

MINUTES
Of the Township of West Milford
Passaic County, New Jersey
ZONING BOARD OF ADJUSTMENT

OCTOBER 23, 2007
Regular Meeting

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:38p.m. The Board Secretary read the Legal Notice.

Pledge of Allegiance

Mr. Brady asked all in attendance to join in the Pledge of Allegiance.

ROLL CALL

Present: Francis Hannan, Daniel Jurkovic, William Lynch, Gian Severini, and Robert Brady

Also Present: Barry Wieser, Stephen Glatt, Board Attorney, William Drew, PP, AICP, Planning Director, Richard McFadden, Township Engineer and Denyse Todd, Board Secretary

Absent: Ada Erik, Frank Curcio

Following Roll Call, Chairman Robert Brady explained the procedures for the Zoning Board of Adjustment. He also asked Mr. Wieser to stand in for Ms. Erik.

MEMORIALIZATIONS- Mr. Glatt said that he would have the Resolutions for the next meeting on November 27, 2007

RICHARD AND KAREN SUMMERS

RESOLUTION NO. 23-2007

Bulk Variance #0630-0755
Block 6902; Lot 29
1771 Union Valley Road; CC Zone

Request for a Bulk Variance for a Rear Yard setback, required 50', existing 51' proposed 26.55'.

Resolution No. 24-2007

Somerville LLC

Use Variance #0740-0779
Preliminary & Final Site Plan #0720-0298AB
Block 2202; Lot 5.01
240 Longhouse Drive, R-4 Zone

Request for a use variance for use not permitted, and preliminary and final site plan for 28 X 40 foot addition.

ResolutionNo.25-2007

Dale Flores

BulkVariance#0730-0786
Block 2014; Lot 20
452 Lake Shore Drive, LR Zone

Request for a shed in the front yard, permitted in side or rear yard only.

NEILOTTENS
USEVARIANCE#0640-0759
Block1907;Lot1
7 Parlin Court; LR Zone

Request for a Use Variance, approval for placement of a septic field on an unimproved lot (Block 1911; Lot 4) and crossing Township right of way with pipes.

Mr. McQuaid said that he was recusing himself from this application because he was not present at the September meeting and had not listened to the tape of the meeting. Mr. Affinito, the attorney for Mr. Otten's was told that there would be a six member Board, Mr. Affinito had no objection to that.

Mr. Affinito said that at the previous meeting a question arose about moving the septic field ten feet in further from the Township Right of Way. Mr. Affinito said that he thought because of the terrain that this could not be done. Mr. Affinito said that Mr. Ballester was here to answer the questions the Board might have with this issue.

Mr. Glatt confirmed that Mr. Ballester was previously sworn in and still under oath. Mr. Ballester said they did a complete Topographical survey and passed these out to the Board. Mr. Glatt asked if there were previous Exhibits for this application and the secretary confirmed that Exhibit A-1 through A-5 were in the record. This was marked Exhibit A-6. Mr. Ballester explained the slopes and the outcrops and with the steepness of Parlin Court the problems with moving the septic field as the Board had asked. Mr. Jurkovic asked about the gravel parking area and whether that would be removed. Mr. Ballester said yes and confirmed that it would become part of the septic area. Mr. Ballester said that because of the Topographical it could not be moved back. Mr. Jurkovic asked how it would effect Parlin Court if improved Mr. Ballester said Parlin Court was so steep and you really couldn't get out of it, he doesn't feel it really could be improved. Mr. Jurkovic said that if the pipe needed to go lower that Mr. Ottens should be responsible for that and Mr. Affinito agreed. Mr. Ballester said if needed they could blast for the tanks and/or pipes.

Mr. Brady asked if any Board Member had any questions, a Board Member asked about the Township's position on the Right of Way. Mr. Affinito said that he sent Mr. Semrau a letter regarding this and had not heard back as of yet. Mr. Jurkovic said that this Board's approval could be contingent on the Township's or any other approval. Mr. Glatt said that the copy of the letter which Mr. Affinito sent to Mr. Semrau will be faxed and marked Exhibit A-7. Mr. Jurkovic asked if the Resolution could be worded so that it was conditional on the Township.

