

**LAND USE PLANNING BOARD OF THE
TOWNSHIP OF EASTAMPTON**

RESOLUTION # 9 - 2024

**ON THE APPLICATION OF GMK HOLDINGS, LLC, THE
OWNER OF BLOCK 800, LOTS 2.03 & 2.04, GRANTING
MINOR SITE PLAN APPROVAL AND VARIANCES PURSUANT
TO N.J.S.A. 40:55D-70c(2) FOR OUTDOOR STORAGE AND
MAXIMUM FRONT YARD FENCE HEIGHT**

WHEREAS, GMK Holdings, LLC, a New Jersey limited liability company, the owner of Block 800, Lots 2.03 & 2.04 (“Property”), in which George M. Kennedy and Corey Kennedy each has a fifty percent interest (“Applicant”), has applied to the Eastampton Township Land Use Planning Board (“Board”) requesting minor site plan approval for site improvements to the Property with the lots to be consolidated, and variances for outdoor storage and maximum front yard fence height; and

WHEREAS, the Applicant appeared before the Board on February 21, 2024, represented by John C. Gillespie, Esquire, and Robert R. Stout, P.E. of Stout & Caldwell Engineers, LLC, and Corey Kennedy, presented sworn testimony on behalf of the Applicant; and

WHEREAS, in support of the application the Applicant submitted the following information:

1. Plan of Survey and Minor Site Plan prepared by Stout & Caldwell, LLC dated March 27, 2023, revised February 8, 2023.
2. Photographs, undated, of building interior.
3. Building footprint rendering prepared by Nova Industrial Arts.
4. Lighting specifications.

5. February 9, 2024, letters from Stout & Caldwell, LLC addressed to Mark A. Remsa, PP, LLA, AICP, ASLA and Stacey Arcari, PE, PP, CME PTOE; and

WHEREAS, Board Engineer, Stacey Arcari, PE, PP, CME, PTOE, issued a report dated February 13, 2024 (“Engineer Review Letter”), wherein she advised that there were two variance conditions that remained unchanged by the application, those being, minimum lot depth and minimum parking setback from a right-of-way, and described the prior approvals granted for Lot 2.04 and the application as follows:

An application has been received for a Minor Site Plan for the above referenced 2.86 acre (Lot 2.04) and 1.73 acre (Lot 2.03) site. The applicant is proposing to consolidate Lots 2.03 and 2.04 as part of this application. In 2006, the Land use Board granted approval to construct a one-story, approximately 30,000 square foot building, consisting of five (5) units on Lot 2.04. Each unit was approved to include 1,200 square feet of office space and 4,800 square feet of warehouse space. In addition, at that time, lots (sic) 2.01 and 2.02 were proposed to be consolidated. Based on the current tax map, the lot is listed as Lot 2.04. Construction of the building and site improvements were completed in 2008, when the Performance Guarantee was released. Only a stone area on lot (sic) 2.03 exists, which is proposed to be paved and fenced for exterior storage. At the rear of lot (sic) 2.03 are wetlands. Exterior storage with fencing was installed on Lot 2.03 without prior approval; however, the applicant has proposed to bring it into compliance with the ordinance. The area is also proposed to be paved. The property is located in the Planned Office (PO) District. Compass Lane is a cul-de-sac with access to Woodlane Road (CR 630); and

WHEREAS, Board Planner, Mark Remsa, PP, LLA, AICP, ASLA, issued a report dated June 15, 2023, last revised February 12, 2024 (“Planner Review

Letter”), wherein he described the approvals that had previously been received regarding the Property; the changes in the Land Use Code which now apply to the Property, and noted that the combined “lots are irregularly shaped and are located along the western and northern sides of Compass Lane next to the cul-de-sac in the roadway;” and

WHEREAS, Mr. Remsa further advised that by consolidating the lots the only remaining variance requested by the Applicant was relief from Land Use Code § 540-11.I.(2) to permit shipping containers to be located in front of the front line of the building toward Compass Lane; and

WHEREAS, Corey Kennedy testified as follows:

1. GMK Holdings, LLC is a real estate holding company.
2. Nova Industrial Arts fabricates architectural metal signage which is on display throughout the United States. Clients include casinos, hospitals, sports venues, and colleges.
3. There are approximately fifty employees. In addition to the office staff there are fifteen fabricators and fifteen installers who are unionized, some of whom are located out-of-state.
4. Materials are delivered in box trucks and once fabricated are shipped in a pickup or box truck with a trailer owned by the company. There is usually one tractor trailer arrival and departure weekly.
5. The office is open from 8:00 A.M. to 5:00 P.M. The skilled labor force works from 7:00 A.M. to 3:00 P.M. Generally, there are no weekend hours.
6. The onsite dumpsters contain waste aluminum and sheet metal for recycling and/or resale as scrap.
7. The entire facility is used by the business as much space is needed to fabricate the signage.
8. Finished goods and equipment are stored in the containers; and

