

December 6, 2018 Planning Board/Board of Adjustment Minutes

Mr. Ford called the Meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Members Present: Mr. Mazza, Mr. Neary, Mr. Walchuk, Mr. Nace, Mr. Kastrud, Mr. Stothoff, Mr. Kirkpatrick, Mr. Ford

Members Absent: Mr. Eschbach, Mr. Sullivan

Others Present: Atty. Mark Anderson, Robert Clerico, Andrea Malcolm, Eric DeRicco, Atty. William Mennen, Robert Streker, Oliver Young, Charles Olivo, Atty. Joseph Novak, William Salmon, Dan Bloch, Paul and Nancy Spatz

Open Public Meetings Act Notice: I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated February 1, 2018, as published in the Hunterdon County Democrat and January 31, 2018, as published in the Courier News and revised as of November 13, 2018. A copy of the Notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Municipal Clerk.

Approval of Minutes: Mr. Mazza made a motion to approve the minutes of the October 25, 2018 meeting. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Nace, Mr. Neary, Mr. Walchuk, Mr. Kastrud, Mr. Stothoff, Mr. Kirkpatrick, Mr. Ford

Fallone Group LLC: Block 22, Lot 34, Perryville Road: Preliminary & Final Major Subdivision: Mr. Ford announced that Fallone Group LLC Atty. Steve Warner had requested in an e-mail dated December 6, 2018 that the Public Hearing be adjourned until December 20, 2018, with no further notice required.

Motion: Mr. Stothoff made a motion to adjourn the Hearing until December 20, 2018 with no further notice required. Mr. Nace seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Memorialization of Resolution: Adoption of 2018 Amended Third Round Housing Element and Fair Share Plan (FSHP): Mr. Ford asked for a motion to memorialize the Resolution.

Motion: Mr. Nace made a motion to memorialize the Resolution adopting the FSHP. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Nace, Mr. Mazza, Mr. Neary, Mr. Nace, Mr. Kastrud, Mr. Stothoff, Mr. Kirkpatrick, Mr. Ford

QuickChek Corporation: Block 22, Lots 39, 40 & 41, 170 & 172 Perryville Road: Preliminary & Final Major Site Plan, Minor Subdivision, Use & Bulk Variances: Mr. Ford announced the application involved

a Use Variance. Therefore, Committee Members Mazza and Neary recused themselves from the Hearing.

Atty. Mennen gave a brief overview of the application and stated the changes made since the last Hearing. They include removal of the thirty-foot wide access drive along the eastern side of the site, added sidewalks along Perryville Road; bicycle parking; relocated the air and vacuum pad and changed landscaping and buffering. A lighting plan and revised exterior building design were also provided.

Mr. Mennen said the Engineer, Architect, Traffic Engineer and Planner for the applicant were present. He asked Engineer Robert Streker, who had been sworn previously, to come forward. Mr. Streker displayed a Colorized Version of the Site Plan showing proposed landscaping. It was dated December 6, 2018. The Site Plan was marked Exhibit A-11. He displayed another Exhibit, a Photo Realistic rendering showing modifications provided by applicant. It was marked A-12. Mr. Streker described A-11. The road around the easterly perimeter of the property has been eliminated which reduces pervious coverage; bicycle parking has been added, as well as outdoor seating. The building size has been reduced to 5,685 square feet (sf) from 5,694 sf. The proposed sidewalks will be ADA compliant. The appropriate number of street trees is shown on the Plan.

Mr. Streker said a slope stability analysis was prepared by Melick-Tully to determine the feasibility of changes. He referenced the lighting plan and indicated there will be no light spill onto neighboring properties. Mr. Streker said Sheet 29 of the Plan shows how trucks enter, exit and circulate through the property. In response to a question from Mr. Nace, Mr. Streker said QuickChek doesn't fuel tractor trailers. Mr. Streker referenced Sheet 30 that shows the circulation pattern for trash pickup.

