

Offered By: Mr. Vignola
Second: Chairman Tyler
Date: 8/20/2015

Minutes of June 18, 2015 Land Use Board Meeting

Regular Meeting of the Hazlet Township Land Use Board scheduled for June 18, 2015 was called to order at 7:30PM with a Salute to the Flag followed by a moment of Silent Prayer and a Reading of the Letter of Compliance by Trish Cullen.

ROLL CALL:

Present: Mr. Bace, Mr. Sanfilippo, Vice Chairman Lavan, Mr. Grossman, Chairman Tyler, Mr. Moore, Mr. Vignola, Mr. Byrne

Professionals- Mrs. Keegan, Mr. Vella, Mr. Kittner

Absent: Mr. Solomeno, Mayor Sachs, Mr. Skowronski, Mr. Nicholl, Deputy Mayor Aagre

MOTION: To approve the minutes of the Regular Meeting of March 19, 2015.

Motion to Approve:

Offered: Mr. Bace

Second: Vice Chairman Lavan

ROLL CALL

	<u>Yes</u>	<u>No</u>
Mr. Nicholl (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Sanfilippo	<input checked="" type="checkbox"/>	<input type="checkbox"/>

MOTION: To approve the minutes of the Regular Meeting of April 9, 2015.

Motion to Approve:

Offered: Mr. Vignola

Second: Mr. Bace

ROLL CALL

Yes

No

Mr. Nicholl (absent)

Mr. Byrne

Mr. Bace

Mr. Vignola

Mr. Solomeno (absent)

Vice Chairman Lavan

Chairman Tyler

Deputy Mayor Aagre (absent)

Mayor Sachs (absent)

Alt #1 Mr. Grossman

Alt #2 Mr. Moore

Alt #3 Mr. Skowronski (absent)

Alt #4 Mr. Sanfilippo

Memorial Resolution # -15-08L- Jason Lindgren; 40 Nevada Drive; Block 103 Lot 14; R-70 Zone. Applicant obtained permission to retain existing pavers, shed and above ground pool.

Motion to Approve:

Offered: Mr. Grossman

Second: Mr. Moore

ROLL CALL

Yes

No

Mr. Nicholl (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre(absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Sachs (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Sanfilippo	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Memorial Resolution # -15-07L- Girgis & Girgis, LLC Tim Horton's Café and Bakery; 3253 Highway 35; Block 166.09 Lot 11; BH Zone. Applicant is seeking use variance relief with several bulk variances.

Motion to Approve:

Offered: Vice Chairman Lavan

Second: Mr. Grossman

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Nicholl (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Aagre(absent)	<input type="checkbox"/>	<input type="checkbox"/>

Mayor Sachs (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Sanfilippo	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mr. Vella- We've been talking the chart and changing the development regulations, changing some definition language stuff that we've talked about over 6-8 months plus. It's taking a while and it's finally been put to ordinance and what happens is the ordinance gets introduced by the township as a first reading and then gets sent back here for determination whether it is consistent with the master plan or not inconsistent with the master plan or inconsistent with the master plan. These ordinances are all similar to what we have been talking about and we believe it reflects what the real intent of what the ordinances are. We then have the opportunity to make that determination that then gets sent back to the township for a second reading and then we will have a public hearing.

Mrs. Keegan- The second reading is July 7th.

Mr. Vella- Technically 45 days from adoption to us actually reviewing it would push the second reading back, this is something the board, Sharon and our engineer has been working on for many months so I don't think that delaying it would be prudent.

Chairman Tyler- There's been no changes from what we proposed?

Mrs. Keegan- No.

Mr. Vella- I think that if there's no questions I think the ordinance should be considered consistent with the master plan as we've talked about and if that's acceptable we need a motion and second determining that the revisions are consistent with the master plan.

