

MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
MARCH 25, 2008
Regular Meeting

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:58 p.m. The Board Secretary read the Legal Notice.

PLEDGE

The Chairman asked all in attendance to join in the Pledge of Allegiance

ROLL CALL

Present: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Barry Wieser, Frank Curcio, Robert Brady

Also Present: Stephen Glatt, Board Attorney, William Drew, Planning Director, Richard McFadden, Board Engineer, and Denyse Todd, Board Secretary.

Absent: William Lynch

The Chairman asked Mr. Wieser to sit for Mr. Lynch. There is a full Board for this evening. The Chairman explained the procedures for the Board of Adjustment. He also explained that the agenda would be out of order.

MEMORIALIZATIONS

The Resolutions were not prepared in time for the meeting and will be carried to the meeting of April 22, 2008.

NEW APPLICATIONS
TIME EXTENSION REQUEST

SHILOH BIBLE CAMP

Use Variance #0440-0663

Preliminary & Final Site Plan #0420-0180AB

Bulk Variance #0430-0664

Block 6002; Lot 47

753 Burnt Meadow Road; R-4 Zone

Request for time extension.

THIS APPLICATION WILL BE HEARD LATER ON THIS EVENING.

CARRIED APPLICATIONS

EXXON ON THE RUN

Use Variance #0640-0764

Preliminary & Final Site Plan #0620-0274

Bulk Variance #0630-0275

Block 15505; Lot 1

2899 State Highway 23

The Secretary read the previous information from the original meeting and the information regarding this carried application.

The Chairman gave the Board additional time to review the new plans since they were sent just before the meeting. Mr. Glatt said that there is a decrease in the variances and a reduction in the request of the variances still needed, making it unnecessary to re-advertise or re-notice. The Board is taking a few minutes to familiarize themselves with the new information from Exxon as well as the reports that were received for the application based on the new plans.

Mr. Brady requested that Exxon come forward. Mr. Greg Meese, the applicant's attorney stated that Ms. Dolan, the traffic expert spoke with the New Jersey Department of Transportation and a

letter was submitted indicating that an Access Permit would not be required because the increase in traffic for the site isn't significant enough to require it. He also stated that Ms. Dolan sent a letter explaining this, she discovered that the reversal of the northbound driveway northern point entrance southern exit, also known as the English System was not approved.

Mr. Meese stated that Ms. Dolan's communications with the DOT is the reason for the reductions that were made to the building, the larger size building would not meet the requirements for the DOT Access Permit, the new building will meet the size requirements, and there will be no change to the access.

They secured their exemption for the Highland's Act since there would not be an increase greater than 25% with regard to the impervious coverage. The Exemption letter to be marked Exhibit A-5 and Ms. Dolan's letter is Exhibit A-6.

Mr. Meese asked Mr. Brian Shortino of Bertin Engineering Associates, 16 Glen Ave. Glenrock, NJ, 07452, he testified at the October meeting. He has testified before Boards in New Jersey, and he was sworn in as an expert. He prepared the plans and has a colored rendering. He will discuss the elimination of the front yard setback variance. The square footage of the building was reduced from 3,274 sf to 2,033 sf. The existing building which will be demolished is 1600 sf. The overall length is decreased. The front yard variance for the setback on the Southbound side of Route 23 is eliminated. The Northbound side variance will still be required but not as great. The impervious coverage is reduced from 54.1 to 51.9% since the building size is reduced. The parking reduced from 17 to 16 spaces. The signage has changed. The landscape rendering is marked as Exhibit A-7, and the colored rendering of the building is marked Exhibit A-8 as it is a new elevation drawing. W.D. Partners prepared this Exhibit. The signs above front doors are the same. Bengal Traders sign 16 sf was added to right side of front elevation of the building, which is Exxon's new proposal. Left side sign was 45 sf and that was reduced to 23.75 feet. Bengals sign was 20sf, there is a 5.25sf reduction although there is one additional sign. The rendering shows a roof mounted apparatus and the electrical panel will be in the rear of the building. The underground storage tanks was 50,000 gallons and now there will be 55,000 with two 20,000 gallon tanks and one 15,000 gallon tank which will be DEP approved, and existing tanks will be removed and disposed of. Mr. Meese said other than those changed nothing else changed and Mr. Meese said they would be able to save 2 trees behind the building. Mr. Meese asked Mr. Shortino to explain the access with regard to the driveway length. The drawing of the survey from Control Point Associates is being used to point out the delineated curb line. The access northbound will not be changed but presently when you turn in your vehicle comes to the building when change made building will be moved so the driveway will be longer making it a 45 degree turn not 90 degree as it is presently. The curb line will change and extend driveway and driveway apron which doubles the distance from the way it is now by making it a softer line than it is now, there will no longer be such a sharp turn. Other driveways will not change.

