

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT**

**MINUTES
July 12, 2017
7:30 PM**

CALL TO ORDER

The meeting was called to order by M.L. Haring at 7:32 PM.

PRESENT:	J. Mathieu	ABSENT:
	L. Frank	
	M.L. Haring	
	J. Laudenbach	
	P. Stepanovsky	
	D. Hewitt	
	C. Ostergaard	
	D. Pierce, Attorney	
	T. Decker, Engineer	

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon County Democrat on December 29, 2016 and Courier News on January 9, 2017 also by telefaxing copies of the notice to the Express Times on January 9, 2017. Copies of the notice were also posted in the Kingwood Township Municipal Building on December 15, 2016. The Board of Adjustment proceedings close at 10:30 pm.

NEW BUSINESS

M.L. Haring – Announced Galleria Construction, L.L.C, Block 17, Lot 15 Use Variance Application.

Attorney Todd Bolig, Esq., representing Galleria Construction asked for confirmation for the record of jurisdiction to proceed with tonight’s meeting.

D. Pierce – Yes, confirmation of affidavit of publication, services and notices requirements have been satisfied. The Board may exercise jurisdiction to open the hearing. If the hearing is opened it is noted that L. Frank will be recusing himself from the application because of his employment with Aqua Survey, and the location of this project.

Mr. Bolig opened by reviewing the last meeting and explaining that Galleria Construction is pursuing a bifurcated application, first seeking a D or Use Variance from the BOA and if approved they would be back for site plan as the BOA retains jurisdiction for site plan details in this situation. Lighting, signage, parking and garbage are examples of items that will be addressed later in detail. The property is located off of Old Rt. 12 and is a flag lot on 12 plus acres. Proposed is a 27,000 square foot industrial space and office. The purpose is to house Galleria Construction equipment and office which are currently located in Flemington. This location is convenient since the owners are residents of Kingwood Township. Half of the building would be available for rent, several interested tenants have inquired about the space including a steel company for storage similar to what already exists in Kingwood Township. It was agreed that all materials would be kept inside. No visual obstructions would exist. There is no intention of requiring any bulk or C variances. All height and set back restrictions would be respected. Therefore the only variance needed is the D Variance. Pasquale Casuscelli was called forward.

Pasquale Casuscelli was sworn in by Attorney D. Pierce.

Attorney Todd Bolig, confirmed with Mr. Casuscelli that since originally purchasing this property in 1985 with his father it was their hope to build the proposed 25,000 plus industrial site for their family business. The building description and plans dated July 12, 2017 were reviewed.

D. Pierce – Requested that the plan be marked as exhibit A1 as the plat submitted to the board has a different date.

Mr. Casuscelli explained the only difference in plans is the color rendering making it easier for the board to view.

J. Mathieu – Questioned the current use of the lot.

Mr. Casuscelli – Explained it is simply as a storage lot.

M.L.Haring – Questioned if the prior zone was considered Business Park.

D. Pierce - Confirmed it was BP Zoned.

T. Decker - Asked if equipment maintenance would take place on the premises.

Mr. Casuscelli – Explained some minor maintenance would take place such as oil changes and basic equipment maintenance. All major maintenance is sent out to another site.

Radim Kucera, Engineer was sworn in by Attorney D. Pierce.

Mr. Kucera's educational background was reviewed; experience includes testifying before this board several times in the past. Mr. Kucera explained the site as 13 acres, dark green areas on the plans show wet lands. Confirmed NJDEP buffers and wetlands were discussed. Building is to the back of the property, out of site and has adequate parking. Existing landscaping is vegetated, the front is fill with minimal vegetation. If application moves forward additional landscaping will be added by Razberry's. Proposed traffic flow was also discussed.

J. Mathieu – Expressed concern that what is being presented is the building itself not the use of the building.

D. Pierce suggested the applicant's planner present.

D. Banish questioned what looked like recent piles of millings.

Mr. Pasquale Casuscelli confirmed land markers and that the conservation easement was not violated.

