Howell Township Zoning Board of Adjustment

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, Jennifer Beahm, Board Planner, Matthew Howard, Director of Land Use and Caitlin Stewart, Board Secretary

Pledge of Allegiance:

Swearing in of Board Professionals: Charles Cunliffe, Jennifer Beahm and Matthew Howard were sworn in by Board Attorney Troppoli.

Approval of Minutes:

Mr. Hughes made a motion to approve the minutes of the January 28, 2019 zoning board meeting. Motion was seconded by Mr. Massa and carried with Messrs. Hughes, Massa, Mertens, O’Donnell and Chairman Nanson voting to approve.

Vouchers: There were no vouchers to approve.

Correspondence: There was no correspondence to review or act on.

Resolutions:

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

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

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

Mr. Sanclimenti made a motion to memorialize the resolution granting Use Variance, Bulk Variance and Preliminary and Final Major Site Plan Approval to 6601 Highway 9 Associates, LLC. Motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Massa, Mertens, O’Donnell, Orozco, Sanclimenti and Nanson voting for the motion.

Applications before the Board:

a. Case No. BA18-02 / Robert & Delores Kowalski

John Miller, Conflict Board Attorney, replaced Mr. Troppoli for this application.
Mr. Kaplan addressed the Board and said they have made changes to the plans to address and satisfy the objector’s concerns.

Michael Geller, PE, PP, who was previously sworn, testified on the changes to the plans. All traffic will not traverse the site on the easterly side of the buildings. The farmland buffer will be varying widths due to existing buildings but there will be no tree removal and they will be adding 54 evergreens with a mix of cedars and arborvitae to supplement that buffer. The locations of the additional planting will be decided in the field and they agree with all recommendations and technical comments in Ms. Spero’s review. They will also be installing 150’ length of 6’ high solid vinyl fencing inside the planted buffer from the front storage building to the rear storage building. Mr. Geller also testified that notes would be added to the plans to indicate the hours of operation which are Monday through Friday from 6:30 a.m. to 6:00 p.m. but could vary slightly based on the season, and there would be no business activities on Saturday or Sunday. Mr. Geller will also add a note that no heavy equipment would be operated on site with the exception of a bobcat used by the owner and a boom lift truck and the rear garage bay door would be closed if any activity is being conducted. In accordance with the objector’s additional concerns the light in the rear of the rear building will be lowered to 8’ and the two existing lights above the overhead door will be upgraded to LED lights and will be motion activated with a two minute timer and the lights on the south side of the front building will be aimed away from the neighbor’s property.

Mr. Geller also testified that the accessory structure which consisted of containers covered with a roof has been removed from the site and they are proposing three (3) containers, 8’ x 20’, on the property east of the rear building for ladders and scaffolding storage.

Mr. Geller further testified on the proofs required for the granting of two D-1 variances; one for permitting a roofing business in the ARE zone and second one for two principal uses on one lot and the variance for the farmland buffer.

Ms. Beahm, Mr. Cunliffe and Ms. Spero all had comments regarding the farmland buffer. Ms. Spero also cited that there is bamboo on the site which should be removed as there is an ordinance in town regarding invasive species.

Ms. Beahm had several comments on the planning proof’s Mr. Geller put on the record as she did not think it was sufficient for the granting of the variances. She asked for additional positive and negative criteria so she could advise the board.

Mr. Kaplan said he had another witness, but Ms. Beahm said if he wasn’t a planner he could not put planning testimony on the record. Mr. Kaplan said his witness has testified in the past and Mr. Miller, Board Attorney, said they could not put positive and negative criteria on the record unless it was a licensed planner in the state of New Jersey. Mr. Miller also said prior to 1966, prior to the municipal land use law, they would have been granted a use permit not a use variance.

Mr. Kaplan understood the Board’s position and said he would be more than happy to come back with a planner.

Mr. Miller stated that the fact that a use has been operating is not a criteria for the granting of the variance.
Mr. Cunliffe requested that several items from his review letter also be addressed at the next hearing.

Ms. Spero asked for additional information on the planting areas.

Board Attorney John Miller made an announcement, for members of the public that the application of Robert and Delores Kowalski would be carried to April 22, 2019 with no further notice and Mr. Kaplan granted the Board an extension of time to April 22, 2019 for the Board to act on this application.

The Board took a short recess.

Mr. Troppoli replaced Mr. Miller as Board Attorney.

b. BA18-33 / Prince of Peace Lutheran Church

Mr. Kaplan, Attorney for the Applicant, appeared and asked for his witnesses to be sworn in. Michael Geller, Annette Maresca and Mari Carrasco were all sworn in by Board Attorney Troppoli.

Michael Geller, PE, was duly sworn and testified on the location of the property, zoning designation and bulk requirements. He said that when the construction of the ramp for Route 9 was done it required the taking of .22 acres of this property by the DOT. They currently have a total of 5.59 acres and the property meets the bulk requirements and conditional use standards for the R-2 zone and consists of a House of Worship, a one-story educational facility, parish hall, playground and a small shed. He testified on the access to the site, parking, circulation, utilities and said there are no environmental constraints that would affect the subdivision of this property. He said that the Board Engineer and Board Planner have commented that there are wetlands at the eastern portion of the site and as a condition of approval they would provide an absence/presence letter from the DEP.

Mr. Cunliffe corrected Mr. Geller, saying there are wetlands in the northwest corner where they are proposing the new lots and they would need a Letter of Interpretation from the DEP. Mr. Cunliffe said they need a licensed profession to do a wetlands delineation and get the LOI from the DEP along with any required buffers.

Mr. Kaplan had no problem with that being a condition of approval but Ms. Beahm, Board Planner, said her concern is that the two proposed lots would be unbuildable. She asked the question why create two lots if you can’t build on them and she has nothing that says they are buildable lots so she cannot give the Board her professional opinion. She thinks they should have the LOI before the Board discusses the subdivision.

Mr. Geller stated that they also need sanitary sewers and both are lengthy processes so they were hoping to get the Board’s approval prior to spending the money on the LOI or the water and sewer if they can’t get the minor subdivision approved.

Mr. Cunliffe mentioned that they would be creating two undersized lots and if they can’t get sewer they would need septic which would require additional variances. Mr. Geller said that the applicant understands this and is willing to accept that.

Mr. Geller further testified that they are proposing two new residential lots fronting on Woodland drive with 101.9’ of frontage and a lot area of 15,000 s.f. where 20,000 is required but the lots are consistent in size with the zoning in the vicinity. The lots would be developed with single family dwellings and with the exception of lot area they would meet all other bulk requirement of the zone.
Mr. Geller also testified that they would need a D3 variance from the conditional use standards as well since the church lot would be 4.90 acres where 5 acres is required. They are also seeking an expansion of the Montessori School to add one additional class for seven addition children at this time but they would like to expand up to four classes in the future.

Mr. Cunliffe mentioned that the Board needs to consider the second driveway on the property which was to be removed with the prior approval along with the parsonage. If they grant this use variance they would be granting approval for that building to remain and the second driveway as well.

Mr. Geller testified that the expansion of the school would be entirely within the existing building and the parking is adequate since their hours are limited to 7:30 a.m. to 4:30 p.m. and they don’t overlap with church activities which occur at night and on weekends. He also put planning testimony on the record to support the granting of the variances. He further testified that the applicant agrees to the fifty foot buffer where possible but there is parking very close to one lot line. They are also proposing a 6’ high solid fence for the open space but would ask that it be deferred until the lots are developed.

Ms. Beahm objects to deferring the fence as the two residential lots will be developed independently. She said the applicant is seeking relief from the buffer so they should be obligated to put in the fence and Mr. Geller agreed. Ms. Beahm also commented that the creation of undersized lots for residential purposes is not good zoning. The goal is to zone by ordinance not by variance. She also mentioned that they could make two conforming lots, one for residential and one for the church which would also be conforming and reduces the need for multiple variances. She also objected to Mr. Geller’s testimony that the lots were probably overlooked when zoning changed in the area and Ms. Beahm said the Planning Board has evaluated the Master Plan every year for the last five years and have not re-evaluated this property.

During some discussion with members of the Board, Ms. Beahm suggested making the residential lots conform which makes the church lot smaller, but it needs relief anyway and that would eliminate a few variances.

Mr. Cunliffe said that there is an easement on the western portion of the lot along Woodland Drive which should be shown on the subdivision map prior to anything being finalized.

Annette Maresca, Church President, testified that the church used the outside area behind the two proposed lots very rarely. They use it for church picnics and car shows and the kids play back there approximately three times a year. She also testified that the classrooms would stay confined to the building they are in with no proposed additions to the buildings. There are three additional rooms that could be used for classrooms and they are all smaller than what is currently being used. The rental of this building is required to help support the church but also helps with community outreach.

Maria Corrasco, Montessori School, said they currently have seven children but they are permitted to have more based on the size of each room. The room they are using is the largest of the four rooms and they would be allowed ten. This is governed by the State.

Mr. Cunliffe said there are a number of signs for the various uses on the property so the board should consider whether they are granting a variance for all the signs or if any can be consolidated. The parking configuration should also be shown on the plans along with a count of actual spaces.
Chairman Nanson opened the hearing up for members of the public and the following appeared:

- Lee Fankhauser had questions on the undersized lots and whether the school is in conformance with the Master Plan. He wasn’t sure if it is a day care or a school. Ms. Beahm said she considers the school ancillary to the church.

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

Mr. Kaplan requested that this application be carried to April 22, 2019 with no further notice and Chairman Nanson made an announcement for members of the public.

Ms. Beahm asked if they could have something indicating the wetlands for the next hearing.

The Board took a short recess.

c. BA18-27 / Euro Supply ltd. d/b/a Stone Quest LLC

Dante Alfieri, Attorney for the Applicant, appeared and mentioned the location of the site and the current use of the site which is stone manufacturing. He also had a short video which he asked if he could show the Board to show them what they are proposing.

The video had no sound, but Mr. Alfieri explained that this is not their site, but is what they are proposing and said Mr. Geller will testify on the video. The video is just to illustrate what the machines do. They will be making concrete blocks and brick with finished faces.

Michael Geller, PE, PP, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Geller had an aerial, a booklet and a photo of the site as it currently exists marked into evidence. He testified on the location, size, proposed right-of-way dedication, zoning requirements and surrounding uses. The property consists of a single family residence and a commercial use that is a permitted use in the zone. Mr. Geller said the residential use was not being abandoned but would be rented to employees.

Mr. Geller testified that the numerous variances and design waivers noted in the professional’s reviews are due to the current conditions of the site as it sits today. He also testified that there are no wetlands on the site. The commercial building is served by a septic system and public water. The residence is served by public water and sewer. There is also one existing site identification sign.

They are proposing a concrete brick manufacturing plant, 8 x 8 x 16”, split faced, finished in a variety of textures and colors. They are also proposing two 33’ high silos, a gravel storage area, a 3,000 square foot pole barn for storage attached to the southwest portion of the building and two 12,000 square foot storage buildings for block products that they manufacture. Except for the hoppers and silos and the equipment that takes material into the building, 99 percent of the operation takes place inside the existing building.

Mr. Geller testified that the hours of operation are 8 a.m. to 5 p.m., Monday through Saturday, but the Saturday hours are seasonal and they are closed on Sunday. They will have a maximum of twenty employees working one shift. He also testified on the side improvements which include a 30’ wide paved gated driveway at Squankum Yellowbrook and another at Adelphia Road for the first 50’ at each entrance. The remainder of the
drive aisle will be gravel. They are proposing a stormwater collection system for runoff piped to a basin, landscaping along property lines subject to review by the tree expert and a 6’ chain link fence along.

Chairman Nanson asked the attorney to discuss the possibility of removing the residential use on the site and Mr. Alfieri said his client is using the residential use for his employees, not outside tenants. Ms. Beahm explained that there could be issues with complying with the noise requirements if they keep the residential use.

Chairman Nanson announced that the application of Euro Supply Ltd would be carried to April 22, 2019 with no further notice.

Mr. Hughes made a motion to adjourn. Motion was seconded by Mr. Sayah 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.