

Land Use Planning Board of the
Township of Eastampton

Resolution # - 2017

ON THE APPLICATION OF TOTAL SITE IMPROVEMENTS, LLC FOR TWO VARIANCES PURSUANT TO N.J.S.A. 40:55D-70d(1) TO PERMIT A CONTRACTOR'S OFFICE AND YARD AND A STORAGE FACILITY ON BLOCK 800, LOTS 4.01, 4.02 AND 4.03 (1423 WOODLANE ROAD)

WHEREAS, Total Site Improvements, LLC ("Applicant"), in which Thomas Chamberlain is the sole member, initially applied to Township of Eastampton Land Use Planning Board ("Board") for a variance pursuant to N.J.S.A. 40:55D-70d(1) to permit Block 800, Lots 4.01, 4.02 and 4.03 ("Property") to be used for a contractor's office in the existing structure and for a contractor's/construction yard; and

WHEREAS, by letter dated May 9, 2017, Patrick F. McAndrew, Esquire, requested that the use variance application be amended to permit that portion of the Property designated as Lot "A" on the May 5, 2017 plan submitted by Avila Engineering ("Avila Engineering Plan") for use as a storage facility, and that portion of the Property designated as Lot "B" for use as a contractor's office and construction yard; and

WHEREAS, the owner of the Property, M & M Land Development, LLC, has consented to the application; and

WHEREAS, in the initial application Thomas Chamberlain provided:

1. The Applicant provides varied site improvement services to clients consisting of demolition, site clearing, drainage, utilities, curbing, paving, and similar site work.
2. The Property will be used for an office consisting of approximately five persons and a construction yard maintenance staff of two persons. The office and maintenance staff will be on the Property generally weekdays from 7:00 A.M. to 5:00 P.M.
3. There are also approximately twelve construction personnel who generally report directly to the current jobsite. On occasion construction personnel may depart to the jobsite from the Property.
4. Generally construction equipment is located at the jobsite. When not in use construction equipment will be stored on the Property; and

WHEREAS, the Applicant has been operating on the Property without approval as Mike Miller, the then principal of the Owner, had failed to secure the necessary approvals; and

WHEREAS, in support of the application Mr. McAndrew submitted a letter dated May 10, 2017, which provides in part:

1. The Property is currently zoned PO - Planned Office and consists of 16.5 acres.
2. The Property, with frontage along Woodlane Road, had been subdivided to create Lots 4.01, 4.02 and 4.03, with access to the rear lots by means of an easement.
3. The surrounding zones are Business Park (BP), Commercial Highway (CH) and Residential Medium Density (R-M).
4. The lots will be consolidated and then subdivided to accommodate each use.
5. The requested variances will advance the public health, safety, morals and general welfare by

providing for the appropriate use and development of the Property. The uses are uniquely suited to the Property for the following reasons: the existing building can be used as the contractor's office and is naturally buffered from surrounding uses by distance, agricultural use, wetlands and woods; attendant noise will be mitigated by the location on the Property of the proposed construction yard; both the contractor office and construction yard and self-storage facility are low traffic uses that can operate in conjunction with minimal traffic impact on the local road network; and each proposed use will have a negligible impact on the environment as compared to permitted uses there will be less effluent.

6. Additionally the uses will also advance the purposes of the Municipal Land Use Law by providing sufficient space in an appropriate location to serve the needs of citizens of New Jersey. The size of the Property can accommodate both uses compatibly without infringing on the surrounding area. The location, proximate to major arterial road networks, is extremely suitable for a contractor's office and yard as construction work is performed offsite on the customer's property, as well as for a self-storage facility serving the general public as the road network provides central access to the Property.
7. Any detrimental visual or noise impact of the proposed uses is minimized due to the deep setback of each proposed use from Woodlane Road and adjacent properties. If during site plan review it is determined that additional landscaped buffering is required there is sufficient area to satisfy any such requirement.
8. Each use will produce minimal noise as they are both low level traffic uses, nor does either produce continuous high impact sounds.
9. Each use will have a low level light impact, further minimized by the surrounding landscape; and

WHEREAS, the Applicant provided a trip generation report prepared by Shropshire Associates, LLC, dated May 17, 2017; and

WHEREAS, Board Engineer Stacey Arcari, PE, PP, CME, PTOE, issued a review letter dated August 2, 2017 ("Engineer's Review Letter"), wherein she described the application for the use variances as follows:

A 6,217 square foot single story office/work area building and a 2-story brick building currently exist on the site. The applicant is proposing to utilize the 6,217 square foot building (known as #1423 Woodlane Road) for a construction office with areas for maintenance and storage of their equipment. Seven (7) office and twelve (12) construction employees are proposed. The construction personnel will be off-site. The existing 2-story brick building is proposed to be used as a residence for the self-storage facility owner/employee and an office for the self storage facility. The self storage facility is proposed to have two (2) employees.

