



**Mr. Newman opens nomination for Vice-Chairperson.**

Mr. Karas makes a motion to nominate Ms. Jane Spindel for Vice-Chairperson  
Mr. Meer seconds the motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Meer, Mr. Sacchinelli, Mr. Blecher, Ms. Taylor  
Mr. Puzio, Mr. Lowenstein, Mr. Newman, YES.

**Ms. Jane Spindel nominated as Vice-Chairperson.**

**Mr. Newman opens nomination for Secretary.**

Mr. Marvin Diner makes a motion to nominate Joe Meer as Secretary.  
Mr. Sy Karas seconds the motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Sacchinelli, Mr. Blecher, Ms. Taylor, Mr. Puzio  
Mr. Lowenstein, Mr. Newman, YES.

**Mr. Joe Meer nominated for Secretary.**

**Mr. Newman opens nominations for Board Attorney.**

Mr. Meer makes a motion to nominate Bill Soukas for Board Attorney.  
Ms. Jane Spindel seconds the motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Ms. Spindel, Mr. Meer  
Mr. Newman, YES.

**Mr. Newman opens nominations for Board Engineer.**

Mr. Meer makes a motion to nominate Azzolina & Feury (Paul Azzolina) for Board  
Engineer.  
Ms. Spindel seconds the motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Ms. Spindel, Mr. Meer &  
Mr. Newman, YES.

**Mr. Paul Azzolina nominated for Board Engineer.**

**Mr. Newman opens nomination for Traffic Engineer.**

Mr. Meer makes a motion to nominate Medina Consultants (Mark Kataryniak) for Traffic Engineer.

Mr. Karas seconds the motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Ms. Spindel, Mr. Meer & Mr. Newman, YES.

**Mr. Mark Kataryniak nominated for Traffic Engineer.**

**Mr. Newman opens nomination for Board Planner.**

Mr. Meer makes a motion to nominate Birdsall Engineering, (Peter Van Den Kooy) for Board Planner.

Mr. Karas seconds the motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Ms. Spindel, Mr. Meer & Mr. Newman, YES.

**Mr. Peter Van Den Kooy nominated for Board Planner.**

**Mr. Newman opens nomination for Board Court Stenographer.**

Mr. Meer makes a motion to nominate Ms. Karen Koscis for Court Stenographer.  
Mr. Karas seconds the motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Ms. Spindel, Mr. Meer & Mr. Newman, YES.

**Ms. Karen Koscis nominated for Court Stenographer.**

Mr. Newman opens the Meeting.

**Residential Old Business:**

1. Application#09-043, Peter & Marianne Levan  
15-07 Eberlin Drive, Block 4703, Lot 31, Zone R-1-3  
Proposed patio and walkway around new in-ground pool would increase the impervious coverage from 34.95% to 42.87% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirement.

Mr. Newman swears in Mr. Peter Levan & Marianne Levan

Fees have been paid and there is proof of service.

Mr. Newman asks Mr.& Mrs. Levan if they have worked out a solution since the last meeting in December in which they were going to try to bring down the impervious coverage & square footage of the walkway around the pool. It was at 42% and we are dropping it to 37.87%.....

Ms.Spindel is pleased with the reduction of the impervious coverage.

Mr. Newman asks if there are any questions from Board Members, seeing none,  
Mr. Newman closes this portion.

Mr. Newman opens the applicant to residents within 200ft. Seeing none,  
Mr. Newman closes this portion.

Mr. Newman opens the applicant to the General Public, Seeing none,  
Mr. Newman closes this portion.

Mr. Karas makes the 1<sup>st</sup> motion to approve the application.  
Ms. Spindel seconds the motion.

**VOTE:** Mr.Diner, Mr. Karas, Ms. Spindel, Mr. Sacchinelli, Mr. Meer & Mr. Newman  
**YES.**

2. Application#09-045, Michael Ekelov,  
39-19 Van Duran Ave, Block 1512, Lot 8, Zone R-1-3  
Proposed 10'x3.6' front platform would reduce the front yard setback from the existing 21' to 17.5' where 25 is required as per Section 125-12 of area yard and building requirements.

Mr. Newman swears in Michael Ekelov.

Fees have been paid and there is proof of service.

Mr. Newman asks Mr. Ekelov what brings him before the Board.

