

**KINGWOOD TOWNSHIP
BOARD OF ADJUSTMENT
MINUTES
November 08, 2023
7:00 PM**

CALL TO ORDER

A regular meeting of the Kingwood Township Board of Adjustment (BOA) was called to order at 7:00 pm by the Chairman, Phil Lubitz.

NOTIFICATION

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. 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 and Courier News on December 22, 2022. Copies of the notice were also posted in the Kingwood Township Municipal Building on December 22, 2022. The Board of Adjustment proceedings close at 10:30 pm.

ROLL CALL:

PRESENT: Phil Lubitz – Chairman, David Hewitt, Cynthia Ostergaard, Leslie Bella, David Frank, Paymon Jelvani (Alternate #1).

ABSENT: James Laudenbach – Vice Chairman John Mathieu

OTHERS: Matthew Flynn, Attorney, Crystal Eggers, P.E. (in for John Hansen, P.E.), Frank Floyd, Emergency Management Coordinator

NEW AND PENDING BUSINESS:

Public Hearing for:

- **Block 6, Lot 27 – Big Riggs Real Estate, LLC - 1089 Hwy. 12** – Preliminary & Final Site Plan Review.

The Chairman said the first order of business is the Public Hearing for Big Riggs Real Estate (See Completeness & Technical Review Letters at end of Minutes). The Chairman asked if the applicant received David Banisch's letter. Kara Kaczynski, attorney for the applicant said they did receive it but have not yet fully digested it.

P. Lubitz asked for a motion to open the Public Hearing. The motion was made by David Hewitt, seconded by David Frank. All Board members present voted AYE to open the Public Hearing.

M. Flynn did a quick preliminary on David Banisch's memo. He stated the applicant is requesting preliminary and final major site plan approval together with a use variance for the principal use, a height variance as it relates to the height in the zone and some other bulk variances that are identified. The Board deemed the application complete during its October regular meeting, so the Board proceeded to tonight's Public Hearing. The applicant did notice for tonight's hearing, and he found the notice was sufficient in its content, timely served and published so the Board does have jurisdiction to act.

He continued, the applicant did notice all those variances prior to receiving David's letter because he had been emailing Ms. Kaczynski and they did determine that the site itself is in the township's new scenic corridor overlay zone. That was a zone that was adopted and put into effect by the Planning Board earlier this year. It creates different standards for applications than other properties in the Highway Commercial District. The applicant did notice

correctly for those variances due to the scenic corridor overlay. He then gave a bit of background on the scenic overlay that had the Rt. 12 streetscape zoned slightly different than other commercial districts. The applicant is not contesting that, and they are subject to the requirements. He said the Board can proceed with tonight's hearing.

M. Flynn swore in all the witnesses for Kara Kaczynski (KK), Attorney of McNally, Yaros, Kaczynski & Lime:

- Gregg Lynch, Applicant (GL)
- Anthony Hajar, Engineer (AH)
- Matthew Flynn, Planner (MFP) – not BOA Attorney
- Dan Governale, Architect (DG)

All their credentials were accepted by the Board.

Ms. Kaczynski began her presentation by sharing the Zoom screen. She stated she is representing Gregg Lynch, the applicant & owner of Big Riggs Real Estate located at 1089 State Highway Rt. 12, Block 6, Lot 27. They are requesting preliminary major site plan approval, use variance and bulk variances relative to the development of the property. The property is located in the township's Scenic Corridor Overlay Zone and underlying Highway Commercial District. They do believe that this proposed use, despite the variances that are requested, falls squarely within the purposes and intent of the Overlay Zone.

They are also requesting approval of a parking variance. They have outlined the parking requirements as associated with the highest parking requirements of the uses for office use. That would be 60 spaces required, 23 are provided. They are also requesting approval of any other relief that the Board may deem necessary as they go through their presentation. She has a copy of their response to the Board Engineer's letter of October 29th which she will go over with her first witness, Mr. Gregg Lynch. This is marked as Exhibit 1 and then she began her questions to the first witness.

TESTIMONY

Ms. Kaczynski questioned Mr. Gregg Lynch (GL).

- GL stated his name and address and confirmed he was the owner and applicant of the property;
- GL owns the Big Riggs company, a paper company for accounting purposes, the main company is Panoramic Windows and Doors.
- GL intends to build a warehouse for the assembly of aluminum windows, storefronts & curtain walls mainly for schools. GL stated his hours of operations, his number of employees, his current location of his business (Kenilworth, NJ).
- GL confirmed that there is no noise, dust or hazardous materials generated from his operation.

Ms. Kaczynski presented Exhibits A through I which show the vehicles and equipment that are used in the Panoramic Windows & Doors company.

- GL said there were several open trailers, closed trailers and pickup trucks.
- GL confirmed that the open trailers which are used as dumpsters at the job site do not go back to the shop full.
- GL confirmed that the trailers stay at the job site unless in need of repair or maintenance.
- GL has a dump license, and the trailers are emptied daily.
- GL said pickup trucks go back to the warehouse at the end of the workday.

The Chairman's and Board members' and Public questions are in **BOLD** font the witness' in *italic* font for the applicant, Gregg Lynch.

P. Lubitz said he had a couple of questions for Mr. Lynch.

Are there any lifts if you have any second story windows to replace second or third story windows?

- *We rent them. It is just more cost effective. Years ago, we owned one or two lifts, and it seemed like the kids just loved to rip the wires out of them so we rent them.*

And do those stay on the work site or are they returned to your current Kenilworth location?

- *They stay at the job site.*

Once you've collected the debris on a daily basis, what happens to it?

- *We have our own dump license, and we dump it, legally in the closest landfill that we're allowed.*

Okay, so would that be coming back to this new location and the trailers would be emptied of all debris before they return?

- *They would be emptied. The only time they would not be emptied is if we did a second shift and we needed to bring it back to repair it or something, but we have no reason to bring it back to the shop.*

The Chairman said those were his only questions and asked the Board members if they had any questions.

L. Bella said her only question was about the debris, and it had been addressed.

P. Jelvani asked the following questions:

Do you use any paint on your windows?

- *No, we do not have a paint line. We do not paint anything at all. Everything we have has been prepainted.*

In your shop, are you fabricating any windows and then transferring them to the site or are you fabricating at the site?

- *What we do is prep them at the shop. A lot of the windows, all of the windows that manufactured are sent directly to the job site. They do not come to our shop. When it comes to storefront curtain wall, where maybe it's a one or 2 story building, all the extrusions are metal and we do some prep at the shop, we will do some light assembly and then deliver it to the job site.*

I have a follow-up question. On your debris that happens at your shop. The waste you have from your fabrication that you do at the shop, are you disposing of it at the end of the day or do you keep them for multiple days?

- *We have scrap runs every week.*

That was the end of P. Jelvani questions. **The Chairman** had a few more questions.

Could I ask about the delivery of material? When do you receive deliveries, how often and what times of day?

- *We do get deliveries of the extrusions, the material that we make, that we prep for the storefront curtain walls. It's sometimes on a flatbed. Most of the time it's in a box truck. We get deliveries usually around 10 am but it is inconsistent. Sometimes we get a couple of deliveries during the week and then there's the times that we don't. We don't get deliveries for weeks at a time.*

One of the current concerns we typically would have is kids being dropped off at school. There are 4 school bus runs for the elementary school and the high school. We are concerned about truck vehicles coming through the township primarily on Rt. 519, the primary route for vehicles coming from the south to get to this location. Our concern is the truck deliveries that would correspond to the pickup and drop off times of school buses.

- *I certainly would not do anything to inhibit my grandchildren getting to school. We do have a lot of control over the delivery times, and we could work it out, but the amount of deliveries that we get, maybe 2 or 3 during the week and then*

maybe nothing for 2 or 3 weeks. I don't see that as a continuous problem when it comes to transportation for the kids, but I do understand that it could be a problem if we did get a lot more and we would change the delivery dates accordingly.

L. Bella had a couple of questions for the applicant.

You talked about bringing materials in and preparing them to be removed to a job site. What sort of materials are used to prepare them, i.e. what kind of chemical and the like?

– No chemicals. They are aluminum extrusions which are basically just tubes of aluminum that are prepainted.

What do you do to prepare them?

– We cut them to size. They come through a billet, and they are about 24 feet long. We cut them in the shop according to the size of the opening or the curtain wall or storefront that we are doing. We drill holes in them that the horizontals and verticals get attached to. We put them in the truck and deliver them to the job site.

What do you do with any debris, any metal like shavings?

– The shavings are sucked up with a vacuum system and most of the cutoffs are used for the next job. If they are smaller than a certain size, we get paid to scrap them, so we have a weekly scrap run that we take all of the cutoffs and take them out of the building.

D. Hewitt had some questions for the applicant.

My question was along the same line about scrap materials. You would need a couple of dumpsters on site, I would assume, one for regular trash and one for the aluminum scraps.

