

**North Hanover Township
Joint Land Use Board
Meeting Minutes
February 28th, 2024 @ 7:00 p.m.**

**Via Conference Call: Dial In; 1-888-482-9769; Access Code 4493305#
or
In Person**

CALL TO ORDER: Chairman Kimball called the meeting to order at 7:00 p.m.

FLAG SALUTE: Chairman Kimball lead the flag salute.

SUNSHINE STATEMENT: “The provisions of the Open Public Meetings Act have been met. Notice of this meeting has been transmitted by email to the Courier Times, Burlington County Times and The Trenton Times as well as given to those having requested same and posted on the Township bulletin board located in the foyer of the municipal building”.

ROLL CALL:

Name	Roll Call
Board Member Russ Comisky	X
Board Member Jim Durr	X
Board Member Ron DeBaecke	X
Board Member Greg Grauer	X
Board Member Joe Greene	X
Board Member David Forsyth	X
Board Member Tom Kimball	X
Board Member Debbie Kucowski	X
Board Member Jack Smylie	X
Board Member Patricia Mellor	X
Board Member Wayne Voorhees	X

Also Present: Board Secretary Caitlin Decker, JLUB Solicitor Stephen Raymond, Township Engineer Fill-in Rakesh Darji from ERI, Applicant’s Attorney Michael Fekete, Applicant’s Engineer Tom Pugsley.

MINUTES FOR APPROVAL: **January 24th, 2024**

Motion: Board Member DeBaecke

Second: Vice Chairman Grauer

- ALL IN FAVOR

MEMORIALIZATION:

Resolution 2024-06; Memorializing Master Plan Consistency Review of Redevelopment Plan for Block 800, Lot 61, North Hanover Township, NJ.

Name	Motion	Second	Aye	Nay	Abstain	Absent
Board Member Comisky						
Board Member Durr	X		X			
Board Member DeBaecke			X			
Board Member Forsyth			X			
Board Member Greene			X			
Board Member Kucowski			X			
Board Member Mellor						
Board Member Smylie			X			
Board Member Voorhees						
Vice Chairman Grauer		X	X			
Chairman Kimball			X			

PUBLIC HEARING(S) FOR APPLICANTS:

Application #2024-01; J&M Realty LLC for Site Plan Review & Commercial Bulk Variance; Block 609, Lot 5; 499 Sykesville Rd.

Michael Fekete introduces himself from Law Firm Montgomery McCracken Walker & Rhoads of Cherry Hill, NJ on behalf of the applicant, Auto Zone North East LLC. With Mr. Fekete is Tom Pugsley for North Star Design, LLC. Mr. Fekete provides a brief summary of Mr. Pugsley’s testimony. Mr. Fekete notes that his summary is not intended as testimony nor all encompassing, just an overview of the application submitted. After his overview Mr. Fekete ask Township Solicitor Stephen Raymond to swear in Mr. Pugsley for his testimony. Mr. Pugsley starts with a survey of the current lot going over what’s existing; the lot is .97 acres located in the Industrial Zone with residential and commercial uses surrounding the property. Some existing conditions post demo of the restaurant is its currently used for storage of large trailers associated with a moving company with majority of the property being impervious. The property has 3 non-conforming issues; the lot area of 42,432 sq. ft. exists but 43,560 sq. ft. are required, the lot depth of 180.42 sq. ft. and 200 sq. ft. are required and the maximum paved surface is 93% where 40% is required. The property is a corner lot with two frontages, has 66 parking spots associated with the restaurant and 2 access points. Mr. Pugsley notes the northern most driveway is approximately 24.77 ft. from the intersection where 50 ft. is required. But a waiver was previously granted

