

Board of Adjustment

Virtual Meeting

February 1, 2023

Meeting called to order at 7:16pm.

Statement of compliance read by Attorney Brian Schwartz.

Roll Call

Present:

Dr. Harry Allen
Basil D'Armiento
Herminio Estrella
Daniel Battista
Gary Lewis
Chairman Joel Kenderdine

Absent:

Maria Paola Castro
Michelle Brown
Bryan Carley

Also present was Board Attorney Brian Schwartz, Engineering Consultant Dave Testa, and Planning Consultant Kate Heller.

Mr. Battista sworn in as a Board member by Mayor La Ronde.

Reorganization

Mr. Battista nominated Mr. Kenderdine for Chair.

All in favor.

None opposed.

No abstentions.

Mr. Estrella nominated Mr. Lewis for Vice Chair.

All in favor.

None opposed.

No abstentions.

Mr. D'Armiento made a motion to appoint Brian Schwartz as the Board Attorney.

Seconded by Mr. Allen.

All in favor.

None opposed.

Resolutions

Resolution to retain Mr. Schwartz as a legal council for the Board for 2023. Mr. Schwartz will be paid for his service at the rate of \$500 for attendance at meetings and \$250 per hour for services rendered to the Board other than at meetings. The resolution shall constitute an acceptance of the offer to provide legal services by Brian D. Schwartz and as such shall constitute the contract for services between the Board and the Attorney. A notice of this action shall be printed once in the official newspaper of the Board of North Plainfield.

Mr. Kenderdine made a motion to approve the resolution.

Seconded by Mr. Lewis.

Roll Call Vote:

Dr. Allen – yes

Mr. D’Armiento – yes

Mr. Estrella – yes

Mr. Battista – yes

Mr. Lewis – yes

Chairman Kenderdine – yes

Dr. Allen made a motion to appoint Dawn Gaebel as the Board clerk.

Seconded by Mr. D’Armiento.

All in favor.

None opposed.

No abstentions.

Mr. D’Armiento made a motion to appoint Jen Bartholomew as Recording Secretary.

Seconded by Mr. Lewis.

All in favor.

None opposed.

No abstentions.

Reorganization was closed at 7:29pm.

Regular meeting called to order.

Roll Call

Present:

Dr. Harry Allen
Basil D’Armiento

Absent:

Maria Paola Castro
Michelle Brown

Herminio Estrella
Daniel Battista
Gary Lewis
Chairman Joel Kenderdine

Bryan Carley

Approval of Minutes

Motion to approve August 17, 2022 minutes made by Mr. Battista.

Seconded by Dr. Allen.

All in favor.

None opposed.

Mr. D'Armiento, Mr. Estrella, and Mr. Lewis abstained because they did not attend the meeting.

Minutes are approved as provided.

Old Business

None

New Business

BA 22-002 In Site Development – 825 Rt 22 and Wilson Avenue.

Mr. Testa stated the applicant did not request any waivers and provided all of the items on the check list.

Mr. Schwartz stated number 20, existing physical features in not applicable. Mr. Testa stated no waiver is needed.

Mr. Schwartz has reviewed the notice of publication for this application and they are in order.

Attorney Stephen Hehl represented the applicant. He wanted to proceed with the application despite only having 6 Board members present.

In March 2022, the Board granted unanimous approval for the self-storage facility. They are seeking a variance for the additional story. They will provide testimony as to the justification for that. It's an increase of approximately 10 feet. They received Mr. Testa's report and Mr. Grygiel's report. The footprint, operation, hours of operation, number of employees, security, landscaping, buffering, and lighting that were specified in the resolution adopted by the Board on March 16, 2022 isn't going to change.

The demand for storage has increased and the additional story will provide additional services to the residents of North Plainfield and the surrounding area. The client was the contract purchase last year and they have since purchased the property and are committed to moving forward with the project.

Ukarsh Kumar
In Site - 1919 South Vermont Avenue
Torrence, CA 90502

Mr. Kumar sworn in by Brian Schwartz.

Mr. Kumar is the lead Planner and Designer at In Site Property Group which is the applicant/owner of the project. In Site Property Group has a self-storage brand called Secure Space. It's owner operated under In Site Property Group. They have 49 stores all over the country. They have 3 million square feet in operation with 160 employees working at In Site and Secure Space. They are looking for additional square footage on the project because the demand for self-storage has accelerated quickly. This has been driven by consumers continuing to work from home and trying to free up more space. This has resulted in an occupancy rate of the existing facilities within the 3-5 mile radius of the site at around 95%. This has put additional pressure on rental rates which have seen an uptick of 15-20% for existing users. The supply around the site is less than 50% of what the national average is and should be. Based on these findings, they have identified that there is enough local demand to fill up a 4 story facility. With the proposed 3 story facility, they will be demand limited and might result in slightly high prices for consumers and what they have come to expect from the competitive pricing they typically provide. Another floor will push market supply from 3.4 square feet per person to around 4.2. They believe this will ease the supply driven pressure in the market and will help with easing up the price impact that the demand has put on the stores.