Mr. Streker referred to Exhibit A-13 showing signage. He said the proposed free-standing one-hundred-sf free-standing sign; the Ordinance allows twelve sf. Mr. Streker displayed an Exhibit prepared by Control Point Associates dated December 5, 2018. The Board requested applicant to obtain the size of signage at adjacent gas stations. A-13 shows signage at Pilot, Shell and Exxon. Mr. Streker provided details regarding the signage. Mr. Kirkpatrick said both Pilot and Shell's sign applications were denied and they were required to keep the signs they had prior to the application. Mr. Kirkpatrick asked about the building signs. He indicated variances would be required for those as well as for the free-standing signs. Mr. Streker said comparisons for the building signage had not been compared with other area businesses.

Mr. Nace asked for confirmation that applicant was still asking for twenty-two design waivers and variances. Mr. Streker did not have the exact count. Ms. Malcolm asked about the relationship of the façade sign with the percentage it comprises to the front façade. She also mentioned the Township Regulations regarding keeping signs to a minimum. Mr. Streker said the Architect and Planner would address Ms. Malcolm's concern. Mr. Streker displayed an Exhibit showing the signs. It was marked A-14. Ms. Malcolm noted the Exhibit showed three signs Mr. Streker noted the free-standing sign. Ms. Malcolm said with that sign, there are four. Mr. Ford referenced the signs on each side of the canopy that face Frontage and Perryville Road. Mr. Kirkpatrick asked if there was a map showing impervious surface. Mr. Streker said the impervious surface is shown on Sheet 4 and labeled as asphalt parking.

Mr. Kirkpatrick asked if retention or retention basins were lined to prevent infiltration. Mr. Streker said "Yes, they are". Mr. Kirkpatrick asked if they counted toward impervious surface. Mr. Streker said "no". Mr. Kirkpatrick asked if applicant would be exposing bedrock on cuts. Mr. Streker said the cuts are not as deep as bedrock. Mr. Kirkpatrick asked if liners would function as impervious surface. Mr. Streker said "Yes", they do not let water permeate the ground. Mr. Kirkpatrick asked Mr. Streker to adjust impervious coverage to reflect additional areas of impermeable coverage. Mr. Streker was amenable.

Mr. Nace asked why the driveway for the remaining residence could not be zig-zagged to Frontage Road instead of through the back of Quick/Chek. It would reduce impervious coverage and there would be two separate lots. Mr. Streker indicated the proposal is safer and less impactful on the property.

Mr. Stothoff asked the impervious coverage ratio for the residential lot. Mr. Streker said it is .07. In response to a question from Mr. Ford, Mr. Streker said the limit is .20 percent. Ms. Malcolm indicated that impervious calculations should be based on gross area. Mr. Streker explained that lot area was used because of an easement dedication to Hunterdon County. Mr. Kirkpatrick referenced two projects for which the Board had made recommendations regarding impervious surfaces. Mr. Streker said the applicant's Planner could provide testimony on that issue.

Mr. Ford asked for questions of Mr. Streker. Mr. Clerico asked Mr. Streker to clarify that trucks would be entering the site via Perryville Road and exiting via Frontage Road to Route 78. Mr. Streker said that was correct. He said that was fairly accurate for the fuel trucks. Delivery trucks may use a different route. Mr. Clerico asked that an exhibit be provided to show delivery truck circulation.

Mr. Clerico asked about the berm on the residential lot. Mr. Streker said the berm would obstruct sight lines to the QuickChek and would be landscaped with natural grasses. Mr. Clerico said an easement might be required. Mr. Streker said their Attorney could give guidance in that matter.

Mr. Clerico referenced cuts in the bedrock, removal of 13,654 cubic yards of rock and 28,000 cubic yards being earth. He asked for the rock classification that was not bedrock. Mr. Streker said it is rippable-based fractured shale. Mr. Kirkpatrick said that is bedrock and less permeable than soil. He asked about water runoff due to removal of soil and exposure of shale. Mr. Stothoff mentioned the storativity assumption and water holding capacity. Mr. Streker said the water does not sit in the soil strata permanently. Mr. Kirkpatrick asked if Mr. Stothoff's concerns were addressed in applicant's storm water management plan. Mr. Streker said their storm water report looks at the surface. Mr. Kirkpatrick voiced a concern about additional runoff. Mr. Streker emphasized that runoff was calculated in accordance with DEP, DOT and all governing Regulations. Mr. Kirkpatrick said the EIS Ordinance requires calculations independent of State Regulations.