– We don't put the aluminum scraps in a dumpster. We put them on the side and use one of the open trailers, load it up and bring it to the scrapyard. Like I said, we get money for bringing the scrap aluminum to a scrap yard so it's something we don't accumulate a lot because it's a cash flow. There is not much left in the shop.

C. Ostergaard had some questions for the applicant.

You mentioned that you are hoping to expand. Can you explain what you mean by that?

– We would like to do more schools. Obviously, we have the opportunity to expand when it comes to our reputation. We get a little busier every year and the ability to fabricate more products and deliver them to the job site is what we're trying to do.

You have hopes for expanding the operation as far as employees and maybe the amount of hours that you're working or any possibility of expanding the initial structure?

– No, not at all. We feel that the 15,000 sf is sufficient. We are also not looking to do any massive hiring. The work that we do is the mechanics that work on them. It's only a handful of guys and the machinery does all the work. We have a machine with lasers that cuts it, drills the holes automatically and the people in the shop are just taking it off the machine and putting it on the side ready for delivery.

So, you there is a fair amount of fabricating, manufacturing?

– No, the majority of our business is windows that are made at a manufacturing plant that obviously is not ours, and they are delivered directly to the job site. We do not warehouse windows. They are delivered directly to the job site.

So, you are assembling?

– We assemble storefront and curtain wall which if you want to put it, if you were going to build a house and you knew the measurement of every 2x4, instead of cutting it in the field, you would have a machine that would cut all the 2x4's exactly as the what the computer program says what size they are to be, put them in the truck and deliver it to the job site. They have all the labels on them, and you don't have to cut anything at the job site. All you have to do is take the materials and bring it to the openings that they are cut for.

Your hours of operation are daily from 7am to 6pm. How many days of the week is that? 5? 6?

– Five. Monday to Friday. I don't want my children working weekends like I did most of my life. I'd rather have them spend more time with their kids and I plan on spending more time with my grandchildren.

D. Frank had some questions for the applicant.

I had a question on the waste dumpsters pulled from the schools which is a good idea for safety, but I would assume that some of those materials would be recyclable and there would be some aluminum storefronts coming out. Would they go to the landfill or brought back to the shop?

– Anything we can recycle at the jobsite we put in a different trailer, so they're already triaged, and they are removed. So, things that can go to the scrapyard are in one trailer or sometimes if it's a smaller job we will put this stuff in the front end of the trailer or the back end.

But it does not come back to your shop to be cleaned and repurposed?

– No, I wish they would let me put older windows into new schools but that hasn't happened yet.

L. Bella has more questions for the applicant.

Talk about the noise levels in your facility.

– We've never had a complaint about noise.

Would you measure the decibels? I mean, of complaints, everybody has a different frame of reference of what people are accustomed to in a crowded area like Kenilworth which is very different than what people in Kingwood are accustomed to. The complaints could be very different. Can we talk about the decibels of noise in your facility?

– Okay, that's a good question. The machinery we have where the extrusions get cut and the holes drilled are in a little booth. It looks like a phone booth. Our shop guys don't even have to wear any ear safety or headphones.

Is it not an option for them to wear any?

– No because the sound of the saw and the sound of the drilling is inside the booth. Which is one of the beautiful things about the machinery. The noise is absorbed by being a closed booth.

P. Jelvani commented.

That it is like a CNC machine. It is all enclosed and there is no sound coming out. It is very minimal.

– Perfect. It is hard to explain that to someone that's never seen one but that's it exactly. It stops any debris or anything and for safety. No one's hands are around the machinery at all.

K. Kaczynski asked:

For the record what is it called?

– Well, we have what's called a rhino machine. So that's pretty much what it cuts.

K. Kaczynski asked:

As with any other approval or resolutions, you would be agreeable to complying with any and all state noise requirements, the measurements, the maximum at the lock lines, correct?

– Absolutely.

C. Ostergaard asked a question.

Out of curiosity, was there a reason that you did not decide to reuse the structure that was there?

- *We wanted to build the shop behind the bowling alley. The way the foundation was poured was 3 different heights so there was really no way to reuse it. When you walked in the door where you would get your shoes were at one height. Then you step down a couple of steps and then it was another foundation that was poured and then there was another step for the alley itself. Behind it was, there was another step down. Basically, it was like trying to build a shop on top of a tread of stairs. It was not cost effective. We did look at it at great length and we could not use it.*

P. Lubitz had comments and questions.

So, no reasonable person could say that the township wouldn't allow you to keep the bowling alley.

- *We tried to get dual use. We did everything we could. We spent a considerable amount of money trying to work around.*

Did you ever make an application for dual use? You came before this board for a discussion, but I don't recall an actual application.

- *I had our design professionals take a look at the feasibility of it and they are pretty much and I'm paraphrasing, said that it would be very hard to get dual use in that area.*

Okay, but to rephrase my question then, the Township never turned down an application for dual use and the council really never told you to tear down the bowling alley.

- *Not that I recall. I do know that it was something that wasn't going to be feasible when it came to the design professionals.*

Okay so it was your crew that made that determination then?

- *Yes.*

Thank you for your testimony. You've been enlightening. Ms. Kaczynski, why don't we proceed?

Ms. Kaczynski asked if there were any public on Zoom for comments; do we usually do that at the end of both witnesses? P. Lubitz asked if there was anybody from the public present who would like to ask Gregg a question?

M. Flynn, Attorney stated that the questions are only just for members of the public who may be on that are not aware of the procedure. You'll be afforded the opportunity to ask questions of each individual witness once they've concluded with their direct testimony as Mr. Lynch just did. At that point it would be limited to questions solely about their testimony. You will be provided with an opportunity to make comments on the application and express your opinion at the end after the applicant is concluded.

P. Lubitz asked if there were any members of the public listening. There was a show of hands. One public member said she was a member of the public but had no questions. P. Lubitz asked if Ms. Kaczynski would like to proceed with her witnesses.

Ms. Kaczynski said she had one last question for Mr. Lynch.

Would you have preferred to keep the bowling alley if you could have?

- *Absolutely. It had nothing to do monetarily. It was just the size of the lot. I think the regular contingencies for the lot would not give you the ability to put a 15,000 sf shop and also keep the bowling alley.*

P. Lubitz asked a question.

Is this a determination that could have been made before you purchased the property?

- *When I purchased the property, I thought foolishly that I would be able to build the warehouse behind the bowling alley. It was not purchased for the reason of being demolished at all. That was not my intent at all. I had every intention of leaving the bowling alley and putting the shop behind it or next to it. As you know I'm a contractor, but we don't do any building. We are basically restoration contractors, so I was not in tune with all of the contingencies when it came to lot size. Unfortunately, I was not versed in that.*

Ms. Kaczynski had no more questions for Mr. Lynch. The Chairman noted there were no more questions from the Board or Public.

Ms. Kaczynski continued with her witnesses. She called their engineer, Anthony Hajjar (AH). He stated his name, business address and his credentials. His credentials were accepted by the Board. He confirmed he prepared the plans submitted with the application and he had made some changes to the plans to address the comments in John Hansen's report.

Ms. Kaczynski marked the plans as Exhibits 2 and 3. She asked Mr. Hajjar to describe the property then go through the plans and the proposed development.

Mr. Hajjar described the location of the property as 1089 State Hwy. Rt. 12, Block 6, Lot 27.

- AH stated the property is in the Highway Commercial Zone as well as the Scenic Corridor Overlay Zone.
- AH stated the minimum required lot size is 5 acres, the existing lot size is 3.46 acres (existing non-conformity).
- AH said they meet the minimum lot width frontage of 75'.
- AH said the required lot depth is 450', existing lot depth 398.38' (existing non-conformity).
- AH also stated the setback dimensions, the minimum required setback is 100', the existing setback is 147.7' and the proposed setback is 152.6' (they are pushing the building back).
- AH stated the minimum rear yard setback is 100', existing is 168.2' and proposed is 164.3'. Identifying the lot width as 398.38', the required setback from Rt. 12 would be half the lot depth of 199.14.
- AH stated the number of parking spaces (23 required - 23 proposed).
- AH spoke about the building coverage (max. 45% - proposed 22%) and the existing was 35% so they have reduced the lot coverage by 12.2% or 18,000 sf. The square footage of the building (15,000 sf).
- AH explained slopes of the property (2% down away from Rt. 12) from left (southwest) to right (northeast).
- AH said there is a reduction of impervious surface by removing existing asphalt.
- AH referred to the Truck Movement Exhibit 3 and explained the truck traffic in and around the warehouse.
- AH talked about the reinforced turf for the fire lane to allow fire truck accessibility. AH explained the construction of the reinforced turf and the load based on the manufacturer's specs. (15,940 psi).
- AH continued with the proposed grading and shedding (going towards the back along the driveway, back to the reinforced turf and shed flowing in the back of the property mimicking what was the existing condition).
- AH spoke about the proposed site lighting - 4 balls with LED lights, height of the ball is 25 ft. which complies with the ordinance. Only the parking lot and driveway will be lit. The footcandles comply with the ordinance 2 footcandles and it becomes less further away from the building down to 0. There is no site lighting or light trespass that would bother the residential neighbors.
- AH moved on with the landscape plan. There is screening in the back, on the side and from the front. There are some existing trees on the east side between the proposed building and the existing neighbor, but they are adding trees to augment the screening. An aerial drone photo of the site (marked Exhibit A-5) shows the site and the existing trees to the east side of the property. The photo was taken by John McDonough Associates earlier today (11-8-23).
- AH commented that there were no plans for signage at this time but would comply with the ordinance if they do need signage.
- AH addressed the concerns of the neighbor (Richard Dalrymple & Zachary Dalrymple) about the lack of screening to northwest corner of the property and said they will shift the screening to that corner to block the view and lights from the warehouse, so it won't disturb the neighbor.
- AH reviewed the fire lane and confirmed it would support an 80,000 lb. fire truck. He also stated that they would increase the fire lane width to 52 ft. (one & half times the height of the building) in answer to the Fire Chief's question.
- AH discussed the possibility of moving some parking stalls from the front of the building to the rear to create a wider fire lane in the front of the building and not interfere with the landscape screening in the rear of the building. It was decided to leave the fire lane at the rear of the building but just to make it wider at 52 ft.
- AH said that they comply with the township's stormwater management ordinance and with NJAC 7:8 stormwater regulations. They reduced the impervious surface by removing existing asphalt so there is no need for a retention pond for

