Borough of Woodland Park

Board of Adjustment

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WOODLAND PARK
BOARD OF ADJUSTMENT MINUTES
FEBRUARY 16, 2015
REORGANIZATION

MEETING CALLED TO ORDER AT 7:30 P.M. by Mayor Kazmark.

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, ROBERT GITHENS, STEVE FAZIO AND RUSSEL JUZDAN

ALSO PRESENT - JOHN FIORELLO, BOARD ATTORNEY
THOMAS LEMANOWICZ, BOARD PLANNER
TOM SOLFARO, BOARD ENGINEER

FLAG SALUTE

REORGANIZATION

A motion to appoint Ruth Patterson as Chairperson was made by Mr. Juzdan, second by Mr. Pascrell and approved.

A motion to appoint Russel Juzdan as Vice Chairperson was made by Mr. Pascrell, second by Mr. Dicristina and approved.

A motion to approve and publish meeting dates was made by Mr. Dicristina, second by Mr. Githens and approved.

A motion to appoint John Fiorello as Board Attorney was made by Mr. Dicristina, second by Mr. Githens and approved.

A motion to appoint Tom Solfaro of Neglia Engineering as Board Engineer was made by Mr. Githens, second by Mr. Juzdan and approved.

A motion to appoint Tom Lemonowicz of Remington Vernick as Board Planner was made by Mr. Juzdan, second by Mr. Dicristina and approved.

Mayor Kazmark swore in the Board professionals, Chairperson and Vice Chairperson.

A motion to approve the minutes of September 22, 2014 was made by Mr. Pascrell, second by Mr. Dicristina and approved.

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 March 23, 2015 meeting with no further notice and waiving time restraints.*

DOCKET # 14-03 – 115 LACKAWANNA DEVELOPMENT, LLC – 128-182 LACKAWANNA AVE. – BLOCK 122 LOT 1.02 – USE/BULK VARIANCES – *Applicant has requested the application be withdrawn without prejudice. The Board approved the application being withdrawn with the condition that all escrow fees are up to date.*

DOCKET # 14-09 – T. DILLON – 19 RYLE PARK AVE. – BLOCK 102 LOT 15 & 16 – BULK VARIANCE

Theresa Dillon, applicant, was sworn in. She stated she was applying for a variance to extend the porch on her house. She submitted photos of the existing porch and what is being proposed. She is moving the door to the right and extending the platform to the end of the house. The photo of the existing porch was marked A-1 and the photo of the proposed porch was marked A-2. The sketch submitted was marked A-3. The variance is for frontyard setback of 6.3' where 25' is required. It is an existing condition. The photograph of the proposed porch is incorrect. The sketch is correct.

Mr. Juzdan asked why she was doing this project. Ms. Dillon said she bought a couch that is too big for a living room so she has to move the door over and it would look much better if she extended the porch. Mr. Juzdan said this is a pre-existing condition and the encroachment would not be increased.

PUBLIC OPEN – CLOSED

A motion to approve was made by Mr. Juzdan, second by Mr. Githens and approved by a vote of 7 -0.

DOCKET # 14-08 – 6 ANDREWS DR., LLC – 6 ANDREWS DR. – BLOCK 122 LOT 3.05 – USE VARIANCE/BULK VARIANCES/PRELIMINARY & FINAL SITE PLAN

Mr. Gary Mizzone, attorney for applicant, stated the applicant is affiliated with the Route 46 Auto Group. It is a single story industrial building on Andrews Dr. and they are seeking site

plan approval, use variance and certain bulk variances to do auto repair as a satellite auto repair office for the Route 46 Auto Group.