Mr. Meese asked Mr. Shortino to comment on the Township Engineer's report. Mr. Glatt said there are 10 recommendations and if they can comply then they didn't need to go through individually, they will comply, no need to address. Mr. Drew's comments were then addressed, variance reduction (already explained), parking spaces were changed and also addressed, 5 spaces by pumps and 3 spaces by dumpster enclosure. Mr. Shortino said there is a recycling dumpster and regular trash, removal will more than likely be in the am, and shouldn't affect the parking spaces. The spaces in front of site will be by customer air/water area. Traffic issues were answered already, trees were previously addressed and that will not really change. Septic system will be placed in an area for trees eventually. When completed trees will be planted to the north of the site. The Retail Partner sign is unchanged, will most likely advertise their Bengal Traders brand or another name that they wish to advertise, Bengal Traders is the coffee brand. The height of the signs on the door are on the plan, #8 is showing 5'7 3/4". The roof apparatus will be screened; the other items were addressed and shown on the plans. The floor drains from the Fire Marshal were addressed. The Police Department's comments were addressed. Mr. Shortino doesn't feel this is a problem a k-turn can be made and the site distance shouldn't be a problem. The parking space can be eliminated but they would rather not, they will discuss with the Police Department. The changes in the size of the retail store with regard to the sales might change with regard to products, and inventory since it might be reduced. The signage was already discussed. With regard to the architectural elevations, the finish is different more of a stucco, still nice building, they are screening the rear roof mounted apparatus with a parapet. What appears to be an additional overhead door is only a covering for the electrical panel. The color scheme is how it appears on the plan. The Chairman asked if anyone had any questions.

Mr. McQuaid said how unfortunate that the traffic engineer wasn't present, because it seems as if Exxon didn't even try to change the northbound access, since it wasn't addressed there was no reason to change it. Mr. McQuaid said that he did make the statement previously to the attorney who requested the time extensions that it was nice to see such a large corporation take an interest in the safety issues and now he is disappointed to find out that they didn't do anything. Ms. Dolan, the traffic engineer is away on vacation. Mr. Jurkovic feels the same way as Mr. McQuaid, and he feels that if it was a new application he would never approve it like this and would like to ask Ms. Dolan a few questions before any approval is granted. The installation of a deceleration lane was what the Board asked Ms. Dolan to check into as well as the English System and that doesn't seem to have been done. The English System could cause a weaving problem so it was turned down. Mr. Jurkovic feels that Trenton doesn't have any idea what type of a problem this is for this site. He feels the 20-year-old access permit was faulty to begin with and would like to speak to Ms. Dolan. He feels the DOT doesn't have any idea about the area. Mr. Meese said the traffic light reduces the speed and a Board Member pointed out only 50% of the time it isn't as dangerous. Mr. Hannan said you don't know the station is there until you are up on it and the building seems to slow the cars down once on the site. Mr. Jurkovic said that he agrees with the recommendation from the Police Chief for the parking space since it isn't necessary, they will eliminate or relocate. Mr. Glatt said A-6 letter from Ms. Dolan and the response from the DOT is not really sufficient and would like to speak to Ms. Dolan. Since Mr. Meese wasn't present he might not realize the extent of the Board's concern. Mr. Meese said Ms. Dolan will be at the next meeting. At Mr. Meese's request we are adjourning this application to the next meeting. Additional exhibits A-7, A-8 were given to the Board Secretary.

Motion by Ada Erik to carry the application to the April 22, 2008 meeting.
Second by Gian Severini
All in Favor

They signed an additional 30 day extension.

Motion by Gian Severini to take a break
All in favor

Returned from Break

TIME EXTENSION REQUEST

SHILOH BIBLE CAMP
Use Variance #0440-0663
Preliminary & Final Site Plan #0420-0180AB
Bulk Variance #0430-0664
Block 6002; Lot 47
753 Burnt Meadow Road; R-4 Zone

Mr. David Becker, Esq. Is the attorney for Shiloh Bible Camp. They are requesting time a extension while they wait to hear from the DEP. Approvals March, 2005. Would like a one year extension. As long as request is made with sufficient time it can be addressed. The deadline date is April 26, 2008. They are well within the time. Everything is to the DEP for request. Mr. Brady asked if 90 days is sufficient and they would like one year, which Mr. Glatt said was appropriate.

Arthur McQuaid made a motion to grant the time extension.

Second Ada Erik

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Barry Wieser, Robert Brady

No: None

April 26, 2009 will be the new deadline date.

