Elk Township Combined Planning and Zoning Board

Regular Business Meeting

June 16, 2021

Minutes

Call to Order: Meeting called to order at 7:06 pm.

Roll Call:

Present: Mr. Afflerbach, Mr. Clark, Mrs. Nicholson, Mr. Schmidt,

Mrs. White, Mr. Richardson (alt. 1), Mr. Swanson (alt. 2)

Absent: Jay Hughes, Ed McKeever, Ed Poisker, Eugene Shoultz

Open Public Meeting Act: was read by the Board Secretary

Flag Salute: Chairperson led the flag salute.

Approval of Minutes:

April 21, 2021 with a change to the motion to approve Dollar General LLC, Minor Subdivision & Preliminary Major Site Plan, design waiver variance, Mr. McKeever voted against not Mr. Swanson.

Mr. Afflerbach made a motion to approve April 21, 2021 minutes Seconded by Mr. Schmidt

Roll Call.

Voting in favor: Mr. Afflerbach, Mr. Clark, Mrs. Nicholson, Mr. Schmidt,

Mrs. White, Mr. Richardson (alt. l), Mr. Swanson (alt. 2)

 Against: None Abstain: None 7-0-0

May 19, 2021

Mr. Afflerbach made a motion to approve May 19, 2021 minutes Seconded by Mrs. Nicholson

Roll Call:

Voting infavor: Mr. Afflerbach, Mr. Clark, Mrs. Nicholson, Mr. Schmidt,

Mrs. White, Mr. Richardson (alt. l), Mr. Swanson (alt. 2)

 Against: None Abstain: None 7-0-0

Resolution(s):

None

Old Business: None

> New business:

1) Copart of Connecticut, Inc block 66, lots 1.02, 1.03, 735 & 749 Jacob Harris Lane, Completeness hearing followed by Public Hearing. Preliminary & Major Site Plan Application No. SP-20/12.

Jennifer Johnson, Esquire Siciliano & Associates Charlie Eichman Regional Manager of Copart Cliff Quay Engineer and Planner Stantec, Inc.

Mrs. Nicholson informs Mr. Taylor, Esquire that she works for Stantec and therefore needs to be recused from this meeting. Mr. Taylor agrees to show that Mrs. Nicholson as being conflicted.

Jennifer Johnson, Esquire agrees to give some background on Copart. She states that Copart was here last year for a use variance but have since consolidated two new parcels into the existing facility and are now known as Copart Block 66 Lot 1.01, 738 & 749 Jacob Harris Lane. They have bifurcated the original application and are coming before the Board tonight for Preliminary and Final Site Plan Approval for the Expansion of their Copart Facility.

Mr. Taylor asks if they received correspondence from Bach & Associates dated February 16, 2021 and from Mr. Bitgood, our Engineer, dated June 11. Jennifer Johnson responds that they have.

Mr. Steve Bach, Engineer and Planner asks that everyone open up to both documents, Bach & Associates' to page 2 and Mr. Bitgood's to page 3 so Mr. Bach can go through each with limited repetition.

Bach & Associates' Letter:

#8 - requires copies of applications to and certification of approvals from all outside agencies with jurisdiction. A waiver is recommended for completeness only.

#20 - The names of all property owners within 200 feet, a list has been requested, the applicant should provide the list prior to the hearing.

#30 - requires a Phase I Environmental Assessment report. The applicant is requesting a waiver. We defer to the Board Engineer. An electronic copy was received.

Mr. Bitgood's Letter:

#31 - Traffic Impact Study prepared, signed and sealed by a licensed NJ professional engineer. I have no objection to waiving this.

Bach & Associates' Letter:

#33 - requires a statement demonstrating compliance with affordable housing requirements as applicable including section 70-4. The applicant must comply with the requirement of Section 704.E.(1)(b) This waiver is recommended for completeness only. No objection, the applicant should be aware of the regulations adopted by the township and be subject to any of those regulations.

