

TOWNSHIP OF HAMILTON
MAYS LANDING, NJ 08330
PLANNING BOARD MEETING
MAY 4, 2017

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman Richard Cheek presiding. Other members present were David Adams, Harry Bilicki, Marla Caldwell, Wayne Choyce, Mayor John Kurtz, Harry Rogers, and Art Schenker. Absent members were Charles Cain, John Percy and Allan Womelsdorf. Compliance with the Open Public Meetings Law was acknowledged.

The following Board Professionals were in attendance: Charles Gemmel, Solicitor; Chris Carey, Landscape Consultant; Steve Duda, of Dixon Associates; Steven Filippone, Engineer; Vince Polistina, Planner and late arrival, Philip Sartorio, Community Development Director/ Alternate II Planner.

Approval of Minutes: Mr. Kurtz moved, seconded by Mr. Adams to approve the minutes of the March 16, 2017 meeting as presented. SAID MOTION CARRIED.

Adoption of Decision & Resolutions as prepared by Solicitor:

PB2017-01 – 20 Bogden Boulevard, LLC; Block 732, Lots 59,62,63,65,75 - 45 Mill Street. – Preliminary and Final Site Plan Approval inclusive of variances and with conditions for modifications to existing developed property.

Mr. Kurtz moved, seconded by Mr. Bilicki to adopt said resolution as prepared by the solicitor.

ROLL CALL VOTE ON THE ABOVE MOTION:

AYE – (5) Adams, Bilicki, Choyce, Kurtz and Caldwell

NAY: (0) None ABSTAIN: (0) NONE

SAID MOTION CARRIED WITH ALL ELIGIBLE MEMBERS VOTING “AYE”

Street Vacation Request – Block 1335.01, Lot 68.09; Odessa Avenue – Daniel L. Jassby, Westlantic Land, LLC. Lot is 1.81 Acres in a RD-5 Zone. Purpose to gain additional lot width of 25 feet to facilitate meeting side setback requirements.

Chairman Cheek inquired of the solicitor as this is an LLC if Mr. Jassby could he represent himself. Mr. Gemmel responded that the Board could probably hear the request without his participation. Mr. Gemmel further remarked that this has been referred to the Board to review and to possibly take action on. If we need to speak to Mr. Jassby, we can hear what he has to say and listen to the Board professionals. If he is advocating any position, he would need an attorney.

Mr. Jassby submitted a request to vacate a portion of Odessa Avenue, which is a “paper” street. It is Mr. Jassby’s intention to acquire enough land in order to facilitate side yard setbacks to allow greater impervious coverage and bring the lot closer to conformity.

Discussions ensued concerning the reason, the accessibility, if other lot(s) would benefit from the street vacation and Mr. Jassby was asked if he had been in touch with the owner. Mr. Jassby said he had sent him correspondence via regular mail and has not heard from them.

Mr. Filippone had questions with regards to Pinelands approval and would like to see the correspondence from Mr. Jassby.

Mr. Jassby stated his purpose is to increase side set back and to allow greater impervious area. It is his understanding that 1.5% lot can be impervious now and that he feels this vacation would help the other side to get up to conformity.

Further discussion ensued as to the surrounding area and what is and may/may not be there.

Motion was made by Mr. Adams, second by Mrs. Caldwell to table the decision at this time. Said motion carried with all in favor.

It was further requested that Mr. Filippone and Mr. Jassby get together to discuss and then come back. It was also suggested that the requestor get hold of adjacent landowner and see if they are for it or not. If Mr. Filippone has issues with it to let Mr. Gemmel know and if it is more than rubber stamping it, Mr. Jassby would need counsel representation.

PB2017-02 — Block 1132.01 Lots 52; 52.01 – 4236 Black Horse Pike - Christopher Inc.
(Shore Toyota) Site Plan Amendment – 456 sq. ft. addition & signage

The applicant is being represented by John Grossman, Esquire of the firm of Fox Rothschild, LLP; 1301 Atlantic Avenue, Atlantic City.

