

Warren Township Board of Adjustment Meeting Minutes
September 20, 2021
APPROVED

CALL TO ORDER:

ROLL CALL:

Mr. John Villani
Mr. George Dealaman
Mr. Fernando Castanheira (excused)
Mr. Frank Rica (excused)
Mr. Donald Huber
Mr. Michael Galbraith (excused)
Mr. Foster Cooper (excused)
Mr. Scott Bowen, Alt. #1 (excused)
Mr. Anthony Paolella, Alt. #2
Amanda Wolfe, Esq.

ANNOUNCEMENT:

Adequate notice of this meeting has been provided by posting Public Notice on the Municipal Bulletin Board on the main floor of the Municipal Building, sending a copy to the Echo-sentinel, and filing a copy with the Municipal Clerk, all on January 14, 2021 as well as the above statement concerning emergency procedures stated above.

FLAG SALUTE:

MINUTES:

The minutes of the August 2, 2021 meetings were forwarded to members for review.

ROLL CALL

Motion to approve was made by Mr. Dealaman, seconded by Mr. Huber. All were in favor.

COMMUNICATIONS: none

PRIVILEGE OF THE FLOOR PORTION OF THE MEETING:

Floor is opened to any member of the public wish to make a statement, which is unrelated to the meeting agenda. Mr. Villani opened the meeting to the public for any non-agenda. Seeing no one come forward, this portion of the meeting was closed.

CLOSE THE PRIVILEGE OF THE FLOOR PORTION OF THE MEETING

RESOLUTIONS: none

AGENDA CASE APPLICATIONS:

CASE BA 20-05 Zhengyuan Education USA, LLC
Block 71 Lot 66
Minor Site Plan with Use Variance
(not meeting all conditions of conditional use)

This application hearing is carried to October 4, 2021 at 7:00 p.m.

CASE BA 21-01 Hix Snedeker Company, LLC
Block 110 Lot 9.03, 9.04
Use variance and multiple bulk variances

Mr. Lawrence Powers, attorney for the applicant, came forward. This is an application for a (d) variance to allow outdoor storage at a permitted use of retail sales facility, Tractor Supply, located at 69 Stirling Road.

A site plan will be submitted later if the use is approved. There are bulk variances also sought. There is a front yard set-back, planted island width, number of parking spaces, residential buffer from the kennel, and parking setback from residential zone.

Mr. Mike Sanders was present as the representative the Hix Warren organization for the site. The engineer is Mr. Josh Sewald with Dynamic Engineering Consultants, Ms. Christine Cafone is present as the planner.

Ms. Wolfe sworn in the applicant's witnesses, as well as Mr. John T. Chadwick, IV, the Township Planner, and Christian M. Kastrud, the Township Engineer.

Mr. Sewald gave his credentials and was accepted. Mr. Sewald brought in Exhibit A-1; it is Aerial Exhibit dated July 19, 2021. It shows the area and he went over it with Stirling Road Running in the north and south direction and at the bottom of the property is Community Place running in east/west direction. The property has been developed for some time. It was an old Cumberland Farms. It had about 1700SF auto repair garage and small mini mart, with three garage bays. In front was the gas canopy with three fueling dispensers. There were three underground storage tanks removed. The canopy and garage still remain. There are three driveways; two on Stirling Road and one on Community Place. It is a long property, about 600 ft. along Community Place and about 175 frontage on Stirling Road. It is in the NB, neighborhood business zone. The gas station was considered an existing nonconforming use.

To the north of the property is the R-20V zone, and the neighboring property runs a kennel business. To the south of the property is Mountain Crest strip mall. To the west is the Community Fire House. East of the property, across Stirling Road, is the Watchung Hills Office Complex. The rear portion of the property is wooded.

They propose a Tractor Supply Store. Exhibit A-2 (it was submitted to board previously), entitled Conceptual Site Plan B. There are different colored areas. They seek a 190972SF

Board of Adjustment
September 20, 2021 Minutes
Page 3

store, located in the grey block of the exhibit. Behind the grey block is a yellow area and it is the fenced outdoor display area. It is proto-typical at every Tractor Supply Store, there is one in Hillsborough.

The green area in front of the building is the sidewalk display area. There is another area outlined in pink and it is the trailer and equipment display area.

There is a full movement driveway on Stirling Road to the first parking area. There is a loading and additional parking in the rear. There is an area on the northern side and is meant for loading facilities, where the tractor trailer will stage. The tractor trailers come about once a week and all the product come on that truck. In the back there are another 13 parking spaces and expect the employees to park there. There are about 8 to 12 employees depending on the shift and seasonality. They open every day at 8a.m. and close at 8 p.m. Monday to Saturday. Sunday open from 9 a.m. to 7 p.m.

