently. There is pavement and stone surrounding that building and has direct access to Cathy Lane by two driveways.

On Lot 3.07 there is existing parking on the south side of Cathy Lane and an existing cell tower that is closer to the Turnpike extension to the west of the site. There are also a number of easements along Cathy Lane.

Exhibit A3 is a color rendering of the use variance plan of what is being proposed. With regard to the truck parking, they are proposing that on Lot 3.01 to the north and behind the existing office building, they are proposing a stone parking lot that has the 30 truck parking spaces which has its own entrance on Cathy Lane. The proposed stone area is connected to the existing stone area behind the repair shop. There is also some car parking in that area. The remainder of the site will be landscaped and retaining the tree line on the west side along the Turnpike Extension. There is also an area of wetlands.

On Lot 3.07, there is proposed expansion of the tractor trailer parking. There will be some NJDEP permitting associated with that section. Everything else stays the same on this lot.

Vice Chair Buddenbaum asked if there will be a paved driveway apron on Cathy Lane to access the facility parking. Mr. Malinowski said that the Cathy Lane portion is already paved and the parking will be stone parking for the tractor trailers. It is more economically feasible to use stone as well as reduces run off from the site. There is also an anticipated basin in the lawn area, to the east of the repair shop. There are 18 proposed parking spaces in the horseshoe area of Cathy Lane, plus 30 other parking spaces for the trucks for a total of 48 parking spots.

Engineer Dougherty stated that there are some DEP regulations regarding the stone such as the size of the basin is relative to the size of the parking area, regardless if it is pavement or stone because it is a parking area. The stone would also be considered impervious. Mr. Malinowski said that there are some stones that reduce the runoff. Vice Chair Buddenbaum said that he assumes that over time the runoff would increase from the stone being compacted. He also mentioned that backing large trucks up over time will move the stone around too much and asked if there is a different type of stone they plan to use. Mr. Malinowski said they haven't gotten to the point of deciding what kind of stone, and that is more of a site plan issue. Vice Chair Buddenbaum also expressed some concern over the noise created by a tractor trailer driving over stone. Engineer Dougherty said that if it comes time for site plan approval, then that is when the limits of the stone and the paving will be discussed according to our ordinance.

Mr. Minton asked if the road can handle the weight of tractor trailers. Mr. Malinowski said the road is currently handling the truck traffic. Currently there are three overhead doors on the south side of the repair shop and there are parking spaces for those. There are also overhead doors on the northside but those would be only for the tractor. There is circulation in the space between the repair shop and the office building.

Chairman Puccio asked what the light green areas are on the map. Mr. Malinowski said those are grass areas that are split up because of some existing utility poles. The grass areas are to stay the way they are. Chairman Puccio also asked how much of the horseshoe area is proposed to be used since it appears it will be expanded. There will be some additional clearing of the area to accommodate the additional truck parking. The change to the impervious coverage on lot 3.07 is a minor increase, about 5%. For lot 3.01 the increase is about 25% to 59.2%. The permitted impervious coverage is 75% in the Highway Commercial zone. Items like landscaping, stormwater control, lighting and buffering will be handled if the Use Variance is granted during the site plan approval process.

Planner Fox asked if Mr. Malinowski can speak to the prior use of this property or if there is any need for remediation on the site. Mr. Malinowski is not aware of any contamination on the site. There have been Phase 1 and Phase 2 studies done on the property. Planner Fox said if this were to come in for site plan, any areas of concern or needs to remediation would be addressed at that time.

Mr. Gillespie called up Mr. Andrew Feranda, Traffic Consultant with Shropshire Associates, Mr. Feranda said traffic engineers observe the site and counting of vehicles turning on and off Cathy Lane and passing through Route 130 during peak periods between 6:00am and 9:00am; the highest peak hour of volume on Cathy Lane and Route 130 is 7:30am and 8:30am. In the afternoon, the peak hours are between 3:00pm and 6:00pm and the peak period is between 3:30pm and 4:30pm. There are about 1,050-1,100 vehicles traveling North on the two lanes on Route 130. There are approximately 10 vehicles in and out of Cathy Lane at those peak hours in the morning and afternoon. The site on Cathy Lane has access to Route 130 Northbound. It is a right in, right out intersection because the highway is divided at that location.