Mr. Affinito said that his presentation was complete.

Open to the public for the additional testimony.

Richard Ashley 10 Parlin court-He is next to the applicants and feels that it is consistent with the Master Plan, and he approves of the application.

Move to close and second.

Motion by Daniel Jurkovic to approve the application for the same reason as the neighbor, Mr. Ashley to be in accordance with the Master Plan and use of the adjacent lot .

The Secretary informed the Chairman that Mr. Severini was not present at the August meeting and didn't listen to the tape of the meeting. The Chairman asked Mr. Severini to recuse himself. Mr. Affinito still had no objection to the Board tonight. Mr. Jurkovic was asked to continue.

The positives outweigh the negatives. This makes a good use of the property it is good for the environment, both the undeveloped property and the property where the house is located will be enhanced by this new septic. Since the present septic is inadequate it is good for the lake. Pointed out that this is not an approval for the Right of Way across Parlin Court that it is up to the applicant to follow up with that part. This is approval for a septic system on an unimproved lot.

Second by William Lynch

Mr. Brady asked if there were additional comments of the Board Members

Roll Call Vote:

Yes: Francis Hannan, Daniel Jurkovic, William Lynch, Barry Wieser, Robert Brady

No: None

LINDA GROS

BULK VARIANCE #0730-0785

Block 1802; Lot 5

71 Fairview Drive, LR Zone

Bulk Variance relief requested for a front yard setback to permit the construction of a roof over an existing 143 square foot porch.

Mr. Glatt swore in Linda Gros of 71 Fairview Drive. Mr. Brady asked Mr. Severini and Mr. McQuaid to return for this application. A Board Member asked if Ms. Gros knew the existing footprint for this porch/deck. Mr. Glatt explained to Ms. Gros that she had the burden of proof with regard to this variance. It is a 6 X 22 deck and is asking for this for shade purposes. She has no shade, no plans to enclose, just wants a roof. There are no other variances that she has been made aware of. Mr. Glatt asked about walls being put up she said no, Mr. Glatt asked about electricity and she said for her driveway spot light that there is electricity. Mr. Glatt asked about water and she said no. Mr. Jurkovic asked if it would improve the look of the house, Ms. Gros feels it will since anything done to a house hopefully improves the look. Mr. Jurkovic asked if there were any other houses around with it she said around the corner on Bobby Lane. Mr. Jurkovic asked if there were any other homes near her with porches she said yes but smaller.

Mr. Drew was asked about the lot coverage was he said 25%. Deminimus coverage.

Mr. Brady opened to the public.

Motion to close public portion

Motion by Frank Hannan to approve the application, the applicant has shown that this is common to the area, there is minimal coverage, it

improves her structure and is in line with the area and will improve it in general.

Second Daniel Jurkovic

Roll Call Vote:

Yes: Francis Hannan, Daniel Jurkovic, William Lynch, Arthur McQuaid, Gian Severini, Barry Wieser, Robert Brady

No: None

Dr. Greg Rubinstein

BULK VARIANCE #0730-0783

Block 4201; Lot 12

49 Lake Park Terrace, LR Zone

Variance relief requested for 18-3.7D Side yard setback where 30' is required, 20.8' exists and 15' is proposed. For maximum building coverage where 10% is permitted, 12.94% exists and 15.22% is proposed.

Mr. Glatt swore in Dr. Rubinstein he lives at 3 Morris Drive, Woodcliff Lake, Mr. McKittrick 2044 Macopin Road. Dr. Rubinstein said that Mr. McKittrick would be speaking on his behalf. Dr. Rubinstein explained that he wanted to have his house 1 story in the front and the back two stories because he doesn't want it to look like a skyscraper and obscure views. Increasing footprint would give them the ability to have the rooms they want without having to go up another level and having a bedroom on the third floor. Bottom floor would have kitchen, living room, and dining room and a bedroom in the back and second floor would have 2 bedrooms. Since the second level would only be in the back of the house. This is a 3 bedroom existing house.

