

1st: Pereira  
2nd: Bossert  
Date: 3/16/23

### Minutes of March 2, 2023

The Regular Meeting of the **Hazlet Township Land Use Board** scheduled for March 2, 2023, was called to order at 7:01 PM with a Salute to the Flag followed by a Moment of Silent Prayer and a Reading of the Letter of Compliance.

**ROLL CALL:**

**Present:** Mr. Cavanagh, Mr. Moore, Mr. Horner, Ms. Bossert, Mr. Bace, Mr. Pereira, Mr. Personette, Mr. Geoghan

**Absent:** Mayor Sachs, Committeeman Preston, Mr. Fabozzi, Mr. Grossman, Mr. Lencsak

**Professionals:** Mr. Vella, Esq., Mr. Zwingraf-CME, Ms. Bucci-Carter-CME

**MOTION:** To approve the minutes of the Regular meeting of February 2, 2023.

**Offered By:** Moore **Seconded By:** Horner

**Voice vote:** Yes

**Memorialization case #21-09L:** Margarella, 175 NJSH Route 36, Block 47, Lots 2,3,5 & 6, BP-3 zone. Applicant was granted Preliminary and final site plan approval and Use variance to demolish existing vacant building and construct a new two-story, mixed-use building.

**Offered By:** Bace **Seconded By:** Moore

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u>          </u>
Mr. Moore, Vice Chairman	<u>X</u>	<u>          </u>
Mr. Fabozzi	<u>          </u>	<u>          </u>
Ms. Bossert	<u>          </u>	<u>          </u>
Mr. Horner	<u>X</u>	<u>          </u>
Mr. Pereira	<u>X</u>	<u>          </u>
Mr. Bace	<u>X</u>	<u>          </u>
Mayor Sachs	<u>          </u>	<u>          </u>
Committeeman Preston	<u>          </u>	<u>          </u>
Alt #1 Mr. Grossman	<u>          </u>	<u>          </u>
Alt #2 Mr. Personette	<u>          </u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4 Mr. Geoghan	<u>          </u>	<u>          </u>

**Memorialization case #17-06L:** Gode Hotels/Holiday Inn Express, 2870 Highway 35; Block 242, Lots 4,13,14,15. Applicant was granted a one-year extension of site plan approval to January 17, 2024.

**Offered By:** Bossert **Seconded By:** Pereira

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u>          </u>
Mr. Moore, Vice Chairman	<u>X</u>	<u>          </u>
Mr. Fabozzi	<u>          </u>	<u>          </u>
Ms. Bossert	<u>X</u>	<u>          </u>
Mr. Horner	<u>X</u>	<u>          </u>
Mr. Pereira	<u>X</u>	<u>          </u>
Mr. Bace	<u>X</u>	<u>          </u>
Mayor Sachs	<u>          </u>	<u>          </u>
Committeeman Preston	<u>          </u>	<u>          </u>
Alt #1 Mr.Grossman	<u>          </u>	<u>          </u>
Alt #2 Mr. Personette	<u>X</u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4 Mr. Geoghan	<u>          </u>	<u>          </u>

**Memorialization case #22-16L:** Drager, 21 Chestnut Dr; Block 213.01, Lot 20, R-70 zone. Applicant proposes to remove existing carport and construct a 16' x 28' attached garage within the side yard setback required.

**Offered By:** Pereira **Seconded By:** Personette

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u>          </u>
Mr. Moore, Vice Chairman	<u>X</u>	<u>          </u>
Mr. Fabozzi	<u>          </u>	<u>          </u>
Ms. Bossert	<u>X</u>	<u>          </u>
Mr. Horner	<u>X</u>	<u>          </u>
Mr. Pereira	<u>X</u>	<u>          </u>
Mr. Bace	<u>X</u>	<u>          </u>
Mayor Sachs	<u>          </u>	<u>          </u>
Committeeman Preston	<u>          </u>	<u>          </u>
Alt #1 Mr.Grossman	<u>          </u>	<u>          </u>
Alt #2 Mr. Personette	<u>X</u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4 Mr. Geoghan	<u>          </u>	<u>          </u>

**Memorialization case #22-12L:** Solar Landscape LLC/Extra Space Storage; 1110 Highway 36; Block 68.13, Lot 6, BH zone. Applicant received Preliminary and Final site plan approval to install roof mounted solar panels and related equipment.

**Offered By:** Horner **Seconded By:** Bace

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u>          </u>
Mr. Moore, Vice Chairman	<u>X</u>	<u>          </u>
Mr. Fabozzi	<u>          </u>	<u>          </u>
Ms. Bossert	<u>X</u>	<u>          </u>
Mr. Horner	<u>X</u>	<u>          </u>
Mr. Pereira	<u>X</u>	<u>          </u>
Mr. Bace	<u>X</u>	<u>          </u>
Mayor Sachs	<u>          </u>	<u>          </u>
Committeeman Preston	<u>          </u>	<u>          </u>
Alt #1 Mr.Grossman	<u>          </u>	<u>          </u>
Alt #2 Mr. Personette	<u>X</u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4 Mr. Geoghan	<u>          </u>	<u>          </u>

**Memorialization case #22-15L:** Rongo & Emery, 11 Seventh St; block 24, Lot 11, R-70 zone. Applicant was granted variances to construct a new two-story single-family dwelling on an undersized lot.

