

JEFFERSON TOWNSHIP LAND USE BOARD

MONDAY, MARCH 28, 2022

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
Mr. Small
Mayor Wilsusen
Councilwoman Senatore
Mr. DiFrisco
Mr. Hine
Mr. Deutsch
Chief Castimore
Ms. Macalle-Holly

Absent:
Vice-Chairwoman Galfo
Mr. Galfo
Ms. Steelman

Also Present:
Rich Briigliardo, Board Attorney
Samantha Anello, Board Engineer
Aaron Kardon, Board Planner
Stephanie McCormack, Board Secretary

COMPLETENESS SESSION:

Gorbacz

No. 22-03

Block 462, Lot 31
5642 Berkshire Valley Rd.
Use Variance

Mr. Aaron Kardon stated the applicant is seeking Preliminary and Final Site Plan and Use Variance approval to construct a 3,200 square foot detached 3-bay garage on the subject property where there is an existing non-conforming two-bedroom single-family dwelling. The property is in the C-1 Neighborhood Business Zone where the residential use is not permitted in the zone. The applicant has requested several waivers, but is still required to submit architectural elevations of the proposed building, floor plans of the interior of the proposed garage, a landscape plan, and a lighting plan.

Based on the missing required items, it is recommended the application be deemed incomplete.

Chairman Williams made a motion to deem the application incomplete. **Mr. Small** seconded the motion.

In Favor: All.

The Board Attorney then swore in Samantha Anello, Board Engineer, and Aaron Kardon, Board Planner.

REGULAR MEETING (IF DEEMED COMPLETE):

Lake Hopatcong Ventures

No. 21-06

Block 198, Lot 4
Espanong Road
Use Variance

Mr. Bernd Hefe, Attorney for the applicant, came forward. He explained the applicant is seeking to utilize the vacant property for farming. The farm-to-table operation will supply Alice's and The Windlass restaurants with fresh fruits and vegetables. The property is approximately one acre in the C-1 zone, and they are not proposing to build any structures. There is farming on the adjacent residential property, and all of the structures on that property were constructed with permits, in addition to the farming being a permitted accessory use in the zone.

Ms. Lisa Palanchi, General Manager for the applicant, was present and sworn in. She stated they are looking to farm approximately 17,000 square feet of the property. They will be planting peppers, lettuce, tomatoes, fruit trees, etc. There will be no outside sales/farm stand as part of this operation.

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

Mr. DiFrisco asked how the farming operation would work. He is concerned about the surrounding residential properties being subject to sprayed fertilizer, manure smell, etc.

Mr. Hefe stated that the equipment used to run this farm will not be any larger than what the average residential home would use.

Mr. Andrew Cangiano, the applicant's Engineer, was present and sworn in. He presented Exhibit A-1, a series of three (3) photographs of the farm equipment to be used. He then presented Exhibit A-2, the subject property (Lot 4) and the adjoining farmhouse property (Lot 4.02). The subject property will be accessed through the existing driveway on Lot 4.02. He then presented Exhibit A-3, a colorized version of Sheet C-4 of the submitted Site Plan. The existing conditions were discussed, and the rear of the property will remain untouched. No other improvements are proposed other than to level 1/3 of the property for farming. There will not be a secondary driveway, and the irrigation will be provided by well water. The area of disturbance will be 27,447 square feet, and the equipment used for farming will be stored in the barn on the adjoining lot.

Chief Castimore asked if there were any current photos of the property.

Mr. Hefe stated that there are not, but the Planner's testimony would include aerial photographs of the existing conditions on the property.

Chief Castimore stated he had walked the property over the summer with the farmer, and there was a huge pile of dirt on the property.

Mr. Hefe stated that he was unaware of any such pile of dirt, but current aerial photos will be shown with the existing conditions of the property.

Ms. Anello asked if it was a net cut or a net fill, and is it significant.

Mr. Cangiano stated it is a net cut at about 10%, being cut down to approximately 3 or 4%.

Ms. Anello asked if application has been made to the Morris County Planning Board and for soil erosion.

Mr. Hefe stated that both of those applications have been submitted.