Mr. Feranda's firm analyzed the intersection and grades the level of service: "A"-very good, "F"-bad. They found the intersection to be working at a level "B"- which means there are 10-15 seconds delay for someone at a stop leaving Cathy Lane and waiting to get on Route 130. Next is to look at the traffic generated coming from the site. There are 3-4 service employees, 3-4 office employees. There might be some additional employees if the business expands and that is factored in-8 employees in the repair shop, and 6 employees in the office building. There are 14 trips in the morning to the site by the employees. Between the hours of 8am and 6pm, there are 15 trips in the current conditions. With regard to the parking area, it is not a loading area. The parking area does not have a high turnover however with 48 parking spaces, approximately the peak hour trips would be 10 trips during the peak period. When factoring in the traffic traveling to this site, the residences and the church on Cathy Lane, the new trips with the current trips still grades a level of service "B". This means it is still a very good level of service, there might be a slight increase in the delay because of the new traffic. The average is 15 seconds that it would take to make the turn out of Cathy Lane during the peak periods. Mr. Gillespie asked Mr. Feranda if the annual background growth table in a report from the NJDOT is the source Mr. Feranda's firm relies on. Mr.

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Feranda said it is a recognized industry standard all traffic engineers are required to use. Mr. Gillespie also asked for an explanation of “IT Trip Generation Manual”. Mr. Feranda said The Institute of Transportation Engineers gathers traffic data throughout the country for different types of uses and analyze the data come up with waits to be able to project the data. The data is compared to other permitted uses in the zone such as a bank and a car wash, just to see the trip intensity between permitted uses and what is being proposed. Based on the data compared to those two uses, a bank or car wash would be twice as intense during the peak periods.

Mr. Buddenbaum asked what the process is in counting the vehicles. Mr. Feranda said the firm has a person called an Enumerator who sits at the intersection for 3 hours in the morning and 3 hours in the afternoon. The Enumerator has a counting board in which they click for movements—a right turn in, right turn out, and through movements (any vehicle driving on Route 130) – each movement gets counted by the Enumerator. Mr. Buddenbaum asked if there is a way to make sure that the count is accurate. Mr. Feranda said the Enumerators are very well-trained and do this job hundreds to thousands of times throughout the year.

Chairman Puccio asked what date the Enumerator was actively counting the traffic. Mr. Feranda said January 9, 2024 was the traffic count. The counts are usually during the middle of the week, Tuesday through Thursday.

Chairman Puccio asked if a 53’ foot tractor trailer’s turning radius can stay within the curb lean without having to enter into the oncoming lane. Mr. Feranda said his firm can do turning analysis. This is an existing condition; trucks are currently turning onto Route 130. Mr. Feranda said in his experience trucks are probably entering the second lane. But with the traffic signal south at Cedar Lane, there can be gaps in the traffic.

Mr. Studzinski asked about turning radius for trucks from northbound on to Cathy Lane. He asked if there is enough room on Cathy Lane if there is a car already on Cathy Lane. Mr. Feranda said that it is done currently. He hasn’t seen it personally happen, but can do a turning analysis done on the intersection, but it is a possibility. Cathy Lane is about 26-28’ wide which allows for traffic in either direction. NJDOT also has right-of-way which could mean potential widening and improvements.

Solicitor Frank asked Mr. Feranda for some clarification regarding comparing the proposed use to permitted uses like a bank or car wash by suggesting the proposed use would be less intense as far as vehicle trips. Banks and car washes are typically passenger vehicle traffic, Solicitor Frank asked if the proposed use was compared to any uses that involve truck traffic as a regular part of their volume. Mr. Feranda said that based on the estimates, the peak hour projections are very conservative and are based on the actual counts. Solicitor Frank said there is a difference between the quantitative and qualitative counts of vehicles and their impact on the traffic and the surroundings. Mr. Feranda said there is a way to adjust for trucks and cars used in the analysis, so if you increase the percentage of trucks, it adds some delay to the analysis. That is something that can be confirmed if the application comes back to the board for site plan approval.

After a 5 minute break, Mr. James Miller, Planner approached the microphone. Mr. Gillespie asked if Mr. Miller had reviewed the documents in preparation for the testimony. Mr. Miller has looked at the Master Plan, Zoning Ordinance, the plans prepared by applicant’s engineer,

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and the traffic report and ariel photos of the site. Mr. Miller also attended the concept meeting with Township Officials and Professionals.

