Borough of Woodland Park

Board of Adjustment

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WOODLAND PARK
BOARD OF ADJUSTMENT MINUTES
APRIL 27, 2015

MEETING CALLED TO ORDER AT 7:30 P.M. by Chairwoman Patterson.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS IN ATTENDANCE: RUTH PATTERSON, SEAN LIJOI, JOSEPH PASCRELL, PHILIP DICRISTINA, BRIAN HOLLAND, TIM BARGIEL, ROBERT GITHENS, STEVE FAZIO AND RUSSEL JUZDAN

ALSO PRESENT – JOHN FIORELLO, BOARD ATTORNEY
THOMAS LEMANOWICZ, BOARD PLANNER
DAVE JUZMESKI FOR TOM SOLFARO, BOARD ENGINEER

FLAG SALUTE

A motion to approve the minutes of February 26, 2015 was made by Mr. Pascrell, second by Chairwoman Patterson and approved.

RESOLUTION

DOCKET # 14-09 – T. DILLON – 19 RYLE PARK AVE. – BLOCK 102 LOT 15 & 16 – BULK VARIANCE -Application is hereby memorialized 4/27/15.

ORDER OF BUSINESS

DOCKET # 14-07 – N. MARINO – 199 BROWERTOWN RD. – BLOCK 60.01 LOT 7 – USE VARIANCE – *Applicant has requested the application be carried until the May 18, 2015 meeting with no further notice and waiving time restraints. Applicant must notice.*

DOCKET # 15-01 – SAFARI ENERGY HOLDINGS, LLC – 1 & 3 GARRET MOUNTAIN PLAZA – BLOCK 32 LOTS 1, 1.01 & 2 – USE VARIANCE/BULK VARIANCES/PRELIMINARY & FINAL SITE PLAN – *NOTICE DEFICIENT*

DOCKET # 14-08 – 6 ANDREWS DR., LLC – 6 ANDREWS DR. – BLOCK 122 LOT 3.05 – USE VARIANCE/BULK VARIANCES/PRELIMINARY & FINAL SITE PLAN CERTIFICATE OF OCCUPANY OVER 5,000 SQ. FT.

Gary Mizzone, attorney for applicant, stated they were here in February and presented testimony from several witnesses. The issue came up that the site plan and architectural plans were not sufficient. They elected to come back this evening. They have hired a new architect and have an engineer present tonight. They have submitted revised plans and have met with the Borough's experts. They are basically here to pick up where they left off. It is his intention to begin with Mr. Sterba the architect.

Joseph Sterba, architect, was sworn in, he stated his qualifications and was accepted as an expert. A colored rendering of the site plan was marked A-3. He described the plan. The building is a one story 31,575 sq. ft. building. They are proposing interior renovations and a renovation to the building's façade on Andrews Dr. There is no further expansion of the building planned as part of the project. The interior renovations are explained on the floor plan. The colored rendering of the site plan was revised on 4/14/15. The site is organized so that they providing some parking along the western edge of the site. There are 9 parallel parking spaces and in front of the building they are proposing another 5 spaces, one of which is a handicap accessible space. The pavement will be repaired and repaved as part of the project. The other areas surrounding this site will remain untouched. The remainder of the buildings perimeter will be painted and have new windows. The front façade will be elevated to a maximum height of 23'2".

Mr. Sterba referred to the floor plan which is part of the same drawing the Board has in the packets. The drawing was also revised on 4/14/15. First Floor plan was marked A-3a. The proposal is for an automobile repair facility which is the area shaded in green on the plan. There will be lifts and access into the building through two overhead doors on Andrews Dr. and another one located in the offset of the building in the western side of the building in the rear. The area shaded in gray is a parts storage area and that would be utilized for parts and other materials necessary for car repairs. The area at the upper right of the plan marked in tan is a series of a couple of offices and other support spaces to provide for administrative functions in the building. It includes a utility room, two offices, a tech screening room, a vestibule, a couple of small toilet rooms and an area labeled as a waiting room. The nature of the facility is such that customers will not bring their vehicles here. Vehicles will be brought from another dealership by dealership personnel for primarily major repairs. So the waiting room is necessarily limited. Its function would be for the very specific use of repairs to municipal vehicles such as ambulances or police vehicles. A police vehicle or ambulance would be give high priority for repairs and would not necessarily be left unattended. Someone with this type of vehicle may have to utilize the waiting room. There is an area located in the building that is labeled customer service but customers would not be coming to the location. It's the kind of place where a service representative might call to tell

a customer other work may need to be done. It is also the place where dealership personnel would bring the necessary paperwork when repairs are underway.

