

**BOROUGH OF LAKEHURST LAND USE BOARD
REGULAR MEETING
MARCH 28, 2022
MINUTES**

MEETING OPENED AT 7:30 P.M. BY CHAIRMAN DAVID BURTON.

ALL STOOD FOR THE PLEDGE OF ALLEGIANCE.

PUBLIC MEETINGS STATEMENT READ INTO RECORD BY BOARD SECRETARY CAPASSO:

"IN COMPLIANCE WITH N.J.S.A. 10:4, OPEN PUBLIC MEETINGS ACT, NOTICE WAS GIVEN TO THE NEWSPAPER AND POSTED ON THE BOROUGH WEBSITE, THAT THE REGULAR MEETING OF THE LAKEHURST LAND USE BOARD IS SCHEDULED FOR THE TWENTY-EIGHTH DAY OF MARCH 2022 AT THE HOUR OF 7:30 P.M. TO BE HELD IN THE LAKEHURST COMMUNITY CENTER, 207 CENTER STREET, AT WHICH TIME THE BUSINESS OF THE BOARD WILL BE CONDUCTED."

ROLL CALL:

*Alternate Member

MAYOR ROBBINS: ABSENT
COUNCILMAN OGLESBY: PRESENT
KORI BRENNAN: PRESENT
DAVID BURTON: PRESENT
ANDREW HODGES: PRESENT

SIDNEY HOOPER: PRESENT
ERIC ROBBINS: PRESENT
MARANDA SALAS: PRESENT
DAVID SUMNER: PRESENT (7:58)
*#1 JEFF EMMONS: PRESENT

APPROVAL OF MINUTES:

Motion by: Maranda Salas

Seconded by: Sid Hooper

To approve minutes of February 28, 2022 Regular meeting. Roll call vote held. All votes affirmative with the exception of Steven Oglesby who abstained due to his absence at the February 28th regular meeting.

NEW BUSINESS:

APPLICATION OF RAIZY SEKULA FOR A CHANGE OF USE FOR THE PROPERTY DESIGNATED AS BLOCK 67; LOT 2:

Salvatore Alfieri, attorney for the applicant, stated the application is asking for a Change of Use and requires a Use Variance because the proposed use is not permitted in the zone.

Raizy Sekula, the applicant, was sworn to give testimony at 7:33 p.m. by Land Use Board Attorney Richard Stanzione.

Mrs. Sekula stated the name of her business is Bella Sabatina Premium Tea adding that she brews tea concentrate. Mrs. Sekula further stated she also has dry tea that is packaged and stored.

Mr. Alfieri asked if the application is approved, the business will be moved to 209 Center Street.

Mrs. Sekula answered in the affirmative.

Mr. Alfieri asked the hours of operation.

Mrs. Sekula responded Monday through Friday, 10:00 a.m. to 4:00 p.m.

Mr. Alfieri asked how many employees will be on sight during the peak hours of business.

Mrs. Sekula answered two employees will be in the warehouse downstairs, two in production, and herself.

Mr. Alfieri asked Mrs. Sekula to describe the production.

Mrs. Sekula described the production as large brewing kettles on gas burners brewing tea leaves that will be bottled and packaged.

Mr. Alfieri questioned the delivery to and from the site and types of trucks making the deliveries.

Mrs. Sekula stated the delivery to the site will be once every two weeks via box truck such as UPS. Mrs. Sekula also stated she ships out mainly by UPS once a day, 3-4 times a week.

Mr. Alfieri asked if there is any proposal for improvements to the exterior of the building.

Mrs. Sekula responded no.

Mr. Alfieri asked if building permits were obtained for interior improvements.

Mrs. Sekula answered in the affirmative.

Mr. Alfieri asked if there is adequate parking on the site for the business.

Mrs. Sekula answered five spaces are needed for her and her employees and there are more than five spaces at the proposed location.

Mr. Alfieri asked if there will be visitors to the site.

Mrs. Sekula responded no.

Mr. Alfieri stated there is a dumpster on site and asked if that is adequate for the use.

Mrs. Sekula answered yes.

Land Use Board Attorney Richard Stanzione asked if there will be any retail sales.

Mr. Alfieri answered no.

Mr. Stanzione asked if any odors will be released.

Mrs. Sekula answered no.

Board Member Maranda Salas asked if this business is being done somewhere else.

Mr. Sekula answered it is being done in her garage in Toms River and is looking to relocate to 209 Center Street.