Motion to Approve:

Offered: Mr. Vignola

Second: Chairman Tyler

ROLL CALL

	<u>Yes</u>	<u>No</u>
Mr. Nicholl (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input type="checkbox"/>	<input type="checkbox"/>

Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Lavan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Sanfilippo	<input checked="" type="checkbox"/>	<input type="checkbox"/>

New Case # -15-06L- 3153 Route 35 LLC; 3141 Highway 35; Block 181.02 Lot 1; BH Zone. Applicant is seeking preliminary and final site plan approval to improve parking area, remove enclosed storage area at rear of structure and pave parking area.

Mr. Gale- The property is located at 3141 Highway 35 and I'll politely state that this has been an eye sore.

Mr. Vella- For the record the board has pre-marked exhibits A-1 Drawing entitled Preliminary and Final Site Plan, A-2 Aerial of subject property, A-3 Mounted colored rendering of Site Plan.

Mr. Gale- On Highway 35 there is an intersection with Paul Street to the right is the building which is before the building this evening that's labeled JB Discounters, to the left is a restaurant labeled Yesterday's and both are separated by Paul Street. Paul Street t's into Joyce Place which dead ends at both ends. Yesterday's is an existing restaurant that has been the area for 40 years and has gone through several upgrades in terms of its appearance. The building to its right has been in a state of distress. It needs updating, it needs improvement. Renovations has been on its way and in the end hopefully the exterior will be a mirror of Yesterday's with a tan stucco finish and cultured stone. Hazlet has as part of its Zoning Ordinance this is a unique feature, it is one of the few communities that outlaws strip malls and then goes on to define a strip mall as any more than 2 connected store. This happens to be 3 stores. We've provided documentation to the zoning officer to establish the fact that this is a pre-existing condition that has existing before this element of zoning came into effect however your engineer points out that when we go to pave the parking lot at the rear that may be considered as an expansion of a non-conforming use and as such even though the foot print of the building doesn't change, even though the exterior façade will be significantly upgraded, the fact that there may be additional parking spaces created necessitates coming before this board and asking for a use variance. We are hopefully the board will see this as an improvement. There are several bulk variances that are created by the location of the building as it stands today.

Swearing in Justin Auciello Professional Planner

Mr. Auciello- The site is located on Route 35 and is approximately .62 acres and is irregularly shaped parcel. The site contains a 5,859 square foot building that is currently occupied by 2 uses. The parking in the rear is unimproved and the site is currently in the process of being renovated. There are 2 free standing signs on the site. There is a free standing sign in the parking lot area that's closest to the intersection with Paul Street and there is a secondary sign just to the south of that area as well. This is a use that is not permitted in any zone but is highly consistent with not only the character of the surrounding area but it's also overall consistent with the general intent of the business highway district.

Mr. Vella- Mr. Gale is the outside improvements associated with this application?

Mr. Gale- Yes has nothing to do with the other. He has all of his permits.

Mr. Auciello- There is a paved area along 35 a secondary paved area that runs along Paul Street.

Mr. Gale- Within the area along 35 there is an existing sign that will be removed as far as this application?

Mr. Auciello- That's correct. The removal of the sign closest to highway 35 and Paul Street certainly would positively impact that circulation in that area.

Mr. Gale- In regard to the negative criteria that one must present in connection with the use variance application, can you indicate what your research has disclosed?

Mr. Auciello- We do require a D-2 variance for an expansion non-conforming use. This use is a long standing use and the surrounding area is well accustomed to this use and in that respect it certainly needs upgrades. We are in front of you because we do want to improve the rear parking area and the parking areas on the property as well so that constitutes the expansion.

Mr. Gale- The purpose of the zoning ordinance is generally (inaudible) Municipal Land Use Law, can you explain to the board how this application would advance those purposes?

Mr. Auciello- Sure we will advance the multiple purposes of your zoning ordinance, promote a variety of commercial, residential and industrial, to promote the esthetic and site improvements in the townships major commercial areas in a matter that maintains an appropriate transition between residential and commercial uses, to maintain a balance between residential and non-residential uses to ensure a stable and sound community taxed based local employment opportunities and to reclaim underutilized and/or constraint parcels for productive use, to provide for adequate parking facilities in accordance with the needs of the respective land uses and the character of the zone.

