

JEFFERSON TOWNSHIP LAND USE BOARD

MONDAY, MARCH 27, 2023

Minutes of a Regular Meeting of the Jefferson Township Land Use Board, pursuant to due notice and in compliance with the Sunshine Law.
Municipal Building, Jefferson Township, at 7:00 PM.

Presiding: **Chairman Williams**
Secretary: **Stephanie McCormack**

Present:
Chairman Williams
Vice-Chairman Palko
Vice-Chairwoman Galfo
Chief Castimore
Councilwoman Senatore
Mayor Wilsusen
Mr. Hine
Mr. DiFrisco
Mr. Galfo

Absent:
Mr. Small
Mr. Deutsch
Ms. Steelman
Ms. Macalle-Holly

Also Present:
Glenn Kienz, Board Attorney
John Ruschke, Board Engineer
Aaron Kardon, Board Planner
Stephanie McCormack, Board Secretary

COMPLETENESS:

T3 Innovations

No. 23-02

Block 377, Lot 1
2 Center Road
Bulk Area Variance

Mr. Aaron Kardon stated the applicant is seeking variance relief to construct a two-story, single-family dwelling with a deck, walkway, driveway, septic system, well and drywell infiltration system. The property is located in the R-30, Single-Family Residence Zone, and will require the following bulk variances: minimum lot area, front yard setback, and maximum lot improvement disturbance. The property is also located in the Highlands Preservation Area and the development meets the Exemption #2 criteria. All requested waivers can be granted for completeness. He feels the application can be deemed complete, and a hearing can be scheduled.

Mr. Galfo made a motion to deem the application complete. **Chief Castimore** seconded the motion.

In Favor: All.

REGULAR MEETING

APPLICATIONS (if deemed complete):

Zemanek

No. 22-15

Block 192, Lot 1.01
69 Nolan's Point Road
Bulk Area Variance

Mr. Joseph Zemanek, the applicant, came forward and was sworn in. He explained he went to the Building Department requesting a permit for a retaining wall. Once the retaining wall was complete, an inspector came to inspect the retaining wall, and asked what Mr. Zemanek's intention was for the space. He stated he planned to put a shipping container in the space to be utilized as a garage. The inspector never mentioned that a shipping container is not allowed or that a variance was required. The storage container has been there for 11 years, and it contains a tool box, coolers, bicycles, beach chairs, etc. He has a few other accessory structures on the property, but the storage container, due to the topography of the property, is the only street-level accessory structure.

Mr. Kienz asked if Mr. Zemanek took the pictures, and if they accurately depict what currently exists on the property.

Mr. Zemanek stated that the photographs submitted as part of the application accurately depict what exists on the property.

Mayor Wilsusen asked why he chose a shipping container as opposed to any other type of accessory structure.

Mr. Zemanek stated at the time, he had a wallpapering business, and it made it convenient to store the 5-gallon buckets of paste and supplies. The shipping container was also much less expensive and more durable than other accessory structures. He would be willing to paint the container the same color as the house, if the Board requires it.

Councilwoman Senatore stated she is happy that he's never had complaints about the container, but feels it should be painted the same color as the house.

Mr. DiFrisco stated that the Township ordinance does not specifically refer to shipping containers as accessory structures. Even though he's not a big fan of shipping containers, he feels the applicant is really only seeking a front-yard variance.

Mayor Wilsusen asked if there were any zoning ordinances regarding this.

Mr. Ruschke stated there are no Township ordinances referring to shipping containers.

Mr. Kardon stated it would have been in his review if an ordinance existed.

Mr. Ruschke stated the applicant is requesting variances for an accessory structure in the front yard, distance between the accessory structure and the primary structure, and front yard setback, but nothing has been mentioned about whether or not the applicant could relocate the structure on the property. He would like to know if the applicant could move the storage container further back on the property, eliminating some of the variances.

Mr. Zemanek stated that he could physically move the storage container back, locating it on the Pershing Avenue side of his property, if it would meet the zoning requirements.

Mr. Ruschke also recommended that the applicant provide some landscaping around the storage container in order to try and camouflage some of it.

Mr. Zemanek stated that wherever it is moved to, it will still be close to neighboring property owners. Having the storage container where it is makes it easier to utilize instead of walking the length of the property to put something in it.

Mr. Ruschke asked if the hardship was due to the nature of the property.

Mr. Zemanek stated that the house is the same distance from the street as the shipping container, as are most of the other homes on the street.

