

WASHINGTON TOWNSHIP LAND USE BOARD

PUBLIC MEETING MINUTES

AUGUST 2, 2023, 7:00 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairman Artigliere called the regular meeting to order at 7:00 p.m. stating this was the regular meeting of the Land Use Board of the Township of Washington. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a notice was published in the Express Times New Jersey Zone Edition and transmitted to the Star Ledger. Notice was posted on the municipal bulletin board in the Township Administration Building in Washington Township, New Jersey, and notice was filed with the Township Clerk.

FLAG SALUTE

ROLL CALL

Present: Robert Klingel, Evan Howell, Ralph Fiore, Stephen Swinton, Gretchen Foley, James Vander Horn, Leonard Artigliere, Lloyd Tiger, John Hylkema

Absent: Michael Lum

Professionals Present: Kevin Smith, P.E., C.M.E., P.P., Scarlett Doyle, P.P., Steven P. Gruenberg, Esq.

APPROVAL OF MINUTES

Motion to approve the minutes from the regular meeting of July 5, 2023 was made by Fiore, seconded by: Tiger. Members in favor: Fiore, Howell, Swinton, Vander Horn, Artigliere for the portion we was present, Tiger. Members abstaining: Klingel, Foley.

RESOLUTION

Sodtalters, Erich

Application #2023-04, Block 39, Lot 9.01 – 304 State Route 31 North

The resolution had been distributed to the applicant and the Board professionals but was deferred to the next meeting pending submission of escrow funds.

7:06 pm Mr. Artigliere was recused from the next agenda item due to a conflict, left the meeting and did not return.

PUBLIC HEARING

Washington Township Realty, LLC – Fred Beans

Application #2022-13, Block 66, Lots 20.01 & 20.11

Attorney Kara Kaczynski appeared and discussed the updated notice provided. Attorney Gruenberg found that after review of the proofs of notice the Board had jurisdiction to proceed.

Ms. Kaczynski discussed the application for site plan with bulk variances and use variance and discussed prior approvals with phasing where Phase 1 included preliminary and final site plan approval for the parking area and Phase 2 included preliminary site plan approval for the construction of an additional dealership building where the resolution placed a condition to construct the new dealership building which has not been constructed with other conditions also not satisfied. The applicant was now proposing to construct a 4,999 square foot addition to the existing dealership to provide better service for the cars at current dealership and was not intending to

construct the new dealership. The prior preliminary and final approval had some pre-existing nonconforming conditions including lot width of 235 feet where 300 feet was required on Lot 20.01 and a lot depth of 261 feet where 300 ft was required on Lot 20.11 and a rear yard setback where 70 feet is required and there is 17.05 feet existing. Regarding the requirement of having no more than 60% of the parking area utilized for display of new or used cars, they would be providing testimony that they will not utilize more than 60%. The prior approval granted other design waivers including shielding and the location of lighting; curbing requirement; screening of loading areas and street trees planted every 50 feet. The 2013 approval granted that curbing was not to be provided, if the Board requires curbing, they can address or ask for the same relief as well as asking for the same relief for the landscaping islands which was also granted in 2013. In regards to the existing residential dwelling on 20.01 that was required to have a connection with the dealership with a mixed use; they were still looking to do so and if the building was used for any other purpose they will have to come to the Board noting that the prior approval the relief was granted for the residence as an additional principal structure but now dealership is not being built and it will be the only principal structure on Lot 20.11.

Anthony R. Gionnotti, Jr. director of real estate for Fred Beans, appeared and was sworn in for testimony. Mr. Gionnotti oversaw maintenance and upkeep of properties, construction, developers and had been involved since the acquisition of the property where they have been cleaning up the facility and making it a 'Fred Beans' dealership. The property was purchase in 2022 as a Ford dealership with no other modifications proposed to building except the addition which will be adding 8 service bays which they need and will also accommodate taller vehicles for mechanical work only; no auto body or spray booths or any additional types of service will be provided. The hours of operation are 7 am – 8 pm Monday to Friday and 8 am to 5 pm Saturday with 57 employees total and 37 on per shift; some work from home; all employees park on site with sufficient parking, with the addition they will be adding 5 employees and the hours will be the same. There will 8 new service bays in addition to the 9 existing bays with no additional parking spaces where not all parking spaces were utilized, parking was sufficient for the employees, display vehicles and for cars waiting for service which was approximately 20-30 cars where the addition will add very little demand and may be lower with the service bays being added. The waiting times for servicing vehicles vary with the number of recalls and supply chain delays, cars may be there a couple of days, there would be no leasing of spaces and no crashed car storage. The applicant agreed to provide any additional landscaping as necessary to the satisfaction of the Board professionals. The prior approval included new dealership building where the applicant had no interest in construction of that building at this time adding that they do want to maintain the parking area which works as one integrated property but they do not want to join the lots. No additional loading area was proposed or needed with the 4,999 addition as it would only add a few more parts with 1 or 2 parts deliveries per day with any special delivery in a small truck.