Bruno Casuscelli was sworn in by Attorney D. Pierce. Mr. Bruno Casuscelli explained the 10 loads of excess material is a stockpile and that the areas of concerns and wetlands are clearly marked and have not been disturbed.

James Kyle, Engineer representing Galleria Construction was sworn in by Attorney D. Pierce. Mr. Kyle's education and background were reviewed. Mr. Kyle explained he has reviewed the application, site plan and ordinances. The proposed project was described again as a light industrial warehouse structure and perhaps light manufacturing of steel. Mr. Kyle stated this is a use that was once permitted by zoning on this property. The 2012 master plan amendment and its affects were discussed as well as the TDR component and centralize sewer system. An aerial photo was passed out to the board for review. The photomap was prepared by Mr. Kyle in combination with information from the state of NJ and downloadable programs. Several block and lots shown on the map and there uses were discussed. It was noted that it is a mix of uses in this area and the proposed warehouse is hidden by Razberry's with no direct frontage on Rt. 12. Additional landscaping would only further enhance the appearance of this area. All activities will be inside the building with limited impact to the outside. The focus is on the properties distinction. Its not on Rt. 12 and has limited visibility. There is no centralized sewer, more then half the property is constrained by wet lands, explained that this property fits in, quoted DB review letter, quoted township ordinance section smart growth, increase tax ratable, overall this is a good option to the permitted uses. It fits all township goals. Although there is no apparent centralized sewer systems planned at this time, in future years if a high density development housing was to come about the site could then be redeveloped.

The following was reviewed by D. Banish:

Re: Galleria Construction, Inc.
832 Route 12

Block 17, Lot 15

12.83 acres

EGVCO – Eastern Gateway Village Center Overlay Zone,

Professional Office/Residential Subdistrict

Application for Use Variance Approval for Warehouse/Industrial – Storage/Light

Industrial

1. We have reviewed the following information in preparation of this report:
 - Board of Adjustment Kingwood Township Application Form, dated May 23, 2017;
 - Grant of Conservation Restriction/Easement, by Galleria Construction to State of NJ, Department of Environmental Protection, dated 17 September, 2010 and Administrative Consent Order in the matter of Galleria Construction, Inc. and Bruno Casuscelli, dated 4/30/2007;
 - “Warehouse Concept Plan, Bifurcated Application, Block 17, Lot 15” consisting of one (1) sheet, prepared by Radim Kucera, PE of Civil and Environmental Engineering, Inc., signed and dated 5-22-2017; and
 - Architectural plan entitled “Concept Elev’s” for Lot 15, Block 17, prepared by Paul J. Rodek of JDR Consultants, dated 2-20-17, unsigned.
2. The application appears to be seeking a use variance for storage warehouse/light industrial use on Lot 15, which is located in the Professional Office/Residential Subdistrict of the Eastern Gateway Village Center Overlay (EGVCO) Zone, pursuant to Ordinance No. 17-16-2012 adopted by the Township Committee in December 2012.
3. The applicant should confirm for the Board the use that is proposed in this application. Testimony should be provided explaining:
 - a. Proposed hours of operation;
 - b. Anticipated traffic and times of the day/night that traffic will access the site;
 - c. Anticipated post construction noise characteristics;
 - d. The nature of the storage warehouse and light industrial uses proposed;
4. On July 7, 2017, our office conducted a site inspection of Lot 15 and noted the storage of heavy equipment, the existence of construction debris and construction materials dumped and stockpiled on site, areas that appear to have been recently filled on the west side of the area proposed for development. Testimony should be provided by the applicant’s professionals explaining the location of these dumped, stockpiled and filled materials in relation to the wetlands, transition area and conservation easement line identified on the concept plan submitted with this application. On the northerly side of the tract, we observed standing water conditions in a low-lying area within approximately 25’ of the edge of fill.
5. We observed two stakes with orange flagging: one marked #3 on the southerly side of Lot 15 and another marked #6 on the westerly side of the area proposed for development approximately mid-way between the southerly and northerly tract boundaries and but situated approximately 50-75’ from the westerly edge of filled and stockpiled materials. Testimony explaining these stake markings should be provided and indicating whether they

are related to the limits of the Conservation Easement area or wetlands or wetlands transition area limits or proposed limits of development.

