

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
ZOOM REGULAR MEETING
Thursday, February 25, 2021**

**Manchester Township
1 Colonial Drive
Manchester, NJ**

MINUTES OF MEETING

1. The meeting of the Manchester Township Zoning Board of Adjustment was called to order at 6:32 p.m. by Chairwoman Linda Fazio.
2. This meeting had been duly advertised, filed and posted in accordance with the Open Public Meetings Act.
3. A Pledge of Allegiance and Salute to the Flag.
4. Roll Call: Members Present: L. Fazio, K. Vaccaro, W. Cook, M. Dwyer, H. Glen, P. Dambroski, R. Arace
Members Absent: C. Schwartz, S. Brustman

Also Present: C. Reid, Board Attorney, Mark Rohmeyer, Board Engineer

Administrative Session:

Approval of Minutes: January 28th re-org & regular meeting

Motion to Approve by: Mr. Cook seconded by Mr. Dwyer

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Ms. Vaccaro-yes, Messrs. Glen, Arace- yes, Ms. Fazio-yes

Payment of Bills:

#MTZB R7530 Invoice SE398326 for T & M Associates in the amount of \$201.25 for Case 20-53

#MTZB R7550 Invoice SE398327 for T & M Associates in the amount of \$120.75 for Case 20-55

#MTZB R7530 Invoice WW395639 for T & M Associates in the amount of \$483.00 for Case 20-53

Invoice 41041 for Cafarelli & Reid, LLC in the amount of \$540.00 for Case 20-53

Invoice 41042 for Cafarelli & Reid, LLC in the amount of \$540.00 for Case 20-55

Motion to Approve by: Mr. Cook, seconded by Mr. Dwyer

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Ms. Vaccaro-yes, Messrs. Glen, Dambroski, Arace-yes, Ms. Fazio-yes

Correspondence:

Mr. Reid reviews an email received from RC Shea & Associates, applicant's attorney for Case #20-39 requesting the case be carried to Thursday, March 25th meeting with no further notice of

this application being required. Motion to Carry by: Ms. Vaccaro and seconded by Mr. Dwyer.
Roll Call: All in Favor.

Professional Reports: None at this time.

MEMORIALIZATIONS:

Memorialization of a variance to construct a 2 story single family dwelling where variances are required for lot frontage and lot width along Ridgeway Road. The subject property has a lot frontage of 64.6 feet where a minimum of 200 feet is required and a lot width of 64.6 feet where 200 feet is required. Applicant: Alissa Ruerup Block 58 Lots 685 3390 Ridgeway Road Approved at the January 28, 2021 meeting. Case 2053

This resolution was **APPROVED w/ conditions** on a motion by W. Cook and seconded by K. Vaccaro. *Edit-to include via Zoom

ROLL CALL VOTE: Mr. Cook-yes, Ms. Vaccaro-yes, Messrs. Dwyer-yes, Glen-yes, Arace-yes, Ms. Fazio-yes.

Memorialization of a variance to construct a 2 story single family dwelling where variances are required for lot frontage and lot width along Ridgeway Road. The subject property has a lot frontage of 133.27 feet where a minimum of 200 feet is required and a lot width of 133.27 feet where 200 feet is required. Applicant: Rolando Aleman Block 54 Lots 697.10 3245 Ridgeway Road Approved at the January 28, 2021 meeting. Case 2055

This resolution was **APPROVED w/ conditions** on a motion by W. Cook and seconded by K. Vaccaro. *Edit-to include via Zoom

ROLL CALL VOTE: Mr. Cook-yes, Ms. Vaccaro-yes, Messrs. Dwyer-yes, Arace-yes, Ms. Fazio-yes.

Memorialization of a resolution approving an Administrative Approval. Block 1.340 Lots 17 & 30 Englemere Boulevard and Grinnell Avenue CASE NO. 1930 New Applicant: Andrius Varpiotas Approved at the January 28, 2021 meeting.

This resolution was **APPROVED** on a motion by M. Dwyer and seconded by K. Vaccaro.

ROLL CALL VOTE: Mr. Dwyer-yes, Ms. Vaccaro-yes, Mr. Arace-yes.