Mr. Bitgood's Letter:

#37 - Drafts of proposed protective covenants, deed restrictions or easements for review. A blanket drainage easement is required in accordance with resolution 2020-10. Need any stormwater mgmt BMPs deed restricted also. I have no objection to waiving the

BMP deed restrictions for completeness only for the Preliminary Site Plan only and incomplete for Final Site Plan.

#39 - The plans have been revised to show the site as one lot, # 1.01 and the bulk requirements table has buffers have been corrected to match.

#41 - The plans have been updated to show the location of existing septic field and well.

#44 - The location, dimensions and arrangement of proposed streets, vehicular access way. A truck turning & movement path exhibit has been provided as a separate sheet. The sheet is satisfactory. Prior comment: Documentation that the clear path is satisfactory to A.C.E. shall be submitted. Show protection for A.C.E. tower. Call out on the plans and add details to detail sheet. Provide documentation that A.C.E. and the Township Engineer approve of the method of protection. See paragraph G above. Waiver for Preliminary Site Plan Application only.

Bach & Associates' Letter:

#47 - requires a landscape plan. The applicant has not submitted a landscape plan. This waiver is not recommended.

Mr. Bitgood's Letter:

#49 — The location of all existing trees or tree masses, general sizes and species. (Tree boundary line shown but no information on tree size or type provided). I have no objection to waiving for completeness only. The applicant requests as a condition of approval, that they be allowed to coordinate with the Board's Professionals to provide the required information. I have no objection but defer to the Planner on this. Waiver for completeness for preliminary if provided before final.

Bach & Associates' Letter:

#50 — requires a tree protection plan and the limits of clearing. This waiver is not recommended. Waiver for completeness for preliminary not final.

#53 — location of historic features within 200 feet. A waiver is recommended for completeness only.

#63 — required cross sections and center-line profiles of all existing or proposed streets or water courses within dimension at 50 foot intervals. The applicant requests a waiver. Our office defers to the Board Engineer. No objection for this waiver.

#67 — requires that if on-site sewage disposal is required, the results and location of all percolation tests and test borings must be provided. A waiver is recommended for preliminary only.

#68 — requires floor plan and elevations of proposed buildings. Not Applicable at this time.

#69 — requires FAR of proposed buildings. Not Applicable at this time.

Mr. Bitgood's Letter:

#70 - Lighting plan showing the location, height, light distribution, design and distances. Prior comment: No lighting is proposed. Motion sensor L.E.D. shielded lighting should be required at any entrance gates with a Knox Box. I have no objection to waiving for preliminary only. Waiver requested for completeness The applicant says they will provide lighting on the compliance set of plans.

#71 - Location, size and materials of containers and enclosures for solid waste and recycling. A waiver for completeness, applicant will provide testimony.

#73 - NJDEP Letter of Interpretation for wetlands identification. Prior comment: Required prior to completeness, only for Preliminary. The applicant states they will provide LOI documents under separate cover.

#74 - Size, type, copy and location of all proposed signs. New stop signs shall be installed at both exits. A waiver for completeness only is recommended.

#81 - Traffic control and directional signage plan. I have no objection to waiving for completeness only.

Mrs. White asked a question pertaining to #73, the Letter of Interpretation for Wetlands Identification. Originally, this was required for completeness but now it is being waived for completeness? Mr. Bitgood explains that if the DEP changes the letter of Interpretation or the buffers that would change the site plan significantly which would necessitate an amended site plan application. Mr. Quay will provide testimony that they have performed tests and submitted to the DEP and are confident that the DEP will agree to the buffers. Waiving for preliminary only as they are waiting on the DEP's answer.

