

Board of Adjustment

Virtual Meeting

February 16, 2022

Meeting called to order at 7:08pm.

Statement of compliance read by Chairman Kenderdine.

Roll Call

Present:

Absent:

Dr. Harry Allen

Herminio Estrella

Maria Paola Castro

Basil D'Armiento

Daniel Battista

Gary Lewis (Entered meeting at 7:13pm)

Michelle Brown

Bryan Carley

Chairman Joel Kenderdine

Also present was Board Attorney Brian Schwartz and Engineering Consultant Dave Testa.

Approval of Minutes:

Motion to approve January 19, 2022 minutes made by Mr. Battista. Seconded by Ms. Castro. All in favor with the exception of Mr. D'Armiento who abstained.

Resolutions:

Phillips, Preiss, Grygiel, Leheny, Hughes will be retained for the remainder of the year as Planning Consultants. Mr. Carley made a motion to approve the resolution. Seconded by Dr. Allen. All in favor.

Resolution for the denial of BA 21-003 CRV Investments, LLC, 15 Jackson Avenue application. Motion made to approve the resolution made by Dr. Allen. Seconded by Ms. Castro.

Roll call vote of members who voted to deny the application:

Ms. Castro – yes

Mr. Estrella – not present

Mr. Battista – yes

Mr. Lewis – yes

Ms. Brown – yes

Chairman Kenderdine – yes

Old Business:

None

New Business:

Insight Development Partners, LLC represented by attorney Stephen Hehl.

Mr. Testa confirmed there are no required waivers for the checklist items. All items were provided with the application.

Mr. Schwartz thought there was one item that was not applicable and not provided so it's a technical waiver even though it's not a problem.

Mr. Testa stated item 20 is not applicable to the application. It wasn't a waiver requested but it's not applicable.

Mr. Schwartz stated the application is complete and he reviewed the notice of publication and they are in order.

Mr. Hehl believes they have a great development project for the site. The vacant building is proposed to be demolished and replaced with a three story self-storage facility. They will require a D1 use variance. The relief they seek is warranted and the self-storage use is one of the quieter uses and the building will add a buffer to the residential from Route 22. They have a great landscaping and lighting plan as well as new drainage. Revisions to the plans have been made to lower the building and parapet to comply with the height requirements. They no longer need the D6 height variance.

Witness:

Utkarsh Kumar  
Insight Property Group  
Torrance, CA

Mr. Kumar sworn in by Brian Schwartz.

Mr. Kumar will be testifying as a factual witness on behalf of the applicant.

Mr. Kumar is the Lead Designer and Planner with Insight Development, LLC. Insight is a team of 70 and growing. They are led by 6 partners with key focus in finance tech and construction and more recently housing. They are developer, operator, and manager of commercial real estate focused on self-storage, industrial and other projects across institutional and emerging markets.

They are proposing a self-storage facility that offers excellent visibility for the project from Route 22 and great site accessibility. Self-storage is one of the lowest impact commercial real estate uses and they feel it fits well with the surrounding context while maintaining the quality of life standards for the neighborhood and seamless integration aesthetically. They feel there is a growing need for more storage space in the community. Based on market research, more than 10,000 people search for self-storage every month within a 3 mile radius of the project site.

Mr. Testa asked if the applicant is operating other self-storage facilities in NJ and if so, where. Mr. Kumar stated they have a few projects right now, one recently in Piscataway. They also have projects in Somerset, and Livingston as well as a few others. Some are under construction and some are already operational.

Dr. Allen noted that the community is underserved for self-storage facilities. He also noted there is a low rate of default on storage units.

Mr. Battista asked if there is any difference between residential and commercial storage or is this a combination of both. Mr. Kumar stated this is a combination of both but their primary focus is on residential use. Commercial uses in this market are mostly catered to offices or companies looking to store documents. That is a very small share of the market they are targeting here.

Mr. Battista asked if the difference is mandated. Mr. Kumar stated it is purely based on what the need of the market is.

Mr. Battista asked if it was going to be more cars, SUV's, pickup trucks vs. tractor trailers. Mr. Kumar stated yes.

No questions from the public.

Witness:

Thomas Muller  
Dynamic Engineering Consultants  
1904 Main Street  
Lake Como, NJ 07719

Mr. Muller sworn in by Brian Schwartz.

Mr. Muller is a licensed Professional Engineer in the State of NJ in good standing. He has a Bachelor's of Science in Civil Engineering from Rutgers University as well as a Master's of Science in Civil Engineering from Rutgers University. He has been working in the civil engineering field for over 12 years. He has been with Dynamic Engineering for over 10 years. He is currently employed as a Senior Principal with the firm. He has experience with similar projects throughout the State of NJ. He has been qualified and testified in front of many Planning and Zoning Boards throughout NJ and NY. He prepared the engineering plans that were submitted and personally oversaw the work done on them as well as personally sign and seal the documents. This is his first time in front of the Board in North Plainfield. He has been in front of Boards in surrounding towns.

Mr. Muller is accepted as an expert in Engineering.

Mr. Muller shared his screen and showed a new exhibit which was a similar aerial map that was included with the site plan drawings. It was slightly modified to add different colors and labels. The exhibit was titled Aerial Map Exhibit and was prepared by their office and dated February 16, 2022. This exhibit was label A-1. It's a one page exhibit showing existing conditions on site and the surrounding area. Chairman Kenderdine noted the exhibit is on the Borough website for the public. The exhibit shows existing conditions with the subject highlighted in yellow. There is a 200 foot ring around the property

which shows the properties within 200 feet. The teal color shows the zone lines and the purple identifies the municipal boundary between North Plainfield and Green Brook. North is to the right of the page, Route 22 is cutting through the center of the exhibit. The subject property is block 119.00, lot 1.01, 825 Route 22. It has about 100 linear feet of frontage on Wilson Avenue on the south side of the property. It has about 350 linear feet of frontage on Route 22 and the off ramp. The property is 2.2 acres in size and was subdivided in 2004. Lot 1.01 was created as part of the subdivision. It previously consisted of the Pet Friends Pet Boarding School. It has been vacant for quite some time, at least 6 months. It appears to have been constructed in the late 1990's, early 2000's. There are 30 parking stalls on site and a small driveway that connects to Wilson Avenue. There is a cross access easement that connects to adjacent lot 1.03, which is Capital One Bank. That property is not part of the application. There are shared amenities but the development parcel is limited to lot 1.01. The property is in the B-3 business zone. The Pet Grooming facility that is there under existing conditions is not a permitted use. As part of the application they are eliminated that existing non-conforming use.