- runoff. He stated he would comply with the township engineer's request to have the stormwater calculations to be revised to the updated requirement of 6 storms to be analyzed.
- AH said they would comply with all the comments in the township engineer's review letter as stated in their response letter (Exhibit 1) to his letter.
 - AH addressed the wetlands issue with a wetlands 50-foot buffer. He said they were not close to 50 ft. The township engineer discussed further the wetlands issues and suggested that a wetlands scientist be brought in to determine exactly where the wetlands are. At this time the engineer stated to leave the wetlands and associated transition area as stated in the engineer's letter but that the wetlands and transition area need to be shown on the plans. The board professional will work with the applicant to avoid going to the DEP and getting an LOI (Letter of Interpretation).
 - AH said the proposed septic will be approved by the County Health Department and showed the location of it on the plans. He said the existing well remains. The well pit is 3 ft. from the building and the well itself is 4 ft. from the building. This was submitted to the County Health Dept. and they are waiting for a response. The distance and reuse of the existing well is subject to the County Health Dept. approval.
 - AH stated the solid waste enclosure is a 10'x12' enclosure located in the northwest corner of the property and made of a stockade fence.
 - AH said that the underground tank shown on the plans was a propane tank used to heat the building. He confirmed it had been removed by the propane distributor who owned the tank.

The Chairman's, Board members' and Public questions are in **BOLD** font, the witnesses' in *italic* font for the witness Antione Hajjar, P.E.

P. Lubitz asked Mr. Hajjar about the 2 memos – one from the township engineer, John Hansen and one from the township planner, David Banisch and if he would identify which memo he is referring to. Mr. Banisch's memo talks about the rear setbacks.

– Ms. Kaczynski said that Mr. Hajjar was saying "minimum" as in "the least amount" and not "memo."

Matt Flynn, Attorney stated:

For the purposes of the record, that I do realize your plans refers to the front yard setback as 100 feet required. I want to say that you did identify because of the way that the Scenic Corridor Overlay calculates the required front yard that it's actually what's required is and again in your notice. At 199.14 ft required due to the average requirements and 116 ft is proposed to the parking lot. So that is the front yard setback variance that David Banisch is talking about. It is in paragraph 8.

Mr. Hajjar said:

- His understanding is if the site is developed, he would still use the Highway Commercial Zoning.

P. Lubitz commented:

The memo talks about that as well and suggests that once the building was torn down, it's no longer pre-existing development.

- The building is torn down, but the foundation and all the asphalt is still in place, so he doesn't know if that applies or not and asked the board to make a determination on that before they keep going.

Matt Flynn, Attorney commented:

I'm sure the planner will touch on this but in the MLUL (Municipal Land Use Law) in the event of total destruction it resets so when the bowling alley came down the new SCO (Scenic Corridor Overlay) requirements and again, they did notice for it so it's of little importance because everybody is in agreement between their notice and the memos on what's required.

- AH continued his testimony about setbacks. The required setback is 199.14 and we are proposing 152.6. The rear yard minimum set back is 100', and the proposed is 146.3. The minimum side yard setback is 50' and proposed on the west side is 142.1 and on the west side 51'.

P. Lubitz asked:

Would you clarify the existing asphalt?

- Mr. Hajjar showed the boundaries of the existing asphalt on the plans from the top of the plan down to Rt. 12.

Where is the reduction in impervious going to occur?

- Mostly in the parking area where we will be removing asphalt.

In reference to Exhibit 3, would you please describe where the 3 closed trailers, 5 open trailers and 3 pickup trucks go. Where do they get parked?

- AH said that the applicant Gregg Lynch should answer that question.
- GL response was that most of the time the trailers are at the schools or job sites but if not, they would be parked in the back out of site in the reinforced turf area or at one of the parking spots. If the weather is not good, then we would put them inside.

So, when you load them up at the job site, you empty them each day, but then after you empty them, you bring them back to the jobsite. Is my understanding correct?

- GL responded they are brought in a shop to make sure that all the hydraulics work.

L. Bella asked:

I thought I heard you say that you bring them back to the shop if the tires need inflating or hydraulics need to be checked. Are you servicing these vehicles at your shop? What about the hydraulics?

- GL said no we just do all the safety measures that we have to have that you check the air in the tires, make sure it's clean and make sure all the handles and everything are working correctly. Since the trailers are dump trailers when they go to the landfill the dump like a dump truck – they lift. So, to make sure there are no kinks in the lines or anything, we do a once over to make sure they are maintained correctly.

D. Frank asked:

To get the trailers inside to do some repair work on them, would you have to drive them across the reinforced lawn area to get them indoors? I assume the loading dock has a 3 or 4 ft. rise.

- GL said no we do have a bay door that's the same height as the grade so we would be able to drive them in.

P. Lubitz commented:

On Exhibit 3, I just want to confirm our engineer's comment the construction of the reinforced turf will be able to hold a fire engine should the need arise.

- AH explained the reinforced turf comes in rolls. They have a 3 or 4 inch diameter and are about 4 inches thick. You lay them down on a stone bed and fill them with topsoil. They are basically buried. The load on these based on the manufacturer is 15,940 psi. The fire truck requires about 78 psi with the outrigger. We feel this product will support a fire truck easily.

D. Frank asked:

Is that considered a pervious or impervious surface?

- AH said with the topsoil it will go through the stone so it is pervious.

K. Kaczynski commented that they sent notifications to everyone, so they were properly noticed, and they sent the application and plans to the fire official twice but have yet to receive any response. As a condition of any approval, they would be happy to try again and see if the fire official had any comments.

C. Ostergaard asked:

If you are facing the building, the site to the right is that a residence? Can you verify the distance from the front right corner of the building to the left, rear corner of the home next door?

– KK stated that was Block 6, Lot 28. AH said the distance between the rear corner of the dwelling to the front corner of their building is approximately 84 linear feet.

D. Frank asked (in reference to Sheet 4 Proposed grading):

Are we sure that we're not shedding any storm water and not directing it onto the adjacent property?

– We are shedding through to the right but the low point spot shots, everything is going to the back of the property. Nothing to the neighbors.

But a lot of water has to go around the building, and it looks like the building has a higher elevation. Just looking at the elevation lines along the building, the building is higher than the last one finished floor wise. So that's pushing the water away from the new building.

P. Lubitz commented:

They are removing a good bit of impervious. DF said he was more concerned with storm water. PL said you could theoretically have less runoff.

– AH said yes, they have 18,000 per ft. less run off than they are proposing. So, all the run off even though it's towards the side is going towards the back.

D. Frank continued:

What his concern was the storm water off the front, which was asphalt, but that water during a storm has to fit through that 80 some feet between the 2 buildings.

– Yes, but again, it's infiltrating as well because we removed all that. There is no more asphalt in the front.

P. Lubitz asked (in reference to the Landscaping plan):

Do you give a guarantee on these trees that they'll live at least 3 years or be replaced if they don't?

– AH said that would be a question for the applicant. KK said that he would be willing to work with your professional to come up with some sort of maintenance replacement time period.

– GL said absolutely as long as you don't request palm trees.

M. Flynn, Attorney stated:

I think the standard condition that we put in the resolution would be that the landscaping plan is to be supplemented to the satisfaction of our township planner, Mr. Banisch that with the landscaping plan is a perpetual continuing condition that the vegetation that they are installing be properly maintained and replaced if necessary.

