

Township of Randolph
Randolph, NJ 07869
June 22, 2023

A regular meeting of the Randolph Township Board of Adjustment was called to order at 7:30PM by Chairman Sesko. Adequate notice of the meeting was given to the official newspaper and an agenda was posted on the Township bulletin board.

ROLL CALL:

Present: Comrs. Asbaty, Norman, O'Neill, Stracco, Alts. Tatch, Fiscella, Vice Chairman Dunn, Chairman Sesko, Darren Carney, Assistant Manager/Planning and Zoning Administrator, Richard Schneider, Board of Adjustment Attorney, Katherine Sarmad, Township Planner, Joseph Bryne, Covering Township Engineer

Absent: Comr. Bell

ACTION ON MINUTES OF:

Comr. O'Neill noted a typo change to the minutes.

April 27, 2023

Vice Chairman Dunn made a motion to approve the minutes with the correction and Comr. Stracco seconded the motion. All in favor.

PUBLIC COMMENTS: None heard.

MEMBERS COMMENTS:

Chairman Sesko asked the Board to submit their vacation schedule. He noted that the new Rita's Ice Cream is busy and didn't come to the Board. He noted there seems and to be a good amount of traffic along Sussex Turnpike.

Mr. Carney noted that this is an approved use. Mr. Carney noted will let the traffic advisory committee know.

NEW BUSINESS:

23-04 Believe in Me LLC has been carried to July 13, 2023

Mr. Schneider made the announcement that application 23-04 Believe in Me LLC is carried to the July 13, 2023 with no further notice to the public.

23-02 Heritage Woodland LLC #1

B 4 L 1, 1569 Sussex Tpke.

Pre/Final Site Plan, Tree, C and D Variances

Ronald Heymann, Esq. appeared to represent to applicant.

Ron Pagano owner and applicant was sworn. Mr. Pagano noted that the property is vacant and the proposed project will have a 4,000 square feet structure with 10 percent office space.

Mr. Heymann asked about the use.

Mr. Pagano noted light medium industrial use electrician/ hvac/plumber with box truck the layout. The site is flat with the possibility of specialty automotive as a use.

Mr. Heymann asked about outdoor storage.

Mr. Pagano noted that the outdoor storage would be organized. This would be shielded by Route 10.

Mr. Heymann asked what kind of parking.

Mr. Pagano noted that there would be outdoor parking.

Chairman Sesko opened the meeting to the Board.

Ms. Sarmad asked about specialty automotive and asked about the number of cars.

Mr. Pagano noted that the lease would limit the amount of the parking on site.

Ms. Sarmad asked about the amount of outdoor parking for outdoor storage of vehicles.

Mr. Pagano noted that in another site he mentioned 30-foot spaces and that can be agreed to.

Chairman Sesko opened the meeting to the public.

Marge Gamba 1566 Sussex Turnpike asked about the site. She noted that the setbacks have been the one thing that is best for the area.

Tom Gamba 1566 Sussex Turnpike asked about automotive service and noted his concern about the site becoming a junk yard.

Ms. Sarmad noted that in the memo she questioned the specialty automotive use as there could be higher parking requirements.

Mr. Carney noted that this property is located in the Morris County well head area. There is a restriction in the zone of a specific prohibition in the well head protection area.

Mr. Heymann noted that the applicant will waive the possibility of specialty automotive use.

Thomas Graham, PE was sworn and accepted. He explained the property is about 1.03 acres in the PO/R zone. He marked Exhibit A-1 and dated June 22, 2023 the plan is for 4,000 square foot building. There is a proposed front yard setback of 26.2 feet where 50 feet is required. The existing septic system will be abandoned and a new septic system and there will be two drywells added.

He noted that the applicant has met with the County and the traffic flow in and out of the site. There are seven standard parking spaces and one ADA parking space. There has been lighting provided to illuminate the building. The project has a lot of trees on the site, six trees to be removed with ten replacements and that will be met. There will be one wall mounted sign proposed that will require a variance for the size. There was a variance request for a wall sign 40 square feet where four square feet is allowed. There is a waiver requested for the parking space size of 9 feet x 18 feet. The proposed aisle width of 19.4 feet where 22 feet is required. There was a waiver for nonresidential parking in the front

yard parking lot is 16.9 feet from property line. There was a variance request for the second front yard setback of 26.2 feet where 50 feet is required. The steep slope variance request was explained.