Mr. Miller outlined the history of the site by referring to exhibit A2 which is an aerial photo of the site and surrounding area. For the past 30 years or longer, this property was used as a contractor's yard. The most recent occupant was a roofing company. There has been trucking activity on this property in the past, mostly lighter trucks than the ones proposed tonight. The other difference between the prior use and the proposed use, is that the prior uses had outdoor storage. With the proposed use, everything is contained indoors with the exception of the truck traffic.

Mr. Miller explained Route 130 is located to the North of the site, there are also some wooded areas. On the same side of Route 130 there is an old motel that has a lot that extends about 300' to Route 130, and there is scattered residential which is pre-existing, non-conforming for the zone. Historically, there has been commercial and industrial uses along the Route 130 corridor and this area has always had an industrial character with the roofing company. The zoning of this property is Highway Commercial.

Mr. Miller explained that the site is suited for the proposed use. According to the Municipal Land Use Law, there are purposes of Positive Criteria and this site falls under two:

A: to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.

G: to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

Both of the purposes deal with the appropriateness of the property and the suitability. The site is particularly suited to the use because it is an appropriate location for the proposed use. It is also an inappropriate location for any permitted use in the HC zone.

Mr. Miller believes that this property is not suited for any of the permitted uses. The uses that are permitted are retail sales & services, restaurants, department stores, garden centers, banks, offices, theaters, bowling alleys, auto dealerships, car washes, service stations, neighborhood commercial uses, hotels and motels. All of these uses are characteristic of highway corridors, however these uses most likely wouldn't survive on the site due to the lack of visibility. There is over 300' between Route 130 and the property which means there is no "window" to be able to see any use of the property. It is blocked by structures, landscaping and distance. Another factor is that Cathy Lane is a dead-end road. There are also no other businesses on Cathy Lane that would generate vehicle traffic.

There is also some negative criteria needs to show there is no substantial detriment to the public welfare and that there is no substantial impairment to the zone plan and the zoning ordinance. The overall impact of this use will be similar to the uses historically on the property with trucking and repair facilities. The use is also situated amongst other uses that are similar in character. Given the surrounding land uses, and it being in a highway commercial district, Mr. Miller doesn't think there will be a substantial detrimental impact.

When balancing the negative criteria, it needs to be reconciled the use with the failure to include it in the zoning district. The proposed use is consistent with the historical uses of the property and are consistent with the character of the area. It is also less of an impairment to the zoning ordinance and zoning plan because this is not a vacant or undeveloped property. The property already has an industrial use and industrial buildings and are suited to the proposed use. The other permitted uses in the Highway Commercial zoning district are not suited for this property. Mr. Miller said that it satisfies the negative criteria and the application would merit the board's approval, subject to the site plan. Since there will be no outdoor storage of materials, that also satisfies the negative criteria.

Planner Fox asked Mr. Miller if he is familiar with the Township's Master Plan which was updated two years ago and if he recalls if there was an explanation why this property's zone was changed from Special Manufacturing to Highway Commercial. Mr. Miller said he believes it was due to truck related uses and the impact that can have. There may have been an aspiration to create something different in this area but with the location that is difficult to achieve. Planner Fox stated that this area was designated as an area of redevelopment. Mr. Gillespie asked Planner Fox if this is something from years ago when the whole town was designated as an area of redevelopment and asked if Planner Fox is familiar with the history of what the redevelopment areas are in the township. Planner Fox stated that a large portion of the non-residential, non-agricultural area has been designated as an area of redevelopment.

Mr. Miller thinks that the proposed use is an opportunity to redevelop the property as an improvement to the location. There is an option during site plan to upgrade the property by having the engineering, drainage, roadways enhanced and improved.

Engineer Dougherty went over his review letter dated March 21, 2024. He said that his review asks the applicant to adhere to the site plan ordinance with regard to stormwater, lighting and landscaping, and parking.

Chairman Puccio asked what the impact of parking tractor trailers that close to residential areas such as the Birch Hollow development and the 2 homes located on Cathy Lane. Mr. Gillespie said a study has not been complete. If the use variance is granted, a study would be completed before site plan review. Planner Fox stated that there are some points in his review letter that mentions sound such as trucks driving over gravel, idling, and the beeping from trucks going in reverse.

