

gravel parking and drives. The property is essentially cleared and the buildings are used as a general warehouse. They want to continue to use the buildings as warehouses, but separate the buildings inside as individual units to store bulk materials. There would be no plumbing and no office space, just store equipment and pick up and go. The site is zoned R-5 now, but a use variance was granted for commercial use. When Mr. Rothstein asked about the 9,000 square foot building, Mr. Yuro said the applicant wishes to carve out two units and the applicant would occupy one and rent the other, continuing to store equipment. Mr. Kelly asked about improvements to the property. Mr. Yuro said the applicant intends to landscape and pave the property, and add more gravel in the rear for a turnaround, in other words, “spruce it up”. Denis Kelly said the variance was granted for commercial storage and the same use would continue.

Mr. Ragan stated the 1983 approvals were for a single purpose of storing refrigeration equipment and asked Denis Kelly if that was still the proposed use. Mr. Kelly answered yes. Mr. Ragan pointed out they are asking to split the buildings into multiple tenancies. Mr. Kelly said in their opinion, the proposed use was still for commercial storage. Mr. Rothstein clarified they are only voting on the interpretation. Mr. Ragan referred to his report of 9/22/05 and said the multiple tenants presents a new situation. Mr. Kelly answered the proposal is not different from what was granted in 1983.

Chairman Kelly asked the Board if they agree with the interpretation of Denis Kelly. Mr. Clute disagreed with their reasoning and thought they should come back for the necessary variances. Mr. Weinstein agreed with Denis Kelly. Mr. Falkowitz thought the two situations were not much different. Mr. Maher abstained from comment. Mr. Hartman said no to the interpretation.

Motion against interpretation by Clute/Weinstein.

Mr. Rothstein clarified the vote against the interpretation means a change from single to multiple is not identical to the variance granted previously. Mr. Ragan said the property is currently zoned R-5.

Vote for denial of interpretation : YES – Clute, Hartman, Weinstein, Kelly. NO – Falkowitz. Mr. Maher abstained.

The Board continued to hear this application for a use variance. The applicant agreed to pay all necessary fees. Mr. Rothstein noted the applicant will need all five votes for the use variance. At first, Mr. Maher thought he had a conflict and would not be voting, but then it was determined he had no conflict and he will be eligible to vote. Denis Kelly asked for a moment to discuss with his client whether he should proceed, and it was decided they would move forward.

Denis Kelly asked Mr. Yuro if he was familiar with the property and was told yes. Mr. Kelly said the property has been in commercial use since 1983 by the current owner. Mr. Megill said the Board should ask the applicant when the business ceased on that property, not the storage of commercial equipment. Mr. Yuro testified currently a single occupant uses the two existing buildings for commercial storage. The 9,000 square foot building would be split into 5 units of approximately 1,800 square feet each. The 4,800 square foot building would be split into two units of approximately 2,400 square feet each. They would divide using walls, no plumbing or office space, just dry storage space. There is a single user now and they would be adding tenants. Their opinion is the use is not more intense. It would be a place for contractors to come in the morning, pick up whatever they need, and return in the evening. The intent is for small contractors to utilize the space, maybe two trucks each. They intend to pave the parking areas according to the ordinance and add landscaping. They feel there is no detriment to the public good and the benefits include cleaning up the property and improving the parking to municipal standards.