Mr. Graham noted that the only comment that they did not agree with from Mr. Ferriero's letter date June 16, 2023 was for restricting exiting only on to Irish Spring Road. The County limited approved access to ingress from Sussex Turnpike and exit only on to Irish Spring Road. He marked and dated June 22, 2023 Exhibit A-2 truck turning plan was marked. He explained the truck access plan and noted that truck movements for box trucks or sprinter vans would have no problem accessing the site.

Ms. Sarmad questioned the truck access and outdoor storage of equipment.

Mr. Graham noted that the garbage truck is the most difficult to access the site. The ultimate user would be limited to the accessibility of the site.

Comr. Asbaty asked about hours of operation.

Mr. Pagano noted the hours would be Monday through Saturday.

Mr. Carney noted the Board can restrict the hours.

Chairman Sesko opened the meeting to the public.

Tom Gamba noted that the setback is not his concern.

Mr. Byrne asked if there was any security fence.

Mr. Graham noted that would be a user defined restriction. There are no fences proposed.

Mr. Byrne asked about light fixtures.

Mr. Graham noted that the criteria in the review memo dated June 16, 2023 will be complied with.

Mr. Schneider questioned the steep slope variance.

Mr. Graham addressed the steep slope variance request. He noted that section 15-44.3.B were addressed. He addressed the steep slope variance comments a-j in the review letter from Mr. Ferriero dated June 16, 2023.

Kenneth J. Fox, AIA PP was sworn and accepted by the Board. He explained the proposed 4,000 square foot steel structure with a small office area and two overhead doors. The height of the building will be 20 feet. He marked and dated June 22, 2023 Exhibit A-3 color rendering of the front elevation. There will be a sign on the building 20 feet wide by 2-foot-high letters that are back lit channel letters.

Mr. Heymann questioned the lights.

Mr. Fox noted that there will be a standard light fixture over each overhead door.

Mr. Heymann asked about HVAC for the building.

Mr. Fox noted that a small air conditioning unit will be in the office space with condenser outside.

Chairman Sesko opened the meeting to the Board.

Chairman Sesko asked about the back lit lettering.

Mr. Fox explained the lighting style.

The Board asked questions.

Chairman Sesko questioned if the site was planned for a specific use.

Mr. Fox noted that there is a use variance for an unspecific use.

Chairman Sesko opened to the meeting to the public. None heard.

Alexander Dougherty, PP was sworn and accepted. He marked and dated Exhibit A-4 June 22, 2023. He explained the exhibit as aerial photos of 1569 Sussex Turnpike which is corner lot with three front yards. The proposed 4,000 small operations with possibility of two tenants that will be 20-foot-tall building. Some of the possible uses are flex warehouse small contractor use light industrial use. There is a steep slope variance. There is a facade sign variance. The addressed the Medici test and stated that this is a small-scale project. That meets the special reasons criteria as it provides contractors a place to operate. The planning goals are addressed as there are no adverse issues to the surrounding area. This protects the residential residents. The relief can be granted and it would not have any adverse conditions to the zone plan and the benefits out weight the detriments.

Comr. O'Neill asked what the side yard offset.

Mr. Graham noted that the side yard setback is 40 feet from the residential homes.

Mr. Schneider noted that this is a use variance not a hardship variance.

Mr. Heymann noted that the testimony has been provided and the property has been vacated for a long time. The proposed use is beneficial to the zone.

Mr. Dougherty noted that the variances are the C-2 variance and a D-1 variance.

Ms. Sarmad explained how the Board can act favorably on a D variance.

Mr. Schneider questioned the summarization of the application.

Mr. Dougherty noted that the use is a light industrial use or fabrication.

Mr. Heymann noted that uses suggested are hvac, electrician, plumber or fabrication.

Mr. Dougherty noted that the site is not a warehouse use and there will be no specialty automotive.