Solicitor Frank added that the statute requires that the Board makes a finding that the site plan is not substantially detrimental to the public good. On applications like this, there is a second chance for negative criteria when there is application that comes back for site plan approval. The Board could elect "performance standards", such as noise, that the applicant would need to comply with during site plan. Mr. Gillespie said there is a possibility of the number of parking spaces being reduced as a result of site plan review based on different studies for stormwater review and turning radius for the trucks. Mr. Gillespie said that if the variance is granted, it won't be for 48 parking spaces. The variance is being granted to use the property like it is being proposed subject to site plan review. At site plan review, is where the applicant will determine how many parking spaces work on the site. It won't be more than 48 spaces.

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Ms. Sullivan asked if the applicant has a repair facility in their Newark, NJ location. Mr. Singh said that they have a location in Newark, and this location is just for smaller repairs for trucks in this area.

Mr. Sullivan also asked how the trucks get from the Cathy Lane location to the turnpike. Mr. Singh said the trucks make a right out of Cathy Lane, and make the jughandle turn at Delaware Ave to return back to the turnpike entrance on Route 130 or turn right on Florence-Columbus Road to proceed to Route 295. Ms. Sullivan also asked if there are other trucking companies that would be using the repair facility. Mr. Singh said only his company would be using it.

Mr. Patel asked if there is a possibility of making improvements to the Cathy Lane/Route 130 intersection. Mr. Gillespie said that there are issues with the size of Cathy Lane if there are vehicles going in and out at the same time. With DOT approval, there is a consideration for widening the road. Engineer Dougherty said there is a 50' right of way on Cathy Lane and Route 130 has a DOT right of way. The utility poles are located close to the cartway, they may be too close when considering turning radius. Mr. Patel said there is still an issue with the trucks crossing over both lanes on Route 130.

If the township needs to make an improvement on a DOT owned right of way, the township would need assistance from the DOT. Mr. Fernanda said it is a street intersection permit since it is township and DOT right of way.

Chairman Puccio asked what the plan is to mitigate the tractor trailers pulling out on Route 130 as compared to the scenario of comparing the vehicle traffic to a permitted use like a bank or car wash. If the board has to make a decision based on those calculations, the numbers may not be accurate. A car pulling out of the intersection compared to a 53' tractor trailer is very different when pulling out on to the highway.

Solicitor Frank stated that his questions for Mr. Feranda are related to the intensity of traffic that would be experienced on Cathy Lane and the comparison of the proposed use and a car wash. It is different than the actual counts of vehicles and traffic. There is an opinion from Mr. Feranda if it matters if it is trucks verses cars for purposes of the intersection performance which is for the Board to decide. Planner Fox added that if the site was developed as per the permitted uses, there might be more traffic, assuming there was a market for the permitted uses.

Mr. Feranda said those permitted uses would generate more traffic in his opinion, as compared to the proposed use of the truck repair/parking facility. The numbers show the trucks would increase to around 30 trucks per day at random times and that would help distribute the traffic so it is not all happening at one time. Mr. Fernanda does not expect there to be any queuing of truck based on the volume.

Motion made by Mr. Patel and seconded by Mr. Buddenbaum to open Application ZB#2024-04 to public comment. Motion unanimously approved by all members.

Pamela Mueller of 50 Cathy Lane is sworn in by Solicitor Frank. Ms. Mueller, along with her brother Jim Gibson, inherited the home from her mother Doris Gibson. Ms. Mueller does not live in the home but visits frequently. Her mother's long term companion still lives in the

home, he is blind and used to the house. Ms. Gibson's nephew, Brian Gibson, also lives in the home. Ms. Gibson stated the turning on to Cathy Lane when there is a truck waiting to pull out onto Route 130 is very dangerous. The trucks are taking up most of the roadway so it is not possible to turn into Cathy Lane, and when that happens, she is in danger of being rear-ended on Route 130. Even when the light at Cedar Lane is red, the traffic entering 130 from the NJ Turnpike increases. What happens is that the truck is blocking Ms. Gibson from entering Cathy Lane; Ms. Gibson is blocking the right lane of Route 130 waiting to turn in; and the truck cannot turn on to Route 130 because the left lane is still full of cars. The truck needs to enter the left lane of Route 130 in order to make the turn out of Cathy Lane. Ms. Gibson believes that the road would need to be a lot wider to accommodate cars and trucks being able to use the road at the same time.

Ms. Gibson also asked how the trucks are going to turn into the parking since the street is narrow and her mother's house is directly across from the proposed parking area. There will also be headlights from the trucks shining directly into the living room of the home when the trucks pull out.

