Chairman Nanson called the meeting to order and the Administrative Officer read the opening statement.

ROLL CALL: The roll call showed the following members present: Matthew Hughes, Herbert Massa, Richard Mertens, Thomas O'Donnell, Jose Orozco, Michael Sanclimenti, Paul Sayah and Chairman Wendell Nanson. James Moretti, Jr. was excused.

Also in attendance were Ronald Troppoli, Board Attorney, Charles Cunliffe, Board Engineer, Christine Bell, Board Planner, Matthew Howard, Director of Land Use and Eileen Rubano, Board Secretary

PLEDGE OF ALLEGIANCE:

SWEARING IN OF BOARD PROFESSIONALS: Charles Cunliffe, Christine Bell and Matthew Howard were sworn in by Board Attorney Troppoli.

APPROVAL OF MINUTES: There were no minutes to approve this evening.

VOUCHERS: There were no vouchers to approve.

CORRESPONDENCE: There was no correspondence to review.

RESOLUTIONS:

a. BA18-26 / Lakewood Farmingdale, LLC

Mr. O'Donnell made a motion to memorialize the resolution granting Use Variance and Preliminary and Final Major Site Plan approval to Lakewood Farmingdale LLC. Motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Massa, Mertens, O'Donnell, Orozco, Sanclimenti and Nanson voting for the motion.

b. Case No. BA17-09A Fairfield Industrial Park, LLC

Mr. Hughes made a motion to memorialize the resolution granting Amended Use Variance approval to Fairfield Industrial Park, LLC. Motion was seconded by Mr. O'Donnell and carried with Messrs. Hughes, Massa, Mertens, O'Donnell, Orozco, Sanclimenti and Nanson voting for the motion.

APPLICATIONS BEFORE THE BOARD:

a. Case No. BA18-35 / MLMMBJ, LLC (Michael Ruggiero)

Todd Cohen, Attorney for the Applicant, appeared and said they were seeking a certificate of nonconformity for the property at 392 Adelphia Road which was the old Rapp Sod Farm then Doerre Fence Company. There is a farm house and a cottage house which are both residential uses that are still in use along with his client’s business. There has been a warehouse use on the property since the late 30s. When his client purchased the property in 2015 he received a Certificate of Continued Occupancy for another fence company. No
he is trying to lease the warehouse space to a kitchen and bath remodeling company and Mr. Howard said they would need a certificate of nonconformity in order to do that.

Michael Ruggiero, Managing Member and Owner of the property, was duly sworn and testified that he met with Chris Jackson, the prior land use officer, and they spoke about the prior uses and what would be allowed going forward. He said Mr. Jackson even came out to the property and said just stay under the radar. He does not generate a lot of traffic; he wouldn’t have 15 or 20 trucks pulling out into traffic and he doesn’t have a lot of employees.

Mr. Ruggiero said he found All State Fence Company looking to lease property prior to him closing on the property and they received the CCO in July 2015. In February 2018 they received another CCO for Phoenix Fence Manufacturing who is a fence distributor/installer. The warehouse is now currently vacant.

Mr. Ruggiero testified about the history of the property. From the 1940s to 1975 the warehouse was used for the manufacturing of wood products of one type or another. In the 1980s there was a company that did fiberglass lawn designs such as arbors and fountains. They did fabrication and storage in the garage. In 1995 the property was purchased by Doerre Fence Company who had a showroom, corporate sales office, manufacturing facility in the warehouse and contractors yard.

Mr. Ruggiero also testified that he is trying to lease to a company that does kitchen and bath remodeling similar to Bath Fitter. They are looking to use the property for a showroom and the back building to assemble the products. They would have no retail sales and 6 employees (3 salespeople, 2 installers and 1 assemblyman). The salesmen meet in customer’s homes and the fiberglass work is done elsewhere, delivered here and assembled. The hours of operation are Monday through Friday from 9 a.m. to 5 p.m. and Saturday from 9 a.m. to 1 p.m. There is ample parking, handicap spaces are provided and restrooms are available.