There are no changes in the number of employees or hours of operation. There will be no access afterhours. There will be on site security by video monitoring 24/7. No flammable or hazardous materials will be permitted on site. The trash facility is not available to customers, it is only for office use. There will be inspections to keep the site neat and clean. Mr. Kumar reviewed the departmental comments by the Board Engineer and Board Planner. There is no problem complying with any of the terms or conditions. They are committed to building a first rate facility.

Chairman Kenderdine asked Mr. Kumar what the difference between the 3 and 4 story building would be. Mr. Kumar stated 10 feet 8 inches would be the difference.

Chairman Kenderdine asked how many additional unites there would be. Mr. Kumar stated the architect could answer that.

Mr. Testa asked how many employees would be working at one time. Mr. Kumar stated typically 2-3. The same amount of employees would work if there were 3 or 4 stories.

Mr. Testa asked if the lighting would remain on all night. Mr. Kumar stated they would have security lighting on all night but anything else would be turned down after hours. Mr. Testa asked if the lighting on the building and around the perimeter of the building would remain on. Mr. Kumar stated anything security related would be kept on. This would remain the same from the last application.

Kate Keller introduced herself as a Principal with Paul Grygiel's office. She reviewed the report. She wanted to clarify that the applicant did previously receive D1 and D6 variances. These are the same variances they are seeking. The D1, extra story is an expansion of that use and the D6 was previously for 4 feet of additional height. They are now looking for approximately 10 feet 8 inches.

Mr. Schwartz asked if there is a formula where you put larger or smaller units on a higher floor or if it's basically the same layout for each floor. Mr. Kumar stated typically they reserve the lower floors for the largest units and you go up in stories, the unit sizes are reduced so there aren't excessively large items going up in the elevators. It is better for users to have larger units at level 1 and nominal size units on levels 2 and up.

No questions from the public.

Thomas Muller
Dynamic Engineering Consultants
1904 Main Street
Lake Como, NJ 07719

Mr. Muller sworn in by Brian Schwartz.

Mr. Muller was qualified and testified before the Board last year.

Mr. Muller is a licensed Professional Engineer in the State of NJ in good standing. He has his Bachelor's of Science and his Master's of Science in Civil Engineering from Rutgers University. He has been in the Civil Engineering field for over 12 years. He's a Senior Principal with Dynamic Engineering. He presented a year ago for the previous application. He prepared all of the plans and reports submitted for this application as well. He presented and was accepted by the Board a year ago for the original application.

Mr. Muller accepted as a Professional Engineer.

Mr. Muller shared his screen to show a rendering provided to the Borough as an electronic submission. It is a colorized site plan rendering prepared by his office dated February 1, 2023. The exhibit was marked A-1. The rendering is identical to what was submitted on the engineering drawings. They colorized the exhibit to illustrate the location of the building, the asphalt areas, the landscaped areas, and some of the surrounding roadways. The applicant is requesting an additional story on the previously approved building. From his perspective as the site Engineer, they have been essentially zero changes to the previously approved site plan drawing. The only change made was to add 2 additional parking spaces on the northern side of the site. They are 2 angles stalls, 9 feet wide by 18 feet long. They were added to serve the additional volume on the second story. The ratio of parking is satisfied by supplying the two additional parking stalls. There is landscape buffering around the two new parking spaces. From a zoning perspective, there are no additional variances. The only difference is the additional story. From a stormwater, grading, drainage, utility, lighting, and landscaping perspective, nothing has changed. No lights higher than the previously approved lights were added. The timing of the lighting will no be changing from the previous approval. From a signage perspective, they are not increasing or adding any additional signage. The wall mounted signage is the same as what was previously approved.

Mr. Muller reviewed all of the letters from the Board professionals. He has no problems addressing them as conditions of approval.

The site changes are negligible from the previous approval. The site improvements that were approved as part of the original plan are part of this submittal.

Ms. Keller noted in their report, number 4, on page 5 that there's a sign located on the Capital One property that is proposed to be refaced. The sign is on a lot that is not part of this application. Mr. Schwartz believes it was addressed in the previous application and they did require an easement or an agreement. Mr. Schwartz stated from the previous approved conditions, number 6 says the applicant will provide to the Board Attorney and Engineers review the assignment of the cross access agreement in recordable form with the Capital One property which includes permission to modify the sign on the

Capital One property. Ms. Heller asked that that condition be continuing as well. Mr. Hehl had no objection.

Dr. Allen asked if there is a bathroom for the workers. Mr. Muller stated there is a bathroom for the office area. Mr. Kumar stated there are 2 restrooms on level 1 next to the leasing office for visitors and employees. There are additional restrooms on level 3.

Ms. Heller referenced number 7 on their letter on the last page. They are looking to confirm that the buffer area is appropriate per the ordinance requirement, which is 10% of the lot depth up to a maximum of 25 feet. This would be the buffer along the residences. Mr. Muller stated they do provide the 25 feet and it will be clarified on the site plans.