Mr. Bitgood's Completeness Review:

Items required by the Use Variance:

1. Consolidation of lots 1.01, 1.02 and 1.03. was done before memorialization of the use variance. The applicant has submitted the deed of consolidation, which was finally recorded on June 4, 2021. Applicant hasn't gotten deed back yet, we need a copy of the deed for completeness only for preliminary.
2. Blanket drainage easement to the Township of Elk for runoff from Jacob Han-is Lane. Not yet submitted. Should be submitted prior to completeness. The applicant states that the easement documents are being prepared to be submitted for review. I have no objection to waiving this for completeness only. The blanket drainage easement deed must be a condition precedent to final site plan review.
3. Documentation of approval for the existing sanitary sewage disposal system to handle the proposed increase in employees and visitors. Not yet submitted. Can be waived for completeness only. The applicant requests a waiver for completeness and will submit upon receipt. Should remain a pre-requisite to final site plan review. Applicant is waiting for documents from the Health Department - they have asked for an extension. Mr. Quay states that the septic system was designed for the square footage of the building, not the amount of employees, so they are compliant.
4. Documentation of a request for guidance and/or an application to NJDEP to address the appropriateness of using solid fencing in the environmentally sensitive area. Not yet submitted. The applicant states that documentation will be provided under separate cover. I do not recommend a waiver of this item which the applicant has had 10 months to provide. Certainly, the application should not be considered ready for final site plan review without it. Mr. Quay states that if the DEP's decision asks for any modification they will certainly oblige.
5. Landscaping especially along the frontage. Plans have been revised to show landscaping.
6. Gate location shall be at least 20 feet from the Right of Way line with Knox box and light. Plans were revised to show the 20 foot dimension and to call out the Knox box.
7. Updated easement agreement with A.C. Electric for use and improvements within their existing easement. Not yet provided. The Applicant states that they are in the process of working with ACE to secure necessary easements and approvals and will provide documentation upon approval. ACE has certain rights to the use of their easement. In similar land use applications that were appealed, the easement holder has been considered to be an owner who must consent to the application. As yet we have neither copies of consent, nor proof of any correspondence with ACE. I therefore do not recommend a waiver of this.

Bach and Associates and Mr. Bitgood would recommend deeming the application complete with all of the waivers as indicated.

Mrs, White states that with all of the items needed for an application to be considered it is disappointing that so many of those were left undone. Why have a list if no one is going to comply?

Mr. Bach states that tonight is only for Preliminary and that give the applicant time to get everything in order and come back to the Board. No other board members have any comments.

7:34pm

Mr. Afflerbach makes a motion to deem the Application as being Conditionally Complete

Seconded by Mr. Schmidt

Roll Call:

Voting in favor: Mr. Afflerbach, Mr. Clark, Mr. Schmidt,

Mrs. White, Mr. Richardson (alt 1), Mr. Swanson (alt 2)

 Against: None Abstain: None 6-0-0

Jennifer Johnson, Esquire asks that her witness from Copart speak as to what is going on with Copart as a refresher.

Charles Eichman is the Regional Manager for Copart in the State of NJ, DE,MD and VA for the last 10 years. He states that:

 Copart is an online auction which sells vehicles

* Contracted with Insurance Companies, Charities, Fleet Operators and Rental companies to sell vehicles on their behalf
* Those companies reach out to Copart to bring their vehicles to auction, Copart then goes out to transport those vehicles, process paperwork for those cars and then sell those vehicles at auction

 Largest sellers to Copart are the Insurance Companies

* Cars sold at Auction are sold "as is"

 Once a car comes to Copart it is inspected

* After the inspection, the car is moved to the storage yard
* Cars sit on average on Copart's lot for 50-60 days
* No work is done on the vehicles when they come into the lot
* If there is a fluid leak, a water based PH neutral solution (FM 186) is applied to the leak on the ground which negates it and then the soil/rock is removed and disposed of in the proper place
* All employees are trained in this procedure
* Copart has 8 employees now and is going to increase to 9 when they enlarge their facility  Copart has about 1500 cars in their facility now
* On a daily basis, the employees are walking the yard looking for leaks and addressing them
* More than 1/2 the cars on the lot have been in accidents  Copart has a good track record with fluid leaks

The DEP has been out to inspect the facility and they have passed with flying colors