There are two driveways on Community Place, one closer to the front door of the store and one in the rear for circulation purposes. There are three components of outdoor storage. The yellow area is fenced outdoor display in the rear of the property. That has larger bulkier items. The green sidewalk display is seasonal display area. The pink area is the trailer and equipment display. All three areas are part of the Tractor Supply company lease.

The pink area is low lying trailers and can attach with a hitch (in parking lot with landscaping). Green area is seasonal display and yellow fenced area outdoors in the rear.

Mr. Huber mentioned the layout looks a little bit different from some of the sites he has gone to. Is there much variation between stores. Mr. Sewald said it is the same footprint as most, 17097SF. This layout has been modified to fit within this size property. Sometimes the outdoor displays are a little different.

Mr. Huber asked what made the developer believe this is a good location. Mr. Sewald stated Tractor Supply is a destination and there is not one in every town. There are niche customers, they look for suburban/rural areas. It is not for large farms but smaller farms. There is a gap going from west to east New Jersey and this location has been looked at (Warren) for years.

Mr. Sewald brought in Exhibit A-3. One of the variances they are seeking is a front- yard setback. There are some elevations from a 3D rendering that the architect, Synergy, prepared dated September 2021. It shows the front façade. This is a higher end proto-type with canopy overhangs. There is a bump out for the vestibule and a tower like feature on top.

There are eight sheets in the Exhibit A-3. Sheet 3 shows a view at the corner of the building at the edge of the sidewalk. He went over the features and the sidewalk display area. They provided some additional architectural features along the building on Community Place with some horizontal and vertical elements. There are some trees along the building and low-lying shrubs.

Mr. Villani asked how far the building was from Community Place. It is 7.2 feet from the property line, and 22 feet to edge of pavement to building. Mr. Sewald said the site is more narrow than rectangular. There is a big front yard setback variance, although the road does not have a lot of traffic. A corner lot brings issues. They want to make sure the loading area is not on Community Place. He went over the tractor loading route off of Stirling Road to the side of the building and around the back and exit onto Community Place. It is a 35 ft access aisle. He explained the ramp and how the trucks unloading works.

**Board of Adjustment
September 20, 2021 Minutes
Page 4**

The outdoor storage has been screened behind the building. Mr. Villani asked what the forage shed is for. Mr. Sewald explained it is for permitting on the plan (but may not be needed). The forage shed houses hay for horses. If not needed they would not install the shed.

Mr. Chadwick asked about the low-lying trailers and if they are for rent or for sale. They are for sale. Every Tractor Supply has a location for trailer equipment. Mr. Chadwick asked why the building couldn't be more rectangular and off of Community Place more and move the building a little towards Stirling. They can look at that but Mr. Sewald has not done a rectangular building.

Mr. Chadwick did not say to make the building smaller but change the shape and get more setback from the street.

Mr. Sewald went over the screening of the outdoor displays. Usually, they can see the products from outside the outdoor display areas. The proposal here is to be screened. Exhibit A-4, Landscape Plan (was filed with application) was brought in. There are two rows of trees around the pink area along Stirling and the parking lot. There are about 4 trees and 30 shrubs along Community Place next to the building to break up the building.

Mr. Chadwick asked about water supply, and there is water. The sewerage authority does not have capacity and don't expect it for many years. There will be an onsite septic facility. They propose a 4000SF leach field. Mr. Chadwick asked if they might have to go to the state /DEP. If they do exceed 2000 gallons a day you must go to the state DEP for waste water quality management approval. Dynamic Engineering filed a gallons per day reduction using data off of the dozen Tractor Supply Stores that they have done. They determined their sewer demand is no more than 300 gallons per day. They will take another three to four months to get approval or not get approval.

Ms. Wolfe asked what will be stored outside. Mr. Sewald went over each area, trailer area, the sidewalk display area is seasonal products (snow blower, log splitter, dog kennels, and some bagged mulch), the back area (fenced outdoor display) is all larger bulkier items (fences, drainage facilities, bales of water for pigs or goats. In the spring time they do sell chicks and ducks and that is inside the building. There are outdoor display areas all year. There is no roofing over the display areas.

Mr. Huber asked about the fencing around the back area and how high it is. It is proposed at six feet (and prefer eight feet), they will need a variance for the solid fence in a front yard. Mr. Huber asked about the entry points for fire protection. Mr. Sewald showed the drive through area and they are closed during normal times. But a customer could make a sale for a larger item that is stored in the back inside the store and then an employee would open the gates and the product would be loaded. This is the same drive that emergency vehicles would access. They did submit a fire circulation plan.