Robert Solomon, contract purchaser and applicant, sworn. He lives at 2 Steeplechase Court, Colts Neck, New Jersey. He has a small company in the fire prevention field. He stated there is no place to rent space for trucks and equipment This site suits his needs, but it is too big, so he was hoping to divide and rent out the additional space. He feels even with the multiple tenants there will be less traffic. Chairman Kelly’s concern is that this is in a residential development and there would be trucks sitting there all night. Mr. Clute asked the applicant what he is offering that people couldn’t use public storage places for. Mr. Solomon answered the public storage units are too small for some lengths of piping. He said this use would generate no traffic or noise. Chairman Kelly asked Mr. Megill if there were guidelines on what can be stored, and Mr. Megill said yes, it is overseen by the Building Department. Mr. Solomon also said his insurance company determines what would be allowed and only non-flammable items are allowed. Mr. Kelly said his client is willing to comply. Mr. Ragan asked the amount of square footage he would be using and Mr. Solomon answered 2,400 square feet. Mr. Ragan asked if he knows what other tenants would be renting; Mr. Solomon answered no. Mr. Ragan said then he wouldn’t know what type of trucks would be coming and going. Mr. Solomon said he would select the tenants. Mr. Rothstein said there is a need for this type of space. Mr. Ragan pointed out the applicant is not allowed to park vehicles outdoors. Mr. Solomon agreed to comply with rules on parking of vehicles. Mr. Ragan said there is no traffic study and hence no indication of parking. Denis Kelly went over the positive and negative criteria for this application. Mr. Ragan asked if the number of tenants could be reduced. Mr. Solomon said he wants to rent it out to as many tenants as he can. Chairman Kelly asked if he spoke with his neighbors and Mr. Solomon said no. Mr. Megill noted the variance was granted years ago for a contractor’s office and warehouse, and years ago, there were commercial uses to either side that are now residential. Chairman Kelly said because it is unknown who would be renting there, it would be better to have less initially. Mr. Solomon asked if one business is allowed, isn’t that a large business and would it be more intense? Chairman Kelly answered he had the right mindset, but this is a residential area and there are unknown factors. Mr. Solomon assured the board he would abide by the rules. Chairman Kelly asked if there would be phones and electric and was told no. Mr. Ragan indicated the Board can limit the size of the trucks permitted. Mr. Megill agreed, saying a six-ton limit could be made. Mr. Solomon said delivery trucks may come and Chairman Kelly understood. Mr. Ragan stated the applicant would need full site plan approval and Denis Kelly agreed. Mr. Kelly suggested the applicant reduce the number of units by one, leaving the 4,800 square foot building for Mr. Solomon’s use, and five tenants in the rear building. Mr. Rothstein reminded the applicant he can’t park anything outside overnight.

PUBLIC SESSION OPENED/No one came forward/PUBLIC SESSION CLOSED

Motion to approve use variance by Falkowitz/Hartman, conditionally with no tenant having trucks over six tons gross vehicle weight, limiting the number of tenants to 6 in two buildings and no overnight parking or outside storage of equipment. YES: Clute, Hartman, Maher, Weinstein, Falkowitz & Kelly.

2. **APPLICANT: JOSEPH SERRATELLI**
BLOCK: 2.06 **LOT: 1** **ZONE: R-3**
LOCATION: 810 WEST CASSVILLE ROAD

This property was granted a variance in 1996 and the resolution allowed a 2,200 square foot home. The surrounding homes are over 3,000 square feet. Mr. Serratelli wishes to construct a 3,025 square foot home, not including the garage, and is able to stay within the setbacks. He stated this size home would be more conforming to what is in the neighborhood. Mr. Kelly asked Mr. Megill how the Board could decide this. Mr. Megill stated a restrictive variance was granted by the Board, and that could be amended by this Board if they so choose. Mr. Ragan stated the new house meets the R-1 setback requirements in place at the time the previous variance was granted.

Motion to agree with the interpretation allowing the larger size home by Clute/Weinstein. YES: Clute, Hartman, Maher, Weinstein, Falkowitz & Kelly.

APPLICATIONS:

1. **APPLICANT: JOHN MATTHIEU (VARIANCE #2509)**
BLOCK: 126.47 **LOT: 7** **ZONE: R-15**
LOCATION: 6 TRENTON STREET

John Matthieu sworn. He requests permission to allow a 64 square foot shed in the front yard of his corner lot. He misunderstood the requirements for a permit for this type of shed, and now knows he needs a zoning permit. His is the only house that faces Trenton Street and the nearest house faces Vermont Street. He wants to keep the shed there; he has finished it so it looks like part of the house and his neighbors have no objection to it. Mr. Kelly said the location is the problem as it is too close to the house and nothing flammable can be stored in it. Mr. Matthieu said he keeps gardening tools in there and has nothing flammable; he has an electric snow blower. Mr. Kelly noted the overall terrain of the property and Mr. Matthieu said he really could not put the shed anywhere else and he did not want to remove trees. Mr. Megill noted this would be a dual variance – one to allow the shed in the front yard and one to allow the shed closer than 10' to the house.

PUBLIC SESSION OPENED

Doris Porup, 3 Trenton Avenue, sworn. She lives directly in front of the subject property and can't notice the shed because it matches the house and in the spring, the trees hide it. She has no objection.

Shawn Henrich, 7 Trenton Avenue, sworn. He lives at an angle to this property and doesn't see the shed as it blends in with the house.