Mr. Ruggiero asked for the certificate to be general in nature so there are parameters for future users such as sales, light assembly, showroom and office. He answered questions from the Board Members and said that there are three residents right now, each independent of the other and none of them are employees of the business. Three are separate bills for the septic, gas, electric and the wells.

Mr. Howard, Land Use Officer, said that the applicant gave a good history of the site; there were never any formal applications for site plan approvals. He has given documentation of the site from the 30s and 40s so this will legalize what the owner is doing. The township has no objection to the issuance of the certificate.

Upon questioning by Mr. Cunliffe, Board Engineer, the applicant testified that parking is available on concrete pads or in the parking lot and there are two signs out front that they can put their names on. They have four (4) separate driveways and there is no hazardous material, no manufacturing and no chemicals.

Chairman Nanson opened the hearing up to members of the public and the following appeared:

William Smith, who testified that he lives behind the applicant and this seems reasonable. His biggest concern is signage as he doesn’t want to see neon signs like the real
estate office down the street. Mr. Howard explained that they would have to come back to
the board to change the sign to something different or bigger than what is there now.

Seeing no other members of the public wishing to ask questions or comment on the
application the Chairman closed the public portion.

The Chairman asked if they should limit this to a maximum number of employees. Mr.
Howard would like a little flexibility so he suggested a maximum not to exceed 20
employees and Mr. Cohen said that was okay.

Mr. O’Donnell commented that he visited the site and they have plenty of parking.

Mr. O’Donnell made a motion to grant the Certificate of Nonconformity for MLMMBJ,
LLC. Motion was seconded by Mr. Massa and carried with Messrs., Hughes, Massa,
Mertens, O’Donnell, Orozco, Sanclimenti and Nanson voting for the motion.

b. Case No. BA18-04 / Sean and Christina Connelly

Nicholas DeCotiis, PE, Engineer for the applicant appeared along with Sean Connelly,
Owner/Applicant and both were sworn in. Mr. DeCotiis, PE, put his credentials on the
record and was accepted as an expert.

Mr. Connelly testified that he is looking to construct a 2-story single family dwelling on
Block 41, Lot 32, on Oak Glen Road. The property was purchased in 1942 by his
grandfather who subdivided the property in 1971 and again in 1976 for two of the
applicant’s relatives. When his grandfather originally purchased the property there was a
single family dwelling in the northeast corner of the property but it burned down in 1979.
Mr. Connelly inherited the property and wants to build a single family dwelling for his
family.

Mr. Connelly also testified that he is seeking bulk variances to build the house as the
property is landlocked, has no frontage on Oak Glen Road, is undersized at 2.56 acres
where 6 acres are required and has less than 300’ lot width. There is an easement on the
southern portion for a private roadway. Neighboring property owners have their
easements and he is in the middle of getting his own agreement.

Mr. Troppoli, Board Attorney, mentioned that if the Board looks favorably on the
application a condition of the approval would be that they have to get an easement. To
avoid a situation we would need to know a little bit more.

Mr. Cunliffe, Board Engineer, said the applicant needs an access for emergency vehicles so
he would need an access easement for a 20’ wide roadway with material to support
emergency vehicles and vertical clearance of 13.5 feet. This could be a condition of
approval.

Mr. Connelly said that the current owner has given him verbal permission so there is no
reason he would not be able to get the access easement.

In response to questions from the Board Members, Mr. DeCotiis said that there are several
undersized lots in the area and they have septic and wells and they all use the same private
lane.
Mr. Cunliffe suggested that the applicant try to provide a turn around on his property and stabilize the roadway a minimum of 6” of DGA which may alleviate some of the fire bureau’s concerns.

Mr. O’Donnell felt that it was futile to proceed to a vote without the easement and fire bureau approval in place. Mr. Sayah and Mr. Hughes agreed and the Board Engineer said he would like to see how it would affect the site development.

