



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

PLANNING & ZONING
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**FEBRUARY 21, 2023
ZONING BOARD
MEETING MINUTES**

The meeting was called to order by Vice -Chairman, Greg Seher at 7:00 p.m.

Flag Salute

Notification of Meeting

New Board member, Arianne Sellers was sworn in.

ROLL CALL

PRESENT: Cottrell, Famularo, Koussoulis, Lawler, Reilly, Sellers, Seher

ABSENT: Baltera, Malia

ALSO PRESENT: Jim Grimley and Andy Previti (in for Eddie)

OLD BUSINESS:

VOTE: Minutes of January 17, 2023 meeting

Motion to approve: Mike Reilly – second – Mike Famularo

All were in favor

NEW BUSINESS:

Appl. #1-2023 for 445 E. Absecon Blvd. LLC – Block 225 – Lot 1 – 445 E. Absecon Blvd. for a “D” use variance for construction of a warehouse with office space; a use variance for construction of an outdoor advertising sign; a use variance for utilization of clean dredged material as backfill and a “C” bulk variance for building length

Eric Goldstein – applicant's attorney appeared as well as Jon Barnhart from Ponzio Engineers. He then stated his credentials and was accepted as an expert witness.

The applicant owns the property and seeks a d variance, as well as a c variance. The memo from the board engineer was received as well as police and fire letters.

Jon Barnhart – the site is where the old drive-in theatre was. It's 14.7 acres along the White Horse Pike. The frontage is 200 ft. but the actual usable frontage of only 50 ft. because of the meadows area. The upland area of the site is about 11 acres. The neighbors are Home Depot and a motel to the north. To the rear are the train tracks. It has been sitting and unused for about 40 years. It sits in the HD zone, which requires a D variance for what we are proposing.

Exhibit A1 – an aerial photo

Exhibit A2 – site plan with a revision date of 2-21-23 were marked into evidence.

It would be a new warehouse facility having a total building structure of 135,780 sq. ft. being a one-story structure and within that the proposal is to have approximately 15,000 sq. ft. of office space accessory to the warehouse use and 120,780 of open warehouse space. The floor plan was to have up to six tenants and each would have an open warehouse space, loading dock doors access off the rear of the building and each would have office space in which to operate their warehouse facility. Access to the site is a two-way drive into the site and full circulation around the building for deliveries and emergency personnel and they leave in the same direction. It will be a right-in and a right-out of the property and the comments from the State DOT are like what Mr. Previti's report mentions. The site utilities will have adequate capacity and single-service lateral lines will come into the building. The entire building will be fire suppressed.

Exhibit A-3 – fire department letter and Exhibit A-4 – police department letter were both marked into evidence.

As to lighting, the property will be fully lit around the property and building. They are asking for a waiver of the requirement of a 1.5 candle for a 1 ft. candle and they feel it is more than adequate for a parking area. There are other areas that will have 5 ft. candles.

Landscaping was submitted and they have one waiver request of the tree requirement that requires trees to interrupt the parking spaces. With this type of project, it's more of a maintenance issue for this site and the location is so remote. You are going to have to drive back to see this property.

We had 100 spaces shown on the plans at first, but they wanted to use 3 of them at each corner to put trash and recycling. That would leave them with 94.

With regards to fencing, it is naturally fenced and the only entrance is the front driveway. The applicant feels that a fence is not needed. Exhibit A-5 – rendering of the building was marked. It is elevated to meet the FEMA standards and the base will be concrete and the side will be vertical metal siding, but they would like to create a pattern of different colors to create an aesthetic. There will be 3 entrances and 2 tenants will use each one. There will be a small id sign next to the front door. The sign package conforms with the ordinance even with the small ground sign at the driveway entrance that they want.

PROPOSED OUTDOOR ADVERTISING BILLBOARD

The sign will sit adjacent to the front access roadway coming in and it was proposed at 10 ft. off the property line, but with discussing it with Andy, we are more than happy to put it at 20 ft. to get a little further from the roadway. The sign is a single pole pylon sign and the face is proposed at 14 x 48, a standard size for outdoor advertising signs. The height is proposed at 50 ft. for the purpose of having good site lines over the top of the adjacent motel. Andy expressed some concerns about that and we looked at and decided we could bring it to 40 ft. They have asked the DOT for approval for the sign face inbound facing into Atlantic City to be digital and it's pending right now. We do believe we will get it.

They are asking for a c variance for the building length. 100 ft. is allowed, but they are asking for 466 ft.

They asked for a waiver of the requirement to build a block model.

An irrigation design plan is needed, but they would like a waiver for the full design compliance. They will provide one and he will put all the notes on compliance plans.