The northern part of the region is in the R-2/R-9 zone as well as the B-3 zone. There's multifamily residential immediately to the north. To the northeast are retail establishments identified as Grove Plaza which has a number of retail uses. Beyond Grove Plaza is the Honda dealership. To the east is Route 22 and Capital One. Beyond Route 22 is a CVS Pharmacy and Howard Krausche Field. To the south is Wilson Avenue. Beyond that are different retail users to include Wawa, 7-11, and Dunkin Donuts. To the west is the R-2 zone which has single family residential uses along Ridge Avenue.

He showed a site plan rendering that is available on the municipal website and submitted prior to this hearing. It's titled Site Plan Rendering and was prepared by their office and dated February 16, 2022. It is called Exhibit A-2. It is a colorized version of the site plan drawing with an overlay of proposed landscaping. The proposed building is the orange color in the center of the screen. The grays and concrete hatches show the different pavement hatches. The green shows open space grass areas and substantial buffering throughout the site. The Capital One is ghosted out in the lighter colors on the bottom of the screen.

They are seeking preliminary and final site plan approval and use variance approval to construct a self-storage facility on this property. The building footprint is about 29,821 square feet in size. It is a 3 story building. The gross floor area is about 89,463 square feet. There is a small office component which is about 741 square feet, centered on the southern portion of the building adjacent to an open parking field. They are maintaining existing cross access through the Capital One Bank property as well as reconstructing existing access on Wilson Avenue.

They are residential uses surrounding the property on the western and north portion. That was first and foremost in their thought process as they laid out the project. The Borough Ordinance has a residential buffer requirement that requires a 25 foot wide landscape buffer between any business zone and any residential zone. This project provides that. The ordinance also requires a certain front yard setback to public right of ways as well as the side yards. They will have a 50 foot front yard setback along Wilson Avenue and Route 22. This project complies with that. They also provided a 22 foot wide access aisle on all sides of the building to provide emergency access around the entire building. It also provides ability for patrons to access roll up units, drive up units along the 3 sides of the building.

They are reconstructing existing access on Wilson Avenue by opening it up a little bit. There is one way circulation around 3 sides of the building along the western, northern, and eastern side. There is privacy fencing along the perimeter as well as a mechanical gate that prevents anyone from the public from

accessing the 3 sides of the building. The mechanical gate will have a fob system for clients to use to get into the rear portion of the site. There will also be a Knox box for any emergency vehicles. There is a 10x10 trash enclosure in close proximity to the office. It is not intended for the customers of the self-storage facility, it is for office waste, which is minimal and picked up once per week. It is enclosed and also buffered with landscaping. It is locked and signed to identify it's for employees only. It is a clockwise one way direction around the western, northern, and eastern sides of the site. There are a number of exterior access drive up units along the perimeter that have roll up doors and can be loaded directly. There are other accesses to the building to get in and use the second and third stories. As you exit the one way portion of the site there is another mechanical gate that also has a fob system and a Knox box. Toward the front of the site there is 2 way circulation with 24 foot aisles. There are 7 parking stalls. The parking requirement for a self-storage facility of this nature is very limited. They are maintaining the existing cross access easement to the Capital One Bank site. They are prepared to provide amended cross access easement documents that need to be done with the Capital One Bank.

This is in the B-3 business zone. Self-storage uses are not a permitted use. They are seeking a D variance. In terms of bulk variance requirements, the site complies with the vast majority of the bulk requirements. It meets the minimum lot width, lot frontage, front yard setback, side yard setback, rear yard setback, and residential buffer. The ordinance does not have an impervious coverage limit but this is limited to only 66% impervious coverage. This is a building coverage variance. The ordinance requires a maximum of 30% building coverage. They are proposing 31.6% building coverage. That is as a result of designing the project to meet the residential buffer requirements as well as the building setback requirements. There is a building height variance. They previously submitted an application to identify a D6 variance for the height, 35 feet maximum is allowed by ordinance, however, they have revised the height of the building to comply with the zoning ordinance so there is no D6 variance required for the physical height of the building. There is still a height variance for the number of stories allowed. The ordinance allows 2 stories; however, 3 stories are proposed here. They are able to provide the 3 stories within a building height maximum that meets the ordinance requirement.

The ordinance does not have parking requirements for self-storage facilities. The closest use that could be applied to a project of this nature is a retail or non-residential use which requires 1 parking stall per 200 square feet. With this approximately 90,000 square foot building, that would result in 448 parking spaces which is clearly not need for this project. They are proposing 10 parking spaces which is in compliance on industry standard. They believe these 10 spaces are more than adequate. There is a loading area along the perimeter of the building for temporary parking for the exterior units. The parking stalls are 9x18 which complies with the ordinance requirement. The 2 way drive aisles are 24 feet wide. The 1 way drive aisles are 12 feet wide which complies with the ordinance requirement. They are proposing a new ADA parking stall to meet federal guidelines. There will be traffic striping and signage throughout the site. It has been designed to have clear site triangles. The ordinance requires 3 loading spaces for commercial uses of this nature and with the loading around the perimeter of the building, they provide more than enough loading spaces.

Chairman Kenderdine asked if the yellow striping is potential parking for using the facility. Mr. Muller stated yes.

They are constructing the Wilson Avenue driveway and continuing the connection through the Capital One Bank site.

The project has been submitted to NJDOT. They obtained a letter of no interest. It was also submitted to the Somerset County Planning Board and they received approval from them.

The site has been designed to accommodate SU30 box trucks as the maximum size vehicle for this site.

