

# ***TOWNSHIP OF WATERFORD***

2131 AUBURN AVE. ATCO, NJ. 08004

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## **LAND USE BOARD**

### **REGULAR MEETING MINUTES**

**February 17th, 2021**

#### **Chairman Mauriello opened the meeting by reading the Sunshine Statement:**

In accordance with chapter 231, Public Law, 1975, Open Public Meeting Act, notice of time, date and place for this meeting was sent to the Courier Post and Hammonton Gazette, and is posted in the Municipal Building.

The February 17<sup>th</sup>, 2021 Joint Land Use Board meeting of the Township of Waterford called to order at 7:00 pm. by Chairman Mauriello.

#### **SALUTE TO THE FLAG**

Notice:

The Planning Board reserves the right to change the order of the published agenda. All changes will be announced at the start of each meeting.

Chairman Maruiello requested that for those in attendance with a cell phone, to please turn it off or put in silent mode. He also requested that, if it is necessary to have a conversation with the professionals involved with your applications, to please do so outside the meeting room. When attending via zoom, please keep your mic muted. You will have the opportunity to speak or comment during the public portion, you will be identified by name when you raise your virtual hand. You will be given 5 minutes, or at the discretion of the board.

**ROLL CALL:** The following Board members answered present to the roll call vote: Mr. Ciocco, Mr. Hanna, Mr. Howarth, Chairman Mauriello, Mayor Andy Wade, Mr. Ward, Mr. Yeatman, Mr. Yucis At. #1, and Mr. Zito Alt. #2

Those absent: Mr. Narciso, who informed the board due to work he would not be in attendance, Mr. Becker, who was non-responsive to roll call.

Due to Mr. Narciso's absence, Mr. Yucis will be voting on all applications, and due to Mr. Becker's absence, Mr. Zito will be voting on all applications.

#### **REGULAR MEETING:**

#### **Motions for adjournments of cases or other motions:**

No motions

**Old Business:** None

**Reports / Communications:** NONE

**Resolutions:** 2020-02 Scardilli; 639 5<sup>th</sup> Street, Atco Block: 2706 Lot: 2 Bulk C Variance

Motion by Mayor Wade to approve the resolution for Peter Scardilli with conditions as set forth, 2<sup>nd</sup> by Mr. Howarth.

Poll Vote:	Hanna- yes	Howarth- yes	Mauriello-Yes
	Wade- Yes	Yeatman- Yes	Zito- yes

6-0 Motion Carried

**Minutes:** February 1<sup>st</sup>, 2021

Motion by Mr. Ward to accept the minutes as presented for February 1<sup>st</sup>, 2021 2<sup>nd</sup> by Mayor Wade.

Poll Vote:	Ciocco- Yes	Hanna- Yes	Howarth- Yes
	Mauriello- Yes	Wade- Yes	Ward- Yes
	Yeatman- Yes	Yucis- Abstain	Zito- Yes

8- affirmative votes, 1 abstained- Motion carried.

**New Business:**

**2020-07 Insurance Auto Auctions Corp.**

**2556 Tremont Ave. 1000 Jackson Rd. 924 Jackson Rd.**

**1007 Glendale Rd. 940 Jackson Rd.**

**Block: 5201 Lot: 8, Block: 5302 Lot: 1, Block: 5402 Lots: 2, 3, 4**

Representing the applicant is Matthew Wait of Dubois, Sheehan, Hamilton, Levin, & Weissman, LLC. Mr. Wait stated the application is concerning the property better known as the Atco Dragway. Mr. Wait stated his client is seeking preliminary and final major site plan approval. Pinelands has been notified, and the appropriate certified list of property owners has been notified. Mr. Wait named those possibly providing testimony, being Richard Hoopis, Lance Landgraf, David J. Doman, Rick Riccardi, Jeffrey Hesterman, and Bob Farns. Mr. Mark Otto also to Dubois, Sheehan, Hamilton, Levin, & Weissman, LLC addressed the board that he is present in the event he is needed for testimony. At this time, Mr. Boraske the board solicitor addressed the swearing in of all professionals, and those providing testimony, along with Debbie Simone the Waterford Township Land Use Administrator, Scott Smith of Key Engineers, 80 S. White Horse Pike in Berlin, and Greg Fusco, also of Key Engineers, 80 S. White Horse Pike, Berlin.