Mr. Clerico asked if there was a business element to the proposed single-family home on the proposed residential lot. Mr. Streker said he did not know. He also asked Mr. Streker if there was anything to assure the Board that the lot would remain a single-family home. Mr. Streker said no.

Ms. Malcolm had a concern about the potential use of that lot. Mr. Clerico voiced a concern about the driveway access through the proposed QuickChek. Mr. Streker indicated that access was preferable. Ms.

Malcolm noted that a variance might be needed regarding a conservation easement. Mr. Streker said that would be looked at. Mr. Kirkpatrick said the Ordinance requires that all remaining natural resource areas be in a conservation easement. Mr. Ford asked Mr. Clerico for other questions. He said "Not as far as testimony". Mr. Ford asked for questions from the Public. There were none.

Mr. Kastrud asked about Pattenburg Fire Company's response to the proposal. Mr. Streker said applicant provided routing for their specific vehicle and they were satisfied. Mr. Kastrud asked if the address for the lot would remain on Frontage Road. Mr. Streker did not know. Mr. Kastrud had a concern about emergency services locating the lot. Mr. Streker will obtain information.

Atty. Mennen asked for Architect Oliver Young, gk+a Architects, to come forward. Mr. Young was sworn by Atty. Anderson. He presented his credentials and they were acceptable to the Board. Mr. Young displayed a Colorized Rendering of the Canopy and Elevations, prepared by his firm and dated December 5, 2018. It was marked A-15. Mr. Young referenced the QuickChek on Brass Castle Road in Washington Township, Warren County, NJ. He said that store is similar in terms of square footage and layout, however it is slightly larger. This proposal has a bump out in the front of the building.

Mr. Young said the building has brick veneer. A green awning, an Exterior Insulation and Finish System and storefront framing and glazing. He described the elevations in detail. He said the materials have a synergy between the building and the gas canopy. Mr. Young provided information on the roof screen. He said none of the rooftop equipment would be visible because the parapet of the building is higher than the highest piece of equipment. Mr. Young addressed Mr. Clerico's comment about fire suppression. He said the State Building code does not require a fire suppression system. Mr. Young referenced Ms. Malcolm's comments regarding signage. He said the sign exceeds that allowed by Ordinance. Ms. Malcolm mentioned aesthetic standards for signs.

Mr. Stothoff asked if mechanicals would be visible from adjoining lots. Mr. Young indicated he did not know. Mr. Clerico asked about water collected on the gas canopy. Mr. Young indicated there are internal leaders that control the water. Mr. Clerico asked about solar panels. Mr. Young understood that Quick Chek had not explored solar. He said they have solar at their Headquarters. Mr. Clerico referenced the truck loading access at the south wall. Mr. Ford noted it would be visible for vehicles traveling north on Perryville Road. He asked Mr. Young if applicant would consider rotating the building 90% to put the loading dock in the back. Mr. Young deferred that question to the Civil Engineer. Mr. Nace asked if there would be an air pump. Mr. Young thought there would be. He did not think vehicle charging would be available.

Mr. Walchuk asked the recent practice for granting sign variances over the last few years. Mr. Kirkpatrick said Pilot and Lehigh Gas were allowed to keep existing non-conforming signs. The Board has been strict regarding additional sign variances. Mr. Kirkpatrick emphasized the importance of maintaining the rural and agricultural heritage of the Community. He mentioned the Perryville Inn that is on State and National Historic Registers. Mr. Kirkpatrick referenced Ms. Malcolm's letter regarding impact of lighting relative to heritage. Mr. Young said that would be a site design issue. He did not think the proposed building would have a negative visual impact on the Perryville Inn. Mr. Kirkpatrick asked

how the proposed building design was compatible with the rural heritage of Union Township. Mr. Young indicated he would look into that matter. Ms. Malcolm asked Mr. Young if more traditional external lighting would be considered for the signs. Ms. Malcolm asked about pitched roof designs for any of QuickChek's buildings. Mr. Young indicated that a flat roof was necessary because of the amount of equipment on the roof. Mr. Ford asked for questions from the Board or Professionals. There were none. He asked for questions from the Public. Frank Mazza, Cooks Cross Road, asked about fire suppression for the pumps. Mr. Young said, "No, they do not have them". He did not believe they were required by the State.