Mr. Cunliffe gave the applicant a list of items to work on prior to coming back to the Board. They were: details on proposed fencing, a Knox Box for the fire company if there is a fence across the driveway access, consideration of demolishing the existing shed and putting a new one outside the limits of the wetlands buffer, provide the access easement and responsibility for maintaining the roadway and snow plowing, testimony on the two car garage and the need for a second two car garage uses and needs and if there will be any commercial use on the property. Mr. Cunliffe said the applicant has provided the wetlands delineation and a 50’ buffer in the northwest corner of the property and 150’ buffer in the northeast corner so the LOI could be a condition of approval.

The applicant provided an extension of time for the board to act on this application through May 31, 2019. The Chairman announced that the application of Sean and Christina Connelly would be carried to the Board’s May 20, 2019 meeting with no further notice.

The Board took a recess from 8:45 p.m. to 9:00 p.m.

c. Case No. BA18-30 / 6601 Highway 9 Associates, LLC

Kenneth Pape, Attorney for the Applicant, appeared and said they are seeking Use Variance and Preliminary and Final Major Site Plan approval to repurpose an existing retail building which hasn’t been used for some time. They are looking to use the 15,000 retail building for a single purpose men’s store and they have approval for that use with typing in to the water and sewer systems. They are also looking to use the second building for storage of clothing for the retail store. They are also proposing new parking, landscaping, stormwater management and signage.

Louis Zuegner, PE, was duly sworn, gave his credentials to the Board and was accepted as an expert. He testified on the location and surrounding uses. He said the existing retail building is a one story, 15,035 s.f. building with parking in the front and paving to the rear of the building. The rear building is a proposed single story warehouse building 14,052 s.f. in size with parking around the rear. He further testified on existing conditions of the site.

Mr. Cunliffe, Board Engineer, mentioned that there is a 50’ buffer required on the southern property line and the applicant is requesting relief for 0’ setback. He also said the pavement is pretty poor so it will require reconstructing the entire parking lot but the do not need relief for a pre-existing condition. They also don’t meet the full intent of the ordinance with regard to the buffer. They are required to have 4 season plantings, berm and fencing and they only have one of the items.

Mr. Pape said they have the 50’ buffer in place but there is an additional 25’ separation which they do not have.

Mr. Zuegner testified on the 2 existing entrances, 90 parking spaces, trash enclosure, loading area and stormwater management at the rear of the site. The grading will mimic
what is currently happening on the site, with the front draining to Route 9 and the rear draining to the stormwater basin in the rear. The stormwater basin will treat for water quality and meets all requirements of both the Township and NJDEP. The basin will be a private basin maintained by the property owner as described in the Operations and Maintenance Manual.

He also testified on the circulation for the site. There is a one-way aisle to the south of the building and all other circulation is two-way with perpendicular parking and parking in the rear for employees. They are only proposing one loading area where two are required for two buildings, but it is a combined use. They expect 3 to 4 trucks per month other than FedEx or a van to move clothing to another store.

Mr. Zuegner testified that he met with Chief Lewis, Fire Bureau, who is satisfied with the design and the circulation but did ask for them to add hydrants on the site. He further testified that there are 28 parking spaces existing and they are proposing an additional 40 but they require relief as 104 are required by ordinance. Mr. Pape stated that he is confident that they have more than enough parking but they need a variance for parking since the difference exceeds twenty percent.

Mr. Cunliffe said that with the intensity of the use, he feels that the parking will be adequate but he still wants the hours of operation and visitors to the site put on the record.

Mr. Zuegner testified on Ms. Spero’s review dated 2/21/19 and said they find her review acceptable and if the board wants a fence in the buffer they can comply. Ms. Spero replied that they are proposing a reasonable amount of landscaping but she would like it shifted around. She said that there are some oaks on the property line which a fence could disturb so she would rather see more plants. She also offered suggestions for the landscaping around the loading and trash enclosure and Mr. Zuegner agreed they will landscape those two areas.