from prior approvals. Any stormwater on property flows in the south eastern direction ending up in the collection system on Sykesville Rd and intend to maintain the existing drainage system. The property has public gas and electric utilities. And also uses well & septic for water/sewer systems. Board Member Durr questioned if they will be using the same septic as previous owners. Mr. Pugsley states it will be replaced with a new system. Board Member Durr continues with asking if they have enough room for it on the property and Mr. Pugsley states the septic will be positioned opposite of the well on property to maintain the required setbacks. Mr. Pugsley moves on to reviewing the proposed site plans improvements. The structure of Auto Zone will be approximately be 7,382 sq. ft. in size. It is strictly a retail store with no service areas or bays. Auto Zone will be open 7 days a week with hours ranging from 7:30am-9pm, Monday to Saturday. And Sunday from 8am-7pm. Mr. Pugsley states the hours may fluctuate depending on volume and would adjust hours appropriately. Chairman Kimball questioned possible change to the hours of operation. Mr. Pugsley clarifies the proposed hours would be 7:30am-9pm but if customers do not come in the last hour before closing they could potential decrease closing time. But would also like to still have the ability to increase to 9:30pm if needed. They are not intending to have employees working late in the night or a 24-hour operation. Vice Chairman Grauer wanted to clarify that the battery and windshield wiper replacements are a "service" that the board will allow. No oil changes, major repairs, etc. that would require a service bay area. Minor free installation's only. The whole store will have 10-15 employees. Typically having 3 shifts per day, with 3-5 employee's each shift. Parking area will have a two-way circulation west and north of the building. Deliveries will be made via tractor trailer 1-2 times a week depending on demand taking about 45 minutes. The trucks are anticipated to enter from Elizabeth St and back up to the loading area. Trash pick up will be taken care of by a local hauler and recycling will be done by Auto Zone when product deliveries are made. Auto Zone product delivery drivers will take the recycling back with them including car batteries and oil. They will have a 185-gallon double walled tank inside the building that will be contracted out by a licensed professional to collect the oil on an as needed basis. All recycling is kept inside the building. No outside storage, the only thing that will be is the trash enclosure. Mr. Pugsley requests a waiver for the trash enclosure. Per ordinance mentioned in completeness letter must be 50% open space but is requesting it to be closed off. Lighting on the property will be a combination of area lights and wall mounted lights. There will be LED fixtures; the area lights will be 20 ft. high and the wall mounted lights at 12 ft. high with flat downward facing lens design to minimize glare. The 2 proposed foot candles at the frontage of Elizabeth St and Sykesville Rd does have slight spillage over property line by .5 and Mr. Pugsley states it is common in relation to roadway and feels it will not impact driver's visibility but actually making the driveways more visible at night deeming it safer. Chairman Kimball requests landscaping added along the backside of the building where the residential lots to create a buffer from noise and light. Mr. Darji from ERI filling in for Mr. Hirsh the Township Engineer, reiterates landscaping on the residential side but requests a fence to be placed as well with the landscape for more separation due to the trash and loading dock. The fence will be located near the western property line and partial of