They received a review letter from the fire department. He talked to Deputy Chief Beattie on two occasions and they are willing to work with him on his review letter to provide a vehicle circulation plan to accommodate the Borough fire truck and emergency vehicles so they maintain a 12 foot open lane around 3 sides of the building which is outside the loading area. There will always be a clear lane of 12 feet which complies with the Borough zoning ordinance.

The site has been designed with a recent stormwater management rule which was established in March 2021. It established more enhanced green infrastructure stormwater requirements that put an emphasis on things like green infrastructure such as pervious pavement and things of that nature. This project has been designed to comply with all aspects of that rule as well as the Borough Ordinance. They are proposing a conveyance system throughout the site and draining the drivable surfaces to a pervious pavement system which is then tributary to an underground conveyance system which then discharges to the existing stormwater infrastructure on Route 22. The site generally drains from the east to the west away from the residential properties. There is about a 15 foot grade change from the rear to the front of the site. They are proposing a few retaining walls throughout the site that are 2-5 feet in height. The existing retaining walls will be removed, reconstructed, and engineered appropriately. They proposed retaining walls are shown by white lines on the exhibit.

The residential properties are 5-10 feet higher than the proposed building elevation. Because of the grade change, you will only see a building that is 25-30 feet in height which is common for a commercial corridor.

There is a low demand in terms of utility services. They will be connecting to PSE&G. It is fully fire suppressed. They have a fire service and a domestic service for the building. They have public sewer service they are connecting to Wilson Avenue. They received a Mott McDonald review letter related to that sewer connection. They reviewed it and have no problem complying with all the comments outline in the review letter.

This project complies with the 25 foot residential buffer. Around the perimeter of the site is a 6 foot high solid vinyl fence which is on the extreme outer edge of the site, which is the high part of the site. The color of the fence is not yet determined and will likely not be white. They will likely have an earth tone or a color that matches the color of the building to tie in with the aesthetics of the site and to keep it cleaner. They are proposing a mixture of evergreen shrubs and evergreen trees along the perimeter of the site. The existing vegetation consists of evergreen trees but also a number of deciduous trees which lose their foliage during the winter. They are proposing all evergreen trees along the residential buffer to maintain an all year round buffer. They are proposing 239 total plantings. That includes 6 shade trees along the front of the site along Wilson Avenue, which consists of red maples and honey locus trees and 60 evergreen trees, which consist of green giant arborvitaes and per the recommendation of the Board Engineer, Ieland cypress trees. One of Mr. Testa's comments was to provide a taller tree, which the applicant is more than happy to provide so they are going to be proposing 6-8 foot high planting for all of these plants. This is above average for what they would normally plant. This will establish the evergreen buffer quicker. They are proposing 173 evergreen shrubs throughout the site.

They are proposing all LED energy efficient lights which will be mounted between 12-18 feet in height. They are proposing 9 light fixtures. There is 1 area light along the common drive aisle between the site and Capital One Bank. There is one additional area light at the driveway of Wilson Avenue. The remainder of the 7 wall mounted lights are mounted on the perimeter of the building to light the drive aisle around the building. You will not see the mounted lights from off site properties, they are downward focused and are not flood lights. There is no light spill over to the northern or western property lines. They are maintaining a good level of illumination throughout the site, about .33 foot candles throughout the site. The lights will be on during business hours, perhaps an hour or 2 after business hours.

Chairman Kenderdine asked what the business hours are. Mr. Muller stated the office hours are usually 9:30am-6:00pm during the week, 9:00am-5:30pm on Saturdays, and 10:00am-4:00pm on Sundays. The business hours are flexible but that is generally what they have for the office. For client access, it will be 6:00am-10:00pm 7 days a week. Clients have fob access to the building while the office is closed. The building is fully secured 24/7, 365 from an off-site security consultant.

Mr. Schwartz stated Mr. Hehl's memorandum submitted with the application says the operating hours are 7:00am-8:00pm 7 days a week. Mr. Muller stated the hours are flexible and the operator will determine the final hours. Mr. Schwartz stated he thinks the Board is going to like Mr. Hehl's hours better because they are up against a residential zone. Mr. Hehl stated he was talking about the hours where the offices were open until 6:00pm but he will let the applicant expand on that. Mr. Schwartz said the hours of the office were 9:30am-6:00pm or so which is consistent with what Mr. Hehl said in his memorandum. The question is what the operating hours will be for the rest of the property which is more important to the Board because it is more likely to be larger vehicles and a lot more activity in terms of entering the building, opening the garages, etc. Considering it is adjacent to a residential zone, Mr. Schwartz would encourage his client to go along with what Mr. Hehl said in the preliminary memorandum as to what Mr. Muller is saying. Mr. Hehl said he will review it with the applicant. Mr. Schwartz stated hours of operation on a business like this is going to be critical. It's typical of how the Board looks at every application along Route 22, especially those that abut residential zones so that will be one thing the Board will be looking for as a condition.

Mr. Muller stated they are proposing two building mounted signs. One wall mounted sign will be along the western portion of the building which faces Route 22 and there will a second wall mounted sign on the southern portion of the building facing Wilson Avenue. The ordinance permits multiple signs which the project complies with. There will be one 150 square foot sign on the eastern portion of the site which complies with the ordinance requirement. There will be one 100 square foot sign on the southern portion of the site towards Wilson Avenue. Technically, that sign does require variance approval. The ordinance allows one square foot per linear foot of building façade. Because of the notch in the building, the building sign is actually on a wall that is 65 feet in length so theoretically, you can only have a 65 square foot sign but technically for the entire frontage on Wilson Avenue, that sign will comply with the ordinance requirement. The signs will comply with the maximum projection requirement and will be internally illuminated. They are proposing to reconstruct one existing free standing sign which is shown on the bottom of the screen. It is the existing Capital One Bank sign which is located on lot 1.03. The maximum sign that's allow is 130 square feet. They are proposing 104 square feet. That will be a shared sign between Capital One and the self-storage user. It does comply with the size requirement. The maximum sign height per the ordinance is 30 feet total. They are only proposing a 16 foot high sign. The variance component of the sign is the setback. The ordinance requires a 10 foot setback but they are proposing a 2.4 foot setback which is an existing condition but because they are reconstructing the

sign, they are considering it a proposed variance. Based on site configuration, the site layout, the access points to the local roadways, this is the ideal place for the sign. It does not impact any site triangles, neighbors, or adjacent commercial businesses.