Atty. Mennen asked that Traffic Engineer Charles Olivo provide testimony. He was sworn by Atty. Anderson. Mr. Olivo provided his credentials and they were acceptable to the Board. He gave a brief overview of the traffic studies that have been ongoing for a year and a half. He noted that access management of the site was antiquated and would be modernized as part of this proposal. He said the plan will allow excellent spacing and proper site distance for safe and effective movement to and from the property. Mr. Olivo said the traffic study was extensive. He referenced the days and times of the traffic counts, levels of service and location of the counts. Mr. Olivo said applicant had met with Hunterdon County who gave conditional approval of access points on Perryville Road and the DOT who was generally agreeable to the driveway on Frontage Road. He indicated the project would not be expected to have a significant impact on the intersection, and driveways should operate safely. He also referenced adequacy of circulation aisles and generous parking stalls. Mr. Kirkpatrick asked Mr. Olivo if he reviewed the Lehigh Gas traffic report and if their trip generation numbers were used. Mr. Olivo said he had reviewed that report; however, he used the ITE Trip Generation Manual Land Use Code 960, dated 2017.

Mr. Kirkpatrick said the trip generation associated with Exxon, Shell (Lehigh Gas) and Pilot was higher than the Manuals. Mr. Olivo did not think the Pilot or Exxon trip generation was relevant to this project. Mr. Kirkpatrick asked about a sensitivity analysis comparing traffic impact and the price of fuel. Mr. Olivo said that had not been done. Mr. Kirkpatrick thought the Board would want that information.

Mr. Ford supplemented Mr. Kirkpatrick's concerns. He referenced page A24 of the Traffic Study that notes the decline in the level of service at morning peak hours southbound left through Frontage Road to the Perryville Road intersection, as well as near the bottom of the eastbound off ramp. The wait times doubled at those intersections. Mr. Kirkpatrick reiterated his concerns about traffic. Mr. Olivo said he would look at modifications to trip generation. Mr. Kirkpatrick asked the number of people passing through intersections at peak hours. Mr. Olivo said hundreds. In reference to Mr. Kirkpatrick's concern about time wasted because of traffic buildup, Mr. Olivo indicated that proper signal operations should limit that problem.

Mr. Stothoff asked that the impact of the Exit 12 Intersection be evaluated as it relates to the Foster Wheeler/Perryville Center site if it returned to full occupancy. Mr. Stothoff thought QuickChek would have a tremendous traffic impact. Mr. Olivo said applicant would review information provided to them regarding what was approved and the site's present status.

Mr. Ford asked for questions from the Board or Professionals. Mr. Clerico asked Mr. Olivo why full access for the driveway on Frontage road was necessary. Mr. Olivo explained that was for efficiency and safety. Mr. Clerico will review documentation and discuss concerns with Mr. Olivo.

Mr. Kastrud had a question. He asked Mr. Olivo about stacking impact on westbound traffic, the concrete island and tractor trailers or WB50s being able to make turns. He also referenced the problems with Pilot. Mr. Olivo said there was no comparison with Pilot as to the customer base and trucks. He said applicant would look at truck turns.

Mr. Stothoff mentioned the three driveways (QuickChek, Shell and Perryville Inn) onto Perryville Road and asked if that posed turn concerns. Mr. Olivo noted the Perryville Inn peak hours would be complimentary to QuickChek's since their hours of operation are dissimilar.

