Upper Pittsgrove Township
Land Use Board Minutes
December 18, 2014

TO: Township Committee Linda S. Buzby, Twp. Clerk
Land Use Board Members L. Andrew Hoglen, Zoning Officer

A regular meeting of the Upper Pittsgrove Township Land Use Board was held in the Township Hall on the above date. The meeting was called to order at 7:30 P.M. by Board Chairman reading the public announcement stating that adequate notice had been given provided under the "Open Public Meetings Act" and a flag salute.

Members present were: John Coombs, Thomas Buzby, Jack Cimprich, Edward Meschi, Ralph Sickler, Alan Gardner, Glenn Myers, William Gantz and Linda Buzby.

Also present was: George G. Rosenberger, Jr., Board Solicitor, Stephen J. Nardelli, Board Engineer, Sarah Birdsall, Board Planner, Sarah Walker, Recorder, Erik Peterson, Esquire, John Pettit, Engineer, Darrin Buono, Wayne Natale, Esquire, Tiffany A. Cuivello, Planner, Michael Kavlunas and Township visitors.

Business to come before the Board:

1. Minutes from November 20, 2014

2. Upper Pittsgrove DD, LLC – Block 61 Lot 19 Route 40
Preliminary/Final Site Plan w/Bulk Variance for a Dunkin Donuts/Pizzeria

3. Michael Kavlunas – Block 3 Lot 8 – Taylor Road
Use Variance to operate a well-drilling business

4. Resolution –
Jamell Rosario

1. Minutes –

A motion to approve the minutes from the November 20, 2014 meeting was made by Ralph Sickler. This motion was seconded by Glenn Myers and adopted unanimously.

2. Upper Pittsgrove DD, LLC – Block 61 Lot 19

The Board Chairman opened the public hearing for Upper Pittsgrove DD, LLC. This application was for Conditional Use to operate a planned commercial center with

variances, and Preliminary and Final Site Plan approval. The applicant was represented by Erik C. Peterson, Esquire. Mr. Peterson explained that Lot 19 contained 1.25acres where 3.0acres were required for Conditional Use approval. The applicant provided proof that an attempt was made to acquire additional ground to make Lot 19 conforming, but there were no positive responses from the adjoining property owners. Therefore a (d)(3) variance was necessary for the area condition. Due to this variance both Jack Cimprich and Edward Meschi recused themselves from this portion of the application. All setback requirements could be met. Darrin Buono, co-owner of the proposed Dunkin Donuts explained his ten year history with developing Dunkin Donut franchises and twenty years within Dunkin Donuts. He explained the process Dunkin Donuts used to approve a site because they have specific brand standards that must be complied with. Mr. Peterson explained that the proposed office spay would be utilized by Mr. Buono to conduct his franchise business. They were proposing a pizza shop along with the Dunkin Donuts and office space. They felt it was a good fit because pizzeria would operate at opposing hours with the Dunkin Donuts. Dunkin Donuts typically does 60% of its business before 10AM. Mr. Peterson explained the signs Dunkin Donuts required in their sign package, which included visual, safety, menu board and directional signs. He stated that the menu board speeds up service and is necessary for the drive-thru. The applicant was also proposing a pylon sign containing identification of the three proposed businesses.

The applicant's engineer/planner, John Pettit gave an overview of the current conditions on Lot 19. Currently there was only one access point for the lot. They were proposing two; an egress and ingress, which would require a variance due to inadequate frontage. Mr. Pettit continued to address the proposed parking; 22 spaces, required 21. He explained that the drive-thru lane would hold up to 14 cars stacked. Trash would be located in an enclosed area. The loading area, as designated on the plan would be in the drive-thru lane. It was noted that there was also a bypass lane proposed. Mr. Pettit stated that a tractor trailer would bring deliveries weekly. He continued that while the delivery was being made, the bypass lane would be inaccessible. He felt that the addition of additional pavement to accommodate a loading/unloading zone was unnecessary. Mr. Pettit reviewed the requested variances as follows: proposing 2 driveways were only one was permitted for 200 feet frontage, proposing a 10 foot landscape area between the parking a right-of-way, where 20 feet was required. This was due to the existing building location after an addition to the building for the Dunkin Donuts store. To accommodate the ordinance for landscaping the parking area would have to be reduced. The applicant was seeking signage variances as follows: 5 facade signs, an aggregate area on the pylon sign of 126 square feet where only 95 feet was permitted and proposed at a height of 25 feet where only 20 were permitted. Mr. Peterson questioned Mr. Pettit regarding the site circulation and proposed use. Mr. Pettit stated that the site could easily accommodate the proposed uses and that there would be no negative impact to the zone or surrounding areas. Since they were proposing one egress there would be no additional impact to the traffic on Route 40. He noted that the plan would create a 10 foot buffer between Route 40 and the parking area where currently there was none. Mr. Pettit stated that in his professional opinion the granting of the requested deviation would create no impact and does meet the purpose of the zoning. He stated that the signage requested was slightly larger due to the proposed multiple business on the site. Board member Thomas Buzby questioned the proposed loading/unloading zone. Mr. Pettit responded that this was customary to utilize the by-pass lane since deliveries occurred at off-peak hours and

