

MANALAPAN ZONING BOARD OF ADJUSTMENT

MINUTES OF THE REGULAR MEETING Thursday, May 17, 2018 TOWNSHIP OF MANALAPAN – Courtroom Manalapan, NJ 07726

The meeting was called to order with the reading of the Open Public Meetings by Chairman Stephen Leviton at 7:35 PM. followed by the salute to the flag.

Roll Call: Janice Moench

In attendance at the meeting: Mollie Kamen, Terry Rosenthal, Larry Cooper, Eric Nelson, Eve Strauss, David Schertz, Eliot Lilien, Adam Weiss, Stephen Leviton

Absent from the meeting: Mary Anne Byan

Also present: John Miller, Esq., Zoning Board Attorney
Brian Boccanfuso, Board Engineer
Jennifer Beahm, Board Planner
Nancy DeFalco, Zoning Board Officer
Janice Moench, Recording Secretary

MINUTES:

A Motion was made by Mr. Cooper, Seconded by Ms. Strauss by to approve the Minutes of **May 3, 2018** as written.

Yes: Kamen, Rosenthal, Cooper, Nelson, Strauss, Schertz, Weiss, Leviton
No: None
Abstain: None
Absent: Byan
Not Eligible: Lilien

RESOLUTIONS:

Application No: ZBE1811
Applicant: James and Marisa Sulsenti
Memorialization of Approval
Location: 13 Thomas Drive – 1909/14

A Motion was made by Ms. Strauss, Seconded by Mr. Cooper to approve the Resolution of memorialization.

Yes: Kamen, Rosenthal, Cooper, Nelson, Strauss, Schertz, Leviton
No: None
Abstain: None
Absent: Byan
Not Eligible: Lilien, Weiss

PUBLIC HEARINGS:

Application No. ZBE1805

Applicant: Simply Storage Englishtown, LLC
Proposal: Construct an additional self storage building
Request: **Use Variance******
Location: 289 Highway 9
Block/Lot: 10/22
Zone: C-2

Mr. Mark Vincent, Esq. is present on behalf of the applicant Simply Storage Englishtown, LLC for a use variance application. The applicant proposed to add a three story climate controlled self storage building at the existing Simply Storage location of 289 Highway 9 in Manalapan. The original project was approved in 1999 to contain five self storage buildings. Only four of the buildings were built. In 2013, the applicant came back for approval to store trailers, trucks and boats on the fifth pad. The variance was granted. The applicant would now like to change the use of the fifth pad from storage of vehicles to build a climate control self storage building. Mr. Vincent testified the original variance included parking approval. The new building will require six spaces and six spaces were added however, the prior parking variance would have to be approved again.

Mr. Vincent called his first witness Mr. Marc Schovers. Mr. Schovers, a Licensed Architect in Southfield Michigan, is sworn in by Mr. Miller. Mr. Schovers testified the plans that will be used for this application were prepared by Mr. Peter Stuhreyer, Licensed Architect in New Jersey. Mr. Stuhreyer was unable to attend the hearing and Mr. Schovers was sent in his place. Mr. Miller asked Mr. Schovers if he is licensed in New Jersey. Mr. Schovers confirmed his license is in Michigan not New Jersey. Mr. Miller explained to the Chairman it is preferred to have the expert licensed in New Jersey. The plans were prepared by an architect licensed in New Jersey. Mr. Miller confirmed that Mr. Schovers was involved in the preparation of the plans. Mr. Miller states although it is not preferred it is acceptable.

Mr. Schovers explained the proposed plan. The applicant proposed to use the same pad that was previously approved. There will be no increase in impervious coverage. The six parking spaces to be added are on the existing pavement. The architectural features will match the existing buildings on site. There are no visible sight from the surrounding neighborhoods. Mr. Schovers explained the surroundings of the sight. The building is climate controlled which is a demand and need for the area. The building will be constructed with the same building materials as the existing buildings on the site with an elevator inside.

Ms. Beahm asked Mr. Schovers to provide a rendering of the proposed three story building. Mr. Schovers explained there was a packet submitted previously that showed the renderings. Ms. Beahm explained the packet consisted of one story buildings only. Mr. Vincent states it appears the applicant did not update the packet when the plans were updated. Mr. Schovers explained a picture of a two story building would be the same as what is proposed only the building would be 10 feet higher. Ms. Beahm asked if the Board should act favorably on the application, the applicant should provide an updated rendering. Mr. Vincent references sheet number A200 as a black and white rendering of the proposed elevations.

Ms. Strauss asked when the application changed from a two story building to a three story building. Mr. Vincent explained the initial application submitted was for a larger building. This raised some concerns therefore the applicant brought the building size down to fit the pad and added an additional story.

Mr. Vincent asked Mr. Schovers to confirm the height of the building as it was noted by the planner in a report. Mr. Schovers confirmed the height of the building will be 34 Feet.

Mr. Cooper states the plan show the height of the building to be 35 Feet. It is further determined the applicant did not include sheet A200 with updated plans.