Ms. Gibson also believes that allowing this use will bring down the property value of the home. She doesn't think that anyone would want to purchase her home if she were to sell it because of the proximity to the truck parking and the truck traffic. There is already an issue with potholes on the road because of the trucks on the road. Ms. Gibson also added that there will be constant noise & smell from the trucks at different times of day. She also believes that it will diminish her stepfather's quality of life. She stated that prior to tonight's meeting she saw two tractor trailers passing the home back-to-back in the matter of a couple minutes. One was pulling another tractor trailer.

Ms. Gibson also asked if there will be speed limit signs since there are none posted right now. This neighborhood is residential, it used to be a few homes and a horse farm for a long time until the township changed the zoning. Ms. Gibson thinks that the town should take into consideration that the homes have been there longer than the industrial uses.

Mr. Gillespie asked Ms. Gibson to clarify what she said the trucks are turning out onto both lanes on Route 130. She said the trucks seem to need the whole width of Cathy Lane in order to get on to Route 130 which means there is no room for a car to turn on to Cathy Lane when a truck is waiting to turn on 130.

Mr. Brian Gibson, 50 Cathy Lane was sworn in by Solicitor Frank. He stated that he saw a refrigerator truck parked on the site. It was not recently but it was while Mr. Singh owned the property. He assumed that someone was sleeping in the truck because it was running all night. He said it is not a common occurrence but it does happen. Solicitor Frank asked if Mr. Gibson knows if these trucks belong to the entities that are running out of this property or if the trucks were random. Mr. Gibson assumes the trucks belonged to Mr. Singh since he hasn't seen anyone sleeping in trucks until Mr. Singh took over the property 2 years ago but he does not know for a fact.

Mr. Daniel Keane, 41 Cathy Lane, was sworn in by Solicitor Frank. Mr. Keane asked what the permitted use of the property is right now. Solicitor Frank said that there is a history of approvals of this site. One of the approvals is for half of the building to be used as a repair facility as an accessory to a roofing company. Mr. Keane asked if trucking is permitted and

Solicitor Frank said that it is not a permitted use in this zone. Mr. Keane said that for the last 2 years there have been about 20 tractor trailers going up and down his street all day, every day. Mr. Keane asked why the applicant is here for a variance if he is already using the property for trucking. He also stated that at the time of this meeting, there are 38 trucks parked on the property.

He also added that Cathy Lane is not wide enough for a tractor trailer. He does not think there is room for two trucks to pass each other. And there is not enough room if one truck is leaving Cathy Lane and one is entering Cathy Lane at the same time.

Mr. Keane also mentioned that his daughter's bus stop is at the intersection of Route 130 and Cathy Lane and he has witnessed 4 or 5 tractor trailers leaving Cathy Lane making a left and crossing the median to get on Route 130 going south. He believes that Route 130 would need to be widened to accommodate the turning radius of the trucks. Mr. Keane also stated that he doesn't believe that the average time of 10-15 second delay is accurate of turning on Route 130 during the peak hours.

Mr. Keane's house has a pool and he is concerned about the stone parking area creating large amount of dust into his yard. The area around the property is all wetlands, and his basement fills up with water. He said the location of the proposed basin will create more flooding on his property.

Mr. Keane wants to know why the applicant is here applying for a variance when he is already using the site which is not a permitted use in the zone. Solicitor Frank responded that the Board does not handle the enforcement. Enforcement is handled by the Administration of the government through the Zoning Officer. It is still important to hear this information from the residents but the Board has nothing to do with enforcement. Businesses and residents are not allowed to start uses without permission. The property is presently being used outside of the law. If this variance is granted for the trucking operation, then it is subject to other steps like site plan review, studies about the roadways, possibly requiring the applicant to improve Route 130 and Cathy Lane intersection. Even if the use variance is granted but the roadway improvements become impossible to be completed, then the application can still be denied. Also another part of the site plan process is determining the materials to be used in the parking area, and it was already discussed that gravel is impervious as Mr. Keane also mentioned.

Mr. Keane said he feels like this applicant is trying to turn the property into a transfer station which is 24/7 loading and unloading of trucks. Solicitor Frank said the testimony from the applicant is that he does not operate 24/7. Mr. Keane is disputing this from his personal observation. He offered to set up cameras to record the time that trucks are coming down Cathy Lane.