An Environmental Impact Statement was not submitted and is required. Since we are under a full CAFRA permit application process and supplied a policy compliance statement for that, we could provide it to Mr. Previti.

We are not proposing any outside storage.

He then went through the special reasons and purposes of zoning for the use variances. Jon read off the sections of the law that they felt fit this situation. They were from sections A, G and H. As to the negative criteria, they feel there is no detriment to the public good because it is buffered on each side and it is a less intense use than others permitted in the zone.

Andy – went over his report of 2/8/23. The testimony addressed some of his comments and they said they would comply with the site plan comments. As to the use variance, it is difficult for the applicant to know what type of uses are going into the warehouse. In the code, there are some prohibited uses and he listed them on page 4. So, a certain type of mechanism should be established so it's controlled as to what will occur in each of these units. Since there are no standards for this use, then there are really no bulk variances needed. The approval of the d variance would include that size of the building, unless you think it would be a problem for the zoning officer. They agreed to lower the sign to 40 ft. and he is okay with that. Plans should show where the HVAC machinery will be and most likely they would be on the roof. He is agreeable to a waiver for the parking stall being 18 ft. instead of 19 ft. A design waiver is needed regarding the pavement since the code requires 6 inches of base gravel course and 4 inches of asphalt and 2 inches of surface. They are proposing 3 inches instead of the 4 for the middle course. He feels it could be granted. The fire department asked if there was enough pressure in the system at this location in order to provide enough pressure for the fire suppression system. They testified there isn't, but they will have a pump in the facility. We would need some information to back that up. It should be on the plan and it be sent to the fire department for review.

Jon – said they plan on having a small mechanical room for the pumps within the footprint of the building

Andy – the trash and recycling containers are going to be supplied. He received a letter from the city engineer saying the sanitary sewer system is adequate to handle this. There is a sewer pump station next door to tie into. There is a need for a waiver for the parking stall sizes. They propose 18 and the code is 19 ft. Four corners of the building are close to the roadway where the big trucks will be driving back to and he asked if the building be moved back 5 ft. from any roadway.

Jon – this new plan addressed that and without moving the building they changed the angle and got 9 ft. of separation at one location and with a slight reduction, the other 3 will can be moved 5 ft.

Andy – the landscaping plan should be submitted at time of construction. Ask if any security lighting is proposed.

Jon – the entire site will be LED, so they will have all the code required building mounted lights at all the door entries, but they will control the light levels of the system and bring them down at night.

Andy - is okay if the board wants to waive the EIS and the block model of the project requirements. Various permits and other approvals are required for this project and he asked about the status of them.

Jon – DEP application is pending for about 4 months now and it is complete and we are in the public comment period right now. He hopes to have it within the next two months. The DOT application was submitted in November and their comments were to approve it with some revisions, which were in line with Andy's comments, so it worked out well. Copies will be sent to him and the board secretary.

Andy – on the plans it says they want to use dredge spoil materials for fill at this site. That is fine as long as the dredging materials are fine. The state regulates what can be used at site. As of now, they don't know where the materials will be coming from. Once they got approvals, that information should get filed with the city before it gets delivered to the site. The analysis is very detailed and expensive, but it does ensure that what is coming to the site and trucked through the city isn't harmful. Definitely copies of those approvals should be a condition of approval. We have to discuss how that relates to signing off on the site plan.

Jon - the site needs to be elevated considerably because we are at a flood zone and need to meet the FEMA standards. The building will be elevated slab on grade but, then we still need considerable additional fill. We want to find a dredging project that has clean sand material that is appropriate for our use. We will provide all the testing results and quantities of material that will be intended to come from the source.

Andy – he suggested a condition should be that a building permit not be issued until this information is submitted and accepted. He asked if gas service is being brought into the building and since they don't know yet about the other utilities either, and a transformer is needed, it needs to be on the plan. That can be a condition of getting a building permit also.

Greg opened the meeting to the public.

Matt – sees that the site is going to be depressed curbs, but is there a flow somewhere that generates the ground water that is being generated by the parking or will it naturally flow into the retention ponds?

Jon – it will be a combination of depressed and vertical curb, and they will be graded to allow the stormwater to flow into the various infiltration basins.

Mike Reilly – you mentioned fencing wasn't necessary out there, but he's been cutting through the back of that property for years. The railroad occasionally fixes the fence and it ends up being broken. He suggested they consider a security fence back there.

Matt – we know what happens to trash if not contained correctly, and the wind will be taking it all into the meadow areas, and it won't get picked up. He suggested the enclosures be fenced in to control this problem.

Jon – agreed to fence them in

Matt – the traffic rips around the pike and fortunately Home Depot has a light there, but there are going to be big tractor trailers coming through, is there enough room for them to get in and make the turn into the parking area? The motel next door is occupied, so traffic does come in and out of there.