At the front of the site, along Woodlane Avenue, a self storage facility with six (6) buildings are proposed. One (1) building is in a 1-story, in an 'L' shape and is 10,600 square feet. Four (4) of the buildings are proposed to be 1-story and 9,600 square feet. These five (5) buildings are individual units, accessible from the outside via garage doors. One (1) building is proposed to be 2-story building with a 31,725 square foot footprint. This building is proposed to be climate controlled and internally accessible. A drainage basin is also proposed; and

WHEREAS, the Engineer's Review Letter also noted that Zoning Ordinance § 540-29.A states that the purpose of the Planned Office District is to serve as a "district where the development would complement the rural character of the neighboring residential area and to provide a transition zone between the Town Center District on the west side of Smithville Road, the

agricultural district of the southern side of Woodlane Road and the Business Park District, which permits large scale business parks and warehousing. the intent of the Planned Office District is to create a linear, main-street style of development;" and

WHEREAS, the Applicant appeared at the October 18, 2017 Board meeting represented by Patrick F. McAndrew, Esquire and sworn testimony was provided by Thomas Chamberlain, Nolan Aspell, John Murabito, and Michael E. Avila, P.E.; and

WHEREAS, Mayor Springer and Councilman Apgar were unable to participate pursuant to N.J.S.A. 40:55D-25c(1); and

WHEREAS, Nolan Aspell testified as follows:

1. The self-storage facility will be located in the front of the Property along Woodlane Road.
2. There will be two employees. Hours of operation will be from 7:00 A.M. to 7:00 P.M. Access during other hours will be controlled by a key fob.
3. The existing house will be remodeled. The first floor will be an office and the second floor will house the resident caretaker.
4. With the advent of new construction there is a local need for a storage facility.
5. There will be no storage of boats or recreational vehicles without additional Board approval.
6. There will be security systems in place and all day lighting to assure safety; and

WHEREAS, Thomas Chamberlain testified as follows:

1. He is the owner of the Applicant which is a site contractor for commercial properties.

2. The Applicant has occupied the Property for one year. To his knowledge there have been no complaints.
3. The office staff of four persons works from 8:30 A.M. to 4:00 P.M. The staff of four does estimating for jobs and bookkeeping. There are one to two persons who work in the yard. Generally equipment which has not been left at a work site will be picked up by 6:30 A.M. The equipment consists of pickups, a lowboy, a dump truck, a container truck, five excavators, three bulldozers, two loaders, and miscellaneous other equipment. Equipment will be stored outdoors.
4. Minor repairs will be made onsite.
5. He was unaware that Mike Miller had never secured the necessary approvals, nor had he received notice of any violations.
6. There will be minimal storage of material.
7. There may be onsite crushing of concrete.
8. A forty foot by sixty foot pole barn will be connected to the office. It will be primarily for storage. All repairs will be performed in the pole barn.
9. The Property is well suited for the proposed use as it is sufficiently setback from adjacent properties so that it is not discordant with surrounding properties, and it has excellent access to the major road networks.
10. The Property is not served by public utilities; and

WHEREAS, John Murabito, noted that presently he is the responsible managing partner of M & M Land Development, LLC, and he corroborated Mr. Chamberlain's remarks concerning Mike Miller; and

WHEREAS, Michael Avila testified as follows:

1. He is a licensed engineer and planner in the State of New Jersey.
2. The Property was subdivided into three lots with an access road.
3. There is an existing house at 1423 Woodlane Road. The Property is surrounded by large parcels. Wooded areas are located to the north and east.
4. A self-storage facility is a low traffic use and the main entrance would be located away from any existing residential use. In comparison to an office use it is less intense as there is less traffic and there are no peak traffic times. There is also minimal impact on utilities.

5. The application presents an opportunity to utilize existing structures productively to promote the public welfare by providing a variety of uses in appropriate locations.
6. The uses will be located a substantial distance from Woodlane Road thereby reducing their visibility and any potential noise impact.
7. The Property is uniquely situated to major road networks thereby providing statewide access for the construction office and yard.
8. The two uses are compatible and the storage units located along Woodlane Road will further serve to buffer the construction yard.
9. The existing septic system will not be overburdened by the limited office use and may not be able to satisfactorily serve a more intense office use.
10. The detriment to the public good is not substantial, nor will granting the variances substantially impair the intent and purpose of the zone plan and zoning ordinance, as there are other commercial uses in the area, the two uses produce minimal traffic, and there is limited visual intrusion into the neighborhood from the construction yard due to its distance from Woodlane Road and buffering, and the storage buildings will be aesthetically pleasing; and

WHEREAS, the Applicant was informed by the Board that equipment would have to be parked in a paved area and there may be an insufficient water supply to service a two story storage facility; and