APPLICATIONS:

- | | | |
|--------------|-----------------------|-------------------|
| 1. Case 2056 | Yosef Rothenberg | Block 46 Lot 7.01 |
| | 1432 Cedarview Avenue | 2671 Route 37 |
| | Lakewood, NJ | Zone TC |

Ms. Fazio reviews variance request for a Use variance for the construction of a multi-tenant/warehouse building with indoor storage, where the proposed use “Warehouse Building” is not permitted in the TC zone. Additional bulk variances include a minimum lot area where 10 acres is

required and 4.99 acres is provided, a minimum lot frontage of 500 feet is required where 197.82 feet is provided, a minimum lot width of 500 feet is required where 197.82 feet is provided, a minimum improvable lot area of 200,000 sq. ft. is required where 111,778 sq. ft. is provided and a minimum floor area of 60,000 sq. ft. is required where 30,400 sq. ft. is provided.

Mr. John Doyle- attorney for applicant. Mr. Bill Stevens, of Professional Design Services at 1245 Airport Road in Lakewood, NJ was sworn and credentials accepted. Mr. Doyle reviews site location- East on Rt. 37 out of Lakehurst. "Warehouse" not defined in Manchester ordinance, modern use. In 2006, previously approved plans-not built-remains for sale Bulk reflects 5 acres, coverage, setbacks and parking all met. Mr. Kennel to provide traffic analysis later. Will come back with site plan if approved. Medici Case-one of three must be met-not inherently beneficial use but 1. Is particularly suited and 2. Not a contemplated use when ordinance adopted. Think Amazon sub-station-more people shop from home, especially since COVID onset. Cox- undue hardship- economic inutility. Mr. Doyle turns over to Mr. Stevens for review, Ms. Fazio requests Mr. Stevens follow T & M letter. Mr. Doyle-pg.1 Board has, pg. 2 tax map & area- Block 46 Lot 7.01 5 acres on Rt. 37 East. Mr. Stevens- TC zone commercial use, proposed multi-tenant warehouse & office use. Mr. Stevens states warehouse use not permitted anywhere in Manchester Township. Mr. Doyle-pg. 3: Summary from Mr. Rohmeyer is accurate. Mr. Doyle provide general description of use, Mr. Stevens shipping/receiving warehouse- we are looking at a new economy. Home delivery versus brick & mortar store, necessary and replacing retail space, that is the need of today. Mr. Doyle-number of employees? Mr. Stevens max 12 per space per shift-48 on any shift. Mr. Doyle-hours of operation 24/7? Mr. Stevens yes, property ideally suited for this-on state highway. Mr. Reid-can anyone else provide testimony for number of employees, Mr. Doyle to Mr. Stevens are you sufficient in this? Mr. Stevens-yes, currently have several million square feet of proposed warehouses in surrounding towns. Mr. Doyle means of access to the facility and types of vehicles- Mr. Stevens wheel based 50 trucks with loading docks, a right into and a right out of the facility on Route 37. Mr. Doyle clear signage and driveway- Mr. Stevens really seeking use only at this time. Mr. Doyle internal circulation would work and sufficient parking, Mr. Stevens-yes and yes meets ordinance. Mr. Doyle would applicant accept condition of no fire/hazard materials, Mr. Stevens-yes. Mr. Doyle please describe areas of the building, Mr. Stevens warehouse with small office in front to help manage warehouse. Mr. Doyle all utilities proposed include electricity, lighting, plumbing, etc., Mr. Stevens-yes. Mr. Doyle any outdoor storage- Mr. Stevens not proposed, Mr. Doyle accept as condition- Mr. Stevens-yes, Mr. Doyle-no goods outside, Mr. Stevens- correct. Mr. Doyle asks about signage, Mr. Stevens stated that a full sign package will be submitted with the site plan application. Mr. Doyle inquiries about trash and refuse at the property, Mr. Stevens states it will be handled by a private hauler and it will be located at the rear of the building.

Mr. Rohmeyer asks if this warehouse will be open to the general public, Mr. Stevens testifies no, it will not, for private use. The TC zone has many permitted uses including contractor storage, which this client could potentially utilize this as such with materials for plumbing and shipping and receiving. Mr. Cook what types of work, Mr. Stevens- a ceiling contractor, Mr. Cook- no large vehicles? Mr. Stevens-correct. Mr. Doyle clarifies that the less intense use as proposed is not permitted but a larger use is permitted, Mr. Stevens- correct. Mr. Stevens this use as proposed is clean, neat, a tax ratable and a low intensity use. Mr. Doyle asks Mr. Stevens to provide testimony