Mr. Ford asked for questions from the Public for Mr. Olivo. Steve Perdue, 6 Deer Run, Pittstown asked if the ITE data was generic for a site like QuickChek and did they adjust the numbers. Mr. Olivo said they do not adjust data. He said the data for New Jersey and Pennsylvania was changed with relation to the proposed use. The data is nationwide as well as international. Mr. Perdue asked the daily trip generation. Mr. Olivo did not know. Mr. Perdue asked about the NJDOT Permit. Mr. Olivo said they have the Permit. Mr. Perdue thought the weekday daily trip generation would be listed on the Permit. Mr. Olivo said that is simply an item on the Permit.

Mike Gatani, 7 Everett Road, Pittstown asked if Mr. Olivo had studied any developed sites versus the traffic study. Mr. Olivo said he visits most of them. He had not visited the Whippany or Route 10 sites that Mr. Gatani said are very busy. Mr. Olivo explained that QuickChek proposes widening the lane at the southerly extent of the property to the stop bar and where you would be able to proceed during a red light. Drivers would stay in the lane and move on the red or green light. Mr. Gatani asked about the increased volume of traffic from Frontage Road and increased noise. Mr. Olivo did not expect a significant change in noise. Mr. Gatani asked if there would be a significant change in traffic if people merge onto Route 78, also why QuickChek selected this side of Route 78. Mr. Olivo could not speak to the site selection matter.

Mr. Ford announced that the Hearing would be continued and the Public would have an opportunity to ask questions and/or make comments at that time. The Hearing was adjourned until January 10, 2019, with no need to re-notice. Atty. Mennen agreed to extend any action deadline.

V. A. Spatz & Sons, Inc. Block 22, Lot 5, 35 Frontage Road: Preliminary & Final Site Plan: Atty. Joseph Novak was present on behalf of applicant. Mr. Novak asked that the issue of Interpretation of the Ordinance be addressed first. Atty. Anderson said applicant had begun their Hearing before the Planning Board and Interpretation is a Board of Adjustment matter which would mandate that Committee Members Mazza and Neary recuse themselves. Messrs. Mazza and Neary left prior to further discussion.

Atty. Novak gave a brief overview of the application that began as an informal at the Board's June 28, 2018 meeting. He said his client submitted a Plan that would preclude the requirement for a Use Variance for outdoor storage. The Plan submitted expanded the size of the building to include a

structure that would allow for indoor storage of vehicles. Atty. Novak asked that Engineer William Salmon and Planner Dan Bloch be sworn and that their credentials be accepted. Messrs. Salmon and Bloch were sworn by Atty. Anderson. Mr. Salmon and Mr. Bloch provided background information regarding their education and experience in their respective professions. The Board accepted their credentials.

Atty. Novak also introduced owners Paul and Nancy Spatz. Mr. Spatz was sworn by Atty. Anderson. He gave a brief history of the Spatz Company and its operation. He reiterated Atty. Novak's statement about the variance matter.

Mr. Salmon displayed an Exhibit entitled Proposed Site Plan Rendering, revision date of October 24, 2018. Atty. Novak said the Exhibit was part of a List of Exhibits provided at tonight's meeting. It was marked P-5. Mr. Salmon described the proposed 31,000 square foot (sf) building. The building setback proposed is over 200-feet from Frontage Road. Passenger vehicle parking will be in the front. Larger vehicles including pickup and dump trucks, tractors and other equipment, will be in the rear of the building.

Mr. Bloch gave an overview of the property that is located in the Village Commercial District and the permitted uses therein. He said the parking required by applicant might be less than required by the Land Use Code. Applicant may ask if they can bank the excess. Mr. Bloch addressed the outside storage issue. He said the Ordinance does not define outside storage. He said applicant contends that by moving the larger vehicles and equipment to the expanded building with the attached structure, outdoor storage would not be an issue.

Atty. Novak displayed a Photo Exhibit of company-owned vehicles. It was marked P-25. Mr. Bloch described the vehicles including trucks, dump trucks, trailers, forklift, etc. that would normally be stored on the premises.