Jamie Brownell, 17 Upper Pennsylvania Avenue, sworn. She lives across the street and has a view of the side yard. There is a large blue spruce tree hiding the shed. She has no objection.

Motion to approve by Clute/Hartman. YES: Clute, Hartman, Maher, Weinstein, Falkowitz and Kelly.

2. **APPLICANT: TYLER PIERSON (VARIANCE #2511)**
BLOCK: 145.01 **LOT: 39.01** **ZONE: HC**
LOCATION: 460 N. COUNTY LINE ROAD

Tyler Pierson sworn. He wishes to construct a detached garage in the Highway Commercial zone for residential use. It would be located in the front yard. Mr. Ragan asked how the garage sits on the property, and Mr. Pierson said it is 200' off the road, behind Swimland Pools. There is no place to put it but in front of the house.

PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED

Motion to approve by Falkowitz/Weinstein. YES: Clute, Hartman, Maher, Weinstein, Falkowitz and Kelly.

3. **APPLICANT: JULIE VREELAND (VARIANCE #2510)**
BLOCK: 111 **LOT: 10** **ZONE: HC**
LOCATION: 569 N. COUNTY LINE ROAD

Ms. Vreeland wishes to construct a single family dwelling in the Highway Commercial zone, which requires a use variance, and she needs various bulk variances. Her attorney, Mr. Ellis, appeared on behalf of her. He indicated buy/sell letters were sent to adjoining property owners and no responses were received. Applications to outside agencies were sent and Ms. Vreeland's engineer was present. Mr. Kelly asked if property taxes were current and Mr. Weinstein replied yes. Ms. Vreeland sworn. She has owned the property for 36 years and at the time it was not zoned commercial. She said the properties to either side of her could not sell her additional land to make her lot conforming because it would make their lots non-conforming. She wants to construct a modular home farther back on the property and sideways to conform

to the setbacks. She wants to rebuild because the County will be taking some of her front property to widen County Line Road. There will be no tree removal. The property is 105' wide and 175' is required. The speed limit on County Line Road is 50 miles per hour. It is difficult to turn in the driveway at present, but it would be worse for commercial traffic. This part of County Line Road is mostly residential with a few commercial uses in the immediate area. The present zoning causes her a hardship. She has lived there 36 years and would like to stay. If the County was not going to widen the road, there would be no need to replace the home.

Mr. Weinstein asked if she would want to turn the house. Mr. Ragan added the Board could grant side yard setback variances. Attorney Ellis stated they would like to turn the house, but they wanted to minimize the number of variances requested. Ragan said it would be approximately 22.5' each side. Mr. Rothstein proposed a 22' side yard setback as it would be less restrictive.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Mr. Yodakis asked if they agree to his technical comments. Charles Rush, P.E., 1 Hadley Avenue, Toms River, sworn. He agreed to the technical comments in T&M's review letter on behalf of his applicant. Mr. Ragan asked about sewer and water. Mr. Rush said there is water, and sewer is a long way off. Ms. Vreeland said the septic is to remain intact and she will hook up to water. Mr. Maher asked if there are wetlands on the property and was told no.

Motion to approve by Clute/Weinstein. YES: Clute, Hartman, Maher, Weinstein, Falkowitz and Kelly.

**4. APPLICANT: AQUA SOLUTIONS (MINOR SITE PLAN 630 W/USE VARIANCE)
BLOCK: 3.01 LOT: 11.31 ZONE: R-3
LOCATION: 25 TWIN OAKS COURT**

Michael Glasner, applicant, sworn. He needs a use variance to run his business from his garage and to park trucks. This activity is not visible to his neighbors. Mr. Kelly asked how the neighbors feel about the trucks. Mr. Glasner stated his neighbors are present tonight, one is on duty in the armed forces and he has no objection. Mr. Yodakis asked if there would be any changes to the property and was told no. Mr. Ragan asked for details of this business. Mr. Glasner said he runs a water filtration business from his detached garage. There is no outside storage, but there are two 16' box trucks that are not louder than diesel trucks. Mr. Ragan said this complies with the home occupation ordinance, except for the trucks. Mr. Glasner said very few customers come to the business. Mr. Ragan suggested the fire marshal look at the plan. He also asked if he would limit the number of vehicles to two. Mr. Glasner said he might want a pick up truck. With regard to wetlands, Mr. Glasner answered it is 800' back to the stream, but no wetlands survey has been done. Mr. Ragan noted the garage is existing since 2000. Mr. Glasner said the property is 1,200' back and 75' from the house. Mr. Megill said the two vehicles are over the weight limit and are not allowed in the front yard anytime. Mr. Glasner agreed. Mr. Megill pointed out the signage on the trucks could be objectionable to the neighbors.