Mr. Ekelov explains he would like to make the front entrance steps wider than what they are allowed to do. He has just done construction on the house, some remodeling and the design would be a lot better if we were to make it 10ft. wide. Mr. Ekelov states that right now there are temporary stairs and the platform is 3x5.

Mr. Newman clarifies that the width would be 10ft. and the depth to be 3.6ft. and asks the Zoning Officer how this affects the setback?

Ms. Peck explains with the new construction, he widen the existing foyer, he does not want to put a 3x5 platform because the code requires he make a larger platform.

Discussion.....

Ms. Spindel states that proportionally, the wood steps that are there now just do not go with this house at all and look out of proportion. The proposal is for stone steps and it would look a whole lot better and be more proportional with the design of the house.

Discussion.....

Mr. Newman asks if there are any other questions or comments from the Board Members. seeing none.

Mr. Newman opens the applicant to residents within 200ft. seeing none,  
Mr. Newman closes this portion.

Mr. Newman opens the applicant to the General Public, seeing none.  
Mr. Newman closes this portion.

Ms. Spindel makes the 1<sup>st</sup>. motion to approve the application.

Mr. Karas would like to second but requests an amendment. To include the enlargement of the Vestibule which would be increased to 5ft.x10ft.

Ms. Spindel accepts the amendment.

Mr. Karas seconds the motion.

**VOTE:** Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Ms. Spindel,  
Mr. Meer & Mr. Newman. **YES.**

**Residential New Business:**

1. Application#10-001, Michael & Elissa Cucciarre,  
37-02 Gardenview Terrace, Block 2606, Lot 12, Zone R-1-2  
The proposed removal of two existing decks and replacing them with patios,  
12x11 & 12x19 will increase the impervious coverage from 33.5% to 40% where  
35% is permitted as per Section 125-12 Schedule of area yard and building  
requirements.

Mr. Newman swears in Michael Cucciarre.

Fees have been paid and there is proof of service.

Mr. Newman asks what brings him here tonight.

Mr. Cucciarre explains that currently in their backyard there is a wooden deck which is rather old and we would like to replace it with pavers but the Impervious Coverage will be over. I would like to point out to the Board that our lot is the smallest lot within a 2-3 block radius...

Discussion on Lot size.....

Mr. Cucciarre continues to state that when he purchased the house, he removed the deck from one side of the back of the house to the other side and then added an addition to the back which is now the Dining Room....

Mr. Newman doesn't understand. The application states, removal of two decks and replacing with patios?

Mr. Cucciarre explains he would like to take out the decks. One is at ground level and the other is 30inches above the ground. Originally when he moved into the house the deck went the whole width of the back of the house. We cut through the middle, so on the left is a deck and on the right there is a deck.

Discussion.....

Mr. Newman asks why he just doesn't take the one completely out if there is no access to it from the house.

Mr. Cucciarre does not want to do away with it although he does agree that it is a dead area. It does not get sunlight, we had plants there that didn't do very well, so we thought that a patio would be a nice place to sit and read.

Mr. Karas offers some suggestions. Why would you need two patios? I could understand the use of one patio. Could you continue the walkway that you have on the one side of your house with the pavers to the entryway that you need without having the second patio?

Mr. Karas question if the second patio is really necessary.

Discussion continues.....

Ms. Spindel has the same concerns as Mr. Karas because of the increase of the Impervious Coverage.....the impact on the environment and the rainwater, where does it go? You are asking us to approve a second patio that does not connect, it may balance the house but it has no real purpose. You would be decreasing the Impervious Coverage by removing that walkway so if there is no patio, you wouldn't need that path. Gives suggestions on plants that grow in the shade....

Mr. Cucciarre points out that the deck on the other side is relatively small.

Ms. Spindel states there is nothing to say that you can't increase the patio on that side, especially with the removal of the second patio you are proposing.

Discussion amongst Board Members continues.

Mr. Lowenstein suggests modifications and he would be inclined to approve the application.

Mr. Newman reminds the Board that this lot is a relatively small lot. If his lot was 7500sf, what he would be asking for tonight would come out to be 30% Impervious Coverage and from a hardship standpoint, that could be taken into consideration when you view this application.

Mr. Newman speaks to Mr. Cucciarre and states there are still Board Members who have concerns& with that being said, you can opt for a vote tonight on your application as it is or you can think right here and now to make some changes tonight, or you can ask for an adjournment tonight and come back to the next meeting.