Mr. Jurkovic asked Mr. McKittrick if he explained to Dr. Rubinstein about restricting this to 2 levels, because 2 ½ is allowed. There is a slope, and 4 or 5 foot drop, existing wall on property, with walkout basement, almost 3 stories, the doctor doesn't want to have such a large house in the neighborhood, only a roof above the 2nd floor not as high as 35 feet which is allowed. There is a steep slope with no access off Lake Park Terrace, there is a paved access road for all properties. There is no dedicated easement, parking area that exists would stay there, no room for accessory structure. 10% is allowed in zone at 13% wants to go to 18%. The R-10 zone was allowed 20% in the old zoning. Storm runoff would go into lake not on adjacent properties. The lot is only 48 feet wide. The side yard requirement is 30 feet this lot now doesn't have that. No building envelope no There is 6.9 feet side yard on the Southern side and 20.6 on other side yard, proposing 7 feet on southerly side and reducing northern side to 15 feet. It will be like other houses in area. The DEP eye map is what was used for surrounding property sizes. Asking for the 15 feet for future work on lake, dock in case machinery needs to be brought in.

Mr. Jurkovic said his concerns are would Dr. Rubinstein agree to not put a accessory structure if approved, because 3 % for that is already being used for his additional house size, another variance would be needed. A small portable shed would not be included in this. Accessory structure meaning detached garage, barn, large shed. Mr. Brady asked about the surrounding properties and Mr. McKittrick said the dwelling on lot 13 is a long thin dwelling, drainage easement on that property for Lake Park Terrace and right of way, there is a peaked roof, Mr. McKittrick was not inside. Lot 11 very wide looks like 2 ½ stories high, Mr. Brady asked about drainage easement on the applicant's property it is not on their

property. The Chairman asked if there were any questions of Board Members and also anything additional from the applicant.

Open to the public
Motion to close public portion William Lynch
Second Gian Severini

Won't exceed four foot wall, shown contours 1 foot contours with an error of ½ foot, are shown to be 3.5 so with a half a foot difference, it should be 4 foot. Will require a building permit or possibly a variance for this wall. Mr. McKittrick will change any plans to reflect the other items on the Engineer's report.

Reopened hearing to public as the Engineering report was not addressed.

Open to the public again
Motion by William Lynch to close public portion.
Second by Daniel Jurkovic

Motion by Daniel Jurkovic to approve side yard setback where the Maximum Building coverage to 18.54%, (application incorrect), LR zone has small lots. Conditions of approval, no permanent structures without variances, 2 story limit for this structure, aesthetics of neighborhood and property. There is always a concern with lot coverage, water is concern, less of a concern because of lake and deep slope., no impervious surfaces. The applicant wanted height only 2 stories to avoid the corridor effect which is where homes are at maximum height and not desirable. Dr. Rubinstein wanted to alleviate this look, this is consistent with master plan. The approval will be subjective to Mr. McFadden's memo. Mr. McQuaid added the area requires a 30 foot side yard but there is no building envelope and no buildable area around the house. In order to have lake access for repairs and such the footprint is being shifted to the one side.

Second by William Lynch

Roll Call Vote:
Yes: Francis Hannan, Daniel Jurkovic, William Lynch, Arthur McQuaid, Gian Severini, Barry Wieser, Robert Brady
No: None

EXXONONTRERUN
UseVariance#0640-0764
Preliminary & Final Site Plan #0620-0274
Variance#0630-0275
Block 15505; Lot 1
2899 State Highway 23

Request for Use Variance, Bulk Variance and Preliminary and Final Site Plan. Use Variance relief requested for a service station with convenience store, Section 18-10.6 C. Fuel pump, setback where 50 feet is required and 41.42 and 42.4 is proposed, Impervious Coverage where the maximum required is 35% and 49.8% is proposed, for Building Coverage where the maximum required is 10% and 13% is proposed, and a canopy roof where a pitched roof is required and a flat roof is proposed.