They received NJ DOT approval, County Planning Board approval, Soil Conservation District approval. They discussed professional review letters from the local fire official as well as the Board Engineer and Board Planner.

Mr. Testa had no questions.

Mr. Schwartz asked Mr. Muller if a Traffic Engineer was going to testify. Mr. Muller stated Corey Chase from Dynamic Traffic will testify. Mr. Schwartz stated he didn't think the applicant testified as to how large the units were going to be. Mr. Hehl stated the architect will go through the floor plans and elevations of the units. Mr. Schwartz stated it seems like the applicant said the units will be designed for residential use and he was wondering what kind of trucks they anticipate will be bringing things to the site. He assumes there will be moving vans. Mr. Hehl stated it will be covered.

Ms. Dijia Chen is a representative from Phillips Preiss and she asked Mr. Muller to provide the actual height of the building after their reductions in height. Mr. Muller stated the Project Architect will verify but it's 35 feet to the roof deck, which complies with the ordinance requirement and a 3 foot high parapet above that which also complies with the ordinance requirement. She asked for the lighting proposed, the ordinance allows the lighting to be clear or white, will the lighting proposed comply. Mr. Muller stated it will comply. She asked if the sign on the adjacent property is only going to be reconstructed and the location not shifted. Mr. Muller stated it will be reconstructed in the same place. She noticed on the plan there is a note saying there is an approximate location for an easement for the sign, she asked for clarification. Mr. Muller stated he believes it is related to that actual sign, it allows the easement for lot 1.01 to use the area but he will have to double check the title. He will provide the deed on that so it can be reviewed together.

Chairman Kenderdine asked if he knows what the height of the previous building was that they will be taking down. Mr. Muller stated it's 2 stories but he does not have the exact height of the building. It did have a peaked roof. It was taller than what you would expect for a normal 2 story commercial building.

Mr. Lewis asked if there is going to be fencing on the bordering property line. Mr. Muller said there will be a 6 foot high vinyl fence along the common property lines between the residences and this property. Mr. Lewis would like to see an off white color for the fence, not stark white so it blends in with the neighbors. Mr. Muller stated the fence will not be white, it will be off white. Mr. Lewis would like it to be defined what the color will be, not really light either. Mr. Muller stated he will work with the applicant and the Board Professionals to use a darker color and it can be established before construction.

No questions from the public.

Witness:

Richard Bencivenga

TAO

63 North Lakeview Drive

Gibbsboro, NJ 08026



Mr. Bencivenga sworn in by Brian Schwartz.

Mr. Bencivenga is a NJ State licensed Architect. His registration is valid and current. He has been licensed in the State of NJ since 2004. He is licensed to practice in 11 states and also National Architecture Registration Board Certified. He has been employed by TAO for over 20 years. He has designed and constructed over 100 self-storage facilities all over the country as well as in NJ. His current position is Vice President in Principal of the firm. He received his Bachelor's Degree in Architectural Technology from New York Institute of Technology in 1989. He has appeared before many Boards in NJ and testified and was accepted as an expert.

Mr. Bencivenga was accepted as an expert.

Mr. Bencivenga shared his screen showing a 7 page document. He stated one page is new, it is the revised elevation. He showed the first floor plan of the building. Customers arrive in the parking lot area and access the retail office. It is not a high traffic office. Typically, there are 2 people on staff at any given time and a 3<sup>rd</sup> will fill in when someone is out. There is a restroom and breakroom for the employees. Customers have access to the restroom as well. A customer would use the drive aisle and access the building through a vestibule that has key fob access. You can enter the building on the first floor or use an elevator to access the 2<sup>nd</sup> and 3<sup>rd</sup> floors. If your unit has outside access, you can pull up adjacent to your storage unit, open your door and have access. If your storage unit is located on the other side of the building, you can go on that side and into a vestibule on that side. You would exit off the site through an access gate.

They have 739 storage units planned for the building. They range in size from 5x5 to 10x20. This is not the type of facility a commercial mover would be looking to use for storage. These are residential size units. 10x30 units and larger is where you would see commercial style movers renting in large bulk. This is a new exhibit, a spreadsheet and unit mix, marked A-3, dated 2-16-22.

He showed a 2 page document showing renderings of the facility which were new exhibits marked Exhibit A-4. The first page showed a view coming off the exit ramp on Route 22. The building is constructed of brick veneer with recessed panels, simulated stucco down the side of a smooth, decorative concrete block. It is subtle tones and hues. The view shows the cross access easement aisle. The next page shows the further along the exit looking back toward the building.

He showed a new, revised document, Exterior Elevations, which he labeled Exhibit A-5. Drawing A2.1 is dated 2-14-22. The only variation is the building height which is identified as 35 feet. They changed their floor to roof deck height from 10 ft 8 to 10 ft 3 which shortened the building by 5 inches. They were able to take 8 inches out of the first floor and they are now at 12 foot 5. The total height of the building from the average grade to the top of the roof is 35 feet. He stated the building has a classical base first floor and a taller second floor and his has a modern expression of a classical capital on the building. Looking at the building it has the feel of a 2 story building. The façade is thin brick veneer, it's high quality materials. There is concrete block for durability as well. Between the door is not metal panels. Metal roll up doors are going to be light gray. The accent colors give it a single story feel.

They will comply with building code requirements. They will have a fully sprinklered fire alarm system with off site monitoring. They will have a fire alarm system with off site monitoring. The fire official requested carbon monoxide detection. They are planning the building to be fully heated with electric. If it is fully electric there will be no need for carbon monoxide. If they change to a gas fuel source, they

will provide carbon monoxide as required. The emergency responder building coverage will be provided according to building codes. Wet standpipes in each of the stair wells will be provided. There will be a fire hydrant within 100 feet of the fire department connection. The Fire Chief will be consulted about the actual location of the fire department connection. It is a 3 story building that is required by building code to be 1 hour rated construction, both doors and walls. They can comply on all of the fire department comments depending on fuel source for providing heat.