usually takes less than an hour of time. Mr. Pettit addressed the Storm Water Management concerns. He stated that 70% of the site would be hard-packed gravel and that the Storm Water Management regulations only kicked in if they were disturbing one acre of land or more or adding additional green area due to increased paving. He continued that the Department of Transportation had inlets that they would be tying into and would fall under DOT's jurisdiction. He stated that based on the soil types a basin could not be accommodated on site easily. He stated that he would provide drainage calculations to the Board Engineer for his review.

Board Engineer, Stephen Nardelli stated that all the comments contained in the review letter dated November 18, 2014 prepared by J. Michael Fralinger, Jr. had been satisfied with the exception of the loading/unloading area and Storm Water Management. Board member William Gantz asked for off-peak hours to be defined. Mr. Buono stated that while the store would be open 5AP until10PM their busiest time would be 6-9AM. Deliveries would arrive after 10AM. At that time the bypass lane would be in use and any customers would have to utilize the drive-thru lane. Board Solicitor, George Rosenberger stated that the Storm Water Management Plan was a required by State Statute and was required because there was a change to the use of the property. Mr. Nardelli felt that underground chambers could be utilized for drainage. It was his opinion that not all avenues had been explored when addressing the storm water issue. The Board Chairman commented that he liked that the drainage could tie into the DOT system.

Board Planner, Sarah Birdsall commented on her review letter dated November 4, 2014. Ms. Birdsall suggested imposing a window for the deliveries to help alleviate any possible congestion. She reminded the Board that they needed to determine whether the proposed changes were so great so that the use could not continue. Ms. Birdsall questioned Mr. Buono regarding the necessity for all the proposed signage stating some might be overkill, such as the greeting sign upon entrance and the "Have a Good Day" sign at the exit, and whether an office sign was necessary given the nature of the office. Mr. Buono agreed to omit the office sign. Ms. Birdsall felt this was a good use of the property and well worth considering the requested deviations. Board member Thomas Buzby questioned Mr. Pettit about a Traffic Impact Study. Mr. Pettit stated that none had been done. Ultimately DOT would have jurisdiction on the approval of the two driveways and whether a turn lane would be required. The ordinance requirements for a Fire Zone pertains more to a large center and not one of this size.

The Board Chairman opened the hearing to the public for comment. David Hale, adjoining property owner to the west, stated his concerns with regards to the runoff and the lack of maintenance on the existing drainage ditch. He encouraged the Board to keep the grade as is, the church access easement as is and the inlets to handle the drainage from the site. There being no one further speaking either for or against this application the Board Chairman closed the hearing to the public for comment. Thomas Buzby made a motion to grant the requested deviations for the Conditional Use with all other outstanding items to be addressed at site plan review. This motion was seconded by Glenn Myers and adopted upon a call of the roll. Ayes: Sickler, Myers, Buzby, Coombs, Gardner, Gantz and Buzby Nays: None.

The Board Chairman opened the public hearing for the Preliminary and Final Site Plan approval for Upper Pittsgrove DD, LLC. Board members Jack Cimprich and Edward Meschi were able to act on this portion of the application and rejoined the Board. Board Engineer, Stephen Nardelli reiterated that all items in the technical portion of the November 18, 2014 review letter had been addressed with the exception of the bypass lane and storm water management. Mr. Rosenberger suggested the Board continue the application to give the applicant time to look at possible Storm Water Management solutions or the applicant's counsel can research to find precedent where the Board has the ability to waive a State Statute. The Board Chairman stated that he was not comfortable with the Board waiving the Storm Water Management Plan required by State Statute. Board member Thomas Buzby questioned whether soil testing had been done to find a solution for the storm water. After a brief discussion, Mr. Peterson requested a continuance until the January 15, 2015 meeting at 7:30PM. The Board Chairman stressed that the loading area was an important item that needed to be addressed, as well as the storm water issue. Mr. Peterson also stated that they would look at all the proposed signs for possible reductions which would include lowering the pylon sign and reducing the square footage on it by removing the office sign. Thomas Buzby made a motion to grant the requested continuance until the January 15, 2015 meeting. This motion was seconded by Ralph Sickler and adopted unanimously. The Board Secretary advised the public that the hearing for Preliminary and Final Site Plan approval for the Upper Pittsgrove DD, LLC application would be continued until the January 15, 2015 meeting and that no further notice would be given.