Mr. Newman encourages the Board Members to take into consideration the Lot size when you are looking at this.

Mr. Cucciarre thanks Mr. Newman and states he thinks he would like to adjourn and come back with a revised design.

Ms. Spindel suggests it would probably be more useful to have one larger patio than to have two...

Mr. Cucciarre understands but really would prefer to have two patios. He might want to replace it with wood again but first would like to discuss it with his wife and come up with another idea.

Mr. Newman states that if he decides to replace it with decking materials again, he would not have to come before the Board again.

Ms. Peck suggests that he should be carried to the next meeting so that if he needs to come back, he has the option depending on what he and his wife decide.

Mr. Newman agrees.

**Application is carried to the next meeting of February 22, 2010.**

Mr. Newman, before moving forward makes the announcement that anyone who is here tonight for Commercial Old Business,

1. Application#2009-038, 18-35 River Road, LLC  
18-35 River Road, Block 5834, Lots 1, 3&4, Zone I-2  
A preliminary and final site plan approval for development. A Retail & Commercial use and 64 Residential unit garden apartment building. Sign variances, 125-41.B.(3)(b)125-41.B. (40)(b) 125-41.C.(3) and waivers.

**No testimony will be given. The Application will be carried to a Special Meeting of February 4, 2010.**

2. Application#10-002, Samuel & Susan Ludzki,  
23-21 Carol Place, Block 3520, Lot 17, Zone R-1-3  
Proposed 6' fence in the front yard setback where only 3' is permitted as per Section 125-38.A. Fences & Walls.

Mr. Newman swears in Mr. Sam Ludski,(Applicant)

Fees have been paid and there is proof of service.

**Mr. Newman notes that Ms. Spindel has recused herself from this application.**

Mr. Newman asks Mr. Ludski to tell us why he is here tonight.

Mr. Ludski explains he would like to enclose his property with a 6ft. fence rather than the 3ft. which is permitted. I would like to align it with the other fence that exists on the property....Mr. Ludski explains he already had variances given back in 1992 for 5ft.& 6ft.fences he already had installed on the property. He would now like to enclose the property. He is involved in the childcare of his grandchildren who will be using the property and also has animals he would also like to provide protection for and eventually a swimming pool.

Discussion on the location & the previous variance that were granted....

Mr. Ludski corrects the error of a 6ft. fence that was proposed and notes that it should have been a 5ft. fence to be aligned with the Carol Place fence.

Discussion....

Mr. Newman asks if there are any other questions of comments from Board Members. Seeing none,

Mr. Newman opens the applicant to residents within 200ft. seeing none,  
Mr. Newman closes this portion.

Mr. Newman opens the applicant to the General Public, seeing none,  
Mr. Newman closes this portion.

Mr. Karas makes the 1<sup>st</sup> motion to approve the application of a 5ft. fence, which was an amendment to the original application of 6ft. in the front yard setback.

Mr. Diner seconds the motion.

**VOTE:** Mr. Diner, Mr. Karas, Mr. Puzio, Mr. Sacchinelli, Mr. Meer & Mr. Newman  
**YES.**  
Mr. Lowenstein, **NO.**

3. Application #10-003, Shaji & Sheena Abraham,  
2-20 29<sup>th</sup> Street, Block 3308, Lot 12, Zone R-1-3  
Proposed addition would increase the existing impervious of 38.3% to 38.9% where 35% is permitted. Would increase the existing FAR of 38.3% to 39.8% where 37% is permitted. Would decrease the existing front yard setback of 24.84' to 22.84' where 25' is required as per Section 125-12 Schedule of area yard and building requirements.

Mr. Newman swears in Mr. Shaji Abraham, Ms. Sheena Abraham, & Mr. Chris Blake (Architect)

Fees have been paid and there is proof of service.

Mr. Newman asks what brings them here tonight.

Ms. Abraham begins by explaining they are proposing making their regular Split Level house into a Tri-level Split, adding bedrooms and a bathroom over the existing Living & Dining Room area and also planning on enlarging the Master Bedroom and creating a Master Bedroom Suite.

Mr. Newman asks what part of this requires you to come before the Board this evening?

Mr. Blake (Architect) steps forward and explains with the addition to the house, the existing front yard setback is 24.84' where 25' is required and the second story addition on the left side of the structure would extend 2ft. into the front yard, therefore reducing the front yard setback to 22.84' where the 25' required.....