Mr. Sterba referred to the 3rd page of the site plan and marked it A-3b. The height of building façade would be increased from its current 18' 6" to a maximum height of 22' 4" plus or minus. That would be done in two steps with the easterly portion of the building being raised to a height of 20' and the westerly portion being raised to the 22' 4". In addition the exterior surface will be covered with an EIFS material which is an artificial stucco that is applied over Styrofoam that is fastened to the building. They are proposing two different shades of gray for the basic background color of the building with lines into it to provide visual interest. There is an arched area over the entry that will be treated with material to give it a metallic look which is appropriate for corporate identity. They are showing the planters they are proposing for the front of the building. There are still existing at the site two very dilapidated wood railroad tie planters. The railroad ties have been removed so there are essentially two mounds of dirt there. One reason they are removing them is to have adequate access to the front of the site. It will give them an opportunity to pave up to the building wall and have an easily maintained area up to the front of the building. They are proposing 4' in diameter planters that will have trees in them to replace what might have been planted there.

Mr. Sterba stated the building height is within the requirement for the zone. In addition to the change to the façade itself they are proposing a sign that is approximately 50 sq. ft. indicating Mopar Service. It will be an internally illuminated box sign which would be connected to a time clock to shut off at the appropriate hour. They are also showing wall mounted lighting in order to provide adequate illumination for the site.

Mr. Sterba referred to an exhibit that shows the front façade. The exhibit was marked A-4. Some of the other proposals are to remove the barbed wire from the existing fence which would result in a 8' high fence remaining around the property. They will be infilling two of the depressed truck loading docks now to the same elevation of the surrounding pavement. They will all be repaved with the parking lot in order to be able to eliminate any ponding or accumulating water to improve the drainage.

Mr. Sterba said the interior of the building indicates a number of lifts and they are shown with solid lines and dash lines. The solid lines are Phase I which is the initial set of lifts in the building. The dash lines are what would be expected to grow as the business expands. There are a total of 50 lifts positions shown in the building, one of which is an alignment rack and not a lift and the others are above ground lifts. Inside the rear wall there are designations for waste oil tank and chain link enclosure for tires. The used tires would be stored in the enclosure and collected on a weekly basis to be recycled. The waste oil will be collected in that tank as well as two others located in the building. The waste oil will be reclaimed and used to heat the building. There is a container for oil filters where they are crushed and sent for recycling. The oil is again captured and used for waste oil heating. There are 3 fresh oil tanks to be used for the oil that is necessary to do a complete engine repair. There is an oval shaped tank that is for the storage of recycled waste anti-freeze. When batteries need to be replaced they are put on a pallet area and they to go to recycling.

All recycling is done through licensed recyclers. There is a dumpster at the east corner of the building for the casual waste occurring in a building like this.

Mr. Sterba said the plan has been adjusted to add some bollards inside the building to protect not only the tanks he mentioned but to provide a protected walkway for any of the personnel that would be dropping paperwork off at the customer service area to areas like the waiting room.

Chairwoman Patterson asked the total number of parking spaces on the property. Mr. Sterba said there are 5 spaces in front one of which is handicapped accessible. Chairwoman Patterson asked how many spaces there were for employees. Mr. Sterba said there are 9 spaces on the side of the building. Mr. Mizzone said there will be approximately 13 employees. He said there will be a lot of shuttling back and forth between the site and the dealership. At most there will be 13 employees there at a given time. They are not anticipating anyone from the public really being there. Chairwoman Patterson said they are anticipating up to 50 lifts. Mr. Mizzone said one technician can work anywhere between 3 and 5 lifts. They are not constantly working on a car. A car may be there if they are waiting on a part. They are presenting in total 14 parking spaces plus the handicap for 13 employees. Chairwoman Patterson asked how many lifts there would be operational when they opened. Mr. Mizzone said 31 lifts. Chairwoman asked if there were fire lanes around the building. Mr. Sterba said yes.

Chairwoman Patterson noted that the whole perimeter of the property is a mess. Mr. Mizzone said it is not going to be and will be cleaned up. Mr. Fiorello asked if the fence would be replaced. Mr. Mizzone said yes. Mr. Sterba said it would be a chain link fence that would be 8' high. The barbed wire will be removed. Chairwoman Patterson asked why they would leave the utility pole in front of the building. Mr. Sterba said that is the way PSE&G is servicing the building. If they have an opportunity to get it moved they would.