WHEREAS, Robert R. Stout, P.E., was qualified as an expert, and testified as follows:

1. He has been a licensed professional engineer and surveyor in the State of New Jersey since 1983 specializing in the preparation of site plans and has testified before numerous land use boards.
2. Exhibit A-1 showed an aerial view of the site.
3. The Property is in a remote wooded area of the Township. The Lennar community development is located to the north of the Property.
4. Exhibit A-2 is a series of photos of the immediate area.
5. Exhibit A-3 shows the site plan with the aerial image superimposed.
6. Each outside storage area will be enclosed by a slatted fence.
7. The lots will be consolidated.
8. Due to the shape of the building and the need to have access for emergency equipment the storage containers cannot be located in the rear of the Property. The variance for the metal storage containers results from the irregular shape of the Property and the bulb shape of the Compass Lane cul-de-sac.
9. Compass Lane has minimal traffic as it is primarily used for the local businesses; and

WHEREAS, Mr. Gillespie advised that he Applicant will provide additional landscaping and will comply with the comments set forth in both the Engineer Review Letter and the Planner Review Letter; and

WHEREAS, there was agreement that the need for the variances resulted from the irregular shape of the Property with the outdoor storage area and fencing facing the bulb in the Compass Lane cul-de-sac, which storage area and fencing, with its remote location, would have no impact on any other Property; and

WHEREAS, the discussion between the Board members and the Applicant focused on the need for additional storage, with the Applicant advising that six shipping containers was the maximum number that could be needed, and the members agreed that the application be amended to include six shipping containers so as to avoid future applications for this purpose; and

WHEREAS, the hearing was opened to the public and there being no public comment, 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 Board incorporates herein both the Engineer Review Letter and the Planner Review Letter, as well as the submissions made on behalf of the Applicant.
3. The waivers requested as set forth in the Plan of Survey and Minor Site Plan are granted for the reasons set forth therein.
4. Minor site plan approval is granted conditioned upon compliance with the terms and conditions set forth in the Engineer Review Letter and Planner Review Letter except as modified by this Resolution.
5. Variances are granted pursuant to N.J.S.A. 40:55D-70c(2) from the requirement of Code § 540-56G.(3) to permit a six foot high chain link

fence with privacy slats in the front yard where fences no more than three feet high are permitted, and Code § 540-11.I.(2) to permit six shipping containers as accessory uses to be located in front of the front line of the building as shown on revised plans to be submitted. The shipping containers shall be no greater in size than 8.6 feet by 40 feet, with all storage to be self-contained.

The granting of the variances advances the purposes of the Municipal Land Use Law by encouraging the appropriate development of the Property thereby promoting the public health and general welfare and by providing sufficient space in an appropriate location for a vibrant commercial use. The benefits of this deviation from Code §§ 540-56G.(3) and 540-11.I.(2) substantially outweigh any detriment as the location is remote and the deviations result from the irregular shape of the Property, as well as the bulbous shape of the Compass Lane cul-de-sac.

The variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance as the fencing and shipping containers are located in a remote section of the Property, which Property itself is located in a remote area; will enable the business to continue to operate in the facility which it has substantially modified and improved, and there is negligible visual impact due to the enclosure of the shipping containers and the limited use of Compass Lane.

6. Landscaping is to be added at the direction of the Board Planner and Board Engineer. All fencing shall have slats.

7. The deed of consolidation is to be submitted to the Board Engineer and Board Attorney for approval prior to recording.

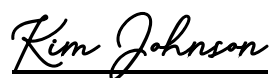
8. The Applicant shall satisfy all Township requirements pertaining to affordable housing, payment of escrows and is required to obtain all required approvals from any agency having jurisdiction regarding the application.

Members voting in favor of granting the approval on February 21, 2024: Chairperson Adams, Councilman Apgar, Mr. Bayles, Mr. Buck, Vice-chairperson Chieco, Mr. DeGregory, Mr. Negraval, and Township Manager White.

Members voting in favor of adopting this resolution of memorialization on March 20, 2024: Chairperson Adams, Councilman Apgar, Mr. Bayles, Mr. Buck, Vice-chairperson Chieco, Mr. DeGregory, Mr. Negraval, and Township Manager White.

The foregoing is a true copy of a resolution adopted by the Land Use Planning Board of the Township of Eastampton at its meeting held on March 20, 2024, memorializing action taken at its meeting held on February 21, 2024.

LAND USE PLANNING BOARD OF THE
TOWNSHIP OF EASTAMPTON



Kim Johnson,
LAND USE ADMINISTRATOR