the southern line. For the proposed landscape they plan to use original design that includes 4 additional trees and 58 additional shrubs required by ordinance to block off the heads of parking space with the addition of the buffer request with fence from the board and Mr. Draji. Mr. Pugsley makes the request to waive the ordinance requiring landscaping between the building and parking spaces due to the proposed sidewalk size and vehicle overhang of approximately 1 ft. for a safe comfortable walkway to the building. With the vehicle overhang that does not leave much room to allow healthy growth of landscape. Auto Zone is proposing freestanding and wall signage. Freestanding will be located along Sykesville Rd South of the access point. It is compliant with size requirements but requests a waiver for the setback due to visibility for driver's safety. And another waiver for the sign being within 200 ft. of residential property. 2 wall mounted signs proposed, both oversized. They are requesting relief for both the area and size of the signage due to scaling the size correctly to make it look aesthetically pleasing. Lastly, gas and electric utilities will remain the same coming from Sykesville Rd located in the southeast corner of the property. A new septic system would be installed on the northwest corner meeting the required setbacks. Mr. Fekete adds they will work with the fire marshal to comply with emergency access and in agreement to title 39 as a conditional approval. Chairman Kimball inquires about sidewalk near the streets. After some discussion with the board, Mr. Fekete & Mr. Pugsley agree to have side walks put in. Mr. Darji goes over the missed points not mentioned during the testimony from the completeness review letter by ERI. One being the waiver for a traffic analysis. After Mr. Pugsley's testimony on the traffic analysis the board agrees to give them the waiver altogether since Auto Zone will have a low impact in generating traffic even during peak hours. Mr. Darji then asks about the advanced septic treatment system and the possible noise it may generate. Mr. Pugsley states he is not fully aware of all the specifics since Whitestone Associates Environmental's engineer is taking care of the septic. But he states it is below grade in a pit and is not a very loud system. Mr. Darji inquires about the septic being partial under asphalt and if that's acceptable with the health department. Mr. Pugsley reassures him since it is an advanced system does allow for that. But if this is the final design the proper permits will be in place and would require a treatment works approval from the state. Mr. Darji requires that to be submitted as a condition of approval with the final plans. Mr. Darji reiterates that there is to be no outside storage as a conditional approval. Vice Chairman Grauer clarifies that delivery/parts vehicle's would be consider outside storage which Auto Zone has. Mr. Pugsley states the delivery vehicles onsite would depend on the volume this store will receive. Mr. Darji clarifies he means boxes, pallets, etc. in the loading zone adjacent to the residential side to keep a clean appearance. Lastly, Mr. Darji mentions fixing the curbing along the bump out on Elizabeth St. After discussion it will be modified with the sidewalks to meet ADA standards. Board Member Forsyth asking about snow removal staying onsite rather than pushing it out the driveways. Mr. Pugsley states they intend to leave the snow onsite and has enough room to push into piles around the perimeter of the property. Board Member DeBaecke asks when is the anticipated start date would be. Mr. Pugsley states once they have all the approval it will go out to bid. They only thing that would cause a possible delay is if the treatment works approval is needed from the state. But a start date is unknow but intend to start

as soon as possible. Board Member Kucowski asks about the time frame for construction to finish. Mr Pugsley does not have an exact time frame for construction because they do not get too involved in that aspect. But he has seen construction completed in 3-4 months. No further questions, comments or concerns from the board. Elinda Galindo gets sworn in for public comment. She states she lives right behind the lot on Georgetown Rd. She wants to thank everyone for mentioning the fence and landscaping along the property. That's is her main concern because she has children and pets that she wants to make sure will be safe.

Ms. Galindo states over all it will be better then what is there now with trucks parking there and people wondering through the dilapidated property. No one on the phone lines, public comment closed. Mr. Raymond goes over the conditions of approval & waivers quickly that was discussed to vote on. Chairman Kimball verifies if the applicant would agree & comply with what was discussed and set forth by the professionals. Mr. Fekete confirms that is correct. Board Member Durr makes a motion to **approve**. Board Member DeBaecke seconds.

Name	Motion	Second	Aye	Nay	Abstain	Absent
Board Member Comisky			X			
Board Member Durr	X		X			
Board Member DeBaecke		X	X			
Board Member Forsyth			X			
Board Member Greene			X			
Board Member Kucowski			X			
Board Member Mellor						
Board Member Smylie			X			
Board Member Voorhees						
Vice Chairman Grauer			X			
Chairman Kimball			X			

Public Hearing for Application #2024-02; Mark Merrion; Residential Variance; Block 802, Lot 8 - 450 Jacobstown-Cookstown Rd.

Mark Merrion, owner of property and representing himself is sworn in for testimony of his application. Mr. Merrion states he would like to build a pole barn for him and his son's personal storage of different types of vehicles such as motorcycles, dirt bikes, quads, etc. He informs the board that he would also like to add in a lift to work on said vehicles but is quickly running out of room in his 3 car garage. Applicant is aware of the proposed plans are over sized but states he doesn't plan to add more storage later on, he would prefer to build once. Board Member Durr asks if he is aware of the setback requirements. Mr. Merrion is aware but informs the board that his neighbors barn happens to be 6.1 ft over his property line. Mr. Merrion is asking for variances on the setback from side yard and the size of the structure due to his property sloping in the back. The proposed location is the most convenient place with out having to regrade and spend additional money on this project. Chairman Kimball informs him the allowable size is 1,200 sq. ft. and is proposing about 2,000 sq. ft. over. Chairman Kimball inquires this is all for personal storage? Mr.