Mr. Hehl wanted to clarify the height of the building is 35 feet and the ordinance permits the 3 foot parapet. Mr. Bencivenga stated yes.

Mr. Testa asked if the mechanicals are on the roof. Mr. Bencivenga stated yes and they will not be visible from the road. They are located at least 10 feet back from the side of the building and they are the size of a home size air conditioner.

Mr. D'Armiento asked what the internal construction of the units is, the walls. Mr. Bencivenga stated the individual storage units are 8 foot to 8 foot 4 tall. On top of the units are a wire mesh so someone can't store their items above and any closer to a sprinkler head. In between the units are storage unit partitions. It's a 26 or 22 gauge metal panel that's stood up, anchored to the floor, and there is a runner that holds it together. The face of the storage unit, facing the corridor is a glossy painted metal with a coiling overhead door to access the unit. Mr. D'Armiento stated it's basically an open floor plan and then you have individual segmented units with a roll up gate in front of it and a cage on the top. Mr. Bencivenga stated it's a solid door so you don't see what somebody has in their unit. It's a structural steel building meaning it's a robust structure. It's concrete floors as well. Mr. D'Armiento asked if the top of each unit is open. Mr. Bencivenga stated it is open, it's conditioned space to get airflow throughout each individual storage unit.

No questions from the public.

Witness:

Corey Chase  
Dynamic Traffic  
245 Main Street  
Chester, NJ

Mr. Chase sworn in by attorney Brian Schwartz.

Mr. Chase is a Principal with the firm Dynamic Traffic. He has a Bachelor's of Science degree in Civil Engineering from the University of Massachusetts. He is a licensed Professional Engineer in the State of NJ and 4 other states. His license is in good standing. He is qualified as an expert in Traffic Engineering for over 100 municipalities throughout the state, including the Borough previously.

Mr. Chase accepted as an expert in Traffic Engineering.

His role in the application was to evaluate the development from a traffic impact, a parking impact scenario as well as to reach out to the NJ DOT to confirm that no new permitting would be required for the proposed redevelopment. They prepared a traffic impact statement which was previously submitted to the Borough, dated October 19, 2021. They did a trip generation comparison between the

proposed self-storage facility and the former pet care facility that was on the property. The trip generation for the self-storage facility would not generate a significant increase in traffic when compared to the former land use. Based on data published by the Institute of Transportation Engineers, which is the national and state recognized standard for projecting traffic volumes for a variety of uses including self-storage facilities, the proposed facility is projected to generate a maximum of only 28 trips during the peak hour. The NJ DOT and the IT have set a threshold of 100 trips during a peak hour as being a significant increase in traffic. This development would only generate approximately 30% of that threshold. They did a trip generation comparison between the former pet kennel facility and found the self-storage facility would actually generate less traffic to and from the subject property during each of the peak periods. They have access to the existing right in right out driveway located along Route 22 Westbound and they will be reconstructing the full movement driveway along Wilson Avenue. He is referring to the site plan rendering previously marked by Mr. Muller as A-2. As you enter the property from Wilson Avenue you have one way clockwise circulation around the building. There are loading zones adjacent to the building to allow for customers to load into those doors. They are also providing 7 on site parking spaces proximate to the proposed office space and 3 additional angled parking spaces on the south side of the building. They reached out to NJ DOT as the site has access to Route 22 Westbound and requested a letter of no interest to confirm no additional access permitting would be required by the proposed redevelopment. They received a letter of no interest dated January 14, 2022 from the NJ DOT confirming the proposed redevelopment would not create a significant increase in traffic and no additional access permitting would be required for the State.

The Borough does not have a specific parking requirement for self-storage facilities so they looked at data published by the Institute of Transportation Engineers and the 5<sup>th</sup> Edition of Parking Generation for self-storage facilities. Based on the data published by the IT, they would suggest that a development of this size would need 9 parking spaces and they have 10 proposed. They feel 10 spaces will be sufficient to accommodate the needs of the development.

They looked at site circulation for a single unit truck. Based on the operations of these facilities, that's the maximum size truck they would anticipate for a development like this. These developments do not receive tractor trailer moving trucks to the facility based on the size and location of the storage units.

Chairman Kenderdine asked if an SU30 truck is a single unit 30 foot truck. Mr. Chase said it is a 30 foot wheelbase so it's consistent with that a typical size moving van would be. Chairman Kenderdine asked if there is adequate turning space for both the SU30 and for the existing fire equipment that might need to access the building. Mr. Chase stated that's correct.

Mr. Schwartz is still concerned with the moving vans. He asked if Mr. Chase provided a turning radius plan for Mr. Testa to review. Chairman Kenderdine asked Mr. Chase if they were going to allow anything larger than an SU30 into the space. Mr. Chase stated that refers to the wheelbase. The single unit 30 is a 30 foot wheelbase truck so this has been designed to accommodate a typical moving van which is like a typical box truck size. That is the largest vehicle that would be permitted to deliver to the site. Mr. Testa stated sheet 14 of the plan shows an SU30 truck traversing through the site and is consistent with the testimony provided. It appears the SU30 can make it safely through the driveway. Mr. Schwartz does not know what the SU30 is, he will have to rely on Mr. Testa to review that and be satisfied. If a larger truck comes along, he doubts the office will be monitoring what kind of truck comes onto the site or a larger truck can come when the office isn't open. Mr. Chase stated the SU30 is consistent with a standard size moving truck. Most furniture moving companies have their own storage facilities. It was rare to go to a private self-storage facility to pick up or drop off things. When you hire a

moving company, they will take your goods to their own storage facility. Mr. Kenderdine asked if it was like a standard box truck. Mr. Chase stated it's slightly larger than a small box truck, it's your average size box truck. Mr. Schwartz still does not know how big of a box truck they are talking about. He stated traffic generated is not an issue but that's his only concern that a truck doesn't get stuck somewhere. Mr. Chase stated the SU30 is the American Association of State Highway Transportation Officials (ASHTO). That's the national standard so they develop typical vehicle templates they utilize to review site circulation for a variety of uses. Mr. Schwartz asked how long the SU30 is. Mr. Testa stated it's a 30 foot long truck from the front of the cab to the back of the truck. That's what it shows on sheet 14. It has 20 feet from front wheel to back axle wheel. He would think it's more than adequate for anything moved into the facility. Mr. Schwartz is satisfied.