3. Michael Kavlunas – Block 3 Lot 8

The Board Chairman opened the hearing for Michael Kavlunas for a Use Variance to operate a well-drilling business on Block 3 Lot 8. Board members Jack Cimprich and Edward Meschi recused themselves from acting on this application. Mr. Kavlunas was represented by Wayne Natale. This application was required as a result of the Zoning Official's "Stop Work Order" for operating a business without the proper approvals. All Records were searched back before 1979 and no approvals were granted to anyone for the operation of a business on Block 3 Lot 8. Mr. Natale explained that Mr. Kavlunas was the owner of Total Quality Well Drilling and was proposing to maintain and store equipment that was utilized in his business in an existing building on Lot 8 which belonged to Barbara Christian, Mr. Kavlunas's mother. He was also proposing to store materials required for the operation of his business. No onsite business would be conducted with customers. Mr. Natale represented that all vehicles parked on the property were maintained and street legal. Mr. Kavlunas explained the nature of the type of business he conducts from the property. He stated that his being able to have a business there allows him to watch out for his neighbors in various ways, such as, but not limited to security, snow plowing, small welding repairs.

Tiffany A. Cuivello, planner for the applicant addressed the criteria that must be met in order for the Board to grant a Use Variance to Mr. Kavlunas. Ms. Cuivello stated that utilities were deemed an inherently beneficial use as an essential service. While Mr. Kavlunas was not an essential service he did provide a much needed service since 100% of Upper Pittsgrove Township relied on individual onsite wells for their water supply. She stated that statistically, via DEP records 21% of all wells drilled in Salem County were

drilled in Upper Pittsgrove. It was Ms. Cuivello's opinion that this type of business particularly supported agriculture in the area. Ms. Cuivello stated that this site was particularly suited for the proposed use because it worked hand in hand with agriculture. Though this use falls into the industrial use area and this particular type of use was once permitted close to Lot 8. She stated that based on this there would be no substantial detriment to the Master Plan or public good by approving this use. The Board Engineer, Stephen Nardelli's only comment at this time was that if the Board granted the Use Variance then as a condition of approval, a site plan should be required. Board Planner, Sarah Birdsall, commented on her review letter dated October 28, 2014. She questioned Mr. Kavlunas regarding the physical address of the business. Mr. Kavlunas stated that all mail was sent to a PO Box in Mullica Hill. Mr. Kavlunas stated that while he was licensed to conduct business in other states, he currently only conducted business within a 50 mile radius of 70 Taylor Road in New Jersey.

The Board Chairman opened the hearing to the public for comment. It was apparent to the Board that the full meeting room was a result of residents out in support of the application. Several residents spoke in favor of the application stating that Mr. Kavlunas was a good neighbor and a few farmers commented on his ability to provide a quick service when they were in need. There was no one speaking against this application. The Board Chairman closed the hearing to the public. The Public Notice was reviewed since technically two variances were required as a result of this application; one to conduct business in the existing building and, two to allow two principal uses on the same property, a home and the business. The notice was found to be adequate. William Gantz made a motion to grant Use Variance approval to operate a well drilling maintenance, vehicle and material storage facility on Lot 8 and to grant permission for two principal uses to exist on the lot and to require a site plan be filed and deemed complete within 90 days of this approval. This motion was seconded by Thomas Buzby and adopted upon a call of the roll. Ayes: Sickler, Myers, Buzby, Coombs, Gardner, Gantz and Buzby.

4. Resolution –

Ralph Sickler made a motion to adopt the resolution for Jamell Rosario that had been previously mailed to all members. This motion was seconded by Glenn Myers. All those who voted in favor of the approval of this application voted in favor of the Resolution.

There being no further comment and business before the Board, Thomas Buzby made a motion to adjourn the meeting. This motion was seconded by Ralph Sickler and adopted unanimously.

Respectfully submitted,

Linda Buzby, Secretary
Upper Pittsgrove Township
Land Use Board