

MINUTES-MEETING
HOPE TOWNSHIP ZONING BOARD OF ADJUSTMENT
JUNE 3, 2021

The monthly meeting of the Hope Township Zoning Board of Adjustment convened at 7:31 p.m. via Zoom, with the following Board Members present: Tom Gabel, Gary Green, Shawn Patton, Steve Larena, Brian Kathenes, and Christopher Smith. Absent: Carol D'Ottavio. Also present: Board Engineer Ted Rodman, Board Attorney Roger Thomas, Planner Leigh Fleming, and Board Secretary Alfia Schemm.

The meeting was called to order by Chairman Gabel and he led the Board in the Pledge of Allegiance. Board Secretary Schemm announced that the meeting is being held under the provisions of the "Open Public Meetings Act"; adequate notice of the meeting has been provided to the Township's Official Newspaper.

Approval of Minutes:

Mr. Larena made the motion to adopt the minutes of May 6, 2021. Motion seconded by Mr. Smith. Roll call vote in favor: Green, Larena, Patton, Gabel, and Smith
Abstaining: Kathenes

Completeness:

#ZB21-001 Newrent Inc, Block 4000, Lot 1200

Chairman Gabel reviewed that the Board deemed the variance application complete; however, the site plan was deemed incomplete. Board Engineer Rodman stated that additional information was provided and he recommended that the Board deem the site plan application complete.

Mr. Larena made the motion to deem the application complete. Motion seconded by Mr. Smith. Roll call vote in favor: Green, Larena, Patton, Gabel, Kathenes, and Smith

#ZB21-002 Hope NJ Realty Group, LLC, Block 3400, Lots 1100 and 1101

Board Engineer Rodman commented on his 5-28-21 report and he recommended that the Board deem the application complete.

Mr. Kathenes made the motion to deem the application complete. Motion seconded by Mr. Smith. Roll call vote in favor: Green, Larena, Patton, Gabel, Kathenes, and Smith

Craig P. Bossong, Esq. was present on behalf of the Applicant and he stated that a request was made for a special meeting for later in the month. The Board discussed if there were any possible special meeting dates and it was agreed that this matter would be scheduled for the July 1st meeting date. Board Secretary Schemm stated that she is not available for the July 1st meeting; however, the Township Clerk has agreed to record the meeting. The Board then went on to discuss whether the meeting will be in person or via Zoom and who would be available to attend the in person meeting. Mr. Larena stated that he may have a conflict for that meeting; however, he may be able to attend remotely.

Hearing:

#ZB21-001 Newrent Inc, Block 4000, Lot 1200

Mr. Thomas reviewed that the application is for a "D" variance and there are only 6 Board Members present this evening.

Daniel Benkendorf, Esq. was present on behalf of the Applicant and he stated that they are willing to proceed with the 6 Board Members this evening. He thanked the Board Secretary and the Board Professionals. He stated that they are prepared to make a clear presentation of the present proposal and he reviewed the prior granted approvals.

He stated that his clients would like to continue with the prior granted uses, but what is most important is that they get their use approved. The Board discussed whether the Applicant is requesting a waiver of site plan. Mr. Rodman stated that he feels that there should be things shown on the site plan and he would object to a waiver. Mr. Benkendorf stated that he agrees that any approvals would be subject to a site plan. The Board briefly discussed the prior approvals.

Edward Whitehead was sworn in and he went on to describe the business of storage and selling trailers, hours of operation would be mostly M-F 8am to 5 pm., customers are normally met by appointment, and they would have up to three employees. He then described the repairs and maintenance that may be done and why the proposed site was selected. He addressed the activity, traffic, the office trailer, the installation of a well and septic, and possible upgraded lighting.

The hearing was opened to the public for questions of Mr. Whitehead.

Tom Bodolsky questioned the existing uses on the site and whether they will be abandoned/terminated and the tenants leased sites.

With there being no further questions, the hearing was closed to the public.

Glen Dlugosz was sworn in and he commented on the existing tenants, the business, and activity. Ms. Fleming and the Board had several questions regarding the onsite circulation and the stacking of the trailers, the use of the existing building, the location of where maintenance and repairs would take place, parking, all of which were discussed with the Board and Applicants. Mr. Rodman questioned the present location of two existing sheds and propane tank. The Applicant addressed the number of trailer delineated spaces and tenant delineates spaces. Mr. Thomas addressed the temporary/expired use of the impound lot and the contractor spaces and the adopted resolutions. He also addressed reapproving the prior uses and the office space or abandoning the prior approvals along with getting new approvals. He reviewed the possible various options which were discussed.

The hearing was opened to the public for questions of Mr. Dlugosz.

Monica Sobon asked about the 20 year wetlands flood plain designation. Mr. Rodman stated that the item should be discussed during site plan. Ms. Sobon questioned the activity of the tenants and the whether an EIS is required. She confirmed that the Applicant would provide an updated current wetlands designation.

With there being no further questions, the hearing was closed to the public.

