

**HAMPTON TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

**Minutes of September 2, 2021**

**The minutes of this meeting have not been formally approved and are subject to change and or modification at the next regular meeting**

The meeting of the Hampton Township Zoning Board of Adjustment was called to order at 7:00 PM by Chairman Ambrosi who led us in the Flag Salute.

**ROLL CALL:** Mr. Ambrosi, Yes; Mr. Zawacki, Yes; Mr. Daniels, Yes; Mr. Walthers, Yes; Mr. Ostrander, Yes; Mr. Sivulich, Yes; Mr. Bailey, Yes; Mr. Goytil, Absent; Attorney Brady, Yes; and Engineer Simmons, Yes.

**STATEMENT:** Chairman Ambrosi advised that this meeting is being in compliance with the provision of P.L. 1975, Ch. 231, Secs. 4 & 13 of the Sunshine Law. Adequate notice of this meeting has been supplied to the official newspaper of the Hampton Township Zoning Board of Adjustment that being the Sunday and Daily New Jersey Herald and is posted in the usual location of posted notices. Testimony will not be received after 10:00 PM.

**MINUTES:** Minutes for April 1, 2021 were not submitted therefore no motion was made to approve them.

**APPLICATION:**

**21-02ZB      BARKS – Application for Use Variance – Hampton Plaza, Rt. 206—Block 3501, Lot 30.03 & 30.04**

Attorney Brady gave a brief background on locations of where BARKS will be. It is located in the Hampton Plaza in an HC-MFG zone. Attorney Brady states that the applicant is looking to have a shelter for cats and dogs but primarily for cats. The applicant came before the Board for a Use Variance due to the location of this property being in a retail zone as their intention is that they will not be selling cats or dogs. This space will be for storing the animals until they are ready for adoption.

Attorney Brady swore in Darlene O’Connell for her testimony. John Williams, Ms. O’Connell’s attorney states that Ms. O’Connell is the president of BARKs and assures the Board that they have been given any and all information pertaining to the Use Variance they are requesting.

Attorney Brady then asked Engineer Simmons to go over his report regarding completeness. Engineer Simmons recommended to the Board that all other items be waived for completeness.

Attorney Williams then asked Ms. O'Connell to give the Board a brief background on herself and her work. Ms. O'Connell stated that she is the President of BARKs and a retired health officer. She also explained that the BARKs organization has been around since 1973. BARKs is a No Kill Shelter. It is a temporary home for the animals to be until they are adopted. BARKs does not have any paid employees. Anyone who will work there are volunteers. Funding comes from generous donors or various fundraising work they have and will continue to do. Ms. O'Connell states that BARKs has a relationship with PetSmart and that some of the cats she cares for are in there and ready for adoption. The animals are BARKs and PetSmart are cared for 7 days a week. They have 2 shifts a day with 1 to 2 persons at each shift. Most adoptions will be done at PetSmart. BARKs location will only do adoptions by appointment only. BARKs is to enter in a two-year lease with an option to renew.

Ms. O'Connell went into detail about how animals are placed inside. She explained that when animals come in they are either vaccinated, unvaccinated or sick. Inside will be an area for animals who do not have any vaccines or animals that are sick. This area will then provide isolation to the other animals that come in who are healthy. The isolation room where these animals will be held until they are seen by a veterinarian is located toward the back of the location. There are 5 cages for animals who are either unvaccinated or sick. There are a total of 29 cages located inside this location. All cages are temporary as in they are moved from lease to lease. Cages are attached to the wall and latched so no animal can escape.

The maximum number of dogs that would be held are 3 with a size no more than 40 pounds.

Ms. O'Connell explained that currently she does not have any State or County approval. Her application has been started and handed into the County.

The storage shed pictured #A3 will be located in the grass area in the rear of the building. The storage shed will hold pet carriers and folding metal crates. No food or animals will be stored in the storage shed. All dogs will be walked in the grass area and waste will be disposed of every day. All waste will be disposed of at the end of every shift every day.

Engineer Simmons went over his report and asked Ms. O'Connell if she does any work in other municipalities. She stated that she does. Engineer Simmons also wanted to clarify what items will be held in the storage shed outside. Ms. O'Connell assured the only items being held in the storage shed are pet carriers and folding crates. Engineer Simmons was satisfied with all answers and told Chairman Ambrosi that the applicant had covered everything in his report.

A motion to approve the Use Variance was made by Mr. Daniels and 2<sup>nd</sup> by Mr. Sivulich.

**ROLL CALL:** Mr. Ambrosi, Yes; Mr. Zawacki, Yes; Mr. Daniels, Yes; Mr. Walthers, Yes; Mr. Ostrander, Yes; Mr. Sivulich, Yes; Mr. Bailey, Yes; Mr. Goytil, Absent.

**21-01ZB Audi & VW – Amended Preliminary and Final Site Plan – 66 Hampton House Rd. – Block 3603, Lot 9.01**

Attorney Brady assures the Board that he had received notice of publication and found it to be accurate. Attorney Brady then gave some background information about the Volkswagen dealership and the expansion for the Audi dealership. The applicant is seeking approvals for the added building, parking and lighting. Attorney Brady then expressed that Engineer Simmons should go over his report regarding completeness and any other concerns he had. Engineer Simmons states that proof of publication has been provided, that the applicant would be asking for a variance for sidewalk along route 206, exterior light foot-candles footprint which Mr. Dykstra's office supplied to Engineer Simmons, recycling and fire department approval which the applicant has completed and application that was made directly by the applicant's engineer. Based on Engineer Simmons completeness report and the information that has been provided Engineer Simmons recommended that those items listed be waived for completeness.

Benjamin Horten, Kenneth Dykstra and Matt Luzio are sworn in by Attorney Brady for their testimony.

Attorney Calli introduced himself as the attorney for the applicant. Attorney Calli stated that the proposed Audi building would be similar in size to the current Volkswagen dealership. The property that the proposed building is on is permitted for the zone it is in.

Mr. Luzio is the principle of both the Volkswagen and Audi dealership. He also oversees all 11 operations in the state. Mr. Luzio explained that there is not going to be much difference other than the building expansion. He also explained that Volkswagen owns Audi and that Volkswagen has been selling new Audis out of their dealership. Audi has already hit their volume goal with very minimal exposure which gives Mr. Luzio an idea that there would not be an abundance of traffic to this new dealership. He explained that Volkswagen and Audi would like to give their customers their own individual experience. This meaning that Volkswagen customers would have a Volkswagen experience and Audi customers would have an Audi experience. The house of the new Audi building will not change from the current hours Volkswagen has.

Attorney Calli introduced next Mr. Horten. Mr. Horten told the Board that he had 26 years' worth of experience as an architect. He started his business in 2000 and work regionally. He explained that his license is also in good standings. Mr. Horten then went through the plans for the Audi expansion. Mr. Horten explains that Volkswagen and Audi will mirror each other. The Volkswagen dealership is located in the front and the Audi dealership is located in the rear. The Volkswagen dealership is a white metallic color and the Audi dealership will be more of a light grey or silver metallic color. The façade signage for the side of the building you see when you come up the driveway to the new Audi dealership is significantly smaller than what is allowed. The allowed façade signage amount is 408.2 square feet and what the sign is proposed to be is 162 square feet. The west side of the building which faces Route 206 is proposed to be 95 square feet and the east side of the building which faces the rear parking lot is proposed to be 81 square feet. Both of these proposals are also significantly smaller than what is allowed. Attorney Calli questions Mr. Horten to make sure everything he mentioned in his presentation was up to code to which he

replied it was. Attorney Calli also asked Mr. Horten in his professional opinion if everything was scaled properly which he replied that it was.

Attorney Calli next called upon Mr. Dykstra to walk the Board through his presentation. Mr. Dykstra briefly states that he is a New Jersey Engineer, Planner and Land Surveyor. He currently has 30 years of experience and has testified before the Hampton Township Zoning Board many times. Mr. Dykstra explained exhibit A1 which is the whole site of both Volkswagen and Audi. Part of this site is in a R3 residential zone. There will be a vehicle display area on the Route 206 side of the building. Two existing light fixture will be removed and two more will be added in their place. Fixtures will be added to the Route 206 side of the building to display cars out front. The drainage is being re-routed around the building. A reconfiguration of the sewage disposal will be done. Mr. Dykstra said that permits will be filed for that part of the project. Board Member and Fire Chief D. Gunderman had no issues with design for the project.

The free standing sign near Route 206 will be bigger as it needs to have both Volkswagen and Audi displayed on it. The sign will be 20 feet high and about 127 square feet. Mr. Dykstra explained that the sign would need a variance. He also explained that the current sign there now is temporary and too small for both Volkswagen and Audi logos. The new sign will be 28 feet back from Route 206.

Mr. Dykstra stated that the existing driveway entrance to the site has existed for over 20 years and is heavily landscaped with evergreens that about 25 to 30 feet tall. He also stated that this part of the access drive is nearly invisible from any direction. Mr. Dykstra sees no detriment to any Zoning Ordinance due to the fact that this is a highway commercial property. He also believes that there is no detriment to neighbors or public due to the buffers provided by the large evergreen trees.

Chairman Ambrosi opened up any questions that Board members might have had. Board member J. Bailey had a question about the truck area. Mr. Dykstra stated that he does not see any concerns with regard to the truck area. Chairman Ambrosi asked that same question to Mr. Luzio who stated that they have not had any issues and that this lot is their largest lot. Mr. Luzio also stated that the truck companies do not offer flagman due to liability. Mr. Luzio assures the Board that the trucking company will do what they believe would be the safest.

Chairman Ambrosi asked about the lighting and lighting schedules. Mr. Luzio said that showroom lights will go off once the last customer leaves but the latest would be 10pm. Safety lights will stay on. South side of the building will not be illuminated past 10pm also. New display area will not have to stay lit all night.

Chairman Ambrosi asked Engineer Simmons to finish going over his report.

In Engineer Simmons report, Attorney Brady clarified that lights would be out by 10pm with the expectation of security lighting during the week. Attorney Brady asked about weekends. Mr. Luzio assured that after hours only security lighting will be on. Sundays will only have security lighting. Engineer Simmons suggested that they add more light fixtures to the back lot. Mr. Dykstra stated that they would prefer not to add lighting fixtures because it is just vehicle storage but will add 3 more to comply.

Chairman Ambrosi then asked if the public had any questions. Attorney Brady sworn in Kimberly Branham who lives on Cherry Lane in Hampton Township. Mrs. Branham had concerns about cars being stockpiled in the back lot of Volkswagen. Mrs. Branham said the cars being stockpiled were not Volkswagens but actually 70 Subaru's. Attorney Brady then sworn in Joel Branham who also lives on Cherry Lane in Hampton Township. Mr. Branham stated that only Volkswagens were to be stocked up top. Mr. Luzio explained that those cars were parked at Volkswagen so that the Subaru dealership could be plowed during one snow storm. He also explained that they possibly did not move the cars back fast enough. Mrs. Branham also had concerns about run off from the new proposed paved parking lot. Mr. Dykstra said that run off will not interfere with her residence. The run off will be directed into the easterly basin. Mr. Calli also wanted to state that the back parking lot was approved to be paved in previous meetings regarding Volkswagen but it was just a financial issue as to why it had not been paved right away. Mrs. Branham stated that another concern was the lighting. Mr. Dykstra assured that the landscaping of the evergreen trees will block out almost all of the lighting.

Chairman Ambrosi asked if the public was done with their questions to which they were.

A motion to approve upon conditions pulled from Mr. Simmons report and Attorney Brady's notes was made by Mr. Walthers and 2<sup>nd</sup> by Mr. Zawacki.

**ROLL CALL:** Mr. Ambrosi, Yes; Mr. Zawacki, Yes; Mr. Daniels, Yes; Mr. Walthers, Yes; Mr. Ostrander, Yes; Mr. Sivulich, Yes; Mr. Bailey, Yes; Mr. Goytil, Absent.

#### **OLD BUSINESS:**

#### **DIANELLA- SIGN**

This old business discussion was meant to be discussed with the Hampton Township Planning Board not the Hampton Township Zoning Board. Engineer Simmons will bring this up at the next Planning Board meeting.

#### **DISCUSSION:**

#### **ORDINANCE VESTING POWERS OF THE HAMPTON TOWNSHIP ZONING BOARD OF ADJUSTMENT IN THE HAMPTON TOWNSHIP PLANNING BOARD**

Chairman Ambrosi asked the Board members their thoughts on the new proposed Ordinance to merge the Zoning Board and the Planning Board. Chairman Ambrosi asked Attorney Brady to give some background. Attorney Brady stated that combined board is actually a Planning Board with expanded powers. Attorney Brady commented that most of the Boards he represents are unified and does appear before both types of boards. The new board will consist of 9 members and 4 alternates. Most of the Board members seem to like the idea of the new proposed Ordinance. Mr. Daniels had some reservations about the new proposed Ordinance. Mr. Daniels believes that the Planning Board handles anything that is approved. Mr. Daniels said that the Zoning Board handles anything that is not approved. Mr.

Daniels felt that the Zoning Board will go above for Hampton Township residents and does not think the Planning Board will do the same.

Mr. Zawacki stated that he is for the merge of both boards. He stated that the reason he was for the merge was because he believed that Planning Board will start to look at applications differently.

The Board agreed to carry the discussion.

**BILLS:**

Harold E. Pellow & Assoc. – 50 Hampton Hse Rd	\$715.00
Harold E. Pellow & Assoc. – General	\$97.50
Harold E. Pellow & Assoc. – General	\$32.50
Harold E. Pellow & Assoc. – Finegan	\$227.50
Brady & Correale, LLP – Dianella	\$1615.00
Brady & Correale, LLP – BARKS	\$360.00
Brady & Correale, LLP – General	\$480.00
Brady & Correale, LLP – Audi	\$446.20

A motion to pay the bills was made by Mr. Sivulich and 2<sup>nd</sup> by Mr. Ostrander.

**ROLL CALL:** Mr. Ambrosi, Yes; Mr. Zawacki, Yes; Mr. Daniels, Yes; Mr. Walthers, Yes; Mr. Ostrander, Yes; Mr. Sivulich, Yes; Mr. Bailey, Yes; Mr. Goytil, Absent.

**ADJOURNMENT**

A motion to adjourn at 9:41 PM was made by Mr. Walthers and 2<sup>nd</sup> by Mr. Daniels with all members present in Favor and None Opposed.

Respectfully submitted;

Katelynn Wunder, Secretary