PUBLIC SESSION OPENED

Scott Reeves, 21 Twin Oaks Court, sworn. He lives two houses down and can't see the trucks or the garage from his property. This is a quiet business and he is not bothered by it.

Daniel Curtis, 22 Twin Oaks Court, sworn. He just moved in and didn't know a business was back there. He has no objection.

Chris Zurick, 11 Twin Oaks Court, sworn. He didn't know the garage was back there. He sees the trucks and has no issue with this.

PUBLIC SESSION CLOSED

Motion to approve by Clute/Weinstein. Mr. Rothstein stipulated there would be a waiver of site plan. YES: Clute, Hartman, Maher, Weinstein, Falkowitz and Kelly.

Recess at 9:15 pm; reconvene 9:25 pm

**6. APPLICANT: JERRY BURKE (SITE PLAN 631)
BLOCK: 152.01 LOT: 17.03 ZONE: LM
LOCATION: 459 WRIGHT-DEBOW ROAD**

Jerry Burke sworn. William Stevens, Property Development Services, sworn and credentials accepted. The applicant is here for site plan approval following the use variance granted two months ago. They discussed the proposal then and are here now for site plan approval with minor deviations. They are in agreement to the T&M and Ragan review letters of 11/22 and 12/6, respectively. There are a few small issues, one being a small addition for future construction as a phased approval. Ragan explained the addition would be limited to his continuing the operation. Should a third party come in, the addition could not be built. The proposed sign was clarified to be a non-illuminated wall sign, 3' x 6' in size. With regard to buffer planning, the neighbors asked not to have that during the use variance application testimony. Regarding sidewalks on Wright-DeBow Road, the applicant was asked to construct them if sidewalks were brought to his property. Ragan wanted the applicant to pay for the sidewalks if installed.

PUBLIC SESSION OPENED; No one came forward; **PUBLIC SESSION CLOSED**

Motion to approve by Weinstein/Falkowitz. YES: Clute, Hartman, Maher, Weinstein, Falkowitz and Kelly.

5. APPLICANT: WAWA, INC. (SITE PLAN 510-1)
BLOCK: 111 LOT: 34 ZONE: HC
LOCATION: N. COUNTY LINE ROAD

Ray Shea represented the applicant. The site plan was previously approved with a conditional use. The applicant waited nearly 4 years for the county road improvements to be completed. They have modified the site plan and it is now less intensive. Eric Steinfeld – Bohler Engineering, sworn. He provided the testimony 7-8 years ago for this site. His credentials were accepted. He addressed the Ragan letter of 11-30-05 and the T&M letter of 11-28-05. He agreed to the 11-28-05 T&M letter, but asked for the waiver of EIS; there are no environmental constraints on the property. They propose a 24-hour operation. He showed the prior approval layout, marked Exhibit E-1, and compared it to the current proposal, marked Exhibit E-2. The new proposal is less intensive with the carwash removed, but the convenience store size was increased from 4,000 square feet to 5,773 square feet. Regarding lighting, there is spillage in the right of way they don't feel is detrimental, and is subject to County review. They are agreeable to everything else in the report. They indicated a willingness to Ragan's request to save more trees on the easterly side – the northeastern portion of the site. Mr. Weinstein pointed out the entrance on Cooks Bridge Road would not interfere with the entrance to the town home community. Mr. Shea noted the sign package is the same as the Wawa on Hope Chapel Road. Bohler Engineering stated the trash compaction would be inside the building with the trash hauler accesses in the rear of the building. A booklet on interior trash handling was marked as Exhibit E-3.