Ms. Kaczynski discussed the June 30, 2023 report prepared by Mr. Smith and agreed to a night light test with any lighting issued to be addressed to comply with the ordinance and maintain safety lighting prior to obtaining a certificate of occupancy and agreed to obtain all outside agency approvals. There will be a proposed small directional sign to the service entry which will comply with the ordinance or have to come back to the Board. The residential mixed use will remain with utilization in conjunction with dealership. Vehicle displays will not be more than 60% of lot; there will be no parking on the lawn and the applicant agreed to any other conditions or prior approval. Ms. Kaczynski discussed how the lots functioned as one and agreed to provide a cross access easement if necessary and agreed that the second dealership was being formally abandoned with this application.

Mr. Vander Horn asked why they are keeping the lots separate. Ms. Kaczynski deferred the question for the engineer.

Mr. Hylkema discussed the 8 service bays were being proposed and asked if more employees than 5 would be added. Mr. Gionnotti noted that usually 1 tech covered 2 bays.

Mr. Tiger asked what was the biggest vehicle that would serviced. Mr. Gionnotti noted that F350-F450 dump body or maybe something with a bucket adding that electric vehicles will continue to be serviced.

John Hansen, the applicant's engineer and planner, appeared and was sworn in for testimony, having previously testified numerous times before the Board as both a licensed engineer and planner Mr. Hansen was accepted as same.

Exhibit A-1 an aerial photo dated 8-2-23 titled Fred Beans Washington Exhibit was entered. Mr. Hansen discussed existing conditions with both lots have frontage on Route 31 and Lot 20.11 also fronting Rymon Road with agricultural lands surrounding the site which had no wetlands noting that the site works well with the access from Route 31 and on Rymon Road and serviced by public water and a septic system in westerly corner of property with 388 parking spaces total on both lots that were used for display, employee parking and service vehicles. The proposed addition will add some additional blacktop but will lose some impervious parking area in other areas with restriping to create new parking spaces on existing impervious coverage. The application proposed 3 new lights at 30 feet high to match the existing height with LED shielded lights which would have no impact on the surrounding properties. Landscaping would be added along Route 31, the applicant agreed to install what was approved but was never installed and in addition agreed to provide landscaping to the west per Ms. Doyle's comments and will work with the Planner to provide the species. There would be a total of 18 service bays which results in a septic code increase but was still within threshold of the existing approval adding that they will be designing new septic system which will require Warren County Health Department approval.

Mr. Hansen thought that would be a nice addition in an appropriate location that makes the site continue to work adding that there was 1 bay that was a wash bay which would count in the septic calculation. The applicant was not merging lot due to the fact that if there was a desire to add a dealership on 20.11 at some point in the future they would need to ask relief for 2 principal buildings and merging the lots may trigger the new stormwater management regulations if merged adding that the detention basin works today and was well manicured and maintained. Mr. Hansen discussed the parking where they will be adding 2 EV made ready stalls where the existing plans have a total of 387 spaces the plans now propose 388 spaces and with the EV credit they get 2 additional spaces bringing the total number of parking stalls to 390.

Mr. Hansen discussed the June 17, 2023 report prepared by Ms. Doyle, demonstrating how the applicant would comply with the 60% display requirement with 388 spaces. No changes were proposed to septic; there would be some realignment of the parking area through restriping. The applicant would agree to add curbing but found that it would not be helpful as the stormwater drainage patterns work well now and function nicely as existing noting that the Board engineer in 2013 there was testimony for not installing the curbing to provide sheet flow. The applicant agreed to provide adequate screening and provide maintenance on the basin landscaping.

Mr. Hylkema asked if there would be a new entrance or new blacktop around the addition and how there would be no increase in coverage. Mr. Hansen discussed that they would be adding some new grass areas and there would be new overhead doors on north side and an entrance on the west side where the existing bays are pull through currently.

Mr. Smith commented on the coverage related to stormwater with the small addition where the Phase 2 dealership building approval had a large increase in coverage noting that if they came back for a Phase 2 with a building they would have to comply with the new stormwater regulations and clarified that there was no Phase 2

proposed in this application. Mr. Smith noted that there was an existing common access easements for both Route 31 and Rymon Road.

Ms. Doyle asked if the buffer for parking was greater than 25 ft from right of way. Mr. Hansen confirmed. Ms. Doyle asked for planning testimony for relief from providing landscaping islands. Mr. Hansen discussed that in order to protect the view on the interior of the lot they would bolster perimeter landscaping with less landscaping interior to avoid snow plowing issues. Mr. Smith noted that the detention basin embankment along Route 31 and Rymon Road could not have wooded vegetation and they will have to remove if existing in the embankment. Mr. Hansen agreed to work with planner on landscaping plan.