Mr. Boccanfuso explained the plans originally submitted with the application depicted a larger building footprint that encroached to the rear curb line adjacent to the detention basin. This raised concerns when Mr. Boccanfuso and Ms. Beahm reviewed the application to the impact on existing drainage, circulation, etc. In response to the comments from the professionals the plans were revised by the applicant. The revised plans consist of six sheets. The original plans consisted of seven sheets. The seventh sheet in the original plans, A200, showed the elevation of a two story building. This sheet was omitted in error all together from the revised plans to show the elevation of the three story building.

Mr. Vincent explained the omission of sheet A200 was done in error because the revised plans that were given to Mr. Vincent from the applicant include page 7 (A200).

Ms. Moench photocopies page A200 for the Board members that Mr. Vincent provided.

Mr. Boccanfuso states there issues relative to drainage now that the building footprint has been shrunken down to the existing concrete pad.

Mr. Cooper asked Mr. Boccanfuso if the application should be reviewed by the Board given the changes to the plans. Mr. Boccanfuso states he would leave the decision to the Board under the guidance of the Board Planner and Board Attorney. Mr. Boccanfuso explained the applicant is seeking the use variance only. If the use variance application is approved, the applicant can address any issues that come up at time of site plan application.

Mr. Miller explained the bifurcated application process to Mr. Cooper and other Board members.

Ms. Beahm explained to the Board the application is not a traditional D1 use variance where the applicant would be introducing a use that is not permitted. The application is a D2 an expansion of a non-conforming use. The Board is looking at if the site can accommodate the increase. Ms. Beahm takes no exception for the Board to hear and decide the case.

Chair Leviton explained the Board will hear and decide the use variance application on the advice of our professionals.

Mr. Lilien asked Mr. Schovers for the height of the building. Mr. Schovers testified the building is 34 Feet to the ridge.

Mr. Vincent called Mr. Brandon Dickens, Vice President of Development was called the next witness. Mr. Dickens was sworn in by Mr. Miller.

Mr. Weiss asked how many vehicles are stored on the pad currently. Mr. Dickens explained the pad was approved for twenty vehicles and there are approximately 20 vehicles or under. Mr. Weiss asked about the additional parking spaces as a result of the inability to use the pad. Mr. Vincent clarified the Floor Area of the building qualified for additional parking spaces. Mr. Weiss asked where the 20 vehicles would be housed if the storage pad will no longer remain. Mr. Vincent explains Simply Storage would no longer be offering the storage area for any vehicles.

Chair Leviton confirmed with Mr. Vincent the storage of vehicles will be discontinued.

Mr. Miller and Mr. Vincent agree the use variance granted in 2013 to allow the storage of the vehicles would be rescinded should the Board act favorably on this application.

Mr. Vincent asked Mr. Dickens what triggered the need for the building instead of the parking storage pad. Mr. Dickens testified there has been an increased demand for interior storage that is climate controlled. They are currently at 96 percent occupancy. Mr. Vincent asked Mr. Dickens to testify regarding the hours of operation. Mr. Dickens explained the current operating hours will remain the same. The gate hours are consistently 6:00 AM to 10:00 PM. The office hours are 9:30 AM to 6:00 PM Monday through Friday; 8:30 AM to 5:00 PM on Saturday and 10:00 AM to 2:00 PM on Sunday.

Mr. Weiss asked if the customers had the ability to purchase 24 hours access to the gate. Mr. Dickens replied no, the gate access is consistently 6:00 AM to 10:00 PM.

Mr. Cooper asked what type of lighting would be put in. Mr. Schovers confirmed there will be LED wall pads for the exterior lighting on timers. There will be no pole lighting in the parking lot. All the lighting is mounted on the building shining down.

Mr. Vincent called John Chadwick, Licensed Planner, as his next witness. Mr. Chadwick was sworn in by Mr. Miller and the Board accepted his credentials. Mr. Chadwick explained he has been to the site numerous times and was the Planner on record for the 2013 variance application for the vehicle storage. He has reviewed the professional reports. Mr. Chadwick explained the D2 variance requested in further detail. The applicant is removing the pad for outside storage and replacing the pad with a building. The conditions of this site haven't changed. Mr. Chadwick testified the applicant is asking to remove a use that is more foreign to the residential neighborhood than a building. Mr. Chadwick further testified he felt the site is suited for a self storage business as granted 20 years ago. The business has been proven to be successful. Mr. Chadwick agreed with Ms. Beahm's report, dated March 2, 2018 where she referenced the Master Plan. The site is between Route 9 and a residential neighborhood. The use has little or no activity in terms of traffic, lighting and noise. There is very little impact. Mr. Chadwick testified there is no substantial impact on the zoning plan. The plan meets the standards for a D2 expansion and bulk standards.

Ms. Beahm explained with the revised plan the applicant has eliminated the need for a Floor Ration Area variance.

Mr. Vincent and Mr. Chadwick confirm the previously granted bulk variances are not affected by this application and reviewed the parking standards.

