

## **FRELINGHUYSEN TOWNSHIP LAND USE BOARD**

**Minutes-January 30, 2023**

**7:30 PM**

### **CALL TO ORDER:**

The meeting was called to order at 7:30 p.m. by the Chairman Martin Connor.

### **ANNOUNCEMENT OF PROPER NOTICE:**

Notice of this meeting was provided by advertising in the New Jersey Herald and the Express Times, the official newspapers of the Frelinghuysen Township Land Use Board. Notice has also been posted on the Township bulletin board and the website.

### **ROLL CALL:**

Present were: Martin Connor, Donald Soisson, Lowell Forbes, Daniel Rogers, Christopher Stracco, Robert Stock, Edyta Martewicz, Alan DeCarolis, Nicholas Soranno and Justin Stanley. Absent was: Jessica Caruso and Pamela Rogers.

**CORRESPONDENCE:** none

### **MINUTES:**

The minutes of the meeting of December 5, 2022 were approved as amended on motion made by Mr. Forbes, seconded by Mr. DeCarolis. All were in favor with Mr. Stracco, Mr. Stanley and Mr. Rogers abstaining.

The minutes of the meeting of January 9, 2023 were approved as amended on motion made by Mr. Rogers, seconded by Mr. Forbes. All were in favor with Mr. Soranno abstaining.

### **RESOLUTIONS:**

#2023-01 (2023 calendar with Meeting Time Change)

Mr. Stock asked if meetings could be moved to 6:30 pm instead of 7 pm and Mr. Connor informed him the professionals cannot make meetings prior to 7 pm. Motion was made by Mr. Soisson, seconded by Mr. Forbes to adopt said resolution. All were in favor.

#2023-02 (Newspapers appointment)

Motion was made by Mr. DeCarolis, seconded by Mr. Stock to adopt the resolution. All were in favor.

### **NEW BUSINESS:**

Mr. Connor discussed the need to move the February 6<sup>th</sup> meeting to February 20<sup>th</sup> and this would be the first meeting beginning at 7:00 pm. Motion was made by Mr. Stock, seconded by Mr. Rogers. All were in favor with Mr. Stracco abstaining. Newspapers will be notified and Township bulletin board and website will be updated.

Mr. Connor asked for motion to approve the Revised Frelinghuysen Township Land Use Board's Rules and Regulations as amended. Motion was made by Mr. Stock, seconded by Mr. Rogers. All were in favor with Mr. Stracco abstaining.

### **ESCROW REVIEW:**

Mr. Connor asked the Board Secretary if escrow for ASA was verified with the CFO. Board Secretary confirmed escrow for ASA was verified.

### **OLD BUSINESS:**

At this time, Mr. Stock and Mr. Stracco recused themselves and left the building. Mr. Soranno wanted clarification on what a Board Alternate is able to vote on. Mr. Brady clarified an Alternate's position for Mr. Soranno.

### **ASA Associates LLC, Block 1201, Lot 5.04, Application #2202-04, Use Variance and Preliminary and Final Site Plan approval at 779 Rt. 94.**

Appearing before the board was attorney Michael Selvaggi of Lavery, Selvaggi, Abromotis & Cohen, P.C. Mr. Selvaggi explained that ASA Associates is a related company to Siska Inc., which is looking to lease the property directly across from the Frelinghuysen Elementary School at its current use of non-conforming. Siska Inc., is looking to add about 8,000 square feet of warehouse space and 1,600 square feet of assembly and repair space. Due to the expansion of the current building, there is a D-2 Variance required. They will also be seeking C-2 Standard Bulk Variances for relief for parking, landscaping, etc., that do not comply with our Ordinances.

Mr. Selvaggi called Andy Siska, owner of ASA Associates/Siska Inc., who was sworn in and testified that Siska, Inc., is a 4<sup>th</sup> generation family owned business, currently located in Saddlebrook, NJ, that supplies specialized fasteners such as eyelets, washers and grommets, to different industries in the United States and abroad. They work with a company located in Florida who manufactures the specialized fasteners and Siska Inc. acts like a distributor for that company. Mr. Siska stated that his company is open Monday – Friday, 8 am to 5 pm and has only 6-8 employees, some of which work from home, so the proposed 10 parking spaces, including 1 handicap space, is more than sufficient. They are not open to the public, and the only traffic other than employees would be 1 delivery a day via box truck, they utilize UPS and FedEx who pick up before the close of each business day and once a month a shredding company would come and shred items. Mr. Siska also explained the use of the expansion which would be for a warehouse to keep a larger stock of items in order to get orders out the next day to customers. There will be a repair area for machines prior to sale of them, a tool and die area, a small office space, a bathroom and a break room for employees. His company does not produce any noise or smell and they produce very little waste because they reuse boxes from deliveries they received to ship to customers. There will be a small dumpster on-site and will be outside during working hours and will be brought into the warehouse when business closes. Any lighting on the parking lot will be on a timer and will turn off by 7 pm each evening. Siska, Inc., will utilize a security system of cameras only.

There were no questions from the professionals and Mr. Sterbenz asked what was meant when Mr. Siska mentioned "R & D". Mr. Siska explained that sometimes a customer will send them a product and Siska, Inc, will help the customer decide what part would work the best for them.

Mr. Selvaggi then called Raymond O'Brien of O'Brien Architects located in Blairstown, NJ, who was sworn in and gave his credentials to the Board. The Board accepted Mr. O'Brien as an expert in architecture. Mr. O'Brien explained that the additional space will be stick built of steel in order to save money and will tie into the existing building with no mezzanines. They will use metal façade and roofing to match the current brown and tan trim on the existing building. Mr. O'Brien stated that he will be addressing Ms. Green's concerns in regard to labeling of the façade. He will re-label #3 to "front", #1 will be relabeled to "left side", #2 will be relabeled as "right" instead of "rear" and #4 will be relabeled as "rear elevation". Mr. O'Brien then addressed mechanical equipment which will be only propane heat and air conditioning in the main building and vents will not be seen by the public. The warehouse will not have heat or air conditioning and will be tempered at a range of 50-60 degrees.