Chairman Kenderdine asked how many parking spaces there will be compared to what was previously proposed. Mr. Muller stated the previous approval was for 10 parking spaces and now there will be 12.

Chairman Kenderdine asked if the fencing has not changed. Mr. Muller stated fencing, landscaping, and buffering has not changed.

No questions from the public.

Richard Bencivenga
Vice President and Principal
TAO
63 North Lakeview Drive
Gibbsboro, NJ 08026

Mr. Bencivenga sworn in by Brian Schwartz.

Mr. Bencivenga has a Bachelor's Science in Architectural Technology from New York Institute of Technology. He is a NJ licensed Architect and his credentials are still valid. He appeared before the Board at the last hearing for this applicant and was accepted as an expert.

Mr. Bencivenga was accepted as an expert in the field of Architecture.

Mr. Bencivenga stated the primary change is adding 11 feet in height. The footprint, the use, and the operation are the same. Mr. Bencivenga shared his screen to show floor plans of the leasing office and restrooms on the 1st floor and the 2nd floor. He explained that a customer would utilize the office to pay rent, lease storage units, and purchase minor storage related products. Once a customer leases a unit, they will enter either side of the building into the lobby. There is a keypad to access the first floor where they can access their storage unit. The elevator is access controlled. The key code will only allow the customer to access the floor that their storage unit is on. Security cameras are located throughout the facility and are monitored. The further away you are from an entry point to the building, the storage units get smaller and smaller. The drawings shown are part of the application.

Mr. Bencivenga shared elevation drawings. Primarily the building materials have stayed the same. There are different proportions in the scoring patterns that they applied to the façade. The same materials are present on the building that they had before. They are using a thin brick veneer, a ground face concrete block at the base for durability, an exterior insulation system above the 2nd floor level.

They are using a muted pallet of earth tones of reds and greys. They introduced metal panels on the Rt 22 side. There is brick veneer, a little bit of metal panel, and ground face concrete block facing the residences. Display windows and the Secure Space Storage sign and logo face Rt 22. It is the same sign as the previously application but will be higher on the building. The Wilson Avenue façade has the same materials, brick veneer, high quality metal panels, and a display that marks the office entry point. The same sign as the previous application will be higher on the building. The appearance of the materials is different from what was presented originally but it's the same material. It's expressed on a 4 story building as opposed to a 3 story building.

Mr. Bencivenga presented Exhibit A-2 and Exhibit A-3. A-2 is a view of the proposed building from Rt 22 overlooking the Wilson Avenue turnoff. It showed security fencing around the building and existing foliage and trees around the property. Exhibit A-3 is a google street view to show the rear of the building facing the residents. A yellow line indicated where the top of the building would be through the existing landscaping. The building would have a tendency to blend into the landscape because of the grey color.

Mr. Bencivenga stated they were initially proposing 711 self-storage units. They are now proposing approximately 1,060 self-storage units. This number may change based on market demand. The units could be dismantled to make bigger units if the market demands. They initially had 65,438 square feet of net rentable. They will now have 82,213 square feet of net rentable. The proposed height of the building is 46 feet to the top of the roof above average grade. The prior approval was 35 square feet above average grade. There is an 11 foot height difference.

Mr. Bencivenga stated they can comply with the comments by the Deputy Fire Chief. They can comply with all of what they requested but there was one comment Mr. Bencivenga wanted clarification on but he couldn't reach the Deputy Fire Chief. Mr. Bencivenga stated they will comply with whatever the Deputy Fire Chief was looking for but his concern was that he was asking for a specific type of stand pipe that has a fire hose connected to it and is present in the building. Mr. Bencivenga was sure if he was reading it wrong because typically the fire department wants any occupant to leave the building and not try to fight a fire. The presence of the hose on the stand pipe might have someone decide to fight a fire. Mr. Bencivenga wants to clarify that with the Deputy Fire Chief and they will comply with what he wants.

Mr. Bencivenga stated there was another question regarding the overhangs for their canopies. They will pull those back so there is a 20 foot clearance between the overhang edge and the curb so there won't be an obstruction for fire department access.

Mr. Testa asked what the height of the existing building is. Mr. Bencivenga did not know. Mr. Testa stated the Board may want to consider putting up a balloon to the height of the building so Board members can see what the height of the building will actually be.

Mr. Schwartz asked what the plans were to buffer a monolithic wall now that they are going 11 feet higher. Mr. Schwartz is concerned about the impact to the residents in the area and what can be done to minimize it. Mr. Bencivenga again showed the street view of the residences behind the proposed building. There are mature trees there. They have chosen colors that are sympathetic to the neighbors. They chose light shades of grey. The location of the building between Rt 22 and the neighborhood acts as a buffer. The materials facing the neighborhood are varied in color and texture. It is not a monolithic façade.