Mr. Walchuk asked about white containers shown on the Rendering marked P-5. Mr. Salmon did not know what they were. Mr. Kirkpatrick asked about vehicles versus equipment. Which items shown are registered as motor vehicles? He wanted to know what constitutes a vehicle versus what constitutes a piece of equipment with wheels. Mr. Bloch thought they were road worthy vehicles that are licensed. He said Mr. Spatz should provide that testimony. Mr. Kirkpatrick asked if the structure required a building permit. Mr. Bloch said "Yes". Ms. Malcolm asked if the structure was enclosed in any way. Mr. Bloch said the structure is attached to one wall of the building and the rest would be open. Mr. Kirkpatrick did not think the Ordinance requires the structure to be enclosed. Ms. Malcolm was concerned about objects extending to the surrounding pavement outside the structure that would appear to constitute outdoor storage. Mr. Kirkpatrick said anything stored under the roof area would be inside storage. Mr. Stothoff said the Ordinance references material storage. Mr. Ford said the Ordinance does not make a distinction between material and equipment storage. Mr. Walchuk asked why a roof was equated with being inside. Mr. Kirkpatrick said because a roof requires a permit. He also said the definition of a roof should be clarified in the Ordinance. Atty. Novak stressed that the Ordinance does not define structure. Atty. Anderson said it was the Board's obligation to decide what the Ordinance intended it to mean.

Mr. Spatz came forward to present testimony. Mr. Spatz said he had taken the photos that were marked Exhibit P-25. He showed an in-transit construction equipment plate issued by the State of NJ. Mr. Stothoff said there was a question of vehicles versus equipment. He said he could put a plate on a farm vehicle; however, that did not make it a vehicle. Mr. Kirkpatrick said the air compressor could be registered as a trailer or as a piece of equipment and the forklift would be a piece of equipment. Mr. Spatz said the forklift could be licensed and driven on the road. Atty. Novak asked Mr. Spatz to confirm, as per the Ordinance, that he believes the company owned vehicles may be stored on the site if not in use or at a job site. Mr. Spatz said that was correct. Atty. Novak asked Mr. Spatz what would be stored under the roof. Mr. Spatz said everything needed for their day-to-day operations, including an excavator and associated buckets. Atty. Anderson said the question before the Board is whether what is being proposed is outside storage.

Atty. Novak asked if the Board had any questions for Mr. Spatz. Mr. Walchuk asked about the white containers on Exhibit P-5. Mr. Spatz said they are trucks. Mr. Stothoff asked Mr. Spatz if he considered an excavator to be a vehicle. Mr. Spatz said "Yes". He said they do not differentiate between trucks and vehicles. Mr. Stothoff asked about powered equipment. Atty. Anderson said the question was whether that constitutes outside storage. Mr. Kirkpatrick said if equipment was at the site for routine maintenance or repair that would not be considered storage. He said anything stored under the structure meets the Ordinance definition of inside storage. Regarding vehicles, Mr. Kirkpatrick said if equipment is not registered by the State, the storage of such equipment would be considered outside storage. Mr. Spatz had a question about storage, did all applicants in a similar situation have come to the Board of Adjustment. Mr. Kirkpatrick said that most of the time it would be required.

Atty. Novak asked Mr. Spatz if the pickup trucks, dump trucks and tractor-trailers were all company-owned vehicles. Mr. Spatz said "Yes". They are registered as motor vehicles. Mr. Novak asked Mr. Spatz about another vehicle that is registered with the NJ Motor Vehicle Commission. Mr. Kirkpatrick stated there are plates issued for motor vehicles and plates issued for construction equipment. Mr. Ford noted the proposed 13,000 sf building is for inside storage. He asked what equipment would not fit in that building. Mr. Spatz indicated it would be equipment needed for daily operations. Mr. Kastrud asked about material storage. Mr. Spatz said that would include pipes, plastic fittings, water hydrants, etc. Atty. Novak cited the definition of a vehicle under the Title 39 Statute. Atty. Novak asked Mr. Spatz if anyone from the public would be at the site. Mr. Spatz said no. He also said no equipment would be sold at the site. Atty. Novak said they had no further testimony.