Mr. Cangiano stated that they have received approval for soil erosion, but no word yet from the Morris County Planning Board.

Ms. Anello asked if there would be any stormwater management mitigation for runoff onto the county road.

Mr. Cangiano stated that the property will be leveled to a certain extent, with crops planted during the warmer weather and cover crop planted during the winter months, promoting absorption. He stated that there may be an option for rain barrels on the property.

Ms. Anello agreed that the addition of rain barrels would be helpful. She then asked for clarification that phosphorus fertilizers would not be used.

Mr. Cangiano stated that the fertilizer would be phosphorus-free. The fertilizer will be a combination of organic materials. He then stated that there are no plans to merge the lots, but there will be a cross-easement between the properties.

Vice-Chairman Palko asked what the hours of operation would be, and how many trees will be removed.

Mr. Hefe stated the hours of operation would be within the limits of the Township Noise Ordinance.

Mr. Cangiano stated there will be 57 trees of varying sizes removed.

Vice-Chairman Palko asked if some of the trees to be removed would be replaced with fruit trees.

Mr. Hefe stated that they will be replacing some of the trees with apple and peach trees.

Vice-Chairman Palko asked if there would be any bee hives on the property.

Mr. Hefe stated there would not be any bee hives on the property. There are, however, a few bee hives on the adjacent property, and they have had no complaints from neighboring properties.

Vice-Chairman Palko asked if there would be any animals on the property.

Mr. Hefe stated there would not be any animals on the property.

Vice-Chairman Palko asked about the irrigation on the property.

Mr. Hefe stated that the irrigation will be serviced by a well with water lines and sprinklers. Farming will stop in November when the cover crop will be planted.

Vice-Chairman Palko asked if there will be any roadside farm stands.

Mr. Hefe stated there would not be any roadside farm stand, and the applicant would agree to that as a condition of the resolution.

Vice-Chairman Palko asked what would be done with the harvested waste.

Mr. Hefe stated the harvested waste would be composted and there will be no dumpster required.

Mr. Matt Flinn, the applicant's Planner, was present and sworn in. He presented Exhibit A-4, seven pages of photographs and maps of the property. He explained the Exhibit in detail. The intended use is less obtrusive than any other use that would be permitted in the zone, and only 37% of the property will be used for farming; the rest will remain untouched. The positive criteria include Purposes A, G, I, and N. With regard to any negative criteria, he does not believe there would be any substantial detriment to public good, health and safety.

Mr. Aaron Kardon asked what types of vehicles would be leaving and entering the site.

Mr. Hefe stated that the vehicles leaving and entering the site will not be any different than the vehicles already being utilized at the farmhouse.

Mr. Kardon asked if the gator was electric or used gasoline.

Mr. Hefe stated the gator is electric and is very similar to a golf cart.

Chairman Williams opened the meeting to the public.

The public portion was closed.

Chief Castimore made a motion to approve the application with the conditions as discussed. **Mr. Small** seconded the motion.

In Favor: **Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Deutsch, Mr. Small, and Chairman Williams.**

Mr. Bernd Hefe, the Attorney for the applicant, was present. The applicant is proposing to demolish all of the existing structures on the property and construct a three-story self-storage facility. The property is approximately one acre, and is located in the redevelopment zone.

Mr. Ken Fox, the applicant's Architect and Planner, was present and sworn in. He presented Exhibit A-1, a colorized rendering of the exterior of the proposed facility. The facility will consist of overhead garage door-type access on the first floor, and the remaining floors will be accessed through several doors around the perimeter of the building. Just off the main lobby in the front of the building, there will be a small office for the facility manager and a lavatory. There will be two elevators, and the height of the building will be 40 feet. There will be a total of 159 individual storage units, most of which will be climate-controlled. The facility will not have a sprinkler system.

Councilwoman Senatore asked if there would be an entrance gate and what the hours of operation would be.

Mr. Fox stated there will not be a gate to enter the property, and it will be open 24/7.

Ms. Anello asked if the first floor overhead door storage units would be allowed to store vehicles.

Mr. Hefe stated that no motorized vehicles would be stored in the units, in addition to no outside storage of same, and hazardous chemicals. These prohibited items will be included in the lease agreements.