Mr. Muller stated there is an existing grade change on the site. The residences located on the western and northern portions of the site are at a much higher elevation than this property. They are 7-10 feet higher than their building. This building will be sunken in the ground approximately 7-10 feet in height. There will be a solid fence along the property line. They will also have a staggered evergreen row of Leland Cypress Evergreen trees. They will be staggered in an unbroken buffer with no gaps. Mr. Muller showed exhibit A-1 showing the trees. The Leland Cypress trees grow 2-3 feet per year. They can grow to 20-30 feet in height. They will act as a substantial buffer to the site. The trees start at 6-8 feet in height.

Mr. Schwartz asked about guaranteeing the residential buffer of trees in perpetuity. Mr. Hehl stated that the client will agree to that.

Mr. Testa was concerned with which trees are going to be removed during construction and what the impact will be for the residents adjacent to the property and their view. Mr. Hehl stated the Planner will address that.

Mr. Lewis asked how much square footage does a unit represent. Mr. Bencivenga stated there is a range from a 10 foot by 30 foot unit, 300 square feet to 5 foot by 5 foot, which is 25 square feet. This is consistent with the industry. Mr. Lewis asked how many apartment units they will be able to service. Mr. Bencivenga stated that is an operational issue that he would have to pass to the owner. Mr. Kumar stated the target demographic is primarily homeowners. They are asking for an additional floor because of increase in demand from homeowners and multifamily projects in the area. The demand is primarily driven from homeowners and less so from businesses. Mr. Lewis asked if the facilities are going to be used to accommodate garden apartment units. Mr. Kumar stated apartments, single family homes, and multi-family homes are under the homeowners category. Mr. Lewis stated there are a lot of garden apartment units going up in areas close by. He asked if that is primarily what they are looking for. Mr. Kumar stated they are not going after a certain group, it is what the market is looking for, and they are trying to address where the demand is coming from.

Mr. Battista asked if vehicles will be prohibited from being stored in the units. Mr. Kumar stated they will not have vehicles stored. It is part of the lease agreement not to have anything flammable or hazardous in storage. Mr. Battista asked if a vehicle that had gas drained out of it would be allowed. Mr. Kumar stated he didn't believe so.

Mr. Schwartz asked what the largest ground level units are. Mr. Bencivenga stated there is 1 10x30 unit on the ground floor. The height for the first floor is 10 feet. It's an inside unit. There are 10x25 units that are odd shaped. Most of the outside units are 10x20. Mr. Battista wanted to confirm that any vehicles that are mechanically certified to be empty of fluid would not be allowed. Chairman Kenderdine stated no flammables or hazardous materials was included in the original conditions. Mr. Bencivenga stated there is no vehicle storage and no hazardous storage.

Mr. Testa asked if there were mechanicals on the roof. Mr. Bencivenga stated there are rooftop mechanical units. They are condensing units the size of what a house would have. Mr. Testa wanted to make sure they would be screened from the residential areas. Mr. Bencivenga stated an added benefit of adding additional height to the building is the site lines also help mitigate and screen that as well, between the location being further back from the roof and also the height of the parapet and the additional height to the building.

No public comments.

Corey Chase
Principal with Dynamic Traffic
245 Main Street
Chester, NJ

Mr. Chase sworn in by Brian Schwartz.

Mr. Chase has a Bachelor's of Science in Civil Engineering from the University of Massachusetts. He's a licensed Professional Engineer in the state of NJ and 4 other states. His license is in good standing. He has been qualified as an expert in traffic engineering before over 120 municipalities in NJ including North Plainfield on the previous application. His license is in good standing.

Mr. Chase was accepted as an expert in traffic engineering.

Mr. Chase shared exhibit A-1. No modifications were proposed to the access previously presented to the Board. There is still movement access on Wilson Avenue. There is cross access to the Capital One Bank building to the south of the subject property. That provides right in, right out access to Rt 22. They prepared a traffic impact statement for the revised proposal. It was last revised September 2, 2022. They prepared updated trip generation calculations because of the expansion proposal. The additional square footage, based on trip generation projections published by the Institute of Transportation Engineers and consistent with NJ DOT methodology results in a maximum of 3 additional trips to the subject property during the typical peak hours when compared to the prior proposal. Even though there are 3 additional trips, it's still a reduction in traffic when compared to the former Best Friends Pet Kennel that occupied the property. It's a slight increase in traffic when compared to the previous proposal. They got an updated letter of no interest from NJ DOT. They indicated no new access permitting would be required based on the level of traffic that's going to be generated by the proposed self-storage facility and the limited improvements proposed along Wilson Avenue. That letter is dated October 21, 2022. The access and circulation remain in a clockwise format. They are maintaining the 7 parking spaces adjacent to the western building façade, the 3 angled parking spaces adjacent to the southern building façade, and the 2 additional angled parking spaces adjacent to the northern building façade. It is a total of 12 parking spaces provided on site. Based on data published by the Institute of Transportation Engineers and the 5th Edition of the Parking Generation Manual, they suggest for a proposed self-storage facility of this size, they would need 12 parking spaces. They feel it's sufficient to serve the needs of the proposed use. The circulation aisles remain the same. They feel the proposed access along Wilson Avenue will adequately serve the development.