* No set schedule as to when the DEP comes out to inspect the facility
* The Spill Prevention Manuel was forwarded to the Board for inspection
* Dealers, part companies, scrap companies and exports are the customers buying the vehicles
* Complete online auction
* Buyers of vehicles contract with transportation companies to remove cars from lots, usually more than one car at a time
* Paperwork is done and submitted to the state and then transferred to the new buyers
* As long as a clean title is provided Copart can transfer that to the new buyer
* Contract with Waste Management mainly for office trash
* Vehicles are sold as is no parts sold separately

Jennifer Johnson, Esquire states that they are looking for a variance for an 8 foot fence around the facility for security purposes for the expanded part of Copart. This fence would be a white, metal panel fence that would match the existing fence. She feels that the higher fence would deter any possibility of unlawful entry.

Stan Bitgood asks if the people who are picking up cars have access to the storage lot. Mr. Eichman states that the person completes the necessary paperwork in the office and the car is brought out to them.

Mrs. White asks if large trucks come into the yard to drop off cars and Mr. Eichman states that cars come in on a tow truck to the front of the building, they drop the cars off and the cars are moved via Copart's employees to the storage yard.

20 trucks come in and out of the facility on a daily basis according to Mr. Eichman. Large car carriers are dropping off vehicles and are parked on the street waiting their turn. The company tries to schedule so there is no backup. This facility is not as busy as the location in Glassboro, they are 2x as busy as the facility on Jacob Harris Lane.

Mr. Eichman states that he doesn't believe there is a problem with trucks backing up in line on Jacob Harris Lane.

Jennifer Johnson, Esquire states that while this is an expansion of the site, this gives Copart some room to spread out their inventory not increase their inventory.

Mr. Quay has an aerial photo that shows the existing property as well as the area that will be expanded. He shows that the expansion area that will be used for storage only be 1/2 the size of the existing area. The expansion area will also be used for additional access aisles for the trucks to move around in. The base of the area will be crushed stone. The lawn area to the south of the existing building where the tank and the field exists. The size of the field looks like it was designed to fit the size of the building thus it will be fine for the 8-9 people working there. The dumpster is inside the secured site, not sure why they would have to enclose it, you can't see it from the road. Copart has protocols in place for any spills that may occur on site. The storage yard is not proposed to be lighted as it is not in operation in the evening,

Mr. Swanson asked for clarification on the Tree Protection Plan.

Mr. Quay said that they would try to preserve as many trees as possible and follow the plan.

No paving or curbing is planned, as no public will be walking around the facility. Mr. Bach let us know that the DEP has deemed that stone is impervious for storm water purposes. Mr. Bitgood says that this increases the size of the basin needed. Mr. Quay states that the drive aisles would be the areas that are compacted not so much the actual storage areas.

Mrs. White has a question regarding cars leaking on stone and what environmental effect that may have.

Mr. Quay responds saying that if they pave it, the waste will still go into the ground via the basin at a greater rate.

Mr. Bitgood says that the waste water could be captured and filtered and remediated before going into the basin. Inlets are plugged and checked before the water is let into the basin. This process is effective on paved surfaces not stone.

Mr. Bach responds that there are protocols in place to deal with spills at this facility and these protocols are what is required by the State DEP.

Mr. Richardson asks what status is Copart as far as waste generating large, small or very small? Mr. Quay says he doesn't believe they are classified as such.

Philip Weber, Vice President of Operations for 18 years, speaks to this and says that they have never had spills over 5 gallons. They keep a spill log, 2 internal safety audits 4 times a year as well as numerous safety checks. He does not know how much contaminated material they generate a year. They use that FM 186 to neutralize any spills.

Mr. Swanson feels that the pavement would contain the spill long enough to clean it up as opposed to rock.

Mr. Clark states that in the 20 years that Copart has been in Elk Twp on Jacob Harris Lane, there have been no reportable problems with spills from the previous testimony.

Mr. Bach states that no bulk variances are needed, and the only variance that is being requested is for the 8 foot high fence and for the design waiver for paving and curbing. The applicant has addressed all other items and will comply with all of the landscape plans. No other lighting plans are being proposed.