C. Ostergaard asked:

Was there a plan for signage either on the building or by the road front?

– AH said we don't show any plans for signage at this point. If we do, we will comply with the ordinance.

P. Lubitz asked if there were any questions from the public.

Richard Dalrymple asked:

I have a question. Our property borders the west and the whole northern corner of the property. All the trees that are planted across the back and everything are great but when the trucks pull into the loading dock, they're facing right towards our house and there are no trees in that corner. In that corner it is the only open corner there is and that is the only spot that would be directly pointing at our house. If you go to the drone photo, you'll see our house right in that back corner. When they pull into the driveway with the trucks, they turn slightly northwest and would be facing directly at our farmhouse to the back while backing into the loading dock area of the proposed building. I'm wondering why there's a forest of trees across the whole back of the property. They are screening that with trees but not where you can see my residence. There are never going to be houses back there because it is preserved but not the westerly northwest part of the property which faces our house. There's a direct line of sight from the northwest corner of the proposed parking lot where the trucks are going to back into the loading dock.

– *AH said as the applicant testified, he will be getting deliveries 2 or 3 times during the week and sometimes none. Those deliveries happen between 9:00am and 10:00am. I don't see the problem, but we are willing to shift some of the landscaping northwest to screen that corner.*

P. Lubitz responded: A few trees close to the parking area. You only need a few evergreen trees to block that off.

R. Dalrymple replied: That is all we are asking for – nothing major.

M. Flynn, Attorney stated:

I mentioned about the satisfaction of Mr. Banisch and include in condition. Also the applicant will make a full effort to install an additional few trees at the northwest corner of the parking lot. Would that be an acceptable condition?

– *AH said we offered to shift some trees.*

Shift of trees is also acceptable. And for the purposes of the record, what is your last name and who is the other individual on the screen with you?

– *RD said his name was Richard Dalrymple and his son, Zachary Dalrymple, the other owner of the property.*

F. Floyd asked:

The fire lane you mentioned would be able to support a psi number. Please advise how you arrived at that number and confirm that the fire lane will be able to support a 70,800 lb. vehicle.

– *AH replied that number is based on the manufacturers data. He went through the specifications and the various psi numbers.*

But they are not giving you any rate calculations, they are giving you a generic description. I am asking you explicitly will the design hold 70,800 lbs. If not, it's not sufficient.

– *They don't talk about it but we could get more information from them. How many pounds is your fire truck?*

F. Floyd answered:

70,800 pounds. That is the heaviest vehicle we have. The other thing is, the fire lane should be a minimum of one and a half times the building height, which you have a 35-foot building height. It should be 52 feet wide to allow for a collapse zone should the building collapse while fighting the fire.

– *AH responded I can share the data I have with you. They are talking about 85,000 lb. truck distributed over 4 outriggers which equates to 21,250 lbs. for each outrigger which is equivalent to 78 psi.*

You didn't give us the pounds before so we're confirming that it will support at least 80,000 lbs.

– So based on that they claim that's 78 psi. The load would be based on the weight and the square inches of the outriggers on the ground. So, they are supporting an 80,000lb, vehicle.

The fire lane should be equal to one and a half times the height of the building, so we are looking at 52 ft.

– We could do that. It's not a problem.

F. Floyd continued:

Is there a reason why the fire lane is in the back of the building and not in the front of the building? I'm asking because that puts us up against the tree line and not much room for maneuverability.

– AH answered he did not have a problem with putting it up front.

PL said there's a problem with the ordinance. The ordinance calls for the parking to be in the rear of the building in that zone.

F. Floyd replied:

That wouldn't be parking though. This is an emergency fire lane. It should be clarified that nothing will be parked there – trailers going in and out.

P. Lubitz stated:

My first thought is it's not going to interfere with the landscaping plan. Moving it to the front might cause an access problem because there are parking spaces blocking the access.

– GL answered we could try to modify the parking to make sure there is nothing parked in the front corner. We could move some parking spaces to the back.

F. Floyd asked:

Across the front of the building are there entrances or is it a solid wall?

– GL said it was a solid wall.

We're considering the fact that it is a solid wall, so before we make a final decision because there is one about placing the ladder and then being able to access the interior of the building. So, let's leave the fire lane the way it is and just expand it to 52 ft. Is that acceptable to the board?

P. Lubitz said:

It is acceptable to the board as a condition. We'll leave it where it is and just widen the pad. So, let's tie up the landscaping issue. Move some of the trees as long as it meets the satisfaction of the planner and provide adequate screening for Mr. Dalrymple.

– RD said he was good with that. I'm not looking for you to buy more trees.

– GL said he would be happy to do that and shift some trees over as long as the design professionals are happy with that.

Ms. Kaczynski asked Mr. Hajjar:

Do you have anything to say about storm water management?

– No, we are decreasing the impervious coverage mostly from the parking area – the asphalt part of it. We comply with the township stormwater ordinance and with the NJAC Stormwater Regulation.

P. Lubitz asked;

Is there a need for a retention pond or anything like that for runoff?

– No sir.

I'm not entirely comfortable even with the reduction in impervious that we're adequately dealing with the state stormwater requirements. Can we get an opinion from our engineer?

C. Eggers replied:

The stormwater memo does show via calculations that the state stormwater regulations are met. The peak flow rate reductions are just strictly from the reduction and impervious. The state stormwater regulations do allow for the existing coverage at the site to be considered as the existing condition. So it's not required to go all the way back to a forested condition as your existing basis of calculation. They now require that 6 storms be analyzed and projected for the future. Please Mr. Hajjar, please add a few more storms to be analyzed for the few the projected calculation. You will likely show an even bigger reduction from existing to proposed with the larger storms.

K. Kaczynski asked:

Something else that came up today was with regard to it. It was also in the township engineer's letter. The offsite wetland and buffer area. The plans that are on the screen now do show the offsite wetlands area, but it does not show the buffer area. Any concerns with regard to the location of the building versus the buffer area? If any DP approvals are required, we would obviously obtain that.

– AH said we don't have any issues. There are no improvements within the buffer area.

P. Lubitz commented:

When I see heavily forested areas in Kingwood Township that usually indicates that there are wetlands there. So, I'm thinking about that property that those, that forested area in the back of the property. So can we make an assumption that they probably contain wetlands there and the reason I'm asking this question is if the issue of ever moving this building further back off the road comes up. We could assume that that really wasn't possible because the back part of the property contains wetlands.

– C. Eggers replied on sheet 2 the existing conditions and demolition plan there is an inset map on the right-hand side that says wetland and C-1 waterway location map and that does show the anticipated location of the wet land. Mr. Ajar; I believe that is from the NGO web GIS information.

– AH said that is correct and usually those wood lines, have a 50-foot buffer. We're not even close to that 50.

C. Eggers stated:

I am a little concerned that there may be disturbance within that 50 feet and the width of the transition area really needs to be defined by the NJDEP in a letter of interpretation and LOI. Transition areas can be as wide as 150 feet depending on the species that are dependent on that wetland. I hate to push you to an LOI because they're taking forever at DP for those these days. But otherwise, how do we know what the transition area is? Because the alternative would be to conservatively assume that it's 150 feet and that would indeed cut into the development. I think that we can work something out but the something may end up being an LOI or an application to the DEP for a well and permit, which is also not on the permit clock.

P. Lubitz asked:

Is there a step prior to going to the DEP? On a residential property, can you go to someone who is certified on wetlands?

- C. Eggers replied there's a professional wetland scientist. So, if you can get permission from the neighbor to have a professional wetland scientist examine that wetland and determine the actual extent because again, this is from a GIS source online. If they flag that wetland then we can know better where that wetland buffer would fall and I can confer with Mr. Hansen about whether we can accept a wetland scientist interpretation of what the transition areas should be without having to go to the DEP for an LOI. Another good starting point would be to request the natural heritage program, the NHP report, which will talk about what species are in the area. That will give us an idea of where the wetland line is, do we think it's likely to be that 50 feet or do we think it's like to be that 150 feet? If there's a species that's critically dependent upon that wetland that's different than if there's not.
- AH replied I walked up property line I sure made that property There's a drop about maybe 15 to 20 feet between our site and that wetland and you can see it on the other aerial. There's a big drop, so I don't know if that wetland will affect us at all. I walked all the way around and there was no evidence of wetlands that I could see. I wasn't looking for them either.
- C. Eggers I think it needs to be determined by a wetland scientist.

M. Flynn, Attorney stated:

So, are we comfortable with the condition? Let's say something along the lines of that the. Applicant will follow up with the board engineer's office to determine the extent and nature of the off-site wetlands and the appropriate buffering or permitting that investigation would require and we leave it to the satisfaction of our engineer and then his professional judgment.

- C. Eggers replied I don't want to commit as an engineer to making that determination. I think that I'd rather leave it just the way it is in the letter that the wetland and associated transition area will be shown, and you know, if we can just say that the board professional will work with the applicant to satisfy the letter.