Mr. Kittner- Regarding the D-2 use variance do you think that the site can accommodate the expansion of the use?

Mr. Auciello- Yes.

Mr. Gale- One tenant is currently occupying 2 spaces.

Mr. Bace- So eventually there will be 3 in there?

Mr. Gale- There always has been. At present there is a parking area with no parking lanes, would it be safer and to the benefit all involved if in fact a designed parking area more consistent with the Hazlet zoning ordinance were established? Would there be a benefit of striping? Would there be a benefit of the creation of drive isles? And even though the number of spaces may only increase modestly the overall safety factor should be taken into consideration?

Mr. Auciello- Yes that is correct.

Mr. Gale- My client elected to put up new and better looking front façade signs from which we aren't seeking a variance. There is a much larger higher pole sign that's pre-existing non-conforming which they will retain and instead of having one name it will have the 2 tenants name on it.

Swearing in Charles Surmonte Professional Engineer and surveyor

Mr. Gale- Can you please indicate to the board what the color rendering represents.

Mr. Surmonte- That is the blown up version of my landscaping plan.

Mr. Gale- In regard to the landscaping plan the building is located within the property?

Mr. Surmonte- Yes. The other deficiencies as it relates to the lot are the width along 35 and the frontage along 35 both shy of the 150ft required. We have a width of 98.7ft which is measured at the setback line and we have a frontage of only just under 80ft

Mr. Gale- Is there any way we could acquire additional land to avoid those variances?

Mr. Surmonte- No. The other variances are relief from the required front yard setback along 35 and Paul Street.

Mr. Gale- Is there anything that needs to be done in order to change in order to continue to function in a safe and reasonable manor?

Mr. Surmonte- No

Chairman Tyler- You're not asking for those existing conditions that you've described correct?

Mr. Gale- We are asking that they be permitted to remain.

Mr. Surmonte- Up until a couple of weeks ago there was a storage shed at the rear of the building that was very recently removed.

Mr. Gale- In regard to the landscaping plan, can you explain to the board what's being proposed here versus what presently exists?

Mr. Surmonte- The back part of the parking lot is a partially asphalted area. The perimeter of the back of the property has a rather old chain link fence. Also, along the perimeter on all 3 sides is landscaping but none of the tree species are of real value. We are proposing to remove all of that

chain link fence and existing vegetation around the perimeter. We are proposing to construct a 6ft solid white vinyl fence to screen the residential properties. We've provided a 5ft buffer around the 2 sides with some landscaped islands and a rather large planted area in the middle of the parking lot. One other thing that we are proposing to do is to introduce some shrubbery along the front southerly side of the property.

Mr. Gale- These proposed changes will require a buffer variance?

Mr. Surmonte- Yes.

Mr. Moore- How high is the landscaping in the front going to be? Does it go all the way to the highway?

Mr. Surmonte- I'm showing it to the property line. It will only be only about 2 feet in height.

Chairman Tyler- Where does the buffer end and the pavement starts?

Mr. Surmonte- It's about 10 feet.

Chairman Tyler- We just wanted to make sure of what the intention is. More buffer is better.

Mr. Surmonte- In the back we were proposing to put up the 6ft solid fence with plantings along the outside face.

Mr. Kittner- I had a bit of a concern with the 5ft of buffering along Joyce Place because opposite that there are residential homes and right now there are some mature trees there so to compensate for that one of things we talked about is to eliminate 2 parking spaces in that center island and basically moving the entire site up by 9 feet.

Mr. Vella- Mark exhibit A-4 proposed landscape isle modifications.

Mr. Vella- Are you proposing to put the fence inside or outside the property line?

Mr. Surmonte- I'm personally indifferent to it.

Mr. Gale- We would leave that determination to your engineer. We would like to make a situation here were we can duplicate Yesterday's. In regard to the existing and proposed parking can you give the board an indication of what exists today and the site plan if accepted would result?