Mr. D'Armiento asked how the length of the longest fire truck compares to the SU30. Mr. Chase stated Mr. Muller testified he had conversations with the Borough Fire Chief and the Chief felt the circulation area proposed was adequate to accommodate the Borough's largest fire truck. Mr. D'Armiento asked if that was based on if it has a 20 foot wheelbase or it's 30 feet long or was he satisfied because it was an open circulating plan around the building. Mr. Chase stated he was satisfied because of the aisle widths and the radii that were proposed to allow those vehicles to freely circulate all 4 sides of the building.

Mr. Testa stated he did not see a report from the fire department. Chairman Kenderdine stated the fire department report he got listed a number of things that were already addressed by the witnesses. Mr. Hehl said that was an email they got. Mr. Testa asked if any of them were about the turning radiuses or access for the fire truck. Mr. Hehl said no, it was technical. Mr. Schwartz said the email had 10 or 12 requirements and the only one he thinks would apply is fire department access roadway with minimum clear width of 20 feet to all sides of the building. Mr. Chase stated the minimum width they have is 22.2 feet. Mr. Carley asked if that was with cars in the temporary parking spots. Mr. Chase said, no, that's the paved area adjacent to the building. Mr. Carley stated if there were cars there, maybe there isn't enough room. Mr. Chase stated there is a minimum of a 12 foot lane circulating around the building so that's more than sufficient for the fire truck to pass if there was a vehicle parked adjacent to the building. The northeast and southeast corners of the buildings would be where the issue would be and no one can park in those areas. There is sufficient pavement width at both those points to allow the firetruck to make that swing around the building.

No questions from the public.

Break at 8:50pm. Meeting reconvened at 9:01pm.

Roll Call:

Dr. Allen – yes

Ms. Castro – yes

Mr. D'Armiento - yes

Mr. Battista – yes

Mr. Lewis – yes

Ms. Brown – yes

Mr. Carley – yes

Chairman Kenderdine – yes

Witness:

John McDonough  
Project Planner  
101 Gibraltar Drive  
Parsippany, NJ

Mr. McDonough sworn in by Brian Schwartz

Mr. McDonough has testified as an expert before this Board before and he is accepted as an expert.

Mr. McDonough is seeking a D1 use variance to allow a self-storage facility in the B-3 zone district. It's a permissive district, it's commerce oriented. Self-storage is not listed as a permitted use. There is subsidiary relief relating to the building coverage, to the parking, and to the number of stories. Based on evidence of the witnesses before him, he thinks they have a good predicate to substantiate the Planning conclusion that the statutory test under Medici will be met here both on the positive and negative side. As a further predicate to the Planning conclusion, he would like to take us to the physical characteristic of the property. Every variance application needs to relate to a specific piece of property. Mr. McDonough shared his screen to show seven slides of maps and photographs of the subject property.

The first slide, A-6 is the tax parcel map, showing the subject property outlined in yellow. It's an irregular shaped piece of property. It's block 119.00, lot 1.01 at the corner of Route 22 and Wilson Avenue.

The next slide is an overlay showing the property outlined in yellow and the developed condition of the property. It is a spacious piece of land and has good accessibility from the two roads. The site is currently developed commercial. It's currently vacant. It's not contributing to the viability of the corner or the corridor in its current condition. Non-residential land uses are around the property. The property backs up to residential on Ridge Avenue. The back property line is lined with landscaping and fencing to preserve the privacy of the use and the enjoyment of those lands on Ridge Avenue.

The next slide is A-8, showing the Mod IV land use classification system. Everything in red is classified as non-residential under the Mod IV land use classification system. Everything in gold or yellow is residential. There is compatibility in terms of commercial against commercial and in the back, they look to maintain sensitivity against the residential land uses.

The next slide shows the property again and the planned neighborhood pattern. This property, with an extension out to Ridge Avenue is actually zoned for B-2 commercial uses which does allow for a wide variety of uses such as retail stores, convenience stores, shops, eateries, offices, schools, motels, bars, and taverns. There could be a late hour land use here that would be a lot louder, more traffic, and a have a lot more activity than what the applicant is proposing here. From a planning standpoint, they are maintaining good compatibility and integration with the adjacent neighborhood. Chairman Kenderdine said it is marked B-2 and down below it says B-3. Mr. McDonough said it's a typo, it's definitely B-3. Mr. Testa said there is a lot on Ridge Avenue shown as the B-2 zone and he doesn't think that is correct. It is all residential. Mr. McDonough will double check that.

The next slide, A-10 shows the current condition of the property looking north. It shows the established vegetation and the homes on Ridge Avenue. It also shows Wilson Avenue. What they are proposing will integrate nicely with the commercial corridor.

The next slide A-11 shows the reverse view looking west. Route 22 is in the foreground. It shows the buffering in the back and the bank parcel in the front.

The last slide is the reverse view from the residential homes looking back east. It shows Krausche field on the opposite side which is buffered. It shows the buffering separating the subject site from the adjacent land uses. The subject site is in the foreground. It is a developed commercial piece of property and it will transform the property with a new, modern, viable land use that will reverse the continued stagnation that is currently on the property.

Based on the testimony on the record and the evidence, this application sustains the 4 elements of proof required by the Medici test for use relief. First, in terms of site suitability, the site is particularly suitable for the use based on its context and its condition. It's a spacious site, it has excellent accessibility and connectivity, substantially cleared and free of environmental constraints. It's proximate to a major transportation node. A non-residential corridor and good sensitivity and separation from the adjacent land use. This is going to address an unmet need in the community. It's central to the population that it will serve based on market ratios and statistics.