Mr. Kardon asked if this facility would be used to rent U-Haul trucks, since it is a U-Haul owned facility.

Mr. Fox stated this type of facility runs under a different umbrella than the U-Haul truck rentals, so there will not be any U-Haul truck rentals at this facility.

Ms. Anello asked if the height of the building was from the top of the elevator shaft or the top of the building.

Mr. Fox stated the height of the building was measured to the highest point, which is the top of the elevator shaft.

Mr. Andrew Derek Ranger, the applicant's Engineer, was present and sworn in. He referred to the submitted site plans to describe the existing conditions, proposed facility, and surrounding area. He then presented Exhibit A-2, a colorized version of the site plan. Each floor of the facility will consist of 9,018 square feet and will have a 10-foot wide marked loading area around the perimeter of the building. There will also be a 14-foot wide, one-way drive around the perimeter of the building, with 6 parking spaces, one of which will be ADA compliant. Ten (10) trees will be removed, most of which are 6 to 8 inches in diameter. There will be a 4-foot modular block wall at the rear of the property where there is a need to cut into the grade slightly. An access code will be provided to people renting storage units, and the building can be accessed 24 hours a day. There will be a skeleton crew managing the

facility, and a trash enclosure will not be provided in order to deter dumping of storage unit contents. Any trash generated by the office will be taken home for disposal. With regard to the Fire Official's review letter, they will agree to increase the width of the driveway to accommodate the turning radius of a fire truck. The facility will have a septic and well, and they are proposing two underground chambers to collect roof runoff. With respect to lighting, they will comply with the requirements of the Board Engineer. He then reviewed the landscaping plan and signage. This project requires the following variances: loading area variance and maximum lot disturbance variance.

Mr. Hefele wanted to clarify that the business is a 24/7 access facility with security cameras all over the entire building. There will be no outdoor storage. If Natural Gas is available, they will be utilizing it.

Ms. Anello asked if there were any items in her report that the applicant would not be able to comply with.

Mr. Ranger stated the applicant will be able to comply with all of the items in the report.

Ms. Anello asked how many exit doors were in the building.

Mr. Ranger stated there are four exit doors. The exit door that is closest to a person's storage unit is the door that they will be able to access.

Chairman Williams opened the meeting to the public.

Mr. Brian Pokorny, a resident at 34 Warren Road, Sparta, was present and sworn in. He explained that his family has been in the self-storage business since 1982, and had the second known facility in New Jersey at that time. He stated that he received approval from the Board for a similar facility on Route 181. He claims his building is smaller, but the Board required him to have bollards at every corner of the building, and a 24-foot wide drive around the building. Within the first week of opening, an eighteen wheeler pulled into his facility and hit one of the bollards. An eighteen wheeler would not be able to enter and exit the applicant's proposed facility. He is also concerned about snow removal and where they would put the snow after it being plowed. He feels the facility is too large for the property.

The public portion is now closed.

Mr. Hine asked for the snow removal concern to be addressed.

Mr. Ranger pointed out the areas where the snow could be pushed to on the property.

Chairman Williams asked what happens when the part-time management is not at the facility.

Mr. Hefele stated that this facility is meant to run on its own. When management is not on site, the facility is being monitored remotely 24/7 by U-Haul.

Councilwoman Senatore voiced her concerns about an 18-wheeler trying to drive through the facility. She has worked with large trucks, and they are typically longer than a fire truck.

Ms. Anello stated that any vehicle larger than a 40-foot aerial fire truck could not be accommodated by the facility.

Mr. Hefe stated they can make that work.

Mr. Pokorny asked why he was required to have one extra parking space and why he was told he could not have a larger building without it requiring a sprinkler system. The applicant is proposing a larger building and is not required to have more than 6 parking spaces, and the building is not required to have a sprinkler system.

Mr. Hefe stated that they have a sufficient number of parking spaces as required by Township Ordinance calculation for the type of business. In addition, Mr. Fox already testified that according to Fire Code requirements, the building does not need to have a sprinkler system. With regard to bollards on the site, there are bollards in front of each entrance/egress door and in front of any utility on the site.