6. The Administrative Consent Order (ACO) between the applicant and NJDEP was signed in April, 2007. It includes reference to an NJDEP letter of interpretation issued by the Department on May 9, 2005. The LOI and plan delineating the designated wetlands and required transition area should be submitted to the Board. Testimony should be provided explaining whether the LOI is expired and if there is a current LOI for Lot 15.
7. Ordinance No. 17-16-2012 eliminated BP Business Park zoning and replaced it with the Eastern Gateway Village Center Overlay Zone (EGVCO Zone) for lands adjoining Route 12 and Barbertown-Point Breeze Road. The EGVCO extends several thousand feet west from the Township's easterly boundaries at Pittstown Road and Whisky Lane and it no longer permits the storage warehouse/light manufacturing uses that were formerly permitted in the BP zone.
8. The EGVCO includes three "Subdistricts" occupying both the north and south side of Route 12 and the east and west side of Barbertown-Point Breeze Road in the vicinity of Route 12, including the PO/R Zone. The EGVCO permits planned mixed use high-density residential development and a variety of individual uses, including commercial uses and low density residential use. However, the ordinance eliminated the proposed warehouse storage / light industrial use as a permitted use in the EGVCO, which includes the Subdistrict within which the subject parcel is located.
9. At 132-40.A., states that "Purpose. The purpose of the Eastern Gateway Village Center Overlay District is to establish a framework for planned development with a diversity of uses that enables a transition from conventional strip highway commercial zoning along the Route 12 corridor to a "center-based" zoning approach."
10. The three EGVCO Subdistricts permitted use provisions are established in Ordinance 17-16-2012 at Section 132-40. C. (1), (2) and (3), which identifies permitted uses for each subdistrict, as follows:

(1) The Mixed Use Core Subdistrict, which permits "(a) All uses permitted in the Village Commercial (VC-1) Zone, except that supermarkets are also permitted, (b) Multifamily units aboveground-level retail (mixed-use), (c) Townhomes, with or without co-housing units, (d) Multifamily residential buildings, with or without co-housing units, on sites served by a centralized wastewater collection system, and (e) Planned unit development, inclusive of all uses permitted in" the Mixed Use Core Subdistrict on tracts of 10 acres or greater served by a centralized wastewater collection system."

<http://ecode360.com/attachment/KI0708/132-Cpermitteduses.tif.png>

(2) The Commercial and Artisan Subdistrict, which permits "(a) All uses permitted in Business Park (BP) *except for warehousing, manufacturing* and lumber yards, (b) Live-work dwelling units, (c) Artisan loft buildings, (d) Planned unit

development, inclusive of all uses permitted in” the Commercial and Artisan Subdistrict “on tracts of 10 acres or greater served by a centralized wastewater collection system.

(3) The Professional Office/Residential Subdistrict, which includes the subject parcel and which permits “**(a)** All uses permitted in the Professional Office/Residential (PO/R) Zone, **(b)** Townhomes on sites served by a centralized wastewater collection system, **(c)** Multifamily residential buildings on sites served by a centralized wastewater collection system, and **(d)** Planned unit development, inclusive of all uses permitted in” the Subdistrict on tracts of 10 acres or greater served by a centralized wastewater collection system.

11. Certain BP uses, except warehousing, manufacturing and lumber yards, are permitted use options within the Commercial and Artisan Subdistrict, however this Subdistrict is located on the north side of Route 12 and it does not include the subject parcel.