for pg.4: 1-5 on the T & M letter. Mr. Stevens the closest structure is residential, one 500 feet the other 700 feet away, it is vacant wooded land mostly, approximately 800 feet west of town hall and the high school, not much other development. Mr. Doyle mostly for sale signs, not much development? Mr. Stevens this proposed use is low intensity that doesn't require CAFRA, DEP or sanitary sewer, otherwise not economically viable. Mr. Doyle reviews special reasons, state regulations, 10 acres, lack of sewer/water. Mr. Stevens-yes, a lot of talk on to develop these properties, first time found one that could work. Mr. Doyle pg. 5 accurate, Mr. Stevens-yes. Mr. Doyle provide special reasons, Mr. Stevens first point A of Chapter 245-2, point G.- as before governing body may not have considered this use when creating uses for the zone as this is a fairly new use and point H- state highways perfect location for this use. Mr. Doyle consider bulk variance 10 acres required only 4.99 acres- Mr. Stevens-yes. Mr. Doyle refers to pg. 5 Relief required 1-5, difference if 10 acres needs bathrooms, sewer and water, Mr. Stevens-yes that's why low intensity use. Mr. Doyle c2 variance benefits outweigh the detriments, Mr. Stevens- true, also negative criteria have also been met. Town should allow property to be developed as commercial only, as proposed less intense and along highway. Mr. Doyle benefits- Mr. Stevens testifies that it allows a good commercial tax rate and creates jobs, Mr. Doyle detriments? Mr. Stevens- none, negative criteria met. Mr. Doyle any existing easements? Mr. Stevens- DOT drainage easement. Mr. Doyle on page 6- #6 this will require approval from several outside agencies, Mr. Stevens-yes. Mr. Doyle on page 6- #7 do you agree with these findings- Mr. Stevens-yes. Mr. Doyle on page 6-#5i-vii- these are the other agencies, Mr. Stevens-all but NJ Pinelands as property is not in it.

Mr. Rohmeyer agrees that this is a low intensity use, concerned with 24/7 access and the light and noise that will create for neighboring properties. Mr. Stevens testifies that the state highway generates greater noise, the adjoining properties are very far away, one is 500 feet the other is 700 feet away. Mr. Rohmeyer asks for Mr. Stevens to elaborate on the operations. Mr. Stevens testifies that this is a new economy, everything we use is shipped, re-packagers and re-sellers need space. Ms. Fazio asked will it be tractor trailers-looked at other sites-how many in 20-30 minutes. Mr. Stevens testifies that these are not quick movers, at least one hour there but could be up to 6 or 7 hours, not an in and out type movement. Ms. Fazio concerned with traffic pile up, Mr. Stevens states that his business office currently works out of a 160,000 sq. ft. warehouse site that moves fairly smoothly, doesn't see that issue. Mr. Reid suggests finishing with Mr. Stevens testimony before moving on to traffic. Mr. Dwyer-no city sewer/water? Mr. Stevens- not on sanitary sewer, DEP says no, minimum proposed water generator and individual well/septic systems. Mr. Cook are you aware that Town just updated storm water ordinance, not allow 1 but 3, Mr. Stevens was not aware, assumed Town would be following State update, but can meet this requirement.

Mr. Dambroski questions if this really is a remote area with police, Ems, High school, and banks all within the area. Mr. Stevens testifies not much nearby; single family home is 500 feet away, 800 feet from Town Hall nothing close around, actually west of Town Hall. Mr. Dambroski is Rt. 37 wide enough to handle the trucks, Colonial Drive jug handle? Mr. Stevens- Mr. Kennel better suited to answering this-but already doing it now. Mr. Dambroski states that he believes this is a really busy area of town especially with the high school being right there. Mr. Stevens states that this application is about the Board agreeing to the use, with the site plan will come a fully vetted traffic analysis and DOT application. Mr. Dambroski for TC zone-warehouse was not what expected. Mr. Doyle what are permitted uses in the zone? Mr. Stevens states that are many-TC

allows for several like contractors, manufacturing, wholesale-like COSTCO. Mr. Doyle- would include heavy duty equipment- Mr. Stevens- yes. Mr. Doyle-intent of ordinance is commercial use- Mr. Stevens yes; this is just a new type of business-there are multi million square foot warehouses in towns all around.