P. Lubitz said:

Moving the parking area to the rear of the building if possible and moving the actual building in a westward direction just to give that additional buffer if you should, in fact, run into a wetlands and a buffer area.

L. Bella asked:

Is it possible to flip the building so the width of the building as it is facing 12 now that is flipped and that becomes the side, and the parking goes in the rear. It becomes more lengthwise. Perpendicular to Route 12 rather than parallel to Rt. 12.

- AH replied that it's against the SCO guidelines.

C. Ostergaard asked:

Do we have a location for the septic?

- AH replied it is in the northwest corner of the property.

Is the well sited? Are you using the existing well?

- AH said the existing well remains. The well pit is about 3 ft. and, well itself is about 4 feet away from the building.
- KK said of course this would be subject to approval of that distance and the reuse at that location by the county health department.

K. Kaczynski continued:

There was a question Tony with regard to the dimensions of a solid waste closure. Is that on the site plan?

– Yeah, yeah, now it's consistent with the construction detail. It is 10 by 12 located in the northwest corner. The proposed material for the closure is a stockade fence.

C. Eggers stated:

The engineer noted an underground tank that is beneath the proposed building. Do we know where that is? In the letter from Mr. Hanson, he asked how the building would be heated.

– I believe it was removed already. It was hauled by the propane distributor. They owned it.

D. Frank asked:

C. Ostergaard asked about the location of the septic and that appears to be in the location of where there was a break in the landscaping that Mr. Dalrymple was concerned about. Would that have been the reason why there was a break in the landscaping there?

– AH said that's possible. I mean, we could push the landscaping back beyond the septic. We could put the trees behind the septic towards the property line for screening.

Ms. Kaczynski had no more questions for Mr. Hajjar. The Chairman noted there were no more questions from the Board or Public.

Ms. Kaczynski continued with her witnesses. She called their architect, Daniel Governale (DG). He stated his name, business address and his credentials. His credentials were accepted by the Board. He confirmed he prepared the plans submitted with the application.

Ms. Kaczynski marked the plans as Exhibit 6 through 8. She asked Mr. Governale to describe the Exhibits as they went through them.

Mr. Governale began with Exhibit 6.

- DG showed a color rendering of the exterior of the building showing the elevation facing the street and also showing the elevation facing the parking lot. The top elevation is the one facing the parking lot. The bottom elevation is the one facing Rt.12.
- DG stated there is no direct access from the front of the building into the building.
- DG explained the design of the building as a traditional agricultural looking building that you would commonly associate as a pole barn or some type of a structure that is agricultural in nature.
- DG said it does feature a variety of products that Panoramic Windows create such as the curtain wall on the office area, skylights, and curtain walls.
- DG talked about the materials used on the building. He said there is a variety of materials and styles used such as dormers, it has roof lines, it has windows, it has cultured stone around its base to ground it to earth and has metal vertical board & batten panels as its siding and metal roofing material in a color scheme that's of a neutral color palette set in with the surrounding area.
- DG stated based upon his understanding of the scenic overlay zone, it is his opinion that this architecturally fits within that zone.
- DG explained the building lighting. Building lighting would be proposed above each of the doorways to illuminate the immediate exterior area outside of the building. Those lights are not extremely powerful. They would just create enough light outside the doorways at the stair landings at the garage doors to safely exit and ingress the building. Similar to a spotlight or directional light that would shine down onto the ground surface. It's merely for safety and not to illuminate the entire parking area. There are total of 3 lights – 2 over the garage doors and one over the hinged door.

- DG talked about the materials for the proposed retaining walls on each side of the loading dock. They would be a cast in place concrete 8 to 12 inches thick, to allow for a truck to back down to that garage door and protect the earth and also protect any people from falling into that area. There would be a guardrail on top of that.
- DG explained how the building would be heated. The interior of the building would be with a warehouse type heater, whether it's infrared or other lineal heat to keep space at a temperate level. The source would be electric or gas depending on what the ultimate loads are and what the use of equipment will be. The photographs of the infrared heaters are marked as exhibit 7.
- DG said the cooling would be done through air conditioning and equipment. The building will not be sprinkled. It is not required to be sprinkled for the uses that are proposed.

The Chairman's, Board members' and Public questions are in **BOLD** font the witnesses' in *italic* font for the witness Dan Governale, AIA.

D. Frank asked:

I had a quick question on the office air conditioning. Where were the condensers going to be located?

- DG said Condensers would either be screened the roof level, or we would screen them.

They wouldn't be near the residence side though, but they wouldn't be near the east side of the building.

- DG said I would not propose that on that side of the building. No, I would keep it near the parking areas and where the primary commercial use is being done.

Okay, or is there any rooftop equipment like dust collectors or vents, for high velocity vacuum?

- DG said Greg and I have not discussed that. He would be best to answer that question, but it hasn't come up yet.

The concern is just about sound, you know, with the community.

K. Kaczynski said:

Completely understood and again there was testimony and I know the applicant would agree that we would comply with whatever state noise requirements there would be at the property lines. If screening is necessary, we certainly would do whatever was necessary in order to ensure that those noise levels were maintained.

C. Ostergaard asked:

The lighting, especially on the side bays, going to be on a timer or will those be lit all night long?

- DG answered it's my understanding that the owner would not want them lit all night long. They would want control of that but I'm sure if we need to set hours or set timers or anything to make sure that those lights do turn off that we would be able to put that in place.

F. Floyd asked:

What type is this building going to be classified as?

- DG confirmed it would qualify as an F2, S2, and B. And because of the materials that are being handled by the owner, aluminum, metals, glass. Anything of that is deemed noncombustible. So, when looking at factory use 2 and storage use 2, those are low hazard categories in chapter 9 of the IBC and then obviously the office area really don't have any triggers for sprinkler either.

F. Floyd continued:

Yeah, that wasn't clear until tonight's testimony of what type of materials you'll be fabricating in the facility. F2, those light manufacturing rate with mostly glass and metal, non-combustible materials, so that's

probably appropriate. Would the applicant consider, since we don't have a sprinkler requirement, put a water source at the facility given the size of this facility. Perhaps, you know, a 20- or 30,000-gallon cistern where they access through water sources. We have no public water source. For fire suppression in Kingwood Township. Since we don't have a sprinkler requirement but water source at the facility given the size of this facility, perhaps, you know, 20 or 30,000 gallon cistern. We have no public water source for fire suppression in Kingwood Township.

– DG said he would have to defer on that. I know that we were trying to design a building that didn't require those types of systems. So that was our instruction with noncombustible construction and, working with those materials that they are only going to be using.

P. Lubitz asked the applicant if had any comment on that.

– GL stated we don't really work with anything that's combustible. My plan, working with the architect, is to build a building that didn't have anything that was combustible so we wouldn't have that cost. And that was that was an important part, trying to build this as cost-effective as possible knowing the work that we do. We didn't think that it was necessary, and we don't have any materials inside that or combustible.

F. Floyd said:

That's not true if you're bringing equipment in. That they're going to be working on.

– GL replied if we bring in a trailer, a trailer doesn't have any gas tanks or anything like that. So, we're not bringing any vehicles in there we're just backing in a trailer. The trailer doesn't really have any gasoline or anything in it. It will only be trailers inside the building, never a vehicle.

You're not willing to put a water source in to protect your property, is that what I'm hearing?

– GL answered I always would like to, property, but I don't think it's a cost that I need to consider knowing that the material that we're using to build the building and you know that we're working with aluminum that's not combustible. We wanted to save that and be able to put that money toward other things.

P. Lubitz commented:

Yeah, I think our fire chief's concern is and it's the concern everywhere in the township, you know, we don't have fire hydrants, we don't have water supplies. One of the reasons the truck requires that really firm surface is because they're carrying their water with them.

– GL said it's certainly something I'll ask the design professionals what they think we should do and we can take it from there.

F. Floyd asked:

If we could clarify testimony that if the construction code official deems this as an F one or an S one building, a higher hazard, the building will be sprinkled according to code.

– DG answered yes, we would have this subdivided in separate fire areas and stay under a 12,000 square foot threshold for the S-1 or F-1 use which is a possibility as well. We've done that for a variety of car dealerships and similar facilities that have a shop, and they have a showroom. So, if the code official deemed it as a higher hazard, we would have to address that accordingly.

F. Floyd continued:

The other is just making sure we have access. Our current codes given that we do share of service with the Raritan Township Fire Marshal is to have a 3,200 series knock box. I'm sure you're familiar with these. These are key boxes that we would have access to every lock within the building. So, you know, 2 o'clock in the morning we're not waiting for somebody.

– Absolutely.

The last item, the request of our fire marshal was responder radio frequency testing. Are you familiar with that?

– DG asked that's a new, like the 5G alarm systems or is that a separate topic?