Mr. Galfo asked for clarification on “front yard setback.”

Mr. Kardon explained that the ordinance requires any structure to be a minimum of 50 feet from the roadway in the R-30 Zone. Even though the primary structure has a pre-existing condition (14.9-foot front yard setback) that does not meet the zoning requirement of 50 feet from the road, the shipping container (which is also 14.9 feet from the road) requires a variance.

Mr. Galfo asked if the accessory structure was a normal shed, would the 8' X 20' size be an issue.

Mr. Kardon stated the size of the structure is not an issue.

Mr. Galfo stated the term “shipping container” should be taken out of the conversation. It shouldn't matter what the accessory structure is made out of. We are determining whether or not to grant the required variances.

Mr. Ruschke stated that when you are determining whether or not to grant requested variances, board members need to take into account the negative and positive attributes. When you talk about a shipping container, it really leans toward the negative because it's not a residential structure, it's really an industrial structure.

Mr. Keinz asked if the structure will have electric or plumbing.

Mr. Zemanek stated it will not have electric or plumbing.

Mr. Keinz stated the applicant will have to comply with all Construction Codes.

Mr. Hine asked for the variances to be repeated again.

Mr. Kardon repeated the variances.

Chairman Williams opened the meeting to the public.

Mr. Robert Crecco, a resident at 10 Mountain Shores Road, came forward and was sworn in. He voiced his concerns regarding the aesthetics of the shipping container, and how it is visible from his property.

The public portion was closed.

Councilwoman Senatore asked Mr. Kardon to go over the variances one more time.

Mr. Kardon reiterated that the following variances would be required for any structure located in the same spot on this property. A variance is required for the distance the structure is away from the house, and a front-yard setback is also required.

Councilwoman Senatore asked if the structure could be moved further back on the property.

Mr. Zemanek stated he might be able to remove one of his sheds and replace it with the structure.

Mr. Kienz stated that if the applicant moves the structure closer to Pershing Avenue, the same front yard variance would be required.

Mr. Galfo stated if he moved it closer to Pershing Avenue, it would defeat the purpose of having a garage.

Mr. Kardon stated that the applicant could move the structure back on the property approximately 35 feet, and it would not require a variance.

Vice-Chairwoman Galfo stated there's a shelf on the property, making it difficult to relocate.

Mr. Kienz stated the topography of the property makes it difficult.

Mr. Galfo made a motion to approve the application with the conditions discussed. **Vice-Chairwoman Galfo** seconded the motion.

In Favor: **Vice-Chairwoman Galfo, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Galfo, and Chairman Williams.**

Against: **Mayor Wilsusen, Councilwoman Senatore, and Vice-Chairman Palko.**

Mr. Kienz suggested that the Board make a recommendation to have Ms. Caldwell review and possibly revise the current ordinance to reflect the feelings of the Board regarding these types of structures.

Mr. William Haggerty, the applicant's Attorney, came forward. He gave a brief history of the property, and explained that the applicant is seeking Site Plan and Use Variance approval. The applicant proposes to expand the existing use with upgrades and additional amenities.

Mr. Charles Maltzman, the applicant's Directing Manager, came forward and was sworn in. He explained that the main purpose of this application is to upgrade the office space. The number of campers and staffing will not change, the hours of operation will not change, and the length of the camping season (8 weeks) will not change. Some of the changes to the property have already been made or are under construction.

Mr. James Glasson, the applicant's Engineer, came forward and was sworn in. He presented Exhibit A-1, the existing conditions, Sheet 2 of 7, last revised 3/1/2023. He gave a description of the property and its location and surrounding area. The camp hosts 750 campers a day between the hours of 9 a.m. and 4 p.m., Monday through Friday, and is staffed with 200 counselors. There were six new structures added to the camp consisting of a pavilion by the pool, two new nature pavilions, an arts and crafts pavilion, a gazebo, and a new Aquatic Director's office. There were 43 structures on the site, and 49 are proposed. He then presented Exhibit A-2, a colorized version of Sheet 3 of 7, last revised 3/1/2023. There are two main projects to this application; the removal of approximately 15,000 square feet of gravel in order to become more stormwater compliant, and the replacement of the office building/visitor center, in addition to the removal of a basketball court area. He then presented Exhibit A-3, a colorized version of Sheet 4 of 7. The new office space will have a smaller footprint than the existing building. The septic system will need to be replaced, and a new TWA will be required. They are also proposing an underground infiltration system for the new office building. The existing basketball court to be removed will be replaced with a covered, turf soccer field. A lighting plan has not been provided since the camp does not operate after dark. In 2016, Willow Lake was approved for 24.1% coverage, and the existing coverage is 27.2%. After the removal of the 15,000 square feet of gravel, they will be down to 26.9% coverage.