Philip Mastellone, Director of Operations for 6 dealerships, was sworn in. He is employed by Route 46 Auto Group. He has worked there over 13 years. He is the point person on this application. Route 46 Chrysler, Jeep Dodge which is their dealership in Little Falls is a large store and they are completely inundated. They own other pieces of property on Andrews Dr. He said his children go to Gymnastika on Andrews Dr. which is right next door to 6 Andrews Dr. Many of the parents park on this property while waiting to pick up their children. He found out the property was for sale and was very excited because of the close proximity to their other properties. The building was previously used by a tool and dye company. If the application is granted they will use the building to service vehicles. They not only do work for the general public but they do work for municipalities, police departments and DPWs. They do some work for Woodland Park. They hope to expand their business where they would have fleet maintenance accounts for different companies that buy bulk vehicles from Chrysler Motor Co. Route 46 Chrysler Jeep Dodge is 40,000 sq. ft. and it is at capacity. The 32,000 sq. ft. on Andrews Dr. offers them an opportunity to spread the staff out and offer the customers and employees a much nicer environment. The vehicles would be shuttled over to Andrews Dr. because it is not really an area they would bring the general public. They may eventually have the DPW and police departments come to that location. They will start with 13 employees that also includes him and he will be moving his office to that location. They plan to operate 7:00 a.m. to 6:00 p.m. Monday through Saturday. The employees will go directly there and be parking there. Vehicles that would be shuttled there would need heavier work such as transmissions, engines and things of that nature. There will be deliveries of parts from Chrysler that normally take place very early in the morning. They have automatic stock replenishment which means they have a key and they come in and replenish any parts needed and leave.

Mr. Mizzone referred to the Board Engineer's letter dated 1/19/15 where he questioned the disposal on the site. Mr. Mastellone said the facility servicing automobiles would have nothing different that your ordinary house waste. There will be some clerical waste, food related waste but all waste oil is kept on site and is what they use to heat the facility. Waste oil is also picked up to be recycled to be used for industrial heating oil. As far as scrap metal it is held and vendors come and remove it. Tires are a state mandated waste product and they keep manifests at all of their locations for tires. They are taken weekly. Oil filters are collected and recycled by a company. There is nothing that comes out of the facility that is in any way hazardous or toxic.

Mr. Fiorello asked how often the scrap metals and tires are picked up. Mr. Mastellone said they come weekly. Mr. Fiorello asked where they are stored. Mr. Mastellone said scrap metal is stored inside and for the most part so are tires. There are some times of the years when tire sales are greater than others and sometimes there are tires outside. They are not kept outside for any length of time.

Mr. Fiorello asked what he meant by servicing vehicles. Mr. Mastellone said automotive repairs have changed a great deal. Rebuilding motors and transmissions doesn't happen anymore. Most motors and transmissions are replaced.

Mr. Solfaro asked if they would be doing any body work. Mr. Mastellone said they would do none. They have good relationships with outside body shops.

Mr. Lemonowicz asked what they would do with coolants and transmission fluids. Mr. Mastellone said transmission fluid goes in with the waste oil that is burned. Hydraulic fluid and antifreeze is collected and recycled. There are no tanks outside of the building. Everything is kept inside.

PUBLIC QUESTIONS OPEN – CLOSED

Michael D. Kauker, planner, was sworn in. He stated his qualifications and was accepted as an expert. He is familiar with the site and has reviewed the plans submitted. He has visited the site inside and out and assessed the surrounding land uses. He has reviewed the zoning ordinance and the Master Plan. The property is located in an Industrial Adaptive Reuse district. He described the existing conditions on the site. The property is 1.3 acres. The site is currently improved with a one story building and entirely covered with a macadam parking area. The site has access from Andrews Dr. There is existing parking on the site but it is not currently striped. The uses that exist in the area are primarily light industrial in nature and there are some commercial and recreational type uses also. There is also a warehouse distribution center for Tasty Kake. They are proposing the adaptive reuse of a vacant space in an existing building on this property. It is essentially an auto repair facility as it was described by the applicant. The use will be used in conjunction with the other uses at Route 46 which is the Chrysler Dodge Jeep dealership. It is important to note the vehicles that are going to be maintained will primarily be transported from that dealership with the exception of municipal vehicles. There will be no physical changes to the building in terms of enlarging the footprint. There will be interior changes and renovations that will be made to accommodate the proposed use of the building. There will be improvements that the architect will describe. They will be cleaning up the site and the building itself which will give it a better visual appearance. The building will not be enlarged in any manner.