No comments from the public.

Chairman Kenderdine asked why they limited the new parking spaces to 2 instead of 3. Mr. Chase stated they felt the 12 spaces would be sufficient. There are a maximum of 2 employees on site at a time. When people utilize the parking, it's through the rental process. The spaces are utilized on a limited basis. They feel that the additional impervious coverage that would result from providing additional parking would be unnecessary and the spaces would remain vacant most of the time.

Break from 8:52pm – 9:05pm

Continuation of BA 22-002 In Site Development for a 4-story storage facility.

John McDonough
Professional Planner
101 Gibraltar Drive
Parsippany, NJ

Mr. McDonough sworn in by Brian Schwartz.

Mr. McDonough testified and was qualified before the Board last year on the previous application. Mr. Schwartz stated Mr. McDonough has testified many times before this before and as long as he's still licensed, his credentials will be accepted. Mr. McDonough stated his license is current and in good standing.

Mr. McDonough stated the application is about adding a floor to an approved building. It is a quiet, low intensity land use that separates a commercial highway and a highway commercial strip from a zoning standpoint from residential properties. The building in and of itself can become a buffer to protect residential properties from negative or adverse influences that would be associated with the highway and the uses that could go there. It is an active, multi-lane arterial roadway that does invite motoring public and intense commercial uses. The B3 business district is a very permissive, commerce oriented zone that is intended to spur economic development. There are a wide variety of things that could go on the property, including retail stores, eateries, food uses, bars, taverns, schools, motels, office buildings. These uses could bring light pollution and noise pollution. This will create a barrier and soften the adverse influences on the adjacent properties. They are able to provide a soft edge of landscaping to help the building blend with the landscape. The use itself has been well vetted by the Board as it serves a public purpose. It promotes the public welfare by freeing up living space and clearing clutter. This creates an improved living environment, concentration, energy and focus. The additional mass pertains to one floor. Everything remains the same in terms of the building footprint. One of the fundamental planning goals is to promote efficient use of land. This use is already approved here. The application is going to continue to promote the public purpose the Board found appropriate one year ago in a much more efficient manner now. He thinks from a planning standpoint, in the interest of efficiency, putting it on a site that has already been approved for this land use as opposed to somewhere else. In terms of national and industry standard market ratios, they are at half the capacity in the 3 mile ring. Fundamental principles look to serve the needs of all NJ citizens and if that ring includes citizens of another community, that's not a bad thing from a planning standpoint. It will serve the people that live within a 3 mile ring. Operationally, they are at 50% or less than 50 % of the carrying capacity in the area. The current supply is at 3.4 square feet per person. After the approval of the additional floor it will be 4.2 square feet per person. The national average is approximately 7 square feet per person. The additional floor will fill an unmet need in the area.

Mr. Kenderdine asked Mr. McDonough to explain carrying capacity. Mr. McDonough explained the carrying capacity on a national standard is 7 square feet per person within a 3 mile ring. That's the industry standard this particular land use looks at. They take the square footage of all the self-storage facilities within a 3 mile ring of the particular site, they divide it by population and 7 square feet per person is what they see on a national level. That's what the brands look for in terms of site selection and site suitability. The current statistics are at 3.4 and they would rise to 4.2 with the additional capacity. From a supply, demand standpoint, this is not introducing a supply that would overreach the demand in the area. They are not creating excessive space in terms of this land use.

The relief the applicant is seeking is a D6 variance, height relief to allow a height of 46 feet whereas anything above 38.5 would be the maximum allowed. This has received a D1 use variance. This will expand that use. The second relief would be a D2 variance to expand or alter a previously approved non-conforming use. Two lower level C variances are called out in the Planner's report with respect to the building coverage at 31.6%, whereas 30% would be the maximum allowed. The parking requirement would be 12 as opposed to 10. There is an existing sign that will be repainted. It is non-conforming as to set back. Reaffirmation of the sign located will be in consideration of relief as well.

With respect to the D2 relief, as to the positive criteria, the use continues to promote the public welfare, is responsive to a need in the area based on the market indicator. The form of use and the activity associated with it is less obtrusive and less intensive than many permitted uses. The project as a whole is consistent with the zone intent for a viable commercial base. It's an under-utilized commercial site now. This will revitalize it and put it back into functional use. The project will promote efficient land use, a variety of land uses, and positive aesthetics. This would all promote purposes of the land use law, especially purpose a, the promotion of the general welfare, purpose g, to provide for variety, purpose l, to promote positive aesthetics, and purpose m, to promote efficient use of land. The site remains suitable for the use here by virtue of its condition and its context. It is a spacious site. It has excellent capacity and connectivity to the regional road network. It's generally cleared, generally flat, and free of constraints. It sits in a lower plain, relative to the homes behind it. It's approximate to a major transportation route along a non-residential commercial corridor. This use is central to the population it would serve.

