

Chairman Schwemmer called the regular Meeting of the Board of Adjustment of February 6, 2008 to order at 7:00 p.m.

MEMBERS PRESENT: Elliott Averett, Morris Bauer, Felix Graziano, Harvey Ort, Craig Schwemmer, Anthony Spina, John Turick

Alternate Members: Frank Baguiao, Dorothy Walter

Members Absent:

Others Present: Clerk Kesper, Attorney Fraser, Planner Banisch, Engineer Hall

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

- Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 18, 2008 and posted on the Bulletin Board on the same date.

Pledge of Allegiance

ELECTION OF VICE CHAIRMAN

1. First Vice Chairman - Chairman calls for nomination for Vice Chairman for 2008

Mr. Averett made a motion to elect Mr. Ort first vice chairman for 2008, seconded by Mr. Spina.

There were no further nominations and Mr. Schwemmer made a motion to close nominations, seconded by Mr. Graziano. A voice vote was taken and nominations were closed.

A roll call vote was taken on the motion to elect Mr. Ort first vice chairman for 2008. A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Schwemmer, Spina, Turick, Baguiao, Walter

Nays: None Abstentions: Ort None Absent:

MINUTES

1. January 2, 2008 Reorganization and Regular Meeting

Mr. Averett made a motion to approve the minutes, seconded by Mr. Spina. A voice vote was taken; Mrs. Walter, Mr. Ort and Mr. Graziano abstained; all others were in favor and the motion carried.

RESOLUTIONS

08-07 28 Route 46 Realty, LLC – Block 4, Lot 1 – 28 Route 46
(Diner Property)– C-2 Zone – 1.263 Acres - Approval of Use
Variance for change of use from diner to car dealership

The Resolution was reviewed.

Ms. Fraser stated that part of the use variance relief the applicant requested and was granted was for a building that provided less than the 10,000 sf required by ordinance or 8,994 sf. What has been shown on the site plan for this evenings public hearing shows a slightly smaller building of 8,298 sf. It was her opinion that the board should clarify this in the resolution.

The board discussed the issue and concluded that a smaller building did not negatively affect there decision to grant the use variance.

Mr. Averett made a motion to adopt the resolution, seconded by Mr. Bauer.

A roll call vote was taken:

Ayes: Averett, Bauer, Schwemmer, Spina, Turick, Baguiao
Nays: None Abstentions: None Absent:
Ineligible: Ort, Walter, Graziano

The meeting was opened to the public for items not on the agenda. There were no comments from the public and the meeting was closed to the public for items not on the agenda.

APPLICATIONS

1. Gartelmann – 337 Pleasant Grove Road - Block 50.01 Lot 6 – 2.25 Acres – Request for Front and side yard setback variance and expansion of a non-conforming structure

Mr. Ort stepped down from the application due to a conflict of interest.

Leon Hall, Jessie Gartelmann and Sandra Gartelmann were sworn in by Attorney Fraser.

Mr. Gartelmann stated that the home was built in the 1950's. He answered the board that the addition is for a kitchen, half bath and laundry/mud room and this is the only logical place for the addition. The addition proposed is 371 square feet. He stated that there is a one car garage on the home. He stated that the house is on an angle and is currently 19.1' from the property line.

The board granted a variance to follow the plane of the existing side to no less than 18'.

The meeting was opened to the public for questions or comments on the application, there were no questions or comments and the meeting was closed the public on this application.

Mr. Spina made a motion to grant the variance as discussed this evening for the pre-existing front yard setback of 58.8' and for an 18' side yard setback variance, seconded by Mr. Bauer

A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Schwemmer, Spina, Turick, Baguiao, Walter

Nays: None Abstentions: None Absent:

Ineligible: Ort

Mr. Banish arrived and was sworn in by Attorney Fraser.

Mr. Ort returned to the board.

2. 28 Route 46 Realty, LLC – Block 4, Lot 1 – 28 Route 46 (Diner Property)– C-2 Zone – 1.263 Acres – Completeness review and if deemed complete public hearing on Preliminary and final site plan with variances for new car dealership

Michael Selvaggi, Applicant's Attorney

Drew Peicon, Applicant

Joe Mele, Applicant's Engineer

Andy Bartushak, Applicant's Engineer
P. David Zimmerman, Applicant's Planner

Mr. Selvaggi stated that this application is subsequent to the use variance granted with the resolution approved this evening.

Ms. Fraser reviewed the public notice and determined that it was insufficient because it did not mention the specific variances required. She stated that the board could hear the completeness part of the application but that the public hearing portion of the meeting could not go forward.