Jason Dunn was sworn in and he provided his qualifications as a Planner. The submitted site plan drawing was displayed and Mr. Dunn then went on to address the site plan waiver request. He then described the site, the wetlands, the existing disturbance, the existing uses and structures, the removal of the existing block open air bays, the parking for the office trailer, the location of a dumpster, any noise that will be generated, and the existing approved uses and structures on the site. He stated that the property is suitable for the proposed use. He reviewed the other uses in the area and the buffering

from other properties. He addressed the positive and negative criteria and what was approved in the prior Resolutions and what is permitted. He addressed the current condition of the site, the proposal, and the traffic that may be generated. He touched on the requested waivers and the use of the existing disturbed area. Mr. Larena asked if the existing structure could be used for office space. The Applicants stated that it is under consideration. Mr. Rodman questioned the conservation easements. Mr. Dunn stated that it may have come about during the DEP permitting. Mr. Gabel questioned the on-site circulation and movement of the trailer inventory. The Board continued to discuss the proposal and Mr. Dunn provided the special reasons for the granting of the variances. Ms. Fleming asked about signage and Mr. Dunn stated that they will install a conforming sign. Mr. Rodman stated that the sign should be on the submitted site plan.

The hearing was opened to the public for questions for Mr. Dunn.

Tom Bodolsky asked about the submission of a site plan and a survey, the stacking and movement of the trailers, the office trailer, and the request for multiple uses or a single use. Mr. Dunn stated that the proposal upholds the purpose of the Township zone.

Ellen Benoit questioned the location and parking of the trailer jockey. A picture of the trailer jockey was displayed and Mr. Whitehead stated that there will be one trailer jockey on site.

Monica Sobon asked about lighting. The Applicants stated that they are not proposing lighting in the yard and Mr. Rodman stated that any lighting should be shown on the site plan.

With there being no further public questions, the hearing was closed to the public.

Mr. Benkendorf stated that they have no further additional testimony to provide.

The meeting was opened to the public for general comments.

Tom Bodolsky was sworn in and he stated his concerns over the expansion of the activity on the site, which is beyond what was approved on the site from the prior approvals. He stated that there has to be an assurance that there will not be an expansion of uses / number of tenants on the site. He stated that many of the present tenants may not be permitted based on the original approval. He stated that the Board needs to be careful about granting an ill defined use variance and the site has a history of being in non-conformance. The site is a tight site based on the intensity of the proposal. He commented on the approved resolutions and the present proposal is detrimental and permitting multiple uses/tenants is promoting what exists already. He concluded by stating that the proposal is not advancing the purpose of the zoning act.

Monica Sobon was sworn in and she reviewed the prior approval, and what exists presently on the site. She stated that what is there now may not be what was agreed to or originally intended.

With there being no further public comment, the hearing was closed to the public.

Mr. Benkendorf provided his summation and he stated that he believes that there will be a reduction/less use of what exists presently. He reviewed the proposal and he stated that they will improve the site.

Mr. Thomas then reviewed the existing uses on the site: contractor spaces, the building, the impoundment lot, and trailers/vehicle parking. He then reviewed the Newrent use, the Board Planner's report and the various options available, which was discussed with the Board.

The hearing was reopened to the public for Mr. Bartow.

Brad Bartow was sworn in and he stated that the existing tenants are on a month to month basis and there are no long term leases.

The hearing was closed to the public.

The Board discussed the options again: Option one: Newrent use and Option two: Newrent use and one or more of the other existing uses (excluding the tractor trailer parking).

Mr. Larena made the motion to permit Option two (Newrent use along with the impound lot and the three contractor lots-excluding the tractor trailer parking) . Motion seconded by Mr. Patton. Discussion on the motion: the Board discussed whether the site plan needs to come back to the Board or deferred to the Board Engineer. The Board also discussed the motion. Mr. Larena amended his motion to include deferring the site plan to engineering review and not board review. Mr. Thomas stated that if there is dispute between the Engineer and the Applicant, it will have to come back to the Board. Roll call vote in favor: Green, Larena, Patton, Gabel, and Smith. Opposed: Kathenes. The motion carries.

Mr. Benkendorf asked if he could waive the reading of the Resolution. Mr. Thomas stated the site plan needs to be acceptable to Mr. Rodman. Mr. Benkendorf thanked the Board.

Vouchers:

None

Planning Board Report:

Mr. Larena stated that there is nothing new to report.

Other

Ms. Schemm asked if the Board wished to have the Board Planner review the Hope NJ Realty Group application. The Board agreed.

Open to the Public:

Chairman Gabel opened the meeting to the public for non agenda items. With there being none, the hearing was closed to the public.

Adjournment:

With there being no further business a motion was made and seconded to adjourn the meeting at 10:24 p.m. Voice vote in favor: Green, Patton, Smith, Kathenes, Larena, and Gabel

Respectfully Submitted:

Alfia Schemm
Board Secretary
6/25/21