Mr. Kauker stated he had an opportunity to review the Master Plan which was last adopted on 1/9/12. He found that this does not conflict with any of the goals or objectives of the Master Plan and furthers Goal # 2 and Goal #9. It is his opinion that the adaptive reuse of this building is compatible with other uses along Andrews Dr. and other uses that are permitted in the zoning ordinance. He felt this is going to be something that would help solidify the tax base in accordance with the Master Plan. Typically we have seen a great decline in industrial uses especially in New Jersey. So many towns are trying to replace those uses with other uses that may be similar or be an appropriate adaptive reuse. You see a lot of uses like auto motive type repair uses, gymnastics type use or indoor recreation facilities that fill that void. This is what they are trying to do here. They are not specifically permitted in this zone so therefore the main reason they are here is to request a use variance. With respect to any bulk variances they are all pre-existing, non-conforming

conditions. The building exists as is and is not being changed in any way. The MLUL outlines the criteria for variance approval by a board. In order to be granted the applicant must show the positive and negative criteria of the statute. Typically the positive criteria deals with special reasons which are found in the rooting and purposes of zoning. The purpose that is most often cited is purpose A which deals with the promotion of the general welfare. The two purposes most often cited is that the site is particularly suited or that the use is inherently beneficial. He would submit to the Board that in this case the subject property is particularly suited for the proposed use of the building. The general welfare is promoted for an adaptive reuse of existing space in an existing building. It's important because rather than building a new building they are using what is already there. The use will be located on a property that is fully developed with a building and fully paved with parking. They will be repaving and restriping portions of the area that are in disrepair. The reuse of the older buildings can easily accommodate these types of uses. They are very large and have limited barriers internally and can be easily retrofitted to accommodate the use which is the case here. The zone the property is located in is an appropriate location for this type of use. Although not permitted it is similar to industrial type uses. You would not have a lot of usage in terms of people coming to drop off their cars, waiting and leaving. If you look at some of the permitted uses in the zone you would see that the proposed use is less intensive than those permitted. The proposed use promotes the NJ State Development and Redevelopment in his opinion. The fact they are consistent with this state policy is another special reason in support of the application. The bulk variances are all pre-existing and the rejustification for those variances is that there is an existing building located on the property and the site is completely fully developed. So it would be a hardship for the applicant because essentially they would have to knock the building down to comply.

Mr. Kauker stated with respect to the first part of the negative criteria it is his opinion that there will not be a substantial detriment to the public good. The proposed reuse of the existing building as an auto repair facility will not have a negative impact on the surrounding area. Most of the work will be performed inside the building and it will not be noticeable from the exterior of the building which will help mitigate any impact on the surrounding area. The proposed use is compatible with other uses in the area. Traffic impact will be negligible. The vehicles coming to the site will primarily be shuttled from other locations and serviced in the building. He does not believe there will be any substantial impairment to the zone plan or zoning ordinance. He stated the proposed use is something that is generically similar to the industrial uses that exist in the area and therefore would be consistent with the Master Plan. It is his opinion the applicant meets its burden of proof and feels confident the Board can grant the variances requested and that the positive criteria do outweigh the negative criteria.

Tom Lemonowicz, Board Planner, asked about the issue of the aesthetics of this building. Mr. Kauker said the plan he reviewed did not show the exterior or the façade of the building but it is his understanding that the façade of the building will be improved. Mr. Lemonowicz said the plan does not show the outside of the building and felt the improvements would be important coming down the street. He said they would have to wait to hear from the architect. He said the building is in very poor condition as is the site in general. He thought it was important to continue the visual improvements that have been

done and carry them down Andrews Dr. Mr. Kauker said it is his understanding that the façade will be repaired and improved. Mr. Lemonowicz said as you make the turn on to Andrews Dr. the buildings on the corners are fixed up nicely and then you get to this site with the barbed wire and collapsing eave it takes away from the building. Mr. Kauker felt this was one of the primary things the applicant is going to accomplish after this and will obviously repair the building. Mr. Lemonowicz said the other issue is the zoning schedule shows the minimum side yard as 8.08' and he did not see that on the plan. He asked if Mr. Kauker reviewed that. It appears the 8.08' seems to come from a survey locating a building on an adjoining property. The setback for the building on the subject property varies but is about 8.32' at the front and then back to 28.42'. The zoning schedule should read 8.30' for the setback.

Mr. Fiorello asked if they would be storing cars outside. Vehicles being serviced will be stored inside the building on the site. Mr. Fiorello asked if there were plans to store any cars outside. Mr. Kauker said he could not answer that question and thought he should ask the applicant. Mr. Fiorello asked if he said the proposal doesn't conflict with any part of the Master Plan. Mr. Kauker said that was correct. Mr. Fiorello asked if he said it was compatible with other uses in the Master Plan. Mr. Kauker said other uses that exist in the industrial area and uses permitted in the industrial adaptive reuse zone. Mr. Kauker read Goal #9 and felt they were trying to redefine the older industrial uses.