Mr. Fiorello read from the report from the engineer. He asked if Mr. Sterba was prepared to talk about vehicular circulation. Mr. Sterba said the engineer would testify. Mr. Fiorello asked the hours of operation. Mr. Mizzone said 7:00 a.m. to 6:00 p.m. Monday through Saturday. Mr. Fiorello asked out of the 13 employees how many would be working as technicians. Mr. Mizzone said there would be 10 technicians. The other 3 employees would be a service advisor, receptionist and Mr. Mastelone. Mr. Fiorello asked what they need a receptionist for. Mr. Mizzone said the receptionist would communicate back and forth with the dealership. The testimony is that 10 technicians can handle the 50 lifts.

Mr. Lemanowicz stated they mentioned a new fence was going up and it would be 8' high. Mr. Sterba said the rear fence would remain. The eastern property line would have a new fence. There is no fencing forward to the front of the building. Part of the fence that exists in the front will be removed. Mr. Lemanowicz said that an 8' fence would require a variance. Mr. Sterba said the application would be for all lifts shown on the drawing. Mr. Lemanowicz asked is they would need 13 technicians plus the other employees. Mr. Mizzone said the intention is that 10 technicians would service the 50 lifts.

Mr. Lemanowicz asked about the planters. He said his report mentions the front of the building where there is a space from the end of the parking space to the building. He noted that the buildings towards Browertown Rd. are landscaped. He felt they were leaving the front of the building kind of bare. He felt the island can be increased to 10' and have room to plant. He thought there should be some more landscaping. Mr. Sterba said he strongly disagrees with anything planted along the building and if they did they would have a difficult time accessing the front wall of the building in order to provide the new finish. With respect to the planters they have shown an additional quantity of them could be provided but it is their position that having something like that instead of a raised planter would provide more readily maintainable space. With respect of the distance from the parking space to the building, that is there so they do have space for the planters and with respect to the 30' from the other side of the parking stall to the curb there are some occasions where vehicles that arrive there undriveable may arrive on a flatbed truck. To maneuver the truck into that space so they can back into the overhead doors is one reason why they left the width there. They did extend the island along Andrews an additional 24' from what exists now in order to provide additional landscaping.

Mr. Lemanowicz said they met with the applicant's engineer and architect to go over some technical issues. One of the things he specifically requested was turning templates so they can see that truck not being able to do that and he does not see it here. Mr. Sterba said the engineer will be able to provide those. Mr. Lemanowicz said there is one restroom for the waiting area and one for the service area. He asked if they were planning to have both sexes of employees and customers use the same bathroom. Mr. Sterba said the plumbing code says if you have an occupancy of 15 or less the toilet room that can only be used by one individual is acceptable. That is what they have off the waiting room. The other facility closer to the repair area is clearly designed to be a men's room. At the time they indicated all technicians as well as Mr. Mastelone are male. He was not sure if the receptionist would be male or female but there is the restroom in the waiting room.

Mr. Fiorello asked how many people would be employed ferrying the cars from the main building to this building. Mr. Mastelone will testify to that.

Mr. Lemanowicz said they mentioned raising the building and asked if they were raising the roof and just creating a higher façade. Mr. Sterba said it is just the front façade. He felt it would look more consistent with the other properties.

Mr. Mastelone, director of operations, sworn in previously. There will be 10 automobile technicians and they will be doing substantial work. They need a large facility to deal with heavy work and frequently they have a great deal of vehicles that are down. The reason for a service advisor is to talk to the technician and help get parts. The receptionist would be answering the phone. The hours of operation would be Monday through Saturday 7:00 a.m. to 6:00 p.m. It is not their intention to store anything outside the building. There will be no automobiles outside. The primary dealership is 1655 Route 46 Little Falls which is Route 46 Chrysler, Jeep, Dodge. Car jockeys will take the cars back and forth to the dealership and this facility. This is their 3rd facility on Andrews Dr. They own 2 and 24 Andrews Dr.

The vehicles at 24 Andrews Dr. are also shuttled back and forth. It is not uncommon for the car jockeys to give each other rides back and forth.

Mr. Mastelone said the receptionist is there to answer calls for him and the service advisor if necessary. The receptionist will also work as an administrative assistant to him.