Ms. Bell, Board Planner, testified that there is a residential use adjacent to this property but it is not a permitted use in the HD-1 zone. This could become a commercial property and then you would have a buffer for commercial to commercial.

Mr. Zuegner testified on the lighting and Mr. Pape said the hours of operation are 10 a.m. to 7:00 p.m. Monday through Thursday, 10 a.m. to 3 p.m. Friday, and 10 a.m. to 6 p.m. on Sunday. They will be closed on Saturday. Mr. Pape also stipulated that the lights can be on timers to go off 1/5 hours after the business closes. He also said that the warehouse hours differ as they could open as early as 8 a.m. and close between 6 and 7 but they will operate the same days as the retail operation. They have 6 to 8 full time employees and may go to ten employees which includes the warehouse staff and they only work a single shift.

There was some discussion on parking which Mr. Zuegner addressed. He also testified that he will address all the technical comments in Mr. Cunliffe’s review letter dated 2/20/19. Mr. Zuegner further testified that the driveway access requires DOT permitting. He said they are about 45 days away from a written response and the DOT will also let them know if they need to install sidewalks.

Mr. Cunliffe mentioned that this is a major corridor with a lot of pedestrian traffic. He said the Township is looking for these properties to add sidewalks so he thinks the Board should require them.
Mr. Zuegner replied that he can fit the sidewalks into the site plan and Mr. Pape asked Mr. Cunliffe to provide a letter which he can give to the DOT.

Scott Kennel, Traffic Expert, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Kennel testified on the circulation and access for emergency vehicles, garbage haulers and tractor trailers. He also testified on the adequacy of the parking proposed for the site. He said there are no site issues and there is a right turn in and right turn out access with a traffic signal just south of the property which helps facilitate exiting the site.

Thomas Gillis, Architect, stated that the front building has already been approved by the Township but Ms. Beahm’s review letter cites that the architectural components of the rear building are substantially inadequate but she would work with them as a conditional of resolution compliance. Ms. Bell confirmed that they are working with the applicant on the architectural features.

Mr. Cunliffe also suggested that the tractor trailer deliveries to the site be controlled to hours when the business isn’t open say 8 to 10 a.m. and Mr. Pape said that Mr. Rappaport can control that and they are fine with that condition.

There was some additional discussion on the stormwater management and Mr. Zuegner said he will work with Mr. Cunliffe on the concrete curbing along the emergency spillway. Mr. Cunliffe also suggested an LOI as a condition of approval.

Christine Nazzaro Cofone, PP, was duly sworn, gave her credentials to the Board and was accepted as an expert. Ms. Cofone put the proofs on the record for the granting of the variances required with this application. Ms. Bell agreed with Ms. Cofone’s testimony.

Chairman Nanson opened the hearing up for members of the public, but seeing none, the public portion was closed.

Mr. Sanclimenti put some findings of facts on the record and made a motion to grant Use Variance and Preliminary and Final Major Site Plan approval to 6601 Highway 9 Associates, LLC with certain conditions. Motion was seconded by Mr. Mertens and carried with Messrs. Hughes, Massa, Mertens, O’Donnell, Orozco, Sanclimenti and Nanson voting for the motion.

d. Case No. BA18-27 / Euro Supply Ltd. d/b/a Stone Quest, LLC

Dante Alfieri, Attorney for the Applicant, appeared. After some discussion on a new hearing date, Chairman Nanson made an announcement for members of the public that the application of Euro Supply would be carried to the Board’s March 11, 2019 hearing with no further notice. Mr. Alfieri also granted the Board an extension of time on the record through April 30, 2019.

Mr. Hughes made a motion to adjourn. Motion was seconded by Mr. Orozco and the meeting adjourned at 10:35 p.m.

Respectfully submitted,
Eileen Rubano, Recording Secretary

NOTE: A CD or DVD of this meeting is available on request.