Mr. Reid is this re-zone or a use variance, do not want to usurp the governing body, can be adopted to permitted use, Mr. Stevens-yes. Mr. Reid voids economic inutility- Mr. Stevens no viability is a factor; property has been vacant for a very long time. Mr. Reid warehouse not permitted anywhere, may be intent, may be re-zoning, profitability not a concern for the Board, distinguish this particular property. Mr. Stevens every property based on its own merit, undersized lot for this zone, find a use that fits. Mr. Reid half of the use is permitted? Mr. Stevens- correct, plus client as ceiling contractor is permitted use also, warehouse components are permitted. Mr. Stevens testifies that there are special reasons and it is particularly suited. Ms. Fazio new use, like Amazon substation-clarify low intensity. Mr. Stevens-low intensity is a low traffic generator, as opposed to a permitted use like COSTCO that would have significantly more traffic. Mr. Rohmeyer if proposed as office use only no need for a variance. Mr. Reid tailor uses to property, Ms. Fazio problem with "Warehouse" title, no warehouse at all, Mr. Stevens- correct. Mr. Dwyer does this need to be addressed by Planning Board-their ideas-consider changes? Mr. Rohmeyer- ZBA can make recommendations. Mr. Doyle- annual report from ZBA for changes but not necessarily on particular cases, permitted use like contractor shop, client could have the whole building. Mr. Stevens-yes. Mr. Doyle, electrical, plumber, roofer, framer, Mr. Stevens- all permitted. Mr. Dwyer but not open 24/7 if built for those uses- not in the middle of the night. Mr. Doyle economy shows need for local suppliers not big cities like N.Y. or Philly. Mr. Cook inquiries about the distribution, truck in, truck out versus truck in, out to end user. Mr. Stevens could be both- people delivering goods, deliveries to end users to come out of the facility. Mr. Dwyer like postal trucks or Amazon has own delivery trucks, Mr. Stevens certainly possible, small building 30,000 sq. ft. Mr. Dwyer-adequate room for these trucks, Mr. Stevens facility proposed with wheel based 50 trucks, will be reviewed by DOT in greater detail and will come back with site plan. Mr. Dwyer asks if analysis can come from Planning Board? Mr. Reid- no, can't go for opinion, under jurisdiction of the ZBA, Board should consider all testimony presented and decide if use variance or re-zone. Mr. Reid states annual report is provided. Mr. Reid reviews employees, Mr. Stevens- 48 max per shift. Mr. Reid- 3 shifts? Mr. Stevens- yes. Mr. Reid- 144 employees, Mr. Stevens- possibly. Mr. Rohmeyer- not rezoning, next door property is residential better suited for commercial use. Mr. Reid- not permitted use-warehouse- but keep in mind both Mr. Stevens and Mr. Rohmeyer are professional planners. Mr. Stevens agrees with Mr. Rohmeyer. Mr. Rohmeyer council can address changes, Mr. Reid-yes.

Mr. Glen asks any idea of who the tenants are? Mr. Stevens- do not have specific tenants, have not acquired them. Mr. Rohmeyer compare to other permitted uses, Mr. Stevens yes-contractor. Manchester unique has extensive list, only town that has this that he has done work for, other township ordinances have line- similar in use, although use is listed on the table.

OPEN PUBLIC PORTION FOR QUESTIONS FOR ENGINEER ONLY: Hearing none CLOSED PUBLIC PORTION

Mr. Kennel, McDonough & Ray Associates, 35 yrs. Experience, over 1,000 studies in over 100 towns, qualified by Superior Court as an expert, sworn in and credentials accepted.

Mr. Doyle to Mr. Kennel you completed the study? Mr. Kennel yes, Spring 2020, historical traffic data, traffic count along Rt. 37 2018 with growth into 2020, morning hours east and west bound on Rt. 37 approximately 1,400 cars, with traffic projections, low end generators, peak hours in a.m. and p.m.- 40 trips, from NJDOT 150 trips in a 24-hour basis. NJDOT qualifies this as a minor access application. Large vehicles can safely and efficiently enter and exit onto Rt. 37, 30' driveway adequate, 10-20% daily, 15-30 total trucks daily, single unit vehicles, box trucks more likely than large trailers, sufficient capacity, levels A-F, where F is a delay of 50 seconds, this level B with 11-14 second delay in and out of site. Mr. Kennel also testifies that this will operate well within the accepted parameters, right in and right out, excess of standards for NJDOT, comments curb returns, full 12' shoulder, Colonial Drive used as U-turn can accommodate to go back west. Mr. Doyle- familiar with general uses on Rt. 37, Mr. Kennel- yes. Mr. Doyle- heard permitted uses from Mr. Stevens-yes, Mr. Doyle- for other uses quantify their numbers, Mr. Kennel- specific contractor or manufacturing use would be comparable in traffic, along with e-commerce and a combo of tenants. Mr. Doyle in comparison as presented detriment to public good, Mr. Kennel not in my opinion. Ms. Fazio asks comparative to a COSTCO, Mr. Kennel- COSTCO significantly higher traffic generator than what is proposed. Ms. Fazio 40/peak so 960? Mr. Kennel clarifies no am/pm hours are peak, actual mid-day unlikely 3 shifts, maybe 11 pm given the size of the building, more like 7 am to 7 pm. Ms. Fazio points out that Mr. Doyle is seeking 24/7, Mr. Doyle both correct, deliveries around the clock, may have graveyard shift. Mr. Kennel-12/tenant, unlikely that each unit will see that, not all on site at the same time, really is small building geared toward small operators. Ms. Fazio- traffic would be less than some permitted uses, Mr. Kennel-yes, that's correct. Mr. Cook- 40 peak, how is that 30 trucks a day? Mr. Kennel- 150 in a 24-hour basis- 10-20% of that is 30. Mr. Dwyer- potential Amazon satellite- wouldn't that be more traffic? Mr. Kennel- it would but they generally occupy much larger- 100,000 sq. ft. or greater. Mr. Cook- and a COSTCO? Mr. Kennel- 20-25/day during peak hours. Ms. Vaccaro asks to clarify if the 24-hour access is 5 days or 7 days a week? Mr. Doyle depends on tenant, like we've heard smallness of application.