Mr. Blake states that the addition on the second floor is really of modest size, in terms of the rooms, the closets, & bathrooms and we feel that the overhang is complimentary to the design of the house.

Mr. Newman clarifies with the Architect that it is only because of the overhang that the front yard setback is affected.

Mr. Blake states yes and continues with his description of the design and why the impervious coverage is affected.

Mr. Newman asks if the design that is proposed is in character with the neighborhood.

Mr. Blake states yes and notes there are quite a number of homes in the neighborhood with a lot of similar characteristics.

Mr. Newman questions the FAR....seems to be a very slight increase? 1.4%?

Mr. Blake explains that it is a result of the additional floor area.

Mr. Blake rechecks his calculations and notes that on the original plans the FAR was 38.3% where it should have been 31.4%. He apologizes for the error and corrects the calculation, noting it would be an increase of 8%...2.8% over the allowed percentage...

Discussion continues.....

Mr. Newman asks Mr. Blake if architecturally, a Split Level home limits what you are able to do in terms of expanding this dwelling as compared to a Ranch, or a Bi-level.

Mr. Blake states that is does and explains.....

Mr. Newman questions if the square footage of the bedrooms is excessive compared to dwellings in the area.

Mr. Blake does not, quite the opposite. We have modest size bedrooms, 10x12 bedrooms that are modest....

Mr. Newman questions if there could have been something done to stay within the allowed FAR and still have created an architecturally acceptable dwelling?

Mr. Blake explains.....

Mr. Karas has concerns on the number of bedrooms....

Ms. Abraham steps forward and states the reasoning behind the amount of bedrooms and the function. Ms. Abraham explains they are a very family oriented. Family visit a lot and stay over...one of the existing bedrooms is quite small and basically used as an office....

Discussion continues.....

Mr. Newman reiterates to the Board that there are overhangs on this house that contribute to the increase of the Impervious Coverage....in my opinion does not represent an increase in Impervious Coverage. There is no percolation issue here...

Mr. Newman states that the same area is also contributing to the overage of the FAR beyond the allowed 37%....I can appreciate everyone's concern over the FAR, I share it but we should look at this application from all angles.....

Discussion.....

Mr. Soukas interjects to remind the Board that because of the FAR, it falls into a D-variance and for the benefit of our new members, it requires an affirmative vote of 5 Board Members of the 7 and there is a legal test by which that variance is judged and that is what property can accommodate the problems associated with the FAR above that which is permitted by ordinance...

Discussion.

Ms. Spindel does not feel this proposal is overly done....she feels this is very reasonable and feels the application is fair...

Discussion continues.....

Mr. Newman asks if there are any other questions or comments from Board Members,  
Seeing none,

Mr. Newman opens the applicants to residents within 200ft. seeing none,  
Mr. Newman closes this portion.

Mr. Newman opens the applicants to the General Public, seeing none,  
Mr. Newman closes this portion.

Mr. Meer makes a motion to approve the application.  
Ms. Spindel seconds the motion.

**VOTE:** Mr. Diner, Mr. Karas, Mr. Lowenstein, Ms. Spindel, Mr. Puzio, Mr. Meer  
& Mr. Newman, **YES.**

**APPLICATION APPROVED.**

**RECESS: 10 minutes**

Roll Call: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Sacchinelli,  
Mr. Blecker, Ms. Taylor, Ms. Spindel, Mr. Meer & Mr. Newman,

Mr. Newman reopens the meeting of Residential New Business:

4. Application#10-004, Rocco Francica  
12-41 Roosevelt Street, Block 4605, Lot 88, Zone R-1-3  
Proposed patio and walkways in place of deck will increase the existing  
impervious coverage from 34% to 41% where 35% is permitted as per Section  
125-12 Schedule of area yard and a building requirement.

Mr. Newman swears in Mr. Rocco Francica.

Fees have been paid and there is proof of service.

Mr. Newman asks Mr. Francica to please explain why you are here tonight.

Mr. Francica begins with the explanation that he is proposing approval for a patio &  
walkways in place of an approved deck. We build a new home and during the  
construction, we had been approved for a deck, but while we were building the home, we

noticed that the elevation of the property was a lot lower than the surrounding properties and when we were getting those major rainstorms in June & July, we were getting 2ft of water in the basement because of the runoff from the surrounding properties....