Board Chairman David Burton questioned plans that were submitted with the construction permit.

Mrs. Sekula stated the permits obtained were for cosmetics.

Mr. Burton asked about the plans for the kitchen.

Mrs. Sekula stated no permits were obtained to install a kitchen adding she is waiting for approval from the Land Use Board.

Mrs. Salas asked if the Land Use Board should have a copy of the plans for the kitchen.

Mr. Stanzione stated the plans submitted with the construction permits are for the construction official to approve.

Mr. Burton added the applicant is here for a use variance. Mr. Burton asked how many parking spaces are at 209 Center Street.

Land Use Board Engineer Pamela Hilla stated no site plan was submitted adding she is going from aerial footage. Ms. Hilla further stated currently there appears to be five to six spaces with no ADA accessible parking. Ms. Hilla went on to say that ADA parking is required as well as striping.

Mr. Alfieri stated there was prior approval in 1998 for the prior use and had approval for five spaces adding if the board is to approve the use variance application, the applicant will comply with striping one ADA parking space.

Mr. Stanzione asked if the proposed use is for the entire building.

Mrs. Sekula answered yes.

Councilman Oglesby questioned design waiver 1(b) on the engineer's report adding that it mentions 144 parking spaces.

Ms. Hilla stated design waiver 1(b) has to do with landscaping adding the 144 parking spaces is typographical error. Ms. Hilla went on to say that there are 5 to 6 parking spaces, that requires at least one tree whereas there are no trees in the parking area.

Ms. Hilla asked if a box truck was to enter the parking area, will the box truck be able to circulate and park at the loading area.

Mrs. Sekula answered in the affirmative.

Mr. Burton questioned the loading area.

Mrs. Sekula responded there is no loading dock, there a huge garage door that opens to enter the building.

Mr. Burton questioned a variance for parking.

Ms. Hilla answered the building is 3,850 square feet, that requires 8 parking spaces, one of which has to be ADA accessible.

Ms. Hilla asked how frequently will trash be picked up from the site.

Mrs. Sekula responded once every two weeks adding if the business produces more trash than anticipated, then she will adjust the schedule.

Ms. Hilla asked how much tea leaves are disposed of each week.

Mrs. Sekula answered right now it is about five large garbage bags adding it hard to say what will be in the future.

Ms. Hilla stated with the expansion of the business, more garbage will be produced as well as the need for more employees.

Mrs. Sekula answered more production will be made, not necessarily the need for more employees.

Mr. Burton asked if more production is made then will the business hours change to meet the demand.

Mr. Alfieri answered the applicant is working out of a garage and is looking to expand the business to this location adding there are only five parking spaces, the applicant can only have 5 employees. Mr. Alfieri stated the applicant is limited to what she testifies to for a use variance.

Mr. Burton stated there is no room for expansion at the proposed site.

Board Member Andrew Hodges questioned the tea leaves being composted.

Mrs. Sekula responded she would love the tea leaves to go to compost asking if there is a capability to do so to please let her know.

Mr. Hodges asked how much poundage goes into a patch of tea.

Mrs. Sekula answered in a fifty-gallon kettle gets about thirty pounds of tea leaves.

Mr. Stanzione asked if all trash being disposed of will be inside the dumpster, not outside the dumpster.

Mrs. Sekula answered 100% of trash will be in the dumpster.

Mr. Oglesby asked if there will be any recyclables generated.

Mrs. Sekula answered there will be card boxes that will be placed in a separate dumpster.

Mr. Hodges asked as far as production, how many kettles will be used.

Mrs. Sekula answered she would like to start out with five kettles.

Mr. Hodges stated that is approximately 150 pounds of tea leaves a day.

Mrs. Sekula responded that she will not brewing every day.

Mr. Burton asked what percentage of building that will be changed to accommodate the brewing process.

Mrs. Sekula answered the processing room will be 15 feet by 28 feet.

Mr. Alfieri stated the remaining space will be used for storage.

Mr. Oglesby questioned the marketing, adding is it mostly wholesale distributors.

Mrs. Sekula responded at the moment there is only one distributor.

Mr. Burton questioned retail sales.

Mrs. Sekula responded there will be no retail sales from this location.

Mr. Stanzione stated the applicant is applying as a LLC asking how many members are a part of the LLC.

Mrs. Sekula answered it is only her.