Chairwoman Patterson asked where the parts would be coming from and would the receptionist be ordering parts. Mr. Mastelone said the Chrysler parts come from the Chrysler dealership. The site will get direct part support from Chrysler Motor Co. They will schedule to come at off hours to deliver the parts. Chairwoman Patterson asked what the biggest truck they could expect on site. Mr. Mastelone said they are geared to handle up to a 550 which is a commercial vehicle like a flatbed or tow truck. Chairwoman Patterson asked if some vehicles would be towed there. Mr. Mastelone said everything breaks down so it is a good possibility. If a vehicle is coming in for an oil change it would be done at the dealership.

Mr. Githens asked if there is only one overhead door there. Mr. Mastelone said there are three overhead doors. Mr. Githens asked how they are proposing to get the heavy equipment needed for major repairs into the building. Mr. Mastelone said they have an electric forklift they use for that. He said there could be vehicles in the facility for about two weeks. Usually if you remove a transmission or engine it would go back to the manufacturer. Mr. Fiorello asked where the trucks would park to pick up these parts. Mr. Mastelone said they would pull up and get them out quickly. Parts deliveries would be made 3 times a week after hours. They would have a key and let themselves in at off hours.

Chairwoman Patterson asked if they would need a variance for the fence. Mr. Lemanowicz said they would need a variance for the height of the fence going from 6' to 8'. Mr. Mizzone said the existing fence is 8' high. Mr. Mastelone said they have no problem replacing it with a 6' fence. Mr. Lemanowicz said in its current condition the fence is 8' high plus the barbed wire which brings it up to about 9'. If they replace the fence with another 8' fence it is still a variance. If it is replaced with a 6' fence then they don't need a variance. They did not notice for a fence variance. They were just going to remove the barbed wire but the fence is in poor condition. So if they remove it they can just put up a 6' fence. Mr. Lemanowicz said they would have to replace the entire fence because they talked of leaving the fence in the rear. Mr. Fiorello said if they were leaving the fence is would be okay but they are replacing the fence. He asked if they were agreeing to a 6' fence all around. Mr. Mastelone said they would be more than happy to put up a 6' fence.

Patrick McClellan, engineer, was sworn in. He stated his qualifications and was accepted as an expert. He referred to the site plan that was submitted for 6 Andrews Dr. Page 1, the site dimension plan was marked A-5a. They are proposing to fill in two loading docks. They are changing the plantings and proposing to remove the railroad ties and put in 4'diameter planters. They are extending the landscaping along Andrews Dr. approximately 24'. They are proposing to replace the existing fence. The new fence will start at the building face and go back. They will be stripping 14 parking spaces, one which will be a van accessible

handicapped parking space. They are proposing to do the necessary pavement repair to clean up the site.

Mr. McClellan said he reviewed Mr. Solfaro's (Board engineer) letter. He pointed out the westerly side of the building where there will be 9 spaces parallel to the property line. There are 3 types of vehicles that will come down the side of the building. One of which are the employees that will park in the spaces. They have it configured so they can parallel park like on any street and when it's time for them to leave they can go forward down the access aisle and at the end they have left spaces off so the employee can make a K-u-turn to turn around to come back out. The previous design required 5 points to make the turn but they took Mr. Solfaro's comments seriously and modified the parking layout so they can do it in a typical K, 3 point turn. The second type of vehicle is one that can come into the facility on its own power or being pushed and they would come in through the overhead door and into the repair area. Finally there is a loading area along the side of the building for a loading vehicle to park there to receive goods. If there is a vehicle parked there is still sufficient width for a car to come through. The second parking movement is in regard to the front of the building. He has informal exhibits with him that he could show the Board engineer. It shows a typical passenger vehicle coming in either access point can easily maneuver in and out of the site. They have also looked at a single unit truck which is approximately 30' long which is about the size of a flatbed tow truck and for that vehicle to access the site under typical conditions they are able to show the truck can enter into the easterly access point and come into the front of the building and then back up into one of the two garage doors. At that point it can unload the vehicle that is on it and turn out and go back down Andrews Dr. If there are no vehicles in the front it could also enter the site from the westerly side.