Bulk Variance Section 18-4.4, relief requested for Building Setback where 50 feet is required and 32.56 & 42.69 feet is proposed, Canopy where 50 feet is required and 28.92 & 29.03 is proposed and Section 18-14.4B free standing sign setback 10 feet required and 5 feet is proposed and such

other variance relief as the Board deems necessary, so as to permit this structure, in conjunction with preliminary and final site plan.

Greg Meese, Attorney for Exxon Corporation, application to improve the Exxon Service Station on the center median of Route 23 in the Newfoundland section of the Township. Presently there are 4 service bays which are currently closed. They are looking to put in a convenience store at the existing site. They want to add to the present 4 dispensers, 8 fuel locations, and have the service bays removed, increasing fueling station by adding 2 dispensers. They want to add a 3,274 square feet convenience store, new underground tanks which will have DEP approval, there will be 3 witnesses for this application, Site Engineer, Brian Shortino will be speaking first.

Mr. Brady suggested a break at this time for consistency of the application, witnesses to set up their exhibits.

Motion to take a break, all in favor.

Back in session at 9:02

Brian Shortino, Site Engineer was sworn in, he works at Bertin Engineering, Associates, 66 Glen Avenue, Glenrock NJ 07452. His qualifications include Engineering, Architecture and Landscape Architecture and were requested by Mr. Meese. He has an undergraduate degree in landscape architecture from Rutgers, Master of Science from NJIT, Licensed Engineer, Licensed Planner, Registered Architect, Registered Landscape Architect, has appeared for Exxon with previous application for canopy before this Board in 1992. Credentials accepted. Mr. Glatt joked about weeds on the canopy because of an issue on original application.

Mr. Meese confirmed that plans were under Mr. Shortino's direction. Mr. Meese asked Mr. Shortino about the plans. The plans consist of 13 pages and the revision date is 3/16/07. A-1 exhibit- is a landscape rendering proposal, not the same drawing as in the plans given to the Planning Department. The address of the site is 2899 state Hwy 23, HC zone. Conditional Use. Existing size is 1.28 acres, 1600 square foot canopy at center of site. There are existing underground tanks which will be removed and replaced. A Board Member asked if the driveway entrances and exits will be the same. Mr. Shortino said they are not proposing to change these. The proposal is to replace old tanks, demolish existing site, install a new septic and new storage tanks, and the building. Mr. Brady asked with regard to the access into and out of the site, will a traffic expert be appearing. Mr. Jurkovic asked if a traffic expert will be speaking and Mr. Meese said yes. He also asked the Engineer if he will discuss the egress and ingress lane. No deceleration lane, this was considered with the original canopy application (1992) did study, site functions well, no improvements necessary, each 1 way driveway. Access from fast line on both sides. Existing for many years, just modernizing and upgrading.

A Board Member asked about the modern convenience store that was being proposed. Mr. Shortino said that they want to replace the bay garages that aren't being used, they are outdated. The trend is to supply ancillary items, it will be On The Run convenience store, 3,275 square feet, a new canopy, parking east and west with conformance with zoning. Septic in Western portion of the site proposed, abandon old septic in north eastern section. The conditional use for the existing pumps is 43 feet and 39 feet, proposed change will be 41.42 feet 42.4 feet still need variance. Mr. Meese asked about the advantage of adding dispensers, increases

efficiency, there are 8 now increasing to 12 so 12 vehicles can be fueled at one time. The patrons will be in and out faster. Lot coverage required is 35% with 49% existing and 54.1% proposed. Bldg coverage. 10% required, 7.5% existing, 13.9% proposed. The ordinance says the canopy should be pitched, they are proposing a flat canopy which is the way it is now.