Jon – we have a traffic engineer on board and he provided that to the DOT and it's part of their review. At this point, we believe we satisfied their concerns.

Andy – agrees that the light will control access to this site and increasing the turning radius is a good thing. He is concerned with the large tractor trailers being able to access the site. Did you give it any thought about modifying the radius on the entrance, so it's not a true 25 ft. radius, but flatter and provide some type of additional asphalt area where it could access that portion of the driveway a little easier.

Jon – he will look to see if anything can get done, but he has to comply with the DOT rules.

Matt – is the sign going to be digital on both sides

Jon – no, the request is to the inbound side, the sign going into AC, but it will be two sided.

Mike R. – why is it that 40 ft. height is necessary?

Jon – we would have made it lower but the sign structure is 14 ft. high and the motel next door has a steep pitch roof about 20 ft. to the top of the building.

Greg – so you have no knowledge of what is going in the warehouses?

Jon – our developer who is working with us does a lot of ecommerce and it's a different world now with everything being purchased online and that's what most of this project is likely to be. Your land use in the I/PI zone permits warehouses, so the zoning official must have some method in which he decides whether you meet those requirements or not. We ask that the process be followed here. If it's not considered a permitted use, then they would need to come to the board.

Greg – is there any consideration to have the train accessed at all?

Jon – no it hasn't

Greg - the monument sign on the road, will that just be for an address?

Jon – yes, it is

Greg – there is adequate parking, but there is an EV charging requirement now and asked if the handicapped parking was addressed.

Andy – that is in our comments and they agree to them

Matt – who will maintain the site, like snow removal, changing of bulbs that go out?

Jon – the owner will be responsible for it and would probably have private contracts

No public portion

Eric – subject to all the conditions and Andy's report and all comments tonight we are asking for the D variance, the C variance and the preliminary and final site plan approval if the board agrees.

Jim – if the board is okay with it, and the conditions are in the resolution, he will make sure everything is in the D&R.

Greg – confirmed that the billboard is part of the State approval for the whole site

Jon – the driveway is the highway access office and the billboard sign goes to the office of outdoor advertising

Mike F. – you mentioned the lights being dimmed at night, so you don't plan on this being a 24-hour operation?

Jon – we can't say it's not possible, but we'd follow the ordinance and what it allows. The security will depend on the tenants. They might individually want their own security and not just the cameras.

Jim – stated what the board would be voting on:

- D variance for the warehouse and office space and an outdoor advertising sign
- C variance for the building length of allowing 466 ft. long

Waivers for:

- Lighting – allowing 1 ft. instead of 1.5
- No intermittent trees in the parking area needed
- Supplying a block model
- Having 18 ft. parking stalls instead of 19 ft.
- The irrigation system/plan to be submitted at the time of construction
- Waiver of Environmental Impact Statement since they are getting CAFRA approval
- The asphalt middle course be 3 inches instead of 4 inches
- The trash enclosures being fenced in on 3 sides and a gate on 1 side

Eric – is it acceptable to say we acknowledge that the zoning officer will decide if they meet the classification of a warehouse?

Motion to grant use variance relief to construct a warehouse with office space was made by Matt Lawler – second – Marina Koussoulis

ROLL CALL: Cottrell, yes; Famularo, yes; Koussoulis, yes; Lawler, yes; Reilly, yes; Sellers, yes; Seher, yes

Motion to grant use variance for an outdoor advertising sign 40 ft. high was made by Mike Famularo – second – Chris Cottrell

ROLL CALL: Cottrell, yes; Famularo, yes; Koussoulis, yes; Lawler, yes; Reilly, yes; Sellers, yes; Seher, yes

Motion to grant a bulk variance to allow a building length of 466 ft. was made by Mike Reilly – second - Marina Koussoulis

ROLL CALL: Cottrell, yes; Famularo, yes; Koussoulis, yes; Lawler, yes; Reilly, yes; Sellers, yes; Seher, yes

Motion for Preliminary and Final Site Plan Approval subject to everything discussed tonight was made by Chris Cottrell – second – Mike Famularo

ROLL CALL: Cottrell, yes; Famularo, yes; Koussoulis, yes; Lawler, yes; Reilly, yes; Sellers, yes; Seher, yes

Motion to grant the waivers listed was made by Matt Lawler – second – Arianne Sellers

ROLL CALL: Cottrell, yes; Famularo, yes except on the 3" asphalt; Koussoulis, yes; Lawler, yes; Reilly, yes; Sellers, yes; Seher, yes

ADJOURNMENT

Motion to adjourn – Mike Reilly – second – Chris Cottrell

All were in favor.

Respectfully submitted,


Tina Lawler, Secretary

Approved: 3-21-23