Councilwoman Senatore asked if this application could be tabled until more information is provided regarding access for tractor trailers on the site.

Councilwoman Senatore made a motion to carry the application with no further notice required to Monday, April 25, 2022, so the Board can receive the information they requested on circulation for 18 wheelers, grading, and utilities. **Mayor Wilsusen** seconded the motion.

In Favor: Mayor Wilsusen, Councilwoman Senatore, Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. DiFrisco, Mr. Deutsch, Chairman Williams.

Turek

No. 22-02

Block 174, Lot 2
125 Castle Rock Road
Use Variance

Mr. DiFrisco, Mayor Wilsusen, and Councilwoman Senatore recused themselves from the application.

Mr. Bernd Hefe, the Attorney for the applicant, was present. He explained the applicant purchased this property a few years ago with six structures (4 residential homes and two accessory structures) on it. They have since received approval from the Board to renovate the main primary structure, remove one of the primary rental structures and accessory structures, in addition to constructing a detached garage. This application proposes to demolish one of the three remaining primary structures, and construct an addition on one of the remaining primary structures. This application will lessen the intensity of the pre-existing, non-conforming use variance.

Mr. Ken Fox, the applicant's Architect, was present and sworn in. He then presented Exhibit A-1, existing structures, floor plans and photographs. He then presented Exhibit A-2, a colorized version of sheet Z-1. The applicant is proposing to demolish the structure closest to the primary home, and construct an addition on the structure closest to the road. The addition consists of an attached two-car garage, with two bedrooms and a laundry room over the garage. There are currently separate septic systems for each home, and there are plans to install a new septic system for the structure near the road. As part of the last approval, the Lake Hopatcong Commission requested the applicant to provide a

rain garden in addition to any proposed landscaping. This condition will still hold true with this application. It was an oversight that the rain garden was not provided on the new plans, but the applicant agrees to comply with all of the concerns in the Lake Hopatcong Commission's letter. The variances required are: front yard setback, side yard setback, accessory structure in a front yard, and use variances. The existing septic encroaches on the neighboring property, and will be removed. He then made reference to the Township Engineer's report. The applicant will be providing the proposed grading, and they will be making application for a revised soil conservation permit.

Ms. Anello asked for clarification on whether or not the applicant requires a lot improvement disturbance variance. This project can be viewed as a "phased" project, which would require the variance, but this application by itself would not require a variance.

Mr. Fox stated he would prefer to amend the application to include the variance just to be on the safe side. He agreed that the different applications should be looked at as a whole project.

Mr. Brioliardo didn't feel that it was appropriate to ask the Board to vote on a variance without having the specifics of the variance.

Chief Castimore made a motion to carry the application with no further notice required. **Mr. Small** seconded the motion.

Chairman Williams opened the meeting to the public.

Mr. Dennis DiFrisco, a resident at 121 Castle Rock Road, was present and sworn in. He explained there is a septic tank over the property line. The site plan shows an easement on the property line, when, in fact, there is no easement. The easement shown on the site plan should be removed.

Mr. Hefe asked Mr. DiFrisco for a copy of the document, and he would look into it prior to the next meeting.

The public portion was closed.

In Favor: Vice-Chairman Palko, Chief Castimore, Mr. Hine, Mr. Deutsch, Mr. Small, and Chairman Williams.

RESOLUTIONS:

Jennings

No. 20-15

Block 155, Lot 27
211 Espanong Road
Use Variance

Ms. McCormack stated the resolution should be carried to Monday, April 25, 2022 since the Board has not had a chance to review the revisions.

Mr. Deutsch made a motion to carry the resolution to Monday, April 25, 2022. **Chief Castimore** seconded the motion.

In Favor: All.

APPROVAL OF THE MINUTES DATED FEBRUARY 28, 2022:

Mayor Wilsusen made a motion to approve the minutes. **Chairman Williams** seconded the motion.

In Favor: All.

ADJOURNMENT:

Chairman Williams moved to adjourn at **10:06 PM**.
Mayor Wilsusen seconded.

In Favor: All.

Respectfully Submitted by:

Stephanie McCormack
Secretary to the Planning Board