Ms. Beahm asked Mr. Chadwick, in his opinion, if he felt there would be any negative impact to the surrounding neighborhood for the third story building. Mr. Chadwick explained he felt there would be no negative impact especially with the mature surrounding forest and the distance. Ms. Beahm agreed. This is an established self storage facility. The use is a low traffic generator with low intensity. Ms. Beahm explained she would support the Board acting favorably on the application.

Mr. Boccanfuso explained this is mostly a planning application and most of the engineering issues would be addressed at site plan. Mr. Boccanfuso did confirm with Mr. Vincent that the storage of the recreational vehicles will be abandoned once the building is construction.

Mr. Boccanfuso and Chair Leviton discuss the fencing in the flood way. It is determined the applicant will have to review the issue prior to site plan.

Mr. Vincent stated he had no further witnesses.

Chair Leviton opened the meeting to the public for comment or questions on the application. Seeing there were no comments Chair Leviton closed public.

Mr. Miller reviewed the conditions:

- The current use for the storage of vehicles on the pad will be withdrawn and terminate upon building permit approval for the building.
- The applicant had noticed for the Floor Area Ration however that requirement had been eliminated.

A Motion of Approval for application ZBE1805 was made by Mr. Rosenthal and Seconded by Ms. Kamen

Yes: Kamen, Rosenthal, Cooper, Nelson, Strauss, Lilien, Leviton
No: None
Abstain: None
Absent: Byan
Not Eligible: Schertz, Weiss

Application No. ZBE1814

Applicant: Arnold Feldman
Proposal: Ratify Paver Patio
Request: Bulk variance – Side setback relief
Location: 7 Ashby Court
Block/Lot: 302/22
Zone: R20

Mr. Arnold Feldman is present and sworn in by Mr. Miller. Mr. Feldman explained in January 2018 he filed a permit application for a new shed. During the review the zoning officer pick noted other issues. Part of the paver deck intruded into two drainage easements. Also the deck of the north side encroached approximately a foot into the setback. Mr. Feldman appeared before the Township Committee and was granted a revocable to leave the patio in place. The pool was constructed in 1991 with a three foot ribbon of concrete around the perimeter. Mr. Feldman decided to expand the deck in 2009 and didn't realize he was required to apply for a zoning permit. When installing the deck, although no zoning permit was obtained, Mr. Feldman did require an electrical permit and inspection for a grounded wire. Mr. Feldman put in a pool heater in 2015 and obtained electrical and plumbing permits with inspections. The patio is on grade with the exception of site within in the setback. The side is sitting on a short 14 inch high retaining wall so it would not be easy to take up.

Mr. Lilien asked if there was footing for the patio. Mr. Feldman explained there is stone bed underneath.

Mr. Feldman explained on the patio between the lounge chair and the pool there is approximately 23 inches. If the patio had to be pulled back it would present an issue for anyone wanted to pass by the foot of the chair and the edge of the pool.

Mr. Weiss asked if there was a tripping hazard where the elevated area ends. Mr. Feldman explained it is 14 inches and doesn't require a railing, he doesn't feel it is a hazard. Chair Leviton explained it looks to like a step. Mr. Feldman confirmed.

Ms. DeFalco asked if the raised portion of the patio was inspected by the construction department when the pool was constructed. Mr. Feldman explained at that time there was a three foot ribbon of concrete leading to the grass. The grass became a maintenance issue so he expanded the concrete. Mr. Feldman

explained the construction department had been out to the property for the inspections on the grounded wire and the pool heater and there has never been any issue with the step being a falling hazard.

Ms. DeFalco explained years ago when applications were made for a pool permit, the pool is shown but the concrete was not.

Chair Leviton reviewed the application with the Board and noted the lot is irregularly shaped.

Ms. Strauss has no problem with the application the way it is today. However, should anything need to be rebuilt she would like to see it conform.

Mr. Cooper had an issue with the step. Chair Leviton asked Ms. DeFalco to respond as this relates to building code. Ms. DeFalco explains the Board's concern is the setback.

Chair Leviton opened the meeting to the public for comment or questions on the application. Seeing there were no comments Chair Leviton closed public.

A Motion of Approval for application ZBE1814 was made by Mr. Rosenthal and Seconded by Mr. Lilien.

Yes: Kamen, Rosenthal, Cooper, Nelson, Strauss, Lilien, Leviton
No: None
Abstain: None
Absent: Byan
Not Eligible: Schertz, Weiss

Chair Leviton opens the meeting to the public for any non agenda items, seeing there were no public comments, he closed public.

Ms. Moench discussed future attendance with the Board members. Ms Strauss advised she will not be present for the August 2, 2018 meeting.

ADJOURNMENT:

A Motion was offered by Mr. Weiss and agreed by all to adjourn the meeting at 8:35PM

Respectfully Submitted,

Janice Moench
Recording Secretary

RECORDED COMPACT DISCS OF THE ZONING BOARD OF ADJUSTMENT ARE
AVAILABLE FOR REVIEW, IN THE PLANNING/ZONING BOARD OFFICE BY
APPOINTMENT.