Steven Coppa, architect, was sworn in. He stated his qualifications and was accepted as an expert. Mr. Coppa referred to the plan that was submitted. It is a redrawing of the existing building and the lands that surround it. They are not changing the building in any way. This plan was marked A-1. The plan was dated 11/25/14. The floor plan and front elevations dated 11/25/14 was marked A-2.

Mr. Coppa described the plan and said it shows the building is roughly 59.60' from the right of way of Andrews Dr. and extends to within 23' of the rear lot. The side yards at 8.3' and 20.72'. All of these dimensions exist and there has been no change to the exterior of the building.

Mr. Coppa described the interior layout of the building as the owner has proposed to use it. There is some existing office space in the front on Andrews that will be renovated. The rest of the building is basically just a repair shop working environment. This building has operated as an industrial building for over 30 years. They did metal stamping here and all of those machines have been removed. It is basically a one story open steel and masonry block warehouse building. The owners is taking the building as is, cleaning it up and going to reuse it. They prepared an as built originally but since then the owner has come to the building department and removed the overhang that was collapsing, the whole face has been dressed with a stucco product and been cleaned up. Essentially it is a renovation of the existing elevation. The plan also a sign over the service area which is the only sign that will be on the building.

Chairwoman Patterson stated that the plans that were provided to the Board were blank and did not show the lifts he was describing. She asked how many lifts they were proposing.

Mr. Coppa said there were 29 lifts that are movable. Mr. Juzdan said the plan is showing more than 29 lifts. Chairwoman Patterson asked if the Board professionals had the plan showing the lifts. They said they did not receive that plan.

Mr. Mastellone, applicant, stated the plan shows a setup of the maximum number of lifts and somewhere down the road if they were to get to this point that is how many lifts they could have. As of right now they are planning on 29 lifts. He said the lifts are not really movable other than up and down to lift a car. There are movable lifts but they are used for larger vehicles and they will not be servicing that type of vehicle. Mr. Fiorello asked if they were going to have more than 29 lifts in the future. Mr. Mastellone said yes, god willing. Mr. Fiorello asked how many they might plan for in the future and how many were shown on that drawing. Mr. Mastellone said they would love to grow into the maximum of 55 lifts. He said because of the nature of the work each tech would be working on 3 or 4 lifts. Mr. Fiorello asked why they need all those lifts. Chairwoman Patterson said there were 13 techs on staff. Mr. Fiorello said they are asking for a variance for what they want the building to be so right now what they are saying they might want to put 55 lifts in in the future but right now they are talking about 29 lifts and that is it. Chairwoman Patterson said they would need to keep that exhibit showing the lifts. Mr. Coppa said they might not put all the lifts in initially but they can fit that many. It doesn't mean there will be 55 cars coming in and out there at one time. They may have to leave a car and order parts and car may be there for a month. This is a maximized plan that shows what the facility could house. Mr. Dicristina felt in order to fit 55 cars in the building it would be a tight fit. Mr. Coppa said they have made slight changes to the outside of the building. They will be filling in the bay at the left and is where the cars will go in and out. Two bay doors will function. The door will be glass and steel, the front will be stucco and they will paint inside and out. Mr. Fiorello said there is an architect who is supposed to tell the Board about this because they are requesting a site plan approval too. Mr. Coppa said at the time the application was made there were no changes to the outside of the building but since then the owner has made changes because of issues like the overhang collapsing. Mr. Fiorello said this application is not bifurcated so they have to present everything tonight. Mr. Coppa agreed.

Mr. Dicristina asked if the bay will function. Mr. Coppa said they will fill it in because it collects water and is not usable. He did not know how it was used in the past. They recommended to the owner they fill it in and then it will be an active overhead door. Mr. Dicristina said there was no way he could get to the back of the building but there is 23' of space in the rear. He asked if there would be employee parking in the back. He noted there are no spaces designed on the plan. Mr. Coppa said the site exists and they are trying to use the land the best they can. They did identify parking spaces which will be designated by the owner for people on site. They do have some spaces in front where people can park, do their business and leave. There are a few of those and the other ones will have to be identified and controlled by the owner. It is a very tight site and has existed that way for 30 years. Mr. Dicristina asked in his professional opinion if there is space in the rear for parking. He said the police chief expressed concerns about emergency vehicles being able to navigate. He did not feel it was clear. Mr. Coppa said there is fire access but he would not encourage it be used for parking every day. The building is fully sprinklered inside and will not function any differently than it did before.