Mr. Surmonte- We have 7 spaces off the highway and 8 spaces off of Paul.

Mr. Gale- The 7 spaces off the highway is a pre-existing condition but it falls within front setback as required by ordinance so that would be a variance?

Mr. Surmonte- Yes it would.

Mr. Gale- Is there any way to remove them?

Mr. Surmonte- No.

Mr., Gale- In regard to the additional parking that we are proposing, we have a significant portion of the back area paved. About how many cars can fit in there today?

Mr. Surmonte- Roughly 18-20. We have 32 represented on this plan.

Chairman Tyler- Since there is ample parking behind, what about eliminating parking from about the building. There is no walkway leading to the front and it's a safety hazard. Is there anything else we can do to improve this vicinity?

Mr. Kittner- It did not appear that that was used for parking for the patrons using the facility. It appears the patrons using that facility was only the front and side parking. They are increasing the parking, taking away the parking on the sides and front will eliminate a potential safety concern. Mrs. Keegan and I were just talking about possibly a public sidewalk along Paul Street and if you were to continue the curbing from the highway essentially align it with the proposed curbing on Paul then you can extend the public sidewalk out in front on the restaurant and still maintain side parking. Cars would have to traverse over the sidewalk which could be a safety issue. Safest approach would be to have the sidewalk in front closest to the building losing 5 spaces on the side.

Mr. Gale- We are showing that we are 16.5feet from the building to the right of way line. If you take the first 4ft at the building and put in a sidewalk that would leave us at 12ft. If we did a 4ft walkway in front of the building and left the parking otherwise as it is would that be a reasonable compromise?

Chairman Tyler- That would be better. I appreciate the owner's need to have parking near the building but you're adding improvements in the back which you didn't have before. It's encouraging people to park in the back so having a way to walk to the front of the building along the building I think is a very good thing to do. I would go with the parallel parking to give a little more room to put a sidewalk and maybe some plantings along the building.

Mr. Gale- Mr. Surmonte, am I correct we can still do the head on parking and still have the sidewalk with adequate distance?

Mr. Surmonte- We could relocate the refuse area and introduce a sidewalk up the south side of the building.

Mr. Surmonte going through CME Report

Mr. Gale-The finish of the building will be stucco. There are cultured stone base around the building. The signage above the façade will have an updated signage conforming would be applied. The one existing the poles will be repainted and will identify the 3 tenants.

Resident Jason Cortez 2 Joyce Place

Mr. Cortez- My main concern is with the fence, we want to make sure there will be something there for what is going into the parking lot.

Mr. Vella- They will have a solid 6ft fence and about 9ft of landscaping. I suggest is that putting a sign that both these exists to exist to the left.

Applicant is going to remove the pole sign, modify the plans as per A-4, install landscaping as per the Engineer, revise plans to provide minimum 3ft sidewalk/walkway adjacent to the west side of the building with bollards outside of the 3ft walkway, first 2 spaces will be marked for compact cars, all building façade signs shall comply with the ordinance, signs exit only to route 35 or no right turn arrow location, applicant will add the numerical number on the sign for street address and lights shall be on a timer going off at midnight.

Motion to Approve:

Offered: Mr. Vignola

Second: Mr. Bace

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Nicholl (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Byrne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Sanfilippo	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Concept Review:

Applicant Daniel Bach from Bach & Clark LLC is seeking an informal concept review for a proposed storage addition at the rear of Airport Plaza.

Mr. Clark- We are representing Scudieri Enterprises. We are here to request an informal site review for an addition to the rear of the building. We propose a small addition on the back that

comprise of about 1% of the overall square footage. The new storage addition will be proposed to be 1,247 square feet. It will be a storage material lift with a metal grating second level storage area. It's going to be used for the IEI store. Currently he's utilizing the existing office space on the second level but he wants to vacate that as a storage use and utilize the addition and rent out the storage space.

Close citizen hearing:

VOICE VOTE: YES

Motion to Adjourn: Sole Offer

Next Meeting: June 4, 2015

Patricia Cullen

Secretary