**Offered By:** Moore **Seconded By:** Bosert

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u>          </u>
Mr. Moore, Vice Chairman	<u>X</u>	<u>          </u>
Mr. Fabozzi <b>(Abstained)</b>	<u>          </u>	<u>          </u>
Ms. Bossert	<u>X</u>	<u>          </u>
Mr. Horner	<u>X</u>	<u>          </u>
Mr. Pereira	<u>X</u>	<u>          </u>
Mr. Bace	<u>X</u>	<u>          </u>
Mayor Sachs	<u>          </u>	<u>          </u>
Committeeman Preston	<u>          </u>	<u>          </u>
Alt #1 Mr.Grossman	<u>          </u>	<u>          </u>
Alt #2 Mr. Personette	<u>X</u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4 Mr. Geoghan	<u>          </u>	<u>          </u>

**Memorialization case #22-17L:** Spayder, 32 Nevada Drive; Block 103, Lot 18, R-70 zone. Applicant was granted variances to construct a two-story addition over existing garage and add a level over existing footprint.

**Offered By:** \_\_\_\_\_ Pereira \_\_\_\_\_ **Seconded By:** \_\_\_\_\_ Moore \_\_\_\_\_

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	_____
Mr. Moore, Vice Chairman	<u>X</u>	_____
Mr. Fabozzi	_____	_____
Ms. Bossert	<u>X</u>	_____
Mr. Horner	<u>X</u>	_____
Mr. Pereira	<u>X</u>	_____
Mr. Bace	<u>X</u>	_____
Mayor Sachs	_____	_____
Committeeman Preston	_____	_____
Alt #1 Mr. Grossman	_____	_____
Alt #2 Mr. Personette	<u>X</u>	_____
Alt #3 Mr. Lencsak	_____	_____
Alt #4 Mr. Geoghan	_____	_____

**Resolution Appointing Conflict Attorney:** Appointment of Matt Kalwinsky of Taft, Davies & Kalwinsky as Conflict Attorney for the Land Use Board.

**Motion:** To approve.

**Offered By:** \_\_\_\_\_ Cavanagh \_\_\_\_\_ **Seconded By:** \_\_\_\_\_ Moore \_\_\_\_\_

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	_____
Mr. Moore, Vice Chairman	<u>X</u>	_____
Mr. Fabozzi	_____	_____
Ms. Bossert	<u>X</u>	_____
Mr. Horner	<u>X</u>	_____
Mr. Pereira	<u>X</u>	_____
Mr. Bace	<u>X</u>	_____
Mayor Sachs	_____	_____
Committeeman Preston	_____	_____
Alt #1 Mr. Grossman	_____	_____
Alt #2 Mr. Personette	<u>X</u>	_____
Alt #3 Mr. Lencsak	_____	_____
Alt #4 Mr. Geoghan	<u>X</u>	_____

**Motion passes.**

**New case #22-14L:** Mahmudov/A-1 Auto Sales LLC, 3228 Highway 35; Block 217, Lots 5 & 14, BH zone. Applicant is seeking Preliminary and Final Site plan, **Use Variance** and design waivers to construct a 700 sf building and parking for used auto sales.

**Mr. Vella confirmed notice and jurisdiction. Exhibit #A-1 marked as Site plans dated 5-19-2022, A-2 as Architectural plans dated 7-14-2022, LUB-1 as CME review letter dated 11-14-2022 and LUB-2 as 2016 Resolution of prior approval for Cars on 35.**

**Catherine Kim, attorney for applicant came forward.**

**Marc Leber, East Point Engineering sworn in.**

**Mr. Leber:** Introduced **Exhibit #A-3- prior plan** that was submitted to the board. Explained that the use is the same with some changes/modifications to the layout. The property is .03 acres located in the BH zone and is currently vacant. A new 2 story building is proposed with garage space on the first floor and office space on the second floor. The driveway from the highway will be 22' wide. There will be four customer parking spaces along the front of the property. One make ready EV spot is required on site. The sign will be 10' high in the same location as previously approved. Light fixtures have been revised and lowered to 14' high. There are existing non-conformities for lot area, width, frontage and depth. The new building will be set back 56' in the front with 20' side yard setbacks. There are no new variances created, only the pre-existing ones and no trees are to be removed. There will be 1-2 employees working at the site. There are wetlands in the rear of the property and there will be no offsite impacts of the development. DOT approval/Access permit has been approved. **Exhibit #A-4 marked as Dubois Environmental Report.** The report shows the wetlands delineation. The lot is restricted by its size and most permitted uses in the zone could not fit on this lot. The location is near other auto and commercial uses. The wetlands will be preserved and will be well buffered. The development will utilize a vacant lot along the commercial corridor and will not have any impact on the adjacent residential area. **Exhibit #A-5 marked as Photo of property along highway.** All utilities to the site will be new. Cars will be driven to the lot so there are no trucks delivering them. Trash to be removed from site, no truck pick up. No auto repairs will be done on site and the lights will be off by 9 pm.