Several special reasons and the purposes of the land use law are being advanced including promotion of the public welfare by freeing up living space and clearing up clutter. This land use has gained currency to get some not immediately needed items out of the home and out of the way. Public benefits of reduced clutter include improved concentration, efficiency, focus which are all positive mental benefits. The use is responsive to a need in the area based on market indicators. The ring usually looked at is the 3 mile ring. There is some other self-storage in the area but within that 3 mile ring they are about half the saturation in terms of available square footage per population. They generally look at a ratio of 7 square feet per person. They are down to 3.5 so there is an unmet need here and there is a strong indicator of demand for this land use. The form of the land use is less obtrusive and less intense than many of the permitted uses that could go here. The project as a whole is consistent with the zone intent under the B-3 to have a viable commercial base and that goes to the broader Master Plan as well. The project as a whole promotes efficient land use. This is a redevelopment application; a variety of land uses in appropriate locations and positive aesthetics. This all ties back to the statute and especially Purpose A, the promotion of the general welfare, Purpose G, the goal to provide for a variety of uses in appropriate locations. The building is going to promote a positive aesthetic. This is now called 3<sup>rd</sup> generation self-storage. It's a land use that has evolved from the back industrial areas where they had a garage and shed type structures, single stories. 2<sup>nd</sup> generation put a nice building in the front and kept the sheds and storage structures in the back. Now they have something that belongs on Main Street in the public eye.

As to the negative impacts, the site will flow, function, and operate safely and efficiently. There are no impacts that have not been mitigated or addressed and no impacts of a substantially adverse nature will remain here. This is on the lowest end of the spectrum from an activity and traffic generation standpoint. Planners like this in terms of integration with the surrounding area.

In terms of the zone plan impacts and the 2014 Master Plan which looks for a viable commercial base in the business districts, this is a use that has gained currency. The pandemic has accelerated remote work

and brought people home. Freeing up space at home is something this land use does. This is not substantially inconsistent with the intent and purpose of the zone plan and the ordinance. It promotes economic development.

C relief is reconciled under that flexible balancing test whereby the benefits of the application as a whole would substantially outweigh the detriments. All of the use benefits need the bulk relief to effectuate what is a good project. The relief the applicant is seeking is story relief. This is a 2 story zone and they are proposing 3 stories. In terms of the planning intent and the reason they put a story control in ordinances is to control mass and to control intensity of use. Both are addressed here by the very nature of the use. The overall mass of the building from a height standpoint will comply. To the extent that story relief regulates mass, they believe that planning intent is met. To the extent that story relief is a control of intensity of use, this land use is as low intensity as it gets. The extra story is not going to create a substantially adverse impact visually or functionally on the area or the site itself.

For the parking relief, the industry standard they see from a planning standpoint is 1 per 10,000 square feet. This is exactly what the applicant is providing here. Additional space would be unnecessary and wasteful and pavement that is not needed here. They believe the applicant has hit the industry standard and there is good solid testimony from a traffic standpoint.

In terms of signage relief, this is going to provide clear and safe site identification from the multiple vantage points. It integrates well with the site. The overall sign package is tasteful. It fits within the architectural plan and the overall site layout and is not going to be obtrusive in the context of the landscape.

Building setbacks comply, yard setbacks comply, the building complies, and the overall lot coverage complies.

Building coverage is 31.6% vs the 30%. The increase is mitigated by the 66% lot coverage conformance. It is a substantially green site, about a third of the site not paved over which is impressive for a commercial site.

He believes it is a really good application that integrates very well with the beautiful landscape. The statutory criteria for the relief the applicant is asking the Board to move on are met here. Relief relates to a specific piece of property, not the zone as a whole. For those reasons, he believes the applicant, based on all the testimony on the record has met its burden under the law and approval is warranted here.

Ms. Chen asked if it is Mr. McDonough's opinion that all of the bulk variances can be granted on the C2 basis. Mr. McDonough stated yes, under the better zoning alternative criteria. She stated Mr. Muller mentioned they also need a variance for the setback for the free standing sign. She asked for Mr. McDonough's opinion on that as well. Mr. McDonough stated it's a technical variance. It's reconstructing an existing sign that's out there so it triggers new relief. That sign has been a long standing part of the local landscape, there is a certain familiarity with it and the applicant is not making it any worse but copying what is there. Mr. Schwartz stated that's not what she's talking about. Ms. Chen stated she was just asking him to put it on record because she didn't hear the planning testimony for that setback variance. Mr. McDonough confirmed that she was talking about the free standing sign. He stated he has 2.4 feet vs 10 feet for the free standing sign. She asked if it was his opinion that variance could be granted based on the C2 benefits outweigh detriments. He stated yes.

Mr. Schwartz stated the mass and intensity are his concerns with this application. With the new building the lot coverage is significantly more especially on the side facing the residences. He is concerned with the testimony regarding the rear yard setback. He is concerned with the flexible c criteria for the rear yard setback considering they are encroaching into the setback facing the residences. Mr. McDonough states there is two parts to that. Whenever they are looking at the c2 criteria, they look at whether it represents a better zoning alternative for the property. In the Pullen case, the Court said we may consider under the c2 balancing the application as a whole whenever they are considering the flexible c balancing test and all of the benefits he spoke about with the use that were repurposing underutilized vacant land, they're going with a low intensity land use adjacent to residential homes that could have much more impactful land uses at a greater setback than what the applicant is proposing here, falling back on the bar and some of those noisier land uses that could go here. There could be a conforming setback associated with that. With respect to the setback that is proposed, it does relate to a low intensity land use and basically an inactive land use. The landscaping mitigates any potentially detrimental impacts associated with that encroachment. Mr. Hehl stated he doesn't think they need a rear yard setback. Mr. McDonough doesn't believe the Phillips, Preiss report called out a setback variance. Mr. Schwartz is looking at the chart provided with the application which said rear yard setback 47.5 feet and it has a v next to it. The requirement is 50 feet. Mr. McDonough says the table he is looking at says 50 feet in the back. Mr. Hehl thinks it may have been clarified or confirmed. Mr. Testa says the table on the plans says the proposed is 50 foot setback in the rear.

No questions from the public.