With respect to the alteration of the use, this ties into the D6 relief and the negative criteria counterbalancing that against the positives just laid out. The Grasso case is the seminal case in terms of consideration of height relief and none of those purposes of height controls that come from the Grasso case are violated here. Number 1, the added height is not going to create additional population density or overintensity of use. This is a low intensity land use. The added height will not block scenic views or create any negative shadow effects on adjacent properties. The added height will not give the property an unfair height advantage relative to neighboring lands. It will not create an obtrusive, unsightly structure. They believe the architectural design breaks up the mass of the building. With the landscaping and architectural treatment, they believe mitigative measures are in place to offset any potentially adverse impacts with that additional height. One of the benefits of additional height is that it becomes a barrier to mitigate the effects of noise pollution, sound pollution, and activities associated with a major arterial roadway that is on the opposite side of this site and one lot away from the residential homes.

They believe the applicant has met its burden in terms of the D2 relief, for the alteration of the non-conforming use and with respect to the D6 height relief, mitigating those impacts by virtue of the low intensity of the land use. They believe all relief can be granted without any substantially adverse impact, visually or functionally and relief can be granted without substantial impairment to the intent and purpose of the zone plan and ordinance.

The C relief falls on the predicate of the testimony of the witnesses that have gone before him. The building coverage is matching that which has already been approved and the parking supply will meet the actual demand based on the sworn expert testimony of the licensed Traffic Engineer. The sign is there and all the C relief is justifiable under the flexible C balancing test whereby the benefits of the application as a whole would substantially outweigh any detriments. He does not think the building is too high based on visuals and testimony that was put forth on the record. This continues to be a good

application, will serve the public welfare, is a real land use, and the applicant is ready, willing and able to provide this public service. The Board has all the basis it needs to approve the application with the statutory criteria being met.

Ms. Keller asked if there was a comparable height or comparable land use that would be consistent with this approval in that area or if not, does he think the mitigation would provide enough of a buffer or transition. Mr. McDonough explained that good planning is all about balance. He does not think this will create an anomaly along the Rt 22 corridor. He was involved with another brand that is the same exact land use that is a multi-story building on Rt 22 and has residential behind it as well and the Board gave good vetting there as well. He thinks the applicant has given the Board a good body of evidence visually and verbally that this will be a good blend at this location.

Ms. Keller pointed out this is a D1 variance because it still considered a non-permitted use. The applicant is seeking amended site plan approval with amended D1 and D6 variances. Self-storage is one of the most low impact uses in terms of the number of people coming there, how frequently they are visiting, how long they are staying, noise, lights, etc. She agrees that this use would have a much lesser impact than a lot of the permitted uses. The Board's comfort level has to be with whether the applicant is appropriately mitigating the height and the mass of the building to a degree that will protect the residents in line with the Borough's zoning ordinance and Master Plan.

Mr. Schwartz stated to him it is all about the visual impact. He asked what can further reduce the visual impact of this building, especially the additional 11 feet of height upon the adjacent residential zone and neighborhood. Mr. McDonough stated architectural treatments can soften the look of the building along the back and he thinks they have achieved that with the combination of landscaping and architecture. He thinks the Board should also consider not only the visual impact but the low intensity of functional impact. There won't be a lot of garbage like with an eatery. He thinks the Board can give weight to the fact that because this is a low intensity land use that needs relief for the height, it's a much better zoning alternative than other nuisances that could go with a permitted, lower profile land use on the site.

Ms. Keller stated the change in grade will have a mitigating factor even further on the potential activity that will occur on the site. There is a certain amount of height difference vs. what the building is and she thinks that the balance the Board has to be comfortable with.

Mr. Schwartz stated if you are looking down, the landscaping isn't as effective because you're not looking directly at the landscaping, you might be looking above the landscaping down to the building. The idea of the balloon as they have done in previous applications where height has been in question might be something for the Board to consider doing.

Chairman Kenderdine explained that putting balloons up to the height of the 4 corners of the property made it easier in a previous application for self-storage to see where the height of the building would be and what the impact would be. They found the height of the balloons at 5 stories was less than the height of surrounding apartments at 4 stories because it was set in the ground.

Mr. Schwartz also remembers doing it when they were adding onto the cell tower on Rt 22. They were concerned with the view of the cell tower from Krausche Field. In the two instances he remembers, the balloon ended up helping the applicant.

Dr. Allen stated the houses on Ridge Avenue on the south side are not that much elevated above the base of the property. He thinks the building might put a shadow on the houses. He wanted to know if they looked at site lines from those properties comparing 2, 3, and 4 stories. He thinks when the sun is low there will be a shadow going over those homes. He doesn't think there will be any problem on the other side of Ridge, where it's steeper.

Mr. Hehl stated the planting heights with regards to the trees are going to be higher than what they would normally be in a development project. The colors of the building are also meant to mitigate that. The building itself acts as a buffer.