Mr. Grossman reviewed the project as Christopher Inc., Block 1132.01, Lots 52, 52.01; 4236 Black Horse Pike. They are requesting preliminary and final amended site plan approvals for a to permit a 456 square foot addition to allow additional the service reception area, 2 10' rolling doors on the east elevation; 1 sign there now, request another sign of approximately 7 sq. ft., and is seeking a variance pursuant to Ordinance 203-144C(4); the installation of a new portal sign, north elevation, whereas there is a 20' height limitation, applicant seeks variance for 21' sign under 203-144 E(2). There are also some waivers as set forth in application documents.

Mr. Grossman offered his witnesses as Peter J. Dolcy, PE, of Dolcy, McManus and Roesch; Flavio Riva of Adamson, Riva and Lepley, licensed architect and Mark Bruschi, general manager and representative of the applicant. The witnesses were sworn in by Mr. Gemmel at this time as were the Board professionals.

Completeness:

Reports of Board professionals: Engineering Design Associates, April 26, 2017; Vincent Polistina Associates, April 26, 2017 and Dixon Associates, April 26, 2017.

Mr. Polistina stated that it is a developed site and they have asked for waivers as listed in his report of April 26, 2017. Mr. Polistina said he has no problem with waivers being granted because of the nature of the application. All are indicated in his report and can be included in the resolution from the report.

Mr. Filippone remarked that as Mr. Polistina stated, there is a long list of waivers for completeness and reviewed his report of April 26, 2017. He has no concerns with improvements the applicant is seeking as it is over impervious surface and has no impact with drainage, it is a well maintained site, and therefore, he has no problems with granting waivers and completeness.

Mr. Carey has nothing to add at this time.

No comments made by Steve Duda of Dixon Associates.

Mr. Choyce moved, seconded by Mr. Kurtz to deem the application complete granting the requested waivers.

ROLL CALL VOTE: AYE: Adams, Bilicki, Choyce, Kurtz, Schenker, Caldwell and Cheek
NAY: None
ABSTAIN: None

SAID MOTION CARRIED GRANTING COMPLETENESS WITH REQUESTED WAIVERS TO PB2017-02. WITH ALL ELIGIBLE MEMBERS PRESENT VOTING (7) "AYE"; NO "NAY"; NO "ABSTAIN".

Site Plan Approval:

Mr. Grossman called upon Mr. Dolcy to review the site plan.

Mr. Dolcy reviewed the project stating it involves 3 locations: west side where existing service area is now, applicant wants to add approximately 456 sq. ft. to give customer service more room to allow a more efficient flow; a change to an over the door sign to say service reception area. Along the front, north side, main entrance, applicant proposes a new entrance way portal, as Toyota refers to it; it is 48' feet wide, 25' high in the air and joined to the building with a metal roof so that 40' width of roof will cover entrance to make rain proof and on to that portal a revise signage will be installed. They have a Shore Toyota sign that is there now, another will be the Toyota emblem on top of the word Toyota and based on structure, they go together so they actually need the top of sign at 21' from grade.

He continued that on the easterly side of the building, they propose to add 10' wide rolling garage doors to put a delivery area inside of the building and one additional sign over the delivery door, delivery, ordinance allows 1 sign perpendicular to the street and they are proposing two signs, each 7 sq. ft. which are mainly informational to show where the shipping door and delivery door is. As Mr. Filippone mentioned mostly all improvements are on impervious surface so there is no change to amount of runoff.

Mr. Grossman asked Mr. Dolcy that based on his review does he believe that the purposes of the MLUL would be advanced by the deviation from the ordinance requirements and the variances could be granted

without detriment. Mr. Dolcy responded, yes in that it would make it safer so people will know where they are going and the deviation from ordinance is so small. Mr. Grossman further asked if Mr. Dolcy if he believes the deviation outweighs the detriment to the public good and without substantially impairing the intent and purpose of the Municipal Plan and Ordinance. Mr. Dolcy said yes he does.

Exhibits presented were A1 – Amended Site Plan; A2 - Colored elevation by Adamson, Riva Lepley.

Mr. Cheek asked if there were any more questions. Mrs. Caldwell questioned height and was advised that it is still below the maximum permitted.

Mr. Polistina asked if the Mr. Dolcy disagrees with any comments before we move forward.

Mr. Dolcy commented about being asked to squeeze more landscaping into the area and that they don't think they can as it would be restricted driving wise and they wouldn't want to restrict customers going in and out of space.