Mr. McClellan reviewed the Board Engineer's letter. They have been in contact with the DPW and they received a memo stating there is no further action required for sewer and water for this application other than the applicant's responsibility to notify the Passaic Valley Sewer Commission as to the change of use to the building. As far as sewer and water there is adequate capacity. They are currently showing a dumpster location on the easterly side of the property. This location is currently behind the gate that exists. It is also offset from the aisle down the eastside of the property. There is a clear distance from the dumpster to the building of 10 ½'. They understand the fire official will review the plan and finds it's acceptable. If it is not acceptable the applicant has the ability to take the dumpster inside the building if necessary. He looked at the loading docks where there are small drains at the bottom. It is his opinion that they should be filled to grade and let the rain water sheet flow off as it does in the rest of the parking lot. It would eliminate the drainage problem that the loading docks may be creating.

They have provided cleaner details on the lighting plan. The lighting plan sheet 2 of 3 was marked A5b. They are proposing 13 building mounted lights around the perimeter of the building that are 12' off the ground. They are the same type of light fixture but they vary a little with the lenses inside. Some are designed to throw light further out. Their objective is not to light the neighbor's property.

Fire zones have been proposed along the entire eastside of the building and they are proposing fire zones on the west side of the building except where they have the loading dock. It is signed and striped accordingly.

They are not changing the drainage patterns on site and they are not adding to the impervious cover or changing the building footprint. They currently have leader drains that discharge water. The water makes its way forward to a storm sewer in the west driveway on site which connects to another one down Andrews Dr. and continues in a westerly direction.

Chairwoman Patterson said she was at the property and noticed that TastyKake trucks were right up against the fence and if they were to take the fence down in that area there would be no buffer. Mr. Mastelone said they plan on putting in concrete curbing as a kind of tire stop for the trucks so that once they do replace the fence further in those trucks will not be hitting the fence. The applicant owns the property where Tasty Kake is located also.

Dave Juzmeski for Tom Solfaro, Board Engineer, asked what the largest vehicle that would be anticipated. Mr. McClellan said it is his understanding that on site the largest vehicle anticipated would be the flatbed. Mr. Juzmeski said he would like to take a look at the vehicle turning movement documents that were mentioned. He would like to see if they can add more green area in the front and if there is sufficient maneuverability. They would like to review those documents. Mr. McClellan said they are just notes and he would be happy to share them but it may require some conversation. The Board will take a 5 minute recess in order for them to review the documents.

BREAK 9:00 p.m.

Mr. Juzmeski thought the landscaped area could be widened to add a little more green area. There is an existing 4' island and the Board Planner recommended 10'. The Board professionals felt they could provide a smaller driveway and some additional landscaping in the front. He said it also involves the turning because their argument is you can't make it smaller because of the turning movements. Mr. Juzmeski felt they could do it. Mr. Lemanowicz said the applicant is saying they need the 30' for a flatbed to come in with a disabled vehicle. The turning templates did not fully support that statement from his point of view. He said the first couple of lots coming down Andrews Dr. are fairly green and then this lot has nothing now. The front elevation shown is very plain. Trees in big pots as proposed in the middle of the summer don't have a good survival rate. He felt this would not keep this property in with the more green properties toward Browertown Rd. He felt the discussion of the landscaping is important because this is a use not normally associated with landscaping so it would help buffer the visual of an auto body facility in a place where it is not permitted. They could probably put a space between the planter and the wall and still have a decent size planter.

Chairwoman Patterson agreed that this building is going to need some green and in her opinion so does the whole street.

Mr. Dicristina asked where the green spaces would be. Mr. Lemanowicz described what they are proposing. He felt bringing the green area down the street would provide a softer feel to the area. In addition this particular site is non-conforming when it comes to coverage so the more green area the closer you come to the zone requirement for lot coverage. Right now the lot is at 97.8 for lot coverage where 85% is permitted. Assuming everything he suggested was done they are close to 96.5 which is getting close to the 85%. Mr. Dicristina said he is concerned about the flatbed trucks destroying the green area. Mr. Lemanowicz said that's the issue. The planter is showing a curb which will be a deterrent. The planter in front of the building you could put modular block as a deterrent. The cars will be up against it so the truck couldn't get close enough to cause any damage.

Mr. McClellan said landscaping is important and they appreciate the comments. If they had a better opportunity here he is sure the applicant would provide it. They are concerned about giving up the 30' space they have between the back of the parking spaces and where the planter ends. They were discussing a turning movement for a single unit truck vehicle which is similar to a flatbed tow truck. Sometimes a tow truck needs to stage itself if the driver has to go inside to get a door open or something of that nature. He felt they would be exacerbating the situation if you take 6' away from there. He did not think providing more landscaping is a good situation because they are concerned they would lose their mobility. The planner has more to share on the subject. They could discuss what type of greenery they would be providing to make sure it would be hardy and would thrive in the space. There is already a tree there that looks to be still with us.