JON FRANK

Bulk Variance #0830-0801

Block 4601; Lot 9
776 Burnt Meadow Road; R-4 Zone

Mr. David Becker, Esq. is the attorney for Jon Frank. Shiloh Bible Camp owns this property also. Mr. Frank and his family will be living in the residence. He is requesting a variance for front yard and side yard setbacks to cover his deck which already exists. This is an undersized lot which presents the hardship. State Park property on the side, across the street is the Camp.

Mr. Glatt swore Jon Frank in, he lives at 753 Burn Meadow Road, Hewitt. He and his wife founded the camp and are the Directors. The deck starts in the front of the house and wraps to side of the house. They did an add a level to build in the same footprint. The main reason for the covering is safety reasons because it gets slippery with rain and snow. They plan to put a roof and railing to make it aesthetically pleasing. More so than it is now.

Eric Boe, Lan Assoc. is the Engineer, located at 12 Valley Street, Hawthorne NJ. BS from Cornell University Environmental Engineering. Has appeared before Planning Boards in NJ he was accepted as an expert. The dwelling is in the center of the property. The roof will cover only the deck. The variances requested are for the setbacks for the front and side yard. The setbacks are currently non-conforming setbacks. There is no way to put a roof on without a variance. No negative impact, neighboring properties have less of a setback. Mr. Brady opened the meeting to the public. There were no questions from the Board.

Motion by Ada Erik to close public portion
Second by Frank Hannan

All in favor to close public portion.

Motion by Arthur McQuaid to approve the application, will be nice to have it inhabited, improving the appearance, no negative.
Second by Ada Erik

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid,
Gian Severini, Barry Wieser, Robert Brady
No: none

Annual Report Draft

Mr. Brady asked for any suggestions, deletions. Mr. Hannan said he hopes the recommendations to buy the pocket lots are taken into consideration. Mr. Hannan also mentioned the Master Plan and the lake areas with small lots for the same reason. The Highland's Act recommends Open Space Fund be prioritized for purchase of these undersized lots.

Mr. Hannan asked Mr. Drew if there was a Grant process for subsidizing the home owner to purchase the land, perhaps a tax break could be given to the homeowner as an incentive was another suggestion. Mr. Brady said he looked into it years ago and the owner didn't go for it. The Board agreed that the properties will be zoned into inutility.

Mr. Drew said he could have the report ready with a resolution for next month. Mr. Hannan asked Mr. Drew about the Lake Residential Zone. Mr. Drew said the LR Zones have a higher rate of variances because they are all smaller lots to begin with. There is a negative building envelope because the setbacks are too large for the depth of the average sized lot in the lake communities. Recommendations were made to re-zone the LR zone so owners could utilize their land, also a suggestion was made to have a floor to area ratio provisions in the zone to avoid mcmansions.

Mr. Hannan said to add the Master Plan information to the Zoning Board of Adjustment Annual Report. Mr. Brady asked if a minimum/maximum size lot recommendation could be mentioned as well if property owners were to conjoin the properties. Mr. Drew said an analysis was done of undersized lots less than 7,500 square feet and he will add this to the report as well. Mr. Hannan feels for informational purposes add it but not to have people required to do it, people have had enough with the Highlands Act. Absentee owners should be aware that their property may not be worth what they think it is worth. Mr. Brady feels that the absentee owners are not aware of what is going on. Mr. Hannan feels the Highlands Council should be educating the owners that may have had the property for years, Mr. Drew will have the Resolution as well as the updated report at the next meeting unless someone objects.

Mr. Drew stated that there was an inquiry about Zoning Board Of Adjustment Annual Reports and that they have not been on the Web page since 2004. Mr. Brady said it wasn't intentional not to have it on there but didn't see why it should be there and that it was up to the Board.

Motion by Mr. Hannan to have the reports on the Township Web page.
Second by Mr McQuaid

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Barry Wieser
No: Robert Brady

Approval of minutes

Motion by Ada Erik to approve the minutes of the March 25, 2008 Regular meeting of the Zoning Board of Adjustment.

Second by Barry Wieser
On a voice vote, all were in favor.
Opposed: none

Motion by Daniel Jurkovic to nominate Ada Erik for the Volunteer of the Year
Second by Robert Brady
All in favor
Opposed: none

Mr. Drew handed out the certificates to the Board Members who attended the NJPO conferences.

Adjournment

Motion by Ada Erik to adjourn the meeting of March 25, 2008.
Second by Barry Wieser
All in favor to adjourn the meeting

Meeting adjourned at 10:04 p.m.

Adopted: April 22, 2008

Respectfully submitted by,

Denyse L. Todd, Secretary
Zoning Board of Adjustment