Planner Fox added that the applicant provided testimony what the current status is that trucks do not come in any earlier than 6am and no later than 10pm. Planner Fox said the applicant provided the hours of operation of the repair facility and the office. But the hours of access to and from the property was not indicated.

Solicitor Frank said the testimony was confusing as it was stated that the trucks leave in the morning and return by the end of the work day. Mr. Keane said it is a trucking operation, trucks operate 24 hours a day, and trucks are coming and going outside of the hours that were

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stated in the applicant's testimony. He said that a trucking company wouldn't survive if it was operating in the hours that were stated earlier in the evening by the applicant. The roofing company that was there before only operated between 8am and 5pm. Mr. Keane estimated that there is a truck every 15-20 minutes, all day, driving down Cathy Lane.

Solicitor Frank is referring to exhibit A-1 which is the report of truck activity provided by the applicant. The report states that there were 2 trucks between the hours of 6am and 8am. Also it says there were no arrivals after 8pm. Mr. Keane said this report is fictitious.

Mr. Keane also has photos of trucks and surrounding property that he is emailing to Mr. Gillespie who will send them to Solicitor Frank.

Solicitor Frank said, in his opinion, the applicant is operating inconsistently with the variance that he has testified to.

Dr. Catarina Mako, 2088 Route 130 N, was sworn in by Solicitor Frank. She stated that she is in support of her neighbors. Her concern is the truck traffic and the fact that Cathy Lane is not designed for truck traffic. There have been signs that have been knocked down by trucks entering Cathy Lane. Her car was parked on Cathy Lane, in front of the home, and the trucks come very close to hitting it when they turn in. She is supportive of businesses, but the trucking is a different impact on the roads, residents and environment. The public notice she received in the mail indicated that the applicant was applying for a use variance for a truck repair shop, but that is different than what it is actually happening. She cannot confirm that she has seen trucks overnight because she is only at the property sometimes until 8 or 9pm. But she has seen trucks at those hours.

Ms. Gibson had another question regarding what will or will not be approved at tonight's meeting and wants to know what the process is after the meeting tonight. She wants to know if and how she will be notified of the next steps of the application. Solicitor Frank said if the use variance is granted this evening, and the applicant were to come back for site plan review, the applicant would have to publish and mail new notices of the site plan application. There are some uses that are permitted after site plan review, and some that are not allowed. If the use is not specifically allowed in the zone, the applicant is asking for permission. Solicitor Frank explained that if the use variance is granted at tonight's meeting, that would be conditioned on an approval of the site plan. If the site plan doesn't work and the road cannot be made safe enough, then the use would have to be stopped. Ms. Gibson said that with the homes there, the road would not be able to be widened. Solicitor Frank said that the municipal right-of-way and the State's right-of-way are both bigger than the paved roadway. The area inside the curbs is not everything the municipality owns. The municipality actually owns a piece of the front yards. Part of the site plan approval is the applicant showing how they will mitigate stormwater, noise and lighting as well.

Solicitor Frank asked Mr. Gibson if he has personally observed truck traffic on Cathy Lane and he stated yes. Mr. Gibson works second shift and gets home at 4:00am. On his days off, he keeps the same sleeping hours so he has seen trucks coming Cathy Lane at 11pm, 2am and 3am.

It was the Motion of Mr. Patel, seconded by Mr. Buddenbaum to open public comment on application ZB#2024-02. Motion unanimously approved by all members present.

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Mr. Gillespie said that he would like to see Mr. Keane's video of the trucks coming down the road at different hours. He said the applicant isn't hiding how much truck traffic there is now. The turning radius and the geometry of the road needs to be looked at and they would like to come back at a later date with an answer. He is requesting the continue the hearing to July 8. This allows time for the roadway to be looked at as well as get the videos to the board that Mr. Keane said he would provide.

Mr. Studzinski asked if the applicant has been operating 24 hours a day, and now he will be aware of videos being taken, he might stop the overnight operation knowing he is being recorded now. Solicitor Frank said it sounds like Mr. Keane has videos that he has already taken. Once we have access to the videos they will be entered into the record.

The hearing will be continued to the July 8, 2024 meeting.

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT

It was the Motion of Mr. Patel, seconded by Mr. Buddenbaum to open public comment.

ADJOURNMENT

It was the Motion of Mr. Patel, seconded by Mr. Buddenbaum to adjourn the meeting at 11:00PM. Motion unanimously approved by all members present.

GS/amh

Gina Sullivan, Secretary