Mr. Connor asked if the professionals or Board members had any questions and Ms. Green stated that Mr. O'Brien had addressed her concerns and Mr. Sterbenz had no questions. Mr. Rogers had Mr. O'Brien clarify that there will be 1 door for deliveries and no loading docks. Mr. Brady clarified that the plans being used in the presentation are newer than the plans the Board members had which still showed 2 doors for deliveries. Mr. DeCarolis questioned if the warehouse will be seen from Route 94 and Mr. O'Brien stated that they will be adding additional trees to obscure the view.

Mr. Selvaggi called Engineer for the applicant, Daniel Davies of Davies Engineering, located in Newton, NJ, went over his qualifications and was accepted by the Board as an expert. Mr. Davies stated that he will be referencing plans with a revision date of 11/23/22 and addressing the Town Engineer's comments. This is a 4.8 acre lot and Mr. Davies began by stating they have complied with all frontage widths/depths. They are going from 6% lot coverage to 11% lot coverage which is well under the 55% lot coverage allowed in this zone. This will be a 1 story building with no accessory structures. This application does not impact steep slopes and soil logs were done in May 2021. There will be landscaping of an evergreen mix and 4-5' shrubs around the parking lot. There is no pavement being removed. There will be a small sign added for loading/unloading. Mr. Davies also stated that this is not considered a "major" project according to the DEP guidelines. Mr. Davies discussed the runoff from the roof to the rain garden and that they will be removing the trench drains and replacing with low flow channels. They will remove invasive shrubs and replace with vegetation. There will be supplemental landscaping around the back side of the building. They will not be influencing the ground water and they have met the setback concerns of the Board Engineer. There will be a new soil log done prior to construction. He will create a maintenance plan and present that to the Board Engineer. Mr. Davies addressed the discrepancies in the 2 surveys that was a concern of Ms. Green.

Neither of the professionals had any additional questions. Mr. DeCarolis asked about concrete being used around septic and low flow channels and Mr. Davies stated they will be using H20 concrete which is durable for truck deliveries. Mr. DeCarolis also asked where the overflow from the rain garden will go. Mr. Davies stated it will follow the existing drainage pattern. He also stated that rain gardens can hold a maximum of 12 inches before overflow.

Mr. DeCarolis asked if there will be a maintenance plan for the rain garden and was told that is enforced by the Town Engineer and maintained by the applicant. Mr. Sterbenz stated that the applicant will be required to submit a rain garden maintenance log each year to the Town. Mr. Connor asked when the changes discussed will be completed, Mr. Davies stated he can have the changes done and new plans submitted to the professionals within 1 or 2 weeks. Mr. Brady stated that he could have a Resolution ready for the March meeting and the Resolution would state, "subsequent to the action and prior to the adoption, revised plans were submitted with revision date of \_\_\_\_\_ and anything not revised would still be a condition of approval." Plans will be not signed until all conditions are met. Mr. Brady stated there is no need for the applicant to come back before the Board. The attorney will make the revisions by the March meeting so the Board can vote on the Resolution.

Mr. Selvaggi called Planner, Aaron Kardon of J. Caldwell Associates, located at 145 Spring Street, Suite E, Newton, NJ, who was sworn in and gave his credentials to the Board. He was accepted as an expert witness. Mr. Kardon would be addressing the requirements of the D-2 Variance and the C-2 variances that are being requested. He referenced the Jessica Caldwell report on how they met the positive and negative criteria for the variances sought. There were no questions from the professionals or the Board members. There was nothing further from the attorney of the applicant.

#### **PUBLIC PARTICIPATION:**

The meeting was opened to the public for questions. Spoke were Crea Mallory, a township resident. She addressed concerns with the company being located across from the elementary school and asked if the company uses any chemicals. Mr. Siska assured her there are no chemicals used by the company. Ms. Mallory also posed her concern of traffic flow for the company during the morning hours when kids are being dropped off for school and in the afternoon during pick-up times. Mr. Siska reiterated that the company gets 1 delivery a day which can be scheduled for mid-morning and any pickup of packages needed are at the end of each business day. There would be no impact on traffic flow to the school. There was no further public participation.

Mr. DeCarolis verified that maintenance plan for rain garden would be attached to the Deed and Mr. Brady confirmed that it is a requirement. Mr. Brady then went over the list of conditions:

- Dumpster on property will be moved inside warehouse at end of business day
- Parking lot lights will go off at 7 pm
- Signage will comply with Town Ordinance
- Relabeling of elevations
- Vegetation around rain garden
- Adding landscaping and supplemental landscaping
- New soil log
- Maintenance plan for rain garden
- Resolution will state if in the future this property changes to a different use, that applicant needs to come before Board to verify their use fits site plan as approved

Motion was made by Mr. Forbes and seconded by Mr. DeCarolis. Roll call to vote to approve with conditions: Mr. Soisson – yes, Mr. Rogers – yes, Mr. DeCarolis – yes, Mr. Soranno – yes, Mr. Forbes – yes, Ms. Martewicz – yes, Mr. Connor – yes.

**SUBCOMMITTEE REPORTS**

1. Open Space - None
2. Farmland Preservation - None
3. Environmental Commission - None

**ADJOURNMENT:**

There being no further business, the meeting was adjourned on motion made by Mr. DeCarolis, seconded by Mr. Forbes. All were in favor. Meeting adjourned at 9:26 pm.

Respectfully Submitted,



Dawn McPeck