So, no, it's not for 5G alarm systems. It's specifically through firefighter radio communication to make sure that we can transmit. It's specifically for firefighter radio communication to make sure that we can transmit into and out of the building. So essentially our firefighters are not the left on their own once they entered the facility. As long as the test passes, you don't need to put anything else in. If they fail, you may need to remediate the building with repeaters.

– DG said yes, yeah, that's fine. That's understood. So, you're scanning for a clear signal within the structure. If there's interference due to the steel or the building and you had to put a or a repeater, you would do that.

Yeah. Penetration. I mean this was a rather open space but again, depending on the construction materials, it may or may not prohibit coming out of the building.

– DG replied understood. Yeah, we would agree to that.

P. Lubitz asked for questions from the Public. None noted so he went onto the next witness.

Ms. Kaczynski continued with her witnesses. She called their planner, Matthew Flynn (MFP) He stated his name, business address and his credentials. His credentials were accepted by the Board. He confirmed he prepared the plans submitted with the application.

Mr. Matthew Flynn, Planner (MFP) began his discussion stating we are talking about one tax lot which is Block 6 Lot 27 with a lot area of almost 3 and a half acres, 3.46 acres. It's undersized per the zoning ordinance which requires 4 acres minimum.

- MFP continued they are requesting a D-1 use variance saying that the proposed use is not explicitly permitted in the zone so the enhanced burden of proof for a D-1 use variance is what we call the site suitability standard. Seeing that this use is not permitted here, what makes this site suitable for the proposed use so in terms of site suitability he did a planning analysis of some nearby properties.
- MFP said there are multiple similar uses nearby within about a thousand feet or so we're compatibility in that regard.
- MFP gave some examples of similar uses - auto service auto parts auto repair, a collision center, and Copper Creek landscape management.
- MFP said what the applicant is proposing is much less intense than any of those uses.
- MFP said in terms of site suitability, this is an already cleared piece of property and we don't really need to expand the development footprint of what's out there today.
- MFP said the aerial image shows the pad of what was out there. There is no need to disturb any additional lands with this proposal. All that goes towards the site's suitability standard.
- MFP continued we do have to prove what we call the special reasons or the purposes of zoning. This comes from the municipal land use law, which sets forth purposes that zoning is supposed to fulfill and just to go over some of these.
- MFP stated the purposes: Purpose A - promotion of the general welfare purposes; Purpose G - a variety of uses in appropriate locations; Purpose I - desirable visual environment and Purpose M - efficient use of land. All of those purposes are furthered here.
- MFP said lot coverage is decreasing by about 38%.
- MFP said we're introducing substantial new landscaping and putting this property back into active use.
- MFP continued in terms of efficient land use; this is an experienced applicant who is doing the same exact operation elsewhere, so this is somebody we do have the benefit of knowing exactly what this applicant needs because it's already happening, so we don't need to use up any more land than what is necessary.
- MFP said we heard from our architect that this is going to be attractive architecture that takes into account the surrounding neighborhood.

- MFP said this is a use that directly benefits schools which we know in land use law, schools themselves are what we call inherently beneficial uses. This is a use that's going to bolster those uses.
- MFP stated all those planning goals I just went through I believe are furthered and satisfied the special reasons test.
- MFP talked about the negative criteria. I don't believe there would be any substantial detriment to the public or to the zone. We are in that scenic overlay zone and despite the added restrictions of that zone, this is a zone that encourages development along route 12. It specifically seeks to reverse stagnation of some of these underdeveloped properties along Route 12. The only caveat is that it would like to do so in an aesthetically, with an aesthetically pleasing streetscape. The applicant has satisfied the intent of that scenic overlay zone.
- In terms of negative criteria and zone performance, we comply with, front yard to the building, rear yard, side yards, building coverage, floor area ratio, end lot coverage. The specific coverage is about half of what we're allowed here.
- With all of those factors, the proposed use does not constitute over development by any means. It's a modest development of the property.
- MFP continued this is not what I would call a substantial departure from the zoning ordinance, seeing that offices and the mini warehousing are permitted uses in the zone. This is not a substantial departure from what the zoning calls for that goes towards the D-1 use variance.
- MFP said we are requesting certain C variances from that Scenic Overlay Zone as follows: lot depth. We need 199.14 feet and we're proposing 152.6 feet, an existing condition that would be inherent to any use of this property; building depth, 175 feet versus 67 feet; front set back to a parking space which is 115.9 feet, and we need 199.14 feet.
- MFP said we provide the exact amount of parking spaces that's contemplated by zoning.
- MFP stated the advantages that are outlined in the in the planner's report can be justified by the C-2 balancing test whereby the benefits of the application substantially outweigh any detriments.
- MFP said in terms of negatives, this is a vast improvement over what's there today. This is an applicant that knows exactly how he's going to use the property and I think that's an added benefit of going through this process here.
- MFP stated this is an appropriate development and approval is warranted.

Ms. Kaczynski had a few follow-up questions for Mr. Flynn. She asked:

The prior use of the property as a bowling alley, would you say that's more or less intensive than what the applicants looking to use the property for today?

- More intensive.

Looking at the proposed architectural design of the building, in your professional planners opinion, does that fit into the landscape and the intent purpose of this of the Scenic Overlay Zone?

- Absolutely, I do.

Given the neighboring residences do you think it fits in with that landscape as well?

- I do.

Ms. Kaczynski had no more questions for Mr. Flynn. The Chairman noted there were no more questions from the Board or Public.

M. Flynn, Attorney said:

I would just advise that you make one last call because we did public questions of Mr. Flynn. If the applicant is through with all of their witnesses, I think it would be appropriate to open it for public comment as well.

P. Lubitz asked:

Is there any comment from the public other than when we were asking questions before. Is there any public comment? Okay. Well, they're being none then, then it is the appropriate time to close the public hearing. So, if I could have a motion to close the public hearing.

L. Bella made a motion, seconded by **D. Hewitt** to close the Public Hearing. All members present voted AYE.

P. Lubitz asked **M. Flynn**, Attorney how we should be proceeding right at this point.

M. Flynn, Attorney said:

The applicants outline their site plan and the variances that they need. If the board wants him to go through the proposed conditions of approval he can. You'll get a chance to review the draft resolution before you vote on it next meeting so if you'd rather defer that list of conditions until you see the resolution, we can do that where I can do it properly.

K. Kaczynski said:

She wants to make sure we're on the same page with regard to the the wetlands issue. She doesn't think the applicant has any issue with regard to the specialist. She thinks **Crystal's** suggestion was to have the specialists then work with the applicant and the board engineers to make that determination and then satisfy the language of the letter, which is essentially to show that on the plan. That that works the best for them just so it's not something they're trying to deal with later on.

C. Eggers replied:

Show it on the plan and then all applicable additional permits is another item in the letter, right? So, if showing it on the plan results in needing a DEP permit then that'll be required but we'll work with the applicant to try to stay away from the DEP.

M. Flynn, Attorney said:

The DEP if necessary and then you have the County Health Department and I think there was a fire official that had to do a review as well.

P. Lubitz asked for a motion to approve or deny the application. There was a delay in a response from the Board.

D. Hewitt then stated:

I guess I could make the motion. So, I am a little concerned with the wetlands issue, it is going to be very confusing. I would think how can we, you know, it's on someone else's property virtually, of determining where the lines are? You know, it's a very I don't know, it's difficult to. I know it will be a condition, but what if that property owner doesn't allow it?

K. Kaczynski said:

It is possible that it goes that route. It is also possible that the determination could be made by the specialists without going on the neighboring property. I think that this point the applicant would be willing if the board was so inclined to entertain a motion to approve subject to the condition that we indicated if for some reason there is a problem, then obviously we are back before the board asking for relief from that condition or explaining what it is that we found and how we need an amended site plan approval or whatever the case may be.

M. Flynn, Attorney said:

Yeah, I would just also echo that if they do indeed need that 150-foot transition buffer they'd have to come back for amended site plan because it would completely change the layout of the of the site. They would have to come back. We get these issues a lot where we're speculating about an outside agency approval. Ultimately the board is vested with the authority to say we've done our part, we've vetted the application from townships

perspective and if they need DEP permitting, we're conditioning our approval on the appropriate DEP permitting. It happens you know, a myriad of other situations that aren't just a transition buffer from a residential.

P. Lubitz replied:

Yeah, I think David's question though, was actually, what if we end up, in sort of a no-man's land where we don't really get a determination from DEP. But in any event, the applicant will have to come back to the board.

M. Flynn, Attorney said:

Exactly. If they can't satisfy the condition, they'll have to apply for relief from that condition from this board.

P. Lubitz said:

So, David you're making a motion?

D. Hewitt said I would yes.

P. Lubitz asked for a second motion. There was a delay in a response from the Board so he said he would step down and make a second motion. He asked for a discussion on the motion. No discussion was made. He then asked for a roll call vote.