Mr. Alfieri stated the applicant will submit a written disclosure of ownership for both the applicant and the owner of the building.

Ms. Hilla asked if the applicant is proposing ground signage.

Mrs. Sekula answered no ground signage is being proposed adding she would like to have something on the building so that when a delivery is being made, the building is identified.

Ms. Hilla responded signage is permitted on the condition that the signage is in compliance with the ordinance and a detailed drawing is provided as well.

Mr. Stanzione suggested that any plans for signage be submitted with the building plans; therefore, the plans can be reviewed by the construction official. Mr. Stanzione added if a variance is needed for the signage, the applicant will need to come back in front of the board.

McKinley Mertz, Professional Planner for the applicant, was sworn to give testimony at 7:54 p.m. by Land Use Board Attorney Richard Stanzione.

A Planning Exhibit with eight photos of 209 Center Street that were taken on March 9, 2022, by Ms. Mertz, were introduced as exhibit A-1.

Ms. Mertz explained the building located at 209 Center Street is a single-story building that is approximately 3800 square feet adding the rear of building was built in the early 70's and the front dates to the early 1960's. Ms. Mertz referred everyone to image number five on exhibit A-1 that shows existing parking spaces, including one handicap space adding there is a car parked in that space; therefore, it might not be accessible by standards but will align to do so. Ms. Mertz referred to image six that shows a total of seven parking spaces and image four that shows a loading area and entrance that aligns with parking on the side of the building; therefore, employees will use the rear entrance to enter the building.

Ms. Mertz stated the tea brewing propose is not a conforming use. Ms. Mertz also stated the proposed site is also non-conforming adding the width, the lot frontage, and front yard setback were conditions that were approved in 1998 and have not changed. Ms. Metz referred to images two and eight in regard to the side yard setback adding the fence might be on the property line and that might be where the foot deficiency is. Ms. Mertz went on to say that in 1998 design waivers for the number of parking spaces, dimensions

of parking spaces, and isle driveway width were all approved.

Ms. Mertz stated the applicant is seeking one D-1 use variance and two waivers. Ms. Mertz explained the one waiver is for the buffer area adding a buffer area is required on commercial property that is across the street from a residential use. Ms. Mertz also stated the proposed building is across street from a residential home adding the residential home is a non-conforming use in a business zone. Mr. Metz also explained the second waiver, that is a buffer shall be at least 10 feet wide whereas no buffer is at the proposed site adding this is a pre-existing condition, nothing is being changed to front yard.

Ms. Mertz stated the positive criteria of the proposed use is the building is suited for the use. Ms. Mertz also stated the building was used as a warehouse adding the applicant will continue to use it as warehouse along with tea brewing. Ms. Mertz further stated tea brewing is not contemplated by the borough ordinance adding it is a unique use. Ms. Mertz went on to say tea brewing does not release any noxious odors and there will be no retail sales meaning no foot traffic or vehicle traffic. Ms. Mertz stated the proposed building is approximately 190 feet from Route 70 so all the delivery trucks that pull in will pull right out, back onto Route 70.

Ms. Mertz stated another positive criteria is that the applicant is proposing a vital business to a once vacant property. Ms. Mertz also stated applicant is renovating the building's interior and cleaning up the exterior. Ms. Mertz further stated the applicant is moving into an existing commercial space that is built for the applicant's use and created efficient use of land, lessening the cost of development.

Ms. Mertz stated the negative criteria is that the proposed use will not negatively impact the neighborhood adding traffic will not be generated. Ms. Mertz further stated any interior improvements will be approved by the construction official such as ventilation.

Mr. Burton referred to image eight, questioning the side entrance of the building.

Mrs. Sekula responded there are two side entrances, one that leads to the basement and the other to the main building.

Ms. Hilla referred to image four, asking if the trailer and a storage unit will remain on site.

Ms. Mertz responded that the trailer and storage unit are temporary adding there are being used for the renovation.

Ms. Hilla stated she has concerns regarding the stripping of the parking lot and ADA compliant asking how the applicant will show the dimensions when no site plan is being provided.

Mr. Alfieri stated the applicant is requesting a waiver for preparing a full site plan adding the applicant has no issue with having an engineer doing the parking area to establish the

parking stall dimensions and ADA compliant.

Ms. Hilla asked to clarify the request waiver for the amount of parking stalls.

Mrs. Sekula answered there will be six parking stalls, one which will be ADA compliant.