Bulk variance for the HC Zone says front yard is a minimum of 50 feet, 56.4 present and 57.7 proposed. For the signage, 32 feet is proposed for the sign setback 10 feet is required and 5 feet is proposed. Mr. Shortino was asked why the sign will be closer to the right of way and he said it can't be seen as well. Mr. Shortino was asked about the impervious coverage, maximum is required is 35%, they are proposing 49.9 and 54.1 is proposed. This is different on application, there is a revision on the plan. The fuel pump setback is 50 feet and they are requesting 41.42 and 42.4. Mr. Jurkovic asked why it is 50 feet and was it a safety issue. Mr. Shortino said that is what our ordinance says, possibly people felt it was too dangerous when drafting the ordinance to have the pumps so close. All pumps have safety shut offs for different possible scenarios such as pulling away from pump with hose still in tank... Tried to comply with all ordinances. Mr. Brady asked about deceleration and acceleration lanes, at the South of the entrance at South Bound area, far end where septic field, is a acceleration lane possible since they are traveling from a dead stop? Mr. Shortino said the signal is at the Rt. 23 and Clinton Road (Village Square Inn) intersection and Mr. Jurkovic agreed with the Chairman, he asked if the land could be used for that. Enter further Up and have a deceleration lane there? Passed canopy cant maneuver. Onsite maneuverability for safety might be a better idea. Dead stop to pull in or out. Drawing for existing driveway. Driveway was already moved. Previously DOT was contacted. More traffic now. Traffic expert next.

Mr. Meese asked Mr. Shortino to explain the building elevations, and what the store will look like (exhibit A-2). Signage proposed, WD Partners, Exxon's Architect Firm, they design the buildings. 2475 sf, explanation of exhibit, colors size. Wayne On The Run is closest to this, similar size. Mr. Glatt asked the size of existing building, it is a 1600 square foot building that is being demolished, roughly double the size. Goods to be sold, convenience items., cookies, crackers, soft drinks, prepackaged sandwiches tobacco, candy, microwaved, hotdogs on roller. It will be more of a warmer no actual cooking. Hours of operation, 24/7, employees max 5. 2 employees at pump area and 3 in store at busiest time, a range of 3-5 employees. Mr. Glatt asked how patrons will be paying and Mr. Shortino said gas will be paid at pumps and convenience items in the store. Mr. Shortino explained that patrons could leave car at pumps and run in to the store while getting gas, or pull up to store after gas, or just go to convenience store.

2 freestanding signs, southbound and northbound, the signs will both be basically in the same area. A board member asked if it would be a difficulty exiting or entering because of signs, Mr. Shortino said no. Mr. Brady asked about the size of the other gas station referred to, and there was discussion about the size of the other property. Mr. Shortino was asked about the parking spaces blocking the dumpster, that is there policy because trash is picked up early in the morning and most people will park in front not on the side. Even with 1 car they should have access to the dumpster. Mr. Meese said that it would be more of an inconvenience to the trash carter at that point not a customer.

A Board Member asked about the turning radius into the site with regard to north side parking spots. Mr. Shortino explained how certain spots would be difficult to turn into from the highway. There is a van accessible 8 foot wide aisle and space as required. A Board Member asked about the drainage and the Environmental aspect. Drainage will pour into drain trenches, dry wells will be placed on property, and storm water is considered clean water. Environmental Commission asked for sumps to be installed, they are enhancing septic system as part of this project, other septic being removed, the new one would be a larger septic system.

Site lighting, canopy will have 320 watt recessed light, lighting will be redone on the site. Criteria for lighting will be adhered to, present lighting is fine, but will be replaced.

A-2 signage, Rt 23 n/s 1000 558 including 2 smaller and signs on building.

A-3 rendering of canopy 20feet 17 to bottom, explanation of A-3 exhibit.

A Board member asked where employee parking was, parking criteria is met, 17 spaces are required which they have. Mr. Shortino said the 5 NW spaces could be employee spaces, and dumpster area could have employee spaces. Ordinances are for employees and customers. Parking is sufficient as far as they are concerned.

Back to signs a Board Member asked what retail partner was, if they have an outside name brand service for example Subway, in this case it would probably be advertised, in this case the brand of coffee used might be placed there. If at such time they decide to sell pizza or something they will come back to the Board.