Roll Call Vote:

P. Lubitz	Yes
D. Hewitt	Yes
C. Ostergaard	Yes
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Abstained*

*Due to technical issues with Zoom, P. Jelvani could not hear the Board and the Board could not hear him or get his vote. M. Flynn, Attorney told the Board Secretary she could not get his vote later. It must be done contemporaneously. Even if he votes no, the application is approved because they got their 5 for the use variance. He advised the Board to mark Paymon's vote as abstained because we could not confirm if he was able to hear all the testimony and actually participate.

K. Kaczynski and the applicant **Gregg Lynch** thanked the Board and said good night.

APPROVAL OF MINUTES:

P. Lubitz said next is approval of the September & October Meeting Minutes. **P. Lubitz** asked if there were any questions or comments, additions or corrections to the September 9, 2023 BOA Meeting Minutes. None noted. The Chairman asked for a motion to approve the September 9, 2023 Meeting Minutes. It was moved by **D. Hewitt**, seconded by **D. Frank** to approve the Meeting Minutes of September 9, 2023.

P. Lubitz asked for a Roll-Call Vote:

Roll Call Vote:

P. Lubitz	Yes
D. Hewitt	Yes
C. Ostergaard	Abstain
L. Bella	Yes
D. Frank	Yes
P. Jelvani	Absent*

*Due to the technical issues with Zoom, P. Jelvani dropped off from Zoom at this point.

P. Lubitz asked if there were any questions or comments, additions or corrections to the October 11, 2023 BOA Meeting Minutes. None noted. The Chairman asked for a motion to approve the October 11, 2023 Meeting Minutes. It was moved by C. Ostergaard, seconded by L. Bella to approve the Meeting Minutes of October 11, 2023.

P. Lubitz asked for a Roll-Call Vote:

Roll Call Vote:

P. Lubitz	Yes
D. Hewitt	Yes
C. Ostergaard	Yes
L. Bell	Yes
D. Frank	Yes
P. Jelvani	Absent

CORRESPONDENCE/REPORTS:

P. Lubitz said next on the Agenda was the Zoning Reports for September and October, the Planning Board Agenda and Planning Board Minutes. P. Lubitz asked if there were any questions or comments to make on those 3 items. David Frank commented that the Zoning Report still does not have the description detail on it. The Board Secretary said the Zoning Officer is still trying to work on getting that information into his report but he is having issues with the SDL Portal report. The Zoning Officer has been trying to get in touch with the SDL people to help him with this issue.

P. Lubitz asked for any last comments. D. Hewitt mentioned we have our Kingwood Township Tree Lighting on the first Saturday of December in Kingwood Park on Union Road. The Kingwood School is coming with their chorus at 4 o'clock and then the actual lighting will be around 5:30. Santa Claus will be there, I'm sure.

The Chairman stated this is our longest meeting. I think we've kept track of the shorter ones. We might have some longer ones in the future. I thank you all for bearing with this. Matthew is always helpful. Crystal, welcome and thank you for participating today. It's going to be interesting to see what happens with that wetland determination. It's a nightmare for anyone who's ever gone through it. Other than that, I just wish everyone well. I guess we have some holidays coming up, so I wish you well. Happy Thanksgiving.

ADJOURNMENT

P. Lubitz asked for a motion to adjourn. D. Hewitt made a motion, seconded by D. Frank to adjourn the meeting. All members present voted AYE. The meeting ended at 10:16pm.

All meeting votes were unanimous with a vote of 5:0 with a sustained quorum. There were no controverted issues and there was no conflict of interest for any of the Board members in attendance.

Respectfully submitted,

Karen Radcliffe
BOA Secretary

October 2, 2023

Ms. Karen Radcliffe, Secretary
Kingwood Township Board of Adjustment
599 Oak Grove Road
Frenchtown, NJ 08825

CIVIL ENGINEERING
WATER RESOURCES
ENVIRONMENTAL
SURVEYING
LANDSCAPE ARCHITECTURE

RE: Preliminary & Final Site Plan and d Variance Application
Applicant-Big Riggs Real Estate, LLC
Block 6, Lot 27
1089 State Highway 12
Kingwood Township
E&LP Project #KT 23003-06

Dear Ms. Radcliffe:

The above referenced property consists of approximately 3.46 acres and was previously developed as a bowling alley, known as Hunterdon Lanes. The structure has been removed, however the concrete slab and paved parking lot still remain on the site. Two driveways exist from Route 12. The entire lot is located in the HC Highway Commercial Zone. The property is square in shape and has frontage on NJ State Highway Route 12.

The applicant is requesting Preliminary and Final Site Plan approval with d variance in connection with the construction of a proposed Warehouse/Light Manufacturing facility. The proposed facility will be accessed via the existing westerly driveway off Route 12. The easterly driveway will be removed. Various site improvements are proposed including paved parking, lighting, landscaping & utilities.

The following information has been provided in connection with the application

- Transmittal Letter and Exhibit A, prepared by Kara Kaczynski, Esq., dated 9/14/2023.
- Completed Site Plan Checklist with waiver requests, prepared by Antoine Hajjar, PE & LS.
- Application form signed by Gregg Lynch, dated 8/2/2023
- Affidavit of Ownership, signed by Gregg Lynch, dated 8/2/2023
- Hunterdon County Planning Board Application, undated
- NJDOT Letter of No Interest, dated 7/5/2023.
- Checklist for Variance Applications, signed by the applicant, dated 6/13/2023.
- Site Plan Checklist, signed by the applicant, undated.
- Copy of property deed
- Boundary and Location Survey, prepared by Land Solutions Engineering, LLC, dated 11/22/2021, consisting of one (1) sheet.



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- Stormwater Management Summary, prepared by Land Solutions Engineering, LLC, dated June 2023.
- Architectural Floor Plans and Elevations, prepared by Barlo Governale & Associates, Brick Township, NJ, dated 5/26/2023.
- Copy of certified property owners within 200 feet of subject property, dated June 13, 2023.

Site Plan Checklist Completeness Review

Items not identified below are considered to be either "complete" or "not applicable" to the proposed project.

ADMINISTRATIVE

Checklist Item #5- Seven copies of hydrogeological report and pump testing as required by 153-29 and 153-30 of Board of Health Code where construction of a well is required- A "waiver" has been requested by the applicant. The applicant states that they will utilize the existing well. *We have no objection to this waiver, given the scope of the application.*

Checklist Item #7- Seven copies of well testing, as required by Chapter 153, Article II- A waiver has been requested by the applicant. The applicant states that they will utilize the existing well. *We have no objection to this waiver, given the scope of the application.*

Checklist Item #11- Certification from the Tax Collector that all taxes and assessments on the entire tract have been paid to date- This information was not provided in our packet. *We recommend that confirmation of paid taxes be provided prior to the application being deemed complete.*

Checklist Item #13- Proof of submission of application and fee to the New Jersey Department of Environmental Protection for Freshwater Wetlands Letter of Interpretation. A waiver has been requested for providing this information. The NJDEP GeoWeb indicates potential freshwater wetlands off-site on Block 6, Lot 29.03. The applicant's engineer has indicated that if these wetlands are present, it is his opinion that the off-site wetlands are ordinary resource value, and that they are seasonally disturbed through agricultural activity. *We have no objection to a waiver for completeness purposes based on this information. Testimony can be obtained during the public hearing and if the Board requires confirmation of this condition, then a "Presence/Absence" determination can be required as a condition of any approval.*



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Checklist Item #14-Proof of Submission of application and fee submitted to the County Soil Conservation District- This information was not provided in our packet. *We have no objection to a waiver for completeness purposes only, given the scope of the application.*

Checklist Item #18- The Threatened/Endangered Species Survey Data Sheet, Appendix A to Township Code Section 115-6.7, shall be submitted if threatened or endangered species are present on the site, as per the NJDEP Natural Heritage Database or the Landscape Project Statement or Environmental Impact and Assessment (SEIA)- The applicant is requesting a waiver for providing this information, noting that the site is already developed. *Given the scope of the application, we have no objection to the waiver.*

Checklist Item #19- Statement of Environmental Impact and Assessment (SEIA)-7 paper copies and 1 copy in electronic format- The applicant is requesting a waiver for providing this information, noting that the site is already developed. *Given the scope of the application, we have no objection to the waiver.*

Checklist Item #20- Threatened and Endangered Species Investigation- The applicant is requesting a waiver for providing this information, noting that the site is already developed. *Given the scope of the application, we have no objection to the waiver.*

PLAN REQUIREMENTS:

Checklist Item #20- Documentation of feasibility of an adequate method of sewage disposal and reserve site- The applicant has requested a waiver for completeness purposes only, for providing this information. *We have no objection to this given the scope of the application. The Board should require that this information be provided as a condition of any approval.*

Checklist Item #33- Show all existing and proposed signs and their sizes- The applicant's engineer has noted that no building mounted or free-standing signs are proposed. *If it is determined that at some time in the future a sign is requested, then a sign permit application will be required through the zoning officer.*

Checklist Item #36 Show improvements to adjoining streets and roads and traffic control devices necessary in streets or highways- The applicant has requested a waiver for providing this information. *We have no objection to this waiver given the scope of the application.*

Checklist Item #38- Fire service lines, hydrants, Siamese connections, automatic sprinkler systems, fire zones, no parking fire zones and pavement and wall signs- This item has been identified as "complete" by the applicant. A waiver request for completeness purposes only is appropriate for this item. *We have no objection to a waiver request for*



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this information provided that the appropriate Township Fire Personnel are provided with the site plans and architectural plans so that they can review and provide comment on the application with regard to fire safety.