12. The subject parcel is designated within the Professional Office / Residential Subdistrict of the EGVCO Zone where the proposed warehouse / storage use is not permitted.

13. In addition to the principal permitted uses for the Professional Office/Residential Subdistrict identified at Section 132-40. C. (3) in comment #10 above, the principal permitted uses in this subdistrict include the principal permitted uses in two other zoning districts, including:

- (a) the Professional Office/Residential (PO/R) Zone; and
- (b) the AR2 Agriculture Residential Zone.

a. Section 132-40. C. (3) (a) provides that PO/R Zone principal permitted are also principal permitted uses in the PO/R Subdistrict (on the subject parcel). PO/R Zone permitted uses are listed in Section 132-36.B., as follows:

B. In the PO/R Zone, the principal permitted uses shall be as follows:

- (1)** Principal permitted uses in the AR-2 Zone are permitted in the PO/R Zone.
- (2)** General and professional offices, including business, administrative and professional, including real estate, insurance, medical/dental or similar offices.
- (3)** Fiduciary or financial institutions such as banks or savings and loan institutions.
- (4)** Restaurants.
- (5)** Convenience grocery stores, antique stores, gift stores, pharmacies.
- (6)** Family day-care homes (as per N.J.S.A. 40:55D-66.5b).

b. Section 132-36.B.(1) provides that AR2 Zone principal permitted are also permitted in the PO/R Zone, which are therefore also principal permitted uses in the PO/R Subdistrict. AR2 Zone principal permitted uses (permitted in the PO/R Subdistrict of the EGVCO) are listed at Section 132-30.B., as follows:

- (1)** Farms and agriculture.
- (2)** Detached single-family dwelling units.
- (3)** Public playgrounds, conservation areas, parks and public purpose uses.

- (4) Churches and cemeteries.
- (5) Golf courses.
- (6) Firehouses, rescue squad facilities and government buildings.
- (7) Family day-care homes (as per N.J.S.A. 40:55D-66.5b.)

c. Accessory uses and structures are permitted in the Professional Office / Residential Subdistrict that are customarily incidental and subordinate to, and located on the same lot as a principal permitted use.

14. The PO/R Zone and the AR2 Zone both adjoin the PO/R Subdistrict of the EGVCO Zone.

15. Ordinance No. 17-16-2013 established zoning protection for existing BP uses that would otherwise be made non-conforming by the EGVCO's permitted uses. The Township Committee specifically added the protection provision to the ordinance to recognize the existing BP uses already established in the EGVCO at the same time it eliminated certain permitted uses, including warehouse and manufacturing use. That provision is found at Section 132-40.G., and reads as follows:

Nonconforming uses. Where an existing use conforming to BP - Business Park zoning on the effective date of this ordinance has been made nonconforming as a result of Ordinance Amendment No. 17 - 16-2012, the use may continue in accordance with the use and bulk zoning provisions in effect immediately prior to the effective date of Ordinance Amendment No. 17 - 16-2012.

16. Thus, Ordinance No. 17-16-2012 replaced BP permitted uses with a comprehensive range of "Center" uses with a focus on Planned Unit Development residential uses and it included a range of individual use options that are compatible with the overall vision for the Eastern Gateway Village Center Overlay Zone. With the individual lot development provisions that do not require centralized wastewater facilities, the ordinance assures that there are permitted use opportunities for development within the Professional Office / Residential Subdistrict. The ordinance also provides protection for existing BP uses that would have been made non-conforming through the rezoning to continue under the standards in place at the time of the rezoning. However, the ordinance eliminated the proposed warehouse / storage use as a permitted use in the EGVCO.

17. This use variance application seeks approval for the warehouse use that was previously permitted in the BP Zone, but is specifically no longer permitted in the EGVCO.