Mr. Paoletta asked about the parking in the back and if it was non-pervious. One of the variances is lot coverage, 60% is permitted and they are at 68% proposed. The total coverage doesn't drop but they have provided porous pavement to help alleviate some of the newer stormwater regulations in New Jersey.

Mr. Huber noted the rear lot was a wooded lot, there will be no wooded lot with this proposal. Mr. Villani asked for any public to come forward with questions. Mr. Kai Vonriman from the Community Fire Community Fire Company at 14 Community Place, came forward. Mr. Vonriman spoke about issues with water runoff already.

**Board of Adjustment
September 20, 2021 Minutes
Page 5**

Mr. Sewald said they do not have full stormwater reports as this is a hearing for the use and a site plan would follow if approved. But the applicant is required to reduce the runoff from the pre to post conditions. If there is very little runoff from the wooded lot, they still will have to reduce the runoff. They will have to collect that and put it into an underground stormwater management facility. They have done preliminary grading and drainage and the back portion there will be an above ground bioretention facility. In addition, there will be three areas that will be porous pavement and collected in an underground system.

Ms. Christine Cafone, the Planner for the applicant, came forward, she had already been sworn in. Mr. Powers asked if she had an opinion as to whether or not the board can properly grant the d1 variance to permit outdoor storage at this otherwise permitted farm and garden retail sales facility without created a detriment to the public good and the zone planning ordinance

Ms. Cafone stated they are in a Neighborhood Business (NB) zone. The stated purpose is to serve convenient shopping needs and encourage shops. The retail use is permitted in the NB zone. The d1 use variance is for three different areas. Section 16-15.9 reads open storage of materials shall be stored in completely enclosed buildings or otherwise by screened walls or fencing, and landscaping to screen such materials/equipment from outside the boundaries of the lot. All open display of products shall be spaced no closer to any public street than a distance equal to required yard depth.

There will be a 15,000SF area for storage in the back of the property with a fence that will be screened. The shape of the lot makes it particular suitable for the proposed outdoor area.

The site is particularly suited for outdoor storage as they can be screened from the roadways.

The area in the front would be limited to low lying trailers and equipment. The board can consider for special reasons to grant this variance. Criteria g, sufficient space and appropriate location. There is an office building with a daycare with outside use associated with it across Stirling Road. There is a kennel next store with outside components.

Criteria i, they added awnings over all the doors, adding accent lighting, add the siding, adding the horizontal elements to the building. The board can rely on Criteria g and i.

The Master Plan talks about the NB zones and an emphasis on streetscapes and with the revised architectural plans they were able to capture that. They can rely on Criteria m, which talks about efficient use of the plan. They have utilized the site well. The negative criteria asks to evaluate the variances and how it affects the public and zone plan. Ms. Cafone stated it is a substantially commercial area and a variety of uses. Community Place is a dead-end road.

Ms. Cafone feels they have done a good job at improving the streetscape. With landscaping and architectural elements on the building. In this zone it is permitted to have a 10 ft sideyard. She feels that Community Place functions as a side yard. She feels it will not have a substantial detriment. They eliminate a non-conforming use of the gas station. This is beneficial for planning use.

Ms. Cafone went over the ordinance and screening again. All areas are screened. The front area is not screened much. There is no substantial detriment. They improve the façade, sidewalks, and not a strip commercial so it is within the zoning and Master Plan goals.

Board of Adjustment
September 20, 2021 Minutes
Page 6

The Medici reconciliation --she feels the outdoor storage equipment that if it didn't have order or an aesthetic value; but the testimony given shows it will be orderly and not have a negative to the zone plan.

Mr. Chadwick was satisfied with the plan summary and the planner. They did not go over the c variances. There is a buffer requirement up next to the kennel and the homes west of the kennel. There are some coverage requirements. Mr. Chadwick suggests they are included in the use variance decision process. These will be covered on October 4, 2021.

Mr. Chadwick suggests looking at changing the shape of the building slightly, not size and get some space along Community Place, and provide for more landscaping.

Mr. Sewald said it is a unique shape lot and there is not extra area. The front area they have to put the leach field and parking. Mr. Chadwick feels it could be done. The building now is 150 (along Stirling) x 126 ft (along Community).

Mr. Powers said that was all they had for this evening and they would like to come back October 4, 2021 and the members that were not present could prepare by listening to the hearing. Mr. Villani agreed with Mr. Chadwick and working at getting the building off of Community Place.

Mr. Villani asked if there were any questions for the planner, seeing no one come forward that portion was closed and the hearing was carried to October 4, 2021 without further notice.

Motion was made to adjourn, seconded. All in favor and meeting adjourned at 8:20 p.m.

NEXT MEETING: October 4, 2021 Meeting