Mr. Hansen agreed with all comments in Mr. Smith report marked as Exhibit B-1 and agreed with Ms. Doyle's report except for the previously approved items including curbing, landscaping in the interior of lot, island marked as Exhibit B-2.

James Necker, appeared and sworn in for testimony, gave credentials as a license architect and was accepted as same. Mr. Necker discussed the plans her prepared for the applicant noting that he has worked for him since 1990 and discussed the design of the addition with a steel frame and with lots of light in the service area construction of ridged steel frame metal siding to be the same as existing shop construction but with masonry inside with insulation to meet code for energy. The addition would have 1 door on west end, 4 doors on north side for service. Mr. Necker discussed changes made to what was originally submitted to handle larger vehicles where he was asked to include doors on the north and south side of the service bays.

Exhibit A-2 revised architectural plans was entered which included changes made to the plans but would not change the number of bays proposed, the size of the addition or require additional employees but would make the service area more flexible and function better adding that the service techs control the circulation in the bays so there will be no additional signage needed and no changes to parking requirements. The change was made at request of dealership to change the windows to doors with windows with the colors to match existing which was repainted recently so it will match exactly; signage to comply for a directional sign or will have to come back to the Board.

Mr. Hylkema asked if there would be more blacktop required for the larger vehicles? Mr. Hansen stated yes they have widened the pavement to accommodate the larger vehicles.

Ms. Doyle asked the height of existing doors which were 14 ft and proposed height of the doors which was 14 feet high and 12 ft wide. Ms. Doyle asked what was different. Mr. Necker confirmed that the bays would be 5 feet deeper to accommodate the larger vehicle noting that the length of the bay was the factor to accommodate the larger vehicles. Mr. Smith noted that it looked like there was adequate room to maneuver.

John Hansen, appeared still under oath to provide planning testimony and referred to Ms. Doyle's report and discussed the item that did not comply which shall be a the existing residential building in conjunction with the use and listed the pre-existing conditions including lot width, lot depth and rear yard setback on Lot 20.11. Mr. Hansen discussed that this was a D3 type variance where the testimony required did not need to show that the site was particularly suited for the use though it was well suited and as to whether conditions can be imposed to not cause substantial detriment to the public good or the zoning plan where the site functions as one property and does not appear as two lots. Landscaping will be increased to enhance the site and appear as one lot and functions the same. The addition was proposed over existing impervious coverage with additional grass areas being provided. Mr. Hansen found the purpose 'I' and purpose 'C' were supported by the application which was a straightforward well designed plan that meets criteria to grant the relief requested and will be bringing the property into greater conformity with the conditions. The rear yard setback was an existing nonconforming condition where the landscaping softens view and will not be exacerbated noting that the variances would be

subsumed by the d3 variance. The addition will help the business succeed in an appropriate location where it makes sense in the Township.

Ms. Doyle asked what justifies the relief with no building on the lot. Mr. Hansen discussed that the ordinance was crafted to have a principal building to centralize the function where with no building the parking supports the existing building on the adjacent lot which was all one dealership supported by the one building integrated with no separate brand for sales or servicing. Mr. Hansen agreed to limit the dealership to one brand with parking on 20.11 dedicated for the dealership on 20.01. Mr. Hansen noted that the site was functioning and will remain with no issues on operation.

Motion to close the public hearing was made by: Howell, seconded by: Tiger. All were in favor.

Mr. Gruenberg discussed that this was a d3 conditional use variance seeking amended preliminary and final site plan approval with pre-existing rear yard, lot width and lot depth nonconforming conditions with design waiver for interior landscaping and no curbing with prior conditions. Motion to grant preliminary and final amended site plan approval and d3 conditional use variance with conditions to include: any previously approved landscaping which was not installed to be installed; landscaping to be added to the satisfaction of the Board professionals; parking and storage shall be as designated on the plan and not on lawn area; abandoning the second dealership; no phasing; agree to a night light test prior to CO issuance; obtain County Health Department approval for the septic system; obtain all outside agency approval as necessary; amended to approve doors on south side as well as the north side of the addition; compliance with Mr. Smith's report marked B-1 and Ms. Doyle's report marked B-2 as clarified during testimony; relief from providing landscaping in the interior of lot; along with all normal conditions; no wooded landscaping on embankment of the detention basin; agree that the site will be all one dealership; no rental space allowed on the site.

Mr. Swinton found the application a well designed case and applicant laid out the project thoughtfully and was support of the application.

A motion to grant preliminary and final site plan approval, use and bulk variances and design waivers with the conditions as discussed was made by: Vander Horn, seconded by: Tiger. Members in favor: Evan Howell, Stephen Swinton, Gretchen Foley, James Vander Horn, Lloyd Tiger, John Hylkema

PUBLIC CONCERNS AND COMMENTS

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADOURNMENT

Hearing no further comments, a motion was made by Vander Horn, seconded by Foley to adjourn the meeting at 8:42 p.m. All were in favor.

Respectfully Submitted,

Eileen Parks
Secretary to the Board