Mr. Hehl wanted to clarify the application indicated the hours as 7:00am-8:00pm and that is acceptable to the applicant.

Ms. Chen agrees with the applicant that a self-storage facility is very low intensity in terms of types of activity, traffic, and parking. She thinks their professionals have provided data to substantiate that. As far as the D1 use variance is concerned, they have designed this project to comply with most of the bulk requirements. The only requirement related to the building itself that they are seeking a variance for is the coverage, which is 1.6% over. They are trying to set the building with that is generally permitted in the zone. She doesn't take any issue to what Mr. McDonough had testified to previously.

Mr. Testa is satisfied the design is a sound design and as far as stormwater, landscaping, lighting, the plans as provided meet all Borough ordinance requirements and the applicant has complied with all of the comments in his report.

Mr. Schwartz asked Mr. Testa if he sees a need for further landscaping either along Route 22 or as a buffer on the residential side. Mr. Testa thinks what has been provided is more than adequate and he doesn't think they can add more landscaping on the site. The area of concern is along the residential. They have a fence and quite a few plantings. There are going to be removing quite a few mature trees with the development which is unavoidable with the layout of the building but the amount of plantings being put back vs the number of trees being removed is fully in conformance with the shade tree ordinance of the Borough. He believes it is a pretty good landscape plan as it is.

Mr. Lewis asked if the color of the fence was specified. He is not happy with plain white. Chairman Kenderdine stated it can be made a condition of approval and they can leave it up to the borough Engineer to monitor that. Mr. Schwartz asked Mr. Lewis if his concern is that it be earth tones. Mr.



Lewis said yes. Mr. Hehl stated the fence will blend in nicely with the general colors of the building and make it an earth tone.

No public comments.

Mr. Hehl stated they are before the Board for the main relief, the D1 use variance. As touched upon by the witnesses, the low intensity of the self-storage use compared to other uses that could possibly be in the B-3 zone certainly warrants and justifies the relief being sought. It's a well designed site. There is significant buffering, complying with all the buffering requirements of the ordinance. Mr. Testa suggested additional height on the plantings, there's no problem with that. They designed a site with respect to stormwater, lighting, landscaping, and parking adequate for the use. All of the testimony satisfies all of the criteria for the grant of this variance. They appreciate the input of the Board's professionals before the hearing and the comments this evening. There was agreement of the fence color and the limitation of the hours as set forth in the application. For all of these reasons, they would look forward to the Board granting this application and having this project move forward.

Public session of the application closed.

Mr. Battista made a motion to approve the application with conditions. He believes it is a fine application for the land use. Seconded by Mr. Lewis.

Mr. Schwartz talked about conditions. Mr. Hehl agreed to the hours of operation. The applicant said he would comply with the fire department's recommendations. They always put in that lighting will be on from one hour before opening to one hour after and the Engineer said they would agree to that. The applicant has agreed to comply with all of Mr. Testa's comments. The applicant will agree with all of the conditions in the Mott, McDonald report as well. The applicant agreed that the façade would be changed to a darker color to blend into surroundings and the fencing would be revised. The applicant agreed to provide the assignment of the access easement with Capital One in recordable form. There would be standard conditions. No hazardous materials would be permitted to be stored or brought on the property. The revised plans would be submitted showing the revised architectural as well as engineering plan required by the conditions. There will be no exterior storage on the site. The height of the structure shall be compliant with the ordinance. The signs will be consistent with that proposed and shown on the exhibit. The use of the property should be limited to a storage facility. Construction will comply with the plans as revised subject to the approval of the Borough Engineer. The applicant will submit the guarantees required by section 22-67 of the land development ordinance. The applicant will comply with the development fee requirements of section 22-132.4b of the land development ordinance. No CO will be issued until all conditions are satisfied. The applicant will submit revised plans in pdf or CAD form as well as paper form. Satisfaction of all conditions are subject to approval of the Borough Engineer and the Borough Planner. Mr. Schwartz stated he was able to use conditions from the resolution from the previous self-storage approval and he used them to be consistent.

Mr. Hehl is agreeable to all of the conditions.

Mr. D'Armiento's only question was whether they were following the same resolution as the previous self-storage approval but Mr. Schwartz answered that already. Mr. Schwartz stated the only other condition from the other resolution was additional landscaping but it was already adequate. The previous approval was for Metro storage.

Mr. Carley asked if Metro Storage was the only 3 story building on Route 22. Mr. Schwartz stated that property was different because it had a cell tower on it so the height was skewed. Mr. Carley wonders if they grant approval for a 3 story building on Route 22 in the middle of town, are they opening up a can of worms for anyone else who wants to build a 3 story building anywhere on the highway. Mr. Schwartz stated every application stands on its own and it has to do with the use, the location, the property size, the mass of the building, so there is no precedential impact on approving it on this property. Mr. D'Armiento also pointed out the height on the proposed building is about the same height as the previous building. Mr. Schwartz stated it's also compliant. Mr. Carley stated they are also going over the percentage of land that they are allowed to occupy. Mr. D'Armiento agreed but said they don't need the parking. Mr. Carley stated it is on one of the busiest intersections in town.

Mr. Battista is happy to see an otherwise vacant building being occupied by something that is low impact. It's not going to be a problem to the neighborhood. The design is nice and it looks like a 2 story building. It is an improvement to the area and he gives them credit for coming up with a nice product and he looks forward to it.

Chairman Kenderdine does not have issues with the mass and density. Given the fact that it's passive space in there, he doesn't think it's going to be an issue.

Mr. Carley is all for it.

Mr. Carley is not eligible to vote.

Roll call vote:

Dr. Allen – yes

Ms. Castro – yes

Mr. D'Armiento – yes

Mr. Battista – yes

Mr. Lewis – yes

Ms. Brown – yes

Chairman Kenderdine – yes

The application is approved.

Mr. Hehl appreciates the time and consideration and looks forward to the project moving forward.

The next meeting is March 2<sup>nd</sup> but he does not know if there will be an application ready.

Motion to adjourn made by Dr. Allen. Seconded by Ms. Castro.

All in favor.

Meeting adjourned at 9:53pm.