Merrion confirms that is correct, besides from his personal vehicles he would like to also get his back hoe, trailer, and his work vehicles. Mr. Merrion states he has a business and would like to store that in there as well. Chairman Kimball asks if he has a variance to run a business at his property. Mr. Merrion states no but is a service business and does not operator on his property. He gets a call, travels to the customer and strictly does the work onsite. He states there is no business related traffic in or out of his property besides himself. Board Member DeBaecke informs the applicant that the additional lean to is not contributed in the square footage which would make it 3,600 sq. ft., making it three times the allowable amount. Board Member Durr asks if he is willing to compromise with a smaller pole barn? Mr. Merrion denies the options of a smaller pole barn. Board Member Smylie inquires moving the proposed location elsewhere on his almost 5 acre lot. Mr. Merrion states his house was built on the highest point of the property and the rest slopes off behind the house. The proposed location would be ideal to still be able to pull cars through the driveway to the pole barn. Board Member Smylie mentions possible moving driveway with the propose pole barn to the other side of the house. Mr. Merrion denies suggestion again stating that is the flattest part of his land and reiterates not wanting to add additional expenses. Board Member Smylie suggests again even just moving the barn 11 ft over from proposed side yard setback will eliminate one of the variances requested. Mr. Merrion states that is where the sloping of the property starts. Mr. Merrion continues to deny any suggestion made by the board. Mr. Darji from ERI advises the applicant why these required zoning ordinances are in place to protect the peace of adjoining lots & size limitation for aesthetic purposes and discouraging commercial use. After more discussion and understanding the applicants proposed location Mr. Merrion agrees to move it over to the 25 ft. side yard setback but refusing to change the size of the building. Mr. Raymond gives the applicant advice before the board takes a vote since he is representing himself and isn't familiar with the process. If the applicant can't come to a compromise on the size, which Mr. Raymond states it is completely up to Mr. Merrion on downsizing but that also means the board does not have to grant him the variances. Or if he would prefer he can ask the board to hold todays hearing and reconvene at the next meeting after some consideration. Mr. Raymond states the application is complete and is entitles to a vote tonight if he would like. Mr. Merrion still refuses to compromise on the size. No public comments. Board Member Durr makes a motion to **deny** applicant. Board Member DeBaecke seconds.

Name	Motion	Second	Aye	Nay	Abstain	Absent
Board Member Comisky			X			
Board Member Durr	X		X			
Board Member DeBaecke		X	X			
Board Member Forsyth			X			
Board Member Greene			X			
Board Member Kucowski			X			
Board Member Mellor						
Board Member Smylie			X			
Board Member Voorhees						
Vice Chairman Grauer			X			
Chairman Kimball			X			

PUBLIC COMMENT: No public comment.

MOTION TO CLOSE PUBLIC COMMENT:

Motion: Vice Chairman Grauer

Second: Board Member DeBaecke

-ALL IN FAVOR

BOARD DISCUSSION:

Board Member DeBaecke want to emphasize that the board has worked on building back up that commercial area for several years and its nice to see that a retail business is wanting to build from the ground up. Since the military base has made improvements that has caused a decline in business. But is on the mends and only has a few properties left that are not occupied by businesses. Chairman Kimball notes it is nice to hear from a resident in a positive way.

MOTION TO CLOSE BOARD DICUSSION:

Motion: Chairman Kimball

Second: Vice Chairman Grauer

- ALL IN FAVOR

MOTION TO ADJOURN:

9:02 pm

Motion: Chairman Kimball

Second: Vice Chairman Grauer

-ALL IN FAVOR

**Respectfully Submitted,
Caitlin Decker
NHT JLUB Secretary**