Mr. Juzdan asked if the property was in a recognized flood zone. Mr. Coppa said he was not aware of it but he did not believe it was. Mr. Juzdan said the fire department issued a letter and he asked him to address the last point which is a request for interior plan and what would be stored there. Mr. Coppa said it would occur at the time they request a building permit. Mr. Juzdan asked how the Board makes a decision without this information. Mr. Coppa said all of the questions are part of the permit process. Mr. Juzdan asked how many parking spaces there were. Mr. Coppa said 13 spaces. The letter Mr. Juzdan referred to was the police comments. Mr. Coppa said Andrews Dr. has no improvements and the owner is trying to make the best use of the building. Anything that is done there is an enhancement.

Mr. Lemonowicz felt he was hearing some frustration from the Board here and felt the situation they had here is they have a use variance because they are proposing a use in this building that is not permitted. The plans that were submitted and reviewed were somewhat lacking in the identification of the activities going on inside. There was no mentioned of the improvements to the outside which is obviously part of the use variance. They are now hearing that improvements have been done outside of the Board so the applicant has invested a certain amount of money into improving the outside of the building before the Board had a chance to even offer an opinion on that. He thought that puts them all at a distinct disadvantage on discussing the information that they now have. They could proceed with this and the applicant can continue to spend his escrow as they fumble around trying to figure out what is happening or he could suggest the applicant at least address some of the items and provide the board professionals with the current plan so they can give the Board their opinion on the current plans because the plans they have are not current. It would be up to the applicant how they want to proceed but he does not see a lot of progress being made when the professionals have not even seen the plans they are talking about. Chairwoman Patterson agreed.

Mr. Fiorello said as he mentioned they did not want to bifurcate the application, since they want site plan approval also it would be up to them how to proceed. Mr. Mizzone said they would like to take the opportunity to adjourn and submit revised plans. Mr. Fiorello said in doing so they can address the comments by the Board engineer and planner and the police department and fire department.

Mr. Coppa asked to what level they want them to come back with information in regard to the uses inside the building. Mr. Fiorello said they know how to prepare a site plan. Mr. Coppa said this is not a site plan. Mr. Fiorello said that is what the Board is saying that they really don't have what they normally get for site plan approval. Mr. Lemonowicz said this is a use variance so the Board needs to know the specifics of what is happening inside the building so they can comment on parking, traffic and such things. They also need to know some dimensions on that outside because this building is the first one in and the buildings closer to Browertown have landscaping where this building has no landscaping. It appears there is room to do something. Mr. Coppa disagreed and felt there was no room. Mr. Coppa said at this point it is not a site plan; it is a survey, because they are using it exactly the way it has been used. Mr. Fiorello said there is a façade to the building and they do not know how they will be using that. Mr. Coppa said he does not disagree with that. Mr. Fiorello

asked if it will be stuccoed, there are questions about lighting and saying they are using it just the way it is does not help the Board. Mr. Lemonowicz said using the building as it is is not a desirable situation. Mr. Coppa said the site does not lend itself to major improvement. Mr. Lemonowicz disagreed. Mr. Coppa said the planter was removed because you can't plow snow and there is no drainage. There is nothing in Andrews to received drainage coming off the site. That is probably why that planter didn't stand up to snow and rain. Mr. Coppa said the elevations they are working on should be shown to the Board. He said there are no drainage or curb on Andrews Dr. He did not feel any plantings or trees could survive on the site. Mr. Juzdan said the building is almost an acre and asked where the drainage goes. Mr. Coppa said out on to Andrews. Mr. Juzdan said they are representing the owner of the building and asked if he thought they should address that issue. There are going to be an inventory of almost 50 cars worth $30,000 each. Mr. Coppa said they would be inside the building. They will be filling in the loading dock because there is no drainage there. The drainage does flow out onto Andrews Dr. Mr. Juzdan said it doesn't mean that the property cannot be improved and felt not having curbs didn't mean you cannot improve the site.

Mr. Mizzone asked the application be carried until the March 23, 2015 meeting with no further notice and waived time.

Mr. Lemonowicz asked them to submit the information two weeks before the March 23, 2015 meeting. Mr. Mizzone agreed.

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