Mr. Bitgood states that he would like to see the driveway access gate moved to comply with the Use Variance and the access gate shall be revised to show a Knox Box and shielded lighting. Thr basin does not comply with the DEP at this time but Mr. Bitgood and Mr. Bach agree to wait for further clarification from the state on this matter. Granting of easements prior to final approval of a Major Storm water development. The Parking area shall being gravel has been talked about earlier. The applicant should provide Stop signs at both exits. Applicant will provide a copy of the actual application to the NJDEP. Documentation of green infrastructure being used will be provided to the Board. Applicant will be drafted and submitted prior to final site plan review. O & M manual doesn't contain the cost estimate so the applicant will provide an updated one once the conservation easements are completed prior to final site plan review. Applicant will provide revised calculations for the Q value used tin the Emergency Spillway calculations and revise stability calculations if needed. Also the applicant will provide the Time to Drain calculations for the basin demonstrating that it is less than 72 hours.

Mr. Bach asks when the environmental permits were deemed complete by the DEP, Mr, Quay was not sure. Mr. Bach asks that applicant submit them to Mr. Bitgood. It is his understanding that if they are not deemed complete by March 2, 2021 the old rules, more stringent apply.

8:55pm Mr. Schmidt makes a motion to open to the public Seconded by Mr. Afflerbach

With all members in favor, the motion was carried

Theodore Demiduke 317 Washington Ave Pitman, NJ

Mr. Demiduke is the owner of the property across the street from the entrance to Copart. He has had numerous problems with the vehicles that were sold by Copart parking on his property. He has brought this to the attention of Bonnie, in the office, and she responds that they aren't our problem they already sold the vehicle, too bad. He objects to the approval of the site plan. On 11/29/18 there was a 75' long tractor trailer on his property directly across the street from Copart and this vehicle was there overnight. When he called the police the next morning to report this Bonnie from Copart stated again not here problem. Later that day 2 men were working on the trailor and told by the police that they couldn't work on a car on private property, so they left. Later, the men returned and tried to start the trailor with their BMW and it caught on fire. He also states that he has found numerous pieces of debris, such as metal and windshields on his property that makes it difficult for him to mow his lawn safely. Mr. Demiduke uses the aerial photo to show where his property is.

Mr. Eichman is asked if he knows of this incident, he responds no, he will look into it. He states that it is not possible that someone take a non-operable vehicle from the yard, only operating vehicles are permitted to leave. If the vehicle is non operable, it is removed from the yard with a tow truck.

Mr. Afflerbach asks if he has called the Zoning Officer to make a complaint. He states no.

Mr. Clark says that this is a civil matter and to document all incidents and call the Police and if nothing is resolved he should come before the Elk Township Committee to resolve this matter.

Mrs. White lets him know that the next meeting of the Twp Committee is on July 1, 2021.

9:17pm Mr. Afflerbach moved to close the public portion

Seconded by Mr. Clark

With all members in favor, the motion was carried.

9:28pm Mr. Clark makes a motion to approve Preliminary Major Site Plan Approval,

Variancefor an 8footfence and Design Waiversfor curbing and pavingfor

Copart of Connecticut, Inc

Seconded by Mr. Afflerbach

Roll Call:

Voting in favor: Mr. Afflerbach, Mr. Clark, Mr. Schmidt,

Mr. Richardson (alt 1)

Against: Mrs. White and Mr. Swanson Abstain: None 4-2-0

9:30pm Mr. Afflerbach makes a motion to open to the General Public Portion

Seconded by Mr. Clark

With all members in favor, the motion was carried.

With no commentfrom the public, Mr. Afflerbach moved to close the public portion seconded by Mr. Swanson.

Correspondence:

A thank you letter was receivedfrom Mrs. Anna Foley, past Planning & Zoning Secretary.

Adjournment:

9:33pm Mr. Afflerbach moved to adjourn the meeting

Seconded by Mr. Clark

With all members in favor, the motion was carried.

Adjournment time was 9:34

Respectfully submitted,

Ann Marie Weitzel, Board Secretary