Mr. Carey asked if customer is driving into the building, Mr. Dolcy said yes. Mr. Dolcy explained the pattern that is proposed to use for entry. Mr. Carey is asking for some landscaping to delineate that entrance to make it easier for the public; if the Board feels it is not necessary and the applicant feels they have been operating this way so long that they don't see a problem.

Discussion continued as to what is there, the accessibility and mobility around the site. Questions were presented regarding the landscaping and if the customer drives the vehicle into the building to help explain his concern to delineate that area as being striped or with a curb or landscaping, to separate the building addition and to bring the customers into the door. Mr. Dolcy explained the procedure that they use. Mr. Carey inquired about the man door and separating it from the glass, thus suggesting to delineate the area for safer entry. It was suggested that it remain stripped as is, and maybe put in bollards.

Mr. Carey said that perhaps it could be stripped as is, maybe add bollards, just looking to enhance building, and to delineate that entrance and enhance the building. If Board doesn't feel not really required, operating for 14 years, I am fine, they could stripe the asphalt and continue as they have been doing. Discussion continued as to the traffic flow pattern with answers being provided by the applicant.

Mr. Dolcy stated that he is fine with all the other comments and that they will go out and spruce up the landscaping.

Mr. Grossman called upon Mr. Riva for testimony. Mr. Riva reference Exhibit A2 which describes the new front portal, and its intent to provide coverage for customers, open on sides and at the front but does have a roof cover and will be connected back to the structure of the building.

Mr. Grossman asked if the sign will be illuminated. Mr. Riva describe the lighting, it being internally illuminated, just enough to give it some presence.

Discussion ensued regarding clarification of lighting associated with the sign(s) talking about lighting behind for sure, lighting behind Toyota and emblem or panels behind. Mr. Riva said there are each throughout the dealership network, and that he is not certain option was chosen.

Mr. Cheek asked if the service area and delivery area signs will be lit as well. Mr. Bruschi recalls only the Toyota light is lit from back light; Mr. Choyce asked about type of lighting for the other signs and Mr. Brushi commented that whatever the Board prefers. When asked about hours of sign lights being on, it was stated that the lights are on during business hours and go off at 9:30-10:00 PM.

Mr. Polistina stated that as indicated in his April 26, 2017 report, that they have been granted site plan approval, they have a few non-conformities granted with that approval as listed in report; it generates the need for two variances as you heard, 1 sign as permitted where 2 are proposed perpendicular to Black Horse Pike and the height of the sign with the Toyota emblem as you heard, they are looking for a diminutive variance where 20' is allowed they are proposing 21'. They have provided testimony as Flexible C variance whereas the benefits outweigh any detriments or any impact to zoning and planning ordinance. They have agreed to all the general review comments, they did clarify the lighting and based on what they represented the resolution should contain lighting as specifically to back lit for the signage only, not the façade. Mr. Polistina has no issues granting approval.

Mr. Filippone referred to his report whereas he reviewed existing storm water basin, it does function, is maintained as designed. Applicant did come to a workshop. Reference was made to technical review comments #5, needs to be done #6, needs to be done, #7 needs to be done, #8 was addressed and #9 is addressed. Mr. Filippone feels it was a good application, well maintained site and that the applicant had attended a Workshop which helped a lot with what they had in mind. No problem with this application.

Mr. Carey referred to the April 26, 2017 report, and referred to items #1, which was discussed, #2 any landscape island that have had plant material removed should be replaced and #3 the illumination which has been discussed.

Mr. Duda of Dixon Associates referred to Mr. Dixon's report of April 26, 2017 and there being 304 parking spaces, with 4 being removed. Reference was made to Parking and Circulation Item #1 with regards to Section 203-60 requiring 1 space/300 sq. ft. of show room, so the site is required to have 82 parking spaces, 300 are provided, so it satisfies requirement. There is a sidewalk at front of site on 322 and a marginal access drive. There is no pedestrian connection to the site, so we are asking that a connection be installed to the first island, not an internal walking path but a sidewalk to the first set of islands. Mr. Grossman stated that the applicant agrees to this. The building expansion is not expected to generate additional traffic or parking, existing patterns are not going to change. No further comment.