Mr. Banisch referred to his January memo, which included deviations from the conditional use relief:

Lot Size

Display area

Display lighting – no string lights – but not for site lighting

Mr. Banisch stated that a variance is needed for parking on the property line where the barn is coming down.

Ms. Fraser referred to Mr. Hall's letter regarding non-conforming lot and she also noted that there is a non-conforming expansion of the structure for the front yard set back.

The application was reviewed for completeness.

Mr. Mele presented his qualifications as a professional engineer and land surveyor.

Mr. Schwemmer accepted Mr. Mele as an expert witness.

Mr. Mele reviewed Mr. Hall's letter of February 1, 2008 – Item 1 A.

159-20A Key Map – His opinion it was not necessary because it is not a subdivision. He agreed to supply the information for the next meeting.

- o Waived for completeness only

159-20D – same as above

- o Waived for completeness only

159-20E & F – Dimensions

- o Not Waived

A discussion was held on Mr. Maltz's letter and whether the applicant should design according to Mr. Maltz's letter. It was concluded that the applicant could do that, but the Board was not stating that this would be approved.

Mr. Mele stated that Langon Engineering surveyed the property since the use variance and the architectural information was put on. This plan is an accurate survey.

Mr. Hall noted that there are two front yards on this property.

Mr. Mele continued the review of Mr. Hall's letter

159-20G Existing Features – This will be on the key map. He noted that the soil was the same on and near the site.

- o Waived for completeness only

159-20 H Contours – There is no major change to the topography on the site.

Mr. Hall objected to this variance because of the building that is coming done.

- o Waived for completeness only

159-20I Agreed to show

- o Not waived

159-20K Utilities – they are not making changes to the utilities. Fire department requirements will be added to the plans – Not waived

Mr. Mele stated that the applicant may possibly hook up to the HMUA as the sewer is 400' east of the site or north of the site through an adjacent owner's property.

- o This was not waived and the utilities must be shown unless a letter from the HMUA is received that the applicant is hooking up to the public sewer

159 20 M Lighting – no new light poles, lighting intensity will be reduced

- o Not waived

159-20 N – Sign Information

- o Not waived

159-20 O – Surface Water Management Plan – Asked for this to be waived because of the minimal increase in impervious coverage and meet the Township ordinance to have this item waived.

Mr. Hall objected to this waiver as he needs to know where the additional 1800 sf of impervious coverage will drain.

Mr. Mele referred to the plan and pointed out where the drainage would go.

Mr. Hall stated that he needs to know if the stormwater facilities are adequate to hold this additional flow.

- o It was decided to defer the waiver until the information is supplied.

Mr. Hall answered Mr. Mele that there would not be a detention basin required, but possibly drywells. Detention is not required because it is not a major development.

159-20 Q – Development Impact Statement asked for waiver because the intensity of use is diminished

- o Waived except for noise and lighting.

159-20S – was submitted and they will supply Dr. Oweis with the requested information

Wetlands Information

- o Waiver was granted

Mr. Hall stated that the soil disturbance permit needs to be clarified.

The meeting was opened to the public for questions of the applicant.

Craig Bunting – 55 East Avenue (Lot 4) – stated he was concerned with adequacy of parking for customers, lighting, what type of service facility and noise associated with that use.

Mr. Mele stated that the parking space calculation used was for retail centers, a more intense use, as there was no customer parking requirements for a car dealership.

Mr. Picone stated that the service work would be primarily oil changes, tire changes and prep for car delivery.

Mr. Spina made a motion to deem the application incomplete based on discussions this evening, seconded by Mr. Ort. A voice vote was taken; all were in favor and the motion carried.

The application was scheduled for March 5.

DISCUSSION - CORRESPONDENCE

1. Vouchers

The vouchers were reviewed. Mr. Averett made a motion to approve the vouchers reviewed by the Chairman and found in order and send same on for payment. Seconded by Mr. Spina. A voice vote was taken; all were in favor and the motion carried.

2. Zoning Officer

Ms. Kesper explained that Fred Jordan, Zoning Officer is retiring and that she has been the Acting Zoning Officer since January 18, 2008 and will be the Zoning Officer on April 1st when Mr. Jordan's retirement begins. She also stated that she would continue to be at the meetings as the Clerk/Secretary and Zoning Officer.

Mr. Bauer made a motion to adjourn, seconded by Mr. Turick. A voice vote was taken; all were in favor and the meeting was adjourned at 8:00 p.m.

Virginia R. Kesper, Clerk