OPEN PUBLIC PORTION: Hearing none CLOSED PUBLIC PORTION

Mr. Doyle-appreciate your time and the night, look what it is and isn't, it isn't from both planners here, Mr. Stevens and Mr. Rohmeyer- re-zoning, not changing the theme, highways should be commercial, not an intense use based on number of employees & traffic as clarified by the Chairwoman and both Mr. Stevens and Mr. Kennel. What is it-small application, property only 5

acres, really miniscule when dealing with use, typical highway use not new, puts in area where can be handled well. When Mr. Kennel says 1,600 car-40 in peak hours-2% increase. The newness of the use qualifies Medici, like health clubs of the '80s, to answer Mr. Dwyer. Makes sense to grant- appropriate location, use of space and fills a need. There is undue hardship-undersized lot- which we've seen plenty, continue to pay tax on unusable property, market proves economic inutility. For larger properties, CAFRA required, property needs sewer and this site doesn't have it, uniqueness and narrow window that this use fits. Mom/Pop warehouse items, not outrageous use, hope Board comes to same conclusion.

Ms. Fazio clarifies the following points: low intensity warehouse, not open to general public, minor access, low end traffic generator, storm water, small building, 12 employees/shift/unit, 24/7.

Mr. Reid reviews special reasons, x3 to distinguish property. Not zoned into inutility, property can be used for permitted uses, economic reasons not for Board to consider, appropriate for use proposed versus permitted use, consider all that was presented by Mr. Rohmeyer, Mr. Stevens and Mr. Kennel. Ms. Fazio-did they meet? Mr. Cook as long as they meet anyone of the three, without water and sewer other permitted uses may not be possible like an entire space. 49 pages of permitted uses, small retail uses, or like example used-COSTCO. Mr. Dambroski-clear everything is cutting in half- 10 to 5, 500ft. to 200ft. Mr. Reid those are toward the bulk variances. Mr. Dambroski- more light, noise, dust created, athletic fields less than 1,000 feet from here. Mr. Reid what is consideration for noise and light. Mr. Rohmeyer proposed use similar to permitted uses. Mr. Reid more or less intense than COSTCO, Mr. Kennel already testified to traffic. Mr. Rohmeyer- less intense than that permitted use. Mr. Dwyer-dust only during construction it will be paved? Mr. Rohmeyer-yes. Ms. Fazio clarifies- site not open to the public. Mr. Dwyer- light can be addressed on site plan. Mr. Rohmeyer- lighting plan will be provided for parking and neighboring properties-won't spill over. Mr. Cook- economy now versus time of Master Plan. Ms. Fazio- I agree, really about the label "warehouse" town maybe should look at terminology. Mr. Dambroski- agree with rateable but not right in the middle of town. Inaudible comment. Mr. Reid confirms. Mr. Reid requests public comment again.

OPEN PUBLIC PORTION: Hearing none CLOSED PUBLIC PORTION

Mr. Dwyer- reduce traffic by reducing hours of operation.

Motion to **Approve with conditions** by: Mr. Cook, seconded by Mr. Dwyer

Roll Call: Mr. Cook-yes, Mr. Dwyer-yes, Ms. Vaccaro-yes, Mr. Glen-yes, Mr. Dambroski-no, Mr. Arace-no, Ms. Fazio-yes.

Mr. Cook- Environmental Zoom meeting Rutgers-speaker on storm water March 23rd.

Adjournment: The meeting was adjourned at 9:04 p.m. on motion by Mr. Cook and seconded by Ms. Vaccaro. All in favor.

Respectfully submitted,

Erin Mathioudakis
Secretary