Mr. Rogers questioned the usage of the 304 parking spaces that are there now. Discussion ensued regarding the parking and vehicle display. Mr. Bruschi replied that the parking stalls are for display and customer use.

Mr. Choyce expressed his disappointment that there wasn't any issue about parking that could be addressed associated with this application.

Questions and answers were presented regarding access and usage of Volunteer Way from the site. Mr. Dolcy commented that Volunteer Way wasn't here when Shore Toyota developed the site and that they had to pave the roadway from McKee Avenue to their property. At the rear of the property to Volunteer Way there is a gate that is open when they are open, closed when they are closed. It was remarked that someone can't travel through the property to and from Volunteer Way.

Mr. Choyce remarked that mention was made regarding replanting of landscaping required in original site plan, and asked if there was a lot of landscaping that have died or been removed. Mr. Carey remarked at this is point he is not sure. Mr. Dolcy and Mr. Carey will meet and walk around the site to see what needs to be done.

Chairman Cheek opened to Public Comment: There being none, Mr. Choyce moved, seconded by Mr. Kurtz to close public comment with all Board members voting in favor.

Further discussion took place with regards to the drive in entrance, as pointed out by Mr. Kurtz and Mr. Choyce, with reference being made to the architect rendering, it could be mistaken for a walk in entrance door, and that we don't want someone to drive into the reception area. Mr. Adams added that we don't want to impede foot traffic around corner, if you add curb you might land the people into the parking area, creating an impediment.

Mr. Carey remarked that it is entirely up to applicant of what they want to propose, his comment was strictly delineating that entrance from the two overhead doors. He thinks Mr. Adams comment is valid, could put sidewalk, walkway if had to. It was stated that this could be resolved in the field with the professionals and accommodate their needs and the Board sentiments.

Mr. Gemmel was asked to format motion. Motion is to grant checklist waivers as identified in Mr. Polistina's, Engineering Design Associates and Dixon Associates reports. The two variances are included in the approval, that would be for the number of building mounted signs, 2 rather than 1, and the height of building mounted sign at 21' rather than 20', approval would be for preliminary and final site plan approval subject to all of the conditions as contained professional reports, including that the sign is to be back lit, not the portal, and included in those conditions is that the Boards' landscape consultant and Mr. Dolcy meet to resolve landscaping at the site.

Motion as stated was moved by Mr. Choyce, seconded by Mr. Bilicki with a roll call vote:

Mr. Bilicki – YES – thanked the applicant for agreeing to conditions and is hopeful that when they walk through with Mr. Carey, they clear up the loose ends that are left, otherwise it looks good.

Mr. Choyce – YES - thanked the applicant and professionals for their cooperation and attending a workshop meeting and agreeing to the request of our professionals

Mayor Kurtz – YES – thanked the professionals and applicant for their work on this and feels this would enhance property

Rogers - YES

Caldwell – YES

Cheek – YES – thanked the applicant for keeping the building looking nice.

SAID MOTION CARRIED GRANTING PRELIMINARY AND FINAL SITE PLAN APPROVAL FOR SITE MODIFICATION AT SHORE TOYOTA TO PB2017-02. WITH ALL ELIGIBLE MEMBERS PRESENT VOTING (7) "AYE"; NO "NAY"; NO "ABSTAIN".

Public Comment – Chairman Cheek opened the meeting to public comment and as there was no response, Mr. Choyce moved and seconded by Mr. Kurtz to close the public portion of the meeting.

SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE"; NO "NAY"; NO "ABSTAIN"

Executive Session - None

Discussion:

Mr. Bilicki expressed his concerns regarding drainage basins by Home Goods and Mr. Filippone explained what they have done and that they are keeping a close check on it.

Short discussion took place regarding other basins in location, i.e. Acme/Toys R Us. Mr. Duda said he has witnessed test pits by Toys R Us and gave a brief review. Comment was made regarding Hamilton Mall and Mr. Filippone responded to that.

Adjournment - 8:15 PM - Motion made by Mr. Schenker and seconded by Mr. Adams to adjourn meeting with all members voting "aye."

Respectfully submitted,

Mary A. Lisitski,
Planning Board Secretary

adopted May 18, 2017