Variance Application Checklist

Items not identified below are considered to be either "complete" or "not applicable" to the proposed project.

Checklist Item #18- Location and type of existing and proposed easements or rights-of-way and utility structures, including ponds, drainage, sewer, water, sight rights, power telephone and gas lines within 200 feet. A partial waiver is appropriate for this item. Some off-site features have not been shown on the plans. *We have no objection to a partial waiver given the scope of the application.*

Checklist Item #30- Show all existing and proposed signs and their sizes- The applicant's engineer has noted that no building mounted or free-standing signs are proposed. *If it is determined that at some time in the future a sign is requested, then a sign permit application will be required through the zoning officer.*

Checklist Item #36- Fire service lines, hydrants, Siamese connections, automatic sprinkler systems, fire zones, no parking fire zones and pavement and wall signs- This item has been identified as "complete" by the applicant. A waiver request for completeness purposes only is appropriate for this item. *We have no objection to a waiver request for this information provided that the appropriate Township Fire Personnel are provided with the site plans and architectural plans so that they can review and provide comment on the application with regard to fire safety.*

Checklist Item #41- Calculations demonstrating the adequacy of existing and/or proposed drainage and/or surface water management facilities- The applicant has requested a waiver for providing this information. *A stormwater management summary has been provided. We find this adequate to fulfill this checklist requirement.*

Checklist Item #46- Stormwater Management Plan- The applicant has requested a waiver for providing this information. *A stormwater management summary has been provided. We find this adequate to fulfill this checklist requirement.*



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We trust these comments will be helpful to the Board in its consideration of the application for completeness. We will have a representative from our firm at the meeting to answer any questions.

Sincerely,



John Hansen, PE, PP, CME

cc: Board Members
Big Riggs Real Estate, LLC
David Banisch, PP, AICP
Kara Kaczynski, Esq.
Antoine Hajjar, PE
Matt Flynn, Esq.



October 29, 2023

Ms. Karen Radcliffe, Secretary
Kingwood Township Board of Adjustment
599 Oak Grove Road
Frenchtown, NJ 08825

CIVIL ENGINEERING
WATER RESOURCES
ENVIRONMENTAL
SURVEYING
LANDSCAPE ARCHITECTURE

RE: Preliminary & Final Site Plan Application with D Variance

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Block 6, Lot 27
1089 State Highway 12
Kingwood Township
E&LP Project #KT 23003-06

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The applicant is requesting Preliminary and Final Site Plan approval with d variance in connection with the construction of a proposed Warehouse/Light Manufacturing facility. The proposed facility will be accessed via the existing westerly driveway off Route 12. The easterly driveway will be removed. Various site improvements are proposed including paved parking, lighting, landscaping & utilities.

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- Copy of certified property owners within 200 feet of subject property, dated June 13, 2023.

I. Completeness

The application was deemed complete with waivers granted on October 11, 2023.

II. Technical Review

General Comments:

1. The applicant and their professionals should provide the Board with direct testimony on the proposed improvements and the variance relief required.
2. The applicant should provide direct testimony regarding the use of the building, the number of employees anticipated, and the hours of operation.
3. The applicant or their professionals should provide some direct testimony regarding the proposed building materials and intended colors.
4. The Fire Official should review and approve the plan for fire access.

Individual Plan Sheet Comments:

Sheet 1-Cover Sheet

1. The applicant and owner information should be provided on this sheet.
2. The name of the project should replace the "X" on this sheet.
3. The list of property owners within 200 feet should be provided on this sheet.
4. Hunterdon County Soil Conservation District Certification of the project should be noted under the Outside Agency Approvals required.
5. The survey document from which the Boundary and Topography was referenced should be noted in the plan set.



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Sheet 2- Existing Conditions & Demolition Plan

1. The proposed landscaping should be removed from this sheet.
2. The offsite wetland area and any associated transition area should be shown on this plan.
3. The existing site identification sign should be shown to be removed.

Sheet 3-Site Plan

1. All proposed curb radii shall be shown on this sheet.
2. Turning movements of the largest truck anticipated to access the site should be added to this sheet. The movements should extend from Route 12 to the loading dock.
3. Clarification should be provided regarding the surface intended to be constructed for the "Reinforced Fire Lane and Forklift Access Drive". If this is to be constructed of reinforced turf as detailed on sheet 8, it should be confirmed that it will support a fire truck and subject to review and approval by the Fire Official.
4. The setback of the existing well to proposed building shall be approved by the Hunterdon County Health Department.
5. A stop sign and stop bar shall be added to this sheet.
6. The proposed septic system design shall be approved by the Hunterdon County Health Department.
7. The trash enclosure shall be dimensioned on this plan. The enclosure shall be sized to accommodate both solid waste and recyclables.
8. The minimum building setbacks per the HC Zone should be shown on this sheet.
9. The proposed parking calculations have been based on the requirement of warehousing in the BP Zone, where warehousing is a permitted use. The applicant should confirm that this is sufficient for the proposed use, since this use is not permitted in the zone.
10. The materials for the retaining walls proposed on each side of the loading dock should be specified.
11. Guiderail will be required on the south side of the southerly retaining wall.
12. Safety railing is required for fall protection on each side of the proposed retaining walls.



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Sheet 4-Grading and Utility Plan

1. The outlet pipe for the drain proposed within the loading dock should be shown on the plan. The pipe size and inverts should be provided.
2. The plan should specify how the building will be heated.
3. The proposed downspout and discharge locations should be provided on this plan.
4. Any ground mounted HVAC equipment to serve the building should be shown on this plan.
5. The applicant's engineer should provide clarification regarding Note #8.
6. The applicant's engineer should confirm as to whether the existing overhead wires will need to be adjusted to provide sufficient clearance for the intended truck size that will access the site.

Sheet 5-Lighting Plan

1. All proposed building mounted lights should be shown on this sheet and on the architectural plans.
2. The mounting height of the site lights should be clarified. The detail on this sheet shows multiple mounting heights.
3. The color and material of the proposed light poles should be specified on the plans.

Sheet 6-Landscaping Plan

1. The planting schedule shall be revised to reflect the proposed number of plant material shown in plan view.
2. The applicant should consider providing some screening between the proposed building and the existing dwelling located on adjacent lot 28.
3. The buffer areas required per 132-54A should be provided on this sheet, or relief shall be requested.
4. We defer any additional landscaping comments to the Township Planner.



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Sheet 7- Soil Erosion and Sediment Control Plan

1. The sequence of construction shall be revised to reflect the proposed improvements associated with the project.

Sheet 8- Construction Details

1. The dimensions of the solid waste enclosure are not consistent with the scaled dimensions in plan view. This shall be corrected.
2. The materials proposed for the solid waste enclosure should be provided on the detail.
3. A detail of the proposed retaining wall, guiderail and safety railing should be added to this sheet.
4. A detail of the loading dock storm drain should be added to this sheet.

Architectural Plans

1. All building mounted lighting shall be shown on this plan. The height of the fixtures should be dimensioned from grade.
2. If the building is required to be sprinklered for fire suppression, the location of the pressurized tank should be shown.

Stormwater Management Statement

1. The total proposed impervious coverage in the report does not match the plan set. This should be clarified and the calculations within the report updated as required.

Additional Comments

1. A transmittal letter shall be included in any revised plan re-submission. The correspondence shall provide details of the plan changes and where those changes can be found in the plan set.
2. Prior to construction, the applicant shall obtain all outside agency approvals and schedule, and participate in, a pre-construction meeting.
3. The applicant's engineer shall prepare a cost estimate for the proposed site improvements for the purpose of calculating the inspection escrow.
4. Any site plan checklist items waived for completeness only shall be provided as a condition of any approval.
5. Any development fees shall be provided as a condition of any approval.



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6. Prior to issuance of a certificate of occupancy, all improvements must be constructed or bonded to the satisfaction of the Township Engineer.
7. Prior to issuance of a certificate of occupancy, an as-built survey shall be prepared by a NJ Licensed Land Surveyor and provided to the Township Engineer for review.

We trust these comments will be helpful to the Board in its consideration of the application. We will have a representative from our firm at the meeting to answer any questions.

Sincerely,



John Hansen, PE, PP, CME

cc: Board Members
Big Riggs Real Estate, LLC
David Banisch, PP, AICP
Kara Kaczynski, Esq.
Antoine Hajjar, PE
Matt Flynn, Esq.