He installed the patio and raised the elevation of the surrounding perimeter of the house with the walkways and in all honesty, I did not know there was a difference between a patio and a deck. I put the patio in instead of the deck and when we got our final inspection, we were told we would have to go for a variance to get approval for the patio.

Mr. Newman clarifies everything Mr. Francica just explained.

Mr. Newman reminds the Board that when an applicant stands before the Board, regardless of whether or not the work is complete, the Board should not look at the application in any punitive manner nor should they look at it where they feel sorry for the applicant that they might have to tear out something that has already been done....they should look at the application as if the work were not done.

Mr. Lowenstein questions Mr. Francica on his comments given with the application, stating; "I have made other plans to satisfy drainage for my property so it does not run off onto other properties....what were those plans?"

Mr. Francica explains because of the low elevation of his property, he added a retention wall around the property and added soil to put planter beds....the property behind mine is about two ½ ft. higher and the rain water would pour down into my property. We put a retention wall there and it collected a lot of runoff from the other person's property. No underground piping was done....

Discussion.....

Mr. Newman asks Mr. Francica what he thinks of mitigation around the patio and if he is open to the suggestions... Planter beds, underground piping, etc., to try to rectify any increase...

Mr. Francica is open to any suggestions and is willing to do whatever it takes....

Discussion on the original site plan versus the as built survey dated 1/13/2010...Ms. Peck states the latter is the correct calculations....

Questions fall on the Board Professional, Mr. Azzolina regarding the responsibility of the runoff of water into his property...is it not the responsibility of the neighbor and not the applicant?

Mr. Newman swears in all the Board Professionals, Paul Azzolina,(Engineer) Mark Kataryniak,(Traffic) Peter Van Den Kooy(Board Planner)

Mr. Azzolina speaks to the drainage situation regarding the applicant and states that most ordinances would not allow a property owner's runoff to go into another joining property. I would assume that would have been looked at when building permits were issued. There are other systems that could be implemented such as a seepage pit...

Mr. Azzolina continues.....it would turn into a legal issue when you have one neighbor contesting what is happening from the adjoining property and it would be up to the applicant to go to the neighbor or the town engineer...Mr. Azzolina cannot truly answer because he is not familiar with the site nor sure of the facts.....

Ms. Spindel speaks to Mr. Francica and states that he may have recourse. The responsibility of the runoff of water may fall on your neighbor if you want to get involved with that....

Discussion continues on additional Impervious Coverage issues.....

Mr. Newman asks Mr. Azzolina for his opinion and suggestion regarding this issue of water runoff and retention wall...

Mr. Azzolina believes that the construction of this block retaining wall has probably redirected the water back on to the neighbor's property...

Mr. Azzolina offers a few options...such as the applicant could connect the drainage system to two catch basins in the road opposite the house for overflow purposes.

In summary, Mr. Azzolina testified that he consulted the Borough's Engineering Department who advised him that although they did not specifically inspect the Property's conditions, the applicant may tie his drainage system into the municipal storm drain system and that he foresees no problems with the applicant's drainage system accessing the municipal storm drain....He can only speak in generalities, not being familiar with the site...

Discussion continues....

Patio pavers and percentages of impervious coverage are discussed...

Mr. Newman suggests to Mr. Francica that because of the many unknowns presently, it would be hard for this Board to make or not make an approval because it is unclear what we are looking to approve in a number of situations, most obviously the rear setback and also we are not totally clear that we have the correct Impervious Coverage calculations. The general recommendation I would make is that you come back with a different proposal that decreases the Impervious coverage....I won't tell you where or how but you have a lot of choices between the walks and the size of the patio.

Also, present some water runoff mitigation, you could probably speak to the Borough Engineer as well in advance, etc....if you are going to be this far over on Impervious, we have to correct the problem....

Ms. Spindel asks Mr. Francica if someone suggested to him to build the wall in the shape and length to mitigate this problem of runoff?

Mr. Francica answers the question with a detailed explanation of how and why he built the wall and plans also to put a rain garden in.

Discussion.....

Mr. Newman opens the applicant to Public comment, seeing none.  
Mr. Newman closes this portion.

Mr. Francica agrees to come back the following month.

### **Application carried to the meeting of February 22, 2010**

Mr. Newman explains that he is jumping out of order before going to the Commercial New Business because Mr. Karas will be recusing himself from that application, I would like to do him the courtesy of moving ahead with our other business so he could vote on that.....

### **Minutes:**

Mr. Jim Lowenstein would like to point out typographical errors that need correcting.