Mr. Wait placed on the record the exhibits that are being presented, A through K. Exhibit A is the existing conditions, B is the proposed conditions, C is the proposed site plan, D is the proposed grading plan, E is the proposed landscape plan, F is the proposed conditions, G is the proposed buffer, H is signage, I is conditions, J is building elevations, K is alternate route 73.

Richard Hoopis, Vice President of Real Estate for IAA Inc, of 2 Westbrook Corp Suite 500 West Chester Illinois. Mr. Hoopis testified that this is a car sales business, with over 200 locations in the US. The cars are not worked on at the site. Mr. Hoopis stated they are proposing a 10,000 sq. ft. building, with 3 bays, and 2 accessory structures for motor cycles, and other motorized type vehicles, and the other for an area where insurance companies can visit to inspect specific vehicles. There is a salvage book, and MSDS sheets, and fire extinguishers on site. Mr. Hoopis stated we take all measures to address fire safety. There is no additional light standard lighting proposed, they have thermal imaging cameras. The hours of operation are 8am to 5pm Monday through Friday, and occasionally Saturdays 9am to 1pm in the event of a national disaster that would change. There is a small number of deliveries at a specified area called the "drop zone" that is north of the building. There is no access after hours. This type of business is a used auto sales business, and they will obtain the required used auto sales license by the state of New Jersey. Vehicles come from all over NJ, tow trucks pick them up, and deliver to the drop zone. At times there are 2-4 car haulers, and occasionally 6, 8, and 10 car haulers. Once delivered the vehicle is imaged, an inspection is done, then the vehicle is moved from the drop zone to the inventory area by way of a machine. The title is transferred, the car goes to auction, 45-75 day cycle for sale of each vehicle. Auctions are done online, and the vehicle is picked up by the purchaser within 3 to 5 business days. The purchaser would contract with an outsider company to pick up the vehicle during normal business hours. 60 to 80 vehicles each day enter the site, but evenly distributed, not all at once. The sale of each vehicle moves fairly quickly unless it is under court proceedings. Mr. Hoopis also testified that the site would remain under environmental compliance, all employees are trained. Annually there is an internal audit team. Mr. Hoopis mentioned the low underpass on Route 73 being a concern, the majority of traffic heads north, if they are going south, they can instruct all oversized vehicles leaving the site to traverse other roads. Mr. Hoopis testified there are no auto parts sold, and any chemicals are listed in MSDS sheets, and hazardous materials plan. All yard vehicles that are operated by IAA have fire extinguishers in them. Mr. Hoopis mentioned a recent conversation with the Fire Official pertaining to the lack of general water supply to the site, and they are working with him with planning a water tank with a fence for fire service access. The fence along Jackson Road would be screened, and the facility would be asphalt, or asphalt milling surface.

David Doman of Marathon Engineering, 3 Killdeer Ct, Sweedesboro, N.J. offered his credentials on the record as a licensed engineer in the state of New Jersey for 20 years and was accepted as a professional. Mr. Doman testified the area on the property at 1000 Jackson Rd. is in Camden County, and is mostly impervious, and the stormwater management, and impervious coverage was addressed with Pinelands. Mr. Doman mentioned a basin on the eastern side, and additional non structural infiltration trenches, depression in islands and fenced around the developed portion of the site. Mr. Doman mentioned landscape trees, evergreen shrubs, and testified the intention is to keep as much of the existing trees, with a slight decrease in impervious coverage. There are 2 accessory structures proposed, one is 150 x