18. The plan submitted with the application identifies a warehouse with a gross floor area of 25,000 sq. ft. and includes an office with a gross floor area of 1,480 sq. ft. The plan indicates that a total gross floor area of 27,400 sq. ft. is proposed, however the 25,000 sq. ft. warehouse and 1,480 sq. ft. office total 26,480 sq. ft. Testimony should be provided explaining the actual square footage of development proposed.

19. Lot 15 is a flag lot, consisting of a total of 12.9 acres that will be reduced slightly to 12.83 acres. The flag stem is approximately 140' wide x 311' long and extends to Old Route 12 on

the southeast side of the lot, which is adjacent to Razberry's. The conservation easement granted to the NJDEP, a copy of which was submitted with this application, occupies 8.71 acres of the westerly and southerly sides of the tract encompassing wetlands and a transition area. It is marked at CE – Conservation Easement on the plan. A proposed warehouse, driveway, parking and two proposed stormwater management basins are shown to occupy the unconstrained portion of the lot.

20. The plan identifies a proposed 100' wide x 250' long x 32' high warehouse with a north/south orientation located on the east side of the site located adjacent to and behind Razberry's. Architectural plans submitted identify two 12' wide x 14' high loading doors at each end of the warehouse (total of four loading doors) and one additional loading door on the west side of the proposed storage warehouse / light manufacturing building. The proposed 1,480 sq. ft. office is situated on the south side of the proposed warehouse between the two loading doors on the south side of the proposed warehouse.
21. The warehouse will be accessed via a 25' wide driveway that is to extend approximately 430' into the site from Old Route 12 through the flag stem portion of the lot adjacent to Razberry's. The driveway forks into two 25' wide two-way driveways that extend approximately 850' around the warehouse to access 36 parking spaces (19 spaces on the east side and 17 spaces on the west side of the proposed warehouse) and the four loading doors. The driveway widens to 70' on the north side of the warehouse for truck turning/backing maneuvers to the loading doors, which is the area of the site adjacent to an existing residential dwelling on the north side of Lot 15. Two loading lanes are identified extending to each loading door on south side of the warehouse on each side of the proposed office.
22. Adjoining property on the east is Razberry's. On the south side of Lot 15 located two residential dwellings, a plumbing business, The ARC of Hunterdon residential day program and the Aqua Survey offices. A residential dwelling is located on the north side of Lot 15 and a farm is located on the west side of Lot 15. All adjoining uses appear to be conforming or more conforming to the permitted use provisions of the EGVCO Professional Office / Residential Subdistrict.
23. The Planning Board recommended adoption of the EGVCO and its Subdistricts in the 2011 Master Plan Reexamination Report, which stated that "...The Planning Board, as part of this Master Plan Re-Examination Report endorses and supports revision of the existing development regulations to include an ordinance that establishes the Eastern Gateway Village Center Overlay (EGVCO) Zone and appropriate development regulations to promote and govern the development of that mixed use area.
24. The Township Committee's preamble to Ordinance 17-16-2012 identified its intent in establishing the EGVCO and Subdistricts, in part, by stating that: "... the existing nonresidential and industrial zoning within this general area of Route 12 that has been established in the Township's zoning ordinances for decades has failed to produce significant high-value tax ratable, employment generating land uses as zoned; and" ... that "... it is in the public interest generally for the citizenry of the State and more specifically in the interest of the citizenry of Kingwood Township to provide smart growth, mixed use high-density

development opportunities that promote a diversity in the type and price of housing, and commercial development that will serve a broad range of the population and helps to satisfy employment needs of the community in a location convenient to the citizens of Kingwood Township;”.