William D. Crane, AICP, a licensed professional planner in New Jersey, was sworn and his credentials accepted. He testified the sign package was typical for Wawa, and the Highway Commercial zone has the most intensive uses. Their sign proposal is mostly for directional signage needed for circulation, a positive element. Regarding the variance for conditional uses, the gas facility and convenience store are permitted uses, but the convenience store exceeds the size allowed. The site is large enough to handle the use as it is 2.95 acres, three times the size required. They testified it can handle the extra 773 square feet. If they split this property into two lots, they could have both site plans approved by the Planning Board. The 773 square feet covers the indoor trash handling, and efficient layout of the store, and public restrooms. The convenience store was already approved for 7,000 square feet, which included the car wash, but now the car wash is deleted, bringing the size of the convenience store down to 5,773 square feet. As far as negative criteria, the use is permitted, but the Board must consider the condition that can't be met, which is the 773 square feet. These are permitted uses that do not substantially impair the intent of the ordinance.

Mr. Shea asked Mr. Kelly if he had a copy of the traffic report and was told yes. Mr. Weinstein commented this location would be a gold mine for Wawa. Mr. Falkowitz asked if there was two lanes of traffic leading up to Harmony Road, and Mr. Shea clarified that. Mr. Maher asked about wetlands. Mr. Kelly asked if the number of pumps was changed and was told no. With regard to the Ragan report of November 30, the applicant agreed to place the sign 35' back from the curb. Ragan indicated the landscaping was skimpy. He asked for a buffer to the rear of the building as cars approach from Cooks Bridge Road, also at the corners of the building next to the parking spaces. They spoke about the sight triangles. Eric Steinfeld agreed to all landscaping comments, but no plantings in the parking areas as Wawa prefers to beautify other areas and not lend itself to liability issues with planting items where people could trip and fall. Ragan asked the applicant if there would be no auto repairs and was told yes. Ray Shea agreed to the COAH obligation. Mr. Maher asked about the C-1 regulations affecting this application. Mr. Shea said due to prior approvals, the C-1 regs are not applicable. The site plan approvals have not expired, and Mr. Shea pointed out the area in question.

Ken Fears, President of Oracle Engineering, Piscataway, New Jersey, sworn and his credentials as traffic engineer were accepted. Mr. Yodakis noted their request for waiver of number of parking spaces where they propose 60 spaces and 63 are required. He said Wawa could adhere to the requirement with more paving. Wawa feels 60 spaces is adequate and requests the waiver. Mr. Yodakis said there was a potential cut through from County Line Road to Cooks Bridge Road with no stop sign to prevent it. Mr. Fears responded the traffic off Cooks Bridge could not have a stop sign and the site is designed to be straight. It could be a potential problem in the future with additional traffic, but it is against Title 39. Mr. Yodakis suggested a stop sign at the corner of the convenience store. Mr. Fears said that would mean more curbs and a tripping issue. Mr. Kelly suggested speed humps and Mr. Fears said the design does not warrant that and humps are a problem for snowplows. He said it is safer for the roadway to be straighter and four way intersections work better. Mr. Megill said right turns on red are permitted anyway [for Cooks Bridge and County Line Roads]. Mr. Ragan asked if the applicant would agree to install internal stop signs as needed, if township engineers review this situation in the future. Mr. Kelly asked Mr. Ragan if he had lighting issues and was told no.

PUBLIC SESSION OPENED; No one came forward; PUBLIC SESSION CLOSED

Motion to approve by Clute/Weinstein. YES: Clute, Hartman, Maher, Weinstein, Falkowitz and Kelly.

Mr. Ragan spoke about Jackson Commons and how the County hosted monthly meetings that he attended. One of the conditions of the resolution was to meet with the County in regard to Routes 526 and 527, to resolve the traffic situation "ahead of the curve". The applicant met with the county monthly, with the next meeting December 12 at the County. The County hired a consultant to analyze the traffic study for TSP, the consultants for Jackson Commons, and they feel their study is more conservative. The need to take the worst-case scenario and work from there. The green median on Cedar Swamp Road and Commodore should be able to be done. My May 2006, they must work out issues with the County. We have a tight resolution and are pushing the applicant to comply. The county is asking for input from the Township Committee on the intersection of Jackson Mills Road and Cedar Swamp Road. The process is working very well. They are holding off applications till they meet the terms of the resolution for Jackson Commons. As each step goes forward, they must have improvements in place. Mr. Ragan thanked the Board for the opportunity to serve the Board. Mr. Megill and Mr. Kelly affirmed the meeting dates for 2006 would be the first and third Wednesdays, and the meeting time would remain at 7:30 pm. Reorganization is scheduled for Wednesday, January 4, 2006.

Motion to adjourn at 10:30 pm by affirmation.

Respectfully submitted,
Janice Kisty
Zoning Board Recording Secretary