A Board member asked about the height of the On The Run sign, Mr. Shortino said it was width 17 feet, 5 feet 7 and $\frac{3}{4}$ ".

Fire Marshal report was asked about as far as floor drains installed.

There were more questions about maneuvering in the parking area, signs might block view. The distance from bottom of sign to top. The height clearance 5' 8" sign on a pole. The planner's report was mentioned for the the SD1 which is tempered glass which is a building code. The plans are used, drawing a1.5, specification for roof building code. Roof provide screening because of restaurant. Parapet wall is used presently. Mr Shortino assures that it will be in compliance.

Trees on west side of parking lot. They are waiting till septic design is complete. They will provide additional trees, not shade trees in certain areas because of site distance. If conditional would they agree. Mr. Brady asked additional questions.

Mr. Brady asked about the memo of Mr. McFadden? Some were discussed already, parking spaces already discussed. 2. scale of traffic and they will check. 3 curb height, not proposing curbing greater access in and out. Trash recyclable, grade exceeding 10% will comply, minimum site dist. 50 MPH, 500 feet site distance, 425 feet for 50 mph. Note on plans for the material for driveway include wire mesh, maintenance for drains, also sumps. They will comply.

Mr. Brady asked for remaining applicants to come forward and they will be postponed until the November 27 meeting. Mr. Brady asked for Mr.

Connors and Mr. & Mrs Sheridan to request a postponement, no additional noticing no change in deadline date.

Next witness is Elizabeth Dolan, Dolan & Dean Consultant Engineers, 916 Somerset St., Watchung, NJ. Ms. Dolan was asked about her credentials, she has a BS in Civil Engineer, Licensed Engineer witness accepted as expert. Opportunity to go to site and review plans. Yes she review all, North and South, they waited until after school started because of more traffic, and during rush hour. 65 cars between 7 & 8:00 in the morning. 100 – 120 during evening rush hour. This is based on current conditions. Mr. Jurkovic asked about other stores what the increase would be with the addition of the store and Ms. Dolan said about a 15% increase in patrons could be expected. More items to purchase, modernized, Activity with no retail partner shouldn't be that great, predominately gas purchase. With regard to NJDOT approval would not be necessary for this modernization it has been her experience that if the full length of deceleration and 660 feet for the acceleration lane isn't proposed then they don't want it done. Metering with the lights. Mr. Jurkovic asked if compelled to have deceleration lane and acceleration lane, internal circulation, site distance, inbound driveway shifted, the English system was suggested which is going past station and entering at the northern most point but there would be criss-crossing going in and out of lane. Mr. Jurkovic told Mr. Meese that northbound entrance to site is bad, light doesn't help, hitting brakes to get into station. Southbound isn't as bad because there is a deceleration lane. Since a complete site renovation this should be addressed. Turn radius's will be same. Prior DOT report was used to base on prior dot report. A Board Member asked if traffic was checked into for comparison between 1992 and today? She was asked about prior application with regard to DOT approval she didn't have the opportunity to see any prior report. Cross merchandise gas & store items. 11 spaces plus fuel area.

Parking in front of dumpster, no designated loading zone is necessary, impervious area already, so why not have it function with parking spaces since trash is only a few times per week. Off delivery hours it will be available for customer use. Patron hours don't coincide with delivery hours. Mr. Meese asked if anyone had questions.

Mr. Drew is pulling old file for 1992 application.

Mr. Drew asked about delivery vehicles for this store. Ms Dolan said that there would be 1 tractor trailer delivery per week delivering dry goods parallel park on the interior lanes either south or north bound, and that truck would circulate around fuel tanks also a smaller vendor truck or dairy truck could park in over sized space.