Mr. Kienz asked if the applicant would comply with all of the items in Mr. Ruschke's report.

Mr. Glasson stated the applicant will comply with everything in Mr. Ruschke's report.

Mr. Hine asked what the existing gravel would be replaced with, and if the additional structures that were added since 2016 had permits.

Mr. Glasson stated the existing gravel will be replaced with wood chips, and no permits were taken out for the structures added since 2016.

Mr. Galfo asked if there have been children in the structures that have been constructed since 2016. If so, he feels permits should be received and inspections conducted for those structures.

Chairman Williams opened the meeting to the public.
The public portion was closed.

Mr. Eric Snyder, the applicant's Planner, came forward and was sworn in. He explained that this application is not technically an expansion of a non-conforming use. During the pandemic, they needed to make accommodations for safe outdoor spaces, while trying to keep their business going. He presented Exhibit A-4, a photograph showing an aerial view of the property. Exhibit A-5 is a photograph of the gazebo as you enter the camp, Exhibit A-6 and A-7 are the structures that require variances, Exhibit A-8 is a photograph of the shed by the pool, Exhibit A-9 is a photograph of a shed located in the middle of the pool, and Exhibit A-10 is a photograph of an elevated walkway system or ropes course. He feels this project meets the intent of the Master Plan, and that the positive criteria outweigh any negative criteria. He then read into the record a letter dated March 23, 2023, from Mr. Ed Haack, Township Engineer for Sparta. The letter stated that the site improvements were not located in the Sparta portion of the property, and that there was no need for the Sparta Township Engineer to review or provide comments on the application.

Chief Castimore asked if the applicant was proposing any motion sensor or security lighting on the property. He is concerned about any future trespassers on the property since the arson several years ago.

Mr. Maltzman stated the property will have motion sensor lighting and a security alarm in the new office/visitor center building.

Vice-Chairman Palko asked for clarification on the size of the office building and where the campers go in inclement weather.

Mr. Maltzman stated that they have a domed hockey rink, an indoor space for art and science, a lunch pavilion, and a gymnastics and dance building, in addition to the fact that some parents will not send their child to camp if they know the weather will not be favorable.

Vice-Chairman Palko asked when the construction would start on the office building.

Mr. Maltzman stated they hope to start construction on the office building a few days after camp ends in August.

Vice-Chairwoman Galfo voiced her concerns regarding the structures that have already been built without permits or inspections, the safety of the structures, and the safety of the children while utilizing these structures. She would not like them to be used until permits have been issued and the structures inspected.

Mr. Maltzman stated they will work on getting those items done as soon as possible.

Vice-Chairwoman Galfo asked if a report was received from the Fire Official.

Ms. McCormack stated that the Fire Official was unable to provide a formal report prior to the hearing, but is very familiar with the property and would like to request a tour with the Fire Department once the work is completed. A formal report will be forthcoming.

Mr. Maltzman agreed.

Mr. DiFrisco asked Mr. Maltzman what was going through their minds when they constructed the existing structures without permits.

Mr. Maltzman apologized for doing construction without permits, but at the time, they were just concerned and panicked about how to keep the business afloat during the pandemic.

Vice-Chairwoman Galfo asked when the pavilions were constructed, and how the building inspectors will inspect the footings of these structures.

Mr. Maltzman was unaware that he needed permits to construct an open air pavilion, and all but one of the structures was built after 2020.

Mr. Galfo asked if the structures were built a few months ago, two years ago, or during another period of time.

Mr. Glasson, who did the original site plan for Willow Lake, stated that he noticed the addition of structures when he was asked to prepare the new site plan for this application. He then informed the applicant that permits are required.

Vice-Chairwoman Galfo stated that the contractor who constructed the pavilions should have known that permits were required, and she voiced her concerns as a parent how upset she would be if her child's safety was at risk for having unpermitted structures on the property.

Chairman Williams asked Mr. Kienz if he felt it appropriate to table this application until the required inspections by the Building Department have been completed.