Atty. Anderson said the Board should hear from its Engineer and Planner. Ms. Malcolm referenced the outdoor storage issue. Mr. Kirkpatrick said for purposes of this interpretation, anything under the proposed roof area should be considered indoor storage and a company vehicle would be defined as a vehicle registered by the Department of Motor Vehicles. Wheeled vehicles that have attached equipment would not be considered as vehicles. Mr. Ford said a variance would be required for this application. Atty. Anderson pointed out that interpretations are not for a specific application, variances are. He also said that Ordinance definitions need to be discussed and revised. Mr. Ford asked if this application could be amended. Atty. Anderson said "Yes" and applicant could proceed with a Use variance before the Board of Adjustment. Mr. Kastrud said he did not feel putting material/vehicles

under the roof was solving Mr. Spatz's problem. Mr. Walchuk asked the cost of extending the roof versus applying for a variance. Mr. Kirkpatrick said the cost would probably be prohibitive.

Mr. Kirkpatrick reemphasized that inside storage means under the cover of a permanent roof and the Board's interpretation of a vehicle is a vehicle that is registered as a company vehicle. Mr. Stothoff thought the vehicle should be defined as a titled vehicle. He also thought members of the public should be given an opportunity to comment on the need for a variance. Atty. Anderson said Mr. Kirkpatrick's description recognizes that there are two interpretations; one is what is outdoor storage and one is what is a company vehicle? Mr. Ford asked if it was appropriate to ask for comments from the public. Atty. Anderson said it is acceptable.

Mr. Ford asked for public comments. There were none. Mr. Ford asked for a motion.

Motion: Mr. Kirkpatrick made a motion that inside storage constitutes storage under a permanent roof and a company vehicle includes items that are titled as a motor vehicle by the NJ Motor Vehicle Commission. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Kirkpatrick, Mr. Walchuk, Mr. Nace, Mr. Kastrud, Mr. Stothoff, Mr. Ford

Atty. Novak asked if the need for a variance would be eliminated if applicant removed vehicles not licensed by the State. Mr. Kirkpatrick said that was correct. The application would be a Planning Board matter with a Site Plan and request for Exceptions/Waivers. Mr. Ford said the Board could proceed with the Site Plan without the vehicles and continue the previous Hearing, or the application could be amended, the clock would be reset and the Board of Adjustment would hear the matter.

Atty. Novak asked Mr. Spatz if he had any questions. Mr. Spatz said they would have either to go for a variance or abandon the project. Mr. Kirkpatrick emphasized that the Board has approved similar applications. Atty. Novak asked if it would make any sense for Mr. Spatz to build the suspended roof/structure or line up his equipment. Mr. Ford said it would be less likely that the Board would grant a variance if he did that. Atty. Anderson said the matter of the Interpretation is closed. Atty. Novak and Mr. Spatz understood.

Mr. Spatz said there is not room for such items as trench boxes. Would the board require two different variances? Atty. Anderson advised the Board against offering advice. Atty. Novak said applicant's Landscape Architect has concerns about tree replacement as outlined in Ms. Malcolm's letter. He said trees would have to be removed for the building and two-thirds of subject property is covered with trees. Mr. Kirkpatrick said the Ordinance provides alternatives to direct tree replacement.

Atty. Novak asked about scheduling the next meeting. Various dates were discussed and it was decided to continue the Hearing at the January 10, 2019 meeting, with no further Notice required.

Motion: Mr. Stothoff made the motion to carry the Hearing until January 10, 2019, with no further Notice required. Mr. Nace seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mr. Ford asked for a motion to recommend to the Township Committee that the definition of outside storage and company vehicle be added to the Land Use Ordinance in language discussed by the Board.

Motion: Mr. Nace made the motion. It was seconded by Mr. Stothoff.

Vote: All Ayes, No Nays, Motion Carried

Mr. Ford asked for Comments from the Public. There were none.

Motion to Adjourn: Mr. Stothoff made a motion to adjourn. Mr. Nace seconded the motion. 11:00 p.m.

Vote: All Ayes, Nays, Motion Carried

Grace A. Kocher, Secretary