Mr. Brady asked if anyone had any other questions

Mr. Glatt swore in Roger DeNiscia, 56 Glen Ave. Glenrock Land Use Planning Under graduate from Notre Dame, Graduate, NYU, Urban Planning and Redevelopment Planning for 5 communities in NJ. Has 40 years experience, Master Plans and other planning projects in several communities, Licensed since 1973. He also appeared in NJ District Court. His credentials were accepted by the Board. Mr. Meese confirmed that he was familiar with all reviewed plans and application. Exhibit with photos exhibit A-4. Emphasize how developed, characterize site. Irregular triangular shape, with zoning it is difficult to apply regular zoning to this. A large site. Talked about photos. Underdeveloped, considering the size, of the lot, access from both sides of driveway considerable landscaping, Site is in good condition, modernization higher standards of operation is

purpose of this. There are combined uses, on main highways. There will no longer be the noxious fluids, reiterated about the efficiency of having more fuel pumps. Setback will be a little less than is now, no impact between restaurant and On the Run. Improvements extend useful life, business and physical aspect. He quoted the Master Plan. HC Zone read from ordinance retail and service in this zone. The property is zoned as HC district bulk standards but hard for triangular shape property. Canopy and building front setback, change configuration, square and rectangle buildings, are not easily fit on a triangle. Conditional use standards required. He went over proposals and existing coverage and requirements. Impervious coverage is 35% of site to be used, 65% is left in natural state. Provide 6 dispensers circulation size of building, building coverage is limited to 7.5% of site, canopy not included. 13% of lot coverage something would have to go either canopy or sign. Proposing 10% landscape strip. No changes to driveway. Will site be better if all coverage met, Sec 40:65D c1 & c2. under that section a Board can grant variances if site unique. It is difficult to comply with standards. Under section C2 the Board can grant variances if it benefits the area. Planning benefits include upgrading tanks, modernizing station. Conditional Use variances require 5 votes. Physical conditions, hardships D type variance. Regarding any negative criteria, there is none surrounding area, it will benefit the community, visual improvement, impervious coverage, no impact, storm water management taken care of, no major traffic impact. Purpose of zoning law specifically permitted, dimensional or bulk standards.

Use Vari.		Required	Existing	Proposed
Section 18-10.6 C	Fuel pump setback	50 feet	43 & 39'	41.42 and 42.4
	Impervious coverage	Max 35%	49.9%	49.8%
	Building Coverage	Max 10%	75%	13%
	Canopy Roof	Pitched Roof	Flat Roof	Flat Roof

Bulk Var.		Required	Proposed
Section 18-14.4 18-14.4B	Building setback	50 feet	32.56 & 42.69
	Canopy	50 feet	28.92 & 29.03
	Free standing sign Setback	10 feet	5 feet

Tables from the Draft report of 9/12/07

Building coverage includes building & canopy.

No questions. Mr. Glatt asked about pitched or flat canopy, it would be to large if pitched, Mr. Shortino said a larger, higher canopy will tower, doesn't feel it's necessary. Mr. Brady asked about the maintenance of top surface, maintained, downspouts (6),

Mr. Jurkovic still has concerns about traffic, Mr. Meese said the expert will take it back and check into it for the next meeting.

Open to the public
Closed William Lynch

second Gian Severini
all in favor

The application will be opened again at the next meeting for the purposes of ingress and egress lanes.

All in favor to carry the application to November 27, 2007 meeting

Mr. Brady commented on the excellent presentation.

Minutes from 9/25/07 needed to be corrected.

Mr. Glatt told the Board that he hasn't heard from Sara Dubinsky, McCarter & English regarding the brief to be received for Strengthen Our Sisters.

Mr. Brady reminded the Board that it was time to either reaffirm Mr. Glatt as Board Attorney, or hire a new attorney. Mr. Brady said that the Board would want him to return. Mr. Glatt was going to think about it and advise.

On a voice vote all were in favor of adjourning the October 23, 2007 Regular Meeting of the Zoning Board of Adjustment.

Motion carried.

Meeting adjourned at 10:47 pm

Adopted: November 27, 2007

Respectfully submitted by,

Denyse Todd, Secretary
Zoning Board of Adjustment