Mr. Alfieri stated if the board grants approval and is acceptable with the engineer, the applicant will provide a plan that relates to the parking area, fully scaled.

Mrs. Salas questioned the size of the parking stalls.

Ms. Mertz answered the stalls will be 9 feet by 18 feet adding this size is more efficient.

Ms. Hilla stated there is no site plan asking how the lighting will be addressed.

Ms. Mertz responded the applicant is not proposing any additional lighting besides with what is existing and the required security lighting.

Ms. Hilla referred to the photos in exhibit A-1 stating that it does not appear that there are any pole mounted lights.

Mr. Burton responded there is one on the back side of the building.

Mr. Alfieri stated the operation of the business is 10 a.m. to 4 p.m.

Ms. Mertz added there is existing lighting on the wall of the building.

Ms. Hilla stated if the business is successful and the applicant extends the hours of operation, there is a safety concern. Ms. Hilla asked if the applicant is requesting a waiver in regard to lighting.

Mr. Alfieri responded the applicant is asking relief to keep the existing lighting adding if the board so wishes to install more lighting, the applicant will do so.

Mr. Burton stated if a site plan was provided, there would be no concern of lighting.

Ms. Hilla stated there appears to be a few areas of concern in the parking lot where water is ponding and the condition of the dumpster, the doors appear to be falling off.

Ms. Mertz responded the applicant will address those areas of concern.

Ms. Hilla questioned the post laying on the ground asking if it was a light pole.

Ms. Mertz answered they were not sure what post was at one time adding the applicant is working on cleaning all debris left behind by the previous owner.

Ms. Hilla recommended if an engineer is preparing parking and stripping plans that the grading is addressed as well.

Mr. Burton asked if there were any No Parking signs posted along the building.

Ms. Mertz answered that there is no signs in regard to no parking.

Mr. Stanzione stated the fire department will require those signs.

Ms. Hilla questioned the request for a waiver or a partial waiver.

Mr. Stanzione answered the applicant will provide engineer plans for the parking, stripping, ponding, and grading adding the applicant is requesting a partial waiver. Mr. Stanzione reiterated this is an existing building and that the variances being requested are existing conditions. Mr. Stanzione further reiterated it is a vacant building with the interior being modified and added the exterior not being modified and there is no intention of changing the buffer.

Mr. Burton asked if anything toxic will be dumped.

Mrs. Sekula answered it is a natural as you can get.

Mr. Oglesby questioned the water assumption adding the water lines may have to be updated.

Ms. Hilla stated a change of use requires an application the water/sewer department adding the application will address those types of questions.

Mr. Stanzione reminded the board that for a use variance, it requires 5 out of 7 affirmative votes and added majority of the vote is needed for the waivers. Mr. Stanzione stated if the board is inclined to grant the application, they should consider what is permitted in the zone and if it fits it in such a way and should note that there are no changes to the physical size of the property or the building. Mr. Stanzione further stated the variances being requested are for existing conditions and are automatically approved if the change of use is approved.

PUBLIC COMMENTS ON APPLICATION OF RAIZY SEKULA:

Time opened: 8:28 p.m.

NO PUBLIC COMMENTS

Time closed: 8:28 p.m.

Motion by: Maranda Salas

Seconded by: Steven Oglesby

To close public comment on the application of Raizy Sekula. Roll call vote held. All

votes affirmative.

Motion by: Steven Oglesby

Seconded by: Jeff Emmons

To approve application of Raizy Sekula for a Change of Use for the property designated as Block 67, Lot 2, with the stipulations that the hours of operations are 10 a.m. to 4 p.m., Monday through Friday, that the applicant will provide a partial engineer's plan showing parking, stripping, loading zone, and grading, there will be no outside storage on the site, trash container will be enclosed, no retail sales, and the car with trailer will be removed. To grant waiver of site plan, buffer planting and street planting and relief from parking, to provide for a minimum of six parking stalls, one being ADA compliant. Roll call vote held. All votes affirmative.

PUBLIC COMMENTS:

Time opened: 8:31 p.m.

NO PUBLIC COMMENTS

Time closed: 8:31 p.m.

ADJOURNMENT:

Motion by: Maranda Salas

Seconded by: Steven Oglesby

To adjourn meeting. Roll call vote held. All votes affirmative. Time: 8:32 p.m.

Maryanne Capasso, Secretary
Lakehurst Land Use Board