30, and the other is 78 x 30. There is a 5,000 gallon above ground storage tank on site, absorbent materials, but no additional materials. The equipment would be screened with a 6ft. high fence around the perimeter, deciduous trees along Jackson Road, and dust is minimized. The property is 179.4 acres, and 1,675 ft. frontage along Jackson Road. There are no structures proposed in the front yard set-back. Mr. Doman testified the Township's ordinance permits 20% lot coverage, the applicant is proposing 19.64%, and currently 20.1% is existing. No auto parts will be sold, no mechanical activities. Any parked vehicles will be screened, internally there are safety signs and stop signs proposed. ADA signage as needed. Exhibit I shows re-vegetated areas, showing this is a compliant conditional use. Lance Landgraf, of LB Landgraf Associates, 9 S. Harvard Ave, Ventnor, NJ. certified since 1991 as a Planner and has worked as a planner for 34 years. Mr. Landgraf is also the city planner for Brigantine, NJ. Mr. Landgraf testified that the sale of autos is permitted if conditions are met. Those conditions are lot size, frontage, and set-backs, used vehicle set-backs. The proposed fencing has slats with screening, and the proposed plan complies with all conditions. This site plan also has no variances.

Scott Smith of Key Engineers addressed his letter of January 17<sup>th</sup>, 2021. Mr. Smith began with comments on page 2 at the bottom. Mr. Smith commented deferring the definition of used motor vehicle, in title 39 of the states revised statutes to Mr. Boraske the board solicitor. Chapter 176 there is no definition for auto sales. There was some discussion regarding the definition. Mr. Boraske commented that IAA will need the license to operate as a used car dealership. Mr. Hoopis added it is a 1 page application to the state, the only requirements is obtaining local municipal sign off prior to operation, and obtaining the license. Mr. Hoopis added that the current sites operate under that license. Mr. Smith also mentioned the inconsistent certificate of filing from Pinelands related to stormwater. Adjustments have been made, creating more smaller basins as opposed to one larger basin. Rick Riccardi of Marathon Engineering, also a licensed planner for 23 years. Mr. Riccardi mentioned he worked with Pinelands on a design for the smaller basins. Exhibit D shows the re-design of the large basin to multiple smaller ones. Mr. Smith addressed page 4 of his letter pertaining to lot coverage. 20% is permitted, 180 acres of all vacant land, that is under developed and all included in the project. There is additional vegetation on an area that is not being developed, with no further expansion of development of impervious coverage. Mr. Smith mentioned he had a conversation with Rhonda Ward from Pinelands Commission on December 21<sup>st</sup>, and she did not see a conflict with including all properties in the lot coverage. At this time Mr. Yeatman lost connection at 8:08pm. Mr. Hoopis stated if IAA acquires the vehicle after a total loss by the insurance company it is a buy back rather than a repair or rebuild. Disabled vehicles are handled the same as all other vehicles. Any traffic includes employees, and transports with up to 10 car carriers. There may be a handful or less that access after hours which are tow drivers that have access via lock box to only the drop zone area. Mr. Smith commented after a car is left and the driver leaves with no employee at the site, there is no one to monitor leaks or fumes at that time. Bob Farns, Environmental manager since 2006 assists IAA with compliance and all national issues. At 8:24pm. Mr. Yeatman rejoined the meeting. Mr. Farns mentioned Tetra Tech, and best management practices, providing guidance before a response to the response with clean ups, either minor or significant he is called, or someone local to the area as there is staff available in New Jersey. Mr. Riccardi stated he also met with Rhonda Ward and Chuck Horner of Pinelands and addressed the endangered species, and wetlands buffer reduction model. Mr. Smith stated the

preliminary revisions showed the area where the drag strip would be removed why is stormwater identified there? Mr. Domin stated it is non-structural stormwater, originally to increase water run-off. There is no basin proposed there. Mr. Smith commented the outbound survey shows the current driveway that is State property. No one knows how that happened, but he recommends addressing it, maybe removing and correcting it. Mr. Domin confirmed the new access drive onsite at the eastern property line, exhibit F. Mr. Smith addressed his comments on the Route 73 underpass, using the White Horse Pike to Atco Ave, he would like to see an alternate plan. Mr. Smith added on page 8, comment #3 regarding barbed wire, that is prohibited, the applicant agreed to remove that. Exhibit G along Jackson Rd showing the fence. Mr. Smith mentioned extending an easement, also he discussed tree types that are native to Pinelands, and barrier free parking, and barrier free access like sidewalk width, etc. Mr. Smith mentioned a circulation plan, and asked how will the drop zone operate? Also is there a light standard plan? Which existing lighting will remain? Mr. Hoopis stated there are security cameras that are thermal imaging, there is no lighting proposed for the yard. The applicant will provide a detail for the building lighting. Mr. Smith mentioned septic or wells onsite. Location must be shown. Mr. Smith mentioned Mr. Behnke's letter dated January 20<sup>th</sup>, 2021 regarding water related issues. Mr. Hoopis stated they will cooperate with the Fire Official, and the fire department will have outside access as well.

Mr. Fusco, Planner for Key Engineers, continued with the comments in the letter. On page 10, addresses this project as more than 1 acre making it a major development in Pinelands. Mr. Fusco commented on the basin if it is 2ft. deep, fencing may be required for safety to protect pedestrians, and vehicles from entering the basin. Mr. Fusco commented on the matting limits shown, perforated storm pipe diameter, and drainage report, infiltration areas and stormwater reports. Mr. Fusco added suggestion for swing gates for maintenance with a hard drivable surface. Mr. Domin stated he will work with Key Engineers on all comments, and he proposes grass reinforced pavers. Mr. Fusco commented porous paving to be 5ft wide if possible, and non-structural strategy added to the drainage report. Mr. Domin testified he will comply. Mr. Hoopis mentioned there is no double stacking of vehicles, they are parked as if they were in a parking lot. Mr. Fusco addressed 3 infiltration areas, the contour is unclear as to how much is conveyed drainage is shown, will these areas be in porous paved areas? Mr. Domin stated after meeting with Pinelands, the plan changed to remove 3 areas and just provide trenches. Mr. Fusco commented on 140 linear ft. of pipe subsurface clean runoff. The size should be enlarged to include the roof area and the description to include in the drainage strategy the stormwater maintenance manual. Mr. Wait added that the Camden County Planning Board is pending outcome of the Township hearing, however there is a full submission. The applicant is proposing well and septic at the site, and he believes they have Camden county soil conservation. At 9:13pm. Chairman Mauriello motioned to break for 5 minutes. At 9:18pm. Meeting reconvened, on roll call all board members remained present. Mayor Wade addressed the applicant regarding fencing that appeared to only run down Jackson Road. He requested additional fencing for screening along the easterly side. Mr. Domin commented there are shrubs for screening. Mr. Smith also mentioned that in his letter comment #4 requests an extension of the buffer on the southeasterly side. Mr. Smith mentioned that the applicant has agreed to comply with Pinelands on stormwater, and Pinelands has more strict standards. Mr. Howarth commented regarding 100 year storms and flooding, what can be done since the Mullica River is right there. This will effect wild life and people's livelihood. He is concerned with the fluid run off from vehicles, chemicals,

he has environmental concerns. The Mullica River services farms, and goes out the bay, where it effects the fish and clams. Mr. Farns responded the basin is designed for 100- year storm additional trenches will be installed, and the water will sheet flow before going into the Mullica River basin water quality stores 5" run off this meets DEP and Pinelands requirements. The best management practices have been reviewed by various agencies, there have been no issues with sampling, and reports have been turned in. Mr. Howarth questioned ground water testing on a regular basis and share those results with the Town. Mr. Hoopis also commented that Risk Averse would not permit leasing properties with environmental issues, and they have done ground water testing. Mr. Wait added that request would be excess of requirements, asking for additional testing and reporting to the town. Mr. Hoopis added they are insured \$20 million per occurrence, and never make claims on their policy. He is not authorized to agree to that, and Mr. Boraske added that an Environmental Impact Statement has been submitted, and regarding performance is a fair line of questioning per the Waterford Township Ordinance. Mr. Howarth also asked about the light poles that will not be in use would eventually deteriorate. Mr. Hoopis commented they will not allow the site the be in disrepair, and poles would be removed professionally. Mr. Howarth questioned the comment of leasing, are they leasing or purchasing the site, and Mr. Hoopis stated purchasing. Mr. Howarth asked about Fire Protection. Will there be a fire alarm system, more than just fire extinguishers? Mr. Hoopis stated just extinguishers, he has had a discussion with the Fire Marshal and the water distribution. A substantial water source will be made available outside as well as inside the site during staffed time and checked after hours with security cameras that are monitored electronically. Mr. Howarth asked what exactly is the usage, light industrial, sales, and are vehicles drivable? Mr. Landgraf commented the use is permitted, new and used sales does not define drivable. Mr. Boraske commented that it fits the criteria and satisfies ordinance 176 conditional use. Mr. Howarth voiced concern regarding the endangered species. Mr. Riccardi testified that a survey of the site identified species, and Pinelands 300ft. buffer is maintained in both areas where the species was found. Mr. Howarth questioned a revised site plan, Mr. Riccardi commented the basin was re-contoured, a 2<sup>nd</sup> basin was created, and a fire access drive added. Mr. Howarth stated he has concerns with dangerous contaminants.

Mr. Yucis asked for the definition of used vehicle vs. junk car. In Key Engineer's letter there is mention of Title 39:10-2, question of salvage vs. junk. The applicant has conveyed the vehicles have value, there is no reconditioning, but still has life. There is no definition in the code and Mr. Yucis referenced the State definition. Mr. Hoopis stated NJ statute defines 39:11-2 junkyard- does not include auto auction. Mr. Landgraf added this use fits into the conditional permitted use per township ordinance by definition not salvage or junk. Mr. Yucis asked if the vehicles are registered. Mr. Hoopis responded the vast majority are titled. Mr. Yucis asked at what status? Mr. Hoopis responded 3<sup>rd</sup> title. Mr. Boraske described junkyard per Waterford Township's ordinance by definition.

Mr. Ciocco asked that there was a comment about leasing the property, is the property leased or will it be sold? Mr. Hoopis responded that Mr. Capone is selling the property, if there is a lease, it is long term, but not with Mr. Capone. Mr. Ciocco asked when the cars are dropped after hours, is anyone staffed? If a car is leaking fluid, and no one is there, the yard shuts down at 4:30pm if there is a bad spill, he has a concern with the amount of time to respond to that clean up. Mr. Farns responded IAA has response contractors for emergencies. Mr. Ciocco also asked if a car sits for 45 days, what precautions are taken,

is someone monitoring that? Mr. Hoopis responded there are regular periodic best management inspections. Mr. Ciocco asked if the vehicles are inspected, and Mr. Hoopis stated yes they are. Mr. Hanna asked if the oil is taken out of the vehicles, what is done with it, is it stored on site, and how much is stored? Mr. Hoopis responded there is a 55-gallon drum that is field logged, and secondary containment. Mr. Hanna asked if this area is labeled, and Mr. Hoopis stated yes. Mr. Hanna mentioned there are online auctions, are there visitors to the site? Mr. Hoopis responded there are visitors that come to view the vehicle in person, but that stopped and now they host live auctions, payments can be made at site registrations. Mr. Hanna asked if the cars are parked on paved areas, and do they go back to any dirt or unpaved areas. Mr. Hoopis responded once the inventory area is full, another facility would be needed to equip the vehicles, they cannot run on grass.