Mr. Schneider questioned if he is familiar with additional applications by this applicant and asked how many properties are located in the PO/R.

Mr. Dougherty noted that there are five properties.

Mr. Schneider questioned that there are three properties by this applicant. He asked for clarification regarding the standards of proof for the Medici test.

Mr. Dougherty explained the proposed 4,000 proposed light industrial with direct access to the highway. he noted that is has been vacant for many years. This application protects the residential areas in a well suited and designed area.

Mr. Schneider noted that the other two applications are use variance with two in one zone and one in another zone. He asked if the applicant has considered asking the council for a rezoning.

Mr. Schneider questioned if the next application would not have precedence.

Mr. Heymann noted that will be a different application.

Mr. Schneider asked if this creates a problem.

Ms. Sarmad noted that the applicant purchased the property last year and asked fi the property has been marketed for the current zoning.

Mr. Heymann stated no.

Ms. Sarmad noted that if the Board act favorably the uses should be broken down and clear in any approval including outdoor storage as a condition. The conditions should be defined and need be to be enforceable.

Comr. Stracco noted the hours of operations.

Chairman Sesko opened the meeting to the public. None heard.

John McDonough, PP was sworn and accepted. He noted that that this is not a re-zone and noted that 4 of the other 5 lots are conforming. This is an opportunity that put this into a productive site. He suggested that there could be a condition that the use variance is site specific. The property has triple front yards this is not overly intense and noted that. This is not a hardship variance it is a C-2 variance request. He noted that the proposed use better use of land.

Chairman Sesko opened the meeting up to the Board.

Mr. Byrne asked about the removal of soil.

Mr. Graham noted that the soil removal will be followed.

Mr. Byrne asked about limitations.

Chairman Sesko opened the meeting to the public. None heard.

Mr. Heymann summarized that this site has been vacant from many years. This property has good access off the highway and this would be a good site for a small business hvac, plumber and is the perfect location and asked the board to act favorably.

Chairman Sesko opened to the meeting to public comments. None heard.

The Board discussed the application.

Ms. Sarmad noted that there is language that could be offered. The proposed use seems to be trade professionals with or without light manufacturing, plumber, HVAC. A condition could include no work outside the building walls, no flammable materials. No landscape contractors with no outside outdoor storage that do not obstruct the circulation outdoor storage

Comr. Stracco wanted limited hours of 7am-7pm Monday thru Friday and 7am-2pm on Saturday.

Ms. Sarmad noted that there could be a condition that allows trade vehicles stored in parking spaces or in the striped loading spaces in the rear.

Mr. Carney noted that I-2 zoning is are the permitted uses.

Mr. Heymann summarized the application noted that they would clarify the use. He agreed to no outdoor storage of vehicles, no landscapers, no specialty automotive or trades that will need to have some outdoor storage, no loose materials not higher than 15 feet. Uses include specialty trades plumber, electricians, no manufacturing outside the building, no hazards materials, equipment and materials no higher than 15 feet. There will be no materials that will not flammable or hazards. He asked the Board to act favorably.

CASE REVIEW:

The Board discussed the application.

Vice Chairman Dunn made a motion to approved the Use Variance and Comr. O'Neill seconded the motion.

ROLL CALL:

AYES: Comrs. Norman, O'Neill, Asbaty, Stracco, Vice Chairman Dunn, Chairman Sesko

NAYES: Comr. Tatch

ABSTAIN:

Motion carries.

Comr. Asbaty made a motion to approve the C-2 variances and waivers and Vice Chairman Sesko seconded.

ROLL CALL:

AYES: Comrs. Norman, O'Neill, Asbaty, Stracco, Alt. Tatch, Vice Chairman Dunn, Chairman Sesko

NAYES:

ABSTAIN:

Motion carries

CORRESPONDENCE:

RESOLUTION:

There was motion and a second to go into executive session. All in favor.

Mr. Schneider read the resolution into the record for Executive Session at 10:06pm.

ADJOURN: A motion and a second to adjourn.

Attest:

Kimberly Coward
BOA Secretary

TIME: 10:06PM