Mr. Bargiel did not think it would have to be a planter. He felt some mulch and shrubbery would be a better idea as opposed to a planter. Mr. Lemanowicz said he would but the idea of a planter is so people don't run it over and you could plant small flowery bushes in them and you could see them even though there is a car parked in front.

Mr. Juzmeski asked if they could confirm filling in the loading docks they can maintain sheet flow towards Andrews Dr. Mr. McClellan said they would take the necessary steps to assure that and provide a survey to confirm that. Mr. Juzmeski said the lighting plan did not take into consideration any of the street lighting which is substandard. Mr. McClellan said as a condition of approval they will measure the existing conditions and consolidate it with the lighting plan.

Michael Kauker, planner, was previously qualified and sworn in.

Mr. Fiorello stated that the two members who were not present at the last meeting have listened to the tapes and know what was testified to at the last meeting.

Mr. Kauker summarized his testimony from the last meeting. They are requesting a use variance for a use that is not permitted. They are also requesting bulk variances. The applicant must make an affirmative showing of what is called the negative and positive criteria. It is his opinion that he felt the site was particularly suited for the proposed use and gave reasons with respect to the adaptive reuse of the building itself. The building itself exists today and can adequately accommodate what they are proposing to do on this site.

One of the interesting things and one of the reasons why these older industrial buildings are suited for these types of uses is because they are very large with high floor to ceiling heights. They can accommodate uses such as this. Sometimes in the older industrial areas there are issues because there are industrial uses that no longer exists so towns are left with the dilemma of what to do with them. This is an adaptive reuse that comes in and takes advantage of a productive use of a building that is currently vacant. There are a couple of other examples on Andrews Dr. in addition to the gymnastics use next door. The property lends itself to accommodating the use that is being proposed. The use they are proposing with respect to the intensity it is not in his opinion very significant. There will be a maximum of 13 employees on the property. It will not generate a lot of traffic. The vehicles coming into the site will be inside the building except for when they are delivered to the site and transported off of the property. There will be no significant increase in traffic or in the number of people coming and going into the site. He looked at uses that were permitted in the district that included office, recreation, spas, fitness centers and restaurant and those uses are actually in his opinion more intense than they use they are proposing. It is his opinion that the applicant does meet the positive criteria.

In respect to the negative criteria he will talk about some of the issues that were brought up tonight. The applicant must show there will not be a substantial detriment to the public good and there will not be a detriment on the surrounding properties. This is an existing building on an existing site. The building will not be enlarged and the site itself will be improved significantly.

Mr. Kauker said with respect to the landscaped island that is in front of the building the applicant is proposing to keep it at 4', remove the railroad ties and replace it with new curbing. In addition they are proposing to extend the length of that aisle further along Andrews Dr. What they are proposing here is consistent with what is located on Andrews Dr. The improvements made to the island will significantly improve it. The Tasty Kake property has a landscaped area of about 6' but it does not occupy the entire frontage along Andrews Dr. and starts about 200' from the corner. The remainder of that site has parking with no buffer or landscaping. The vehicles would be facing the building and there is no parking adjacent to the landscape area. The adjacent property to the west has the same size landscaped area. They have made the area as long as possible. They need to provide clear access to the overhead doors. He felt what they are proposing fits in with the rest of Andrews Dr. He felt this will be significantly better than what is there today and will have a better impact on the neighborhood. He felt this would be a benefit to the surrounding area and not a detriment. He identified a number of goals and objectives from the Master Plan at the last meeting that he thought were supported. The generic similarity of this use with respect to the industrial uses is consistent with the Master Plan as well.

Mr. Kauker referred to the Remington/Vernick report. The first is with respect to the design criteria. He felt they are making this property much better than today and it will look much nice. It will have a positive impact on Andrews Dr. He felt this is something that is proper and appropriate for the site and fits in with the industrial nature of the area. He felt that the use is not identical to a service station.

Mr. Kauker said it is still his opinion that the Board can look favorably on the granting of the variances and that the positive criteria outweighs the negative.