1. Mr. Diner made a motion to approve the minutes as corrected for the November 16, 2009 meeting and Ms. Spindel seconded the motion.

VOTE: All Present – AYE

### **Annual Report:**

Mr. Newman speaks to the Board and notes that they all have received copies via e-mail, most recently today. The only change in the version that was sent out today is on page 4, second paragraph, last sentence in that paragraph was changed to include the information about Rain gardens, otherwise the report is the same as previously distributed. Any questions or comments from the Board?

Mr. Karas will abstain from voting. He has not had the time to read the report.

Mr. Newman reads the Annual Report before voting.

1. Mr. Diner made a motion to adopt the 2008-2009 Report & Resolution and Ms. Spindel seconded the motion.

VOTE: All Present – AYE

Mr. Newman opens the meeting to New Business and notes for the record, Mr. Karas has recused himself from this application.

**Commercial New Business:**

1. Application#10-005, Motor Vehicle Rental Agency/DeMaria  
4-24 Banta Place, Block 3411, Lot 1, Zone I-2  
Proposed Motor Vehicle Rental Agency (**Just 4 Wheels Car, Inc.**) is not a permitted use in the I-2 zone, D-1 Variance required as per Section 125-28 & 125-57.D.(d)

Mr. Andrew Karas, steps forward on behalf of the Applicant, Just 4 Wheels Car, Inc.

Fees have been paid and there is proof of service.

Mr. Karas explains, the application is for a Motor Vehicle & Renting Company to utilize half the property as such which is not a permitted use in the I-2 Zone.

Mr. Karas continues.....(inaudible)

Mr. Karas states he will be presenting two witnesses, An Engineer & Planner based upon the report from Paul Azzolina,(Board Engineer) there will be some necessary changes to the report...(inaudible)

Mr. Karas continues to state his case as to why the Board should allow this use on this property.

He would like some advice from the Board Attorney or at least his opinion as to whether or not we will be required to notice and apply for a secondary variance as to what the primary use is or whether or not that (inaudible).....

Mr. Soukas(Board Attorney) speaks to the Chairman and states that he spoke earlier today on this particular issue and had reviewed the Zoning Ordinance. The dual principle uses on a particular property is (1) single family zones which prohibited two primary uses on a single piece of property. There is no similar restriction, the I-2 Zone and I should note that the denial letter similarly did not specify the dual use as a reason for denial in the required variance. Whereas, in the residential zone it would be cause to request a secondary variance and be required by notice. I don't see there being a notice issue here so it is my opinion that Mr. Karas can proceed this evening with the notice as advertized.

Mr. Newman asks if any of the Professionals would like to site in the Ordinance beyond that....

Mr. Azzolina (Board Engineer) states he has raised some questions in my report to the Board dated January 22, 2010 under Item#1....Speaks to concerns on the two uses on the property.....speaks to 2<sup>nd</sup> aspect, ownership.

Mr. Mark Kataryniak(Traffic Engineer) speaks to his portion in respect to traffic intensity and the issues the Board will have to weigh in terms of negative & positive criteria.....

Would like clarity in the number of uses and the types of uses on the property....

Mr. Karas(Attorney for the Applicant) calls forth, Mr. Steve Hofner

Mr. Newman swears in Mr. Steve Hofner, 6-11 Plaza Road, Fair Lawn, N.J.

Mr. Karas begins his questioning and asks Mr. Hofner if he is familiar with the property of 4-24 Banta Place...That property is owned by two entities, correct? One being 4-24 Banta Place, Fair Lawn, LLC & the other being Banta Properties, LLC.

Mr. Hofner states yes & he is a shareholder in 4-24 Banta Place, Fair Lawn, LLC. and explains his relationship with the two.

Mr. Hofner speaks of the history of the property and testifies that his father was the original owner with a partner and operated it as a Gas Station from 1945-1983 until his retirement, then leased the property to Scholastic Bus Company from 1983-2006 and since then the Southern end of the property has been vacant...

Continues.....

Repairs have been done, such as a seepage pit....paving...new gas heater...removed the oil heater and the oil tank. New gutters, liters, garage doors...etc...

Mr. Hofner continues with the Northern half of the property and testifies it has been leased out to Kitchen Masters. They have no place to park vehicles and they have been parking vehicles on our lot....approximately 18 spaces for at least 40years....