**Patrick Lesbriel, Architect sworn in.**

**Mr. Lesbriel:** Stated that the new building will be two stories and will measure 35' x 25'. The façade will be stone veneer with exterior sconces and a canopy over the front door. There will be two stalls with garage doors on the first floor with an office upstairs with an interior stairway. The building will have a monitored alarm system and knock box. The mechanical system will be located on the roof.

**Kamolidein Karminob and Bahrillo Mahmudov, Owners sworn in.**

**Mr. Karminob:** Explained that the only work done on the cars brought in will be detailing i.e. cleaning, polishing, waxing. Cars are purchased at auction and through private sales. The price range of the cars will mostly be between \$ 10,000-15,000. There will be two employees and the trash will be taken off site. No other businesses will operate on the site and there will be no habitation.

**Public comments: None/Closed.**

**Motion:** To approve with conditions.

**Offered By:** Moore **Seconded By:** Horner

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u>          </u>
Mr. Moore, Vice Chairman	<u>X</u>	<u>          </u>
Mr. Fabozzi	<u>          </u>	<u>          </u>
Ms. Bossert	<u>X</u>	<u>          </u>
Mr. Horner	<u>X</u>	<u>          </u>
Mr. Pereira	<u>X</u>	<u>          </u>
Mr. Bace	<u>X</u>	<u>          </u>
Mayor Sachs	<u>          </u>	<u>          </u>
Committeeman Preston	<u>          </u>	<u>          </u>
Alt #1 Mr.Grossman	<u>          </u>	<u>          </u>
Alt #2 Mr. Personette	<u>X</u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4 Mr. Geoghan	<u>X</u>	<u>          </u>

**Motion passes.**

**New case #22-19L:** Penta/Swarthout dba Relentless LLC, 3400 Highway 35; Block 210.05, Lot 4.03, BP-3 zone. Applicant is seeking a **Use variance** to operate a personal training and fitness business in the zone. No site or public improvements proposed.

**Mr. Vella confirmed notice and jurisdiction. Exhibit #A-1 marked as Amended Use variance application, A-2 as Plan (undated) and LUB-1 as CME report dated 1-30-2023.**

**Jeffrey Gale, attorney for applicant came forward.**

**Peter Steck, Professional Planner sworn in.**

**Mr. Steck:** Explained that this is a Use Variance application to permit a personal training business to operate at the site. The owner of the unit is LNL Realty. The property is comprised of nine office condos and is located in the BP-3 zone. **Exhibit #A-3 marked as Planning Handout.** The property is surrounded by commercial, non-residential uses such as Self storage, Carpet store and Home Depot. The corner unit is 1,620 sq ft and is towards the rear of the building. There is open space behind their unit. There are other business offices in the building with no interior hallways. There is excess parking on site which is common for all businesses to use. The condo association allows any Use approved by Zoning and/or Land Use Board.

**Dana Penta, Owner Relentless LLC sworn in.**

**Ms. Penta:** Explained that her business is currently operating in Hazlet at Chelsea Plaza. Most of their clients live locally. They will focus on small group and one on one training. Hours will be 6 am-12 pm and 3-7 pm on Mon-Fri, 7 am-12 pm on Saturdays and closed on Sundays. They use free weights and kettlebells. There will be no outside music or gym equipment and no food/smoothies. All signage to meet township ordinances.

**Public comments: None/Closed.**

**Motion:** To approve with conditions.

**Offered By:** Horner **Seconded By:** Bace

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u>          </u>
Mr. Moore, Vice Chairman	<u>X</u>	<u>          </u>
Mr. Fabozzi	<u>          </u>	<u>          </u>
Ms. Bossert	<u>X</u>	<u>          </u>
Mr. Horner	<u>X</u>	<u>          </u>
Mr. Pereira	<u>X</u>	<u>          </u>
Mr. Bace	<u>X</u>	<u>          </u>
Mayor Sachs	<u>          </u>	<u>          </u>
Committeeman Preston	<u>          </u>	<u>          </u>
Alt #1 Mr. Grossman	<u>          </u>	<u>          </u>
Alt #2 Mr. Personette	<u>X</u>	<u>          </u>
Alt #3 Mr. Lencsak	<u>          </u>	<u>          </u>
Alt #4 Mr. Geohan	<u>X</u>	<u>          </u>

**Motion passes.**

**Citizen Hearing:** No one came forward.

**Motion:** To close citizen hearing.

**Offered By:** Bace **Seconded By:** Bossert

**VOICE VOTE:** Yes

**Motion:** To Adjourn

**Offered By:** Bace **Seconded By:** Bossert

**VOICE VOTE:** Yes

**Respectfully submitted:**  
**Laura McPeek**