Mr. Fiorello said he started out saying it was not a permitted use. Mr. Kauker said that was correct. Mr. Fiorello said it is more than that, it is a prohibited use. Mr. Kauker said it is still a D-1 use variance. Mr. Fiorello stated it is a prohibited use by the people who make the laws for this community. Mr. Kauker said that was correct. Mr. Juzdan asked how he speaks to that with something that is prohibited specifically versus not listed as one of the uses. Mr. Kauker said it is still a use variance whether it is specifically prohibited. He said some ordinances say any use that is not specifically listed is deemed prohibited. Mr. Juzdan said this is specifically prohibited. Mr. Kauker said that was correct so it is a D-1 use variance and that is why we proffered testimony to a D-1 use variance. Mr. Juzdan felt Andrews Dr. seemed to have uses that are prohibited. Mr. Kauker said it is an industrial area that needs uses that can use these types of buildings.

Mr. Lemanowicz said the proposed use is a prohibited use and they need to see how this particular property fits this particular use to resolve the issue. They have an unconventional parking situation along the west side where once you go in there is a K-turn in order to get out. So there is a parking issue there to support the parking required for this use. Across the front of the property there is a 30' wide aisle where 24' is standard and the explanation is that they have to make room to improperly park a truck while its staged to bring a car in. So they are kind of saying that they not able to have a normal parking aisle because we have no place to put our trucks. So that would also speak to the suitability of the property. With respect to the variance for lot coverage the existing is fractionally higher than what is proposed. There seems there could be more to benefit the community if they did more to bring the property up to more of the Browertown Rd. standard and appearance. He felt the Board needs more as far as the suitability of this use. Mr. Kauker said he tried to summarize from the last meeting. He felt the parking issue exists today. He asked about the Browertown Rd. standard. Mr. Lemanowicz said the properties near the corner of Browertown Rd. are clearly landscaped more heavily than what is proposed here. Mr. Kauker said if you come up Andrews Dr. and make a left on to Browertown Rd. there is actually very limited landscaping. He understands when you are dealing with a reuse district you obviously want to make improvements and that is probably why the area was rezoned. They are creating a viable use for the building.

Mr. Sterba, architect, referred to the Neglia letter. He stated the memo they received from Mr. Esposito talked about existing buildings and whether or not the proposed use and the previous use are equivalent in a number of ways. They have to make the comparison between the prior use and the proposed use to see if any of the criteria have to be improved or increased in order to meet the current use. In the case of this building all of those criteria are equivilant. The prior use of the building would fall under the category of F1 which is a moderate hazard factory use and the current use is defined in the Uniform Construction Code as an S1 storage use, motor vehicle repair. He will provide a document to Mr. Esposito that shows this building would be suitable for the use.

PUBLIC OPEN – CLOSED

Mr. Fiorello said it is up to the Board to consider the proofs that have been offered and the comments of the Board professionals, discuss the application and make a decision. If the application is granted they should discuss any conditions of approval.

Mr. Dicristina asked to see the color rendering of the site plan.

Mr. Lijoi asked if anything would be stored outdoors. Mr. Mastelone said there is not much room and they do not intend to store anything outside.

Chairwoman Patterson said she agrees with the professionals about the landscaping and to not have so much macadam. She would like to see the area improved and felt the building would improve the area but felt they should keep it more green than what they are proposing.

Mr. Dicristina felt the parking spaces would be filled with employee's cars and felt the landscaping would not be visible. He would like to see some trees along the curbing. He felt the type of landscaping would make a difference.

Chairwoman Patterson asked the Board's feeling on the prohibited use. Mr. Juzdan said he likes the concept and the theory to improve the building but the Mayor & Council for a long period of time has tried to improve the Master Plan and this is a prohibited use in the Master Plan. He asked if they should go against the Master Plan. Mr. Dicristina said there are two other properties owned by the applicant on Andrews Dr. Mr. Mastelone said they own 2, 6 and 24 Andrews Dr. He said 24 Andrews Dr. is storage of vehicles and 2 Andrews Dr. is a rental property. This location is the only place they will be repairing vehicles. They wash cars at 24 Andrews Dr.

Mr. Mizzone stated they were willing to increase the planter in front to 6'.

A motion to approve with the conditions discussed including the 6' curb island from the street line toward the building, a 6' fence around the property and comply with all of the Board professionals and all agencies comments was made by Mr. Dicristina, second by Mr. Pascrell and approved by a vote of 6 – 1.

A motion to adjourn was made by Mr. Bargiel, second by Mr. Pascrell, all in favor. Meeting adjourned.