25. Section 132-40.A., states that “Purpose. The purpose of the Eastern Gateway Village Center Overlay District is to establish a framework for planned development with a diversity of uses that enables a transition from conventional strip highway commercial zoning along the Route 12 corridor to a "center-based" zoning approach.”
26. In accordance with N.J.S.A. 40:55D-70, the Board has the power to grant “d(1)” variances for a use or principal structure in a district restricted against such use or principal structure “in particular cases and for special reasons”, which is the so-called positive criteria that has to be demonstrated by the applicant for the grant of a use variance. The applicant must demonstrate and the Board must specifically find that special reasons exist and the site is particularly suited for the proposed use to grant a use variance. Special reasons are generally derived from the purposes of the Municipal Land Use Law (see attached) and supported by expert testimony. Our courts have held that the “general welfare” is the zoning purpose that most clearly amplifies the meaning of “special reasons”. See Medici v. BPR Co., 107 N.J. 1 (1987).

According to the last unlettered paragraph of N.J.S.A. 40:55D-70, “No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing [by the applicant] that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. This is the so-called “negative criteria” that must be demonstrated by the applicant.

“In the use-variance context,” ... the Medici Court held that ... “in addition to proof of special reasons, an enhanced quality of proof and clear and specific findings by the board of adjustment that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance” is required. “The applicant's proofs and the board's findings that the variance will not "substantially impair the intent and purpose of the zone plan and zoning ordinance," N.J.S.A. [40:55D-70\(d\)](#), must reconcile the proposed use variance with the zoning ordinance's omission of the use from those permitted in the zoning district.

40:55D-2. Purpose of the act. It is the intent and purpose of this act:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;

- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy resources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.
- p. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites; and
- q. To ensure that the development of individual municipalities does not unnecessarily encroach upon military facilities or negatively impact the operation of military facilities, and to those ends, to encourage municipalities to collaborate with military facility commanders in planning and implementing appropriate land use controls, thereby improving the vitality of military facilities and protecting against their loss through the Base Realignment and Closure process or mission loss.

C. Ostergaard - Asked for additional information about tenant.

Mr. Pasquale Casuscelli explained the tenant would possibly be doing steel fabrication, railing I beams, steel fabricator, bringing in raw material, for commercial or residential use.

Office & manufacturing area, volume of trucks stored and hours of operation were discussed.

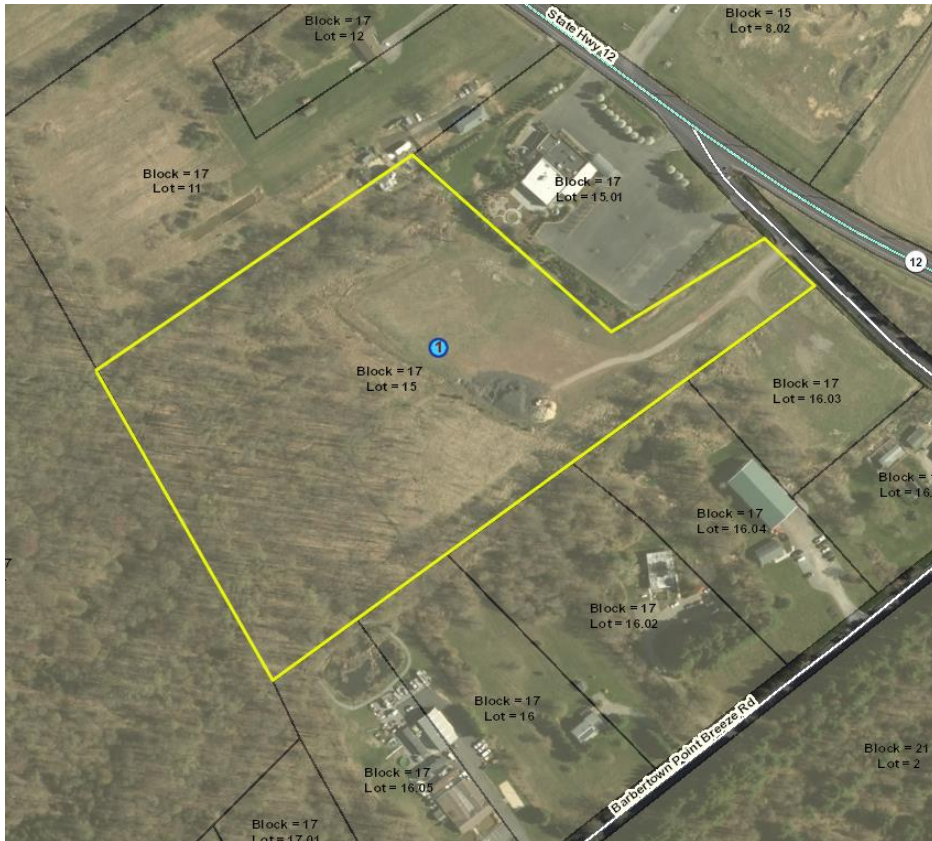
The following was reviewed by T. Decker:

Our office has reviewed the following documentation in support of the above referenced application for a use variance:

- 1. Plan titled “Warehouse Concept Plan Bifurcated Application” as prepared by Civil & Environmental Engineering, Inc. dated May 22, 2017.**
- 2. Plans titled “Concept Elevation – New Warehouse for Galleria” as prepared by J.D.R Consultants dated February 20, 2017 consisting of two (2) sheets. Sheets A-3 & A-4.**
- 3. NJDEP Administrative Consent Order# 1016-02-0006.1 NEA070001 dated April 30, 2007.**
- 4. Grant of Conservation Restriction/Easement dated September 17, 2017.**

Existing Site Description

The subject property contains 12.90 acres and is situated in the Township’s Eastern Gateway Village Center Overlay (EGVCO) Zone. Fronting on Old Route 12 to the northeast, the property is currently accessed by an existing gravel driveway. Majority of the western portion of the property is encumbered with a conservation easement containing freshwater wetlands and associated transition area. The balance of the site has been disturbed in one form or another over the years as outlined in the NJDEP Administrative Consent Order. There are no existing structures on the property.



2015 Aerial View of Block 17, Lot 15 obtained from NJDEP GeoWeb Database

Proposed Application

Applicant is seeking a use variance to permit the construction of a warehouse facility which is not currently permitted within the applicable zoning district. Proposed improvements in concept form include:

- **27,400 sf building including 25,000 sf of warehouse space and 1,480 sf of office.**
- **Two (2) garage bay doors at the front of the building and two (2) garage bay doors at the rear. It appears the entrances will be at grade allowing trucks to enter at the rear and depart through the front of the building.**
- **25 foot wide driveway access from Willow Run Road (Old Route 12)**
- **Parking areas for 36 vehicles including two (2) accessible parking spaces.**
- **Proposed septic disposal area adjacent to the entrance drive.**
- **Two (2) stormwater management basins.**
- **Single row of 4'-6' high arborvitae spaced a 5' on center along the northern property line adjacent to Block 17, Lot 15.01 (Razberrys)**

Engineering Comments

The current application is solely for the proposed use and required use variance. The following comments are general in nature based upon the conceptual

information provided. Should the Board rule favorably for the use variance, the applicant would be required to submit a fully engineered Major Site Plan application. The Board of Adjustment would maintain jurisdiction over a future site plan application. A detailed engineering review will be provided by our office upon submission of a complete Major Site Plan application.

1. Our office defers to the Township Planner for comments on the proposed use relative to the applicable zoning district.
2. Applicant should advise if an active Freshwater Wetlands Letter of Interpretation (LOI) exists for the site.
3. Applicant should clarify the discrepancies in the building areas as shown on the plan. Total building area is noted as 27,400 sf, however the warehouse (25,000sf) and office space (1,480 sf) total 26,480 sf.
4. The applicant should provide some insight into the anticipated impact to the existing traffic to and from the site.
5. Applicant should provide testimony as to internal vehicle circulation through the site and parking for tractor trailers.
6. Accessible parking spaces should be relocated so as to provide access to the office entrance without the need to cross the drive exiting the building.
7. Since the proposed area of disturbance is more than one (1) acre and the new impervious coverage is more than one-quarter (0.25) acre, the project triggers the Kingwood Township stormwater management requirements for a major development. Attenuation for the post-developed stormwater quantity, quality and recharge is required.
8. Proposed landscape buffering along adjacent Lot 15.01 should be extended and enhanced to provide denser screening.
9. Landscape should be provided within the “flag staff” of the lot to provide buffering from the public road.
10. Right-of-way dedication along the property frontage may be required as a boundary survey of the property may reveal.
11. Future Major Site Plan application is required to comply with Chapter 153 of the Kingwood Township Ordinance regarding required aquifer testing.
12. Property is located within the Delaware & Raritan Canal Commission Review Zone “B”.