Mr. Hofner also testifies to “Are More Trucking” also has been in that space with approximately 10 trucks and he also has been there for 40 years.

Mr. Karas asks Mr. Hofner if he is aware of any traffic issues whatsoever in the Northernly section this property to which Mr. Hofner states he is aware of none.

Speaks to the level of traffic and circulation of the trucks...trucks go out in the am and return in the pm....18 parking spaces, all are not used. Traffic usually light.

Mr. Karas continues to ask Mr. Hofner questions regarding the activity of traffic on the Southern part of the property.

Mr. Hofner testifies that when Scholastic Bus used this site there was much more activity and they eventually outgrew this area because of the growth of the business and moved elsewhere.

Storm water issues are briefly discussed and Mr. Hofner explains they put in a seepage pit on the property to relief the pooling of water on the Southern end of the property and it has alleviated the problem 100%.

Mr. Diner (Board Member) questions the history of a Gas Station located at the property and is reassured by Mr. Hofner that all tanks were removed according to regulations and there have been no Environmental issues.

Mr. Lowenstein questions the rider....it sites provisions regarding the I-2 zone and it states specifically where it does not permit storage of Motor Vehicles used to transport School Children.....?

Mr. Karas explains that the Ordinance was put into code subsequently after Scholastic Buses tenancy on this property. It was added to the code when they were moving to the property on Grange Road.

Discussion & questioning continues on the uses of the Northern & Southern parts... Scholastic Bus tenancy, amount of buses at the time, etc.....

Mr. Karas brings his next witness, Mr. Robert Mathis.

Mr. Newman swears in Mr. Robert Mathis, 102 Menlow Court, Toms River, N.J.

Mr. Mathis testifies he is the General Manager of Just 4 Wheels and has worked for the Company for 11 years.

Mr. Mathis states his duties as General Manager....pays bills, answers summonses & appears in Court regarding violations, etc....

Mr. Karas continues with his cross, asking Mr. Mathis what exactly the business Just 4Wheels does.

Mr. Mathis testifies that they are a Car, Van & Truck Rental Company. We do daily rentals, weekly rentals, monthly rentals, yearly releases, if needed. The proposed use at this site would be to keep a number of trucks and cars for daily rentals, weekly rentals...

Testimony continues.....

Mr. Mathis testifies to the average amount of cars. It would be around 6 vans,(cargo vans)(15)passenger vans, 4-5 Cars and lastly 15-16ft. & 26ft. trucks...25-26 vehicles totaled.

Mr. Mathis continues to explain that this area is a Commercial area and trucks are very popular and in need.

Traffic circulation is discussed..10-12 vehicles a day moving...6 would come back daily, trucks go out for about a week.

Number of Employees and duties of employees are discussed.

3employees are hired and duties include check vehicles in & out...keep yard clean, clean the vehicles. Maintenance done on site would be repairing lights on the trucks, flat tires, broken mirrors, light repairs....

Oil Changes or heavy repair would not be done on site. They would be moved to another one of their sites.

Washing vehicles is done on site behind the building, but no hazardous materials are used to wash them.

Hours of Operation: 9am-7pm, Monday through Friday. Saturday 9am-5pm. Closed Sundays.

Employees take rental cars home and return to the site so the employees do not use additional spaces designated.

Two Service Bays are on site. Used for the purpose of spare tires, mirror heads, lights, etc..hand trucks for rent, moving blankets, etc...

Signage is discussed....

Fencing is discussed facing the railroad.

Dumpster is serviced every two weeks which will be changed to weekly going forward because of the amount of garbage when the rentals come back. Pizza boxes, etc....

No Hazardous materials will be stored on site.

Deliveries are discussed...No deliveries.

Lightening on site is discussed.

Landscaping is discussed. No additional landscaping proposed.

Mr. Mathis is questioned by Board Member, Gary Sacchinelli.

Washing of cars on site? Is there Drainage? Are Biodegradable Detergents being used? Does the Town or the Engineers have issues with multiple cars being washed and going into the storm drain?

Mr. Mathis answers all questions regarding these issues.

Types & size of trucks are discussed.

Mr. Sacchinelli has concerns with the washing of vehicles and the trucks going into the storm drains. The type of soap used, filters should be used, etc....

Discussion continues.....