Mr. Yeatman voiced concern of potential contaminants such as oil, lead, and sulfuric acid. The raceway had recorded crashes, etc are there any current contamination reports? Mr. Hoopis testified there is a Phase 1 report that was done. Mr. Farnes reiterated yes, Phase 1 report was completed in February of 2020, that is a 4-step process, there were some issues with accidents on nearby roads, but no leaking tanks on site, and no groundwater or soil testing. Mr. Yeatman asked if they have met NJ Pollution NJAC 7:14A efforts to collect stormwater capacity of rainwater, conversion into gallons? Mr. Domin responded acre to ft. or cubic, ft. he can provide that. Mr. Yeatman voiced concern with contaminants entering the basin, percolating into the ground over time. Is there a written spill control onsite, a site-specific plan in written form? Mr. Farnes responded that is part of the operating manual. They are OESHA trained and store materials onsite. Mr. Yeatman asked about providing an environmental study on the Mullica River, testing for PH & Nitrates, and soil samples moving forward. Mr. Yeatman also asked what the total number of cars potentially that could be on the site at one time. Mr. Hoopis stated 5,000 to 7,000 cars. Mr. Yeatman added, they all could have gas, oil, and if there is a fire, tires could make a difference. Mr. Yeatman commented the closest hydrant is 2 ½ miles away to transfer water back to the site. Mr. Hoopis testified there is a plan to store 10,000 gallons of water onsite. Mr. Zito had no comments, his questions have already been addressed.

Mr. Ward wanted to clarify that there is no testimony after 10:30pm. He asked if from the applicant's side is Mr. Brickner present. Mr. Wait stated no, he was not available. Mr. Ward stated 2 months ago documents were submitted, he is looking at an environmental review report, not an environmental impact statement as required. Mr. Wait stated he will ask Mr. Brickner to be present following this hearing. Mr. Ward asked if this consists of 5 lots? Mr. Wait stated yes. Mr. Ward commented, Mr. Flemming's plans in redevelopment effort are 2 lots on easterly side to be re-vegetated, or farmed. Mr. Riccardi stated the site was previously cleared, and the previous owner applied for a certificate of filing from Pinelands for 90 acres, 2 lots, in that area. Mr. Wait shared his screen to indicate the area in question on the site plan that is currently vegetated. Mr. Ward stated the application reflects 179-180 acres conditional use, and the impervious coverage is 20%. 20% of 90 is 18 acres, the applicant is proposing to transfer impervious coverage in the RR zone ground area to be re-vegetated, as one developed unit, not bound by a boundary line. That RR area was there from the previous owner, what is the limitation on 90 acres? Mr. Landgraf commented 10%, but he is not proposing any development there. Mr. Landgraf added that the ordinance addresses 20% of the lot not the tract. Mr. Ward stated it is not in the same zone, it is a highly sensitive area, expansion of planned LI zone, impervious coverage is by the lot. The entire tract of land is not in the LI zone. 40:55D4 definition of lot designated parcel,

tract, or area of land established by a plat or otherwise, as permitted by law and to be used, developed or built upon as a unit. Mr. Ward commented also that the applicant has testified this is a permitted use for auto sales, is auto sales also service? Mr. Landgraf commented New and Used Auto sales, no service, and no sale of new cars. Mr. Ward added that he has more questions for Mr. Flemming. Chairman Mauriello commented due to the time, AT 10:53 pm. there will be no further testimony this evening and the applicant has agreed to a continuance to March 1<sup>st</sup> at 7pm. No further notice is required.

**Open to the public:** At this time Chairman Mauriello opened this portion of the meeting to the public for comments that do not pertain to the application. With no public comment, motions were made by Mr. Ward to close the public portion, 2<sup>nd</sup> by Mr. Hanna on voice vote, all in favor, no objections.

**Board Comments and Questions:**

**None**

**Adjournment:** Motion by Mr. Ward to adjourn the meeting, 2<sup>nd</sup> by Mr. Howarth. On voice vote, all in favor, no objections.

9-0 Motion Carried

Respectfully Submitted,

Debbie Simone

Board Secretary, Land Use Administrator