Additional Agency Approvals

Any future Major Site Plan application is subject, but not limited, to the following outside agency approvals or letters of no jurisdiction:

- Hunterdon County Planning Board
- Hunterdon County Soil Conservation District
- Hunterdon County Health Department
- Kingwood Township Emergency Services
- Delaware and Raritan Canal Commission

- **New Jersey Department of Environmental Protection**

M.L. Haring – Announced for the record that no one was here from the public with concerns over the proposed project.

T. Bolig summarized by thanking the board and asking them to keep in mind.

D. Pierce confirmed no further questions and closed the hearing.

P. Stepanovsky stated he was ok with the building for winter storage but cannot justify a 2nd use. Ordinance was changed to specifically state no tenant.

D. Pierce explained the applicant can amend the application and the board can approve as is or deny.

P. Stpanovsky voted no.

D. Hewitt agreed it was ok but had concern with leased part of the building and hours of operation, specifically Saturdays given the nature of Razzberrie's business.

M.L. Haring is in agreement with the locations and proposed uses.

J. Laudenbach agreed if owner occupied.

J. Mathieu voiced concerned about the property and building if it was to be sold in future years. Suggested conditions to control parking, hours of operation, no changes in use unless presented before the board. Violates the concept of the overlay reality, agreed to single use, undecided.

C.Ostergaard agreed with the location but conflicts with the proposed idea of area, concerned about possible manufacturing, agrees with single use, undecided.

M.L. Haring asked for confirmation of numbers votes needed.

D. Pierce confirmed 5.

M.L. Haring asked C. Ostergaard for acceptable suggested conditions.

C. Ostergaard stated single use, no storage outside.

J. Mathieu suggested the applicant comes back with single use, then comes back when a tenant is in place.

C. Ostergaard agreed with J. Mathieu that the concern is with the possible tenant.

T. Bolig asked for a 5 minute break to discuss with client and soon confirmed the application had agreed to single use variance.

D. Pierce reviewed the following suggested restrictions:
No outside storage for operations;
Subject Site plan approval;
No deliveries before 8:00 a.m. or after 6:00 p.m.;
Subject to a Rotation of hours Monday-Saturday from 6:00 a.m.-7:00 p.m.;
Limited to single use for contactor equipment storage and maintenance facility. Any other use would be required to return to the Board for a Use Variance Approval.

Board members agreed.

It was moved by J. Mathieu, seconded by D. Hewitt and carried to approve the Galleria Use Variance with conditions set by Attorney D. Pierce.

Abstain: L. Frank

Aye: J. Mathieu, D. Hewitt, J. Laudенbach, P. Stepanovsky, M.L. Haring,
C. Ostergaard

OPEN TO THE PUBLIC

M.L. Haring - Called for comments from the public. *No members of the public in attendance.*

COMMUNICATIONS/REPORTS

M.L. Haring – Reviewed the Delaware Township Notice and the Kingwood Township Committee Meeting Minutes of May 4th, 2017.

ADJOURNMENT:

The meeting was adjourned with a motion by J. Laudенbach, seconded and carried by D. Hewitt. **All in favor.** The meeting adjourned at 9:50pm.

Respectfully submitted,

Kris Boxwell, Secretary