Mr. Muller stated they are planting the buffer on the high side of the site so they are taking advantage of the grade change. The finished floor of the building is sunken into the grades surrounding the property for the residences. The height of the Leland Cypress they are proposing would be planted at 6-8 feet in height at planting. They can propose a more mature tree that is 10-12 feet in height to get a head start on the planting height and growth height. They are very fast growing trees that grow 2-3 feet per year. They have no problem adding a third parking space where the two new spaces are proposed. There will be no impact on visual buffers and can be added to the project.

Chairman Kenderdine stated the issue is elevation, not necessarily height.

Ms. Keller said looking at the grading plan at the residential property lines, they are at 127, 126, 125 and the trees will be planted at the higher elevation and the building, because of the retaining walls and the grading that's proposed, both the parking in that area, the loading, and the building will all be at approximately 118. The trees will be planted 6-8 feet above the grade level of the building and the parking area.

Mr. Muller stated you will see a 10 foot high planting on top of a 6-8 foot high slope. Effectively it's an 18 foot high buffer.

Ms. Keller believes with the amount of loading that would be on site, it is appropriately mitigated. You are really looking at a 4-5 foot height increase over what's permitted visually but it is still a D6 variance. The grade change could previously absorb the previous height variance than what's proposed now but the landscaping can be used on the higher grade.

No comments from the public.

Mr. Hehl stated the Board can require buffering and mitigation that would not be within the purview of a permitted use where the residents would not have this protection. Mr. McDonough stated in this application the parking lot is small where more often it's the more active land use on a site and the building is more enclosed and benign land use from an activity standpoint. To the extent that the applicant is asking relief as to the height of the building, it can be offset by the fact that the parking that is associated with the building is very small. Given the relationship of the building to the neighbors, it's a site that's sunken. The grade behind it rises up and will be further accentuated by all of the trees. He thinks the applicant has provided balance to serve its public purpose in an efficient manner and mitigating it to the extent practical. The Board can impose reasonable conditions. The larger plantings are a good effort by the applicant to be a good neighbor. There could be a lot more active things on the property than what is being proposed.

No comments from the public.

Mr. Testa stated the applicant has agreed to address any comments in his letter. He's satisfied they have answered all of his questions.

Mr. Schwartz asked what the height of the more mature trees would be. Mr. Muller stated 10-12 feet.

Chairman Kenderdine asked what the elevation of the trees would be. His concern is impingement on properties behind it. Mr. Muller stated at the ground surface where the Leland Cypress trees would be planted, the elevation ranges from 122-127. The finished floor of the building is 118. At the lowest part, the southern most part of the site, the lowest base planting will be at elevation 122, which is just over 3 feet higher than the finished floor of the building. That is for one property at the southern portion of the property. A majority of the planting will be planted at elevation 125-127. Subtracting the finished floor elevation of 118.75, it makes it a difference of 7-8 feet of the base elevation of all of those plantings. They are willing to put in more mature trees at 8-10 feet in height. The base of the planting at the ground level will be roughly 6-8 feet higher than the finished floor of their building. When standing in the parking lot of the self-storage, you will be looking at 8-10 foot high evergreens that are 6-8 feet above you on the top of a graded slope.

Chairman Kenderdine asked if the trees will be higher than the top of the building. Mr. Muller stated they won't be higher than the top of the building but they aren't just blocking 8-10 feet of the building, they are blocking 8-10 feet of the building plus the slope of the grade, which about 6-8 feet. You're getting credit for 6-8 feet of extra blocking compared to pure tree blocks.

Mr. Lewis stated they may want to look at the type of trees on Jackson Avenue next to the school because they are large trees and you can't see through them. Mr. Muller stated that is what they are looking to accomplish with the Leland Cypress but they would be willing to look at other options if it was the preference of the Board professionals. It is green all year and low maintenance and deer resistant. It's an ideal tree for this situation.

Chairman Kenderdine asked if the security lighting would be on the first floor and not the fourth floor. Mr. Bencivenga stated the lighting is at 14 feet, which is what was proposed before. They are pointed down.

Chairman Kenderdine is still concerned with the impact of the height for properties behind the site.

Dr. Allen does not have that concern anymore. Dr. Allen asked if they are using porous asphalt and if all the water will be captured underground. He asked what happens with excess water. Mr. Muller stated they are designing per state and local code for the 2, 10, 25, and 100 year storm events.

Dr. Allen stated there is a lot of maintenance required. They need to vacuum the service to get the fine particles from blocking up the pores. He asked if it was necessary and how do they ensure the maintenance is done. Mr. Muller stated the operations and maintenance manual requires extensive maintenance of these pervious pavement systems. It's required by the Borough as well as by the NJ DEP. The operations and maintenance manual is required to be recorded with the deed of the property. This applicant and any future owners will need to maintain that system pursuant to the operations and maintenance manual in perpetuity. That is maintenance is required to keep those porous areas clear so they don't clog up and fail and the vacuuming program will need to be followed in perpetuity. Dr. Allen

also commented that it's a 20 year design life. Mr. Muller stated typical asphalt parking lots have a life span of 15 years. They are going to use interlocking concrete pavers and they have a longer life span. If there is a cracked unit, you can replace it easily.