Mr. Newman swears in all Board Professionals. Paul Azzolina, Azzolina & Feury (Engineer) Peter Van Den Kooy, Birdsall Engineering (Planner) Mark Kataryniak, Medina Consultants (Traffic)

Mr. Azzolina speaks to the Vehicle Washing, Environmental Report to the Board... I do not believe there is any current regulation on the books with respect to the State Law. The State has Laws that apply to Municipalities, the law has not yet been extended to private entities...each town may have their own requirements. He may have to speak with Ken Garrison (Borough Engineer) on that....This is a concern..

Mr. Newman asks Mr. Azzolina if he would please follow up on that with the Borough Engineer since it sounds like this would be impactful on this application to the point where the Board may consider the vehicles not be washed if it is not set up properly. The more information we have on that, the better.

Mr. Azzolina agrees.

Questioning continues.....

Mr. Puzio questions Mr. Mathis, on the washing of Trucks...concerns on the grease. Recovery System is suggested....

Mr. Mathis testifies they do not wash the engines or anything like that. We wash only the back doors and the cabs of the trucks.

Mr. Puzio also discusses the layout of the parking lot, and driving by and seeing the types of vehicles that are on the premises right now, are considerably different. You testify to 26' Box truck but then you stick a 7' cab & chasy underneath it, it would be considerably longer than a 26'.....

Mr. Mathis agrees and states that the boxes are longer than 26'...the overall truck length could be 30-32ft.

Mr. Puzio points out to Mr. Mathis that the layout of the parking lot as it is shown on this plan does not conform to what you are using it for today....

Mr. Karas explains there will be limited parking within that area....

Discussion continues....

Ms. Spindel speaks to the Fair Lawn Environmental Commission report dated 1/10/2010.

Mr. Mathis testifies he has not seen that letter....

Discussion.....

Ms. Spindel brings up two points because they have addressed most of the concerns but asks about the residential area west of the site within 200ft of the site...the report asks if there will be shrubs or any buffer back there?

Applicant agrees to a Fence as a buffer....Small shrubs & trees are also agreed to.

Discussion continues...

Mr. Mark Kataryniak discusses the proposed fencing on the southern portion of the property, asks that the applicant to talk to the Fire Official, (inaudible)... how they would use circulation between the two half's of the site...

Mr. Karas discuss different options.

Mr. Van Den Kooy questions the existing and proposed uses of the shed that is attached to the Northerly portion of the property.

Discussion....

Mr. Newman opens up the witness to questions or comments from members of the general public. Seeing none.

Mr. Newman closes this portion.

Meeting dates are questioned because of the late hour.

Mr. Karas requests that the meeting be carried to February 22, 2010.

### **APPLICATION CARRIED TO FEBRUARY 22, 2010**

#### **Vouchers:**

1. Karen Koscis for Professional services in the amount of \$350.00.
2. Bill Soukas for in the amount of \$742.50. rendered for Tribal Iron.
3. Azzolina & Feury in the amount of \$240.00 for 18-35 River Road, LLC
4. Azzolina & Feury in the amount of \$5,202.00 for 18-35 River Road, LLC
5. Bill Soukas in the amount of \$833.33 for a retainer

Mr. Diner made a motion to accept these resolutions and Ms. Spindel seconded the motion.

VOTE: All Present – AYE.

#### **Estimates:**

1. Estimate submitted by Azzolina & Feury in the amount of \$3,000 regarding Just4Wheels.
2. Estimate submitted by Medina Consultants in the amount of \$1,200 regarding Just4Wheels.
3. Estimate submitted by Birdsall in the amount of \$3,000 regarding Just4Wheels

Mr. Diner made a motion to approve these estimates and Ms. Spindel seconded the motion.

VOTE: All Present – AYE.

**Resolutions:**

1. Application #09-013, Tribal Iron Choppers, 18-02 River Road, Block 5729, Lot 1, Zone I-2– Approved.

Mr. Meer made a motion to accept these resolutions and Ms. Spindel seconded the motion.

VOTE: All Present – AYE.

**Annual Report:**

1. Mr. Diner made a motion to accept the 2008-2009 Resolution and Ms. Spindel seconded the motion.

VOTE: All Present – AYE

**Minutes**

1. Mr. Diner made a motion to approve the minutes for the November 16, 2010 meeting and Ms. Spindel seconded the motion.

VOTE: All Present – AYE

**Adjourn**

Mr. Diner made a motion to adjourn this meeting and Mr. Lowenstein seconded the motion.

TIME: 11:00 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk