

Chairman Nanson called the meeting to order and the Administrative Officer read the opening statement. This meeting was held remotely using electronic means due to the COVID 19 closure of the Municipal Building to the public.

ROLL CALL: The roll call showed the following members present: Matthew Hughes, Richard Mertens, James Moretti, Thomas O'Donnell, Jose Orozco, Paul Sayah, Glenn Cantor, Matthew Gonzalez and Wendell Nanson.

Also in attendance were Board Attorney, Ronald Troppoli, Charles Cunliffe, Board Engineer, Jennifer Beahm, Board Planner, Shari Spero, Board Certified Tree Expert, Matthew Howard, Director of Land Use and Eileen Rubano, Board Secretary

PLEDGE OF ALLEGIANCE:

SWEARING IN OF BOARD PROFESSIONALS: Charles Cunliffe, Jennifer Beahm, Shari Spero and Matthew Howard were sworn in by Board Attorney Troppoli.

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

VOUCHERS: Mr. Troppoli submitted a voucher for approval. After review by the Board Members Mr. Hughes made a motion to approve and Mr. Moretti seconded the motion. The motion carried with Messrs. Hughes, Mertens, Moretti, O'Donnell, Orozco, Sayah and Nanson voting for the motion.

CORRESPONDENCE: The Board Secretary announced that she had no correspondence other than a letter from WAWA regarding the groundwater monitoring for the Route 33 site which she emailed to all the members. The letter is to inform the Board that they cannot access the site due to COVID-19 so they will continue the monitoring at a later date.

RESOLUTIONS: There were no resolutions to memorialize.

APPLICATIONS BEFORE THE BOARD:

a. **Case No. BA18-11A / Keystone Novelties Distributors, LLC**

Timothy Middleton, Attorney for the Applicant, appeared and said this application was for a temporary use permit, the same as the one they received approval for two years ago and nothing has changed.

Charles Cunliffe, Board Engineer, stated that the applicant was here in 2018 and received a recommendation that the Council approve a temporary use permit for a two year period. They have now requested three years, but the maximum that the Board can recommend to the Governing Body is for a two-year permit.

John May, Keystone Novelties Representative, was duly sworn over the phone and testified that there are no changes to the site or this application from what was submitted two years ago.

Mr. Howard, Director of Land Use, stated that he had no complaints or issues with the last permit.

Mr. Hughes made a motion that the Board make a recommendation to the Governing Body that they grant a two-year temporary use permit to Keystone Novelties for the Route 9 location. Motion was seconded by Mr. Moretti and carried with Messrs. Hughes, Mertens, Moretti, O'Donnell, Orozco, Sayah and Nanson voting for the motion.

b. Case No. BA20-105 / Keystone Novelties Distributors, LLC

Mr. Middleton, Attorney for the Applicant, appeared along with John May from Keystone Novelties. Mr. May was sworn over the phone and testified that they were seeking a Temporary Use Permit to allow them to sell NJ Legal Sparkling Devices at a second location at 1175 Route 33. He described the location of all items using the map that was submitted to the Board and testified that the tent would be 400 feet from the bulk fuel storage on site. He also testified that there would be a generator approximately 25' from the building, they would have a security guard, the hours would be the same as the Route 9 location and they would comply with NFPA regulations and NJ State Law for the sale of sparklers. He explained that the tent would be in the field to the right of the farm stand.

Mr. Cunliffe, Board Engineer, said this tent is slightly larger than the one at the Route 9 location and asked if the signage would be the same.

Mr. May said their intent was to operate concurrently at both sites to alleviate traffic from the other site. He also said they listed both lots on this application since the landlord owns both lots and the tent placement is close to the property line.

Chairman Nanson requested that they not use the Petroleum 19 parking area and Mr. May agreed.

Mr. Cunliffe suggested putting up cones and signage for parking and Mr. Middleton said he had no problem with that.

Mr. May said they were prepared to be compliant with the COVID-19 regulations in place at the time of their sale and they will place signage at the main entrance informing everyone to maintain 6' separation, the clerks will be wearing masks and using hand sanitizer.

Mr. Moretti made a motion that the Board make a recommendation to the Governing Body that they grant a two-year temporary use permit to Keystone Novelties for the Route 33 location. Motion was seconded by Mr. Mertens and carried with Messrs. Hughes, Mertens, Moretti, O'Donnell, Orozco, Sayah and Nanson voting for the motion.

The board took a short recess from 8:10 to 8:15 p.m.

c. Case No. BA14-09A-2 / Bennett Road Associates

Salvatore Alfieri, Attorney for the Applicant, appeared and said he had two witnesses, Tom Mullen, Applicant, and Brian Murphy, Engineer and Planner. He said that Mr. Mullen testified on both previous applications and on this application in December of 2019. He is the owner of the property and the business on site. Mr. Alfieri also said that at the last meeting they talked about the 2018 wet out approval and Mr. Mullen has never implemented that and has agreed to abandon that approval.

Mr. Mullen remained under oath from the previous hearing and testified about the nature of the business and said most of their work is performed offsite. He also explained what he is proposing with this application. He testified that he had 17 employees previously but has

grown to 55 employees since his service area has increased. The structure of the business and the hours of operations remain the same. He has a total of 20 people at the facility, 5 maintenance staff, 8 administrative staff and 7 managers between the field and the office. Approximately 3 times a year they do training on site for safety, health, OSHA and traffic safety and at that time everyone would be on site. Deliveries are made by box truck, usually FedEx, 2 times a day; there are no tractor trailer deliveries, and if they are very busy they will have sporadic material deliveries 2 or 3 times a week.

Mr. Mullen was asking for relief on the architect plans not meeting the ordinance standard since the building is not seen from the street. He explained that the new building will be further back behind and to the west of the existing building and used some photos to show what you can see from the road. He agreed to make the storage and dumpster location more attractive and said the dumpster pad will be north of the new building, with six foot high board on board fencing. He also testified that there are two storage trailers on site that are completely mobile. These are used to store material and sometimes they go to the jobsites.

Mr. Cunliffe, Board Engineer, asked what type of maintenance is done on site and Mr. Mullen said they do light maintenance of the equipment and vehicles. All maintenance is done in the existing building and they are looking to move that to the new building. The maintenance entails changing tires, electrical items such as headlights and wipers and oil changes. He further testified that the oil is collected and they have a company that provides the disposal service.

Mr. Cunliffe also asked about the 50 x 34' pipe area shown on the plans and Mr. Mullen said that is for new pipe or pipe brought back on a lowboy from job sites and stored until they need it. Mr. Mullen also agreed to place bollards near the loading area so cars don't park there and also around the propane tanks.

Mr. Mullen further testified about the vehicles parked on site which include a jetvac, tv truck, water truck, boiler and steam trucks, support vehicles and mason dumps. He also has excavators and heavy equipment which is usually at the job sites but is brought back to this site for maintenance. Mr. Mullen did agree to a condition that they be parked on concrete pads or inside the building.

Brian Murphy, was duly sworn, gave his credentials to the Board and was accepted as an expert witness. Mr. Murphy testified that they are demolishing the 7,450 s.f. building and constructing a 9,600 s.f. main shop in the northwest portion of the site for North American Pipe who is the only use on the property and all maintenance would be done indoors. He also testified on the stormwater management system to the north of the building which will be a recharge detention basin. He then gave an overview of where everything is on the site.

Mr. Murphy also testified on the waivers and variances requested with this application and said there are no negative impacts. He also gave an overview of the architectural features of the proposed building. Mr. Murphy further testified that he was prepared to address all the technical comments of the board professionals to their satisfaction and gave an update on outside agency approvals.

Ms. Beahm, Board Planner, said she would prefer that the refuse area be concrete and would recommend that the board grant the relief for the increase in impervious coverage. She also said that Mr. Murphy touched all of her comments and she agrees with his

testimony. As far as the architectural features not meeting the ordinance standards, she said they met the intent and the building is far off the road and hidden with heavily wooded areas so she doesn't take exception to the granting of the waiver.

Ms. Spero, Board Certified Tree Expert, said the applicant took care of all the issues she had so she had no objections.

The Board took a short recess from 9:37 to 9:45 p.m.

The Chairman opened the hearing up for members of the public to call in and since no one called, the public portion of the hearing was closed.

Mr. O'Donnell made a motion to approve the Amended Preliminary and Final Major Site Plan application for Bennett Road Associates. Motion was seconded by Mr. Orozco and carried with Messrs. Hughes, Mertens, Moretti, O'Donnell, Orozco, Cantor and Nanson voting to approve.

d. Case No. BA19-11 / Kay10 Holding LLC

Salvatore Alfieri, Attorney for the Applicant, appeared and reminded the Board that this was a bifurcated application and they were seeking a use variance. He stipulated that they will comply with the 50' buffer along Oak Glen Road, the dumpster will be masonry block, they will limit the site to 10 percent office space, the hours of operation will be 9 a.m. to 6 p.m. for the front building, the rear building will have the same design and they have agreed to work with the neighbor on the headlight issue at site plan.

Frank Miskovich, PE, Traffic Engineer, was reminded that he remains under oath from prior hearing. He testified that he has done an analysis of Oak Glen and Lakewood Farmingdale and Oak Glen and Maxim Southard Roads since the last hearing as requested by the Board. He issued a supplemental report dated 3/14/20 and Mr. Cunliffe issued a new review letter dated 5/7/20. Mr. Miskovich testified that there is no weight limit on Oak Glen Road from Lakewood Farmingdale to Old Tavern. He looked at peak hours and did a full 12 hour count with the number of cars, school buses and tractor trailers by turning movements. The Board had concern with anticipated traffic volumes since we don't know the users but he used the ITE numbers for categories that fit what is permitted. He said he used different scenarios using worst case scenarios and the level of service did not change. The Applicant heard the Board's comments regarding the size of the front building and the engineer came up with a revised concept plan for 4 units of 5,000 s.f. in the front building and two units of 5,000 s.f. in the second building which will increase the amount of open space.

Chairman Nanson expressed his opinion that he would like to see more open space at the Oak Glen Road side, not the middle of the site and would like to see the front building eliminated.

The Board Engineer asked about parking overnight on the site and Mr. Miskovich said there were be no overnight parking of trucks and deliveries are scheduled. They are curbing the entire site and they are seeking a waiver of sidewalks to contribute to the sidewalk fund which will be addressed at site plan. Mr. Alfieri also agreed to the hours of operation being 9 to 6 for the entire site.

Christine Cofone, PP, was previously sworn and remained under oath. She testified that the property is split zoned and has challenges. She gave some positive and negative criteria

for the granting of the use variance. She testified that the traffic expert found no detriment and they tried to get the lion's share of the building out of the ARE-6 zone. They even looked at eliminating the first building but that would keep a building in the residential zone. Ms. Cofone also testified that the site is particularly suited and believes they meet the proofs for the granting of the use variance.

Ms. Beahm, Board Planner, did not take exception to the majority of the testimony as she doesn't think that 6,000 s.f. out of a total of 72,000 s.f. is significant. It will be the decision of the Board whether they have a reduction in the ARE-6 zone only or move back into the ARE-6 zone and eliminate the set back off the buffer.

The application of Kay10 Holdings was carried to the Board's June 8, 2020 meeting with no further notice to give the applicant time to review the Board's comments.

Mr. Moretti made a motion to adjourn the meeting. Motion was seconded by Mr. Orozco and carried. Meeting adjourned at 11:05 p.m.

Respectfully submitted,
Eileen Rubano, Recording Secretary

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