No comments from the public.

Mr. Hehl would like to move forward with the application tonight, despite there being only 6 Board members present to vote. He would like to know if additional data is needed from the Board but they believe they have satisfied all concerns.

Mr. Schwartz thinks it's a fair request to ask if any Board members still have questions about the height and would like additional field information or if everyone is satisfied with the information they have now.

Mr. D'Armiento is satisfied.

Dr. Allen is satisfied.

Mr. Estrella is satisfied.

Mr. Battista's only concern is that since they don't know if the residents behind the site are renters or owners, do they care because there is no one here to represent them. Mr. Schwartz reviewed the notice of publication and all owners within 200 feet were notified. There was a notice in the newspaper. This was the night they had to show up. Mr. Battista said if they wanted to say they did everything to safeguard the application and the height was ok, should they put the balloons up so they can say they did their due diligence. His only question is did they do everything they were supposed to do. How does this compare with the Metro building down the road, is it higher or lower? Mr. Kenderdine stated the Metro building is 5 stories.

Dr. Allen asked to see the picture again of the building behind the residences. Mr. McDonough showed the exhibit, A-3. Mr. McDonough thinks the picture shows the same thing the balloon would show. Dr. Allen agreed. Mr. Battista said this view reminds him of living on Warfield Road looking north toward the mountain to see the Great Eastern Mills building at about the same height. Dr. Allen said the difference is this is looking south and looking north you wouldn't have a problem looking at the sun.

Chairman Kenderdine stated the building would actually buffer the highway and everything else going on below, which is a plus.

Mr. Battista said the picture does help and they really don't need a balloon to see where the building is. The existing trees and the trees that will be planted will also buffer.

Mr. Hehl asked for a short break to talk with the applicant as to whether they want to proceed.

Break 10:06pm-10:09pm

Mr. Hehl is prepared to move forward. He wanted to just restate that the plantings are going to be 10-12 feet instead of 8-10 feet so there will be more of a buffer initially. He stated there is significant landscaping provided and this will be a barrier to Rt 22. He believes all of the justification for granting the variances have been set forth. Their witnesses were responsive to the concerns of the Board. It's a beautifully designed building with intense buffering and very limited use. He believes it would be one of the quietest and best uses in the area. He respectfully requests that the Board grant the application.

They have no problem with a condition that as long as this is a functioning operation there would have to be a maintenance of the landscape buffer. Mr. Hehl thanked the Board for their time and consideration.

The public portion of the meeting was closed.

Mr. Schwartz stated they are going to incorporate all the conditions of the previous approval, BA 22-002 to the extent that they are not superseded or inconsistent with the present application. There were 22 conditions and they should remain in effect. That applicant said that they would. The additional conditions would include the perpetual guarantee of maintenance of landscaping by the applicant and its successors, no storage of vehicles that are gas or electric powered, mature trees along the back would be 10-12 feet subject to the approval of the Borough Engineer, and a third parking space would be added adjacent to the 2 additional parking spaces that were added on this latest plan to the left of the dumpster on the northwest corner.

Mr. Schwartz asked if there were any other conditions that should be added. Neither Mr. Testa or Ms. Keller had any additions.

Mr. Schwartz briefly went over the previous conditions. The conditions covered hazardous materials, hours of operation, 7:00am-8:00pm, 7 days a week, office hours 9:00am-6:00pm, limitations on exterior lights, no exterior storage, no healthy trees to be disturbed on the property other than those that affect construction, approval with be subject to Mr. Testa's recommendations and any recommendations contained in Mr. Grygiel's report, fencing, and other standard conditions that the Board would require.

Chairman Kenderdine said they are going from 711 to 1,060 units, an additional 300 units and part of the rationale is that the pricing will reflect the additional units so essentially if the application is approved, they are reducing the price of the units offered. He asked if that was correct. Mr. Hehl stated he didn't think it would be a problem to have a reference in the resolution that one of the purposes of this would be having adequate supply that would be reflected in the ability to provide more beneficial pricing for the clientele. Chairman Kenderdine stated it seems as if there is still plenty of room for additional storage space at some other place, that this won't even satisfy the need going forward in this area.

Dr. Allen asked if you pay by the square footage of storage. Mr. Kumar stated yes, it's by the size of the unit.

Dr. Allen made a motion to approve the application BA 22-002 In Site Development with conditions.

Seconded by Mr. D'Armiento.

Roll Call Vote:

Dr. Allen – yes

Mr. D'Armiento – yes

Mr. Estrella – yes

Mr. Battista – yes

Mr. Lewis – yes

Chairman Kenderdine – yes

Application is approved.

Mr. Hehl thanked the Board, Board Professionals, and Board staff.

Mr. D'Armiento made a motion to adjourn the meeting.

Seconded by Dr. Allen.

All in favor.

None opposed.

No abstentions.

Meeting adjourned at 10:22pm.