Mr. Kienz disagreed. The Land Use Board is not an enforcing agency, but you can make the professionals aware of the situation, and have them keep on top of it.

Vice-Chairwoman Galfo asked if the Board can prohibit the use of these six structures when the camp opens in June, unless inspected and permitted prior to the camp opening.

Mr. Kienz will be making this a condition of the resolution.

Mr. Glasson stated that building permits for all 6 structures have been applied for. The building inspectors are just waiting to see if the application is approved before going out to inspect.

Mr. Kardon was satisfied with Mr. Snyder's planning testimony.

Mr. Ruschke agrees that these structures should not be utilized until the permits are obtained.

Mr. Kienz recited the conditions of approval.

Chairman Williams opened the meeting to the public.
The public portion was closed.

Vice-Chairwoman Galfo made a motion to approve the application with the conditions discussed. **Mr. Hine** seconded the motion.

In Favor: Vice-Chairwoman Galfo, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Galfo, and Chairman Williams.

Against: Vice-Chairman Palko.

Mr. Kienz suggested that Mr. Haggerty request a waiver of the receipt of the memorialized resolution in order to allow for the Building Department to conduct their inspections.

Mr. Haggerty agreed, and the board members were all in favor of this recommendation.

RESOLUTIONS

Summer Stock Rentals, LLC No. 21-08 Block 2, Lots 6 & 7
Halsey Oval
Minor Subdivision/Bulk Area
Variance

Vice-Chairwoman Galfo made a motion to approve. **Chief Castimore** seconded the motion.

In Favor: Mayor Wilsusen, Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, and Chairman Williams.

Reilly No. 22-13 Block 286, Lot 10
90 E. Shawnee Trail
Bulk Area Variance

Vice-Chairwoman Galfo made a motion to approve. **Mr. Hine** seconded the motion.

In Favor: Vice-Chairwoman Galfo, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Galfo, and Chairman Williams.

Pignatore No. 22-17 Block 266, Lot 1.03
825 Berkshire Valley Road
Minor Subdivision/Use Variance

Vice-Chairwoman Galfo made a motion to approve. **Chairman Williams** seconded the motion.

In Favor: Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Galfo, and Chairman Williams.

Lake Hopatcong Ventures, LLC No. 22-18 Block 198 Lots 4.02, 9, & 14
Espanong Road
Minor Subdivision

Vice-Chairwoman Galfo made a motion to approve. **Chairman Williams** seconded the motion.

In Favor: Mayor Wilsusen, Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, and Chairman Williams.

Heller's Lane Urban Renewal Entity, LLC

No. 23-01

Block 273.01, Lots 2.061, 2.062
& 12
Heller's Lane, Route 15, &
Bowling Green Parkway
Amended Site Plan

Chief Castimore made a motion to approve. **Vice-Chairwoman Galfo** seconded the motion.

In Favor: **Councilwoman Senatore, Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, and Chairman Williams.**

OTHER BUSINESS

There was a brief discussion on possibly amending the ordinance for accessory structures to reflect the use of shipping containers on residential properties. The board agreed to have Jessica Caldwell prepare something for the board to review.

Master Plan Reexamination Report

Public Hearing/Adoption

Mayor Wilsusen made a motion to approve. **Vice-Chairwoman Galfo** seconded the motion.

In Favor: **Mayor Wilsusen, Councilwoman Senatore, Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Galfo, and Chairman Williams.**

Housing Element & Fair Share Plan

Public Hearing/Adoption

Mayor Wilsusen made a motion to approve. **Vice-Chairwoman Galfo** seconded the motion.

In Favor: **Mayor Wilsusen, Councilwoman Senatore, Vice-Chairwoman Galfo, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Galfo, and Chairman Williams.**

APPROVAL OF MINUTES DATED JANUARY 23, 2023 & MARCH 13, 2023

Vice-Chairwoman Galfo made a motion to approve the minutes dated March 13, 2023. **Councilwoman Senatore** seconded the motion.

In Favor: **All.**

Vice-Chairwoman Galfo made a motion to approve the minutes dated January 23, 2023. **Chairman Williams** seconded the motion.

In Favor: **All.**

OPEN MEETING TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

No members of the public were present.

ADJOURNMENT:

Vice-Chairwoman Galfo moved to adjourn **at 9:01 PM.**
Chairman Williams seconded.

In Favor: All.

Respectfully Submitted by:

Stephanie McCormack
Secretary to the Planning Board