WHEREAS, the Applicant presented architectural sketches of the storage facilities prepared by DJ Architecture, LLC; and

WHEREAS, the members discussed the merits of the application; and

WHEREAS, Mr. Casella expressed concern that discordant noises from the construction yard at odd hours could be disruptive and were different than the noises that could be anticipated from an office use; and

WHEREAS, Mr. Blair expressed concern that the noise from repairs at the construction yard could impact the soon to be developed age restricted community; and

WHEREAS, Chairperson Johnstone spoke against granting the use variances as the purpose of the zoning was to preserve Woodlane Road for less intensive uses as the gateway into the community. More intense commercial uses were by design to be located along Route 206. The planned office use would provide additional landscaping, buffering, and importantly, bring people into the municipality during the day to support retail activity. An office use would be compatible with the planned age restricted community. There are a sufficient number of storage facilities in the area. In his opinion the Applicant had not presented sufficient evidence to support the granting of use variances, particularly since there was a limited amount of developable land remaining for offices; and

WHEREAS, Mr. Blair stated that the proposed storage facility had the appearance of a military barracks and that the second story did not meet the Township's architectural standards; and

WHEREAS, Vice-Chairperson Taylor shared Chairperson Johnstone's concerns regarding locating a storage facility on Woodlane Road as it serves as the entranceway into the municipality, however, the contractor's office and construction yard was an acceptable use subject to site plan review and

approval to address landscaping, buffering, parking of equipment, noise, and other potential concerns; and

WHEREAS, Mr. Casella expressed support for the concerns expressed by Chairperson Johnstone with regard to the storage use and the need to develop the remaining land in the Township in accordance with existing zoning so as to accommodate future population growth; and

WHEREAS, Mr. Blair recognized that a storage facility would have minimal impact on municipal services, meet a need resulting from the increased residential development in the Township and provide a ratable; and

WHEREAS, Mr. Avila noted that the absence of suitable utilities made office development of the Property in accordance with existing zoning a near impossibility; and

WHEREAS, Zoning Officer Kathy Newcomb explained the enforcement history pertaining to the prior user of the Property when it was controlled by Mike Miller; and

WHEREAS, the hearing was opened to the public, and as no public comment was received, the hearing was closed.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Planning Board of the Township of Eastampton as follows:

1. The above preamble clauses are adopted as the findings of fact and conclusions of law.

2. The August 2, 2017 Engineer's Review Letter is incorporated herein, as are the previously referenced submissions prepared on behalf of the Applicant.

3. A variance is granted pursuant to N.J.S.A. 40:55D-70(d)(1) to permit proposed Lot B to be used for a contractor's office and contractor's/construction yard for the contractor's business. The variance is conditioned upon the receipt of all required subsequent approvals by the Board, including minor subdivision approval. No such subsequent approval shall be granted unless such approval can be granted without substantial impairment of the intent and purpose of the zone plan and zoning ordinance.

4. The Board finds that the use promotes the general welfare by providing for the appropriate use and development of the Property. The existing structure on the Property can be used for the contractor's office. Additional improvements to the Property will further benefit the general welfare. The Property is naturally buffered from surrounding uses by distance, and although not permitted in the Planned Office Zoning District, the proposed use does not conflict with existing uses on adjacent properties. The proposed use also does not conflict with the purposes set forth for the Planned Office Zone. The use also benefits uniquely from the location of the Property within the vicinity of the major transportation network as the Applicant's business generally performs construction work at the customer's location.

The Board further finds that any detrimental impact is not substantial and can be further minimized as a result of site plan controls governing noise, lighting and buffering. The location of the use to the rear of the Property further diminishes any potential detriment to adjoining properties and the public good. Traffic impacts have been demonstrated to be less intense than a permitted office use and traffic will be present during non-peak hours. As the proposed use does not conflict with adjacent uses, and promotes the general welfare, the granting of the variance will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

5. The Applicant requested a continuance to present additional evidence in support of a variance to permit a storage facility on proposed Lot A.

Members voting in favor of granting the variance on October 18, 2017, and continuing the application for the use variance for a storage facility on proposed Lot A: Mr. Bayles, Mr. Blair, Mr. Casella, Mr. Chieco, Mr. Sweeney and Vice-chairperson Taylor. Chairperson Johnstone voted against granting the variance and continuing the storage facility application.

Members voting in favor of adopting this resolution of memorialization on December 4, 2017:

The foregoing is a true copy of a resolution adopted by the Land Use Planning Board of the Township of Eastampton at its meeting on June 15, 2016, memorializing action taken at its meeting on May 18, 2016.

LAND USE PLANNING BOARD OF THE
TOWNSHIP OF EASTAMPTON

Dated: June 15, 2016

Jill C. Torpey,
Land Use Administrator/Secretary

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